creased emphasis on reformation, nevertheless, it was of too recent an origin and too restricted in scope to have any effect upon the undermining forces to which we have already referred. These forces had thoroughly honeycombed the workhouse administration, even though externally everything seemed to be going well, and only a sharp blow was needed to reveal its hidden weakness. This blow was administered by the sensational escape of a prisoner named Lemuel Price on the afternoon of December 29, 1919.104 Price, a negro, had been convicted of the murder of Policeman Thomas L. Zebley and sentenced to be hanged on January 9, 1920. His crime had shocked public opinion and the people of Wilmington were thoroughly aroused by his escape.105 It was featured by that city's newspapers as definite evidence of poor management at the workhouse, The Every Evening editorially declaring:106

"In recent years the administration has directed its efforts to reformation rather than punishment. It is a question whether such a policy is always productive of the best results."

The indignation of the public was heightened when a few days later another prisoner escaped from the prison farm.107 On January 7, 1920, the New Castle Grand Jury began investigating the charges that there was laxity of supervision and control at the workhouse. Pending this investigation, the board of trustees suspended Warden Cross and placed Leonard Crawford, the former warden who had been in retirement, temporarily in charge.

The grand jury concluded its investigation and issued its report on January 12.108 In their report they not only charged that Price had not been carefully guarded, but also made a number of other serious accusations. They claimed that two guards, supervising prisoners on work outside the workhouse,

104 Every Evening, Wilmington, December 30, 1919, p. 1, cols. 1, 2.
105 Lemuel Price was not recaptured for about a year after his escape. He was returned to the workhouse and there executed.
106 Every Evening, Wilmington, December 30, 1919, p. 4, col. 1.
had been receiving extra compensation from private corporations for whom the inmates were working. One guard, the report said, had obtained as much as one hundred dollars extra per month but had not informed the warden or the board of trustees about it. The jury declared, however, that the trustees really had "hazy knowledge" concerning this practice. Stating that such payments gave rise to ugly rumors of graft and dishonesty, the report demanded that they be discontinued.

The grand jury likewise called attention to the friction that had existed for some time between J. Frank Ball, a member of the board of trustees, and Warden Cross. The former was practicing criminal law as well as serving as trustee and had defended some of the prisoners in their trials before they had been committed to the workhouse. The members of the jury stated that Warden Cross had refused to give certain privileges to these prisoners when requested to do so by Ball. The latter, in view of these unusual requests, was advised either to discontinue his criminal law practice or to resign from the board of trustees. It was believed that the double role Ball was playing was not consistent with the good administration of the workhouse.

The report further said:

"There is a deplorable lack of rigid and impartial enforcement of rules, which are adequate, by both the Warden and the trustees . . . We consider the escape of Price a disgrace and a blow to the administration of justice in Delaware . . . The Warden and Trustees were both derelict in their duties."

In conclusion, the grand jury recommended that additional guards be employed at adequate salaries; that they be forbidden to receive any compensation from outside sources; that all guards be sworn in and permitted to wear a badge of authority; that no attorney at law should serve on the board of trustees; that fingerprint and photographs of prisoners should be taken; and that the workhouse should furnish police with names and addresses of discharged prisoners.
The trustees were not slow in replying to the severe criticism of the grand jury report. They denied that they had any knowledge regarding the extra compensation received by the guards, and pointed out that the salaries of the latter had been recently increased.

Ball in a personal answer to the charges of the jury declared that there had been no impropriety in his relations as counsel of the prisoners and denied asking for any special privileges for himself or for prisoners he represented. He said that he had had no quarrels with Warden Cross over such requests and that he saw no reason why his criminal law practice militated in any way against the workhouse. The "viciousness" of the jury’s attack was attributed by Ball to the personal animus of his political enemies.

Events now moved rapidly in the workhouse controversy, with the board of trustees and Warden Cross hurling criminations and recriminations at each other. The warden claimed that he was being made the "goat" and held that conditions at the workhouse were not of his making. He insisted that a great part of the laxity in discipline at the institution was due to the indiscriminate issuance of passes by Judge Ball, secretary of the board of trustees, and to the latter’s interference with the management of the workhouse. Finally, Warden Cross, who had been under suspension, was summarily dismissed on January 21st by the board of trustees, who thereupon placed former Warden Crawford in charge until a new warden could be appointed. When interviewed by reporters on the subject of dismissal, the warden said that he considered the action "the most remarkable spectacle of unfairness that he had ever heard of." He explained that during his service as warden "the only cloud in the sky was Mr. Ball" and that his suspension had come suddenly and without warning, being followed within ten days by dismissal. The former warden asserted that at no time had he been given an opportunity to defend himself against the malicious attack that had been directed against his reputa-

110 Every Evening, Wilmington, January 22, 1920, p. 1.
tion. In conclusion, Cross declared that he did not believe that the public was in favor of the arbitrary methods employed by the board and felt that workhouse conditions would not improve until the institution was placed under different control.

With the dismissal of Warden Cross the first major period of the history of the workhouse was brought to a close. It had been a period characterized by a tragic emphasis on business and profits, and an administrative policy based almost entirely on detention, contract labor and punishment. The collapse occasioned by the escape of Price was, therefore, inevitable in an institution so isolated from the vitalizing influences of reformative penology. Another era was at hand, however, and under the inspiration of new personalities a workhouse program was established in which human values were given greater prominence than ever before.
CHAPTER III

THE NEW CASTLE COUNTY WORKHOUSE, 1920–1938

1. Survey of the Workhouse by Hastings H. Hart

Confronted by the task of mollifying an aroused public opinion, the board of trustees invited Hastings H. Hart, Director of the Russell Sage Foundation, to inspect the workhouse and to make recommendations for its improvement. In response to this invitation, Hart visited the workhouse on February 27, 1920, and studied its administration, the plant, the industries and the inmates. As this survey contains a detailed analysis of the most serious weaknesses of the workhouse in the words of so outstanding a penologist as Hastings Hart, it has seemed desirable to present here the following excerpts from its pages:

"A competent warden is indispensable to successful administration. The temporary warden now in charge appears to be a capable and competent man who might be able to work out your problems; but I understand that the state of his health will not permit him to remain and that it is necessary for you to find a permanent man.

"Good, experienced wardens are few and much in demand at salaries of $4,000 to $5,000 with maintenance. I understand that you do not feel authorized to pay so large a salary; therefore, you cannot hope to secure a first-class warden experienced in that position. You may find a deputy warden in some prison who would regard the wardenship as a promotion; but my observation is that very few deputy wardens are qualified to be wardens; they are usually second-class men . . .

"I would advise you to abandon the plan of employing the warden's wife as matron. A warden should receive sufficient to enable him to live like other people and his wife should keep house for her own family. You can find a good warden, and you can find a good matron, but you will seldom find a couple, both of whom are especially adapted to this work. If it becomes necessary, for any reason, to change either the warden or the matron, you have to part with both of them and may thus lose a good officer.

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1 Hastings H. Hart, *The New Castle County Workhouse*, a study made on request of the Board of Trustees.
"A sufficient reason why the warden's wife should not be employed as matron is the fact that the women's department should be completely separated from the men's prison, and the matron should live in close proximity to her charges . . .

"I would advise that you immediately create a woman's prison without waiting for a legislative appropriation. If possible, find some man or woman who will give the state a farm of 50 or 60 acres for this purpose. If such a gift cannot be secured, buy or lease a farm conveniently located, at least twenty miles from the State line—a farm which has a good-sized dwelling house, with ten or twelve rooms.

"If possible, secure legislation and make arrangements to board your white women prisoners in the New Jersey prison for women at Clinton, until such time as you have an average of at least ten white women prisoners . . .

"While you have some excellent men, the majority on your staff are inferior in quality and superior in age to the average of previous years. Very few of your officers are wide awake, alert and interested in their work . . .

"In order to overcome the difficulty above stated, I would recommend that you undertake what has not yet been done by any other prison, so far as I am aware: namely, to establish at the Workhouse a school for the training of your prison officers, and that you endeavor to attract to this service young men who are high school graduates and, perhaps, some of a higher grade of education.

"This school should be established on a simple basis, without an elaborate curriculum, and the training should be of the most practical character. The school should be conducted by the prison warden, the deputy warden, the physician and one or two members of the board of trustees . . .

"The workhouse plant is not exactly what you would build at the present time, but, on the whole, it is a reasonably good plant for the care of 300 prisoners. When the number of prisoners was at its maximum, about 580 men, it was necessary to put two men in many cells, but the present number of prisoners can be cared for without adopting the dangerous and objectionable plan of 'doubling up' . . .

"The most unsatisfactory part of the plant is the women's department which has no kitchen, no dining room, no living room. The women eat and sit either in a small workroom or in the narrow corridor in front of the cell. The food for the women is cooked by the men and sent up by dumbwaiter. This is a bad arrangement, for the reason that it is a constant temptation to illicit communication. The two cells blocks are of equal size, and it is entirely impossible to classify the prisoners by day or night . . .

"The Delcastle Farm represents, to my mind, the ideal of prison organi-
zation. Your farm is taking the outcast members of society and is inspiring them with the ambition to do just as good a piece of farming as can be done anywhere in Delaware . . .

"I see no reason why your men should not be profitably and beneficially employed in road making and repairing, both for the county and for the city of Wilmington . . .

"It is very desirable that there should be some suitable indoor industries for the employment of long-term prisoners whom you do not feel free to work outside the walls, and for the employment of any surplus of short-term prisoners for whom you cannot find outdoor employment. The contract labor on the manufacture of pants and overalls on which the prisoners are now engaged is very undesirable. It is unremunerative. Men are earning 70 cents per day who could easily earn $2 or $2.50 per day at road making or farm work. It is uninstructive. The men learn nothing which will be of any service to them in getting a living outside. It is work unsuitable for men. Running power sewing machines on goods of this class is work suitable for women. It is uninteresting. The man has no interest except to perform his daily task, and the work is such that many men are not adapted to it and can perform only a moderate task. In order to avoid partiality the tasks are set so low that many prisoners can perform them in half-time while others require full time. This, however, unavoidably results in partiality, because the quick and ready men have time for extra work at which they can earn wages for themselves.

"The chief objection to this is the universal and not unreasonable prejudice of the labor men against contract prison labor. This feeling is so strong and so general that it has driven the system out of all but fifteen States of the Union, and has greatly diminished the amount of it in most of those States.

"The generally accepted substitute for the contract system is the 'government use system,' whereby the prisoners are employed in manufacturing articles for the use of the State or its political subdivisions—counties, cities, and school districts. Under this system the prison manufactures office desks, school desks, furniture, clothing, wagons, harness, utensils, rugs, and what not, for the use of offices, schools, insane hospitals, hospitals for the sick, institutions for children and so forth. It is doubtful whether the 'government use system' can be successfully operated in a State with only 225,000 population, and with a prison containing only 320 prisoners, unless the markets could be extended to departments of the National Government as is proposed in a bill now before Congress.

"I would suggest that the board of trustees take this matter up with representatives of the labor unions and representatives of the manufacturers,
and endeavor to agree upon some form of indoor industry which will be acceptable to the labor interests, both employers and employees, and will commend itself to your judgment as a practical proposition which can be operated without loss to the county.

"I have been surprised to find that the representatives of organized labor were disposed to discuss this question fairly. While they are bitterly opposed to the contract system, I have never found a labor man who believed that prisoners ought to be kept in idleness; and as I understand their position, they are willing that products of prison labor should be sold, provided that the prisoners are compensated at ordinary wages for work of the same value, and provided the goods are sold at the regular market price, as suggested above . . .

"I have found that the most powerful incentive that can be applied is the allowance to the prisoner of wages which he may be permitted to use for the support of his family or for his own benefit in case he has no family. This is not a new proposition; it has been tried out for many years . . .

"The chief object of a prison is not the safekeeping of prisoners or the infliction of suffering upon them as a penalty for their wrongdoing or the production of revenue for the state. The most important thing is their restoration to good citizenship and their conversion into industrious, law-abiding members of society. This office of the prison is clearly recognized by your Board in your published rules where you say (Rule 4): 'The Workhouse is not only designed as a place for the punishment of persons who have offended against the laws, but also as an institution which intends their reformation. Officers, therefore, will not only feel it their duty to see that the rules of the Workhouse are observed by the prisoners . . . but they must conduct themselves, when off duty, as well as when on duty, in such a way as to inspire sentiments of respect for their moral principles and character.' . . .

"I know of no prison in the United States in which the trustees have any more difficult situation to meet in establishing reformatory methods than in the New Castle County Workhouse. In other states are found city prisons, county jails, workhouses for short-term prisoners, reformatories for adult prisoners, state prisons for convicts, and hospitals for drug addicts. In your prison, you have all of these classes together. In many states there are also separate prisons for men and women, and separate departments for Negroes and Whites, but you have no classification of these different types of prisoners.

"For example, in your women's departments you have to keep in the same dormitory or cell room, and in the same workroom or living room, young women who are simply accused of crime and held for trial and who may prove to be entirely innocent, thieves, prostitutes, confidence women, and murderesses, without any possibility of classification or privacy . . ."
"The Workhouse has a most important reformatory agency in its schools which, so far as I could learn, are very much superior to the average prison school. But unfortunately a school is not provided for the women prisoners who might profit by it as much as the men . . .

"The practice of allowing the prisoners outdoor recreation and games in the prison yard has had an excellent effect; but this opportunity is given only once a week and is impracticable in cold and stormy weather. I would recommend that the privileges of the yard be given to the prisoners one or two hours every pleasant day. I would recommend also that indoor recreation be provided in the form of a reading room, games, moving pictures, and so forth. These indoor recreations are provided in many prisons and they produce the same good results as outdoor recreation.

"I would recommend further that the Trustees make a study of the plans followed at the Westchester County Prison (now known as the Westchester County Reformatory) and that they consider the possibility of introducing a limited amount of self-government. I have not been accustomed to suppose that any form of self-government was practicable in dealing with short-term prisoners; but the system of self-government introduced in Westchester County by Mr. Calvin Derrick and continued by Superintendent McClelland has worked out well and has proved to be a genuine reformatory agency.

"I wish to call your attention to the fact that prisoners awaiting trial and those who are committed for the first time for minor offenses ought to be the most accessible subjects for reformatory influences. It appears to be anomalous that we should wait until prisoners have committed a felony and have been committed to a state prison before we apply reformatory influences. I believe, therefore, that you should study the possibilities of developing reformatory methods in the Workhouse.

"It is most important that every officer in the Workhouse should realize that the prisoner is human and that he is to be dealt with as a human being. No officer should be retained who views the prisoner simply as a criminal or a convict, or who does not recognize the possibility of reformation . . ."

2. The Workhouse is Inspected by the Wilmington Central Labor Union

Conditions at the New Castle County Workhouse had long been a matter of concern to labor groups in the City of Wilmington. Therefore, when the situation at the institution became alarming, a committee was appointed by the Wilmington Central Labor Union to inspect the workhouse and to submit a report of their findings to the state legislature. The conclusions
of this report, shown below, throw additional light on the undesirable features of the workhouse administration:\footnote{Brief on Workhouse Filed by Wilmington Central Labor Union, 1920.}

"Believing this to be the purpose of the Workhouse, to correct men's wrongs by punishment, and believing also that the citizens of Delaware demand that the Legislature take some steps toward remedying the conditions at the Workhouse, we beg your consideration of the following information which has come into possession of the Central Labor Union Committee, and also the suggestions embodied therein:

"1. The Workhouse, under present operation, does not tend to correct, but breeds contempt and bitterness through the brutal treatment accorded all prisoners, thereby lowering the man to a plane beneath that upon which he was when sentenced, and returns him to society with a revengeful spirit.

"2. The Workhouse does not have the right kind of men for the positions of warden, assistants and guards. They do not realize and feel their duty to the people, and the salaries paid are not in keeping with the calibre of men that should be obtained. The men in charge of the institution should at least be humane and ready to serve society in making prisoners better citizens.

"3. The prisoners get poor medical attention. The living conditions are unsanitary, and there is no provision for the education of the inmates. The prisoners, therefore, have no incentive to live better after getting out. The working conditions are poor, and the food is detrimental to the men's health. Men with all kinds of sexual diseases and tuberculosis are permitted to handle the food, and to mingle with others while eating and while making garments. There is, therefore, a constant danger of spreading disease.

"4. Men are pardoned after having been found dishonest while in prison. One prisoner who is now on a five-year parole is serving a sentence in a Virginia jail. He had been given a clean record by the warden, but the warden later admitted that the prisoner had stolen money while in the Workhouse.

"5. The guards are only discharged for dishonesty. There is no prosecution. This is a bad example for the prisoners who have been sentenced to the institution for theft. We believe that this encourages men to be dishonest after they leave prison. We can see no difference between crime committed by employees within prison and crime committed by citizens on the outside. Punishment belongs to both.

"6. Compelling men to talk through a screen to visitors is not humane. Men who are not under punishment for breaking prison rules should be
allowed to see visitors and friends face to face. Only uncontrollable prisoners should be forced to talk through a screen to callers.

"7. The practice of hand cuffing prisoners to the bars is a most brutal, inhuman and crude punishment. It is administered when prisoners refuse to work or when they are caught fighting among themselves. Men have stood with arms outstretched and handcuffed to the bars for periods of twelve hours at a time without a drink of water or without being permitted to go to the toilet. While prisoners have been so secured they have been slapped in the face by guards. We believe that when prisoners are punished in this way their animosity is aroused, and revenge and hatred take possession of their hearts and minds. Thus embittered they may become most dangerous to society after their release.

"8. The present contract system should be eliminated . . . The trustees are considered poor business men for carrying on a business which, although providing a big profit for the contractor, is detrimental to the State. The State could benefit by the labor of the prisoners if they were employed in the manufacture of clothes for State institutions and in the building and maintenance of the roads.

"9. An honor system should be established. We believe that such a system should be introduced at once because of the benefits that have been derived from it in other sections of the country.

"10. We suggest that the Legislature consider the passage of a bill prohibiting contract labor at the Workhouse. Furthermore, we believe that the present parole law should be amended to permit someone to be kept among the prisoners and to mingle with them so that it can be learned through him whether inmates are ready to be paroled. A secret fund for this purpose should be created. We believe no warden should recommend men for pardons."

3. **Mordecai Plummer Appointed Warden of the Workhouse**

In the meantime, the board of trustees had under consideration a number of candidates for the position of warden made vacant by the dismissal of Warden Cross. Finally, on April 13, 1920, they selected Mordecai S. Plummer as the new warden of the workhouse.\(^8\) Warden Plummer had been a United States Post Office Inspector for a number of years. Just prior to his appointment, he had been associated with the sales department of the du Pont Fabrikoid Company. The experience and training

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\(^8\) *Every Evening*, April 13, 1920, p. 1.
of Plummer did not seem to recommend him for the position of warden, and yet during his brief career in that position he won high praise from all quarters.

4. A Legislative Committee Investigates Conditions at the Workhouse

The controversy raging over the conditions at the workhouse had provoked debate on the question during the 1920 session of the state legislature. In view of the seriousness of the matter, the lawmakers felt called upon to appoint their own committee to inspect the workhouse and to submit a report of their investigation. This report was presented to the legislature on May 24, 1920, and, because it contains a detailed description of the workhouse and the manner in which Lemuel Price made his escape, as well as detailed charges regarding the institution’s poor administration, it is quoted at length below:

"1. The Responsibility for the Escape of Lemuel Price, convicted murderer, from the Institution on December 29, 1919.

"Your Committee is convinced that Price’s escape was made either through gross negligence on the part of the Warden, owing to the general lax methods in vogue at the Institution at the time, for which he himself was directly responsible, or through actual collusion of the Warden or some of his subordinates. We have much evidence supporting the former theory and some evidence supporting the latter theory. It is our opinion that sufficient evidence has been secured to, at least, warrant us in requesting that the Attorney General’s office be given a copy of our testimony and be requested to go into the facts more thoroughly. The details of the Price coup, the way they are understood by us from observation and from the testimony heard, were substantially as follows:

"In the first place it must be remembered that Lemuel Price was very familiar with the Institution. He had served a three-year sentence there before and had been discharged from the workhouse less than six months before his escape, which shows that his knowledge not only extended over a fairly long period, but was comparatively recent. During his previous sentence he had been a trusty in both Wings of the Institution. Just before he was discharged, less than six months before his escape, he had been transferred to the upper farm. While there he had occasion to come to the Insti-

tution for supplies such as flour and the like. He had been accustomed to going back into the storeroom after the flour and carrying it out through the front doors, through which he eventually made his escape. In short, he was absolutely familiar with all the workings of the Institution. The Warden and guards were, without doubt, apprised of these facts.

"The entrance to the Institution is first had through a grated door. Upon having this door unlocked, one enters a hallway, with clerical offices and the Warden’s offices at the right. At the other end of the hallway is another grated iron door which opens into the rotunda or ‘centre’ as it is called. This ‘centre’ is what might be called an octagon shaped rotunda. From this rotunda to the left and to the right extend wings and the entrances to these wings are guarded by grated doors. The wing to the left of the rotunda is known as the ‘west wing’ and the one to the right is known as the ‘east wing’ and each is four stories in height, probably fifty feet wide and one hundred feet long. Each flight has what is known as a tier of forty cells, comprising twenty cells to the left and twenty cells to the right. Each line of twenty backs up against an observation and ventilation corridor which has solid steel doors at each end. Before each line of twenty cells and extending the full length of same is an exercise cage about five or six feet wide and probably eighty feet long. This same style cage or exercise way is outside each line of twenty cells on both the left and right of each of the four floors, in both wings. The ‘west wing’ is generally used for long-term prisoners and the ‘east wing’ for short-term prisoners. From this octagon-shaped rotunda also extends passageways or tunnels to the various workshops, the store rooms and mess halls. These entrances to these various hallways have steel doors but it is understood these were not usually locked.

"Lemuel Price, on December 29th, was located in cell No. 1, first floor, right side of the west wing. The cell doors which slide and the exercise cage door which swings are controlled by levers located in a lever box outside the tier. This lever box is of steel construction, having not only a key lock but a combination lock as well. It was not the custom, however, at the time to have the lever box locked. In the next cell to Lemuel Price was his brother, John Price, who was convicted at the same time, but John was not in his cell at the time of Lem’s escape, but was working in one of the shops. Lem Price was not confined in his cell on the afternoon of his escape, but was being allowed to exercise in the cage outside. He was fed at four o’clock on the afternoon of his escape. He escaped from that exercise way, according to the testimony, about five or ten minutes of five, passed around outside the cage, going down the outside corridor between cage and side of wing and hid back of the blind end of the cells in the west wing until the men who were confined in their cells were marched down to supper. Whether that cage door was
opened by someone or whether it was left open by the guard feeding him at four o'clock is not known. The guard testifies that he did not open the door when he fed him but passed the food through the bars. According to the testimony received it was customary for this guard to give Price a match each evening before taking the other prisoners down to dinner, but on this occasion the accustomed match was not offered him, otherwise his absence would have been noticed. The barred doors from the rotunda to the wings were never shut. Therefore, after the men went down to supper and Price was free in the wing, it was an easy matter for Price to get into the centre or rotunda. A guard was at all times supposed to be stationed in the rotunda.

"For a few minutes this night the guard who was in charge of the rotunda was away from the centre, having followed the inmates through the hallway to the mess room, since there was a shortage of guards that night. At just this moment Price is supposed to have come out in the centre and passed through the hallway to the storeroom. In getting to the storeroom Price had to pass the guards' mess room and the guards' kitchen. The fact that he was not noticed by the guards who were at meals at the time is not extraordinary since waiters, trusties, etc., are continually passing through the hall by the doorway and the clothes worn by Price were practically identical with those worn by the waiters and trusties. Upon reaching the storeroom he shouldered a bag of flour weighing approximately a hundred pounds, passed back through the hallway, out into the centre, across the centre to the entrance vestibule. The guard supposed to be guarding the centre was still away from his allotted post and the guard who is supposed to unlock the first of the two exit gates hadn't gotten back from mess. Price rang the bell. There were two men in the executive offices at the time, the Warden, Mr. Cross, and the clerk, Mr. Suddard. Upon hearing the bell, Mr. Suddard came out. Price announced he was going to the 'bunk house' which meant to a farm about three miles distant. The clerk, Mr. Suddard, opened the first exit door, allowed Price to pass through, accompanied him a distance of possibly thirty feet to the final exit door, opened it for him and allowed Price to pass out to freedom. We cannot find where it was customary for a trusty to carry a hundred-pound bag of flour three miles on his shoulder. The grand jury's report shows that the clerk, who has since left the employ of the Institution, testified before that body that he knew Price well but failed to recognize him. The ease with which Price made his escape was, in our opinion, owing to the gross negligence, if not actual collusion of the Warden or some of his subordinates.

"We would recommend that, in the future, a prisoner who has been condemned to capital punishment shall be continually guarded by special guards assigned for the purpose, from the day of sentence until the sentence has been executed.
“2. The General Management of the Institution under Warden Cross, which was to include, particularly, food of prisoners, sanitary conditions and alleged cruelty.

The administration of the Workhouse under the regime of Warden Cross was very lax. The great bulk of the time, especially during the latter part of his tenure, when he was at the Institution, he spent in the executive offices and was very seldom in the prison proper, at least not as often as he should have been. Prisoners who might have had a just complaint were unable, under the old system, as administered by Warden Cross, to reach the proper authorities with such a complaint as it seems the Warden was too far removed to admit of such a thing. The guards seem to have been in absolute control of the Institution and did much as they pleased. They were never called in weekly or monthly conferences by Cross, with reference to the conduct of the Institution, and it seems as if Cross was entirely too busy with outside affairs to know what was going on inside the prison. According to testimony he very seldom visited the Delcastle Farm except with the Trustees at their monthly inspection.

We are satisfied by the evidence, that the food was insufficient and of poor quality, poorly prepared and under conditions which to say the least were not sanitary. Medical attention for the prisoners was very poor.

We are convinced that the women’s section, both then and now, is inadequate, especially from a sanitary standpoint, the women inmates being required to eat their meals in the corridor in front of their cells in close proximity to their toilets. Some of the cells at the present time, in the women’s section, are being occupied by two or three prisoners which is certainly not conducive to the good conduct of the Institution, to say nothing of the health of the inmates. Their facilities for exercising are inadequate and their work room is of insufficient size.

We find that there are a great many syphilitics in the Institution. We recommend that immediately upon entering the Institution, all prisoners be examined and if found to have venereal diseases that they be segregated, kept from work in the shops with other men and given full and proper treatment, until such time that a physician deems the disease non-communicable. We find in the work rooms insufficient toilet facilities, and recommend that separate facilities be installed for prisoners afflicted with venereal diseases, regardless of the stage.

There is need for a separate prison for women, entirely removed from the present one. While they are at present entirely isolated from the men’s prison, the quarters assigned them are entirely inadequate. Further recommendations along this line will be made at the end of our report.

The Institution owns about three hundred and twenty-five acres of land
known as the Delcastle Farms and leases about forty acres adjoining same. They have nearly forty acres around the Institution and over a hundred-acre farm they lease across the way.

"Your Committee did not visit the Delcastle Farm but examined the farmer and also the accounts of the farms which are kept at the Institution. We find that the Delcastle Farm is, to say the least, being conducted at quite a pecuniary loss to the Institution. It is our judgment if the proper interest on investment, labor charge from the Workhouse, depreciation on live stock, etc., were charged against the farm for 1919, the loss would have shown possibly eighteen thousand dollars.

"We are not convinced that the Delcastle Farm is a good investment financially or otherwise. It is too far removed from the prison proper, making it extremely easy for the prisoners to escape, as record of escapes will show, and as the number of escapes during the past year fully proves.

"It is our opinion that there is sufficient farm land now owned or leased by the Trustees in the immediate vicinity of the Workhouse to provide outdoor work for short-term prisoners and to supply the Institution with all the farm products that may be needed for its use.

"It is our opinion that this farm, dairy herd, etc., should be disposed of and the prisoners used in producing truck on the acreage in proximity to the workhouse. The money received from the sale of same would probably build a women's prison, more modern and satisfactory in appointments which would leave the section now used by women as a segregation ward for men inmates.

"We have much evidence of prisoners having been 'black jacked' by guards, of the handcuffing of prisoners to the bars and the locking up of prisoners in what is known as the 'ram cell,' where in some cases, at least, they were not given proper attention. Our chief criticism of the so-called 'ram cells' is that there is in same no facilities for washing, and that prisoners have been confined there for considerable periods of time and no water furnished with which even to bathe the face. We recommend that some facilities for washing be installed, and some fixed rule be established for furnishing drinking water to the men detained therein. We understand that under the present Warden, the 'stringing up process' has been dispensed with and we strongly recommend that it be prohibited in the future. As to 'black jacking' and other physical methods used to subdue prisoners, while we realize it may be necessary to resort to same at times, we strongly recommend that in every case where physical methods are used, the guard employing same shall report same in writing to the Warden, stating the circumstances surrounding same. And that the Warden shall immediately investigate and examine
other witnesses of the occurrence, and note the evidence obtained, and report each case in detail to the Trustees at their monthly meetings.

"Under Warden Cross instances of brutality to prisoners by some of the guards were never reported to the Warden, and, of course, not to the Trustees. The situation, therefore, being that the Trustees were in ignorance of the real condition of affairs, as they had placed their entire confidence in Cross as to the management of the prison and were never made aware of the true facts as to the lack of discipline, cruelty, etc., until after the escape of Price.

"Your Committee carefully investigated the charges made before a Legislative Committee in relation to the shooting of a negro prisoner at the Institution about ten years ago, in which Guard Wingate was charged with wanton cruelty. We are convinced that those charges so made are not well founded. The facts, the way we found them, were as follows:

"The negro, Hunter, was a powerful man, partially insane and very hard to handle. The Guards, at that time, by order of the Warden, all carried revolvers as well as ‘black jacks.’ After Guard Hastings had let the men in the right tier out of their cells, he went over to release the men in the left tier and the right tier men filed by in his rear. As the line including the negro, Hunter, passed back of him, Hunter struck Hastings in the head from behind, took Hastings’ revolver out of his pocket and shot him in the side. As Hastings was wrestling with the negro, Hunter, for possession of the gun, Guards McCullough and Wingate having heard the shot, rushed to the scene. Hunter wheeled and shot McCullough in the stomach. Wingate had his gun in his hand and shot Hunter. The first shot only seemed to enrage him, and Wingate shot again. A succession of shots by each followed but Hunter was not downed by any of these shots. Wingate then pulled his ‘black jack’ and struck Hunter several times, breaking the ‘jack’ but Hunter still remained on his feet, other guards having arrived beat the prisoner down with their ‘black jacks.’ Guard McCullough died in the morning. Guard Hastings recovered after a long illness and the negro, Hunter, died two days after the shooting. It is our opinion that Guard Wingate was justified in his acts at the time.

"3. The present and past labor contract system at the Institution, including not only clothing contract with Oppenheim & Company, but also the use of prisoners on roads, on Institution farms and by private individuals.

"Your Committee went very thoroughly into the contract system in vogue at the Institution. We examined the conditions under which the men are working and investigated very carefully the facts in relation to the contract with Oppenheim & Company, and we are frank to say that same seems to be a very one-sided affair, most of the provisions of same being on the side of the contractor. It was very difficult to get definite facts and figures relative
to the actual operation of the contract from the resident manager, Mr. Rothschild, but from what little information we did obtain from him, we are convinced that while the previous contract which expired in November, 1919, was very liberal in its terms to the contractor, the present contract is even more so.

"The new contract was made by the Trustees without advertising for bids and where the rate to the Institution per man per day was raised from 57c to 70c in the new contract, we are convinced the production has been so increased that the cost per pair trousers is even less than under the old contract. The rate of 70c per day per man is entirely too low and the trustees in awarding future contracts, if same are awarded, should endeavor to secure more favorable terms than are contained in present contract. The fact that the bonus allowed the prisoners by the contractors for overtime work has, within the past week, been increased from 55c per dozen to $1.10 per dozen, only goes to prove that the contract is a very profitable one for the contractor, and even with the increased bonus, the facts are that the goods produced by overtime work are produced at an absurdly low cost to the contractor. We again strongly recommend that, if the contract is again made, the Trustees should demand a higher rate per man per day since it must be remembered that light, heat, power, rent and guards' salaries in workroom is included in this 70c per day per man, and the bonus, outside the men's tasks should net the men for overtime at least what it nets the Institution after the deduction of board cost and overhead mentioned above.

"4. The present conduct of the Institution under Warden Plummer.

"We are pleased to report that at the present time conditions in the Workhouse are very much improved. Acting Warden Crawford made considerable changes for the better during the time he had temporary charge and Warden Plummer is striving to find out what is most needful for the benefit of all the parties concerned, the prisoners, the officials and the general public.

"The conditions in the kitchen have been bettered by strict rules in relation to cleanliness and proper cooking of foods, and much better food is now being served the prisoners. The daily cost of food under the previous regime was approximately sixteen cents per day per capita, and we are satisfied that the quality of the food was poor and the quantity insufficient. At this time the sum of twenty-one cents per day per capita is being expended with the result that the Warden, guards and prisoners agree with your Committee that the inmates are now receiving good, wholesome food and in quantity that satisfies the prisoners and enables them to do properly the work required of them.

"The Warden has put a squad of prisoners to work in thoroughly renovating the buildings and exterminating all vermin, and during the time we have
been engaged in our investigation we have been able to notice a decided improvement in the appearance of the place.

"The men seem cheerful at their work and the Warden and prisoners are cooperating in an endeavor to reach satisfactory arrangements in relation to task and bonus work. A Committee of prisoners has been chosen by themselves and the men have all agreed to work with the Warden through this Committee to adjust all complaints and make proper distribution of the bonus money, and express themselves as being well pleased with the better conditions that now exist.

"They have also agreed to maintain an honor system, and insist upon strict adherence to the rules laid down and proper punishment of any prisoner offending.

"The men work the required number of hours daily and are then allowed to go to the prison yard and indulge in baseball and other exercise and the general expression is that they are much benefited by the same after their close confinement in the cells and shops.

"The appreciation shown by the men for the better treatment they are now receiving is very keen, and their constant plea is that everyone work together to so please the Warden and through him the Trustees that the merit of the present methods as against the old ones be fully demonstrated.

"We believe that Warden Plummer is following the proper course, that many of the punishments heretofore inflicted were unnecessary and that many of the prisoners will so appreciate the benefits of today that they will insist upon proper behavior of their fellows, and that the task of the Warden and guards will be materially lessened although they must realize at all times that extreme vigilance is necessary even if unnecessary severity is to be deprecated.

"Our general recommendations, in addition to our special recommendations noted along with our report, are as follows:

"1. That, though we have no direct evidence of any improper acts on the part of the Attorney who is now a member of the present Board of Trustees, we feel that no practicing Attorney should be made a member of the Board of Trustees of a Penal Institution.

"2. That in the future a prisoner who has been condemned to capital punishment should be continually guarded by special guards assigned for that purpose, from the day of sentence until said sentence has been executed.

"3. That the general management of the Institution be placed in the hands of a Warden, whom the Trustees have thoroughly investigated and who is known not to be against capital punishment. We recommend that the Trustees clothe the prison Warden with the power to reorganize the entire guard system at the Institution, with authority to hire and to discharge, thereby plac-
ing the responsibility for the executive conduct of the prison on his shoulders. We should deem it bad business to have the guards selected by the Trustees and make the Warden responsible for their conduct.

"4. That at the expiration of the present contract with Oppenheim & Company, the Trustees thoroughly investigate the advisability of installing some sort of a manufacturing plant at the Institution, so that the inmates may not only produce some revenue but be kept employed and learn, if possible, some useful trade or occupation. If this is not deemed feasible by the Trustees and they conclude that it is advisable to continue the present contract system, we recommend that bids on the contract be thoroughly advertised for, in order that the Trustees may secure the most favorable offers possible. In making this contract we suggest that the trustees demand as a bonus for the men, a sum which will net the men for bonus work an amount equal to that netted the Institution after the deduction for board cost and other overhead. We further recommend that no misleading labels be placed on any goods manufactured now or hereafter at the Institution.

"5. We recommend that if it is decided that the Workmen's Compensation act does not apply to prisoners in said Workhouse, that the law be so amended that inmates of said Institution, as well as their families, shall be protected under same.

"6. We recommend that the farm, known as the Delcastle Farm, as well as the dairy herd and personal property owned thereon should be disposed of and the short-term prisoners used to produce truck on the Institution's acreage in proximity to the workhouse. We further recommend that the money obtained therefrom be used to build a women's prison, more modern and satisfactory in appointments, to be located entirely separate from the men's prison. We further recommend that the section now used by women prisoners be then used as a segregation ward for men inmates.

THOS. F. GORMLEY,
WILLIAM LYONS, JR.
JOHN E. McNABB.
JAMES F. ALLEE, JR."

5. Warden Plummer and the Honor System

The results of the investigations to which we have referred above indicate clearly the seriousness of the situation at the New Castle County Workhouse and the need of an administration that would fearlessly cut out the dry rot that was eating away the heart of the institution. Much of the plant and equipment was obsolete, the contract system of prison labor was en-
couraging exploitation and breeding discontent, the interests of the prisoners were being sacrificed for financial self-sufficiency. All these evils had to be eradicated, but perhaps the greatest need of the workhouse was a vigorous, enlightened leadership that would communicate to the board of trustees, the officers and the inmates a new hope, a new faith, and a new penal philosophy. Warden Plummer, a man who had deep and abiding faith in his fellow men, gave to the institution this leadership.

When Warden Plummer took charge of the institution on May 1, 1920, he immediately began a fundamental revision of its rules and regulations. The mechanical enforcement of rigid discipline that had characterized the workhouse administration was swept aside and the inmates were informed that privileges would be extended to them as long as they observed instructions and proved worthy of trust. For the first time a commissary was established where the prisoners could buy tobacco, candy, and other items so highly valued by men confined in prisons, regular daily periods of recreation in the outside exercise yard were scheduled and a suitable room for chapel service, lectures, and other educational purposes was provided.\(^5\) However, these did not represent the basic change that was effected in the institution's administration. The innovation for which Warden Plummer will always be remembered was the establishment of the "honor system." Warden Plummer described the philosophy and purpose of this system as follows:\(^6\)

"Its inception was based on a desire for increased opportunity to lend a helping hand to the driftwood of humanity. It was designed to provide a force of friendship and fraternity to the inmates; a hope, a true impetus, a sufficient incentive to adjust themselves in the right way for future freedom; a vehicle of restitution, not a relinquishing of constituted authority, but an aid to make it more effective. One of its main purposes is to teach the inmates to realize the human responsiveness of better days to come and to realize to the fullest extent the possibility of accomplishing something by good behavior both in and out of prison. It gives constructive treatment to the offender against society, and teaches him to earn the remission of the penalty by future good conduct; it is a focus-

\(^5\) Twenty-third Annual Report, 1921, p. 5.
ing, crystallizing effort towards those that err. It teaches him to accept the social judgment, the rights of individuals and their property, and their personal responsibility to society; that all relationships call for rights and duties and that they must accept the conclusions that have been prescribed for their conduct. They are taught, and it is emphasized, the doctrine of personal responsibility when they violate the social judgment and become wards of the state, and that they owe obedience to their supervisory officials and their supervisory officials owe to them corresponding care and protection against all unnecessary repressive measures, cruel, and inhuman treatment. And in this connection let me emphasize the fact that it's by their conception, their understanding of our ideas and our treatment from the standpoint of justice and humanity, that the prisoner becomes imbued with the proper understanding of discipline. We owe every prisoner a real chance in the struggle to regain the lost status of a man. Mold them into happy human beings, increase the percentage of human salvage, and nurse them back to moral health. A prison should make a man and not break him.

"It is my opinion, based on personal observation, that the old system of penology is a crime factory, and makes men more intent upon breaking the law and makes them unfit for re-entry into society, and therefore forces them to continue their evil careers. It so handicaps a prisoner that he cannot rehabilitate himself. It never teaches him how to relieve himself of the treadmill grind of prison life. Most jails are foul, leprous, and graves of blasted hopes, sepulchers of ghastly tragedies, where abnormal conditions exist and where men and women become mere elemental beasts.

"Establish the Golden Rule (which is the very foundation rock of the 'Honor System') and the prisoners will do their own reforming. Our 'Honor System' teaches that if we dig deep enough beneath the stain and dross of crime we will find some gold worth redeeming."

There is implicit in this statement a strong belief that religion could be made to play a dominant rôle in the reformation of prisoners. Warden Plummer, in discussing the extent to which religion was being employed for this purpose at the workhouse, said:7

"There is voluntary work done for the spiritual and moral uplift of the men and women incarcerated here. All denominations hold their services here at stated intervals. We feel that we have accomplished wonderful results among the inmates along spiritual lines with sincerity and a clear

conscience and with an effort to fulfill a public duty—a duty we owe to humanity and brotherly uplift.

"The church must not forget the prisoner. She must not forget the trials, the tribulations and suffering of those in prison. The greatest triumphs of the church were won by bringing the Gospel to bear on the outcasts and the lowest strata of society. There can never be any permanent reformation in the life of the lawbreaker except through the regenerative influence of religion, whether Jew or Gentile. The church must represent religion commensurate with present-day needs. She must show a large sympathy for the men in bonds in our prisons. Penology as a science treats of crime, but does not even pretend to cure it. It seeks to discover the causes that lead up to crime and the best it can do is simply to suggest reforms so that conditions can be made more just and humane. In the treatment of most prisoners God has been left out of the matter, and when this is so, there can never be a cure. Nowhere else in the world is the power of religious kindness more quickly felt than in prison. Religion makes a prisoner a captive to your kindness. There is no remedy on earth for the lawbreaker except the Calvary cure for crime. If the church shuns those in prison, what is to become of them? Prisoners must be taught the resistive grace and be fortified by religion; and unless backed by this remedy they will return to prison deeper in sin, misery and crime.

"Ninety-five per cent of prisoners believe in God, but they have witnessed so very little of the Golden Rule practised that they have reached the conclusion that it was only intended for those outside of prison walls. It is not a super-human task to bring men in prison back to regenerative influences that will cure them of their depraved tastes, desires and actions. I never met any prisoner who had not the milk of human kindness—dig deep enough and you will find it. With the many miseries and vices found in jails, what on earth except religion can be the stepping stone for those steeped in crime? Some of the churches with their varying degrees of belief in the doctrine of man's depravity have not aided, as they should have done, the reform movements in behalf of their unfortunate brothers in prison. Let the church remember, and those connected with the direction of its affairs, and also those of the State who are responsible for the care of prisoners, that religion in jails is just as necessary and essential for the welfare of society as it is to those on the outside—it is the clinging vine, the giant and protecting oak and the towering pine; and to their heart hunger it responds with a higher ideal of fraternitv, sociability and friendship and the only true incentive for better days to come."

In concluding his last public address, to the members of the
New Century Club of New Castle, Delaware, on November 21, 1922, just one month before his death, Warden Plummer spoke of religion as the "Calvary Cure" for crime. On this occasion he declared.\(^8\)

"I feel that it is proper to state that I occupy no ministerial position. I am only a warden. I make no claims to moral merit whatever nor to religious authority except it be the religion of the brotherhood of man. I wish to be taken as a man among men, feeling that I can shake hands with and style as my brother the most humble of men. If there may come from me a word of moral admonition, it springs not from a sense of moral superiority, but only from the depths of my experience by virtue of my present position and that of my twenty-five years' experience in the service of the United States Government. I relate to you only my views and my opinion based on the circumstances of life. I have seen the ambitions of man defeated—I have seen him struggling for the beneficent right of justice—I have seen his aims and purposes frustrated only by a fortuitous combination of unhappy circumstances and conditions over which he had no control. I have seen his outstretched hands about to grasp the flag of victory, and to seize instead the emblem of defeat. Oh, how horrible is prison life even at its best—it is a pendulum swinging betwixt a smile and a fear—a barren waste, and then nothing, as they go forth to liberty and from the weary treadmill grind of prison—like the child-blown bubble that but reflects the shadow of its environment and is gone—its happiness, Dead Sea apples—its pain, the crunching of cruel and inhuman treatment—unnecessary repressive measures—helpless pieces of the game of the old system of penology. It is so easy to be happy when life goes along like a song. There are those who will condemn him. They believe that he is reaping the reward of a misspent life. There are those who are dominated by mediaeval creeds. Them, I am not addressing. They are ruled by the skeleton hand of the past. They fail to see the character lived outside of their puritanical ideas. Ceremonious piety is not always the highest manifestation of a good Christian. The handclasp of friendship, cheer to a discouraged brother, quiet charity, a smile that shines through tears—those who try to smooth one wrinkle from the brow of human care change a moan or a sob into a song—or to wipe away a tear, and to place in its stead a jewel of joy, is a public benefactor and a true Christian. Bear in mind, dear friends, the most hardened and depraved can be reached and reformed if they will.

"Crime is the price of our civilization, the inevitable result of our struggle

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\(^8\) The Last Public Address made by the late Warden Mordecai Plummer, pp. 11-12.
for existence. Punishment is a social necessity. Society must be protected from within and from without.

"I am absolutely opposed to sentimental leniency, but while undergoing punishment the criminal must be treated in a human manner—love, law, gentleness and firmness hand in hand. The only absolutely reclaiming force in the world for criminals is the Calvary cure for crime. No man is beyond the power of God's mercy. God rehabilitates the criminal in spite of society. There is no hope, no stimulus, no true incentive of the heart and soul for better things in our prisons, with few exceptions—they are as cruel as the grave."

The "honor system" found its most concrete expression in the establishment of an inmate guard system and the "honor court." Warden Plummer believed that the most efficient prison guards were men who were themselves prisoners.\(^9\) Prisoners, he claimed, were not only better informed regarding prison affairs, but also would be more zealous in the enforcement of rules as they stood to lose most by the elimination of privileges. He, therefore, rapidly introduced a prison guard system. This was done to such an extent that by November 15, 1923, at a time when three hundred eighty-one inmates were in the workhouse, there were only three guards who were not inmates. Two of these were on duty during the day, and the other served at night.\(^10\) The inmate guards were selected by the warden or by the prisoners with the warden's approval. The three civilian guards and the inmate guards, under the supervision of the warden and his deputy, ran the men's prison and maintained discipline. Even the turn-keys were long-term inmates. In the shops, the foreman was a prisoner, as were the "committeemen" who were responsible for good order.

The "honor court" was composed of three judges, a prosecutor, two defendant counselors, a court crier, and a court clerk. Originally the judges were elected by the prisoners, but as vacancies occurred they were filled by the court with the approval of the warden.\(^11\)

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\(^9\) *Every Evening*, Wilmington, March 22, 1922, p. 3, col. 3.


Warden Plummer, in the address to which we have already referred, described this court as follows: 12

“Our 'Honor Court,' consisting of eight members, does not allow our prosecuting attorney to make applications for the appointment of a particular case to be heard before a particular judge, nor can he move up his case so as to bring it before a judge of his own selection. All unfair discriminations are eliminated. It does not permit intemperate zeal on the part of the prosecutor, which I have found to be one of the besetting sins of some of the prison prosecutors. They often scent guilt, not innocence, and boast of conviction rather than express displeasure that an innocent man has been unjustly accused. The prosecutor being a quasi-judicial officer is required to protect the rights of the accused prisoner and not base his efficiency and distinction upon the number of prisoners he has convicted. Every safeguard is given the accused with the view that if he is convicted he will feel that he has received a square deal. The presumption of innocence exists, and guilt must be proved beyond a reasonable doubt.

“The accused has the right to appear and defend himself, in person or with counsel, against any charge brought against him, and in this connection we have two defenders called ‘Pro deo’ lawyers who obtain the necessary evidence and witnesses in favor of the accused prisoner, which lawyers must properly present the case. We have free justice—the accused is not immured, and when he appears before the 'honor court' his heart is not in despair, without friends or hope, nor does he have to struggle for the beneficent right of justice. We seek the ascertainment of truth in all cases irrespective of his race, religion or money. Equality before the law—democracy of justice, as it were, in jail. We carry to all who come before our 'honor court' the inspiration of confidence and of receiving a square deal.”

During Warden Plummer’s administration there was no formal set of rules and regulations such as that used by his predecessors. Although there is a statement regarding the “honor system” in his last report (for the period ending November 30, 1922) it is expressed in such general terms as: “Let me emphasize the fact that it is by their conception, their understanding of our ideas and our treatment from the standpoint of justice and humanity, that the prisoner becomes imbued with the proper understanding of discipline.” 13

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12 The Last Public Address made by the late Warden Mordecai Plummer, p. 9.
The decisions of the "honor court" virtually determined the rules of the prison. The scope and nature of these rules may be gauged by the following list of cases tried by the court during the first six months of 1923:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Disorderly conduct</td>
<td>19</td>
</tr>
<tr>
<td>Refusing to work</td>
<td>10</td>
</tr>
<tr>
<td>Fighting</td>
<td>10</td>
</tr>
<tr>
<td>Agitating</td>
<td>6</td>
</tr>
<tr>
<td>Disrespect to guard, instructor, or committee</td>
<td>5</td>
</tr>
<tr>
<td>Destroying property</td>
<td>4</td>
</tr>
<tr>
<td>Assault</td>
<td>3</td>
</tr>
<tr>
<td>Inferior work</td>
<td>2</td>
</tr>
<tr>
<td>Gambling in shop</td>
<td>2</td>
</tr>
<tr>
<td>Committing nuisance in cell</td>
<td>1</td>
</tr>
<tr>
<td>Failing to make task</td>
<td>1</td>
</tr>
<tr>
<td>Profanity</td>
<td>1</td>
</tr>
<tr>
<td>Sleeping in shop</td>
<td>1</td>
</tr>
<tr>
<td>Leaving work without permission</td>
<td>1</td>
</tr>
<tr>
<td>Refusing to obey rules</td>
<td>1</td>
</tr>
<tr>
<td>False marking of work card</td>
<td>1</td>
</tr>
<tr>
<td>Loafting on job</td>
<td>1</td>
</tr>
<tr>
<td>Stopping work</td>
<td>1</td>
</tr>
<tr>
<td>Neglecting work</td>
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</table>

The punishments given by the "honor court" were of three degrees. The first involved the loss of the yard recreation privilege for ten days; the second, the loss of yard privileges and visits for thirty days; the third, the loss of all privileges for thirty days. The latter referred to yard, entertainment, visits, mail (both incoming and outgoing) and commissary privileges.

In a case of murderous assault of one inmate upon another the court sentenced the offender to solitary confinement in a "blind cell" for an indefinite period and recommended that the

14 *Handbook of American Prisons, 1925*, pp. 93, 94. Although this was after the death of Warden Plummer, the honor system he had established was still in existence during 1923.

warden present him for indictment before the court of general sessions. The offender was given an additional sentence of six years by the latter court.

It can be seen from the foregoing that Warden Plummer believed the inmates could be trusted to a very large degree to handle affairs within the institution. Not only was the conduct of the inmate community left almost entirely in the hands of the prisoners themselves, but only enough guards were retained to cover the exits of the prison.

Although the general principle of inmate participation in the administration of the workhouse was endorsed by both the 1925 and 1926 Handbooks of American Prisons, they called attention to certain dangers in the "Plummer System." The principal dangers noted were:¹⁶

1. "That the responsibility entrusted to the inmates went beyond matters pertaining to inmate community life and embraced things which should be entrusted to officials.

2. "That the inmate body as a whole did not have sufficient voice in the selection of the inmate executives under the honor system.

3. "That there was some danger that the primary purpose of rehabilitation was being sacrificed to the secondary one of easier prison administration."

In the development of inmate cooperation that had been carefully worked out in New York and elsewhere, the inmate organization did not replace the guards, but simply took over a large part of the handling of the inmate community life. It had been found advisable to limit self-government in this way.

Warden Plummer either did not know of these experiences or deliberately disregarded them in his plan. He had come to his new position with virtually no experience or formal training in the field, and an examination of his writings and speeches reveals no great familiarity with scientific techniques and methods. Apparently, the principles of his penal philosophy were drawn almost entirely from a religious background mellowed by his many years of experience in the post office depart-

ment where he had served as an inspector. It was during those years that he had often come into contact with crime and criminals. The following quotations from his writings and speeches indicate an almost childlike faith in the power of religious fervor and exhortations:

"Establish the Golden Rule (which is the very foundation rock of the 'Honor System') and the prisoners will do their own reforming." 17

"There is no remedy on earth for the law-breaker except the Calvary Cure for crime. If the church slurs those in prison, what is to become of them? Prisoners must be taught the resistive grace and be fortified by religion; and unless backed by this remedy they will return to prison deeper in sin, misery and crime." 18

"The only absolutely reclaiming force in the world for criminals is the Calvary Cure for crime. No man is beyond the power of God's mercy. God rehabilitates the criminal in spite of society. There is no hope, no stimulus, no true incentive of the heart and soul for better things in our prisons, with few exceptions—they are as cruel as the grave." 19

It should not be assumed from this, however, that Warden Plummer relied entirely on the power of religion to administer the workhouse. On the contrary, there were a number of reforms that he vigorously recommended. For example, he sincerely believed that the establishment of a parole system in Delaware would greatly aid the state in dealing with its increasing problems of crime. In a paper, read before the state legislature in 1921, he urged the passage of a parole bill which was then before that body. The following excerpts from this paper indicate Warden Plummer's views on parole: 20

"Give us a parole law, and with the help I have received in the past and which I will receive in the future from these good men representing all creeds of religion, I have no fear of the result—the influence of good will manifest its usefulness in every community where the paroled prisoner will go. They will retrieve the sinful past and return to decent citizenship. A parole law

18 Ibid., p. 32.
19 The Last Public Address made by the late Warden Mordecai Plummer, p. 12.
will give them the true impetus, the sufficient incentive, to adjust themselves in the right way for future freedom.

"It is a matter of history and statistics that in proportion as capital punishment, torture and cruel penalties are abolished, crimes decrease. Guillotines, jails and prison colonies have produced more law-breakers than they have ever healed. No soul except the soul unafraid could ever be genuinely good. It is fear that makes criminals. Fear is not the cure for crime..."

"Gentlemen, this proposed bill does not ask you to change the principles of justice, but merely the practices of penology. It does not shut out retributive justice. We insist that restitution is a part of justice. It is no theory of justice—we ask you to give us a law to apply the old principles of justice, as it were, in a higher and finer degree to the individual convicted. Correction and discipline are the very essentials of a parole law; and to be fully successful it must have the whole-hearted cooperation of all the constructive influences of the State. It is a focusing, crystallizing and organizing effort towards those that err and who are deserving and again seeking a responsible calling, and for obtaining definite and permanent results..."

"Most jails are schools of vice, hotbeds of disease, leprous, foul and immoral, where abnormal conditions pervert and unbalance the mind, where men become mere elemental beasts, and where initiative and energy are sapped.

"Gentlemen, in conclusion, as I said before, I have come before you seeking your cooperation and your sympathy for the uplift of our unfortunate brothers.

"We are our brother's keeper."

He was also convinced that there should be a separate prison for women in Delaware and that it should be under the supervision and management of a board of trustees appointed by the members of the judiciary. Explaining his views on this subject to the board of trustees of the workhouse he wrote in 1922:21

"I sincerely hope you will again use your best efforts to obtain a separate prison for women. Present conditions are a menace to the discipline and well-being of the inmates of this institution. No law ever intended that men and women should be placed under the same roof in visual contact in prison. It is an obligation of the State to protect society from such a condition of affairs. It causes moral perversion, sexual deviation and degeneracy. As a first principle of moral education there must be a separation of the sexes.

In many states separation has been carried to the extent of having entirely separate buildings put up for female prisoners under different management for the two sexes. . . ."

Recreation and music could be made to exert wholesome influences in the lives of the prisoners, according to Warden Plummer. Regarding these activities, he had this to say:22

"We have wise recreation out-of-doors as much as possible—God's out-of-doors where they can see the sky, feel mother earth beneath their feet, which enables the prisoners to forget the hard and bitter things and the evil suggestions that arise in their minds, and influences them not to plot and plan for the impure and degrading things of the underworld. We have encouraged athletics and music which we find have a good effect on the prisoner and keep him in a more cheerful frame of mind. It means healthier minds and bodies. . . ."

Warden Plummer likewise advocated the employment of prisoners and the payment to them of a wage. On this subject, his position was:23

"Unemployment is ruinous not only to the prisoner but also to the State. Employment is a moral necessity to both the prisoner and the state, as he will otherwise degenerate and when released will be certain to prove a menace to society and become a greater burden to the state if he is allowed to pass his time in enforced idleness while incarcerated. The State should protect itself and save the man from the greatest of all curses in jails—idleness. Enforced idleness makes a prison a breeding place of degenerates and criminals. All of the inmates of this institution receive wages, and this has proven an inducement to work and a valuable means towards discipline. Rewards for work have proven more efficacious here than punishments. In addition to our institutional work we have work on our farm where farm produce is utilized in the direct support of the prisoners themselves, and the prisoners so employed are paid a regular wage each month, which has proven most satisfactory in every respect, wholesome, healthful and corrective to the prisoner."

The new warden was also opposed to Delaware's whipping post. When Dr. O. F. Lewis, General Secretary of the Ameri-
can Prison Association, visited the workhouse on July 2, 1921, Warden Plummer, in discussing the use of the lash, said: "You must understand that the law gives to the warden no discretion—but the law doesn't tell me how hard to whip! Here's the way I whip . . ." Then, according to Lewis, the warden showed how he used the lash. "Slowly, gently, almost doubtfully, the warden's right arm swung back and forth, like the pendulum of a clock deciding to cease work," wrote Lewis, in describing the warden's demonstration.

However, despite the fact that the foregoing excerpts reveal that Warden Plummer was aware of the values of the reforms he was advocating, it may be concluded from his public remarks, addresses, and reports that he considered religious faith and the "Golden Rule" the essence of his system.

Under Warden Plummer conditions at the workhouse quickly improved and the success of his system attracted much attention. Writing of his visit to the workhouse during July, 1921, Dr. O. F. Lewis, in the article to which we have already referred, said:

"With Warden Plummer I stood in the contract workshop of the New Castle County Workhouse on April 16th of this year, and watched some one hundred and fifty men busy at sewing machines. Two-thirds of the inmates were colored. The only prison officer in the shop at the time was the warden. When a few minutes later, he went out with me, the entire control of discipline and conduct in that shop rested in the hands of a committee, the inmate members of which are elected once a year by the entire inmate body. The latest election was on last Christmas. On the Saturday prior to my visit, the inmates celebrated the end of the first year of Warden Plummer's extraordinary regime . . .

"Upon the 'bridge' at the end of the shop a negro walked back and forth. If any inmate desired to leave his place, he raised his hand, and the negro granted permission with a nod. It was almost complete self-government. This has all been inaugurated since Warden Plummer came to the New Castle County Workhouse. According to all customary prison methods, it was mighty risky. But I was told that the few fights that had started died

in their incipiency because the inmates would not let them go on. Privileges are too valuable—too unusual in the past history of the workhouse.

"We don’t have a prison guard in this shop at all," explained the warden. ‘If I had my way, I'd run this prison without a single guard at any time in the twenty-four hours. It could be done! Just the prisoners and I. At half-past five tonight you’ll see the boys come out into the yard. There won't be a guard there. There'll be a prisoner on watch in each of the guardhouses on the wall, but they'll be there to chase any baseball knocked over the wall! Tonight, there'll be just one prison guard in the prison, and he'll be in the central rotunda between cell-blocks. In each of the two cell wings there'll be two inmates as guards. Most of the inmate guards are lifers.'

"Warden Plummer came from an inspectorship in the Post Office Department. In his profession of many years, he had run numerous crooks to earth, and subsequently in many instances had them committed to Atlanta or Leavenworth. It may have been expected that he would be a ‘wise' warden. He has turned out a revolutionist.

"He is fairly tall, heavily built, smooth-shaven; he is perhaps forty-five to fifty years old. He gives constantly the impression of having the faith that moves mountains. He does not wish to spend time going to see other institutions, or in hearing of what is being done somewhere else. This new thing at the workhouse is a home-grown product. I kept wondering how he would act, or feel, if some time there came a real ‘blow-up' at the prison. How enduring is this faith? Is it build mainly on a natural human kindliness, on optimism, energy, and the absence of any substantial trouble as yet? Would it survive a general jail delivery?

"The concentration of Warden Plummer's attention solely upon his own prison and its problems and daily features is noticeable. He lives in his job. He is consumed, apparently, with the ‘zeal of his house.' Intense, nervous, unable to keep still long, thinking ever in terms of what is going on in the prison, frankly and steadily talking about his successes, he emerges gradually in the visitor's mind as a man, who, without special interest in the comparative study of modern methods, or seeking out the best in other institutions, or imitation, has gone ahead, self-made, self-guided, dominant in his belief that his system is right, head down, fists tight, a fighter for his new system, his imagination not admitting possible failure.

"There is a fine kind of bravery in the way he seems to have accomplished what he set out to do. Even his own board of trustees had to be 'shown.' I passed much of my day with T. Allen Hilles, who after many years’ service has just resigned from the presidency of the board. He believes that the warden's way is right, but like his former colleagues, he watches with a certain gravity and concern for the possible time when 'something will happen.'
"Warden Plummer swept ruthlessly out of the door the accumulated customs of years, and prisoners now go in and out of prison at their work, without any searching, I am told, and often without any guard. It is quite possible to bring in drugs, knives, guns and what-not. Three lifers walked across the front of the grounds while we were talking. On the upper farm, several miles away, nineteen men, white and colored, work without a guard. Many of them are lifers.

"'This prison is run by the heart,' said the warden, 'and it has the best discipline of any prison in the world. Don't forget to say in your article that we emphasize religion here. Church and Sunday School the men must go to.'"

The board of trustees were especially pleased and relieved by the great change in the conditions and the morals of the prisoners at the workhouse. In their annual report for 1921, they praised the work of the new warden and said:26

"Under the splendid supervision of our Warden, Mr. Mordecai S. Plummer, the condition of our institution is far in advance of any stage in its previous history. The inmates are better in health, mind and morals. The discipline is good, and the work of the inmates better and more productive. In places of grousches, constant complaints against unjust verdicts and sentences, there is a recognition of the justness of punishment for wrongdoing; and honest effort to make the best of circumstances and in many instances a striving after those things that will enable them to live worthy lives after the expiration of their terms of imprisonment. As one of the prisoners said the other day, speaking of Mr. Plummer, 'He has put the smile on our faces and given us a different view of life!'

"It is this sort of thing that puts hope into the work of the Trustees and makes it worth while to give encouragement to our Warden in the work he is doing among the prisoners. We do not fear constructive criticism, we invite it, but we hold the opinion that no one should adversely criticize what is now being done here without first making a personal examination of the results of the work."

A committee of the Central Labor Union of Wilmington, the organization that had so severely criticised the workhouse, visited that institution in June, 1920, and issued the following favorable statement:27

26 Twenty-third Annual Report, 1921, p. 4.
27 Evening Journal, June 21, 1920, p. 6, col. 3.
The New Castle County Workhouse

"The sentiment expressed by all the prisoners is that Warden Plummer is the right man in the right place. They think the sun rises and sets on his shoulders.

"The Central Labor Union will receive our full report, which will recommend that the entire Labor Movement do its part, as the majority of the people of Wilmington should do, in cooperating fully with Warden Plummer in the Godly work in which he is engaged."

The National Society of Penal Information, although remaining extremely skeptical as to the ultimate success of the "Plummer System," admitted, after an inspection of the workhouse on November 15, 1923, that Warden Plummer had proceeded to prove that prison inmates "could be trusted to a very large degree to handle affairs inside the walls." 28

This success is even more amazing when it is recalled that many of the undesirable conditions that had existed before the introduction of the "honor system" continued unchanged during Plummer's administration. It is true that the workhouse population had declined from the five hundred forty-eight confined in the institution December 1, 1918, to three hundred sixty-three by November 30, 1922, but its heterogeneous and shifting characteristics remained. 29 As shown by table 10, all

| TABLE 10 |
| PRISONERS ADMITTED TO THE NEW CASTLE COUNTY WORKHOUSE |
| FROM DECEMBER 1, 1921 TO NOVEMBER 30, 1922 |
| From Municipal Court serving fine and costs | 357 |
| From Municipal Court awaiting trial | 13 |
| From Magistrates, serving fine and costs | 203 |
| From Magistrates, awaiting trial | 20 |
| From New Castle County Court General Sessions | 170 |
| From Kent County Court General Sessions | 16 |
| From Sussex County Court General Sessions | 10 |
| From United States Court | 55 |
| From Municipal Court on indefinite sentences | 70 |
| From Held for Hearing | 1 |
| From Returned from Escape | 4 |
| Total | 919 |

29 The disappearance of Wilmington's war industries, that had attracted many undesirable people to Delaware, undoubtedly contributed to this decrease.
types of prisoners serving sentences or awaiting trial, and confined for all kinds of offenses, were still kept at the workhouse.\textsuperscript{30} Furthermore, the use of the workhouse as a lockup, a jail, and a county prison caused the turnover of its population to be very high. This characteristic persisted, after the introduction of the "Plummer System," making it difficult to maintain healthful and sanitary conditions, interfering with the employment of the inmates, and necessitating greater expenditures in the operation of the institution. That the rate of the population turnover was still high is evidenced by the fact that from December 1, 1921, to November 30, 1922, 919 prisoners were received at the institution, and 888 were discharged.\textsuperscript{31}

Another serious obstacle that confronted Warden Plummer in his administration of the workhouse was the very inadequate accommodations for women prisoners. The board of trustees in their 1921 report asked for a correction of this defect, declaring:\textsuperscript{32}

"We would again call your attention to our Women's Prison. We have agitated this question for several years, going to the Legislature upon two occasions. This portion of our Institution is now not a suitable place to confine women; there can be no segregation, it is unsanitary and a detriment to the Institution. We must not be blamed for this condition as it exists, as we are not responsible in any way. The present law compels us to keep it as it is. We would again recommend an entirely separate building away from the workhouse property, possibly on a small farm and under separate management. We ask your interest and cooperation in securing this most needed legislation."

As a matter of fact, most of the plant and equipment of the workhouse had become obsolete. No radical changes had been made in its original design, additions having been made from time to time as expansion became imperative. The old, unsatisfactory inside-type cell was used for the vast majority of the prisoners and eating, working, and recreational accommodations were inadequate. There was no separate kitchen and the

\textsuperscript{30} Twenty-fourth Annual Report, 1922, p. 41.
\textsuperscript{31} Twenty-fourth Annual Report, 1922, p. 42.
\textsuperscript{32} Twenty-third Annual Report, 1921, p. 5.
cooking was done at one end of the mess hall. This arrangement had little to recommend its continuance, except that it made for warmer food. At the same time, however, it must have caused the heat in the dining room to become excessive during the summer. The storerooms were small and this made it necessary to use the passageways for storage space. The bakery was not equipped with modern machinery and the mixing of bread was done with the hands, a method known to be unsanitary. Although the mess hall was adequate in size, the tables were of poor material, rough, and unsanitary. Prisoners, all facing one way, were seated in rows at these tables. However, those afflicted with venereal disease were separated from the other prisoners and provided with their own tableware. The workshop, with a storage and shipping room at one end, was (and still is) located above the mess hall. The room was obviously too small for the number of machines and men that were there crowded together.

There was no chapel, a recreation room that had been built a short time before was used for religious service. The recreation yard was bare and treeless and contained no equipment for any sports except baseball.

The contract system of prison labor, that had proved so productive of evils in other states, remained in force in the workhouse. Although this made possible the employment of most of the prisoners, it furnished no opportunity for vocational training and placed a serious limit upon the amount of money that the prisoner could earn for himself.

During Warden Plummer's regime no real classification of prisoners, other than on the basis of sex, was attempted; nor were scientific methods of case study introduced. He had no interest in a comparative study of modern penal methods or of the accomplishments that had been made elsewhere. His atten-

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34 Handbook of American Prisons, 1925, p. 96. On November 15, 1923, the 381 inmates of the workhouse were employed as follows: factory, 202; farms, 26; maintenance, 70; outside labor, 12; women's department, 36; sick and not working, 35.
tion was completely concentrated upon the system in operation at the workhouse.

Dr. O. F. Lewis has furnished us with a vivid description of the conditions existing at the workhouse when he inspected the institution on July 2, 1921. An excerpt from his article is shown below:35

"There were 325 inmates at the workhouse when I visited it. Of these, 175 men were in the shops; 19 were on the upper farm of 330 acres; 15 on the lower farm of 100 acres; there were 22 women in desultory work; and the rest of the population was on 'maintenance work.' The inmates had sentences ranging from five days to life. There had been two hangings during the last year.

"Wardens of large modern prisons visiting New Castle would regard it as being 'run on a shoestring.' The payroll includes the warden, deputy warden, two women guards, three engineers, three farmers, and about eight men guards. Wages are low, and the workhouse presents in not a few aspects, an almost poverty-stricken appearance. The cell-blocks are fairly modern of typical steel inside-cell construction. But the hospital is totally inadequate in space, though with an interested Wilmington physician in charge; the mess-hall is dark and insufficient, particularly as to the kitchen. There is no substantial effort at education and schooling of reformatory standard.

"The two farms, operated by inmates, are encouraging, though as yet they have not shown profits, save, as Mr. Hilles states, 'in health and in opportunity for outside work.'

"The operations at the workhouse showed for the year ending November, 1920, a loss of $41,000. Warden Plummer has a big job before him. There is need of comprehensive reorganization of the plant. Industrial efficiency will be a big problem. The contract system now pays a miserably small sum, and out of that is paid to each working prisoner for each working day fifteen cents. But the work done—machine sewing on men's shirts—leads nowhere for the men who do it; for there is no demand outside the prison for male operators trained to such work.

"In short, 'the big thing' that has happened at the workhouse during the first year of the new regime has been the humanization of the prison in spite of the whipping post, the contract labor system and an old plant.

"Occasional entertainments have been introduced. The auditorium shows

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The mark of amateur scene painters. There is now a band that practices four times a week and is used on Saturdays, holidays and the like.

"The magazines and newspapers have a term, not of reproach, but of characterization, for a certain kind of spirit and description in literature. They call it 'small-town-stuff.' It's the tale of the roadside garage, the farmhouse crises, the corner grocery gatherings, the strenuous local holiday and concert by the cornet band.

"So it is with the New Castle County Workhouse. It is not a prison at all compared with New York, or Indiana or Minnesota. Informality, immediateness, lack of system are typical features . . ."

The National Society of Penal Information made the following searching criticism of the workhouse after an inspection conducted during November, 1923:

"The problem of administering a prison with both state and county prisoners serving sentences is a sufficiently complicated one. But to this is added the function of holding county prisoners awaiting trial and that of a city (Wilmington) jail as well. No single institution can possibly fulfill satisfactorily all these functions.

"There should be another and entirely different institution where those awaiting trial or action by the grand jury should be held. There is not as serious objection to the county prisoners being inmates of the prison, although such short-term prisoners interfere with the best administration of any state prison.

"The presence of the women is most undesirable. Facilities for serving their meals are quite inadequate. The windows of the women's wing look down on the recreation yard of the men. There is a day matron, but when the prison was visited, there was no night supervision. In no other state where women are confined in a section of the men's prison are the conditions so unsatisfactory in every way as here or the need for placing the women in a separate institution, so urgent.

"Aside from the farms, the only industry is the manufacture of a cheap grade of clothing on the contract system. The workshop is very crowded; there are too many machines and too many men for the space available. This creates disorder and a congested shop condition. In no prison shop covered by this book were these conditions so bad.

"A beginning should be made in the development of industries on some system that gives variety of employment; so that eventually the contract

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system can be replaced. The present industry is entirely useless so far as vocational training is concerned."

In view of all these adverse conditions, which must have seriously hampered the workhouse administration, how can one explain the success, even though but temporary, of a system which made no pretense of being founded on established principles of penology, and which, as a matter of fact, defied the lessons taught by previous experiences? Undoubtedly, the decrease in the population of the workhouse contributed to this success. That this was a decided decrease is evidenced by the following figures. On December 1, 1918, there were five hundred forty-eight prisoners confined in the workhouse, but by November 30, 1921, the population had become only three hundred thirty-two. There was a slight increase in the number of inmates during 1922, although the three hundred sixty-three prisoners in the workhouse on November 30, 1922, represented a total that was still considerably lower than the figure for 1918 quoted above. This decline must have materially aided the administration in coping with its many problems.

At the same time that the population pressure was being reduced there was a marked improvement in the financial condition in the institution. During 1920 the workhouse proper was operated at a loss of $15,801.83, but during 1921 the loss was reduced to $744.54. A part of this was due to the increase in 1921 in the maintenance allowance paid by the counties to the workhouse from forty cents per day per capita to sixty cents. The new rate was to be in effect until July 1, 1923, after which time the old rate of forty cents was to be re-established.

The continuance of the prison school, under the supervision of Mr. James Barkley, of the Wilmington High School (later of the University of Delaware), also exerted a wholesome influence in the institution, but it could hardly have been an influence of great depth. The improved school had been in existence but a

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37 Twentieth Annual Report, 1918, p. 33.
38 Twenty-third Annual Report, 1921, p. 22.
40 Laws of Delaware, Volume 32, p. 638.
short time and its activities were limited almost entirely to a
few hours' instruction each week in elementary subjects.

However, if one is to find the essential reasons for the success
of the "Plummer System," he must turn to the intangible, the
evasive pattern of relationships that was built up between the
warden and his prisoners. Warden Plummer was a man of great
determination and courage. Possessed of a deep faith in the
essential goodness of his fellowmen, he succeeded, through his
amazing energy and zeal, in communicating this faith to all
about him. He was convinced that if an appeal were made in
the right way to the better part of a man's character, that man
would respond and prove worthy of trust.

Religion had an important role to play in this resurrection of
personal worth, but Warden Plummer did not rely entirely on
its influence. It will be recalled that Captain Cross had attempted
to administer the workhouse from the "front office." Warden
Plummer, on the other hand, made every detail in the institu-
tion his business. He came to know his associates and his pris-
oners intimately, and by the force and attractiveness of his
personality created strong bonds of understanding and loyalty.

On the basis of this philosophy of faith, understanding, and re-
ligion, Warden Plummer established the "honor system," sweep-
ing away all the old and hated rules and regulations and intro-
ducing a plan that went far beyond others in inmate rule. The
prisoners, especially the long-termers, remembered the ex-
cessively severe rules of the previous administration and deeply
appreciated the new privileges. Here at last was a warden who
was interested in them personally and who wished to help them
in their problems, a man who treated them as brothers rather
than as inmates. They came to love this man who had made
possible such a change in their lives, and were determined that
the new system should work, not merely because they did not
wish to return to the "old," but because they wanted to show
their gratitude for the "new."

It was, then, the character of Warden Plummer, the personal
bonds of loyalty and affection, and the deep appreciation for the
new privileges that provided the forces that made so unortho-
dox and unscientific a program a success. One can only specu-
late as to whether the "Plummer System," under the inspired leadership of its originator, would have enjoyed continued success, for, unfortunately, on December 21, 1922, death brought to an abrupt end the life of this man who had made "an impossible system" work.41 However, perhaps even his force of character and his profound faith in mankind could not have prevented the gradual attrition that came as the old undermining tendencies persisted, and new prisoners, who had not experienced the harshness of the "old days," took the places of those who were grateful for the "honor system."

The death of Warden Plummer was a great shock not only to the inmates of the workhouse, but also to the public which had come to marvel at his success. The Every Evening of Wilmington, on December 22, 1922, announced Plummer's death and described how a "pall of gloom had been thrown over the inmates of the workhouse."42 Continuing, this article stated:

"Many tributes to the warden came from numerous sources, both high and low, but the greatest of all was from the prisoners at the workhouse, who more than anyone else, miss him. Last night they were in the prison yard for their hour of exercise when the news of their warden's death was brought to them. They had been laughing and running about the yard shouting at each other. Then the honor committee, told of the death by Deputy Warden Leach, relayed the news to their fellow prisoners. Silence took the place of laughter. With heads bowed they stood in silent prayer for some minutes and then filed back to their cells . . ."

As a fitting gesture to the memory of a man who had endeared himself to the hearts of the prisoners, six inmates, three white and three colored, were permitted to act as a guard for the body of Warden Plummer from the time it left the workhouse until it was interred at Marlboro, Maryland. This guard was selected by the honor committee with the approval of the entire body of prisoners.43

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41 Warden Plummer died of pneumonia while in the Delaware Hospital on his fifty-fifth birthday.
42 Every Evening, Wilmington, December 22, 1922, p. 1, col. 1.
43 Every Evening, Wilmington, December 23, 1922, p. 1, col. 2.
The New Castle County Workhouse

The board of trustees, in referring to the death of the warden in their report for 1922 to the levy court, declared:

"The death of Mr. Plummer on December 21, 1922, was a terrible loss to our institution, the community, and the State at large. A very great loss has befallen us. He was cut off while he was still strenuously performing his duties. It seemed as if we could not go on. But the work he did still lives, and will go on until in the providence of God it reaches the goal for which he strove.

"The inmates, although crushed and stricken by his death, have since proven by their conduct and fidelity that the lessons he taught were not in vain, were not temporary but lasting. We assure your Honorable body that we as Trustees will adhere strictly to the Plummer Honor System, and our every endeavor will be, as he so well has put it in his report to our Board, 'to lend a helping hand to the unfortunate ones, to give them a hope, a true impetus, a sufficient incentive, to adjust themselves in the right way for future freedom.'"

6. The Decline of the "Honor System"

In accordance with their declared policy of adhering strictly to the "Plummer Honor System," the board of trustees appointed Elmer J. Leach as warden on May 1, 1923. The new warden had served as deputy warden under Plummer and was not only well acquainted with the latter's methods, but gave them his enthusiastic support. Leach had so successfully conducted the affairs of the workhouse for four months after the death of Plummer, and had shown such an intense interest in his work and in the prisoners, that the board of trustees felt that "it would be for the best interests of the institution" to make him warden.

The board of trustees in their 1923 report to the levy court praised the honor system and declared that it was not a system by which a man was coddled. They explained that each prisoner was instructed in the way the institution was administered and was put on his honor not only to obey the rules but also to see that the other inmates did the same thing. To the new system was attributed the better order, the great decline in the num-

45 Twenty-fifth Annual Report, 1923, p. 4.
46 Ibid., 1923, pp. 4, 5.
ber of escapes and the greater production that had existed since its introduction.

Warden Leach, also, in his first report, issued in 1923, spoke in high praise of the honor system inaugurated by Plummer, stating:47

"His system was built on a solid foundation which could not be shaken, the 'Calvary Cure,' and with this foundation on which to build, the Plummer Honor System has become more firmly established than ever. The discipline of the men and their loyal support during the crisis of Mr. Plummer's unexpected death demonstrated how well he had builted, and how thoroughly the inmates had responded to the principles for which he strenuously labored until his sudden removal from our midst...

"I have followed the policy inaugurated by the late Warden Plummer in giving the men a judicious combination of work and play, requiring an honest day's labor from every prisoner physically able to work, and rewarding them for this labor with a liberal amount of yard exercise and athletics for their physical well-being, bright and interesting Gospel services and Bible classes for their spiritual welfare, and sufficient entertainment of a cheery and wholesome kind to keep them in good mental health."

Several important administrative and legislative changes were made during the new warden's first year in office. Professor Barkley, in charge of the school, introduced a new plan of instruction, and used inmates as teachers for the first time. In addition to this innovation, he organized a school for the women inmates, and twenty pupils were enrolled.48 Despite this progress, the school remained very limited in scope, meeting only two hours twice a week in the evening, and offering merely elementary courses. The total number attending classes was increasing, however, and during the fall term of 1926, over one hundred fifty men and women came into contact with the school.49

The state legislature, too, made changes in 1923 that vitally concerned the workhouse, two of these being the direct result of the tireless efforts of the Prisoners' Aid Society. No history of the New Castle County Workhouse would be complete with-

out reference to this organization whose work has been such a potent force for penal reform in Delaware during the past nineteen years, and whose activities have been interwoven with every step of progress that has been taken in the institution's development during that period.

The Prisoners' Aid Society was organized in 1920 as the result of a meeting held under the auspices of the Chamber of Commerce of Wilmington and addressed by Mr. Thomas Mott Osborne of Sing Sing.\textsuperscript{50} Mr. L. W. Brosius was elected its first President; Mrs. W. S. Hilles and Mr. Peter J. Ford, Vice-Presidents; Mrs. W. H. Beacom, Secretary; Reverend Frederick T. Ashton, Treasurer; and Reverend W. A. Vrooman, Executive Secretary. The principal objectives of the society, four in number, have been to secure the adoption of such laws and prison methods as will help the prisoner become a useful citizen; to aid the discharged prisoners in their efforts to find successful adjustment in the community; to assist prisoners in obtaining pardons, commutation of sentences or legal aid when necessary; and to aid the families of prisoners who are left destitute by the imprisonment of husbands and fathers.

For three years after its organization the Prisoners' Aid Society worked incessantly for a parole law for Delaware.\textsuperscript{51} Its members published articles, held public meetings addressed by eminent penologists, canvassed and lobbied legislators, and sent printed material to editors and other outstanding citizens in the state. A committee, including three prominent lawyers, was appointed and instructed to draw up a parole bill for presentation to the legislature. This committee, working in cooperation with Warden Plummer and the trustees of the workhouse, drafted a bill, and in 1921 a large delegation presented it to the legislature. Chancellor Curtis, Mr. H. H. Ward, and Warden Plummer addressed the Senate and House, meeting in joint session, on the provisions of the measure; the Reverend Mr. Vrooman, Executive Secretary of the society, met with various legislators

\textsuperscript{50} Minutes of the Prisoners' Aid Society for the Annual Meeting of April, 1921.

\textsuperscript{51} Minutes of the Prisoners' Aid Society for the Annual Meetings of 1921, 1922 and 1923.
and urged them to support the bill; and every effort was made to insure its passage. Although both the Senate and the House passed the parole bill in March, 1921, the lawmakers added amendments of which the Prisoners' Aid Society did not approve, and, upon its advice, the Governor refused to sign the measure. Delaware thus failed to obtain a parole law in 1921 for the legislature adjourned without taking any further action in the matter.

However, the Prisoners' Aid Society continued its agitation for such a law and in these efforts it had the constant support of Warden Plummer. In his report to the board of trustees of the workhouse in November, 1922, he said:

"I beg to call your attention to the necessity for a Parole Law, such as was presented to our last Legislature by the Prisoners' Aid Society of Delaware. As the official duties of the Board of Pardons are many, I doubt the advisability of having this Board act in the capacity of a Board of Parole."

In fact, Warden Plummer not only cooperated with the Prisoners' Aid Society, but praised it as a force for friendship and fraternity among the inmates of the workhouse and as an influence that had helped him to attain success with his "honor system." Referring to the activities of this organization in the report quoted above, Warden Plummer wrote:

"I beg to express my appreciation of the splendid work of the Prisoners' Aid Society of Delaware . . . I sincerely hope the good people of this State will realize the great work being accomplished by it."

The Prisoners' Aid Society prepared another parole bill and in January, 1923, took a delegation of about one hundred prominent citizens to the state legislature. Speakers, representing the society, met with the House and Senate and discussed the sub-

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54 Minutes of the Prisoners' Aid Society for the Annual Meeting of April, 1923.
ject at great length.\textsuperscript{56} This time the organization’s efforts were entirely successful and on February 28, 1923, Delaware obtained her first parole law.\textsuperscript{57}

The law providing for this system stipulated that every prisoner who was sentenced to imprisonment for one year or more for any offense against the state, except for rape, assault with intent to commit rape, incest or sodomy, or the possession, use or sale of morphine, opium, cocaine, chlorate-hydrate or any of their compounds, and was confined in the New Castle County Workhouse, might be released on parole after serving one-half of his entire sentence, if, in the judgment of the board of parole, he had fulfilled the legal requirements for such release. Any prisoner sentenced to life imprisonment for any offense against the state might be paroled after he had served fifteen years if in the judgment of the board of parole he had met the conditions prescribed for such release.

The board of parole was to consist of three persons appointed by the judges of the state supreme court. At first, one member was to be appointed for one year, one for two years and one for three years, and thereafter, the members were to be appointed for three-year terms. In this way an overlapping arrangement was provided that insured the presence of experienced members on the board. Any vacancy on the board was to be filled by the judges of the supreme court and all members were eligible for reappointment.

The board of parole was to meet, for the transaction of business, once a month for at least ten months of each year at the New Castle County Workhouse, and at such other times and places as they might of their own motion decide. The board was to establish rules of procedure for the effective enforcement of the provisions of the parole law, and to elect annually one of its members to be president of the board. They were also to select a secretary who might be a parole officer or a member of the board and who was to serve without additional compensa-

\textsuperscript{56} Minutes of the Prisoners’ Aid Society for the Annual Meeting of April, 1923.
\textsuperscript{57} \textit{Laws of Delaware}, Volume 33, pp. 628–634.
tion. Each member of the board was to receive, as compensation for services, ten dollars a day for attendance at the meetings of the board, not exceeding fifteen meetings each year and, in addition, the actual expenses incurred in attending such meetings.

When it appeared to the board of parole from the report of the warden of the New Castle County Workhouse, and from a hearing on an application for a release on parole, that a prisoner, who was eligible for release on parole, or who would be eligible for release on parole within three months of the hearing of the application, had reformed and that there was reasonable probability that the prisoner would not violate the laws of the state, and that his release would be compatible with the welfare of society, then the board might order the prisoner's release on parole subject to the terms and conditions imposed by the board. A written copy of these terms and conditions was to be given to each prisoner at the time of his release, but they were subject to alteration at the discretion of the board.

The terms of every release on parole were to include personal reports to the board, whenever and as required and directed, the adequate supervision of the prisoner, continued good conduct, and specifications as to the limits of residence beyond which the prisoner was not allowed to go without the written permission of the board. A prisoner at liberty on parole was deemed to be still in the legal custody and under the control of the board of trustees of the New Castle County Workhouse, subject to the conditions of release, until the expiration of the term specified in his sentence, and might be returned to the New Castle County Workhouse for violation of the terms of his parole. In determining the fitness of a prisoner for release on parole, the board was to examine the prisoner personally, investigate and consider his previous record, the history of his case, the record of the prisoner while in the workhouse, the physical and mental ability of the prisoner and his possible means of support upon release. A record was to be kept of the board's findings and verdict in each case.

The commutation of sentence for good conduct in prison was
to be allowed to a prisoner while on parole, and the fulfilment of the conditions of parole were to be regarded as equivalent to good conduct in the workhouse for which a reduction of the term of sentence was to be granted. However, the violation of the terms of the parole such as would require the return of the prisoner to the workhouse was to cause, upon order of the parole board, the forfeiture of all the "good time" previously allowed in reduction of the term of sentence for good conduct.

It was the duty of the clerk of the court committing any prisoner to the New Castle County Workhouse for one year or more, to prepare and send the board of parole, within thirty days after such commitment, a certified copy of the record entries, including docket entries and minutes of the court relating to the case. It was to be the duty of the police and of the law officers of the state, upon request, to furnish the board of parole with any information at their disposal in regard to any prisoner who should be eligible for parole.

The board of parole was to appoint a parole officer to serve as such, until otherwise ordered by the board, under its control and direction. It was to be the duty of the parole officer to aid prisoners released on parole, to secure employment for them, to visit and exercise supervision over them while on parole, to see that they fulfilled conditions of their release on parole and to perform such other duties as the board might determine. The parole officer was to have the same powers as a state constable. His salary was to be fixed by the board according to the extent of work required of him, but was not in any case to exceed twenty-four hundred dollars per year. He was also to be paid his actual and necessary expenses incurred in the performance of his duties as approved by the board.

When the parole officer had sufficient evidence that a prisoner on parole had violated the conditions of his parole, it was his duty to arrest and return the prisoner to the New Castle County Workhouse, or if evidence was submitted to the president of the board of parole that such a violation had taken place, he might order the arrest and return of the parolee. At the next meeting of the board of parole after the return of any prisoner to the workhouse for alleged violation of parole, the prisoner in
question was to be given the opportunity of appearing before the board. In case the prisoner could establish his innocence of violating his parole, or in case the board found there was a reasonable doubt of such violation, the prisoner’s parole was to be restored with any change of conditions that the board might deem advisable.

A prisoner, who had violated parole and had been returned to the workhouse, might after a period of three months, be released again on parole, but no prisoner who had twice violated the terms of parole was to be again eligible for parole. A prisoner who failed to report to the parole board as required and changed his place of residence so as not to be found by the parole officer was to be reported to the next meeting of the board and declared to be delinquent and subject to arrest. No part of the time from the date of declared delinquency to the date of return to the workhouse was to be counted as part of the time to be served under the original sentence. In case the prisoner escaped the supervision of the board of parole, the warden of the New Castle County Workhouse was to be notified so that he might take steps to return the prisoner to custody. Any prisoner violating the conditions of his parole within the term for which he was sentenced was to be guilty of a misdemeanor, and upon conviction was to be imprisoned for a period not exceeding one year, in addition to the unexpired portion of the original sentence.68

One of the first objectives adopted by the Prisoners’ Aid Society was the establishment of a separate prison for women.69 In order to develop interest in this proposed institution, this society sent a delegation to study the Clinton Farms for Women in New Jersey, and the information there received was very valuable in shaping plans for a similar institution for Dela-

68 In accordance with this law, the board of parole began its work in July, 1923, and by the first of December of that year twenty-one prisoners had been placed on parole, two of whom were returned to the workhouse for failure to observe the conditions of their release. (Twenty-fifth Annual Report, 1923, “Warden’s Report,” p. 16.)
69 Minutes of the Prisoners’ Aid Society for the Annual Meeting of April, 1923.
ware. Subsequently, a bill to provide for a New Castle County prison farm for women was prepared by the Prisoners' Aid Society and presented to the legislature in 1923. A delegation of the society's members strongly supported the bill and urged its passage before a meeting of the House and the Senate. Largely as a result of the lobby maintained in its behalf by the women's organizations of the state, the measure was finally acted upon favorably by the legislature and became a law on April 5, 1923.60

This law created a board of managers, consisting of five members, all to be residents of New Castle County, and at least three of whom were to be women. They were to be appointed by the judges of the superior court and court of general sessions, residing in New Castle County. At first, two of the board were to serve for three years and three for two years. Thereafter, all members of the board were to serve overlapping terms of two years. They were to receive no compensation but their expenses were to be paid. The members of this board were to have the power to make and enforce all the rules for the operation of the institution.

For the purpose of establishing the New Castle County Farm for Women, the levy court of New Castle County was authorized and directed to borrow fifty thousand dollars at a rate not to exceed six per cent per annum, payable semi-annually. The principal was to be payable on or before July 1, 1943.

All female prisoners convicted in New Castle County were to be sent to this farm, and women prisoners then in the New Castle County Workhouse were to be transferred to the new institution. In addition, all female prisoners from Kent and Sussex Counties might be committed to the New Castle County farm at the discretion of the court. The levy courts of those counties were to pay the institution for the care and maintenance of such prisoners, at the rate of sixty cents per capita per day until the loan of the institution was liquidated, and thereafter only the actual cost of maintenance.

All women committed to the farm were to be employed at

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60 Laws of Delaware, Volume 33, pp. 637–647.
some suitable work, unless physically disabled, but no one was to work more than forty-four hours per week. If it were necessary, overtime work might be assigned, but the prisoners were to be paid a fair rate according to the nature of the work, for such employment. Any work requiring special skill or responsibility was to be paid for at a fair rate. When not at their regular employment, prisoners might make articles approved by the board, and sell them for their own profit. Such profits were to be held by the institution for the prisoners, who might draw on their accounts after ten dollars had been accumulated, but a ten-dollar surplus was always to be retained in each account.

The farm was to serve as an institution for the improvement of the women prisoners, who were to be used wherever possible in the work required for its operation. Nursing children under two years of age were to remain with their mothers until removed by the board. The judges, having the power to appoint the board of managers, might provide for annual inspection of the farm to ascertain the efficiency and reformatory value of its operation.

A matron, employed by the board on the basis of her fitness for the position, was to serve under the board’s supervision and control. She was to be in direct charge of the farm, having all the powers of a state constable. A daily record of the conduct of each prisoner was to be kept by the matron according to rules adopted by the board of managers. Each prisoner was to receive a reduction in the term of imprisonment, as provided for by the laws for such purposes in the New Castle County Workhouse.

Unfortunately, this law was never put into operation and was eventually repealed on April 29, 1931.61 The board of trustees that had been appointed for the projected prison farm for women found it impossible to get the New Castle County Levy Court to guarantee sufficient funds for the institution’s creation and was finally compelled to resign because of this lack of financial support. However, it is well to point out here that the Prisoners’ Aid Society was undaunted by this reverse and in 1928 arranged a conference at which met the officers of the society, the

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61 Laws of Delaware, Volume 37, p. 821.
warden and the trustees of the workhouse, prominent members of the bar, the members of the levy court and the former trustees of the nonexistent prison farm for women. This conference decided that the solution of the problem lay in the authorizing of the trustees of the workhouse to build a new prison for women near the men’s institution. At the same time the levy court agreed to arrange for a bond issue of $50,000 to pay for the proposed building. Appropriate legislation was subsequently sought and secured, and, as we shall see, the new women’s prison was completed in 1929.

The legislature of 1923 passed a third law which affected the workhouse in an important way. By this act, approved on March 14th of that year, the maintenance allowance of sixty cents per day per capita, charged the counties for the care of their prisoners, was extended for another two years. This extension was badly needed by the workhouse administration as the daily maintenance cost per capita for 1922 had been eighty-eight cents. As a matter of fact, later it was found necessary to continue the sixty-cent rate until 1933.

In November of the same year in which the foregoing legislation was enacted, the New Castle County Grand Jury inspected the workhouse; and its members were deeply impressed by the operation of the “honor system,” although they did express some misgivings regarding the small number of civilian guards who were on duty. The jury’s report follows.

“Our visit here found conditions all that could be expected in an institution of this character, and the ‘honor system’ installed by the late Warden Plummer, and now being rigidly maintained by the present Warden Leach, was a wonder and revelation to many of the jurors, and surely speaks well for the

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62 Minutes of the Prisoners’ Aid Society for the Annual Meeting of June, 1928.
63 Laws of Delaware, Volume 33, pp. 635, 636.
65 By a law, approved on April 2, 1925, the sixty-cent rate was extended to July 1, 1929 (Laws of Delaware, Volume 34, pp. 495, 496). Another act, approved on March 29, 1929, again extended the sixty-cent rate to July 1, 1933 (Laws of Delaware, Volume 35, pp. 777, 778).
66 Every Evening, Wilmington, November 7, 1923, p. 1.
management of the institution. There is a feeling of apprehension on the part of communities adjacent to the workhouse in connection with insufficient guards about the institution, and we suggest that this feature be looked into with the thought in mind of increasing same if possible. As to the farm, the members of the grand jury are of the opinion that it is not operated or conducted along lines of quantity production, nor to its full capacity, and not laid out in tillable acreage, in addition to having a large investment in modern dairy equipment, all of which evidently is operated at considerable cost and loss. We recommend that farm lands be placed in tillable acreage to produce, and that at least 75 head of milch cows be maintained in order to at least pay a slight interest on the investment, or in event of inability to do this, that the farm and equipment be disposed of."

Warden Leach soon became convinced that the method of compensating the prisoners who were employed in the shops was entirely unsatisfactory. These shops under the "honor system" were placed under the supervision of selected prisoners. It will be recalled that the only wages the workers in the shops received were paid in the form of a bonus for work done beyond a prescribed task. The "honor system" had made possible a certain amount of "politics" and the most influential prisoners and their friends began to monopolize those jobs where the highest bonuses could be made. In order to eliminate this injustice, Warden Leach established a new system of pay for prisoners. By the new plan, introduced in April, 1925, twenty per cent of the gross earnings of the workshops was to be paid by the state to the inmates. This pay was to be divided equally among the workers. Between April and October, 1925, the monthly wage for each worker averaged three dollars and eighty-eight cents. The prisoners employed on the farms received even less for their work. These men were paid fifteen cents a day for five and one-half days each week, and men on maintenance received fifteen cents a day for seven days a week.

While Plummer was warden he repeatedly expressed his disapproval of the use of the lash as a punishment for criminals. Warden Leach, in general agreement with his predecessor on

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67 Interview with former Warden Leach.
penological principles, did not hesitate to add his influence to the movement for the abolition of the whipping post, becoming more active in his opposition than any other workhouse administrator has ever been.\textsuperscript{69}

During the agitation for the elimination of the "post" from Delaware's laws in 1925, Warden Leach appeared before the legislature and severely criticized the practice of whipping criminals.\textsuperscript{70} He explained that it was diametrically opposed to the principles of reform that he was attempting to introduce at the workhouse. Warden Leach during his entire term in office never retreated from his firm stand against the "post."

In July, 1926, the institution's first newspaper was published. Called the \textit{Greenbank News}, it was issued monthly and was designed to supply the prisoners with a medium of expression. Although prepared by the inmates, it was printed by an outside firm. This paper's existence, unfortunately, was short-lived; and after appearing for about a year, the publication was discontinued in July, 1927.

In general, the issues of the \textit{Greenbank News} contained not only announcements regarding the prison's activities, but poems, jokes, articles, and editorials. Many of the articles were well written and dealt intelligently with problems that were of interest to the prisoners. The following description of the operation of the "honor court" appeared in the newspaper's first issue, and is especially worthy of notice because it deals with its much discussed subject in such detail:\textsuperscript{71}

"Inmate Details Operation of Honor Court at Greenbank—A Factor in Instilling a Sense of Responsibility and an Urge to Self-Betterment.

"Our 'Honor Court' is made up of an inmate body of (8) eight members. Most of whom are serving long sentences.

"We have a Chief Justice, and two Associate Judges before whom all cases are heard. There is also a Prosecutor, Clerk of the Court, Court Crier, and two Lawyers who act in the capacity of defense, and the defendant is entitled to his choice of either or both as he may deem fit."

\textsuperscript{69} The present warden, Elwood Wilson, the successor of Leach, has expressed himself in favor of the whipping post.

\textsuperscript{70} \textit{Evening Journal}, March 26, 1925, p. 1.

\textsuperscript{71} \textit{Greenbank News}, April, 1926, pp. 1, 3.
"The accused is served with a summons, by a deputy, for his appearance before the 'Honor Court' first being given the opportunity to name any witnesses he may wish called. Court is then opened thus: 'Hear ye, Hear ye! All manner of men having anything to say before the judges of this court, draw near and give your attention. Court so saying, now being opened, God save the state and Our Honor!'

"The indictment is then read by the Clerk of the Court and the plea taken. Regular court procedure is then followed, the Prosecutor stating as to what he will endeavor to prove and then proceeding to call witnesses for the state.

"After him follows the Lawyer for the defense who calls upon his witnesses for the defendant.

"All evidence having been heard, both the prosecutor and the defense lawyer sum up the testimony and ask for a favorable decision from the judges. The judges retire to an ante-room, where the testimony is carefully weighed and a verdict agreed upon. On their return to court the accused is ordered to 'Stand up' and sentence is imposed or acquittal made. Sentences range from a reprimand for minor offenses, a suspended sentence, or parole with the understanding that if brought before the court again the original sentence shall stand in addition to whatever may be imposed at that sitting, to denial of certain privileges, and for the most severe, solitary confinement for stated periods or until the Warden may deem fit to release.

"The Warden acts as a Supreme Justice but to date very few cases have been appealed to him for final decision. One and all being practically satisfied with the findings of the court. Court is closed in the following manner: 'Hear ye! Hear ye! All manner of men having anything to say before the judges of this court draw near and give your attention. Court so saying now being adjourned.' Some very knotty problems are threshed out pro and con in reference to direct testimony, direct examination, cross examination, and rebuttal and prove very interesting and instructive. Few are before the court for the second time, or for the same offense; and in all the 'Honor Court' is but a stepping stone to a better morale and a helping hand toward self-government and self-betterment of all inmates."—J. H. B.

By the end of 1927 many of the fundamental defects of the workhouse had once more become serious obstacles to the efficient administration of the institution. The board of trustees was especially concerned over the increase in the prison's population. In their 1927 report to the levy court they called attention to the fact that the institution was overcrowded, and that it was absolutely necessary to take immediate steps for the
proper housing of the prisoners. The board recommended two solutions for this problem. One involved the construction of an additional wing; and the other, the erection of a separate prison for women. It was explained that the first proposition would entail the outlay of a very large amount of money, which would be not less than $125,000.00. The trustees, however, thought that a new building for women prisoners could be constructed for about $50,000.00. If the latter plan were adopted, the report stated, the women’s department in the workhouse could then be converted into quarters for male inmates. How serious the problem of overcrowding had become is indicated by the fact that on December 1, 1927, there were five hundred fifty-eight prisoners at the workhouse. This represented an increase of over one hundred inmates in one year. To accommodate this increased prison population, the administration had only three hundred twenty cells, five by seven feet and eight feet high and a bunk house for thirty prisoners on one of the farms. When the workhouse was inspected by representatives of the National Society of Penal Information on December 9, 1927, many of the cells were being used for two men, and about sixty prisoners were sleeping in the corridors.

The presence of women prisoners in the workhouse also was proving a source of administrative problems. The fact that the windows of the women’s ward overlooked the men’s recreation yard was in itself a disturbing element, but the inadequate space in the women’s quarters was an even more serious condition, for it prevented the introduction of satisfactory employment and recreation programs.

The financial situation at the workhouse was still another barrier to its successful operation. The average daily maintenance cost per capita for 1927 was almost seventy-five cents. To meet this the board of trustees was receiving a maintenance allowance of only sixty cents per day per capita. Since this was the only source of revenue provided by law, the institution’s income

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was subject to wide fluctuations depending upon the number of prisoners committed. Consequently, the board of trustees found it exceedingly difficult to establish any long-range administrative program. Furthermore, it will be recalled that the sixty-cent rate was by law only a temporary increase over the forty-cent rate. The temporary nature of this arrangement, even if there had been no other disturbing factors, would have placed a serious obstacle in the way of extended planning. Confronted with the persistent agitation for a reduction of the maintenance allowance, uncertain of their future income, repeatedly compelled to go before the legislature to urge further extensions of the sixty-cent rate and harassed by a public opinion that insisted upon a financially self-sufficient workhouse, the trustees were constantly on the defensive, and forced to make concessions that they might otherwise have refused. Their reports indicate the manner in which they felt called upon to feature the financial condition of the institution.

The employment policy of the workhouse was largely moulded by the financial pressure to which the board of trustees was subjected. In order to obtain the greatest amount of revenue from the work of the prisoners, a contract system had been established and was continued. This furnished the prisoners with virtually no vocational training, although men employed on the farms did receive some experience that might be put to use after their release. A program of vocational training would not only have involved an expenditure of money for equipment and teachers, but would have reduced the profits of the institution. However, the administration did take a step in that direction by the construction in 1928 of a brick building, fifty by seventy feet, three stories high, in which young prisoners were to receive training in various trades.75 Although a class in “auto-mechanics” was begun76 and some inmates were given an opportunity to work on automobiles in the new building, where a repair shop offered complete service to the general public, a satisfac-

tory vocational program was never really established. Furthermore, this repair shop, the only element of the original plan that was ever put into effect, was closed by an act of the legislature in April, 1931, on the ground that it competed unfairly with privately owned garages in Wilmington.

The fatal defect in the workhouse organization, however, was that the institution was still made to serve as a lockup for the City of Wilmington, as the county jail and as a state prison. There was, therefore, brought together the nondescript collection of all types of prisoners to which reference has already been made. No prison administration saddled with such conflicting duties could possibly discharge them all successfully. Serving in such an anomalous capacity, the institution was compelled to care for many short-term prisoners, which resulted in a constantly shifting population, as table 11 shown below indicates:

<table>
<thead>
<tr>
<th>TABLE 11</th>
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<tbody>
<tr>
<td>MOVEMENT OF POPULATION</td>
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<tr>
<td>December 1, 1926 to November 30, 1927</td>
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<table>
<thead>
<tr>
<th></th>
<th>RECEIVED</th>
<th>DISCHARGED</th>
</tr>
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<tbody>
<tr>
<td>December, 1926</td>
<td>107</td>
<td>126</td>
</tr>
<tr>
<td>January, 1927</td>
<td>147</td>
<td>129</td>
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<tr>
<td>February</td>
<td>171</td>
<td>174</td>
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<tr>
<td>March</td>
<td>171</td>
<td>165</td>
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<td>April</td>
<td>175</td>
<td>180</td>
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<tr>
<td>May</td>
<td>225</td>
<td>230</td>
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<td>June</td>
<td>213</td>
<td>207</td>
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<tr>
<td>July</td>
<td>263</td>
<td>234</td>
</tr>
<tr>
<td>August</td>
<td>292</td>
<td>285</td>
</tr>
<tr>
<td>September</td>
<td>211</td>
<td>209</td>
</tr>
<tr>
<td>October</td>
<td>255</td>
<td>210</td>
</tr>
<tr>
<td>November</td>
<td>241</td>
<td>218</td>
</tr>
<tr>
<td>Total</td>
<td>2,471</td>
<td>2,367</td>
</tr>
</tbody>
</table>

Such a turnover obviously not only increased the problems of sanitation and employment, but made any scientific classification of prisoners impossible. It also meant that a great number of prisoners were confined in the workhouse for too

77 Laws of Delaware, Vol. 37, p. 816.
short a period to develop a sense of responsibility regarding the success of the "honor system." Bonds of loyalty in such a cooperative endeavor can be created only when men believe that they have a definite contribution to make in the promotion of common interests. Prisoners serving short sentences certainly felt that they had little in common with the long-term men, who really benefited most by the perpetuation of the system. The former, therefore, undoubtedly constituted an unassimilated group of indifferent, even antagonistic, and mocking spectators whose presence must have exerted a seriously disturbing influence. The responsibility of preserving the spirit of the "honor system," consequently, rested to a large extent upon those long-term prisoners who felt a deep sense of loyalty and gratitude to the memory of Warden Plummer. The ranks of this small band were gradually thinned out by deaths and discharges, and were never completely refilled, as few new prisoners caught the spirit of the "Calvary Cure." Thus progressively weakened, the "Plummer System" lost much of its vigor and influence.

Even though burdened with all these serious handicaps, however, the "honor system" continued in use and Warden Leach in his annual reports repeatedly praised its principles. In his 1927 report to the board of trustees, in speaking of the system's merits, he said:79

"As the eighth year of the successful operation of the institution under the 'Plummer Honor System' draws to a close, I believe we have proven to the world that we are working along the right lines in the handling of those who come under our care, particularly if it is realized that our duty is not solely to keep the prisoner in confinement, but as far as possible to give him earning power while here, that his innocent family may not suffer, and to better fit him to re-establish himself when he returns to the outside world."

The National Society of Penal Information, also, continued to speak favorably, although somewhat cautiously, on the "honor system." As a result of an inspection made on December 9, 1927, this society commented as follows:80

80 Handbook of American Prisons and Reformatories, 1929, p. 223.
"The most significant thing about the institution is its system of guarding and handling disciplinary matters. At the time the prison was visited there were 565 prisoners and but seven guards, five day and two night. In addition to the usual guard duties, some of the five day guards are responsible for the transfer of men to and from the courts in Wilmington.

"Inmates selected by the warden are used for a majority of the duties usually given to civilian guards. In no other institution in the country, except in a few of the southern states which use inmates as gun guards, are inmates given as important duties as they are here.

"In addition to the men appointed by the warden as turnkeys and watchmen, there is an inmate organization in which the various officers are selected by the inmates with the approval of the warden. This organization handles, under the close supervision of the warden, the discipline and a good part of the routine of the institution. The 'Honor Court' tries the offenders against the institution rules, metes out punishment with the approval of the warden and to a very large extent conducts the affairs of the inmate community. The inmates selected by the warden for special duties and others elected by the prison population to positions in the organization of the prisoners have been meeting their responsibility under two different wardens for over eight years. During this time there have been no unusual number of escapes nor serious disturbances within the prison and it is primarily to provide against these two difficulties that civilian guards are employed. It is a striking demonstration of the part the inmates can take in the administration of a penal institution and the consequent lessening of the cost to the state."

Despite these favorable observations, however, the fundamental weaknesses, discussed above, must have already begun to exert deteriorating influences that eventually led to the collapse of the "honor system." As time passed Warden Leach found it necessary to intervene more and more in the operation of the court and the regulation of inmate relationships until finally the "Plummer System" remained in name only although the inmate guard system was retained.\textsuperscript{81} It is perhaps significant that Warden Leach in his annual reports never after 1927 again mentioned the system, although the board of trustees in 1928 for the last time referred proudly to its success in the following manner:\textsuperscript{82}

\textsuperscript{81} Interview with former Warden Leach.
\textsuperscript{82} Thirtieth Annual Report, 1928, p. 22.
"We have conducted our Institution along the lines formulated and laid down by the late Mordecai S. Plummer in May, 1920. The success of this policy during the last year has further convinced us that in no other way can we do better work looking toward the restoration of the future citizenship of those who have been entrusted to our care by our Honorable Courts. We are further convinced that along financial lines, the policy so pursued has been of great material benefit to our County and State.

"The 'Honor System' has been well sustained and appreciated by the inmates of our Institution as shown by their willing cooperation in upholding the discipline and in the observance of the rules of the Institution. We believe that we have accomplished by the adoption of the 'Honor System,' a higher morale among our inmates than ever could have been accomplished by a harsher and more brutal system. We feel that at least eighty per cent of our wards fully appreciate the interest that is shown in their mental, moral and spiritual improvement and are responding to the same in a most noteworthy manner. The human touch by Warden Leach so plainly manifested by his daily communication with the men, has been one of the strong moving causes in the progress our men are making."

It is but fair, in any discussion of the decline of the "honor system" to refer to the progress that had been made in the development of the prison school and library. In 1927 the library was in charge of a negro prisoner, who was serving a life sentence, and was one of the best small prison libraries in the country.\(^8^3\) It was situated in the central rotunda and books were selected over a counter. The library contained over thirty-two hundred volumes, two thousand of which were on the shelves. These books, that had been obtained by gift, were circulating at that time at a rate of over eleven hundred volumes monthly.

By the end of 1927 the prison school had been in charge of Professor Barkley of the University of Delaware for approximately nine years.\(^8^4\) Nine inmate teachers worked under his supervision and received five dollars a month in addition to their other pay. All school work was voluntary, and, although some advanced courses were offered, most of the instruction was in elementary subjects. The school's sessions were held from seven to nine o'clock, two evenings each week, from October first to

\(^{83}\) Handbook of American Prisons and Reformatories, 1929, p. 220.

\(^{84}\) Ibid.
June first. Professor Barkley, who had devoted himself enthusiastically to the work, lectured on civics and similar subjects at the end of each period. The enrollment prior to 1927 had fluctuated between eighty and two hundred fifty. In addition to those who were attending the prison's night school, correspondence courses were being taken by some prisoners under the supervision of Professor Barkley. The school, as well as the library, was, therefore, exerting a wholesome influence in the life of the inmates of the workhouse; but these two agencies, restricted as they were in their activities, could do little to offset the harmful effects of the forces to which we have already referred.

The overcrowding of the workhouse continued, but, finally, after a number of years of agitation, a new building for the women inmates was constructed through the efforts of the Prisoners' Aid Society. On October 19, 1929, the women prisoners were moved into their new quarters, which during 1930 accommodated an average population of thirty-two. The removal of the women helped to relieve the population pressure in the men's building, as it was possible to remodel what was formerly the women's department into a dormitory to accommodate more than one hundred men.

The new women's building, constructed largely by prison labor, is a three-story structure of toolproof steel and brick, with a basement and heavy stone foundations. It is virtually fireproof, has modern conveniences and is fitted with bedrooms and cells. The lighting and ventilation are adequate and the use of metal furniture reduces the danger of fire.

In the basement are located the storerooms, laundry, classroom, built-in isolation and punishment cell, boiler room, a room containing a pressure tank for water, an incinerator, a toilet and all bathing facilities. The first floor contains the office and living quarters of the supervisor and her assistant, a visitor's

88 The women's prison is described here in the present tense as no important change has been made in it since its construction.
room, kitchen, refrigeration room, and dining rooms for officers and inmates. A dormitory, a cell block and bedrooms are located on the second floor. The third floor has bedrooms, a dormitory, which is used as a workroom, an assembly hall, dispensary, an infirmary with two beds, and quarters for the resident nurse. The assembly hall contains a bookcase, radio, piano and victrola. The floors of the building, with the exception of those of the halls, which are of tile, are finished with smooth cement. The walls in the halls for a distance of about four feet up from the floor are finished with glazed brick. The bars of the entire building are inside the windows, making the institutional character of the building less conspicuous from the outside.

Each of the seven bedrooms on the second and third floors has three beds. The dormitory on the second floor has eight beds and there are ten cells in the cell block on the same floor. The bedrooms are equipped with spring beds, chairs, tables and metal dressers. The cells in the cell block are modern in every respect except that they are of the inside type and fitted with double-deck bunks. Each bed has a mattress, mattress pad, sheets, pillow, pillow slip, and blankets. The windows in the dormitories are fitted with shades and curtains. Although the dormitories and cells are locked at night, inmates desiring attention may ring for the supervisor or her assistant.

Despite the expansion made possible by the erection of the new women's prison, the workhouse was entirely inadequate for the increasing population demands. At times during 1930, the number of prisoners in the workhouse exceeded six hundred. Not only was the housing capacity insufficient, but the institution's facilities, such as the hospital, kitchen, bakery, and workshop, were antiquated. In view of this situation, the board of trustees recommended that an appropriation be made so that the much needed improvements could be effected. The New Castle County Grand Jury for 1930, also, expressed concern over conditions at the workhouse and recommended that an additional wing be constructed to reduce the congestion.

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89 Thirty-second Annual Report, 1930, pp. 21, 22.
90 Senate Journal, 1931, pp. 728, 729.
The New Castle County Workhouse

In a report prepared in 1931 for the Governor and the State Board of Charities, the Taxpayers' Research League of Delaware, described the workhouse as follows and thus gave added impetus to the agitation for the improvement of the institution.91

"THE NEW CASTLE WORKHOUSE"

"One large building, housing 525 males. One women's prison, housing 30 females. One power house.

"Men's Prison:" "The main building is of the open type, with three wings containing old style cell blocks. East and west wings have two floors, with two tiers of cells on each floor. Light and ventilation are not good. Each cell has its own plumbing but not forced ventilation.

"At the center of the group is a large hall with which all wings connect. The only means of escape from fire is through a narrow door leading to a walled courtyard and a tunnel to the powerhouse yard. These doors are under lock and key. It is possible, however, to take refuge in other parts of this building.

"A large room in the rear is used as a workshop, with 150 men in close quarters and in a very crowded condition. The one exit from the room is kept locked, with a guard in attendance. At this exit a small tunnel and another corridor lead to other parts of the building. If a quick exit was necessary, these corridors would not be large enough to take care of a crowd of men. The doors at the opposite end of the tunnel leading into the center of the building are kept locked.


"Women's Prison:" "Built recently to house 51. It is of fireproof construction and equipped with modern facilities, and is isolated from men's prison. Exterior walls—brick, Joists—concrete, Partitions—masonry, Construction—fireproof, Height—three floors and basement, Plumbing—good, Sewer—septic tanks (men also have septic tanks), Water—artesian well, Electric wiring—modern, Heating—steam-boiler in basement, Ventilation—ample, Natural lighting—ample, Safety Devices—one inside steel stairway. No exit

91 A Discussion of the Organization and Functions of Public Welfare Agencies, Prepared by the Taxpayers' Research League of Delaware, January 10, 1931, pp. 46, 47.
doors, except at entrance which is kept locked. Classification—unsafe because exits not adequate in case of fire panic.”

In response to these reports, the state in 1931 authorized two hundred thousand dollars for improving the workhouse. Among the alterations and additions made with this money were a new residence for the warden, a hospital and tubercular ward, a modern visiting room, where inmates could talk with their families and friends, and an apartment for the deputy warden. In addition to these changes the board of trustees, following the policy and experience of most of the states and the Federal Government in establishing penal farms as a means of employing more of their inmates, decided to establish a penal farm unit, with a superintendent in charge.

Dormitories on the new farm unit were completed in 1932 and these furnished accommodations for one hundred short-term prisoners, first offenders and honor men. The leased farm was now given up and all the prison farming was done on the new unit, called “Delcastle Farms.” A cannery, also, was constructed where it was planned to preserve more than twenty thousand gallons of vegetables and fruits each fall. The board of trustees, fearing the effects of the Hawes-Cooper Act, which was to become effective in 1934, hoped that the new penal farm unit would supply employment for many of the prisoners. It should be explained here that the Hawes-Cooper Act is a federal law which enables the states to regulate the sale within their boundaries of commodities made in prisons in other states. The purpose of this act is to eliminate the contract and piece-price systems of prison labor. Since most of the inmates were employed on contract work it is understandable why the administration was so deeply concerned. Moreover, the situation was further complicated by the business depression which caused a slump in the demand for the clothing the inmates were manufacturing.

In the meantime, while the movement for the improvement

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of the workhouse was gathering momentum, there occurred the first of a series of sensational escapes which led to the elimination of the last vestiges of the "Plummer System." In August, 1930, six prisoners, who were serving long sentences, made a successful break from the institution.\textsuperscript{94} One of these prisoners was an inmate guard chosen in accordance with the principles of the "honor system," and it was through his assistance that the escape was made possible. This was the first serious break that had taken place at the workhouse since the inauguration of the "honor system" ten years before.

When interviewed Warden Leach declared that the escape was no reflection on the "honor system" and that the record of the workhouse, as far as escapes were concerned, was as good, if not better, than any other prison in the country. In commenting on the prison break, the \textit{Every Evening} stated:\textsuperscript{95}

"The facility with which six prisoners managed to get out of the workhouse and escape last Saturday night emphasizes, above all else, the need of strengthening of the guard . . . What happened has not entirely discredited the 'honor system,' but the occurrence has given it a jolt and indicates plainly that it is unwise to place too much confidence and reliance upon prisoners."

Unfortunately, however, this proved to be only the first of a series of escapes, and, as if to belie the warden's expression of confidence in the "honor system," thirty-seven prisoners escaped from 1930 to 1933 inclusive.\textsuperscript{96} Although almost all of these prisoners were recaptured, these prison breaks sealed the doom of the "honor system" and its last remnants were swept away and civilian guards were substituted for most of the members of the inmate force. During the next two years, so strict was the type of supervision imposed, that only three prisoners escaped from the workhouse and two of these were recaptured.

In a statement given to the press in June, 1933, after the abandonment of the last principles of the "honor system," War-

\textsuperscript{94} \textit{Every Evening}, Wilmington, August 4, 1930, p. 1, col. 1.
\textsuperscript{95} \textit{Every Evening}, Wilmington, August 4, 1930, p. 6, col. 1.
\textsuperscript{96} \textit{Report of the Board of Trustees of the New Castle County Workhouse}, 1938, p. 59.
den Leach expressed deep regret over its failure, but declared that he was convinced that a new program was necessary. He said that this attitude had been forced on him through years of harsh experience during which many illusions had been shattered. However, he explained that certain prisoners who proved worthy of trust would be rewarded with additional privileges. Continuing, Warden Leach asserted:

"An 'honor system' among 600 men of any type would be impractical, and certainly among 600 prisoners, many of whom are hardened and seasoned criminals, it is a fallacy to expect it to work out . . .

"We do not believe that harsh punishment for crime is essential to the best interest of society. We do not believe in punishment, per se; we believe in trying, although it is frequently unsuccessful, to look for a cure . . . Our most important function is to insure society that when we release a man he will have undergone a mental and spiritual transformation that will prevent him from repeating his offense . . . A prison is not primarily a place of punishment. It is in reality a hospital where men suffering from their criminal inclinations are sent."

The foregoing words are certainly not those of a man who is satisfied with the mere detention of criminals. Today, the former warden is just as convinced as ever that the mere placing of men in prisons is not the solution to the problem of crime, but when he was in charge of the workhouse the fundamental defects of the system, to which we have referred, compelled him to make changes which were not in agreement with his principles.

The problem of escapes, however, was not the only one that was causing the board of trustees deep concern. Overwhelmed by all the conflicting functions of a city lock-up, a county jail and a state prison, with the concomitant overcrowding and population turnover, and expected by public opinion to make the workhouse financially self-sufficient, the board found the sixty-cent maintenance allowance entirely inadequate for the proper administration of the institution. The situation developed especially serious proportions during the economic depression

97 *Sunday Star*, Wilmington, June 25, 1933.
98 Interview with former Warden Leach.
of 1929 when it became increasingly difficult to find remunerative employment for the inmates. As a result, the board of trustees urged the increase of the maintenance allowance, and the legislature, despite a storm of protests from the two lower counties, by an act approved on April 25, 1931, authorized the workhouse administration to charge a rate not to exceed one dollar per day per capita until the institution’s loan was liquidated, and thereafter a rate that was to be governed by the actual cost of maintenance.\textsuperscript{99}

As a result of this act, a maintenance rate of one dollar per day per capita was established by the board of trustees. This increase intensified opposition in Kent and Sussex Counties and many of their citizens urged that the proposed jails, authorized for those counties by the 1931 legislature,\textsuperscript{100} be constructed to accommodate all “down-state” prisoners so as to eliminate the necessity of sending any of them to the New Castle County Workhouse. This was met with the counter-proposal that a state prison, and not a county jail system, was the solution to Delaware’s penal problems.\textsuperscript{101}

Many lower Delawareans, however, argued against the establishment of a state prison system. To substantiate their point of view, they explained that “down-state” prisoners were not usually convicted of serious crimes, a great many of them being motor law violators. It was contended that if they were sent to a state prison, they would be subjected to confinement with hardened criminals, products of a big city (Wilmington). Those favoring a state prison explained, but to no avail, that segregation and specialized treatment of the most modern kind could be made possible only by the very centralization against which

\textsuperscript{99} \textit{Laws of Delaware}, Vol. 37, pp. 817, 818.

\textsuperscript{100} The 1931 general assembly unanimously passed two important penal measures. One of these, approved on April 25th, was an act authorizing the levy court of Kent County to borrow on the credit of that county a sum of money not to exceed twenty thousand dollars for the purpose of building a new county jail. (\textit{Laws of Delaware}, Vol. 37, pp. 366-369.) The other, approved on February 25th, empowered the levy court of Sussex County to borrow on the credit of that county an amount not to exceed one hundred thousand dollars for the purpose of building a new county jail, or of repairing and altering the existing one. (\textit{Laws of Delaware}, Vol. 37, pp. 377-380.)

\textsuperscript{101} \textit{Every Evening}, August 10, 1931, p. 1.
their opponents were arguing. Advocates of the county jail system also contended that the erection of large county jails would "keep at home" large amounts of money that were being paid to the New Castle County Workhouse for the support of "down-state" prisoners.

We need not pause at this time to examine the validity of the arguments that were being advanced against the establishment of a state prison system. It will be sufficient to point out that they were merely new expressions of an old conflict of interest. The rapid growth of Wilmington and the increasing concentration of industry and of a heterogeneous population in New Castle County had intensified the consciousness of difference that existed between that county and the two rural counties of Kent and Sussex. This absence of a strong feeling of "oneness" among the counties, and the uneasiness in Kent and Sussex over the growth of their large brother to the north, naturally produced an advocacy of the "county-rights principle" by the leaders of the two lower counties. The author does not know to what extent the objections raised to the increase in the workhouse rate were used as a mere pretext for the re-establishment of completely separate county penal systems. However, undoubtedly the feeling of independence in the two lower counties made them more inclined to be resentful of such an increase than they would otherwise have been.

At the next meeting of the general assembly in 1933, the supporters of the county jail system began a legislative campaign to have all Kent and Sussex prisoners incarcerated in their own county jails. A bill was introduced into the legislature for the purpose of transferring to the new jails in the lower counties all such prisoners who were already serving their sentences in the New Castle County Workhouse. Convinced that such a move, if successful, would do irreparable harm to the cause of penal reform in Delaware, the members of the Prisoners' Aid Society, and other far-sighted citizens of the state, worked strenuously against it.\(^{102}\)

This measure, if it had become a law, would have transferred forty-nine prisoners, of whom twenty-nine were serving terms of more than ten years, to the Kent and Sussex County jails. The Senate passed the bill and, while it was pending before the House, Dr. Vrooman, Executive Secretary of the Prisoners' Aid Society, sent a letter to all members of the legislature, showing reasons why its passage would be a serious blunder. Later, upon the invitation of one of the members of the House, Dr. Vrooman addressed that body on the subject.  

Although the members of the Prisoners' Aid Society were not able to defeat the move of the lower counties entirely, they did effect a compromise in the form of two laws passed during the 1933 session of the legislature. One of these, passed unanimously by both branches of the legislature and approved on May 26th, provided that all prisoners committed from Kent and Sussex Counties to the New Castle County Workhouse, and having ten years or less of their sentences still to serve, were to be transferred to the jails of those counties during the summer of 1933, and there to serve the remainder of their sentences. The other, having only one vote cast against it, and that in the Senate, and approved on June 1st, declared that all persons convicted in Kent and Sussex Counties of offenses against the laws of the state, and sentenced to terms of imprisonment of ten years or less, were to be committed to the jails of those counties. The courts of Kent and Sussex might, in their discretion, still commit all prisoners sentenced for terms of more than ten years, to the New Castle County Workhouse. The two lower counties were to pay that institution for the maintenance of such prisoners. Despite the fact that this was a compromise, it did more than merely retard, it reversed Delaware's penal development. The New Castle County Workhouse had become in effect a state prison for the long-term convicts of all the counties. Now Delaware has firmly recommitted

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103 Minutes of the Prisoners' Aid Society for the Annual Meeting of May, 1933.
104 By means of this compromise twenty-nine long-term prisoners, who under the proposed legislation would have been sent to the county jails "down-state," were kept in the New Castle County Workhouse.
herself to a county jail system, and the completion in 1931 of the new Sussex County jail and in 1932 of the new Kent County jail, may retard centralization for a considerable length of time.

The same fundamental weaknesses that had made self-government impossible had thus also reversed the trend which was moving toward the centralization of Delaware’s penal institutions. By the laws of 1933 the workhouse was made once more in practice, as well as in theory, a county penal institution. The extent to which its function as a state prison atrophied as a result of the passage of these laws can be gauged by the following statistics. On November 30, 1932, there were fifty-five prisoners committed from Kent and Sussex in the workhouse,¹⁰⁷ but by August 6, 1936, only thirty-three Kent and Sussex prisoners were at the New Castle County institution.¹⁰⁸ During the year ending on November 30, 1932, thirty-two persons had been sent to the workhouse from the Kent County Court of General Sessions; and eight, from the Sussex County Court of General Sessions.¹⁰⁹ From 1936 to 1938 inclusive these courts committed only three prisoners to the New Castle County Workhouse.¹¹⁰

In view of the numerous changes that had been effected in the workhouse in the period of a few years, as the board of trustees and the warden struggled with their problems, the following excerpts from the *Handbook of American Prisons and Reformatories* for 1933 are especially enlightening:¹¹¹

**MEN’S PRISON**

"*Rules and Regulations*—The usual minute rules and regulations are not found at this institution. Each new man is given a printed folder which acquaints him with the general routine of the institution and the rules with respect to visits, letters, and other privileges. There is no silence rule. Smoking is permitted anywhere in the prison, except where it would be dangerous because of the fire hazard. There is no restriction on the number of letters

that may be written and received and books, magazines, and newspapers may be sent through the mail. Visits of 30 minutes' duration are permitted at any time except Saturdays, Sundays and holidays, between the hours of 9:00 A. M. and 4:30 P. M. An unlimited number of visits may be made by relatives, but the same relative may visit only once in two weeks. A new visiting room, off the central guardroom, is provided with a steel and glass partition, with fine wire mesh to prevent the passage of contraband articles. Inmates may not make purchases from outside the prison, but the prison commissary carries a wide variety of articles and inmates may purchase from the store using prison tokens.

"The inmate 'honor court,' elected by the inmates with the approval of the warden, which was an important part of the self-government system formerly operated here, has been discontinued. The warden now imposes punishments on the basis of reports of misconduct submitted by guards.

"Punishments — Loss of privileges, including visits, yard, entertainment, etc., is the most common form of punishment for minor offenses. For serious offenses, such as attacking an officer or a fellow inmate or attempting to escape, inmates are confined to their own cells, to the punishment cells, or to the 'dark cells.' Nine cells on the lowest tier of the west wing have been fitted with solid steel doors with a heavy wire panel near the bottom. They are furnished with a wall bunk, toilet, wash bowl, and drinking fountain and used as punishment cells. They are almost totally dark, but confinement in them is considered to be less drastic than confinement in the two 'dark cells' located in the basement near the laundry. Men are never cuffed up while undergoing punishment, and it was stated that the bread-and-water diet has not been used as a disciplinary measure for several years.

"Ten regulation cells have been set aside in the upper tier of the east wing for segregation. On the date of the last visit, there were two men in the segregation cells and none in the punishment cells.

"The whipping post is a unique feature of this institution. It is never used to enforce prison discipline, but public flogging is frequently a part of the sentence imposed by the court at the time of a sentence. All such whippings are administered by the warden, in a small enclosed courtyard connected to the prison by a tunnel . . .

"A fair valuation of the New Castle County Workhouse as an institution can only be arrived at through a critical consideration of the penal policy of the state as a whole. Few states are more backward in their attempts to solve the penal problem. The system employed in Delaware derives from an antiquated concept of the purpose of incarceration, which has safe-keeping as its sole aim. There seems to be no recognition of the eminently practical principle of modern penology which says that prisoners must be rehabilitated
and trained to be better men or women when they leave prison than they were when they entered. This is indicated by the practice of confining together short-term prisoners, long-term prisoners, and prisoners awaiting trial, a practice which more progressive states have given up, because it was found that the association turned minor offenders into major criminals and bred crime instead of stamping it out.

"The most spectacular evidence of failure to profit by the experience of other states is the continued use of public whipping as a part of the punishment for certain crimes. This inhuman and barbarous custom has been amply proved ineffective as a deterrent, and an official of the workhouse, who was defending the whipping post to a representative of the Association, admitted that many men who have been whipped commit crimes after their release and come back to be whipped again. The warden, whose duty requires him to carry out the sentence of the court, has frequently and courageously attacked this degrading practice and has advised that it be discontinued. His advice should be followed since no one is in a better position to observe its effects.

"If it is true, as asserted by officials at the workhouse, that the new jails in the 'lower counties' have no suitable provisions for work, medical care, education, and recreation, it is a grave mistake for them to attempt to take care of long-term prisoners. Nothing but degeneration and social incompetence can result from prolonged confinement, if these constructive and morale-maintaining influences are neglected.

"The trustees of the workhouse and the members of the Board of Parole are appointed by the judges. This means that the judiciary not only imposes the sentence, but is also in a position to prescribe how the sentence shall be served and when the prisoner shall be released. Modern correctional treatment is a highly specialized profession, which has little in common with the intricacies of legal procedure. For this reason it is doubtful whether a system which extends the influence of the judges to include institutional treatment and parole is a good one.

"Turning now to the institution, there is little to be said which has not been forecast in the discussion of the Delaware penal system. The physical plant of the workhouse is antiquated and ill-suited to its divers purposes, and the equipment of the commissary department, laundry, and bathhouse is far below the standard of many other comparable institutions. At the time of the 1931 visit the housekeeping throughout was very bad, and while it had improved somewhat at the time of the 1933 visit, it was still below desirable level. Cigarette ends, burnt matches, and other litter were in evidence in all parts of the institution, and the commissary department, while not definitely unsanitary, did not present an inviting appearance. The inmates, like-
wise, were carelessly dressed and unkempt. Prisoners are allowed unusual latitude in decorating their cells, and most of those inspected by the representatives of the Association were cluttered up with pictures and draperies which not only made proper sanitation difficult but also offered every opportunity for the concealment of contraband. Many of the cells have curtains hung over the doors in such a way as to make it impossible to properly supervise the activities of the men in their cells. It was stated that the men were allowed to hang these curtains over the cell doors in order to protect themselves from the curiosity of visitors passing through the cell block, but this explanation does not seem to outweigh the obvious disadvantages of the practice, particularly as other prisons do not find it necessary.

"Although the number of guards has been increased since the first visit, there is still an insufficient number to supervise and maintain properly an institution of 421 inmates, particularly where the turnover is so large. This is probably one reason for the poor housekeeping described in the paragraph above and it is unquestionably the reason why inmates are permitted to handle keys to a degree not found in any other institution visited. It seemed to the Association's representative that this was in part a carry-over from the days of self-government and in part a result of insufficient civilian employees. Whatever may have been the cause it was certainly bad practice and should be abandoned without delay.

"The clothing manufacturing shop probably presents the worst conditions of contract labor to be found anywhere in this country today. It is a fire trap, grossly overcrowded, poorly ventilated, and entirely unsatisfactory as a work shop.

"The new hospital unit is satisfactory in most respects, although the operating room is small, crowded, and not as well equipped as most of the recently built prison hospitals. The medical staff has been enlarged since the 1931 visit and the service improved. Now all inmates are examined by a physician, whereas at that time an inmate clerk made the initial inspection and the doctor saw only those referred by the clerk. It would seem advisable to give every man a Wassermann test regardless of the length of his sentence, as it would be possible to have treatments begun in the prison continued in the community after a man is released.

"Discipline does not seem to be harsh and the rules and regulations are liberal. The prohibition against visits on Saturdays, Sundays, and holidays is, however, unfortunate. These are the days when relatives can most conveniently come to the institution with the least loss of their own working time and when the inmates can receive visits without interrupting their duties. The form and spirit of the printed booklet given to each new inmate to acquaint him with the rules and regulations is particularly praiseworthy
and many other institutions could well afford to substitute a similar booklet for the traditional 'rule book.'

"The work in academic education, while limited in scope, is one of the most effective elements in the program of the institution and together with the library exerts a constructive influence. Both the school and the library should be supported by regular appropriations, to insure their continued growth and development . . .

"The farm, together with the dairy and piggery, appears to be well managed and offers good training opportunities for the men assigned there. The new farm dormitory is satisfactory as to structure and equipment, but shows the same laxity in housekeeping that is characteristic of the main prison. The old farm dormitory should be abandoned. The use of inmate labor in the construction of the new dormitory and the new horse barn is to be commended, and the development of the cannery at the farm is a progressive step . . .

WOMEN'S PRISON

"Since the last Handbook was written, Delaware has joined the rapidly growing list of states that have recognized the necessity of separating their institutions for male and female prisoners. While this institution is excellent in some respects, it would seem that the experience of other states with an entirely different type of institution for women should have been taken into consideration. Surely the cottage plan could have been well adapted to the needs of this state. The necessity for 10 toolproof steel cells is not apparent. The only inmate of the institution housed in them is there from her own choice. The space could have well been adapted for individual rooms constructed of less expensive material. Individual rooms would have served the purpose of a reward to those showing by their conduct and industry that they were entitled to such a consideration.

"This institution, serving as it does as a place for the confinement not only of those who are convicted of felonies and misdemeanors, but also of those awaiting trial, both in the magistrates' courts and in the higher courts, creates an almost impossible administrative and personnel problem. Recognizing the difficulties in a small state of maintaining a number of institutions for the various types of prisoners received, it must be again pointed out that this could better be done through a cottage-plan institution than by housing all prisoners under the same roof. By an arrangement of this kind, one cottage could be maintained for the prisoners awaiting trial, a group which certainly should not be brought into such close contact with those already convicted.

"The practice of placing barbed wire on top of the mesh-wire fence again
illustrates Delaware's failure to profit from the experience of other states in the use of minimum-security institutions for women offenders.

"Through the installation of an automatic oil-burning heating system, one of the bad features of a majority of the women's institutions has been overcome. There is no necessity either for the employment of a male fireman, or the assignment of women prisoners to the arduous task of handling coal.

"It seems unfortunate that with all of the sleeping quarters on the second and third floors all of the baths should have been located in the basement.

"The flooring in the hallways and in the dormitory rooms presented a most attractive appearance.

"The present Board of Control is composed of five male members. It would seem that in a women's institution the majority of the board members should be women. In any event, there should be some women on the Board. There should be a distinct and separate Board for the women's institution.

"In addition to the superintendent, the only officers of the institution are the supervisor, assistant supervisor, and trained nurse. While the supervisor and assistant supervisor are trained executives, there should be some custodial officers appointed to the staff. The present arrangement makes it practically impossible for the staff members to leave the institution for brief periods of recreation. In addition, such a small staff makes it necessary to leave the institution without even a night matron. They have tried, however, to overcome this by the installation of a push-button system which in itself is a very poor substitute, as one must depend not alone on the mechanical means always operating satisfactorily but upon the response during the night hours of a greatly overworked staff. Very frequent emergencies exist during the night hours which require prompt action, making it always necessary that someone be available as a matter of safety.

"The rules are about the usual ones of an institution and seem to be wisely administered, with due consideration for individual differences. It is perhaps of interest to note that in contrast to the larger number of women's institutions, the girls are permitted to smoke in their rooms. This privilege seems wise in view of the prevalent custom of smoking among women.

"Although the ability and insight of the supervisors go a long way toward individualizing treatment, their work would unquestionably be more effective if they could have the advantages of psychological, psychiatric, and social data. In view of the nature of the cases handled at this institution, there should certainly be a trained case worker on the staff of the institution to make case studies and to assist in maintaining home contacts and readjusting family difficulties.

"In view of the large number of admissions and discharges in this insti-
tution, the medical service is entirely inadequate. The full-time services of a physician could be profitably employed, especially in making examinations and providing contact with local health authorities for discharged inmates who have not been fully cured of social or other diseases. The opportunity for an intensive health program, correlated with outside agencies, in an institution of this size could well serve as a demonstration of what could be accomplished in dealing with offenders of this type.

"In contrast to the men's institution the whole commissary department was in excellent condition.

"The recreational and educational programs are of necessity limited because of the smallness of the institution and the short time of sentence.

"It is believed that a part-time chaplain should be employed instead of having religious services conducted entirely by outside voluntary organizations.

"In spite of the above criticisms, it is only fair to state that the present arrangement is far superior to the conditions under which the women were confined at the time of the last visit. Not alone is this true of the physical plant but the spirit and morale of the administration have been greatly improved.

"While it is to be regretted that modern ideas were not more completely taken into consideration in the planning of the physical structure, the employment of trained women to take the place of the male supervision that formerly existed in this institution has undoubtedly had a most beneficial effect, not only within the institution but in the morale of the prisoners as well."

This severe criticism of the workhouse and the women's prison was attributed by Warden Leach to the "prejudiced minds of persons who were not qualified to pass on penal institutions." He declared that there had been no man of authority in the group who had made the inspection and that the investigation had been made in a "slip-shod manner."112

Apparently, the State Board of Charities, regardless of how they felt about the conditions at the workhouse, believed that the institution's administration was beyond reproach, for this board's 1932-1934 report declared:113

"The Board of Trustees and Warden E. J. Leach are doing a splendid piece of work in connection with the operation of this penal institution. They

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113 *Reports of the Board of Charities*, 1932-1934, p. 34.
are handicapped, however, in being unable to provide necessary employment for prisoners. It would be well for the State Legislature to consider the passing of a statute that would enable the Trustees of this institution to suitably equip the prison so as to provide a means of employment that would not particularly conflict with outside interests in so far as competition with private business is concerned. A well-equipped and splendidly managed prison farm affords employment for short-term prisoners."

It was not long after the publication of this report that Warden Leach announced his intention to retire on April 30, 1935. Both his resignation and that of his wife, who had served as superintendent of the women’s prison since its opening in 1929, were accepted with regret by the board of trustees. Warden Leach, when asked for the reasons for the resignations, explained that the more than twenty-two years of association with the workhouse had taken its toll in energy and strength, and that Mrs. Leach and he "would like to have a little time together while they were still young enough to enjoy it."

On the eve of his retirement Warden Leach let it be known in no uncertain terms that he was still absolutely opposed to the use of the whipping post. In an interview with the press he described the whipping post as a "barbaric relic of the past" and declared:

"Unless an honest attempt has been made to redeem a man during his period of confinement, a prison has no more right to exist than a hospital that turns its patients out no better than when they were admitted with no attempt to cure.

"When a man who presumably is to be turned from the wrong course and re-established in society is taken out into the yard, stripped to his waist, shackled to a post and lashed on his bare back in view of the public, that man certainly does not leave the whipping post with as good a feeling towards society as when he went there, but with bitterness and humiliation in his heart which oftentimes is hard to overcome.

"The belief that the whipping post keeps away professional criminals is

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not to be considered, as no man who commits a crime, whether it is of petty larceny or a notorious robbery, ever goes into that deed until he feels that his plans are such that he will never be caught, otherwise he would not attempt it. It is a popular remark accepted without a qualification by the unthinking, that criminals fear the Delaware lash. So would every murderer fear the chair or the noose if he expected to encounter it."

The board of trustees selected Elwood H. Wilson to succeed Leach as warden of the workhouse. 118 Wilson, a native of New Castle County, had been a member of Wilmington's police department for a number of years, being captain of that city's detective force just prior to his appointment as warden in 1935.

7. The Code of 1935 on the New Castle County Workhouse

In the same year that Warden Leach retired, a new codification of the laws of Delaware was published. As the provisions of this code regarding the New Castle County Workhouse remain unchanged and constitute the present legal basis for the New Castle County Workhouse, they will be presented in detail in the following discussion. 119 In all cases where the code of 1935 differs from that of 1915, mention will be made of the dates on which the changes became effective.

(a) Some General Provisions Regarding Jails and Workhouse

The sheriff, or keeper of a jail, supplying board to a prisoner, must be paid by such prisoner so much per day as the levy court of the county by general resolution determines, and the prisoner may be detained until payment, unless he is legally discharged without the qualification "upon payment of costs." The board of such persons, and all others not able to pay, is paid by the county. All prisoners, except convicts, are permitted to procure their food at their own cost, and to send for it, or for any bedding or other necessaries. 120

No justice of the peace, or any other officer having jurisdic-

120 Ibid., p. 875. The provisions regarding the payment of board by the prisoners and the procurement of food and other necessaries by them from outside sources are not in force at the New Castle County Workhouse.
tion may commit any vagrant, tramp, or other needy person, to the county jail for the purpose of supplying such person with board or lodging. Any officer violating this provision is guilty of a misdemeanor, and, upon conviction, is removed from office and fined an amount not exceeding two hundred dollars.\textsuperscript{121}

The sheriff or keeper of a jail or workhouse, or any other officer, may not demand from any person in custody, any reward for "ease or favor," nor any fee not allowed by law. Moreover, no officer is allowed to take any person under arrest to any tavern unless that person gives his consent, nor is it lawful to sell any intoxicating liquor to any one in custody. The sheriff, or keeper, who receives money from a prisoner must give him a receipt for it, and, upon the discharge of such a prisoner, must make a fair accounting with him, paying any balance due.\textsuperscript{122}

A husband or parent sentenced to imprisonment at hard labor for desertion or failure to support a wife or children, is paid fifty cents a day for his labor. This money is turned over by the official in charge of the penal institution to the prisoner's dependents.\textsuperscript{123}

If any prisoner, convicted of a crime deemed a felony, refuses to work, or neglects to perform his task properly, or if any prisoner is disorderly, and wilfully violates the rules established for the government of a jail or workhouse, he may be put in solitary confinement, or kept on bread and water until he agrees to obey orders. In a case of extreme obstinacy, it is lawful for the officer in charge, with the consent of the levy court, to inflict such moderate and proper correction as the case may require.

If any sheriff, keeper, overseer or warden, or any other officer violates any provision of the law regarding jails and workhouses, he is deemed guilty of a misdemeanor, and is punishable with a fine of not more than two hundred dollars.\textsuperscript{124}

The foregoing provisions do not apply specifically to the New Castle County Workhouse but to all penal institutions in the state. Except for the regulations concerning tramps and needy

\textsuperscript{121} Code of 1935, p. 856.
\textsuperscript{122} Ibid., p. 875.
\textsuperscript{123} Ibid., pp. 761, 876.
\textsuperscript{124} Ibid., p. 877.
persons, and persons arrested for desertion or non-support, all these regulations had been in the state's statutes for many years before the erection of the workhouse, having appeared in the code of 1852 as part of the law on the old New Castle County jail.

(b) Federal Prisoners

An act passed on March 23, 1931, changed the provisions of the state law regarding the maintenance of federal prisoners in Delaware's penal institutions. The keepers of jails and workhouses are authorized to receive and safely keep all federal prisoners until they are legally discharged, provided those having jurisdiction over the jails or the workhouses first empower the keepers to do this. However, the United States government must agree to pay such amount as is fixed by the board or person in control of the jail or workhouse for the support and maintenance of such prisoners. The provisions of this act apply not only to the New Castle County Workhouse but also to the jails of Kent and Sussex.

(c) Prisoners of Private Detectives

All prisoners arrested by private detectives or private detective agencies on state, county or municipal warrants, in accordance with the stipulations of a law enacted on May 6, 1929, must be incarcerated only in municipal, county or state institutions. Any private detective or agency that detains or imprisons any person elsewhere is liable to a fine of from one hundred to five hundred dollars, or in default of the payment of this fine, imprisonment for from six months to one year. Of course, this act applies to Kent and Sussex Counties as well as to New Castle County.

(d) Insane Convicts and Insane Persons Charged with Crime

If upon the trial of any person upon indictment in the court of oyer and terminer, or in the court of general sessions, the defense of insanity is made and established to the satisfaction of the jury, and the claim of insanity is proved, it is the duty of the jury to return a verdict of "not guilty by reason of in-

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sanity." Upon the rendition of such a verdict, the court may upon motion of the attorney general order that the person so acquitted be committed by the sheriff to the Delaware State Hospital at Farnhurst. The expenses of the removal of such a person and of his admission into that institution are borne by the levy court of the county where the act charged was committed, or of the county of such insane person's residence. However, if any such insane person has any real or personal estate, the board of trustees of the hospital has full power to collect expenses from such estate.

The court of general sessions of the county in which such case is tried may order that such insane person charged and acquitted as aforesaid, be set at large whenever it is satisfied that the public safety will not be endangered, or may order such person to be removed from any asylum or institution.

Whenever, in a capital case, it appears to the court that the prisoner has become insane after conviction and before sentence, the court has the power, with a view of obtaining accurate information on the subject, to appoint a commission to be composed of experienced and practical men, two at least of whom must be practicing physicians, to enquire into the mental condition of such prisoner and make a written report of their finding to the court, within one month after their appointment. They have the power to examine witnesses on oath and to order the taking of testimony out of the state by commission.

If the report of the commission is that the prisoner is insane, he is remanded to the custody of the sheriff until the further order of the court. Should he recover his reason thereafter, he receives the sentence provided for his crime. The members of the commission receive for their services a reasonable compensation, in the discretion of the court, not to exceed sixty dollars. This is paid by the county treasurer upon orders countersigned by the judge of the court.

A law enacted on April 10, 1919, provides that whenever in any case it appears to the court of oyer and terminer or to the court of general sessions, or to any judge thereof in vacation,

upon information received from the board of trustees of the New Castle County Workhouse that a prisoner confined there has become insane after conviction and sentence, the court or judge has the authority to appoint two reputable practicing physicians to enquire into the mental condition of the prisoner and make a written report of their findings within two days from the date of their appointment.\textsuperscript{128} If the commission finds him insane he is transferred from the workhouse to the Delaware State Hospital at Farnhurst.

All expenses involved in the removal and maintenance of such a prisoner are borne by the levy court of the county where the act with which he was charged was committed, or of the county of such insane person's residence. However, if the insane prisoner has any property, the board of trustees of the hospital has the right to collect from the prisoner's estate.

Whenever the court is satisfied that the public safety or the safety of the other inmates of the workhouse will not be endangered, it may order the prisoner returned to the workhouse to serve the balance of his term, or if the term is expired, to release him.

By a law passed on April 29, 1931, which provided for the erection of a state welfare home, the trustees of the poor were abolished and the levy court was held responsible for the expenses involved in the removal and maintenance of the insane prisoners and persons charged with crime referred to in the foregoing provisions.\textsuperscript{129}

(e) \textit{Sterilization of Habitual or Confined Criminals}

All habitual or confined criminals who have been convicted of at least three felonies by any court of Delaware, or of the United States, or of any other state, by a law passed on April 10, 1929, are subject to observation and examination by the mental hygiene clinic, or the superintendent of the Delaware State Hospital at Farnhurst.\textsuperscript{130} If after observation and examination, it is found that any such person's criminality is caused by mental abnormality or mental disease, a report and recom-


\textsuperscript{129} \textit{Laws of Delaware}, Vol. 37, ch. 189.

mendation for sterilization is made to the board of trustees, or other governing body of the institution in which the person may be confined, or to the board of trustees of the hospital if the person is at large. The governing body or the board of trustees is then authorized to apply to the state board of charities for the sterilization of the person examined. If the person in question is confined in an institution, the state board of charities appoints one physician and one alienist of recognized ability to examine him. If the person to be examined is at large, two physicians and one alienist of recognized ability are appointed. If the physician, or physicians, and the alienist unanimously agree that the person examined should be sterilized, and the state board of charities gives its written consent, then such an operation is lawful. However, before it is performed a written notice of at least thirty days must be given to the husband or wife, parent or guardian, or to the person with whom the person examined last resided, concerning the state's intention to perform the sterilization.

(f) Parole of Prisoners

The establishment of Delaware's first parole system was accomplished by the approval of an act on February 28, 1923. The provisions of this law, which applied only to the New Castle County Workhouse, have already been discussed in detail in the preceding chapter. They were later amended by another parole act approved on April 25, 1933. This, enacted through the efforts of the Prisoners' Aid Society, provided for the much needed extension of the parole system to the county jails of Kent and Sussex. We shall present here the amended provisions of the existing parole law as they appear in the code of 1935.

(1) Eligibility for Parole

Every prisoner who is sentenced to imprisonment for one year or longer for any offense against the state, except for rape, assault with intent to commit rape, incest or sodomy, or the possession, use or sale of morphine, opium, cocaine, chloralhydrate, or any of their compounds, and is confined in the New Castle County Workhouse or in the jails of Kent and Sussex

Counties, after serving one-half of his entire sentence, may be released on parole, when in the judgment of the board of parole, the conditions provided for such release have been fully met. Every prisoner who is sentenced to imprisonment for life for any offense, after serving fifteen years of the sentence, may be released on parole, when in the judgment of the board of parole the conditions for such release have been fully met. A law, also approved on April 25, 1933, makes it possible for a prisoner who has had his sentence commuted to take full advantage of the parole law.\(^{132}\) As a result, whenever the sentence imposed upon any prisoner has been commuted by the governor upon the recommendation in writing of the majority of the board of pardons after full hearing, and the prisoner is otherwise eligible for release on parole, he may be so released after serving one-half of his commuted sentence, or after serving fifteen years of a sentence commuted to life imprisonment, when in the judgment of the board of parole, the conditions for such release have been fully met.

Whenever the physical or mental conditions of any prisoner confined in any penal institution demand treatment which he cannot receive while imprisoned, those in charge of the institution, may, if such action seems necessary to save the life of the prisoner, recommend that his case be considered by the board of parole at a regular or special meeting. When such a case is so considered, the board, if satisfied that removal from the institution is necessary to save the life of the prisoner, may order his release on parole without regard to the time already served by him. However, such parole is granted only after arrangements have been made for the prisoner’s treatment in some other institution. The board may impose any conditions it deems proper in such a case, and may revoke the parole without hearing at any time and for any cause, and order the return of the parolee to prison.

\(^{(2)}\) **Board of Parole, Membership and Duties**

The board of parole is composed of three members appointed by the judges of the state supreme court for overlapping terms of

three years. Vacancies are filled by the judges within thirty
days after their occurrence. The board of parole meets, for the
transaction of business, once a month for at least ten months
of each year at the New Castle County Workhouse, at least once
every three months at the Kent County jail, at least once every
three months at the Sussex County jail, and at such other times
and places as they, of their own motion, may decide. The mem-
bers of the board are required to establish and publish rules of
procedure for the effective enforcement of the provisions of the
parole law. Copies of these rules may be obtained by any person
upon application. The board annually elects one of its members
to be president of the board, and also a secretary, who may be
the parole officer or a member of the board who serves without
additional compensation. Each member of the board receives
as compensation for his services the sum of ten dollars per day
for attendance at meetings of the board, for not more, however,
than twenty meetings each year, and in addition, actual expenses
incurred in attending such meetings.

When it appears to the board of parole from the report of the
warden of the New Castle County Workhouse, or the sheriff of
Kent or Sussex County, and upon hearing an application for a
release on parole that a prisoner, who is eligible for release on
parole, or who will be within three months of the hearing of the
application, has reformed and that there is reasonable proba-
bility that he will not violate the law and that his release will
not endanger the public welfare, then the board may order his
release, subject to the terms and conditions imposed by the
board. A copy of such terms and conditions is given to the pa-
rolee, but they may be changed as the board sees fit.

The terms of every release on parole must include personal
reports to the board whenever the board requires the adequate
supervision of the prisoner by an officer of the board, the con-
tinued good conduct of the prisoner, and the imposition of limits
of residence beyond which the prisoner must not go without the
written consent of the board. A prisoner on parole is deemed to
be still in legal custody of the institution from which he has been
released, until the expiration of the term specified in his sen-
tence. He may be returned to imprisonment by the board if he violates any of the terms of his parole.

In determining the fitness of a prisoner for release the board is required to examine him personally, investigate and consider his previous record, the history of the case for which he is serving a term of imprisonment, his record while in prison, his physical and mental condition and the probability of self-support. A record must be kept by the board of its findings and verdict in each case.

It is the duty of the clerk of the court committing any prisoner to a penal institution for one year or longer to prepare and send to the board of parole within thirty days after commitment, a certified copy of the record entries, including docket entries and minutes of the court on file, relating to the case. Furthermore, it is the duty of the police and of the law officers of the state, upon request, to furnish the board of parole with any information at their disposal in regard to any prisoner who becomes eligible for parole.

The board of parole is required to appoint a parole officer to serve until otherwise ordered by the board. He is subject to the control and direction of the board and it is his duty to aid prisoners released on parole to secure employment, to visit and exercise supervision over them while on parole, to see that they fulfill the conditions of their release on parole and to perform such other duties as the board of parole may determine. In the performance of his duties the parole officer is vested with all the powers of a state constable. The salary of a parole officer is fixed by the board of parole according to the extent of the work required of him but must not in any case exceed twenty-four hundred dollars per year. In addition to his regular salary, his actual and necessary expenses incurred in the performance of his duties are paid for when and as approved by the parole board.

(3) Commutation of Sentence of Parolee

The reduction in the length of sentence, a certificate for good behavior and recommendation for pardon and restoration of citizenship, in cases of felony, granted for good conduct to those in confinement, are allowed also to prisoners on parole. The fulfillment of the conditions imposed by the board of parole are
regarded as equivalent to good conduct during confinement for this purpose. However, violation of the terms of parole such as requires the return of the parolee to prison, is sufficient, upon the order of the board of parole, to cause the forfeiture of all good time previously allowed in reduction of the term of sentence for good conduct, of the right to a certificate for good conduct and of a recommendation from the board of parole for pardon and restoration of citizenship.

(4) Violation of Parole

When the parole officer has satisfactory evidence that a prisoner on parole has violated the conditions of his parole, it is the duty of the parole officer to arrest the parolee and to return him to his former place of confinement. If evidence of such violation is brought directly to the attention of the president of the board of parole, he is authorized to issue an order for the arrest and imprisonment of the parole violator.

The parole violator has the right to a hearing before the parole board at its next meeting in the institution where he is again confined. If the prisoner can establish his innocence of violating the terms of parole, or in case the board finds there is reasonable doubt of such violations, the original order of release again becomes effective, and the prisoner is once more placed on parole with any change of parole conditions that the board may deem advisable. However, if the prisoner is deemed guilty of parole violation, he is returned to prison to serve the remainder of the unexpired portion of his sentence. A prisoner, who has violated parole and has been returned to prison, may, after a period of three months, be released again on parole, but no prisoner who has twice violated the terms of his parole may again become eligible for parole and must serve the balance of his term of imprisonment.

A prisoner who fails to report to the parole board as required, or who changes his place of residence so as not to be found by the parole officer, is reported to the next meeting of the board by the parole officer and declared delinquent and subject to arrest when found. In such a case, no part of the time from the date of declared delinquency to the date of return to prison is
counted as part of the time to be served under the unexpired portion of the original sentence.

In case a prisoner escapes the supervision of the board of parole and cannot be found, the board notifies the head of the institution where the parolee was formerly confined. It then becomes the duty of such an official to take any steps that are necessary to re-arrest the parole violator and to proceed against him in the same way as if he had escaped from prison. Any prisoner who violates the conditions of parole within the term for which he has been sentenced is guilty of a misdemeanor and, upon conviction, is imprisoned for a period not exceeding one year, in addition to the unexpired portion of the term of the original sentence.

(g) The Board of Trustees

The board of trustees of the New Castle County Workhouse consists of five residents of New Castle County appointed by the judges of the superior court and the court of general sessions of the state of Delaware, residing in New Castle County, for overlapping terms of five years.133 By this arrangement the term of one of the trustees expires each year. At no time may all the members of the board be of the same political party. No trustee receives any compensation for services, other than the actual expenses of attending the meetings of the board, and each one before entering office is required to take an oath, or affirmation, for the faithful performance of such duties.

The title to the lands on which the workhouse is located is vested in the board whose duty it is to receive and control all prisoners delivered to them for safe keeping. In order to discharge their duties, the trustees are clothed with the same powers over prisoners, jails and jail lands that are vested by the laws in sheriffs and levy courts.134

On or before January first each year the board must submit a written report to the levy court, showing the condition of the workhouse, together with a detailed statement of all the receipts and expenditures, and with such suggestions and recom-

mandations as it may deem necessary. No trustee, however, may be interested directly, or indirectly, in any contract relating to the institution, nor may any member of his family be appointed to any office under the board's jurisdiction.\textsuperscript{135}

On March 16, 1915, an act was passed to increase the efficiency of the workhouse and to secure further means of employment for its inmates. By this act the board was authorized to purchase additional land, not exceeding five hundred acres, for farm purposes, and to pay for this land with the profits of the institution.\textsuperscript{136}

The law gives to the board of trustees complete control and management of the workhouse. They may dismiss at pleasure all wardens, keepers, officers and other necessary agents and servants, and may fix their terms of service, as well as their compensation. They are required to provide suitable tools, implements, food, raiment and all other necessary things for the safe keeping, maintenance and betterment of the inmates of the workhouse. Furthermore, they must keep accurate records in detail of all receipts and disbursements of the workhouse. These records must be open at all times to the inspection of the county comptroller whose duty it is to audit them once a year.

The part of the county court house used for the temporary detention of prisoners is in charge of the board of trustees of the workhouse. By law they are required to provide keepers to guard persons placed there.\textsuperscript{137}

\textbf{(h) Prisoners Committed to the Workhouse}

Every person convicted in New Castle County of offenses against the laws of the state and sentenced to a term of imprisonment is committed to the workhouse. All capital and corporal punishment in New Castle County must be administered by the board of trustees by and through their keepers and officers.

By a law approved on June 1, 1933, it was provided that all persons convicted in Kent and Sussex Counties of offenses against the laws of the state, and sentenced to terms of imprisonment

\textsuperscript{135} Ibid.
\textsuperscript{137} \textit{Code of 1935}, p. 881.
of ten years or less, were to be committed to the jails of those counties.\textsuperscript{138} The courts of Kent and Sussex may, in their discretion, still commit all prisoners sentenced for terms of more than ten years, to the New Castle County Workhouse. The two lower counties were to pay that institution for the maintenance of such prisoners. All sentences imposed by the courts of Sussex which include either corporal or capital punishment are required to be executed by the warden of the Sussex County jail. Similar sentences imposed by the courts of Kent are carried out by the sheriff at the Kent County jail.

(i) \textit{Employment of Prisoners}

All persons convicted of any crime and committed to the custody of the board of trustees are compelled to labor at some suitable employment, eight hours each secular day, unless physically disabled. However, by a law passed on April 25, 1931, the board of trustees is forbidden to employ any of the prisoners confined in the workhouse in repairing, painting or refinishing any automobiles except those publicly owned.\textsuperscript{139} For all overwork each prisoner receives credit and pay. The money earned by overwork may, at the option of the prisoner, be sent to his family, be expended for such articles as he may have in prison under the rules, or may accumulate and be paid to him in lump at the time he is discharged. The cost of the maintenance of the prisoner so committed to the custody of the trustees, must be paid by the county from which he is sent, at a rate not to exceed one dollar per day per capita, until the workhouse loan is liquidated, and, thereafter such amount only as shall pay the actual cost of maintenance. The maintenance allowance was raised from sixty cents per day per capita to the present one dollar rate by a law passed on April 25, 1931.\textsuperscript{140}

The levy court of New Castle County is authorized to make any agreement with the board of trustees for the purpose of employing any of the able-bodied convicts confined in the workhouse for a term of imprisonment by virtue of a sentence im-

\textsuperscript{140} Code of 1935, p. 880; Laws of Delaware, Vol. 37, pp. 817, 818.
posed by the court of general sessions or the court of oyer and
terminer of the State of Delaware in and for New Castle County,
or by the municipal court of Wilmington, to assist in building or
repairing any of the public highways in New Castle County.

The board of trustees is authorized, by a law enacted on March
28, 1921, to make arrangements with any person, persons or
corporations within New Castle County, for the employment for
eight hours each secular day of all physically able persons con-
fined in the workhouse.\textsuperscript{141} For all overwork each prisoner is paid
a predetermined amount.

(j) Classification of Prisoners and "Good Time" Rules

By a law passed on May 4, 1927, the workhouse administra-
tion is required to keep female prisoners separated from male
prisoners, and prisoners of tender years and those young in crime
apart from the old and more hardened criminals.\textsuperscript{142} In order
that good conduct may be properly rewarded, the board of
trustees is required to keep a correct daily record of each pris-
isoner, showing his behavior, fidelity and compliance with the
rules of the jail, to the end that each prisoner may merit diminu-
tion of the period of his confinement and recommendation for
restoration of citizenship in cases of felony, under the following
regulations:

"(1) For each month, commencing on the first day of his arrival at the
workhouse, during which he has not been guilty of any violation of dis-
cipline, or any rules of the prison, and has labored with diligence and fidelity,
he is allowed a reduction of five days from the period of his sentence.

"(2) When a convict has passed one year of his sentence, less the reduc-
tion of his sentence as above provided, in which he has not been guilty of
any violation of discipline, or any rules of the prison, and has labored with
diligence and fidelity, then from that time he is allowed a reduction of seven
days for each month from his sentence.

"(3) When a convict has passed two years of his sentence, less the reduc-
tion of his sentence as above provided, then from that time he is allowed a
reduction of nine days for each month from his sentence.

"(4) When a convict has passed three or more years of his sentence, less

the reduction of his sentence, as above provided, then from that time he is allowed a reduction of ten days for each month from his sentence.

"(5) For every violation of the rules and discipline, or for want of diligence and fidelity in the performance of work, the convict not only forfeits all gained time and earnings for the month in which the delinquency occurs, but according to the aggravated nature and frequency of his offenses, the board of trustees may deduct a portion or all of his previously earned time and money.

"(6) If a convict passes the period of his sentence within five days of the completion thereof without any violation of the rules and discipline, he is entitled to a certificate therefore, from the superintendent of the workhouse, and also to a recommendation from the board of trustees for pardon and restoration of citizenship.

"(7) If a prisoner is prevented from working by sickness or other infirmity, not intentionally produced by himself or from any cause for which he is not responsible, he is entitled by good conduct to the same deduction from his sentence as above provided for."

The foregoing provisions regarding the classification of prisoners and "good time" rules for the workhouse are the same as those that apply to the inmates of the jails of Kent and Sussex Counties, and do not differ in any way from the corresponding stipulations of the original act passed in 1899.

8. A New Administration and the Workhouse Primarily a Place of Safe Keeping

With the disappearance of the last elements of the "Plummer System," the sorely harassed board of trustees and warden, hopelessly handicapped by the fundamental defects of the antiquated workhouse system and confronted by a public opinion that demanded not only a financially self-sufficient institution but also one that insured society against prison breaks, turned more and more to the ancient policy of mere confinement. After the resignation of Warden Leach in 1935, the last remaining tie with the former humanitarian program was broken and the new policy became even more strongly established.

Evidence of the increased emphasis that was being placed on security against escapes is furnished by the following excerpts
from the 1936 report of the board of trustees to the levy court.\textsuperscript{143}

"During the year a number of improvements has been made to the institution property. The three most important have been the work done in connection with our water system, laundry and fence enclosure . . .

"For a number of years our trustees have been urging that a fence be built around the institution. This improvement has been made possible by the financial assistance your body has given us this year. The fence, gate house, and towers are under construction; the electric lighting system is being installed and the grading is about completed."

The first few months of Warden Wilson’s administration were expressive of the new policy in effect at the workhouse. In addition to the construction of a fence around the institution, other steps were taken to guard against escapes. When Wilson took charge of the workhouse virtually all prisoners wore the same type of uniform. Both Warden Plummer and Warden Leach believed that distinguishing uniforms for certain types of prisoners exerted a harmful influence.\textsuperscript{144} Blue denim trousers with shirts of the same color and material had been adopted as the prison habiliment for all inmates. Consequently, men who worked outside of the workhouse could hardly be distinguished from the ordinary farm hand. Warden Leach, in discussing the prison attire, had opposed distinguishing uniforms as depressing and as a source of serious trouble in case of escape. By the latter he had meant that when a man who is dressed in institutional garb escapes, he will resort to violence, if necessary, to get other clothes.

Warden Wilson, in reversing the position of his predecessor, introduced a special uniform for prisoners employed outside of the workhouse. All such prisoners now are required to wear blue denim trousers with wide yellow stripes running the full length of the legs. This contingent of "marked" men consists of those who work on the properties in the immediate vicinity of the prison buildings, at Delcastle Farms, and those hired to

\textsuperscript{143} Thirty-eighth Annual Report, 1936, pp. 7, 8.
\textsuperscript{144} Journal-Every Evening, Wilmington, December 18, 1935, p. 7.
nearby farms. In commenting on this change, Warden Wilson said that it had been done for protection and deterrence against escape. Unlike Plummer and Leach, he does not think that being required to wear special uniforms has any great depressing effect on the prisoners. In a statement to the press he said:  

"Some penologists argue that placing a uniform on a convict plunges him into the depths of despondency and destroys all of his social principles and ambitions. Our observations since the uniform idea was enforced here have failed to disclose any serious cases of mental depression, or any other ill results."

In order further to fortify the workhouse against escapes a "pill box" was constructed by Warden Wilson in the dining room in the spring of 1936. The booth is large enough for four men, can be entered only from the exterior of the building, and has a full view of the dining hall and kitchen. Its walls are of concrete and steel and can withstand hours of battering. Slots in bullet-proof glass permit the guards, if necessary, to fire tear gas guns into the dining room.

In referring to the "pill box," Warden Wilson said:

"The prison dining hall is one of the few places where inmates of penal institutions finally collect in one large group. It is under such circumstances that prison guards are the most wary. Some little occurrence is apt to turn the whole crowd into a rioting mob."

The point of view of the new warden regarding the whipping post throws further light upon his penal philosophy. In an address to the Knights of the Round Table in the spring of 1937, Wilson described the "post" as a deterrent of crime and declared that it was "paying dividends" despite the fact that it was drawing criticism from other sections of the country. He was convinced, as a result of his experiences as warden and captain of detectives, that it keeps the state free of the pick-

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145 Ibid.
147 Ibid.
pockets, hold-up men, gangsters and crooks that plague other states. Thus Warden Wilson disagrees entirely with three of his most successful predecessors, Meserve, Plummer and Leach.

From the first, however, Warden Wilson has been in favor of the segregation of first offenders, and those awaiting trial, from the long-term convicts. In his 1936 report to the board of trustees he called attention to this need and declared:149

"If possible funds could be secured, I recommend that a new building be erected to house first offenders and inmates awaiting court, which is impossible under the present building arrangements. This building is very much needed at the institution, but I must say that it would add a further maintenance and operating cost to our institution and in all probability our present per capita appropriation would not be sufficient to take care of same."

The State Board of Charities, also, in their 1937 report, recommended that such a building be provided. Equally important, they felt, was an isolation building for the housing of desperate and hardened criminals and habitual offenders.150

To meet this obvious need, a building formerly used for the automobile repair shop, was renovated during 1937 and converted into a place where young first offenders, short-term prisoners and honor inmates could be housed.151 The building is equipped with a washroom, toilets and showers, and has accommodations for sixty men who are kept entirely separate from the main institution. On the first floor is located the dining room; and on the second, a dormitory forty-five feet by seventy-five feet. The building contains no cells and all the prisoners sleep in the dormitory. Inmates, assigned to this new addition to the workhouse, are employed in caring for the workhouse lawn, in picking berries and in performing duties in the prison greenhouse.

When interviewed by the press regarding the new dormitory, Warden Wilson said that he had decided he could wait no longer for public funds and, therefore, had experimented with the old automobile repair shop.152 Continuing, he explained:

152 Journal-Every Evening, Wilmington, July 12, 1938, p. 12.
"If I had plenty of money I'd break this workhouse into more groups than a crossword puzzle has pieces ... "

"Each prisoner is an individual. He is not simply part of human cargo shipped out here by the courts. There is Jack and Charlie and Bill—every one of them a separate man with his own personal problems and background. "That's why I'd like to have the men grouped, rather than bunch them all together.

"Any difference in the men in the outside dormitory and the main workhouse? Plenty!

"The first offenders in the outside dormitory are free from the influence of the long termers in the big house. They are free from the work inside the main building ... ."

This expression of opinion, although it cannot be entirely reconciled with the other statements of Warden Wilson already quoted, is exceedingly encouraging and may presage a new era of penology at the workhouse. Certainly, if the multitudinous and conflicting functions of that institution can be successfully separated, the new warden will have gone a long way in the elimination of many of the forces that undermined the "Plummer System."

During 1937 there was also completed much of the program initiated to prevent escapes from the workhouse. In that year the construction of the fence, gate house and towers was finished and the board of trustees, in reporting the fact to the levy court, stated:153

"The greatest improvement we have made, we feel, is the placing in operation of the gatehouse, fence inclosure and the towers. These improvements with armed guards on twenty-four service in the three towers and the fence flood-lighted at night give a security to the institution it has needed for many years.

"All persons visiting the institution must now pass through a metal detector; this is another protection against smuggling of weapons into the main institution and the Board has authorized the purchase of a portable one for use inside the main building."

This persistent emphasis on security may well mean that for some time to come precautions against escapes will take prece—

dence over everything else and all administrative policies may be limited by such considerations. However, the establishment of a segregation department for some prisoners does seem to indicate a tendency toward the introduction of a rehabilitation program.

During 1936, the year following the new warden's appointment, a survey was made of the prison labor problem in Delaware by the Prison Industries Reorganization Administration. The following excerpts from this survey are especially enlightening regarding the employment situation at the New Castle County Workhouse:

"The New Castle County Workhouse is operating a contract which employs between 150 and 175 inmates in the manufacture of pants; the workhouse also has a farm where about 50 men are usually employed in raising produce for the institution.

"As in many other prisons, garment contracts of one kind or another have been the chief factor in New Castle's employment success, but today contracts seem to be on their way out of our penal institutions. The opposition to them is of long standing, but it has become really effective in the last 20 years. The passage of the Hawes-Cooper Act and other supporting Federal legislation, which reinforces many state laws prohibiting the sale of prison-made goods, has rendered the operations of contractors exceedingly difficult. The claims of industry and organized labor that prison-made products constitute unfair competition to the free wage earner and result in unfair prices have been pushed with such vehemence that the contract system of production has been gradually abandoned in most state institutions. Delaware, too, is faced with the loss of its contract, and if new forms of employment are not found, New Castle, as well as Kent and Sussex, will be maintaining a large proportion of its prisoners in idleness at public expense."

After suggesting the establishment of a centralized form of organization by which the state would take over the county jails and operate them as units in a coherent but flexible state penal system, this survey made the following specific recommendations regarding Delaware's penal problems:

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“1. Passage of a state-use law providing for the compulsory purchase by tax-supported institutions and agencies of the products manufactured for their use in the prisons.

“2. Extension of the powers of the Board of Charities and Corrections to control productive activities in the welfare institutions in order that there may be no conflict with activities in the penal institutions.

“3. Passage of a law permitting the Highway Department and the state forester to use prison labor for work on the highways and in the state forests.

“4. Expansion of farm activities at Delcastle Farm and at the Sussex County Jail and acquisition of farm property for the use of the Kent County Jail.

“5. Development of individualized treatment through classification work at each institution.

“6. Placing all medical service at the several institutions in the hands of the State Board of Health.

“7. Establishment of a state probation service to coordinate the work now being done and to develop it in all three counties by means of adequate personnel under the guidance of a skilled director.

“8. Development of the state parole service to permit pre-parole investigations early in the term of imprisonment and constant cooperation between the parole officer and the classification staff at each institution.

“9. Establishment and maintenance at state expense of a new prison farm for all women offenders.”

9. The New Castle County Workhouse in 1938

(a) Grounds and Plant

The New Castle County Workhouse is situated at Greenbank, about five miles from Wilmington. Although the institution occupies a plot of ground of approximately forty acres, only six of these are covered by the main prison buildings and an enclosed recreation yard.

All the buildings are of red brick with wooden roofs covered with slate. After passing through the gate house, one approaches the main entrance along a walk that crosses a well-kept lawn. Entrance to the principal building is through the administration department into a large central guardroom flanked on each side by a cell house. To the rear of the central guardroom, and connected to it, is the wing housing the workshop and commissary department.