

THIRTY-SIXTH ANNUAL REPORT

OF THE

EXECUTIVE COMMITTEE

OF THE

Prison Association of New York,

WITH

ACCOMPANYING DOCUMENTS,

FOR THE YEAR, 1880.

[TRANSMITTED TO THE LEGISLATURE JUNE 4, 1881.]

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OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1881.

President.

THEODORE W. DWIGHT, LL. D.

Vice-Presidents.

ALONZO B. CORNELL,	DORMAN B. EATON,
CHARLES J. FOLGER,	SINCLAIR TOUSEY,
WILLIAM CHANNING RUSSELL.	

Recording Secretary.

EUGENE SMITH.

Treasurer.

CORNELIUS B. GOLD.

Executive Committee.

CHARLTON T. LEWIS, *Chairman.*

THOMAS C. ACTON,	JOHN D. CRIMMINS,
Z. STILES ELY,	RICHARD L. DUGDALE,
WILLIAM P. LETCHWORTH,	CHARLES H. KITCHEL,
SALEM H. WALES,	STEPHEN SMITH, M. D.,
WENDELL PRIME,	ELISHA HARRIS, M. D.,
J. BISHOP PUTNAM,	WILLIAM P. PRENTICE,
LEWIS L. DELAFIELD,	WILLIAM F. ROUND.
HENRY W. DEFOREST,	

General Agent.

STEPHEN CUTTER, 65 Bible House.

STATE OF NEW YORK.

No. 74.

IN SENATE.

JUNE 4, 1881.

THIRTY-SIXTH ANNUAL REPORT ^{for 1880}
OF THE PRISON ASSOCIATION OF NEW YORK.

PRISON ASSOCIATION OF NEW YORK,
65 BIBLE HOUSE, ASTOR PLACE,
NEW YORK, June 1, 1881. }

To HON. GEORGE G. HOSKINS,

Lieutenant-Governor and President of the Senate:

Sir—In accordance with chapter 163 of the Laws of 1846, we have the honor to present herewith the Thirty-sixth Annual Report of the Prison Association of New York, and respectfully to request that you will lay the same before the Legislature.

Respectfully yours,

(Signed),

THEODORE W. DWIGHT,

President.

(Signed),

CHARLTON T. LEWIS,
Chairman of Executive Committee.

EUGENE SMITH,

Secretary.

LOCAL COMMITTEES FOR CO-OPERATION AND CORRESPONDENCE.

- Albany county: Residence, Albany—Maurice E. Viele, William Law Learned, Rev. Rufus W. Clark, Edward Savage, Rev. Charles Reynolds, *Secretary*.
- Allegheny county: Residence, Angelica—J. S. Green, Dr. William M. Smith; residence, Friendship—Hon. Abijah J. Wellman.
- Broome county: Residence, Binghamton—Marcus W. Scott, Dr. John G. Orton, Sabin McKinney, B. N. Loomis, E. M. Noyes, Rev. Robert N. Parke, E. K. Clark, Susan J. Taber.
- Cattaraugus county: Residence, Little Valley—Arthur H. Howe, *Dr. L. Twombly*.
- Cayuga county: Residence, Auburn—Miss Perry, Dr. S. Willard, Byron C. Smith, D. M. Osborne, Dennis R. Alward, Mrs. Miles Perry, Mrs. D. R. Alward, Rev. Willis J. Beecher, D. D., William G. Wise, Charles P. Ford; residence, Fair Haven—Hon. George I. Post.
- Chautauqua county: Residence, Mayville—J. H. Miller, William Chace; residence, Fredonia—M. S. Moore; residence, Westfield—Alfred Patterson; residence, Jamestown—Hon. J. C. Preston.
- Chemung county: Residence, Elmira—Dr. W. C. Wey, Z. R. Brockway, J. D. F. Slee, 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.
- Chemango county: Residence, Norwich—Isaac Newton, Dr. H. K. Bellows, Dr. H. H. Beecher, Rev. S. Scoville.
- Clinton county: Residence, Plattsburgh—Hon. William P. Mooers, Henry Orvis, Rev. F. B. Hall; residence, Keeseville—Hon. Henry Kingsland, 2d.
- Columbia county: Residence, Hudson—A. S. Peet, A. B. Scott, Joel T. Simpson, C. W. Gebhard, J. Schultz, G. W. Tomlinson.
- Cortland county: Residence, Cortlandville—Lewis Bouton, Frank Pease, Dr. Frederick Hyde, Rev. H. S. Westgate; residence, Homer—Hon. G. W. Bradford, Dr. Caleb 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.
- Eric 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 L. Gilbert, J. P. Budger.

Fulton county: Residence, Johnstown—Horace E. Smith, Jacob Benton; residence, Gloversville—John Ferguson, Dr. Eugene Beach.

Genesee county: Residence, Batavia—Prof. G. Fuller, C. T. Buxton, Residence, Wheatville—Hon. J. R. Holmes.

Greene county: Residence, Catskill—George H. Penfield, Henry G. Hadden, Samuel Harris, Mrs. M. B. Sellick.

Hamilton county: Residence, Wells—G. B. Morrison; residence, Sagaville—William H. Fry.

Herkimer county: Residence, Herkimer—David M. Davendorf; residence, Ilion—E. Remington.

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. Berry, Rev. Michael J. Hickie, W. B. Wadsworth, William O. McKinney, James M. Shanahan, Thomas E. Pearsall, N. T. Beers, Jr., William Hadden, Robert Mayham, Andrew A. Smith, J. H. Hobart Burgh, M. P.

Lewis county: Residence, Lowville—Dr. F. B. Rough, Rev. Joseph H. France, Amos Rice, Carroll House, Royall P. Wilbur; residence, Croghan—Hon. William W. Rice.

Livingston county: Residence, Genesee—Dr. W. E. Lauderdale, P. De Witt Ward, B. H. Bissell, Prof. Milne, Rev. C. S. Duriee.

Madison county: Residence, Morrisville—D. D. Chase, H. P. Meade, Lucius P. Clark; residence, Oneida—W. R. Williams.

Montgomery county: Residence, Fondra—William K. Johnson, Rev. W. Frothingham.

Monroe county: Residence, Rochester—Hon. Henry R. Selden, Dr. E. V. Stoddard, Gen. J. W. Martindale, P. Barry, James T. Stewart, L. S. Fulton, Quincy Van Voorhis, Theodore Bacon, Ezra Joice, 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. Trvon, Henry Thornton, Mrs. William Knowles, Mrs. L. Z. Babbitt, Mrs. Robert Norton.

Oneida county: Residence, Utica—Col. Theo. P. Cook, Hon. Wm. Bacon, John F. Seymour, Dr. Edwin Hutchinson, Chas H. Warren, Edwin Hunt; residence, Rome—Simon G. Visscher, Mr. Converse.

Onondaga county: Residence, Syracuse—Hon. P. Burrus, A. C. Williams, 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. Dixon, 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. B. Walsworth.

Oswego county: Residence, Oswego—Hon. O. J. Harmon, G. C. McWhorter, Hon. J. A. Place, Dr. A. S. Coe, G. Mollison; residence, Palaski—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, James R. Weeks.

Queens county: Residence, Manhasset—C. F. Homans, W. H. Onderdonk; residence, Hempstead—Rev. Wm. H. Moore, D. D.; residence, Westbury—Benj. D. Hicks, Mrs. Jas. R. Willets; residence, Glen Cove—Edwin A. Hopkins; residence, Astoria—Rev. Washington Ruman, Miss E. H. Rodman, Dr. J. D. Trask.

Rensselaer county: Residence, Troy—Amasa R. Moore, H. W. Houghton, Rev. N. B. Remick, Rev. William Irvin, Samuel Foster.

Richmond county: Residence, West Brighton—Edward B. Merrill, Nicol Floyd, Mrs. J. S. Lowell, Mrs. Nicoll Floyd; residence, Richmond C. H.—Dr. Ephraim Clark, Dr. I. L. Milsbaugh, 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. Scaring, 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. Mynderse, Hon. W. T. L. Sanders, S. B. Howe.

Schuyler county: Residence, Watkins—Dr. M. L. Bennett, Charles T. Andrews, Frederick Davis; residence, Burdett—Dr. Nelson Nixon.

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 H. McMaster, Z. L. Parker, Rev. O. K. Howard, Rev. James M. Platt, Dr. A. H. Crutenden; 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. Canedy, Dr. Edward Quinlan, James Strong; residence, Grahamville—Dr. J. M. La Moree.
- Tioga county: Residence, Owego—Hon. Wm. Smyth, Rev. J. A. Ostrander, A. Abel, V. N. Russell, Hon. T. I. Chatfield, G. B. Goodrich, 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. Crosby, Elias S. Harris.
- Washington county: Residence, Salem—R. G. Atwood, James Blashfield, E. P. Sprague, C. R. Hlawey.
- Wayne county: Residence, Lyons—John L. Cole, Wm. Van Master, Charles Ennis; residence, Palmyra—Isaac Bronson, L. Lyons, Mrs. Pliny Sexton, Charles McLouth; residence, Walworth—Hon. Lucien T. Youmans.
- Westchester county: Residence, White Plains—Dr. H. E. Schmid, Mrs. J. O. Dyckman, M. Prudhomme, Rev. F. V. Van Kleeck; residence, Sing Sing—Dr. G. J. Fishee, Mrs. Catherine E. Van Cortlandt, L. G. Boswick, 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 P. Crosby.

CHARTER AND CONSTITUTION

OF THE

PRISON ASSOCIATION OF NEW YORK.

AN ACT to incorporate the Prison Association of New York.

PASSED May 9, 1946, 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, in-termediate 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 selected 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 alms-house, 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.

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,
WM. C. ORAIN,
Speaker.

Approved this 9th day of May, 1846.

SILAS WRIGHT.

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.

* See section 24 on next page.

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 1.)

§ 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 their 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 Thursday 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.

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

* Section 20 in last revision.

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 counter-signed 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.

III. 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.

THIRTY-SIXTH ANNUAL REPORT OF THE EXECUTIVE COMMITTEE.

The executive committee, in presenting their thirty-sixth annual report, would again call the attention of the Legislature to matters affecting the condition and management of our prison system.

The committee is forced to a reiteration of its recommendations of the necessity for abolishing the county jail as a place for the punishment of offenders and its conversion into a mere house of detention for witnesses, for persons committed for contempt of court, and for accused awaiting trial. The reasons for this change have frequently been enumerated, and will be found in previous reports, and we confine ourselves to the consideration of ways and means by which this much-needed result can be accomplished without undue disturbance. In order to provide for the proper disposition of the offenders who are serving terms of imprisonment in the jails and who number about 700 persons at any one time, it is proposed that there should be built a prison for women felons and a reformatory for women misdemeanants; that there should be begun the erection of graded district prisons of a reformatory character; that the penitentiaries should cease to receive short term prisoners; that the vagrancy laws, those relating to drunkards and prostitutes, should be so modified that "repeaters" should be condemned to long terms when rearrested, so that the commitments to work-houses may be sufficiently long to enable their officers to bring this class of misdemeanants under reformatory discipline; and lastly the establishment of the "probation system."

It is estimated that there are, at any one time, not more than some 100 women in the county jails of this State and 800 women in the penitentiaries, of whom about 600 are felon convicts. In beginning the establishment of a system of graded prisons, the State could hardly begin at a better point than by erecting a prison for female felons with 350 cells, and a woman's reformatory to accommodate some 500 inmates. The county jails could thus be relieved to the extent of the female prisoners they contain and of a number of male prisoners equal to the cell accommodation in the penitentiaries vacated by the women. It is a moderate estimate, considering that the Blackwell's Island penitentiary would not be available for the relief of the county jails, to say that of the 600 or 700 male prisoners in these latter at least 400 of them could thus be transferred. We should then have only between 200 and 300 persons to provide for, and it is a question whether it be wiser to build a new reformatory for this number or to deal with them without the intervention of the prison.

The committee, therefore, calls the attention of the Legislature to such modes of relief as experience has proved effectual, either in this State or elsewhere. Not less than one-third of the commitments to the county jail are cases of drunkenness and vagrancy for short terms, from three to thirty days and many of them in default of ability to pay a fine ranging from five to ten dollars. Were the law made like that of Massachusetts and the fine for intoxication reduced to one dollar, the number of fines paid would be greatly increased and the jail inmates proportionately reduced. But accompanying this suggested change there seems to be a need for imposing a long sentence, from six months to a year, for those habitual drunkards and vagrants who are repeatedly brought before the courts and who swell the number of commitments without adding to the number of misdemeanants or the prison population. With a longer term they could be brought under the wholesome discipline of manual labor, which is wanting in the county jail.

The last mode of relief to which the committee will allude is the wider application of the system of "conditional liberation" and the "probation system." In 1877, when chapter 173 was enacted by the Legislature of this State, a provision was made that the managers of the State Reformatory at Elmira should have the authority to discharge any convict committed to it when such convict had shown signs of reform, but that previous to such final discharge he might be allowed to find employment outside the walls of the reformatory on condition that he avoid the company of thieves, that he report monthly, by letter or otherwise, to the managers, and if his conduct proved that he was leading an industrious and honest life, he should receive a full discharge. The success which has attended this mode of dealing with malefactors makes its extension desirable, and your committee sees no reason why it might not be applied at least to our penitentiary population if not to the State prison felons. It is, therefore, urged that the penitentiaries be reorganized on the reformatory system. To effect this change there seems to be need of legislation which shall permit commitments to these institutions, as well as to the county jails, on indeterminate sentence; that some form of the "mark system" be adopted in their discipline, and that "conditional liberation" previous to final discharge be made legal. But in many cases the accused is guilty of crime, but the interests of the individual and of the community are best served by avoiding commitment to a prison. In Massachusetts such cases have been brought under a "probation system." An officer is charged with the selection of suitable cases, and with the consent of the judge, the offender selected is placed "on probation," or in other words allowed "conditional liberation" on promising to work, to avoid evil associates, to repay the cost of his trial, and to report to the "probation officer" from time to time. The probationist is liable to arrest if he break his parole and serve a term in prison. Here we have a form of conditional liberation as a substitute for imprisonment which saves the offender from prison contamination and saves the State the costs of imprisonment.

By this system ample provision is made for the withdrawal from the county jail of all persons condemned to imprisonment, which will en-

able the local authorities to so modify the present structures that they can be converted into houses of detention. Further details as to the history and results of conditional liberation will be found in Appendix A.

PRISON LABOR.

That the convict should be compelled to do some kind of useful work, both for his own good and the benefit of the State, is a proposition too clear to need discussion. The question is what system of prison labor shall be adopted, and its answer depends upon the result sought. If the State seeks solely or chiefly to make the prisons a source of revenue, that is one thing; if on the other hand, it adopts the more humane and wiser policy, that looks to the reformation of the criminal, and his restoration to society, as an honest, self-supporting unit in the body-politic, that is an entirely different thing.

We submit that the latter should be the object sought, and that the essential point in prison management is the fitting of the offender to become an honest laborer, rather than to make the prison industries a source of revenue, and that the system of prison labor adopted should have this as its ultimate purpose. The State should not seek profit out of its offending classes, but so to treat them, that they may become useful members of society; and this we believe to be possible under a proper system of prison management, at least to a much larger extent than has as yet been accomplished.

There are two general systems of prison labor, viz.: the contract system, and the public account system, but a distinct idea underlies each. The one looks chiefly to pecuniary results, the other to reform; the one says to the convict you are to be within our walls so many months or years, and we will make every dollar out of you that we can; the other, though a criminal you are human, the State for its own safety must imprison you, but every aid shall be given that you may redeem yourself. The one is full of hope, the other of despair.

Dr. Harris, the former secretary of this association, in giving his testimony before the special commission of the State of Connecticut, says: "When you come to look at the contract system with any degree of allowance, and say that it is fit for a civilized people and that it should be the ruling method in our prisons, I must say that I think the whole subject ought to be re-studied."

We have insisted that conditional liberation and probation are the best methods by which to reduce the prison population, but these must rest primarily on moral and industrial training; hence the question of the best form of labor system is all important.

The public account system of prison labor is superior both in its purposes and its methods.

1. "Prison industries, when compelled by the government, are less likely to enter into harmful competition with the business of citizens.
2. Through the subordination of the monetary to the reformatory interests, those industries most useful to the prisoners will naturally be introduced, promoting thus their reformation by teaching trades and profitable employments.
3. By realizing for the State the profits which the contractor would make, the public account system promises better economic results.

4. It facilitates reformation, which is the real and greatest good the State can derive—from punishment—and in the following ways:

(a) It does not, like the contract system, impair the motive that moves prisoners to right endeavor, and it does keep alive the inspiration of hope, as the contract system fails to do.

(b) It promotes, as no other system can, the intimate, friendly feeling between the prisoner and the agent of his reformation, without which little can be expected from personal influence, while the contract system hinders it.

(c) It enables the management without let or hindrance to make the most of every occasion for disciplining the prisoner, regardless of any demand for his labor from a source indifferent to his improvement.

Over and against these benefits it can only be said in favor of the contract system that it relieves the State from investing capital in her prison industries.

A more extended consideration of the subject will be found in Appendix C, annexed to this report.

COUNTY JAILS.

During the last few years the association has, through its members and local committees, inspected many of the county jails in the State and the results of their investigations have been published in preceding reports. We again call attention to the subject, as one of very grave importance, and one needing some judicious legislative action.

The sanitary condition of nearly all the county jails is bad. The jails in many cases are entirely inadequate to accommodate the prisoners. So much so that two or more prisoners are often confined in the same cell. Almost without exception the records are not kept in accordance with the provisions of the law. Almost without exception the legal requirements for the separation of prisoners are not observed. Old and young, prisoners awaiting trial charged with almost any offense against the law, and prisoners committed for slight offenses by the local magistrates, may be together freely. In many of the jails, lads under fourteen years of age, and in some cases not over nine years of age, are confined in such a manner as to compel daily contact with old and abandoned criminals. In some of the jails were found prisoners who had been confined for months awaiting trial, and in no case did we find any labor provided for the prisoners. If sickness and free communication between prisoners charged with almost every offense against the law are efficacious in promoting crime, then the State may be charged with responsibility for this evil. We are compelled to say, as we have often done before, that the county jails, as now managed in this State, are schools of vice and crime, largely contributing to the increase of the criminal classes. Therefore we urge upon the Legislature and the local authorities that some efficient means be taken to find a remedy.

John Howard, the sheriff, a century ago, found in the jails of Bedfordshire, and in all England, the vices, woes and wrongs that impelled him to become the reformer of prisons, the healer of woes and the student of sources of crime which breed and grow in prisons. That great philanthropist was also the most sturdy disciplinarian. He

reformed crimes and woes back to causes. The Prison Association of New York would perpetuate the work of John Howard. It seeks no relaxation of the stern requirements of public justice. Even in the daily rounds of its general agent in the jails and the criminal courts, the voice of this association is ever for the protection of society; and the same voice has such sincerity of admonition and mercy in it that hope does not die in the prisoners who heed it.

The changed condition of the population of the country, the rapid aggregation of people of all nationalities and with pernicious vices and examples in our cities and villages, the great and frequent transitions of business and the prospects of great numbers of inhabitants, the defective and capricious course of public justice in its primary movements against crime, the intensified force of temptations, the great increase of indolence and of the barriers to wholesome and necessary industry and the learning trades and useful vocations, together open the floodgates of crime and have made it necessary to discriminate between the wanton and the casual kinds of crime, the habitual and the overcome and repentent offenders; the child or youth that offends without discernment, and the young adventurers in crime who vince their entailed or spontaneous tendencies to a career of crime. For such reasons as these this association keeps watch of the thousands who enter the jails and prisons, that it may help save some, while examining the wants of all, and ameliorating such woes as paralyze or brutalize human nature and change the divine image that is in man, into action and expressions of all that can be conceived as diabolical. To save from such after wreck and degradation of fellow beings and to separate and lift into the haven of hope as many as practicable, continues to be the ceaseless duty of the agent and committees who are the working arm of this association. In every county and in almost every community of the State, the people see that offenders and criminals are actually members and parts of themselves; that under various conditions that exist in the bosom of society the most deplorable vices and crimes spring up. Acting upon the impulse of necessity and duty the first movements of public justice would restrain and shut up criminals. This is right, and all which follows shall mark with what wisdom the laws and society deal with offenders. To adopt, legalize or advocate and enforce any system of judicial special practice, which shall fail to awaken hope and to fortify the moral nature in the offender will be but to brutalize and sear the beings who otherwise would even bear the divine image. In every county of New York the committees who visit the jails and prisons in the name of this body will help to diminish the number who plunge hopelessly or wantonly into crime. The results of changed and various methods of judicial and disciplinary treatment of offenders and criminals are being observed with much care, and it is a duty to report to the Legislature that these results show how greatly mistaken is the official view which recognizes and provides solely for a meretricious balance of pecuniary profit of convict labor, on the one hand, and for a police and court record of an enormous number of offenders and criminals on the other hand; while it is proved that by strictly enforcing the laws for separation, instruction, useful industries and the cure and repression of the inmates of jails and prisons the number of

offenders could be reduced, and the burdens and perils of society be greatly mitigated. The new efforts and means which the Legislature of 1881 has approved and provided, especially the refuge and reformatory for women, and the official transfer of young convicts, of hopeful character, from the old prisons to the State Reformatory at Elmira, are among the hopeful signs of correct principles of criminal justice.

THEODORE W. DWIGHT,
President,
CHARLTON T. LEWIS,
Chairman of Executive Committee,
EUGENE SMITH, *Secretary.*

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APPENDIX.

"A."

THE PROBATION SYSTEM AS A SUBSTITUTE FOR IMPRISONMENT.

By R. L. DUGDALE, Chairman of the Committee on Detention.

In the thirty-fifth annual report of the Prison Association of New York two tables were prepared to show, in the concrete, the badness of the jails of our State. One table showed the defectiveness of the buildings for the purposes of imprisonment, in which it appears that, out of sixty-three county jails, forty-nine are either "bad," "very bad," "faulty," or "insecure." The defects enumerated cover the sanitary location, drainage, ventilation, and architectural defects of construction which preclude the carrying out of the law as to separation of the sexes of the accused from the convicted, and of witnesses from criminals.

The other table showed the badness of the jails as to want of discipline and the absolute violation of the law as to their administration. In this table it appears that in forty-five of the jails the convicted and unconvicted are unseparated, in thirty-six the separation of the sexes is inadequate, and in some practically not enforced, in fifty children are not kept apart from adults, and in only five is there any attempt to employ the prisoners at any kind of labor.

There are three principal reasons for their failure: Primarily, the law, looking as it does at the degree of offense which has been committed and gauging the penalty by that degree, relies on punishment as the chief mode for the prevention of crime; the fundamental idea of prison management is, therefore, the expiation for an offense committed. The county jail, therefore, so far as it is employed for the punishment of offenders is in logical accord with the theory of punishment which the law defines. But when we inquire what are the facilities which the county jail possesses for carrying out sentences of punishment we find there are absolutely none beyond bars and locks to insure safe-keeping.

Secondly, the jails were first established at a time when population was sparse and there were great if not insuperable objections to transferring prisoners at long distances to central prisons and, when the theory of local government was more tenaciously adhered to than in the present day. The jail, therefore, as population grew more numerous, collected within its walls witnesses held for examination, persons accused, delinquent debtors and persons condemned, without respect to age or sex or condition. The county jail, therefore, has long outlived any useful purpose for the repression of crime, if indeed they ever had any such effect. In fact the more wealthy and populous counties have

superseded or supplemented their jails by penitentiaries where organized industries are possible.

Thirdly, there is nothing either in the construction of the buildings or in the attempted methods of discipline which can make any change for the better in the character of the offenders. The present jail system is "an absurd attempt to cure crime, the offspring of idleness, by making idleness compulsory." The temporary policy as to the jail system which for forty years has been pursued of trying to make an inadequate building subservie many and contrary functions must be discontinued, and the policy adopted which the association has persistently advised, that the jails should cease to be used as a place for the punishment of offenders, and be continued as simply houses of detention for witnesses and for those awaiting trial. The inmates being confined for only a short time should be held strictly in solitary confinement and the jail buildings be so modified as to provide separate cells.

The proposition to abolish the jail as a punitive institution raises several questions, the most important of which is "what practical substitute do you propose?" For answer, the following suggestions are made:

First. The penitentiaries can be relieved of their female inmates by providing a prison for female felons and a reformatory for women;

Second. Two, or at most three, graded district reformatories for long and short term, or what is better, "indeterminate sentences," should be built for male offenders;

Third. The prevention of crime by means of better police and the care and education of those children whose surroundings lead to a criminal career; and

Fourth. The adoption of more general employment of methods of managing criminals by which the number in the prison can be reduced to advantage.

The object of this paper is to consider more particularly this last question, for the time seems to have come when the people of this State are disposed to say with a chairman of the Quarter Sessions "England will not for much longer endure a system of simple imprisonment as the only or chief means of preventing crime."

The first experience in the discipline of convicts without the intervention of prisons was in the penal settlements of Australia nearly fifty years ago, where the overcrowded condition of the prisons or the absence of prison buildings led to the introduction of what has since been known as the "ticket-of-leave" system. It was found that the selection of the better disposed convicts to be conditionally liberated on promise of good behavior worked admirably well in re-establishing the good conduct of many men and women who in the mother country had been very bad. It is true that the ticket-of-leave in Australia enabled many irredeemable rogues to get at large again, and by their unbridled courses cast odium on the system, but this was largely due to the absence of a police system by which those violating their ticket-of-leave could be rearrested, and not to the method itself.

When the Australian colonies demanded the abolition of transportation, which the mother country was obliged to concede, England was confronted with the same difficulty of insufficient prison accommodation which had in Australia been met by the introduction of "conditional liberation," and, like the colony, she met the question, "What

shall we do with our criminals?" by adopting the same expedient as a part of her system of dealing with the crime problem, conditional liberation. But England created a penal colony in Australia in the organization of a large police, and she set about to make it more efficient, so that convicts on a ticket-of-leave could be placed under police supervision for limited periods, during which the conduct of the convict could be tested under comparative liberty. With all its defects, the ticket-of-leave system has proved advantageous, for it has been made the last stage of a prison system which is essentially reformatory in its character, which begins as a first step with a punitive stage, which continues as a second step with a stage for industrial and moral training within prison walls, and ends with conditional liberation as a test of the sincerity and self-government of the liberated convict, or his recommitment to prison if he relapses.

Passing from the English experience to our own, it must be premised that there has been in this country a very general disapproval of the ticket-of-leave as part of a system of prevention of crime. The principal objections adduced have been, that our police system is too local to enable an effective supervision, because it could be avoided by the convict taking residence in another State; that it is opposed to the genius of our institutions and people to place any man or body of men under police espionage; and, lastly, that the convict himself becomes the victim of the policeman who bears him an ill-will, and at best is hindered from honorable employment because the "eye of the law" is upon him. It must be conceded that the merely local authority of our police system is a great drawback on police supervision; but it is not essential that the duty of a friendly watching over discharged prisoners under conditional liberation should be committed to the police, and if it should be found in practice that many who should be thus liberated should evade the conditions of their liberation by going to other cities or States, the general community would be no worse off as to deprecators than it is now without any system whatever. It has been asserted by those who speak with authority on these subjects that our present jail and prison system makes our convicts worse than it finds them before imprisonment. Nevertheless (with the single exception of a law passed by this State in 1877, committing convicts to the State Reformatory at Elmira, on "indefinite sentence") the law fixes a definite length of time for the punishment of each offense, at the expiration of which term, and whether the convict be better or worse for the imprisonment, it is obligatory on the prison officers to set him loose upon the community to begin his criminal career afresh. We are, therefore, obliged to face the fact, whether we have conditional liberation or whether we dispense with it, that the criminal is cast back upon society to take his own course, whether for good or evil, and it is contended to be more conducive to the safety of the community that such convict should, for a brief period before his final discharge, be required to report at stated intervals to some responsible authority as to where he lives, with whom he works, and how well he behaves himself, than to let him go forth unconditionally without friendships, guidance, encouragement or advice.

All evils as to the ticket-of-leave system being un-American, however, are set at rest, for in Massachusetts and in New York, conditional liberation is established by law, and its results have proved useful.

Until 1877, all sentences in the courts of the State of New York prescribed a definite term of imprisonment, the duration of which was measured by the gravity of the offense. But in that year, chapter 173 of the laws substituted the "indefinite" sentence for all criminals sent to the New York Reformatory at Elmira.

Section 1 reads: "Every sentence to the reformatory of a person hereafter convicted of a felony or other crime shall be a general sentence to imprisonment in the New York State Reformatory at Elmira, and the courts of this State imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the reformatory as authorized by this act, but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced."

In section 5, "conditional liberation" was enacted into law under the name of "parole."

"The said board of managers shall also have power to establish rules and regulations under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory buildings and inclosure, but to remain while on parole in the legal custody and under the control of the board of managers and subject at any time to be taken back within the inclosure of said reformatory, and full power to enforce such rules and regulations, and to retake and reimprison any convict so upon parole is hereby conferred upon said board, whose written order, certified by its secretary, shall be sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner: and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process. The said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal and temporary or conditional release, and return as aforesaid, of all convicts in said reformatory."

Provisions for supervising the prisoners during their term of probation was made in section 10, so as to avoid the objection, which has always been made in this country, to placing discharged convicts under the surveillance of the police, by appointing private individuals to do this duty under the direction and authority of the board of managers. "Said managers may appoint suitable persons in any part of the State charged with the duty of supervising prisoners who are released on parole, and who shall perform such other lawful duties as may be required of them by the managers; and such persons shall be subject to direction and removal by said managers, and shall be paid for the duties actually performed under the direction of said managers, a reasonable compensation for their services and expenses, and the same shall be a charge upon and paid from the earnings or other funds of the reformatory."

During the period of conditional liberation the paroled convict is required to send monthly written reports to the managers, approved or certified by the employer, stating his plans, his difficulties, and his prospects, and asking advice when in doubt. The final release when his good conduct under liberty has been tested is provided for under section 8 as follows:

"When it appears to the said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall issue to such prisoner an absolute release from imprisonment, and shall certify the fact of such release and the grounds thereof to the governor, and the governor may thereupon, in his discretion, restore such person to citizenship."

"The beneficial effect of the law enacting "indefinite" sentences with "conditional release" is shown in the results, for in the words of the managers it "has made possible the reformation of first offenders between the ages of sixteen and thirty years."

"The agency of the parole to restrain men from the commission of crime is extraordinarily effective. The operations of this legal expedient have proven of the highest value to men subject to its provisions and of the greatest good to the reformatory."

Society has been protected from further criminal practices on the part of paroled prisoners, who in many cases have returned to their homes, where under the watchful and critical observation of people familiar with their previous history, they have shown themselves to be entitled to the respect and confidence of the general community."

How effective it has proved is shown by the report of the subsequent career of the 234 convicts who have been paroled since the foundation of the reformatory. Only thirty-six, or fifteen per cent, have violated their parole, and of these twenty, or about nine per cent, have probably relapsed into crime. Of the sixteen who lost their situations, and returned to the reformatory, the causes were misfortune, or the commission of some fault, usually intoxication, but without crime.

It is believed that this experience, joined to the experience of England and Massachusetts, justifies the extension of the system in our State, especially as there are already established parts of the administrative machinery necessary for its successful working. Why should not the provisions of the statute enacting indeterminate sentences be made applicable to the penitentiaries, with such modifications as are necessary to exclude those criminals who relapse into crime from the advantages of the parole system.

We have already a State agency for discharged convicts, why should not the duties of that office be enlarged so as to correspond to those of the managers of the New York reformatory so far as the supervision of "probationers" is concerned, with the power to rearrest those who violate their paroles. By this means the penitentiaries would be relieved of a portion of their inmates and would afford additional means to empty the jails of their convict population, who would thus be brought under the three-fold advantage of being withdrawn from a life of absolute idleness, of being trained under a system of emulation instead of simple compulsion to the habits of industry and the acquisition of skill in some useful art, and of being helped to the cultivation or the re-establishment of self-respect, which is essential for the continuance of an honorable career under liberty. Indeed, such is our confidence in a reformatory treatment of criminals by means of the indefinite sentence, the work system and conditional liberation, that we would

strongly urge its application to the felon prisoners in our State prisons, believing it far more effective than the present plan of definite sentence with a commutation for good behavior and absolute discharge without probation.

So far, we have considered the history of conditional liberation as the last step in a reformatory system of prison discipline. But there is another phase of the subject which is perhaps more important: that of conditional liberation as a substitute for imprisonment. The oldest form has been the practice of the courts, in petty cases, to accept sureties for the good behavior of persons who had violated the law. But a step further has been taken for many years judges have suspended sentence in certain cases where the accused was shown to have a precious good character and was more likely to amend his ways without imprisonment. Although this practice on the part of judges has always been "extra judicial," it has always been approved by this association, and some of the most useful service which its general agent has performed has been the recommendation to suspend sentence when it was plain that the ends of justice and the welfare of society were best subserved by this procedure. In many instances the judges have required that the general agent or some responsible person answer for the future good behavior of the person so liberated, from which it appears that in this State we have had for many years in fact, if not in legal form, conditional liberation as a substitute for imprisonment. The experience in this respect, however, has never been preserved in the form of statistics, so that only the testimony of the members of the association can be adduced, but the experience of Massachusetts is very significant, and its results properly recorded.

In 1869, after the State alms-houses and juvenile reformatories had been established, there was found a need for a State officer to look after and protect children and youth placed out or indentured by the various State institutions. Accordingly chapter 453 of the Laws of 1869 created the office of "visiting agent," whose duty it was, with the concurrence of the magistrates, to place out and indenture in good families children brought before the courts for crimes and misdemeanors, so as to avoid sending them to a reformatory.

The success attending this mode of dealing with children under sixteen years of age suggested the propriety of applying the same method to an older class of offenders, and a law was passed appointing a "probation officer," whose duty it was to attend the courts, and in such cases as he and the presiding judge considered judicious, the person convicted should have sentence suspended and be placed under the guardianship of the "probation officer" on a sentence of probation. This probation consists in an agreement on the part of the condemned to pay the costs of court before his final discharge; to report himself to such person as the "probation officer" determines as to his address, that of his employer, and such other conditions as the nature of the case requires. The "probation officer" is a new officer under the police department, and possesses certain powers of arrest in case the terms of conditional liberation are violated, so that we have in Massachusetts the virtual establishment of a ticket-of-leave system previous to and in avoidance of imprisonment under the less-forbidding name of "probation system."

"B."

PRISON LABOR.

By C. H. KITCHEL, Chairman of Committee on Prison Discipline.

It is not our purpose to enter upon an extended discussion of the subject of prison labor, for the limits allowed to it in the report would not permit; but rather to call attention to the various systems that have been adopted and to emphasize the one which in the judgment of the writer best answers all the purposes of the State.

The first question, however, that meets us upon the very threshold of the discussion is, what is the object of punishment? and within what limits has the State the right to inflict it? The second, how can the real purpose of the State be best attained?

In answer to the first question, I state this as an axiom:

The only right the State has to inflict punishment upon any human being, whatever his crime, is that of self-protection; and within this limit the State may adopt any means that will most certainly accomplish this purpose.

A superficial knowledge merely of the history of criminal jurisprudence will satisfy any one that until within a comparatively short period, the State in this regard far over-stepped the just limits of its power. None can read the history of English criminal law and not be shocked at its barbarities and its injustice; true, within the past half century a more humane and enlightened policy has entered into its theory and administration; prior to that, however, it was full of unfairness and cruelty; how unjust and cruel, the following statement of the punishments attached to various crimes, as late as 1792, will show, thus: Punishable with death—privately stealing, or picking pockets above one shilling; stealing bonds, bills or bank notes; stealing above forty shillings in any house; stealing linen, etc., from bleaching grounds; or destroying linen thereat; maiming or killing cattle maliciously (a man's life was worth no more than a bull's); pulling down houses (a man's life was worth no more than a pile of old lumber); breaking down the head of a fish-pond, whereby fish may be lost (a man's life was worth less than a good trout for my Lord's dinner); cutting down trees on an avenue, garden, etc. (a man's life was worth less than a shade to shield my Lord's precious head); sending threatening letters; deer stealing (my Lord's belly must be filled even if his tenants starve); enticing soldiers or sailors into foreign service (must not my Lord's precious body be protected? yea even his possessions). At the same time perjury, and keeping bawdy-houses and disorderly houses was only a misdemeanor punishable by one day (my Lord might swear falsely and his passions must be gratified—but then it was only a little thing). What a comment this on English law and justice, and the boasted civilization of the Anglo-Saxon race.

The chief characteristic of these laws seems to have been vindictiveness, their object to prevent the commission of crime by appealing

solely to the element of fear. A more careful study of crime, its causes and prevention, however, clearly demonstrates that fear of punishment is as a rope of sand, to restrain men from a violation of law, there must be a higher and better motive. Crime must be met at its sources—those who by their surroundings, or want of moral strength to resist successfully temptations, or the sins that most easily beset them, must be lured into better paths, must be separated from evil associations and surrounded by such conditions as will reduce the temptation to commit crime to a minimum. To this end I think more attention must be given than has yet been, to preventing the children, who by evil surrounding, or for any other reason, would be most likely to enter upon a life of crime from doing so. The wisdom of the old proverb ever presses upon us, "Train up a child in the way he should go and when he is old he will not depart from it." The best hopes of the State center, and must ever center upon its young. When the mind becomes saturated with filth, it is harder to cleanse than the Augean stable; when it has become familiar with crime it is difficult to restore it again to the rectitude of its manhood; it contains within itself the poison which, unless eradicated, will destroy its life. I do not by this mean to be understood as saying that, even when one has entered upon a criminal course, reform is impossible, only that it becomes more and more difficult the longer that crime is indulged in.

I do not agree with the superintendent of the State prison at Concord, New Hampshire, when he says: "If I make the prison pay the public are satisfied. I do not believe you can reform an ordinary convict; I make some personal effort to reform the young men, but after a man has been here once, and comes back again, there is no hope."

I cannot bring myself so far as to degrade the State of New Hampshire, by believing that its citizens are satisfied if they can coin money out of the souls of its unfortunate criminals. I have a stronger faith in humanity than to think, that though one may fall even many times all possibility of reform is ended, that hope must die within him, and blackness and darkness cover him forever. Who will dare to say as to any one that all the approaches to his heart are closed? Who can calculate the strength of the temptations that bore him to destruction, who can say that some tenderness and love may not stay the flood that is overwhelming him, who can tell by what ostracism, whatounding by the leeches of the law he may not have been drawn back, even against his will, within the gloomy walls of the prison. I think there is more of truth than society is willing to admit, in that sad story of Jean Valjean which Victor Hugo has drawn with such wonderful clearness and power.

I think the State does not sufficiently realize how large a factor its unjust, unwise, and oftentimes oppressive laws, making poverty possible, and sending honest labor a beggar into the marts of the world are in making crime possible; nor society how much of crime is due to its false notions and unworthy worshiping of money. To show the extent to which unjust laws will beggar a people, and almost force them to commit crimes especially against persons and property, I need only refer to the laws of England and Ireland. John Bright in 1876, in a speech delivered at Birmingham, made the following statement: "One-half of Scotland is owned by forty-one landlords

Five thousand own the whole of England and Wales. Six thousand persons own the whole land of Ireland. So that 14,000 persons own all the lands of England, Scotland and Wales. This is the power that makes and administers the laws."

Dean Swift, in his day, speaking of the oppressive tenant system of Ireland, said: "The rise of our rents is squeezed out of the very blood and vitals and cloths and dwellings of the tenants, who live worse than English beggars."

Sir Charles Dilke, in speaking of the Magna Charta, said that it was "a plausible excuse whereby the rich were enabled to rob the poor." And again quoting John Bright, "the whole system of the English government is one of out-let or relief on a gigantic scale for the members, the relations, and the friends of the aristocracy."

In a late number of the *Westminster Review*, we find the following: "Pauperism in England has grown with the growth of large cities; our agricultural laborers have been reduced to a condition incompatible with the maintenance of physical strength, and in many cases to the verge of starvation; the poorer classes driven into the large towns, living in hotels, dens, and garrets, in darkness, ignorance and want, constitute a breeding-ground for crime and disease. Examples of this kind could be easily multiplied and more than justifies the statement, that the State by its unwise, unjust and oppressive legislation, very often forces its people to the position steal or starve." The State and society, therefore, should not deal too harshly with those who err.

Such considerations as these have drawn the attention of thoughtful, kindly and earnest men and women to a more careful study of crime and the criminal classes, and to the solution of the question, how the one can be eliminated and the other reformed, and their earnest work has entered into, and modified the criminal jurisprudence of almost every civilized State; stripped it of many of the barbarities of former days, breathed into it a spirit of charity, and human sympathy.

Society is learning the lesson that prison walls alone cannot give the best security; there must be something more than this. The State is beginning to learn that its own protection demands surer, wiser and better methods than those heretofore adopted; and the whole experience and best thought of the present day indicates that protection is in the direction of prevention; and this brings us to the consideration of the second question:

How can this purpose of the State be best attained?

It is clear that, if the criminal can be reformed, the purpose of the State would be fully attained.

It is within a comparatively short period that this idea of reforming the criminal has entered into the administration of criminal law and the treatment of the criminal after conviction, and still later that the State owed any duty to this unfortunate class, or that its safety could be better conserved by more humane treatment. The utter failure of the old systems taught the State, by a sad experience, that some better methods must be found, that life and property must be made secure in some other way; and this idea of the possibility and practicability of attempting to reform the criminal has gradually impressed itself upon the criminal jurisprudence of civilized States, breached into it a

spirit of charity, given to it nobler purposes. Reform is the outgrowth of our modern civilization, and, in the language of another, it rests upon one fundamental principle, viz.: "To protect society, human law must deal with crime not to avenge, but to prevent;" and no preventive has been found so certain in its results as industry. I think no proposition is better established than that idleness is the mother of crime, whether surrounded by wealth that makes possible the gratification of the passions, or clothed in rags that almost makes crime imperative: in either case there follow in its train corruption, sin and crime; and upon one who has already entered on a life of crime its results are still worse: he has fallen through weakness—he must have strength; he is a slave to his own corruptions—his nobler nature must be developed; his judgment is warped—it must be corrected; his imaginations are vile—they must be purified—he feels that he is an outcast and hope dies within him—he must be made to feel that he is a brother, and that the possibilities of a better life are open to him, but only through earnest, honest striving. While these considerations must ever prompt the humanitarian to action, the cold and soulless State seeks answer only to this question: "How can the State be best protected?" and my answer is, "By so treating its criminal classes that they may be made honest citizens; and, even if they cannot be made honest citizens, and the State is compelled to confine them within prison walls for its own safety, they shall be treated in such way to compel them (as it were) to redeem themselves.

I think it time, that it is both the right and duty of the State to make its prisons self-supporting. I can see no reason that because a man steals my watch therefore I must support him and sometimes his family in idleness. Nor can I see any reason that when a man having others dependent upon him for support becomes a criminal and has to be confined in State prison, that his family should be made a charge upon the community, if by any means he can earn, or be made to earn while in prison, something to contribute to their support.

The chief idea, however, that now prevails as to prison labor is that of making the prisons self-supporting without having any direct purpose of reformation. There are some exceptions to this rule, the most prominent being that of the Eastern Penitentiary of Pennsylvania, where the two objects sought seem to be "punishment and reform." Profit is never considered, and labor is used to further these two objects.

To make the prisons self-supporting seems to have been the chief object sought in our State until the establishment of the New York State Reformatory at Elmira. This was the first clear and distinct recognition by this State, in its laws, of the idea of reforming criminals, and the act appointing the commissioners to locate the same says: "To erect a State penitentiary or industrial reformatory for the reception and treatment of convicted criminals." The act of 1870, chapter 427, further declares: "The discipline to be observed in said prison, shall be reformatory, and the sub-managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they deem expedient. Agricultural labor or mechanical

industry, may be resorted to by said managers as an instrument of reformation. The contract system of labor shall not exist in any form whatever in said reformatory, but the prisoners shall be employed by the State."

Chapter 207 of the Laws of 1876, section 4, provides as follows: "The said board of managers shall receive and take into said reformatory all male criminals between the ages of sixteen and thirty years and not known to have been previously sentenced to a State prison or penitentiary, on conviction of a felony in this or any other State or county, who shall be legally sentenced to said reformatory on conviction of any criminal offense in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said reformatory any such male person convicted of a crime punishable by imprisonment in a state prison between the ages of sixteen and thirty years as aforesaid."

The act changes the former law, so as to make the system of labor, either by contract, or by the State, or partly by one system or the other, as the board of managers deem best.

Chapter 173, Laws of 1873, establishes indeterminate sentences, gives the right to parole the prisoners, and to release them when the managers are satisfied that the prisoner will remain at liberty without violating the law, and that his release is not incompatible with the welfare of society.

Thus we have established in this State, and in actual operation, a penitentiary having for its chief object the reformation of a certain class of criminals, based upon the theory of labor as one of the chief means of reformation, added to that of indeterminate sentences, the right of parole and discharge, the mark system, and regular and systematic intellectual and moral teaching. Thus by environment, appeals to the ambition and hope of the prisoner, it is subject to reform him.

If these enactments the State has conceded, that at least as to one class of criminals reformation should be sought. Why not as to all?

It has also conceded that labor is one of the prime factors in the solution of the question. What system of labor should then be adopted?

There is a certain element of reform in the mere labor itself, irrespective of the motive that directs its performance; if, however, the idea of reformation is its leading feature, then it must be conducted in such way as will best serve this end, and where such is the avowed purpose, the method is a matter to be carefully considered.

What are the conditions of labor that best serve the purposes of reformation, both in itself and as performed by each particular person? This involves two things: First, the kind of labor performed; second, its relative adaptability to the present and future needs, temperament, character and capacity of the person who performs it.

To produce the best results these conditions must be wisely and judiciously fulfilled. I cannot better express this thought than in the language of Frederick Hill.

"The basis of all good systems of prison discipline must, in my opinion, be work; steady, active, honorable work. It is by work alone that the great mass of mankind can honestly live, and unless persons acquire habits of industry and the liking of some kind of labor, little hope can be entertained of their conduct after liberation. Their

minds and feelings may have been acted upon by kind admonition by the fullest explanations of their temporal interests, or by the powerful influences of religion; or on the other hand with a view to make them dread imprisonment, they may have been subject to every thing that is irksome, humiliating and painful by means of treadmills, labor-machines and the whip, and a desire and real intention may have been created in their minds never again to fall into crime; but unless a person has acquired the knowledge of some handicraft and habits of steady industry — unless in a word he obtains the power, as well as the wish, to live honestly it is all in vain; sooner or later to crime he will return."

Considering labor from a reformatory point of view, I think the following are the conditions under which it must be performed:

1. It must be honorable, and to be honorable it must be remunerative.
2. It must be diversified, so as to be adapted to the mental and physical conditions of various classes of convicts.
3. It must be under the control of the prison authorities, so that it may be enforced both as a disciplinary and reformatory measure.
4. It must be so conducted that the prisoner will have a personal interest in doing his work in the best and most efficient manner. In the Elmira reformatory this is effected by the power given the prisoner to improve his condition while in prison and to secure his conditional release and final discharge on good behavior.

I think it may be worthy of consideration whether or no the convict might not to some extent have a direct pecuniary interest in the product of his own labor.

5. It must be placed entirely beyond party politics.

All prison labor, however, whether considered from an economic or reformatory point of view, will entirely fail, unless it is justly, wisely, humanely, and above all honestly conducted; and I am satisfied it would not be difficult to show that where it has failed as a reformatory measure it has been because these conditions have not been fulfilled.

There are those who are opposed to all kinds of prison labor, but upon what principle of equity or sound political economy they can justify their position it is difficult to see. Why a man, because he is a criminal, should be deprived of the means of earning his own living and compel honest men to support him in enforced idleness I cannot see. Why an artisan doing business in the city of New York, after he becomes a criminal, and is thereby compelled, so to speak, to transfer his business to the city of Auburn under a different employer, should thereby degrade honest labor and seriously disturb the laws of labor, is still more difficult to see.

The weakness of this position will be apparent if you will compare the total amount of this kind of labor with free labor in the United States. In 1878 the total number of convicts was 29,197. Whole number under contract, or employed in mechanical pursuits, 13,186. In the State of New York the total number so employed at this time was 2,516, and forms but a small per cent of the total labor of the State. If all the convict labor was massed in a single department, it might injuriously affect the free labor in that department. The solution of the labor question lies far deeper than this. It is not to be

solved upon any such shallow theory. I do not, therefore, mean to say that prison labor may not be so organized as to seriously affect some branches of trade, but when so organized it defeats almost entirely its reformatory character, and wise legislation should and could rectify any such evil. This evil, to some extent, may perhaps exist under the contract system, and this is one of its defects. It cannot exist, I think, to any considerable extent under any system that looks mainly or prominently to the reformation of the criminal.

All systems of prison labor may be classified under three or perhaps four general heads:

1. The contract system, or that system where prison labor is sold to the highest bidder.
2. The public account system, where the labor is entirely under the control of and conducted by the State.
3. Where these two systems are combined, as for instance where the material is furnished by contract and the labor performed by the State.
4. Where the convict labors for himself, or chooses his own employer, receiving his wages for his labor.

But two of these systems have, so far as I am aware, ever been tried in this State, viz., the contract system and the public account system.

The contract system, while it may be and has been made pecuniarily profitable to the State, is an entire failure, so far as the idea of reforming the criminal is concerned, and I think must necessarily be so from the very conditions that it involves.

Dr. Harris, than whom there is none wiser or better informed, both from study and observation upon all questions of penology, while admitting that the contract system, under the best and wisest administration, may to a certain extent be reformatory in its character, and even better than the public account system, when thrown into the arena of politics, and impressed with a changeable, fluctuating character, condemns in severest terms the contract system, as the following quotations from his testimony before the special commission of the State of Connecticut will show. He says: "The contract system is the convenient one for those who are placed in official responsibility. It is a convenient one, because it shifts from their own shoulders any great responsibility for the proper division, immediate personal supervision, and the various and most important results of the conflict of labor. The contract system is a necessary outgrowth of the partisan system — the merely partisan administration." And again: "The contract system, as it is found, is making for us habitual criminals, is maintaining the ranks of crime, is filling them and keeping them full." And farther on he says, "I confess I look with absolute abhorrence upon the whole contract system, because it is a shifting of responsibility." And again: "But when you look upon the contract system with any degree of allowance, and say that it is fit for a civilized people and that it should be the ruling method in our prisons, I must say I think the whole system ought to be re-stated."

These are not the views of a visionary, but of a wise, practical man of the largest experience, founded upon the widest field of study and observation.

These views are coincided in and confirmed to a large extent by Dr. Wines, a well-known publicist, and a life-long worker in this department.

The State may ignore this question; it may treat it in the careless, *laissez-faire* kind of a way that to a very great extent it has hitherto done; but the State will receive back again into its own bosom the poison, which will circulate through the body politic, corrupting and demoralizing it until the affrighted State, appalled at the magnitude of crime, will be compelled to deal with the question with some degree of wisdom and foresight.

The contract system may be subdivided as follows:

1. Where the labor is sold to a contractor and carried on by him within the prison walls, and entirely, or partially, under his control.

2. When the labor is hired to him, and used outside the prison.

The objection to this system is fundamental; it looks solely to the benefit of the contractor, not at all to the good of the convict; whatever good may come to the convict is incidental to and not a necessary part of the system. The object of the contractor is to get all he can for his money.

2. It interferes with, and to a great degree is destructive of, any well-organized system of prison discipline, and this must needs be from the very conditions of the case, for during the time the convict is working he must be under the control of the contractor, either through agents chosen by the contractor, or appointed by the prison authorities. If chosen by the contractor then the interests of the contractor and overseer are identical; namely, to get all the work out of the prisoners possible; if appointed by the prison authorities, then the interests of the overseer and the contractor may clash, or if they do not clash, then the overseer becomes the mere tool of the contractor to do his will, and his alone.

3. The better workman the prisoner is, the greater is it to the interest of the contractor to keep him in prison, and thus he is deprived of any inspiration of hope, that by good work or good behavior, he can either lighten his sentence or better his condition, and I cannot see how reform is possible, unless the convict can be inspired with hope, and be made to feel that a better life is attainable. Some one has said; "He who loses money loses much; he who loses honor loses more, but he who loses courage loses all."

4. It destroys the ambition of the prisoner, for he has no incentive to ambition.

5. It renders impossible any great diversity of employment, so that different kinds of work can be given to different classes of prisoners suited to the capacity of each and the requirements of each particular case, and fails to train the convict in an employment which is suitable for the locality to which he is returned. The kind of work should be well chosen, so that the prisoner when released may be able to employ himself to his best advantage, as well as to the best advantage of the community, for thus the likelihood of his again falling into crime is greatly lessened. The advantage of diversified prison labor is not a new experiment. It has been tried with success both in this country and in Europe. One of the most notable instances is that tried at Valencia, Spain, from the year 1835 to 1850, under the charge of Colonel Montesinos; there were forty-three (43) trades carried on in that prison, leaving the choice of the trade to the prisoner himself and giving him a share in the earnings. From a financial point of view it

was an entire success, for it cost the State nothing, and from a reformatory view its success was not less marked.

If the contract system is bad when conducted within the prison, and partially at least under the inspection and control of prison officials, it is ten-fold worse, it is simply horrible, when conducted without the prison, and entirely free from any interference of the prison authorities. Here there is no restraint whatever upon the avarice or cupidity of the contractor. An outcast from society the convict cannot appeal to the courts for justice, and to draw sympathy from the cruel heart of his taskmaster is harder than to make flowers bloom upon the barren heath, or to draw cooling draughts from the barren rocks, yet this is the system now or very recently employed in some of the southern States. In a very recent conversation with one of the most intelligent officers of the United States army, stationed in that part of the country and having charge of one of the great public works, and who had full opportunity of observing the workings and effects of this system, he told me that it was simply barbarous, that language could hardly describe its cruelties or properly designate its injustice. That gangs of prisoners, chained together, were sent to him to be employed on the public work and the only discipline used was that of the shot-gun and bludgeon. That so horrible was their condition and treatment that he refused to employ them, and that this refusal gave rise to a correspondence with the head of his department in Washington which contains all the facts and is a matter of public record. Is this the outcome of the boasted civilization of the nineteenth century? I cannot believe that the heart of the nation is so cruel, that the State is so forgetful of its true purpose and best interests, that these barbarisms can continue when the facts are fully known and understood. The system, however, needs to be laid bare with a firm, fearless and honest hand, and the attention of the State and of the citizen called to it again and again until wiser counsels and better purposes shall prevail.

The public account system is that system of prison labor conducted by and under the direct control of the State, through the prison authorities, and of this system there are three forms:

1. Where the State enters into the manufacture of various products in competition with other manufacturers and takes the risk of business which attends the investment of capital.

2. Where the labor is employed upon public works, which avoids the risk of trade.

3. Where the profit of labor is made entirely subservient to the reform of the criminal or to his subsequent industrial career.

One of the chief objections to the public account system, and especially in this country, is its intimate connection with politics, its liability to be thrown into the arena of party strife, the changes of control to which it is liable and the possibility that men entirely unfitted to administer its affairs, either by education, intelligence, experience or sympathy with its true purpose, shall be intrusted with its management and control. To accomplish its fullest purpose, it requires in its administrative officers a rare combination of wisdom, tact, firmness, strict justice, as well as the executive ability to manage successfully a large and complicated business. While it may be diffi-

cult to find such men, yet they can be found, and this difficulty is only an incident to the system. Mr. Wright, of Massachusetts, in a pamphlet upon convict labor, published in 1879, says: "That on a small scale, under exceptional conditions, it is undoubtedly the best system; but so long as the successful management of the industries of a prison requires experience and business tact, qualities that can be acquired only by long experience and business trial, it is not reasonable to expect to find a man also equally versed in all the details of the manufacture of goods, especially where a diversity of industries is also advocated as essential to the prevention of competition." My answer is this, that such men have been found, as in the case of Mr. Brockway in our own State, Colonel Montesinos in Spain, and is now found in many prison superintendents in Norway and Sweden, and Switzerland, also Cordier of Wisconsin and Western Pennsylvania.

Another answer to the objection is this, that there might be different men to take charge of each particular industry, but under the management and control of the general head of the prison as an executive officer.

No system of prison labor can be successful unless properly managed, and I am unable to see any serious difficulty in making the public account system successful if the proper means are taken to render it so.

Under the first form of the public account system as above stated, I think the interests of the State would be best served by keeping in view two purposes: First, to make it self-supporting; second, to render it as efficient as possible as a reformatory measure. If the State should go farther than this and enter upon the business with the sole view to make it the most remunerative, then it would burden the system with some of the worst elements of the contract system.

Upon well-recognized business principles, however, I submit the public account system, if properly conducted, should be the most successful financially, for the reasons that it seeks to give each laborer the work best suited to his individual capacity and holds out to him the strongest incentives to do the very best that he can.

To the second form above indicated is this grave objection. It compels the convict to work directly under the public gaze, thus tending to break down his manhood and self-respect, and does not permit as great freedom of action, nor admit of as great a diversity of employment.

As to the third form, I can see no necessity for making the profit subservient to reform, for this would deprive it of one of the essential features of honest labor, viz., that it should be profitable, and when it ceases to be profitable it is a pretty sure indication that it is not a proper kind of labor; and if it could not be made profitable under the strong incentives made prominent under this system, I cannot see how it could be made profitable under less favorable circumstances.

I submit that prison labor should and can be made a financial success, and for the reason that honest men ought not to be compelled to support dishonest men, simply because they are dishonest; and for the further reason that the State should be made whole, to the extent of the cost and expense it is put to in the necessary arrest and conviction of the criminal; and, still further, something should be contrib-

uted, as far as may be, to compensate the citizens for the losses incurred by the convict's rascalities, which would be accomplished if the profit of his labor, over and above his support and the necessary expenses of employing him, should be paid into the State treasury and applied to the general expenses of conducting the government. All of this, I believe, could be accomplished under the public account system, and all the features of labor, as a reformatory measure, be preserved.

That labor under the public account system has been and can be made as profitable as any other form of prison labor, it would not be difficult to show. It was made profitable in Maine; and although, at a subsequent period, it was found to be otherwise, I am satisfied that a thorough investigation of the cause of the failure would be found in the system but in its defective administration. General Pillsbury, who had tried both systems, stated under oath, that he made more money for the institution when he managed the labor on public account, and that he had no doubt but what if he undertook the management of the Albany penitentiary he should bring more money into the treasury of that institution than he got from the contract system; and if any man was able to form a correct judgment of the two systems, in this regard, he was.

The advantages of the public account system, if properly administered, over the other systems, I think are these:

1. It has the possibilities of the best financial results attainable.
2. It permits of a diversity of industries, and hence of a selection best suited to the capacity of each individual, thus making possible the best results that can be obtained, either financially or as a reformatory measure.
3. Under it the relationship of free and convict labor can be best adjusted, so as to work the least detriment to free labor and insure the least possible interference with the industries of the citizen.
4. It permits of a system of discipline best suited not only to produce the best results as to labor, but also the best results as to the mental and moral development of the prisoner.
5. It permits and encourages the prisoner to engage in that kind of work which when he goes out into the world will best fit him to support himself and make him the least liable to again enter upon a course of crime.
6. It renders possible the putting into operation and carrying out to its legitimate results, the very best methods that human wisdom can devise or a kindly sympathy apply, looking to the reform of the convict and his restoration to society as a useful citizen; in fact, I believe it is the only system yet devised under which the best reformatory results can be obtained and for the following reasons:
 1. The system, while not neglecting the financial question, keeps steadily in view the reformation of the convict.
 2. It makes, to the highest degree, the interests of the convict and the prison superintendent identical, not only to produce the best and most remunerative results from prison labor, but the best results to the prisoner, so far as his moral growth and mental development are concerned. The superintendent is anxious that both of these results shall be speedily reached, and the prisoner is anxious that they should be, for upon them depend his liberty. Out of this must come more

than in any other way the gradual but certain adjustment of the mind of the prisoner to that of the person in charge of his treatment and cure; until, as it may be seen in any institution properly conducted under this system, there is no observable difference between the service of the prisoners and that of citizens voluntarily working for pay.

3. When aided by the use of indeterminate sentences, right to parole, and under certain conditions release from imprisonment, and with the full knowledge that unless freedom is properly used, a return to prison will be compelled. And the mark system connected with the power to advance, while in prison, to a higher grade to which greater privileges and greater freedom are attached, or be put into a lower grade where the treatment will be that of the ordinary criminal in the State prisons; the right also, in case he is disciplined (if he thinks his discipline unjust), of appealing from the same, or even under some circumstances of being tried by a jury; and further of having a direct personal interest (to some extent at least), in his own labor; when assisted by all of these aids and inspired by all of these possibilities it certainly gives to the prisoner the strongest incentives to self-government and self-control; and is not the want of self-control, the power to make the passions, and wild impulses of the heart, bow in submission to the dictates of well-regulated reason, the moving cause to many crimes and especially crimes against the person?

4. It is most potent in enabling the convict to establish his own self-respect, to teach him the true dignity of his manhood and that honorable honest labor is and must be his salvation.

5. It gives to him the inspiration of hope, tells him in words of tenderness and love that though degraded he is not lost; that though a criminal he is not forgotten by society; that though the barriers of his self-respect may have been broken down, and temptations may have overcome him, yet if he so chooses he can regain to a large degree what he has thus thrown away, that the possibilities of being saved are largely within his own control, and if he is not saved, it is his own fault. Says to him that the State and society are not his enemies but wish to save him and for his own sake, and are willing to do all that within them lies to assist him in every honest effort looking to reform, makes him feel and realize that while his own crimes make it both the duty and the necessity of the State to imprison him, yet at the same time it does so not as a tyrant, nor from vindictiveness, but only as a father for his own good; that while the crime is hated the criminal is loved; thus while the criminal is punished, he is compelled to recognize the justice of his punishment and hence is drawn from his heart that feeling of bitterness, of injustice done him which he might well have felt under the cruel system that formerly held sway.

This system, both from its purposes and by its methods, tends to quiet the mind and turbulent passions of the soul; enables reason to reassert itself in the plenitude of its power; inspires the worn, weary and broken heart with a new hope, the realization of which becomes possible, and the convict knows and feels it to be so.

“C.”

REPORT OF THE GENERAL AGENT.

The duties of the agency during the past year have related chiefly to daily visitations at the Tombs and other detention prisons. Important advice, counsel and aid have been given to 1015 persons in custody, while awaiting examination or trial. Upon satisfactory evidence which the agent presented 313 detained persons were released and 147 children and friendless youths were at his request transferred to proper institutions.

The work in this department is slow and requires a good deal of patient investigation and persistent effort, and the above figures represent a large field which the agent has endeavored to faithfully travel over day by day during the course of the last year.

The experience and observation which has been gained in the prosecution of this work are more and more convincing of the happy influence of uniform, consistent kindness in dealing with those charged with or convicted of crime. If there is any element in the nature of the unfortunate offender that can be approached in the interest of his reformation, it is certainly, above all others, that which is susceptible to the influence of sympathy. It is a hard matter to drive human nature, but it is comparatively easy to lead it. Besides attending to these duties at the Tombs prison the agent has assisted some 672 discharged convicts who have called upon him at the rooms of the Prison Association.

The following table gives the number of convicts from the several prisons for each month.

MONTHS.	FROM STATE PRISONS.				FROM PENITENTIARIES AND REFORMATORIES.								FROM DISTRICT PRISONS.			
	State Prison.	Aburn.	Clinton.	Other States.	Rackwell's Island Penitentiary.	Kings County Penitentiary.	Albany Penitentiary.	Elizabethtown Penitentiary.	Rochester.	Syracuse.	North Reformatory.	Blackwell's Island Work House.	City Prison.	Madison Street Jail.	Raymond St. Jail.	Other Jails.
January.....	27	11	3	3	14	1	1	1	1	1	1	1	1	1	3	63
February.....	29	6	3	3	13	1	1	1	1	1	1	1	1	1	3	63
March.....	21	4	7	1	13	1	1	1	1	1	1	1	1	1	1	54
April.....	35	10	2	1	18	1	1	1	1	1	1	1	1	1	1	71
May.....	37	7	3	1	14	1	1	1	1	1	1	1	1	1	1	56
June.....	32	2	2	1	12	1	1	1	1	1	1	1	1	1	1	38
July.....	38	6	4	1	10	1	1	1	1	1	1	1	1	1	1	52
August.....	37	6	4	1	10	1	1	1	1	1	1	1	1	1	1	62
September.....	29	3	2	1	13	1	1	1	1	1	1	1	1	1	1	56
October.....	20	3	1	2	12	1	1	1	1	1	1	1	1	1	1	44
November.....	32	2	1	2	14	1	1	1	1	1	1	1	1	1	1	61
December.....	17	5	3	2	15	1	1	1	1	1	1	1	1	1	1	49
Total.....	524	62	35	12	168	20	8	2	1	1	9	14	23	5	5	672

We append hereto a few cases selected from our diary to illustrate the character and methods of the work of the association.

1. An Englishman by birth, forty-two years of age, committed to the Tombs for intoxication, acknowledged he had been in prison seven times, but wanted to reform and made many promises if he could be helped, as he was now entirely friendless and homeless. We told him we would be that *friend* and would provide him a home for a short time. By the consent of the judge we took him from prison and sent him to the House of Industry in Water street, where Mr. Dunn kindly advised and sympathized with him, took him to the McCauley Mission where he became deeply interested if not converted. We will let him tell his own story by extracts from his letter to us.

RESPECTED SIR.—You have been my friend and provided me a home, where I found another friend who took me in and made me welcome, also took me to the mission room. * * * I have not drank any thing since I have been spiritually blessed. I am sure I don't know where I should have drifted had not this place been open to me. I am now peaceful and happy, instead of drunk and miserable as I used to be. I have also an opportunity to get to my home (in the steamship Devon) where I have a wife and child whom I have not seen in two years, but through the mercy of God and the benefits of your institution I shall soon be with them. Many thanks for your kindness. Yours.

2. We found John D— in the Tombs, arrested for petty larceny, stealing some iron from the dock foot of Montgomery street. John said he was partly drunk and a man told him to take the iron and put it on board a vessel. While doing so he was arrested. He looks like a man who has indulged in strong drink a good deal, but his wife is a nice tidy woman and *does not drink*, and besides keeps her children nice and clean. She had three of them in court when her husband was tried, and we think the judges in the special sessions were influenced by these little innocent ones more than by any thing else in their decision, especially when it was told the court that they had not a mouthful of victuals in the house and did not know where to get any. The court, after warning John, allowed him to go home with his wife and little children.

3. The attention of the agent was called by the warden of the Tombs to two sailors in cell 126, arrested on charge of robbery. They told the agent they had recently arrived on the ship Ella Austin, of the old line Liverpool packets. They came ashore for a walk in the early evening; had not been drinking and were not disorderly. As they strolled along leisurely they were approached by a stranger and solicited to treat; this they refused, when he called them Liverpool bucks. The sailors informed him they were from Massachusetts; then he dared them to a fight, as he could whip any Yankee that ever lived. This raised the ire of our sailors, and one of them accepted the challenge. They pulled off their coats; the stranger handed his coat to a man he did not know. In a few minutes he got a good, sound thrashing by our Yankee boy and cried "Enough;" and when the stranger inquired for his coat the man had gone away with it, and then he accused the sailors of robbing him, and got an officer and had them arrested.

It was easy to see that these sailors were good specimens of Massachusetts boys; they had money on deposit at the Sailors' Exchange; were above a theft of any kind. Their story was considered truthful, and worthy to be laid before the prosecuting officer, who consented to their discharge.

4. Was a young man of twenty-three years, though looking much younger, charged with burglary, of which he declared he was entirely innocent. His mother was a widow, a most excellent woman, respectably connected, and this son, who had always been faithful to her, was her main support.

On his trial he was found guilty and remained for sentence. The agent was requested by the judge (who did not feel satisfied with his conviction) to look into and examine the case. Sufficient evidence of good character and the probability of innocence was gathered and laid before the judge to induce him to discharge the prisoner on his own recognizance. Immediately on his discharge, before he left the courtroom, he received an order from his employer, reinstating him in the position he occupied previous to his arrest.

5. Was found in the Tombs, where he was committed by the magistrate three days for being intoxicated. He was fifty years of age, had recently been a farmer near St. Paul for many years, had sold his farm and all he had in this world, and started for his native home, England. He had purchased his tickets, and, with \$400 in cash in a belt around him and some change in his pocket for present use, arrived in this city. Some sharpers got hold of him, probably drugged a glass of lager which he was prevailed upon to drink, after which he knew nothing till he was brought in by the officer, without a penny left. We informed the committing magistrate immediately and got his discharge, and started him for the steamer, hoping he could get his baggage and perhaps stop his ticket.

6. Is a lad of sixteen years, a bright looking boy, charged with "robbery" by an Italian, who said three or four boys knocked him down and held him, while this boy ran his hand into his right-hand pocket and took his pocket book, with \$5 in it.

The boy declared his innocence; said he did not know the man and never saw him till he was confronted with him before the magistrate. The latter believed the boy's story. There was six weeks' delay before we could get the trial on, when an alibi was so plainly proven that the prosecuting officer abandoned the case before summing up and our boy was acquitted. We have seen him since the trial; he was then at work and doing well.

7. J. D., aged twenty years. This boy's mother died when he was nine years old. His father was dissipated and took but little care of his boy and he became a waif in this great city. He soon found himself in the House of Refuge where he remained three years and eight months. When he came out of that institution he soon formed the habit of drinking; in one of his drunken brawls was arrested for felonious assault for which he was sent to the penitentiary for three years. He came out on the 29th of August, Sunday, to find that his father had died while he was in prison and he had no home to go to and slept that night in a wagon on the street. He came to this office on Monday morning ragged in clothes and not fit to go to work to earn his living. Three weeks before his discharge one of his fingers

had to be amputated, and in this condition he was sent out to be cared for by the public. We took him in and clothed him and provided him board and lodging till he was able to go to work. We had reason to believe the young man was honest notwithstanding the life he had led as a waif in the city. A place for him was soon provided where he could earn his living; we have great confidence in his doing well in the future.

8. Was arrested on the charge of assault and battery. We found him in his cell and heard his sad story. He is a mason by trade, was working on the foundation of a building when his boss, who was not sober, abused him, as he thought, without reason, and he resented it, answering back. His employer struck him, knocked him down and fell on him. Both were somewhat injured. The charge appeared to be made to get the advantage of the workman, a poor man who has a wife and several children. We were fortunate in convincing the court that the employer was the most to blame, and the prisoner was discharged.

9. A bright, intelligent mulatto was found in the Tombs charged with grand larceny. We were interested in the man at the first interview and ascertained he bears a good character and was never arrested before. The complainant fixes the charge upon this prisoner mainly from what she was told by a clairvoyant.

From the good character and steady habits of the prisoner we thought it would be a shame to have him indicted on such testimony. Measures were taken to show these facts and the case was dismissed.

10. This young man, of eighteen years, was accused of an attempt to steal a pair of shoes from the front of a store in Broadway; he protested that he was innocent, that he only stopped a moment to look at the shoes as he was passing. He lives with his parents in Jersey City who are honest, hard-working people. He was working for a firm in Vesey street, we called on the firm, and found he had worked for them about eight months. The weather was very warm and he had been absent two or three days not feeling able to work. They at once said they did not believe he was a thief, they had trusted him and always found him honest, they would be glad to set him to work again.

These facts were made known to the court when his trial came on in the Special Sessions, and he was permitted to return to his work again and retain his good name.

11. A German, thirty years of age, well educated, speaking four languages, came to this country two years ago, a sailor in a merchant ship. He did not mean to stay in this country, but was discharged, being sick. He took a situation, but did not get on well, and disposed of every thing he had, was destitute and starving two days without food, and in the Central park made an attempt at larceny from the person, acknowledged his guilt and was sent to prison for one year. This man says he does not intend to be a thief, it is not in his nature. Where he was employed before he went to prison, he was trusted and took nothing. We assisted this man to clothing, board and lodging to the amount of \$78. He obtained a situation and is now doing well. We make extracts from two or three of his letters to us.

February 24, 1880.

"DEAR SIR—Notwithstanding my efforts in all directions I have as

[Sen. Doc. No. 74.]