The two cell houses contain three hundred twenty steel inside-type cells, five feet by seven feet by eight feet high, arranged on two floors, each floor having two tiers of cells. As originally planned, the cells in each tier are placed in two rows, arranged back to back, and separated by a service corridor that contains the wiring and plumbing fixtures. Before each row is an exercise cage, running the length of the row. Twenty-eight additional cells, located in the south wing, are used for short-term prisoners, who, however, mingle with the other inmates during the day. The lighting and ventilation of the cell blocks are average for this type of construction. Each cell is equipped with an electric light and furnished with a strap iron bed, mattress, sheets, pillow case and blankets. The prisoners are permitted to supply themselves with a locker, table and chair.

As we have already explained, a dormitory has been provided for certain prisoners in a renovated building that was formerly a repair shop. This now has accommodations for eighty men and is being used for first offenders. The prisoners lodged in this building are kept entirely separate from the inmates of the main building.

The Delcastle Farms, containing over five hundred acres and located about two miles from the workhouse, also is under the jurisdiction of the board of trustees. Two stone and cement block dormitory buildings have been constructed there and provide quarters for one hundred fifty-four selected inmates who work on the farms. The older of the two buildings, in addition to having a dormitory that accommodates forty-four prisoners, contains toilets and showers. The newer one has sleeping quarters for one hundred ten prisoners. In its basement are located the kitchen, inmates' dining room, the officers' dining room, a shower room and lavatory, the heating unit, and storerooms. On the main floor there is a large recreation room and two dormitories, each with bath and toilets. The second floor contains smaller dormitories for men employed in the dairy detail, which goes to work early in the morning.

The new women's building is about three hundred yards from

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156 Handbook of American Prisons and Reformatories, 1933, p. 90.
the main workhouse building. As we have already described this building in detail, it will not be necessary to add anything further here.

On November 30, 1938, the total funded debt of the workhouse, originally created for the construction of the institution, was $37,000.00.\textsuperscript{157} It is interesting to note the size of this debt in view of the fact that the board of trustees in 1910 expressed the opinion that it would be completely liquidated "within a few years."\textsuperscript{158}

(b) Administration

The general management of the institution is entrusted to a board of trustees of five men appointed to serve for five years without pay by the resident judge of the New Castle County Court of General Sessions. The terms of the trustees overlap in such a way that the term of one member of the board expires each year. On November 30, 1938, the members of the board of trustees were as follows:\textsuperscript{159}

Joseph S. Hamilton, President
Robert D. Kemp, Vice-President
Robert Ferriday, Secretary
John F. Porter, Treasurer
A. V. Lesley George

The board of trustees appoints the warden and, in cooperation with him, determines the general policy of the institution. The present warden, Elwood H. Wilson, was appointed in 1935. Serving directly under him is Thomas J. Wheatley, as deputy warden; Benjamin M. Sturgis, as chief clerk; Frances E. Hartzell, as supervisor of the women's building, and Roy H. Burkey, as Superintendent of Delcastle Farms.\textsuperscript{160}

In the men's prison there are thirty-six guards, three cap-

\textsuperscript{157} Fortieth Annual Report, 1938, p. 44.
\textsuperscript{158} Twelfth Annual Report, 1910, p. 21.
\textsuperscript{159} Fortieth Annual Report, 1938, p. 35.
\textsuperscript{160} Fortieth Annual Report, 1938, p. 36.
tains, one deputy warden and a warden. This force is divided into three shifts, each of which is on duty eight hours a day. Guards working on the regular eight-hour shift receive one day off every three weeks and each guard receives an annual vacation of ten days. In addition to regular guard duty, those employed at the institution are required to escort prisoners to and from the court. The guards are furnished with uniforms, but there is no training plan, no form of civil service and neither the county nor the state makes any provisions for retirement on pension. The supervisor of the women's prison is assisted by a matron and two nurses.\textsuperscript{161}

In administering the institution, the board of trustees is still handicapped by serious financial limitations. The only source of revenue provided by law continues to be the daily maintenance allowance paid by the counties for each person imprisoned. As in the past, this is subject to wide fluctuations depending upon the number of prisoners committed and, therefore, militates against the introduction of long-range planning.

(c) \textit{Prison Population}

The average population for 1938 was five hundred twenty, which represented an increase of twenty-two over 1937. However, with the present accommodations this did not result in overcrowding. On November 30, 1938, four hundred sixty-one prisoners were at the workhouse, twenty-two of whom were in the women's prison.\textsuperscript{162} Two thousand nine hundred eighty-six prisoners were received at the institution during 1938. Of these one thousand two hundred fifty-six were colored and one hundred eighty-five were women.

That the institution is still seriously handicapped by being compelled to serve as lockup, jail and prison and that this results in a high rate of population turnover is evidenced by tables 12, 13 and 14.\textsuperscript{163}

\begin{footnotesize}
\begin{enumerate}
\item \textit{Fortieth Annual Report}, 1938, p. 55.
\item \textit{Ibid.}, pp. 45, 55, 56.
\item \textit{Ibid.}, p. 57.
\end{enumerate}
\end{footnotesize}
### TABLE 12
**Prisoners Admitted to the New Castle County Workhouse From December 1, 1937 to November 30, 1938**

**How Received**

<table>
<thead>
<tr>
<th>Source of Admission</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Municipal Court serving fine and costs</td>
<td>1,656</td>
</tr>
<tr>
<td>From Municipal Court held for hearing</td>
<td>193</td>
</tr>
<tr>
<td>From Municipal Court awaiting trial</td>
<td>262</td>
</tr>
<tr>
<td>From Magistrates serving fine and costs</td>
<td>492</td>
</tr>
<tr>
<td>From Magistrates held for hearing</td>
<td>90</td>
</tr>
<tr>
<td>From Magistrates awaiting trial</td>
<td>98</td>
</tr>
<tr>
<td>From New Castle County Court of General Sessions</td>
<td>39</td>
</tr>
<tr>
<td>From Kent County Court of General Sessions</td>
<td>0</td>
</tr>
<tr>
<td>From Sussex County Court of General Sessions</td>
<td>1</td>
</tr>
<tr>
<td>From United States Court</td>
<td>134</td>
</tr>
<tr>
<td>From Returned from Escape</td>
<td>1</td>
</tr>
<tr>
<td>From Returned from Parole Officer</td>
<td>1</td>
</tr>
<tr>
<td>From Court of Common Pleas</td>
<td>19</td>
</tr>
</tbody>
</table>

Total: 2,986

### TABLE 13
**Prisoners Discharged from the New Castle County Workhouse From December 1, 1937 to November 30, 1939**

**How Discharged**

<table>
<thead>
<tr>
<th>Method of Discharge</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>By expiration of sentence</td>
<td>2,364</td>
</tr>
<tr>
<td>By fine and costs paid or remitted</td>
<td>188</td>
</tr>
<tr>
<td>By Order of Court of General Sessions</td>
<td>131</td>
</tr>
<tr>
<td>By Order of United States Court</td>
<td>15</td>
</tr>
<tr>
<td>By Order of Municipal Court</td>
<td>109</td>
</tr>
<tr>
<td>By Order of Magistrates</td>
<td>44</td>
</tr>
<tr>
<td>By Order of Court of Common Pleas</td>
<td>20</td>
</tr>
<tr>
<td>By pardon</td>
<td>0</td>
</tr>
<tr>
<td>By paroles</td>
<td>18</td>
</tr>
<tr>
<td>By escape</td>
<td>3</td>
</tr>
<tr>
<td>By deaths</td>
<td>3</td>
</tr>
<tr>
<td>By released on bail</td>
<td>171</td>
</tr>
<tr>
<td>By transfer to Farnhurst</td>
<td>7</td>
</tr>
<tr>
<td>By transfer to Delaware Colony (Stockley)</td>
<td>0</td>
</tr>
<tr>
<td>By transfer to Federal Prisons</td>
<td>15</td>
</tr>
</tbody>
</table>

Total: 3,088
### TABLE 14

**MOVEMENT OF POPULATION**  
From December 1, 1937 to November 30, 1938

<table>
<thead>
<tr>
<th></th>
<th>RECEIVED</th>
<th>DISCHARGED</th>
</tr>
</thead>
<tbody>
<tr>
<td>December, 1937</td>
<td>228</td>
<td>275</td>
</tr>
<tr>
<td>January, 1938</td>
<td>251</td>
<td>236</td>
</tr>
<tr>
<td>February</td>
<td>245</td>
<td>214</td>
</tr>
<tr>
<td>March</td>
<td>268</td>
<td>278</td>
</tr>
<tr>
<td>April</td>
<td>268</td>
<td>259</td>
</tr>
<tr>
<td>May</td>
<td>246</td>
<td>306</td>
</tr>
<tr>
<td>June</td>
<td>289</td>
<td>256</td>
</tr>
<tr>
<td>July</td>
<td>213</td>
<td>263</td>
</tr>
<tr>
<td>August</td>
<td>271</td>
<td>256</td>
</tr>
<tr>
<td>September</td>
<td>275</td>
<td>300</td>
</tr>
<tr>
<td>October</td>
<td>204</td>
<td>230</td>
</tr>
<tr>
<td>November</td>
<td>228</td>
<td>215</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,986</td>
<td>3,088</td>
</tr>
</tbody>
</table>

### HOW HELD

From December 1, 1937 to November 30, 1938

- Number serving sentence: 265
- Number in default of fine and cost: 151
- Number awaiting trial: 45
- **Total**: 461

(d) **Industries**

The principal industry at the workhouse has been the manufacture of clothing under contract with various private corporations. However, the contract with the Capital Pants Company of Philadelphia expired in November, 1938, and no new agreement has been made with any company since that time. During 1938, the total production of the pants shop was 18,208 ½ dozens.\textsuperscript{164} This output, largely as a result of the operation of the Hawes-Cooper Act, was below what it had been in the past, and the board of trustees in their report stated: “We do not know just what its [the Pants Shop’s] future will be.”\textsuperscript{165} So serious has been the decline in the production of clothing that a study is now being made to discover new means of employment.

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\textsuperscript{164} Fortieth Annual Report, 1938, p. 46.  
\textsuperscript{165} Ibid., p. 40.
Even though Delaware has not as yet passed any legislation in accordance with the provisions of the Hawes-Cooper Act, nor established any program for a state-use system of prison labor, there has been some tendency for the state's institutions to cooperate in their industries. This is indicated by the following excerpts from the warden's report for 1938:

"The Sewing Shop in our Laundry has been busy during the entire year, making industrial garments for our own institution, Ferris Industrial School, Delaware Colonies at Stockley, and the Welfare Home. This shop is very essential to the institution.

"Our Broom Shop has continued to operate, making brooms for our own institution.

"The Sewing and Rug Room at the Women's Building has been kept steadily employed, working on garments for Delaware Colony, and making rugs.

"Four of our inmates are regularly employed in the manufacture of cinder blocks and concrete posts. This work is being done by the men assigned to the First Offenders' Building . . .

"Many of our state institutions have continued their valued cooperation throughout the year, thereby making it possible for us to give employment to many of our inmates; and, as soon as possible after the holidays, I am going to personally contact the heads of each institution in an effort to secure further employment for our inmates . . ."

During the period December 1, 1937 to November 30, 1938, an average of seventy-three inmates were employed in agricultural and cannery work, cleaning around the farm buildings, building fences, operating a saw mill, dairying, hog raising, remodelling and painting the farming implements.

Although employment in the pants shop affords virtually no vocational training, men do receive some training in the discharge of their duties on the farm. As shown by the following

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166 In accordance with a law enacted on April 24, 1935, a commission was appointed to discover ways and means of establishing a state-use system of industries in the public welfare institutions of Delaware. However, no legislation was passed as a result of the work of this commission. (Laws of Delaware, Vol. 40, ch. 121.)

167 Fortieth Annual Report, 1938, pp. 46, 47, 49.

quotation from his 1938 report, Warden Wilson is interested in more vocational training for the inmates.\textsuperscript{169}

"We have given considerable thought to the matter of providing an opportunity for the long-terms man of our institution to gain some knowledge along the lines of manual training, and for this reason we have recently started in a small way to make a few articles, such as magazine racks and sewing baskets, and with the approval of the Honorable Board of Trustees, we plan to continue this form of training, starting in a small way with the idea in mind that if it is found to be practical, educational and profitable to extend our activities in this department."

Women inmates receive instructions in sewing and the making of hook rugs. There are also classes in home economics which are held each Thursday afternoon in the women's building.\textsuperscript{170}

Table 15 that follows shows the way in which the inmates were employed from December 1, 1937 to November 30, 1938.\textsuperscript{171}

\textbf{TABLE 15}
\textbf{Labor Report}
For the Year Ending November 30, 1938

<table>
<thead>
<tr>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of days' labor in shop No. 1</td>
<td>1,618</td>
</tr>
<tr>
<td>Number of days' labor in clothing shop</td>
<td>33,665</td>
</tr>
<tr>
<td>Number of days' labor in kitchen</td>
<td>18,205</td>
</tr>
<tr>
<td>Number of days' labor in runners</td>
<td>19,726</td>
</tr>
<tr>
<td>Number of days' labor in powerhouse</td>
<td>1,095</td>
</tr>
<tr>
<td>Number of days' labor at Delcastle Farm</td>
<td>27,174</td>
</tr>
<tr>
<td>Number of days' labor in bakery</td>
<td>2,447</td>
</tr>
<tr>
<td>Number of days' labor in laundry</td>
<td>3,997</td>
</tr>
<tr>
<td>Number of days' labor in storeroom</td>
<td>721</td>
</tr>
<tr>
<td>Number of days' labor in shoemaker</td>
<td>287</td>
</tr>
<tr>
<td>Number of days' labor in inside guards</td>
<td>2,458</td>
</tr>
<tr>
<td>Number of days' labor in repairs and garage</td>
<td>16,802</td>
</tr>
<tr>
<td>Number of days' labor in women's department</td>
<td>15,402</td>
</tr>
<tr>
<td>Total</td>
<td>143,597</td>
</tr>
</tbody>
</table>

\textbf{(e) Health}

The institution's medical staff is composed of a visiting chief-of-staff and surgeon, a resident physician, a part-time dentist,

\textsuperscript{169} \textit{Fortieth Annual Report}, 1938, p. 47.
\textsuperscript{170} \textit{Ibid.}, p. 46.
\textsuperscript{171} \textit{Ibid.}, p. 58.
a part-time oculist and two trained nurses who are stationed in
the women's building.

All men and women receive complete physical examinations
upon admission, and are then placed in quarantine for a ten-day
observation period. However, there are no routine health
examinations.

The men's hospital unit is located in the two floors above the
recreation hall. The first floor of this unit contains a small dark
room, the dispensary, the dental clinic, a Catholic chapel, two
schoolrooms, the resident physician's office, the quarters of the
inmate assistant and a lavatory. The hospital proper, which is
located on the second floor, has one eight-bed ward, one four-
bed ward, the resident physician's quarters, and a morgue.
There is also a small diet kitchen for preparing special diets, a
small operating room, and two cell rooms designed primarily
for the temporary confinement of acute alcoholics. One inmate,
who lives in the hospital, is assigned to nursing duty, and gradu-
ate nurses are brought in to assist at major operations. There
is no X-ray machine in the hospital.

In the women's prison there is one hospital room, containing
two beds, which is located on the third floor of the building.
Across the hall is a nurse's room, a dispensary, and a dental
room. All operations and X-ray cases are taken to the Delaware
Hospital in Wilmington. The city laboratory in Wilmington
takes care of all the necessary laboratory work.

Men are allowed the use of the recreation yard from 5:30 to
8:00 in the evenings every week day, and for additional periods
on Saturdays, Sundays, and holidays. Certain details, whose
hours of work conflict with the regular recreation time, are per-
mitted to use the yard during the afternoon. However, there
is no organized program of recreation and no regular appropria-
tion for equipment.

A small recreation yard is provided for the women at the rear
of their building. Female inmates are given outdoor recreation
periods daily, as well as on Saturday and Sunday afternoons, at
which time they play modified forms of handball and baseball.

172 Ibid., p. 48.
No instruction in health or hygiene is offered to the men, and there is no formal health education for women, although personal advice and information are given from time to time.

The following excerpts from the physician’s report for 1938 indicate the extent of medical service rendered at the workhouse during that year, and the nature of the institution’s medical program then in effect:

For the Year Ending November 30, 1938

1. Total number patients reporting at sick call .................. 13,477
2. Daily average number patients reporting at sick call .......... 36.92
3. Total number days lost through illness (or an average of 3 per year) .................................................. 1,525
4. Daily average number patients sufficiently ill to confine them to bed ................................................. 4.18
5. Operations ........................................................ none
6. Deaths ............................................................. 3
   (a) Pulmonary tuberculosis
   (b) Gangrene of both feet and inatition
   (c) Pneumonia and inatition

The Medical Program of the institution is as follows:

1. (a) All admissions are examined as to their general health. Blood specimen for Wasserman
   (b) Evidence of contagious diseases
   (c) Isolation for ten days

2. Daily sick call
   (a) Minor surgery
   (b) Medical illnesses
   (c) Decision as to whether men are able to work
   (d) Inspection of confined inmates

3. Venereal illnesses
   (a) Syphilis
      (1) State Board of Health program
      (2) Blood specimen for Wasserman on each inmate once yearly
      (3) Classification of cases
   (b) Gonorrhea
      (1) Treatment and isolation

(f) Religion

Religious activities for the men are in charge of two part-time chaplains, one Protestant and one Catholic. The recreation room at the end of the east wing is used for all services except Catholic which are conducted in a small chapel in the hospital. The women's prison has no regular chaplain but volunteer women's organizations of Wilmington hold services every Sunday. The women's chapel, also used for general assembly purposes, is situated on the third floor of their building. Services are held each Sunday morning and afternoon in all branches of the institution; that is, in the women's prison, the main institution, the first offenders' building and Delcastle Farm. There has also been organized a Bible Class that meets in the main institution and the first offenders' building on Wednesday and Sunday evenings.

(g) Education

The State Board of Adult Education has supplied two teachers, one for the women and one for the men prisoners. They are now conducting the institution's educational program that was formerly under Professor Barkley of the University of Delaware. Classes are held on Tuesdays and Thursdays for the men and on Thursday afternoon for the women. Most of the subjects offered are elementary in nature.\(^\text{174}\)

Some idea of the prison's library and the extent to which it was used during 1938 can be obtained from the following quotation taken from the warden's report for that year:\(^\text{175}\)

"During the past twelve months 10,329 book loans were made to the inmates, and 4,000 back-number magazines were received and circulated. Inmates taking advantage of the prison library services averaged 75 per cent of our total population each month.

"The institution's friends donated 150 books, and more than 4,000 back-number magazines. The Salvation Army contributed 300 War Cries each month. Our collection at this writing contains 3,589 useful volumes, including many non-fiction books. Twenty per cent of our book loans for 1938 were of the non-fiction type. We appreciate the interest shown by those who have helped our library during the past fiscal year."

\(^{174}\) Fortieth Annual Report, 1938, p. 46.
\(^{175}\) Ibid., p. 47.
Despite the fact that after the elimination of the last elements of the "Plummer System" there was a decided tendency toward an administrative policy of emphasizing mere confinement and security almost to the exclusion of everything else, there are at present signs of some recognition of the value of rehabilitation. Not the least of these is the creation of a segregation department for first offenders. Encouraging, also, is Warden Wilson's conviction that an even better program of classification is necessary. As a matter of fact, a classification board has been organized for the purpose of interviewing inmates committed to the institution in order to determine the type of work for which they are best fitted. It is hoped by this program not only to assign prisoners to suitable work, but also to help them learn something that will be useful to them when released. A case history is being taken of each individual in order to give the classification board detailed information as to the personal history, criminal history, and parental background of each subject. Of course, the value of this program will depend largely on the way in which it is administered, but the very fact that it is being attempted for the first time in the history of the workhouse seems to augur well for the present administration.

(h) Inmate Rules

Some of the important rules in effect in 1938 for the regulation of the inmates at the New Castle County Workhouse are shown below:

"We are your friends. Whether or not your incarceration here will be a hardship depends entirely upon you and your conduct. These rules which are listed below will be no hardship upon anyone if obeyed, therefore, we urge that you abide by same. Should you at any time desire any information or advice, you are at liberty to consult the Guard or the Warden.

"Sanitation. Your cell is your home while confined in this institution. Keep it clean. Dirt is a germ breeder. Your health means more to you than wealth. If you are ill, notify the guard. We have sick call every day (except

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176 Fortieth Annual Report, 1938, p. 46.
177 Excerpts taken from the copy of the rules given to each inmate upon his admission to the workhouse.
Sunday) at 12:15 at the Center desk. Inmates suffering from any venereal disease will be given treatment every Wednesday. It is compulsory that you take this treatment should you be suffering from same. There is no charge for any medical treatment. Laxatives may be obtained from the guard in the wing who will also furnish you Writing Paper upon request.

"Cells and Equipment. You will be issued one pillow case, two sheets, one blanket in Summer, two in Winter; one towel, one cell broom and one drinking cup; also soap, toilet paper and one 25-Watt bulb. You may have one stand, one chair and one radio. You are not permitted to have any knives or any other weapon in your cell or on your person at any time. Bed clothing will be changed on Tuesday . . .

"Commissary. We have a commissary for your benefit from which you may purchase what articles you may need. Any inmate desiring to purchase an article which is permitted to come into the institution and is not obtainable at the commissary may order it through the commissary. Any inmate wanting to send money home or to open a bank account may do so through the commissary . . .

"Dining Room. You are not permitted to talk in the Dining Room. Do not get up from the table during meal periods. We serve cafeteria style, therefore do not take more food on your plate than you can eat. Do not take any kitchen equipment from the kitchen or dining room.

"Line. Every inmate is supposed to keep in a single file straight line with no talking when going from the cells to the dining room and when going from one part of the institution to the other. Men coming from the dining room after supper will go immediately to their cells. No smoking in line while going through center, and no falling out of line when passing through center.

"Work. Men assigned to the shop are not permitted to smoke in the shop at any time. Inmates are paid a bonus for different classes of work in the shop and it is entirely up to the inmate as to the amount of money he earns. Other bonuses are paid to inmates who are assigned to different kinds of work throughout the institution. Every man committed to this institution must work unless physically unable.

"Visits and Letter Writing. You are permitted to write two letters and to have two visits each week. Visiting days will be Monday and Wednesday afternoons from 12:30 to 4:00 P. M., and Saturday from 8:30 to 11:30 A. M. and from 12:30 to 4:00 P. M. You are permitted to receive foodstuffs not in cans and not to exceed 10 pounds on Christmas, Easter, Decoration Day, July 4th and Thanksgiving Day. Anyone desiring to see the Warden may do so by leaving his name at the center desk . . ."

(i) The Prisoners' Aid Society

The Prisoners' Aid Society, organized in 1920, is a private
association maintained entirely by contributions from those interested in Delaware's criminal and penal problems. Although it is not an integral part of the workhouse organization, it is a most important adjunct of that institution.

One of the chief aims of this society has been to secure modern penal legislation for Delaware. Toward that end its members have constantly striven and have vigilantly guarded against the passage of laws that might have proved obstacles to penal reform. Furthermore, the Prisoners' Aid Society seeks to cooperate in every way to encourage prisoners to prepare for release and to help them in their adjustment in the community after discharge. In a program for the rehabilitation of prisoners, the days following their discharge are of great importance, and much of the good accomplished in the workhouse would be lost unless this society were on hand to offer its assistance. It should be realized, in this connection, that in Delaware prisoners may be discharged without money or sufficient clothing and may, therefore, be in a state of mind to return to crime in order to satisfy their immediate needs. The Prisoners' Aid Society in most cases is the only refuge for help. These and other services rendered, such as legal aid, assistance to prisoners in presenting their cases to the board of pardons and the board of parole, help for destitute prisoners' families, and aid in the securing of food, clothing, transportation and employment for former inmates, make the Prisoners' Aid Society an invaluable agency in the rehabilitation work of the New Castle County Workhouse.

The workhouse administration was highly gratified by the high rating given to it in 1938 by the United States Department of Justice, Bureau of Prisons. The New Castle County Workhouse was ranked among the eleven best city and county jails and workhouses by the investigators of this bureau, being placed in the same class with ten other such institutions in

Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island and Wisconsin.\(^{179}\)

In concluding this description of the conditions existing in the workhouse in 1938, we have thought it advisable to append tables 16 and 17,\(^{180}\) as they give an excellent picture of the extent to which capital punishment and the much-publicized corporal punishment have been employed in Delaware during the twentieth century. Although they represent only the cases of such punishment inflicted at the workhouse, it should be remembered that virtually all corporal and capital punishment in Delaware, from 1907 to 1931 inclusive, was administered by that institution’s officials. Since 1932, in which year the con-

**TABLE 16**

**DEATH SENTENCES**

Inflicted at the New Castle County Workhouse from 1902 to 1938, Inclusive:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL NUMBER SENTENCED</th>
<th>HANGED</th>
<th>COMMUTED TO LIFE IMPRISONMENT</th>
<th>PAR-DONED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1904</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1906</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1909</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1910</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>2</td>
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</tr>
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<tr>
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<td>Totals</td>
<td>24</td>
<td>17</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>


\(^{180}\) *Fortieth Annual Report*, 1938, pp. 61, 62.
TABLE 17
WHIPPINGS
Inflicted at the New Castle County Workhouse from 1923 to 1938 Inclusive:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>LARCENY</th>
<th>BREAKING AND ENTERING</th>
<th>WIFE BEATING</th>
<th>ROBBERY</th>
<th>ASSAULT INTENT TO RAPE</th>
<th>ARSON</th>
<th>OBSTRUCTING RAILROAD</th>
<th>EMBEZZLING</th>
<th>TOTAL</th>
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<td>..</td>
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<td>..</td>
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<td>5</td>
<td>..</td>
<td>2</td>
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<td>..</td>
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<tr>
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<td>..</td>
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<td>..</td>
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<tr>
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<td>4</td>
<td>44</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>381</td>
</tr>
</tbody>
</table>

struction of the new jails in Kent and Sussex was completed, death sentences and whippings have been inflicted by the officials of those institutions upon prisoners convicted of crimes in the two lower counties.

10. Summary of the History of the Workhouse

In 1899 a milestone in the history of Delaware's penology was passed when on March 16th the New Castle County Workhouse Act was finally approved. By this act, after years of agitation, the legal basis for the state's first real penal institution was finally established. The new workhouse was placed under the administration of a board of trustees composed of five members appointed for five-year overlapping terms by the judges of the superior court and the court of general sessions of
the State of Delaware, residing in New Castle County. The board was to hold the title to the workhouse lands and buildings, and was to have complete authority to manage the institution, to select the warden and other staff members, and to determine salaries and conditions of employment. Annually the board was to submit a report to the levy court of the workhouse conditions and the year's receipts and expenditures. The cost of maintenance of the prisoners was to be paid by the county through the levy court at the rate of forty cents per day per capita until the workhouse loan was liquidated, and thereafter the rate was to be determined by the actual cost of maintenance. The Workhouse Act required the board to employ all able-bodied convicts, to segregate men, women, young offenders and those hardened in crime, and to reduce the terms of imprisonment of the inmates in accordance with "good time" rules.

After carefully considering various locations, the board of trustees selected a site about four miles west of the City of Wilmington for the new institution. The construction of the workhouse, with its two hundred cells, was completed in 1901, and the buildings were ready for occupancy in November of that year. Mr. A. S. Meserve was appointed warden on March 19, 1901, and the first prisoners were received under his supervision in the following November. By the end of that month the total prison population had become one hundred seventy, of whom seven were women.

The first reports of the board of trustees and the warden submitted to the levy court were characterized by the emphasis on profits that was so typical of the period. As Wines and Dwight have so aptly put it, "one string was harped upon, ad nauseam—money, money, money." 181 Pages filled with figures concerning the plant, equipment and industries, stressed business efficiency almost to the exclusion of everything else, although a small library and elementary school were soon established. This, of course, was no direct reflection on the workhouse administrators for they were living in an age in which the all-absorbing

181 Wines and Dwight, Prisons in the United States and Canada, p. 289, also pp. 265-268.
concern of wardens was to make the prisons pay their expenses. As a matter of fact, few states even today have advanced beyond that point in their penological evolution.

Two events occurred early in the history of the workhouse which deeply disturbed the administration and hampered it in its efforts to construct a solid foundation for the institution's development. The first of these was a serious fire of unknown origin that on the night of November 29, 1902, destroyed a large part of the new structure. Although most of the damage was covered by insurance, the fire did constitute a source of confusion to the new organization. On the night of June 22, 1903, the second of these events took place when a mob of several thousand broke into the workhouse and lynched a negro prisoner, named George White, who had been arrested for the rape and murder of a young white girl. Although the warden and the guards were cleared of all blame in this disgraceful episode, this outbreak of violence and lawlessness certainly did not contribute to the tradition of security and order that the board of trustees was striving to create for the new institution.

Meanwhile the population of the workhouse was increasing and by November 30, 1904, it had grown to two hundred twenty-five. The tendency to overcrowding was complicated by the presence of a high rate of population turnover resulting from the triple purpose of city lockup, jail and county prison that the workhouse was made to serve. It soon became quite apparent that plans for the expansion of the institution's accommodations would have to be formulated. In order to meet the situation, the state legislature, upon the request of the board of trustees, authorized the increase of the workhouse loan to two hundred seventy-five thousand dollars. This made possible the enlargement of the institution and the addition of more cells. By this expansion the total number of cells in the workhouse was increased during 1906 to three hundred seventy-two which seemed quite adequate as at that time the average population was only two hundred eighty-three.

During the legislative session of 1905 several acts were passed which affected the workhouse. On March 10th, the pillory was abolished and on April 3rd an act was approved that authorized
Kent and Sussex Counties to commit their long-term prisoners to the workhouse. Although by this method Delaware appeared to acquire a state prison system, the arrangement at best was only a makeshift, depending entirely on the discretionary powers of the courts “down-state.” Moreover, as the workhouse was not properly prepared to perform the conflicting functions of lockup, jail, county prison and state prison, forces were set into motion that eventually caused Delaware to recommit herself to a county prison system.

In August, 1907, the board of trustees reluctantly accepted the resignations of Warden Meserve and his wife, the latter having been matron of the institution. Leonard Crawford, who had served as deputy warden since the opening of the workhouse in 1901, was chosen to succeed Meserve, and Mrs. Crawford became the new matron.

While Warden Crawford was in charge of the workhouse the prison population continued to increase so that eventually the original plan of keeping each prisoner isolated in a cell during the night had to be abandoned. Furthermore, the increased size of the population and its rapid turnover intensified the problems of employment and health, and provoked public criticism. In order to reduce these problems, the board of trustees provided an outdoor exercise yard for the prisoners in 1913, and gradually acquired farm land on which to employ inmates in the growing of produce for the workhouse. In the meantime, the health of Warden Crawford was failing and he was compelled to retire in December, 1915. Captain Richard F. Cross was selected to take Crawford’s place as warden and Mrs. Cross became the institution’s matron.

The first year of the administration of Warden Cross was an auspicious one but there were already in operation undermining forces which gradually produced a crisis and his resignation. Such factors as the continued increase of population, financial pressure, a contract system of prison labor, the conflicting lockup, jail and prison functions with the concomitant high rate of population turnover, strict and unreasonable discipline, and laxity on the part of the warden, all these, exerted disintegrating influences. Thoroughly honeycombed, the workhouse organiza-
tion needed only a sharp blow to reveal its hidden weakness. That blow was delivered by the ridiculously easy escape in December, 1919, of Lemuel Price, a negro awaiting execution for the murder of a Wilmington policeman. This escape aroused great public indignation, and pending the investigation of the grand jury, the board of trustees suspended Warden Cross. The grand jury in its report severely condemned not only the warden but also the board of trustees. Finally, Warden Cross was summarily dismissed by the trustees on January 21, 1920, and the former warden, Leonard Crawford, was placed temporarily in charge of the workhouse.

The board of trustees, alarmed at the expressions of public indignation over the escape of Price and the charges of laxity that were being hurled at the workhouse administration, invited Hastings H. Hart, Director of the Russell Sage Foundation, to inspect the workhouse and to make recommendations for its improvement. The results of this investigation and the findings of a committee of the Wilmington Central Labor Union and a legislative committee, revealed the seriousness of the situation at the institution and indicated the need of a vigorous, enlightened leadership. In the meantime on April 13, 1920, the board had selected Mordecai S. Plummer as the new warden, and, although his experience and training did not seem to recommend him for the position, he soon won high praise in all quarters. A man of deep and abiding faith in his fellow men, Warden Plummer furnished the institution with the type of leadership that soon produced amazing developments.

When the new warden took charge he swept aside the old and hated rules and regulations and introduced a system of privileges that were to be extended to the inmates as long as they proved worthy of trust. Regular recreation periods were established and a commissary was provided where men could buy such things as tobacco and candy. However, the innovation for which Warden Plummer will always be remembered is the "honor system," which was based on a "desire for increased opportunity to lend a helping hand to the driftwood of humanity" and was to supply "a force of friendship and fraternity to the inmates." Although the new system found its most concrete
expression in the creation of an "honor court" and a corps of inmate guards, its essence was the "Calvary Cure," by which Warden Plummer meant the use of religion and the "Golden Rule" in the reclamation of criminals. This was an old formula that had been tried many times before, but in the hands of a man of great courage and energy, possessed of an abiding faith in the essential goodness of his fellow men, it became a powerful force for the reformation of men who were deeply grateful for their new privileges. From the relationship thus created between Warden Plummer and his prisoners grew bonds of loyalty and affection that made so unorthodox and unscientific a system a success, even though it was confronted with such formidable obstacles as the conflicting functions of the institution, a heterogeneous and shifting population, an obsolete plant and equipment and a rudimentary educational program.

The death of Warden Plummer on December 21, 1922, came as a shock not only to the administration and inmates of the workhouse, but also to the public who had come to marvel at his success. The trustees declared that they would adhere strictly to the principles of the "Plummer System" and accordingly appointed Elmer J. Leach as warden. 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.

Among the important administrative and legislative changes made during Warden Leach's first year in office were the introduction of a new plan of instruction in which inmates were used as teachers, the passage of a parole law for the inmates of the workhouse through the efforts of the Prisoners' Aid Society and the establishment of another method of compensation for prisoners who were employed in the shops. While these changes were being effected, Warden Leach soon let it be known that, like his predecessor, he was unalterably opposed to the whipping post, and he soon became more active in the movement for its abolition than any other workhouse administrator has ever been.

In July, 1926, the institution's first and only inmate newspaper was published, and although it was short-lived, it added
its weight to the wholesome influence of a growing library, and a well-managed elementary school, under the direction of Professor Barkley. Despite this, however, by the end of 1927 many of the fundamental defects of the workhouse system had once more become serious obstacles to the efficient administration of the workhouse. Overcrowding, the presence of women prisoners in the same building, an unstable financial situation, an unenlightened public opinion, an undesirable contract system of labor, the conflicting functions the institution was compelled to perform, the concomitant heterogeneous and shifting prison population, the failure of the "honor system" to recruit new men to fill the places of those who had felt a strong bond of loyalty to the memory of Warden Plummer—all these factors produced a situation that proved inimical to the "Plummer System," contributing to its decline and eventually to its complete disappearance.

The overcrowding of the workhouse continued, but finally, after a number of years of agitation some relief was furnished by the construction of a women's prison, which was occupied on October 19, 1929. This relief, however, was only temporary and it was soon apparent that the workhouse was entirely inadequate for the increasing population demands. The board of trustees, the New Castle County Grand Jury and the state board of charities, all recommended that some steps be taken to reduce the congestion. In response to these recommendations, the state legislature in 1931 authorized two hundred thousand dollars for improving the workhouse. Among the changes made possible by this action was the creation of a penal farm unit, called Delcastle Farms. All prison farming was to be done on the new unit where dormitories and a cannery were constructed. The board of trustees hoped that this addition would not only relieve overcrowding in the main building but also provide an important source of employment. The latter seemed especially important in view of the passage of the Hawes-Cooper Act and the seriousness of the business depression.

While the agitation for the improvement of the workhouse had been bearing fruit, there occurred the first of a series of sensational escapes that led to the elimination of the last ele-
ments of the "Plummer System." In August, 1930, six prisoners made a successful break from the institution. One of these was an inmate guard through whose assistance the escape was accomplished. Although immediately after this occurrence Warden Leach expressed his confidence in the continued success of the "honor system," the thirty-seven escapes that took place from 1930 to 1933 inclusive marked the end of Delaware's only experiment in inmate self-government. Its decline and disappearance should not be considered a reflection on the administrative ability or the penal philosophy of Warden Leach, but rather incontrovertible evidence that more than good intentions, humanitarian principles and religious faith are required to administer a penal institution. The "Plummer System" had all these, but it was confronted with such serious obstacles that it is extremely doubtful whether even its inspired originator, supported by his loyal following of grateful prisoners, could have given it continued success. Humanity and faith are necessary but they must be well fortified by adequate financial support and the application of the sound principles of modern penology.

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 lockup, county jail and state prison, and expected by public opinion to make the workhouse financially self-sufficient, the board found the sixty-cent maintenance allowance which had been repeatedly extended in the face of opposition, entirely inadequate for the proper administration of the institution. Moreover, the situation was aggravated by the economic depression of 1929 which made it difficult to provide profitable employment for the prisoners. Finally, the board was compelled to urge the increase of the maintenance allowance, and the legislature, in the face of strong protests from Kent and Sussex Counties, authorized, by an act approved on April 25, 1931, the workhouse to charge one dollar per capita per day during the existence of the institution's loan. This action so stiffened opposition in the two lower counties that in 1933 they pushed through the legislature bills that provided for the commitment of long-term prisoners to the new jails "down-state." The passage of these laws was caused by the same fundamental
weaknesses that had made inmate self-government impossible, and their provisions reversed the trend which was moving toward the centralization of Delaware's penal institutions. Thus by these laws the workhouse was made once more in practice, as well as in theory, a county penal institution.

In 1935 Warden Leach, after having been in office for almost twelve years, announced his intention to retire. The board of trustees accepted his resignation with regret and selected Elmer H. Wilson, captain of Wilmington's detective force, as the new warden.

In the same year that Warden Leach retired a new codification of the laws of Delaware was published. The most important changes that had been made in the legal basis of the workhouse since the passage of the original act, passed in 1899, involved the transfer of insane prisoners to the State Hospital, the commitment of certain long-term prisoners from the two lower counties to the workhouse, the employment of inmates and the parole of the institution's prisoners.

With the disappearance of the last elements of the "Plummer System," the board of trustees and warden, hopelessly hampered by the fundamental defects of an antiquated workhouse system, turned more and more to the ancient policy of mere confinement. The resignation of Warden Leach broke the last remaining tie with the former humanitarian program and the new policy became even more strongly entrenched.

The first few months of the new warden's administration were expressive of the new policy. A fence, gate-house and towers were constructed; special prison uniforms were introduced for certain prisoners and a "pill-box" was built in the dining room. All these steps were taken as precautions against escapes. When Warden Wilson expressed himself as heartily in favor of the whipping post, a stand that was directly opposed to that taken by most of his predecessors, the metamorphosis of the administrative policy seemed to have been completed.

Despite this evidence of a decided tendency toward a workhouse program that emphasizes security of confinement, as of primary importance, there are at present signs of some recognition of the value of rehabilitation. Not the least of these are the
creation of a segregation department for certain prisoners and the recent adoption of a plan of classification. Although it is too soon to judge the value of these innovations, the very fact that they are being attempted for the first time in the history of the workhouse is exceedingly encouraging. Perhaps they are the precursors of a new and more constructive penology, one that will stress human values but will be better implemented with scientific principles, equipment and financial support than the "Plummer System."
CHAPTER IV

INTERPRETATIVE SUMMARY AND CONCLUSIONS

We are now in a position to ask ourselves why the workhouse movement and its product, the New Castle County Workhouse, developed as they did during the period 1887 to 1938. It is evident that the answer to this question lies in an analytical interpretation of Delaware's social history in the last quarter of the nineteenth and the beginning of the twentieth centuries.

Tendencies that had been apparent in the state prior to the workhouse movement persisted in varying forms during the period under consideration. Delaware's population continued to concentrate in New Castle County, especially in the City of Wilmington. Table 18 shows this tendency in an especially impressive way. The population of the state by 1880 had increased to 146,608¹ and was distributed among the counties as follows: New Castle County had 77,716; Kent County, 32,874; and Sussex County, 36,018. Thus by that year the population of the northern county was greater than that of the other two counties combined. Moreover, this is but part of the picture, for this concentration of the state's population in New Castle County tended to center in the City of Wilmington where by 1880 the population reached the total of 42,478, an increase of 28,499 since 1850. This meant that in 1880 well over one-half of the county's population lived in the one big city of the state, and that that city's population was larger than that of either Kent or Sussex.

An examination of Delaware's population figures in the census of 1930 indicates the impressive way in which the tendency to population concentration has persisted. By that year the state's population had grown to the figure of 238,380, which was divided among the counties as follows: New Castle County

¹ Population figures shown in this summary have been taken from the United States Census Reports for the years indicated, except where otherwise noted.
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<th>Year</th>
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<td></td>
<td>Free</td>
<td>Slave</td>
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<td>31,181</td>
<td></td>
<td>202,322</td>
<td>123,188</td>
<td>87,411</td>
<td>32,721</td>
</tr>
<tr>
<td>1920</td>
<td>192,615</td>
<td>30,335</td>
<td></td>
<td>223,003</td>
<td>148,239</td>
<td>110,168</td>
<td>31,023</td>
</tr>
<tr>
<td>1930</td>
<td>205,694</td>
<td>32,602</td>
<td></td>
<td>238,380</td>
<td>161,032</td>
<td>106,597</td>
<td>31,841</td>
</tr>
</tbody>
</table>

*The population estimates for 1770 and 1780 were taken from Walter A. Powell, *A History of Delaware*, Appendix A. The population figures for the City of Wilmington for the years 1790, 1800, 1810, 1820, and 1830 were obtained from J. Thomas Scharf, *History of Delaware*, Vol. 2, p. 643.*
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had 161,032; Kent County, 31,841; and Sussex County, 45,507. In other words, New Castle County’s population had increased until it was more than twice the size of that of the other two counties combined. In the meantime, the number of persons living in Wilmington had become 106,597 by 1930. This represented almost two-thirds of the total population of New Castle County, and was greater than that of the combined totals of the other two counties.

TABLE 19

INTEGRATED PLACES IN DELAWARE WITH POPULATIONS
OVER 1,000 IN 1930

<table>
<thead>
<tr>
<th>Place</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilmington, New Castle County</td>
<td>106,597</td>
</tr>
<tr>
<td>Dover, Kent County</td>
<td>4,800</td>
</tr>
<tr>
<td>New Castle, New Castle County</td>
<td>4,131</td>
</tr>
<tr>
<td>Newark, New Castle County</td>
<td>3,899</td>
</tr>
<tr>
<td>Milford, Kent and Sussex Counties</td>
<td>3,719</td>
</tr>
<tr>
<td>Seaford, Sussex County</td>
<td>2,468</td>
</tr>
<tr>
<td>Laurel, Sussex County</td>
<td>2,277</td>
</tr>
<tr>
<td>Smyrna, Kent County</td>
<td>1,958</td>
</tr>
<tr>
<td>Lewes, Sussex County</td>
<td>1,923</td>
</tr>
<tr>
<td>Harrington, Kent County</td>
<td>1,812</td>
</tr>
<tr>
<td>Georgetown, Sussex County</td>
<td>1,763</td>
</tr>
<tr>
<td>Elsmere, New Castle County</td>
<td>1,323</td>
</tr>
<tr>
<td>Middletown, New Castle County</td>
<td>1,247</td>
</tr>
<tr>
<td>Milton, Sussex County</td>
<td>1,130</td>
</tr>
<tr>
<td>Delaware City, New Castle County</td>
<td>1,005</td>
</tr>
</tbody>
</table>

As a matter of fact, the City of Wilmington is by far the largest city in Delaware. Dover, the capital and next in size, in 1930 had only 4,800 inhabitants. New Castle, Newark and Milford in 1930 ranked next in the order named, having 4,131, and 3,899 and 3,719 inhabitants respectively. The rural nature of the state, outside of Wilmington, is further evidenced by the fact that only ten other towns, shown in table 19, had populations in excess of 1,000 at that time.

The tendency for the concentration of Delaware’s population to center in its one big city can be effectively indicated by comparing its growth from 1880 to 1930 with that of the state for the same period. The population of Wilmington increased from 42,478 to 106,597, or a total of 64,119 during these years, while that of the state changed from 146,608 to 238,380, or a total of
91,772. Thus over two-thirds of the state's total population increase took place in the City of Wilmington during this fifty-year period.

These pronounced population changes resulted from the growth of the northern part of the state, especially Wilmington, as the state's center of commerce, industry and banking. That city's expansion received added impetus in 1879 when the county seat was established there. The development of New Castle County and the retardation of Kent and Sussex can be largely explained by their different locations on the same peninsula. As New Castle County is at the top of this peninsula, Delaware's industries and commercial enterprises tended to cluster there so as to take advantage of trade routes that cut across the state, and through the City of Wilmington, to avoid Chesapeake Bay. Most of the traffic moving along the Atlantic seaboard did not penetrate into the southern part of the peninsula and, consequently, its stimulating influence only indirectly affected the two lower counties. As such cities as Philadelphia and Baltimore increased in size and importance, this traffic grew in volume, and New Castle County's expansion was thus accelerated. During the past two decades, Delaware's roads have been greatly improved, and a fine state highway system, running down through the center of the state, has been created. This has brought the two lower counties into closer contact with New Castle County and its urban and industrial life, and has directed more traffic, with its stimulating influence, into Kent and Sussex. At present, there are indications, such as the movement of some of the industries into the southern counties, that these changes are beginning to make their mark upon the affairs of the state, and that the stage is being set for a more homogeneous and united Delaware.

3 The State Highway Department controls all the public roads of Delaware. It was created in 1917 by an act of the general assembly, which also established a system of state highways, and provided for maintenance thereof, and the appropriation and borrowing of necessary funds. In 1935 all public roads within the state were incorporated into the state highway system and removed from the control of the levy courts. (Interview with Mr. Charles E. Grubb, former New Castle County State Highway Commissioner, and at present the Business Administrator of the University of Delaware.)
New Castle County, always more heterogeneous in population and culture than the rest of the state, became increasingly so as her developing industries and commerce attracted immigrants, many of them from southern and eastern Europe. In 1930, of the total number of 16,885 white foreign born persons in Delaware, 15,644, or about 93 per cent, were in New Castle County, and 12,592, or about 75 per cent, were in the City of Wilmington. This tendency for immigrants to make the northern county, and especially Wilmington, their home, rather than Kent and Sussex, is even more clearly shown by the distribution in the state of the white native born of foreign or mixed parentage. In 1930, there were 23,477 native born white persons of foreign parentage in the state. Of these, 22,163, or 94 per cent, lived in New Castle County; and 18,228, or 78 per cent, in Wilmington. New Castle County in the same year had 9,298 native white persons of mixed parentage, or 90 per cent of the state's total of such persons, while Wilmington's 6,801 represented 66 per cent of the same total.

The heterogeneity of the population of New Castle County, especially Wilmington, becomes more apparent when we examine the following figures. That county's total population of 161,032 in 1930 was composed of 95,379 (59%) native white of native parentage, 22,163 (14%) native white of foreign parentage, 9,298 (6%) native white of mixed parentage, 15,644 (10%) foreign born white, and 18,471 (11%) negroes. In other words, of the 142,484 white persons in New Castle County 33 per cent were either foreign born or native born of foreign or mixed parentage. Moreover, countries with cultures decidedly different from that of the United States were well represented in New Castle County's population in 1930. An examination of the census figures reveals that among her foreign born there were 2,886 Poles, 1,350 Russians and 3,685 Italians. These together represented about 50 per cent of the county's total foreign born white. Moreover, of the county's native white of foreign or mixed parentage, 5,889 were of Polish descent; 1,925, of Rus-

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4 New Castle County was the home of almost all of the early Swedes, Dutch and Finns in Delaware, and the great majority of the Quakers in the state settled there.
sian descent; and 6,332, of Italian descent. Thus a total of 22,067 persons, or 15 per cent of the county’s white population, were either born in Russia, Poland or Italy or descended from those who had come from those countries.

The figures of Wilmington are even more impressive. That city’s total population of 106,597 in 1930 was made up of 56,838 (53%) of native white of native parentage, 18,228 (17%) of native white of foreign parentage, 6,801 (6%) of native white of mixed parentage, 12,592 (12%) of foreign born white, and 12,080 (11%) negroes. It will be seen from these totals that 40 per cent of Wilmington’s total white population of 94,459 was either foreign born, or native born of foreign or mixed parentage. Among Wilmington’s foreign born white there were 2,647 Poles, 1,226 Russians and 3,041 Italians. Together these constituted about 87 per cent of the total persons born in those three countries residing in New Castle County and about 55 per cent of the city’s foreign born white. In addition to this, of Wilmington’s native white of foreign or mixed parentage, 5,421 were of Polish descent; 1,715, of Russian descent; and 5,305, of Italian descent. Thus a total of 12,441 persons, or 13 per cent of the city’s white population, and 9 per cent of the county’s white population, were either born in Russia, Poland or Italy, or descended from persons who had come from those countries. These totals and percentages for the city of Wilmington indicate how the concentration of immigrants in New Castle County tended to center in Wilmington.

On the other hand, if we turn to the population totals of Kent and Sussex for the year of 1930, we see by contrast how homogeneous their populations were. Of the 77,348 persons living in those two counties 59,645, or 77 per cent, were native white of native parentage. This percentage, however, has been obtained by including in the computation the 14,131 negroes, who represented 18 per cent of the population of the two counties. If we remove them from the calculation we find that 94 per cent of

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5 Classified according to country of birth of father, except where the father was native and the mother foreign born, and then according to country of birth of mother.

6 Ibid.
the whites in the lower two counties were native born of native parentage as compared with 67 per cent in New Castle County. This clearly indicates that the politically inarticulate negroes alone constitute the only intrusive element in a population otherwise decidedly homogeneous and largely of British descent, and reveals the difference between the composition of the population "down-state" and that of the people of New Castle County.

While New Castle County's industries and towns were expanding, life in the two lower counties changed but little. Their towns remained small and scattered, shut off as they were by peninsular isolation from the main travel routes in the northern part of the state. The largest town "down-state" is Dover, the capital, situated in Kent County. However, in 1930 it had but 4,800 inhabitants. Only eight other towns in Kent and Sussex Counties at that time had populations of more than 1,000.

The life of the people in those counties continued to be chiefly rural. In 1930, of the 31,841 persons in Kent County, 25,316, or almost 80 per cent, were classified by the United States Census Bureau as rural. This condition existed to even a greater degree in Sussex County where at that time 43,513 persons, or almost 96 per cent of its total population of 45,507, were designated as rural. The inhabitants of these counties, confronted with neither startling changes nor intricate social problems, clung to many of their old English customs and traditions.

Industrialization and urbanization brought to New Castle County an increasingly complex pattern of culture and widened the old breach between the interests and needs of that county and those of Kent and Sussex. It was difficult for these rural counties, with their homogeneity of culture and population, to appreciate the need of social adjustment made necessary by the growth of their neighbor to the north. Then, too, suspicions and fears of long standing were intensified by the economic development of New Castle, and by the influx of foreigners into her industries. Would not New Castle County

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7 In 1930, New Castle County had 46,405, or 29 per cent, of its total population of 161,032 classified as rural by the United States Census Bureau.
eventually seek to dominate those "down-state"? And would not the increasing foreign element in Wilmington become a powerful factor in state affairs? These were questions that troubled many in Kent and Sussex, and undoubtedly contributed to the opposition that New Castle County met in its attempts at reform.

This "down-state" opposition might not have proved so serious an obstacle if it had not been implemented with political power. However, even after the adoption of the state constitution of 1897, which gave New Castle County a greater representation in the Senate and in the House than either of the other counties, Kent and Sussex by combining their power could still outvote the northern county in both branches of the legislature. This, in spite of the fact that in 1880 the population of Wilmington alone was larger than that of either Kent or Sussex, and that by 1930, the total number of people living in that city was larger than the combined populations of the two lower counties.

Consequently, on questions in which rural and urban interests or attitudes conflicted, there was, and still is, a tendency for Kent and Sussex to align themselves in a coalition against New Castle County. Rural New Castle County at times joined this alliance on some matters in which the City of Wilmington was primarily interested. In this way centralized state action on important social problems has been prevented, and Delaware has tended to lag behind in the organization of her public welfare programs.

If this discussion of Delaware's social forces is borne in mind, her penological development will be more easily understood. It now becomes clear why the state's industrial schools were all established as private institutions in New Castle County, why Kent and Sussex only gradually came to participate fully in the benefits of the Ferris Industrial School, and why the state, even now, owns and operates but two of her three industrial schools. It was in New Castle County that the greatest need of special institutions for juveniles was felt, as expanding towns and industries brought increased dependency and delinquency. Faced by the difficulty of obtaining state action on this problem in a
The New Castle County Workhouse

legislature controlled by the rural counties, where there was little appreciation of why social adjustments were necessary, progressive and farsighted citizens founded private institutions in the northern county. There was a tendency for these institutions to expand and to receive greater state support as more of Delaware's citizens learned of the advantages of industrial schools. The story of institutional supervision, probation and parole in Delaware follows much the same pattern of expediency and general expansion from New Castle County southward. All appeared first in the northern county where the complexity of culture made public action in social matters imperative. Their establishment, in each case, was succeeded by an expansion into Kent and Sussex as changing conditions and attitudes made that possible.

Undoubtedly, one of the best illustrations of the conflict between the urban north and the rural south during the period 1887 to 1938 is furnished by the workhouse movement. As in earlier times, New Castle County became the center of this movement and the stronghold of its advocates. Naturally, the need of such an institution was most keenly felt in the north where social organization was becoming increasingly complex and the direct methods of an earlier day were no longer adequate. Urbanization and industrialization had brought in their wake the usual congeries of social problems, not the least of which was crime. The number of the criminals lodged at New Castle County's jail steadily increased until even the most conservative were forced to admit that new quarters would have to be provided for these unwelcome guests. Then, too, there was a growing feeling throughout the state, but especially in New Castle County where the problem was greatest, that convicts should not be maintained in idleness at the taxpayers' expense. Moreover, it should be recalled that New Castle County had been the focal point of the agitation for a penitentiary system during the early years of the state's independence. There are still groups in that county whose traditions are deeply tinged with a humane penal philosophy. The Quakers, who took such a leading part in that early movement, continue to be an important and articulate group in Wilmington. These groups found new allies during the
period 1887-1938 as many leading and influential citizens became increasingly familiar with modern scientific methods that were being used elsewhere in dealing with criminals. Thus the inadequacy of the old jail in the town of New Castle, the desire to have a more economical penal system, the activity of those favoring more humane penal methods and the increased knowledge of many regarding modern scientific procedures—all must be considered as factors in the growth of the movement for a state penal institution.

However, it should be pointed out that these factors did not form a completely harmonious pattern. Many of those who were convinced that a work program for convicts should be created were not in favor of a state penal institution, but believed that prisoners should be employed in the county jails. This belief was especially prevalent in Kent and Sussex where centralization of all kinds had always been opposed and county rights cherished. Such an attitude naturally arose from the rural simplicity of the people and their misgivings over the growing power of New Castle County with its mixed population and culture. Furthermore, compulsory convict labor may be enthusiastically advocated by those who are not necessarily interested in the welfare of prisoners and who claim that severe punishment for criminals is necessary. Thus, it may be argued that prisoners ought to have the additional penalty of work inflicted upon them.

In response to the spreading sentiment in favor of penal reform, a bill to erect a state penitentiary was introduced into the House in 1893. This bill, however, after being referred to a special committee, never appeared before the House for passage, and so nothing was accomplished. During the legislative session of 1895, the House unanimously passed the state workhouse bill, but the measure was killed by a tie vote in the Senate, the three senators from New Castle County and one from Sussex County being opposed on the question by four senators from the two lower counties. At the 1897 session the state workhouse bill passed the House by a vote of eleven to ten, receiving the unanimous approval of the New Castle County delegation. On the other hand, most of the representatives from Kent and Sussex opposed the measure. This alignment of the counties is not
surprising for it had been the traditional one on the issue involving centralization of penal organization. However, in 1897, four representatives from Sussex County did vote for the bill. Undoubtedly, the increased protests among their constituents against the maintenance of convicts in idleness was an important factor in this shift from the usual policy of opposition.

After reconsideration, however, the House rejected the workhouse bill and this time two of the Sussex representatives and a member from New Castle County went over to the opposition. Apparently, these former supporters of the bill had had their point of view changed by the argument that the state was in no position to assume additional financial responsibilities. Even an attempt to establish a New Castle County workhouse was blocked when all the senators from Kent and Sussex joined with Senator Pyle from New Castle County in opposing it.

Another state workhouse bill was passed by the House in 1899 by a vote of twenty-five to seven, and this time the customary coalition of Kent and Sussex in opposition to penal reform was thoroughly shattered. This measure also passed the Senate by a vote of ten to seven, but there the old opposition of Kent and Sussex persisted, seven of their ten senators voting against it. The intensive state-wide campaign that had stressed the waste involved in the existing penal system was certainly the most important factor in accomplishing this apparent success of the state workhouse bill. In fact, the evidence points to the conclusion that the increased demand for economical prison methods contributed more to the establishment later of the New Castle County Workhouse than did any desire for a more humane and scientific penal system. This conclusion is further strengthened by the fact that when it became clear that the workhouse could not be made self-supporting, the two lower counties inaugurated a campaign for a complete return to the county jail system.

Later in the 1899 legislative session, the advocates of the workhouse learned to their dismay that their measure had not received the required constitutional majority. Convinced that they could not further reduce the “down-state” opposition, the leaders of the movement then urged the adoption of a New
Castle County workhouse bill. In this move they met little opposition, and Delaware thus finally obtained an institution where a broad program of convict labor could be introduced. Even so, it must be remembered that this was not a state but a county workhouse, and, furthermore, one planned to serve as a place of detention for witnesses and those awaiting trial, a city lockup for Wilmington, a jail and a prison for its own county, and later, in 1907, a prison for long-termers from all counties. It may appear that Delaware, by using the workhouse as a place of confinement for her long-term convicts, obtained a state prison system. Actually, however, this was a mere expedient, resting entirely upon the discretionary powers of the courts of Kent and Sussex Counties, and was foredoomed to failure when the workhouse administration was compelled to shoulder the burdens of a state prison while hampered with all the problems of a county jail. A constantly shifting prison population made it impossible to deal intelligently with the needs of long-term convicts in an institution that was expected to become a "paying proposition."

This combination of characteristics, as well as the fact that it was imbedded in what many consider a sanguinary criminal code, marked the workhouse as being unique among the penal institutions of the United States. Conservatives "down-state," antagonistic to increased state expenditures and centralization, and still able to muster sufficient votes in the legislature to block broad penal reforms, had made a state penal institution in Delaware an impossibility. It should be recalled, in connection with this discussion, that Kent and Sussex, despite the fact that their combined population was smaller than that of New Castle County, together still had in 1899 a larger representation in both branches of the legislature than the northern county.

As it became apparent that the New Castle County Workhouse could not be made self-supporting in the manner in which its advocates had claimed that it would be, and as those "down state" were compelled to pay progressively higher rates for the maintenance of their long-term prisoners, Kent and Sussex began to agitate for a return to the old county jail system.

Another factor which contributed to this agitation was the need of providing new jails for each of the two lower counties.
Their old county prisons had been in use for many years and it was generally agreed that they were inadequate and should be replaced as soon as possible. Therefore, when, as we have related, the legislature in 1931 enacted laws authorizing Kent and Sussex to build new ones, a move was initiated to have them accommodate all the prisoners of those counties.

Some opponents of this move pointed out that a state prison, and not a county jail system, was the solution to Delaware's penal problems. Many in the southern part of the state argued against this, explaining that the prisoners "down-state" were not like the hardened criminals that Wilmington produced and, therefore, should not be incarcerated with the convicts in New Castle County. In vain those favoring a state prison contended that segregation and specialized treatment could be established only by means of the very centralization against which their opponents were arguing. Another favorite argument advanced by advocates of the county jail system in Kent and Sussex was that it would keep "at home" large sums of money that were being paid to those "up-state" for the care of long-term prisoners maintained at the workhouse. It is not necessary for us to enquire into the validity of these arguments, but simply to indicate that they were but new expressions of the old conflict between the urban north and the rural south. The absence of a strong feeling of unity between the two sections of the state and the uneasiness in Kent and Sussex over the growth of New Castle County with its strange and novel tendencies, naturally led the leaders of the lower counties to stress the "county-rights" principle. Although it is impossible to determine whether the foregoing objections to a state prison were a mere pretext for the reestablishment of a county penal system, the feeling of independence "down-state" undoubtedly made them more prone to resent the increase of the workhouse rates. The compromise that was agreed upon, which authorized the courts of Kent and Sussex to sentence long-term prisoners to the jails in those counties, was a real step backward for it reversed the penological development that had been moving toward a state prison system and solidly established a county jail system.

The conflict between New Castle County and Delaware's other
two counties over the question of penal reform has been thrown more boldly into relief by the fact that this question has not been primarily a state party issue, but, in general, has cut across party lines in reflecting county sentiments and attitudes. The point of view advanced here does not, of course, claim that "politics" played no part in this movement, but rather, as the following analysis indicates, that it was a complicating and not a fundamental factor in the state's penological development.

At the session of 1893, when a state penitentiary bill was introduced, the House was entirely Democratic, and yet that bill never emerged from committee in that body. In 1895, there were eleven Democrats in the legislature, six in the House and five in the Senate, nine of whom were from Kent County. The House at that time, although composed of fifteen Republicans and six Democrats, voted twenty to none in favor of the workhouse bill. During the same session, the Senate, which had a membership of five Democrats and four Republicans, killed the workhouse measure by a tie vote, the two Republicans and the one Democrat of the New Castle County delegation and one Republican from Sussex County aligning themselves against three Democrats and one Republican from the two counties "down-state." In 1897, the House was solidly Democratic with the exception of Frank Eliason, a Republican of New Castle County. Despite this, the issue of the state workhouse tended to divide the members of the House along county lines, and Representative Eliason, along with his Democratic colleagues from New Castle County, supported the workhouse movement. In the Senate in 1897 there were five Democrats and four Republicans. However, the five Democrats and two of the Republicans, six of whom represented Kent and Sussex Counties in the Senate, prevented the approval of the New Castle County workhouse bill. During the intense legislative battle in 1899 over the workhouse question, the factor of state party affiliation played almost no part at all. A House dominated by the Republicans and a Senate under the control of the Democrats both gave majorities to workhouse bills, while Governor Tunnell, a Democrat, expressed himself in favor of the workhouse system.

Furthermore, although the workhouse reform was accom-
plished while the Democratic Party tended to control the legislature, other important changes in the state's penal system were effected while the Republicans had majorities in both the Senate and the House. This was true in 1901, when delinquents from Kent and Sussex were admitted to the Ferris Industrial School; in 1911, when dependents from "down-state" were given access to that school, when the juvenile court of Wilmington was created, and when a state probation system was established; and in 1923, when the Industrial School for Colored Girls was made a state institution.

These facts indicate clearly how the conflict between the two sections of the state tended to transcend party lines and, in general, reflected county interest, and how, therefore, penological retardation became the inevitable result of a culture conflict between an urban north and a politically stronger rural south.

Conclusions

Today the New Castle County Workhouse is part of a penal system that has gone through only a small portion of the development that has taken place elsewhere in the United States. Without a state prison or adult reformatory for either men or women, and committing her adult offenders to two county jails and one county workhouse, Delaware has essentially the same form of penal organization which America received from England.

The establishment of a state prison system in Delaware was made impossible by the culture conflict between an urban north and a politically stronger rural south. Moreover, when the advocates of penal reform were finally able to obtain a workhouse, it was a county institution that was seriously handicapped from the very beginning by being pledged to a policy of financial self-sufficiency. There was a tendency, consequently, to operate the institution primarily as a business enterprise, rather than as a reformative agency, in order to make its financial statement an impressive demonstration of the success of the workhouse

system. Under such circumstances, it is not surprising that an unsound prison labor system was introduced, that untrained officers and guards were employed, that serious overcrowding developed and that a satisfactory classification program was never created.

The fatal defect in the workhouse organization, however, was that the institution was made to serve as a lockup for the City of Wilmington, a county jail and a state prison. All types of prisoners, therefore, were herded together in an institution that was expected to become a "paying proposition." Those awaiting trial and those detained as witnesses mingled indiscriminately with youthful offenders and hardened convicts. The concomitant shifting of the prison's population not only increased the problems of sanitation but made the establishment of a program for the long-term convicts impossible. No prison administration saddled with such conflicting functions could possibly discharge them all successfully, especially one like that of the workhouse, which had been constantly hampered by the lack of a trained force of officers and guards. From this situation arose forces that led to the decline of the "Plummer System" and eventually caused Delaware to recommit herself to a county jail system. Moreover, the construction of the new Kent and Sussex County jails may act as an obstacle to the creation of a state prison system for some time to come.

Although the passing of the old buildings "down-state" has meant the improvement in the physical conditions of the jails in Kent and Sussex, modern penal methods have not been introduced into their penal administration. No classification of prisoners, other than the separation of sexes, has been seriously attempted; no educational program has been introduced; and no satisfactory prison labor system has been established. Such defects are especially serious since these county jails are once more being used for the incarceration of long-term prisoners. By modern standards of penology, therefore, the new county jails in Kent and Sussex must still be classified as antiquated.

While the New Castle County Workhouse is not as backward as the jails in the lower part of the state, yet it has introduced only the rudiments of a modern prison program. Its adminis-
tration is still characterized by the lack of a sound prison labor system, an adequate education program and a thorough system of classification, although the establishment of a segregation department for some inmates and the adoption of a plan of classification seem to indicate an increasing recognition of the value of rehabilitation.

Delaware's present penal problems may be attributed to a large extent to the conflict between the urban north and the rural south, which has prevented the creation of a unified penal policy. Each institution is an independent entity, uncoordinated with the others, and, therefore, cannot financially support a modern penal program. The interests of the counties and the state would best be served if the state were to assume the responsibility of caring for all offenders. If the counties are unwilling to delegate the work to a state agency, they must cooperate in their attack on their penal problems.

Yet, in a larger sense, Delaware's real penological retardation is symbolized not by her failure to organize a state prison system, nor by her inadequate penal institutions, nor even by her retention of corporal punishment, but rather by her acceptance, along with the rest of the United States, of the outmoded principles of the classical school of criminology. The forces producing this backwardness, however, are not to be found in any conditions which are peculiarly Delaware's.

The State of Delaware, nevertheless, has attracted more than her share of unfavorable attention as a result of her insistence upon inflicting corporal punishment upon her criminals. In fact, the whipping post, because of its conspicuous nature, may well be regarded as the point at which the two conflicting and irreconcilable philosophies of treatment and punishment most openly clash. It is, therefore, idle to stigmatize the lash, even though its retention is considered by many as stupid and inexcusable, and to say nothing in condemnation of the philosophy of punishment of which the "post" is but an expression. Society cannot both punish and treat criminals and expect to develop sound administrative policies for her penal institutions. Punishment must be replaced by the techniques and procedures of scientific treatment as applied by trained specialists.
For the criminologist of today, the causes of criminal behavior do not lie in a free will, or in ethical considerations, but in a determined functional relationship of biological and sociological processes. It is his aim to discover the causes of crime in individual cases, to rehabilitate in terms of such causes, to segregate those who cannot be reformed, to aid in adjustment after release, and to modify the conditions which produce criminality. These are the eminently practical principles of the positive school of criminology which public opinion must be educated to accept if society is to make any real progress in her efforts to deal with criminal behavior.
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