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THE PRISON ASSOCIATION

OF

NEW YORK.

FIFTY-FIFTH ANNUAL REPORT.

PART II.

Being a Report of a Committee Appointed to Inspect
the Prisons, on an Order from the
Supreme Court.

TRANSMITTED TO THE LEGISLATURE MARCH 6, 1900.

ALBANY:

JAMES B. LYON, STATE PRINTER,

1900.

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ABSTRACT OF REPORT

OF THE

COMMITTEE OF THE PRISON ASSOCIATION OF NEW YORK, APPOINTED
TO EXAMINE THE PENAL SYSTEM OF NEW YORK STATE.

ON AN ORDER FROM THE SUPREME COURT.

Being Part II of the 55th Annual Report of the Association.

At a special meeting of the executive committee of the Prison Association of New York, held at the office of Mr. Charlton T. Lewis, on the 13th of September, 1899, the following gentlemen were appointed a committee to examine the prison system of the State with reference to all matters likely to effect the efficiency and discipline of these institutions. The committee consisted of Dr. Austin Flint, Eugene Smith, F. P. Bellamy, Jacob Bils, J. Seely Ward, Jr., Dr. J. G. Phelps Stokes, J. Murray Mitchell, Henry F. Gregory and W. M. F. Round.

MINUTES OF THE EXAMINING COMMITTEE.

Pursuant to a call from the chairman of the committee to examine the State prisons, a meeting was held at the office of the Prison Association of New York, on Wednesday, October 4th, there being present Dr. Austin Flint, Messrs. Ward, Gregory, Smith and Round. Mr. Round having been elected secretary of the committee, made a statement of the conditions that had led to the appointment of the committee and also announced that an order for the same, signed by Judge Garretson, of the Supreme Court, had been obtained, the examination to terminate on January 1, 1900.

A second meeting was held at the office of the Prison Association on the 11th of October, at 8.30 p.m., and a plan was formulated for visiting and examining the prisons, the examination to begin at Sing Sing Prison on November 8th; that the order of procedure should be to examine the prisons as to the plant, classification, discipline and labor. Mr. J. Seely Ward, Jr., was asked to act as chairman of the sub-committee, as Dr. Flint would not be able ordinarily to attend the meetings of the committee.

The first working session of the committee was held at Sing Sing Prison, November 8th at 10 a. m. There were present Messrs. J. Seely Ward, Jr., Dr. J. G. Phelps Stokes, Hon. J. Murray Mitchell and William M. F. Round, secretary. There were taken at Sing Sing Prison, ninety-two folios of evidence, following a most careful examination of the plant.

THE PLANT OF SING SING PRISON.

In regard to the plant of the prison, the committee found the old building greatly lacking in all sanitary appliances. The large cell room was first examined, and it was ascertained that the size of the ordinary cell was 3 feet 3 inches by 6 feet 6 inches in height and 7 feet long. There were 1,200 of these cells in a cell room 60 feet wide by 400 feet long. The cells contained about 145 cubic feet of breathing space, the only ventilation being a small hole 4 by 5 inches in size leading directly into the shaft to the roof. These small ventilators are often stopped up by the convicts, and many of them were filled with debris and filth. The door is, however, 22 inches by 6 feet in size, through a wall 22 inches in thickness. The thickness of the wall prevents direct rays of light entering the cell except in such cells as are directly opposite the very small and very narrow windows. There are six tiers of cells.

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The warden was not aware of the law requiring a certain number of cubic feet of breathing space for each inmate, or, if aware of it, did not know whether it applied or not to prisons.

Sixty-nine of the cells had two occupants, an entirely unnecessary thing, as there were 1,132 prisoners. An explanation of this was made by Warden Johnson, on the ground of a certain number of cells always being empty, as it was necessary to be continually scraping the cells, taking off the whitewash and re-whitewashing, in order to keep them approximately free from vermin. From 40 to 100 cells are always unused.

The cells are lighted by electric lights from dusk until 11 o'clock. The bucket system prevails, and as men frequently are obliged to use their buckets at night, the air in the morning is extremely offensive. At the north end of the prison, in corridor, a barrel was discovered almost full of rubbish and excreta, emitting a vile smell and evidently not having been emptied for several days. In the warden's evidence, his testimony was that this barrel is frequently changed, a new one being substituted, but your committee found the one in use vile beyond description. Upon examination of the warden and physician it was found to be the ordinary urinal for officers and guards, and the men who were working in the cells have been using this barrel for evacuating their bowels. The absence of closets appears to have been known to the Department of Prisons, and the testimony shows no inclination to correct it or to remedy this defect at all. Since the accession of Warden Johnson, he has at his own suggestion brought a pipe from the sewer into the middle of the prison corridor, where it is contemplated putting closets later on. The lower tiers of cells are often dripping with wet, and although the iron is frequently painted, it is in places extremely

rusty. No effort has been made to test the humidity of the air, nor has there been an application of scientific measures for ascertaining the amount of carbonic acid gas or other atmospheric impurities, information on either of these points not having been demanded from the Department of Prisons. The prison is infested with vermin, principally bedbugs, and the testimony of the warden is interesting on this point, as compared with the testimony of other prison officials later on, he having given it as his opinion that it was positively impossible to keep the prison free from vermin.

The committee noted with satisfaction that two new padded cells have been added to the equipment of the prison "for men who go mad in the night."

From the testimony of the physician it was shown that the men suffered from malaise, on account of bad ventilation of the prison, reporting a hospital call from five to ten per cent. of the prison population.

He also testified as to the serious consequences of doubling up, and the bad effect upon the eyes of the men from insufficient light in the daytime.

In this connection it may be also mentioned here that Dr. Ransom, of Dannemora Prison, spoke of the bad effect on the men's eyes of the electric light in the cells, so that the men in Sing Sing Prison, who have bad light in the daytime and too much light at night, are continually subject to peril in this respect.

The bedding in the cells were far from sweet. In this particular the testimony of Schaeffer, the convict, may be interesting.

Q. What kind of mattress have you?

A. Straw mattress.

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Q. How long do you say you have been in prison?

A. Two years and five months.

Q. How often has your mattress been changed in that time?

A. Once.

Q. When was that?

A. A long time ago.

Q. How long?

A. Mr. Sage was here then.

Q. Is this your regular cell?

A. Yes, sir.

Q. How often is the bedding washed?

A. About twice a year.

Q. When was it washed last?

A. When we changed blankets.

Q. Have you not changed the straw in a year?

A. Something like that; I got a new mattress.

Q. Do you think you have had your mattress longer than most men?

A. That may be.

Q. You don't know how long since the next man has had his mattress changed?

A. No, sir.

Q. Does the air get bad in the prison?

A. Generally in the morning; it is generally pretty bad.

Q. Are the windows closed at night?

A. Not in the summer time; I keep mine open; I keep my own bedclothes and don't use the prison clothes.

Q. You don't use the prison clothes?

A. No, sir.

In the testimony of Warden Johnson the following appears:

Q. How often is the bedding laundered?

A. Every week or two; we take sections at a time; it depends on the character of the men; some keep their clothes clean and some will throw them on the floor, and others are tidy and keep their cells clean.

Q. What kind of mattresses are they; what are they stuffed with?

A. Straw.

Q. How often are they changed?

A. When it is necessary; when it becomes in any way destroyed and needs changing.

Q. Are they ever changed on account of uncleanness?

A. No, sir.

Q. How long is the life of a mattress?

A. I don't think over six months.

Your committee finds that the upper cells have only a narrow gallery before them, with an iron railing, four feet from the ground, from which a keeper might be thrown at any time; accidents of this kind have occurred in other prisons, and a convict was thrown from the second tier within the last past year.

CONDEMNED CELLS.

The condemned cells were found in fairly good condition but not safe from fire as will be shown hereafter.

The cells were lacking in ventilation, but fairly clean.

SAFETY FROM FIRE.

The visit to the prison was made about two weeks after the fire in the building devoted to the hospital, chapels and mess room. The mess room has been repaired sufficiently to use, the

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chapel was to be used the following Sunday and the hospital roof was a temporary one, being then in process of construction.

This new building was begun during the wardenship of Mr. Durston. The hospital is on the third floor and will be hereafter described in the report by Dr. Stokes. The only means of reaching the hospitals and chapels were at the east end of the building and the elevator and staircases were side by side. At the northeast corner of this building is a laundry, bake shop and engine rooms, and east of these again the condemned cells. As fire is most likely to take place in the laundry, bake shop or engine rooms and as this group is directly at the foot of the staircase and elevator and as the windows of the hospital and chapels are barred, and there are no fire-escapes or other staircase, it will be seen at once that if a fire should break out at any time and spread to the chapels and hospital and the staircase and elevator become impassable, what a fearful catastrophe would occur.

An examination of the other buildings show that the roof of the principal cell structure was of wood and liable to take fire at any time. The shops contained much inflammable material, and that which is particularly dangerous, the paint and varnish shop, was not isolated. The stables were grouped together, frame buildings, in the north part of the prison yard, so far apart that they might easily be set on fire. Being contiguous to other buildings to stop the spread of fire would be a very difficult thing. An examination shows that the entire establishment is inadequately provided with appliances in case fire should break out.

The testimony of the warden and principal keeper in this respect is valuable. Warden Johnson testified:

Q. Where do you consider the weak points as to safety in case of fire?

A. I consider the roof of the main building.

Q. How could it take fire?

A. By a brand from another building, the same as the hospital.

Q. That is a wooden roof?

A. Yes, sir; and a heavy one.

Q. The two weak points are considered the galleries and the wooden roof?

A. Yes, sir.

Q. Supposing during the night an alarm of fire was given, what could you do with the men?

A. In case of an emergency I would have to let them out in the yard and station all the men that I find there; we have fifty or seventy-five rifles; I would station all the officers I had and when there is a fire there are generally plenty of people here.

Q. In your opinion, if there was a fire to break out could you get the prisoners out?

A. No, sir.

Q. How long would it take to unlock the doors?

A. I don't know.

Q. How long does it take from the time you start to unlock on Sunday?

A. I should think from twenty to twenty-five minutes, as fast as you could possibly do it.

Q. Is there any extra provision for extra service in unlocking; extra officers and an emergency call?

A. When the whistle blows, we have a code of rules.

Q. That would bring every man to his post.

A. Yes, sir.

Q. Have you a regular fire drill among the officers?

A. No, sir; we ought to have; we have an engine that could be made into a steamer.

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Questions were then directed to the recent fire in the prison and the warden testified:

A. The Tarrytown fire department and the Peekskill fire department came; we had ten or twelve streams of water on; there was only one exit from the hospital and that was at this end; it was quite smoky when we took out the patients.

Q. How many patients?

A. Twenty-nine.

Q. You were able to work the elevator?

A. I did not use the elevator; these men walked down stairs; they were not so sick; there was one man who had an attack of heart disease, he was the worst; after the fire was discovered it seemed it was all ablaze, burst out of the roof and all over everything was dry on account of the bakery.

Q. You were afraid it would effect the elevator?

A. Yes, sir.

Q. Of course the elevator and staircase are the only way to get out from the hospital?

A. Yes, sir; there is no escape except from this end.

Q. If the fire had a few feet farther east there would have been no escape?

A. If we had not been there, if no one had discovered the fire for half an hour later we could not get the men out.

Q. Who made the plan of this hospital?

A. I don't know; I don't think they ever had any.

Dr. Stokes:

Q. Was the hospital floor fire-proof?

A. I suppose it is fire-proof; it is cement; the partitions upstairs were nothing but pine laths and cement.

Mr. Ward:

Q. That building was completed about a year ago?

A. Yes, sir; recently.

Q. You said that if you had been half an hour later in attacking the fire you could not get the inmates out of the hospital.

A. I don't think we could.

Q. Did you find the elevator shaft full of smoke?

A. Not the first time, but the second time.

The testimony of Principal Keeper Connaughton corroborated the warden, and both gave it as an opinion that in case of serious fire in the cell room it would take about half an hour to get the men out of the cells.

The cause of the late fire was investigated but nothing found out. It was the warden's opinion that the fire took from an exposed electric light wire. In the course of the examination it came out that the wires were not put in by an electrician but by convicts and that there had been no expert examination of them on behalf of the department of prisons.

VISITORS.

Sing Sing prison was overrun with visitors, it being made a common spectacle to those who visited from idle curiosity, there having been 1,600 visitors in the month of August, requiring always the attention of one and oftentimes two officers. The effect of such visitation is demoralizing, and in Sing Sing prison, where there is a want of proper officers to carry on the necessary routine of the work, it seems unnecessary that the State should be paying for the constant time of one officer for such a purpose, and in view of the fact also that the law says "No person not authorized by law or by written permission from the inspector shall visit any State prison." We cannot find that this law has

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been amended, but somewhat changed from the fact that the powers of the State board of inspectors, abolished in 1877, were placed in the hands of the Superintendent of Prisons, who, it seems, should have permitted no idle visitation to prisons without an order supplied by himself.

Reference to the evidence will show that all three prisons are overrun with visitors, considerable large parties representing excursions, and large enough to require a special car, have visited the prisons. The convicts do not like being made a spectacle of, and it is difficult to say where any good whatever may result from such promiscuous visitation.

NORTH WALL UNSAFE.

The north wall of the prison was found to be in an unsafe condition, almost toppling over, and must be entirely rebuilt. It is liable to fall at any time, the warden testified, and he expected it to fall down at any high wind. This matter is interesting in view of the fact that the labor on the new wall could be entirely done by the prisoners, and the stone is on the ground for the purpose. This will be further treated on in the general subject of prison labor.

DIETARY.

The dietary of the prison was found to be sufficient. Food of excellent quality was given, and the expense for sustenance was stated to be nineteen and five-eighths cents a day. This was testified to by Warden Johnson, but is so largely in excess of the other prisons that we cannot but feel that he understood it to include items of fuel and expense of transportation of supplies.

MISCELLANEOUS.

Matters of classification and labor will be taken up and treated under the general heading, including the three prisons.

In passing through the shops the committee was struck with the great number of people idle, and a certain dissatisfied and restless look upon the faces of the men, who, however, seemed to be in good health. The only shop in which the men were fully occupied was the stonecutting shop, which is not reckoned as one of the "industries."

SEVENTH AND EIGHTH SESSIONS.

The seventh and eighth sessions of the committee were held at the office of the Prison Association of New York, on November 7th, there being present Messrs. Ward, Stokes and Round.

The seventh session was occupied with the examination of Mr. F. H. Mills, who acts as agent for the sale of prison-made goods and an officer of the Department of Prisons, of Clerk Cooks, of Sing Sing Prison, who was appointed by the Comptroller, and keeps the accounts relative to the industries. Warden Fallon, of Blackwell's Island Penitentiary, was also examined. The first two of these men testified only to questions affecting the labor and disposition of prison-made goods. Their testimony will be fully considered under that general subject.

Warden Fallon's testimony will be quoted later on as to certain matters of economy and discipline.

The secretary laid before the committee various correspondence from prison officials and various other persons as to matters touching the cost of sustenance and the comparative value of prison-made goods.

The committee adjourned to meet at Auburn Prison, November 23, 1899.

AUBURN PRISON.

The ninth session of the committee was held at Auburn Prison at 9.30 a. m., November 23, 1899. There were present Messrs. Ward, Stokes, Gregory and Round.

INSPECTION OF PLANT.

The entire morning was occupied with an inspection of the plant of the prison. There were found to be 1,078 prisoners, 76 of them being in the women's prison and 1,002 in the men's prison. There were 1,326 cells, a trifle larger than those of Sing Sing, with no better means of ventilation. The corridors, however, were better lighted and the windows were larger, and the whole aspect of the prison cleaner, and there was a better tone of discipline throughout the prison.

INDUSTRIES.

The industries of the prison were carefully inspected. The men in the shops were all working industriously and with apparent interest in their work. There were but two companies idle, amounting to about 100 in all. The exact number is to be found in the warden's testimony. The prison kitchen, a new structure, was amply ventilated and presented a very tidy appearance. The stores were examined and found to be of excellent quality, and purchased with every regard to economy; that the storekeeping principle was excellent. Too high praise cannot be given to the relations existing between the superintendent of industries, Mr. Clifford Hall, and the men who are working under him, both convicts and employees. The prison has a vast series of workshops all well ventilated and hardly an idle man to be seen.

CONDEMNED CELLS, PUNISHMENT CELLS AND
HOSPITAL.

The condemned cells, punishment cells and hospital were visited by a sub-committee, of which Dr. Stokes was the head. A minute of his inspection will be incorporated in the report further on.

Six sessions were held at Auburn Prison. In the last one it became necessary to divide the committee, Messrs. Ward and Round taking testimony from convicts and Dr. Stokes and Mr. Gregory inspecting the conditions as to safety from fire.

The cells are constructed of stone, and are far too small, giving about 140 cubic feet of breathing space, but there is better air in the corridors than at Sing Sing. The drainage is excellent. The provisions against fire are entirely inadequate, as the following testimony will show:

Warden Mead testified under oath as follows:

Q. In regard to your fire department what protection have you against fire.

A. Just this, we have about two dozen or so of chemical fire extinguishers. A short time before I came here I was informed that one of the men was burned to death in a cell; he found some naphtha and filled his lamp; it exploded, and before he could be taken out he was burned so that he died. I then thought that we might avoid that danger and I placed some extinguishers in the corridor. It was a short time afterward that another lamp exploded and the cell ignited, when a guard caught an extinguisher and put it in the cell and extinguished the fire. These extinguishers will put out any fire in a cell. We have them scat-

tered about the building and in some of the shops. We have a water system here with a yard hose system. We have not had a fire since I have been here.

Q. Are you adequately supplied with fire extinguishers.

A. I don't know whether we are adequately supplied or not; we cannot have too many for our protection.

Q. Do you have a fire drill?

A. We have our fire company that is supposed to be taken out in case of fire.

Q. How often are they taken out for drill?

A. The principal keeper has charge of that and can tell you about it.

Q. Have you any fixed rules about a fire department?

A. I have said to the principal keeper at times, you ought to patrol your fire company.

Q. Will you kindly tell us what you should do if a fire should break out in the finishing shop?

A. I would send out a general alarm and the city department would pass in through the two gates.

Q. You have no prison patrol or drill for control of fires?

A. We have certain men designated to be brought out; a list of those men is furnished to night guards; they instantly get out our hose carts.

Q. What is your estimate of probable danger from fire in your cell building?

A. I don't think a fire could make any headway nor burn more than a single bed.

Q. What are the roofs made of?

A. They are all timber; at the same time it is laid over with lime and mortar.

Q. What arrangements have you for getting to the roof in case of fire?

A. It is easy to get to the roof from the wall; there is also a stairway that leads up to "Copper John" (the figure on the top of the cupola).

Q. If you discovered the roof on fire you could get your men up there at once?

A. Yes, sir.

Q. Suppose the roof got on fire and the cell room filled with smoke how long would it take to get the men out of the galleries?

A. That would depend on the condition; if it should occur in the night time it would take longer than in the day time; if it should occur at 5 o'clock p. m. and all the officers are here, we could clear the wing in 10 minutes; in the night time we have only 20 men, it might take 15 or 20 minutes.

Q. How long do you think it would take to get them out under the best possible conditions?

A. Ten or 20 minutes.

Q. How long does it take you to get them out of the galleries into the mess room?

A. I should say about 15 minutes.

Q. Do you have all the protection against fire that you should have if your own judgment would be carried out.

A. I would be very glad to have a steam fire engine.

Q. Have you plenty of water; how about the force of water?

A. We are supposed to have both water and force.

Q. Has there been any difficulty when the force has been wanted?

A. It seems to me that I heard at the time of the last fire there was some trouble with the water.

Q. How long ago was that?

A. I think it was about 1895.

In this connection Dr. Gerin was examined by Dr. Stokes.

Q. On what floor is the hospital?

A. On the third floor.

Q. What are the floors under the hospital occupied by?

A. Chapel and mess room.

Q. What entrance to the hospital is there?

A. There is one door from the main hall.

Q. Is the stair case leading to that door made of combustible material?

Q. Yes.

Q. Are the halls surrounding that stair case made of combustible material?

A. Yes.

Q. Are there any fire appliances on the hospital floor?

A. There are not.

Q. Are there any fire appliances beneath the hospital?

A. I think not.

Q. Are there any fire extinguishers in the hospital?

A. No.

Q. Are there any in convenient reach of the hospital?

A. No.

Q. How many wards is the hospital divided into?

A. Four.

Q. How many of these wards have direct communication with the staircase?

A. None.

Q. How are you obliged to go to get from the nearest ward to the staircase?

A. We are obliged to go through the apothecary.

Q. Does the apothecary shop extend between the four wards, the staircase and the kitchen?

A. Yes.

Q. What is the kitchen for?

A. For the sick, some of the staff and the officers.

Q. Is the kitchen constructed of combustible material?

A. Yes.

Q. Fires are going in there pretty much all day?

A. Yes.

Q. That kitchen is in charge of convicts?

A. In charge of the hospital steward and convicts.

Q. What is done with the fires in the kitchen at night?

A. I believe they are banked and allowed to go.

Q. The walls separating the kitchen from the apothecary are immediately alongside the staircase door?

A. Almost.

Q. If fire occurred in the kitchen would there be any difficulty in getting the inmates of the hospital past that door if the intervening walls were in flames?

A. Yes, I think so.

Q. How far from the kitchen is the staircase door?

A. Possibly twelve feet.

Q. If the floor of the kitchen and the apothecary shop were to catch afire how would it be possible to get the inmates from the hospital?

A. I know of no way.

Q. How many inmates would the hospital accommodate?

A. I think from sixty to seventy; I have accommodated eighty.

Q. About what is the average population of the hospital?

A. About twenty.

Q. From the innermost ward how many rooms would have to be passed through for inmates to reach the staircase?

A. Four.

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Q. If there was a serious fire around that door escape would be cut off, and furthermore, owing to the combustible nature of the floors, fire would, in your opinion, spread rapidly?

A. Very rapidly.

Q. There would be no means whatever of getting the prisoners out of the windows?

A. They are barred; it would be impossible.

Q. What does the night watch consist of?

A. One keeper and a night nurse.

Q. Have you any knowledge which leads you to believe that any of the floors in the hospital is insecure?

A. I think the floor in the third ward is insecure.

Q. What is the nature of the defect?

A. One of the larger timbers is split and it affords no support to the cross timbers.

Q. Are steps being taken to remedy this?

A. Yes.

Q. You think fire appliances are certainly needed at present?

A. I think they are.

The matter of danger from fire seemed so very important that the chief of the Fire Department of Auburn, N. Y., was called and sworn. His evidence is as follows:

Q. What is your name?

A. Edward J. Jewhurst.

Q. What is your occupation?

A. I am chief of the Fire Department of the city of Auburn.

Q. How long have you been fire chief?

A. Nineteen years.

Q. How long have you been engaged in the fire business.

A. Twenty-five years.

Q. Has your experience in fighting fires been in this city during that period?

A. Yes.

Q. Have you inspected the prison recently as to its security in case of fire?

A. Yes.

Q. What portion have you inspected?

A. I have inspected the hospital, the chapel, the hall leading from the back hall, the approaches to the hospital and the stairs.

Q. What is your opinion based upon that investigation as to the adequacy of appliances for fighting fire in that part of the prison?

A. I find no immediate appliances whatever for fighting fire in that part of the prison.

Q. Do you consider that part of the prison to be constructed of readily combustible material?

A. I do.

Q. Is it your opinion that fire once started beneath the floor in the hospital would spread for some distance through the floor before being detected?

A. Yes.

Q. Why do you feel that fire would spread a long way before being detected?

A. It would spread along the floor from wall to wall. In fact, the tight flooring or wooden joists would conceal the fire for some time before it would be discovered. When discovered that fire would be almost beyond extinction without some serviceable extinguishers.

Q. It would be beyond the control of the prison fire department here?

A. Yes; what they have here.

Q. What do you think of the adequacy of the means of exit from the hospital?

A. I think the exit leading from the hospital to the hall, which is the only exit, is very unsafe and there ought to be some other exit.

Q. How far would the inmates have to travel, after once leaving the hospital door, before they would be apt to be past dangerous accumulations or smoke in the hall?

A. The smoke would not be apt to charge this end.

Q. The staircase leading to the hospital would serve as a chimney in which the smoke would accumulate.

A. Yes; would accumulate in the staircase and follow the opening.

Q. There is then practically a chimney with a draft from the staircase up?

A. Yes.

Q. If a fire would occur in the double ceiling immediately beneath the hospital, is it your opinion that it would be possible for it to travel and spread for some time before being discovered?

A. Yes.

Q. Do you consider the present exit unsafe as regards the escape from fire?

A. Yes.

Q. Have you inspected many public institutions?

A. Yes.

Q. Have you seen any in your experience more unsafe in case of fire than the hospital here?

A. I have not.

Q. You think if funds were available, this hospital should certainly be condemned?

A. Yes.

Q. Either reconstructed or rebuilt entirely?

A. Yes.

Q. Do you consider the danger serious of escape being cut off from inmates in the hospital?

A. Yes.

Q. Do you think the safety of the patients is seriously jeopardized?

A. Yes.

Q. In case it were impossible to secure promptly an appropriation sufficient to defray the expense of rebuilding the hospital, what temporary exigency would you suggest as a means of lessening the chances of fire?

A. A proper exit and fireproof floors and iron joists.

Q. Would you consider it desirable to have the doors separating the wards tinned or otherwise rendered fireproof?

A. Yes.

Q. Would you consider it desirable to have fireproof shutters placed over the windows on the side of the hospital facing the kitchen?

A. Yes; shutters covered with tin.

Q. If the kitchen were afire the hospital would be in great danger?

A. Yes.

Q. What is your opinion of this main building?

A. I should say that the main part is very combustible on account of the wooden joists and frame partitions.

Q. You think that the need there in the hospital is urgent and that prompt measures be taken?

A. Yes.

WOMEN'S PRISON.

While at Auburn, the committee made a careful examination of the women's prison, which is admirable in every respect. It was formerly the asylum for insane criminals, and has accommodations for 300 persons, while at present there are but 72.

Mrs. Welshe, the superintendent, is a woman of most advanced ideas as to prison management, has served under Dr. Macdonald, and gave as her opinion that the expense of taking care of 300 prisoners there, with the exception of the single item of sustenance, would not be more than double what it costs to take care of 76. There would be some additional expense in the provision of beds and bedding, but much of this could be provided within the prison.

Mrs. Welshe complains that there is not sufficient work to keep the women employed steadily, there not being more than half enough of labor to go around.

The forms of punishment in this prison were principally the deprivation of a meal, dinner or lunch, sometimes depriving the women of their mail, "that seems to hurt the women more than anything else;" their letters are the link to the outside world.

Mrs. Welshe, when asked her opinion as to food and boxes of luxuries being sent into the prison, said, "I do not consider it a good thing; the food is excellent here and better than they have outside; they find it better than they do in the penitentiary. I find that the worst women get the roses and they are often received from men who are not their husbands."

Q. Do you consider the effect of visitors good on the prisoners?

A. I do not approve it; the first thing visitors want to see is Mrs. Nack, or some other notorious woman. When relatives come to see prisoners they are always seen in the presence of a matron.

Mrs. Welshe had both second and third terms in the prison. The committee cannot speak too highly of the condition and tone of the women's prison.

THIRTEENTH SESSION—DANNEMORA.

The thirteenth session of the committee was held at Clinton Prison, Dannemora, on the 13th of December, 1889, at 9.30 in the morning. The morning was taken up in examining the plant of the prison. The principal wing of the prison was built in 1845; has much roomier corridors and better light than Sing Sing or Auburn prisons. The two new wings have been built since then. The cells are much too small and are built of stone. There are 1,200 cells, and at the time of the visit of the committee there were 957 prisoners. The bucket system prevails here, iron buckets being used, enameled within, and with wooden covers. Very excellent facilities for washing them and airing them.

Complaint is, however, made as to the foulness of the air in the morning and in the long hours of Sunday, when men are locked much of the time in their cells.

The shops were sufficiently large and apparently well ventilated. Many of the prisoners in the shops, however, were idle, and there was not the same appearance of contented industry as at Auburn, but a far better appearance than at Sing Sing.

The ventilation of the prison from the top was extremely imperfect. In some of the cells in the west wing there are no ventilators at all, not even of the old type. In the new wings ventilators have been placed in the lower part, bringing in a sufficient current of fresh air, which, by a series of screens, was prevented from blowing directly on the cells, and which kept the air of the prison ordinarily sweet.

As there had been several fires in the prison at different times, a careful examination was made as to the provision for such a catastrophe. It was found that there were hose and hydrants and in the shops sprinkling apparatus. There was no fire drill, except that the warden testified that "we turn out every little while and clean the hydrants."

In this connection the testimony is interesting:

FROM TESTIMONY OF WARDEN DOBIE.

Q. Have you a system of instruction; if a fire alarm should ring every officer could be assigned to duty?

A. They would be.

Q. Is that already existing?

A. I don't know.

Q. I know in some institutions and on board of ship there is not only a fire regulation, but a fire drill from time to time.

A. If a fire was to start inside here I don't know how they would reach it with hose; we have no water.

Q. Are there any chemical extinguishers about the shops?

A. I think it is entirely sprinklers; I got a letter the other day about them, but it comes out of the maintenance if you buy anything of the kind; there is no appropriation for it.

Q. Have you suggested a more complete fire appliance and apparatus?

A. I have a good thing right here (indicating a circular of a fire extinguishing apparatus); I think it would be a good idea to have some.

Q. One of the chemical fire extinguishers?

A. Yes, sir; but there ain't anything to pay for it with.

Q. Then for the need of something to pay for these with, you think the chances of the safety are lessened?

A. Yes, sir.

Q. Have you any apprehension as to the dangers of fire?

A. No, sir; I was in there the other day and a man up in the third gallery hollered fire, and in less than a minute a man with a pail of water and several guards were there; he was afraid that his lamp was going to explode, and that was all there was of it.

Q. What is the construction of the main cell room here, the old one?

A. Slated.

Q. Timbers beneath it?

A. Yes, sir.

Q. How about the new one?

A. I don't know about that.

Q. Suppose it was a concerted plot on the part of three of the prisoners to set fire to their cells?

A. I think they would burn themselves up and not hurt the rest of the prisoners.

Q. How about the smoke?

A. I don't think it would do any harm.

Q. Has any careful investigation been made?

A. I have thought of it some and I have had this here (indicating circular of fire extinguishers), and I think it desirable to have some contrivances of this kind.

Q. It comes back to the Department of Prisons, and it is in their discretion whether they shall pay for it or not?

A. If we do anything of that kind it comes out of the maintenance—it comes out of the food.

Q. Has any requisition been made for specified items?

A. Yes, sir.

Q. Is there any emergency fund?

A. There has been what is called ordinary repair fund, and now they make us estimate for that; there was a law passed last winter if you exceeded your estimate you would be guilty of a misdemeanor.

Q. If a fire should take place in this prison and there should be insufficient apparatus, through the failure of the superintendent to make an estimate, who would be responsible?

A. I don't think there is any money for it.

Q. Not only on the part of the superintendent, but the warden; would it come on the warden or the superintendent?

A. I suppose the warden should make an estimate; they only allow us so much, and fire purposes are not included in it.

Q. In the last year's requisition was there an estimate for fire apparatus and extinguishers?

A. No, sir; I think generally we are prepared for fire, unless our water should run out.

Q. How strong a force of water have you; what is the pressure here of the water?

A. I think about eighty-seven pounds.

Q. What is the greatest height of building you have here to reach; which is the highest shop?

A. About fifty feet.

Q. How much hose have you?

A. One thousand feet of hose inside and one hundred feet out side.

Q. In how many pieces is that?

A. Fifty foot pieces. We have a hose company outside; we keep their apparatus in shape; they are mostly prison officers.

Q. They are entirely familiar with it?

A. Yes, sir; they have a regular fire company and anything we can do for them we do it.

By Mr. Ward:

Q. In summer I understand the water gives out?

A. It did not give out, we pumped it.

Q. If a fire occurred at that time?

A. We probably would be short of water.

Q. How often does that happen?

A. I don't know.

AN OBJECT LESSON.

From this it will be seen that there is probably an insufficient amount of water in case there should be a general fire; that there is a very small knowledge of the condition of real things on the part of the principal officer of the prison, and inadequate supply of fire apparatus and an entire absence of fire drill. All the evidence taken as to the discipline in case of fire was of comparatively little importance to an object lesson that occurred on the same day just as the committee had adjourned for luncheon; they were just starting across the prison yard when the fire alarm was sounded and it was found that a temporary building on the coal shed was on fire. The extent of the fire was not known until afterward and there was a great blaze; three or four men ran for the hose cart within one of the buildings and the door stuck and they were not able to get it out, the bolt had not been oiled and they were not familiar with the job and were more than four minutes in getting the hose cart out. It was not more than one hundred feet to a hydrant and eleven minutes had been occupied in all before they were ready to turn on the stream. They worked as intelligently as undrilled men could work. It was at an hour when the men happened to be locked in their cells and there was no panic and no opportunity for one. The fire was one that could ordinarily be put out with the simplest chemical extinguisher.

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The hose company from the outside arrived almost as soon as the water was turned from the inside. The whole thing was an exhibition of want of discipline and drill, and one can hardly imagine a case of greater helplessness, if a fire had broken out in two or three places at a time when the prisoners were in the shops requiring all the guards and officers, or marching in the yard to and from the cell room.

There is not an adequate supply of water that can be depended upon at all seasons of the year and indeed under the most favorable conditions there is not a sufficient supply for extinguishing a general conflagration, and the dangers enumerated are all the more significant from the fact that the prison is 17 miles from any city having a fire apparatus and must depend wholly upon its own resources.

In regard to the punishment cells there seems to be very little ventilation.

The kitchens and store rooms were visited, and found in clean and excellent order and the food inspected was of a fair quality.

The condemned cells were visited and were found untidy and dirty.

The bathroom was amply provided with a spray bath, well lighted and well ventilated.

The subject of vermin in the prison was taken up in the doctor's testimony, who said that there was comparatively little trouble in this direction at present and that such vermin as remained in the establishment was a relic of a former administration. The doctor condemned the whitewashing of the cells giving it as his opinion, that so long as they were whitewashed the accumulating coats of whitewash gave opportunity for the breeding of vermin.

Q. Are the cells at present whitewashed; I thought they were painted?

A. Yes, sir; the general run of cells; the dark cells are painted.

Q. How often is the whitewash renewed?

A. It depends on circumstances; sometimes very often and sometimes every few weeks.

Q. About how long would you allow a cell to remain unwhitewashed?

A. Not more than three months.

Q. As a matter of fact, is every cell in the prison whitewashed as often as three months?

A. I suppose it to be and oftener, on the average.

Q. Do you see that it is done?

A. I know that the halls are cleansed; once in so often, and also see that they are whitewashed; I pass along and inspect them; we have a regular whitewashing squad who go around all the time.

Q. You say that it is impossible to prevent the breeding of vermin?

A. Yes, sir; to entirely prohibit it; we have tried everything; we steam our beds very often, every bed is put in a steam vat and thoroughly steamed; we have tried every kind of exterminator for bugs; we have one now, where there were 10,000,000 when I came here.

Q. I understand you to say that the chief breeding ground for vermin was under the whitewash which accumulated many layers thick?

A. Yes, sir.

Q. How often is that whitewash allowed to remain in constantly increasing layers before it is scraped off?

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A. I think it had been scraped off three times in my service; it is an unhealthy job and a very dangerous job; it is like tearing down an old house, and it is liable to breed disease and it should never be done and I should insist that it never be done.

Q. Do you think it ought to remain undisturbed?

A. I do; I would allow it to remain undisturbed in prison halls.

Q. Do you think it would be safe to take one layer off before another was put on?

A. Yes, sir.

Q. We were told at Auburn that they were practically absolutely free from vermin and that they were careful never to allow the whitewash to accumulate.

A. That is right.

The doctor in his evidence, further expressed himself as fearing greatly the spread of tuberculosis by the bacilli freed in removing the layers of old whitewash.

He condemned the prison cells as unfit for prisoners to use, though admitting then that they were better than the other prisons in the State. He pronounced them distinctly unsanitary on the following grounds:

1st, On the ground of construction. 2nd, On the ground of size. 3d, On the ground of ventilation, especially if the bucket is used. He advised the abolishing of the bucket from the cells. He freely expressed himself that a steel cell, with an absorbable backing, felt or asbestos, would be the best thing.

FOURTEENTH SESSION.

In the fourteenth session, the doctor, being cross-examined as to the matter of ventilation, spoke of re-recommending the ven-

tilation of the cell rooms; that the ceiling be taken off and arched over and finished in the rafters to allow perfect circulation from the top and also recommended the entire reconstruction of cells and the abolishing of the bucket system. These recommendations occurring in 1890 and 1898.

The doctor further expressed himself as considering the oil lamp, well cared for, as superior to the electric bulb, the incandescent, and being asked what particular feature of the electric light dangerous, mentioned the intensity of the light and the effect on the retina.

The school room was small and not particularly well ventilated. It was entirely inadequate for any general system of instruction.

1899/1900

Prison Labor in its Relation to Discipline.

In view of the difference of opinion as to the present law in regard to labor in the New York State prisons, a most careful inquiry was instituted on this point.

It was apparent, in walking through the yard and shops in Sing Sing and Dannemora prisons, that the men were not laboring with any degree of energy and many of them were entirely idle. In Sing Sing they had a sour discontented look, and those who were laboring were laboring in a listless manner and without apparent interest in their work. An exception should be made in favor of the stone shop, where 200 men were working steadily.

Upon a careful examination of this subject it was found that in Sing Sing prison the men were not working, taking the whole population at an average, on the prison industries, of more than four hours out of the eight, and during that four hours were not doing more work than could have been done outside in three hours. To establish this average many of the prisoners were entirely idle. Some of these, at the time of the visit of the committee had found temporary work in removing the debris of the fire, others were employed in the bake shop and some forty in number were locked in their cells without occupation of any kind and were simply taken out for an hour's exercise a day.

In the shoe shop 120 men were employed, but the product of the shop was not more than the product of a shop of twenty men who had been employed steadily and working energetically.

The testimony of Mr. Connaughton, principal keeper, in this respect is noteworthy:

Q. Will you tell us, according to your best judgment, how many hours the men work?

A. They are supposed to work eight hours—cutting stone eight hours.

Q. Does the entire prison population work eight hours?

A. Yes, sir; four hours at least.

Q. I find some of the men in the shops idle at ten o'clock and at three in the afternoon, half of the men sitting idle; how is that?

A. They were busy under the contract system and at three o'clock they were through.

By Mr. Ward:

Q. Take for instance, two men in the paint shop were not doing anything?

A. In the paint shop they are doing very little because the carpenters and all the men are working on the new building and the painters have to wait until the work is brought to them.

Q. Do you think that the labor amounts to as much as four hours a day at an average?

A. Yes, sir.

Q. Leaving out the stone-cutting altogether, that would bring it down to something to like two hours?

A. There is no shop at the present that does not work four hours.

Q. How long do they stay in the shop?

A. They go in the shops at 7.30 in the morning and leave there at 4.30 in the afternoon; the working hours are 7.30 to 11.30 and from 12.30 to 4.30, eight hours—the law is eight hours.

Notwithstanding the principal keeper's testimony, taking into consideration the number of men in the various shops and the

output from the shops, it was not apparent that the entire number of prisoners could be employed one-half of the time, certainly not if they worked in such a way as to acquire good laboring habits.

At Sing Sing Prison the stone-cutting shop is not reckoned as part of the industries of the prison. It has been run independent of the law of demand, the stone being used for building purposes in and about the premises and a large quantity has been quarried and dressed for future use. This shop is the only shop in which we saw energetic work going on. In all the others a large number of men were idle and those that were at work were simply dawdling.

AUBURN PRISON.

In Auburn Prison the labor conditions so far as the industries themselves were concerned were much better. It is probable that with the exception of 160 idle men in three idle companies, all the men were working. There are six hours' labor done daily, or perhaps the average will be four hours a day for all the men in the prison.

In the testimony of Warden Mead it appears:

Q. You say that on the average the men are employed about six hours a day?

A. Yes.

Q. When you take into consideration accidents, want of work and the small demand from institutions, could the work that is done in six hours be done in three hours?

A. No.

Q. Taking into consideration these questions, could the work that is done in six hours be done in four hours?

A. No.

Q. In Sing Sing men say they work four hours, while you say six hours?

A. I think we work more than that if anything.

Q. How about the accidents and other conditions you name?

A. My judgment is six hours.

Q. About what per cent. of the men are idle?

A. I should say we have about one hundred and sixty idle men.

Q. Do you have difficulty in keeping the men employed?

A. We do not have any difficulty in keeping the men employed when orders come in.

Q. In view of the fact that a large number of men are only partly employed, and in view of the fact that 160 men are not employed at all, due to sickness or other reasons, don't you think that six hours a day as an average for all the men is high?

A. Perhaps so, if you figure in the idle men.

Q. Then you would say about four hours is the average for all men employed in the prison?

A. You can put it at that.

The evidence of Mr. Hall, superintendent of industries, gives 625 or 630 men as employed in the regular industries of the shops.

In his evidence he says:

Q. When you speak of an idle company, you mean not employed in the shops but may be employed outside?

A. Yes.

Q. Take the idle companies say 400 men, would they be employed part of the time?

A. Not 400; most of them are employed part of the time in the maintenance department, and these men are counted in the 400 that are not in the shops; of the men we call idle companies there are but 160; these men are not actively engaged either in the industries or in the maintenance; there will be probably 50 or

60 engaged every day from an hour to an hour and a half carrying goods from the different departments to the store room.

Q. What would you say that the percentage of the men is who are completely idle in this prison?

A. I should say that about 10 per cent. are idle.

Q. How many are employed about half of the time?

A. We are using these men more as in a trade school than as a factory; if we were working these men on a contract as they used to be, probably 300 would do the same amount of work that our 600 men are doing, but we are at the same time teaching 300 men to work; teaching them the use of their tools for instance, in the cabinet shop a new man is put by the side of an experienced man and by the time he has been there a year another man is ready to take his place and he can teach some other man how to use the tools.

Q. Then out of 625 in the shops 300 are being taught their trade?

A. Yes.

Q. Practically you have a trade school here?

A. Yes, practically a school, a trade school; teach men trades and when they are released from here they obtain employment in outside factories.

Q. Are the men then able to go to work at the trades they learn in prison?

A. Yes.

Q. Have you any figures or ways of ascertaining that for a certainty?

A. No, I have not; I only know from experience; I saw engaged in a factory in this city at least 25 per cent. of the men engaged in the axle business, succeeded, when their times expired, in getting work in our outside industries.

Q. Do you think that any additional system of manual-training desirable in the prisons?

A. I think it would be a good plan if it could be brought about to have some additional industries; something more in the line of ironwork; we have nothing of that kind here at all except in the machine shop; I mean pressing iron.

Q. Why do you think that would be desirable?

A. A large percentage of the inhabitants are engaged in the iron business; there are in this vicinity two large rolling mills and there are several large factories working on machine work.

Q. Do you think so because of the need of more employment?

A. Yes; I think we ought to have some employment for these men.

Q. You say you have 300 men who are practically learning a trade and 300 who are working in the shops who are not being specially hard worked, is the time of these men fully occupied?

A. Yes.

Q. In a leisurely way?

A. Yes, not driven as under the contract system.

Q. So occupied as not to be demoralized?

A. Yes?

Q. Are the men who are engaged in the other parts of the institution engaged enough to keep them from being demoralized?

A. Yes, we are only worried about the idle men.

Q. Does the number seem to be few?

A. Yes, but it is enough to make anyone worry; we would like to see every man in the prison engaged in learning a trade or producing goods.

Q. Do you mean to say that the men are continuously employed for four out of the eight hours?

A. They are employed for a longer time when they are out of their cells, of course there are breaks in the hours of baths, shaving, etc.

Q. How many trade instructors have you?

A. The foremen are all trade instructors. They are men who passed the civil service examination.

Q. You have a sufficient number to teach the men thoroughly?

A. Yes; we have 17 of them.

Q. What men do you teach trades to?

A. When a man comes into the prison he is examined as to what he has been employed at outside; if he has had an opportunity of using carpenter's tools, he is placed in the cabinet shop and placed along with some men who has been working for some time on cabinet work; if he has had experience in iron works he is placed in the bed shop, where the tools are and if in the foundry he is placed in the brass or iron foundry.

Q. Do you consider the individual welfare rather than the product of your shops?

A. We have felt the product is a secondary consideration; the first consideration is to keep the men employed and keep them from brooding over their crimes.

Q. May I ask who the idle men are—the 160?

A. The idle are those transferred recently from Sing Sing and the "C" and "D" men who are unable to work. As fast as the time of the men in the industries expires and they are removed from the shops a new man from the idle company takes the place and we have probably 100 idle men from class "B."

Q. Have you had any complaint from labor organizations?

A. No; I don't know that we have. I was in Albany when there was a complaint made to the Legislature in regard to printing, but never any complaint to us. I think that under the

present system the labor organizations are more in sympathy with the work than ever before; these men here have a great many friends outside and now they feel that they are not working in competition with their people outside, but that they are working for the State; they feel that they are not working as they did under the old contract system. He must compete with somebody, but I think the prejudices are removed to some extent. He must keep at some work that tends to keep him industrious. In idleness he would become more and more sour against the community and make trouble when he goes out. I have wondered for the last few months whether this system of labor has not been beneficial to the men from the fact that there are so few removed to the insane asylum. There has been a marked reduction in the number having been sent to the asylum this year. I was surprised to learn in 1889, 1890-91 and 1892 when the contract-system was at its height, the number transferred to the asylum was 50 and 60, hardly less than 35 a year; last year but 14 were sent to the asylum.

Throughout Mr. Hall's testimony and a careful inspection of his work and conversation with the men, it appeared he had, of all the men employed in this most difficult undertaking alone successfully coped with the problem involved in prison labor with its relation to the character of the men and the discipline of the prison.

It was thought wise by your committee to ask Mr. Hall to give his opinion of what a prison should be and of the indeterminate sentence.

It was as follows:

Q. Have you any plan yourself by which a moral influence could be brought to bear on each man where so many are gathered together?

A. I don't feel that there is any plan that can take a matter of such scope, that has to be governed by the individual; you have to reach each in a different way, some men you can instinctively take up without saying a word and try to lead to a better way, and others you have to show the way.

Q. So far as you are aware, is there any special cause that has assisted you in this prison to start these great industries with so little expense, that is not in operation in other prisons?

A. My experience heretofore has been in handling a number of men; organizing work for men has helped me; I think that may have had something to do with it; a man coming into an institution of this kind must put his whole energy into it; if he is specially fitted for the work it helps him along.

Q. If other men were qualified at the other State prisons do you think, so far as you can see, that it would be perfectly practicable to start large industries without expense to the State?

A. I do not see why other men could not do as much as we have done here.

Q. Do you think it could be done without any cost to the State in the three prisons?

A. Yes, and carry them on successfully.

Q. Will you kindly give us your idea, in general terms, of how a prison should be run?

A. My theory is that a prison should never be in the centre of a city; if I had the money I should have a large farm and I should raise all the produce for the maintenance of the prison, beside having workshops; it would not be right in the centre of the city, subject to other influences that a prison brings; I would not allow my men to be taken in after discharge by what is here known as the "bridge gang," a crowd of toughs who meet the

men upon their discharge and proceed to spend their money and fill them up with liquor; I would have better and larger cells.

Q. Would you have one building?

A. No, I would have different buildings; I would have a prison a reformatory strictly; I would have different buildings for different grades of criminals; I would treat the criminal in some degree as I would insane; I think, to a large extent, crime is a disease; I think that crime can often be traced to other generations.

Q. Do you think this farm prison could be conducted and operated in such a way as to cause no expense to the State of any kind?

A. I am not sure as to that, but the cost must be reduced to a minimum; I would have in my prison a system of parole; I would give every man a chance to win his freedom; I think in many cases here in this prison there are men whose greatest punishment was standing up before the judge and receiving the sentence; I know of one case where a convict told me—he was a man above the average; I said to him: "How in the world did you come to prison; what do you think of it?" He said to me: "My punishment was when I stood up before the judge, and to think that I, brought up as I was, should ever descend to the place of a common criminal, to be sentenced to prison." We believe that the Prison Law should be changed; that it would be best for such a man to be paroled. That man to-day is occupying a very important position at his home and is trusted by everybody. It was wrong to keep a man of that character in prison.

Q. You are a believer in the indeterminate sentence?

A. I am, strongly.

Q. Do you also believe in cumulative system?

A. I don't know as to that.

Q. You do not think that a man's term should be dependent on his character, rather than his offence?

A. Yes.

Q. Then, for a repeated offence of the same kind, you would give that man a more severe sentence?

A. Yes.

As the whole system of labor in Auburn Prison has been inaugurated and carried on with the full approbation of the warden, and with the acquiescence of the Department of Prisons with a view to make life the dominant idea, and fitness for success in outside life the controlling thought, and the labor has been carried on and more profitably than in any other prison, Mr. Hall's comment as above, as well as his opinion on this and other prison matter is of the highest possible value.

CLINTON PRISON.

The conditions of the prison labor at Dannemora Prison were much the same as at Sing Sing.

In the testimony of Warden Dobie, it appears that the same conditions of idleness and industry are at this prison, as at Sing Sing.

Q. What proportion of the men in the prison are idle?

A. I will have to take our labor report to show that.

Q. You can show in a general way?

A. They are most all employed at something.

Q. We saw a good many men who were apparently idle?

A. It happens to be so because the particular thing they are working on is not in demand.

Q. How often is that likely to happen?

A. There are certain seasons of the year when they have a little stock ahead and want to sell, and do not want to manufacture more.

Q. That makes idle men; do you suppose one-half of the population work one-half of the time?

A. I think so.

Q. Do you think two-thirds of the time; take the whole population the whole time?

A. I don't know but they do.

By Mr. Ward:

Q. How about one-third of the time?

A. I think they work more than that.

Q. Much more?

A. That is a mere guess.

By Mr. Round:

Q. The conditions under which a portion of them are idle are likely to be permanent?

A. No, sir; the conditions are such as to come up when orders do not come in.

Q. Those are the conditions that they are working under now; there may be orders at any time?

A. Yes, sir; if the public institutions all over the State bought, all would be busy all the time.

Q. Then we find one-third unemployed under conditions that may exist the whole time?

A. Yes; I have got here a statement made daily.

Q. Of to-day?

A. Yes, sir. (Copy of daily statement shown.)

I find in to-day's schedule that you have given us marked Dannemora exhibit A, December 13, 1899, that there were 269

men employed in all departments; there are 138 put down as learners and idle; is that 138 to be deducted from the 269? There are 397 in the various shops, 138 learners and idle, leaving 269 actually engaged in the productive industries of the prison.

A. According as they worked to-day.

Q. The entire census of the prison is what?

A. Nine hundred and sixty-seven.

Q. That is about one-third who are actually employed, not counting the learners; the learners are 32 in number; then the estimate of one-third employed would be about right.

A. I was only guessing at it; there is a large shop breaking stone; there is a lot working outside?

Q. During hours that they are in the shops, how large a portion of that time in the shop do you consider they are actually at work or merely sitting at their tasks?

A. If there is any work for them to do they work all the time.

Q. For instance to-day?

A. I guess to-day half are not working.

Q. When a man is put down as working does that mean that he works eight hours a day?

A. I don't believe any work eight hours.

Q. What time, in your judgment, would they work?

A. I don't believe more than six hours.

Q. That is your judgment, that they would average as much as six hours, those who are working and set down in the industries?

A. I think so.

Q. Do you consider to-day roughly speaking fair average to the usual thing?

A. I think it is a little under.

The testimony throughout showed that in neither Sing Sing nor Dannemora are the men made to understand that they are to

work to the full extent of their energy, as for instance at Sing Sing, in the testimony of convict Ward, who was bookkeeper in the stone shop while working in Sing Sing prison and since transferred to Auburn.

Q. Do you think the men prefer to be employed?

A. I think the majority of them did.

Q. In the stone shop, so far as your experience is concerned what proportion of the time were they employed, how many hours a day?

A. They were not compelled to work fast. If he worked steadily and satisfactorily he was not urged to work fast.

Q. Under these circumstances do you think the men so employed did not take so much interest in their work?

A. They do not. One day they do 100 square feet of stones, one 23 feet according as they feel.

Q. Does the work fit them to earn their own living on the outside?

A. No; I don't think it would fit them to work on the outside.

Q. Was there any effort made to fit them to work on the outside?

A. No.

Q. What did you do there?

A. I was bookkeeper and made out the labor report and kept track of what stone was done; I kept a book for each day's work.

Q. From your memory can you tell us the number of cubic feet cut there in a day or a month?

A. They averaged for the month of August, about 60 square feet a day.

Q. What would be a fair average for a shop of 70 men, facing stone already cut, a day?

A. I know some there who could do more than others. I have no idea of stone cutting myself and don't know what the requirements are for facing.

Q. A man could not learn stone cutting there?

A. No.

Q. Suppose a man in your shop wanted to learn the trade, he would not be permitted to go to a first grade shop to learn it?

A. No; they had to do their work and had no chance to go up by promotion.

The same thing will be noticed in the testimony of John P. Powers, superintendent of industries at Dannemora prison.

He admitted repeatedly that the labor was liable to fluctuation, and that at any time the men might be thrown out of work through lack of orders and sometimes from lack of material, and hindrance due to transportation. He testified as follows:—

Q. A great number of men in the shops are idle, what do you attribute that to?

A. Lack of orders.

Q. That is about the average condition of things?

A. Yes, sir.

By Dr. Stokes:

Q. About what is the amount of work being done in the shops now as compared with the average in the past twelve months?

A. There is comparatively little or nothing done in our shops now; we are simply filling up a few odds and ends; we have stock on hand, and we are doing just enough to keep the men from sitting down.

Q. As a matter of fact how much work does each man get in actually?

A. If each man was employed in our shops they could put up all the work in two hours.

Q. Two hours?

A. Yes, sir.

Q. How long has it been since the men have been idle, since they have been lacking in work?

A. About six weeks.

Q. For the past six weeks the men have had only work enough to keep them employed two hours a day?

A. Yes, sir; except the spinning shop; we are putting up a stock of yarn.

Q. How many men in the spinning shop?

A. I think it is fifty.

Mr. Powers testified that until six weeks ago the men have been working seven hours a day.

Q. In working the seven hours a day until six weeks ago, did the work which they accomplished compare as regards quantity and value with the work that free laborers could have been completed in the same number of hours a day?

A. Free labor would have, with the same number of men, produced forty per cent. more.

Q. This prison's partial cessation of industries, is it from present indications likely to continue for some time? What is the outlook?

A. I could not say what the outlook is.

Q. So far as you are aware there is no reason for believing that the average man in the industries will have very much more work to do per day for the next six months?

A. I can say for four or five months, until we get the spring trade.

Q. The falling off is due to what?

A. Lack of orders.

Q. In what departments?

A. In all departments.

Q. Do you, in your official duties, have any responsibility as regards finding a market for prison products?

A. No, sir; the only time that occurred was when we had knit skirts which were a novelty and were not on the catalogue, and I made a trip to all the hospitals in the State, and I am proud to say that we were quite successful.

Q. What industries are there in this prison to-day?

A. Knitting industry, spinning industry, tin industry, shirt and clothing industry, weaving, baskets and mats, that is all.

The testimony of several prisoners was taken, indicating that they had learned their trades from other prisoners more often than from the instructors, and none of them expressed an intention of following the same industry when he was released from prison.

Prison Labor and Classification.

Regarding prison labor in its relation to classification it will be well to look at the law which is supposed to cover the whole matter. It is as follows:

"The labor of the prisoners of the first grade in each of the prisons, reformatories and penitentiaries shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment, as the primary or sole object of such labor, and the prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely, even though no useful or salable products result from their labor, but only in case such industrial training and instruction can be more effectually given in such matter otherwise, and, so far as is consistent with the primary object of the labor of such prisoners, shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions, and in the buildings and offices of the State, or those of any political divisions thereof, or in any public institution owned or managed and controlled by the State or any political division thereof, or said labor may be for the State or any political division thereof.

The labor of the prisoners of the second grade of said prisons, reformatories and penitentiaries shall be directed primarily to labor for the State or any political division thereof, or to the production and manufacture of useful articles and supplies for said institutions, or for any public institution owned or managed and controlled by the State, or any political division thereof.

The labor of the prisoners of the third grade shall be directed to such exercise and shall tend to the preservation of health, or they shall be employed in labor for the State, or a political division thereof, or in the manufacture of such useful articles and supplies are needed and used in said institutions and in the public institutions owned or managed and controlled by the State or any political division thereof."

By the system of classification now in vogue there appears to be very little relation between the labor in the prison and the four classes designated.

The classification is based solely on the number of convictions without regard to the criminal character of the prisoner. Sing Sing Prison is supposed to be given over to the necessities or grade "A," who are sentenced on the first conviction of a felony. The prison contains 959 such men; 98 of grade "B," who have been twice convicted, and grade "C," 66, who have been three times convicted.

A man may have led the worst kind of life, having criminal tendency ingrained for years, may have been known to have been a criminal, and yet be placed in the first grade or grade "A" simply because a record of his convictions is not at hand, or that he has escaped conviction on technical charges, where his guilt was morally certain.

Neither in Sing Sing nor in Dannemora does it appear by the evidence that the grades are rigorously kept apart, or that labor is shaped to suit the intent of the law, even with this meagre attempt at gradation. No great attention is paid to the law requiring those in grade "A" to be specially fitted to earn a livelihood after their release from prison. It is repeatedly shown in the testimony of the wardens and other officers that men in

grades "B" and "C" have equal chance at learning trades as those given to grade "A," whereas the evidence shows plainly that there is not a sufficient amount of labor in the prisons to occupy the men one-third of the time required of laborers outside. No effort, apparently, has been made to establish manual training schools or grade schools or other educational methods, with the single exception of the school of design at Sing Sing.

It must be said, however, that at Auburn Prison there is a consideration of the fact that men are not likely to be good citizens until they have the inclination and ability to earn a livelihood, and they are stimulated to acquire both. While the intention of the law is excellent, its spirit is violated.

There has been ample opportunity since 1897 to have put in practice, a complete scheme for industrial training. It is shown by the evidence, and by observation outside of the prisons, that in something more than a majority of cases men follow their own trades rather than those they have learned in prison, and are much more likely to go back to trades and occupations that they had known previously to their prison life, and which may have had much to do with their presence in the criminal class.

LABOR IN ITS RELATION TO THE MARKETS.

When the constitutional amendment was agreed upon, it was not at all plain that it would provide adequate labor in the prisons for their support, and for the purposes of discipline, in supplying the other institutions of the State with manufactured articles that they should require. It was supposed that it would do away with unfair competition with the outside labor in the various industries that might be introduced into the prisons. It has been left with the Prison Commission to lay plans, and the Department of Prisons has had power and authority to execute with all

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 conditions that have been asked and granted since 1897, when the last of the old prison contracts expired. It is shown that this Department does not adequately employ the prisoners one-third of the time; that it has simply developed a system of labor on the public-account system, with the greater restricted market, and in proportion as the market is restricted, the competition has been increased.

According to the testimony of various experts who have been examined, the system is a complicated one; placing the responsibility with the Department of Prisons, who must follow out the recommendations of the Prison Commission, which is not itself responsible for results.

It is shown that a great deal of the law is a dead letter, the Attorney-General says one thing and the charter says another, and no articles manufactured in the prison shop can be purchased by the State or political division thereof unless the State superintendent of prisons shall certify, etc., naming the conditions which makes evasion possible.

Mr. Frederick H. Mills, who has had large experience, and had much to do with the development of the general scheme of prison labor and who represents the department of prisons, in his evidence, says that unless the institutions of the State are compelled by a penalty to purchase supplies of the prisons that the system may be reckoned a failure. At Dannemora, where the men are not working certainly more than one-third of the time, in the knitting department there is a stock already accumulated, valued at \$40,000. It will certainly prevent labor in this particular industry during the ordinary demand of another season, in the meanwhile the stock depreciating in value by being stored.

Notwithstanding representations that have been made to the

contrary, purchasers of prison made goods have been dissatisfied in many instances with the quality of the prison goods and with the price. According to the testimony of Mr. Cook there has been a delay in furnishing orders by various decisions of the court touching one department or another which has been accustomed to purchase from the prison, and there is no prospect whatever of the condition being bettered.

As to the quality of prison made goods, a mass of evidence has been accumulated by your committee. A letter was sent out to various institutions and departments of county, town and State governments on the 27th of November, who had purchased from Sing Sing Prison, as follows:

"We understand that you have purchased goods that were manufactured in Sing Sing Prison.

Will you kindly give us your opinion as to the comparative value of these goods quality, etc., that is, if they were quite up to the standard of the same grade of goods purchased elsewhere?"

In the matter of replies we beg leave to submit the following:

[From the Supt. of Poor, Saratoga Co.]

The quality of the goods were fully up to the standard, but prices are a little higher than I can get them elsewhere. No fault to find with the quality, shoes especially, but in price.

[Board of Education, Schenectady, N. Y.]

The desks and baskets were of most excellent quality. The brooms were decidedly inferior.

[Sheriff of Queens County.]

I beg leave to state that in buying prison goods our experience has not been altogether satisfactory. We think we could get better goods for less money in the open market.

[Long Island Hospital.]

We have found the articles to be well made, of good material, the only possible fault is that they lack the finish which is usually given to articles which are manufactured and placed on the open market.

[Binghamton State Hospital.]

In reply, I would say that at the conference between the State hospital superintendents and the State Commission in Lunacy, held in Albany, November 28th, several representatives of the prison were present and the quality of prison made goods was freely discussed. The opinion expressed by the superintendents generally, and concurred in by me, that many of the articles made in the prison and furnished to the State hospitals were not equal in quality to articles of the kind purchased in the open market. The prices of prison made goods in a number of important instances appeared to be higher than in the general market for goods of similar grade. I might mention the prices of iron beds, recently quoted by the prison department. It appears that we are now required to pay \$5.70 for a bed that can be bought for less money in the open market. I would also mention tin ware. The workmanship in the manufacture of such articles as milk cans has in many instances been found so poor that we have been obliged to go over the seams of the cans with a soldering iron before they could be used at all. As regards prison made cloth, I am glad to state that there has been a vast improvement in the quality furnished. For a long time it was exceedingly poor and the colors were not fast.

[Superintendent of Poor, Albany County.]

The goods that I have bought of the State Prison Commission are not up to the standard either in *quality* or *price*. I can do

much better and *know* what I am getting of our own home merchants. To be obliged to buy from catalogue is a very unsatisfactory way of purchasing supplies for our institution. (The words underscored are those of the writer of the letter.)

[Department of Excise, State of New York.]

We have several prison made cabinet index cases, which do not seem to be as well made and are not as satisfactory as those previously furnished by specialty company.

[Commissioners of Highway, Borough of Manhattan.]

The commissioners desire me to say that the street brooms furnished by the State Prison Department were greatly inferior to those purchased in open market, and the State prison authorities eventually stated that they were unable to furnish brooms of the quality required by this Department.

[Engineering Department, Aqueduct.]

We do not find as a rule that goods bought by us from the prison are up to the ordinary standard. Care should be taken to improve the quality or a law compelling municipalities to purchase these goods should be repealed.

[Supt. of Poor, Monroe County.]

The men's clothing (suits) has seemed to us to be of good value, and I am about to order quite a quantity. Those made in Auburn, I may say that their blanket for \$2.35 was very satisfactory, price and quality, but the crash that was good was too high in price and when the price was right, it was too coarse. All things considered, it is more satisfactory, price and quality combined, to buy at home were it not for complying with the law.

There is great amount of evidence of similar character. There are some letters which expressed satisfaction with goods made in the prison, but there is an immense amount of criticism as to the value and finish of prison made goods and as to prices. While some are in the *position to purchase of prison department*, others, doubtless who are managers of institutions preferred to favor their neighbors and those from whom they expect to ask favors. There is such a large volume of testimony against prison made goods and such persistent effort to evade the law on the slightest pretence that it cannot be said to be working harmoniously or effectively.

Much of the organization of the prison system has been under the direction of Mr. Frederick H. Mills, who is perhaps as able a man as could be found to solicit orders and one who from his experience is likely to inspire confidence. Clerks in these departments of labor at Sing Sing and at Dannemora testified that they thought it might be beneficial to employ a man to solicit orders, acting as agent for the prison department, but they could hardly have had a man of larger experience or greater efficiency than Mr. Mills. He has not succeeded in removing the conditions that we have indicated or in bringing in a large amount of business through the prison industries.

FINDINGS OF THE COMMITTEE.

In conclusion your committee finds:

As to the plants of the prisons, that at Sing Sing is badly arranged as to relation of buildings to each other, dangerous from fire, dangerous as to safety of officers, badly provided as to sanitary conveniences, overrun with vermin, without proper regard to cleanliness in the matter of bedding, and the faults of

structure are of such a nature-in the large building (cell room) that they cannot be remedied without pulling down and rebuilding the entire establishment.

At Auburn, the conditions are somewhat better, but the prison is badly lighted, badly ventilated, without adequate provisions in the way of closets, dangers as to fire, insufficient sanitary arrangements. Its shops however, as a rule, are adequately and properly ventilated.

At Dannemora, in the old prison the conditions are somewhat better than at Sing Sing. The prison much cleaner, much safer as to fire, but no efficient fire appliances. All the prisons are inadequately provided in the conveniences of a modern establishment, and the health and welfare of the prisoners doubtless suffer from the existing conditions. It finds that the prisons have not been properly inspected and supervised as to improvements made therein; that the arrangement of the buildings at Sing Sing were made with the cognizance and approval of the Department of Prisons; that the electrical work was done by convicts and not inspected by an expert independent of the contractors; that its unsanitary conditions are known and have been known to the Department of Prisons during the entire time of their existence and until a very short time no apparent effort has been made to remedy them.

As to discipline. Your committee finds that the "cruel and unusual punishments" have been abolished and that the dark cell is the only method of punishment with loss of good time. The dark cell is pronounced by two prison physicians as likely in some slight degree to injure the health of those who are kept in them. In all the prisons there seems to have been a proper supervision of dark cell on the part of the physician, but the punishment has been left almost entirely in the hands of the principal keeper

without proper consideration of the warden. The tone of discipline in Sing Sing was decidedly lax, which may have been due to the recent fire in some degree. The tone seemed excellent at Auburn and Dannemora, not so bad as in Sing Sing and not so good as in Auburn. There seems to be a proper regard to the law as to civil service requirements in the appointment of officers or their removal or promotion.

In the matter of classification there was no regard whatever paid to criminal character of the convict. The scheme is meagre and unsatisfactory. It is not helpful to the men who wish to reform or likely to have any remedial effect on the hardened criminal. It is not so planned as to have any considerable part in the prison discipline and is calculated to crush out all hope and ambition in those who have reached the third stage of imprisonment. It affords no incentive to improve while in prison and seems to be a makeshift plan to comply with the letter of the law without much consideration for its spirit. This in itself is arbitrary and the best thing that can be said of it, is that it is not rigidly enforced.

Your committee further finds as to the labor of the prisons; that the law requiring political divisions of the State to purchase of the prisons is evaded and as understood at present the system does not furnish a sufficient amount of labor to keep one-third of the prisoners employed in order to insure their support and accustom them to having habits of industry. The conditions existing are not likely to be better. The quality of the produce is not so invariably so good as those sold in the open market at similar prices. That the scheme of industries has failed to meet the requirements that was hoped for by the originators.

The lack of labor in the prisons has had a baneful influence on the convicts, it has tended to insanity and to bad habits of life.

Report on Condemned Cells, Punishment Cells and Hospital at Auburn Prison.

Inspected Nov. 22, 24 and 25, 1899; Mr. H. E. Gregory and J. G. Phelps Stokes, M.D., Sub-Committee.

The condemned cells (otherwise called the dark cells, or the jail) were clean, but lacked adequate ventilation. Each cell was provided with two doors, the inner door barred, the other of wood and iron. Each cell, when its outer door was closed, was entirely dark, no light or air entering, save through the crevices around the door, except in a few cases where small holes had been punctured through the door for an entrance of a little more air. Each cell was provided with an aperture of two or three inches square, just under its ceiling, the aperture being for the escape of contaminated air from the cell but the sub-committee failed however, to detect any evidence of adequate escape of air through this aperture.

The punishment cells contained no bedding or furniture of any description, save an iron bucket, the prisoners undergoing punishment spending most of their time reclining on the stone floor, their backs partially supported by the cell walls. The prisoners' food while thus confined consisted of about one-third of a loaf of bread and a small cup of water each day. Prisoners undergoing this form of punishment remained continually in the dark cell until finally released therefrom.

At the time of the sub-committee's visit, one convict was still in the dark cell, having been there continually for fourteen days

and the date of his release was not yet determined (according to the man's own statement and the statement of the principal keeper), at the time of the inspection there were in all three thus confined all showing marks evident of the physical deterioration resulting from their confinement.

Dr. John Gerin, prison physician testified very strongly about the physical injury resulting from the method of punishment, declaring that in his judgment such confinement, if repeated very frequently so weakened the system as to markedly predispose it to tuberculosis. His sworn testimony was in part as follows:

Q. What has been your observation of the effect of confinement in the dark cells, with very limited rations?

A. I think it is detrimental to their health and weakens the system, making it very readily assailable by disease.

Q. Have you noticed any unusual susceptibility to disease among those who have been confined there?

A. I have.

Q. Has it commonly happened that men upon being released from the dark cells after a week's confinement have been obliged to come straight to your hospital?

A. Yes, and after repeated confinement they have finally died of tuberculosis from it.

Q. You attribute it to the confinement in the dark cells?

A. Yes.

Q. How long do you think a man could remain in the dark cells without serious damage to his well being?

A. That would depend on the man, some men will stand it longer than others.

Q. Between what limits would you say?

A. I have heard of men being confined there for more than two weeks. I would say between one and two weeks.

Q. Do you think two weeks is the longest time a men could remain there without serious physical deterioration?

A. Yes.

Q. What is your opinion of the dark cell as a punishment system?

A. I think it has been successful here, in the absence of anything else, but it does injure the men's physical and mental safety.

Q. I understand you to say that, in your judgment, tuberculosis is repeatedly developed in men as a result of their confinement in the dark cells?

A. Yes.

Q. Furthermore, you have believed death to result in your opinion, from the same confinement?

A. Yes, from repeated confinement in the dark cells.

Q. Has the repeated confinement in the dark cells, in your judgment, been responsible for many men going insane?

A. Yes, in some cases.

Q. What other punishment would you prefer to use in the case of men who are being continually confined in the dark cells?

A. The paddle.

Q. Do you think the paddle properly applied, is by far the most humane?

A. Yes.

Q. Far less injurious to the men both physically and mentally?

A. Yes.

Q. In other words if your personal judgment were considered in the matter, you would condemn the practice of confining a man in a dark cell for more than a few days at a time and for more than one or more terms?

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A. Yes; in some cases the "jail" might be used to advantage, but men who are repeatedly sent to the "jail" for violation of rules do not care about the dark cell, and defy them, and I think the paddle would do them good and would not hurt them so much physically.

(Testimony of Dr. Julius D. Ransom, physician of Clinton Prison, relative to the evil of the dark-cell system, is very strikingly in accord with the above testimony of Dr. Gerin.)

The hospital facilities at Auburn Prison are exceedingly crude and inadequate. The hospital contains no operating room, all the operations being necessarily performed in one or other of the open wards, separated from the other patients merely by a low screen.

There is no adequate sterilizing plant and no laboratory available for microscopical or pathological work. The hospital possesses no microscope and has no adequate facilities for sterilizing surgical dressings or instruments.

There are no proper facilities whatever for the isolation of patients suffering from contagious diseases. The only semblance to an isolation ward possessed by the hospital is a small superstructure or attic on the roof of a wing of the main prison. Dr. Gerin testified that this superstructure or attic was "utterly insufficient for the accommodation of sick prisoners when cases of epidemic are threatened. This attic would accommodate twelve or fourteen; not over that."

In the words of Dr. Gerin (which, by the way, were in all essentials corroborated by the observations of the sub-committee) there "is no steam there, or, rather, it is not sufficient; no provisions for nurses; it is simply an old room with beds and cots," with no facilities for providing meals for the patients and no accommodations for the nurses.

It was testified by Dr. Gerin, and the sub-committee believes, that a proper isolation ward is seriously needed. The only means of access to the present one is by the common staircase leading through one of the main prison wings, with four tiers of cells, all of which must be passed before the attic can be reached. No access of any kind can be had with this isolation room, either for patients or for attendants, except by this main prison staircase that is used in common by probably 400 prisoners.

To quote again from the testimony of Dr. Gerin:

Q. What is the physical condition of the isolation room?

A. It is fierce.

Q. Is it possible to keep it very clean or fairly free from excessive moisture?

A. I do not think it is possible to keep it dry or clean; it is dirty and seedy; if we had a case of smallpox today it would take thirty hours to get it in condition.

Q. Are there any facilities there for the preparation of prisoners' food?

A. No; you would have to be supplied from our hospital kitchen or other kitchen.

(Neither of the above kitchens are within 200 yards of the isolation room.)

Q. The only way the food could be brought there, practically speaking, would be through the main prison wing, and the attendant bringing the food through the infected ward would have to pass up and down those stairs, with considerable chance of carrying contagion or infection to other prisoners who might be in the neighborhood at the time?

A. Yes.

Q. At present do you think it would be practical to maintain and effect a blockade against disease of a virulent type, if such a disease should break out?

A. I would not say that it could be done.

Auburn Prison has no suitable observation cells where prisoners showing signs of insanity can be properly watched. As regards the general condition of the prisoners at Auburn, the entire committee noticed the abominable sallowness of complexion. Dr. Gerin testified that, in his judgment, this sallowness was due to the men getting insufficient exercise and fresh air. Being asked how many hours a day, under ordinary circumstances, the prisoners had in the open air, Dr. Gerin answered it varies. Sometimes an hour and a half and sometimes not at all, except when they go out with their buckets. He further testified that, so far as he knew, the men got no regular daily exercise, but they suffered much from headache and general malaise; that he attributed this largely to the insufficient ventilation in their cells.

Asked whether he did not think it would "improve the health of the men and increase their ruggedness if they were to have systematic exercise at regular hours for perhaps two hours each day," he replied, "yes, I think it would, very much."

In view of the testimony of the warden and superintendent of industries, to the effect that the men were needed in the shops only four or five hours a day, it would seem to the committee that the prisoners should be allowed more time for exercise in the open air.

(Testimony of Warden Mead and the testimony of Superintendent of Industries Hall.)

As regards the cells of the prison wing, they were found to be, as a rule, inadequately lighted. Good light in the cells would be of great advantage to the prisoners, but, under the present conditions, they are, in most cases, unable to read much without injury to their eyes. The warden has already begun to install

electric lights in the cells, but the work is temporarily abandoned owing to the insufficiency of money for the purpose.

Asked whether, in his opinion, the men commonly injured their eyes while reading in the prison light, Dr. Gerin replied: "Yes, I think the light is poor and indistinct, and I think it has a very bad effect on the eyes.

Of the bucket system as in use at Auburn Dr. Gerin spoke in unqualified condemnation. He characterized that system vicious, vile, horrible, and stated that the buckets, as the result of a great number of prisoners using them, tended to foul the air of the prison to a marked degree.

He further testified that he was of the opinion that the introduction of an earthen bucket, besides the regular bucket, would be of advantage; further stated that he believed the dirt, if applied to the contents of the regular bucket, would overcome the odor, and, furthermore, that he could see no objection to such an earthen bucket system if the prisoners were compelled to use the earth, and, on the other hand, such an earth bucket system would, in his opinion, be a distinct advantage.

At Sing Sing Prison there are at present no adequate hospital facilities, owing to the recent disastrous fire, which destroyed the new hospital structure.

At Clinton Prison the hospital is admirably equipped and maintained, but there is no suitable isolation ward for violently contagious cases.

The condition of the dark cells at Sing Sing and Clinton are approximately the same as at Auburn (above described) and, doubtless, have similar injurious effect on prisoners confined for long periods in them.

SUGGESTIONS FOR LEGISLATION.

In view of the above findings your committee most respectfully recommends and asks you to urge upon the Legislature or the authorities immediate legislation as follows:

As to the plant of the prisons such a law as will bring the inspection of prison buildings under the general State and local laws for building inspection and will forbid the proximity of engine rooms, kitchens, laundries and other dangerous buildings to the parts of the prisons occupied by prisoners.

Such laws as will bring the cells of prisons within the limitation of breathing space demanded for all other institutions and forbid the occupancy of cells by more than one prisoner, that will demand that a light be given sufficient in every prison cell for the prisoner to read during the hours of daylight and certain hours of the evening.

That the use of buckets for toilet purposes be prohibited in all prisons, and that plumbing be so arranged as not to be controllable from within the cells, an exception being made as to the abolition of buckets where a special closet is provided for them, which communicates directly with a ventilator, so that there is a constant current of air to carry off all odors.

That every prison be required to have a fully equipped fire department, consisting of mechanical and chemical apparatus, and that the officers and employees of every prison be required to be present and participate in a fire drill at regular frequent intervals, and that the fire appliances in every prison be subject to the same inspection as in factories, lodging houses and other places where there is a special danger from fire.