

# THIRTY-FOURTH ANNUAL REPORT

OF THE

EXECUTIVE COMMITTEE

OF THE

## Prison Association of New York,

WITH

ACCOMPANYING DOCUMENTS,

FOR THE YEAR 1878.

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TRANSMITTED TO THE LEGISLATURE APRIL 30, 1879.

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ALBANY:  
CHARLES VAN BENTHUYSEN & SONS,  
1879.

STATE OF NEW YORK.

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No. 59.

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IN SENATE,

MAY 7, 1879.

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THIRTY-FOURTH ANNUAL REPORT  
OF THE PRISON ASSOCIATION OF NEW YORK.

PRISON ASSOCIATION OF NEW YORK,  
66 BIBLE HOUSE, ASTOR PLACE,  
NEW YORK, April 30, 1879. }

To Hon. WILLIAM DORSHEIMER,

*Lieutenant-Governor and President of the Senate:*

SIR—In accordance with chapter 183 of the Laws of 1846, we have the honor to present herewith the Thirty-fourth Annual Report of the Prison Association of New York, respectfully to request that you will lay the same before the Legislature.

Respectfully yours,

THEODORE W. DWIGHT, *President.*  
ELISHA HARRIS, *Corresponding Sec'y.*

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## OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1879.

### PRESIDENT.

THEODORE W. DWIGHT.

### VICE-PRESIDENTS.

WILLIAM LAW LEARNED,  
CHARLES J. FOIGER,

DORMAN R. EATON,  
LUCIUS ROBINSON,  
JOSIAH SUTHERLAND.

### CORRESPONDING SECRETARY.

ELISHA HARRIS, M. D.

### RECORDING SECRETARY.

EUGENE SMITH.

### TREASURER.

THEODORE H. MEAD.

### ELECTED MEMBERS OF EXECUTIVE COMMITTEE.

SINCLAIR TOUSEY, Chairman.

THOMAS C. ACTON,  
STEPHEN CUTLER,  
Z. STILES ELY,  
WILLIAM F. LETCHWORTH,  
GEORGE D. PHELPS, JR.,  
SALEM H. WALES,  
JOSEPH S. LOWREY,  
WENDELL PRIME,  
J. BISHOP PUTNAM,  
LEWIS L. DELAFIELD,  
JOHN D. CHIMMINS,

RICHARD L. DUGDALE,  
CHARLES H. KITCHEL,  
SAMUEL OSGOOD, D. D.,  
JAMES H. TYTUS,  
BEVERLY ROBINSON, M. D.,  
STEPHEN SMITH, M. D.,  
WILLIAM CHANNING RUSSELL,  
R. E. DOWKEL,  
CYPRIAS REANNERD,  
DUDLEY FIELD,  
CHARLTON T. LEWIS.

### GENERAL AGENT.

STEPHEN CUTLER, 66 Bible House.

THEODORE W. DWIGHT, LL. D., *President.*  
SINCLAIR TOUSEY, *Ch'n Executive Com.*  
EUGENE SMITH, *Secretary.*

ELISHA HARRIS, M. D., *Corres. Sec'y.*  
THEODORE H. MEAD, *Treasurer.*  
STEPHEN CUTLER, *General Agent.*

OFFICE OF PRISON ASSOCIATION OF NEW YORK,  
66 BIBLE HOUSE, ASTOR PLACE,  
NEW YORK, APRIL, 1879.

[Note to members of the Committees.]

The accompanying list of committees for co-operation in the work of this Association in the several counties and cities of the State, is placed in your hands for the purpose of facilitating the correspondence which may be desirable between the various committees and with the Association. Please notify this Association of any changes in your committee by *death, removal or addition*. Attention is earnestly invited to the requirements of the Jail Laws of 1847 and 1875, copies of which were forwarded to the Local Committees and Sheriffs a year ago.

## LOCAL COMMITTEES FOR CO-OPERATION AND CORRESPONDENCE.

Albany county: Residence, Albany—MAURICE E. VIELE, WILLIAM LAW LEARNED, Rev. RUFUS W. CLARK, EDWARD SAVAOR, Rev. CHARLES REYNOLDS, *Secretary.*

Allegany county: Residence, Angelica—J. S. GREEN, Dr. WM. M. SMITH; residence, Friendship—Hon. ABRAHAM J. WELLMAN.

Broome county: Residence, Binghamton—MARCUS W. SCOTT, Dr. JOHN G. ORTON, SABIN MCKINNEY, B. N. LOOMIS, E. M. NOYES, Rev. ROBERT N. PAREE, E. K. CLARK, SUSAN J. TABER.

Cattaraugus county: Residence, Little Valley—ARTHUR H. HOWE, Dr. L. TWOMLEY.

Cayuga county: Residence, Auburn—MILES PERRY, Dr. S. WILLARD, BYRON C. SMITH, D. M. OSBORNE, DENNIS R. ALWARD, MRS. MILES PERRY, Mrs. D. R. ALWARD, Rev. WILLIS J. BESCHER, D. D., WM. G. WISS, CHARLES P. FORD; residence, Fair Haven—Hon. GEORGE I. POST.

Chautauque county: Residence, Mayville—J. H. MILLER, WILLIAM CHACE; residence, Fredonia—M. S. MOORE; residence, Westfield—ALFRED PATTERSON; residence, Jamestown—Hon. J. C. PRISTON.

Cheung county: Residence, Elmira—Dr. W. C. WRY, Z. R. BROCKWAY, J. D. F. SLES, Rev. Dr. KNOX, Rev. G. H. MCKNIGHT, Dr. T. H. SQUIRE, Dr. IRA T. HART, D. ATWATER, FREDERICK HALL, Rev. F. C. HOSKINS, S. CONVERSE.

Chenango county: Residence, Norwich—ISAAC NEWTON, Dr. H. K. BELLows, Dr. H. H. BESCHER, Rev. S. SCOVILLE.

Columbia county: Residence, Plattsburgh—Hon. WM. P. MOOREs, HENRY ORVIS, Rev. F. B. HALL; residence, Keeseville—Hon. HENRY KINGSLAND, 2d.

Columbia county: Residence, Hudson—A. S. PREET, A. B. SCOTT, JOEL T. SIMPSON, C. W. GERHARD, J. SHULTZ, G. W. TOMLINSON.

Cortland county: Residence, Cortlandville—LEWIS BOUTON, FRANK PLACE, Dr. FREDERICK HYDE, Rev. H. S. WESTGATE; residence, Homer—Hon. G. W. BRADFORD, Dr. CALER GREEN, THOMAS S. RANNEY.

- Delaware county: Residence, Delhi—Dr. FERRIS JACOBS, Rev. E. B. RUSSELL, Dr. D. H. MANN, T. W. BROWN, Gen. FERRIS JACOBS, Jr., O. S. PENFIELD, Mrs. W. H. GRISWOLD, Mrs. F. JACOBS, Jr., Mrs. W. YOUMANS.
- Dutchess county: Residence, Poughkeepsie—H. LOOMIS, Jr., JOHN J. PLATT, Dr. EDWARD H. PARKER, EDMUND PLATT.
- Erie county: Residence, Buffalo—HUGH WEBSTER, JAMES LYONS, P. J. FERRIS, Dr. JOHN D. HILL, GEORGE LETCHWORTH, DAVID P. PAGE, Mrs. A. MCPHERSON.
- Essex county: Residence, Elizabethtown—Dr. S. E. HALE, Rev. Mr. BARROWS, RICHARD L. HAND, ABIJAH PERRY, ROBERT W. LIVINGSTON.
- Franklin county: Residence, Malone—Dr. S. P. BATES, Hon. W. A. WHEELER, F. T. HEATH, Hon. JOHN J. GILBERT, J. P. BADGER.
- Fulton county: Residence, Johnstown—HORACE E. SMITH, JACOB BENTON; residence, Gloversville—JOHN FERGUSON, Dr. EUGENE BEACH.
- Genesee county: Residence, Batavia—Dr. L. B. COATES, Prof. G. FULLER, C. T. BUXTON.
- Greene county: Residence, Catskill—GEORGE H. PENFIELD, HENRY G. HADDEN, SAMUEL HARRIS, Mrs. M. B. SELICK.
- Hamilton county: Residence, Wells—G. B. MORRISON; residence, Sageville—Wm. H. FRY.
- Herkimer county: Residence, Herkimer—DAVID M. DAVENDORF; residence, Ilion—E. REMINGTON, CHARLES P. MOSS.
- Jefferson county: Residence, Watertown—JOHN P. KNOWLTON, RICHARD G. KEYES, JESSE M. ADAMS, JOHN F. MOFFATT, JOSIAH B. MOULTON.
- Kings county: Residence, Brooklyn—Rev. JOB G. BASS, EUGENE D. BERRI, Rev. MICHAEL J. HICKIE, W. B. WADSWORTH, WILLIAM C. MCKINNEY, JAMES M. SHANAHAN, THOMAS E. PEARSALL, N. T. BEERS, Jr., WILLIAM HADDEN, ROBERT MAYHAM, ANDREW A. SMITH, J. H. HOBART BURGE, M. D.
- Lewis county: Residence, Lowville—Dr. F. B. HOUGH, Rev. JOS. H. FRANCE, AMOS RICE, CARROLL HOUSE, ROYALL P. WILBUR; residence, Croghan—Hon. WILLIAM W. RICE.
- Livingston county: Residence, Genesee—Dr. W. E. LAUDERDALE, F. DE WITT WARD, D. H. BISSELL, Prof. MILNE, Rev. C. S. DURFEE.
- Madison county: Residence, Morrisville—D. D. CHASE, H. P. MEADE, LUCIUS P. CLARK; residence, Oneida—W. R. WILLIAMS.
- Montgomery county: Residence, Fonda—WILLIAM N. JOHNSON, Rev. W. FROTHINGHAM.
- Monroe county: Residence, Rochester—Hon. HENRY R. SELDEN, Dr. W. L. ELY, Dr. E. V. STODDARD, Gen. J. W. MARTINDALE, P. BARRY, JAMES T. STEWART, L. S. FULTON, QUINCY VAN VOORHIS, THEODORE BACON, EZRA JONES, Mrs. VICK.
- New York: THE ASSOCIATION'S COMMITTEES ON DETENTIONS AND DISCHARGED PRISONERS.
- Niagara county: Residence, Lockport—GAYLORD B. HUBBELL, LEWIS HARMONY, JAMES COCHRAN, M. H. WEBBER, Dr. J. B. HARTWELL, Dr. A. W. TRYON, HENRY THORNTON, Mrs. Wm. KNOWLES, Mrs. L. Z. BABBITT, Mrs. ROBERT NORTON.

- Oneida county: Residence, Utica—Col. THEO. P. COOK, Hon. WM. BACON, JOHN F. SEYMOUR, Dr. EDWIN HUTCHENSON, CHAS. H. WARREN, EDWIN HUNT; residence, Rome—SIMON G. VISSCHER, Mr. CONVERSE.
- Onondaga county: Residence, Syracuse—Hon. P. BURNS, Rev. OVID MINER, Dr. H. B. WILBUR, Rev. M. BAIRD, Mrs. Dr. DUNLAP, Dr. R. W. PEASE, Hon. W. H. H. GERE, TIMOTHY HOUGH, M. W. HANCHETT, TIMOTHY R. PORTER, J. C. WILLIAMS, HENRY BABCOCK, Dr. E. E. VAN DE WARKER, JAMES A. SKINNER, G. L. BONTA.
- Ontario county: Residence, Canandaigua—DARWIN CHEENEY, Dr. HARVEY JEWETT, CYRUS W. DIXSON, Mrs. COLLINS HART, Prof. EDWARD TYLER, Hon. JAMES C. SMITH, LEVI B. GAYLORD; residence, Geneva—T. C. MAXWELL, Z. T. CASE.
- Orange county: Residence, Goshen—Dr. J. H. THOMPSON, Rev. FLOYD A. CRANE; residence, Newburgh—Dr. H. V. R. MONTFORT, GRANT EDGAR, WILLIAM MCCREA; residence, Middletown—Hon. J. D. FRIEND, Hon. J. G. WILKIN.
- Orleans county: residence, Albion—EDWIN R. REYNOLDS, DANIEL W. FRYE, U. C. ROGERS, Rev. E. WALSWORTH.
- Oswego county: Residence, Oswego—Hon. O. J. HARMON, G. C. MCWHORTER, Hon. J. A. PLACE, Dr. A. S. COE, G. MOLLISON; residence, Pulaski—Dr. A. S. LOW.
- Otsego county: Residence, Cooperstown—ELIHU PHINNEY, Dr. H. LATHROP, S. M. SHAW, G. P. KEESE, Miss SUSAN COOPER, Dr. W. T. BASSETT.
- Putnam county: Residence, Carmel—Hon. W. S. CLAPP, J. D. LITTLE, Dr. A. ELY.
- Queens county: Residence, Manhasset—C. F. HOMANS, W. H. ONDERDONK; residence, Hempstead—Rev. WM. H. MOORE, D. D.; residence Westbury—BENJ. D. HICKS, HENRIETTA TITUS; residence, Glen Cove—EDWIN A. HOPKINS; residence, Astoria—Rev. WASHINGTON RODMAN, Miss E. H. RODMAN, Dr. J. D. TRASK.
- Rensselaer county: Residence, Troy—AMASA R. MOORE, H. W. HOUGHTON, Dr. H. B. WHITON, Rev. N. B. REMICK, Rev. WILLIAM IRVIN, SAMUEL FOSTER.
- Richmond county: Residence, West Brighton—EDWARD B. MERRILL, NICOLL FLOYD, Mrs. J. S. LOWELL, Mrs. NICOLL FLOYD; residence, Richmond C. H.—EPHRAIM CLARK, Dr. I. L. MILSPAUGH, STEPHEN STEPHENS, Miss H. MOORE, Miss MUNDY.
- Rockland county: Residence, Stony Point—Dr. WM. GOVAN; residence, Haverstraw—ALONZO WHEELER; residence, New City—CYRUS M. CRUM, SPENCER WOOD; residence, Nyack—SETH COLE; residence, Tomkins Cove—WALTER T. SEARING, Mrs. LAURA WOOD.
- Saratoga county: Residence, Ballston Spa—J. W. HORTON, Dr. MORGAN LEWIS; residence, Saratoga Springs—Prof. HIRAM A. WILSON, Dr. L. E. WHITING, OSCAR F. STILES.
- Seneca county: Residence, Waterloo—Hon. S. G. HADLEY, Dr. O. S. WELLS, Rev. S. H. GRIDLEY; residence, Ovid—Hon. GEORGE FRANKLIN, Dr. JOHN B. CHAPIN, Dr. A. BOLTER; residence, Seneca Falls—Dr. HEATH.
- Schoharie county: Residence, Schoharie—Rev. JACOB HECK, THOMAS W. ZEH, Jr.
- Schenectady county: Residence, Schenectady—Dr. B. A. MYNDERS, Hon. W. T. L. SANDERS, S. B. HOWE.
- Schuyler county: Residence, Watkins—Dr. M. L. BENNETT, CHARLES T. ANDREWS, FREDERICK DAVIS; residence, Burdette—Dr. NELSON NIVISON.

## LOCAL COMMITTEES.

St. Lawrence county: Residence, Canton—GEO. ROBINSON, REV. JAMES GARDNER, H. H. JUDD, DR. J. C. PRESTON; residence, Ogdensburg—DR. B. F. SHERMAN, PROF. R. G. PETTIBONE.

Steuben county: Residence, Bath—GUY McMASTER, Z. L. PARKER, REV. O. K. HOWARD, REV. JAMES M. PLATT, DR. A. H. CRITTENDEN; residence, Corning—DR. C. MAY, F. A. WILLIAMS.

Suffolk county: Residence, Riverhead—N. W. FOSTER, DR. R. H. BENJAMIN, THOS. COOK, G. O. WELLS.

Sullivan county: Residence, Monticello—CHARLES F. CANNEDY, DR. EDWARD QUINLAN, JAMES STRONG; residence, Grahamville—DR. J. M. LA MOREE.

Tioga county: Residence, Owego—DR. H. N. EASTMAN, REV. J. A. OSTRANDER, A. ABEL, V. N. RUSSELL, HON. T. I. CHAFFIELD, G. B. GOODRICK, A. COBURN, H. D. PINNEY.

Tompkins county: Residence, Ithaca—Prof. WM. CHANNING RUSSELL, Prof. JAMES LAW, Prof. WILLIAM D. WILSON, MARCUS LYON, ORANGE P. HYDE.

Ulster county: Residence, Kingston—Hon. JAMES G. LINDSLEY, MRS. MARY W. REYNOLDS; Rev. GEO. WATERS, D. D.; residence, New Paltz—DR. C. W. DEYO; residence, Whiteport—EDMUND DOREMUS.

Warren county: Residence, Lake George—SAMUEL R. ARCHIBALD, FRANCIS G. CROSEY, ELIAS S. HARRIS.

Washington county: Residence, Salem—R. G. ATWOOD, JAMES BLASHFIELD, E. P. SPRAGUE, C. R. HAWLEY.

Wayne county: Residence, Lyons—Dr. H. D. VOSEBURG, JOHN I. COLE, WM. VAN MASTER, CHARLES EXNIS; residence, Pahrnya—ISAAC BROXSON, L. LYONS, MRS. PLINY SEXTON, CHARLES McLOUTH; residence, Walworth—Hon. LOUIE T. YOUNG.

Westchester county: Residence, White Plains—Dr. H. E. SCHMID, MRS. J. O. DYCKMAN, M. PRUDHOMME, Rev. F. B. VAN KLECK; residence, Sing Sing—Dr. G. J. FISHER, MRS. CATHARINE E. VAN CORTLANDT, L. G. BOSTWICK, S. G. HOWE, MISS E. ROE.

Wyoming county: Residence, Warsaw—Hon. AUGUSTUS FRANK, Rev. J. E. NASSAU.

Yates county: Residence, Penn Yan—MYRON HAMLIN, JOSEPH F. CROSBY.

## CHARTER AND CONSTITUTION

OF THE

## PRISON ASSOCIATION OF NEW YORK.

## AN ACT to incorporate the Prison Association of New York.

PASSED May 9, 1848: by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All such persons as are now or hereafter shall become members to the said association, pursuant to the constitution thereof, shall and are hereby constituted a body corporate, by the name of "The Prison Association of New York," and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which the corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

## ARTICLE I.

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

## ARTICLE II.

The officers of the society shall be a president, vice-presidents, a corresponding secretary, a recording secretary, a treasurer and an executive committee. There shall be the following standing committees, viz.: A finance committee, a committee on detention, a committee on prison discipline, and a committee on discharged convicts. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

## ARTICLE III.

The officers named in the preceding article shall be *ex officio* members of the executive committee, who shall choose one of their number chairman thereof.

## ARTICLE IV.

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

## ARTICLE V.

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or, in his absence, one of the vice-presidents shall designate.

## ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life; and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

## ARTICLE VII.

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

## ARTICLE VIII.

The officers of the association shall be chosen annually, at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

## ARTICLE IX.

Any society having the same object in view may become auxiliary to this association, by contributing to its funds and co-operating with it.

## ARTICLE X.

The executive committee shall have power to add to any of the standing committees such persons as, in their opinion, may be likely to promote the objects of the society; and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

## ARTICLE XI.

This constitution may be amended by a vote of the majority of the society, at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution, shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted, that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a work-house in the county of New York, and, in their discretion, to receive and take into the said

work-house all such persons as shall be taken up and committed as vagrants or disorderly persons in said city, as the court of general sessions of the peace, or the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the Bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations relative to the management, and disposition of the estate and concerns of said association, and the management, government, instruction, discipline and employment of the persons so, as aforesaid, committed to the said work-house, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature, and to the corporation of the city of New York, of the number of persons received by them into the said work-house, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said work-house, to bind out the said persons so being minors as aforesaid, as apprentices or servants, with their consent, during their minority, to such persons and at such places, to learn such proper trades and employments as, in their judgment, will be most conducive to the reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And, to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are vested in the inspectors of county prisons\* and the duties of the keepers of each prison that they may examine, shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. *Provided*, That no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the chancellor of this State, or one of the judges of the supreme court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW YORK, }  
IN SENATE, May 8th, 1846. }

This bill having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof,

*Resolved*, That the bill do pass.

By order of the Senate.

A. GARDINER,

*President.*

\* See section 24 on next page.



STATE OF NEW YORK, }  
IN ASSEMBLY, April 24th, 1846. }

This bill having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof,  
*Resolved*, That the bill do pass.

By order of the Assembly.

Approved this 9th day of May, 1846.

SILAS WRIGHT.

WM. C. CRAIN,  
*Speaker.*

STATE OF NEW YORK, }  
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and the whole of said original.

In testimony whereof, I have hereunto affixed the seal of this office at the city of Albany, the fifteenth day of May, in the year of our Lord one thousand eight hundred and forty-six.

ARCH'D CAMPBELL,  
*Deputy Secretary of State.*

(Revised Statutes, Part IV, Chap. 3, Title I.)

§ 24.\* It shall be the duty of the keepers of each of the said prisons to admit the said inspectors, or any one of them, into every part of such prison; to exhibit to them, on demand, all the books, papers, documents and accounts pertaining to the prison or to the detention of the persons confined therein, and to render them every facility in their power to enable them to discharge the duties above described. And for the purpose of obtaining the necessary information to enable them to make such report as is above required, the said inspectors shall have power to examine, on oath, to be administered by either of the said inspectors, any of the officers of the said prisons, and to converse with any of the prisoners confined therein, without the presence of the keepers thereof, or any of them.

## BY-LAWS OF THE PRISON ASSOCIATION OF NEW YORK.

I. There shall be a stated meeting of the executive committee on the fourth Wednesday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting.

II. At every meeting of the executive committee, five members shall be necessary to constitute a quorum.

III. The order of business at every stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of the treasurer.
3. Reports from standing committees.
4. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

\* Section 20 in last revision.

At a special meeting, no other business shall be transacted than that for which the said meeting was called.

IV. The chairman shall appoint all special committees; and no person nominated by him shall be excused, unless upon reasons satisfactory to the meeting.

V. The chairman shall decide all questions of order subject to an appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.

VI. There shall be four standing committees, namely: A committee on finance, a committee on detention, a committee on discharged convicts, and a committee on prison discipline.

VII. It shall be the duty of the finance committee:

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.
2. To audit all bills against the association; and no bills shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.
3. To audit and report upon the treasurer's accounts annually.
4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

VIII. It shall be the duty of the committee on detentions:

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge, or providing for the defense, of such as shall appear to be entitled thereto.
2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

IX. It shall be the duty of the committee on discharged convicts:

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.
2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.
3. To procure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences, taking care not to have more than one in a place, where it can be avoided.
4. To see that the prisoners are provided with suitable clothing, of a kind that will not attract particular attention.

X. It shall be the duty of the committee on prison discipline:

To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: Health, reformation, convict labor, administration and internal police, comparison of different

prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

XI. One or more agents may be appointed by the executive committee to assist the standing committees in the performance of their duty.

XII. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

XIII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees when required; shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

XIV. The treasurer shall receive and safely keep all moneys belonging to the association; shall pay over the same as directed by the finance committee; shall report at each stated meeting of the executive committee, and shall give such security for the faithful discharge of his duty as that committee shall require.

XV. The president, chairman of the executive committee, and corresponding secretary shall be members, *ex officio*, of all the standing committees.

XVI. No alteration shall be made in these by-laws, except upon notice of the proposed amendment given at a previous meeting of the executive committee.

## PRISON ASSOCIATION OF NEW YORK.

### THIRTY-FOURTH ANNUAL REPORT

OF THE

## EXECUTIVE COMMITTEE.

The present condition of the jails and prisons, the condition of prisoners, and duties of society which they unfold, show that the causes which induced the organization of the Prison Association, thirty-four years ago, have not ceased. But at last the people of this State have awakened to their own responsibility for evils which had wrecked the former State prison system which is now proved to have been nurturing crime.

Responsibility for the complete reformation of the three great prisons, for which the State has provided a new system of government, after ten years' effort by this Association, has been so fixed upon a central authority that the people can hold it accountable. The responsibility of the people themselves, however, in the administration of the laws, and of the custodial and correctional institutions in the counties and cities, still continues to be so diffused and badly defined that the State cannot, consistently, remain indifferent to the public necessity for the better administration of justice, and of the penal and correctional institutions in the commonwealth.

All experience goes to show that the common jails, as correctional institutions and local prisons, offer most important fields for the practical study and mitigation of evils which are deeply rooted in the bosom of society. Dismissing mistresses and evils of the community at large, no less than of the offending individuals, these home fields of inquiry and effort call for such widely distributed voluntary and continuous cooperation of the people throughout the State as this Association has organized. In this part of its duty the Association has been successful in maintaining a constantly increasing interest of citizens for the repression of crime and the improvement of the jails and county prisons. But the system of local government, in which the detention jails and county prisons, and even the six penitentiaries, are cast as parts of the county institutions and sources of political patronage and partizan power, necessarily precludes the actual reformation and proper regulation of these custodial and correctional institution without some reforms in the laws.

While the sixty auxiliary committees of the Association, in the different counties, faithfully represent and pursue its work and purposes, they all coincide with this executive committee in the opinion that the time has come when the reforms of law and of methods in the management of these local institutions, in the name of public justice, should be amply and wisely provided for by the Legislature of the State, and that all the penal and correctional institutions to which criminals are consigned should be kept under a strict supervision of the State.

#### DUTIES TO PRISONERS.

Both in the local and general work undertaken by this Association, all the personal labor is so nearly voluntary that the duty of the executive committee in regard to it consists rather in organizing and guiding, than in reporting or elaborately studying its results and the details of experience in it. But it is proper, in this report, to call special attention to the practical service of the general agent in the city of New York, as illustrating very completely the line of duties which, for these thirty-four years, this special agency, in which Isaac T. Hopper and Abraham Beal and now Mr. Stephen Cutter, has steadily continued. Brief reports from several other cities in the State contribute further evidence of the peculiar usefulness of such duties in the local prisons and criminal courts. This class of labors was contemplated and provided for at the very organization of the Association in December, 1844,\* and it is hoped that in each one of the cities this kind of service may yet come to be systematically provided for in the scheme of the auxiliary committees of the Association.

Through the courts and jails of the twenty-four cities in the State there pass more than 100,000 accused persons, and fully eighty of every hundred of the convicts who receive sentence to the prisons and penitentiaries. In the city of New York alone there are upwards of 75,000 accused persons, held before the police justices, and passed through the six district prisons in their jurisdiction, and the sheriff of the county certifies annually to the conviction of from 27,000 to 29,000 criminals in this city. The sheriff of Kings county certifies to yearly convictions of upwards of 18,000 for Brooklyn; the sheriff of Albany upwards of 2,000; the sheriff of Onondaga, for Syracuse alone, upwards of 1,150; the sheriff of Monroe upwards of 1,300 for Rochester, and the sheriff of Erie upwards of 1,800 for Buffalo. This shows the enormous list of the classes of offenders who make a record of crime in the chief cities of the State. There can be no doubt that in each of the twenty-four cities the local duty which is due from this Association should occupy the special attention of a competent agent, or of the local committee.

The services of Mr. Stephen Cutter, the general agent of the Association, have been pursued assiduously in the courts and prisons of the city of New York, and have extended to great numbers of discharged prisoners, and to numerous country prisons. Whoever reads his report, as hereto appended, will need no further explanation of this service in the interest of common justice and

\*The following resolutions, which were adopted at the meeting for organizing this body in December, 1844, clearly set forth the policy and the purpose of the founders, and of the successors in the work.

On motion of Theodore Sedgwick, Esq., the following was unanimously adopted: Resolved, That it is proper the society should have in view the condition and interest of persons arrested for crime and detained for trial, and, after trial, until their commitment to their final place of confinement, and particularly of juvenile offenders.

Professor Tulkamiif offered the following, which was assented to:

Resolved, That the state and condition of prison discipline, including the treatment which prisoners receive during the period of imprisonment or imprisonment of prisoners, and the improvement of the government of our prisons, and the substitution, in their management, of the law of kindness for that of force are objects worthy the attention of philanthropists, and to serve the particular consideration of such a society.

humanity in the courts and jails in cities. Whether considered with reference to the protection of innocence and the defense against conspiracies and wrongs, or as means of admonition and rescue at the first temptation and departure towards crime, such prudent agencies are justly regarded by good judges and public prosecutors, as well as by this Association, as tending greatly to repress crime and diminish the number of criminals.

The general agent in the city of New York gives a large portion of his time daily to the

#### WANTS OF THE FRIENDLESS AND INNOCENT BEFORE THE COURTS.

Of the aggregate number of persons held for trial in the courts of record in New York city, there are large numbers who plead guilty and thus never undergo trial. In a large proportion of cases, where the accused are either innocent, or submitting to their first trial, they do not know what are their legal rights, nor comprehend the import of the question, put to them by the court, whether they are "guilty or not guilty." This leaves them an easy prey to the rapacity of venal counselors, who take their money and neglect their defense. The practice of accepting pleas has gradually increased, from various causes. It is the last resort of the habitual criminal who knows he is sure of being convicted, and has no defense; he pleads guilty and throws himself on the "mercy" of the court. This "mercy" is not unfrequently granted, by the district attorney allowing a plea for a lesser offense to be taken; or by judges giving the lightest sentence which the law allows. The other extreme has also been practiced, that of giving "exemplary" sentences to known criminals because they stood trial instead of pleading guilty. So it has come to pass, whether justly or unjustly, the opinion prevails among a large proportion of the accused, that pleas of guilty propitiate favorable sentences, while standing a trial, which is an indefeasible right, forfeits the mercy of the courts. This opinion is mainly due to the influence of minor court and jail officials, and venal lawyers, who come into personal contact with the offender and urge the defendant to take this course to avoid an excessive sentence, so that the officials may shorten their hours of attendance on the court.

But of late years, since the tenure of judgeships has been extended, it takes in justice be stated that judges in the criminal courts have interrogated the accused as to what he understood when pleading guilty, and finding he did not know what was meant, have instructed his counsel to cause him to withdraw the plea, to substitute a plea of not guilty, and to proceed to a trial, which resulted in acquittal. It is to be hoped that such examples will become more frequent from the bench, especially in the case of young persons, so that *only* the really guilty, who have no defense, will resort to it. The friendless accused suffer many disabilities when awaiting trial, not the least of which is that they cannot communicate with the lawyer of their choice without paying a fee for the privilege to some person not authorized. It has not unfrequently been one of the duties which the general agent of our Association, or other representative at other county seats, to enable those friendless accused to secure reputable counsel, or the lawyer of their choice.

It is suggested that for every city where there is a mail delivery by carriers, the authorities should provide a letter-box accessible to the postman, in every place of detention where persons awaiting trial are confined, and that every such person shall be furnished with stationery under regulations approved by the District attorney.

Without any further legislation the courts have the power to interrogate the accused, whether he understands what is the legal meaning of the plea he takes; whether his counsel has been told the facts of his case; whether he has had

opportunity to summon his witnesses; or such other questions pertinent to his rights as a prisoner at the bar, as the circumstances of the case seem necessary in the judgment of the court.

Publicity in certain now neglected particulars will be a great advantage to the accused. It should be mandatory upon all proper officials to cause to be posted in every jail, house of detention, police lock-up, and in the cells thereof, and in the reception-room of every police precinct, sheriff's office and court-house. A copy of the statutes relating to imprisonment and the classification of prisoners. 2d. A clear statement of some of the elementary rights of those detained, either for trial or as witnesses, as to communicating with counsel, friends and witnesses, the right of trial, the putting in of a plea, and of appearing to the court for testimony if the counsel employed to defend has neglected his duties. 3d. Provision should be made in the law to facilitate the prosecution of officials who neglect their duties toward witnesses and persons held for trial, by enabling such persons to institute appropriate proceedings to rectify their wrongs. But parents should have even greater rights in this respect in calling officers to account, because the injury to a child from indiscriminate imprisonment is beyond all human calculation, and should be visited with exemplary punishment. This would stimulate even unworthy parents to insist on the enforcement of the laws for the protection of children, and would result in corresponding public advantage.

#### DISCHARGED CONVICTS.

After nearly thirty years' experience, this Association saw fit, seven years ago, to modify and greatly enlarge its methods of dealing with convicts upon release from the prisons. The annual report for 1872, fully explains the methods now adopted. The Legislature continued to encourage the Association in this branch of its work, until the Amended Constitution of the State cut off all appropriation of funds from incorporated associations. This change rendered it expedient, as soon as the new system of prison government was provided under the amendment of 1877, to endeavor to transfer this class of duties to a bureau, to be directed by the Superintendent of Prisons; hence the act of June 6, 1877, was passed "in relation to the appointment of a State Agent for the guidance and employment of discharged convicts." Under that act, the duties of the new agency were organized by the corresponding secretary—who had already inaugurated the improved methods for this Association—and they have now been assigned by Superintendent Pillsbury to John Ross, Esq., as the State Agent. The local committees and the general agent of this Association cooperate in the work of the State Agency, and also extend such advice and guidance as they can to worthy cases upon release from the county prisons.

#### THE STATE PRISONS.

The first effect of the more exacting discipline and severe labor, which are enforced in the three State prisons, is believed to be already witnessed in the avoidance of the State of New York by numerous habitual criminals, of the worst class, who have, by experience, learned to dread such toil and discipline. But desirable as this result is, it still remains true that the statutes under which almost every class of convicts may, at the discretion of the court, be imprisoned in local penitentiaries, where the discipline and labor are less dreaded, tend very seriously to impair this deterring influence of the State prison. The State cannot afford to lose the wholesome effects of its felon prisons by allowing its felony convicts to be held under a capricious and equivocal kind of discipline. It is respectfully submitted by this committee, that if felon convicts are to be imprisoned in county penitentiaries, such prisoners should be under responsible supervision by the State, and feel the highest degree of correctional discipline.

It is not for this committee to make any comments upon the merits of the State prison system, for it is on trial, and if administered as the popular vote, in November 1878, decided it should be—unveiled by partisan or corrupting interference—its success will satisfy the popular desire, and amply reward the years of effort by which the centralized prison government was secured under an amended Constitution of the State.

#### THE STATE REFORMATORY.

The Thirty-second Annual Report of the Association contains a complete history of the Reformatory at Elmira up to the date of its opening. That it is no longer an experiment, merely, is recognized by those citizens who have become best acquainted with its operations, discipline and instruction. Based upon the fact that convicts for the first grave offense against the laws should be the occasion when society shall offer to the offender but one condition of conciliation and rehabilitation, the State Reformatory provides ample opportunity to each convict who enters it to understand the fruitless and other causes by which he fell into crime, and at the same time opens before him the way to build up the walls and safeguards of manly and virtuous character, and to prove the soundness and strength of such character. The 355\* inmates of this institution, at the date of this report, will, it is believed, return to free life few who will relapse into crime. The local committees and co-workers of this Association, the State over, are unshaken in their confidence in the theory and practical results of the Reformatory.

#### THE COUNTY PENITENTIARIES.

In order to present in the clearest and most practical manner the facts which have been studied anew by the officers of this Association concerning these six local and strangely mixed prisons, there will be found appended to this annual report two very carefully prepared summaries of their past history, and of the practical operation of the laws and the judicial usages concerning them. The six county penitentiaries have become conspicuously important as prisons, whose use is now commended by the State for its felon convicts. This change has been brought about under a long series of legislation, acts by which the State prisons have been relieved of all female convicts and the most important classes of young felons, who need the benefits of skillful disciplinary training and a useful trade.†

#### THE JAILS—COUNTY PRISONS.

The sixty-seven jails, which, by the law of 1847, are county prisons, and into which 100,000 or more accused persons are admitted in the course of a year to await some farther hearing or trial, or the expiration of penalties, continue to be nurseries of crime and moral pestilence. The people of the State are not in ignorance of this, nor are the best of them indifferent to the evils which characterize the jail system. In certain counties, as in Niagara, Otsego and Richmond, the local committees have aroused and sustained the spirit of improved jail-keeping; while in other counties the changes in keepers and sheriffs have brought back the scenes of gross disorder and vicious corruption, which, at times, under better sheriffs, had been temporarily prevented, but which are really the natural state of the common jails.

The ameliorations that have been wrought in the treatment of children under arrest, have reached the jails in numerous instances in this State; still there

\* Nearly 500 at the time this report goes to press.

† The historical legislative summary has been reserved for presentation to the Legislature in January, 1880.

are only a few counties in which there is any adequately separate care for child prisoners, and in the city of Utica only, has, a board of supervisors provided for the jail-keeping of children, and of unconvicted females, entirely apart from the common jail. But, as mentioned in the report last year, several counties have provided separate apartments for children, women and witnesses in segregated divisions of the jail building. These are, thus far, the chief results of the permissive and enabling acts, which were passed by the Legislature in 1875 (chapters 464 and 482, Session Laws of 1875). The laws relating to jail-keeping (part 4, chapter 3, title 1, Revised Statutes) have been kept before the jail-keepers by this committee in neatly printed forms; but in the absence of any authority to enforce the statute, the jailor is responsible to the sheriff only, and he is the keeper whom the statute has designated as the only responsible officer, and there the whole matter of compliance with the law rests.

In the statements here appended, given by the corresponding secretary, some of the results obtained in his inspection of thirty-one of the county prisons the past year, sufficiently testify to the necessity for a complete recasting of the jail system. Referring to these illustrations, and to the last seven annual reports of the Association for any evidence desired, we proceed to notice the essential points upon which public attention is now directed, and the prompt action of the Legislature is respectfully requested:

*First*.—The present system of common jails, designated by statute as "county prisons," is an entailment of the errors and faults of the English system of goals and bridewells of John Howard's time. It is inconsistent and pernicious, and should be superseded by some rational method of separating the convicted from the unconvicted, and removing all sentenced prisoners to suitable institutions for penal and correctional treatment.

*Second*.—That as such care and treatment of convicted and sentenced offenders cannot be suitably provided in the common jails, and ought not to burden the county sheriffs, but should be wholly committed to penitentiary or correctional expert officers in institutions and places exclusively devoted to such purposes, the common jail should cease to be used for correctional and penal purposes, and that for this reason the State of New York will need soon to prepare to establish suitable correctional institutions, or places where the hard-labor sentence shall be carried into effect. Therefore, the improvements and structural changes which will be most required in the common jails should have reference to their wants as places of safe-keeping, as houses of arrest and detention, and that until the State shall have provided for such removal of county prison convicts to another and separate class of institutions, the jail-keepers and the boards of supervisors should be required, by competent directory authority, to maintain a strict separation of the convicted from the merely detained inmates of the common jail, now in law designated as the county prison.

*Third*.—That to the officer or persons upon whom is conferred such power to enforce the jail laws there should be given power also to require a reasonable enforcement of the hard-labor sentence.

*Fourth*.—That the entire separation of children from all other inmates of the jail, and the proper separation of the sexes, and of the different classes of women, should be made obligatory, and should also be rendered effectual by the authority conferred upon the directing officers.

*Fifth*.—That the jail records be complete and be kept strictly as the laws require.

As all of the duties mentioned in these five points, to which attention is now invited, are, as a general thing, wholly neglected, and as there can be no great improvement in the jails until these duties are strictly enforced by State authority, this committee will respectfully continue to urge upon the Legislature the

duty to establish such a central authority for the supervision and enforcement of the laws relating to jails and county prisons.

The question whether the Legislature has full constitutional rights to order and provide for this kind of interference in regard to the jails and county prisons, was submitted by this committee to the Attorney-General of the State. In reply to that question, he says:

" \* \* \* In my opinion there is no constitutional objection or impediment whatever to the State supervision of common jails and penitentiaries, as the Legislature, in its discretion, may establish. The subject is one over which the Legislature has entire control.

(Signed)

" A. SCHOONMAKER, JR.,

" Attorney-General.

" ALBANY, December 11, 1878."

As the great question which lies beyond that of mere supervision, namely, that upon which depends the policy and practice of the penal and correctional institutions in the State, is the most important, it certainly is prudent to devise some temporary amendments of the existing evils while the scheme and policy of these institutions are in the transitional state. Hence the propriety of instituting a system of faithful official supervision by the State while these common jails are being superseded by a far different class of primary and intermediate prisons, and a better kind of houses of arrest and detention.

The expediency of such a change in the administrative direction of the county prisons none can deny who recognize the necessity for recasting the jail system. But the urgent duty of such reformed supervision none will doubt who witness the pernicious evils and vices of the jail system as it now is. Though, as in all previous reports by this committee, the body of evidence and reports in detail appear in the appended statements, it seems desirable at this stage of the argument for the reformation of the jail system to refer briefly to a few of the most recent illustrations of the necessity of this reform, as recited in the records of inspection by a member of this committee.

*Jail convicts for one year idle.*.—In the Clinton county jail were found, in June, 1878, two young and athletic prisoners; one a brickmaker by trade, sentenced for one year, and the other a farm hand, also for a year. They were in a dark and loathsome old jail, living in absolute idleness, and when questioned in the presence of a citizen, for the purpose of ascertaining their preference and willingness in regard to daily labor at stone-breaking and any work that could be done in the jail yard, they craved permission to work full time at a stone pile. Their offenses were comparatively trivial, and work in the jail yard was the only refuge they could find from the disagreeable presence of various debased criminals, who were waiting trial or expiating petty offenses in one of the gloomiest jails in the State. The sheriff hesitating to enforce or provide for the labor of these men, because the conditions under which the sheriff may employ convicts had been called in question in that county. (See Appended Statement C.)

*Little boys in same apartment with the worst old offenders.*.—In Oswego county jail, the corresponding secretary found a most debauched old offender, whom he had repeatedly seen in the same place and in penitentiary, and who confessed he had been a hundred times in jail and nine times in other prisons. The jail records showed that during the year 1877, he had spent 294 days in that jail. Two little boys, one nine and the other ten years of age, were pet companions of this degraded prisoner, and locked in the same apartment with him, in July last. The boys were merely vagrants, and the eldest one had been accused of petit larceny. These children, under the act of May 28, 1875, or under one of the acts relating to homeless children, ought to have been placed in safe-keeping elsewhere than in the jail.

*A young girl, the third time in jail in six months.*—In the same narrow apartment with hardened and depraved women, in the Oswego jail, at the date of the inspection referred to, a girl was noticed who was undergoing the third sentence she had received during the first six months of 1878. Reckless, friendless and despairing, her destiny as a destroyer was already sealed by the erroneous methods of police authority and the laws. The State has no reformatory and refuge for such young females.

*An over-crowded jail, with several boy-prisoners.*—In the Niagara county jail at Lockport, the corresponding secretary found, on the 10th of September, forty-six prisoners, six being females. Though one of the best constructed jails in the State, its over-crowded condition permitted the improper intermixture and pernicious familiarity of the boys and youth with the mature and depraved criminals who were found in all parts of the jail. One boy, of only twelve years, from a laborer's cottage in a back district, had been waiting for weeks for a grand jury to assemble and receive his plea of being guilty of a petty offense. Two other lads, one aged fifteen and one seventeen years (brothers), had been sentenced to twenty days' imprisonment as young tramps and mendicants. The jail was to them a school of crime, in which they were at once proficient instructors, as well as pupils. In the midst of the crowded inmates of that jail, and conversing with all, was noticed a widely-known habitual criminal, an adroit contriver and leader in crimes against property and morality, who has three times been sentenced for felonies; but now, as a jail-prisoner for several months in the jail, he was sure to do more harm to his fellow-prisoners and to society than all his felonies had ever caused.

*The change in jail-keepers followed by gross disorder and numerous escapes.*—In the only county jail in the State, which is occupied exclusively as a house of detention, and in which reasonably good order had for several years been maintained, a member of the local committee, in company with the corresponding secretary, visited all parts of the premises, only to witness the scenes of gross disorder which are due to the indifference and incapacity of the new keeper. The fifty inmates of the jail seemed conscious of the fact that disorderly conduct and dangerous license were obstructed by no discipline, for they were in a filthy and ungoverned condition, and their bearing towards the jailer was insolent and familiar. Several of the inmates were known habitual criminals, but a majority of them were young men, and they were grouped about the corridors and by the cell-doors, at games of chance, some of them smoking and engaged in loud talking. A notorious criminal had recently escaped from a conveniently insecure apartment which looked out upon the unguarded portion of the premises, and, in a short time after the inspection here referred, twenty others broke jail and escaped. Such jail-keeping encourages crime, and makes the wanton offender a defiant enemy of society. There is no remedy against such culpable faults of the keepers so long as the sheriff may entrust such service to whom he pleases, and is not himself held accountable. Good order and useful discipline had uniformly prevailed under the previous keeper for more than five years, and with no jail-breaking.

*The jails as rest-houses for vagrants and tramps.*—In the last inspections of the jails of Richmond, Queens, Westchester, Greene, Columbia, Rensselaer, Schenectady, Seneca, Ontario, Monroe, Niagara, Tioga, Broome, Oneida and Montgomery, a large proportion of the prisoners were found to be *vagrants*, who had pursued a nomadic and vagabond career for many months, and some of them for years. In the jail at Rome, Oneida county, half of the entire number of inmates in its over-crowded cells, at successive inspections, were under sentence as tramps, or were awaiting their punishment as nomadic thieves; and in the Montgomery county jail, on the 7th of August last, the corresponding secretary

found that eight of the sixteen men and boys in the jail were of this class, and some of them desperate criminals. Several of them subsequently, while waiting trial for crimes, broke jail, and gave liberty to as many other prisoners as desired to go. Thus the very "savages of civilization" are continually being let loose upon the community, emboldened by petty prowess in deprecation and their defiance of laws and jail-keepers.

The foregoing instances might suffice to show what are the inevitable and growing evils of the present jail system. But these are only a few of the illustrations of the fallacies and dangers which this system is fostering. The same jail, the same foul corridors and cells, the same degrading influences are alike common to the vagabond, the habitual criminal, the innocent detained witness, the juvenile delinquent who has offended without discretion, and all other classes of persons who are held under arrest or in custody of the sheriff. All of this may have been expedient at the early period when this system was first permitted, because the population was scattered, the offenses few, and the distribution of the offenders under any system that might require travel beyond the "jail limits" would have been inconvenient and costly.

In the present changed condition of the offending classes themselves, and of the facilities for proper distribution and treatment of the different classes of those who require correctional discipline, there is no longer any reason for thus consigning them all to the common jail, and thus perpetuating all the evils of the horrid system which in his goal at Bedford aroused the spirit of reform in John Howard, the sheriff of Bedfordshire, and in the bridewells and the Newgate of the English metropolis inspired in him the zeal of a philanthropy which reformed the jails and prisons of all Europe. The jails and county prisons of New York remain to this commonwealth as an unwelcome heritage from the mother country, bestowed upon us before her own reforms began. But we must not, at this period of advanced knowledge and greatly changed conditions of society, seek to adopt any system of improvement in the judicial and penal institutions of the State merely in imitation of those of other States and other countries. The time has arrived when the State of New York, with five millions of people, should create and develop its own well-considered scheme of correctional and preventive agencies and institutions for the repression and prevention of crime.

To attain the highest degree of success in the necessary improvement of the jails and correctional institutions of this State, without waste of means or needless delay, will it not be expedient for the Legislature to commit to a competent and discreet commission this entire problem, and require at its hands such conclusions as shall satisfy all requirements and meet the wishes of the people? The requisite projects of law, and the development of all the necessary changes in the correctional methods and institutions, would be the first out come of such expert preparatory study of the field.

In the report of this Association, last year, it was shown that the public mind is prepared for the reform of the jail system, and that in the delay to begin the work, the State is wasting strength, and deferring hope by the merely permissive legislation which relegates to the county boards of supervisors the whole discretion and authority to undertake this duty by whatever aid they can obtain in structural changes for desired separation of the offenders who are held in custody. Nearly four years have elapsed since the acts for enlarging the powers of boards of supervisors, and for enabling them to provide ample structural facilities for the separation of the various classes of county prisoners and detained persons, were placed upon the statute book. Not one of the sixty counties has attempted to provide for these things; not one has attempted to give full effect to the hard-labor sentence of county prisoners, except in four of the counties in which there is a penitentiary, and in only four or five instances has

new provision been made for the entire removal and proper care of children, women, and witnesses, as contemplated by chapter 464 of the Laws of 1875.

It seemed to be plainly demonstrated in the experience of this State, and in the history of penal and correctional methods in all countries, that nothing short of general laws and central responsibility will effect the necessary reforms. That such laws and the effective operation of the necessary central authority may be rendered entirely harmonious, and consistent with the best conceptions of good local government, is at the present time witnessed in the Dominion of Canada, in England, Ireland and Scotland, in France and in Belgium. The whole State is concerned for the sources, offences and correctional or other treatment and control of all criminals. The civil boundaries of cities, towns and counties have no other relation to this common interest and duty than that all the local police and judicial authorities shall be faithful and vigilant in the common duty which is due to people of the commonwealth. The jails and police of a city or county, as we have seen in certain instances the past year, may be so mismanaged as to let loose great numbers of the worst criminals, who, in turn, will infest other counties, and organize great numbers of the dangerous classes to pursue their wanton depredations with impunity to themselves, but with calamitous results to the communities they invade. The peculiar skill and experience which are required for the management of correctional and reformatory institutions, and for the proper administration of prisons, render it inexpedient for the State to leave the control of its penal and reformatory institutions, or even the common jails, to any exclusively local and probably capricious authority. Therefore the problems of jail reforms and of the re-arrangement and wise adaptation of the correctional and reformatory institutions will unquestionably have to be treated with comprehensive understanding and exact appreciation of the great interests which are involved in them. There are noble citizens, whose judicial and legislative experience, has thoroughly prepared them for the duty of reviewing the entire field of penal justice, and devising such amendments and changes as shall be found expedient in the whole system of jails and correctional institutions. The State will not invoke such service of its best citizens in vain.

"When a correct system of primary institutions of public justice and correction has been devised and carried into operation," says the Hon. Edward Livingston, "it may reasonably be expected, not that offenses will be eradicated, but that their recurrence will be much less frequent, and that the rare spectacle will be witnessed of a retrograde movement in vice and crime." The admonition and further reasoning of that renowned master of judicial and penal science ought to be kept in mind by all who suggest or attempt to change and reform any portion of the system of procedure against crimes, or of the institutions for their correctional and penal treatment; for he adds: "But the desultory attempts which have been made, and are daily making, to carry some of its detached parts into execution, do but retard the progress and endanger the success of reform; they are troublesome; they are expensive; the false reliance that is placed upon them by their advocates excites high expectations, which must be disappointed, because a disease pervading the system cannot be cured by topical remedies, and the disappointment produces despair of final success, abandonment of the plan of reformation, and inclination to return to the old sanguinary system."

In the history of its laws and institutions, progress and new adaptations of methods to meet the necessities of an advancing civilization have become traditional of the State of New York. That which now is required to transform the jail and penitentiary system into a well-adapted provision of houses of arrest and detention, and a self-sustaining system of correctional institutions, will not

be difficult to organize when the present over-loaded and irresponsible institutions shall have been superseded under the operation of a correctly ordered system for the custodial, penal and correctional agencies, which shall be worthy of a great State and an enlightened people. Leaving to the expert councils of judicial minds and studious legislators to announce what such a reformed system shall be, this committee, on behalf of the many thoughtful citizens whom it represents, would take this occasion to express to the Legislature and the public the deep conviction, derived from a knowledge of prisons and the criminal classes in the State, as well as from the results of specific reforms in the institutions of public justice, that the repression of crime, the prompt and adequate correctional treatment of convicts, and a discriminating preparation and adequate penal discipline of habitual offenders, will so steadily and greatly reduce the criminal ranks, and deter from crime in the State of New York, that the people will resolutely sustain the improved system by which such immediate local control of the penal institutions, in order to remove them from the capricious interference of partizan and corrupting influences. For the most enlightened and effectual action of the Legislature to accomplish these great purposes, the people of the State are in full accord with the Prison Association. In their name we respectfully submit this report.

THEODORE W. DWIGHT,  
*President.*  
SINCLAIR TOUSEY,  
*Chairman of Executive Com.*  
ELISHA HARRIS,  
*Corresponding Secretary.*

NEW YORK, April 30, 1876.

APPENDED STATEMENTS.

[A.]

REPORT OF THE GENERAL AGENT.

By STEPHEN CUTLER.

The penitent and the friendless in the city prisons, or when released from any of the penal institutions, have not appealed in vain to the Prison Association, though the past year has continued to be one of unusual demands for such aid and counsel as the general agent endeavors to give.

The detention prisons of the city have been crowded continually, and the number of their inmates who received the agent's needed services exceeds that of the previous year.

The number of discharged convicts who have received attention, and such aid as was consistent, at the office of the agent during the year ending December 31st, was between 500 and 600. For the latter class of persons the State agency for discharged prisoners contributed, at the hands of the agent, such special care and special attention as the case in the nature of transportation, tools and temporary support, etc., while the beneficiaries were making hopeful effort to begin a life of honest industry.

In accordance with the policy of the Association as set forth in its Twenty-eighth and other annual reports, and as desired by Dr. Harris, the State agent, all reasonable methods have been adopted to induce convicts who have not good homes and opportunity for employment in the great cities, to go elsewhere and to break up all communications with the companions of their prison life or of their wrong-doing.

This policy has been so urgently pursued that its beneficial results have become very noticeable, and in the judgment of your agent it should be the fixed policy and practice of this Association, as well as of the State agency and all who advise or aid the unfortunate and fallen who fill our prisons.

DISCHARGED CONVICT DEPARTMENT.

With the limited resources at command much has been accomplished in this department during the past year. While it has not been possible to find employment and good friendships for all the discharged convicts who have come to the office of the Association, yet it is believed that to no one of these unfortunate people has gone from our presence without feeling at least the influence of Christian kindness.

Whenever it has been possible or unwise to comply with requests of discharged prisoners, special care has been taken to explain the reason, so that the fact might always be appreciated that everything in the way of assistance would be done in accordance with settled principles, and not in a capricious or indifferent manner.

It has been the constant aim of the general agent in this field of labor to stimulate and encourage self-reliance, and not to undertake to carry the burden of any one, to arouse and energize the manhood recognized as the first essential step in the work of reformation of fallen man. If this object fails of accomplishment, it is clear that there is nothing to work upon, and any line of philanthropy pursued regardless of this primary consideration will certainly work an injury to the beneficiary and to society. In endeavoring to develop the individual resources such time has been devoted to investigating the family relations and home life, and, when possible, resorting to the tenderer with wholesome associations of love and affection.

Another principle of procedure that has been kept steadily in view of this sphere of labor, is embodied in the idea of contrite sorrow and repentance for the moral as well as the legal offense committed. Little hope can be entertained of the reformation of our criminal classes if the inculcation of moral truths is neglected or disregarded. The responsibility for the performance of the duties of citizenship must rest upon moral convictions, and this function is only developed in the offender which is generally the case, his eyes must be opened to the existence of his moral and religious nature, and through this channel led to reverence the laws of God and society. It has, therefore, been regarded as a duty and a privilege in dealing with released convicts, to develop sober, serious thoughts of life, and its moral and religious obligations.

In the matter of employment of discharged convicts it will be proper to observe, as the result of another year's experience, the following facts:

1st. The labor market in the eastern sections of our country is over-stocked; especially it is true as regards the common and inferior branches of labor. It is a matter of daily observation that thousands of respectable men, and in many cases responsible heads of families, are unable to obtain steady employment, but are, by various make-shifts, managing to eke out a

precarious existence. In canvassing for employment we are in the majority of instances met with the response that it has become necessary to do with less help, and that while disposed to encourage our landable enterprise, nothing at present can be offered.

It is unfortunately true that even where employment is secured for the discharged convicts, they are very frequently not available for the required service, and the sacrifice of the employer's interest is too great to warrant the favor of steady service, and the consequence is, that the unfortunate man is thrown back upon our consideration, or is cast adrift upon society, if, as far as best he may. Without stopping to inquire into the responsibility for this past neglect, we must ask and meet the question of responsibility for the future career of this neglected class of our fellow-men. The State must certainly act in its guardianship capacity, and perform a duty, not to the individual, but to society, by supplementing this defect in the development of a life. This may be brought about by making our penal institutions more reformatory in their character, or by devising a system of instruction in useful trades, which will, in the broadest possible time, enable the well-disposed of our criminal classes to satisfy the reasonable demands of employers.

Under the present administration of our penal system, convicts are discharged from prison without the allowance of proper clothing. We shall refer to this matter in subsequent connection, and only mention it here as illustrating one considerable hindrance in the way of a pleasant and successful presentation of released convicts to employers of labor. The following table exhibits a summary of cases provided for in this department of the agent's labors:

TABLE.

1878.	FROM STATE PRISONS.			FROM PENITENTIARIES AND REFORMATORIES.				FROM DETENTION PRISONS.			Totals.					
	Sing. Sing.	Albion.	Of other States.	Blackwell's Island penitentiary.	Kings county penitentiary.	Albany reformatory.	Elgin county penitentiary.	Brookster.	Syracuse.	Elmira reformatory.		Blackwell's Island work-house.	City prison.	Lehigh street jail.	Raymond street jail.	Other jails.
January	25	3	1	10	1	1	1	1	1	1	1	1	1	1	1	43
February	20	3	1	22	1	1	1	1	1	1	1	1	1	1	1	37
March	14	4	1	32	1	1	1	1	1	1	1	1	1	1	1	57
April	12	4	1	25	1	1	1	1	1	1	1	1	1	1	1	48
May	9	4	1	19	1	1	1	1	1	1	1	1	1	1	1	39
June	10	6	1	15	1	1	1	1	1	1	1	1	1	1	1	45
July	12	4	1	23	1	1	1	1	1	1	1	1	1	1	1	48
August	14	3	1	22	1	1	1	1	1	1	1	1	1	1	1	49
September	15	3	1	21	1	1	1	1	1	1	1	1	1	1	1	46
October	18	5	1	11	1	1	1	1	1	1	1	1	1	1	1	45
November	17	2	1	12	1	1	1	1	1	1	1	1	1	1	1	35
December	19	2	1	11	1	1	1	1	1	1	1	1	1	1	1	39
	217	67	21	2	153	14	9			10	5	8		1		525

The State agency for discharged convicts, established under the laws of 1877, has helped, very materially, to lessen the number of applicants at the office of the Association during the past year, by making provision for the employment of discharged prisoners away from the city of New York, and by advising, in every proper case, an entire separation from this great center of crime and criminal associations.

The cases above enumerated have received faithful attention at the hands of your agent and his helpers, and the wisest disposition made that circumstances permitted.

In this connection it is thought proper to allude briefly to the rest that, out of the whole number of discharged convicts who have applied to the Association for help during the past year, over fifty per cent belong to our foreign-born population. This statement carries with it certain suggestions which are, it is believed, of very great importance as showing light upon the conditions of life under which criminal associations are formed, and the perpetration of crime encouraged, and as determining a policy of statesmanship and philanthropic effort for the future.

For years past, a steady stream of emigration from foreign shores has been pouring into our eastern centers of civilization, representing nearly every nationality of the Old World, and, to a large extent, the neglected and incapable classes of society. Disappointed in realizing their expectations, and in many instances actually reduced to the verge of starvation, they have fallen into crime, and are now a grievous burden upon our society. While it is clearly contrary to the spirit and genius of our government to attempt to restrict the immigration of this





Our experience with discharged prisoners during the last year is rich in the evidence of the neglect of State and prison authorities to provide for the future usefulness of criminal classes who are confined in the penitentiaries. It is not necessary for us to present particulars enlarge upon this matter in detail—the evidence of dereliction of duty in providing for a higher life among the inmates of our prisons is complete. We direct attention to the present management of the penitentiary on the island, as illustrating the indifference of the prison system to the convict. Some years ago, at the prompting of the Prison Association, a library was established in this penitentiary; it was designed as an important auxiliary to such religious and secular movements as would encourage the bettering of the convict, and awaken the ambitious to rise to the condition of useful citizenship on release from imprisonment. To carry out this purpose, it was necessary to have a proper system of distribution of reading matter. This was, however, left to the discretion of the prison officials, who, as we believed, were sufficiently interested in the project to insure its success. But we regret to state that these expectations have failed of realization. The library, instead of being hailed as a messenger of good tidings, an invaluable auxiliary to the good efforts of the chaplain, seems to have sunk into a useless pile, and left to perfunctory management of an irresponsible convict, who may neither care nor appreciate the use of a library.

This inexcusable neglect of the Prison Association, in its duty to discipline within the prison, and of assistance to a good life on liberation, is a severe disappointment to all good citizens.

The following cases are taken from the history of daily efforts during the year in these departments, and are given as an illustration of the practical development of the agent's work:

No. 1.—Was arrested, charged with stealing half a silk pelouse from Mrs. M., the person she worked for. This was denied, and upon a careful examination, we were satisfied her employer made the charge to get rid of paying the small amount (\$6.32) due her for work. We attended her trial in the special sessions, and she was discharged. She came to the agent with tears streaming down her cheeks, and in Spanish accents, said: "I cannot tell you how much I thank you for what you have done for me; now I can go home to my child that I have not seen in four years." We also obtained for her the wages due her, through the working Woman's Protective Union (without cost).

No. 2.—A young married man, arrested for burglary; respectfully connected, and had a good position in a large iron goods store as salesman, and was rising, but got a taste for liquor, and in a few hours, through his unsteady habits, lost his place; was finally expelled from a restaurant, but got intoxicated; went into the restaurant at a time when he had no business to be there, and stole a bottle of liquor and some cigars, was arrested for burglary, and I found him in the Tombs, apparently deeply penitent, willing to plead guilty, yet protesting he was not a thief, if he had been he could at the time have stolen many valuable things, but he was drunk, and after more money. He pleaded guilty, and I got him remanded then, ascertaining in his first effort, through the help of the constable, went to the judge, who kindly discharged him on his own recognizance, to the gratification of his aged father and his wife.

No. 3.—A young man, his wife keeping a candy store. The wife got into some trouble by means of a counterfeit bill, and was arrested. Her husband, who is a very good man, and a quick-tempered, excitable man, under the influence of liquor, allowed himself to speak unadvisedly before the magistrate, for which offense he was sentenced to six months, or \$100. In the day of his penitence, but very regretted, but we were unable to get him out, as he had been drinking; was ready to ask the officer's pardon. I presented his case to the judge, who kindly signed his discharge.

The complaining police officer, went before the grand jury, and the husband was indicted for the wife's crime. When he was called to the bar in the general sessions, we succeeded in getting him discharged on his own recognizance, which revived a hope in the unfortunate man, who had been very discouraged, and he proposed to take a glass of wine and refrain from drinking, which we believed he would do, and has done after nine months' probation he is all right, as a few extracts from his letter written as you will testify.

—Sir:—I thank you very much for the temperance card you gave me, and you will say far better, I pray night and day that I may be forgiven my sins, and saved through Jesus. The evening of the day I was released I attended, as I promised you, the meeting at Mr. Bentley's, and among the congregation took, and have attached to my card, which I asked for a temperance card, but they told me if I would give my heart to the Lord (which I have done), I would need no card, and it is so, and since then I abstain from liquor and tobacco, and have no more to say to you.

No. 4.—We found in the Tombs and noticed, as he was well dressed, pleasant face, quite young (22), was a clerk, had been arrested for intoxication, and just committed; \$5 fine; had no money, and was confined on the Tombs, and his condition he knew was very bad; his tears filled his eyes as he spoke of his kind mother. I went to the committing magistrate and pleaded for the young man, and got his discharge, he promising he would not drink any more, and would quit his bad associates. In a few days the following letter was received:

—DEAR SIR:—I am very much pleased to write to you. I am trying to do what is right, and leave off all bad habits and companions. May God bless you; I know he will; I shall never forget your kindness.

—Very respectfully,

No. 5.—This morning (July 6, 1878), at the entrance of the Tombs, I found a boy crying; I asked what was the matter; he said his mother was arrested yesterday and was now in prison. I went in and found Mrs. M. N., a nice, clean-looking Irish woman of about forty years of age. Said she had been in this country twenty years, and no person ever saw her tipsy; her husband

was dead; she had taken good care of her family of four children. She said there was a fight between two women in the house where she lived, she heard the noise *drinking*. She ran out and got an officer to stop the fight, which he did. Afterwards one of the women, whose face was scarred and bloody, preferred a charge against her, and she was sentenced to prison ten days. No one at home to care for her four children, from fourteen years down to five; never was arrested, or ever had any trouble before.

I went to the judge and presented the case; he willingly signed her discharge, and she, with many thanks to the agent, started for home with her boy whose tears had so powerfully interested for his mother.

No. 6.—On a beautiful Sabbath morning, I went to Jefferson Market Police Court, and found the magistrate dealing out justice to the thirty poor creatures, the product of Saturday night's debauch. Among the prisoners was one who was evidently mortified and ill at ease at being arraigned in such a place. The judge placed him under \$300 bail for resisting the officer and being drunk, and I felt obliged to give him four dollars to follow me to the court. The officer would withdraw the charge if the prisoner would pay for the coat, which he gladly accepted, and handed out the money. We went back to the judge, who, being satisfied the man had suffered enough (for such a man would suffer more than most) was willing to let him go, but I thought, ratified the arrangement, and addressing some good advice to the prisoner, he was released, to go to his anxious family who had never been separated from him a single night before.

In a few days a letter was received, a part of which I give:

—SIR:—Address you as the greatest benefactor that I ever met in my life, and perhaps I shall never meet another that could possibly do more for a fellow-man than you, which you have done for me on last Sunday morning at court. The great good you have done came to my heart as though it was a liberation from the gallows, for that was the condition of my mind at the time the judge was about to pass upon my case, not having ever been here before, or having an officer lay his hand upon me. I then came to the conclusion that my prospects in life had come to an end. But thanks to the kind Providence that sent the merciful one who saved me from Blue, when no other friend was nigh. To you I owe a gratitude everlasting and only am at a loss how to pay. Surely I thank God for it. He will surely reward you for such service.

—I hope you will give me credit for what I say here on paper. Formal thanks are frequently expressed and soon forgotten, but mine are truly from the heart, and never will pass away while memory endures. Dear Sir, you have the thanks of myself and family forever, and I hope to express the same to you with my own lips at your office in the Bible House. I am your most humble servant, &c."

P. S.—This has been done.

No. 7.—A colored boy, thirteen years old, small, but bright; arrested Saturday night, about 10th, for having a slung shot in his pocket. The boy told me his history; he lived at Jamaica, L. I., at service, and the slung shot had been carried by him a long time; he kept the dogs off which would have bitten him, and he went to the market on Saturday to do some shopping, which being finished they went together to the theatre. On the way on the theatre, while looking for the place they were to lodge in, near midnight, some white men (rough) overtook him, and he was arrested. The next morning the attorney presented the attending the attorney of the police and these boys were arrested. One was let go; this was held because of the slung shot. The boy is not bad, was never arrested or in trouble before, and he has never been in prison. He presented those who presented those who were called to the bar in the general sessions, he was discharged a wiser if not a better boy.

No. 8.—On the 7th of August a sailor was discharged from the U. S. ship Columbus. He had got his money and his better goods in a place where he was to stay one day or two, and then started for a land voyage, but Jack was soon found on his beam ends overloaded with whiskey, and was sentenced to ten days in city prison. The agent found he had saved some money, and he proposed to ship again, but the magistrate said it was very important to him to get out immediately to see his stored baggage for his next voyage. I went to the magistrate and obtained his discharge, the sailor promising to abstain from wine as long as he remained in the country.

In three days he sent the following letter:

—DEAR SIR:—I am that sailor who you released the other day, and I am glad to be out on right here and shipped. I found my clothing all right, and I take this opportunity of sending you my warmest thanks for your disinterested kindness, as I should in all probability have had to go to the penitentiary, if I had not been so well cared for. I am very much obliged to you for this care as soon as I can get the opportunity, and with God's help I will be able to keep it. I remain, sir, very respectfully,  
—Your obedient servant,  
—E. T., Seaman, U. S. N.

No. 9.—A lad of nineteen years, brought up in the country; his mother taught him to steal, his mother never saw him a stem after he was arrested. He was arrested in Albany Penitentiary.

While in prison reading his Bible, he was led to seek the Saviour in prayer, and was converted about a year before he came out. He gave as a reason why he did not return to the place he came from, that he would not find any more of the same kind of people as he was living, and his desire was to live the life of peace and happiness he was now enjoying. While in prison he learned to be a good workman at vamping women and children's shoes,

but in the month of October such was the dullness of the times, we could not get him employed, we sent him to do some needle work, they make shoes, and trim and sew up his own bed, and we should have a good report from him.

No. 10.—A bright colored man, 27 years of age, from Atlanta, Ga., sentenced to Albany Penitentiary one and a half years. He was a letter-carrier, and destroyed a money-order letter rather than carry it to its destination on a hot day. Showing the want of moral training, he was what could be expected, born of a slave woman, his father's property. He then gave his children (three or four) some education, but died suddenly without a will, his property went to his brothers and sisters, leaving his children penniless. The United States sends him to Albany Penitentiary to do some needle work in the prison, when he was sent to his native place to his home (where he was convicted and sentenced), except ten dollars at the penitentiary, a little more than enough to bring him to this city among strangers, where he would be quite likely to fall again into crime. We turned out one of the women and sent her to her native place.

No. 11.—An Irishman, came from Blackwell's Island Penitentiary, where he had been six months; he is a first-rate shoemaker, could make thirty dollars a week, but got into the habit of drinking until he was unable to do any work he had to do for his employer, and was in prison before he was conscious of what he had done. He comes here to-day, just out of prison, miserably clad, ashamed to go to his former acquaintances, and he has earned something in which to make a respectable appearance.

He obtained work in a place down town, and asked us to get him a small kit to commence with, which we did, as we believe that though 29 years of age, he means to be a man again; he has left off drinking and prostrates, as he will never drink again, as he now knows men had been his worst enemy. As we saw him roll up his kit, he said he felt as happy as if he had received twenty dollars in money, and promises to let us hear from him again.

No. 12.—I found this young man in the Tombs, arrested for grand larceny. I first noticed a deep attachment of mother and son; almost every day his poor mother was at his cell while awaiting trial, though living at a distance. He told me his story, and declared his innocence of the crime. He lived in a part of the city where there were some bad young men, and because he chafed to his mother there seemed to be a combination against him. He had a good trade, had worked seven years steady, and his employer would set him to work as soon as released, believing he was not guilty of the charge. As we used our influence for him at his trial in the general session, and he was acquitted. It is now several months since he passed this ordeal, at work, we recently called on him and he is doing well.

No. 13.—A young colored man, who came to our office immediately upon his release from the penitentiary, and asked to be helped on his way home. An investigation of his previous career revealed the fact that he was connected with a very respectable family, and although somewhat inclined to be wayward, was by no means criminally disposed. The circumstances which led to his present trouble were such as to excite him to such kindness and consideration, as he was evidently the victim of designing white men, who escaped the just penalty of the law. We wrote at once to the parents and friends of the young man, and received answers from them showing that the family he still remained unbroken, and that the unfortunate son and brother would be received at home and cared for. We provided assistance and shelter for him while waiting for intelligence from his parents, and then paid a part of his passage home, bringing him to go to work at once and earn the remainder of the necessary funds. We have since heard from him several times to the effect that he is in the hands of friends and doing well. An extract from one of his letters is as follows:

"I am living a different life from what I have lived before; I have given my whole heart to the Lord."

No. 14.—An educated man, aged twenty-six years, was brought to our attention during a Sabbath call at his cell in the penitentiary on Blackwell's Island. It was discovered that his present condition was the result of a quarrel with some of the young men, and resulted from their showing that the family he still remained unbroken, and that the unfortunate son and brother would be received at home and cared for. We provided assistance and shelter for him while waiting for intelligence from his parents, and then paid a part of his passage home, bringing him to go to work at once and earn the remainder of the necessary funds. We have since heard from him several times to the effect that he is in the hands of friends and doing well. An extract from one of his letters is as follows:

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"I am living a different life from what I have lived before; I have given my whole heart to the Lord."

In closing this report we have a desire to acknowledge the courtesy of those connected with the administration of criminal justice, the officers connected with the courts, from all who have received assistance and been cheered in our various efforts by their kindness.

Very respectfully,  
STEPHEN CUTLER, General Agent.

[B.]

## NOTE UPON THE JAILS AND COUNTY PENITENTIARIES.

By the CORRESPONDING SECRETARY.

The common jails of New York were declared to be "county prisons," by a general statute relating to prisons in this State, dated December 14, 1847. An act of the Legislature, in 1828, and the usage of public justice from early colonial times, had recognized them as prisons for the reception of such prisoners.

Under colonial laws, the jails were the only bridewells, and there were no other prisons for the few felon convicts who failed to receive the death sentence. The old jail of Fulton county, of foundation still in the walls of the strong and typical one of the kind of combined jail and State prison, which was entailed upon the colonies before the reforms in England had been brought out under JOHN HOWARD, the sturdy philanthropist and model sheriff of Bedfordshire.

During the colonial period, and down to the time when the "New York Penitentiary House," as the first State prison was called, was organized under the memorable statute of 1786, the jail was in existence under all the various sets of State prisons.

Previous to the opening of that first State prison, which was located on grounds fronting upon Greenwich street, between Christopher and West Eleventh, with the Hudson river on the west, where West Fourth street now passes, there had been little use for felon prisons, except to detain the convicts until the day of execution. The chief purpose of the reforms in law, which had called for the erection of the "Penitentiary House," was to supersede the sanguinary use of judicial execution of ordinary felony convicts, nearly all of whom were hung by the neck.

The statute of 1788 directed that the hangman should execute the sentence of the court upon every convict in no less than sixteen classes of crimes, and of first offenders, even for felony; while for a second offence in the kind of any other felony, death was the prescribed penalty. Unfortunately for civilization, the terrible error of that first decade of the nation still has advocates who do not know that it is one of the facts of history that the more that kind of punitive law was executed, the more "the savages of civilization" increased. Actuated by the lofty manhood which characterized him, General SCHUYLER, a State Senator, prepared and carried to its enactment and application, "a bill for amending alterations in the criminal laws of the State, and the erecting State prisons." With that act, which was passed in 1789, a new era in the repression of crime in this State began.

The management of the common jails, after a time, became complicated. The county and the city of New York were declared to be "county prisons"; to be county prisons; and with the rapid increase of the population, and the over-crowding of the State prison, a city penitentiary, which ranked as one of the county jails, had become a public necessity. The first proposal of laws relating to the erection of a city penitentiary, and the history of that and each of the five other institutions of the same class.

Counties which have not erected a penitentiary or local work-house, have necessarily used their common jails for the reception of all crimes below the rank of felonies, unless by contracts they have sent their prisoners to counties that have penitentiaries. Yet this practice has been detrimental to the jails, as "a house of detention," inasmuch as the hard-labor sentences—often sent to jail always is, by law, though it practically is a legal fiction—a very pernicious one. Various populous counties and cities which have no penitentiary, have sought the necessary remedy by statutes—at first by special acts, but in later years, by general statutes—to contract with county authorities that have a penitentiary, to receive and safely keep their jail convicts, or at least certain dangerous classes of them. In the natural course of such local bargaining by the parties in interest, the penitentiary has asked the solicitor-at-law to contract, and has thereby incurred some perils to the very purposes and public interests for which alone it should be conducted.

Long-time convicts, and especially young prisoners, are most profitable to the penitentiary and industries. The Legislature has repeatedly, and at last quite unjustifiably, granted the requests of the county penitentiary officials and others to permit more and more of the available felon convicts to be sent to the local penitentiary, rather than to a State prison.

It is to be regretted that on March 26, 1793, with but one dissenting vote in the Senate, and nine in the Assembly, the long category of crimes which had been subject to the death penalty, were henceforth subjected to imprisonment for long terms or for life, and the same also extended to the property. The error of regarding great numbers of such prisoners in the same apartments and the failure to classify and employ them in a proper manner, resulted in various disorders to the public health, and often to a large measure led to the establishment of the Auburn prison, and the superseding of the congestive rooms by separate lodging cells.

It is to be regretted that the same error, which has since served the county prisons, as they now are, for all convicts who may suffer a penalty of imprisonment at hard labor for less than one year. All public efforts and laws to secure a reform of the old law system have failed, and the jails still retain their original character. The only object has been the felony convicts were provided for in State prisons.

The contents of this report were withheld to accompany the next annual report to be presented to the Legislature in January, 1880.

The State has not yet undertaken to exercise any control over the administration of these county institutions, nor has there been any attempt to discipline and separate each of the felony cases in them. The fact that during a protracted period of capricious administration and fluctuating discipline of the three State prisons, some of the penitentiaries were actually executing a better moral influence upon the felon convicts than they could have received in some of the State prisons, perhaps warranted the reticence of the Prison Association and the Legislature in regard to this matter. But this reticence is probably no longer justified, especially as the entire cities in which the penitentiaries are located, and particularly the most enlightened members of the local boards of management, are now seeking the improvement of the penitentiary and jail system. This system, as it now stands, is exclusively controlled by the local government of the counties surrounding and near. From the first, it has given full effect to the hard-labor sentence of petty offenders. The only class of radical criminals, if the jail convicts, who always comprise from sixty-five to seventy-five per cent of the total number in each county, are those, and which we regard the numbers as nearly admitting of a general average, are those who are sentenced to the State prisons, and who, as we estimate, are as 10,000 to 1,100. If any other class of convicts, more than the felon convicts, were needed to show which of these two classes of convicts in the penitentiaries require the first consideration, it would only be necessary to refer to the yearly records, which show that nearly thirty-three per cent of the inmates are youths under twenty years of age, and that out of these young prisoners the short term, or jail convicts, are developed the habitual criminals and dangerous classes who fill the State prisons.

The protests which have repeatedly been offered by penitentiary officers, and especially by the warden, against the "short time" or county prisoners who expiate their petty offenses in the penitentiary or jail, is significant of the necessity for a careful examination of the reasons for such objections, and of the correctional treatment such offenders should receive. These officers naturally seek for their respective institutions a record of the greatest earnings as well as the best correctional and disciplinary results, but they are obliged to receive and provide for all kinds and all excessive numbers of prisoners which the county and the county supervisor consign to them. The entire expense of the State prisons, and the cost of such such convicts being a double revenue. The \$76,000 which the State treasury paid to the six penitentiaries during the year 1878 for the safe-keeping of felon prisoners, is an evidence of the reciprocal interests which the penitentiary authorities on the one hand, and the State finances on the other hand, now have in any plan for improving these institutions and bringing all felon convicts under State supervision.

The citizens of the counties in which the penitentiaries are located, have become concerned for some of the pernicious results of the irresponsible and capricious management of the counties in jails and penitentiaries, and in the timely expression they give to the facts they investigate, the way is being rapidly prepared for the changes the Legislature will be requested to promulgate in them. The illustrations of the Penitentiary Association have for the most part, and kindly conducted penitentiaries in the State, and concerning the required improvements in which, and the changes in architectural and merely housing and lodging arrangements, its warden and inspectors, and the visiting officers of the Penitentiary Association have for the most part agreed, show how important it is that the State shall interpose its legislation and supervising authority to determine and secure the proper conditions for care and correctional treatment of all criminal convicts. This illustration should be presented in this connection.

As before stated, the Onondaga County Penitentiary has its industries and supervision, as well directed as any in the State. It is a very successful institution in its finances, earning many thousand dollars annually, and is expected to be more so in the next year. It is the only county which it receives all the State prison females from seven counties, has all other kinds of felony cases or long-term prisoners that the statutes permit; has contracts with numerous counties for the receipt and safe-keeping of prisoners, and is the only one of these mixed classes of prisoners, that two convicts are crowded into one narrow cell. The excessive number of male prisoners has, for several years past, compelled the warden to cause more than half of the women's quarters to be occupied by male convicts. In the two sections of the jail the lower two tiers of cells on the north side of the women's block were occupied by the women and girls, while the upper two tiers, with an entirely open corridor, were filled with male prisoners. The corridor and galleries being unsexed by any partitions or screens, and serving as a public meeting place and "whispering gallery," the fearful consequences have been so conspicuous as to arouse the indignation of the best citizens and many Christian churches of every section of the State. The public protest and criticism of Bishop Huntington upon these wrongs, have become conspicuous. These wrongs, these aspects of jail and penitentiary reforms in which the people have become so deeply interested.

The following extracts from the public-spirited Bishop's protest and "appeal to the citizens of Onondaga county," will prove to be a very important evidence in connection with our statements as here subjoined.

"A PLEA BY BISHOP HUNTINGTON IN BEHALF OF THE FEMALE PRISONERS IN THE PENITENTIARY."

"To the Citizens of Onondaga County:

"You supervisors, on the ninth of last month, by a vote of sixteen to ten, under the application of the rule of the previous question, against petition and remonstrance, refused to

\* See Report by Drs. Dwight and Wines on Prisons and Reformatories, in United States Assembly Doc. 35, 1867.

enlarge the Onondaga County Penitentiary, a measure sought for in the interest of humanity and morality. They "directed" the inspectors, instead, to build a brick wall across the interior of the north wing, to erect a "front door" of stone, eight feet thick, to be shut during in the farther end forty "common cells and three ocean cells," to be used exclusively for female prisoners.

I propose to lay before you some facts belonging to this action, and to submit to your judgment, your consideration and your public opinion, the question whether the vote of the supervisors expresses the public sense, and is to be approved and sustained by the public will.

Shortly before the mysterious action of the supervisors, the inspectors of the penitentiary reported their annual report. It is signed by the three officers, Messrs. Austin, Hough and Bingham. After showing that whereas formerly there was a yearly deficiency of from \$5,000 to \$10,000, requiring a direct tax upon the people to that amount, under the present system of management the present year has not only been a year of surplus, but that there remains in the treasury "a net profit over all salaries and expenses of very nearly \$8,000." The report proceeds with these pertinent sentences:

"It is a matter of record that there has never been a single foreign criminal prisoner returned to us from either the courts of the city of Syracuse or Onondaga county. Upon their discharge, they almost invariably leave the city and county at once, having no inducements to remain. Therefore, we are strongly of the opinion that should the penitentiary be enlarged indefinitely, no more evil would come of it to the community than the city of Auburn feels from the State prison, and which is not sufficient to obtain a recognition from officers whose duty it is to preserve and protect the public from harm."

"As the question presents itself, we see it in no other light than that of a financial proposition, capable of division into two questions, namely: Do the tax-payers prefer to exclude foreign prisoners, and be taxed to support the institution? Or do they prefer to have the present evils pursued, and the institution continue as a source of revenue to the community?"

"Two points are here to be specially observed—that an enlargement would rather diminish than increase the burden of support, and that the institution has already in hand the means of meeting the expense of enlargement."

"On the 27th of November, the supervisors' room presented an unusual spectacle. Seven, ten Christian ladies appeared there, and with every mark of intense earnestness, and with a brief and laudatory address from one of their number, offered the following petition:

"To the Board of Supervisors of Onondaga County:

"GENTLEMEN—We, the undersigned, women of the city of Syracuse, earnestly appeal to your honorable body in the name of morality and religion, and ask that you will speedily cause to be built a separate ward for the female convicts of the Onondaga County Penitentiary. In making this petition, we beg that you will set aside all questions of politics and party, and among which we know there are so many honest differences of opinion, and unite with us in our endeavor to save these wretched and mothers, these wretched young girls, many of whom might be retained if they were taken care of in a more judicious and humane manner. We are the penitentiary were in character and more hardened in evil than when they entered. We would only refer you to the report of your inspectors for the year 1877 to verify and justify all we say."

"We were then asked to sign the petition, and the girls and women present, who were chiefly wives of well-known citizens of Syracuse, lawyers, clergymen, physicians and leading business men. It is safe to say that they fairly represented the best character and intelligence of the community, and that they were there with the most anxious and sympathetic feelings, and evidently given time, thought and care to the painful subject, and understood it in all its delicate bearings. Some of them have, for several months, left the comforts of their homes every week, and traveled more than one hundred miles, to be present at the sessions of the board on this matter, whose plans for the Magdalen for the praise of Christendom, to carry the comfort and solace of His religion to these prisoners whom they call their sisters. The opinion of any one of them on the matter in question is worth as much as that of any hundred persons not directly organized in the cause, and who are not so fully conversant with the details of the matter, however worthy, engaged in ordinary work, centered over the towns of a large county, and to masculine estimates of things, to slight the prayer of such petitioners. The matter was in fact, one of the best citizens and many Christian churches of every section of the State, and gentleness would modestly insist on it. Can it be wondered at that six men out of sixteen declined the responsibility of rejecting such an appeal, and voted practically for the petition?"

"Some husbands made, in one way or another, a contribution to the supervisory matter. The inspectors, who had already spoken without ambiguity, are formally called upon for information in regard to the wants of the institution. Nothing could be more proper. They are not slow, or dishonest, or divided in their answer, and have said:

"In response to your resolutions calling upon the inspectors of the penitentiary for information in regard to the wants of the institution, the undersigned beg leave to say that in their opinion it is not desirable to build a separate ward for the female convicts of the penitentiary. As the prison is now constructed, there seems to be no way of separating the sexes, neither of the wings containing cells being of sufficient capacity to accommodate all the male prisoners. If, in the event of such a separate ward, the capacity of the wings containing the female convicts, the number of prisoners would be reduced to such an extent that one of the wings would accommodate all the males, leaving the other wing to the females. An examination of this matter has convinced us of the necessity of this course. The number of convicts now in the prison,





tasked, and would suggest and ask that this sum be put out at interest, and with next year's gains be used to build a small annex or work-shop to the jail, so the men can be employed during rainy weather and also during fall and winter months. If a safe plan is afforded, most of the men awaiting trial will volunteer to work, so that a much better result will be obtained than when a few men are employed.

"The perplexing question of framps, which has puzzled your honorable body for the past few years, seems to have been nearly solved, for after discharging a limited number the past season from jail, who had been kept at hard labor, the legion of framps have shunned this county as they would the poison Opus tree, and to-day but few can be found, so that, in addition to what we have earned, a great saving has been made in this direction.

"I am confident that men who are sentenced to jail are benefited in being placed at labor. They learn habits of industry and do not make self-reliant and better fitted to take care of themselves. And every man who reforms and learns habits of industry and thus makes good citizens is much better than a public benefactor. As he who causes two blades of grass to grow where but one grew before is a public benefactor.

"Good reading is the inmates of the jail by the liberality of the citizens in their response to an appeal made by me for such books. And I wish additions could be made to the library. A man of extensive observation has well said: "One of the great instrumentalities for promoting the reformation of criminals is a judiciously selected library."

"By affording certain facilities for reading, their thoughts are not only diverted from the gloomy reflections natural to their condition, but they are led into channels of thought which will inevitably tend to elevate and inspire more enlightened views of the world, and a greater tribune to liberals, but let them be good books—such as will enliven the thoughts, discipline the affections, mould the character and give life and vigor to the intellect. The same has been also introduced in accordance with the statutes requiring the same. And I would recommend the usual appropriation for providing diverse service jail. "And while the same sum that meets the tax will also have been paid." "So in this case many are benefited, while some reject all efforts in their behalf.

"The men have generally been attentive and orderly, and have often sought private counsel on topics suggested by the police service. No confident mind can doubt the great influence of religious views and teaching over this class of minors. They awaken thoughts, lead to inquiry and investigation, quickly submitted, hold the base passions in check, and cultivate the better feelings of our nature.

"All of which is respectfully submitted.

(Signed)

"J. R. ROBERTSON, Jailor."

"To the Board of Supervisors, Mayville, Chautauque County."

The following review of the two important cases, by the late distinguished Governor, JOHN A. DIX, is highly impressive for the lessons it teaches—first, in regard to the duty of strict compliance with the letter and the spirit of the jail-law; and, second, in regard to the entire practicability of giving useful effect to the hard-labor sentence of jail convicts:

PROOF THAT JAIL CONVICTS CAN EARN THEIR SUBSISTENCE, AND THAT THE LETTER OF THE LAWS SHOULD BE COMPLIED WITH.

"In the Matter of *Charges against Wm. C. Kardell, Sheriff of Clinton County, N. Y.*"

"On the nineteenth of November last, my predecessor in office directed the district-attorney of Clinton county to inquire into the truth of certain charges against the sheriff of said county, and to conduct the inquiry before the county judge, pursuant to the statute.

"The testimony was taken before the county judge, the examination of witnesses being commenced on the fourth of December, 1847, and closed on the fifteenth of April, 1847.

"The testimony was submitted, and a hearing was given to the accused on the twenty-second of August last, at the Executive Chamber.

"I deem it unnecessary to enter into a detailed statement of the charges, or a review of the evidence, which is exceedingly contradictory. The testimony of the principal witnesses and that of the accused are in direct conflict on most of the charges; and it is not denied that the former, on the examination of the majority of the jury, was found to be guilty in his affidavit accompanying the charges—the chief affidavit by which they were supported.

"The material accusation, and the only one which seems to be proved, by and dispute, is the employment by the sheriff of prisoners in his custody on his own work, in the neighborhood and in the town of Peru, several miles distant from the county jail. This accusation, which constitutes the gravamen of the first and second charges, is not denied by the accused.

"The statute prescribing the manner in which prisoners shall be employed is as follows:

"It shall be the duty of the keeper of each county prison to cause each prisoner under sentence, except such as are under sentence of death, to be constantly employed at hard labor; when practicable, during every day except Sunday, and it shall be the duty of the county judge, or of the inspectors appointed by him, to prescribe the kind of labor at which such prisoner shall be employed, and to cause the same to be done at least annually with the board of supervisors of the county for the proceeds of such labor.

"Under these requirements of the law, the duty of the sheriff and the county judge is equally clear. It is the duty of the first to apply to the judge to know at what kind of labor

he may employ his prisoners, and it is the duty of the latter to prescribe it, either himself or through inspectors appointed by him for the purpose. It does not appear that either of these officials has conformed to the requirements of the law in this respect, or that their predecessors are more or less ever performed the duty that required of them. On the contrary, it is apparent from the testimony, that the administration of the sheriff's office in Clinton county for years has been very irregularly and loosely conducted, and with little regard to the law.

"The sheriff shows that he consulted several of his predecessors concerning their practice in employing prisoners at hard labor, and the testimony of two of them was taken on the examination; but although they were in the habit of employing prisoners on their own work in the county of their office, it does not extend him in the employment of his prisoners beyond the limits of the town. Indeed, one of them distinctly advised him that he had no such authority. The sheriff also shows that he consulted the county judge on two occasions in regard to the extent of his authority in this respect. It shows further, that while his prisoners were employed as his work in Peru, he asked the judge whether such employment was authorized; and that the latter referred him to the provisions of the statute above quoted. These provisions distinctly require, as already stated, that the county judge shall prescribe the kind of labor to be employed, and it is not a sufficient compliance with the statute merely to refer to it and leave its requirements unperformed. It may, however, reasonably constitute a justification for the sheriff in continuing the prisoners on the work at which he had employed them, after applying to the judge pursuant to the statute to be advised whether such employment was within his official authority.

"The employment of prisoners under sentence, except for capital crimes, in work about the jail, may not come within the provisions of the above quoted law; but it is quite clear that they should not be employed at any other labor except such as may be expressly prescribed by the county judge, or by the board of supervisors, under some provision of the statute not applicable to this case. Although the right of the county judge to prescribe the kind of labor at which prisoners may be employed is absolute, it would be discreet not to allow them to be marked by the sheriff for his own sakes, as such employment will always afford a pretext for imputations, however unjust they may be, against his official purity.

"There is nothing in the testimony to convict the sheriff of a corrupt motive in the transactions which constitute the matters of accusation against him. He kept an account of the work performed by him, and settled with the board of supervisors and with the town auditors of Pittsburgh, as is shown by the proceedings of the board.

"While there is cause to censure him for failing to comply strictly with the requirements of the law, there is no such evidence of bad faith or corrupt purpose as to warrant the extreme measure of his removal from office. The charges are therefore dismissed.

"I deem it proper to add, that, public attention having, by this decision, been called to the requirements of the law in regard to the employment of prisoners at hard labor by keepers of county prisons, no pretext of misapprehension concerning their duty, in this respect, will be accepted as a justification for failing to comply with it, or exempt them from the exercise of the power of removal from office by the executive.

(Signed)

"JOHN A. DIX, Governor."

(D.)

## REFORMS IN THE JUDICIAL AND CORRECTIONAL TREATMENT OF CHILDREN.

By R. L. DUGDALE.

Our State has lost the prestige it once enjoyed by being among the foremost in the care and management of juvenile offenders. To-day we are forced to look to other States and countries for the best administrations in the arrest, examination, trial, detention and reformation of wayward children. The cause is due to the influence of the fact that the theory of the law which declares the legal disability of minors is set aside when children are arraigned before the courts, and partly because the statutes, which declare that children are equally liable to punishment as the grown-up. The law fully recognizes the incapacities of immaturity, and therefore makes the parents responsible in damages for the evil acts of his child. The law denies the child the power to acquire title to or hire realty, to be employed without the consent of parents, to make contracts for the purchase or sale of property, even though such property be its own. If the parent dies, the law looks upon the minor as legally incapable, and it appoints guardians who are empowered to collect rents, moneys, profits and even wages earned by such child, and to disburse from the child's own income for the various needs of its own maintenance, education and investments of capital for future profit. These are axioms of law regulating the status of minors, but besides these, there are statutes which regulate the imprisonment of children. Those of 1847 require "a sufficient number of rooms for the confinement of persons committed to criminal process and detained for trial, separately and distinct from persons under sentence." Male and female prisoners (except husband and wife) shall not be kept or put in the same

room.\* The laws of 1875, chapter 464, authorize the boards of supervisors in the various counties to provide separate houses of detention and places of safe-keeping, other than this jail, for women and children. The laws of 1877, chap. 428, section 4, enact: "No child under restraint of conviction, apparently under the age of fourteen years, shall be placed in any prison or place of confinement, or in any court-room, or in any place of transportation, or any place in company with adults charged with or convicted of crime, except in the presence of a proper officer."

These statutes are either ignored or openly violated in nearly every county in the State. It is obvious that the attitude of the law regarding the legal responsibility and protection of children is based on the ground that the child is an infant, and has not developed reasoning power; it lacks experience and knowledge of things; it does not possess the strength to maintain its rights, and it readily imitates the bad habits of evil associates with whom it may be brought in contact. But, strange to say, when this same callow child becomes actually weighted with the heavy burden of being the victim of the crime of the transporting company and of habitual criminals, the helpless ally of the vicious, and in proportion as it is the handiwork, is arraigned as an offender, the whose attitude of the administration of justice reverses the theory of the law. The child is treated as if he were an adult, and the transporting company and deals with it as if it were an adult. The same policeman makes three arrests, and confines it with the same jail; the same lock-up detains it in the station-house till the tip-stick can conduct it through the streets to the same congested police court; the same guard shackles like the adult felon; the same court examines it at the same time and in the same degraded manner as the adult. Although the child cannot administer property, the magistrate imposes the same fine which he lays on the adult, or the alternative of imprisonment if default of paying what it cannot possess, and this in the same time and in the same way that he receives its wages, or may be the criminals who incited the offense and profited by its commission. The child is treated as if it were an adult, and is confined in the same jail with the hardened ruffian; is the danger to the same prison van, confined in it in the same cell with the gain of help during confinement, or on liberation, either of money, advice, friendship or consolation to steady its little footsteps on the perilous future. It is treated that all arrested children are thus treated in this State, but very many of them pass through some portion of this ordeal, although it ought not to be possible in this day that the negligence of indigent or overtasked magistrates, the brutality of ignorant constables, the corruption of base jail-keepers, and the indifference of a culpable community, should fortuitously conspire to make the children in such a district the defenseless victims of such ill-usage as the present administration of the law allows.

In a reform of these wrongs, prevention of offenses should obtain, rather than punishment of offenders. The first step should be for the court to establish the capacity of the parent by guardianship, and the degree of responsibility for their failure to control the child. An inquest should be made into the character, social standing, moral capacity, financial ability and the quality of the home of the parents or guardians. Their solicitude for the child's welfare, ability to guide and protect, and power to secure obedience, should become known to the magistrates. Where such an inquiry by the law against the negligent or negligent parent or guardian, or criminal parent, before he takes the child for the offense charged, or risks the delicate and dangerous expedition of carrying it from its home and parents by consigning it to an institution.

Where such an inquiry is made, and the mother is the offender, the fortifying of institution authority by the admission of the court an relocation to parental classification would often suffice. Where the parents are negligent, penalties for the good conduct and school attendance of the child might be secured by the court, and the greatest relief be found in the parents, thus inducing a scrutiny of parental conduct and a solicitude guaranteed by the penalty risk of the bondsmen. The English practice might be usefully adopted, where the penitentiary father ceases to maintain the home out of his wages, by requiring the wife to collect from the husband's employer each portion of his wages as the court decrees. This would decrease the number of infant beggars, whose mothers are now compelled to neglect the home to earn their living.

Where one or both parents are criminals, bringing their children up in crime, or knowingly accept the proceeds of their children's larcenies, the law would probably need amendment so as to punish such parents, and provide for the removal of the child to a reformatory institution, the parents' responsibility for the maintenance of the child should be kept up by the court, ordering a weekly sum to be paid to a designated officer (which sum should be payable in advance to the parents' expense), and handed to the institution which assumes the duty of training.

Most of the provisions herein suggested are already within the authority of the various offices of justice, and those which are not should be enacted.

We now turn to the question of parental responsibility, and at the same time strengthen the sentiment of domesticity, to the enclosures which will most effectively govern the wayward child at the least sacrifice of childly independence, self-respect, and fear of prison bars. Familiarity with the effects of the English movement for the treatment of the child, and so particularly were the originators of the English movement for the treatment of juvenile offenders that they established "reformatives as substitutes for imprisonment, and embodied in their laws, not in 1875, provisions that for any punishable offense committed by a child under twelve should be sent to an industrial school, which would not be confounded with the reformatory or the prison, these schools were at first placed under

\* See Prison Laws of 1877.

the control of the Committee of Council of Education. The age should be raised and children of even fourteen should invariably be saved from imprisonment, so that the fear of it may serve as a deterring agency. The cost of this change is so trifling in comparison to the public gain in reducing the rates of habitual criminals, that every community in the State should at once make the necessary provision. In the station-houses and prisons of cities, some upper room or rooms could always be fitted up for the detention of juveniles while waiting examination, and in country towns part of the county hall or rooms in some adjoining charitable institution, could be arranged so that the child would be kept out of the sight and sound of adult criminals and the rattling of prison doors. This shelter apartment should always be solitary, with the design of producing a salutary effect from loneliness, and thus make the return to liberty and friends an event of such deep significance, penitence and relief to the overburdened heart as to leave an indelible impression in the life. Nor should a reformatory for juveniles be allowed to use cells as dormitories; these should be restricted solely to the purpose of punishment in extreme cases. Indeed, where children are found to be "incorrigible," it raises a presumption they are not fit subjects of a reformatory. With many of these "imps of natural depravity," there is some deep-seated and incipient form of mental or physical disorder, or some establishment of dipsomania, licentiousness or decay, which make them rather the hapless patients of a physician or a nurse, who must bring the special resources of his art to cure or mitigate the causes of disorder which the strict discipline of a nunnery will only aggravate.

To children in effect it is a great damage to have them tried in crowded court-rooms. To avoid this unnecessary publicity, it is suggested that it is in the power of the police magistrates to postpone the preliminary examination of child cases to an afternoon session of the court, when cleared the police officers in charge of arrested adults, or the friends and witnesses of these latter, of the complainants making charges, and of those persons applying for warrants of arrest. Comparative privacy would thus be secured without violating the spirit or the letter of the law, requiring that all trials of the accused shall be public.

There seems to be no general arrangement of societies should have an auxiliary relationship to the court by making them provisional guardians of the child during detention and trial. The conditions of auxiliary relationship should be that such society make due search as to the character of parents or guardians, and bring before the Judge and Jury a full knowledge of the facts concerning the responsibility and negligence of these guardians, to bring complaint in the name of the child against criminal parents, and also against a father who is an habitual drunkard, so as to enable the child to collect, on the order of the court, part of the wages from the employer of such parents, and, lastly, to present petition in behalf of the child for its commitment to an institution suitable to its needs.

In conclusion, it may be observed that there is great need of industrial schools for the training of delinquent and neglected children. These schools should admit day scholars, so that the ties of kinship may be maintained in all possible cases, and private enterprise should be encouraged to establish such schools in neighborhoods where child neglect is most frequent and most common. The general arrangement of general reformatives for juveniles should be enforced by some State officer, who shall have authority to examine into their administration and certify as to their efficiency, the main features were considered it a former report and needs no repetition here.

In England, during the last twenty years, and since the general introduction of industrial schools, the statistics of crime, ranking the degree of felony, show a reduction of thirty per cent since the position, and this in the face of the fact that transportation to the penal colonies has been practically abolished. The statistics of crime in this country show the greatest reduction since the same time as most numerous and longest established, which seems to indicate that the care of the young is the ark of promise.

The criminal reform subject just discussed may be thus summed up: The maximum of responsibility exacted from parents and guardians; the minimum of violence offered to the sentiment of domesticity and the ties of kinship; and the absolute abolition of imprisonment of children under sixteen, except in the form of an act of grace, and in the form of a warning trial. It is hoped that the general provisions here set forth may impress the Legislature and the courts with their reasonableness, feasibility and effectiveness in lessening the ratio of criminals, so that our State may secure in the present year an approximation of the amendments suggested.

[E.]

## NEED OF ADDITIONAL STUDY INTO CRIME. CAUSES.

The extraordinary activity which has marked the last seventy-five years in every field of physical science, and the application of its rigorous methods and extensive analysis to natural phenomena, have developed the inventive talent in so marked a degree that the present march of civilization is one of constant advance in adapting physical forces to the satisfaction of human needs. Thus in the domain of medicine, the study of the human mind, and the relations of man and private ethics, and, especially, in the treatment of pauperism and crime, the last half-century has been comparatively barren of masterly results for want of a sufficient method of study; deficient as to heretofore, in its scientific, minute, discrimination and especially as to sequence or coordination of phenomena.

\* Thirty-second Annual Report, p. 165.