

FIFTY-FIRST ANNUAL REPORT

OF THE

PRISON ASSOCIATION

OF

NEW YORK.

FOR THE YEAR 1895.

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TRANSMITTED TO THE LEGISLATURE, APRIL 28, 1896.

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IN SENATE.

APRIL 28, 1896.

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PRISON ASSOCIATION OF NEW YORK,

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STATE OF NEW YORK.

PRISON ASSOCIATION OF NEW YORK,  
No. 135 EAST FIFTEENTH STREET, NEW YORK CITY. }

HON. CHARLES T. SAXTON, *Lieutenant-Governor* :

Sir.—In accordance with chapter 162, of the Laws of 1846, we have the honor to present herewith the fifty-first annual report of the Prison Association of New York, and to respectfully request that you will lay the same before the Legislature.

Respectfully yours,

CHARLTON T. LEWIS,

*President.*

W. M. F. ROUND,

*Corresponding Secretary.*

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\* Deceased.

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\* Deceased.

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Residence, Albany.—Rt. Rev. W. C. Doane, Rev. W. W. Battershall, D. D., John H. Van Antwerp, Dudley Olcott, Abraham Lansing, Dr. Albert Vander Veer, James F. Tracey and James Fenimore Cooper. Bishop Doane, chairman; Dean Sage, treasurer; James Fenimore Cooper, secretary.

Committees on jails and station houses.—Robert C. Pruyn, chairman; Dr. Vander Veer, Abraham Lansing, Matthew Hale, Townsend Lansing.

Committee on penitentiary.—Dean Sage, chairman; James F. Tracey, Dudley Olcott.

Executive committee.—Bishop Doane, Dean Sage, James Fenimore Cooper, Robert C. Pruyn.

### ALLEGANY COUNTY.

To be appointed under the new rules.

### BROOME COUNTY.

Residence, Binghamton.—Dr. John G. Orton, E. N. Loomis, E. K. Clark, D. H. Carver, J. W. Manier, Charles Wilkinson, Julius Rogers, Dr. F. W. Putnam, Dr. J. H. Chittenden, H. M. Beecher, C. R. Williams, E. C. Tichener.

### CATTARAUGUS COUNTY.

To be reorganized.

## CAYUGA COUNTY.

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Residence, Union Springs.—Mrs. Mary H. Thomas.

Residence, Weedsport.—Homer Rhenbottom.

Residence, Aurora.—Lansing Zabriskie.

Residence, Willowbrook.—Mrs. E. T. Throop-Martin.

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Residence, Fredonia.—M. S. Moore.

Residence, Westfield.—Alfred Patterson.

Residence, Jamestown.—Hon. Jerome C. Preston.

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Residence, Keeseville.—Hon. Henry Kingsland, 2d.

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## GREENE COUNTY.

To be appointed.

## HAMILTON COUNTY.

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ANNUAL REPORT OF THE  
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To be appointed.

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To be appointed under new rules.

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Residence, Tomkins Cove.—Walter T. Searing, Mrs. Laura Wood.

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To be appointed.

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Residence, Seneca Falls.—Charles A. Hawley.

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To be appointed.

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ANNUAL REPORT OF THE  
SUFFOLK COUNTY.

To be appointed.

SULLIVAN COUNTY.

To be appointed.

TIOGA COUNTY.

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Suggestions for Local Co-operative County Committees  
of the Prison Association of New York.

1. Committees are expected to organize within one month after their appointment, meeting at the call of one of their number to be designated by the corresponding secretary of the association, and to elect a chairman, secretary and treasurer.

2. Committees are expected to have stated meetings at least semi-annually, and to keep the corresponding secretary informed of the date of such regular meeting; should any special meeting be held, it is requested that notice of the same be given to the general office.

3. Local committees are expected to inspect, at least twice a year, the jails, station houses, prisons and penitentiaries in their respective counties, and to take cognizance of, and report at this office, as to the discipline, maintenance, moral and sanitary condition, and to promptly notify the corresponding secretary at other times of any failure on the part of the local authorities to comply with the laws as to the governance and keeping of prisoners, should such failure come to their knowledge. They are further expected to make such suggestions, from time to time, as

will help the association to carry out the purposes for which it was organized.

4. They are, at the stated meetings, requested to give full discussion to any plans of The Prison Association that may be submitted to them by the executive committee, to estimate as far as possible, the feeling of their respective neighborhoods regarding any such plans, and to help the association's work by creating a right public sentiment as to prison discipline and the criminal class.

5. They are requested to collect and forward to the office of The Prison Association such printed reports of local institutions as are obtainable, and such extracts from local publications as bear upon penological matters.

6. They are expected, by sub-committees, to see that suitable moral and religious instruction is provided in the jails, to collect and distribute reading matter to prisoners, to investigate complaints of ill-usage, to report to this office the cases of such as seem unjustly accused, or badly treated.

7. It is the purpose of The Prison Association to hold an average of at least one public meeting within each two years in every county of the State, and the local committees are expected to secure the co-operation of clergymen and others in making arrangements for such a meeting.

8. It is most urgently requested that each county committee do its utmost to increase the membership of the association, and aid in extending its influence.

9. Committees are requested to send annually to the association a list of the names of the prominent citizens of their respective counties, to whom the reports and miscellaneous documents of the association may be sent.

10. It is the policy of The Prison Association, and has been from its organization, to secure reforms and the correction of abuses—so far as it can be done—through the co-operation of officials. The local committees, are, therefore, so far as they represent the association, expected to cultivate relations of mutual helpfulness with sheriffs and jailors, and to aid them in every way

possible, in the promotion of right discipline in the county institutions.

11. Local committees can greatly aid the general agent of the society by reporting to the office of the association the names of any in their respective neighborhoods who are willing to employ discharged convicts who give satisfactory evidence of a desire to reform. They are also requested to furnish the names of those who employ skilled or unskilled labor, in order that direct communication may be made with them from this office.

12. They are urged to secure as large a local observance as possible of Prison Sunday (the last Sunday in October), and to send printed reports of such observance to this office for filing.

13. Through sub-committees to give such counsel and help as they are able to prisoners discharged from the local correctional and penal institutions.

These suggestions are printed here, not only for the benefit of the local committees themselves, but to indicate to others the special forms of helpfulness which they render in carrying on the work of the association. Through them it reaches into every county in the State as a vital and ever-present force.

In making up the annual report (to November 1st of each year), it is desirable that the reports of county committees be sent in as early as November 15th, and in order to facilitate filing, it is requested that they be written on foolscap paper, and on one side of the sheet only.

Committees will confer a favor by notifying the undersigned at once of any changes in their organization.

Without wishing to dictate as to the time for the stated meetings of local committees, the corresponding secretary would beg leave to suggest that these meetings be held early in October and May.

We specially hope that during the coming year you will secure the introduction of some systematic labor into your county jails.

We have undertaken to collect a library for every county jail in the State, where the county authorities or our own committees will guarantee that the books will be properly cared for. Will

you confer with your county authorities in this matter? A book-case must be provided and someone designated who will take care of the library.

W. M. F. ROUND,

*Cor. Sec. P. A., N. Y.*

## TREASURER'S ACCOUNT

FOR THE YEAR ENDING OCTOBER 31st, 1895.

*Dr.*

Donations .....	\$6,019 01	
Bequest, estate of Cordelia Martin Duke.	4,055 73	
New York State Reformatory.....	1,200 00	
Rents .....	531 75	
Burnham Industrial Farm.....	500 00	
Board of Estimate and Apportionment..	300 00	
Balance in Mechanics' National Bank,		
Oct. 31, 1894 .....	223 00	
		\$12,829 49

*Cr.*

Expenses of agency in New York City for discharged convicts and persons under arrest .....	\$3,148 79	
Expenses of State organization, person and jail inspection and county work (including \$1,758.33 of arrears of 1894)..	5,710 05	
Interest on \$6,500 mortgage on 135 East 15th street .....	325 00	
Water rent on 135 East 15th street.....	19 00	
Payment on account of principal of \$6,500 mortgage on 135 East 15th street	2,500 00	
House expenses .....	180 06	
Balance in Mechanics' National Bank,		
Oct. 31, 1895 .....	946 59	
		12,829 49

We certify that we have examined the accounts and vouchers of Cornelius B. Gold, Treasurer, and find them correct. In the

period covered by the above report a contingent deposit of \$1,163 additional has come into the Treasurer's possession, but is not included in gross receipts because not yet properly part of the funds of the association.

JAMES McKEEN,  
JOHN WM. HUTCHINSON, } *Auditing Committee.*

*Donations.*

Grace Church of New York.....	\$240 00
Mrs. Alexander Miller .....	10 00
Rev. A. M. Prentice.....	1 00
Mrs. F. Hunton .....	2 00
Anon, Trenton, N. J.....	1 00
Louise Easton .....	25 00
Calvary Baptist Church of Albany, N. Y.....	10 00
Rev. A. O. Sewall.....	2 00
Samuel T. Carter .....	10 00
Mrs. C. M. Meserole .....	25 00
Phillip J. Mosenthal .....	5 00
J. B. C. In Memoriam.....	10 00
Mrs. C. C. Tiffany.....	10 00
Mrs. Robert Hoe .....	10 00
Wm. Alexander Smith .....	10 00
Mrs. Stanford White .....	10 00
George N. Curtis .....	50 00
John J. McCook .....	10 00
Edward Lauterbach .....	10 00
Mrs. Helou L. Deas .....	5 00
Mrs. M. L. Ewen .....	20 00
Miss Alice Keteltas .....	20 00
C. H. Coster .....	25 00
Mrs. A. E. Brice .....	5 00
James J. Goodwin .....	25 00
Thomas G. Shearman .....	10 00
Rev. D. Stuart Dodge .....	20 00
Frédéric R. Coudert .....	5 00

Mrs. Henry Dormitzer .....	10 00
Wm. C. Lobenstine .....	18 57
Estate of Cornelia R. Strong .....	100 00
William Colgate .....	25 00
Charles T. Root .....	5 00
Leopold Wallach .....	10 00
Church of Christ .....	7 00
Francis T. Garrettson .....	5 00
S. V. White .....	20 00
Church of Ascension .....	14 69
B. Ogden Chisolm .....	25 00
Mrs. M. Fay Peirce .....	2 00
John Greenough .....	10 00
Alfred L. Beebe .....	5 00
Geo. Blumenthal .....	15 00
General John Cochrane .....	5 00
Horace White .....	10 00
Anonymous .....	1 00
John S. Kennedy .....	100 00
Mrs. John Wagner .....	5 00
Mrs. J. F. Dillon .....	5 00
Theodore L. DeVinne & Co.....	5 00
Samuel Maceaulay Jackson .....	250 00
Henry W. DeForest .....	100 00
M. Bayard Brown .....	250 00
W. T. Lusk, M. D. ....	5 00
Engene Smith .....	50 00
Cornelius B. Gold .....	100 00
E. W. Southworth .....	100 00
John D. Crimmins .....	100 00
Edward W. Southworth .....	150 00
Mrs. Edwin Parsons .....	5 00
Mrs. D. B. Van Emburgh .....	5 00
Mrs. Mary E. Lusk .....	5 00
Adrian Iselin .....	100 00
Dean Sage .....	100 00

Dr. Felix Adler .....	50 00
George S. Fraser .....	25 00
Wm. R. Stewart .....	10 00
Mrs. Anna C. Alden .....	10 00
Rev. John P. Peters .....	10 00
John Wm. Hutchinison .....	50 00
W. P. Letchworth .....	50 00
Grace Gurnee Scott .....	5 00
Lispenard Stewart .....	100 00
Mary D. Van Winkle .....	10 00
Samuel P. Avery, Jr. ....	10 00
Hon. Addison Brown .....	10 00
John S. McLean .....	10 00
Mrs. Titus B. Meigs .....	10 00
Mrs. A. E. Breese .....	5 00
F. F. Woodward .....	10 00
Mrs. W. H. Osborn .....	10 00
Rev. E. A. Hoffman .....	10 00
Mrs. Henry V. Parsell .....	10 00
J. Hampden Robb .....	100 00
Mrs. S. R. Lesher .....	5 00
J. M. Andreini .....	10 00
Miss E. Aymar .....	10 00
Mrs. Helen C. Brush .....	25 00
Mrs. Andrew Findlay .....	5 00
B. Ogden Chisolm .....	100 00
W. E. Montgomery .....	5 00
Mrs. Francis Lynde Stetson .....	10 00
Egerton L. Winthrop .....	20 00
Anson Phelps Stokes .....	25 00
Mrs. Sarah E. Lester .....	5 00
George A. Clark & Brother .....	10 00
A friend .....	25 00
J. Davenport .....	5 00
Rev. Wm. W. Weller .....	75
John Farrel .....	5 00

Dr. C. Burden .....	2 00
Samuel Auchmuty Tucker .....	50 00
Mrs. M. N. Perkins .....	10 00
Cornelius D. Wood .....	100 00
John W. Thompson .....	10 00
Robert Hoe .....	10 00
Wendell Prime .....	100 00
James Kyle & Sons .....	5 00
Henry Hildburgh .....	10 00
Mrs. M. S. Rogers .....	5 00
Henry Heide .....	10 00
Mrs. Henry Draper .....	10 00
Mrs. Frederic Goodridge .....	10 00
C. H. Contoit .....	10 00
Mrs. Walter Geer .....	10 00
H. C. Schwab .....	10 00
H. J. Hayden .....	25 00
William Hall's Sons .....	10 00
Woodbury G. Langdon .....	25 00
Andrew C. Zabriskie .....	50 00
Abram S. Hewitt .....	10 00
Mrs. C. Cahn .....	5 00
C. H. Dodge .....	25 00
Mrs. Elizabeth Lynes .....	10 00
Dr. Charles McDowell .....	5 00
Mrs. W. Wheeler Smith .....	10 00
"M. Cash" .....	10 00
Z. R. Brockway .....	25 00
Albert Crane .....	50 00
Mrs. Thomas Crane .....	50 00
A. W. Kelley .....	10 00
Miss Penfold .....	10 00
Walter S. Keneys .....	10 00
Clarence M. Hyde .....	25 00
Rev. M. A. Corrigan .....	50 00
Robert Carter .....	10 00

William S. Sloan .....	20 00
James Brand .....	10 00
Bradley & Smith .....	10 00
Albert E. Colfax .....	5 00
E. P. Dutton .....	10 00
Mrs. J. Blair Scribner .....	15 00
Dr. E. B. Foote .....	5 00
Mrs. E. V. S. Winthrop .....	10 00
Wm. J. Quinlan, Jr .....	10 00
Miss Susan H. B. Spring .....	5 00
Vermilye & Co. ....	10 00
Samuel M. Hyde .....	10 00
Anna C. Clinch .....	10 00
Mrs. Henry G. DeForest .....	10 00
Wm. H. Taylor .....	10 00
Thomas H. Bauchle .....	10 00
Mrs. George Forest Butterworth .....	5 00
John G. Floyd .....	10 00
Geo. E. Chisolm .....	10 00
James H. Benedict .....	10 00
Mrs. Scott Foster .....	10 00
M. H. Beers .....	10 00
Mrs. H. R. Kunhardt .....	10 00
R. H. L. Townsend .....	10 00
Howard Mansfield .....	10 00
Ellen Collins .....	10 00
Ferris J. Meigs .....	5 00
A. B. Proal .....	10 00
Dr. Edmund S. F. Arnold .....	5 00
John Crosby Brown .....	10 00
Augustin Daly .....	10 00
C. D. DuBois .....	10 00
Mrs. Edward C. Moore .....	5 00
Rev. N. W. Conkling .....	5 00
Henry Talmadge .....	5 00
Phebe Anna Thorne .....	20 00

Rev. W. S. Rainsford .....	10 00
Mrs. G. Schwab .....	10 00
Kunhardt & Co. ....	10 00
John Bently .....	10 00
Middleton & Co. ....	10 00
Dorman B. Eaton .....	10 00
G. L. Rives .....	10 00
Frank Dean .....	10 00
Mary W. Henderson .....	10 00
Mrs. John H. Jacquelin .....	10 00
John E. Parsons .....	10 00
Mrs. Joseph Milbank .....	50 00
Seth Low .....	10 00
Mrs. J. A. Edgar .....	5 00
Henry Holt .....	10 00
Mrs. D. B. Whitlock .....	10 00
Wm. D. Ellis .....	5 00
Frederick Uhlmann .....	10 00
Louisa Lee Schuyler .....	10 00
Tiffany & Co. ....	10 00
H. G. Marquand .....	5 00
Miss Serena Rhineland .....	200 00
W. A. Schmitthenner .....	2 00
Frederick G. Swan .....	10 00
James M. Constable .....	10 00
Dr. J. McE. Wetmore .....	10 00
Rev. Arthur Brooks .....	10 00
Church of the Incarnation .....	100 00
Mrs. E. H. Van Ingen .....	10 00
Mrs. Thomas Garner .....	10 00
Gillis & Geoghegan .....	10 00
W. F. Chrystie .....	10 00
E. F. Gilliland .....	1 00
Dr. T. Gaillard Thomas .....	10 00
Wm. Ives Washburn .....	5 00
Robert S. Holt .....	10 00

Chas. J. Coulter .....	10 00
Wm. Bispham .....	10 00
Franklin B. Lord .....	10 00
James McGee .....	10 00
A. F. Braidich .....	10 00
John I. D. Bristol .....	10 00
T. G. Sellew .....	10 00
Mrs. Isidor Wormser .....	10 00
M. Clarkson .....	25 00
Anon .....	2 00
Henry Burden, 2d .....	10 00
Mrs. Caroline O'Neill .....	10 00
Michael Brennan .....	10 00
Mrs. E. M. Crosby .....	5 00
Robbins Little .....	5 00
Dr. W. T. Alexander .....	5 00
Wm. Openhym & Sons .....	10 00
Mrs. N. E. Baylies .....	10 00
Mrs. Joseph W. Harper .....	10 00
Annie L. Merriam .....	5 00
Mrs. W. S. Opydyke .....	5 00
John S. Hayler .....	10 00
Mrs. Jesse Seligman .....	5 00
Mrs. J. W. Wheeler .....	10 00
Morris K. Jessup .....	50 00
Miss Olivia E. P. Stokes .....	50 00
M. A. Stone .....	10 00
A friend .....	5 00
Wm. Hustace .....	25 00
Theron G. Strong .....	25 00
Frederick E. Hyde .....	50 00
Mrs. James McCreery .....	10 00
The Century Co. ....	10 00
Robert W. DeForest .....	10 00
Wm. F. Cochran .....	100 00
Dr. Joseph F. Land .....	5 00

Wm. M. Evaris .....	10 00
'Anonymous .....	1 00
E. H. R. Lyman .....	10 00
D. D. Parnly .....	10 00
Dr. A. T. Muzzy .....	3 00
Fitz Hugh Whitehouse .....	10 00
J. H. Hamersley .....	25 00
Thos. H. O'Connor .....	50 00
E. G. Selchow .....	10 00
"Cash" .....	10 00
Geo. G. Wheelock .....	10 00
F. S. W. ....	10 00
Speyer & Co. ....	10 00
Robert Graham Dun .....	50 00
A. C. Gurnee .....	10 00
Mrs. L. F. West .....	50
Robert L. Maitland .....	10 00
Wm. F. King .....	10 00
E. F. Milliken .....	10 00
Schieffeln & Co .....	10 00
J. Stickney .....	10 00
Arnold, Constable & Co. ....	25 00
Samuel P. Avery .....	10 00
Rev. O. S. Chamberlayne .....	2 50
E. C. Bogert .....	100 00
Robert Jaffray .....	10 00
The Cook & Bernheimer Co. ....	10 00
Mrs. Mary F. Payson .....	10 00
Samuel G. Carter .....	10 00
Rev. C. D. W. Bridgman .....	5 00
John Simmons Co. ....	10 00
J. Montgomery Hare .....	5 00
Samuel D. Babcock .....	10 00
Wm. E. Dodge .....	25 00
Samuel Thorne .....	10 00
Miss Letitia Hanson .....	10 00

Mrs. H. D. Aldrich .....	10 00
Mrs. John Wolfe .....	10 00
G. W. Knowlton .....	50 00

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\$6,019 01.

*Other Donations.*

Louis B. McCagg .....	Clothing.
C. W. Loomis .....	Clothing and reading matter.
J. B. Weir .....	Reading matter.
G. H. McKibbin .....	Clothing.
W. Harmon Brown .....	Clothing.
255 Madison avenue .....	Clothing.
Hon. W. J. Coombs .....	Clothing.
L. C. F. Williams .....	Clothing.
Miss H. A. Crouch .....	Clothing.
Mrs. L. D. White .....	Reading matter.
Miss Taylor .....	Reading matter.
Miss E. M. Gillies .....	Reading matter and clothing.
36 West 36th street .....	Clothing.
37 West 35th street .....	Reading matter.
Mrs. F. S. Smithers .....	Clothing.
Mrs. W. H. Arnold .....	Clothing.
Miss C. D. Earle .....	Reading matter.
Gen. John Cochrane .....	Clothing.
Mrs. J. W. Tappin .....	Clothing.
M. Bergman .....	Reading matter.
108 East 31st street .....	Clothing.
Miss Henrietta M. Schroeder .....	Reading matter.
King's Daughters .....	Reading matter.
Anon .....	Reading matter.
Mr. Rutherford .....	Clothing.
Mrs. L. Elmendorf .....	Reading matter.
Mrs. Van Euren .....	Reading matter.
124 West 57th street .....	Reading matter.
Mrs. E. B. Parmele .....	Reading matter and clothing.

Mrs. F. R. Lawrence .....	Clothing.
Mrs. H. Auchincloss .....	Reading matter.
Mrs. F. R. Couderc .....	Reading matter.
Mrs. Adele .....	Reading matter.
Mrs. F. B. Robinson .....	Reading matter.
Mrs. A. H. Smith .....	Clothing.
Mrs. C. F. Hoffman .....	Reading matter.
Dr. T. Halsted Myers .....	Clothing.
Mrs. McC. Butt .....	Reading matter.
A. D. Woodruff .....	Reading matter.
Mrs. E. Strauss .....	Reading matter.
Mrs. J. H. Jacquelin .....	Clothing.
A. C. Zabriskie .....	Clothing.
Mrs. Geo. Anstin Morrison .....	Clothing and reading matter.
Miss Salisbury .....	Reading matter.
Henry T. Pierce, M. D. ....	Clothing and reading matter.
J. G. Flagg .....	Clothing and reading matter.
Mrs. Eugene Smith .....	Clothing.
B. T. Downes .....	Clothing.
Mrs. P. Merrill .....	Clothing.
Mrs. Thomas D. Robinson .....	Clothing.
John Tatlock, Jr. ....	Clothing.
Henry Ling Taylor, M. D. ....	Clothing.
Geo. C. Holt .....	Clothing.
Mrs. H. E. Borot .....	Furniture, clothing, and reading matter.
Benj. O. Chisholm .....	Clothing.
B. W. Loomis .....	Clothing.
Hospital, B. & N. Society .....	Reading matter.
Mr. Leeser .....	Lumber, stove, ice box, etc., etc.
Mrs. M. W. Benjamin .....	Clothing.
Mrs. Howard Clarkson .....	Clothing and reading matter.
Mrs. Van Tassell .....	Clothing and reading matter.
54 Convent avenue .....	Clothing.
Mrs. L. Joseph .....	Clothing.
E. B. Snyder .....	Clothing and reading matter.
E. St. John Hays .....	Clothing and reading matter.

J. E. Serre, D. D. S.	Clothing and reading matter.
G. W. Canfield	Clothing.
Mrs. W. A. McVicker	Clothing.
9 West 37th street	Clothing.
Mrs. B. A. Sands	Clothing
Mrs. Emery	Clothing.
Mrs. Horace White	Clothing.
E. C. Bogert	Clothing.
Mrs. C. W. Machen	Clothing.
Mrs. D. B. Van Emburgh	Clothing.
Dr. Henry Tuck	Clothing.
J. Watson	Clothing.
J. R. Franklin	Clothing.
W. H. Heroy	Reading matter.
Hon. John Lewis Childs	Flowers for garden.
Chas. B. Meyer	Clothing.
37 East 65th street	Clothing.
E. L. Godkin	Clothing
Mrs. C. H. Wesson	Clothing.
Mrs. L. Friend	Clothing and reading matter.
Miss Kendall	Reading matter.
M. W. Owens	Reading matter.
M. Davison	Reading matter.
Mrs. Ely	Reading matter.
Mrs. Froment	Reading matter.
Mrs. John C. Martin	Clothing and reading matter.
Miss M. D. Van Winkle	Reading matter.
70 East 56th street	Clothing.
Mrs. Emerson	Clothing.
J. G. Skinner	Reading matter.
C. J.	Clothing.
R. Jaffray	Clothing.
Mrs. Van Tassell	Clothing and reading matter.
E. B. Bartlett	Clothing.
Mrs. T. Schener	Reading matter.
Mrs. W. C. Crane	Clothing.

S. P. Avery	Clothing.
W. L. Findley	Clothing.
E. L. Purdy	Clothing and reading matter.
Mr. Burger	Clothing.
Miss H. M. Thompson	Clothing and reading matter.
Mrs. W. C. Crane	Clothing and reading matter.
124 West 57th street	Reading matter.
Mrs. M. W. Small	Reading matter.
Mrs. Charles P. Knevals	Clothing.
H. L. Taylor, M. D.	Reading matter.
Mrs. E. B. Pooth	Clothing.
F. G. Wiechmann	Reading matter.
Mrs. E. Sedgwick	Reading matter.
117 West 145th street	Clothing.
Mrs. C. A. Kinch	Clothing.
C. C. Smith	Clothing.
Mrs. Slaven	Clothing and reading matter.
Anon, Jackson's Express	Clothing.
129 West 45th street	Clothing.
H. K. Bull	Clothing.
855 President street, Brooklyn	Clothing.
Mrs. W. Benjamin	Reading matter.
J. A. Merrill	Reading matter.
Mrs. Jonathan Odell	Reading matter.
Miss E. B. Allen	Reading matter.
Frederick B. Elliott	Clothing.
Anonymous	Reading matter.
E. H. Chauncey	Clothing.
T. J. O'Connor	Reading matter.
W. W. Hoppin	Clothing and bedding.
J. C. O'Connor	Clothing.
Anonymous	Clothing.

## Charter of the Prison Association of New York.

AN ACT to incorporate the Prison Association of New York.

Passed May 9, 1846, 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 \$10,000, 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 alterations in the mode therein prescribed.

### ARTICLE I.

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or States.

3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

### ARTICLE II.

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

### ARTICLE III.

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

### ARTICLE IV.

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

### ARTICLE V.

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

## ARTICLE VI.

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

## ARTICLE VII.

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

## ARTICLE VIII.

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

## ARTICLE IX.

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

## ARTICLE X.

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

## ARTICLE XI.

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

The officers 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 compensation for his services.

3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city, as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects; and the said executive committee shall have the same power 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 workhouse, 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 workhouse, 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 workhouse, 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 trade and employment 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 invested in 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 action 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 the 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.*

\* See section 21.

## STATE OF NEW YORK.

IN SENATE, *May 8, 1846.*

The 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 24, 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.

A. C. CRAIN,

*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.

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

\* See section 29 in last revision.

## By-laws of the Prison Association of New York.

I. There shall be a stated meeting of the executive committee on the third 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 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 on finance, a committee on detention, a committee on discharged convicts and a committee on prison discipline.

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

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.

2. To audit all bills against the association; and no bills shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.

3. To audit and report upon the treasurer's accounts annually.

4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

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

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 of 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 and 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 secure 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 the 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.

The Prison Association of New York in accordance with the provisions of its charter herewith presents to the Legislature its Fifty-first Annual Report.

A detailed record of much of its routine work will be found in the reports of its standing committees on detention and on the care of discharged prisoners, its co-operative county committees and also in the reports of special committees. These, however, give but a faint idea of the steady work that the Prison Association has been doing. It has made constant efforts to shape public opinion, to suggest proper legislation and to promote measures of penal and corrective administration.

#### INSPECTION.

As heretofore, the penal institutions of the State have been examined either by officers of the association or its co-operative county committees. In several important cases inspections have been made by the corresponding secretary or by special committees appointed by the society. The report of one such special committee appointed to examine the penal institutions of New York city and county will be found further on. Attention is specially called to the suggestions made in that report.

#### RELIEF.

In the report made by the chief clerk and general agent of the association, Mr. D. E. Kimball, it will be seen that in the department of counsel and relief there has been a large work done. The cases quoted by Mr. Kimball are but a very few of those recorded in the books of the association. The necessity of an agent in the courts and in the Tombs was never more apparent than now. We hope during the coming year greatly to increase the work in this direction. It will be seen also that more discharged prisoners have been helped in finding employment than ever before; more meals have been given, more clothing, more counsel. These phases of our work are always most pressing, and the association is now widely recognized by that class of unfortunates who

need its help, and who, without some temporary assistance, become discouraged and a menace to their own welfare and to society.

The office of the association has been, as heretofore, the reporting office of the State Reformatory at Elmira, and 278 cases are recorded on our books, an examination of which would convince the most sceptical of the large and useful work of that institution.

#### LIBRARY.

The library of the association has grown with the rapid issue of penological publications. It is constantly consulted by those having need of special information as to penological and criminological subjects. It has been enriched by the reports and publications of the last international prison congress at Paris, at which both the president and the corresponding secretary of the society were present as delegates from the United States Government. For the growth and arrangement of the library much credit is due to Rev. Samuel M. Jackson, LL. D., chairman of the library committee.

#### THE BERTILLON SYSTEM.

Early in January there was called by the executive committee a conference to consider the merits and adoption of the Bertillon anthropometric system for the identification of criminals. The State prison commission and the police departments of various cities and the department of prisons participated in this conference. Papers were read by Dr. Paul R. Brown of the U. S. Army, by Major R. W. McClaghrey, former chief of police of Chicago, who also gave a practical exposition of the method employed in taking measurements of criminals, and in the registration of the same. Great stress was laid upon the large advantages that had accrued to the countries that had already adopted the system. There had been a great reduction of criminals in the large cities of France, Belgium and Switzerland, and it was shown that a



twenty-nine of Article third of the constitution is hereby amended so as to read as follows:

Sec. 29. All prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State shall be kept occupied and employed at labor; and on and after the first day of January, eighteen hundred and ninety-seven, no such prisoner shall be allowed or required to work at any trade, industry or occupation wherein or whereby his labor or time shall be farmed out or contracted to any person, firm, organization or corporation. The Legislature shall provide for the employment of such prisoners as far as practicable, upon public works, or in the manufacture of supplies required for the use of institutions owned or managed and controlled by the State or any political division thereof.

WHEREAS the foregoing amendment to the constitution was proposed in the Senate and Assembly at the session of the Legislature in the year 1895 and was agreed to by a majority of the members elected to each of the two houses, and said proposed amendment was entered on their journals and the yeas and nays taken thereon and referred to the Legislature to be chosen at the next general election of Senators and published for three months previous to the time of making such choice, and

WHEREAS such proposed amendment has been agreed to by a majority of all the members elected to each of this, the said Legislature to which it was referred.

Resolved that the said proposed amendment be submitted to the people for approval at the next general election, to be voted on as prescribed by law.

The labor provisions of the Fassett law, now existing on the statute books, which are annulled by the constitution and which we seek to restore, were prepared with very great care and after consultation with all interested parties concerned in prison management and with leaders of the organized labor movement; they were framed to provide for the discipline of systematic labor in the prisons under such conditions as should least interfere with the rights of the honest laborer outside the prisons.

The law made provisions for systematic labor, and for such a kind as would fit the person to maintain himself by honest industry after his discharge from imprisonment. It also provided that "the total number of prisoners employed at one time in manufacturing one kind of goods which are manufactured elsewhere in the State should not exceed 5 per cent. of the number of all prisoners within the State employed in manufacturing the same kind of goods." The basis of estimate being the figures of the last United States census, or State enumeration. Industries in which no more than fifty free laborers within the State were engaged, were prohibited under the bill. The iron and hollowware industries, the manufacture of stoves, and of boots and shoes were also protected by the further limitation, that not more than one hundred prisoners should be employed within all the prisons of the State in these industries. Under this provision there has been no serious competition between prison industries and industries carried on outside of the prisons. It has been found by careful examination that in the matter of tailoring, that the prison labor as compared with outside labor has been represented by eight-tenths of one per cent.; furniture-making by one and one-fourth per cent.; farming by two and one-fourth per cent.; box-making by one-tenth of one per cent.; shoe-making by three-fifths of one per cent.; broom-making by three-fourths of one per cent.; saddlery and harness-making by two per cent.; shirt-cutting by one and six-tenths per cent. These figures, of course, apply to the State prisons proper and not to the penitentiaries. It is admitted that special legislation is necessary to regulate their industries. The total number employed in the prisons as compared with these industries outside is one and eight-tenths per cent.

Let us suppose, gentlemen, that you do not again pass the resolution which restores the Fassett law. What will be the result? The alternative is embodied in what is known as the Wilcox bill. It is a bill, excellent in many of its features, and has been prepared by the State prison commission; it provides that all the labor of the prisoners shall be expended on public works or work,

that the same shall generally be done for the public institutions of the State and of the political divisions of the same. It makes it mandatory for all institutions to purchase their manufactured supplies from the State prisons under conditions and prices to be fixed by a board consisting of the lunacy commission, the comptroller, the superintendent of prisons and the State prison commission.

It has been maintained that the provisions of this bill made binding alike upon the prison authorities of the State and all the institutions of the State, and the political divisions thereof, will furnish adequate employment for all the able-bodied prisoners in the penal establishments inclusive of the penitentiaries. If it would do so, but little fault could be found with the measure, as a great variety of industries could be introduced into the prisons suited to the capacity of every class of prisoner, and supplies could be furnished directly to the institutions named without the added profit of the middle men. The machinery required in clerks and accountants to carry out this law would be somewhat intricate and expensive, but if it would carry out in a perfectly ideal way all that the framers of the law hoped for it would accomplish in its administration, it would still leave a very large proportion of the prisoners unemployed. The very best experts in practical penology, having examined the bill, agree, that with the penitentiary population added to the prison population of the State, not more than one-third of the able-bodied prisoners could be found in employment. There are in our State prisons 3,700 persons, the number varying from day to day; in our penitentiaries 4,500; in the State reformatories 1,300, making in round numbers 9,500 persons. If 3,100 of them were employed under the provisions of the Wilcox bill, there would still be left 6,400 unemployed, to be demoralized in their idleness, to be driven in many cases to lunacy, and their support thrown upon the honest taxpayers. Only those who have had practical experience in the management of prisons, or close observation of their needs, can understand the utter demoralization of this class that is caused by idleness. There is no like-

liness of restoration with the systematic labor and a long unemployed term unfits the prisoner more and more to make his own way in an upright self-supporting and self-respecting manner.

But suppose that all of the 9,500 prisoners could be employed; whenever one of them does a day's work there is the inevitable competition of a day's work with honest labor outside of the prison. Under the old law, 75 per cent of the labor of the State prisons was represented by products that were sold outside the State. If they are employed simply to provide the supplies for the institutions within the State, the product of their labor is thus disposed of within the State; the labor of 9,500 men is brought into competition with 9,500 citizens of the State of New York. In other words we bring all the competition within the borders of our own State.

And again let us suppose that the 9,500 men could all be employed in the prisons, and as provided by this law we would be doing a grievous wrong to another class of institutions, who now find a system of employment in producing their own supplies. I refer to the State Asylums for Insane, having a census of 21,000, and making on a basis of fifty or sixty per cent. of their own supplies, employing twenty-five per cent. of their inmates to their own advantage. If they are obliged to make a requisition for all their own supplies and they are not furnished by the employ of the convicts of the prisons, we may expect our State asylum to go back to the terrors of the restraint chair and the State commission of lunacy had better order at once the window bars to be placed on their institutions, and ask at once for larger sums for their support.

There is another reason why this concurrent resolution asking that the usual system of productive labor may be restored to the prisons should pass this year's Legislature. It has never been submitted to the people, and the intelligence of the people can be depended upon where their interests are so plainly at stake. When the amendment to the constitution was voted upon by the people, it was grouped with other important amendments and could not be thrown out without impairing important and desirable features of the constitution.

Therefore, gentlemen, you cannot be afraid to submit to the popular judgment of those who elected you a question upon which there is a division of opinion, and upon which experts of the highest authority are generally agreed. If you do not permit the people of the State to decide this matter you must answer to them for the following:

First.—For the demoralizing idleness in our penal institutions of nearly 7,000 prisoners and for their return to society helpless and hopeless, unaccustomed to labor, untrained in industry and a menace to all honest people.

Second.—You must answer to the people for depriving the insane asylums of the State of their right to support themselves so far as they can do so by their own labor.

Third.—You must answer to the people of the State for the great inhumanity of forcing nearly 7,000 of your fellowmen into the idle seclusion of their prison cells.

Fourth.—You must answer to the people of the State for your inhumanity in preventing the progress of one of the greatest factors in the care of the unfortunate insane.

Fifth.—You must answer to the taxpayers of the State for greatly increasing the volume of taxation.

Sixth.—You must answer to the workingmen of the State for bringing home within the borders of our own commonwealth, the entire competition which can possibly be made to exist, through the labor of our penal establishments.

It is true also that you, by the passage of the bill that I have named, take from the superintendent of prisons the responsibility which his office under the constitution imposes upon him, and he can create no system of discipline in the prisons that can have beneficent results unless the labor of the prisoners is a part of it.

With great respect, I am, gentlemen,

Your obedient servant,

W. M. F. ROUND,

*Corresponding Secretary.*

## Reports on County Jails.

### ALBANY COUNTY.

Jail at Albany. General condition of the jail is good. Number of prisoners on October 1, 50. There is no systematic labor in the jail. There is entirely adequate separation of young and old offenders, and for male and female prisoners. There have been no escapes during the past year. There are religious services in the jail.

### BROOME COUNTY.

Jail situated at Binghamton. 18 cells in use. Dirty and noisome. 6 men and 3 women waiting trial. Separation of old and young offenders not what it should be. No security whatever. Jail used as a lock-up by the city police. All persons serving sentence of more than six days are sent to Albany penitentiary, where the county pays their board. Association of prisoners in the corridor. So much has been said against this jail in the past that it seems useless at this time to go into particulars. It is a disgrace to the city of Binghamton.

Since this inspection the supervisors have decided to erect a new structure.

### CAYUGA COUNTY.

Jail situated at Auburn, N. Y. The general condition of the jail is good. Number of prisoners on October 1 was 35. Cost to the county per week for the board of prisoners, \$3. There is no systematic labor in the prison. There is no adequate separation of young and old offenders. Religious services are conducted in the jail by the Salvation Army.

## CHAUTAQUA COUNTY.

Jail situated at Mayville. General condition of the jail is good. Number of prisoners on October 1, 20. Cost to the county per week for board of prisoners, \$3. There is no systematic labor in the jail. Religious services are conducted by the Salvation Army.

## CHEMUNG COUNTY.

Jail situated at Elmira. General condition of the jail is good. Number of prisoners October 1, 24. Cost to the county per week for board of prisoners, \$3. There is no systematic labor in the prison. There is no adequate separation for young and old offenders, but it is recommended by the county judge, and action will be taken by the supervisors. Religious services are conducted in the jail by the Rev. M. D. Shelford.

## CHENANGO COUNTY.

Jail situated at Norwich. The general condition of the jail is poor. Number of prisoners on October 1, 12. Cost to the county per week for board of prisoners, \$3.50. There is no systematic labor. There is no adequate separation of young and old offenders. There has been two escapes during the past year by sawing through the roof. Religious services are conducted by the Baptist church.

## CLINTON COUNTY.

Jail at Plattsburg. The general condition of the jail is good in many respects. Cost to the county per week for board of prisoners, \$4.20. There is no systematic labor in the prison. There is no adequate separation for young and old offenders, nor for male and female prisoners. There has been one escape during the past year. Religious services have been conducted in the jail by Mrs. Frances B. Hall.

## CORTLAND COUNTY.

Jail situated at Cortland. General condition of the jail is fair. Number of prisoners on October 1, 3. Cost to the county per week for board of prisoners, \$2.06. There is no systematic labor in the prison, and no adequate separation of young and old offenders. Religious services are conducted in the jail by committees from the various churches.

## DUTCHESS COUNTY.

Jail situated at Poughkeepsie. The general condition of the jail is very good. Number of prisoners on October 1, 17. There is no systematic labor in the jail. There is no adequate separation of young and old offenders. The religious services are conducted in the jail by Rev. Edward Barrett.

## ERIE COUNTY.

Jail situated at Buffalo. General condition of the jail is good. Number of prisoners on October 1, 106. There is no systematic labor in the jail. There is no adequate separation for young and old offenders. The religious services are conducted by the Episcopalians and Catholics, and the Y. M. C. A. for women.

## FULTON COUNTY.

Jail situated at Johnstown. General condition of the jail is good. Number of prisoners on October 1, 10. There is no systematic labor in the jail. There is no adequate separation for young and old offenders, nor male and female prisoners. Religious services are conducted by the Y. M. C. A.

## GENESEE COUNTY.

Jail situated at Batavia. General condition of the jail is good. Number of prisoners on October 1, 10. Cost to the county per

week for board of prisoners, \$3.50. There is no systematic labor in the prison. There is no adequate separation of young and old offenders, and of male and female prisoners. There are no religious services in the jail.

#### JEFFERSON COUNTY.

Jail situated at Watertown. This is a new jail built on the most modern approved plans. Number of prisoners on October 1, 14. Cost to the county per week for board, \$3.20. Adequate separation of young and old offenders, and of male and female prisoners. Religious services are conducted by the Y. M. C. A. every Sunday.

#### LEWIS COUNTY.

Jail situated at Lowville. General condition of the jail is good. Number of prisoners on October 1, 7. There is systematic labor in the jail—playing cards and fiddling. There is no adequate separation for young and old offenders, nor for male and female prisoners. Religious services were conducted by the Y. M. C. A. but were discontinued on account of lack of interest.

#### LIVINGSTON COUNTY.

Jail situated at Geneseo. The general condition of the jail is good. Number of prisoners on October 1, 18. Cost to the county per week for board of prisoners, 20 cents per meal. There is no systematic labor in the jail, nor adequate separation for young and old offenders. Religious services are conducted by the various clergymen of the town.

#### MONROE COUNTY.

Jail situated at Rochester. The general condition of the jail is good. Number of prisoners on October 1, 65. Cost to the county for board of prisoners, \$2.75 per week. Adequate sep-

aration for young and old offenders, and for male and female prisoners. Religious services are conducted by Mrs. Lester A. Bosworth.

#### ONTARIO COUNTY.

Jail situated at Canandaigua. Excellent new brick jail and sheriff's residence, located next to the old jail which is in process of demolition. The new prison is a model one and has a capacity of 64 in the main portion of the prison. There are two tiers of 12 cells each, and in addition there are 4 separate cells; the hall being constructed of boiler iron and steel—very secure; every convenience for a proper separation of the prisoners—if the sheriff chooses to comply with the law in that respect. At the time of the inspection there were 18 inmates, 9 waiting for trial and 9 serving sentences. There is no systematic labor. The food is a little too good for a penal institution. The religious services are conducted by the Y. M. C. A.

As has been said, the Canandaigua jail is indeed a model, both as regards security and cleanliness. Each row of cells has a separate corridor in which the prisoners are permitted to exercise. The general association of the prisoners in the outer corridor, so common in most of the jails in the State, is noticeably absent in this new and modern structure.

#### ORLEANS COUNTY.

Jail situated at Albion. General condition of the jail is good. Number of prisoners on October 1, 3. Cost to the county per week for board of prisoners, \$3. There is systematic labor, that is—playing cards.

#### OSWEGO COUNTY.

General condition of the jail is very good. Number of prisoners on October 1, 33. Cost to the county per week for board, \$2.94. There is no systematic labor in the prison. There is adequate separation for young and old offenders, and for male and female

prisoners. There were three escapes during the past year, effected by sawing through the bars in the windows. The corridors have since been lined with steel. Religious services are conducted by the city missionary.

#### OTSEGO COUNTY.

Jail is situated at Cooperstown. The general condition of the jail is good. Number of prisoners on October 1, 12. Cost per week to the county for board of prisoners, \$3. There is no adequate separation for young and old offenders. They have occasional religious services in the jail.

#### QUEENS COUNTY.

Jail situated at Long Island City. The general condition of the jail is good. Number of prisoners on October 1, 112. There is no systematic labor in the jail. There is entirely adequate separation for young and old offenders, and for male and female prisoners. Religious services are conducted in the jail by Mrs. Hart.

#### SENECA COUNTY.

Jail situated at Waterloo. The general condition of the jail is good. Number of prisoners on October 1, 2. There is no systematic labor in the prison, and no adequate separation for young and old offenders. There are no religious services in the jail.

#### STEBEN COUNTY.

Jail at Bath. The general condition of the jail is good. Number of prisoners on October 1, 38. There is systematic labor—prisoners are required to go out and break stones for the roads. There is no adequate separation for young and old offenders. Religious services are conducted in the jail by the Young People's Society of Christian Endeavor.

#### SULLIVAN COUNTY.

Jail situated at Monticello. Since the last inspection of this jail the supervisors of the county have expended about \$12,000 in much needed improvements to the Court House and jail. We are informed that about \$6,500 was expended in erecting a new cage of steel. The cage fills the building with the exception of two feet. There are six double cells arranged in two tiers, and each cell holds six persons—the beds being canvas-stretchers on frames that fold up during the day. At the time of inspection the building was littered greatly, but was clean. The sanitary arrangements are excellent. There are new and perfect water closets at the end of each corridor. There is no association of the prisoners. Such facilities for separation as would seem necessary for a small county are afforded. There were six prisoners, all waiting for trial at the time of the inspection. Two rooms for women or debtors adjoin the main hall, built on the same plan as the new steel cage of the jail. The entire building is indeed in excellent condition.

#### SCHUYLER COUNTY.

Jail situated at Watkins. Small jail. 8 cells; old, dirty, wooden bedsteads in each. Association of prisoners in the corridors. Comparatively clean for an old building. County pays \$3 board. Complete separation for different classes of prisoners.

#### TIOGA COUNTY.

Jail at Owego. Good stone building. Very secure. Proper separation of prisoners. 15 steel cells that might be kept in very good condition. Jail very dirty at time of inspection. Clean rooms for boys, women and debtors on the upper floor. 9 prisoners. County pays \$3.15 per week for board. Religious services conducted by Mr. Pinney.

#### ULSTER COUNTY.

Jail situated at Kingston. The general condition of the jail is good. Cost per week for board of prisoners, \$2.50. There is

no systematic labor in the prison. There is adequate separation for old and young offenders, and for male and female prisoners. Religious services are held in the jail.

#### WESTCHESTER COUNTY.

Inspected by corresponding secretary and a special committee of the grand jury. So much has been said in former reports concerning this vile jail that it would seem unnecessary to give further particulars, but we have reason to believe that the expose of this year will result in much needed reforms. Many pages of evidence were taken, and the testimony of the physician is appended to this report. The board of supervisors have ordered certain alterations to the jail yard, and hereafter all sentenced prisoners are to be compelled to break stone for making roads—this will reduce the population of Westchester county jail very speedily.

Dr. Charles E. Birch, physician to the jail at White Plains, Westchester county, was appointed by the board of supervisors and has a yearly salary. In speaking of the jail at White Plains he says: "I would condemn it from a hygienic standpoint; there is no adequate ventilation; in almost every instance they are without decent beds—frequently the inmates sleep on the floor. The inmates who are fortunate enough to have mattresses to sleep on say that they are in a filthy condition. I have found inmates asleep several times on the stone floor, and also in the corridors. I have found sick men, who were in no condition to be anywhere excepting in bed, in the same place. I have at present under treatment a man who attempted to commit suicide, but who only succeeded in breaking his knee-bone and had a bad scalp wound. He is now on the floor in his cell, where it is impossible to raise him up or lift him. There is no hospital in the jail and no place to put a man who is sick, no table or chair, no place except the halls and the cells. The halls are dark holes, poorly ventilated—the air is stifling. You cannot trace a fracture or a scalp wound or attend to the comforts of the sick with-

out being surrounded by most all the inmates in the jail. At one time I had to have a turnkey keep the men away while I was at work; I broke out in a profuse perspiration from the gas, which was sickening. I had to have an officer keep the men away from the cell door so that I could see to properly bandage the man. It is not more than just, that a doctor should have a room 12x15 so that he can have a table in order to put a man on and get him in a position where he can work on him; also a table for bandages and facilities for treating wounds. I have also seen men in the jail who have been so filthy and lousy that I have refused to touch them. I refer to one man in particular that came from Port Chester. He had been kicked or fallen down stairs. I thought his rib had been broken and I put my hand under his clothes; I was not satisfied and asked him to take off his clothes, when I found such an accumulation of filth and vermin across his shoulders that I told him to go and clean himself or I would have nothing to do with him.

The prisoners live like brute beasts. They throw tobacco on the floor, they expectorate from the galleries everywhere, and if they do not like the food they throw it in the corridors, in the hallways and, in fact, they have no particular place for throwing it; some of them have vomited on the floor and it has lain there for days. I do not think the facilities are what they should be for a jail. They have a closet and a bathroom. I suggested that they have one or two basins placed in either corner and when these fellows step from the tiers that they go to the corners and wash, but they will not do it. Once in a while the jail gets a cleaning—in a week or ten days' time, but you would be surprised to see how soon it gets dirty again. These fellows have a few coppers and they send out and get tea and coffee. They will send out the pans they get their meals in, and they will start an improvised lamp, made out of a bottle of oil and wick, which makes a nasty smoke which vitiates the air. This is principally done in the cells.

They are huddled together, all the way from four to twelve men in a cell. The cells are not larger than 9x12 (this is the largest) and most of them are 5x6 or 8x9.

So far as sunlight is concerned it is one of the best disinfectants in the world. It is impossible for sunlight to get in there. It is impossible for it to get into the cells. The tiers are narrow and the windows to the jail are narrow. No effort has been made whatever to improve matters under the present administration.

We have usually 200 or 250 inmates, and they generally stay from the middle of February until April or the spring weather sets in—mostly vagrants.

The proper way to improve this jail would be to tear out the interior of it and have an iron cage built, as has been done in some other cases in the State. I have suggested this scheme to the sheriff.

I trace the prevalence of sore-throats and colds to the lack of ventilation and methods of sleeping. Two years ago we had a case of small-pox. We have had a number of cases of malaria.

I attribute the gross neglect of the jail to the board of supervisors. I have never seen a towel in the jail. I can never secure proper nourishment for the sick men. All that can be had is the coarse food of the jail, which no sick person can retain on their stomach. There is no adequate separation for boys and men. You will be surprised to know that there are many there now who mingle with tramps, criminals, etc., etc., who get vicious ideas and become criminals themselves. Many of these vagrants are only too delighted to find a place where they can stay and not feel the pangs of hunger and cold. They will get committed, discharged and then re-committed several times during one winter. If a sheriff lets a dozen out this morning they will go to Port Chester and get re-committed for seven days and be back again to the jail the next. They play cards, smoke, eat, lie around and will not even take the pains to keep themselves clean. If there were proper facilities for locking the prisoners up, that of itself would drive one-half of them away. If they were isolated it would stop their fun and they would go somewhere else.

There is no work of any kind in the jail, and if there was any wood to be cut for their own fire to keep themselves warm, the sheriff must pay them for their labor or they will not do it.

#### WYOMING COUNTY.

Jail situated at Warsaw. The general condition of the jail is very poor. Number of prisoners October 1, 3. Cost to the county per week for board of prisoners, \$4. There is no systematic labor in the prison. Adequate separations for young and old offenders, and for male and female prisoners. There are no regular religious services held in the jail.

#### YATES COUNTY.

Jail situated at Penn Yan. The jail is dirty and dark. The smell throughout the prison is vile. It has eight single and two double cells. 23 prisoners. The sanitary arrangements are the worst possible. The county jail of Yates county is a disgrace and ought to be torn down. There is no separation for young and old offenders. The board is \$3.50, paid by the county. There is no systematic labor. Prisoners are permitted to roam at large through the corridors during the day. It is a shameful condition of affairs.

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REPORT OF A COMMITTEE  
OF THE  
PRISON ASSOCIATION  
APPOINTED TO INSPECT  
THE PENAL INSTITUTIONS  
OF  
NEW YORK CITY.

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## REPORT.

*To the Prison Association of New York :*

The undersigned, constituting the committee appointed to inspect the prisons in New York city, respectfully report as follows:

By a provision of the act incorporating the Prison Association of New York, passed May 9, 1846, it was provided that the executive committee of the Prison Association, 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, provided that an order for such inspection be granted by one of the judges of the supreme court, specifying the name of the prisons to be examined, the name of the persons by whom the examination is to be made, and the time within which the same must be concluded. The act confers upon any such committee the powers of prison inspectors of county prisons. Such inspectors, at the time the charter of the association was adopted, were authorized by law to examine every part of any prison and any books or documents pertaining to the prison, to examine on oath any of the officers of any prison, and to converse with any of the prisoners without the presence of the keepers.

At a meeting of the executive committee, held October 17, 1895, John W. Hutchinson, Frederick Peterson, M. D., and George C. Holt were appointed a committee, to which Charlton T. Lewis, as president, and W. M. F. Round, as corresponding secretary of the executive committee, were added, as *ex-officio* members, to visit and inspect the city prison, commonly called the Tombs, the county jail at Ludlow street, the penitentiary and workhouse at Blackwell's Island, and the various district prisons in the city of New York.

On October 28, 1895, pursuant to the provisions of the charter, an order was duly granted by the Hon. George C. Barrett, a justice of the supreme court, authorizing such inspection of the city prisons by said committee.

The committee met and organized by the election of Mr. Holt as chairman, and Mr. Round as secretary, and thereafter proceeded from time to time to inspect and examine the various prisons in the city of New York. They devoted to the examination of the Tombs, two days; of the Essex Market district prison, half a day; of the Jefferson Market district prison and the Fifty-seventh street district prison, one day; of the Harlem district prison and the Morrisania district prison, one day; of Ludlow street jail, two days; and of the penitentiary and workhouse on Blackwell's Island two days.

At all these institutions the committee was received with unvarying courtesy, and was afforded by the commissioners of charities and correction, the sheriff, and all wardens, officers and keepers, every facility to inspect and examine all parts of the institutions. Full information was given by all wardens and keepers in answer to all questions asked. In most cases the wardens and officers of the prisons were examined under oath, and their testimony taken by a stenographer who accompanied the committee. The members of the committee conversed freely with the prisoners, and informed them that they were a committee of the Prison Association authorized to examine the prisons by an order of the supreme court, and to converse with them in the absence of their keepers. At the penitentiary, the convicts, while collected together at dinner, were informed that the committee was willing to see any of them privately, and those who wished to see the committee were directed to stand up. Eighteen men, out of about one thousand present, arose, and were seen one by one in a separate room, apart from their keepers. The committee also called before them most of the men in Ludlow street jail detained upon civil process, and examined them at length in reference to the condition of the prison and the circumstances of their imprisonment; and the committee endeavored in

all the prisons to inform the prisoners of their authority, and offered as full opportunities as possible for the prisoners to make complaints or to communicate with them on any subject.

The committee is of the opinion that there is much to commend as well as much to censure in the condition of the prisons of New York.

#### GENERAL ADMINISTRATION.

The general internal administration of the prisons, leaving out of view the evils which are due to defects in *original construction* or in *overcrowding*, may be said to be fairly good. The order and discipline maintained in all the institutions visited appeared to be thorough and efficient. The cells and prison buildings generally, with a few exceptions, were clean, and a good system was established for keeping them continuously clean. The food furnished to the prisoners, although *plain prison fare*, was uniformly *wholesome and sufficient*. In the city prisons the meals consist of a breakfast of bread and coffee, with sugar if desired; a dinner of beef stew, made of good fresh beef, and potatoes, carrots, rice, onions and similar vegetables; and a supper of bread and tea. On Friday, fish chowder is generally substituted for the beef stew. In the institutions on Blackwell's Island and in the Ludlow street jail the midday meal is varied, so that they have sometimes mutton stew, corned beef and cabbage, fish, bean soup and other similar dishes. The committee thinks that such a variety in the midday meal might well be introduced in the city prisons. The food furnished is just as cheap, and some variety in prison food is desirable. The usual hours for serving the meals in most of the prisons are well arranged. The hours in the Tombs seemed to the committee objectionable. In that prison breakfast is served at seven, the midday meal at two and the supper at four. The reason given by the warden for this arrangement was, that visitors are admitted until nearly two and that the midday meal could not be conveniently served until the visitors are absent. We think it desirable that the hours for visitation be somewhat curtailed and the midday meal served a little earlier and supper

a little later. The general conduct of the wardens and keepers seemed to the committee to be good. There were no complaints and nothing to indicate that the keepers were guilty of any cruelty or misconduct toward the inmates.

There are, however, in the opinion of the committee, serious evils in the condition of the prisons of New York city calling for correction. Many of these are due either to defects in the original structure or to the present condition of the prison buildings, or to the neglect to establish a proper system for the government of the prisons complying with existing provisions of law, and are not matters for which the wardens or keepers are responsible.

#### OVERCROWDING IN THE TOMBS.

One of the greatest evils which at present exist in the prisons of New York is the overcrowding of the Tombs and the penitentiary. The Tombs prison is not intended to be a prison to which convicts are committed, but is intended only as a place of detention for men charged with crime. Except in a very few instances, no convicts are imprisoned there. With the exception of capital cases, the men detained there are simply held to bail, and are entitled to be discharged at any time upon giving bail, and the simple function of the prison is to insure the prisoner's attendance at the trial of a criminal charge not yet proved against him. The Tombs consists of a city block surrounded by a wall, within which are three prison buildings, and another building on Centre street, formerly occupied as a police court and for offices and warden's rooms. The three prisons consist of the old Tombs prison and two smaller prisons, one known as the ten-day house for the detention of petty offenders, and the other as the women's and boys' prison. These two prisons are comparatively modern buildings, and are much superior in design and detail to the old prison. They are small buildings, built to relieve the overcrowded old prison on the ground which was available. The old prison remains much the largest one. It was built many years ago, and its design and arrangement is radically and irreme-

diably bad. Instead of being constructed with cells in the centre of the building and a corridor extending around the cells, with adequate windows in the walls, affording light and ventilation, it is constructed with the cells built against the walls and opening into a central court. There are four tiers or stories of these cells, with a narrow gallery running around the central court opposite each tier of cells. The cells have a little slit or window through the rear wall, but the air and light in them come principally from the central court through the grated doors. The cells are about ten feet long by six feet in width. They each contain one bedstead, covered with a straw mattress, about three feet in width, originally intended for one prisoner, and an uncovered water-closet, with a water-pipe coming out of the wall several feet over it, from which cold water can be turned on to flush the closet. These closets are old, rusty and more or less dirty and offensive. The cells are dark, the ventilation is necessarily defective, and the smell, characteristic of a badly ventilated prison, is always present. There is no provision in the Tombs for exercising prisoners in a yard or in the open air. The method of exercise in the Tombs is this: All the men on each tier are let out and permitted to walk around the gallery opposite their cells about an hour in the morning and an hour in the afternoon, at the end of which time they are returned to their cells. They are, therefore, kept in their cells about twenty-two hours out of the twenty-four, without ever having an opportunity to exercise in the fresh air. There are in the entire Tombs prison two hundred and ninety-eight cells. As most of the Tombs prisoners have not been convicted of any crime, they cannot by law be made to perform in the prison the necessary work of cleaning, cooking and other necessary labor. From forty to fifty persons are therefore detailed from the workhouse and are confined in the Tombs, being taken out of their cells each day to do the work to which they are allotted. They occupy about twenty of the cells, leaving about two hundred and seventy-five cells which can be used for the Tombs prisoners proper. The number of men detailed to do such work seems to the committee larger than

necessary, and the surplus occupy cells needed for the Tombs prisoners.

On the day the committee visited the Tombs there were confined there about four hundred and seventy prisoners, which is about the ordinary number. This makes necessary the putting of two prisoners in most of the cells. It not infrequently occurs that the prison is so full that it is necessary to put three men in some of the cells. Whenever the courts make little progress, as in the summer vacation, or when each part is occupied with a long trial, the prison rapidly fills up. This has very recently occurred. The committee is informed that during the past week every cell in the Tombs has contained two men each, and fifteen or twenty cells have contained three men each. But ordinarily for years past, most of the cells have contained two inmates, and a small portion of them one. In the cases where two or three men occupy one of these cells, they pass twenty-two hours of the day in this cell together. The cell contains no chair or table. There is no place to sit down except upon the narrow bed. They sleep together in this narrow bed, usually lying one with his head at one end of the bed and the other with his head at the other end, whenever two occupy the cell; when there are three occupants, the third man lies on a mattress or blanket on the floor. And in such a cell they remain, in some instances for months, day and night, in the cold of winter, and the sweltering heat of summer, breathing the foul air of the prison, and the fouler exhalations from the closets in the cells. The committee saw one prisoner, charged with homicide, who had been confined in such a cell with another prisoner more than ten months, who had just been informed that the district-attorney had concluded that he could not make out any case against him, and would consent to his discharge as soon as the necessary papers could be prepared. If that man was, in fact, guilty, his punishment, unless there were no extenuating circumstances, was severe; if he were innocent he is the victim of a horrible injustice. Such treatment of dogs would be gross cruelty; and when it is considered that the men so treated have not been convicted, and in many instances never

are convicted of any crime, and that the prison is only intended to be a place for safe detention and not a place for punishment, no language which can be employed can be too severe in denunciation of such an infamy. The Tombs prison, as it has existed for years past, is a disgrace to the city of New York. It ought to be immediately demolished. It cannot be made decent. It is defective in every modern appliance. It is dark, damp and ill-ventilated. The water-closets in its cells are a filthy nuisance. There are no decent facilities in the prison for bathing, there being only an old rusty bath tub in one cell on each tier, with cold water running into it, which is very rarely used, and the cold water running from the pipe in each cell. There is no fit place in it for the prisoners to take necessary exercise. There is no employment of any kind for the prisoners. No adequate hospital facilities are afforded. There is a cell on each tier fitted up for a sick cell, but it is substantially like all the other cells. If a man become seriously ill he is taken to Bellevue hospital. There is no dining-room. All meals are taken in the cells, the prisoners resting their pans and cups on the bed or the rim of the water-closets, which seemed to be the substitute for a dining table most commonly employed. There is no room where the prisoners can be collected for religious services or instruction. The kitchen and the kitchen arrangements are entirely insufficient. The kitchen in which food for about 500 persons is cooked daily is a room about 24 feet by 12. The provisions for women prisoners are entirely inadequate; and, in short, almost everything about the design and arrangement of the Tombs prison deserves unqualified censure. Worst of all is the hideous system of keeping two or three men in a cell, which is nothing but a means of indescribable torture to a decent man, and a prolific school of vice and crime to a criminal. Such a system offers monstrous opportunities for extortion. Suppose that a man of cleanly habits, who has money, is arrested on a charge of crime and taken to the Tombs. The keeper there has the legal power and discretion either to put him into a cell by himself or into a cell with some degraded criminal, filthy in dress, habits, manners and

nature. Can any one who knows human nature, and knows the kind of men who are frequently employed to discharge the duties of a prison turnkey, doubt that such a prisoner will be made to understand that he can obtain the seclusion and decency of a cell to himself upon the payment of money? The committee has no evidence nor any ground for a charge that anything of the sort has ever occurred, but no system should be tolerated in prison administration which can make possible such an opportunity for extortion.

#### OVERCROWDING IN THE PENITENTIARY.

The penitentiary on Blackwell's Island suffers similarly from overcrowding. It has about seven hundred and fifty cells. On the day the committee visited it 1,053 prisoners were confined there. The result is that nearly half the cells in the penitentiary contain two inmates. The actual evil of the system, however, is not nearly so great in the penitentiary as in the Tombs, because the men are out at work all day, and are only confined in their cells at night and on Sundays and holidays. The penitentiary cells, however, are even smaller than those in the Tombs, being 7 feet long, 7 feet high and  $3\frac{1}{2}$  feet wide, and the confinement of two men in one such cell, under any circumstances, not only violates every correct principle of prison discipline, but is inherently inhuman and indecent. The peculiarly offensive feature in the Tombs, of making two men sleep on a narrow bed intended for one person, is obviated in the penitentiary by the construction in each cell of two beds, one situated above the other, each consisting of an iron frame with a canvas cot attached to it, which frame is fastened to the wall with hinges, and is turned up against the wall when not in use, like the berths in a sleeping car, leaving the whole of the cell free. This simple arrangement might have been adopted in the Tombs at any time. The warden of the penitentiary informed us that he could make, with convict labor, in the blacksmith shop of the penitentiary, in a few weeks, as many such beds as would be needed to equip the Tombs prison.

In some prisons canvas hammocks are used, having hooks at one end, so that when not in use as beds they can be taken down and the whole cell left free. Such hammocks are, in some respects, preferable to the cots on iron frames.

#### REMEDY FOR OVERCROWDING BY REMOVAL TO OTHER PRISONS.

But a better remedy for the overcrowding, both in the Tombs and the penitentiary, would be afforded by removing some of the men to the other prisons. In the various district prisons in the city of New York, all of which are under the supervision of the warden of the Tombs and constitute in law simply parts of the city prison, there is ordinarily a considerable number of vacant cells. Not more than about one-half of the cells in the district prisons were occupied at the time the committee visited them, and there would be no difficulty in transferring a number of the prisoners in the Tombs to the district prisons. It is, of course, a little more convenient to keep prisoners awaiting trial in the Tombs, because it is immediately adjacent to the new criminal court building. Men awaiting trial must frequently be taken across to the court to plead and for other purposes. But at present a requisition is sent every evening from the district-attorney's office to the warden of the Tombs, specifying the particular prisoners wanted in court the next day, and there would be no essential difficulty in bringing such prisoners, upon such notice to the Tombs that evening or the next morning, if they were confined in any of the district prisons. Moreover, there are at all times confined in the Tombs a number of prisoners who it is known will not probably be called to court for some days at least, and all such prisoners might be confined elsewhere until about the time when their presence in court will be probably necessary. The workhouse on Blackwell's Island has plenty of spare room and is an entirely secure prison. By section 398 of the Consolidation Act the Department of Public Charities and Correction is authorized to transfer, in its discretion, persons detained in

the city prison, penitentiary or almshouse to the workhouse; and under this provision it would seem that orders might be immediately given that enough of the prisoners in the overcrowded prisons should be transferred to those that are not crowded, so that only one man should be confined in any cell.

#### NEW PRISONS IMPERATIVELY NEEDED.

But the essential and permanent remedy for the overcrowding is to construct new prisons. A new penitentiary should be immediately constructed, and the Tombs prison should be demolished, and a new prison, designed as a place of safe detention and not of punishment, and built in accordance with modern ideas of prison construction, should be erected in its stead. This might be done on the ground of the present Tombs without interfering with the present use of the prison. The warden of the Tombs testified that the present building on Centre street, from which the police court has recently been removed to the new criminal court building, could be torn down and a new prison constructed on its site, forming a wing or part of the ultimate entire prison to be constructed, into which, when completed, the prisoners in the old prison could be removed, and then the old prison could be demolished and a new prison built in its place; the whole forming, when completed, a complete prison establishment.

The committee has no hesitation in recommending that no attempt should be made to save or utilize the present Tombs buildings. They should be entirely demolished and a new modern prison constructed in their place.

#### THE DISTRICT PRISONS.

The various district prisons of the city the committee found in a generally good condition. The Harlem prison and the Jefferson Market prison are comparatively new prisons. The Essex Market prison and the Fifty-seventh street prison are old pris-

ons. The Morrisania prison has but few cells, and is only used as a place of temporary detention for a few hours. No prisoners are kept there over night, but all are taken every night and morning in a van to the Harlem prison. In all the district prisons the general administration appeared to be good. Matrons were in attendance, except at Morrisania, in charge of female prisoners. There were proper arrangements for the separation and detention of female prisoners; and the prisons generally were clean and well kept. The condition, however, of the plumbing and water-closets at the Jefferson Market prison were bad. Many of them were dirty, a number of them were out of order so that there was no water flushing them, and they appeared not to have been properly inspected or cared for. The general condition of the Harlem district prison was particularly commendable. It was, upon the whole, in the best condition of any of the district prisons. All the city prisons, however, as distinguished from those on Blackwell's Island, were faulty in the following respects: They have no adequate facilities for bathing, for hospital service, or for the exercise of the inmates. They all have water-closets in the cells, and the prisoners are confined substantially all the time in the cells. Prisoners are, however, usually detained in them but a few days, and the results of any defects in their construction or arrangement are not as serious as in those prisons where prisoners are detained for a long time.

#### THE PENITENTIARY

The penitentiary on Blackwell's Island is an old prison, and in comparison with the best modern prisons has very grave faults of construction. Its general administration, however, under Warden Pillsbury, appears to be excellent. Substantially all of the inmates are kept employed during the day, working either in the stone quarry on Blackwell's Island or in the various shops or work-rooms connected with the penitentiary—the carpenters, blacksmiths and tinsmiths' shops, and the rooms for making clothing. Its overcrowded condition has been already referred to.

To the invitation extended to all the inmates to see the committee, if they had any complaints or communications to make, only 18 out of over 1,000 responded, about half of whom stated that they had nothing to complain of in the prison administration, but applied to the committee for information as to how they could obtain assistance and employment when they should be discharged, or for assistance in obtaining a commutation of sentence. Of the remainder two were obviously chronic complainers, one of whom appeared to be substantially insane on the subject of penitentiary abuses. Each of them had been repeatedly convicted and imprisoned, and most of their statements, on their face, were either vague general denunciations, or when specific facts were stated, they were obviously either wholly false and malignant or grossly exaggerated. The rest of the men who saw the committee, five or six in number, made clear and intelligible complaints. The principal one was that no light was furnished at night, and substantially no opportunity for reading at any time.

#### NO OPPORTUNITY FOR READING.

The men are kept at work all day, and at nightfall they are brought into the prison, given their supper and then locked in their cells for the night. In winter, therefore, it is as early as six or seven o'clock when they are put in their cells, where they are kept until morning, and on Sundays and holidays. There is no light in the cells at night, and not sufficient light in them in the daytime to read comfortably; the result is that a man who wishes to read has practically no opportunity to do so.

The committee considers this complaint a just and a very grave one, and the warden admitted that it was such. He stated that heretofore there had been serious objections to having lamps or any of the old-fashioned methods of lighting in cells, but that it was now perfectly feasible to establish a system of electric lights in the cells, which could be turned off by the prison authorities at bed time, and would afford the prisoners opportunities for reading during the evenings. He added that it would also afford a

most effective and unobjectionable method of enforcing prison discipline, as, if there were a general system of lighting the cells at night, the putting out of the light in the cell of a refractory convict for one evening, or more, would be a form of punishment which would be very effective, but to which no reasonable objection could be taken.

The evils of dark cells and of excessive confinement in them exist to substantially the same extent in the workhouse and the city prisons. Correct principles of prison administration demand that prisoners should be furnished with occupation during working hours, and with something to engage their attention at times of leisure. While convicts should be subjected to punishment, and to severe punishment for their crimes, it ought not to take the form of long hours of enforced mental vacancy. Convicts should be made to work a proper portion of the day; their food should be plain; their confinement should be rigorous, and their punishment should be severe; but when that part of the day comes in which they are left unoccupied and at rest, opportunities should be afforded them to occupy their minds in some other way than in mere idle brooding.

#### INADEQUATE BATHING FACILITIES.

Another complaint made was the lack of adequate time and facilities for washing. In the penitentiary there is no water in the cells, the bucket system being used instead of the water-closets, with running water, as in the Tombs. There is a wash-room, with a set of sinks, in one part of the penitentiary, where the men are taken in the morning to wash. This wash-room is in fairly good condition, but is not large enough. The difficulty is largely due to the overcrowded condition of the penitentiary. There is on the grounds of the penitentiary a bathhouse, which has been practically constructed by Mr. Pillsbury, the present warden, in which there are established at present about twenty-four bathtubs, arranged side by side. The warden stated that he intended to place there about ten more, and that all the men in the peni-

tentary now took a warm bath there as often as once in ten days. There is a bathing place on the shore of the island, a little secluded bay opening from the East river, where the men bathe in summer as frequently as is necessary, which seems an excellent arrangement for warm weather. But in winter, the bathing arrangements, although vastly superior to anything in the city prisons, are still inadequate.

At the workhouse there are what are called rain baths, which ought to be provided in every prison. Two rooms are provided at the workhouse, one for women and one for men, arranged with a cement floor and proper drainage pipes, and with perforated pipes in the ceiling, into which water, suitably warmed, is turned on, and which falls in a spray or rain, constituting what is known as the rain bath. All the inmates of the workhouse, on first coming there, are obliged to bathe in one of those rooms, and are permitted to bathe there with sufficient frequency afterwards. Such a bath should be provided in all prisons. There are grave objections to the use of ordinary bathtubs in any prison. Prisoners not infrequently have revolting contagious diseases, and unless the greatest pains are taken to keep prison bathtubs clean, there is danger of the communication of such diseases from their use. All prisoners, even when such pains are taken, are suspicious of such danger. Moreover, most habitual criminals are dirty and will not bathe sufficiently unless they are compelled to do so, and if they can find any ground for objecting, will object. No objection can be made to the rain bath. It substantially cleans itself. It enables a large number of persons to be bathed rapidly, and it ought to be introduced and its use enforced in the penitentiary and in all prisons.

#### AN OMISSION IN THE ACT OF 1895.

Our attention has been called to an omission in the Act of 1895, providing for the separation of the Department of Charities from that of the Department of Correction, which, in the opinion of the

committee, should be corrected by an amendment. A portion of the fifth section of the act provides as follows:

"The commissioner of correction may provide for the doing in the correctional institutions of any work, labor or service for the department of public charities that may be required by the commissioners thereof, and may from time to time, in his discretion and upon the request of the commissioners of public charities, detail and designate inmates of the workhouse to perform necessary work, labor and services in and upon the grounds and buildings which are in the charge of the commissioners of public charities."

It has been suggested that this section will not permit any inmates of the penitentiary to do any work for the Department of Charities except within the correctional institutions, and that only inmates of the workhouse can be detailed to work upon the grounds and buildings. This construction is probably correct, and the committee is of the opinion that this portion of the act should be so amended as to permit the inmates of the penitentiary to do any work upon the grounds or in repairing the buildings of the charitable institutions that may be necessary.

#### THE BAKERY.

In this connection the committee would recommend another change, which was suggested both by Warden Pillsbury and Superintendent Dunphy, that the bakery in which the bread used in the prisons and charitable institutions of the city is made, instead of being established at the workhouse, and the work done there by inmates of the workhouse, should be established at the penitentiary and the work mainly done by convicts. Most of the inmates of the workhouse are there for comparatively short periods of time, and therefore the men that work in the bakery are constantly changing. There are always in the penitentiary a number of men skilled in the various trades, including a number skilled in the trade of bakers, and the comparatively long terms for which they are confined in the penitentiary would

make it much easier to get a gang of efficient men in the bakery from the penitentiary than from the workhouse. It is very important that the bread furnished in all these institutions should be of uniformly good quality, and that object, it is believed, would be better accomplished by establishing the bakery at the penitentiary than under the present arrangement.

#### THE WORKHOUSE.

The workhouse on Blackwell's Island was found to be generally in a good condition. Indeed, the general condition of the institutions on Blackwell's Island is, in a marked degree, better than those in the city proper. The workhouse is not intended as a place of solitary confinement. The cells are intended to be occupied by several inmates. They are comparatively large rooms, being about 14 feet long by 8 wide. They contain four, and in some cases six, beds, consisting of cots on iron frames, which turn up against the wall when not in use, like those in the penitentiary.

#### NO PROPER CLASSIFICATION OF INMATES.

The most serious objection to the administration of the workhouse lies in the neglect of those provisions of law which require that paupers be kept and employed separate from criminals, and that novices in crime be kept and employed separate from hardened criminals.

Section 398 of the New York City Consolidation Act provides as follows:

"It shall be lawful to detain in the workhouse for the purpose of employment therein, any person who shall have been duly committed to the city prison, the penitentiary, or the almshouse; but it shall not be lawful for vagrants or paupers, or the recipients of the public charities of the said department, unless they have been before convicted of crime, to be employed in company or in association with persons committed as afore-

said, for offenses other than intoxication, or assault and battery, not felonious. The board may transfer and commit, or cause to be transferred and committed from the said city prison, penitentiary or almshouse, to the said workhouse, or to such parts of Blackwell's Island as are set apart for the purposes of public criminal correction (subject to the prohibition of company and association aforesaid), the following classes of persons: persons committed for crime; persons in the almshouse; persons applying for relief to the department, providing their own consent to such transfer or committal be obtained; persons committed by magistrates as vagrants or disorderly persons."

Section 402 of the Consolidation Act provides as follows:

"It shall be the duty of said board to cause to be kept and employed, separate and apart from each other, the paupers and criminals, and as far as possible to cause the latter to be classified, so that the novice in crime may not become contaminated by the evil example of, or by association and contact with, the more hardened or confirmed."

These provisions of law appear to be, and for years past to have been substantially disregarded, both in the workhouse, in the penitentiary and in all the city prisons. There is no substantial difference made between men or women committed to the workhouse by the commissioners upon their own application, who have been guilty of no crime, and those committed there for crime; nor does there appear to be any substantial distinction made in the penitentiary, or in the workhouse, or in any of the prisons between the case of a youth or of a hitherto respectable man who has been convicted for a first offense, committed perhaps under peculiar circumstances of temptation, and a hardened habitual criminal who has been an inmate, under repeated convictions, of prisons and workhouses all his life. At most of the institutions visited, the wardens and keepers when questioned said that they tried, when a young or apparently respectable person came there, and it was obviously his first experience in prison life, to put him among decent associates and at light work, but all substantially admitted that, in fact, not much distinction was made.

Undoubtedly the crowded condition of the penitentiary and of the Tombs makes it more difficult to enforce these provisions of law in these prisons than it would be if they were larger. But that fact does not afford any adequate justification for the habitual and substantial violation of a law which is founded on fundamental principles of wise penal legislation.

#### INSUFFICIENT EMPLOYMENT PROVIDED.

Another subject of censure is the fact that no sufficient employment or occupation is furnished for all the inmates of the workhouse. In the case of the city prisons, where men are only detained before trial, there is theoretically no right to compel them to work, if work be regarded simply as a punishment; but to any right thinking man imprisoned in the Tombs, any light and healthful employment would be preferable to the ordinary confinement there. At all events, the inmates of the workhouse should be employed. That was what the workhouse was constructed for, as its name implies.

The section of the Consolidation Act already quoted, provides that any of the convicts or inmates of the other institutions, whether correctional or charitable, who have no proper employment in those institutions, may be transferred to the workhouse and provided with employment there.

The following provisions of the Consolidation Act provide specifically, in detail, for the employment of the workhouse inmates:

§ 399. Every person whose age or health will permit shall be employed in getting out stone or in cultivating the grounds under use of the said department, or in manufacturing such articles as may be required for the ordinary use of the institutions under the control of the said board of commissioners, preparing and building sea-walls around the islands or other places upon which the said public institutions now are or may hereafter be located, or at such mechanical or other labor as on trial shall be found to suit the capacity of the individual. It shall be the duty

of the department to use every proper means to furnish convicts and paupers with suitable employment by contract; such employment, however, not to conflict or to come into competition with any mechanical or other employment pursued by the people of this State. And in case any convict or pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, it shall be the duty of the proper subordinate to punish such convict or pauper by confinement, by being fed on bread and water only, for such length of time as may be considered necessary; which refusal and punishment shall forthwith be reported to said board of commissioners. And in case any pauper shall refuse or neglect to perform the work assigned to him or her on three several occasions, the said board may expel such pauper from the almshouse.

§ 400. The hours of labor shall not exceed ten per day to each person subject to the discipline of the department, and shall be fixed by the board; and the articles raised or manufactured shall be subject to the order, and placed under the control of said board. All the grounds occupied by said department, or under the jurisdiction of the board, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department; and the proceeds arising from the sale of articles thus raised shall be paid monthly into the hands of the board, and be by them paid over to the city chamberlain, and a memorandum thereof filed with the department of finance of the city and county of New York.

§ 401. The board may open, in their discretion, an account with all paupers committed to said workhouse, charging them with all the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for labor performed by such pauper; and at the expiration of the term of sentence, if any balance shall be found to be due to them, may pay the same to such pauper in cash at the time of their discharge, in the discretion of the board.

Under these sections it is made the duty of the board of com-

missioners of charities and correction to furnish suitable employment in the workhouse, not only for the immediate inmates of it, but for the inmates of the almshouse and the penitentiary who are not otherwise provided with proper employment. But, in fact, a comparatively small portion of the inmates of the workhouse or the almshouse is furnished with any employment.

On the day that the committee visited the workhouse there were borne upon its roll, in all, men and women, seventeen hundred and thirty persons, of whom eight hundred and forty-four were confined in the workhouse and the remainder had been detailed to perform labor in the various city prisons, upon the boats, and in various other places of employment within the jurisdiction of the commissioners of charities and correction. Of this number of eight hundred and forty-four detained at the workhouse, a considerable portion of the women were engaged in making convict clothing. A number of men were at work in the bakery, where all the bread used in the various institutions under the charge of the commissioners of charities and correction is baked. There was a room in which about sixteen men were at work repairing the clothing worn by the workhouse inmates, and another room in which about twenty men were at work making and repairing shoes. But most of the inmates of the workhouse had substantially no occupation and are most of the time substantially idle.

There is a large and good quarry on Blackwell's Island in which very many of the convicts in the penitentiary are employed, but there do not appear to be any of the workhouse inmates employed in the quarry. The workhouse has no workshops or arrangements for mechanical labor, nor is any suitable employment provided for its inmates by contract. There does not appear to be any system carrying out the scheme outlined in section 401 of the Consolidated Act, by which any pauper, while committed to the workhouse, who is willing to work and make something by his labor can do so. In short, the plain provisions of the law under which the workhouse was established appear to be habitually violated. Most of its inmates are furnished with no

employment, and no substantial steps are taken to keep those who are recipients of public charity distinct from those who are under conviction for misdemeanors.

The importance of this neglect to distinguish between the two classes of inmates is strikingly illustrated by the number of what are known as self-committed inmates. These are persons who, being too old for commitment to the orphan asylums, the Catholic Protectory, or any of the institutions for the care of children, and not being old and decrepit enough to be committed to the almshouse, nevertheless find themselves destitute, and apply to the commissioners of charity for relief. The provisions of the Consolidation Act permit the commissioners, upon such application, to commit the applicants to the workhouse for a fixed time, and that is habitually done to a large extent. Of the total of seventeen hundred and thirty persons committed to the workhouse on the last day the committee visited it over five hundred were self-committed. These persons have committed no crime; they are simply recipients of charity. Whether the city should undertake the care of such persons at all is a grave question. In the absence of exceptional circumstances, the committee is of opinion that no public aid should be extended to healthy adults, except very temporary assistance in cases of actual destitution. But, if such aid be extended, it should be under conditions which will exact hard and continuous labor, and there ought to be a proper place where they could be put to work, in which they would be kept separate from the convict inmates of the workhouse.

#### NEED OF AN INDUSTRIAL SCHOOL.

Section 388 of the Consolidation Act provides as follows:

The said department is authorized to maintain on Hart's Island an industrial school; and in connection therewith is authorized to employ and use the labor of any person from any of the public institutions committed to its charge; and the board of public charities and correction are hereby authorized to commit

to and place in said industrial school any of the children who may be committed to their care, pursuant to any provisions of law heretofore or hereafter to be made.

This act was originally passed in 1869, but no such school has ever been established. If such a school were established there would be a suitable place where young boys and girls, or honest and respectable destitute persons of any age could be transferred and taught a suitable employment, and above all, kept distinct from the hardened and incorrigible paupers and criminals who make up the great class of inmates of the workhouse and penitentiary.

#### THE LUDLOW STREET JAIL.

The Ludlow street jail is the common jail of the city and county of New York. It is exclusively under the jurisdiction of the sheriff of New York, while all the other prisons in the city are under the jurisdiction of the commissioners of charities and correction. It was constructed to be used as the jail for the detention of civil prisoners, while the other city prisons are intended for the confinement of men charged with or convicted of crime.

#### THE UNITED STATES CRIMINAL PRISONERS.

The New York Revised Statutes provide that it shall be the duty of the keeper of each county prison to receive into the prison each person duly committed thereto for offenses against the United States, by any court or officer of the United States, and various subsequent statutes have provided in substance that the jail in the city of New York used for the confinement of prisoners in civil cases shall be the county jail. Under this legislation the Ludlow street jail has been held to be the place authorized by law for the detention of persons charged with crime against the United States, although the Tombs or any of the city prisons, constructed for the detention of criminals, would naturally be the proper place to which such United States criminal prisoners should be committed.

In fact, for many years past there have been two main classes of prisoners confined in Ludlow street jail, one being persons committed by the United States magistrates for crimes against United States laws, and the other being persons held under civil process issued by judges of the State courts.

The Ludlow street jail was not constructed for the imprisonment of criminals, and it affords insufficient facilities for the safe detention of criminals under United States laws, some classes of whom, such as counterfeiters, for instance, are among the most hardened and desperate criminals that live. Nor are there any adequate arrangements for the proper separation of those inmates who are charged with crimes under United States statutes, from those who are held under civil process of the State courts.

The New York Revised Statutes provide that prisoners arrested on civil process shall be kept in rooms separate and distinct from those in which prisoners detained on a criminal charge or conviction shall be confined. The result is, that, while in the Ludlow street jail the men held under civil process from the State courts are allowed out in the corridors and sitting-room of the jail in the daytime, the United States prisoners are kept substantially in close confinement in their cells, although each set of prisoners is allowed in the yard of the jail for exercise for an hour or two in each day.

#### VARIOUS DEFECTS IN THE JAIL.

Apart from this fundamental difficulty arising from the confinement of the United States criminal prisoners in the Ludlow street jail when it was not constructed for that purpose, the jail has many defects. Its general principle of construction is much preferable to that of the Tombs, as its cells are located in the centre of the building, with a corridor outside between the cells and the walls; but the corridor only extends on two sides of the walls instead of extending all round the central group of cells. The ventilation in the jail is not very bad and not very good. The prisoners complained a good deal of vermin in the cells. The

condition of the plumbing and water-closets is extremely bad; the plumbing is old, worn out, entirely inadequate and dangerous to health. The jail has no decent bathing facilities. It has simply one room in which there is a bathtub which is very little used, and the ordinary common sinks or washing places. It has no hospital accommodations. There is a physician employed by the United States government to attend the United States prisoners, and the United States government furnishes medicine when necessary; but, if a United States prisoner in that jail becomes ill, he is obliged to be ill in his cell. There is no hospital room in the jail to which he can be taken, and it is assumed that there is no right, under United States laws, to take him to any hospital in the city. He must remain in his cell while his sickness lasts, and must die there if that fate awaits him. There is also a physician appointed by the city with a salary of a thousand dollars a year, to attend to the prisoners held under civil process from the State courts. But there is no provision under which medicines are furnished by the city. If a civil prisoner becomes ill the physician prescribes for him, and if the prescription requires medicine to be purchased, the prisoner, if he has any money, can send outside and buy the medicine, but, if he has no money, he has to do without it. If a civil prisoner become seriously ill, he can be taken to Bellevue hospital.

The board furnished at Ludlow street jail, although plain prison fare, appeared to be like that of all the other prisons, wholesome and sufficient. It is, however, plain board, and those inmates who wish to do so are permitted to purchase better food. Until after the first visit of this committee to the jail the food which was purchased was purchased from the keeper, and \$15 a week was paid for it; after the committee's first visit the system was changed, and food now purchased by any of the inmates is obtained and paid for outside the jail. Under the old system those who purchased board at fifteen dollars a week had certain privileges, the most important of which was that instead of being put in their cells at seven o'clock at night, they were permitted to sit up till ten or eleven. This system still continues. We see

no reason why any prisoners in such a jail should be put in their cells as early as seven o'clock at night, or why all of them should not be permitted the freedom of the corridors until ordinary bedtime. Certainly such a distinction should not be made as a means of influencing the inmates to purchase the more expensive food.

#### INADEQUATE PROVISIONS FOR FEMALE PRISONERS.

One of the serious defects in the Ludlow street jail arises from the neglect, in its construction, to make any proper provision for female prisoners. There is no part of the prison set apart for them. No matron is provided. Whenever any women are imprisoned there, they are put in cells in the same part of the prison as the men. There is a portion of the corridor railed off for them, but the prison is not arranged as it should be with any separate department and distinct set of cells. There are no distinct conveniences or places for washing. There was in the jail, when the committee visited it, one woman, a United States prisoner. She was charged with having continued to collect, after a second marriage, a pension of eight dollars a month, which she had received as the widow of her first husband. She had never been arrested before. She was there in that jail alone, without any female attendant. The sheriff stated that in case of necessity one of the women in the kitchen might render her some service, but in a general sense she was without female attendance or companionship. Her health was in a very bad condition. The physician informed us that she had serious diseases of the heart and kidneys, and that she ought to be removed to a hospital or some other appropriate place. Being a United States prisoner she could not be removed to a hospital, and there she remains, in as forlorn a situation as it is possible to imagine for a woman of previous respectable life unfamiliar with crime and prisons.

## ABUSES OF CIVIL ARREST.

There are many gross abuses connected with the system of arrests of persons upon civil process. There were in Ludlow street jail, on the last day that the committee visited it, sixteen men confined upon civil process. Some of these were confined under orders of arrest before judgment; others under executions against the person after judgment; others under the statute making a person liable to imprisonment for wages due to working women; and others under commitments for contempt.

## ARRESTS FOR GOODS SOLD ON INSTALLMENT PLAN.

Several of the inmates were held under executions against the person issued out of some one of the district courts of the city, upon petty judgments recovered for the alleged conversion of goods purchased on the installment plan. It appears that there are dealers engaged in the business of selling goods on the installment plan, principally to poor and ignorant foreigners, who are usually unacquainted with the English language. The goods usually sold may be described as cheap bric-a-brac or household luxuries, such as clocks, pictures, jewelry, albums and things of that kind. Drummers are sent out who induce these people to purchase such goods on the installment plan. They sign a paper which recites that the title remains with the vendors until the goods are paid for. If an installment is not paid, a man is sent to demand payment, who claims that he demands the return of the goods; a suit is then brought in one of the city district courts against the purchaser for the alleged conversion of the goods. There are no written pleadings. The defendants probably generally suppose that they are being sued for the balance due on the contract of purchase. A judgment is recovered in fact for such balance, but upon the theory that that is the measure of damages for the conversion of the goods. An execution is issued against the property and returned unsatisfied, and then an execution against the person is issued under which the defend-

ant is arrested and taken to Ludlow street jail. Such an execution, of course, could not be issued in an action on a contract for the price of the goods, but can be issued in an action for the conversion of property. It appears from the jail records that there have been within the past year over one hundred such arrests upon judgments for sums between five dollars and forty dollars, most of which consist of costs. One of this class of prisoners that we saw in the jail asserted that he did not buy the goods himself but that he guaranteed the payment for a friend. It is a little difficult to see how an action of conversion could be maintained against a guarantor for not returning goods which never were delivered to him; but probably to the skillful counsel who conducts these suits, and the skillful witness who swears them through, a little matter of that kind would be unimportant.

## ARRESTS FOR PETTY DEBTS DUE TO WOMEN.

Another class of arrests for equally petty causes is that of men who have been arrested under the provision of the statute authorizing an execution against the person in a judgment recovered by a working woman for services performed by her for a sum not exceeding fifty dollars. This statute was passed to protect poor working women who make articles like shirts and clothing from being defrauded by sweaters, but it is often resorted to to enforce payment of any kind of a claim by a woman. Two men were detained in Ludlow street jail upon executions of this kind issued upon judgments recovered by midwives for services in attending upon their wives, the amount of the original claims being five dollars in each case, and the judgments amounting with costs to about fifteen dollars.

## ARRESTS OF MEMBERS OF NATIONAL GUARD.

Another class of commitments for petty causes is the arrest of members of the State National Guard for the non-payment of fines. By the military code the brigade commanders are au-

thorized, in case of the non-payment of petty fines imposed upon privates for infraction of military discipline to commit them to jail for fifteen days, and a large number of men have, at different times, been confined in the jail under such commitments.

#### COMMITMENTS FOR CONSTRUCTIVE CONTEMPT.

Another class of cases in which the right to arrest is frequently abused is the case of commitments for contempt for non-payment of alimony. There was a man in the jail on the day the committee visited it, who had been divorced from his wife and ordered to pay her five dollars a week alimony. He stated that he had done so for two years, that he then lost his employment, which was of a very humble kind, and had been unable to obtain other employment, and had nothing with which to pay the alimony. After five weeks had passed the woman applied for an order of commitment, and he was committed for contempt for not paying her twenty-five dollars. It was perfectly apparent from the appearance and dress of the man that he probably was not worth a dollar. He is committed until he pays the money; and in the meanwhile, each week, the arrears of alimony are running up.

#### COMMITMENTS FOR UNLIMITED PERIODS.

The power to commit for contempt without any fixed period is one capable of great abuse.

One of the prisoners in the jail held under commitment for contempt was a gentleman of unusual intelligence and of attractive manners, an electrical engineer by profession. The jail record showed that he was brought there in September last. His statement was in substance that he was sued in the city court by a firm of attorneys to recover for professional services rendered to his father, on the alleged ground that he had guaranteed the payment of the bill. He defended the suit and interposed an answer. The case was tried, and a judgment was recovered against him. The plaintiffs claimed that a portion of his answer was

false, and that the interposition of such an answer constituted a contempt of court. They applied to a judge of the city court to punish him for contempt on that ground, and the judge held that he was guilty, and committed him for contempt. The commitment was for no fixed time, but until he should be discharged by law. The commitment being for contempt, no bail can be taken. The prisoner stated that he could furnish any amount of bail if it would be accepted. If he had been indicted for perjury, he would have been entitled to a trial by jury, and if he had been convicted, the law fixed a limit to the term of his imprisonment. In fact, he had been convicted of perjury by a judge of a petty court, and for it sentenced to imprisonment for an unlimited term without bail. His condition was, in all essential respects, similar to that of a prisoner in the Bastille under a *lettre de cachet* in the reign of Louis XV. Very recently, since this report was first drafted, the general term of the court of common pleas has decided that this commitment was unauthorized, and has ordered the prisoner discharged.

Another interesting case was that of a prisoner whose incarceration in Ludlow street jail illustrates the time during which a man may still be kept in jail under civil process by a skillful attorney. This prisoner was a gentleman of good manners and of unusual intelligence. He acted as an interpreter for the committee in conversing with the Italian prisoners. His business, before it was destroyed by his imprisonment, was that of a metal broker. He was committed to Ludlow street jail in October, 1894, and has been there uninterruptedly nearly fourteen months. His story was this: He was sued in an action to recover about six thousand dollars upon a contract, fraud being alleged in the complaint. An order of arrest was issued at the beginning of the suit, under which he was arrested and gave bail. The action was brought to trial and resulted in a judgment against him for about twenty-two hundred dollars. He appealed without giving security, so that the proceedings on the judgment were not stayed. The plaintiff issued an execution against property which was returned unsatisfied, and an execution against his person which

was returned not found, and a suit was thereupon brought against the sureties upon the undertaking of bail given upon his original discharge from arrest. He assured the committee that he resided with his mother in Brooklyn; that he did business at his office in New York; that the place of his residence and his business were in the directories and were well known to the plaintiff and his attorney; that no sheriff ever came with the executions to his house or his office so far as he knew; that the return that he could not be found was false; and that, as he supposes, the deputy sheriff was induced to make such return by somebody in order to afford a basis for a suit against the sureties. When he found that the sureties were sued, he surrendered himself to the sheriff in exoneration of their liability as bail, and upon such surrender was taken to Ludlow street jail in October, 1894, and held under the original order of arrest. His appeal was then brought on at general term and was successful. The judgment was reversed and a new trial ordered, pending which new trial he remained in jail under the order of arrest. When the case came on again for trial, his counsel, a Brooklyn lawyer he states, was ill; he, of course, was in the jail. The result was that a default was taken, and a second judgment was entered for substantially the same amount as that of the first judgment. There is a provision of the code to the effect that when an order of arrest has been issued and the defendant is in custody under it, if an execution against the person is not issued within three months after the entry of the judgment the prisoner can be discharged. The prisoner asserted that an execution against the property was issued on the judgment which the sheriff did not return for two months, and that an execution against the person was not issued until near the expiration of thirty days thereafter. This execution was issued on October 14, 1895, and under that execution he is now held in custody. The code provides that the imprisonment of a person held under an execution against the person on a judgment for more than five hundred dollars, shall not continue for a longer period than six months. The prisoner stated that he hoped under that statute to be discharged in April,

1896, after about eighteen months' incarceration, but added that he expected the plaintiff's attorney would discover some way of keeping him still longer in jail.

#### THE GENERAL SYSTEM OF CIVIL ARRESTS.

These are fair specimens of the general classes of cases of imprisonment under civil process at the present time. The committee, of course, heard only the prisoners' side of the case, and it would be unfair to pass judgment upon any particular case without hearing both sides. Any of these cases, however, might occur under existing law; and the committee believes that in most cases the prisoners' accounts of their own cases were substantially correct.

The right of arrest at the present time in civil actions is, in most cases, useless, and comparatively few attorneys resort to it except in exceptional cases. If a man is liable to arrest and has means, he can usually furnish bail and be discharged under an order of arrest. If arrested under an execution against the person, he can give a bond and be discharged upon the limits, which include the whole city of New York. Orders of arrest or executions against the person therefore are practically useless against a man who can give bail, and against a man who cannot give bail they are equally useless except to gratify the malice of a creditor. The defendant is put in the jail, but nothing is accomplished toward the collection of the debt. The fact that but sixteen men were detained in Ludlow street jail on the day of the committee's visit, under orders of arrest, executions against the person, commitments for contempt, and civil process of all sorts, in a city of the magnitude of New York, shows that the maintenance of the right of arrest in civil actions is in most cases unnecessary. The committee believes that it should be absolutely abolished. Undoubtedly many acts for which a man may be arrested in a civil action, such as a gross fraud for instance, deserve imprisonment, but they deserve imprisonment because they are essentially crimes. Any act for which a man may justly be put in a

prison should be made a crime, and, in the opinion of the committee, should be prosecuted, not by a creditor, but by a public officer. If it be admitted that in some few cases the right of arrest in a civil action promotes justice, they are, nevertheless, so infrequent, that it seems to the committee that there is no just reason why the taxpayers of the city of New York should maintain so expensive an establishment as the Ludlow street jail, paying the salaries of wardens, keepers and employes of all kinds, and providing food and maintenance for the prisoners, in order, substantially, to gratify the spite of a few malicious creditors, most of them holding claims for petty amounts, which are, in fact, mere claims on contract on which no just ground of arrest exists.

In respect to the United States prisoners, the fact is, that the United States government ought to provide a jail of its own. But if the city is to continue to keep them in one of its own jails, the criminal prison should be designated by law for that purpose, as soon as a proper one is constructed. If this were done, and orders of arrest, execution against the person and the right to arrest generally in civil actions abolished, and persons committed for contempt of court were sent to criminal prisons, there would be no need of any Ludlow street jail. It could be added to and made a part of the Essex Market district prison, in the immediate rear of which it is situated.

But if an entire abolition of the right of arrest in civil cases be deemed too radical a measure, the committee has no hesitation in recommending that adequate legislation be adopted prohibiting the right to issue an order of arrest or execution against the person upon any claim or judgment for less than two hundred dollars, and providing that when any man, for any cause whatever, under any civil process or commitment for contempt, has been detained in a jail for three months continuously, he should be entitled to a discharge.

#### THE ABSENCE OF A UNIFORM SYSTEM OF ADMINISTRATION.

In reviewing the general administration of the prisons of the city as a whole, the committee has been struck with the absence of a uniform businesslike system of supervision in some of the details of their administration. In some respects it is apparent that there is a general system applicable to all the prisons established by the Department. The food, for instance, was all furnished from one source, and it was all substantially alike in all the prisons. It was uniformly good, wholesome food, which was probably largely due to the facts that the food was purchased in large quantities, and under the supervision of an efficient and skillful purchaser, and that the bread was baked in a large quantity, in one place, under adequate supervision. But most of the details of administration within each prison seem to be left substantially to the keepers. There was, for instance, no uniform hour of meals. Each prison has its own hours. There was no uniform system of beds, or of caring for beds or bedding. In the Tombs and most of the district prisons straw beds were used, but in the Fifty-seventh street prison plain board beds were used upon which blankets were thrown. These board beds were, in the opinion of the committee, far better than the straw mattresses, which are inherently dirty and a sure haunt of vermin, and should not be permitted in any prison. In the penitentiary and the workhouse the bed consisted of an iron frame with a canvas cot, which is simple, comfortable and clean, and is far superior in every respect to the straw mattress. It was stated in the Tombs that they changed the straw each time that an inmate of the cell was changed, but at Jefferson Market prison it was said that they changed the straw about once in six months, and the keeper of each prison seemed to exercise his own discretion in respect to such matters.

These are simply illustrations of what seems to the committee an omission on the part of the commissioners to establish a uniform system. The hours for meals should be fixed and should

be alike. The kind of bedding and the arrangement of cells should be uniform. It should not be possible that a prisoner who happens to be taken to one prison in the city of New York should fare better or differently from another prisoner in another prison.

From a still more important point of view, this apparent neglect of any central authority to prescribe a uniform system, or to exercise any adequate supervision over the different prisons, shows a lack of businesslike administration, affording a constant opportunity for abuses to grow up in any particular prison.

#### RECENT PENAL LEGISLATION.

The last Legislature passed several acts of great importance affecting the administration of criminal law in New York city, and the committee had an opportunity to observe, to some extent, the effect of the practical working of these statutes.

#### THE NEW POLICE MAGISTRATES ACT.

The act creating a new board of police magistrates has, in the opinion of the committee, accomplished a great and beneficial reform in the administration of criminal justice in this city.

Without going into details, the committee was struck with many evidences of the marked improvement in the administration of justice in the New York city police courts under the new magistrates, and with the evidences of the appreciation of such improvement in the opinion of the public and of the criminal classes themselves. It should be a subject of sincere congratulation to the Prison Association, and to all persons interested in correctional administration, that so marked an improvement has taken place in the character of these important tribunals.

#### THE WILDES ACT.

Another act of the last Legislature is the act commonly called the Wildes Act, which prescribes that persons convicted in the city of New York of public intoxication, disorderly conduct or

vagrancy shall be committed to the workhouse; that a record shall be kept by the commissioners of charities and correction of persons committed to the workhouse; and that the period of detention of persons so committed shall be determined by the number of times they have been committed there, the period of detention being five days for a first commitment, twenty days for a second commitment, and thereafter a term for each commitment twice as long as that of the previous term, until the term of six months is reached, and thereafter, for each additional term, a period of six months.

Under the old system there were a large class of misdemeanants whose life was substantially passed in a continual round between Blackwell's Island and the city. They worked a few days and earned a little money, went on a spree, were arrested, committed to the workhouse for five or ten days, a period just about long enough to work off the effects of the debauch, were discharged, came back to the city, earned a little more money, went on another spree, were again arrested, and went on through the same experience again and again. These rounders do not like the present law. Under it they "drag at each remove a lengthening chain." When they find themselves in the workhouse, or, perhaps, detailed to do work in the other prisons, for a period of forty, eighty or one hundred and sixty days, or six months, they think that the punishment is severe, and a good many of the keepers and old hangers-on about the workhouse and the prisons seem to think so, too.

The committee emphatically approves of this act and the principle upon which it is based. Not enough distinction is made in penal legislation between the occasional and the habitual vagrant or criminal. The punishment for the latter should be much more severe than for the former. A very large proportion of the inmates of the workhouse are these habitual vagrants or drunkards and disorderly characters, and they ought to be punished for a long term and made to work. A single instance of destitution may be and frequently is no evidence of unworthiness, and a single instance of public intoxication or disorderly conduct

may be and frequently is an extremely venial offense. But those men and women who are repeatedly arrested and convicted of vagrancy, or intoxication, or disorderly conduct, and to whom repeated imprisonments for such offenses afford no warning, ought to be imprisoned for a sufficiently long period to make their imprisonment a punishment, and particularly ought to be made during their imprisonment to work, which in itself is, for such persons, the severest punishment.

#### THE ACT SEPARATING THE DEPARTMENT OF CHARITIES FROM THAT OF CORRECTION.

Another act was passed at the last session of the Legislature, of extremely important and far-reaching consequences, abolishing the present department of charities and correction, and establishing in its place two departments, one of charities and one of correction, which are henceforth to be separated and kept distinct from each other.

This act was based upon one of the wisest principles of correct penal legislation, that the treatment of the recipients of public charity should be distinct and different from that of convicts, the persistent violation of which principle for years past, notwithstanding the existence of legislation enforcing it, lies at the bottom of many of the evils in the administration of the existing system of charities and correction.

The passage of this act was supported by the State Charities Aid Association, by the Prison Association, and by substantially all of the societies and institutions in this State interested in the reform of our penal and charitable institutions. It provided that the existing department of charities and correction should be abolished after December 31, 1895; that the mayor, ten days before December 31, should appoint three commissioners of charities and one commissioner of correction, to take office on January 1; that the two departments should thenceforth be distinct; that the commissioners of the sinking fund of New York should

prepare a detailed plan for the subdivision of the present department of charities and correction into two departments, and for the partition between such departments of all the property now held by the department of charities and correction.

The commissioners of the sinking fund have prepared such a plan and have made such a partition, and the establishment of the two distinct departments in the place of the present department is now on the point of accomplishment.

This act, among other provisions, provides that after December 31, 1895, no new building for the use of the department of correction shall be erected on Blackwell's Island, and, in substance, that Blackwell's Island shall hereafter be devoted to hospitals, almshouses and charitable institutions under the control of the department of charities, and that Riker's and Hart's Islands shall be devoted to prisons, workhouses and penal institutions in charge of the department of correction.

The committee, however, found that notwithstanding the passage of this law, and the various steps which have been taken to carry it out, there were indications of objections to it and to its principle, on the part of various public officers. For instance, Mr. Pillsbury, the warden of the penitentiary, was opposed to the plan of removing the penal institutions from Blackwell's Island to Riker's or Hart's Islands. The views of this experienced officer, whose administration of the institutions under his charge for many years past reflects credit upon him, are entitled to respect and consideration. His principal objection to the removal, as stated to the committee, was that it would involve the rebuilding of the penitentiary and workhouse at a much larger expense than would be involved in adding a wing to the penitentiary and in continuing the use of the present workhouse. Another objection which he also urged was that the quarry at Blackwell's Island afforded an admirable means of employment for a large number of convicts, and that no such quarry existed upon Riker's or Hart's Islands. The committee understands that other gentlemen connected with the city government have expressed similar views, being particularly impressed by the consideration of

the additional expense involved in a removal of the prison and workhouse from Blackwell's Island, and that they are in favor of obtaining new legislation permitting the necessary wings or additions to the penitentiary to be erected at Blackwell's Island, and then to continue the use of that portion of Blackwell's Island on which the penitentiary and the workhouse now stand for the purposes of those institutions.

The committee has given to these views careful consideration, but they are of the opinion that they are not sufficiently weighty to justify the abandonment of the principle which lies at the foundation of the act of 1895, providing for the complete and final division and separation of the department of charities from the department of correction.

Many of the evils in the system in the past have been due to the fact that the two departments have been united together, and have been administered on the principle of classifying all objects of public charity or public punishment as being embraced in one common class. The honest and respectable destitute, the confirmed pauper, the novice in crime and the hardened criminal have all been massed in one great class, and treated substantially alike, except as to the different degrees of punishment to which they have been subjected.

We believe that, in order to remedy this enormous evil, there should be, in addition to a theoretical separation of the departments, an obvious and actual separation of the institutions under their control, and that this great work should now be undertaken on a large and comprehensive plan, with a view to the growth of the city and the demands to be made upon its charities and its penal institutions in the far future. The construction of new penal institutions on Riker's Island will be undoubtedly expensive, but any adequate action taken will be expensive. No substantial additions have been made to the penal institutions of the city for many years. The workhouse can probably be transformed into an almshouse or hospital. Perhaps no use can be made of the penitentiary, except to tear it down and use the stone in its walls for building charitable institutions. But

it will cost a good deal to add the necessary wings to it to adequately enlarge it, and when done it will continue to be an essentially old and poor prison. The fact that the quarry is on Blackwell's Island seems unimportant. Prisoners could be brought there from the upper islands in boats nearly as easily as they are now taken to the quarry from the penitentiary.

But the great and fundamental objection to adding to the present penitentiary is that it will be a final and irrevocable abandonment of the principle of separation. The proposed expenditure of \$150,000 or \$200,000, in building an additional wing to the existing penitentiary, would be a most censurable waste of public money, if it was actually intended to ultimately build a new penitentiary on Riker's Island. The proposition can mean but one thing, and that is the definitive and final abandonment of the plan to remove the penal institutions from Blackwell's Island. Even if such an addition were built, it will, in the opinion of the committee, soon prove useless. The existing penitentiary is very old, defective and inferior in all respects to ordinary modern prisons. The people of New York will not consent that this city shall remain forever under the stigma, which at present attaches to it, of having the worst penal institutions that now exist in any large city in this country. The present penitentiary will have to be ultimately abandoned; and, in the opinion of the committee, the only wise course is to abandon it now, before another dollar is spent upon it. All money employed in patching it will only unnecessarily increase the total expenditure which will be ultimately required, without adding anything of substantial value to the existing system of New York penal institutions. There is a pressing necessity for more hospitals and almshouses, for industrial schools, and for the provision of suitable employment for the destitute. For the purpose of institutions to carry out these charitable objects Blackwell's Island is not now too large; certainly, in a few years it will not be too large. There are obvious advantages in having Blackwell's Island used for charitable institutions, and the remoter islands for penal institutions. A very much larger number of

the inmates of charitable institutions have friends in the city, and any place where charitable institutions are to be established should be easily accessible to the city, both in respect to the convenience of transporting the patients and inmates there, and also their friends and the physicians and other persons necessarily in attendance upon them. On the other hand, there are comparatively few friends to visit prisoners, and if there were, it is not desirable to permit men undergoing punishment for crime to see outsiders often, whether they are friends or not. It is a legitimate part of all prison discipline to prevent too frequent visits. The committee, therefore, emphatically recommends that the Prison Association stand firmly for the maintenance of the Act of 1895, and of the principle which it embodies, and resist by all legitimate opposition any amendment of the Act of 1895, involving an abandonment of its essential principle of the separation of the charitable from the penal institutions of the city, and particularly any amendment having in view the erection of new prisons on Blackwell's Island, and the final devotion of a large part of that island to the uses of penal institutions.

In conclusion, the committee suggests that the Prison Association make the following recommendations to the Legislature and to the officers of the government of the city of New York having any relation to its public institutions of charity or correction:

#### RECOMMENDATIONS.

1. That the Tombs prison be pulled down, and a new prison, constructed as a place of safe detention and not of punishment, modern in design and large enough for the requirements of the city in the future, be built in its stead.
2. That a new penitentiary and a new workhouse be erected upon Riker's Island.
3. That upon the completion of such penitentiary and work-

house, the existing workhouse and penitentiary on Blackwell's Island be changed so as to be used for charitable institutions, if capable of being adapted to that purpose, and that if either of them cannot be so adapted, it be pulled down and the material used, as far as possible, in the erection of suitable charitable institutions.

4. That the confinement of more than one man in any cell in any city prison or in the penitentiary at Blackwell's Island, be immediately prohibited; and that a sufficient number of prisoners now confined in the Tombs and in the penitentiary, be transferred to the various district prisons or to the workhouse until not more than one man be confined in any cell in any city prison or in the penitentiary.

5. That all cells be adequately lighted with electric lights and the inmates permitted to read at night until a reasonable bedtime, and that until such lights are provided they be not put in cells at night any earlier than is necessary.

6. That suitable rooms for hospital service, for meals, for religious services or instruction, and for exercise in stormy weather, and suitable yards for exercise in pleasant weather, be provided in all the city prisons.

7. That all water-closets in cells be removed and buckets substituted in their place.

8. That no mattresses or straw beds be permitted in any cell, but that instead, either canvas cots be used, attached to iron frames arranged with a hinge, so as to fold back against the wall, or canvas hammocks, arranged with hooks at one end, so that, when not in use, they can be unhooked, and the whole space in the cell be unincumbered.

9. That the penitentiary and all the city prisons be immediately provided with proper and adequate rain baths, and that the bathing of the prisoners at reasonably frequent intervals be made compulsory.

10. That chapter 912 of the Laws of 1895 should be amended so as to permit the inmates of the penitentiary, as well as of the

workhouse, to be employed at any time in necessary work upon the grounds or in repairing the buildings of the department of charities.

11. That a bakery should be established at the penitentiary, and that the bread used for the penal and charitable institutions of the city should be made there instead of at the workhouse.

12. That suitable legislation be obtained making one of the criminal jails of the city of New York the county prison for the reception of United States prisoners charged with crime, and that upon such designation of such prison such United States prisoners be removed from Ludlow street jail to such prison and thereafter confined there.

13. That orders of arrest and executions against the person be abolished, and that no person be imprisoned under any process or order issued at the instance of any creditor in any civil action.

14. That if such imprisonment in civil actions be not wholly abolished, a law should be enacted prohibiting the imprisonment of any person under process in a civil action upon a claim or judgment for less than two hundred dollars, and providing that any person detained under any civil process or commitment for contempt of court should be discharged after confinement in any prison for three months, if not previously otherwise discharged.

15. That the existing provisions of law providing that a suitable distinction shall be made in prisons and the workhouse between the recipients of public charity and convicts, and between novices in crime and hardened criminals, be enforced.

16. That the existing provisions of law requiring that adequate employment shall be provided for all the inmates of the workhouse and of the prisons be enforced.

17. That the existing provisions of law authorizing the establishment of an industrial school be carried out.

18. That the Act of 1895, providing for the separation of the department of charities from that of the department of correction, and the principle upon which it is based of separating the penal from the charitable institutions of the city, should be car-

ried out and enforced, and that no amendment authorizing the erection of new penal institutions on Blackwell's Island should be adopted.

All of which is respectfully submitted.

Dated December 19, 1895.

GEORGE C. HOLT,  
JOHN W. HUTCHINSON,  
FREDERICK PETERSON,  
CHARLTON T. LEWIS,  
W. M. F. ROUND,

*Committee.*

## Prison Labor.\*

BY EUGENE SMITH.

The people of the State of New York, at the last general election in November, 1894, adopted, by a large majority of votes, a revised State constitution, in which section 29 of article 3 reads as follows:

"The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year 1897, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association, or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political division thereof."

In brief, it actually prohibits the sale of any product of prison labor, but permits the employment of prisoners in public work for the State or any political division thereof, or for public institutions.

This section was the contribution of the labor party to the new constitution, and was designed to remove the competition of prison labor with free labor by reducing the prisoners to a condition of idleness. It required no slight ingenuity, however, to frame a constitutional provision having this effect which would

carry the popular vote. The people will never wittingly vote for idleness in the prisons. It was necessary to veil the true design by specious provisions which should appear to be prompted by an anxious solicitude to provide the prisoners with employment. As a skillful delusion and snare, this section of the constitution is worthy of comparison with the finest known work of the prince of darkness; it is calculated to deceive the very elect.

The voter, of very much more than average intelligence, would be likely to summarize the contents of this section as follows: "It directs the Legislature to provide for the employment of all prisoners; it does away with the contract system of prison labor, which is condemned by all competent authorities; true, it limits the labor of the prisoners to work for the State or public institutions, but all the prison reformers agree that such public work affords the best possible kind of employment for prison labor. What room, then, for objection or criticism?"

The average voter does not know, what the labor leaders who framed this section well know, that there is no public work for the State of any importance, except that which is farmed out to contractors. The constitution requires that all contracts for work or materials on the canals of the State shall be made with the lowest bidders with ample security. The same method is demanded by statute in the case of repairs to armories and arsenals, in the purchase of arms, uniforms and equipments for the National Guard, in the binding and printing of public documents; in brief, the practice, established by law or by usage in all the public departments, secures the performance of public work and the purchase of public supplies through contracts made with the lowest bidders after advertisement inviting competition. Whether or not it is desirable to alter the system of public business thus firmly established, it is certain that the labor party would most strenuously oppose any relaxation of it for the sake of providing employment for prisons; such opposition would be reinforced by the prevailing popular belief that the competitive contract affords the best possible method of carrying on public enterprises and is the surest safe-guard against political corruption and job-

\* Paper read before the American Social Science Association at Saratoga, September, 1895.

bery. These influences would surely prove strong enough to defeat any attempt by legislative action to turn over public work to the prisons. Then, again, the manufacture of the supplies for public eleemosynary institutions now affords employment, in large part, for the inmates of those institutions themselves; their deprivation of such industry by its diversion to the prisons would be most calamitous. It can be positively stated that the total amount of public work, which is practically available under this section of the constitution, will not be sufficient to keep employed one per cent. of the prisoners within the State. The superintendent of the State prisons estimates that *fifty* prisoners can do it all.

This estimate is not based on vague conjecture. Strangely enough, it seems to have been unknown to the learned body which framed the new constitution that, only six years before, a statute was enacted by the Legislature of New York practically identical in its language and its provisions with the constitutional section now under examination; and yet this section was foisted by the labor party upon the convention as a new and beneficent measure. If the convention knew of the existence of this statute, passed in 1888 and known as the Yates law, they must certainly have been ignorant of the disastrous effects which followed it. It was the direct and immediate consequence of the Yates law that the prison workshops were closed, and the prisoners were shut up and kept confined in their cells. From those cells came, first, a piteous wail, begging for work. The following extracts from the pathetic appeals then addressed by prisoners in the State Reformatory to the superintendent may give a vivid picture of the situation:

"I have lain all day looking at the wall. Will you please let me have some work?"

"I hope you will be able to find some work for me, no matter how low or menial. Before I came here I detested work. Now I am almost crazy for something to do."

"Can you find me a place to work somewhere? I am almost dead after being idle so long. I had rather work day and night

than remain idle. Please give me work, hard work. The day seems two days."

"Please give me work at painting or anything else. I cannot sleep at night."

"Do, please, let me have some work. To remain in my room without work is slow, agonizing death."

And death it proved to many. The reports of the superintendent of State prisons assert that while the Yates law was in operation, the prisons showed a death rate higher than it had ever before been known and a marked increase in the number of cases of insanity among the prisoners. There was also a marked increase in the number of prisoners committed to the State prisons; a fact which naturally attends a vicious measure of criminal legislation. Bad laws and bad prison systems always serve to increase the volume of crime.

The financial effects of the Yates law will strike many voters as more palpable and injurious. For six years prior to 1887 the State prisons had been self-supporting, and had even yielded a slight surplus of receipts above expenditures. In 1888, the maintenance of the State prisons showed a deficit of over \$150,000, although the Yates law did not go into effect until August of that year. In 1889, the annual deficit sprang upward to nearly \$370,000, although the Yates law was repealed in June, 1889. It is easy to compute from these figures that this law, by its suspension of prison industries, though it continued in force only ten months, directly increased the cost of maintaining the three State prisons alone by a sum not less than half a million dollars. To this must be added the cost it entailed in the maintenance of the penitentiaries, reformatories, and other penal institutions in the State. The Yates law was superseded in 1889 by the law now in force, called the Fasset law, which reinstated industries in the prisons under the system of labor known as the public-account system. Under the operation of the Fasset law, the prisons have been substantially self-supporting. It is true that every year shows a large nominal deficit, but that deficit is offset by the value of the accumulated plant and stock belonging to the State.

The State has so hampered itself, by the enactment of a series of fatuous laws, restricting the market for prison-made goods, as to render it impossible to sell the products of prison industry. It has been the inevitable result that the State has accumulated an enormous stock of manufactured products and materials which, by its own legislation, it has shut out from any market. If the labor party could be induced kindly to relax its hold upon the legislature so far as to permit the repeal of these pernicious laws, excluding goods of prison manufacture from the market, the prisons of the State, under the present system of labor, could easily be made self-supporting.

But the most serious objection to the Yates law, and to the constitutional provision now under examination, remains to be stated. The science which deals with the discipline and management of prisons, and with the treatment of crime and of criminals, has grown up within the latter half of the present century; its subject is the psychology of crime; it has been developed by tentative and experimental methods, aiming to reach and to affect the springs of life in the convict, to awaken within him new motives of action and healthy ambitions, to infuse into him both the resolution and the capacity to lead a worthier life. Prison science is no longer in the embryonic stage where men may wonder whether there is anything in it; it has demonstrated and actually achieved some marvelous things. The Elmira Reformatory—in the institution and maintenance of which the State of New York has rendered a more signal service to the world than in any other enterprise it has ever undertaken—the Elmira Reformatory has proved that hardened and vicious criminals may be subjected to a course of treatment, conducted on purely scientific principles, which will inevitably work the transformation of eight out of every ten of those criminals into law-abiding men. Mark that this result does not follow sometimes, occasionally, under favorable circumstances, but *always*; among felons of the class committed to Elmira, taken as they come, by hundreds or by thousands, eight-tenths of them can be, have been, reformed by scientific methods of treatment. Elmira does not stand alone.

This new reformatory science is firmly established in every civilized country in the world, and it is everywhere revolutionizing the public treatment of crime. Punitive prisons are destined to disappear, and reformatories, conducted upon the tested principles of the prison science, will be the only prisons known to the future. This discovery of scientific methods of treatment, by the application of which felon convicts (to so large a percentage) can be rehabilitated and made to experience a positive reformation of habit and of life, must be regarded as the most valuable contribution that social science, under the inspiration of Christianity, has ever made to the welfare of humanity. In it lies the one hope of the future for the ultimate reduction of crime.

This is not the time to enter upon a detailed explanation of the means employed by the new prison science in dealing with criminals. It is sufficient to state that the one agency on which the whole reformation process rests is industrial labor. Productive industry is a vitalizing force, essential to preserve even a free community from stagnation; but idleness in prison works hopeless degeneration and ruin. Without the energizing aid of labor, reformation is an impossibility, and prison science is made powerless and nugatory. Herein lies the bane of this new constitutional provision; it ignores all that prison science has demonstrated and achieved and all that it promises; it calmly steps backward a hundred years and blots out all that prison reform has laboriously accomplished through painful experiment, agitation and effort; it ushers in a new era for the prisons, which, in effect, is simply a restoration of the horrors of the middle ages, before the rudimentary discovery was made that industrial labor is necessary to raise a prison above barbarism.

The wonder grows at the mystery of political forces that led the convention to enact so pernicious and so benighted a measure. It went virtually by default, for, among the leaders of that body, Joseph H. Choate alone (to his honor) had the courage to openly denounce the measure upon the floor of the convention.

The operation of the Yates law was so disastrous that it was repealed by general consent at the first session of the Legislature

following its enactment. The so-called Fassett law which was then passed in its stead, forms the most comprehensive and enlightened code of prison law that has ever been enacted—at least, on this side of the Atlantic. It is in full accord with the most advanced principles and methods of the new prison science, and has been accepted as the model upon which subsequent legislation in the interest of improved prisons, in other States of the Union, has been framed. This beneficent code, which placed the *State of New York* in the position of leader in the movement toward prison reform, is now nullified by the revised constitution, which reduces the State in this regard to a rank far behind that of any other State in the Union, and degrades the prisons to a condition more deplorable and debased than that held by them at the beginning of the nineteenth century.

This, then, is the benighted and medieval plight into which the State of New York is plunged by its new revised constitution. What is the remedy? What is the best method of escape?

The first question is whether the *Legislature* can yield any effectual relief. The constitution imposes on the Legislature the obligation of providing prisoners with employment, but in the same breath prohibits their employment at any labor, the product of which shall be sold or given away. It has been shown that no public work is available. What then remains but the establishment by law, in all the prisons, of trades schools, where the convicts shall be instructed in the various branches of industry? True, no goods manufactured in such prison-schools could be either sold or given away; they would have to be broken up, and the materials worked over again and again, so far as practicable. But the prisoners would thus be trained to become skillful artisans, they would be employed in a reformatory kind of labor, and on their discharge would be fully equipped with the knowledge of a trade through which they could earn an honest living. Nay, more, every convict on entering prison would become an apprentice, and the prisons would discharge every year into the labor market, not simply a lot of workmen, but a body of trained and expert mechanics, thoroughly educated and skilled

in their trades. These trained ex-convicts would be the natural enemies of the trades unions; by reason of their superior skill and training they would form a firm nucleus, attracting those elements in the laboring community that are restive under the tyranny of the trades unions, until at last there would be formed that most desirable class, an order of independent workmen in fierce competition with the labor unions. If this constitutional provision, astutely devised for the express purpose of stifling all labor outside of the trades unions, could thus be turned to cause the creation of a class which could effectively rival the trades unions, it would be an instance of retributive justice highly pleasing to the poetic sense.

*But I am firmly convinced that no relief from this constitutional provision can be looked for through the action of the Legislature.* In the first place, it is certain that the suggested conversion of the prisons into trades schools would meet with the determined hostility of the labor party; and the experience of recent years has shown the dominating influence of that party in the Legislature. The strength of the labor party at the polls has doubtless been greatly exaggerated, but the current belief that the future of every political aspirant can be made or blighted through the vote of that party, makes the fear of alienating its leaders almost the only fear which the modern legislator does not dare to brave. Then, again, the expense of erecting and administering these trades schools would be truly enormous; coupled with the constitutional inhibition against realizing anything from the products of prison labor, the cost of maintaining the prisons under this system would impose a burden of taxation of such unprecedented magnitude as to arouse the condemnation of intelligent citizens without regard to party. The opposition of the labor party, added to the ruinous expense entailed by the suggested measure, would certainly render its enactment by any Legislature wholly impossible.

Aside from these practical impediments, the proposed system is indefensible on principle. Prisons ought to be made, so far as is practicable, self-sustaining. Prisoners ought to earn their

living by their labor. It is the right of the people to demand that all the productive capacity of a prison shall be utilized toward its support; and any system that casts the entire expense of maintaining its prisoners upon the public, without realizing anything from the labor of the prisoners, is inherently unjust and is incompatible with sound political economy. Productive labor used as the means of self-support is also the most effective instrument of reformation in the methods of prison science; mere industrial education and training, without the fruitage of earning, cannot take its place. The convict needs to learn, by his experience in prison, the value of industry as the only mode of earning money and of supplying his wants. This lesson cannot be adequately taught through labor that yields no tangible returns. The question, moreover, whether it is right that the criminals of the State should receive, wholly at the public expense, a special education in the mechanical arts that is far beyond the reach of the poor and honest artisan outside the prisons, opens a fruitful field of discussion into which it is not necessary now to enter.

It has seemed to the Prison Association of New York that the only effectual remedy against this noxious provision of the constitution lies in its repeal, so far as it prohibits the sale of the products of prison labor. The association accordingly prepared and submitted to the last Legislature a proposed amendment by which the section in question is made to read as follows:

"All prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories of the State, shall be kept occupied and employed at labor; and on and after the first day of January, 1897, no such prisoner shall be required or allowed to work at any trade, industry, or occupation wherein or whereby his labor or time shall be farmed out or contracted to any person, firm, organization or corporation. The Legislature shall provide for the employment of such prisoners, as far as practicable, upon public work, or in the manufacture of supplies required for the use of public institutions, owned or managed and controlled by the State, or any political division thereof."

This amendment confirms the abolition of the contract system

of prison labor, and directs the employment of the prisoners on public work "as far as practicable" only. But it leaves the prisons open, as they were before the revised constitution, to engage in the manufacture and sale of goods on the public-account system; it leaves the Fasset code in full operation, and thus insures the prisons against idleness.

To amend the constitution, it is prescribed that the proposed amendment shall receive the approval of the Legislature at two successive sessions, and then be submitted to the popular vote. The amendment given above has already been approved by the Legislature of 1895, and if it should be approved by the Legislature of 1896, it would be submitted to the people for ratification at the fall election of 1896; should it then secure a majority of the popular vote, it would take effect on the first day of January, 1897. The section, as it now stands, does not go into operation by its terms until January 1, 1897, and hence it would never become operative should it be superseded by the adoption of the proposed amendment.

This amendment ought to receive the earnest support and advocacy of all citizens who have at heart the welfare of the State and the advancement of prison reform. The adoption of the amendment is all that can now save the prisons of the State from ruinous demoralization, and all that can save the State from an access of crime which is sure to follow upon a vicious prison system.

## The New Constitution of New York in Relation to Prison Labor.\*

By W. P. PRENTICE.

The framework of government is seen in the constitution. From another point of view it is the organic or fundamental law as opposed to ordinary legislation.† Beyond it is still the unwritten law which eminent jurists have maintained "underlies all free government, and must be respected whether embodied in constitutions or not."‡ According to the famous phrases of our Declaration of Independence, "governments are instituted to secure the inalienable rights of men," and again, "prudence dictates that their form be not changed for light and transient causes." Permanence is expected of it, and least of all we are prepared to see, in any important particular, sudden changes of the law of the State. A recent decision of the Court of Appeals affirms that "the constitution, which underlies and sustains the social structure of the State, must be beyond being shaken or affected by unnecessary construction or the refinements of legal reasoning. We may be compelled to have resort to such in the presence of contradictions, or of meaningless clauses; but not otherwise.‖ Guided by reflections of so great weight, and by the axioms oft repeated in judicial utterances entitled to most respect, that "an amended constitution is to be read as a whole, and as if every part had been adopted at the same time, and as one law, and effect must be given to every part of it, each clause explained and qualified by every other part," § and further that "A statute is

never to be construed against the plain and obvious dictates of reason,"\* we take up the examination of the twenty-ninth section of the third article of the new constitution and observe in the first place its salient features: that it is wholly new; that an interval until after January 1, 1897, is provided before its enforcement; that the mandate in the first clause to the Legislature is of ordinary, perfunctory, and continuous duty which knows no interval; that it is contradicted and rendered impossible by the prohibitions of the concluding clauses, if ever they were to be enforced; and that it is opposed to other parts of this and former constitutions, and to the letter and spirit of preceding laws. The rest of the constitution has earlier effect; but with the ample provision the instrument contains for amendment, already availed of, and one proposed and adopted for this article by the last Legislature, the intervening period and the question of its best use, engage serious attention.

The constitution is itself an amendment and revision of that of 1846. Under it we had the prison reform, whose light for more than twenty years has been growing stronger upon the darkened paths, both of the prisoner and his keeper; and never, certainly since the law of 1889, have the interests of labor, in any wise considered, been injured.‡

By an amendment of 1876 it created, and this constitution in the same terms preserves, the office of the superintendent of State prisons, with "the superintendence, management, and control of State prisons, subject to such laws as now exist or may hereafter be enacted." Throughout, the power of duty of the Legislature to provide for the changing necessities of the times is preserved. To it there is no limit, save by the constitution itself, and it has been often held and well said, it belongs to no constitution to prevent its amendment, and no Legislature can curtail the power of its successors to make such laws as they deem wise. No Legislature can declare the effect of subsequent legislation nor forestall legislation. "No Legislature," says the

\* Paper read at the American Social Science Association held at Saratoga, September, 1895.

† Mr. Justice Miller in *Loan Association vs. Topeka*, 20 Wal. 662.

‡ Black, Com. 244.

§ *People vs. Rathbone*, 156 N. Y. 438.

|| *People vs. Auley*, 109 N. Y. 264.

\* *Davies vs. Fairbairn*, 5 How. (U. S.) 686; *Mongeon vs. People*, 55 N. Y., 617.

† Const. Art. V, Sec. 4.

Supreme Court of the United States, "can bargain away the public health and the public morals. The people themselves cannot do it, much less their servants." \* "There it little reason," says Mr. Justice Andrews in *People vs. Budd*, "under our system of government to hamper the legislative power in dealing with the varying necessities of society and the new circumstances as they arise calling for legislative intervention in the public interest. In the traditions of the English speaking race is a prevailing public sentiment which is quick to prevent any encroachments. In no country is the force of public opinion so direct and imperative as in this." The change introduced by the new constitution not only restricts the province of the Legislature, but is a sudden return to an abandoned experiment, which it had recently made. The scheme was tried under the Yates law of 1888,† repealed in 1889. In the latter year was adopted the celebrated and successful law regulating the whole subject, which has remained in force until the present time without essential modification.‡ Four years thereafter the annual report of the superintendent of State prisons portrays the consequences as they have been found in practical administration under such laws, and proven by the figures and facts submitted in the course of his official duty to the Legislature. He says: "By the law of 1888 all prison industries were abolished. The result was necessary idleness and the evils which always attend such a state among imprisoned men. Hence, in 1889, a new prison system was established under a law which aimed to afford employment to the prisoners, while it was framed to reduce the competition of the labor of the prisoners with free labor to as low a point as possible. The results of the business carried on under this law since 1888 have been consolidated, and the superintendent is

\* *Stone vs. Mississippi*, 101 U. S. 815, 819. *Mel. Ed. Excise vs. Barrie*, 34 N. Y. 657. *Mongee vs. People*, 56 N. Y. 613. *People vs. Long* 12 R. R. 3 Abb. N. C. 181.

† L. 1888, Ch. 586. In Pennsylvania and Rhode Island no power had been reserved by charter or constitution for amendment, but such power was held to be inherent in the people of the State. In the latter State the question arose under the charter granted by Charles II. in 1653, but the amended constitution was adopted in 1847.

‡ See ch. 482, L. 1889; sec. 165 14; ch. 170, 1892; ch. 737, 1894; N. Y. Supt. Prisons Report, 1892, p. 10.

glorified at the satisfactory report presented in the following tables." The approved system avoids all unreasonable and cruel punishments, but still is hampered with restrictions to please that minority, always most clamorous, who claim the support and speak in behalf of manual labor. Contract work was prevented. In certain industries not more than 100 prisoners could be employed, and in none more than five per centum of the free labor engaged therein. It is observable this is further reduced by the estimate that three convicts do not do one free man's work. In fact, not one per centum of competition has been found by statistics. Such a system, after five years of proof without cavil, seemed free from open attack. Nevertheless, coupled with the wise, but in such place unnecessary and perfunctory, exordium that, "The Legislature shall by law provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State," the new constitution adds a prohibition to take effect after two years, and in the cautious language of the annual report, "*radically limits, after the date named therein, the field for the employment of the prison population.*" Prison reports, the world over, show that this practically sweeps away safe productive labor. The injunction, moreover, is futile and useless until we return, as in England, to the treadmill. This and similar purely punitive labor should be, if at all, under a law similar to that of England, classifying the prisoners, and the classes of hard labor should be designated by legislative enactment.

Unwilling to proceed in this direction, or to continue in the way which reminds us of the bronze horses of Berlin, each arrested and thrown back by the head, christened by the solid wits of that capital "Advance backwards," "Forwards retreat," the Legislature of 1895 sought to restore the law by the amendment above referred to, which, adopted in due course by concurrent resolution of the Senate and Assembly,\* now awaits the session of 1896, and, as it is hoped, final submission to the people before

\* N. Y. L. 1895, p. 1011. Assembly April 24, 1895. Senate May 14, 1896.

January, 1897. It is a prudent and praiseworthy measure to be supported by every well wisher to prison reform, because it is the only practical means in the limited interval which remains before this part of the constitution shall take effect. We could have wished a more signal return to the beneficial results of the constitution of 1846 and the law of 1889, and that in the course of that progress of prison reform which has been marked by stately and confident steps for the last twenty years, the power of the Legislature over prison labor had been left untrammelled; and that the constitutional office of the superintendent of State prisons, the same in terms under both constitutions, had been enlarged in discretionary authority and proportionate responsibility. Yet, as by precedent, we are bound to presume the wisdom of constitution makers, and the amendment follows the method they themselves have provided, we may assume this article, with its contradictory and meaningless clauses, if they be construed together, was left for deliberation, and to be amended as indicated above. If of doubtful purpose, the new article should not be permitted to rule by omission or accident. It is not paradoxical to say that the amendment is necessary to maintain the law, but to leave the new constitution without amendment is to change the organic law.

Organic law touches the rights of men, protected both by written and unwritten law, as Blackstone in his Commentaries says of latent powers of society "which no climate, no time, no constitution, no contract, can ever destroy or diminish." Such are involved in prison reform. Moral and economic reasons bring to this side of the argument the interests of the majority of citizens, while on the other side, the cry of the prisoner, wearing the semblance and form of man, is not lost in the oubliette and dungeon of a past age. There are ears to hear and hands to help him, if the law permits, and if he be one who can possibly be restored to usefulness and safety. We claim for him a right to labor so long as it is his right to live; and that in a rational way, to some reasonable end, to some relief of society as well as of himself. It is as necessary to the development of sound life in a man as

air to breathe and the elements of food. In idleness his mind rots, as does his body.

The proper mode of punishment is a problem of state, wherein the moral predominate over the economic questions. Yet the latter have a double bearing. Our State maintains three prisons at a cost of over half a million dollars, for which, under the new constitution, there would practically be, with the increased expense, no return. They were self-sustaining not long ago.

What, however, if it be a failure of another sort? "The prison," say many writers, "is a manufactory of the phthisical, the insane, and the criminal." Undoubtedly, without occupation for the prisoner, such is its tendency. A forcible writer speaks thus of the English system of 1879, and his words are a warning even to our own day: "Nothing could be more clumsy and inefficient, except for evil. Then there is the expense of the system, which does not reform nor get rid of the thief; in old days goal fever did the latter when the halter failed; ours merely hoards him up for a while to turn him loose on society more wolfish than ever. As we deal with the thief he is our most costly national luxury." In France and on the Continent the ruin of convicted men and the chief cause of recidivism has been found by the courts and the inspectors-general of prisons in the prison and its regime.† The jails of Ohio, with half a dozen exceptions, have been called by an important committee of investigation in that State moral pesthouses and schools of crime. Emile Gautier speaks of the prison as a hothouse for poisonous plants. Like reports come from many countries and States, that prisons seem to increase rather than diminish the number of habitual criminals, against whom society must ever be on its guard, and for whom it so liberally provides that the prisons are preferred to workhouses. Proverbs and popular songs describe the folly

\* Sketches from Shady Places, Thor Fredur (1879), pp. 306-7.

† Ellis Criminal, pp. 240, 252. Enquete Parlementaire, V., pp. 346, 351, 562.

Dr. Strachan in Westminster Review, June, 1886, says the majority of recidivists are inductive criminals, and consequently are "incapable of keeping within the law while free agents. Their will power is weak or altogether absent, and their instincts are strong. Being thus constituted, they fall at the slightest temptation, whatever the threatened punishment may be."

of any other opinion than this, that "He who says the prison punishes, he is deceived," and we recall the judgment and saying of Lacassagne that "every society has the criminals it deserves." This refers less to the origin than to such parts of their lives as the State is in a measure responsible for, after its grasp has seized them and the stamp of its treatment is made. Their baneful influence is to be excluded, if crime, which is a greater object than the criminal, is to be repressed.

Another example may serve. Mark amid lovely scenery on our river's bank the site of a chemical factory. Upon the foliage of adjacent hills in a long and distinct line is seen the path of its poison gases swept away by the wind, destructive of leaves, of twigs, and growing vegetation. Within its walls is wrought out a product, safely because skillfully treated, needful to the arts and profitable yet vengeful enough when mishandled. Thus we may picture the State prison as a factory, its materials men, its laboratories for some advantageous use.

Our State prison report for 1891 maintains the position that for such physical, mental, and moral well-being as is attainable in prison, the continuous employment at labor of the prisoners is necessary. It adds, "the economical question is not referred to at all. Continued employment of some description is absolutely essential." The reasons are many for this rule, and no writer of importance, no enlightened prison management fails to insist upon its adoption wherever possible in any way. Their experience unites in the conclusion warranted by the facts in our own State under the law of 1888, until it was repealed, that "Nothing can be more cruel and inhuman than to keep prisoners in idleness;" "indolence made obligatory by law is the worst feature of the jail;" "without productive labor there can be no reformation of criminals."

Arrived again at our starting point, the first sentence of the twenty-ninth section of the third article of the constitution, we find it not abrogated by the proposed amendment, but it may be held to contain the settled and deliberative judgment of our State. This proposal is that "All prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories of

the State, shall be kept occupied and employed at labor." Such is the language of the amendment now before the people.

What shall be that labor, asks the superintendent of State prisons in his report of 1894, and the same question was heard from many a side at the meeting of the National Prison Association at St. Paul, 1894. No State in the Union has completely answered it, and yet in most the restrictions are fewer than in our own. In England and on the Continent the principle prevails, in the words of the English act,\* that "the expense of maintaining in prisons prisoners who have been convicted of crime should in part be defrayed by their labor during the period of their imprisonment." Yet success has not been fully attained, and the last report of the English commissioners of prisons † shows that with the greatest variety, fifty-nine employments in fifty-seven prisons, besides those of the first class of hard labor, "consisting of work at the tread-wheel, shot-drill, crank-capstan, stone-breaking, or such other like description of hard labor as may be appointed," etc., embarrassment occurs "in finding suitable industrial labor for prisoners who know no trade which can be carried on in prison and whose sentences are not long enough to admit of their being taught one." The warden of Michigan prisons reported that out of eight hundred and fifty convicts in one prison, two hundred were not employed, and with most half time and work on alternate days had to be pursued. Superintendent Scott of Massachusetts, in his able address last year at St. Paul, had this to say, that "if prison discipline is simply to be maintained, many forms of unproductive labor could be introduced, and the crank and tread-mill would be preferable to idleness, and the question might be solved through unproductive labor." The opinion that "this can be accomplished by the introduction of instructive labor at the sacrifice of remuneration and at a somewhat additionally increased expense" is given, but he adds, "Probably since industries were first started in prisons, they were never in greater peril than now, owing to existing legisla-

\* Report of Com'rs. of Prisons, 1894, pp. 25, 106.  
 † *Id.*, p. 14.

tion in New York and Ohio and pending legislation in Massachusetts and Kentucky.\*

It is, alas, a true bill of indictment, and, unless relief comes, the judgment will be that we return to the tread-mill. We go back to September 23, 1822,\* for the first operation of this instrument in the New York penitentiary, and its titles in the literature of the day, and also in the argot of criminals, sound strange to us now; in thieves' slang, "The everlasting stairs," "The wheel of life," "The care grinder," officially known as "The stepping or discipline mill," or tread-mill, in England tread-wheel, with its substitute for use in the cells, the crank. The London society for the improvement of prison discipline seems to have published the first description and recommendation of it that we had in our State, but it was earlier used in Hartford, and speedily sought for in Albany and in Maryland. It was worked either by men and women, in groups of from thirty to fifty on a wheel, and, as in England now, it did service as power to grind corn or pump water for prison use. The daily task is recommended in the last report of the English commission to be equivalent to raising the weight of the body 9,000 feet per day, a merely animal function, but as the early report of Auburn prison states, fifty convicts can be more easily governed at work than ten in idleness, and one of the committee to investigate its working, whose report was published in 1828, finds its chief recommendation in the discipline; that the convicts sleep better after its use, and that they are less given to idle talk. Small attention was given to the herding of the prisoners in this work of gangs, or that with the care of the prisoners all individuality, all ideals, all hope, all progress towards reformation were ground away.

Labor is ennobled when we read that "Manual qualification

\* The reports on the stepping or discipline mill, published by the Common Council of New York in 1828, are interesting. Mayor Isaac Collins, Stephen Gallat, and Thomas Eddy, of the Society of Friends, were most instrumental in securing the necessary attention in 1822 to the disciplinary advantage of the tread-mill, and furnished illustrations, some of which are published with the report of the mayor, October 25, 1822. The Commissioners of Prisons of England instituted medical inquiries in 1803 upon the requisite amount of labor, and their conclusions are given with some detail in their report of 1804. They have discontinued the shot-drill.

is the strongest safeguard against crime and one of the most potent influences in the reformation of the criminal;" when we think of it as an educator, as well as preventive of evil habits and evil thoughts, and men taught, as they feel their powers grow, to rise in the plane of human activity, and become independent beings, with some information of responsibility. But labor is debased, even to the eye of a convict, in the tread-mill, and certainly it is to all its apostles who guard free labor so jealously, when in this age of the triumphs of intelligence and genius, when steam and electricity multiply as we will all brute power, we reduce labor to a mere feeble animal process, to a service not equal to that of a dog or a mule.

The opposite, and pleasant extreme, we see in the State prison of Japan, where prisoners who are worthy are engaged in works of art, in cloisonné work, in wood carving, pottery, fan, umbrella, and basket making, and descend through their grades of capacity to stone-breaking at the last, to which only thirty out of two thousand convicts are left.\*

The usefulness of interesting labor was exhibited, and a pathetic picture was drawn, when the warden of Clinton prison reported in 1891, that "the moroseness and sullenness of idle men, when the shirt industry was suspended, required tact and patience to avert unpleasant consequences."

With one further reflection on the State's responsibility to the young, we shall leave this subject. Boys from ten to eighteen years of age fill the reformatories of the different States; in one prison of California 400 prisoners were under twenty-five years of age; of the entire prison population of our State last year, over fifty per cent. were less than twenty-seven years of age. In England, by the last report, fifty-five per cent. of youthful criminals had been previously convicted from once to eight or ten times, and it is supposed the same ratio would prevail here. Survey from what quarter you will the field of crime, you find the roots and the blossom and the flower of poisonous plants overspreading it, and to an alarming extent. It is the devil's harvest that

\* Tokyo letter of H. Norman to Pall Mall Gazette, October 16, 1886. *Illus.*, p. 273, note.

is constantly gathered in. In 1850 the criminal was one in 3,442 of population, in 1860 one in 1,647, in 1870 one in 1,171, in 1880 one in 855, in 1890 one in 757. Even from the utilitarian point of view, society is to be protected by the law, and its burdens grow less if one out of 1,000 convicts can be turned from habits of crime.† We know that with the best prison methods of this decade, in many countries the ratio of reclamations has been encouraging, and in many instances has been large.\* At all events, such humanizing endeavors are in the right direction. Any correct rule for prison labor will be for something more than discipline, and for the preventive of the sources and causes of crime.

The inscription of Pope Clement XI. teaches the correct lesson: "It is of little use to restrain criminals by punishment unless you reform them by education," and I would add, teach them of honest and ennobling labor.

† In France the tide of criminality has risen several hundred per cents. So also in Germany for many serious crimes, and in Italy and Belgium; in fact, over the civilized world it is the same appalling story during this century. In Spain, the sentences to perpetual imprisonment nearly doubled between 1870 and 1883, and, however the statistics may be analyzed, the increase in crime seems real. The Criminal Havelock: *Ellis, Nat. P. and R. 1894, p. 14.*

\* Prof. Joly in a recent paper declares "that crime is rapidly on the increase in France. In 1859 the number of minors brought to trial was 5,400, whereas in 1891 their number exceeded 7,000, although within the five years which had elapsed between the latest census and the preceding one the number of children decreased by 25,000. The increase of offences committed by youths of sixteen to twenty-one is much greater."

## The Bertillon System.

ADDRESS BY DR. PAUL R. BROWN.

Mr. President and Gentlemen.—*Quételet*, the illustrious Belgian scientist, first demonstrated the fact that mathematical laws determine the distribution of all nature's forms and dimensions. The frequency with which a form or dimension occurs, diminishes progressively as it is removed from the mean. This decrease is in exact accordance with a most simple mathematical formula—*Newton's binomial theorem*. In all countries experiment has shown that, so far as human forms and dimensions are concerned, there is an almost exact concordance between the results calculated according to this theorem and those furnished by observation.

The forms and dimensions of all animate things oscillate or vary between a maximum and a minimum. Necessarily the forms and dimensions intermediate between these extremes will form very much the largest proportion of the cases; hence the necessity of three grand divisions—the small, the medium, and the great. The terms describing these divisions of forms and dimensions may vary, but the dominant idea is always the same. This is the philosophical basis of the Bertillon system of anthropometric identification.

This system consists of three distinct parts: First, certain anthropometric measurements; second, a systematic analysis of the features of the face; third, an exact anatomical localization of the various scars, moles, marks, etc., upon the human body. *Quételet*, in his work upon anthropometry, has conclusively demonstrated that, after twenty-one years of age, the various bony lengths of the body are practically unchangeable throughout life and vary greatly from one individual to another. Bertillon has

selected certain ones of these lengths which admit of easy measurement and still easier classification: the antero-posterior and transverse diameters of the head, the bi-zygomatic diameter, the length of the middle finger, the length of the foot, the length of the cubit (distance from point of elbow to end of middle finger), the enverure or stretch (distance between the extremities of the middle fingers when the arms are extended crossways), the height proper and the height of the individual when seated. To these measurements are added the length of the ear, an organ which is virtually unalterable during life.

The above measurements are the anthropometric measurements proper. The measurements of the head, middle finger, foot and cubit, which are capable of being taken with more exactness than the others, are termed the grand classification measurements. The instruments employed are a head caliper and two measures, which somewhat resemble those employed by shoemakers. They are inexpensive, and in an hour's time a school boy fourteen years old, of average intelligence, can be taught their modus operandi.

After these measurements come a systematic analysis and classification of the features of the face. I perhaps can best illustrate by analyzing the profile of the bridge of the nose. The profile of all nose bridges is convex, rectilinear or concave, and the qualifying term sinuous, if necessary, may be added to each term: as convex-sinuous, rectilinear-sinuous, concave-sinuous. In this analysis the rectilinear nose bridge is the mean and the concave and convex the extremes. The line of the base of the nose may be analyzed in the same manner. It may be horizontal, the mean, depressed or elevated, the extremes. The forehead, chin and ear are similarly analyzed and classified according to rules deduced from the binomial theorem. After these various analyses, the scars and marks on the various parts of the body are localized with anatomical exactness, using certain fixed anatomical points as guides. For instance, a naevus on the breast might be localized as follows: naevus of 3.2 at 6 centimeters under inter-clavicular notch and at 4 centimeters from median line.

The eyes are classified according to the amount of orange yellow pigmentation of the iris, the scale extending from the light blue eyes of the blonde races of the Scandinavian peninsula to the maroon eyes of the inhabitants of the Dark Continent. The sanguineous and pigmentary coloration of the complexion are considered separately. A florid Englishman would have sanguineous coloration great and pigmentary coloration slight.

With a pale dark Italian, the reverse would be the case. As to the chances of two persons having ten identical measurements they are about one in eighty billions. When to the anthropometric measurements are added the data furnished by the analysis of the features, the anatomical localization of the scars, marks, etc. the chances are almost infinite against finding two individuals presenting the same peculiarities and measurements.

The Bertillon system is not in the experimental stage; the problem of anthropometric identification has been solved, and the sociological value of this method clearly demonstrated by a practical test, which, in France, has extended over a period exceeding ten years. This system is in general use throughout France, Belgium, Switzerland, Russia, several South American republics, and it is now being introduced into conservative England, so slow to adopt new methods, especially if they are French. In the United States it is in practical operation, in Illinois (introduced by Major McLaughry in 1887), Michigan, Wisconsin, and within the last eighteen months it has been legalized in Massachusetts. It may be asked, how can the Bertillon system aid in the capture of a criminal? It cannot unless he has been previously measured, described, etc. To put salt on this bird's tail, we have to catch it first; but if we turn it loose and ever catch it again, we can distinguish it from the rest of the birds.

Let us suppose, for instance, that a murder has been committed in Chicago and the murder arrested and measured, but by some means he manages to escape. He comes to New York and is arrested for some trivial offense, vagrancy, for example, and is again measured. At the time of the prisoner's escape, the Chicago measurements having been mailed or telegraphed from Chi-

ago to New York, the man is at once identified. Were this system in vogue throughout the United States, the professional, habitual criminals of the country would soon be known to the police authorities of the large cities.

When France adopted the Bertillon system there was an exodus of professional criminals from that country to Belgium. Belgium, in self-defense, also adopted it, and the malefactors flocked into Switzerland. When Switzerland in turn fell into line, there was a helira to other countries. A determination of physical personality in many ways may be advantageous to society independently of its efficacy in the prevention and repression of crime. Wherever and whenever the establishment of the personal identity of an individual is necessary to secure his interests, the interests of his associates or those of the State, the Bertillon system is capable of rendering valuable service. If we wish to determine the identity of a victim of a railway accident, of a soldier killed in battle, in all cases where the body is unrecognizable by any of the ordinary means of identification, this system again comes into play.

Had a similar system been in use in our armies during the last war, there would have been no bounty jumping, which at one time threatened the integrity of the Army of the Potomac, and there would be no cases of one man drawing two pensions under different names. Were this system in general use a dead body at the Morgue, a lunatic running amuck, a man attacked by paralysis on the street and unable to give his name and address, could readily be identified, and there would be no danger of having those nearest and dearest to us consigned to the oblivion of the Potter's Field.

The famous Tichborn claimant case would have been settled in five minutes had both parties to the suit been previously measured. Hundreds of valuable applications of this system will suggest themselves to any one familiar with its principles. The classification of the anthropometric cards is one of the most admirable features of this system.

By means of this classification in less than a minute one card

can be isolated in a hundred thousand, or five hundred thousand, for that matter. I will now present the Bertillon anthropometric instruments for your inspection and explain their modus operandi.

#### CRIMINAL PHOTOGRAPHY.

In the case of individuals over twenty-one years of age, the Bertillon system of anthropometric identification is all that can be desired, but under that age, say from sixteen to twenty-one, implicit confidence cannot be placed in its results.

During this period the bony lengths of the body are constantly changing, and there will be radical differences between the measurements of a youth measured at sixteen years of age and again at nineteen. Under these circumstances photography renders us very valuable assistance, particularly the photograph of the profile. The general profile does not change to any appreciable extent, and in the profile photograph we get a perfect fac-simile of the ear, an organ which is practically unchangeable from youth to old age.

Photography may also be of great aid in the identification of criminals who are at large. Whether a full-face or profile photograph will be the more valuable in such a case depends greatly upon what we expect or require of them. If it is a question of the recognition of a criminal by the general public, there can be no doubt as to the full-face picture being the better, for ordinarily we remember a full or three quarters face best as we usually face the individual with whom we are conversing.

The remembrance which each one of us has of his own countenance is usually full face or three quarters, but when a detective is on the track of a criminal and endeavoring to recognize him by means of a photograph other considerations come into play, and under such circumstances the profile picture is much more valuable.

A criminal can greatly change his personal appearance by a different cut of hair or beard, or both; by wearing different articles of clothing, etc., to such a degree that he is practically unrecognizable from in front, but he cannot change the profile of

his forehead and nose or the anatomical characteristics of his ear. A detective, if possible, ought to have both a profile and full-face photograph of his quarry; and what is much more essential, he should know them by heart.

Taking a hypothetical case, for instance, he should know that the sought-for criminal has a markedly retreating forehead, a nose with concave profile and with its base elevated, that the posterior border of his ear is large and thick, and that its lobe is blended with the cheek; in a word, by careful, systematic study of the photographs in his possession, he should be able to verbally recite every facial characteristic of the individual he is seeking.

Were our detectives better informed as to the possibilities of the photograph as a means of recognition, we would not have so many cases of a detective passing a criminal on the street when the criminal's photograph was in his pocket. In criminal photography certain things are essential. In the first place the photographs should be uniform in size and of the same photographic reduction.

Experience has shown that a plate  $7\frac{1}{2}$  by  $11\frac{1}{2}$  centimeters is sufficiently large for both a profile and full-face picture, and that a reduction of one-seventh is most desirable. In this case each photograph is about the width and an inch shorter than the ordinary carte de visite picture. Under no circumstances should the photograph of a criminal ever be retouched. I present for your inspection photographs of a criminal arrested in Chicago and identified by means of the Bertillon system. I would particularly call your attention to the profile of the forehead and nose, and also to peculiarities of the ear in both pictures. Although this man has greatly changed his personal appearance by shaving off his beard, dispensing with a necktie, etc., the profile and the anatomical characteristics of the ear leave no room for doubt as to his identity with the individual photographed a year previously.

Photography often renders valuable assistance in other departments of criminology, but I will leave its further discussion to others much more familiar with the subject than myself.

## Detentions and Discharged Convicts.

*To the Executive Committee of the Prison Association of New York:*

Gentlemen.—Your agent respectfully submits the report of his labors for the year 1895. The nature of his work and duties have been fully set forth in recent reports, so that it would seem unnecessary to enumerate more than results, but, as the work of the association is constantly increasing and becoming more generally known to the public, for the information of subscribers and friends it seems best to give details as to the nature of this branch of the work and the principles that govern its administration. The impression among inmates of penal institutions that the Prison Association exists for the purpose of doling out money, food and clothing to ex-convicts as a privileged class entitled to such benefits because they have suffered imprisonment and worked for the city or State without monetary remuneration, is one that we have been trying to eradicate for many years but without success. Ex-convicts call at the relief department every day and revile the person in charge because their numerous wants are not promptly satisfied without question. To save such trouble the following memorandum was printed and circulated through all the State, county and city penal institutions:

THE PRISON ASSOCIATION OF NEW YORK,  
DEPARTMENT OF COUNSEL AND RELIEF, 135 EAST 15TH STREET. }

*To inmates of penal institutions of New York State:*

Among the objects of the Prison Association as set forth in its charter, is the "relief of reformed convicts after their discharge in their efforts to re-establish themselves in the ranks of honest, self-supporting citizens." To make this plainer to those likely to need the offices and efforts of the society, it has been

thought wise to issue this little memorandum of what the Prison Association will and will not do for discharged prisoners; to state who its beneficiaries may be and what may be done for them:

I. It seeks to aid those who have suffered imprisonment in New York State, especially in the penitentiaries and jails, and only those who can give full evidence of intention to reform.

II. It does not aid those who have been more than six months out of prison, unless it is plainly shown that they have been thrown out of work, or failed to obtain work on account of their prison experience.

III. It does not aid those who have been discharged from prison with a considerable sum of money and spent it all within a few days.

IV. It gives aid only by furnishing temporary employment at a low rate of payment.

V. The Prison Association does not furnish a permanent livelihood to any man.

VI. It sometimes furnishes clothing and tools as a loan, but only upon the most unquestionable evidence that the applicant has found employment.

VII. It is not an employment bureau, and does not seek employment for men until, by observation, it has tested the sincerity of the applicant in his effort to earn an honest living.

VIII. All applicants must present themselves—on week days only—before 2 P. M. (and on Saturday before 10 A. M.)

IX. It furnishes aid to no man who seems to have been drinking intoxicants.

X. It turns no man away from its doors who gives evidence of a desire to live an honest life, but it gives no aid except in exchange for a fair amount of labor.

XI. It does not loan money, nor pay transportation as a gratuity.

XII. It simply exists as a factor in aiding men who wish to aid themselves, and who find themselves handicapped in the struggle of life by previous prison experiences. To such it will gladly give a helping hand, and such only need apply at its office.

For the information of any who may take exception to some of the above conditions, it may be well to explain them item by item:

I. To make a business of helping ex-prisoners from other States would be an inducement to attract to the metropolis large numbers of bad men—enough find their way here without any such attraction.

II. Experience has taught us that men who earnestly desire to reform and have energy coupled with an honest desire to work, are rarely out of work as long as six months.

III. To provide for men who are reckless and improvident would be to put a premium on drunkenness and debauchery—money given to such men is worse than denied.

IV. The labor test is a feature of our work. Professional criminals will do nothing in the way of work outside of prison.

V. Many applicants on receiving temporary aid in return for work about the building think they can remain, and become content. They are given to understand that the help extended is only temporary.

VI. Clothing and tools are easily turned into money, hence the adoption of this rule. Such as receive clothing are required to give up their old garments, which are destroyed. Tools are never furnished until investigation (most carefully and discreetly made) shows that the work is *bona fide*.

VII. To establish an employment bureau as such would only make the men less self-reliant.

VIII. Many applicants, particularly the designing and underserving, would present themselves a few minutes before closing time in order to avoid work.

Numbers XI and XII explain themselves.

None of the rules are absolutely binding. An effort is made to help in some way every sober man who comes to our doors; applicants are always courteously received, and even if the would-be recipient of aid is not entitled to help, he is given the reason for denial. We try to make every man believe that he is worth saving as a man, not that he is a pauper and beneath us.

A few warm words of encouragement and a hearty hand-grasp are worth much to a man who has just left prison and imagines that every man's hand is against him.

Great difficulty has been experienced in the past in securing work for even the most deserving of our applicants. To make our work better understood among employers of labor, the corresponding secretary has prepared the following circular letter for distribution to business men:

Dear Sir.—The Prison Association of New York has been in existence for fifty years, a conservative body of men, who are working to protect society against the criminal and the criminal against himself. It does not aim to give to the discharged convict, however good his intentions, an unfair advantage over the honest laborer; it does aim to lessen the disabilities under which he is handicapped, so that he may not be at so great a disadvantage in the pursuit of an honest livelihood. So long as he remains out of work he is, in proportion to his weakness in resisting temptation, a menace to society and often a public burden.

We seek work for the man who, after testing in our offices, we find shows an inclination to live honestly. We do not wish, nor shall we permit our efforts in securing employment, to disturb in any way the balance in the labor market as to wages or hours of work.

We have recommended many hundred men to places and they have almost, without exception, justified our recommendation and proven honest and efficient employees. We do not guarantee any man's fidelity, but can confidently state that our men have made quite as good a showing as any list furnished from the regular employment bureaus. Every case is carefully selected and every man tested. If you have employment that you can furnish to any of our beneficiaries, will you direct to the Prison Association, 135 East 15th Street, New York.

The supervision of paroled inmates from the Elmira Reformatory has taken up considerable of the agent's time, but the results

are very satisfactory, and such work is entirely in accordance with the objects of the association.

The number of men sent to New York and Brooklyn on our recommendation, by the managers of the reformatory for supervision while on parole is 278; nearly all of them demonstrated by good conduct and right living the efficiency of the Brockway system of reformatory treatment. The association agent has been instrumental in securing permanent employment for a great many men from the institution, because of the trades that are taught there. Every man coming from the reformatory has learned to some extent to control himself *and to do something well*, and, if he wishes, he may become a useful member of society. A young and reckless man may continue a life of crime after final release from the institution, and find his way into State prison; but he is sure to retain some of the lessons that he learned in the reformatory, to his own profit. This has been demonstrated in our relief work. A man who had been in the reformatory was sent to State prison and to the penitentiary for new crimes. On coming from the last-named prison he said: "I just begin to see what they were trying to do with me in Elmira; they wanted me to be good for the sake of being good, to control the bad that was in me, *myself*. I think I have learned the lesson of self-control and don't think it is too late to start in and work at the trade I learned in Elmira. I will get along without any one's help." He did succeed and is now married and settled, a self-supporting, honest fellow.

Fully 75 per cent. of the inmates of our prisons are young men and observation teaches us that many abandon a criminal life and become law-abiding citizens when they reach middle age.

During the year the association has assisted in various ways, under its rules, 1,209 discharged prisoners. The great object of this work is to help men to help themselves—to render them temporary assistance while in search of permanent employment. All who are unwilling to work are rigorously excluded.

Number of substantial meals given, 3,211. In addition, a light

luncheon is served at noon to all who are working in our building.

Number of lodgings given, 1,597, many men receiving a small amount of money for their work and boarding themselves elsewhere—particularly married men having homes. Rent has been paid in a number of instances for such men, and help in the way of clothing, food and money for payment of rent, has been furnished to several families who were unfortunate enough to be without the help of the one who should be the bread winner.

Two hundred and fifteen men have been supplied with clothing necessary to enable them to present a respectable appearance while in search of work.

Forty-seven men have been supplied with permanent employment through the efforts of the office force.

Thirty men have been afforded transportation to homes or employment.

Twenty-nine men have been enabled to return to honest trades because of the association furnishing them with tools.

No record is kept of the men who come to the office for advice, but there are hundreds of such, and the Prison Association office is a clearing-house for information regarding prisons, not only for the city, but for the State and the entire country.

Every mail brings letters, asking the best way to reclaim persons in prison or to recommend reformatory institutions for wayward youths who defy ordinary home restraint.

## DISCHARGED PERSONS REGISTERED AT THE OFFICE OF THE PRISON ASSOCIATION.

	FROM STATE PRISONS.					FROM PENITENTIARIES AND REFORMATORIES.				Total.
	Sing Sing.	Albany.	Catons.	Other State.	N. Y. County.	Other Counties.	State Reformatory.	City Prisons, Jails, etc.		
November, 1884.....	4	.....	.....	3	10	.....	54	.....	73	
December, 1884.....	.....	2	1	4	6	.....	23	.....	37	
January, 1885.....	2	1	.....	1	15	.....	4	.....	24	
February, 1885.....	1	1	2	2	13	.....	39	.....	49	
March, 1885.....	3	3	.....	2	20	.....	28	.....	54	
April, 1885.....	6	2	.....	9	13	.....	13	.....	39	
May, 1885.....	13	.....	1	.....	24	.....	16	.....	68	
June, 1885.....	7	1	1	2	17	.....	44	.....	74	
July, 1885.....	5	.....	1	1	30	.....	7	.....	46	
August, 1885.....	6	.....	.....	.....	.....	.....	27	.....	33	
September, 1885.....	8	.....	4	.....	15	.....	14	.....	41	
October, 1885.....	6	2	5	1	20	.....	16	.....	51	
Total.....	62	13	15	17	181	7	218	2	506	

## DETENTIONS.

The association also devotes itself to the amelioration of prisoners, whether "detained for trial, or finally convicted as witnesses." It investigates all cases of alleged hardship during detention, and gives relief where it can consistently do so. Its agents can be at once summoned in the city or district prisons; it does not, however, furnish counsel except in rare cases of unusual hardship or known persecution or extortion.

For the past fifty years the Prison Association has been represented in the city prison (Tombs), by an agent who stands ready to assist the unfortunate. There are always in that prison a great many who are unworthy. To discriminate between the deserving and those who are better in prison than out, is difficult. In all cases it is necessary to make a careful investigation before taking any action.

Suspension of sentence is obtained in some instances where circumstances warrant the belief that such action is compatible with the best interest of the individual and the community—but never for sentimental reasons. As far as possible the youthful offenders are recommended for such action by the courts as may result in their reformation. Whenever it is possible the peculiar methods of unscrupulous lawyers known as "shysters," are exposed. The warden is always glad to help in work of this kind, because he is in a measure responsible.

In another part of this report, the present condition of the old prison is described and certain recommendations are made by a special committee of the association.

The pens attached to the criminal courts and used for prisoners on trial, in general sessions, are in the same disgraceful condition that they were when last this association reported to the Legislature. Several grand juries have made presentments, and the authorities have said that changes would be made, but nothing has been done.

The judges of the court of general sessions, the District-Attorney, his assistants and his chief clerk, are entitled to the most

cordial thanks of the association for their unflinching courtesy and help in his work, to the general agent in the detentions department.

## TYPICAL CASES.

A heart-broken mother called and asked the interest of the association in the case of her 20-year-old son, who was in prison as a result of waywardness, and charged with a crime of which he was not guilty. The poor woman was a widow and had no money to employ a lawyer. Her son, it appeared, had been drinking and was loath to go home smelling of intoxicants; so he sat down on a bench in one of the city parks and fell asleep. He was awakened by an outcry of thieves, police, and found himself in the grasp of a policeman, the man sitting next to him having just been robbed of his watch and chain. The property was not found on the boy, and the man who was robbed said he thought the person that stole the watch ran away. He was committed for trial, but on our presenting the case to the court in its true aspect, it was dismissed and the boy discharged. The mother was overjoyed at the outcome, and the boy promised to stay in the house nights, and abstain from strong drink in the future.

T. J., an honest looking, bright young man, came to the office and asked for assistance in securing employment. He said he was born and brought up in the country, had a good home and a good mother, but was ashamed to go to her until he had earned an honest name again. He left his home and procured a good situation in one of the larger cities in central New York. There he fell in with bad company, forgot his early Christian training, and drifted into crime. He was sent to prison under an assumed name, and his mother had never known of his downfall. He was determined to abandon drink and crime forever. While in prison he earned \$30 by overwork. On reaching this city he found a good boarding house and paid six weeks' board in advance. This was a good sign, so we gave him over a dozen letters to employers of labor, and through one of them he secured

work that lasted several months. He called again to let us know that, but said that he had saved so much of his money that he could get along until successful in finding another place. He was as good as his word, and calls occasionally to thank us and tell us of his progress.

J. S. applied to another society after having served two years in Sing Sing prison for passing a bad check, and was referred by them to this association. He said he had always been a steward on ocean steamers, plying between here and German ports. We gave him temporary work for a few days, then paid his employment agency fees and had the satisfaction of seeing him back in his old position in a short time. If his case had been brought to our notice before he was sent to prison, it would have been comparatively easy to have brought about his release. He did not know the check was bad, and received it in good faith; but he was ignorant of our laws and language and was convicted.

Had this young man been properly counseled and advised before leaving prison, he would have secured work without help. He called some time afterward to thank the association, and said his old captain was glad to have him once more in his service.

A boy about 20 was found in a cell awaiting transportation to an institution. I was informed by the clerk at the desk of the prison that the prisoner was to be held for a few weeks by order of the district-attorney. As there was no order from the district-attorney on file I commenced an investigation. It appears the day the boy was sentenced to the reformatory, shortly after he had been returned from court to the Tombs, a messenger boy presented to the clerk at the desk in the old prison an order written on the paper of the district-attorney's office, containing instructions to hold the prisoner for about a month, and signed with the district-attorney's name. The boy said that he wanted to take the order back to the court and have it signed by the judge as well. The clerk made a note of the request on the commitment paper and permitted the boy to carry the letter away again. Of course, it was never returned. It transpired that the prisoner had some money which a lawyer secured from him

"to get a new trial." On inquiry at the district-attorney's office I failed to find any application or notice of motion, and told the officers of the Tombs that as there was no warrant for holding the prisoner longer they had better bring about his immediate transfer to the reformatory, which was done. On his reaching the reformatory he sent a receipt from the lawyer for the money, together with an order for its return. In about a month the legal gentleman returned the money to this association, and it was transmitted to its owner.

J. R., a prisoner on the second tier, asked me to call the attention of the district-attorney to the way he had been treated by a lawyer. He was charged with burglary, and is undoubtedly guilty, has a long criminal record, and is entitled to but little consideration. A general sessions lawyer persuaded his wife that if she could raise \$250, he would secure bail for her husband, and the case would probably never be brought to trial. After much difficulty she managed to raise the money, but the bail was not forthcoming. After waiting many days and failing to see her husband liberated, she applied for the return of the money, and after much trouble succeeded in obtaining \$175; the lawyer is paying the rest of it on the installment plan, but I have placed the facts in this case in the hands of the district-attorney. The warden of the Tombs informs me that he will make every effort to stop this "shyster" practice, and will consider it a special favor if I will notify him of every case I hear of.

C. S., a middle-aged man applied for assistance, after having served nearly eight years in State prison for forgery. He had always been a clerk and bookkeeper, and by reason of having served a long sentence was utterly unfitted for manual labor of any kind. Of course the association could not get him a desk in an office, as he had no friends or references. What to do for him was a puzzling question. Finally he was put to work in our own office copying and doing other work of a clerical nature. Through working for the association he made some friends, who helped him to steady work in a large Broadway store, and he is now doing well and leading an honest life. It took nearly three

months to rehabilitate the man, but it was well worth the trouble. Who can say what the value of a saved man is?

K. J., an educated German, who had served a term in prison for embezzlement, and a number of terms in the workhouse for intoxication, came to the association for aid. He was a veritable tramp in appearance, but was speedily a changed man under our treatment. His old clothing was destroyed; he was bathed, clothed from head to foot, and given temporary work in the office. If he could permanently conquer the drink habit he would soon become a good man; after we had been helping him for some weeks he wrote as follows:

"I would like very much to better my position in life; I have already tried very hard for that purpose, but sorry to say without success. I do not want or desire too much, but would like a more active occupation than I now occupy. It will soon be two months that I am with you, and while I have tried to make myself as useful as possible, I am nevertheless sensible enough in feeling that I am living on charity. As long as I am with you, I can say conscientiously and with a good heart that I have done nothing in any way and to anybody, which could lessen the kindness and trust you have shown to me. When I had my room, my own little home, a few weeks ago, I was indeed a happy man; I felt as much sorry to leave it as did the people I hired it from. I am now back in the old place again, but I would say an untruth if I would tell you that I am contented. I do not like the surroundings in a lodging-house—it is not clean there, especially for a man that has been used to home life, who likes to live quietly and at home. 'Home, sweet home,' what holy and sacred words they are. Never in my life have I felt as discouraged and depressed as I am feeling now, I can hardly sleep nights, wishing myself dead and in my grave. There is a great love in me for my two children, else God knows what I would do. I feel forsaken; the good will to do only what is right and honorable is in me always. In my children I want to raise my friends, As I have said before, I love them; I have been and want to be always good to them. I always like to give them pleasure and I deprive

myself of many things to have their love and brighten their faces. You were so kind on Saturday last to pay me \$1.50 in advance to get out my overcoat, which I was compelled to pawn; but I saw my little daughter on the same evening; she was badly in need of shoes; I deprived myself of getting my overcoat and bought out of the money a pair of shoes for her. Sunday morning I spent again 30 cents for cake, which I brought to my sister-in-law to treat the children. So you can judge how I have treated myself.

"If I could only earn about \$7 or \$8 a week I could indeed be a happy man. I could be true and faithful and an industrious worker, and as I am not extravagant, I could always keep a nice little home over my head, where I could entertain my children and do writing at times.

"Sorry to say, my wife and myself are too far estranged—God knows it is not all my fault—but under the circumstances a reunion is almost impossible; we can forgive, but not always forget in this life. I have sinned much; I have not always done what a husband and father ought to have done, and I suffer, hours and days, agonies I can tell nobody.

"I beg you with my whole heart on my knees to consider my application for doing something for me to get a more lucrative position. I have stated the facts, and I promise you as sincerely as an upright and honest man can offer, that as long as you and I shall live, you shall never repent to have been charitable and kindhearted to me.

"With an everlasting grateful heart I remain,"

He has been successful in securing work and is now a hotel clerk earning a fair salary and perfectly contented.

PRISON LAWS  
OF THE  
STATE OF NEW YORK

COMPILED FOR THE PRISON ASSOCIATION OF NEW YORK.

PART I.

LAWS RELATING TO COUNTY AND STATE PRISONS.

CHAPTER III OF THE REVISED STATUTES.

Of the Government and Discipline of County and State Prisons, and of the Conduct and Treatment of Prisoners therein.

[This chapter consists of ch. 460. of the Laws of 1847, entitled "An act for the better regulation of the county and State prisons of the State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, "three-fifths being present," as amended by subsequent legislation. By section 19, it is directed that, in all future editions of the Revised Statutes, it shall be inserted as chapter third of part fourth, and entitled as above. The title of the original chapter was, "Of jails, penitentiaries and prisons, and the government and discipline thereof."]

Title 1. Of the county prisons.

2. Of the State prisons.

3. General provisions applicable to all the prisons treated of in this chapter.

TITLE 1.

*Of the County Prisons.*

ART. 1. Designation of the several county prisons, and provisions concerning their management.

2. Of the inspection of county prisons, and the discharge and delivery of prisoners confined therein.

## ARTICLE FIRST. (1)

*Designation of the several County Prisons, and Provisions concerning their Management.*

- Section 1. Purposes for which county jails to be used as prisons.
- Number of rooms which each must contain.
  - Duty of keeper of county prisons, in receiving prisoners.
  - Convicts and other prisoners not to be kept together.
  - Males and females to be kept separate.
  - Prisoners to be kept separate, and conversation forbidden.
  - Conversation between prisoner and others, when allowed.
  - Food for prisoners.
  - When keepers to cause prisoners to labor.
  - Employing convicts in work on highways, &c.
  - Certain provisions relating to jails adopted.
  - Bible to be provided for each room; divine service to be performed weekly, &c.
  - Provisions in relation to insane persons.
  - Keepers to make daily record of commitments and discharges.
  - To receive persons committed for offenses against the United States.

Common jails to be used as prisons.

Section 1. The common jails in the several counties of this State shall be kept by the sheriffs of the counties in which they are respectively situated, and shall be used as prisons,

- For the detention of persons duly committed, in order to secure their attendance as witnesses in any criminal case;
- For the detention of persons charged with crime, and committed for trial;
- For the confinement of persons duly committed for any contempt, or upon civil process; and,
- For the confinement of persons sentenced to imprisonment therein, upon conviction for any offense.

§ 2. Each county prison shall contain:

- A sufficient number of rooms for the confinement of persons committed on criminal process, and detained for trial; separately and distinct from prisoners under sentence;
- A sufficient number of rooms for the confinement of prisoners under sentence;

Each to contain sufficient number of rooms.

(1) See Laws of 1882, chap. 686.

3. A sufficient number of rooms for the separate confinement of persons committed on civil process for contempt, or as witnesses.

§ 3. The keepers of the several county prisons shall receive and safely keep every person duly committed to their custody for safe-keeping, examination or trial, or duly sentenced for imprisonment in such prison upon conviction for any contempt or misconduct, or for any criminal offense; and shall not, without lawful authority, let out of prison, on bail or otherwise, any such person.

Duty of keepers. 3 Abb. Ct. App. 597, 4 Keyes, 28, 10 Paige 610.

§ 4. Prisoners committed on criminal process, and detained for trial, and persons committed for contempts, or upon civil process, shall be kept in rooms separate and distinct from those in which persons convicted and under sentence shall be confined; and on no pretence whatever shall prisoners be detained for trial, or persons committed for contempt, or upon civil process, be kept or put in the same room with convicts under sentence.

Certain prisoners to be kept in separate rooms.

§ 5. Male and female prisoners (except husband and wife) shall not be kept or put in the same room.

Male and female.

§ 6. It shall be the duty of the keepers of the said prison to keep the prisoners committed to their charge, as far as may be practicable, separate and distinct from each other, and to prevent all conversation between the said prisoners.

Conversation to be prevented.

§ 7. Prisoners detained for trial may converse with their counsel, and with such other persons as the keeper, in his discretion, may allow; prisoners under sentence shall not be permitted to hold any conversation with any person, except the keepers or inspectors of the prison, unless in the presence of a keeper or inspector.

Prisoners may converse with counsel, &c.

§ 8. Prisoners detained for trial and those under sentence, shall be provided with a sufficient quantity

To be supplied with wholesome food.

of inferior but wholesome food at the expense of the county; but prisoners detained for trial, may, at their own expense, and under the direction of the keeper, be supplied with any other proper articles of food.

To be employed at hard labor.

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

Convicts may be employed on highways, streets, &c.

§ 10. The keepers of the said prison shall respectively have power, with the consent of the supervisors of the county, from time to time, to cause such of the convicts under their charge as are capable of hard labor, to be employed upon any of the public avenues, highways, streets or other works, in the county in which such prisoners shall be confined, or in any of the adjoining counties, upon such terms as may be agreed upon between the said keepers and the officers or other persons under whose direction such convicts shall be placed.

When so employed to be chained.

§ 11. Whenever any convicts shall be employed under the last section, they shall be well chained and secured; and shall be subject to such regulations as the keeper legally charged with their custody shall, from time to time, prescribe.

Provisions of sections of Revised Statutes to apply.

§ 12. The provisions contained in the twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh sections, in the second article, of the sixth title, of the seventh chapter, of the third part of the Revised Statutes, shall extend to prisoners confined upon any criminal process,

or for a contempt, or under sentence, in like manner as for prisoners confined in civil cases.

§ 13. It shall be the duty of the keeper of each county prison to provide a Bible for each room in the prison, to be kept therein, and he shall, if practicable, cause divine service to be performed for the benefit of the prisoners, at least once each Sunday; provided, there shall be a room in the prison that can be safely used for that purpose.

Keepers to provide a Bible for each room.

§ 14. The provisions in relation to insane persons, contained in the thirty-second section of the act entitled "An act to organize the State lunatic asylum and more effectually to provide for the care, maintenance and recovery of the insane," passed April 7th, 1842, shall be construed to apply to all prisoners in a county jail other than those who are committed for contempt or on civil process.

Provision respecting insane persons. See vol. 2, p. 82.

§ 15. It shall be the duty of the keeper of each county prison to keep a daily record of the commitments and discharges of all prisoners delivered to his charge, which record shall exhibit the date of entrance, name, offense, term of sentence, fine, age, sex, country, color, social relations, parents, habits of life, cannot read, read only, read and write, well educated, classically educated, religious instruction, how committed, by whom committed, state of health when committed, how discharged, trade or occupation, whether so employed when arrested, number of previous convictions, value of articles stolen.

Keeper to make a daily record of commitments and discharges.

§ 16. It shall be the duty of the keeper of each county prison to receive into the prison every person duly committed thereto, for any offense against the United States, by any court or officer of the United States, and to confine such person in the prison until he shall be duly discharged; the United States supporting such person during his confinement. The provisions

Keeper to receive persons committed by United States courts.

of this article relative to the mode of confining prisoners and convicts shall apply to all persons so committed by any court or officer of the United States. (1)

#### ARTICLE SECOND.

##### *Of the Inspection of County Prisons, and the Discharge and Delivery of Prisoners confined therein.*

Section 17. Inspectors of State prisons to visit prisons and penitentiaries at least once in each year.

18. To apportion to each inspector the counties to be visited, &c.; to adopt a plan to carry into effect a uniform system of government, &c.
19. Plan to be approved, &c.; copy to be furnished county judge.
20. Sheriffs and jailers to admit inspectors to prisons, &c.
21. Detailed reports to be made of each prison visited, &c.
22. Defects to be noted and improvements suggested.
23. Alterations in prisons to be made by supervisors.
24. Annual report of inspectors to the Legislature.
25. Keepers of prisons to present to courts, calendar of prisoners in jail, &c.
26. Prisoners not indicted, to be discharged, &c.
27. When prisoners in jail not to be removed by habeas corpus.
28. Persons confined for non-payment of fines may be discharged by county court.

§ 17. It shall be the duty of the inspectors of the State prisons to visit and inspect, either separately or collectively, at least once in each year, all the jails or other county prisons, penitentiaries and houses of detention in this State. [So much of the first and second

(1) By ch. 153 of the Laws of 1847, § 7, the boards of supervisors of Rensselaer, Saratoga, Schenectady, Schoharie, Greene, and Columbia are authorized to contract with the supervisors of Albany county to receive into the penitentiary of that county any persons sentenced in their counties to hard labor for any time not less than three months, except that by an amendment of said § 7 by § 5 of ch. 299 of the Laws of 1855, the supervisors of Rensselaer county may so contract with the supervisors of Albany county to receive into the penitentiary of that county any persons sentenced in said county of Rensselaer for not less than two months.

By a similar provision in § 7, of ch. 238 of the Laws of 1856, the boards of supervisors of Oswego, Jefferson, Oneida, Madison, Cortland, Cayuga and Wayne may contract with the supervisors of Onondaga county for the confinement of prisoners in the penitentiary of Onondaga county. There are similar provisions for certain other counties. See title 9, ch. 2, part 4.

Inspectors of State prisons to inspect county prisons.

articles of title first of the act entitled "An act for the better regulation of the county and State prisons of the State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, as requires the inspectors of State prisons to visit and examine county jails is hereby repealed.] (1)

§ 18. For the purpose of carrying into effect the provisions of the preceding section, they shall, as soon as practicable, after entering upon their official duties, designate and set apart to each of their number the counties to be so visited by them, respectively, during the current year, for the purpose of such inspection; and shall at the same time adopt such plan and regulation, not inconsistent with the laws of this State, as they shall deem expedient and necessary to carry into effect a uniform system for the government and regulation of all the county prisons of this State, and for the modification and improvement of the structure of such jails and prisons, with a view to such uniformity.

§ 19. Such plan and regulations, when agreed upon and adopted by the board of inspectors, shall be by them immediately submitted to the governor, comptroller and attorney-general for their approval, but shall subsequently be subject to such modifications as the said board of inspectors may deem expedient and proper, a copy of which shall be furnished to the county judge and sheriff of each county, and to the keepers of each of the county prisons or penitentiaries of this State, whose duty it shall be to observe and carry the same into effect.

§ 20. It shall be the duty of the sheriff and keeper of each of the jails and prisons to admit the said inspectors, or any one of them, into every part of said jail or prison; to exhibit to them, on demand, all books, papers, documents and

Counties to be divided among the inspectors to visit prisons.

Plan to be submitted to governor, comptroller, and attorney-general.

Sheriffs and keepers to admit inspectors into every part, &c.

(1) As amended by Laws 1846, ch. 281, § 1.

accounts pertaining to such jail or prison, or render them every other facility in their power to enable them to discharge the duties above prescribed, and to enable them to obtain any necessary information; the said inspectors shall have power to examine on oath, to be administered by any one of them, any of the keepers or officers of such prison or jails, and any person not under sentence confined therein, and to converse with any of the prisoners so confined, without the presence of the keepers thereof, or any of them.

Inspectors to make a detailed report.

§ 21. Such inspector or inspectors, after a careful and thorough examination and inspection of each jail and prison, shall immediately make a detailed report of the same, stating the condition of the same at the time of such inspection, the number of persons confined therein for the year ending at the date of such report, the causes of such confinement, the manner in which convicts confined in such jail or prison during that period have been employed, the number of persons usually confined together in one room, the distinction, if any, usually observed in the treatment of persons therein confined, the evils and abuses, if any, found to exist in the prison, and particularly whether any of the rules and regulations prescribed by the said board of inspectors or the provisions contained in title first of this act have been violated, so far as the information required in this section can be obtained from the records of said jail or prison, or otherwise.

Defects to be noted and improvements to be suggested.

§ 22. It shall be the duty of such inspector or inspectors to note and include in such report, or append thereto, any defect or defects he may deem to exist in the structure and arrangements of said jail or prison, and to suggest such improvements in the same as he may deem to be necessary to carry into successful operation and to ensure uniformity in the system by them adopted, and he or they shall then immediately leave with

the county judge of such county a duplicate copy of such report and suggestions, whose duty it shall be to file the same with the clerk of said county, and cause a copy thereof, and if he shall approve the same, or any part thereof, with such approval indorsed thereon, to be delivered to the clerk of the board of supervisors of said county.

§ 23. It shall be the duty of the clerk of the board of supervisors to present such report and suggestions (so indorsed by the county judge) to the board of supervisors at their next meeting, who are authorized and required to cause such alterations to be made in the plan and construction of the jail or prison of such county, and such additional rooms to be constructed as shall have been so suggested and approved by the county judge, and as shall be necessary to remedy such deficiencies, and to levy, and cause the expenses so to be incurred to be assessed upon the county as other county expenses are levied and assessed. In all cases where there shall exist any deficiency in room or apartments in such county jail or prison as is required for the classification named in this act, it shall be the duty of the supervisors to cause such deficiency to be supplied without unnecessary delay. (1)

Alterations in plans of county prisons, when to be made.

§ 24. It shall be the duty of the board of inspectors, annually, on or before the fifteenth day of January in each year, to make an abstract report of their inspections of such county jails and prisons, to the Legislature, in which report shall be included, in tabular form, a summary of the record required, by the fifteenth section of this act, to be kept by the keepers of such county jails and prisons.

Annual report to be made to Legislature.

§ 25. It shall be the duty of the keeper of every prison enumerated in this title, to present to every court of oyer and terminer, and to every court of sessions (2)

Keepers to present a calendar to courts.

(1) As amended by Laws 1869, ch. 321, § 2.  
(2) "General sessions of the peace," in the original.

to be held in his county, at the opening of such court, a calendar, stating:

1. The name of every prisoner then detained in such prison;
2. The time when such prisoner was committed, and by virtue of what process or precept; and,
3. The cause of the detention of every such person.

Persons confined but not indicted when to be discharged.

§ 26. Within twenty-four hours after the discharge of any grand jury by any court of oyer and terminer or court of sessions, (1) it shall be the duty of such court to cause every person so confined in such prison upon any criminal charge, who shall not have been indicted, to be discharged without bail, unless satisfactory cause shall be shown to such court for detaining such person in custody, or upon bail, as the case may require, until the meeting of the next grand jury in such county. (2)

Prisoners when not to be removed by writ of habeas corpus.

§ 27. After the court of oyer and terminer shall commence its sittings in any county, no prisoner detained in the common jail of any such county, upon any criminal charge, shall be removed therefrom by any writ of habeas corpus, unless such writ shall have been issued by such court of oyer and terminer, or shall be made returnable before it. (3)

Persons confined for fines may be discharged, if unable to pay.

§ 28. When any person shall be confined in any county prison for the non-payment of any fine not exceeding two hundred and fifty dollars, imposed for any criminal offense, and against whom no other cause of detention shall exist, on satisfactory proof being made to the county court of the county in which such prisoner may be confined, that he is unable, and has been ever since his conviction unable to pay such fine, the court may, in its discretion, order his discharge.

(1) "General sessions of the peace," in the original.

(2) 2 N. Y. 82.

(3) 15 Abb. Pr. R. N. S., 41; 41 Barb., 546; 2 Hun, 296; N. Y. S. C. R. (T. & C.), 477.

## TITLE II.

### *Of the State Prisons.*

- Article 1. Of the custody and government of State prisons; the officers connected therewith, and their powers, duties and compensation.
2. Regulations concerning the labor of convicts and making of contracts for their employment and support.
  3. Regulations concerning the disposition, treatment and conduct of prisoners.
  4. Special provisions relative to one or more of the State prisons.

## ARTICLE FIRST.

### *Of the Custody and Government of State Prisons; the Officers connected therewith; and their Powers, Duties and Compensation.*

- Section 29. State prisons: their several names.
30. To be under the charge of three inspectors.
  31. Governor, power to remove inspectors for misconduct.
  32. Inspector's term of office, when to commence.
  33. First joint meeting and assignment of duties.
  34. Enumeration of duties and powers of inspectors.
  35. Inspectors may take affidavits, &c.
  36. Duty of inspector in relation to prison assigned to him.
  37. Suspension of officer until meeting of the board; to make temporary appointments.
  38. Agent and warden; salary.
  39. Appointments and removals to be made in writing, &c.
  40. Relatives not to be appointed.
  41. Inspector not to be agent or contractor.
  42. Officers to be appointed for each prison.
  43. Warden, when to act as agent.
  44. Inspectors and officers to take oath.
  45. Agent to give bond.
  46. Certain cells to be erected.
  47. Certain convicts may be confined in solitary cells at labor.
  48. Inspectors to visit such cells.
  49. Duties of agents confined to financial affairs of prison.
  50. Duties of agents enumerated.
  51. Monthly accounts to comptroller, how to be made.
  52. Fiscal transactions, how conducted.
  53. Accounts to be audited by comptroller, &c.
  54. The warden's duties confined to discipline and government of prison.
  55. His duties enumerated.

- Section 56. To execute duties of agent in case of vacancy.  
 57. Agent to act as warden in case of vacancy.  
 58. Clerk of prison to act as clerk of inspectors; his official bond.  
 59. Duties of the clerk enumerated.  
 60. Keeper's duties, to preserve proper discipline.  
 61. Powers and duties of the matron of the female convict prison.  
 62. Duties of chaplain enumerated.  
 63. Instructors, their duties; salary of instructress at female convict prison.  
 64. Chaplain to make quarterly reports, &c.  
 65. Duties of physicians enumerated.  
 66. Prison guards; their number.  
 67. Guards to be furnished with arms, &c.  
 68. Salaries of officers and guards of prisons.  
 69. Salaries to be paid by agent.  
 70. Traveling expenses audited and allowed.  
 71. Agent, wardens, &c., to support themselves.  
 72. Books of entries and accounts.  
 73. Clerks and keepers of prisons may take affidavits.  
 74. No officer of any prison to incur any debt.  
 75. Penalty for neglect to make statement.  
 76. Willful neglect of duty, a misdemeanor.  
 77. Duties of agent and warden.  
 78. Inconsistent laws repealed.  
 79. Sale of property on notice.  
 80. To keep a time-book.  
 81. Reports to be attested on oath.  
 82. Principal keeper at Clinton; salary, &c.  
 83. Reports to be made annually.

Three State prisons to be maintained.

§ 29. There shall continue to be maintained, for the security and reformation of convicts in this State, three State prisons; one at Sing Sing, in Westchester county; one at Auburn, in the county of Cayuga; and one at Clinton, in the county of Clinton; which prisons shall respectively be nominated the Sing Sing prison, the Auburn prison, and the Clinton prison.

And superintended by three inspectors.

§ 30. The State prisons shall be under the charge and superintendance of three inspectors, to be chosen at a general election, according to the provisions of the fourth section in the fifth article of the constitution of this State.

They may be removed for misconduct.

§ 31. The governor shall have the power to remove every inspector so elected, for misconduct or malversation in office, giving to such inspector a copy of the charge against him, and an opportunity of being heard in his defense.

§ 32. The inspectors elected at the last general election shall enter upon the duties of their office on the first day of January, eighteen hundred and forty-eight, and each inspector to be hereafter chosen shall enter on the duties of his office on the first day of January next following his election.

When to enter on the duties of their office.

§ 33. The inspectors shall hold their first joint meeting on the first Wednesday of January in each and every year, at the State prison at Sing Sing, and at such meeting shall choose one of their number as president of the board for the ensuing year, and shall assign to each inspector the special charge and supervision of one of the State prisons to be designated, for the ensuing four months of the year, and they shall make a similar assignment and designation at the commencement of each four months' term thereafter, but no inspector shall be re-assigned to or have the special charge of the same prison for the next eight succeeding months. (1)

First joint meeting and assignment of duties.

§ 34. The inspectors of the State prisons shall have the power, and it shall be their duty,

Their duties.

1. To visit jointly each of the State prisons that now are or may hereafter be established in this State, at least three times in each year, and in addition the president of the board of inspectors shall call a joint meeting whenever requested to do so by two of the inspectors, at such prison or prisons as they may designate; (2)

Inspectors to visit jointly each of the State prisons.

2. To examine and inquire into all matters connected with the government, discipline and police of each prison, the punishment and employment of the convicts therein confined, the money concerns and contracts for work, and the purchases and sales of the articles provided for each prison, or sold on account thereof;

To examine into the government and police of each.

3. To require reports from the agent, warden or other

To require a report.

(1) As amended by Laws 1854, ch. 240, § 1, and by Laws 1860, ch. 309, § 5.

(2) As amended by Laws 1874, ch. 403, § 1.

officers of the prison in relation to any or all of the preceding matters;

To make regulations.

4. To make such general regulations for the government and discipline of each prison as they may deem expedient, and from time to time, to alter and amend the same, and in making such regulations it shall be their duty to adopt such as in their judgment, while consistent with the discipline of the prison, shall best conduce to the reformation of the convicts;

Inspectors, their power to investigate affairs of prisons.

5. The inspectors shall have power to inquire into any improper conduct which may be alleged to have been committed by the agent and warden, or other officer, of either of the prisons of this State, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before them of books, writings and papers, in the same manner, with like effect, and subject to the same penalties for disobedience, as in cases of trial before justices of the peace, and to examine any person or persons who may be brought before them as such witnesses; (1)

To keep minutes of their meetings.

6. To keep regular minutes of the meetings and proceedings at each prison which they shall visit, which minutes shall be signed by them and shall be entered by the clerk in a book which shall be kept for that purpose in each of said prisons;

To report to the Legislature.

7. To make an annual report to the legislature on or before the fifteenth day of January in each year, of the state and condition of each of said prisons, the convicts confined therein, of the money expended and received, and generally of all the proceedings during the past year;

To furnish abstracts from returns of wardens.

8. To furnish to the legislature, with their respective annual reports, summary abstracts of all the returns which shall have been made to them, during the past year, by the warden or any other officer of each of the

said prisons; and also a list of all contracts entered into the past year for the employment of convicts, stating what portion of each contract may have been finished during the year, sums of money received thereon, the probable time of its completion, and the amount which will then remain and become due;

To record their orders and rules.

9. To cause all orders, rules and regulations adopted by them, and the entries of their proceedings at each meeting, to be recorded by the clerk of the prison then visited, and to furnish to each officer of the prison, on his appointment, a printed copy of the general rules and regulations of the prison;

10. To employ artisans from abroad for the purpose of teaching such new branches of business in the State prisons as are not pursued in the State;

To employ artisans.

11. To prescribe the articles of food, and the quantities of each kind, that shall be inserted in each contract for the supply of provisions to each State prison, and to authorize each contract to be made for the term of one year, or for any less term, in their discretion, or to cause such provisions to be furnished by the agent, in their discretion;

To prescribe the articles of food to be procured.

12. To employ a suitable matron, and not exceeding one assistant matron to every twenty-five convicts, to supervise and have charge of all female convicts in the female convict prison at Sing Sing, and to prescribe rules and regulations for the government and discipline of such convicts, and to cause them to be employed as shall best conduce to their support and reformation;

To employ matrons.

13. To transmit to the comptroller of the State, on or before the first day of January, in each year, the account and inventory rendered to them by the agent of each State prison, with such observations and remarks thereon as they may deem necessary to enable the comptroller to understand the same, and to correct any errors that may be discovered therein;

To send to comptroller inventories of agents.

(1) As amended by Laws 1885, ch. 552, § 1.

To make estimate of value of goods, &c.

14. To cause an estimate to be made of the value of the goods and other property of the State, of which an inventory has been rendered to them by the agent of each State prison, which estimate shall be made under oath by two or more competent persons, to be appointed for that purpose by the inspectors, and shall be transmitted by the inspectors to the comptroller, with the inventory to which it relates;

Appoint-ment of teachers.

15. At either of the prisons where manufacturing is carried on by the State, the inspectors shall appoint, as far as possible, keepers qualified to teach the convicts in the trades and manufactures thus prosecuted in such prisons, and to be inclusive with the number of keepers such prison may be entitled to by existing laws. (1)

Oaths may be administered.

16. The president of the board of inspectors of State prisons shall have power to administer oaths and to take affidavits in all matters pertaining to the fiscal affairs, business transactions, discipline or government of said State prisons.] (2)

Inspectors may take affidavits, &c.

§ 35. In like manner, any inspector of State prisons may administer oaths and take affidavits in all matters relating to the affairs of the State prison under his charge, and for that purpose shall have power to issue subpoenas to compel the attendance of witnesses, and the production before him of books, papers and writings, in the same manner, with the like effect, and subject to the same penalties for disobedience, as in cases of trial before justices of the peace, and to examine any person or persons who may be brought before him as such witnesses. (3)

Duty of each inspector in relation to the prison assigned him.

§ 36. [Sec. 35.] It shall be the duty of each inspector to spend at least one week at the prison assigned him at least once in each month, except in the month

(1) As amended by Laws 1874, ch. 451, § 2.

(2) Laws 1849, ch. 132, § 1.

(3) Laws 1849, ch. 132, § 2, as amended by Laws 1854, ch. 240, § 10.

when the quarterly meetings occur; and he shall at that time diligently examine and inquire into the condition of such prison, and give such general directions in writing for its government and discipline as he shall deem to be necessary and expedient, provided the directions so given shall not conflict with the laws of the State or with the general regulations of the prisons, as established by the board of inspectors.

Each inspector shall keep a journal of his proceedings at each monthly or other visitation, and shall report the same to the board of inspectors at their first joint meeting thereafter; such journal shall also be entered by the clerk in the book of the proceedings of the board of inspectors kept in the prison to which the journal shall relate. (1)

§ 37. [Sec. 36.] Every inspector shall have power to suspend any officer for cause, and to make temporary appointments to supply any vacancies in office at the prison under his special charge, which appointments shall be in force until the next meeting of the board of inspectors. But during such suspension such officer shall not receive any remuneration whatever. Whenever any inspector shall suspend any officer, he shall immediately notify the other inspectors of such suspension, and the causes for which such suspension is made, and request a meeting of the board to be held within ten days after such notice is given for the purpose of considering the same. Two of the inspectors attending such meeting shall have power to confirm or disprove \* such suspension. (2)

Officers may be suspended.

§ 38. On and after the first day of May, eighteen hundred and fifty-four, the office of warden and agent of the Auburn and Sing Sing prisons is abolished and the duties of agent and warden of each of the said State

Agent and warden.

(1) As amended by Laws 1860, ch. 399, § 1.

(2) As amended by Laws 1860, ch. 399, § 2.

\* So in original.

prisons, as now prescribed by law, shall be performed by one person, who shall be known as the agent and warden, and shall receive, in consideration of the increase of duties prescribed by this act, an additional compensation of two hundred and fifty dollars per annum, payable monthly; there shall also be appointed by the inspectors of State prisons for each of the prisons at Auburn and Sing Sing, some suitable person who shall be designated and known as principal keeper, and whose duty it shall be to obey and carry into effect all such orders and directions as he may receive from the agent and warden, as to the management and discipline of the prison, not inconsistent with the laws of this State, or with the rules and regulations of the inspectors. The salary of such principal keeper shall be one thousand dollars per annum, payable monthly; the agent and warden shall reside in the house now occupied by wardens of the several prisons; all acts or parts of acts inconsistent with this section are hereby repealed, from and after the first day of May, eighteen hundred and fifty-four. (1)

Salary.

Salary of keeper.

Appointments to be recorded.

§ 39. [Sec. 37.] Every appointment to office made by an inspector shall be by him immediately entered in the journal of his proceedings kept at the prison where such appointment is made, and shall specify the particular vacancies which the same is intended to fill; and written notice thereof shall be by him immediately given to the agent and warden of such prison. Every appointment or removal made by the inspectors shall be by them entered in the regular minutes of the meeting at which the same is made, and like notice thereof given to the agent and warden of the prison affected thereby; and if said appointment or removal relate to a prison other than that at which such meeting shall be held, a copy of the entry of such appointment or removal signed by them or a majority of them shall be

(1) Laws 1854, ch. 249, § 2.

immediately transmitted to the agent and warden of the prison affected thereby, and shall be entered by the clerk in the book of record of inspectors' meetings kept at such prison. The agent and warden of each prison in every account rendered to the comptroller shall note all changes in the officers of such prison made since rendering his account next previous thereunto. (1)

§ 40. [Sec. 38.] Neither the inspectors nor an inspector shall knowingly appoint any person to any office in a State prison who shall be related to either of them by consanguinity or affinity within the third degree.

§ 41. [Sec. 39.] No inspector shall be agent of any State prison, to be concerned in the business of such agency, or hold any other appointment connected with said prison, nor shall he be interested, directly or indirectly, in any contract for the employment of the convicts, or the supply of provisions, or the purchase of materials.

§ 42. [Sec. 40.] The inspectors shall appoint to each of the State prisons the following officers: An agent and warden, a principal keeper, a chaplain, a clerk, a physician and surgeon, and a yard-keeper; a matron for the female prison at Sing Sing, who shall be a widow or unmarried woman; a store-keeper for each of the prisons at Sing Sing and Auburn, and one kitchen-keeper at each prison, and who at Clinton prison shall perform the duties of store-keeper; and so many keepers at Sing Sing as not to exceed the proportion of one to twenty-seven convicts, exclusive of the yard-keeper for the male prison, and assistant matrons, not to exceed the proportion of one to twenty-five convicts; at Auburn prison, the number of keepers shall not exceed the proportion of one to twenty-eight convicts; at Clinton prison, the number of keepers shall not exceed the proportion of one to every thirty convicts. (2)

Relations not to be appointed.

Inspector not to be agent or contractor.

Officers for each prison to be appointed by inspectors.

(1) As amended by Laws 1860, ch. 299, § 5.  
 (2) As amended by Laws 1860, ch. 299, § 9; further amended by Laws 1874, ch. 451, § 2.

Warden, when to act as agent. See § 35, ante, and § 72, post.

Inspectors and officers to take oath.

Where to be filed.

Agent to give bond. See § 35, ante, and § 72, post.

Certain cells to be erected as soon as may be.

§ 43. [Sec. 41.] Whenever any number of convicts in any State prison shall be less than three hundred, the warden of the prison shall have all the powers and perform all the duties herein imposed upon the agent.

§ 44. [Sec. 42.] Each of the inspectors and each of the officers of each prison shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State, which oath may be taken and subscribed before any officer authorized by law to take and administer an oath. The oath of an inspector shall be filed in the office of the secretary of State; and that of the officers of each prison in the office of the clerk of the county in which such prison is situated.

§ 45. [Sec. 43.] Each agent of a State prison, and each warden when required to perform the duties of an agent, before entering on the duties of his office, shall execute a bond to the people of this State, with sufficient sureties, to be approved by the inspectors, in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance of his duties according to law, which bond shall be filed in the office of the comptroller of this State.

§ 46. [Sec. 44.] It shall be the duty of the inspectors, provided there shall be funds at the respective prisons sufficient to warrant the expenditure, to cause to be erected, at as early a period as practicable, in each of the State prisons of this State, separate rooms or cells, not less in their dimensions, in the clear, than nine hundred and ninety-six cubic feet, as follows: Such number, not exceeding twenty, as the said inspectors shall deem necessary and expedient, at the Sing Sing prison; and, under like restrictions, not exceeding ten at the Auburn prison; and, not exceeding five at the Clinton prison, which cells shall be constructed of stone, in a

manner that shall render them safe and secure, for the purposes mentioned in the next following section.

§ 47. [Sec. 45.] Whenever any convict shall be found incorrigibly disobedient to the rules of either of the State prisons, it shall be the duty of the warden thereof to confine him in one of the solitary cells provided for in the preceding section, at hard labor, and when practicable he shall, when so confined, be employed at the same trade or business he shall have been employed in immediately previous to such solitary confinement.

§ 48. [Sec. 46.] The inspector having charge, at the time, of such prison, shall from time to time, visit such cells, and examine into the causes of confinement of each convict thus confined, and may, if the warden shall concur, designate the length of time during which such solitary confinement, in each individual case shall continue, subject to the approval of the board of inspectors at each meeting thereof held at such prison, whose duty it shall be to regulate and control such solitary confinement; and they shall prescribe the fare and treatment of all convicts so confined, and shall adopt such rules and regulations in reference thereto as they shall deem proper, not inconsistent with the existing laws.

§ 49. [Sec. 47.] The duties of the agent of each of the State prisons shall be confined exclusively to the financial concerns thereof. He shall have the exclusive disposal of the services, and shall designate the employment of all the convicts, but shall exercise no control over their discipline or government, nor shall he interfere in the government of or exercise any control over the officers of such prison, other than to require them to keep a correct daily account of the labor of the convicts under their charge, and to report the same to him at such periods as he shall require.

Certain convicts may be confined in solitary cells.

Inspectors to visit such cells.

Duties of the agents. See § 36, ante, and § 72, post.

See § 23,  
and § 72, post.

To attend  
constantly.

To the  
fiscal con-  
cerns.

Contracts.

To receive  
and sell  
manufactured  
articles.

To pur-  
chase raw  
materials.

Bills and  
receipts.

§ 50. [Sec. 48.] It shall be the duty of each agent of a State prison,

1. To attend constantly, during business hours, at the prison to which he is appointed, except when performing some other necessary duties connected with his office;

2. To attend to the fiscal and business concerns of the prison, and to use his best endeavors to defray all the expenses of the prison by the labor of the convicts;

3. To make, under the direction of the inspectors, in the manner hereinafter provided, all contracts for the employment of the convicts, and for furnishing the necessary supplies for their support; but no contract shall be entered into by the agent and warden of either of the State prisons, for the hire or labor of the convicts, or for supplies for their support, or for any purpose whatever, unless the same shall have been approved by a majority of the inspectors who shall be present in all cases at such lettings; (1)

4. To superintend all the manufacturing and mechanical business that may be carried on in the prison, to receive the articles to be manufactured, and to sell and dispose of the same for the benefit of the State;

5. To purchase such raw materials as may be necessary to be manufactured by the convicts;

6. To take bills for all supplies and materials for the prison purchased by him, at the time of such purchase, and to take similar bills and receipts for all services that shall be rendered for either of the said prisons at the time of making payment therefor, and the persons to whom any bill shall be paid by either of said agents and wardens, shall in all cases make and subscribe an affidavit, to be sworn to before some person duly authorized by law to take the same, stating that said account and the articles therein specified were actually fur-

(1) As amended by Laws 1854, ch. 240, § 4.

nished, and that the same was paid in cash by the said agent and warden; (1)

7. To enforce the payment of all debts due to the prison as soon and with as little delay as possible, but with the approbation of the inspector having, at the time, charge of the prison; he may accept of any security from any debtor, on granting him time, that he may deem conducive to the interest of the State; (2)

9. To take charge of all moneys and other articles which may be brought to the prison by convicts; and to cause the same immediately on the receipt thereof, to be entered by the clerk among the receipts of the prison, which money and other articles, whenever the convict from whom the same was or were received shall be discharged from prison, or the same shall be otherwise legally demanded, shall be returned by the agent to such convict or other person legally entitled to the same, and for such money as the said convict may have so deposited or by any other person for him or them, he, she, or they shall be entitled to receive interest at the rate of six per cent. from the time of such deposit until paid, and vouchers taken therefor as is now provided by law. A separate account shall also be kept by the clerk, in a book provided for that purpose, of all money and other articles so received by the agent and warden, in which account each convict shall be credited, with the money and other articles so received from him; (3)

10. To furnish to each convict who shall be discharged from prison, by pardon or otherwise, necessary clothing, not exceeding twelve dollars in value (between the first day of November and the first day of April, clothing not to exceed eighteen dollars may be given), and a sum of money not exceeding upon an aver-

To collect  
debts.

To take  
charge of  
convicts'  
money.

Discharged  
convicts to  
be furnished  
with cloth-  
ing and  
money.

(1) As amended by Laws 1854, ch. 240, § 5.

(2) Subdivision 3 of this section was repealed by § 12 of ch. 240 of the Laws of 1854.

(3) As amended by Laws 1869, ch. 269, § 6.

age over five dollars, as the agents and wardens may deem proper and necessary, at each of said prisons, and the sum of four cents for each mile for which it may be necessary for such convict to travel to reach the place of his residence, and if he has no residence within this State, to the place of his conviction; but at Clinton prison the mileage shall be five cents per mile as aforesaid; (1)

To draw for moneys on the treasurer.

10. [11.] To draw from the treasurer of the State, by a warrant of the comptroller upon the treasurer, in favor of the agent, all moneys appropriated to the use of the prison under his charge; but he shall not draw at any one time, or have in his hands unaccounted for at any one time, of moneys so appropriated, a greater sum than five thousand dollars;

To draw from literature fund \$100 yearly.

11. [12.] To draw, each and every year, from the income of the literature fund, the sum of one hundred dollars, to be expended in the purchase of books, maps and stationery, for the use of the convicts, and shall append to his annual report a catalogue of such prison library;

To account monthly with comptroller.

12. [13.] To account monthly with the comptroller for all moneys so drawn by him from the treasurer of the State, and for all other moneys received by him as such agent, from whatever source the same may be derived;

To keep a regular account of all moneys received by him.

13. [14.] To keep a regular and correct account of all moneys received by him from any source whatever, by virtue of his office, including all moneys taken from convicts or received as the proceeds of property taken from them, and all sums paid by him and the persons to whom and purposes for which the same were paid;

To close his account yearly on the last day of September.

14. [15.] To close his account annually, on the last day of September of each year; and, on or before the first day of December thereafter, to render to the inspectors a full and true account, accompanied by a copy

(1) As amended by Laws 1874, ch. 451, § 3.

of the necessary vouchers, of all moneys received by him on account of the prison under his charge, and all the moneys expended by him for the use thereof, and also an inventory of the goods, raw materials and other property of the State then on hand, exhibiting in detail, all the transactions of the prison for the year.

§ 51. [Sec. 49.] The monthly accounts to be rendered by the agent of each prison to the comptroller, shall embrace a general current account of the receipts and expenditures at his prison for the month, and an abstract of the expenditures in detail, which shall be accompanied by the necessary vouchers regularly numbered, according to their respective dates, with some short designation thereon of the consideration of the payment, evidenced by the vouchers, and the amount of the voucher carried out in figures; such account shall be attested by the affidavit of the agent and clerk thereunto annexed.

The monthly accounts to comptroller, how to be made. See § 53, ante, and § 72, post.

§ 52. [Sec. 50.] All the fiscal transactions and dealings on account of each prison, shall be conducted by and in the name of the agent and warden thereof, who shall have control over all matters of finance, subject to the direction and supervision of the board of inspectors relating to the prisons, and who shall be capable in law of suing in all courts and places, and in all matters concerning the prisons by his name of office, and by that name shall be authorized to sue for and recover all sums of money due from any person to any former agent or agent and warden of the prison, or to the people of this State, on account of such prison. But it shall not be lawful in any such suit or action for any defendant or defendants to plead or give in evidence any offset or matter by way of recoupment (except for payments made, and not credited to such defendant or defendants), or to recover any judgment against such agent and warden, in such suit or action, than for the costs and disbursements therein.

All fiscal affairs to be by the agent.

All moneys  
to be de-  
posited.

All moneys received by any agent and warden, shall be deposited once in each week to the credit of the treasurer of the State, in a bank located in the city or village most adjacent to the prison.

He shall send to the comptroller weekly, a statement showing the amount so received, and from whom or when (or for what) received and deposited, and the days on which such deposits were made; the statements of deposits to be certified to by the proper officers of the bank receiving such deposit or deposits; the agent and warden shall also verify by his affidavit, that the sum so deposited is all the money received by him from whatever source of prison income during the week and up to the time of deposit.

All moneys so deposited by the agent and warden of any prison shall be subject to the quarterly drafts of the treasurer of the State.

Any bank in which deposits shall be made, under the provisions of this act, shall, before receiving any such deposits, file a bond with the comptroller of this State, subject to his approval for such sum as he shall deem necessary. (1)

Accounts  
to be  
audited.

§ 53. [Sec. 51.] It shall be the duty of the comptroller of the State to examine and audit the accounts of the respective agents, and annually to lay a statement thereof before the legislature.

Duties of  
wardens.  
See § 28,  
enr., and  
§ 70, post.

§ 54. [Sec. 52.] The duties of the wardens of each of the State prisons shall be exclusively confined to the government, discipline and police regulation of the same.

§ 55. [Sec. 53.] It shall be the duty of the warden of each prison,

To reside  
at prison.

1. To reside in and attend constantly at the prison, and to exercise a general supervision over its government, discipline and police;

(1) As amended by Laws 1864, ch. 58, § 1; further amended by Laws 1860, ch. 396, § 8.

2. To give the necessary directions to the keepers, and to examine whether they have been careful and diligent in the discharge of their several duties;

To give di-  
rections to  
keepers.

3. To examine daily into the state of the prison, and into the health, condition and safe-keeping of the convicts, and to inquire into the justice of any complaints made by the convicts relative to their provisions, clothing and treatment by the keepers;

To examine  
the state of  
the prison  
daily.

4. To make such general orders or rules for the government of the subordinate officers of the prison as he may deem proper, and as shall be approved by the board of inspectors; such rules and orders shall be in writing, and shall be entered in a book to be kept by the warden for that purpose, and shall be subject to any alteration or amendment by the inspectors;

To make  
general  
orders.

5. To keep a daily journal of the proceedings of the prison, in which shall be entered a note of every infraction of the rules and regulations of the prisons by any officer thereof, which shall come to his knowledge, and of every punishment inflicted on a convict, the nature and amount thereof, and by whom it was inflicted, and also a memorandum of every well-founded complaint made by any convict of bad or insufficient food, want of clothing, or cruel or unjust treatment by a keeper; such journal shall be kept open at all times to the examination of the inspector in charge of the prison, and of the board of inspectors;

To keep a  
journal.

6. To receive into the prison under his charge, on the order of the governor, any person convicted of any crime punishable with death, or who shall be pardoned on condition of being confined either for life or a term of years in a State prison, and to confine such prisoner according to the terms of such condition;

To receive  
persons  
pardoned  
on condi-  
tion of be-  
ing confined  
in State  
prison.

7. To admit the inspectors of prisons, or any one of them, into every part of the prison, to exhibit to them, on demand, all the books, papers, warrants and writ-

To admit  
the inspec-  
tors into  
every part  
of prison.

ings pertaining to the prison or to the business, management, discipline or government thereof, and to render to them every other facility in his power to enable them to discharge their duties under this title;

8. To make a monthly report, through the inspector having charge of the prison, to the inspectors, stating the names of all convicts received into the prison during the preceding month, the counties in which they were tried, the crimes of which they were convicted, the nature and duration of their sentences, their former trade, employment or occupation, the nature of their employment in prison, their habits, color, age, place of nativity, degree of instruction, and a description of their persons, and also stating whether such convicts have ever before been confined in any State or county prison, and if so, stating the offense for which they were confined, and the duration of their punishment, and also stating in such report the names of all the convicts pardoned or discharged during the past month, and all other particulars in relation to the parties so pardoned or discharged, that are required to be stated in relation to the convicts received in the prison.

§ 56. [Sec. 54.] Whenever there shall exist a vacancy in the office of agent of either of the prisons, all the powers and duties of such agent shall devolve upon and be executed by the warden of said prison until such vacancy shall be filled.

§ 57. [Sec. 55.] The agent of each prison shall possess all the powers and discharge all the duties of the warden of the prison during a vacancy in the office of warden, or disability in the warden from any cause to act.

§ 58. [Sec. 56.] The clerk of the prison shall act as clerk of the board of inspectors, and before entering on the duties of his office as such clerk, shall execute a bond to the people of the State, with sufficient sure-

To make a monthly report to inspectors.

Warden to act as agent in case of vacancy. See § 28, ante, and § 62, post.

Agent to act as warden in certain cases. See § 28, ante, and § 72, post.

Clerk of prison to act as clerk of inspectors.

ties, to be approved by the inspectors, in the penal sum of four thousand dollars, conditioned for the faithful performance of the duties of his office as such clerk, which bond shall be filed in the office of the comptroller of the State.

§ 59. [Sec. 57.] It shall be the duty of each clerk of the prison to which he is appointed,

1. To attend at the prison daily during the proper business hours; unless, by the direction of an inspector, or of the agent, he is otherwise engaged in transacting business on account of the prison;

2. He shall keep a register of convicts, in which the names of the convicts shall be alphabetically arranged, and in which shall be entered, under appropriate columns, the date of conviction, where born, age, occupation, complexion, stature, crime, court, county where convicted, terms of sentence, number of previous convictions, to what prison or prisons previously sent, when discharged, and how discharged. The inspectors may require such additional facts to be stated on the register as they may deem proper;

3. To keep all the books and accounts of the financial transactions of the prison, and annually report to the inspectors, on the thirty-first day of December, the number of convicts remaining in prison at the commencement of said year, the number received during the year; the number discharged by pardon, expiration of sentence, habeas corpus or by the courts; the number of deaths and escapes, and the number removed to the house of refuge and lunatic asylum, and the number then remaining in prison;

4. To examine all articles purchased by the agent for the use of the prison at the time of their reception, and compare them with the bills thereof, to ascertain whether they correspond in weight, quality and quantity, and to inspect the supplies which are furnished for

Duty of clerk.

To attend daily during business hours.

To keep a register of convicts.

To keep all the books and accounts.

To examine articles purchased by agent.

the prison on contract or otherwise, and to ascertain whether they correspond with the contract or with the provisions of law regulating the same; and in case of any discrepancy, to report the same immediately to the agent;

5. The clerk shall enter each bill taken by the agent and warden of the prison, in the books of the prison, at the time of the receipt of the articles mentioned in such account, and in case the articles received do not agree in all respects with the invoice, he shall immediately notify the agent and warden of such discrepancy, and note in his book the discrepancy, whether in weight, quantity or quality, but no goods or any other article purchased for the use of either of said prisons shall be received, or a receipt given therefor, unless accompanied by a proper bill or invoice of the same, and found correct, and any officer of either of the prisons of this State, violating this section, shall be deemed guilty of a misdemeanor. The clerk shall do such writing as may be required of him by the inspectors and agent and warden of the prison, relating to the affairs of such prisons; (1)

6. To have charge and custody of all the books of account, registers, returns and other documents and papers relating to the affairs of the prison; all of which shall be preserved and remain in the prison as public property, and shall be open at all times to the examination of each inspector and of every other person authorized by law to examine the same;

7. To preserve in the prison a set of all official reports made to the legislature respecting the same, and a set of similar reports in relation to each of the other State prisons, for which purpose a suitable number of such reports, when printed, shall be supplied to him by the secretary of State;

Clerk to enter all bills.

To have charge of all the books, &c.

To preserve a set of all official reports.

(1) As amended by Laws 1854, ch. 240, § 7.

8. To make an annual report to the secretary of State, on or before the first Tuesday of February in each year, stating the names of convicts discharged or pardoned during the preceding year from said prison, and all the particulars in relation to such convicts as are required to be stated in the warden's monthly report to the inspectors; and stating also, in cases of pardon, the time unexpired of the time for which the convicts so pardoned were respectively pardoned, when such pardons were granted, and the conditions, if any, on which they were granted, and also the state of health of each convict so pardoned, at the time of his discharge;

9. To make an annual report to the inspectors, on or before the first day of December in each year, exhibiting the number of convicts then confined therein, the various branches of business in which they are employed, and the number employed in each branch.

[The annual and all other reports and estimates of earnings and expenditures, of the male and female departments of State prisons, shall from and after the passage of this act, be made out separately and distinctly, the one from the other.] (1)

[All acts and parts of acts heretofore passed and inconsistent with this act, are hereby repealed.] (2)

§ 60. [Sec. 58.] The keepers in each prison shall preserve proper order and discipline among the convicts under their respective charge; shall take care that they are diligently employed in the labor or business assigned them. It shall also be the duty of each keeper or assistant matron having the charge of convicts employed upon contracts or otherwise, to keep a correct daily account of the labor of each convict so employed, in the manner that shall be prescribed by the agent, and shall make reports to him of the same, at such periods

To make an annual report to secretary of State.

To make an annual report to inspectors.

Reports to be made out separately.

Keepers, their duties, to preserve proper discipline.

(1) Laws 1860, ch. 282, § 1.

(2) Laws 1860, ch. 282, § 2.

as the agent shall require, which reports shall in all cases be attested by the affidavit of the keeper or assistant matron, that the account fairly and justly sets forth the labor performed on such contract or otherwise, during the period charged in said account. (1)

Powers of the matron at Sing Sing prison.

§ 61. [Sec. 59.] The matron of the female convict prison at Sing Sing shall have the same powers, and perform the same duties, in relation to that prison as are herein given and imposed upon the wardens of prisons, and the powers and duties of assistant matron shall be the same as those of the keepers of the prison; but such matron and assistant matron shall, in all cases, be bound to obey such regulations and instructions as the inspectors shall from time to time prescribe.

Duty of the chaplain.

§ 62. [Sec. 60.] It shall be the duty of the chaplain of the prison:

To perform religious services.

1. To perform religious services in the prison, under such regulations as the inspectors may prescribe, and to attend to the spiritual wants of the convicts;

To visit convicts in their cells.

2. To visit the convicts in their cells for the purpose of giving them religious and moral instruction, and to devote at least one hour in each week-day, and the afternoon of each Sunday, to such instruction;

Bibles.

3. To furnish, at the expense of the State, a bible and hymn-book to each convict;

To take charge of library.

4. To take charge of the library and to take care that no improper books are introduced into the cells of the convicts, and if any such books shall be found, either in the cells or in the possession of a convict, to take away and return the same to the agent, and for the purpose of properly discharging these duties, to visit weekly each cell in the prison;

Hospital.

5. To visit daily the sick in the hospital;

To make an annual report to inspectors.

6. To make an annual report to the inspectors, up to the first day of December, relative to the religious and

(1) As amended by Laws 1885, ch. 552, § 2.

moral conduct of the prisoners during the past year, stating therein what services he shall have performed and the fruits, if any, of his instructions, and shall append thereto, as far as practicable, in tabular form, a statement exhibiting the number of convicts then in prison, the number of white males between the ages of twenty and thirty, thirty and forty, forty and fifty, fifty and over, and in like manner of black males, white females and black females, the number born in the United States, foreigners and of what country, the number that cannot read, that can read only, read and write, well educated, classically educated, temperate, intemperate, health, scrofulous, whether employed at the time of the commission of the crime, counties where convicted, occupation, sentence, how many times re-committed, and social state.

§ 63. [Sec. 61.] Four instructors shall be employed by the inspectors for each of the prisons at Sing Sing and Auburn, and two for the Clinton prison; it shall be the duty of such instructors, in conjunction with, and under the supervision of the chaplain and inspector in charge, to give instruction in the useful branches of an English education, to such convicts as in the judgment of the chaplain may require the same and be benefited thereby; such instruction shall be given for not less than one hour and a half daily (Sunday excepted), between the hours of six and nine in the evening, in such room or rooms as may be provided for that purpose. (1)

Instructors for prisons, their duties.

[The inspectors of State prisons shall appoint one instructress for the female convict prison at Sing Sing, whose duty it shall be, in conjunction with and under the supervision of the chaplain, to give instruction in the useful branches of learning to such convicts as, in the judgment of the matron or the chaplain, may require the same and be benefited by it; such instruction

Instructress of female convicts.

(1) As amended by Laws 1874, ch. 451, § 4.

to be given for not less than one hour and a half daily (Sundays excepted), between the hours of four and six in the afternoon.

Her salary. [Such instructress shall receive an annual salary of one hundred and forty-four dollars, to be paid monthly at the end of each month by the agent, out of the funds of the prison.] (1)

The chaplain to make a quarterly report.

§ 64. [Sec. 62.] The chaplain shall make a quarterly report to the inspectors, stating the number of convicts that shall have been instructed during the last quarter, the branches of education in which they shall have been instructed, the text-book used in such instruction, and the progress made by the convicts, and to note especially, any cases in which an unusual progress has been made by a convict.

Duty of the physician.

§ 65. [Sec. 63.] The physician of each prison shall have charge of the hospital, and shall attend at all times to the wants of the sick convicts, whether in the hospital or in their cells, and if the inspectors shall deem it necessary, they shall require the physicians at the Sing Sing and Clinton prisons, respectively, to reside in the prison, and in that case they may, in their discretion, add, not exceeding one hundred dollars, to the salary of each of the said physicians, respectively; and it shall be the further duty of such physician;

To examine the cells.

1. To examine weekly the cells of the convicts for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and report the same weekly to the warden;

To report monthly.

2. To report monthly to the inspectors the number of patients received into the hospital during the month, stating their respective ages, color, disease and occupations in prison, the quality and kind of medicines administered during the month, the number of those dis-

(1) Laws 1849, ch. 141, §§ 5 and 6. Are these sections still in force since the act of 1874, as above?

charged, their condition when discharged, the time they shall have remained in the hospital, the number of deaths, stating the cause of such deaths; and it shall be his further duty to state in such report the number of sick convicts not received into the hospital for whom he shall have prescribed during the last month, and the quantity and kind of the medicines so prescribed, and the number of days during which such convicts, in consequence of sickness, shall have been relieved from labor;

3. To examine daily into the quality and state of the provisions delivered to the prisoners, and whenever he shall have reason to believe that any of such provisions are prejudicial to the health of the prisoners, he shall immediately make a report thereof to the warden and agent of the prison; he shall also have power and it shall be his duty to prescribe the diet of sick convicts, whether in the hospital, or in their cells or elsewhere, and his directions in relation thereto shall be followed by the agent and warden;

To examine the quality and state of the provisions.

4. To keep a daily record of all admissions to the hospital, indicating the sex, color, nativity, age, occupation, habits of life, crime, period of entrance and discharge from the hospital, date of admission to the prison, time in county prison before conviction, disease, if afflicted with scrofula before admission, scrofula during the first, second and third six months after admission to prison, and of the prescriptions and treatment of each case;

To keep a daily record.

5. To make a yearly report to the inspectors of the sanitary condition of the prison for the past year, in which all the information contained in his daily record and his monthly reports shall be condensed.

To make a yearly report.

[It shall be the duty of the physicians, respectively, at the Auburn, Sing Sing and Clinton prisons, in addition to the duties now required by law, to attend daily

Duty of physicians.

during the proper business hours at the prisons for which they are respectively appointed, and at all times hold themselves in readiness to discharge their duties as such physician respectively, unless by the direction of an inspector, or of the agent and warden of the prison at which he is employed, he is otherwise engaged in transacting business on account of the prison.] (1)

§ 66. [Sec. 64.] There shall continue to be maintained at each State prison a guard, to be appointed by the inspectors, to consist of one sergeant and so many privates as the inspectors may from time to time direct, but the guard at Sing Sing, including the sergeant, shall not exceed forty-two in number; the guard at Auburn, including the sergeant, shall not exceed the number of twenty-two; and at Clinton, between the first day of November and the first day of April, shall not exceed the number of twenty-eight, and from the first day of April until November, the number shall not exceed twenty-nine; but at each prison the sergeant of the guard shall be included in the number. (2)

§ 67. [Sec. 65.] The guards of the respective prisons shall continue to be furnished from the arsenals of this State with sufficient arms, ammunition and accoutrements, and shall be subject to the command and direction of the agent and warden of the prison, who is hereby empowered to suspend, for cause, any officer, keeper or guard in said prison, and employ others in their stead, until the pleasure of the inspector in charge shall be known, and whom he shall immediately notify of such suspension, and the reasons therefor. (3)

§ 68. [Sec. 66.] From and after the first day of March, eighteen hundred and sixty-seven, the compensation of the several officers, keepers, guards and teachers of the Sing Sing, Auburn and Clinton prisons shall be as fol-

Guards  
at each  
prison.

Guards to  
be furnished  
with arms,  
&c.

Agent may  
suspend.  
See § 55,  
ante and  
§ 72, post.

Salaries of  
the agents  
and war-  
dens.

(1) Laws 1862, ch. 490.

(2) As amended by Laws 1874, ch. 451, § 9.

(3) As amended by Laws 1887, ch. 94, § 1.

lows: To each of the agents and wardens of said prisons, two thousand dollars per year; to the physician of each prison, fifteen hundred dollars per year; to the principal keeper of each of said prisons, fifteen hundred dollars per year; to the clerk of each of said prisons, fifteen hundred dollars per year; to the chaplain of each of said prisons, fifteen hundred dollars per year; to the kitchen keeper of each of said prisons, twelve hundred dollars per year; to the store-keeper of each of said prisons, twelve hundred dollars per year; to the yard-keeper of each of said prisons, one thousand dollars per year; to the keepers of each of said prisons, nine hundred dollars per year; to sergeant of guard at each of said prisons, nine hundred dollars per year; to the guards of each of said prisons, seven hundred and eighty dollars per year; the matron of the prison at Sing Sing shall receive seven hundred and eighty dollars per year; and the assistant matrons at such prison shall receive six hundred and sixty dollars per year; at each of said prisons the salary of the male teachers shall be three hundred dollars per year each, and that of the female teachers shall be two hundred dollars per year each, which salaries shall be in full for all services performed. The salary of the superintendent of State lunatic asylum for insane convicts, at Auburn, shall be fifteen hundred dollars per year. (1)

[In addition to the present officers at the Auburn prison, there shall be a store-keeper, who shall give the bonds now required by law, and whose salary shall be as provided for in section one of this act, for store-keeper at Sing Sing prison.] (2)

[This act shall be in force for the term of three years from the first day of March, eighteen hundred and sixty-seven.] (3)

Physicians.

Salaries of  
clerks.

Chaplains.

Salaries of  
keepers.

Instructors.

(1) Laws 1867, ch. 420, § 1.

(2) Laws 1867, ch. 426, § 2.

(3) Laws 1867, ch. 426, § 2.

[The compensation of the officers, keepers, guards and teachers of the Sing Sing, Auburn and Clinton prisons, the matrons and assistant matrons of the female prison at Sing Sing, and the superintendent of the State asylum for insane convicts at Auburn, shall continue to be the same from and after the first day of March, one thousand eight hundred and seventy, as provided in section one of chapter four hundred and twenty-six of the Laws of eighteen hundred and sixty-seven.]<sup>(1)</sup>

Store-keeper.

*Second.* There shall also be appointed, by the inspectors at the Sing Sing prison, a suitable and proper person, to be designated and known as store keeper, at a salary of eight hundred dollars per annum;<sup>(2)</sup>

His duties.

*Third.* It shall be the duty of the store keeper to take charge of all goods, provisions and other articles purchased or designed for the use of the prison, and to enter the same in books to be kept by him for that purpose, and to note all discrepancies, if any, that may arise between the goods received and the bill accompanying such articles; such goods, when received, shall be kept in some safe place under his charge, and no goods shall be delivered by him except on a requisition from the kitchen keeper, the matron of the female prison, or the agent and warden or principal keeper, or in his, her or their absence, the person acting as such. Such requisition shall in all cases be in writing, and by him placed on file, and in addition thereto, the articles named in such requisition shall be entered in his books, which books shall state what the articles were, the quantity delivered, and on whose order they were delivered, and to what shop or place sent;

*Fourth.* At the end of each month he shall make out a correct statement attested by his affidavit, giving the

Monthly statements.

(1) Laws 1870, ch. 309.

(2) Subdivision 2, § 96, of the act of 1817, as amended 1855, ch. 552, § 4, is subdivided into eleven subdivisions by the act of 1855. The first subdivision has been superseded by the act of 1867, given in its place.

amount of each article received, and the quantity, the amount and kinds of goods delivered on requisitions, and to whom delivered, and the quantity of each kind of property then on hand, with the value thereof at that time; which statement, when made up, shall be delivered to the inspector in charge, and by him examined, and if found correct, shall so certify thereon; such report shall then be delivered to the agent and warden, and by him forwarded to the comptroller, with his monthly estimate, and form a part thereof. The inspector in charge shall also examine the books of the store-keeper, and compare the books kept by him with the original bills taken by the agent at the time of purchasing the goods, and if the books and accounts agree or disagree, to certify on the books accordingly;

*Fifth.* For all goods and other articles purchased by the agent and warden for the use of the prison, it shall be his duty to take the bills, one of which, marked "duplicate," shall be given to the store-keeper, and whose duty it will be to compare it carefully with the original, and if found to agree, and the goods also agreeing with the invoice, he will enter them in a book or books which the agent will furnish for the purpose. It shall also be his duty to keep a perfect, just and true account of all goods sold by the agent or other officers of the prison, belonging to the prison;

*Sixth.* Before such store-keeper shall enter upon his duties as such store-keeper, he shall execute a bond to the people of the State, with sufficient sureties, to be approved by the inspectors or the inspector in charge, in the penal sum of six thousand dollars, conditioned for the faithful performance of the duties of his office as such store-keeper, which bond shall be filed in the office of the comptroller of the State;

*Seventh.* The keepers known as kitchen keepers at the Auburn and Clinton prisons, in connection with

Bills for articles used in prison.

Bond.

Kitchen keepers at Auburn and Clinton.

their present duties, shall act as store-keepers, and for the same compensation mentioned in the first subdivision of this section; and before entering upon their duties, after the passage of this act, shall give a like bond, and be subject to like duties, as required from the store-keeper in the Sing Sing prison; and such portions of this or other sections of this act which treat of the duties of store-keepers at Sing Sing, shall apply in the same manner to the kitchen keepers of Auburn and Clinton prisons, in all respects;

*Eighth.* It shall be the duty of the kitchen keeper in the Sing Sing prison to keep a proper book for the purpose of entering all goods received, on his requisition, from the store-keeper, and the amount cooked and sent to the female prison and hospital, and to add up the same at the end of each month, and if any articles are left on hand, to state in a report, which it is his duty to submit to the inspectors, what they are, and the amount consumed and received during the month; such report will be required at the end of each month, and be attested by his affidavit that the same is correct;

*Ninth.* After the passage of this act, the person exercising the duties of kitchen keeper in Sing Sing prison, shall enter into bonds, with sufficient sureties, to the people of this State, in the penal sum of three thousand dollars, conditioned for the faithful performance of his duty, which bond shall be approved by the inspectors or the inspector in charge;

*Tenth.* The hospital and hall keepers in the several prisons shall, before entering upon their duties, likewise enter into bonds, with sufficient sureties, to the people of the State, in the sum of two thousand dollars each, for the faithful performance of their duties;

*Eleventh.* It will be the duty of the hospital and hall keepers to examine and enter all goods coming into the hospital, and to the halls or galleries; to make requisitions for all goods required by them, through the agent and warden or principal keeper, and to enter into books, to be kept for that purpose, all articles so received or sent away from their respective departments; (1)

4. The salaries of the guards at the several State prisons of this State shall be forty dollars each per month, payable monthly; (2)

5. The salaries of the keepers and guards shall also be paid monthly, at the end of each month;

6. The principal matron at Sing Sing prison shall receive a salary of six hundred dollars per annum, and each assistant matron a salary of three hundred and fifty dollars per annum, to be paid monthly at the end of each month; the principal matron, after the passage of this act, will be required to enter into bonds, with sufficient sureties, to the people of this State, in the penal sum of three thousand dollars, conditioned for the faithful performance of her duties as such matron. The said matron will also be required to furnish, at the end of each month, to the inspector in charge, an account containing a true statement of all the articles drawn on her requisition or received during the month then ended, with the amount of each article remaining on hand; which account shall be attested by the affidavit of the said matron, to the effect that such statement is correct. (3)

§ 69. [Sec. 67.] The salaries of the officers of each prison, and all other expenses in relation to each prison, shall be paid by the agent of each prison out of the funds thereof.

§ 70. [Sec. 68.] The comptroller is hereby authorized to audit and allow from time to time, all necessary traveling expenses and subsistence of the agent and

Salaries.

Paid monthly.

Matron at Sing Sing.

Salaries to be paid by agent. See § 53, infra, and § 70, post.

Traveling expenses to be audited and allowed.

At Sing Sing.

Hospital and hall keepers.

Their duties.

(1) As amended by Laws 1865, ch. 552, § 4.

(2) As amended by Laws 1867, ch. 54, § 2.

(3) As amended by Laws 1865, ch. 552, § 5. This subdivision has been superseded as to the salary of the matron. See subdivision 1 of this section.

warden of each State prison, when necessarily traveling on official business, or when the attendance of such agent or warden is required at the seat of government; the necessity of such travel and attendance to be decided by the comptroller, and the accounts, when audited, to be paid by the treasurer on the warrant of the comptroller.

Agents, &c., to support themselves, and not to receive perquisites, &c.

Fuel and lights.

House for agent and warden to be furnished.

Duties of agents and wardens.

Books of entries.

Moneys received by agents to be deposited weekly.

§ 71. [Sec. 69.] The agents and wardens and other officers, and the guards of the respective prisons, shall support themselves from their own salaries and resources, and shall not receive any perquisites or emoluments for their services other than the compensation provided for by law, except that the agents and wardens, physicians and chaplains shall keep their offices at the respective prisons, and that the agent and warden shall reside therein; they shall all be furnished with the fuel for their offices, and lights, and the house for the agent and wardens shall be furnished with household furniture and provided with the necessary fuel and lights for themselves and families; and from the stock provided for the prison, the agent and warden shall furnish fuel for the barracks of the guards. (1)

§ 72. It shall be the duty of each agent and warden of a State prison :

1. To keep in his office regular books of entries, in which all his accounts and transactions shall be entered. Such books and the accounts entered therein shall be open for the examination of the inspector or inspectors, the comptroller, or any person authorized by him for that purpose, during office hours; (2)

2. To deposit, at least once in each week, to the credit of the treasurer of the State, in such bank or banks as may be designated by the comptroller, all the moneys received by him as such agent and warden, and

(1) As amended by Laws 1874, ch. 651, § 5.

(2) Laws 1854, ch. 240, § 6, subv. 1.

send to the comptroller weekly a statement showing the amount so received and from whom and when (or for what) received and deposited, and the days on which such deposits were made; the statements of deposits to be certified to by the proper officers of the bank receiving such deposit or deposits; the agent and warden shall also verify by his affidavit that the sum so deposited is all the money received by him, from whatever source of prison income, during the week, and up to the time of deposit; (1)

3. Before any expenses are incurred by him, to make an estimate, in minute detail, of the necessary expenses for the support and maintenance of the prison under his charge, including the number of rations or kind of property to be delivered during the month, upon any contract made under the fourth section of the act of which this is amendatory, and monthly thereafter, and to present the same to the comptroller, who, if satisfied that the expenditures are necessary and proper, shall thereupon authorize the agent to make his draft on the treasury for the sum thus estimated, or any part thereof; which amount shall be paid, on the warrant of the comptroller; and it shall not be lawful for such agent and warden to make purchases on behalf of the State, unless such purchases have been included in the estimate presented to and approved by the comptroller; but the estimate required from the agent in this section shall first be submitted to the inspector in charge of the prison, and his approval written thereon, certifying that he has carefully examined the same, and that the articles contained in such estimates are actually required for the use of the prison. Such estimates shall be accompanied by the report of the store-keeper (or when the duties are performed by the kitchen keeper) under oath, giving the amount of each article consumed

Estimate of to be made monthly.

(1) Laws 1854, ch. 240, § 6, subv. 2, as amended by Laws 1855, ch. 552, § 11.

for the last month, and the amount of each article then on hand; (1)

Monthly statements.

4. On the first day of May, eighteen hundred and fifty-four, and on the first day of every month thereafter to make to the comptroller a full and perfect statement of the receipts and expenditures, specifying the items thereof for the prisons under his charge for the said month, which shall be accompanied by the necessary vouchers, regularly rendered, according to their respective dates, with some short designation thereon of the consideration of the payment, evidenced by the vouchers, and the amount of the vouchers carried out in figures; if the vouchers are objectionable, the comptroller shall enter his dissent on the particular voucher, and return it to the agent and warden reporting the same, who shall cause it to be immediately corrected and returned. Every such statement shall be verified by an affidavit of the agent and warden, thereunto annexed as follows: "I, \_\_\_\_\_ agent and warden of the \_\_\_\_\_ prison, do solemnly swear that I have deposited in the bank designated by law for such purpose, all the moneys received by me, belonging to the State, during the last month; and I do further swear that the foregoing is a true abstract of all the moneys received, and expenditures made by me as such agent and warden, during the month ending on the day of \_\_\_\_\_ 18\_\_\_\_; and that the goods and other articles therein specified were purchased and received by me at the prison of which I am in charge, and that the goods were purchased at fair cash market prices, and that the same were paid for in cash; that I had no pecuniary or other interest in the articles purchased, or any person in my behalf; that I received no pecuniary or other benefit therefrom in the way of commissions, percentage, deductions or presents, or in any other

(1) Laws 1854, ch. 240, § 6, subdv. 2, as amended 1855, ch. 552, § 12.

manner whatever, either directly or indirectly, nor any promise of future payments, presents or benefits, or to any other person for me, either directly or indirectly; and further, that all the receipts were filled up as they now appear, and were read, or the amount distinctly stated to the signer of each, before they were signed." The affidavit of the clerk shall likewise be appended thereto, certifying that the articles contained in such bill were received at the prison, and that they conformed in all respects to the invoice of the goods received and entered by him, both in quality and quantity. (1)

5. To file or cause to be filed in the office of the comptroller a copy of each and every contract now in his possession, within thirty days after the passage of this act, and within thirty days after date of any contract hereafter made and executed by him, under section four of this act, as such agent and warden, and also monthly to report to the comptroller a detailed account of the number of days' labor performed on such contracts, which said account shall be verified by the affidavit of such agent and warden and the clerk of the prison where such labor was performed, to the effect that such account correctly states the whole number of days' labor performed on such contracts. (2)

§ 73. The clerks of the several prisons in this State, or in their absence, the principal keepers, are hereby authorized and required to take affidavits, in all matters of accounts against their respective prisons, and also in relation to fees of sheriffs in bringing convicts to either of said prisons (3)

§ 74. No agent, warden or other officer of either of the State prisons of this State, shall give any note,

(1) Laws 1854, ch. 240, § 6, subdv. 4, as amended by Laws 1850, ch. 359, § 11.  
(2) Laws 1854, ch. 240, § 6.  
(3) Laws 1854, ch. 240, § 8, as amended by Laws 1855, ch. 552, § 12.

Copy of contracts to be filed with comptroller.

Affidavits.

No officer of any prison to incur any debt.

draft or other evidence of debt, except a check on the bank designated by the comptroller as aforesaid, and such debts as are authorized by law, in payment for any article purchased for either of said prisons, and signed by him or them individually or in their official capacity, nor shall any such agent and warden, and other officer, sign any paper as agent or warden for the purpose or with the intent of putting or having the same put in circulation for any purpose whatever, nor shall he or they give any credit to any contractor for money due to either of the prisons. (1)

Penalty for neglect to make statement.

§ 75. If the agent and warden of a State prison shall willfully neglect or refuse to make any weekly or monthly return, estimate or statement, or to transmit the statement and certificate of such deposits to the comptroller, as hereinbefore directed, it shall be the duty of the comptroller to notify the inspectors of such omission, and to order the bond of the agent to be put in suit, for the recovery of any moneys which may be in his hands belonging to the State (2)

Misdemeanor.

§ 76. The agent and warden of a State prison shall be liable to indictment and punishment, as for a misdemeanor, for any willful neglect of duty, or for any malpractice in the discharge of the duties of his office. (3)

Duties of agent and warden.

§ 77. The person holding the office of agent and warden hereinbefore mentioned, shall perform all the duties heretofore by law imposed upon the person holding the office of agent of either of the State prisons of this State, and also all the duties heretofore by law imposed upon the person holding the office of warden of either of the State prisons; and such agent and warden shall in all cases be appointed by the inspectors of State prisons, to hold the office under the same restrictions and quali-

(1) Laws 1854, ch. 240, § 11.  
(2) Laws 1854, ch. 250, § 12.  
(3) Laws 1854, ch. 240, § 14.

fications as are by law imposed in the appointment of an agent of a State prison. (1)

§ 78. All laws or parts of laws in conflict with this act are hereby repealed. (2)

Repeal.

§ 79. It shall be the duty of the agent and wardens, as often as the inspectors may deem necessary, to advertise, in one or more newspapers in the county where the prison is situated, all personal property of the prison then on hand, which may have become useless, or which is no longer required for prison purposes, and to sell the same at a public sale to the highest bidder, and to deposit the amount received from such sale to the credit of the treasurer, as now required by law. (3)

Sale of property.

§ 80. It shall be the duty of each of the principal keepers of each of the prisons to keep a time-book, in which shall be inserted the names of all the officers, keepers or guards belonging to the prison, and opposite to each name he shall daily mark whether such officer, keeper or guard was "absent or present;" if absent, shall give the alleged reasons for such absence, and at the end of each month shall add up the same and verify such statement by his affidavit that it is correct; and, so sworn to, shall be delivered to the agent, who shall forward the same to the comptroller with his monthly report. (4)

Time-book.

§ 81. All officers of either of the prisons, who, under any section of this act, or of any act of which this is amendatory, whose duty it is to report annually, quarterly or monthly to the governor, secretary of State, comptroller, inspector or inspectors of State prisons, or to the agent and warden of either of the prisons, will hereafter be required to attest the same by his or her affidavit, that such report is just and true. (5)

Reports to be attested by oath. See § 82, post.

(1) Laws 1854, ch. 240, § 15.  
(2) Laws 1854, ch. 240, § 20; §§ 16, 17, 18, 19, were temporary in character.  
(3) Laws 1852, ch. 532, § 6.  
(4) Laws 1855, ch. 532, § 7.  
(5) Laws 1855, ch. 532, § 8.

Principal  
keeper at  
Clinton.

§ 82. Whenever the number of convicts in the Clinton prison shall exceed three hundred, a principal keeper shall be appointed for such prison, and from the time such appointment is made, the salary of the agent and warden and of such principal keeper shall be the same as now allowed by law to the agents and wardens and principal keepers of the Sing Sing and Auburn prisons, and the duties of the said agent and warden and of such principal keeper, the same as required by chapter two hundred and forty of the Laws of eighteen hundred and fifty-four, or of the acts of which that was amendatory. (1)

Reports.

§ 83. All reports now required by law to be made annually to the inspectors of State prisons, or to the secretary of State, by any officer of the prisons, shall be made up to and including the thirtieth day of September of each year, and such reports are required to be delivered as aforesaid, on or before the first day of December in each year. (2)

(1) Laws 1853, ch. 532, § 9.  
(2) Laws 1857, ch. 94, § 2.

## ARTICLE SECOND.

*Regulations Concerning the Labor of Convicts, and Making of Contracts for their Employment and Support.*

- Section 84. Courts to ascertain trade of convict, if any, and furnish certificate.
85. Convicts not permitted to work at any other trade, except, &c.
  86. They may be permitted to work at a trade in which they have been employed in a former imprisonment.
  87. The inspectors may prescribe the employment of female convicts.
  88. Officers not to employ convicts on work in which they are interested.
  89. Penalty for employment of convicts contrary to law.
  90. Attorney-general to cause prosecutions for offenses.
  91. Notice of letting contracts for convict labor, to be published: how amended, enforced.
  92. Contracts for terms not exceeding one year, how and by whom made.
  93. Penalty for false swearing.
  94. Repeal of inconsistent acts.
  95. Provisions for prisons to be supplied by contracts.
  96. Articles of food and quantities to be prescribed by inspectors.
  97. Notice for proposals to furnish supplies to be published.
  98. Proposals, what to contain; contract, with whom made.
  99. All contracts under this article to be in writing, &c.
  100. Officers of prisons not to be concerned in contracts.
  101. Debt of contractor for prison labor is a lien on his tools and machinery, which may be sold therefor.
  102. Contractors to deposit money with comptroller as security.
  103. Citizen labor, when to be employed.
  104. Minors not to hold office at State prisons.
  105. Keeper to give bond.
  106. Deposits by contractors, when to be refunded.
  107. Deposits may be in United States or this State bonds.
  108. Additional powers of inspectors of State prisons.
  109. When convict labor to be carried on.
  110. Reports of agents and wardens.
  111. Certain estimator to be made by agents and wardens.
  112. Iron working at Clinton prison permitted.
  113. Inspectors to take certain property at Clinton prison and pay for the same.
  114. Appropriation for that purpose.
  115. Money to be accounted for.
  116. Inspectors may sell materials, &c.

§ 84. [Sec. 70.] It shall be the duty of the court in which any person shall be convicted of an offense punishable in a State prison, before passing the sentence,

Courts to examine convicts as to their having learned a trade.

to ascertain by the examination of such convict on oath, and in addition to such oath, by such other evidence as can be obtained, whether such convict had learned and practiced any mechanical trade, and the clerk of the court shall enter the facts, as ascertained and decided by the court, on the minutes thereof, and shall deliver a certificate stating the facts as ascertained to the sheriff of the county, who shall cause the same to be delivered to the warden of the proper prison at the same time that such convict is delivered to the said warden pursuant to his sentence.

§ 85. [Sec. 71.] No convict who shall hereafter be sentenced to imprisonment in either of the State prisons shall be permitted to work therein at any other mechanical trade than that which, as shall appear by the certificate of the clerk of the court in which he was convicted, such convict had learned and practiced previous to his conviction; except in the making or manufacture of articles for which the chief supply for the consumption of this State is imported from other countries or States; except, also, that the convicts at Sing Sing may be employed in the cutting and manufacture of stone, and the convicts at Clinton in the manufacture of iron.

§ 86. [Sec. 72.] If the agent or warden of the prison in which any convict shall be detained shall ascertain that such convict had been previously in a State prison or penitentiary, he may, in his discretion, direct such convict to be employed in the same kind of labor in which he had been employed during such former imprisonment, notwithstanding it may appear from the certificate of the convict that a different trade had been learned or practiced by him; and if the agent of either prison shall ascertain, to his entire satisfaction, that any convict so certified had not in fact learned and practiced, previous to his conviction, the trade men-

Convicts not to be permitted to work at any other trade.

Trade of convicts who were previously in State prison.

tioned in his certificate, he may, with the approbation of the inspector then having charge of such prison, direct such convict to be employed in the trade or kind of labor which he shall have ascertained, by competent proof, that such convict had previously learned and practiced.

§ 87. [Sec. 73.] The inspectors may, by order from time to time, prescribe the kind of labor in which the female convicts in the Sing Sing prison shall be employed, having due regard, in making such order, to the mechanical interest of the citizens of the State.

§ 88. [Sec. 74.] No inspector, agent and warden, matron, or other officer of either of the prisons of this State, shall employ the labor of any convict or other person employed in such prison, or any work in which such inspector, agent and warden, matron, or other officers shall be interested, except that the agent and warden of each prison and the matron of the female prison shall each be entitled to two convict servants and a convict gardener, and to be fed from rations drawn from prisons stores, but of the same quality and quantity as is allowed to other convicts in their respective prisons. (1)

§ 89. [Sec. 75.] Any inspector, agent or warden of either of the State prisons who shall knowingly let or hire or consent to the letting or hiring of the labor or services of a convict contrary to law, and any officer of either prison who shall, knowingly or willfully, cause a convict to be employed at work prohibited by law, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine in a sum not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year.

§ 90. [Sec. 76.] Whenever a complaint shall be made to the attorney-general, accompanied by satisfactory

Labor for female convicts to be prescribed.

Inspector, agent, &c., not to employ labor of convict, &c.

Exceptions.

Penalty for letting or hiring convicts contrary to law.

Attorney-general to prosecute in certain cases.

(1) As amended by Laws 1874, ch. 461, § 6.

information that any of the provisions of the two last preceding sections have been violated by an inspector, or by any officer of either of the prisons, it shall be his duty to cause the offender to be prosecuted; and any indictment for such offense may be found or tried in any county in which the offense was committed, or in an adjoining county.

Contract for labor of convicts for term of more than one year, resolutions of the board upon the subject.

Direction to advertise.

Warden, his duties.

Notice.

§ 91. [Sec. 77.] Whenever the board of inspectors shall deem it expedient and proper for the agent and warden of either of the prisons to enter into any contract for the labor and services of convicts for a term of more than one year, it shall be the duty of said board to pass a resolution to that effect, specifying the number of convicts whose labor and services are to be let; the prison in which they are confined; the business at which they are to be employed; the number of years for which their labor and services are to be let; the time the contract shall commence; the shop-room, yard-room, store-room, hydraulic or steam power, machinery and other facilities, if any there be, for the business, which will be furnished with the labor and services to be let; directing the warden to advertise for sealed proposals in the State paper, in one newspaper published in the county where said prison is located, and in one newspaper published in not to exceed eight of the cities of this State. Upon the passage of any such resolution and serving a copy thereof upon the agent and warden, that officer shall proceed at once to execute it, by preparing and publishing for the period of twenty days next preceding the time fixed for opening such proposals, the notice required in the manner above provided, and by preparing a duplicate form of the contract to be entered into, with the date, amount of compensation per day, and names of contractors and their sureties, in blank, to be approved by the inspectors or a majority of them, a copy whereof shall be deposited

with the clerk of the prison at which such convict labor is to be let, for the inspection of all persons desirous of proposing therefor, for at least the period of twenty days prior to the time fixed in such notice for opening such proposals. The agent and warden shall receive and preserve unopened all the sealed proposals for the said labor and services, which shall be delivered to or received by him up to the day and hour mentioned in his published notice and no longer, and shall thereupon, or as soon thereafter as the board of inspectors shall convene, lay said proposals before the board of inspectors, who shall proceed publicly at once to open and canvass such of them as shall be substantially in the form prescribed in the published notice of the agent and warden, and as shall be accompanied by an offer to enter into the contract for the labor of such convicts, prepared as aforesaid with the names of the bidders and the price per day for the labor and services of the convicts which he or they propose to pay, with the names also of at least two sufficient sureties, accompanied by their written consent to become sureties in such contract, and shall award the contract for such labor and services to the person or persons who shall be found to be, by said canvass, the highest bidder or bidders therefor. The board shall thereupon direct the agent and warden to fill up the blanks in such contract pursuant to such proposal, and execute the same with such bidder or bidders, which contract, when so filled up and signed, and approved by the inspectors or a majority of them as to the sufficiency of the sureties therein, shall be a valid contract in law between the parties thereto and their sureties; provided, however, that no such contract shall be executed by said agent and warden of either prison, which shall contain any stipulation on the part of the agent and warden to accept any less than full contract

Sealed proposals.

Award of contract.

Execution of contract.

Approval.

Proviso.

price (which shall be the price per day only) for the labor and services of any of the convicts referred to in said contract, or that the said convicts shall execute any specific amount of labor per day, per month or year, or that they shall have or possess any particular degree of skill in the trade or business at which they are to be employed, or that the contractor or contractors shall have any accommodations or facilities for business or privileges which were not specified in the contract so prepared as aforesaid, or that the agent and warden shall maintain any particular kind, standard or quality of discipline in said prison over said convicts during the time they shall be employed under said contract; and provided, further, that no such contract shall be awarded by the agent and warden or be valid in law if it run for a longer time than five years from the time when it is by its terms to commence, and if it shall not contain a stipulation on the part of the contractor or contractors to pay the contract price for the labor and services therein specified, monthly, on the first day of each month, to the agent and warden, at his office at the prison, and that the agent and warden may, by and with the consent of the board of inspectors or a majority of them, annul the said contract and declare it void, if said contractor or contractors shall at any time neglect or refuse to make the monthly payments within ten days from the time they shall respectively fall due; and every such contract shall likewise contain a stipulation that the State will not be held responsible for any loss sustained by fire on the part of any contractor or contractors. In case any bidder or bidders to whom any contract may be awarded shall refuse, or shall, for twenty-four hours after any such award shall be made to him or them, neglect to execute such contract, with at least two sufficient sureties, to be approved by said inspectors or a majority of them;

Further  
proviso.

Stipulation  
as to loss by  
fire.

Damages  
for refusal  
to execute  
contract.

and every bidder to whom such contract shall be so awarded, and who shall refuse or neglect as aforesaid to execute such contract, shall pay to the agent and warden, and to his successor in office, as stipulated damages for such refusal or neglect, a sum equal to the difference between the aggregate of earnings of the number of convicts specified in such contract, at the price per day named in the proposal of such bidder, for the term of such contract, and the aggregate of earnings of such number of convicts at the price per day at which the same shall be finally awarded; and such agent and warden shall have an immediate right of action against such bidder so neglecting or refusing, and his proposed sureties, for the recovery of such damages, and unless the same shall be paid within thirty days after personal demand thereof of such bidder, the agent and warden shall forthwith bring suit for the recovery thereof. If, upon opening such proposals, the said inspectors, with the assent of the agent, shall deem it for the interest of the State not to award said contract to any such bidders, they may reject all of said proposals and re-advertise the same; and if, after awarding such contract to any bidder or bidders who shall have refused or neglected to enter into such contract, the said inspectors shall not deem it for the interest of the State to award the same to any person bidding a lower rate of compensation, they may reject all lower bids and re-advertise; and any bidder whose proposal shall have been accepted by the inspectors, and who shall have refused to enter into such contract, shall be liable to said agent and warden for the expenses of such re-advertisements, in addition to the damages by reason of such refusal or neglect, to be computed as hereinbefore provided. To every proposal for convict labor shall be annexed a justification of the sureties in an amount in the aggregate of the same quality and quantity as

Right of  
action  
against  
bidders.

Inspectors  
may reject  
proposals,  
and re-  
advertise.

Expense  
of re-ad-  
vertising.

Justifica-  
tion of  
sureties.

is allowed to other convicts in their respective prisons. (1)

Contracts for labor of convicts.

§ 92. Whenever the board of inspectors shall deem it expedient and proper for the agent or warden to enter into any contract for the labor and services of convicts for a term not exceeding one year, it shall be the duty of the said board to pass a resolution to that effect, specifying the number of convicts whose labor and services are to be let, the prison in which they are confined, the business at which they may be employed if contracted for, the time when a contract therefor may commence, and the shop or yard-room, store-room and the accommodations and facilities for carrying on the proposed business or labor which will be furnished with such labor and services, directing the agent and warden to ascertain what price per day he can obtain for such labor and services, and report the same to the board; and if, upon advisement, the board shall consider it for the interest of the State to accept the highest price thus offered and reported, said board shall pass a resolution to that effect, directing the agent and warden to enter into a contract in the form prescribed in the preceding section of this act, with the parties making the proposal and his or their sureties. (2)

Penalty for false swearing.

§ 93. All false swearing by any person under any of the provisions of this act, or of which it is amendatory, shall be deemed perjury, and punishable as such. Whenever there shall be more convicts at any State prison than there are separate cells for the accommodation of each, and there are vacant cells in either of the other prisons, inspectors of State prisons may order the agent and warden of the prison in which such convicts are confined to order the transfer of such number of convicts as there shall be vacant cells in the prison

(1) As amended by Laws 1860, ch. 390, § 112, and further amended by Laws 1874, ch. 451, § 7.  
(2) Laws 1860, ch. 390, § 13.

to which they are transferred. In selecting convicts so to be transferred the agent and warden shall take those convicts last received at the prison. (1)

§ 94. All acts or parts of acts inconsistent with this act are hereby repealed. (2)

§ 95. [Sec. 78.] The convicts in each prison shall be supplied with provisions by contract, to be made by the agent, under the direction of the inspectors, with such person and for such a term, not exceeding one year, as the inspectors may determine to be most advantageous to the State, at a fixed price per day for each convict, or they may at their option require the agent of the prison to furnish the rations by purchase.

Provisions to be furnished by contract.

§ 96. [Sec. 79.] The articles of food, and the quantities of each kind, shall be prescribed by the inspectors and inserted in the contract; and so many rations shall be delivered at the prison daily, or at such other times as may be agreed on, as there are convicts confined therein.

The articles of food to be prescribed by inspectors.

§ 97. [Sec. 80.] For the purpose of ascertaining who will furnish supplies on the lowest terms, the agent shall cause a notice to be published in a newspaper printed in the county in which the prison is situated, and in such other newspapers and for such time as the inspectors shall direct, stating the particular supplies wanted, the manner in which they are to be delivered, and the time during which proposals will be received by such agent for furnishing the same.

Notice of supplies wanted to be published.

§ 98. [Sec. 81.] The proposals to be offered pursuant to such notice shall specify the lowest price per ration per day, and the contracts shall be made with those persons whose terms shall be most advantageous to the State, and who shall give satisfactory security for the performance of their contracts, unless the inspec-

Proposals to specify the lowest price.

(1) Laws 1860, ch. 390, § 15.  
(2) Laws 1860, ch. 390, § 16.

tors shall deem it expedient to decline all proposals and advertise anew.

Contracts to be in writing.

§ 99. [Sec. 82.] All contracts to be made under this article shall be reduced to writing and signed by the parties; a duplicate, so signed, of every such contract shall be filed with the clerk of the prison, and a copy thereof shall be delivered to the inspector.

Officers not to be interested in contracts.

§ 100. [Sec. 83.] No inspector, agent or other officer employed at either of the prisons shall be directly or indirectly interested in any contract, purchase or sale for, by or on account of such prison, nor shall any inspector, officer, keeper or guard, or other person employed at such prison, accept of any present from any contractor or contractor's agent, either directly or indirectly, nor shall any person whatever convey into either of the prisons of this State any article for the use of the convicts prohibited by the rules of the inspectors or by the laws of the State; any person violating this section shall be deemed guilty of a misdemeanor and punishable as such. (1)

Debt of contractor a lien upon his tools, &c.

§ 101. In all contracts which may hereafter be let or awarded for convict labor at any prison, a clause shall be inserted that any debt which may be or become due from any contractor upon such contract, shall be a lien, in favor of the prison, upon the machinery and tools used or owned by such contractor in operating such contract upon the prison premises; and such lien shall thereupon commence with such contract, and shall continue during the existence of the contract, and until the claim or debt shall be satisfied or canceled. And it shall be lawful for the agent and warden of the prison, under the direction of the inspectors, or a majority of them, whenever any sum shall be due from a contractor, to proceed to satisfy such lien by a sale of

May be sold.

(1) As amended by Laws 1885, ch. 552, § 10.

the property affected by such lien in the same manner as by a sale upon chattel mortgage. (1)

§ 102. In all contracts which may be hereafter let or awarded for convict labor, at any prison, a clause shall be inserted requiring the contractor to deposit with the comptroller of the State a sum of money not less than five hundred dollars, and not greater than two thousand dollars, as the inspectors may determine, according to the nature of the contract, and no contract shall be valid until such deposit shall be made; and such money shall remain on deposit with the comptroller as security for the payment of any debt which may arise on said contract during the continuance thereof, and until such debt be adjusted; and it shall be lawful for the comptroller to apply such money upon and toward the liquidation of any debt which may be due as aforesaid. And if such sum so to be applied shall not suffice to meet such debt, then it shall be the duty of the inspectors of State prisons forthwith to annul such contract, and the same shall be and become immediately annulled. And the labor and services of the convicts provided for in such contract may thereupon be re-let and contracted anew, but not to such defaulting contractor, nor shall any other contract for convict labor be awarded to any person who shall have been a defaulting contractor. Provided, however, that the annulment of such contract shall not cancel any lien existing thereby upon machinery and tools, as aforesaid, for any indebtedness then existing. (2)

Contractors to deposit money with comptroller as security.

§ 103. It shall not be lawful for any person holding a contract for convict labor at any State prison to employ in the shops or grounds of such prison, upon the ordinary work of convicts as carried on at such prison, any citizen labor without the permission of the board

Citizen labor not to be employed, except, &c.

(1) Laws 1863, ch. 465, § 1.

(2) Laws 1868, ch. 465, § 2.

of inspectors, but this section shall not be construed to alter the existing laws in relation to the foreman, superintendents, agents and teamsters of contractors. (1)

Who may not be appointed to office at State prison.

§ 104. No person under the age of twenty-one years shall be appointed to or hold any office at any State prison. (2)

Keeper to give bond.

§ 105. The principal keeper of any State prison in this State shall give a bond to the people of the State of New York with two sufficient sureties, to be approved by the inspectors, or a majority of them, in the penal sum of five thousand dollars, and conditioned for the faithful performance of his duties. (3)

Deposits by contractors, when to be refunded.

§ 106. The comptroller is hereby authorized to draw his warrant upon the treasurer to repay to the persons entitled thereto any moneys deposited in pursuance of section two of this act, whenever the contract upon which such deposit was made shall be at an end and the contractor's accounts adjusted and fully paid. (4)

Deposits may be in U. S. bonds, &c.

§ 107. The security required by section two of this act may be made by the deposit of the bonds of the United States or of the State of New York. (5)

Additional power of inspectors of State prisons.

§ 108. In addition to the powers now conferred by law upon the inspectors of State prisons, said inspectors are hereby authorized to employ, or cause or direct to be employed, the convicts confined in the several State prisons of the State, in such manner and in such branches of industry and at such kinds of labor as in the judgment of said inspectors shall be most advantageous to the interest of the State, and not inconsistent with the health and welfare of said convicts or the good order and discipline of said prisons. (6)

- (1) Laws 1862, ch. 465, § 2.  
 (2) Laws 1866, ch. 320, § 4.  
 (3) Laws 1866, ch. 320, § 5.  
 (4) Laws 1866, ch. 320, § 6.  
 (5) Laws 1866, ch. 320, § 7.  
 (6) Laws 1866, ch. 465, § 1

§ 109. Such branch of industry and labor shall not be carried on and such convicts shall not be employed elsewhere than at the respective prisons where such convicts may be confined, or the yards and grounds connected with the same. And the said inspectors shall have full power to carry on or direct to be carried on under the superintendence of the agents and wardens of the respective prisons, such branches of industry and labor for and on behalf of the State, and to procure and maintain or cause to be procured and maintained all necessary materials, machinery, tools, apparatus or accommodations, needful to that end. (1)

When convict labor to be carried on.

§ 110. The agent and warden of each of the several prisons shall make monthly to the comptroller, in the manner now provided by law, a full and detailed statement and report of all materials, machinery or other property procured and the cost thereof, and the amount and kinds of work done and the earnings realized, and the expenditures incurred under the authority of this act. But nothing in this act contained shall effect any existing contract or contracts relating to the several prisons or the employment or labor of the convicts therein. (2)

Reports of agents and wardens.

§ 111. The agent and warden of each of the said prisons may, upon similar estimates and in the manner now provided by law for drawing the monthly expenses for the support and maintenance of the respective prisons, make an estimate of the cost of any materials, machinery, fixtures, tools or other apparatus or accommodations which shall be authorized by the inspector under the authority of this act, and afterward make monthly estimates for each ensuing month, of the necessary expenses of carrying into effect the provisions of this act, and for maintaining and carrying on the branches of industry and labor hereinbefore

Certain estimate to be made by agents and wardens.

- (1) Laws 1866, ch. 458, § 2.  
 (2) Laws 1866, ch. 458, § 2.

authorized, and the amount required to obtain stock and materials therefor, and for the employment of the foremen and clerks necessary to be employed in the business aforesaid; and the comptroller, if satisfied that the expenditures so estimated are necessary and proper, shall thereupon authorize the agent and warden of said prisons, respectively, to make his draft on the treasury for the sum so estimated or any part thereof, which amount shall be paid on the warrant of the comptroller. (1)

Working  
in iron per-  
mitted.

§ 112. The agent and warden of Clinton prison, subject to the direction and approval of the inspectors of State prisons, and if such inspectors think it to the advantage of the State, is hereby authorized to procure materials and manufacture iron at Clinton prison, and work up iron into such manufactured articles as the said inspectors shall deem for the best interest of the State, and dispose of said iron and manufactured articles, and apply the avails thereof to the support of said prison; and said agent, subject also to said direction and approval, may employ so many and such convicts in said business as shall be necessary, and employ such clerks, foremen, master-workmen and mechanics as shall be deemed expedient and advantageous to the State; but the said agent and warden shall not put to labor, under the provisions of this act, any convict who is now let to any contractor, until such contract shall have expired, or be surrendered. (2)

Property to  
be taken.

§ 113. The inspectors of State prisons are hereby authorized to appropriate and take any workshops, fixtures, bellows, engines, boilers, machinery, rollers, machines, tools and other property necessary and proper for the manufacture of iron and working the same into manufactured articles, now in the prison yard at Clin-

(1) Laws 1896, ch. 458, § 4.

(2) Laws 1865, ch. 43, § 1; see Laws 1896, ch. 423.

ton prison, whether belonging to the State or to individuals; and if any of said property so taken shall be private property, and said inspectors cannot agree with the owner or owners thereof for the purchase thereof, the State shall acquire absolute title to the same, as follows: Such agent and warden shall apply to the supreme court of this State, at a general or special term thereof, for an order appointing three commissioners to appraise the value of said property so taken and appropriated; and the persons so appointed shall make an appraisal or valuation thereof in writing, and file the same with the comptroller of this State; and the amount of the appraisal and valuation so found shall be paid by the comptroller to said owner or owners of said property, out of any money in the treasury not otherwise appropriated. (1)

And paid  
for.

§ 114. The sum of forty thousand dollars is hereby appropriated for the purposes of this act; but no part of the same shall be applied in payment of said appraisal and valuation; and the further sum of eighteen thousand dollars, or so much thereof as may be necessary for payment for the property owned by the contractors in said prisons. (2)

Appropriation.

§ 115. All moneys received by virtue of this appropriation (not including the compensation for property taken) shall be accounted for to the comptroller by said agent, in accordance with the provisions of section six of chapter two hundred and forty of the Laws of eighteen hundred and fifty-four; and all the accounts accruing and made in carrying out the provisions of this act shall be kept separate from the other accounts of said prison. And the agent and warden of said prison may, upon similar estimates and in the manner now provided by law, for drawing the monthly expenses for the sup-

Money to  
be account-  
ed for.

(1) Laws 1865, ch. 43, § 2.

(2) Laws 1865, ch. 43, § 3; see Laws 1896, ch. 423.

port and maintenance of said prison, make monthly estimates for each ensuing month, of the necessary expenses of the manufacture at said prison of iron and articles therefrom, and the amount required to obtain stock and material therefor, and for the employment of the foreman and clerks necessary to be employed in said manufacture of iron and articles therefrom, and the comptroller, if satisfied that the expenditures so estimated are necessary and proper, shall thereupon authorize the agent and warden of said prison to make his draft on the treasury for the sum so estimated or any part thereof, which amount shall be paid on the warrant of the comptroller. (1)

Materials  
to be sold.

§ 116. Should the inspectors at any time make a contract or contracts for the labor of convicts to manufacture iron and working it up into manufactured articles, and for the use of the State property, in the yard, for that purpose, the agent and warden, subject to their direction and approval, is hereby authorized to sell the coal, wood, ore and other stock and materials for making iron, on hand, at its cash value. (2)

- (1) Laws 1865, ch. 43, § 4, as amended by Laws 1898, ch. 72.  
 (2) Laws 1865, ch. 43, § 5; 11 Paige, 53; 13 Barb., 209; 10 N. Y. Leg. Obs., 222; 23 N. Y., 350.

### ARTICLE THIRD.

#### *Regulations concerning the Disposition, Treatment and Conduct of Prisoners.*

- Section 117. To what prisons convicts from the different counties shall be sent.
118. Female convicts to be confined in the female convict prison at Sing Sing.
119. Certificates of conviction to be delivered to each convict; certificates of delivery, &c., to be taken by sheriff.
120. Removals, when to be made by inspectors from prison to prison.
121. Expense of removals to be regarded as incidental expenses of the prison from which the removal is made.
122. Agents to pay sheriff's expense of transporting convicts, if in funds; if not, &c.
- 123, 124, 125. Manner of removal of convicts from prison to prison.
126. Expense of removal, how paid.
127. Convicts under seventeen years of age may be sent to house of refuge.
- 128, 129. Expense of their removal, how paid.
130. Certain convicts to be removed to western house of refuge.
131. Removal of convicts in case of pestilence.
132. Removal of convicts in case of danger from fire.
133. Insane female convicts not to be sent to Ulster insane asylum.
134. Money, when expended.
- 135, 136. Provisions relative to insane convicts.
137. Certain sections applicable to female convicts.
138. Expenses of removal of insane convicts.
139. Inquests on death of convicts. In what cases.
140. Convicts to be kept at hard labor.
141. To be kept singly in cells at night and when not employed.
142. Clothing and bedding of convicts, and food.
143. Provisions in case of violence by convicts.
144. No persons to visit State prisons without written permission of inspector, &c.
145. Keepers not to inflict blows, except in self-defense or to suppress revolt, &c., punishments of convicts.
146. Certain punishments in prisons and penitentiaries abolished.
147. Penalty for inflicting same upon convicts.
- 148, 149. Measures to recover escaped convicts.
150. Commutation of sentence may be earned by convicts. Regulations of hours of labor; rate of commutation.
151. Duty of agents, &c., to make known to convicts foregoing provisions.
152. Hours of labor for convicts; commutation of time, and how credits for good behavior forfeited.
153. Repenal.
154. Commutation of convicts confined in penitentiaries.

Section 155. Keepers and matrons of prisons and penitentiaries to keep record of conduct of convicts with reference to commutation.

156. Fees received from visitors at State prisons and penitentiaries to be applied to use of discharged convicts.

Male convicts to be sent to the different prisons. See N. Y., 465.

§ 117. [Sec. 84.] All male convicts sentenced in the first and second judicial districts to an imprisonment in the State prison shall be confined in the State prison at Sing Sing; and all so sentenced in the fifth, sixth, seventh and eighth judicial districts, in the State prison at Auburn; and all so sentenced in the other judicial districts of the State, in the Clinton State prison; but whenever it shall appear to the inspectors that either prison has or is likely to have more convicts than there are cells therein, they may, by warrant, order the agent of such prison to transport such a number of convicts therefrom to one or each of the other prisons as the relief of the prison so overstocked may require; and such warrants may be renewed by them so often as the necessity may exist.

Female convicts.

§ 118. [Sec. 85.] All female convicts, sentenced in any county in the State to imprisonment in a State prison, shall be confined in the female convict prison at Sing Sing.

Certificate of conviction to be delivered with convict. See § 38, ante.

§ 119. [Sec. 86.] Whenever any convict shall be delivered to the warden of the State prison, the officer having such convict in his charge shall deliver to such warden the certified copy of the sentence received by such officer from the clerk of the court by which such convicts shall have been sentenced, and to take from the warden a certificate of the delivery of such convict.

Removals, when made.

§ 120. When, in the opinion of the inspectors of State prisons, it shall appear that there is a greater number of convicts in any of the State prisons of this State than can well be accommodated therein, or that such convicts cannot be employed profitably to the State, then the inspectors of State prisons may cause the removal

of as many of such convicts to any other State prison in this State as they shall deem proper; but the inspectors shall not reduce the number of convicts in any one prison of the State below one hundred. (1)

§ 121. All necessary expenses of such removal of convicts shall be deemed a part of the incidental expenses of the prison they shall be removed from. (2)

Expenses of removal.

§ 122. [Sec. 87.] The agents of each State prison shall pay to the sheriffs or their deputies for transporting convicts to the prison the fees to which such sheriffs or their deputies shall by law be entitled, provided there shall be funds belonging to such prison sufficient to warrant such expenditure and meet the current demands for its support; if not, the agent shall so certify, and in that case such fees shall be paid from the treasury, upon the warrant of the comptroller.

Agents to pay sheriffs for transporting convicts. See § 38, ante.

§ 123. [Sec. 88.] Whenever a removal of convicts from one prison to another shall be ordered, the warden shall cause the convicts so to be removed to be sufficiently chained in pairs, and transported to the prison to which they shall be sent, and shall deliver such convicts, with the certified copies of their sentences to the warden of the prison to which they shall be removed, the warden of which prison shall receive and keep them according to their sentences, as if they had been originally committed to such prison.

Provision on removing convicts from one prison to another. See § 38, ante.

§ 124. In addition to the power now granted to the board of inspectors of State prisons authorizing them to remove convicts from one State prison to another, the said board are authorized to remove any convict or convicts from the prison where he or they are confined to either of the other prisons, when in the judgment of said board the interests of the State or the health or improvement of the convict or convicts demand it,

Removal of convicts.

(1) Laws 1849, ch. 132, § 1.

(2) Laws 1849, ch. 132, § 2.

or when it is otherwise material, or in furtherance of justice. (1)

Inter-  
course with  
other per-  
sons pro-  
hibited.

§ 125. [Sec. 89.] The persons so employed to conduct such convicts, shall prohibit all intercourse between them and other persons, and may inflict any reasonable and necessary correction upon the convicts for disobedience or misconduct in any respect.

Expenses  
of removal  
to be paid.

§ 126. [Sec. 90.] The expenses of sustaining such convict while traveling, with all other expenses necessarily incurred in their removal, shall be audited by the comptroller, and paid by the agent of the prison whence the prisoner shall be removed, out of any moneys in his hands belonging to the State.

Convicts  
under  
seventeen  
years may  
be conveyed  
to house of  
refuge.  
See § 38,  
and.

§ 127. [Sec. 91.] The agent of each prison, whenever the inspectors shall so direct by a warrant under their hands, shall convey any convicts who shall be under the age of seventeen years, to the house of refuge in the city of New York, who shall there be confined according to the rules and regulations of the said house of refuge; the expenses of such removal shall be the same as allowed to sheriffs for like services, and a charge upon such prison as a part of its ordinary expenses, to be certified by the inspector.

Expenses  
of such  
removal to  
be out of  
prison  
funds.

§ 128. [Sec. 92.] The expenses of such removal shall be first paid out of any funds of the prison not otherwise appropriated, and shall be certified by the agent; it shall also be the duty of the agent of the prison to make out a certificate of such expenses, and transmit the same, or a counterpart thereof, to the sheriff in each county in which any such convicts were sentenced; the sheriffs receiving such certificate shall present the same to the board of supervisors of the county, at the first annual meeting thereafter.

The  
amount to  
be repaid  
by county  
treasurer.

§ 129. [Sec. 93.] The board of supervisors shall raise the amount specified in such certificate, as a county

(1) Laws 1874, ch. 481, § 11.

charge, and the treasurer of the county, within ten days after receiving the amount, shall remit the same to the agent of the prison.

§ 130. All convicts under the age of seventeen years who shall be confined in the Auburn or Clinton prisons, and who shall hereafter be ordered by the inspectors of State prisons to be removed to a house of refuge, shall be removed to said "Western House of Refuge," in the city of Rochester under the same regulations and conditions as is contained in the ninety-first, ninety-second and ninety-third sections of the act entitled "An act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847. (1)

Under  
seventeen  
years of age.

Where  
sent.

§ 131. [Sec. 94.] In case any pestilence or contagious disease should break out among the convicts in either of the State prisons, or in the vicinity of such prisons, the inspectors may cause the convicts confined in such prison, or any of them, to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical assistance; such convicts shall be returned as soon as may be to the State prison from which they were taken, to be confined therein according to their respective sentences.

Provision  
in case of  
pestilence  
among the  
convicts.

§ 132. [Sec. 95.] Whenever, by reason of any State prison or any building contiguous to such prison being on fire, there shall be reason to apprehend that the convicts may be injured or endangered by such fire, or may escape, it shall be the duty of the warden to remove such convicts to some safe and convenient place, and there confine them until the necessity of such removal shall have ceased. (2)

Provision  
in case of  
fire.  
See § 38,  
and.

(1) Laws 1850, ch. 24, § 2.

(2) The following provisions (as given in the 5th Ed. R. S.) have been embodied in ch. 446, Laws 1874, in relation to the care and custody of the

Insane  
female  
convicts.

In case of  
recovery to  
be returned  
to prison.

§ 133. No insane female convict shall hereafter be sent to the State lunatic asylum at Utica. (1)

§ 134. [Sec. 97.] If such insane person shall recover from his insanity before the expiration of the term for which he was sentenced, the officer having the prin-

insane. (See note, vol. 2, p. 453.) They are retained here on account of their connection with the text:

§ 114. [Sec. 96.] The inspectors of the prisons of this State are hereby authorized and required, without delay, to make the necessary and suitable provisions in one of the State prisons of this State, and the removal to such place for safe keeping and proper care, all the insane convicts now in the State lunatic asylum at Utica, and whenever the physician of a State prison shall duly report to the warden of such prison that any convict confined therein is so far insane as to render him dangerous, or an improper subject of prison discipline, it shall be the duty of said warden to remove such convict to the place so provided, and the officers having charge of such place shall receive such convict and retain him there, at the expense of the State, so long as he or she shall continue insane. [As amended 1848, ch. 294, § 1; and 1865, ch. 426, § 1.]

§ 115. The words "lunatic asylum," "State lunatic asylum," or "asylum at Utica," whenever the same occur in the act hereby amended, shall be construed to apply to the place for safe-keeping and proper care of insane convicts, provided for in the first section of this act. 1865, ch. 426, § 2.]

§ 116. The expense incurred in complying with the provisions of chapter four hundred and fifty-six. Laws of eighteen hundred and fifty-five, entitled "An act to provide for insane criminals," passed April thirtieth, eighteen hundred and fifty-five, shall be kept by the officers directed by such act, to perform the duties assigned them, separate and distinct from the ordinary current expenses of the prison, and shall be rendered by said officers to the comptroller as a distinct charge, and the comptroller is hereby authorized to issue his warrant to the treasurer of the State, for the amount of such expenses, on their being duly certified by the inspectors of State prisons; and the treasurer is hereby authorized to pay the warrant of the comptroller out of any money in his hands, not otherwise appropriated, to the amount of twenty thousand dollars, or so much thereof as shall be necessary to complete the same. [1857, ch. 114, § 1.]

§ 117. Before any money shall be advanced, pursuant to the provisions of this act, the inspector of State prisons shall cause accurate plans and specifications of the work, together with an estimate of the cost thereof, to be prepared and submitted to, and approved by the comptroller; and no money shall be paid on account of the erection of the building and fixtures, beyond the amount of such estimate. (Same ch. § 2.)

§ 118. So much of chapter four hundred and fifty-six, of the Laws of eighteen hundred and fifty-five, entitled "An act to provide for insane criminals," as requires that female insane convicts shall be removed from the State lunatic asylums to the places provided for in said act, is hereby repealed, and the female insane convicts shall continue to be sent to the State lunatic asylums as heretofore. (Same ch. § 2.)

§ 119. The money to be expended as provided in the first section of this act, shall be expended on the grounds occupied by the State prison at Auburn. (Same ch. § 4.)

(1) Laws 1865, ch. 353, § 1.

cipal charge of the asylum shall give notice of such recovery to the agent of the prison from which such convict was sent, as soon as in his judgment such convict may be safely removed; and it shall then be the duty of the agent to cause the convict to be returned to such prison. (1)

§ 135. [Sec. 98.] Whenever the warden of a prison shall have reason to believe that any convict in the prison was insane at the time he committed the offense for which he was sentenced, such warden shall communicate in writing to the governor his reason for such opinion, and shall refer the governor to all the sources of information with which he may be acquainted, in relation to the insanity of such convict. (2)

§ 136. [Sec. 99.] When any convict sent to the State lunatic asylum under and by virtue of the provisions of this act, shall have remained in the asylum until the term of his sentence has expired, the managers of said asylum may cause such insane convict to be removed, at the expense of the State, from the asylum to the county of which he is a resident, to be placed under the care and charge of the superintendents of the poor of such county, in case the superintendent of the asylum shall certify that such insane convict will not be benefitted by longer remaining in the asylum, and that he can probably be made comfortable in the county poor-house. The managers of said asylum shall be authorized to give, at the expense of the State, to any patient sent to the asylum under the provisions of this act, and who shall, after the expiration of the term of his sentence, be discharged from the asylum, recovered, such sum, not exceeding ten dollars, as will defray his necessary traveling expenses from the asylum to the county in which he last resided. (3)

Provision  
in case of  
insanity at  
the time of  
conviction.  
See § 29,  
ante.

Insane  
convicts,  
when to be  
sent from  
asylum.

(1) See note 3 on preceding page.

(2) See note 3 on preceding page.

(3) As amended by Laws of 1848, ch. 294, § 3.

Female convicts.

§ 137. [Sec. 100.] The preceding six sections shall all be construed to apply to the convicts in the female convict prison at Sing Sing.

Expense of removal.

§ 138. [Sec. 101.] The expense of removing insane convicts to the lunatic asylum, and returning them to the prison from which they were sent, shall be paid by the agent of said prison, out of any funds belonging to the prison, in his hands.

In certain cases of death, a coroner's inquest may be held.  
See § 33, ante.

§ 139. [Sec. 102.] Whenever a convict shall die in any State prison, it shall be the duty of the inspector having charge of the prison, and of the warden, physician and the chaplain of the prison, if they or either of them shall have reason to believe that the death of the convict arose from any other than ordinary sickness, to call upon the coroner having jurisdiction, to hold an inquest upon the body of such deceased convict.

Convicts to be kept at hard labor.

§ 140. [Sec. 103.] All convicts in a State prison, other than such as are confined in solitude, shall be kept constantly employed at hard labor during the day time, except when incapable of laboring by reason of sickness or bodily infirmity.

To be kept in cells at night, &c.

§ 141. [Sec. 104.] Whenever there shall be a sufficient number of cells in the prison, it shall be the duty of the warden to keep each convict single in their cell at night, and also in the day time when not employed.

Clothing and bedding.

§ 142. [Sec. 105.] The clothing and bedding of the convicts shall be of coarse materials, and shall be manufactured, as far as practicable, in the prison; they shall be supplied with a sufficient quantity of inferior but wholesome food.

Provision in case violence being offered by convicts.

§ 143. [Sec. 106.] When several convicts combine or any single convict shall offer violence to any officer of the State prison or to any other convict, or do or attempt to do any injury to the building or any workshop or to any appurtenances thereof, or shall attempt to

escape or shall resist or disobey any lawful command, the officers of the prison shall use all suitable means to defend themselves, or to enforce the observance of discipline, to secure the persons of the offenders, and to prevent any such attempt or escape.

§ 144. [Sec. 107.] No person not authorized by law or by a written permission from an inspector, shall visit any State prison, or communicate with any convict therein without the consent of the warden, nor without such consent shall any person bring into or convey out of a State prison any letter or writing to or from any convict; nor shall any letter or writing be delivered to a convict, or if written by a convict, be sent from the prison until the same be examined and read by the warden, or by some other officer of the prison duly authorized by the warden; whoever shall violate this provision shall be deemed guilty of a misdemeanor.

Restrictions as to visiting prisoners.  
See § 33, ante.

§ 145. [Sec. 108.] No keeper in any State prison shall inflict any blows whatever upon any convict, unless in self-defense or to suppress a revolt or insurrection. If, in the opinion of the warden of such prison, it shall be deemed necessary in any case to inflict unusual punishment in order to produce the entire submission or obedience of any convict, it shall be the duty of such warden to confine such convict immediately in a cell, upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance to each convict so confined shall be prescribed by the physician, whose duty it shall be to visit such convict and examine daily into the state of his health, until the convict be released from solitary confinement and returned to his labor.

Restrictions as to inflicting blows on convicts.  
See § 25, ante.

§ 146. The punishments commonly known as the shower-bath, crucifix, or yoke and buck, are hereby abolished in all the State prisons and penitentiaries of this State. (1)

Certain punishments abolished.

(1) Laws 1869, ch. 809, § 1.

Penalty for inflicting same upon convicts.

§ 147. Any officer, agent or employee in any of said prisons or penitentiaries, who shall hereafter inflict or cause to be inflicted upon any convict or person confined in said prisons or penitentiaries either of the punishments mentioned in the first section of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred nor more than two hundred and fifty dollars, or by imprisonment in a penitentiary or county jail not less than three months nor more than one year, or by both such fine and imprisonment. (1)

In relation to escaped convicts and rewards for their apprehension.

§ 148. [Sec. 109.] Whenever any convict confined in a State prison shall escape therefrom, it shall be the duty of the agent and warden of the prison to take all proper measures for the apprehension of the convict or convicts so escaped; and in his discretion he may offer a reward, not exceeding fifty dollars, for the apprehension and delivery of every such convict or convicts, and with the consent of the inspector in charge of the prison, such reward may be increased to a sum not exceeding two hundred and fifty dollars each. Any convict escaping from any State prison or penitentiary in this State, and afterwards arrested, shall serve out the full balance of his then sentence, notwithstanding the time may have expired, as if he had remained in prison, and shall lose all the benefits of the commutation he may have earned by good conduct prior to said escape, unless pardoned by the governor previous to, or after his re-arrest. (2)

Rewards, how to be paid.

§ 149. [Sec. 110.] All suitable rewards and other sums of money necessarily paid for advertising and apprehending any convict who may escape from a State prison, shall be paid by the agent out of the funds of the prison.

(1) Laws 1869, ch. 869, § 2.

(2) As amended by Laws 1869, ch. 309, § 7, and Laws 1874, ch. 451, § 10.

§ 150. Every convict confined in any State prison in this State and every convict confined in any penitentiary in this State, under sentence on conviction for a felony, may earn for himself a commutation or diminution of the term of his sentence, subject to the provisions of section four hereof, and in the manner following: If he shall diligently work the number of hours prescribed by the rules of the prison or penitentiary during each day that he is ordered to work, for the space of one month, and if he shall well obey the rules and quietly submit to the discipline of the prison or penitentiary for the space of one month, he shall be entitled for every period of one month for which he shall so work, obey and submit, to a commutation or deduction from the term for which he has been sentenced, of one day, unless he shall subsequently forfeit the same by an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, in which case all previous commutations earned by him shall be wholly forfeited; but such shall not be the effect in cases where, without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended. If he shall so work and obey, as above, and submit, for the space of six or more successive months, he shall be entitled, for every one of said six or more successive months, to a commutation or deduction from the term for which he was sentenced of two days. The provisions of this section are hereby declared to apply to those convicts serving as waiters and cooks in and about the prisons. During the period that convicts are confined to the prison hospitals, if dutiful to the rules thereof, time, as contemplated by this section, shall not be counted either for or against the convict; and for a period of three consecutive months

Convicts may earn commutation of sentence.

Regulations concerning work and behavior.

or more before confinement in hospital, and an additional period of consecutive time after discharge therefrom, together sufficient to make six months, shall be counted as six successive months, the same as if no time had been passed in hospital, if the convict, during the entire period, shall have fulfilled all the requirements of this section. The provisions of this section shall, so far as they are applicable, apply to female prisoners confined in any State prison of this State, or in any penitentiary therein, and also to any prisoner confined in any State prison of this State, or in any penitentiary therein, for whom the agent or other officer of said State prison has no work at which to put him, under any contract for the labor of convicts; provided, however, that the provisions of this act shall not affect the case of any person who shall be under sentence of imprisonment for the term of his natural life.

An allowance for good conduct shall be made of one month on each of the first two years; of two months on each succeeding year to the fifth year; of three months on each following year, to the tenth year; and of four months on each remaining year of the time of their imprisonment. The inspectors of State prisons, and the respective boards or committees intrusted with the general management of the several penitentiaries in this State, by the warden, superintendent, or other officers having charge thereof, may make this section applicable to convicts now imprisoned in the several State prisons and penitentiaries, to the end that such convicts may receive the benefit of their good conduct in the past. (1)

§ 151. It shall be the duty of every agent or other officer having charge of a State prison or penitentiary in this State, whenever a convict is delivered to him

Allowance for good conduct.

Rate of allowance.

Applicable to convicts for good conduct in the past.

Agents to make known to convicts foregoing provisions.

(1) Laws 1862, ch. 417, § 2, as amended by Laws 1863, ch. 415, § 1, and further amended by Laws 1864, ch. 221.

for confinement in the said State prison or penitentiary, to make known to him the provisions of the second section hereof. (1)

§ 152. It shall be the duty of the agent and warden of the several State prisons of this State to require of all able-bodied convicts therein an equal number of faithful hours' labor during such hours as the inspector shall designate, and each convict in good faith performing such day's work and being in all respects obedient to the rules and regulations of the prison, or if not able to work, but is faithful and obedient, each shall be allowed "two months" on each of the first two years; "four months" on each succeeding year to the fifth year, and "five months" to each remaining year of the term of his imprisonment; and provided further commutation of time earned by a convict for good conduct shall be wholly forfeited up to the time he commits any of the offenses mentioned in section two of chapter four hundred and fifteen of the Laws of eighteen hundred and sixty-three, or commits any other act that would amount by law to a misdemeanor; and the name of no convict who has escaped or attempted to escape shall be sent to the governor for the commutation of any part of his sentence by prison officials. (2)

§ 153. All acts and parts of acts inconsistent with this act are hereby repealed. (3)

§ 154. It shall be the duty of the agent and warden of each of the penitentiaries in this State to require of every able-bodied convict confined therein as many hours of faithful labor in each and every day during his term, as shall be prescribed by the rules of such penitentiary; and every convict faithfully performing such labor and being in all respects obedient

Hours of labor.

Commutation of time.

Forfeiture thereof.

Repeal.

Convicts to be required to work in penitentiary.

Deductions from term.

(1) Laws 1862, ch. 417, § 2.

(2) Laws 1874, ch. 452, § 12.

(3) Laws 1874, ch. 451, § 13.

to the rules and regulations of said penitentiary, or if unable to work, yet faithful and obedient as aforesaid, shall be allowed from his term of imprisonment a deduction of two months in each of the first two years; four months in each of the next two years; and five months in each of the remaining years of said term; provided, that any such convict who shall commit an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, or any misdemeanor whatever, shall forfeit all deduction of time earned by him for good conduct before the commencement of such offense; and the name of no convict who has escaped or attempted to escape, shall be sent by the penitentiary officials to the governor for the commutation of any part of his sentence; but such shall not be the effect in cases where without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended. (1)

Forfeiture of deduction.

Keepers and matrons to keep record of work and manner of doing it, and report same.

§ 155. It shall be the duty of the keepers and matron of each State prison and penitentiary in this State, to keep such record, day by day, of the manner of working each convict therein to whom the provisions of this act shall be applicable, and of his or her conduct therein, as shall show what convicts have fulfilled the requirements of the second section thereof, and each of such keepers or matron shall report such record at the end of each month to the agent or principal keeper of the prison or penitentiary; and it shall be the duty of the agent or principal keeper of such State prison or penitentiary to preserve such record, and he shall, not more than thirty days before the term of each convict expires, as diminished by said record, transmit to the governor a certificate and report, showing that it appears from the record kept

(1) Laws 1875, ch. 35.

by the keepers of the prison, and the manner of working and of the daily conduct of each convict confined therein, duly preserved by him as required by law, that the convict has diligently worked the number of hours prescribed by the rules of the prison, during each day that he or she has been ordered to work, for the space of six or more successive months, or otherwise, as the case may be, and that he or she has well obeyed the rules and strictly submitted to the discipline of the prison for the space of six or more successive months, or otherwise, as the case may be, and that the convict has fulfilled all the requirements of section two of this act. Such certificate and report shall give the name of the convict, the county where convicted, the crime, the date of conviction, at what court, by whom held, the date of sentence, the term of sentence, and the time the convict was received at the prison; and the governor of the State of New York may thereupon, in his discretion, direct the abatement or deduction of the term of the sentence of said convict of the number of days of commutation or diminution thereof which said convict shall have earned. (1)

§ 156. The funds arising from the fees charged to visitors at the State prisons may be applied, under the direction of the inspectors of State prisons, and the fees charged to visitors at the penitentiary may, in like manner, be applied, under the direction of the board or committee charged with the general management thereof, by the warden, superintendent or other officer having charge of any State prison or penitentiary, for the use and benefit of convicts upon their discharge, in addition to the amount now allowed by law; and also on the condition that the allowance of such additional sum shall be the good behavior of the convict, from and after the passage of this act. (2)

Fees received of visitors at State prisons and penitentiaries applied to use of discharged convicts.

(1) Laws 1862, ch. 417, § 4, as amended by Laws 1863, ch. 415, § 2. See Laws 1874, ch. 451, § 12, *supra*, § 122.

(2) Laws 1862, ch. 417, § 5, as amended by Laws 1863, ch. 415, § 4.

## ARTICLE FOURTH.

*Special Provisions relative to one or more of the State Prisons. (1)*

- Section 157. Moneys in hand of agent of Sing Sing prison, not required for expenses, to be paid into the treasury.
158. Military companies organized in Sing Sing and Auburn.
159. How formed, their officers and privates, arms, &c., furnished.
160. Arms, &c., to be kept in good order.
161. Companies to be always ready for service.
162. To be organized by commander-in-chief; exemptions of members.
163. Members shall not, without consent of commandants, become firemen, &c.
164. To be called "Sing Sing guards" and "Auburn guards."
165. Elections to fill vacancies in the offices of the companies.
- 166 to 169. Return and fining of delinquents, and disposition of fines.
170. Officers may be dismissed by commander-in-chief for neglect of duty.
171. Ten years' service an exemption from military duty.
172. Inspectors to keep armories in repair, out of prison funds.
173. A fire company at Auburn; its numbers.
174. Its duties on an alarm of fire in the prison.
175. To attend to and exercise the engine at stated times.
- 176, 177. Exemption of the members.
- 178, 179. Bodies of convicts dying, if unclaimed for twenty-four hours, to be delivered to certain medical institutions.
180. Children born of female convicts to be sent to Sing Sing poor-house.
181. Arms, &c., to be furnished to the agent of Clinton prison.
182. Agent of Clinton prison to sell ore, for cash.
- 183, 184. To appropriate certain waters for the use of the prison.
185. Certain unutilized lands of the State to be withdrawn from sale.
186. Clothing for convicts at Clinton prison to be manufactured in the Auburn and Sing Sing prisons.
187. Sing Sing and Auburn prisons to be credited therefor, &c.
188. Agent of Clinton prison not to pledge articles produced; to make purchases only for cash; to sell articles produced, &c.
189. To deposit, under direction of comptroller, all moneys received, &c.
190. Agent of Sing Sing prison to have charge of the farm, &c.
191. No license for sale of intoxicating liquors to be granted within three miles of Clinton prison.

(1) See ch. 841, Laws 1869, relating to removal of convicts from Sing Sing State prison to the penitentiary at Auburn. It is omitted on account of its temporary character.

§ 157. [Sec. 111.] The moneys which may from time to time be in the hands of the agent of the Sing Sing prison, and which are not required for the current expenses of the prison, shall be paid into the treasury of this State, and the comptroller shall keep an account with the prison in which the sums so paid into the treasury, with the annual interest thereon, shall be credited to the prison; the sums thus credited shall be set apart for the use of the prison, and whenever the same may be required for the ordinary expenses of the prison, or for any expenses authorized by law connected with the prison, they may be drawn from the treasury by the agent of the prison on the written direction of the inspectors; all sums thus drawn from the treasury shall be charged to the prison in the account kept by the comptroller.

Provision respecting moneys in the hands of the agents at Sing Sing.

§ 158. [Sec. 112.] For the safety of the Sing Sing State prison, a military company shall continue to be organized in the village of Sing Sing; and for the safety of the Auburn State prison, a similar company shall continue to be organized in the village of Auburn.

Two military companies to be organized.

§ 159. [Sec. 113.] Each of the said companies shall be formed from persons liable to militia duty residing in the vicinity of the prison to which it is attached, and shall consist of one captain, one first and second lieutenant, four sergeants, four corporals, two drummers, two fifers and forty-five privates, who shall from time to time, as may be necessary, receive arms, accoutrements and ammunition from the State arsenal at Albany, upon the order of the agent of the prison.

How to be formed and armed.

§ 160. [Sec. 114.] The arms, accoutrements and ammunition received by the members of each company shall be kept by them in good order for their use when called upon in defense of the prison, and whenever such arms, accoutrements and ammunition shall be delivered, the person receiving the same shall execute

Arms, &c., to be kept in good order.

a precept therefor, stating the purpose to which the same are to be applied.

§ 161. [Sec. 115.] Each of said companies shall always be ready for immediate service and shall repair with their arms, on the first alarm or notice from the warden or principal officer of the prison, to the prison, and there aid and assist under his direction, in defense of the prison and in preventing the escape of the convicts, or the execution of any injury threatened or premeditated by them, and shall be under his sole control.

§ 162. [Sec. 116.] Each of said companies shall be formed and organized by the commander-in-chief, and the officers thereof designated, appointed and commissioned as in the case of uniform companies; and the persons composing said companies shall be exempt from all other militia duty, and from serving on any grand or petit jury, so long as they shall respectively continue to be members of such companies.

§ 163. [Sec. 117.] No person duly enlisted into said companies, shall, without the written consent of the commanding officers of the company to which he belongs, leave the same to serve as fireman in any fire company, or to enlist into any other company of militia, except in case of a removal from out of the beat of said company.

§ 164. [Sec. 118.] The said companies shall respectively be called and known, the first by the name of Sing Sing guards, and the other by the name of the Auburn guards, and shall be ordered out for drill and exercise by the commanding officer thereof, not less than six nor more than ten times in any one year.

§ 165. [Sec. 119.] Whenever the office of captain or subaltern in either of the said companies shall be vacant, the same shall be filled in the manner now provided by law for filling vacancies in the companies of

Companies to be always ready for service. See § 35, ante.

Companies, how formed and officers, how appointed.

Restriction as to serving as fireman, &c.

Named Sing Sing guards and Auburn guards.

Vacancies, how to be filled. See § 35, ante.

the militia of this State, except that the wardens of the prison in which the company in which any such vacancy shall happen shall be attached, shall cause the necessary notices of an election to fill vacancies to be served on the members of the companies.

§ 166. [Sec. 120.] The commanding officer of each company shall return as delinquents, to the inspector having charge of the prison, any non-commissioned officer, musician or private of the company who shall not appear on parade in the complete uniform of the company, or who shall be guilty of any neglect of duty or improper conduct on parade.

§ 167. [Sec. 121.] The inspectors of the prison may summon any person so returned as a delinquent to appear before them at such time and place as they shall appoint, to answer to such alleged delinquency, and upon proof of such summons having been served, may proceed, at the time and place therein specified, to impose upon such delinquent such fine, not exceeding five dollars for each offense, as in their judgment the case may require.

§ 168. [Sec. 122.] The president of the board of inspectors shall make out his warrant for the collection of such fines, in like manner and with like effect as a president of a court martial; the warrant shall be directed to any constable in the county in which the fine shall be imposed, commanding him to levy and collect such fine; and such constable shall collect such fine in like manner as other militia fines are now directed by law to be collected.

§ 169. [Sec. 123.] All moneys collected by virtue of such warrant shall be paid over to the commanding officer of the company to which the delinquent upon whom such fines may be imposed shall belong, and may be disposed of by a vote of the company for any beneficial purpose that the company may direct.

Returns of delinquents to be made.

Delinquents may be fined.

Fines, how to be collected.

Moneys, how to be disposed of.

Officers may be dismissed for neglect of duty.

§ 170. [Sec. 124.] If any officer of either of the said companies shall neglect to perform any duty enjoined upon him by law, it shall be the duty of the commander-in-chief, upon such neglect being reported by the inspectors, to dismiss such officer from the company; and if any non-commissioned officer or private shall refuse or neglect to perform his duties, such delinquent, in addition to the fine hereinbefore prescribed, may be discharged by the commanding officer of the company to which he shall belong, and another person may be enrolled in his stead.

Service for ten years to exempt from future militia duty.

§ 171. [Sec. 125.] Every non-commissioned officer, musician or private of either of said companies who shall serve faithfully therein for the period of ten years, shall hereafter be exempt from military duty in this State, except in cases of insurrection or invasion.

Armories to be kept in repair.

§ 172. [Sec. 126.] It shall be the duty of the inspectors to keep in repair the armories hereafter erected or used at Sing Sing or Auburn for the use and convenience of the company of guards attached to the prison, and the expense attending such repairs shall be paid out of the funds of the prison.

Fire company at Auburn prison.

§ 173. [Sec. 127.] There shall continue to be organized, in the vicinity of the prison at Auburn, one fire company, to consist of one foreman and thirty-six men residing in that vicinity.

To attend at Auburn of fire.

§ 174. [Sec. 128.] It shall be the duty of the said company, on the first alarm or notice of a fire in the prison, or in any of the adjacent buildings, to repair to the prison, and there to use and manage, under the direction of the warden, the engine belonging to the prison, and to aid by all means in their power, in the preservation of the prison, and of the persons confined therein.

§ 175. [Sec. 129.] It shall also be the duty of the said company to attend to the said engine, and to exercise and try it at such stated times as the inspectors or agent shall prescribe; and the inspectors may, in their discretion, remove any member of the company and appoint another person in his stead.

To attend to the fire engine.

§ 176. [Sec. 130.] The members of the company, shall, upon the certificate of the board of inspectors, be exempt from serving on juries, and from serving in the militia, except in cases of invasion or insurrection, so long as they shall continue such members.

Privileges of members of the company.

§ 177. [Sec. 131.] The members of the company, after a service of nine years therein, shall be forever exempt from militia duty, except in time of war or insurrection, and shall be entitled to a discharge from the company.

When entitled to discharge.

§ 178. [Sec. 132.] Whenever a convict shall die in the Sing Sing prison, it shall be the duty of the warden, unless the body of such convict be taken away for interment, by the relatives or friends of the deceased, within twenty-four hours after his death, to deliver, on demand, such dead body to the agent of the college of physicians and surgeons in the city of New York, or to the agent of the medical faculty of the university of the city of New York, so that one-half of the number of such dead bodies shall be delivered to each institution.

Bodies of convicts dying at Sing Sing, when to be given for dissection. See § 38, ante.

§ 179. [Sec. 133.] It shall in like manner be the duty of the warden of the Auburn State prison, whenever a convict shall die in that prison, whose body shall not be taken away for interment by his relatives or friends within twenty-four hours after his death, to deliver, on demand, such dead body to the agent of the medical faculty of the university of Buffalo, or to the agent of the medical faculty of Geneva college, so

The like at the Auburn prison. See § 38, ante. See next section.

that one-half of the number of such dead bodies shall be delivered to each institution.

Section one hundred and fifty-six of article four of chapter three of title two of part four of the Revised Statutes is hereby amended so as to read as follows:

§ 156. It shall in like manner be the duty of the warden of the Auburn State prison, whenever a convict shall die in that prison, whose body shall not be taken away for interment by his relatives or friends within twenty-four hours after his death, to deliver, on demand, such dead body to the agent of the medical faculty of the university of Buffalo, or to the agent of the college of physicians and surgeons of the Syracuse university, so that one-half of the number of such dead bodies shall be delivered to each institution. (1)

§ 180. [Sec. 134.] All children that have been or shall be born of female convicts in the female convict prison at Sing Sing, may by an order of the agent having at the time charge of the prison, be sent to the poorhouse in the county of Westchester, to be there supported upon such terms as may be agreed upon between the agent and the superintendents of the poor of the said county, and all expenses incurred thereby shall be paid by the agent of the prison out of the funds thereof.

§ 181. [Sec. 135.] The agent of the Clinton prison is authorized to draw from time to time, from the State arsenal in the city of Albany, such arms and ammunitions as he may deem necessary for the use of the keepers and guards of the prison.

(1) LAWS 1872, ch. 782. It is presumed that § 180 is the section sought to be amended by this act, as there never was a § 156 in article fourth of this title. In the 5th edition of the Revised Statutes, the editor's number of § 183 was 156, and hence the erroneous reference to the number of the section, as the author of the act drew it with reference to that edition. Under the circumstances the editor deems it prudent to give the old and the new section, for the courts to pass on.

Dead bodies of convicts at Auburn prison, how disposed of.

Children born in the female convict prison, Sing Sing, to be sent to poor-house.

Agent of Clinton prison to draw arms, etc.

§ 182. [Sec. 136.] The said agent is authorized to sell and dispose of ore that may be prepared by the convicts at the State prison for cash only, and not on credit; the proceeds, of such sales shall be applied to the support of the prison.

§ 183. [Sec. 137.] The agent of said prison is authorized to appropriate to the use thereof, all waters upon the tract purchased for the establishment of said prison; and any person claiming damages in consequence of such appropriation of water, shall, within six months thereafter, make application to the county judge of the county of Clinton, who shall appoint three commissioners not interested in lands through which the stream or streams of water so appropriated may have previously run, who shall personally examine the lands of the applicant and make an estimate of the damages he has sustained by reason of such appropriation of water, which estimate shall be reduced to writing, subscribed and sworn to by said commissioners, and then transmitted to the comptroller of this State, who shall thereupon pay the estimated damages of the applicant out of the funds appropriated for said prison.

§ 184. The agent of the Clinton State prison, in this State, is hereby authorized to appropriate to the use of the said prison all waters and streams of water on lot number sixty-five, in the town of Dannemora, in the tract of land known as the Gore, lying between the military township and the Canadian and Nova Scotia refugee tract, in the county of Clinton, and on the lot or tract of land situated in the said town of Dannemora, of about five hundred acres, granted by the people of the State of New York to Pierre Ayotte, known as the Hocksteasser lot, and on lot number five of Pion patent, so called, in said county, and to convey the said waters to the said prison from the said

To sell ore for cash only.

To appropriate waters to the use of the prison.

Authority of agent of prison to appropriate the waters of certain streams for use of Clinton prison.

lots, respectively, by the ditches now used for that purpose, and to continue, maintain and keep the said ditches in good repair and condition to convey said waters to the said prison, and, for the purpose of conveying said waters to said prison, to dig and maintain all other necessary ditches, and at all proper and reasonable times to enter in and upon the lands through which the said ditches run, or may run, to repair and put the same in good condition. (1)

Certain uncultivated lands of the State not to be sold.

§ 185. [Sec. 138.] All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State, and which shall be situated within twenty miles of the said prison, shall be withdrawn from sale and shall be retained by the State for the purpose of furnishing fuel for the manufacture of iron by the convicts in the said prison. (2)

Clothing for convicts in Clinton prison.

§ 186. [Sec. 139.] All necessary clothing for the use of the convicts in the Clinton prison shall be manufactured by the convicts in the Auburn and Sing Sing prisons, whenever a written order for that purpose shall be made by the inspectors and be delivered to the respective agents of those prisons.

The Sing Sing and Auburn prisons to be credited for clothing.

§ 187 [Sec. 140.] The Sing Sing and Auburn prisons shall respectively have credit on the books of the comptroller for the value of any cloth or clothing manufactured in such prisons in conformity to law, for the use of the Clinton prison, on making specific re-

(1) Laws 1882, ch. 29, § 1. On the assumption that the officer mentioned in this section has discharged his duty, the other sections of this chapter are no longer of force and are omitted.

(2) This section is identical with § 6 of chapter 70 of the Laws of 1865. That section was amended by § 4 of chapter 29 of 1881, as follows:

§ 4. The sixth section of the act entitled "An act to amend an act in relation to State prisons," passed May 1st, 1864, passed April 16, 1865, is hereby amended so as to read as follows:

"All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State, and which shall be situated within ten miles of the Clinton prison, shall be withdrawn from sale, and shall be retained by the State for the purpose of furnishing fuel for the manufacture of iron by the convicts in said prison."

turns thereof, verified as to quantity and value by the affidavit of the agent of the prison manufacturing the same. The sum so to be credited shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the order of the inspectors, whenever such payment shall become necessary to defray the expenses of the prison entitled to the credit.

§ 188. [Sec. 141.] The agent of the Clinton prison shall not deposit or pledge any article produced by the labor of the convicts, by way of security for moneys borrowed on the credit thereof or otherwise, and all articles purchased by him for the use of the prison or to be employed in conducting any of its operations, shall be purchased for cash and not upon credit, unless the inspector having charge of the prison shall otherwise direct. The agent shall make sale of the articles produced by the labor of the convicts, in such manner and on such terms as shall be prescribed by the rules and regulations established from time to time by the board of inspectors.

Purchases made for the Clinton prison to be for cash.

§ 189. [Sec. 142.] The said agent shall, under the direction of the comptroller, deposit to the credit of the State, all moneys he may receive from the sale of any manufactures produced in the said prison, whenever the same shall exceed the sum of one thousand dollars, and shall not be required, within fifteen days after the receipt thereof, to defray the expenses of the prison.

Agent to deposit moneys to the credit of the State.

§ 190. [Sec. 143.] The agent of the Sing Sing prison shall continue to have charge of the farm and premises on which the same is situated, and it shall be his duty to rent or otherwise use or improve the same to the best advantage for the benefit of the State, but no lease shall be made by him for a longer term than three years.

Farm at Sing Sing prison, now rented or used. See § 88, ante.

Restriction  
as to sale  
of liquors  
near Clinton  
prison.

§ 191. [Sec. 144.] No license shall hereafter be granted for the sale of intoxicating liquors within three miles of the Clinton prison; and every person who shall, directly or indirectly, sell or dispose of any alcoholic drinks within the distance of three miles from said prison, shall, upon conviction thereof, before any justice of the peace of the county of Clinton, be subject to a penalty of fifty dollars; one-half thereof to be paid to the person prosecuting for the same, and the other half to be paid to the overseers of the poor of the town in which said offense shall have been committed.

### TITLE III.

#### *General Provisions Applicable to all the Prisons Treated of in this Chapter.*

- Section 152. Keepers of county and State prisons to receive criminals convicted in United States courts.
153. Such convicts escaping, liable therefor as if convicted in the courts of this State.
154. Keepers liable to same penalties for neglect of duty in relation to them as in relation to other convicts.
155. Keepers of prisons and jails, exempt from jury and military duty.
156. Female convicts not to be whipped.
- 157, 158. Provisions for calling convicts as witnesses in certain cases.
- 159, 200, 201. Provisions relative to the introduction of intoxicating liquors into prisons.
- 202, 203. Cases in which convicts may be brought up on habeas corpus to testify.
- 204, 205. When they may be brought upon habeas corpus for trial.
206. Officers permitted to visit all prisons; all other persons excluded, except, &c.
207. When this act to take effect; repeal of former acts.
208. This act to be published as chapter third of part fourth of Revised Statutes.
209. Agent and warden of Sing Sing prison empowered to let services of convicts for a term of years.
210. Contract to be in writing, &c.
211. Services of convicts, how paid for.
212. Disinfectants to be provided for prisons.
213. Convicts on being discharged to receive money.
214. Prisons at Auburn and Mount Pleasant to be credited for cloths for the use of Clinton prison.
215. Agent of Clinton prison may draw \$300 from literature fund for books for prison.

216. Agents of the several prisons may draw \$100 each to be expended in books for the use of convicts.
217. Repeal.
218. Visitation by members of the Prison Association of the State of New York.
219. Additional powers conferred on said association.
220. Removal of prisoners sent from seventh and eighth judicial districts.
221. Females convicted in seventh judicial district of offenses punishable by imprisonment in a State prison to be sent to the penitentiary at Rochester.
222. Females hereafter convicted in the seventh and eighth judicial districts of murder, manslaughter or arson to be confined at Sing Sing prison.
223. Maintenance of female convicts in penitentiaries to be a charge against the State.
224. Provisions of law relative to clothing, &c., of prisoners shall apply to prisoners transferred from Sing Sing prison to Buffalo and Rochester penitentiaries.
225. Returns of officers of penitentiaries.
226. Laws relative to commutation of sentence made applicable to penitentiaries at Rochester and Buffalo.
227. Repeal.
228. Female convicts in fifth and sixth judicial districts to be confined in Syracuse penitentiary.
229. Duty of superintendent of such penitentiary; cost of maintenance.
230. When convicts may be sentenced to Albany penitentiary.
231. State to furnish clothing, &c., to convicts on discharge from Albany and Syracuse penitentiaries.
232. Annual reports to be made to comptroller by superintendents or inspectors of penitentiaries; what such reports shall contain; comptroller to audit returns; how payable.
233. Commutation of sentence in Albany and Syracuse penitentiaries.
234. Sheriff's fees for conveying convicts to penitentiaries.
235. Repeal.
236. When prisoners may be sentenced to county penitentiary in the judicial district where conviction is had.
237. Duty of sheriff to convey and deliver prisoners according to sentence as provided in last section.
238. Superintendents of such county penitentiaries to make report to comptroller.
239. Laws made applicable to such penitentiaries.
240. Certain convicts in Kings county to be sent to penitentiary.
241. Location of State reformatory at Elmira confirmed.
242. Governor to appoint commissioners.
243. Site to be procured.
244. Buildings to be erected.
245. Commissioners to give bonds.
246. To report to comptroller.
247. Board of managers to be appointed.
248. Commissioners to deliver buildings to managers.
249. Managers to appoint officers.
250. Who shall be received in the reformatory.
251. Certain acts made applicable.
252. Governor to appoint superintending builders.

Criminal  
convicted  
of crimes  
against the  
United  
States, to  
be impris-  
oned.

§ 192. [Sec. 145.] It shall be the duty of the respective keepers of each of the county and State prisons, to receive into the said prisons and safely to keep therein, subject to the discipline of such prison, any criminal convicted of any offense against the United States, sentenced to imprisonment therein, by any court of the United States sitting within this State, until such sentence be executed, or until such convict shall be discharged by due course of law; the United States supporting such convict, and paying the expenses attendant upon the execution of such sentence.

Provision  
in case of  
escape.

§ 193. [Sec. 146.] In case any such prisoner shall escape or attempt to escape out of the custody of any keeper to whom such prisoner may have been so committed, he shall be liable to the like punishment as if he had been committed by virtue of a commitment or conviction under the authority of this State.

Penalty for  
neglect or  
violation  
of duty.

§ 194. [Sec. 147.] The keeper of any prison to whom any such prisoner may have been committed shall be liable to the like penalties and punishment, for any neglect or violation of duty in respect to the custody of such prisoner, as if such prisoner had been committed by virtue of a commitment or conviction under the authority of this State.

Exemption  
from mili-  
tary and  
jury duty.

§ 195. [Sec. 148.] The keeper of every county or State prison, and all persons employed in any such prison, shall be exempted, during their continuance in office, from serving on juries and from military duty.

Females  
not to be  
whipped.

§ 196. [Sec. 149.] No female confined in any prison shall be punished by whipping, for any misconduct in such prison.

Convicts  
may be  
called as  
witnesses  
in certain  
trials.

§ 197. [Sec. 150.] Whenever any convict confined in any county or State prison shall be considered an important witness in behalf of the people of this State, upon any criminal prosecution against any other convict, by the district attorney conducting the same, it

shall be the duty of any officer authorized by law to allow writs of *habeas corpus*, upon the affidavit of such district attorney, to grant a *habeas corpus* for the purpose of bringing such prisoner before the proper court to testify to such prosecution.

§ 198. [Sec. 151.] Such convict may be examined on such trial, and shall be considered a competent witness against any fellow prisoner, for any offense actually committed whilst in prison, and whilst the witness so offered shall have been confined in the prison in which such offense shall have been committed.

And to give  
testimony.

§ 199. [Sec. 152.] No spirituous or fermented liquors shall, on any pretense whatever, be sold within any county or State prison, nor shall any kind of spirituous or fermented liquor be brought into any county prison for the use of any convict confined therein, without a written permit, signed by the physician to such prison, specifying the quantity and quality of the liquor which may be furnished to any convict, the name of the prisoner for whom, and the time when the same may be furnished, except for the ordinary hospital supply of the State prisons, which permit shall be delivered to and kept by the keeper of the prison.

Spirituous  
and fer-  
mented  
liquors not  
to be sold  
or brought  
into pris-  
ons.

§ 200. [Sec. 153.] No permit shall be granted, unless it shall satisfactorily appear to such physician that the liquor allowed to be furnished is necessary for the health of the prisoner for whose use it is permitted, which shall be stated in such permit.

Permits,  
when to be  
granted.

§ 201. [Sec. 154.] Any person who shall sell or bring into any of said prisons any spirituous or fermented liquor, contrary to the foregoing provisions, and every keeper or other officer employed in or about any such prison, who shall offer any spirituous or other liquor to be sold or used therein, contrary to the foregoing provision, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to impris-

Penalty for  
selling or  
bringing  
liquor into  
prisons.

onment not exceeding one year, or to a fine not exceeding two hundred and fifty dollars, or both, in the discretion of the court; and every sheriff or other officer so convicted shall forfeit his office.

Prisoners may be brought before courts as witnesses.

§ 202. [Sec. 155.] Whenever it shall appear to the court in which an indictment is pending, and to be tried against any person for any offense committed by him while imprisoned in any county prison, or in any one of the State prisons, on the person of any other individual confined in such jail or State prison, that any other person confined in any county prison, or in any of the State prisons, is an important witness in behalf of the person so indicted, such court is hereby authorized to grant a writ of *habeas corpus* for the purpose of bringing such prisoner before such court to testify, upon the trial of such indictment, in behalf of the party making the application.

And shall be competent to testify.

§ 203. [Sec. 156.] Every person, when brought up on such writ, may be examined as a witness on such trial, and shall be competent to testify thereon in behalf of the defendant or the people, notwithstanding his conviction and imprisonment.

Prisoners indicted may be brought before court for trial.

§ 204. [Sec. 157.] The court in which any indictment is pending against any person imprisoned on conviction of a crime in any county jail or State prison, for an offense committed during such imprisonment, is hereby authorized to issue a writ of *habeas corpus* for the purpose of bringing the individual so indicted before the court, for arraignment or trial on such indictment.

In cases of indictment pending for a felony.

§ 205. [Sec. 158.] The court in which any indictment is pending for a felony, against any person imprisoned on conviction of a crime, in any county jail or State prison, is hereby authorized to issue a *habeas corpus* for the purpose of bringing the individual so indicted

before such court, for arraignment or trial on such indictment.

§ 206. [Sec. 159.] The following persons shall be authorized to visit at pleasure all county and State prisons: The governor and lieutenant-governor, secretary of State, comptroller and attorney-general, members of the legislature, judges of the court of appeals, supreme court and county judges, district attorneys and every minister of the gospel having charge of a congregation in the town wherein any such prison is situated. No other person not otherwise authorized by law shall be permitted to enter the rooms of a county prison in which convicts are confined, unless under such regulations as the sheriff of the county shall prescribe, nor to enter a State prison except under such regulations as the inspectors shall prescribe.

Persons authorized to visit county and State prisons.

§ 207. [Sec. 160.] This act shall take effect on the first day of January, one thousand eight hundred and forty-eight, and from that time the acts and parts of acts hereinafter enumerated, except such provisions therein as are temporary in their nature and have not yet been fully executed, shall be and are hereby repealed: The whole of chapter third in the fourth part of the Revised Statutes; "An act concerning convicts under the age of seventeen years," passed April 16, 1830; "An act relative to the State prisons," passed April 20, 1830; "An act for the erection of State prison buildings for female convicts," passed April 20, 1835; "An act in relation to the State prisons," passed May 11, 1835; "An act to authorize the formation of a militia company for the protection of the Mount Pleasant State prison," passed April 24, 1835; "An act relative to Geneva college," passed April 20, 1836; "An act relative to State prisons," passed April 23, 1836; "An act relative to the State prisons of the State of

Act, when to take effect.

Acts and parts of acts repealed.

New York," passed March 20, 1837; "An act in relation to State prisons," passed April 25, 1832; "An act for the better regulation of the State prisons at Auburn and Mount Pleasant," passed May 4, 1840; "An act concerning the State prison at Mount Pleasant," passed March 8, 1832; "An act in relation to the State prisons," passed May 20, 1841; "An act supplementary to an act entitled, 'An act to authorize the formation of the militia company for the protection of the Mount Pleasant State prison,' passed April 24, 1835," passed April 7, 1842; "An act in relation to convict labor in the State prisons," passed April 9, 1842; "An act in relation to State prisons," passed May 1, 1844; "An act in relation to the trial of convicts in county and State prisons," passed January 31, 1846; "An act to amend an act entitled 'An act in relation to the trial of convicts in the county and State prisons,'" passed February 3, 1847; the first six sections and the eleventh section of an act entitled "An act to amend an act in relation to State prisons," passed April 18, 1845; the second section of an act entitled "An act authorizing the establishment of a medical faculty in the University of the City of New York," passed February 11, 1837; the fourth section of chapter eighty-six in the laws of the first session of 1847, and the third, fourth and fifth sections of an act entitled "An act making an appropriation for the relief of the Mount Pleasant State prison," and for other purposes, passed May 13, 1846; and from the same time all other acts and parts of acts that are inconsistent with the provisions of this law or that are embraced therein shall be and are hereby repealed.

§ 208. [Sec. 161.] In all future editions of the Revised Statutes this law shall be inserted and published as chapter third, of part fourth, of said statutes, and when thus published the chapter shall be entitled "Of

Chapter 3 of  
part 4 of the  
Revised  
Statutes.

the government and discipline of county and State prisons, and of the conduct and treatment of prisoners therein."

§ 209. It shall be lawful for the agent and warden of the Sing Sing prison to let by contract the services of such number of convicts in said prison as he may have at his disposal from time to time, to any such person or persons as shall conform to the terms hereinafter contained, to be employed in the business of quarrying, splitting, sawing and removing stone from the quarries on the State lands adjacent to said prison, for fifteen years from the date thereof. (1)

§ 210. Such contract shall be in writing, and approved by the inspectors of State prisons, and the comptroller of this State, and shall guarantee to such contractor or contractors the exclusive use of the quarries on the said State land at Sing Sing, and the right to get out and quarry stone therefrom (reserving the right in the said agent and warden to get out and quarry from any of said quarries now opened, all necessary stone for building and improving in and about the said prison), and the services of at least one hundred convicts to be employed as aforesaid, and all such other convicts in said prison as are at the disposal of the said agent and warden at any time during the said term, without interfering with the right of the said agent and warden, to re-advertise and let such other contracts as may expire during the said term. (2)

§ 211. Such contractor or contractors shall guarantee, in and by said contract, to pay such agent and warden for the services of said convicts at the rate of not less than fifty cents for each day's labor of each and every convict so employed on said contract, without reference to their skill; payment to be made on

Agent and  
warden  
empowered  
to let  
services of  
convicts of  
Sing Sing  
prison for a  
term of  
years.

Contract to  
be in writ-  
ing, &c.

Services of  
convicts,  
how to be  
paid for.

the last day of each month after such contract takes effect, and such payment to be secured in such manner as shall be satisfactory to such agent and warden, and the said inspectors, and the comptroller of this State, and the said contractor or contractors shall further covenant and agree, in and by such contract, to build and construct, at his or their expense, all such additional shops, buildings and docks, and put up all necessary machinery for the purpose of carrying on the business aforesaid; and the said contractor or contractors shall further covenant and guarantee, in and by said contract, to take from such agent and warden, and employ under said contract, which such agent and warden shall tender to him under the same, not to exceed one thousand convicts at any one time. Such contracts shall not be assignable without the consent of the inspectors of State prisons. (1)

Disinfectants for prisons.

§ 212. The board of State prison inspectors for the prisons under their charge, and the boards of supervisors of the several counties in this State for the penitentiaries and jails under their charge, are hereby authorized and directed to cause to be purchased disinfectants and the means of applying the same, at an expense not greater than the equivalent of one cent per day for the time the same may be used, for each and every cell in each and every prison, penitentiary and jail under their respective charge, and direct the application of the said disinfectants as often as, in the opinion of the physicians of the several prisons, penitentiaries and jails respectively, the same may be deemed requisite. (2)

Money to be paid to convicts on being discharged.

§ 213. The agents of the several State prisons in this State are hereby required to pay, out of any moneys appropriated for the support of their respec-

(1) Laws 1855, ch. 254, § 2.  
(2) Laws 1868, ch. 539, § 1.

tive prisons, to each convict, on his discharge therefrom, the sum of three cents for each and every mile it may be necessary for such convict to travel in order to reach the place of his conviction, such distance to be estimated by the nearest mail route. (1)

§ 214. The State prison at Auburn and the State prison at Mount Pleasant shall have credit on the books of the comptroller for the value of cloth or clothing which have been manufactured, or which shall hereafter be manufactured, in conformity to law, for the use of the State prison at Clinton, on making specific returns thereof, verified as to quantity and value, by the affidavit of the agent of the prison manufacturing the same; and shall be paid by the treasurer on the warrant of the comptroller, out of any moneys in the treasury belonging to the general fund not otherwise appropriated, to the order of the inspectors of the State prison entitled thereto, whenever it shall become necessary to pay the expenses of such prison. (2)

Prisons to be credited for cloth for the use of Clinton prison.

§ 215. The agent of the Clinton State prison is hereby authorized to draw from the income of the literature fund the sum of three hundred dollars, to be expended in the purchase of books for the use of the convicts in said prison; and the said agent shall, in his next annual report, furnish a catalogue of the books so purchased, with the prices paid for the same. (3)

Appropriation for books.

§ 216. The agents of the several State prisons in this State are hereby authorized during each and every year subsequent to the present, to draw from the income of the literature fund the sum of one hundred dollars each, to be expended in the purchase of books for the use of the convicts in the respective prisons. (4)

(1) Laws 1846, ch. 324, § 4.  
(2) Id., § 5.  
(3) Id., § 6.  
(4) Id., § 7.

Repeal.

§ 217. So much of the act to amend "An act in relation to State prisons," passed May 1, 1844, passed April 16, 1845, as relates to the imposition of a tax upon lands adjacent to any road that may be constructed from said prison to the navigable waters of Lake Champlain is hereby repealed. (1)

Prisons  
may be  
visited and  
examined  
by prison  
association  
of the State  
of New  
York.

§ 218. 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. (2)

(1) Laws 1846, ch. 324, § 9.

(2) Id., ch. 168, § 6.

§ 219. For the Prison Association of the State of New York, four thousand dollars; and the said association, in addition to the powers heretofore conferred upon them, are hereby instructed and required to examine any person or persons with reference to the moral or financial administration of the prisons of the State, and the reformatory agencies employed in them, whenever they elect, provided that no expense shall be incurred to the State in such examination. (1)

Prison Association.

Additional powers conferred.

§ 220. The inspectors of State prisons are hereby authorized to remove certain convicts now imprisoned in the female prison at Sing Sing, who were sent there from the seventh and eighth judicial districts, to the penitentiaries in said district; those sent to said prison from the seventh judicial district shall be removed to the penitentiary in the city of Rochester, and those sent to said prison from the eighth judicial district shall be removed to the penitentiary in the city of Buffalo, but no convict whose term of sentence expires within three months from the passage of this act shall be removed by virtue thereof. (2)

Removal of present prisoners.

§ 221. All females hereafter convicted in the seventh judicial district of this State, of crimes punishable by imprisonment in the State prison, shall be sent to the penitentiary at Rochester, and those convicted of such crimes in the eighth judicial district shall be sent to the penitentiary at Buffalo, except as is hereinafter provided. (3)

Future commitments.

§ 222. All females now confined in the State prison at Sing Sing, from the seventh and eighth judicial districts of this State, upon conviction for the crimes of murder, manslaughter or arson, shall remain in said State prison until legally discharged, and all females

Convicts to be confined at Sing Sing.

(1) Laws 1869, ch. 822, part of § 2.

(2) Laws 1865, ch. 585, § 1.

(3) *Id.*, § 2.

hereafter convicted in said judicial districts, or either of them, of the crime of murder, manslaughter or arson, and sentenced to imprisonment in State prison, shall be confined in said State prison at Sing Sing. (1)

§ 223. The several superintendents, agents or wardens of the said penitentiaries at Rochester and Buffalo are hereby required to receive and keep the female convicts mentioned in this act that may be removed to such penitentiaries, until they shall be discharged according to law; and the said superintendents, agents or wardens shall be allowed to charge for the maintenance of female convicts that may be removed from the State prison at Sing Sing to such penitentiaries, under and by virtue of the provisions of this act, and for the maintenance of such convicts as may heretofore have been or may hereafter be sentenced to imprisonment in said penitentiaries at Buffalo and Rochester, under and by virtue of this act, or of any act authorizing or directing the sentence of persons under conviction of felony to said penitentiaries at Buffalo and Rochester, a sum not exceeding one dollar and fifty cents per week each, to be a charge against the State. (2)

§ 224. The provisions of the statutes now regulating the amount of money and clothing to be given to convicts upon their discharge from State prison, shall apply to such convicts as were transferred from the State prison at Sing Sing to the penitentiaries at Buffalo and Rochester, under the act to which this act is an amendment, and also to all felons hereafter sentenced to said penitentiaries. The expenses thereof shall be a charge against the State. (3)

(1) Laws 1865, ch. 586, § 3.

(2) Id., § 4, as amended by Laws 1866, ch. 667, § 1.

(3) Laws 1866, ch. 677, § 2.

§ 225. The superintendents, agents and wardens of each of the penitentiaries named in this act, shall make a return, under oath, on the thirtieth day of September of each year, to the comptroller, in which they shall fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of the act of which this act is an amendment, in what court convicted, and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such convicts, and for allowance made to discharged convicts under this act. Upon auditing such return, the comptroller shall draw his warrant on the treasurer in favor of said superintendent, agent or warden for said amount, which sum or sums shall be paid from any money in the treasury not otherwise appropriated. (1)

§ 226. The provisions of chapter three hundred and twenty-one of Laws of eighteen hundred and sixty-four, together with the provisions of the acts to which said chapter is amendatory, are hereby made applicable to convicts now under sentence or hereafter to be sentenced for felonies or misdemeanors to the penitentiaries at Buffalo and Rochester, to the end that the same commutation allowance for good conduct shall be made to said convicts as are granted under said acts to convicts now confined in State prisons. (2)

§ 227. All acts or parts of acts inconsistent herewith are hereby repealed. (3)

§ 228. All females hereafter convicted, in the fifth and sixth judicial districts of this State, of crimes punishable by imprisonment in the State prison, shall be sent to the penitentiary at Syracuse. (4)

(1) Laws 1866, ch. 667, § 3.

(2) Id., § 4.

(3) Laws 1865, ch. 594, § 5.

(4) Laws 1869, ch. 574, § 1.

Return of officers of the penitentiaries.

Laws as to commutation made applicable to prisoners in Buffalo and Rochester penitentiaries.

Repeal.

Sentence of female convicts to Syracuse penitentiary.

Maintenance of female convicts in penitentiaries a charge against State.

Clothes &c. of convicts, who to pay for.

Duty of superintendent of penitentiary.

Charge per week for maintenance.

Sentence of certain convicts to Albany penitentiary.

No charge to be made for maintenance.

State to furnish clothing, &c., to convicts on discharge.

§ 229. The superintendent or inspectors of the penitentiary at Syracuse are hereby required to receive and keep the female convicts from the fifth and sixth judicial districts, mentioned in this act, until they shall be discharged according to law; and the said superintendent and inspectors shall be allowed to charge for the maintenance of such female convicts as may hereafter be sentenced to imprisonment in said penitentiary, under or by virtue of this act, or of any act authorizing or directing the sentence of females under conviction of felony to said penitentiary, a sum not exceeding one dollar and fifty cents per week each, to be a charge against the State. (1)

§ 230. Whenever any person shall be convicted of any offense punishable with imprisonment in the State prison for a term of five years or less, in any county of the State having a contract for the board, care and discipline of prisoners with the Albany county penitentiary, or in any county situated in the third and fourth judicial districts of this State, the court before which such conviction shall be had may, in its discretion, sentence the person so convicted to imprisonment in said penitentiary; but no charge whatever for the board or maintenance of any person so sentenced shall be made against the county in which such person shall be so sentenced, or against the State of New York. (2)

§ 231. The provisions of the statutes now regulating amount of money and clothing to be given to convicts upon their discharge from State prison shall apply to such convicts as may hereafter be sentenced to said Syracuse and Albany penitentiaries under the provisions of this act. The expenses thereof shall be a charge against the State. (3)

(1) Laws 1892, ch. 574, § 2.  
(2) Id., § 3.  
(3) Id., § 4.

§ 232. The superintendent or inspectors of the penitentiaries named in this act shall make a return, under oath, on the thirtieth day of September of each year to the comptroller, in which they shall fully set forth the name of each convict committed to said penitentiaries under or by virtue of this act, in what court convicted, and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such female convicts as may hereafter be sentenced to the penitentiary at Syracuse, under the provisions of this act, and for allowance made to discharged convicts under this act. Upon auditing such return, the comptroller shall draw his warrant on the treasurer in favor of said superintendent or inspectors for said amount, which sum or sums shall be paid from any money in the treasury not otherwise appropriated. (1)

§ 233. The provisions of chapter three hundred and twenty-one of the Laws of eighteen hundred and sixty-four, together with the provisions of the acts to which said chapter are amendatory, are hereby made applicable to convicts hereafter to be sentenced for felonies or misdemeanors to the penitentiaries at Syracuse and Albany, to the end that the same commutation, allowance for good conduct, shall be made to said convicts as are granted under said acts to convicts now confined in State prisons. (2)

§ 234. It shall be the duty of the sheriff of any county in which any person shall be convicted and sentenced, as in the first and third sections is provided, to convey such person to the penitentiary, for which such sheriff shall be paid by the State treasurer such

Annual return to comptroller. What to set forth.

Comptroller to audit return. How payable.

Allowance for good conduct.

Sheriff's fees, for conveying convicts to penitentiary.

(1) Laws 1889, ch. 574, § 5.  
(2) Id., § 4.

fees as are allowed by law for conveying convicts to State prisons. (1)

Repeal.

§ 235. All acts and parts of acts inconsistent herewith are hereby repealed. (2)

When State prison convicts may be sent to penitentiary.

§ 236. Whenever any person shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of the State having a county penitentiary within said judicial district, and such person so convicted shall be sentenced to imprisonment for a term not exceeding three years, the court before which such conviction shall be had may, in its discretion, sentence the prisoner so convicted, to be imprisoned in the county penitentiary situated within that judicial district, instead of a State's prison, and every person so sentenced shall be received into the said county penitentiary, and shall be kept and employed therein, in the manner prescribed by law, and shall be subject to the rules and discipline of said county penitentiary. (3)

Duty of sheriff in such cases.

§ 237. It shall be the duty of the sheriff of any county within the said judicial district in which any person shall be convicted and sentenced, as in the first section is provided, to convey such person to the county penitentiary situated in such judicial district, and deliver such person to the superintendent thereof, for which service such sheriff shall be paid by the State treasurer such fees as are allowed by law for conveying convicts to the State prison. (4)

Superintendents of penitentiaries to make annual reports to comptroller.

§ 238. The several superintendents of the said county penitentiaries are hereby required to make a return under oath on the \*thirtieth day of September of each year to the comptroller, in which they shall

(1) Laws 1869, ch. 574, § 7.  
 (2) Id., § 8.  
 (3) Laws 1875, ch. 571, § 1.  
 (4) Id., § 2.

\*So in the original

fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which such conviction is had, the date of such conviction, and length of sentence, and date of the reception of such convict at said penitentiary. The comptroller shall thereupon audit and allow such penitentiary, for the maintenance of such convicts, at a rate not exceeding one dollar and fifty cents per week for all the convicts imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the treasurer of the State in favor of the superintendent of said county penitentiary for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

§ 239. All laws applicable to persons convicted and imprisoned in State prisons, and not in conflict herewith, shall be applicable to persons convicted and imprisoned in county penitentiaries under this act. (2)

§ 240. Whenever any person shall be convicted in the court of oyer and terminer or the court of sessions of the county of Kings, of any offense punishable by imprisonment in a State prison, for a term not exceeding ten years, said courts and each of them shall have power, and are hereby authorized to sentence such persons, so convicted as aforesaid, to imprisonment in the penitentiary of said county for the same term for which he might be sentenced to the State prison, for the offense of which he had been convicted. (3)

§ 241. The action of the commissioners appointed to locate a State penitentiary or industrial reforma-

Laws made applicable.

Convicts in Kings Co. to be sent to penitentiary.

Location of State reformatory confirmed.

(1) Laws 1875, ch. 571, § 8.  
 (2) Id., § 4.  
 (3) Laws 1875, ch. 528.

tory in the sixth judicial district, pursuant to chapter four hundred and eight of the Laws of eighteen hundred and sixty-nine, in locating said prison or industrial reformatory, and contracting for a purchase of a site for the same, at Elmira, Chemung county, is hereby approved. (1)

Governor  
to appoint  
commissioners.

§ 242. The governor shall appoint five persons who shall act as a board of building commissioners for the erection of the State prison or industrial reformatory, established at Elmira, in Chemung county, and during the time that they shall act as such commissioners, they shall receive no pay except their traveling and other official expenses. The said prison shall be known and called by the name of "The State reformatory." (2)

Site to be  
procured.

§ 243. The said building commissioners are hereby authorized to procure, by purchase, the site for said reformatory; the deeds therefor shall be duly executed to the people of this State, and delivered to the comptroller, and thereupon the treasurer is hereby directed to pay, on the warrant of the comptroller, to the said building commissioners for the grantors of whom the said site shall be purchased, such sums of money as may be required to pay for the site in accordance with the contracts submitted by the commissioners appointed under chapter four hundred and eight of the Laws of eighteen hundred and sixty-nine, to locate said reformatory. And the treasurer is hereby directed to pay said commissioners, on the warrant of the comptroller, such sum or sums of money as they may want, for building said reformatory, at such time as the same may be required for carrying into effect the provisions of this act. (3)

(1) Laws 1870, ch. 108.

(2) Laws 1870, ch. 427, § 1. The commissioners appointed under the first section of this act were legislated out of office by ch. 600, Laws 1873.

(3) Laws 1870, ch. 427, § 2.

§ 244. The said building commissioners shall be charged with the general superintendence of the grounds, and the design and construction of the buildings, with power to appoint an architect, a superintendent and other necessary agents and assistants; provided the plan of buildings which they may adopt shall be submitted for and receive the approval of the governor, comptroller and State engineer. The building shall have a capacity of not less than three hundred prisoners, and the buildings and cells shall be so constructed as to admit of a classification of prisoners. (1)

Buildings  
to be erect-  
ed.

§ 245. The building commissioners above mentioned, before they enter upon the duties of their office, shall each give his bond to the people of this State in the penal sum of twenty thousand dollars, with two or more sufficient sureties, to be approved of by the comptroller, conditioned for the faithful performance of the duties required of them by this act. (2)

Commis-  
sioners to  
give bonds.

§ 246. It shall be the duty of said commissioners to make a report of all the moneys received and expended by them by virtue of this act, and of the progress which shall have been made in the erection and inclosure of said buildings, to the comptroller of this State on or before the first day of December next, and as often thereafter as the comptroller shall or may from time to time require. (3)

To report  
to comp-  
troller.

§ 247. Whenever the said reformatory shall be finished, the said building commissioners shall make, under their hands and seals, a certificate thereof, which they shall transmit to the governor of this State. The governor shall, after receiving such certificate, appoint, by and with the advice and consent of the senate, five persons who shall act as a board of managers of

Board of  
managers  
to be ap-  
pointed.

(1) Laws 1870, ch. 427, § 3.

(2) Id., § 4.

(3) Id., § 5.

said reformatory, and who shall perform the duties required of them by this act, with no compensation other than reasonable traveling and other official expenses; they shall hold their office for ten years, and be so classified that one of their number shall go out of office every second year. Whenever vacancies shall occur in the said board of managers, such vacancies for the unexpired term thereof shall be filled by the appointment of the governor. (1)

§ 248. The said commissioners, authorized to be appointed by the first section of this act shall retain general superintendence and control of said reformatory, and everything connected therewith, until said board of managers, mentioned in the last preceding section, shall be appointed by the governor, and confirmed by the senate, when they shall turn over to said board of managers the said reformatory, and all of the appurtenances and things thereunto belonging; and the term of office of said building commissioners shall then be at an end and cease. (2)

§ 249. The said board of managers shall, when appointed and confirmed as aforesaid, have general charge and superintendence of said reformatory, and shall appoint a warden, physician, chaplain, inspector of discharged prisoners, and clerk, who shall each receive a salary to be hereafter established by law, and shall have power to remove them for cause only after opportunity to be heard upon written charges. The clerk shall act as secretary of the board of managers. All other officers shall be appointed by the warden, and removable at his pleasure. The governor may remove any of the managers for misconduct or neglect of duty, after opportunity to be heard, on written charges. (3)

(1) Laws 1870, ch. 427, § 6.

(2) Id., § 7.

(3) Id., § 8.

Commissioners to deliver buildings to managers.

Managers to appoint officers.

§ 250. The said board of managers shall receive and take into said reformatory all male criminals, between the ages of sixteen and thirty, and not known to have been previously sentenced to a State prison in this or any other State or country, 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, as aforesaid. The discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may 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. (1)

§ 251. All provisions or existing laws requiring the courts of this State to sentence male criminals, between the ages of sixteen and thirty, convicted of any criminal offense, to the State prisons, shall, from and after the appointment and confirmation of the board of managers provided for by section six of this act, apply to said reformatory so far as to enable courts to sentence the class of prisoners mentioned in the ninth section of this act to said reformatory. (2)

§ 252. The governor is hereby authorized to appoint two superintending builders to take charge of the following buildings in process of construction, namely: The Buffalo State asylum for the insane, the State reformatory at Elmira, the Hudson river State hospital

Who shall be received in the reformatories.

Certain acts to apply.

Governor to appoint superintending builders.

(1) Laws 1870, ch. 427, § 9.

(2) Id., § 10.

for the insane at Poughkeepsie, and the State Homeopathic asylum for the insane at Middletown, to superintend the construction and completion thereof. The persons appointed under this provision shall be vested, so far as the construction of said buildings is concerned, with all the duties, powers and responsibilities heretofore imposed or conferred upon the commissioners, or managers heretofore appointed to take charge of such buildings respectively, which said commissioners and managers are hereby superseded as to the powers and duties herein referred to. And the governor may assign either of said superintending builders to the sole charge of any of said buildings. The purchasing of the materials and all things connected with the erection of the said buildings shall be done by contract, and all contracts shall be awarded to the lowest responsible bidder, after being advertised as is now required by law for the advertising and letting of State work on the canals; and the governor shall have power to remove either of said superintending builders at any time, and appoint another in his place. The salary of each of said superintending builders shall be eight thousand dollars per year, and he shall give his whole time and exclusive attention to the discharge of the duties of such office, and shall not have any interest in any contract in connection with the construction of said buildings or in the furnishing of any materials or labor therefor. (1)

[The first and second of the preceding chapters, together with the original third chapter, constituting the Fourth Part of the Revised Statutes, were finally passed as one act, by the senate and assembly, on the 10th of December, 1828, and were on the same day approved and signed by the acting governor of the State.]

(1) Laws 1874, part of ch. 323.

Their duties, powers, &c.

Purchasing of materials, &c.

Salary.

### CHAPTER 382.

AN ACT to amend title two of chapter three of part four of the Revised Statutes, relating to State prisons and for other purposes connected therewith.

APPROVED by the Governor June 6, 1889. Passed, three-fifths being present.

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

SECTION 1. Title two of chapter three of part four of the Revised Statutes as amended by chapter four hundred and sixty of the laws of one thousand eight hundred and forty-seven, and by chapter two hundred and ninety-four of the laws of one thousand eight hundred and forty-eight, and by chapters fifty-eight and two hundred and forty of the laws of one thousand eight hundred and fifty-four, and by chapters four hundred and fifty-six and five hundred and fifty-two of the laws of one thousand eight hundred and fifty-five and by chapter ninety-four of the laws of one thousand eight hundred and fifty-seven, and by chapter three hundred and ninety-nine of the laws of one thousand eight hundred and sixty, and by chapter four hundred and fifty-one of the laws of one thousand eight hundred and seventy-four, and by chapter four hundred and forty of the laws of one thousand eight hundred and eighty-eight, is hereby further amended so as to read as follows:

Title 2, chapter 3, part 4, of R. S., as to State prisons, further amended.

## TITLE II.

## OF THE STATE PRISONS.

ARTICLE 1. Of the government and maintenance of State prisons, the officers connected therewith, their powers, duties and compensation.

ARTICLE 2. Of the disposition, discipline and instruction of prisoners.

ARTICLE 3. Of the labor of prisoners.

ARTICLE FIRST.—OF THE GOVERNMENT AND MAINTENANCE OF STATE PRISONS, THE OFFICERS CONNECTED THEREWITH, THEIR POWERS, DUTIES AND COMPENSATION.

§ 29. There shall continue to be maintained for the security and reformation of convicts in this State, three State prisons; one at Sing Sing, in Westchester county; one at Auburn, in Cayuga county; and one at Dannemora,\* in Clinton county, which prisons shall respectively be denominated the Sing Sing prison, the Auburn prison and the Clinton prison.

§ 30. The superintendent of State prisons shall appoint the agent and warden, physician, and chaplain of each of the said prisons, as provided in the constitution; and he may remove them from office whenever in his judgment the public interests shall so require. He shall designate such number of keepers, guards, teachers and other employees at each of said prisons as he may deem necessary for the safe-keeping and improvement of the prisoners or for the maintenance of discipline, and he shall also designate which of them shall reside at the prison. But the number of keepers and guards shall not exceed the proportion of one keeper and one guard to twenty-eight prisoners at each of said prisons.

1. The comptroller shall appoint a clerk of each of said prisons as provided by the constitution, and is authorized to appoint an assistant clerk of each of said

\* So in the original.

prisons whenever in his judgment the public interests shall so require.

2. The agent and warden of each of said prisons shall appoint, subject to the approval of the superintendent of State prisons, a principal keeper, a store-keeper, a kitchen-keeper, a hall-keeper, a yard-keeper, a sergeant of the guard, and so many other keepers, guards, teachers and employees of such prison as shall be designated by the superintendent of State prisons as aforesaid, and such agent and warden shall have the power to remove such subordinate officers and employees so appointed by him.

3. No appointment shall be made in any of the State prisons of this State on the grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation. No person under twenty-one years of age shall be appointed to or hold any office at any State prison, nor shall any subordinate officer be appointed at any of the said prisons by the agent and warden, unless such subordinate officer is a citizen of this State. (1)

§ 31. The superintendent of State prisons shall receive an annual salary of six thousand dollars, payable monthly by the treasurer on the warrant of the comptroller, and in addition thereto, all reasonable and necessary traveling expenses by him actually incurred and paid in the discharge of his official duties, not exceeding the sum of five hundred dollars per annum, and a further sum of four thousand nine hundred and fifty dollars per annum, or so much thereof as may be necessary, for clerk hire, copying and messenger, postage, stationery and other incidental expenses, of all

Agent and warden, appointments and removals by.

Rule for appointments.

Age of appointees.

Superintendent of State prisons, salary and expenses for.

Clerk hire and expenses of office of.

(1) See People ex rel. Griffin v. Lathrop, 142 N. Y. 113.

State prisons, location and names of.

Superintendent of State prisons, appointments and removals by.

To designate number of keepers, &c.

Proviso.

State Comptroller, to appoint clerks.

which expenses he shall keep an account by items and verify the same by his oath to be filed with the comptroller.

Agent and warden, salary of.

§ 32. The agent and warden of each of said prisons shall receive an annual salary of three thousand five hundred dollars, and in addition thereto he shall be allowed rations from the prison stores for himself and family. The agent and warden of each of said prisons shall reside in the house connected therewith. The house for the agent and warden shall be provided with household furniture, fuel and lights for him and his family in addition to his salary, and also in addition thereto he shall be entitled to the services of such prisoners as may be reasonably necessary for household service. The comptroller is hereby authorized to audit and allow from time to time all necessary expenses and subsistence of the agent and warden, when necessarily traveling on official business, or when the attendance of such agent and warden is required at the seat of government, the necessity of such traveling and attendance to be decided by the comptroller, and the accounts therefor when so audited to be paid by the treasurer on the warrant of the comptroller.

To reside in house at prison.

Certain allowances for.

Traveling expenses of.

Physician, clerks and chaplain, salaries of.

§ 33. The physician, clerk and chaplain of each of said prisons shall each receive an annual salary of two thousand dollars; each assistant clerk of said prisons shall receive such annual salary as shall be fixed by the comptroller, not exceeding one thousand five hundred dollars. They shall keep their offices at their respective prisons, and they shall be furnished with fuel and lights for their offices.

Compensation of other officers, how fixed.

§ 34. The superintendent of State prisons shall prescribe the compensation of the other officers of said prisons, but the compensation so fixed and prescribed for the following officers in each of said prisons shall not in any case exceed the rate of an annual salary as

follows: namely: To the principal keeper, two thousand dollars; to the kitchen-keeper, store-keeper, hall-keeper and yard-keeper, each twelve hundred dollars; to the several keepers, nine hundred dollars each; to the sergeant of the guard, nine hundred dollars; to the several guards, seven hundred and eighty dollars each; to the several teachers, three hundred dollars each.

Certain keepers, guards, &c.

Teachers.

§ 35. The salaries of the officers in the four last preceding sections specified shall be payable monthly at the end of each month. None of such officers mentioned shall receive any perquisites or emoluments for his services other than the compensation provided therefor by law.

Salaries to be paid monthly.

§ 36. Within ten days from the time of notice of his appointment, the superintendent of State prisons shall subscribe and take the oath of office prescribed by the constitution and file the same in the office of the secretary of State, and shall be in all respects subject to the provisions of the sixth title of chapter five of the first part of the Revised Statutes, as far as the same may be applicable, and within such ten days he shall give to the people of the State of New York a bond in the penal sum of twenty-five thousand dollars, with two good sureties to be approved by the comptroller, conditioned for the faithful discharge of the duties of the office.

Oath of office of Superintendent of State Prisons.

His official bond.

§ 37. Each of the officers of said prison\* shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State, which oath may be taken and subscribed before any officer authorized by law to administer an oath. The said oath shall be filed in the office of the comptroller.

Oath of office of other prison officers.

§ 38. Each agent and warden of a State prison and each other officer or person, when required to perform

Official bond of agent and warden.

\* So in the original.

the duties of an agent and warden, before entering on the duties of his office, shall execute a bond to the people of this State with sufficient sureties, to be approved by the superintendent of State prisons and the comptroller, in the penal sum of fifty thousand dollars, conditioned for the honest and faithful performance of his duties, and accounting for all moneys received by him as such agent and warden according to law, which bond when executed and approved shall be filed in the office of the comptroller of this State. Said comptroller may, at any time require such agent and warden to execute a new bond as such, with new sureties, in the same form and with the same conditions, to be approved and filed as aforesaid.

Official bond  
of certain  
other officers.

§ 39. The clerk, principal keeper, store-keeper, kitchen-keeper, hall-keeper and yard-keeper of each of said prisons, before entering on the duties of his office shall each execute and file in the office of the comptroller of the State, a bond to the people of this State, with sufficient sureties to be approved by the superintendent of State prisons, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties according to law.

Superintendent  
of State  
Prisons,  
location of  
office, powers  
and duties of.

§ 40. The superintendent of State prisons shall have his office in the city of Albany. He shall have the superintendence, management and control of the State prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof. He shall have power and it shall be his duty to inquire into all matters connected with said prisons. He shall make such rules and regulations, not in conflict with the statutes of this State, for the government of the officers, keepers, guards and employees of the prisons, except the clerks and assistant clerks, who shall be subject to such rules and regulations as shall be prescribed by the comp-

troller, and in regard to the duties to be performed by them, and for the government and discipline of each prison, as he may deem proper, and shall cause such rules and regulations to be recorded by the clerk of the prison, and a printed copy thereof to be furnished to each officer of the prison on his appointment. He shall also prescribe a system of accounts and records to be kept at each prison, which system shall be uniform at all of said prisons, and he may also make rules and regulations for a record of photographs and other means of identifying each convict received into said prisons. The superintendent of State prisons may delegate to his clerk authority to certify, in the absence of the superintendent, estimates to the comptroller, to sign orders for the transfer of convicts, and to sign orders for the discharge of insane criminals, whose term of imprisonment has expired. The superintendent of State prisons may require reports from the agent and warden or other officers of the prison in relation to their conduct as such officers, and shall have power to inquire into any improper conduct which may be alleged to have been committed by the agent and warden or other officer of either of the said prisons, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before him of books, writings and papers in the same manner and with the like effect and subject to the same penalties for disobedience as in cases of trial before justices of the peace, and to examine in person or by attorney all persons who may be brought before him as such witnesses.

May delegate  
certain au-  
thority to his  
clerk.

May require  
reports from  
prison offi-  
cers.

May investi-  
gate official  
conduct and  
subpoena  
witnesses  
therefor.

§ 41. It shall be the duty of the superintendent of State prisons on or before the tenth day of January in each year to report to the legislature in writing the condition of each of the prisons for the year ending with last day of the previous September, specifying

Annual re-  
port to the  
legislature.

the number of convicts confined during such year, and for what offenses the number transferred from any prison and the reason therefor in each case, the moral, intellectual, and physical condition of the prisoners and how employed, the amount of money expended during such year and how, in detail, the amount of money earned during such year and how, in detail, the amount paid into the treasury during such year, and such other matters as may seem pertinent and proper in the judgment of the superintendent.

§ 42. The agent and warden of each of said prisons shall attend regularly at such prison, and exercise a general supervision over its government, discipline and police, and attend to the fiscal and business concerns of the prison, and conform to and enforce the rules and regulations of the superintendent of State prisons in relation thereto. He shall give the necessary directions to the subordinate officers and employees of such prison, and shall examine whether they have been careful and diligent in the discharge of their several duties, shall examine diligently into the state of the prison, and into the health, condition and safe-keeping of the prisoners, and inquire into the justice of any complaints made by the prisoners relative to their provisions, clothing and treatment by such subordinate officers and employees. He may make such general orders or rules for the government of such subordinate officers and employees of the prison, not in conflict with the statutes of the State or the rules and regulations of the superintendent of State prisons, as he may deem proper, which rules and orders shall be entered in a book provided by the agent or warden for that purpose, and copies thereof shall be printed, and each of said subordinate officers and employees shall be furnished with a printed copy thereof upon his appointment.

Agent and warden, certain general duties and powers of.

Rules for government of subordinate officers.

§ 43. The agent and warden of each of said prisons shall cause to be kept a daily journal of the proceedings of the prison, in which shall be entered a note of every infraction of the rules and regulations of the prison by any officer, which shall have come to his knowledge, and of every punishment inflicted on a prisoner, the nature and amount thereof, and by whom it was inflicted, and also a memorandum of every well-founded complaint made by any convict of bad or insufficient food, want of clothing, or cruel or unjust treatment by a keeper; such journal shall be kept open at all times to the examination of the superintendent of State prisons.

§ 44. The agent and warden of each of said prisons shall cause to be kept regular books of entry, in which all his accounts and transactions shall be entered. Such books shall contain a regular and correct account of all moneys received by such agent and warden from any source whatever, by virtue of his office, including all moneys taken or received from convicts, or as the proceeds of property taken from them, and of all sums paid by him by virtue of his office, and the persons to whom, and purposes for which the same were paid. Such books and the accounts entered therein shall be open for the examination of the superintendent of State prisons or the comptroller or of any person authorized by any of them.

§ 45. The agent and warden of each of said prisons shall deposit, at least once in each week, to the credit of the treasurer of the State, in such bank or banks as may be designated by the comptroller, all the moneys received by him as such agent and warden, other than the proceeds of the labor of prisoners, and of the sales of articles manufactured by them and send to the comptroller, and also to the superintendent of State

Daily journal, as to infraction of rules by officers, and complaints by convicts, &c.

Account books of receipts and expenditures, how kept.

To be open to examination.

Weekly bank deposit, to credit of State Treasurer.

Weekly financial statements, how certified and for what.

prisons weekly, a statement showing the amount so received and deposited, and when, from whom and for what received, and the days on which such deposits were made. Such statement of deposits shall be certified by the proper officer of the bank receiving such deposit or deposits. The agent and warden\* shall also verify by his affidavit that the sum so deposited is all the money received by him from whatever source of prison income, other than proceeds of the labor of prisoners and of sales as aforesaid during the week and up to the time of the last deposit appearing on such statement. Any bank in which such deposits shall be made shall, before receiving any such deposits, file a bond with the comptroller of the State, subject to his approval, for such sum as he shall deem necessary.

Deposits bank to file bond.

Monthly estimate of expense of support and maintenance, how submitted.

§ 46. The agent and warden of each of said prisons shall, on the first day of each month, make an estimate, in minute detail, of the necessary expenses for the support and maintenance of the prison under his charge during such month, and shall submit such estimate to the superintendent of State prisons. The superintendent may revise the said estimate by reducing the amount thereof, and shall certify that he has carefully examined the same and that the articles contained in said estimate, or in said estimate as so revised by him, as the case may be, are actually required for the use of the prison, and the superintendent of State prisons shall thereupon present the said estimate and certificate to the comptroller who shall thereupon authorize the said agent and warden to make his draft on the treasurer for the sum thus certified, or any part thereof, which amount shall be paid on the warrant of the comptroller; and it shall not be lawful

Revision thereof and delivery to Comptroller.

Comptroller, to authorize agent and warden to make draft therefor.

\* So in the original.

for such agent and warden to make purchases on behalf of the State for any other than industrial purposes at such prison, unless such purchases have been included in the estimate as presented to and approved by the superintendent of State prisons.

Proviso as to purchases.

§ 47. The agent and warden of each of said prisons shall on the first day of each month make to the comptroller a full and perfect statement of all the receipts and expenditures, specifying the items thereof, for the prison under his charge, for the preceding month, which shall be accompanied by the necessary vouchers regularly rendered according to their respective dates, with some short designation thereon of the consideration of payment, evidenced by the vouchers, and the amount of the vouchers carried out in figures; if the vouchers are objectionable, the comptroller shall enter his dissent on the particular voucher, and return it to the agent and warden, reporting the same, who shall cause it to be immediately corrected and returned. Every such statement shall be verified by an affidavit of the agent and warden thereunto annexed, as follows: I agent and warden of the

Monthly financial statement to Comptroller.

Vouchers to accompany same.

Right of Comptroller to dissent to vouchers.

prison, do solemnly swear that I have deposited in the bank, designated by law for such purpose, all the moneys received by me, belonging to the State during the last month; and I do further swear that the foregoing is a true abstract of all the moneys received and expenditures made by me as such agent and warden during the month ending on the day of , eighteen hundred and , and that the goods and other articles therein specified were purchased and received by me at the prison of which I am in charge, and that the goods were purchased at fair cash market prices, and that the same were paid for in cash; and that neither I nor any person in my behalf had any pecuniary or other interest in the articles purchased;

Form of verification of statement.

that I received no pecuniary or other benefit therefrom in the way of commissions, percentage, deductions or presents, or in any other manner whatever, either directly or indirectly, nor any promise of future payments, presents or benefits, or to any other person for me, either directly or indirectly. The affidavit of the clerk shall likewise be appended thereto, certifying that the articles contained in such bill were received at the prison, and that they conformed in all respects to the invoice of the goods received and entered by him, both in quality and quantity.

*Affidavit of clerk to same statement.*

*Monthly report to superintendent, as to convicts received and discharged.*

§ 48. The agent and warden of each of said prisons shall make a monthly report, verified by his oath, to the superintendent of State prisons, stating the names of all convicts received into the prison during the preceding month, the counties in which they were tried, the crimes of which they were convicted, the nature and duration of their sentences, their former trade, employment or occupation, their habits, color, age, place of nativity, degree of instruction, and a description of their persons, and also stating whether any such convicts have ever been confined in any State or county prison, and if so, stating the offense for which they were confined, and the duration of their punishment, and also stating in such report the names of all the convicts pardoned or discharged during the past month, and all other particulars in relation to the parties pardoned or discharged, that are required to be stated in relation to the convicts received in the prison.

*Annual financial report and inventory, by agents and wardens, to superintendent.*

§ 49. The agent and warden of each of said prisons shall, on or before the fifteenth day of November in each year, render to the superintendent of State prisons a full and true report for the year ending with the last day of the previous September, of all moneys received by him on account of the prison under his charge, and all the moneys expended by him for the

use thereof, and also an inventory of the goods, raw materials, and other property of the State on hand on the last day of the previous September, which account and inventory shall be attested by the oath of the agent and warden and clerk of the prison to be just and true, together with a statement of all changes in the officers of such prison during such year, and the annual reports to the agent and warden of the clerk, physician and chaplain of each prison, and such other matters as shall be required by the superintendent of State prisons.

*How verified.*

*Reports of other officers to accompany same.*

§ 50. The superintendent of State prisons may, whenever he shall deem advisable cause an estimate to be made of the value of the goods and other property of the State, for which an inventory has been rendered to him by the agent and warden of either of said prisons, which estimate shall be made under oath by two or more competent persons to be appointed for that purpose by the superintendent, which inventory and estimate shall be transmitted to the comptroller of the State on or before the first day of January in each year, with such observations and remarks thereon as the superintendent may deem necessary to enable the comptroller to understand the same and to correct any errors that may be discovered therein.

*Superintendent, may cause estimate and inventory to be made.*

*When and how transmitted.*

§ 51. All the fiscal transactions and dealings on account of each prison shall be conducted by and in the name of the agent and warden thereof, who shall have control over all matters of finance relating to such prison, subject to the direction and supervision of the superintendent of State prisons. Such agent and warden shall be capable in law of suing in all courts and places, and in all matters concerning the prison, by his name of office, and by that name shall be authorized to sue for and recover all sums of money due from any person to any former agent, or agent and warden

*Agent and warden, to control all matters of finance.*

*May sue for and recover moneys due State.*

of the prison, or to the people of this State on account of such prison. But it shall not be lawful in any such suit or action for any defendant or defendants to plead or give in evidence any offset or matter by way of recoupment or counter-claim (except for payments made, and not credited to such defendant or defendants), or to recover any judgment against such agent and warden in such suit or action other than for the costs and disbursements therein. Each agent and warden shall enforce the payment of all debts due to the prison under his charge as soon and with as little delay as possible, but with the approbation of the superintendent of State prisons, and subject to such approbation he may accept any security from any debtor on granting him time, that he may deem conducive to the interests of the State.

§ 52. The agent and warden of each of said prisons shall supply provisions and other suitable articles for the maintenance and supply of the prison under his charge, either by contract or by purchase, as shall be directed by the superintendent of State prisons. In case the said superintendent shall direct that such supplies shall be obtained by contract, the agent and warden shall cause notice to be published in a newspaper printed in the county in which such prison is situated, and in such other newspapers and for such time as the said superintendent shall direct, stating the particular supplies wanted, the manner in which they are to be delivered, and the time during which proposals will be received by such agent and warden for furnishing the same. Contracts shall be made by the agent and warden with those persons whose proposals in pursuance with such notice shall be most advantageous to the State, and who shall give satisfactory security for the performance of their contracts, subject to the approval of the said superintendent, unless the

To enforce payment of debts.

Agent and warden to supply provisions, &c.

When, to advertise for proposals for same.

Contracts when awarded in pursuance thereof.

superintendent shall deem it expedient to decline all proposals and advertise anew. The articles of food and the quantities of each kind shall be prescribed by the said superintendent and inserted in the contract. All contracts made under this section shall be reduced to writing and signed in duplicate by the parties. One of such duplicates shall be filed with the clerk of the prison, and a copy thereof shall be delivered to the superintendent of State prisons.

§ 53. The agent and warden of each of said prisons shall take bills for all goods purchased by him for such prison at the time of such purchase, and shall take similar bills and receipts for such services that shall be rendered for such prison at the time of making payment therefor, and the person or persons to whom any bill shall be paid by either of said agents and wardens, shall in all cases make and subscribe an affidavit to be sworn to before some person duly authorized by law to take the same, stating that said account and the articles and services therein specified were actually furnished or rendered as charged; that neither the agent and warden, nor any person for him or in his behalf had any pecuniary or other interests in the article sold or services rendered, or in the profits thereof; that to the best of his knowledge and belief no commissions, presents or profits directly or indirectly connected therewith had been paid to him or any other person; or had been promised to be paid in the future to him or to any other person; that the said bill represents the correct amount due him; that the articles included in such account were sold at fair cash market prices, and that he has actually received the full amount in cash from the said agent and warden.

§ 54. The agent and warden of each of said prisons shall take charge of all moneys and other articles which may be brought to the prison by the convicts, and shall

Contracts, how executed and filed.

Agent and warden, to take bills for purchases, and for services rendered.

Affidavit of person receiving payment.

Agent and warden to take charge of money, &c., brought to prison by convicts.

cause the same, immediately upon the receipt thereof, to be entered by the clerk among the receipts of the prison; which money and other articles, whenever the convict from whom the same was received shall be discharged from prison, or the same shall be otherwise legally demanded, shall be returned by the said agent and warden to such convicts or other person legally entitled to the same; and for such money as the said convict or any other person for such convict, may have so deposited, such convict shall be entitled to receive interest at the rate of four per cent per annum from the time of such deposit until the same shall be so repaid to such convict as aforesaid, and vouchers shall be taken therefor. The agent and warden of each of said prisons shall furnish to each convict who shall be discharged from prison by pardon or otherwise, or who shall be released therefrom on parole, necessary clothing, not exceeding twelve dollars in value (between the first day of November and the first day of April, clothing not exceeding eighteen dollars in value and including an overcoat, shall be furnished), and ten dollars in money, and a railroad ticket or tickets for the transportation of one person from such prison to the place of the conviction of such convict, or to such other place as such convict may designate, at no greater distance from said prison than the place of conviction.

§ 55. If the agent and warden of a State prison shall willfully neglect or refuse to make any weekly or monthly return, estimate or statement, or to transmit any statement and certificate of such deposits to the comptroller, as hereby directed, it shall be the duty of the comptroller to notify the superintendent of State prisons of such omissions, and it shall be the duty of such superintendent to order the bond of the agent and warden to be prosecuted for the recovery of

To be returned to convict upon discharge.

Interest upon money deposited.

Clothing and money to be furnished to convict, upon discharge.

Transportation to place of conviction, &c.

Proceeding, in case agent and warden neglects to make estimate and returns.

Bond, when prosecuted.

any moneys which may be in his hands belonging to the State. The agent and warden of a State prison shall be liable to indictment and punishment for any willful neglect of duty, or for any malpractice in the discharge of the duties of his office.

Indictment and punishment.

§ 56. It shall be the duty of the clerk of each of said prisons, to reside regularly within one mile from said prison, to conform to the rules of discipline established by the superintendent of State prisons, and to perform his duties as prescribed by the comptroller in accordance with law; to keep a register of convicts, in which the names of the convicts shall be alphabetically arranged, and in which shall be entered, under appropriate columns, the date of conviction, where born, age, occupation, complexion, stature, crime, court, in which, county where convicted, term of sentence, number of previous convictions, to what prison or prisons previously sent, when discharged and how discharged, and such additional facts as the superintendent of State prisons may require to be stated on the register; to annually report to the agent and warden of such prison on the first day of November the number of convicts remaining in prison on the last day of the previous September, the number received during the year ending with the last day of the previous September, the number discharged by expiration of sentence, habeas corpus or by the courts, the number of deaths and escapes, and the number transferred to any other penal institution during such year, and the number remaining in prison on the last day of said September; to keep books of account of the financial transactions of the prison; to keep a separate account in a book provided for that purpose of all money and other articles received by the agent and warden from each convict, crediting such convict therefor; to enter each bill taken by the agent and warden of the prison in

Clerk of prison, place of residence and duties of.

the books of the prison at the time of the receipt of the articles mentioned in such account, and in case the articles received do not agree in all respects with the invoice, he shall immediately notify the agent and warden of such discrepancy, and note in his book the discrepancy, whether in weight, quantity or quality; to preserve in the prison a set of all official reports made to the Legislature respecting the same, and a set of similar reports in relation to each of the other State prisons, and for that purpose a suitable number of such reports when printed, shall be supplied to him by the superintendent of State prisons; to make an annual report, attested by his oath to be just and true, to the secretary of State, on or before the first day of December of each year, stating the names of convicts discharged or pardoned from said prison during the year ending with the last day of the preceding September, and all the particulars in relation to such convicts as are required to be stated in the agent and warden's monthly report to the superintendent of State prisons, and stating also, in the cases of pardon, the time unexpired of the time for which the convicts so pardoned were respectively pardoned, when such pardons were granted, and the conditions, if any, on which they were granted, and also the state of health of each convict so pardoned at the time of his discharge.

To preserve set of official prison reports.

To make annual reports to Secretary of State, as to discharged convicts.

Assistant clerk, duties of.

§ 57. The assistant clerk at each of said prisons shall assist the clerk in the performance of his duties, in conformity with the disciplinary rules and regulations of the superintendent of State prisons, and under the direction of the comptroller.

Physician, place of residence, and duties of.

§ 58. It shall be the duty of the physician at each of said prisons to reside regularly within one mile from said prison, to attend daily during the proper business hours of such prison, and at all times hold himself in readiness to discharge his duties as such physician

whenever directed by the agent and warden, unless, by the direction of the superintendent of State prisons, he is otherwise engaged in transacting business on account of the prison; to examine weekly the cells of the convicts for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and report the same, weekly, to the agent and warden in writing; to examine daily into the quality and state of the provisions delivered to the prisoners, and whenever he shall have reason to believe that any of such provisions are prejudicial to the health of the prisoners, he shall immediately make a report thereof to the agent and warden of the prison in writing; to have charge of the hospital, to attend at all times to the wants of the sick convicts whether in the hospital or in their cells; to prescribe the diet of sick convicts, whether in the hospital or in their cells or elsewhere, and his directions in relation thereto shall be followed by the agent and warden; to keep a daily record of all admissions to the hospital, indicating the color, nativity, age, occupation, habit of life, crime, time of entrance and discharge from the hospital, date of admission to the prison, time in county prison before conviction, disease, if afflicted with scrofula before admission, scrofula during the first, second and third six months after admission to prison, and of the prescriptions and treatment of each case; to report monthly to the agent and warden the number of patients received into the hospital during the last preceding month, stating their respective ages, color, disease and occupations in prison, the quality and kind of medicine administered during the month, the number of those discharged, their condition when discharged, the time they shall have remained in the hospital; the number of deaths, stating cause of such deaths; and it shall be his further duty to state in such report the

number of sick convicts, not received into the hospital, for whom he shall have prescribed during the last preceding month, and the quantity and kind of medicine so prescribed, and the number of days during which such convicts, in consequence of sickness, shall have been relieved from labor; to make an annual report to the agent and warden on or before the first day of November in each year of the sanitary condition of the prison for the year ending with the last day of the previous September, with a condensed statement of the information contained in his monthly reports, and of such other matters as shall be required by the agent and warden.

To make annual report to agent and warden.

Chaplain, duties of.

§ 59. It shall be the duty of the chaplain of each of the said prisons: To perform religious services in the prison, under such regulations as the superintendent of State prisons may prescribe, and to attend to the spiritual wants of the convicts; to visit the convicts in their cells for the purpose of giving them religious and moral instructions, and to devote at least one hour in each week-day and the afternoon of each Sunday to such instruction; to furnish, at the expense of the State, a Bible to each convict, if requested by such convict; to take charge of the library, and to take care that no improper books are introduced into the cells of the convicts, and if any such books shall be found either in the cells or in the possession of a convict, to take away and return the same to the agent and warden, and for the purpose of properly discharging these duties, to visit weekly each cell in the prison; to visit daily the sick in the hospital; to make a quarterly report to the agent and warden, stating the number of convicts that shall have been instructed during the last quarter, the branches of education in which they shall have been instructed, the text-books used in such instruction, and the progress made by the convicts,

To make quarterly and annual report, to agent and warden.

and to note especially, any cases in which an unusual progress has been made by a convict; to make an annual report on or before the first day of November in each year to the agent and warden, which report shall be attested by his oath to be just and true, relative to the religious and moral conduct of the prisoners in each prison during the year ending with the last day of the previous September, stating therein what services he shall have performed, and the fruits, if any, of his instructions, and he shall append thereto, as far as practicable, in tabular form, a statement exhibiting the number of convicts in prison, on the last day of such September, and at what age convicted, specifying separately the number born in the United States, foreigners, and of what country, and the nativity of their parents, the number that cannot read, that can read only, read and write, well educated, classically educated, temperate, intemperate, healthy, scrofulous, whether employed at the time of the commission of the crime, counties where convicted, occupation, sentence, how many times recommitted, and social state.

§ 60. It shall be the duty of the principal keeper of each of the prisons, to keep a time-book, in which shall be inserted the names of all the officers, keepers and guards belonging to the prison, except the agent and warden, and opposite to each name, he shall daily mark whether such officer, keeper or guard, was absent or present, and at the end of each month shall add up the same and verify such statement by his affidavit that it is correct, which statement, so sworn to, shall be delivered to the agent and warden, who shall forward the same to the comptroller with his monthly report.

Principal  
keeper, du-  
ties of.

§ 61. It shall be the duty of the store-keeper of each of said prisons to take charge of all provisions and other articles purchased for the prison, to compare all

Storekeeper,  
duties of.

such purchases with the bills thereof, furnished to him by the agent and warden of such prison, and to note all discrepancies, and to enter the goods so received in books to be kept by him for that purpose; to keep such goods when received, in some safe place under his charge, and no goods shall be delivered by him except on a requisition from the kitchen-keeper, or the agent and warden or principal keeper, or in his or their absence, the person acting as such. Such requisition shall in all cases be in writing, and be by him placed on file, and in addition thereto, the articles named in such requisition shall be entered in his books, which books shall state what the articles were, the quantity delivered, and on whose order they were delivered, and to what shop or place sent. It shall also be his duty to keep a perfect, just and true account of all goods sold by the agent and warden, or other officers of the prison, belonging to the prison; at the end of each month to make out a correct statement, attested by his affidavit, giving the amount of each article received, and the quantity, and the amount and kinds of goods delivered on requisitions, and to whom delivered, and the quantity of each kind of property then on hand, with the value thereof, at that time, which statement, when made up, shall be delivered to the agent and warden, and by him examined, and if found correct, he shall so certify thereon; such report shall be then forwarded to the comptroller by the agent and warden.

§ 62. It shall be the duty of the kitchen-keeper of each of said prisons to keep a proper book, and to enter therein all goods received on his requisition from the store-keeper, and the amount cooked and sent to the hospital, and to make a report, attested by his oath to be just and true, at the end of each month to the agent and warden of the amount of such goods then on hand,

Monthly statement by.

Kitchen-keeper, duties of.

Monthly report by.

and the amount received and consumed during the month.

§ 63. No agent and warden or other officer of either of the State prisons of this State shall give any note, draft or other evidence of debt, except a check on the bank, designated by the comptroller, as aforesaid, and such checks and drafts as are authorized by law, in payment for any article purchased for either of said prisons, and signed by him or them individually or in their official capacity, nor shall any such agent and warden, or other officer, sign any paper as agent and warden for the purpose or with the intent of putting or having the same put in circulation for any purpose whatever.

§ 64. Neither the superintendent of State prisons, nor the agent and warden of any prison, nor any other officer employed at either of the prisons shall be directly or indirectly interested in any contract, purchase or sale, for, by, or on account of such prison, nor shall the superintendent of State prisons, or any officer, keeper or guard, or any person employed at any of said prisons, accept of any present from any contractor or contractor's agent, either directly or indirectly, or employ the labor of any convict or other person employed in such prison, on any work for the private benefit of such superintendent, officer, keeper or guard, except that the agent and warden shall be entitled to employ prisoners for necessary household service as hereinbefore provided, nor shall any person whatever convey into either of the prisons of this State any article for the use of the convicts, prohibited by the rules of the superintendent of State prisons or by the laws of the State; any person violating this section shall be deemed guilty of a misdemeanor. (1)

Agent and warden, restrictions as to financial transactions by.

Superintendent of State prisons, and other officers of prisons, not to be interested in contracts, &c.

To accept no gratuities or private benefits.

Conveyance of prohibited articles to convicts, a misdemeanor.

(1) Repealed by Laws of 1883, chap. 692. See Penal Code, sec. 48b.

Affidavits, administered of, as to prison business.

§ 65. The superintendent of State prisons and his clerk may administer oaths and take affidavits in all matters relating to the affairs of the State prisons under his charge. The agent and warden, clerk and principal keeper of each prison are authorized and required to take affidavits, in all matters of accounts against their respective prisons, and also in relation to fees of sheriffs in bringing convicts to either of said prisons. (1)

Agent and warden of Clinton prison, may appropriate certain waters.

§ 66. The agent and warden of the Clinton prison is authorized to appropriate to the use thereof all waters upon the tract purchased for the establishment of said prison; and any person claiming damages in consequence of such appropriation of water, shall, within six months thereafter, make application to the county judge of the county of Clinton, who shall appoint three commissioners not interested in lands through which the stream or streams of water so appropriated may have previously run, who shall personally examine the lands of the applicant and make an estimate of the damages he has sustained by reason of such appropriation of water, which estimate shall be reduced to writing, subscribed and sworn to by said commissioners and then transmitted to the comptroller of this State, who shall thereupon pay the estimated damages of the applicant out of the funds appropriated for said prison.

Claims for damages thereby, how determined and paid.

§ 67. All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State, and which shall be situated within twenty miles of the Clinton prison, shall be withdrawn from sale and shall be retained by the State for the use of said prison.

Withdrawal from sale, of certain uncultivated land.

Farm at Sing Sing prison, charge of.

§ 68. The agent and warden of the Sing Sing prison shall continue to have charge of the farm and premises

(1) Amended by Laws of 1894, chap. 426.

on which the same is situated, and it shall be his duty to rent or otherwise use or improve the same to the best advantage of the State, but no lease shall be made by him for a longer term than three years.

ARTICLE SECOND.—OF THE DISPOSITION, DISCIPLINE AND INSTRUCTION OF PRISONERS.

§ 69. All male convicts sentenced to imprisonment in a State prison in the first and second judicial districts shall be sentenced to the Sing Sing prison, and all so sentenced in the third and fourth judicial districts, shall be sentenced to the Clinton prison, and all so sentenced in the fifth, sixth, seventh and eighth judicial districts shall be sentenced to the Auburn prison.

Male convicts, how sentenced in certain districts.

§ 70. It shall be the duty of the court in which any person shall be convicted of an offense punishable in a State prison, before passing the sentence therefor, to ascertain by the examination of such convict on oath, and in addition to such oath, by such other evidence as can be obtained, whether such convict had learned and practiced any mechanical trade, and in like manner such other facts tending to indicate the causes of the criminal character or conduct of such convict, as to the court shall seem proper and desirable, and the court shall direct the clerk of the court to enter such of the facts so ascertained, and such other facts as to the court shall seem proper and desirable, upon the minutes of the court, and said clerk shall include a copy thereof in the certified copy of the sentence of such convict which shall be delivered to the sheriff of the county in which such conviction shall be had.

Court to ascertain trade of convict, &c., before sentencing.

Entry of facts ascertained.

To be included in copy of sentence.

§ 71. Whenever any convict shall be delivered to the agent and warden of either of said State prisons, in pursuance of such sentence, the officers so delivering

Delivery of copy of sentence, to agent and warden, with convict.

such convict, shall deliver to such agent and warden, the certified copy of the sentence received by such officer from the clerk of the court by which such convict shall have been sentenced, and such agent and warden shall deliver to such officer a certificate of the delivery of such convict, and the fees of such officer for transporting such convict shall be paid by the treasurer upon the warrant of the comptroller.

Fees for delivery of convict, how paid.

Reception of convicts under death sentence, &c.

§ 72. The agent and warden of each of said prisons shall receive into the prison under his charge, on the order of the governor, any person convicted of any crime punishable by death, or who shall be pardoned, on condition of being confined either for life or a term of years in a State prison, and confine such prisoner according to the terms of such condition.

Transfer of prisoners from one prison to another, how made.

§ 73. Whenever the transfer of a prisoner or prisoners from one State prison to another shall be ordered by the superintendent of State prisons, the agent and warden of the prison from which such transfer is to be made, shall cause the prisoners to be sufficiently chained in pairs so far as practicable, and to be transported to the prison to which they are so ordered to be transferred, and to be delivered together with the certified copies of their sentences to the agent and warden of such last mentioned prison, who shall receive and keep them according to their sentences respectively, as if they had been originally sentenced thereto. The persons so employed to transport such prisoners shall prohibit all intercourse between them, and may inflict any reasonable and necessary correction upon such prisoners for disobedience or misconduct in any respect. All necessary expenses of such transfer of such prisoners shall be deemed a part of the incidental expenses of the prison from which they shall be transferred. The necessary expenses of the transfer of any prisoner from a State prison to the

Expense of transfer, how paid.

State Asylum for Insane Criminals or to any other penal institution shall also be deemed a part of the incidental expenses of such prison.

§ 74. Whenever any male person over sixteen years of age, shall be convicted of a felony which is punishable by imprisonment in a State prison, for a term to be fixed within certain limits by the court pronouncing sentence, the court authorized to pronounce judgment upon such offender, instead of pronouncing upon such offender a definite sentence of imprisonment in a State prison for a fixed term, may pronounce upon such offender an indeterminate sentence of imprisonment in a State prison for a term with minimum and maximum limits only specified, without fixing a definite term of sentence within such limits named in the sentence, but the maximum limit so specified in the sentence shall not exceed the longest period for which such offender might have been sentenced, and the minimum limit in said sentence specified shall not be less than the shortest term for which such offender might have been sentenced. The maximum term specified in such indeterminate sentence shall be limited in the same manner as a definite sentence in compliance with the provisions of section six hundred and ninety-seven of the Penal Code.

Indeterminate sentences, powers of court as to.

Minimum and maximum limits thereof.

§ 75. The superintendent of State prisons, the agent and warden, the chaplain, the physician and principal keeper of each of said prisons shall constitute a board of commissioners of paroled prisoners for each prison. The said superintendent shall be the president of said board for each prison and the clerk of each prison shall be the clerk of said board for such prison.

Commissioners of paroled prisoners.

Their clerk.

§ 76. The board of commissioners of paroled prisoners for each of said prisons, shall meet at such prison, from time to time as they shall deem necessary, or as they may be called to meet by the superintendent of

Meetings of board.

Application for release upon parole, or absolute discharge.

State prisons. At each meeting of said board held at such prison, every prisoner confined in said prison upon an indeterminate sentence, whose minimum term of sentence has expired, shall be given an opportunity to appear before such board and apply for his release upon parole, or for an absolute discharge as herein-after provided, and said board is hereby prohibited from entertaining any other form of application or petition for the release upon parole or absolute discharge of any prisoner.

Record of indeterminate sentences, how kept.

§ 77. The superintendent of State prisons shall cause to be kept, at each State prison, a full and accurate record of each prisoner therein confined upon an indeterminate sentence as aforesaid, which record shall include a biographical sketch covering such items as may indicate the causes of the criminal character or conduct of the prisoner, and also a record of the demeanor, education and labor of the prisoner while confined in such prison; and whenever such prisoner is transferred, from one prison to another, a copy of such record or an abstract of the substance thereof, together with the certified copy of the sentence of such prisoner shall be transmitted with such prisoner to the prison to which he shall be transferred.

How transmitted, on transfer of prisoner.

§ 78. If it shall appear to said board of commissioners of paroled prisoners, upon an application by a convict for release on parole as hereinbefore provided that there is reasonable probability that such applicant will live and remain at liberty without violating the law, then said board of commissioners may authorize the release of such applicant upon parole, and such applicant shall thereupon be allowed to go upon parole outside of said prison walls and inclosure upon such terms and conditions as said board shall prescribe, but to remain, while so on parole, in the legal custody and under the control of the agent and warden of the

Release upon parole, when authorized by board.

Convict, to remain in legal custody.

State prison from which he is so paroled, until the expiration of the maximum term specified in his sentence as hereinbefore provided, or until his absolute discharge as hereinafter provided.

§ 79. If the agent and warden of the prison from which such prisoner was paroled, or said board or any member thereof shall have reasonable cause to believe that the prisoner so on parole has violated his parole and has lapsed or is probably about to lapse into criminal ways or company, then such agent and warden or said board, or any member thereof, may issue his warrant for the retaking of such prisoner, at any time prior to the maximum period for which such prisoner might have been confined within the prison walls upon his sentence, which time shall be specified in such warrant.

Retaking of prisoner on violation of parole, &c.

Warrant for.

§ 80. Any officer of said prison or any officer authorized to serve criminal process within this State to whom such warrant shall be delivered is authorized and required to execute said warrant by taking said prisoner and returning him to said prison, within the time specified in said warrant therefor. Such officer other than an officer of the prison, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken, and as for transporting a convict from the place of arrest to the prison, in case such officer also transports said prisoner to the prison. Such fees of the officer other than a prison officer, and the expenses of a prison officer in executing such warrant shall be paid by the agent and warden of the prison out of the moneys standing to the credit of such paroled prisoner as hereinafter provided, if any or sufficient therefor, and otherwise out of the funds of the prison.

Fees of certain officers, to take and return paroled prisoners.

Fees, when allowed, how paid.

Powers of board, on issue of warrant for retaking of paroled prisoner.

§ 81. At the next meeting of the board of commissioners of paroled prisoners, held at such prison, after the issuing of a warrant for the retaking of any paroled prisoner, said board shall be notified thereof. If said prisoner shall have then been returned to said prison, he shall be given an opportunity to appear before said board, and the said board may after such opportunity has been given, or in case said prisoner has not yet been returned, declare said prisoner to be delinquent, and he shall whenever arrested by virtue of such warrant be thereafter imprisoned in said prison for a period equal to the unexpired maximum term of sentence of such prisoner, at the time such delinquency is declared, unless sooner released on parole or absolutely discharged by the board of commissioners of paroled prisoners.

Absolute discharge of paroled prisoner, when to be granted.

§ 82. If it shall appear to said board of commissioners that there is reasonable probability that any prisoner so on parole will live and remain at liberty without violating the law, and that his absolute discharge from imprisonment is not incompatible with the welfare of society, then said board of commissioners shall issue to said prisoner an absolute discharge from imprisonment upon such sentence, which shall be effective therefor.

Proviso as to power of governor.

§ 83. Nothing herein contained shall be construed to impair the power of the governor of the State to grant a pardon or commutation in any case.

Instruction of prisoners in trades, &c.

§ 84. It shall be the duty of the agent and warden of each of such prisons, so far as practicable and necessary, to appoint as keepers of such prison, persons qualified to instruct the prisoners in the trades and manufactures prosecuted in such prison or in other industrial occupations. Instruction shall also be given in the useful branches of an English education to such prisoners as in the judgment of the agent and warden

Instruction in useful branches of education.

or chaplain may require the same and be benefited thereby. The time devoted to such instruction shall not be less than an average of one hour and a half daily, Sunday excepted, between the hours of six and nine in the evening, in such room or rooms as may be provided for that purpose.

§ 85. Whenever there shall be a sufficient number of cells in the prison, it shall be the duty of the warden to keep each prisoner single in his cell at night, and also in the daytime when not employed, unless such prisoner be then released on parole.

Single cells for prisoners.

§ 86. The clothing and bedding of the prisoners shall be of coarse materials, and shall be manufactured as far as practicable in the prison. The prisoners shall be supplied with a sufficient quantity of inferior but wholesome food.

Clothing, bedding and food.

§ 87. The punishment commonly known as the shower bath, crucifix and yoke and buck are hereby abolished in all the State prisons and penitentiaries of this State. No keeper in any prison shall inflict any blows whatever upon any prisoner, unless in self-defense, or to suppress a revolt or insurrection. When several prisoners combine, or any single prisoner shall offer violence to any officer of a State prison, or to any other prisoner, or do or attempt to do any injury to the building or any workshop or to any appurtenances thereof or to any property therein, or shall attempt to escape, or shall resist or disobey any lawful command, the officers of the prison shall use all suitable means to defend themselves, to enforce observation of discipline; to secure the persons of the offenders, and to prevent any such attempt or escape.

Shower bath, buck, and certain other punishments abolished.

Enforcement of discipline and self-defense, by prison officers.

§ 88. If in the opinion of the agent and warden of such prison it shall be deemed necessary, in any case, to inflict unusual punishment in order to produce the entire submission or obedience of any prisoner, it shall

Infliction of punishment with short allowance.

be the duty of such agent and warden to confine such prisoner immediately in a cell, upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance of each prisoner so confined shall be prescribed by the physician, whose duty it shall be to visit such prisoner and examine daily into the state of his health until the prisoner be released from solitary confinement and returned to his labor.

Duty of physician as to same.

Escaped prisoners, duty of agent and warden as to.

May offer reward for return to prison.

§ 89. Whenever any prisoner confined in a State prison, and not released on parole, shall escape therefrom, it shall be the duty of the agent and warden of such prison to take all proper measures for the apprehension of the prisoner or prisoners so escaped; and in his discretion he may offer a reward not exceeding fifty dollars for the apprehension and delivery of every such escaped prisoner or prisoners; and, with the consent of the superintendent of State prisons, such reward may be increased to a sum not exceeding two hundred and fifty dollars each. The agent and warden of a State prison may pay a reward not exceeding fifty dollars for the apprehension and delivery of any such escaped prisoner, whether such reward shall have been previously offered or not. Any such prisoner, escaped from any State prison or penitentiary in this State, and afterwards arrested, shall serve out the full balance of his sentence remaining unexpired at the time of such escape, notwithstanding the time may have expired previous to his recovery, as if he had remained in prison except as provided by chapter twenty-one of the laws of eighteen hundred and eighty-six. All suitable rewards and other sums of money paid for so advertising and apprehending any such escaped prisoner shall be paid by the agent and warden out of the funds of the prison.

Prisoner to serve out full term of sentence on return.

Exceptions.

Expense of capture, &c., how paid.

§ 90. Whenever the agent and warden of a State prison shall have reason to believe that any prisoner in the prison was insane at the time he committed the offense for which he was sentenced, such warden shall communicate in writing to the governor his reason for such opinion, and shall refer the governor to all the sources of information with which he may be acquainted in relation to the insanity of such prisoner.

Insanity, agent and warden to report to governor, probable cases of.

§ 91. Whenever a prisoner shall die in any State prison, it shall be the duty of the superintendent of State prisons, and of the agent and warden, physician and chaplain of the prison, if they or either of them shall have reason to believe that the death of the prisoner arose from any other cause than ordinary sickness, to call upon the coroner having jurisdiction to hold an inquest upon the body of such deceased prisoner.

Coroner's inquests, when to be held upon deceased prisoners.

§ 92. In case any pestilence or contagious disease shall break out among the prisoners in either of the State prisons, or in the vicinity of such prisons, the superintendent of State prisons may cause the prisoners confined in such prison, or any of them, to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical assistance; such prisoners shall be returned as soon as may be to the State prison from which they were taken, to be confined therein according to their respective sentences.

Pestilence or contagion, removal of prisoners, authorized in.

§ 93. Whenever by reason of any State prison, or any building contiguous to such prison, being on fire, there shall be reason to apprehend that the prisoners may be injured or endangered by such fire, or may escape, it shall be the duty of the agent and warden of such prison to remove such prisoners to some safe and convenient place, and there confine them until the necessity of such removal shall have ceased.

Removal of prisoners endangered by burning buildings.

Communications with prisoners, how authorized.

§ 94. No person not authorized by law or by a written permission from the superintendent of State prisons, shall visit any State prison, or communicate with any prisoner therein without the consent of the agent and warden, nor without such consent, shall any person bring into or convey out of a State prison any letter or writing to or from any prisoner, nor shall any letter or writing be delivered to a prisoner, or if written by a prisoner, be sent from the prison, until the same shall have been examined and read by the agent and warden, or some other officer of the prison duly authorized by the agent and warden. Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor. (1)

Letters to or from prisoners, examination of.

Penalty for violation hereof.

ARTICLE THIRD.—OF THE LABOR OF PRISONERS. (2)

Grades of prisoners.

§ 95. The superintendent of State prisons shall direct the classification of prisoners into three classes or grades, as follows: In the first grade shall be included those appearing to be corrigible or less vicious than the others and likely to observe the laws and to maintain themselves by honest industry after their discharge; in the second grade shall be included those appearing to be incorrigible or more vicious, but so competent to work and so reasonably obedient to prison discipline as not seriously to interfere with the productiveness of their labor, or of the labor of those in company with whom they may be employed; in the third grade shall be included those appearing to be incorrigible or so insubordinate or so incompetent otherwise than from temporary ill health as to seriously interfere with the discipline or productiveness of the labor of the prison.

First grade.

Second grade.

Third grade.

(1) Repealed by Laws of 1886, chap. 622. See Penal Code, sec. 150.  
(2) See N. Y. State Constitution of 1894, article 3, section 29.

§ 96. The superintendent of State prisons may make rules and regulations for the promotion or reduction of the prisoners from one grade to another, and shall transfer from time to time the prisoners in the State prisons from one prison to another with reference to the respective capacities of the several State prisons, or with reference to the health or reformation of the prisoners, or with reference to including all prisoners of one grade as nearly as may be practicable in one prison, or may direct the separation from each other of the prisoners of different grades so far as practicable within each State prison.

Promotions or reductions in grades.

Transfers.

Separation of prisoners of different grades.

§ 97. The superintendent of State prisons shall not nor shall any other authority whatsoever make any contract by which the labor or time of any prisoner in the State prison shall be contracted, let or hired to contractors at a price per day or for other period of time.

Contracts for labor of prisoners prohibited.

§ 98. The superintendent of State prisons shall, so far as practicable, cause all the prisoners in said prisons, who are physically capable thereof to be employed at hard labor for not to exceed eight hours of each day, other than Sundays and public holidays; but such hard labor may be either for the purpose of production and profit or for the purpose of industrial training and instruction, or partly for one and partly for the other of such purposes as hereinafter provided.

Prisoners to be kept at hard labor.

Methods of such labor.

§ 99. The labor of the prisoners of the first grade in each of said prisons shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment as the primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely, even though no useful or salable products result from their labor, but only in case such industrial training

First grade, labor of prisoners of.

Industrial training.

Proviso.

or instruction can be more effectively given in such manner. Otherwise and so far as is consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount and value of useful or salable products.

§ 100. The labor of prisoners of the second grade in each of said prisons shall be directed primarily to the production of the greatest amount and value of useful and salable products, but secondarily to fitting such prisoners to maintain themselves by honest industry after their discharge from imprisonment, even though their labor be rendered thereby less productive.

§ 101. The labor of the prisoners of the third grade shall be directed solely to such exercise as shall tend to the preservation of health, or the manufacturing without the aid of machinery, of such articles as are needed in the public institutions of the State, or such other manual labor as the superintendent of State prisons shall direct, which shall not compete with free labor.

§ 102. The system of productive labor in each of said prisons shall be either the public account system, or what is known as the piece price system, or partly one or partly the other of such systems, as the superintendent of State prisons shall determine. By the public account system is meant the system by which the State furnishes machinery and material for the labor of the prisoners and markets the products of such labor thereon. By the piece price system is meant the system by which the State receives payment for the products of the labor of the prisoners upon materials and machinery furnished by the person making such payment or furnished partly by such person and partly by the State.

Second grade, labor of, how directed.

Third grade, labor of, how directed.

Public account or piece price system, to be employed.

" Public account system " defined.

" Piece price system " defined.

§ 103. Whenever the amount appropriated by the State therefor, shall be insufficient to conduct or continue such productive labor under the public account system, it shall be the duty of the superintendent of State prisons to use his best endeavors to cause such productive labor to be conducted under the piece price system. It shall also be the duty of the superintendent of State prisons and reformatories and agents and wardens thereof to obtain the full market rates for all products of the labor of prisoners of such prison whether manufactured under the piece price system or under the public account system. But none of the products of the labor of prisoners shall be sold for less than ten per centum in excess of the cost of the materials used in the manufacture of such products.

§ 104. It shall also be the duty of the superintendent of State prisons to determine what lines of productive labor shall be pursued in each prison, and in so determining said superintendent shall select diversified lines of industry with reference to interfering as little as possible with the same lines of industry carried on by the citizens of this State, and also with reference to employing the prisoners so far as practicable in occupations in which they will be most likely to obtain employment after their discharge from imprisonment. The superintendent of State prisons shall annually cause to be procured and transmit the same to the Legislature with his annual report, a statement showing in detail the amount and quantity of each of the various articles manufactured in the several penal institutions under his control within this State under the public account or piece price plan which have been or were intended to be sold other than through public institutions.

Piece price system, when to be employed.

Full market rates to be obtained for products.

Proviso.

Superintendent to determine lines of productive labor.

To report to Legislature, as to articles manufactured and sold.

Percentage of prisoners, to be employed in manufacturing any kind of goods.

§ 105. The total number of prisoners employed at one time in manufacturing one kind of goods which are manufactured elsewhere in the State shall not exceed five per centum of the number of all persons within the State employed in manufacturing the same kind of goods, as shown by the last United States census or State enumeration, except in industries in which not to exceed fifty free laborers are employed. Provided that not more than one hundred prisoners shall be employed in all the prisons of the State in the manufacture of stoves and iron hollow-ware, and that not more than one hundred prisoners shall be employed in all the prisons of the State, in the manufacture of boots and shoes, and provided further that no prisoner shall be employed upon any one of said specified industries, in any of the penitentiaries, reformatories or houses of correction in the State; except in making articles for the use of the public institutions of the State.

Stoves and hollow-ware.

Boots and shoes.

Proviso, as to penitentiaries, &c.

Manufacture of articles used in public institutions.

How furnished for such institutions.

Proviso.

Board constituted, to fix value of articles manufactured for public institutions.

§ 107. The comptroller, the superintendent of State prisons and the president of the State board of charities, shall constitute a board whose duties shall be to

fix and determine the value or prices at which all articles manufactured as provided in the last preceding section and furnished for use in the several public institutions of the State, shall be so furnished, which prices shall be uniform to all such institutions. The comptroller shall devise and furnish to all such institutions a proper form for such requisitions, and also a proper system of accounts to be kept for all such transactions. Nothing in this act contained shall be construed to prevent in any one of the said public institutions of the State the manufacture by its own inmates of articles or supplies as may be needed for its own use or for the use of its inmates.

Forms for requisitions therefor.

Right of public institutions to manufacture.

§ 108. Every prisoner confined in the State prisons who shall become entitled to a diminution of his term of sentence by good conduct while in prison or confined in the New York State Reformatory at Elmira, may, in the discretion of the agent and warden, or of the superintendent of said reformatory receive compensation from the earnings of the prison or reformatory in which he is confined, such compensation to be graded by the agent and warden of the prison for the prisoners therein and the superintendent of the reformatory for the prisoners therein, for the time which such prisoner may work, but in no case shall the compensation allowed to such convicts exceed in amount ten per centum of the earnings of the prison or reformatory in which they are confined. The difference in the rate of compensation shall be based both on the pecuniary value of the work performed, and also on the willingness, industry and good conduct of such prisoner; provided that whenever any prisoner shall forfeit his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section fifty cents for each day of good time so forfeited, and pro-

Compensation from earnings, to prisoners receiving diminution of sentence for good conduct.

Limitation.

Compensation, how arrived at.

Forfeiture for misconduct.

Provision, as to prisoners under life sentences.

System of fines for misconduct authorized.

Fines received, how credited and disbursed.

Surplus to credit of prisoner, how drawn and disbursed during his imprisonment.

Not to be disbursed for indulgence in food or clothing.

Balance to credit of prisoner, how paid on conditional release or full discharge.

vided that prisoners serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other prisoners to a diminution of sentence subject to forfeiture of good time for misconduct as herein provided. The agent and warden of each prison or the superintendent of said reformatory may institute and maintain a uniform system of fines to be imposed at his discretion in place of his other penalties and punishments, to be deducted from such compensation standing to the credit of any prisoner for misconduct by such prisoner.

§ 109. All moneys received for fines under this act shall be credited to a general fund, and be disbursed by direction of the superintendent of prisons for special aid to discharged prisoners who are infirm, indigent, or in any way incapable, to an unusual degree, of earning a sufficient subsistence after their release.

§ 110. The amount of such surplus standing on the books of the prison, to the credit of any prisoner may be drawn by the prisoner during his imprisonment, only upon the certified approval of the superintendent of State prisons for disbursement by the agent and warden of said prison or superintendent of said reformatory to aid dependent relatives of such prisoner, or for books, instruments and instruction not supplied by the prison to the men of his grade, or may with the approval of the said superintendent of State prisons be so disbursed without the consent of such prisoner, but no portion thereof shall be disbursed for indulgences of food, clothing, or ornament beyond the common condition of the others in his class in the prison at the time. And any balance to the credit of any prisoner at the time of his conditional release as provided by this act, shall be subject to the draft of the prisoner in such sums and at such times as the superintendent of State prisons shall approve; but, at the date of the absolute

discharge of any prisoner the whole amount of credit balance as aforesaid shall be subject to his draft at his pleasure. Provided, that any prisoner violating his conditional release, when the violation is formally declared by the board of commissioners of parole prisoners, or by the board of managers of said reformatory shall thereby forfeit any credit balance; and the amount thereof shall be transferred to the fund in aid of discharged prisoners, as herein provided for fines imposed, except such portion thereof as may be applied to pay the expense of his recapture as hereinbefore provided.

§ 111. The agent and warden of each of the State prisons, shall, on the first of each month, make a full detailed statement of all materials, machinery or other property procured, and of the cost thereof, and of the expenditures made during the last preceding month for manufacturing purposes, together with a statement of all materials then on hand to be manufactured, or in process of manufacture, or manufactured, and of machinery, fixtures or other appurtenances for the purpose of carrying on the labor of the prisoners, and the amount and kinds of work done, and the earnings realized, and the total amount of moneys coming into his hands as such agent and warden during such last preceding month as the proceeds of the labor of the prisoners at such prison, which statement shall be verified by the oath of such agent and warden to be just and true, and shall be by him forwarded to the superintendent of State prisons.

§ 112. Such agent and warden shall also on the first day of each month make an estimate and detailed statement of all materials, machinery, fixtures, tools, or other appurtenances or accommodations, and of the cost thereof, which will in his judgment be necessary for carrying on the labor of the prisoners at such prison

Forfeiture for violation of parole.

How transferred as a fine.

Agent and warden, to make monthly statement as to manufactures, &c.

Monthly estimate of anticipated cost of carrying on labor of prisoners.

both for the purposes of production and of industrial training and education for the next ensuing month, or which in his judgment should be contracted for during such month, which estimate shall be forwarded to the superintendent of State prisons, who may revise the same by reducing the amount thereof, and he shall certify that he has carefully examined the same, and that the articles contained in said estimate, or in said estimate as so revised by him are actually required for the use of the prison, and he shall thereupon deliver the said estimate so certified to the comptroller.

Superintendent to review and certify same to comptroller.

Machinery and materials for manufacture, procurement of.

§ 113. The agents and wardens of the State prisons with the approval of the superintendent of State prisons and the manager or other authorities by whatever name known having charge of the penal institutions of the State are authorized within the appropriations which may be placed at their disposal by the State or by the county supporting such institutions to procure and maintain all necessary machinery, tools, apparatus or accommodations needful for the purpose of carrying on and conducting such trades and industries as may be authorized under the provisions of this act. They shall purchase material in manner following. All purchases and contracts for the material to be used in the manufacture of goods in the State prisons and other penal institutions of the State shall be made by advertising for sealed proposals (except when in the judgment of the superintendent of State prisons it is for the best interest of the State to purchase the same in the open market.) Whenever proposals for furnishing materials have been solicited the parties responding to said solicitations shall be duly notified of the time and place of opening the bids and may be present either in person or by attorney and a record of each bid shall then and there be made. They shall advertise for said proposals or bids daily for at least two

Proposals for supplying materials, when to be advertised for.

Cases of bids received.

Proposals when and how advertised for.

weeks in one newspaper published in the city of Albany and two newspapers published in the city of New York specifying the classes and quantity of material required and furnish bidders on demand with printed schedules giving a full description of all of the materials required with date and place of delivery and all other necessary information. The person offering to furnish said materials upon terms most advantageous to the State, and who will give satisfactory security for the performance thereof (in case immediate delivery is not required) shall receive the contract to furnish said material unless the superintendent of State prisons shall deem it to the best interest of the State to decline all proposals and advertise anew.

Contracts, how awarded.

§ 114. The agent and warden of each prison shall make purchases of the articles included in the estimate so certified to the comptroller as directed in section one hundred and thirteen, and it shall be not lawful for such agent and warden to make any purchases and contracts on behalf of the State for the industrial purposes of such prison, unless such purchases and contracts shall have been included in such estimate so certified to the superintendent of State prisons and filed with the comptroller. (1)

Agent and warden, duty of, in making purchases for industrial purposes.

§ 115. The comptroller shall designate a bank or banks convenient to each of said prisons for receiving deposits from the agent and warden of such prison of all moneys coming to his hands as proceeds of the labor of the prisoners and of the sales of articles manufactured by them therein. Before any such deposit shall be made by such agent and warden or received by any such bank such bank shall execute and file with the comptroller a bond in such penal sum, with such sureties and upon such conditions as shall be approved

Comptroller to designate banks of deposit for agents and wardens.

Bank to furnish bond.

(1) Amended by Laws of 1896, chap. 429.

Weekly deposits by agent and warden.

by the comptroller. The agent and warden of each of said prisons shall deposit, at least once in each week, in the bank or banks so designated by the comptroller, all the moneys received by him as proceeds of the labor of the prisoners, to his credit as such agent and warden, and shall send to the comptroller, and also to the superintendent of State prisons, weekly, a statement showing the amounts so received and deposited, and when, from whom and for what received, and the days on which such deposits were made, which statement shall be certified by the proper officer of each bank receiving such deposits, and shall also be verified by the oath of such agent and warden, to the effect that the sum so deposited includes all the money received by him as the proceeds of the labor of the prisoners in said prison and of the sales of the articles manufactured by them during such week and up to the time of the last deposit appearing on such statement. The moneys so deposited by such agent and warden shall be subject to his check or draft only when countersigned by the comptroller. The comptroller shall countersign such check or draft only when the same is drawn for the payment of an expenditure included in an estimate approved by the superintendent of State prisons. In case the balance of such deposits in any such bank shall at any time, in the judgment of the comptroller, be in excess of the amount which will be needed to meet the expenses of such prison, the comptroller shall notify the treasurer of the State and also the said bank of the amount of such excess, which amount shall be added by such treasurer to the prison fund in the treasury of the State, and shall be thereafter payable by said bank upon the draft of the said treasurer only. It shall be the duty of the comptroller at the commencement of each annual session of the Legislature, to report the financial condition of each of the prisons

Statements as to sums, how certified, verified and forwarded.

Moneys so deposited, how drawn by agent and warden, when countersigned by comptroller.

Balance of deposits, when to be added to prison fund, by State treasurer.

Comptroller, to report to Legislature as to financial condition of prisons, &c.

under the control of the superintendent of prisons. Such report shall state the amount and value of unmanufactured material on hand, the amount and value of manufactured goods unsold, the amount and value of goods sold but not paid for, and the amount of money remaining on deposit in each bank in which funds are deposited as provided by this section, such losses as may occur from time to time, and also such other information as he shall deem proper relating to the manufacturing industries of the prisons. (1)

§ 2. The following acts and parts of acts are hereby Repeal.  
repealed, namely: Chapter two hundred and ninety-four of the laws of one thousand eight hundred and forty-eight, chapters one hundred and thirty-two and one hundred and thirty-three of the laws of one thousand eight hundred and forty-nine, chapters fifty-eight and two hundred and forty of the laws of one thousand eight hundred and fifty-four, chapters three hundred and thirty-four, four hundred and fifty-six and five hundred and fifty-two of the laws of one thousand eight hundred and fifty-five, chapter ninety-four of the laws of one thousand eight hundred and fifty-seven, chapters two hundred and eighty-three and three hundred and ninety-nine of the laws of one thousand eight hundred and sixty, chapter four hundred and three of the laws of one thousand eight hundred and sixty-two, chapter four hundred and sixty-five of the laws of one thousand eight hundred and sixty-three, chapter forty-three of the laws of one thousand eight hundred and sixty-five, chapters three hundred and thirty and four hundred and fifty-eight of the laws of one thousand eight hundred and sixty-six, chapter eight hundred and sixty-nine of the laws of one thousand eight hundred and sixty-nine, chapter four hundred and fifty-one

(1) Section 116 added by Laws of 1890, chap. 395, and amended by Laws of 1892, chap. 130; Laws of 1896, chap. 403.  
Section 117 added by Laws of 1890, chap. 559.

of the laws of one thousand eight hundred and seventy-four, chapter three hundred and thirty-nine of the laws of one thousand eight hundred and seventy-six, chapters twenty-four, one hundred and seven, two hundred and fifty-three and three hundred and twelve of the laws of one thousand eight hundred and seventy-seven, chapter three hundred and seventy-three of the laws of one thousand eight hundred and seventy-nine, chapter eighty-three of the laws of one thousand eight hundred and eighty-three, chapter two hundred and eleven of the laws of one thousand eight hundred and eighty-four, chapter four hundred and eighty-five of the laws of one thousand eight hundred and eighty-six, and chapters four hundred and forty and five hundred and eighty-six of the laws of one thousand eight hundred and eighty-eight. But the repeal of any of the acts or parts of acts aforesaid shall not affect the validity of any act heretofore done under, or in pursuance thereof, nor shall the repeal of any of such acts which repeal previous acts be held to restore such previous acts.

§ 3. The managers of the New York State Reformatory at Elmira and the managing authorities of any of the penitentiaries or other penal institutions of this State are hereby authorized to conduct the labor of the prisoners therein respectively under the public account system, or piece price system, in like manner and subject to like restrictions as labor is authorized by title two of chapter three of part four of the Revised Statutes, as hereby amended, to be conducted in the State prisons. It shall not be lawful for the superintendent of State prisons or the agents and wardens or managers of any of the penal institutions of the State, to hereafter receive or permit to be received therein any prisoner convicted in the United States court held without the State of New York or in any State court other than that of the State of New York.

Effect of repeal of such acts.

Labor of prisoners in State reformatory, penitentiaries or other penal institutions, how conducted.

Prisoners, as to receiving United States prisoners, &c., convicted outside of this State.

§ 4. The sum of five hundred thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purchase of materials and machinery for manufacturing purposes in the State prisons of the State, and for all purposes connected with the industries to be carried on therein under the provisions of title two of chapter three of part four of the Revised Statutes as hereby amended.

Appropriation, for machinery and materials, for manufacturing.

§ 5. This act shall take effect immediately.

#### CHAPTER 730.

AN ACT to amend title two of chapter three of part four of the Revised Statutes, relating to State prisons, and for other purposes connected therewith.

BECAME a law May 23, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section thirty-four of title two of chapter three of part four of the Revised Statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Act amended.

§ 34. The superintendent of State prisons shall prescribe the compensation of the other officers of said prisons, but the compensation so fixed and prescribed for the following officers in each of such prisons shall not in any case exceed the rate of an annual salary, as follows: To the principal keeper, two thousand dollars; to the kitchen-keeper, store-keeper, hallkeeper and yardkeeper, each twelve hundred dollars; to the several keepers, nine hundred dollars each; to the sergeant of the guard, nine hundred dollars; to the several guards, seven hundred and eighty dollars each;

Compensation of officers.

to the several teachers, three hundred dollars each. There shall be at Sing Sing prison a keeper, who shall be known as the State detective, whose compensation shall be fixed by the superintendent of State prisons, but not to exceed the rate of an annual salary of eight-hundred dollars. The warden of Sing Sing prison is hereby authorized and empowered, with the advice and consent of the superintendent of State prisons, to appoint the State detective.

§ 2. This act shall take effect immediately.

#### CHAPTER 440.

AN ACT to amend chapter four hundred and sixty of the laws of eighteen hundred and forty-seven, entitled "An act for the better regulation of the county and State prisons of the State, and consolidating and amending the existing laws relating thereto."

APPROVED by the Governor May 29, 1888. Passed, three-fifths being present.

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

SECTION 1. Section forty-three of chapter four hundred and sixty of the laws of eighteen hundred and forty-seven, entitled "An act for the better regulation of the county and State prisons of the State and consolidating and amending the existing laws in relation thereto," is hereby amended so as to read as follows:

§ 43. Each agent and warden of a State prison and each other officer or person when required to perform the duties of an agent and warden, before entering on the duties of his office shall execute a bond to the people of this State with sufficient sureties to be approved by the superintendent of State prisons and the comptroller in the penal sum of not less than fifty thousand dollars to be fixed by the comptroller, conditioned for

State detective.  
•

Agent of each State prison to execute official bond.

How approved, and penalty thereof.

the honest and faithful performance of his duties, and accounting for all moneys received by him as such agent and warden according to law, which bond, when executed and approved, shall be filed in the office of the comptroller of this State. And said comptroller may, at any time, require any such agent and warden to execute a new bond as such in an increased amount or with new sureties, in the same form and with the same said conditions, to be approved and filed as aforesaid.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 465.

AN ACT to amend section sixty-five of title two, chapter three, part four, of the Revised Statutes relating to State prisons with respect to assistant clerk to take affidavits.

BECAME a law May 3, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. Section sixty-five of title two of chapter three of part four of the Revised Statutes, is hereby amended so as to read as follows:

§ 65. The superintendent of State prisons and his clerk may administer oaths and take affidavits in all matters relating to the affairs of the State prisons under his charge. The agent and warden, clerk, assistant clerk and principal keeper of each prison are authorized and required to take affidavits in all matters of accounts against their respective prisons, and also in relation to fees of sheriffs in bringing convicts to either of said prisons.

§ 2. This act shall take effect immediately.

(1) Repealed by Laws of 1899, chap. 882, § 2.  
• So in the original.

Comptroller may require new and increased bond.

Revised Statutes amended.

Affidavits, administering of, as to prison business.

## CHAPTER 208.

AN ACT to amend title two of chapter three of part four of the Revised Statutes relating to State prisons.

BECAME A LAW March 31, 1894, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section sixty-seven of title two of chapter three of part four of the Revised Statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby amended to read as follows:

§ 67. All uncultivated lands belonging to the State of New York, or which may hereafter become the property of said State, and which shall be situated within ten miles of the Clinton prison, shall be withdrawn from sale, and shall be retained by the State for the use of said prison.

§ 2. This act shall take effect immediately.

## CHAPTER 473.

AN ACT to amend chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend title two of chapter three of part four of the Revised Statutes, relating to State prisons, and for other purposes connected therewith."

BECAME A LAW April 27, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section one hundred and seven of chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to

Revised  
Statutes  
amended.

Lands re-  
tained for  
use of Clin-  
ton prison.

Act amend-  
ed.

amend title two of chapter three of part four of the Revised Statutes, relating to State prisons, and for other purposes connected therewith," is hereby amended so as to read as follows:

§ 107. The comptroller, the superintendent of State prisons and the State commission in lunacy, but said commission shall be entitled to only one vote, shall constitute a board whose duty it shall be to fix and determine the value or prices at which all articles manufactured, as provided in the last preceding section, and furnished for use in the several public institutions of the State shall be so furnished, which prices shall be uniform to all such institutions. The comptroller shall devise and furnish to all such institutions a proper form for such requisitions, and also a proper system of accounts to be kept for all such transactions. Nothing in this act contained shall be construed to prevent in any one of the said public institutions of the State the manufacture by its own inmates of articles or supplies as may be needed for its own use or for the use if its inmates.

§ 2. This act shall take effect immediately. (1)

## CHAPTER 395.

AN ACT to amend title two of chapter three of part four of the Revised Statutes, relating to State prisons.

APPROVED BY THE GOVERNOR May 21, 1890. Passed, three-fifths being present.

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

SECTION 1. Title two of chapter three of part four of the Revised Statutes, as amended by chapter three hun-

(1) Amended by Laws of 1896, chap. 448.

Board to fix  
values of  
articles man-  
ufactured for  
public insti-  
tutions.

Forms for  
requisition,  
&c.

Rights of  
public insti-  
tutions to man-  
ufacture.

dred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby amended by adding a new section thereto, to be known as section one hundred and sixteen, to read as follows:

Employment of prisoners in hat making and type-setting restricted.

§ 116. No prisoner in any of the State prisons, penitentiaries or reformatories of this State shall be employed in making or finishing fur or wool hats, or in setting type or printing, except in setting type for or printing printed matter for use in the prison, penitentiary or reformatory in which the same is printed, and no products of any labor in the trade of printing or type-setting of any prisoner in any such prison, reformatory or penitentiary shall be put upon the market for sale or sold; but nothing in this act shall prevent the printing within a prison, penitentiary or reformatory of the official reports of the prison, penitentiary or reformatory, in which the same are printed respectively, or the making or finishing of fur or wool hats for use in such prison, penitentiary or reformatory, or for use in any of the public institutions of the State.

Proviso.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 130.

AN ACT to amend section one hundred and sixteen of title two, chapter three of part four of the Revised Statutes, relating to State prisons.

APPROVED by the Governor March 15, 1892. Passed, three-fifths being present.

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

SECTION 1. Section one hundred and sixteen of title two, chapter three of part four of the Revised Statutes, relating to State prisons, is hereby amended so as to read as follows:

(1) Amended by Laws of 1892, chap. 130; Laws of 1896, chap. 409.

§ 116. No prisoner in any of the State prisons, penitentiaries or reformatories in this State shall be employed in making or finishing fur or wool hats, or in making or laundering shirts, collars or cuffs, or in setting type or printing, except in setting type for or printing printed matter for use in the prison, penitentiary or reformatory in which the same is printed, and no products of any labor in the trade of printing or type-setting of any prisoner in any such prison, reformatory or penitentiary shall be put upon the market for sale or sold; but nothing in this act shall prevent the printing within a prison, penitentiary or reformatory of the official reports of the prison, penitentiary or reformatory, in which the same are printed, respectively, or the making or finishing of fur or wool hats, or the making or laundering of shirts, collars or cuffs for use in such prison, penitentiary or reformatory, or for use in any of the public institutions of the State.

Employment of prisoners at certain trades, etc., restricted.

§ 2. This act shall take effect July first eighteen hundred and ninety-two. (1)

#### CHAPTER 429.

AN ACT to amend title two of chapter three of part four of the revised statutes relating to state prisons, and for other purposes connected therewith, as amended and superseded by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, to conform the same to the provisions of the revised constitution.

BECAME A LAW May 4, 1896, with the approval of the Governor.

Passed, three-fifths being present.

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

SECTION 1. Sections ninety-seven to one hundred and nine inclusive, and sections one hundred and twelve

to be taken in operative force of act, and to be revised.

(1) Amended by Laws of 1896, chap. 419.

and one hundred and fourteen of title two of chapter three of part four of the revised statutes relating to state prisons, and for other purposes connected therewith, as amended and superseded by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, are hereby amended so that said sections shall read as follows:

§ 97. The superintendent of state prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any state prison, reformatory, penitentiary or jail in this state, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation; except that the convicts in said penal institutions may work for, and the products of their labor may be disposed of, to the state or any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof.

§ 98. The superintendent of state prisons, the superintendents, managers and officials of all reformatories and penitentiaries in the state, shall, so far as practicable, cause all the prisoners in said institutions, who are physically capable thereof, to be employed at hard labor, for not to exceed eight hours of each day, other than Sundays and public holidays, but such hard labor shall be either for the purpose of production of supplies for said institutions, or for the state, or any political division thereof, or for any public institution owned or managed and controlled by the state, or any political division thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes.

§ 99. The labor of the prisoners of the first grade in each of said prisons, reformatories and penitentiaries, shall be directed with reference to fitting the pris-

Contract for labor of prisoners, etc., prohibited.

Prisoners to be employed at hard labor.

Labor of prisoners of first grade, how directed.

oner to maintain himself by honest industry after his discharge from imprisonment, as the primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely, even though no useful or salable products result from their labor, but only in case of such industrial training or instruction can be more effectively given in such manner. Otherwise, and so far as is consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions, and in the buildings and offices of the state, or those of any political division thereof, or in any public institution owned or managed and controlled by the state or any political division thereof, or said labor may be for the state, or any political division thereof.

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

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

§ 102. All convicts sentenced to state prisons, reformatories and penitentiaries in the state, shall be employed for the state, or a political division thereof, or

Previous.

Labor of prisoners of second grade, how directed.

Labor of prisoners of third grade, how directed.

Employment of convicts for State, etc.

in productive industries for the benefit of the state, or the political divisions thereof, or for the use of public institutions owned or managed and controlled by the state, or the political divisions thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the state commission of prisons.

§ 103. The labor of the convicts in the state prisons and reformatories in the state, after the necessary labor for and manufacture of all needed supplies, for said institutions, shall be primarily devoted to the state and the public buildings and institutions thereof, and the manufacture of supplies for the state, and public institutions thereof, and secondly to the political divisions of the state, and public institutions thereof; and the labor of the convicts in the penitentiaries, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said penitentiaries are located, and the towns, cities and villages therein, and to the manufacture of supplies for the public institutions of the counties, or the political divisions thereof, and secondly to the state and the public institutions thereof.

§ 104. It shall be the duty of the superintendent of state prisons to distribute, among the penal institutions under his jurisdiction, the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the prisons, and of the other institutions to be supplied, the machinery now therein, and the number of prisoners, in order to secure the best service and distribution of the labor, and to employ the prisoners, so far as practicable, in occupations in which they will be most likely to obtain employment after their discharge from imprisonment; to change or dispose of the present plants and machinery

Labor of convicts after labor for institutions.

Distribution of labor and industries among institutions.

Change or disposal of plants and machinery.

in said institutions now used in industries which shall be discontinued, and which can not be used in the industries hereafter to be carried on in said prisons, due effort to be made by full notice to probable purchasers, in case of sales of industries or machinery, to obtain the best price possible for the property sold, and good will of the business to be discontinued. The superintendent of state prisons shall annually cause to be procured and transmitted to the legislature, with its annual report a statement showing in detail, the amount and quantity of each of the various articles manufactured in the several penal institutions under his control and the labor performed by convicts therein, and of the disposition thereof.

§ 105. The superintendent of state prisons, and the superintendents of reformatories and penitentiaries, respectively, are authorized and directed to cause to be manufactured by the convicts in the prisons, reformatories and penitentiaries, such articles as are needed and used therein, and also such as are required by the state or political divisions thereof, and in the buildings, offices and public institutions owned or managed and controlled by the state, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the state prisons, reformatories and penitentiaries, and not required for use therein, may be furnished to the state, or to any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisitions of the proper officials, trustees or managers thereof. No articles so manufactured shall be purchased from any other source, for the state or public institutions of the state, or the political divisions thereof, unless said state commission of prisons shall

Annual report of manufactures to Legislature.

Superintendent to cause articles to be manufactured.

Disposition of articles not required for use.

Purchase from other sources prohibited.

certify that the same can not be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

§ 106. On or before October first in each year, the proper officials of the state, and the political divisions thereof, and of the institutions of the state, or political divisions thereof, shall report to the said commission of prisons estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal institutions of the state. The said commission is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries in said penal institutions.

§ 107. The comptroller, the state commission of prisons and the superintendent of state prisons and the lunacy commission shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the state, or the political divisions thereof, or to the public institutions thereof, shall be furnished, which prices shall be uniform to all, except that the prices for goods or labor furnished by the penitentiaries, to or for the county in which they are located, or the political divisions thereof, shall be fixed by the board of supervisors of such counties, except New York and Kings counties, in which the prices shall be fixed by the commissioners of charities and correction, respectively. The prices shall be as near the usual market price for such labor and supplies as possible. The state commission of prisons shall devise and furnish to all such institutions a proper form for such requisition and the comptroller shall devise and furnish a proper system of accounts to be kept for all such transactions.

Annual reports of estimates to commission.

Regulations therefor, etc.

Prices for labor and supplies, how fixed.

Forms for requisition and accounts.

§ 108. Every prisoner confined in the state prisons, reformatories and penitentiaries, who shall become entitled to a diminution of his term of sentence by good conduct, may, in the discretion of the agent and warden, or of the superintendent of the reformatory, or superintendent of the penitentiary, receive compensation on the earnings of the prison or reformatory or penitentiary in which he is confined, such compensation to be graded by the agent and warden of the prison for the prisoners therein, and the superintendent of the reformatory and penitentiary, for the prisoners therein, for the time such prisoner may work, but in no case shall the compensation allowed to such convicts exceed in amount ten per centum of the earnings of the prison or reformatory or penitentiary in which they are confined. The difference in the rate of compensation shall be based both on the pecuniary value of the work performed, and also on the willingness, industry and good conduct of such prisoner; provided, that whenever any prisoner shall forfeit his good time for misconduct or violation of the rules or regulations of the prison, reformatory or penitentiary, he shall forfeit out of the compensation allowed under this section fifty cents for each day of good time so forfeited, and provided, that prisoners serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other prisoners to a diminution of sentence, subject to forfeiture of good time for misconduct as herein provided. The agent and warden of each prison, or the superintendent of the reformatory or superintendent of the penitentiary may institute and maintain a uniform system of fines, to be imposed at his discretion, in place of his other penalties and punishments, to be deducted from such compensation standing to the credit of any prisoner, for misconduct by such prisoner.

Compensation for prisoners.

Forfeiture for good time forfeited.

Fines and deductions for misconduct.

Application  
of moneys  
received,  
from fines.

§ 109. All moneys received for fines under this act, from prisons and reformatories, shall be credited to a general fund, and be disbursed by direction of the superintendent of prisons, for special aid to discharge prisoners who are infirm, indigent, or in any way incapable to an unusual degree, of earning a sufficient subsistence after their release, and all moneys received for fines imposed under this act by the superintendents of penitentiaries, shall be credited to a general fund and be disbursed by direction of the board of supervisors of the counties in which they are located, except that in the counties of New York and Kings they shall be disbursed by direction of the commissioners of charities and corrections.

Monthly  
estimates of  
materials,  
etc., to carry  
on labor.

§ 112. Such agent and warden shall also on the first day of each month, make an estimate and detailed statement of all materials, machinery, fixtures, tools or other appurtenances or accommodations, and of the cost thereof, which will, in his judgment, be necessary for carrying on the labor of the prisoners at such prison, both for the purposes of production, and of industrial training and education, for the next ensuing month, or which, in his judgment, should be contracted for during such month, which estimate shall be forwarded to the superintendent of state prisons, who may revise the same by reducing the amount thereof, and he shall certify that he has carefully examined the same, and that the articles contained in said estimate or in said estimates are so revised by him, are actually required for the use of the prison, and he shall thereupon deliver the said estimate so certified to the comptroller.

Purchase of  
articles by  
agent and  
warden.

§ 114. The agent and warden of each prison shall make purchases of the articles included in the estimate so certified to the comptroller, as directed in section one hundred and thirteen, and it shall not be lawful for such agent and warden to make any purchases and contracts

on behalf of the state for the industrial purposes of such prison, unless such purchases and contracts shall have been included in such estimate filed with the comptroller.

§ 2. Section one hundred and sixteen of title two of chapter three of part four of the revised statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, added thereto by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety, relating to state prisons, is hereby amended so as to read as follows:

§ 116. It shall not be lawful for the superintendent of state prisons, or the agents and wardens, or managers or superintendents of any of the penal institutions in this state, to hereafter receive or permit to be received therein, any prisoner convicted in the United States courts, held without the state of New York, or in any state other than that of the state of New York. It shall be lawful for the agents and wardens of the state prisons, and the managers of the reformatories of the state to receive prisoners convicted and sentenced in the United States courts in this state, for one year or more, upon proper contracts made for their care and custody, to be approved by the superintendent of state prisons; but no prisoners sentenced in the United States courts, in this state, for one year or more, shall be received in any penal institution in this state, except in the state prisons and reformatories as aforesaid.

United  
States  
prisoners,  
receiving  
of, etc.

§ 3. Section three of chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend title two of chapter three of part four of the revised statutes relating to state prisons, and for other purposes connected therewith," is hereby amended so as to read as follows:

Conduct of  
labor in  
State re-  
formatory  
and penitentiaries.

§ 3. The managers of the New York state reformatory at Elmira, and the managing authorities of all the penitentiaries or other penal institutions in this state, are hereby authorized and directed to conduct the labor of prisoners therein, respectively, in like manner and under like restrictions, as labor is authorized by sections ninety-seven and ninety-eight of this act, as hereby amended, to be conducted in state prisons.

Repeal.

§ 4. All laws and parts of laws inconsistent with any of the provisions of this act are hereby repealed.

§ 5. This act shall take effect on the first day of January, eighteen hundred and ninety-seven.

#### CHAPTER 559.

AN ACT to amend chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend title two of chapter three of part four of the Revised Statutes, relating to State prisons and other purposes connected therewith," by adding an additional section thereto to be known as section one hundred and seventeen.

APPROVED by the Governor June 7, 1890. Passed, three-fifths being present.

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

SECTION 1. Chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend title two of chapter three of part four of the Revised Statutes relating to States\* prisons, and for other purposes connected therewith," is hereby amended by adding thereto an additional section, which shall be known as section one hundred and seventeen, and which section shall form a part of the statute hereby amended.

\* So in the original.

§ 117. Any contract made by the superintendent, agent or warden of any prison, or by any officer or any other authority whatsoever, of any prison, reformatory, penitentiary or other penal institution of this State; in violation of, or contrary to, the provisions of the act hereby amended, or contrary to, or in violation of, chapter twenty-one of the laws of eighteen hundred and eighty-four, shall be null and void. It shall be the duty of any such officer or authorities to furnish to the attorney-general, upon demand therefor, a true copy, if in writing, and if not, in substance, of any contract made by such officer or authorities, relating in any way to the system of labor adopted, or to the employment, of prisoners in any of said prisons, reformatories, penitentiaries or other penal institutions. Whenever the attorney-general shall be satisfied that any contract made as aforesaid is contrary to or in violation of this act hereby amended, or of said chapter twenty-one of the laws of eighteen hundred and eighty-four, or that any of the officers or authorities aforesaid have entered into or are engaged in any contract or arrangement for the labor of prisoners, or relating to the system adopted or continued in said institutions, and which contract or arrangement is contrary to or in violation of law as aforesaid, if he shall be of the opinion that the facts require such action, he is hereby authorized to bring an action in the supreme court in the name of the people of the State of New York, in any county which he may select, for the purpose of testing the validity of any contract or arrangement made by any of the officers herein named, relating in any way to the system of labor adopted, or the employment of prisoners in any of said prisons, reformatories, penitentiaries or other penal institutions, or to determine the validity of any act or thing done

Contracts,  
certain, null  
and void.

Copies to be  
furnished  
attorney-  
general  
upon de-  
mand.

Attorney-  
general may  
bring ac-  
tions to test  
validity of  
contracts  
and acts.

by any officer herein mentioned, which act or thing shall be alleged to have been in violation of the act hereby amended, or of chapter twenty-one of the laws of eighteen hundred and eighty-four. Any party to such contract, agreement or arrangement as aforesaid, or interested in the determination of such action, shall be made defendant, and pending the trial or hearing of the facts alleged, or of any issue made as aforesaid, the court shall, upon notice of the attorney-general, and upon a petition duly verified showing the making of any contract or arrangement in violation of the provisions of the act hereby amended, or of said chapter twenty-one of the laws of eighteen hundred and eighty-four, or the doing of any act or thing by any of the parties defendant, in violation of either of said acts, grant an injunction order, restraining the parties named in said order from the further prosecution of the business complained of, or from the further performance of the contract or arrangement claimed to have been entered into as aforesaid, and to restrain and enjoin such officer or officers from the further continuance of any act alleged to be in violation of the act hereby amended, or of the said chapter twenty-one of the laws of eighteen hundred and eighty-four. And any disobedience of such injunction order shall be punishable as provided by chapter one, title one, article two of the Code of Civil Procedure. And upon any trial had, judgment shall follow the findings of fact made by the court or jury, as in other cases, and with costs, in the discretion of the court.

§ 2. This act shall take effect immediately.

Parties defendant.

Injunction order, granting of pending trial.

Penalty for disobedience.

Judgments.

## CHAPTER 416.

AN ACT to amend title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter."

PASSED May 26, 1880; three-fifths being present.

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

SECTION 1. Section one hundred and ninety-seven of title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter," is hereby amended so as to read as follows:

§ 197. Whenever any convict confined in any county or State prison shall be considered an important witness in behalf of the people in this State upon any criminal prosecution against any other convict, or against any person indicted for a felony, by the district-attorney prosecuting the same, it shall be the duty of any justice of the supreme court, in his discretion, upon the affidavit of such district-attorney, to grant a *habeas corpus* for the purpose of bringing such person before the proper court to testify on such prosecution.

§ 2. Section one hundred and ninety-eight of said title is hereby amended so as to read as follows:

§ 198. Such convict may be examined on such trial and shall be considered a competent witness against any fellow-prisoner (or person indicted for a felony) for any offense actually committed whilst in prison, and whilst the witness so offered shall have been confined in the prison in which such offense shall have been committed, and for any offense committed prior to the confinement of such witness.

§ 3. This act shall take effect immediately. (1)

Sec. 197 of title 3, chap. 3, part 4 of the Revised Statutes.

When writ of habeas corpus to bring up prisoner to testify, to be granted.

Sec. 198, amended.

Convict a competent witness against fellow-prisoner.

(1) Amended by Laws of 1885, chap. 367, sec. 1.

## CHAPTER 267.

AN ACT to correct certain errors in the statutes of eighteen hundred and eighty and eighteen hundred and eighty-one.

PASSED May 12, 1885; three-fifths being present.

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

SECTION 1. Chapter four hundred and sixteen of the laws of eighteen hundred and eighty is hereby amended by striking out the words "one hundred and ninety-seven" and the figures "197," wherever they occur, and inserting in their place the words "one hundred and fifty" and the figures "150." Also, by striking out the words "one hundred and ninety-eight" and the figures "198," wherever they occur, and inserting in their place the words "one hundred and fifty-one" and the figures "151."

Laws amend-  
ed.  
Chapter 416,  
Laws of 1880.

## CHAPTER 1026.

AN ACT to provide for the appointment of a State commission of prisons, and defining its duties and powers.

BECAME a law June 15, 1895, with the approval of the Governor, Passed, three-fifths being present.

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

SECTION 1. Within ten days after the passage of this act the governor, by and with the advice and consent of the senate, shall appoint eight persons, one residing in each judicial district of the State, who shall be commissioners for the purposes of this act, to be called commissioners of prisons, who shall constitute the State commission of prisons; one of the persons so appointed shall hold his office for one year, one for two years, one

Commission-  
ers of  
prisons,  
appointment  
and terms  
of.

for three years, one for four years, one for five years, one for six years, one for seven years, and one for eight years, as indicated by the governor on making the nominations, and all nominations thereafter, except to fill vacancies, shall be made for eight years. Said commission shall have power to make and use an official seal and alter the same at pleasure.

§ 2. It shall be the duty of said commission to visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors; to aid in securing the just, humane and economic administration of all said institutions subject to its inspection; to aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions, and to approve or reject plans for their construction or improvement; to investigate the management of all institutions made subject to the visitation of said commission and the conduct and efficiency of the officers or persons charged with their management; to secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates; to collect statistical information in respect to the property, receipts and expenditures of said institutions, the number and condition of the inmates thereof; and to ascertain and recommend such system of employing said inmates as may, in the opinion of said commission, be for the best interest of the public and not in conflict with the provisions of the constitution relating to the employment of prisoners.

Duties of  
commission.

§ 3. The proper authorities shall provide for and assign to such commission suitably furnished rooms for its office and place of meeting in the State hall or capitol at Albany, where it shall hold its meetings as often as once in three months, and the comptroller shall fur-

Rooms,  
stationery,  
etc., for.

nish said commission with all necessary journals, account books, blanks and stationery.

Officers of  
commission.

§ 4. The said commission shall annually elect one of its members the president of the commission and shall also annually elect a secretary, who shall keep a record of all its proceedings and shall receive a salary of three thousand dollars per annum. (1)

Inspection  
and investi-  
gation of  
institutions.

§ 5. Said commission or any of said commissioners, or its secretary, if authorized by it, is authorized to visit and inspect any of said institutions, subject to its visitations, and may take and hear testimony or proofs in relation to any matter before it or him upon any visit, inspection or examination made by such commission or member thereof, and the said commission or any member thereof, shall have full access to persons, grounds, buildings, books and papers relating thereto, and may require from the officers and persons in charge any information it or he may deem necessary in the discharge of its or his duties. Said commission may prepare regulations according to which and provide blanks and forms upon which, such information shall be furnished in a clear, uniform and prompt manner for the use of said commission. Said commission shall make an annual report to the legislature, in January in each year, in which it shall give the results of its work and such information as it deems proper relating to said institutions, and its opinions and conclusions relating to the same.

Annual  
report to  
Legislature.

Reports of  
penal  
institutions  
to commis-  
sion.

§ 6. The warden of every prison, the superintendent or manager of every penitentiary, the keeper of every jail or other institution used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors shall on or before the first day of November in each and every year report to the State

(1) Amended by Laws of 1896, chap. 430.

commission of prisons the number of male and female persons charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses, and as debtors, in his custody on the first day of October last past, together with a statistical exhibit of the number of admissions, discharges and deaths which have occurred with the past year, the nature of the charge, the period of detention or sentence, and such other facts and information as the commission may require.

§ 7. Any officer, superintendent or employe of any of said penal institutions who shall refuse to admit said commission or any of said commissioners or its secretary or other authorized agent for the purpose of visitation or inspection, or shall refuse or neglect to furnish the information required by the said commission or any member thereof, or its secretary, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court. In making investigations as herein empowered said commission or any member thereof is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath and to exercise the same powers as belong to referees appointed by the court. (1)

Refusal or  
neglect by  
officers, etc.,  
of institu-  
tions.

Enforce-  
ments of  
rights.

Issue of  
compulsory  
processes.

§ 8. The said commissioners shall receive as compensation for their time and services, the sum of ten dollars per day for each commissioner, for time actually employed in attending regular meetings of the commission, not to exceed five hundred dollars per annum. The actual expenses of each one of them, while engaged in the performance of the duties of their office, and any actual outlay for necessary aid or assistance required in

Compensa-  
tion and  
expenses of  
commis-  
sioners.

(1) Section 7a added by Laws of 1896, chap. 430.

examination or investigation, on being made out and verified by the affidavit of the commissioner making the charge, shall be paid quarterly by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, and the salary and expenses of the secretary of the board shall be paid in like manner. (1)

§ 9. This act shall take effect immediately.

#### CHAPTER 430.

AN ACT to amend chapter ten hundred and twenty-six of the laws of eighteen hundred and ninety-five, to provide for the appointment of a state commission of prisons, and defining its duties and powers.

BECAME a law May 4, 1896, with the approval of the Governor Passed, three-fifths being present.

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

Amendment  
of act.

SECTION 1. Section four of chapter ten hundred and twenty-six of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

Officers of  
commission.

§ 4. The said commission shall annually elect one of its members as the president of the commission, and shall also annually elect a secretary, who shall keep a record of all its proceedings, and perform such duties as may be required of him by the commission and by law, and he shall receive a salary of three thousand dollars per annum; and the said commission may also appoint as employes and assistants of said commission, and of the commissioners, in the performance of their official duties, a clerk, at an annual salary of one thousand five hundred dollars, a stenographer and a general office assistant, at an annual salary of one thousand dol-

Employes  
and  
assistants.

(1) Amended by Laws of 1896, chap. 430.

lars each, and remove each and appoint a successor at any time; and the said commission is authorized to make rules and regulations for its meetings and the transaction of its business and also as to the manner in which reports to it shall be made, and all matters shall be presented before it.

Rules and  
regulations.

§ 2. Chapter ten hundred and twenty-six of the laws of eighteen hundred and ninety-five is also hereby amended by inserting therein, after section seven, a new section, to be numbered section seven-a, which shall read as follows:

§ 7a. The said commission shall have the further duty and authority to require the proper officials of the state and the political divisions thereof, and of all public institutions, of the state, and political divisions thereof, supported wholly or in part by the state, or any political division thereof, to furnish to said commission, annually, estimates for each ensuing year of the amount of labor to be required by each, and of the articles which may be manufactured in penal institutions, required to be purchased for the use of the state or the political divisions, or said institutions in their charge or under their management.

May require  
officials to  
furnish  
estimates of  
labor and  
articles  
required.

§ 3. Section eight of said chapter ten hundred and twenty-six of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows, to wit:

§ 8. The said commissioners shall receive as compensation for their time and services the sum of ten dollars per day for each commissioner for the time actually employed in attending regular meetings of the commission, and in the performance of all official duties by authority or direction of the commission. But in no event shall the total annual compensation of said commission exceed the sum of four thousand dollars. The actual expenses of each one of them while engaged in the performance of official duties shall be paid quarterly by the treasurer on the warrant of the comptroller, and the

Compensa-  
tion of com-  
missioners.

Payment of  
salaries and  
expenses.

salary and expenses of the secretary and the other stated employes of the commission shall be paid monthly in like manner.

§ 4. This act shall take effect immediately.

#### CHAPTER 160.

AN ACT to provide for a commission to investigate the affairs of the State prisons of this State and the State Reformatory at Elmira, and to prescribe the manner of such investigation.

PASSED April 22, 1876; three-fifths being present.

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

SECTION 1. Sinclair Tousey, George R. Babcock, Archibald C. Niven and Louis D. Pilsbury shall be, and they are hereby constituted a commission, with full power and authority to investigate the pecuniary affairs, condition, discipline, management of, and any other subject or matter connected with, or pertaining to, the several State prisons of this State, covering at least the six years last past; but such commission, in their investigation, shall not be restricted to such period. Any vacancy occurring in such commission, during the present session, shall be filled by the Legislature, and any which may occur after the final adjournment of the present session, shall be filled by the governor. The members of such commission, before entering upon the duties of their office, shall severally take, subscribe and file with the secretary of State the constitutional oath of office.

§ 2. The said commission shall have power to examine any person as a witness, on any subject or matter connected with, or pertaining to the past or future

Commission constituted to investigate the affairs of State prisons, etc.

Vacancies, how filled.

Oath of office.

Powers of commission.

affairs of the State prisons of this State, and to use, inspect or examine any book, account, document, voucher or writing in the possession of any person, or under his control, relating in any manner to the past or future affairs of the State prisons of this State, and any member of the said commission may issue a subpoena commanding such person to appear before the said commission at a time and place therein specified, to be examined as a witness; and such subpoena may contain a clause requiring such person to produce on such examination any book, paper, document or writing in his possession, or under his control, relating in any manner to the past or future affairs of the State prisons of this State.

§ 3. Any person may serve, and it shall be the duty of any sheriff, or any deputy sheriff, or constable, to whom the same may be delivered to serve such subpoena by exhibiting or reading it to the person named therein, and at the same time delivering to and leaving with him a copy thereof; the official certificate of the sheriff, deputy sheriff or constable or the affidavit of any other person, of the time and place of the service of such subpoena shall be *prima facie* evidence thereof.

§ 4. Whenever any person duly subpoenaed to appear and give evidence, or to produce any book or paper as herein provided, shall neglect or refuse to appear or to produce such book or paper, according to the command of such subpoena, or to allow an inspection of the same, or shall refuse to testify before such commission, or to answer any question which it shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the commission or any member thereof, to report the facts to any county judge or to any judge of the supreme court, or of any superior city court of any of the cities of this State,

Serving of process.

Neglect or refusal to obey process declared a contempt.

Attach-  
ments, is-  
suing of.

who shall thereupon issue an attachment in the form usual in the court of which he shall be a judge, directed to the sheriff of the county where such witness may be, commanding the said sheriff to attach such person and forthwith bring him before the judge by whom such attachment was issued.

Manner of  
executing  
attach-  
ment.

§ 5. The officer to whom such attachment shall be delivered shall execute the same by arresting and keeping the witness in custody, bringing him personally before the judge and detaining him in custody until the further order of the judge.

Proceed-  
ings after  
arrest.

§ 6. Whenever any witness arrested upon such attachment shall be brought before the judge who shall have issued the same, the judge shall cause interrogatories to be filed specifying the facts and circumstances alleged against the witness and require his answer thereto; to which the witness shall make written answers on oath, within such reasonable time as the judge shall allow. The judge may receive any affidavit or other proofs contradictory to the answer of the witness, or in confirmation thereof; and upon the original report, such answers and such subsequent proof shall determine whether the witness has been guilty of the misconduct alleged.

Punish-  
ment of per-  
sons found  
guilty.

§ 7. If the judge shall adjudge the witness to have been guilty of the misconduct alleged, and that such misconduct was calculated to or actually did, defeat, impair, impede, or prejudice any investigation of the said commission, such judge shall thereupon imprison the witness until he shall perform the act or duty required of him, and shall pay any expenses incurred by reason of his contempt, or until he shall be discharged by due course of law, and the order and process of commitment shall specify the act or duty to be performed, and the amount of expenses to be paid.

§ 8. Whenever an attachment shall have been issued, according to the provisions of this act, and shall not have been returned, the said commission shall, when it adjourns, adjourn to a time and place certain, of which notice shall be given to the judge before whom the said attachment shall be returnable, and in such case, if the person against whom it issued shall be arrested, he may give a bond to the people of the State of New York, in the penalty of not less than one thousand dollars, with two sufficient sureties, to be approved by the said judge, with a condition that he will appear before the said commission at the time and place to which it shall have been adjourned, or at such other time and place to which it shall thereafter adjourn, and will then and there perform such act or duty as such judge shall direct to be prescribed in such bond; said bond shall not be taken, however, until the witness shall first have paid all costs and expenses by reason of his contempt.

Bail may  
be given  
if  
attach-  
ment be  
returned  
when com-  
mission is  
not in ses-  
sion.

C. to be  
paid.

§ 9. Such bond shall be filed in the office of the comptroller of the State, and if default shall be made in the condition thereof, it shall be the duty of the attorney-general to sue for and collect the penalty of the same, and the money, when received, and all costs and expenses when collected by virtue of the provisions of this act shall be paid to, and retained by the attorney-general, and may be used by him, and shall be accounted for by him in the same manner as costs collected in actions by the attorney-general.

Bond to be  
filed with  
comptrol-  
ler.

Attorney-  
general to  
prosecute  
bail in case  
of default.

§ 10. All orders, decisions and judgments made and given in proceedings under this act, shall be filed in the office of the clerk of the county where such proceedings are had, and the clerk shall thereupon enter the proper orders and judgments, and such orders, decisions and judgments shall have the like force and effect as if made and given by the court of which the

Orders and  
decisions to  
be filed in  
county  
clerk's  
office  
where pro-  
ceedings  
are had.

judge was a member, at a regular term or session thereof.

Swearing of witnesses.

§ 11. Any member of the said commission shall have power to administer oaths and affirmations to witnesses to be examined before them.

False swearing declared perjury.

§ 12. All corrupt and willful false swearing by any person sworn under the provisions of this act, shall be deemed perjury, and shall be punishable as such. (1)

Persons not to be excused from testifying.

§ 13. No person sworn under the provisions of this act shall be excused from testifying on the ground that his evidence would tend to criminate or degrade him; but the testimony of any witness examined under the provisions of this act shall not be used against him on the trial of any indictment or criminal prosecution other than for perjury committed on such examination.

Compensation of commission.

§ 14. Each member of the said commission shall receive a compensation of twenty dollars for each day actually employed in the business of the said commission, to be audited by the comptroller and paid out of the State treasury.

May appoint certain officers.

§ 15. The said commission shall have power to appoint a sergeant-at-arms, stenographer, and not more than one clerk, and to employ such experts, agents and other assistants as they may deem necessary, all of whom shall be subject to the orders and control of such commission. Each person so appointed or employed shall receive such compensation for his services as the said commission may certify to be just and reasonable, to be subject to the approval of and to be audited by the comptroller, and paid out of the State treasury.

Compensation of employees.

Fees of witnesses.

Witnesses shall be entitled to, and shall be paid by the said commission, out of the funds hereinafter appropriated, the same compensation for attendance and for traveling fees as witnesses subpoenaed in actions

(1) Repealed by Laws of 1888, ch. 593.

in courts of record. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act, to be paid out of any moneys in the treasury not otherwise appropriated.

Appropriation for expenses.

§ 16. The said commission are hereby authorized and empowered to continue the investigation herein provided for until the first day of September, eighteen hundred and seventy-six, and no longer, and the testimony which they shall take, together with their recommendations based upon the same, shall, as soon as practicable thereafter, be submitted to the governor, and shall be included in a final report to be made by said commission to the Legislature at the opening of its next session. They shall also file a copy of all the evidence taken under the provisions of this act in the office of the attorney-general. (1)

Commission to report to the governor and Legislature.

Copy of evidence taken to be filed in office of the attorney-general.

§ 17. The said commission shall also ascertain as early as practicable report to the Legislature the condition of the State Reformatory, at Elmira, what is necessary to be done to prepare the building for the reception and accommodation of convicts, and the expense thereof, the number that can be provided for there; and whether the other State prisons are so crowded with convicts as to require the transfer of any, and about what number to other prison room.

To report to Legislature condition of State reformatory at Elmira.

§ 18. This act shall take effect immediately.

(1) Amended by Laws of 1876, ch. 197.

## CHAPTER 197.

AN ACT to amend chapter one hundred and sixty of the laws of eighteen hundred and seventy-six, entitled "An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation."

PASSED May 2, 1876; three-fifths being present.

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

SECTION 1. Section sixteen of chapter one hundred and sixty of the laws of eighteen hundred and seventy-six, entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation," is hereby amended so as to read as follows:

§ 16. The said commission are hereby authorized and empowered to continue the investigation herein provided for, until the thirty-first day of December, eighteen hundred and seventy-six, and no longer, and the said commission shall report to the governor, on or before the first day of October next, the testimony taken up to that date, together with such recommendations in respect to the same as they shall deem advisable, and a final report, which shall include all of the testimony taken, together with their recommendations based upon the same, shall, at the close of such investigation, be submitted to the governor, and also to the Legislature at the opening of its next session. They shall also file a copy of all the evidence taken under the provisions of this act in the office of the attorney-general.

\* So in the original.

Time for investigation extended.

Report to governor.

Final report.

Evidence filed with attorney-general.

## CHAPTER 207.

AN ACT to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor.

PASSED May 9, 1876; three-fifths being present.

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

SECTION 1. Louis D. Pilsbury, Sinclair Tousey, William C. Wey, Rufus H. King, and Ariel S. Thurston, are hereby constituted a board of managers for the New York State Reformatory at Elmira, and as such board shall have general charge and superintendence of said reformatory, and shall conduct the same upon non-partisan principles; they shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses; they shall hold their office for five years, except as follows: Louis D. Pilsbury shall hold office for five years, Sinclair Tousey for four years, William C. Wey for three years, Rufus H. King for two years, Ariel S. Thurston for one year, from the passage of this act. Whenever vacancies shall occur in said board of managers, by the refusal of either of the members thereof to act or otherwise, such vacancies shall be filled by the governor, by and with the advice and consent of the Senate, and when the Senate is not in session, by the governor, subject to the consent and approval of the Senate when it shall convene. The governor may remove any of the managers, for misconduct, incompetency, or neglect of duty, after opportunity shall be given them to be heard upon written charges.

§ 2. The board of managers shall appoint a general superintendent, and shall have power to remove him for cause after opportunity shall be given him to be

Board of managers.

Compensation.

Terms of office.

Vacancies.

Governor may remove, etc.

Superintendent.

heard upon written charges; all other officers shall be appointed by the superintendent, and removable at his pleasure. The superintendent of construction of such reformatory may be removed by the board of managers for cause after opportunity shall have been given him be heard upon written charges; and any vacancy so caused shall be filled by such board by appointment.

Superintendent of construction.

Examination of accounts.

§ 3. The board of managers shall examine all the accounts and expenditures and vouchers, relating to the business of the reformatory, monthly or quarterly, and shall certify their approval or disapproval of the same, to the comptroller of the State.

§ 4. 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 for a felony, in this or any other State or country, 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 discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Criminals in such reformatory may be employed in agricultural or mechanical labor, as a means of their support and reformation. The system of labor shall be by contract or by the State, or partly by one system and partly by the other, as shall be in the discretion of the board of managers deemed best.

Criminals to be received in reformatory.

Discipline.

System of labor.

§ 5. From and after the passage of this act the courts of this State are hereby authorized to sentence the class of offenders mentioned in the fourth section of this act, convicted of any criminal offense, to the said reformatory instead of the State prison, when such criminals are between the ages of sixteen and thirty years.

Courts to sentence to reformatory.

§ 6. The labor necessary for the construction of shops and the inclosure of the grounds upon which the reformatory is located, and for the completion of the unfinished portions of the reformatory, shall be performed by the inmates, as far as may be practicable, and it shall be the duty of the inspectors of the State prisons to select such number of inmates from the State prisons as shall, as nearly as may be, come within the provisions of the fourth section of this act, as to age and crime, and transfer the same to the reformatory, as shall be requested by the board of managers of the reformatory to labor on the unfinished inclosure or the buildings or the shops, as may be best adapted for the kind of mechanical labor required.

Construction of shops and inclosure.

Convicts transferred to reformatory.

§ 7. The said board of managers shall have the charge and general superintendence of the grounds, and the grading and improvement thereof, and of the construction of the shops, and of the enclosure, and they are hereby authorized to purchase the necessary building materials for the same, and are authorized to supply such mechanical and other assistance as shall make effective the labor of the inmates of said reformatory. All purchases of materials and supplies to an amount exceeding five hundred dollars shall be made by contract, awarded to the lowest responsible bidder, after notice for two weeks in the State paper, and in three papers published in the county of Chemung, having the largest circulation, and one paper in the city of New York, of large circulation, of the day and hour

Superintendence of the grounds.

Purchase of materials.

when sealed proposals will be received for the supply of the materials and supplies required.

To report to Legislature.

§ 8. It shall be the duty of such board of managers on or before the tenth day of January in each year hereafter, to report to the Legislature the condition of said reformatory and their proceedings in regard to the inmates, and the progress of the work of construction and the amount of money expended, with a detailed statement thereof, with such recommendations as the board of managers shall deem proper.

Compensation of officers.

§ 9. The annual compensation of the several officers, keepers, guards, and teachers of the reformatory shall be fixed by the said board of managers in their discretion at sums not exceeding the following: to the superintendent, thirty-five hundred dollars; to the physician, one thousand five hundred dollars; to the principal keeper, one thousand dollars; to the clerk, one thousand dollars; to the chaplain, or chaplains one thousand dollars per annum; to the kitchen-keeper, eight hundred dollars; to the store-keeper, eight hundred dollars; to the hall-keeper, six thousand dollars; to the yard-keeper, six hundred dollars; to the keepers, each five hundred dollars; to the guards, each five hundred dollars; to the sergeant of guards, five hundred dollars; and to the teachers, each three hundred dollars; and, if, for any reason, the term of service of any of them shall terminate before the end of any year, their compensation shall be paid only for the term of service at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them.

Oaths of office.

§ 10. Every officer who shall be appointed in pursuance of the provisions of this act, shall take and file in the office of the secretary of State, within fifteen days after his appointment, the constitutional oath of office; and the superintendent and such other officers

as shall be required by the comptroller so to do, shall, respectively, give bonds to the State in such penalty and with such sureties as the comptroller shall approve, conditioned for the faithful performance of their duties as required by law.

§ 11. The sum of fifty thousand dollars or so much thereof as may be necessary is hereby appropriated for the purpose of purchasing materials and proceeding with the work of construction of the north wing of the reformatory, which appropriation shall be paid by the treasurer on the warrant of the comptroller upon the requisition of the board of managers out of any money in the treasury not otherwise appropriated. The work on said north wing shall be performed so far as practicable by the inmates of the said reformatory.

Appropriation.

§ 12. This act shall take effect immediately. (1)

#### CHAPTER 173.

AN ACT in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers.

PASSED April 24, 1877; three-fifths being present.

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

SECTION 1. Any person who shall be convicted of an offense punishable by imprisonment in the New York State Reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act, and not otherwise.

Imprisonment in reformatory.

§ 2. 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

Sentence to.

(1) Repealed by Laws of 1887, chap. 711, § 17.  
See Laws of 1894, chap. 178.

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.

§ 3. Every clerk of any court by which a criminal shall be sentenced to the New York State Reformatory shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also of the jurors, and of the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by *habeas corpus* or otherwise. A copy of the testimony taken on the trial, and of the charge of the court, shall be furnished to the clerk, for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district-attorney of the county. The stenographer or district-attorney furnishing such copy, and the county clerk, shall be entitled to such compensation, in every case in which they shall perform the duties required by this act, as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof. (1)

(1) Amended by Laws of 1879, chap. 462.

Managers to fix term.

Proviso.

Duties of clerks of courts where criminals are sentenced to reformatory.

Copy of testimony and charge of judge to be furnished clerk.

Fees.

Notice, transmission of, to superintendent.

§ 4. Upon the receipt of such notice, the superintendent in person, or a subordinate officer of the reformatory by said superintendent for that purpose duly delegated, shall proceed to the place of trial and conviction, and the sheriff or keeper of the jail having the custody of the convict, shall deliver him to such superintendent or delegated officer, with the record of his trial and conviction as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expenses of which conveyance shall be a charge against and paid out of the earnings or other funds of the reformatory.

§ 5. The board of managers shall have power to transfer temporarily, with the written consent of the superintendent of prisons, to either of the State prisons, or in case any prisoner shall become insane, to the convict asylum at Auburn, any prisoner who, subsequent to his committal, shall be shown to have been, at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, and may also so transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. And such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. 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,

Transfer of criminals to reformatory to be by superintendent, etc.

Temporary transfer of convicts to State prisons.

Insane convicts.

Return of prisoners.

Granting of parole.

whose written order certified by its secretary shall be a 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 the convicts in said reformatory.

Employment and discipline.

Regulations upon superintendent of State prisons, when to be made, etc.

§ 6. Whenever there is unoccupied room in the reformatory, the board of managers may make requisition upon the superintendent of prisons, who shall select such number as is required by such requisition, from among the youthful, well-behaved and most promising convicts in the State prisons, and transfer them to the reformatory for education and treatment under the rules and regulations thereof. And the board of managers are hereby authorized to receive and detain during the term of their sentence to the State prison, such prisoners so transferred, and the laws applicable to convicts in the State prisons, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when transferred under this section. (1)

Duties of managers in relation to convicts sentenced directly to reformatory.

Register and entries therein.

§ 7. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. When any prisoner shall be received into the reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascer-

(1) Amended by Laws of 1879, chap. 254.

tained, of parentage, of early social influences, as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed; also all orders or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to their knowledge.

§ 8. The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences and offenses. An abstract of the record in the case of each prisoner remaining under control of the said board of managers shall be made up semi-annually, considered by the managers at a regular meeting, and filed with the secretary of State, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory, State prison, asylum or elsewhere, whether any and how much progress of improvement has been made, and the reason for release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made

System of credits, etc., to be established.

Abstract to be made semi-annually and filed with secretary of State.

Prisoner's standing to be made known to him monthly, etc.

known to him as often as once a month, and oftener if he shall, at any time, request it, and may make provision by which any prisoner may see and converse with some one of said managers during every month. 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. But no petition or other form of application for the release of any prisoner shall be entertained by the managers. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

§ 9. If, through oversight or otherwise, any person be sentenced to imprisonment in the said reformatory for a definite period of time, said sentence shall not for that reason be void, but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if sentence had been in the terms required by section two of such offender a copy of this act, and written information of his relation to said managers.

§ 10. 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 rea-

Release of  
prisoners.

Petitions,  
etc.

Governor  
may par-  
don, etc.

Sentence  
for a def-  
inite period  
not to re-  
nder sentence  
void, etc.

Appoint-  
ment of  
persons to  
supervise  
prisoners  
released  
on parole.

Compen-  
sation.

sonable 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. (1)

#### CHAPTER 284.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers."

PASSED May 15, 1879; three-fifths being present.

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

SECTION 1. Section six of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers," is hereby amended so as to read as follows:

§ 6. Whenever there is unoccupied room in the reformatory, the board of managers may make requisition upon the superintendent of prisons, who shall select such number as is required by such requisition from among the youthful, well-behaved, and most promising convicts in the State prisons and county penitentiaries convicted of felony, and transfer them to the reformatory for education and treatment under the rules and regulations thereof. And the board of managers are hereby authorized to receive and detain, during the term of their sentence to the State prison or penitentiary, such prisoners so transferred; and the

Transfer of  
convicts  
from State  
prisons.

(1) Repealed by Laws of 1887, chap. 711, § 17.

laws applicable to convicts in the State prisons, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when transferred under this section.

§ 2. This act shall take effect immediately.

#### CHAPTER 462.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers."

PASSED June 3, 1879; three-fifths being present.

SECTION 1. Section three of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers," is hereby amended so as to read as follows:

§ 3. Every clerk of any court by which a criminal shall be sentenced to the New York State Reformatory shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also of the jurors, and of the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from

Duties of clerks of courts where criminals are sentenced to reformatory.

Copy of testimony, etc., to be furnished clerk.

imprisonment by *habeas corpus* or otherwise. A copy of the testimony taken on the trial, and of the charge of the court, shall be furnished to the clerk for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district-attorney of the county; but the court may direct the district-attorney to make a summary of such testimony, which summary may, after approval, and by direction of the court, be made a part of the record herein provided for, and if the court so directs a copy of the testimony need not be made, and may be omitted from such record. The stenographer or district-attorney furnishing such copy or summary, and the county clerk, shall be entitled to such compensation, in every case in which they shall perform the duties required by this act, as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall, also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof.

§ \* This act shall take effect immediately. (1)

#### CHAPTER 178.

AN ACT to regulate the appointment of managers for the New York State Reformatory at Elmira.

PASSED April 21, 1884; three-fifths being present.

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

SECTION 1. The vacancies to occur by the expiration of the term of the managers, John I. Nicks, David Decker and William C. Wey, shall be filled by the gov-

Summary of testimony.

Compensation.

Notice of conviction to superintendent.

Vacancies to be filled by governor by and with advice and consent of Senate.

\* So in the original.

(1) Repealed by Laws of 1887, chap. 711, § 17.

error by and with the consent of the Senate, so that the term of service of said managers to be appointed pursuant to this act shall be respectively three years, four years and five years, as the governor shall designate; and thereafter the appointments of managers to fill vacancies in the board of managers of the said reformatory shall be for such periods of time, to be named by the governor, as shall insure rotation of service in accordance with the provisions of chapter two hundred and seven of the laws of eighteen hundred and seventy-six, by which a manager shall be appointed every year.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed. (1)

#### CHAPTER 711.

AN ACT to revise, consolidate and amend the several acts relating to the New York State Reformatory at Elmira.

PASSED June 25, 1887; three-fifths being present.

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

SECTION 1. The State prison or industrial reformatory established at Elmira, in Chemung county, shall be known as "The New York State Reformatory at Elmira," and shall be conducted upon non-partisan principles, by a board of managers consisting of five managers, who shall have general charge and superintendence thereof, and who shall perform the duties required of them by this act. The persons constituting the present board of managers of said reformatory shall continue to hold their respective offices as such managers during the terms for which they were respec-

(1) Repealed by Laws of 1887, chap. 711, § 17.

Corporate name.

Board of managers.

Term of present managers continued.

tively appointed. One such manager shall hereafter be appointed in each year as successor to that manager whose term of office shall expire in such year, for a term of five years from the first day of May of the year in which his predecessor's term shall have expired. Such managers shall be appointed by the governor, by and with the advice and consent of the Senate, and when the Senate is not in session by the governor, subject to the consent and approval of the Senate when it shall convene. Whenever a vacancy shall occur in such board by the refusal of either of the members thereof to act or otherwise, such vacancy, for the unexpired term or otherwise, such vacancy, for the unexpired term thereof, shall be filled in like manner. The said managers shall receive no compensation for their services, but shall be allowed their reasonable traveling and other official expenses. The governor may remove any of the managers for misconduct, incompetency, or neglect of duty after opportunity shall be given them to be heard, upon written charges.

§ 2. The said board of managers shall have the charge and general superintendence of the grounds and buildings for said reformatory, and they are hereby authorized to purchase the necessary materials therefor and to supply such mechanical and other assistance as shall make effective the labor of the inmates of said reformatory. The board of managers shall examine all the accounts and expenditures and vouchers, relating to the business of the reformatory, monthly or quarterly, and shall certify their approval or disapproval of the same, to the comptroller of the State. It shall be the duty of such board of managers, on or before the 10th day of January in each year hereafter, to report to the Legislature the condition of said reformatory and their proceedings in regard to the inmates, the condition of the building and the amount

Future appointments and terms.

Appointments by Governor, with consent of Senate.

Vacancies, how filled.

Managers receive no pay.

Removals for cause.

Board of managers, duties of.

Annual report to Legislature.

of money expended during the preceding year, with a detailed statement thereof, with such recommendations as the board of managers shall deem proper.

Appointment of general superintendent.

§ 3. The said board of managers shall appoint a general superintendent of said reformatory, and shall have power to remove him for cause after opportunity shall be given him to be heard upon written charges. The said general superintendent shall, by and with the advice and consent of the board of managers, appoint such foreman and instructors as may be necessary, any of whom may be removed by the board of managers or by the general superintendent. All other officers, guards and employes at said reformatory, except the financial agent, shall be appointed by the general superintendent and be removable at his pleasure. The remaining duties of the general superintendent shall be such as may be prescribed by the board of managers, and except as in this act otherwise provided, the general superintendent shall be subject to the control and direction of the board of managers.

Foremen, instructors, guards, &c., appointment by superintendent.

Other duties.

Financial agent, his appointment and duties.

§ 4. The said board of managers may also appoint a financial agent, who shall have such general supervision and control, as the board of managers shall prescribe, of all purchases of supplies and machinery, for manufacturing purposes at said reformatory, and of sales of goods manufactured thereat, and who shall perform such other duties as the board of managers may prescribe. In the execution of his duties, such financial agent shall be under the direction and control of the general superintendent, subject to the consent and approval of the board of managers. Such financial agent shall be removable by the board of managers at their pleasure.

Compensation of officers, guards, &c., how fixed.

§ 5. The annual compensation of the several officers, guards and keepers of the said reformatory shall be fixed by the said board of managers in their discretion

at sums not exceeding the following, in addition to such maintenance supplies as the board of managers shall permit: To the general superintendent, three thousand five hundred dollars; to the financial agent, two thousand five hundred dollars; to the physician, one thousand five hundred dollars; to the principal keeper, one thousand dollars; to the clerk, one thousand dollars; to the chaplain or chaplains, one thousand dollars; to the kitchen-keeper, eight hundred dollars; to the store-keeper, eight hundred dollars; to the hall-keeper, six hundred dollars; to the yard-keeper, six hundred dollars; to the keepers, each, six hundred dollars; to the guards, each, five hundred dollars; and if, for any reason, the term of service of any of them shall terminate before the end of any year, their compensation shall be paid only for the term of service, at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them.

Limitation.

§ 6. Every officer who shall be appointed in pursuance of the provisions of this act shall take and file in the office of the secretary of State, within fifteen days after his appointment, the constitutional oath of office; and the superintendent and such other officers as shall be required by the comptroller so to do, shall, respectively, give bonds to the State in such penalty and with such sureties as the comptroller shall approve, conditioned for the faithful performance of their duties as required by law.

Constitutional oath of office.

Official bonds of certain officers.

§ 7. Every clerk of any court by which a criminal shall be sentenced to the said reformatory shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also the jurors and of the witnesses sworn on the trial, a full copy of the testimony, and of

Clerks of criminal courts, to furnish certain records, as to criminals.

the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record, duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment, by *habeas corpus* or otherwise. A copy of the testimony taken on the trial and of the charge of the court, shall be furnished to the clerk for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district-attorney of the county; but the court may direct the district-attorney to make a summary of such testimony which summary may, after approval and by direction of the court, be made a part of the record herein provided for; and if the court so directs, a copy of the testimony need not be made and may be omitted from such record. The stenographer or district-attorney furnishing such copy or summary and the county clerk, shall be entitled to such compensation, in each case in which they shall perform the duties required by this act, as shall be certified to be just by the judge presiding at the trial, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the the general superintendent of the reformatory notice thereof.

Duties of court stenographers and district attorneys.

Payment for services.

Clerks to transmit notice of sentence.

Superintendent to apply to sheriff, for delivery of criminals.

Expenses of conveyance, how paid.

§ 8. Upon the receipt of such notice, the general superintendent in person, or a subordinate officer of the reformatory by said general superintendent for that purpose duly delegated, shall proceed to the place of trial and conviction, and the sheriff or keeper of the jail having the custody of the convict, shall deliver him to such superintendent or delegated officer, with the record of his trial and conviction as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expenses of which con-

veyance shall be a charge against and paid out of the earnings or other funds of the reformatory.

§ 9. Any person who shall be convicted of an offense punishable by imprisonment in the New York State Reformatory at Elmira, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act and not otherwise, 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.

Sentences to reformatory, not to be limited.

Imprisonment, how terminated.

Proviso.

§ 10. The discipline to be observed in said reformatory shall be reformatory, and the said board of managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Criminals in such reformatory may be employed in agriculture or mechanical labor as a means of their support and reformation.

Discipline to be reformatory.

Employment of criminals.

§ 11. The board of managers shall have power to transfer temporarily with the written consent of the superintendent of prisons, to either of the State prisons, or in case any prisoner shall become insane, to the State Asylum for Insane Criminals, any prisoner who, subsequent to his committal, shall be shown to have been, at the time of his conviction more than thirty years of age, or to have been previously convicted of crime, and may also so transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. And such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. The

Power of transfer to State prisons, &c., of certain prisoners, and insane.

Requisition for return may be made.

Rules for granting parol.

Enforcement of rules therefor.

Return to custody.

Rules for reformatory.

Requisition upon superintendent of prisons for convicts.

Laws applicable to such convicts.

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 parol outside of the reformatory buildings and enclosure, but to remain, while on parol, in the legal custody and under the control of the board of managers, and subject at any time to be taken back within the enclosure of said reformatory, and full power to enforce such rules and regulations and to retake and re-imprison any convict so upon parol, is hereby conferred upon said board, whose written order certified by its secretary, shall be a 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 the convicts in said reformatory.

§ 12. Whenever there is unoccupied room in the reformatory, the board of managers may make requisition upon the superintendent of prisons, who shall select such number as is required by such requisition from among the youthful, well-behaved and most promising convicts in the State prisons and county penitentiaries convicted of felony, and transfer them to the reformatory for education and treatment under the rules and regulations thereof. And the board of managers are hereby authorized to receive and detain, during the term of their sentence to the State prison, such prisoners so transferred, and the laws applicable to convicts in the State prisons, as far as they relate to the commutation of imprisonment for good conduct, shall be appli-

cable to said convicts when transferred under this section.

§ 13. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, best secure their self-support and accomplish their reformation. When any prisoner shall be received into the reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as may be ascertained, of parentage, of early social influences, as seem to indicate the constitutional and acquired defects and tendencies of the prisoner; and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarter-yearly, or oftener, minutes of observed improvement, or deterioration of character, and notes as to methods and treatment employed; also all orders or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to their knowledge.

§ 14. The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligences and offenses. An abstract of the record in the case of each prisoner remaining under control of the said board of managers shall be made up

Duty of managers, as to control and reformation of prisoners.

Register of prisoners to be kept.

Subsequent entries therein.

System of uniform credits earned.

Credits, for what causes made.

Abstract of record, how made and filed.

semi-annually, considered by the managers at a regular meeting, and be filed with the secretary of State, which abstract will show the date of admission, the age, the then present situation, whether in the reformatory, State prison, asylum or elsewhere, whether any and how much progress of improvement has been made, and the reason for release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if he shall at any time request it, and may make provision by which any prisoner may see and converse with some one of said managers during every month. 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. But no petition or other form of application for the release of any prisoner shall be entertained by the managers. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

§ 15. If, through oversight or otherwise, any person be sentenced to imprisonment in the said reformatory for a definite period of time, said sentence shall not for that reason be void, but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if the sentence had been in the terms required by section seven hundred of the Penal Code and section nine of this act, and in such case said managers shall deliver to said offender a copy of this act, and written information of his relation to said managers.

Rules for making known credits.

Conditions for release of prisoners.

Pardons by Governor.

Informal sentences, how executed.

§ 16. 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.

Supervision of paroled prisoners.

§ 17. The following acts and parts of acts are hereby repealed: Sections six, seven, eight, nine and ten of chapter four hundred and twenty-seven of the laws of eighteen hundred and seventy; all of chapter two hundred and seven of the laws eighteen hundred and seventy-six; all of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven; all of chapter four hundred and sixty-two of the laws of eighteen hundred and seventy-nine; all of chapter five hundred and eighty-five of the laws of eighteen hundred and eighty-one; all of chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty-four. But the repeal of said acts shall not in any way affect the validity of the sentence or imprisonment of any person sentenced or imprisoned in pursuance of any of the acts so repealed, nor in any way affect any action or proceeding now pending, or any act performed or right existing prior to the passage of this act; and so far as any of the provisions of the acts so repealed are substantially re-enacted or contained in this act, this act shall be construed as continuing such provisions in force without interruption.

Repeal.

Effect of repeal.

§ 19.\* This act shall take effect immediately.

\* So in the original. No section 18.

## CHAPTER 302.

AN ACT to authorize the comptroller to audit and allow certain accounts for supplies furnished to the State prisons.

PASSED May 15, 1876; three-fifths being present.

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

SECTION 1. The comptroller is authorized to audit and allow accounts for supplies sold to the agent and warden of either of the State prisons before the first day of January, eighteen hundred and seventy-six, and delivered in good faith and used in said prisons, or either of them, although the same may not have been embraced in the monthly estimates of such agent and warden.

§ 2. This act shall take effect immediately.

## CHAPTER 193.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

PASSED May 1, 1876; by a two-third vote.

This act, among other provisions and appropriations, contains the following:

Page 183. Hereafter the compensation of sheriffs for transporting convicts to the several State prisons, houses of refuge and penitentiaries of this State, shall not exceed twenty cents for each mile for each convict, when not exceeding two convicts are conveyed.

Page 192. And for the support of the quarry and lime works, to be paid from the money received from the income of works, seven thousand dollars per month; and all receipts from said quarry and lime works shall be re-

Slag Slag  
prison.

ported monthly to the comptroller, and the moneys derived therefrom shall be paid monthly into the treasury of the State.

## CHAPTER 339.

AN ACT authorizing the appointment of extra guard and an engineer at the Auburn prison.

PASSED May 15, 1876; three-fifths being present.

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

SECTION 1. In addition to the number of guards now authorized by law at the Auburn prison, the inspectors of State prisons may when the number of convicts exceed in number the number of cells thereat, appoint one additional or extra guard for each thirty convicts or a fractional part thereof, which may be from time to time confined in said prison in excess of the number of cells therein, for the purpose of guarding such excess of convicts nights, and the compensation of such guard shall be the same as allowed by law to guard at said prison.

Extra  
guards.

Compensation.

§ 2. The comptroller is hereby authorized and directed to allow payment for such extra guard that may have been employed at said prison since the first day of December, one thousand eight hundred and seventy-five, in guarding the excess of convicts over the number of cells in said prison, at the same compensation and in the same rates as provided for in section one of this act.

Payment  
for extra  
guard here-  
tofore em-  
ployed.

§ 3. The said inspectors of State prisons may appoint an engineer at the Auburn prison, and his compensation shall be seventy-five dollars per month.

Appoint-  
ment of  
engineer.

§ 4. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1890, chap. 386, § 2.

## CHAPTER 306.

## AN ACT to establish a State prison for women.

Approved by the Governor April 4, 1893. Passed, three-fifths being present.

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

State prison for women established.

SECTION 1. The buildings on the prison-ground at Auburn, recently known as the Asylum for Insane Criminals, shall be known and designated as a "State Prison for Women," and shall be maintained as such for the security and reformation of women convicts in this State.

Control of prison and inmates.

§ 2. The agent and warden of Auburn prison, under the direction of the superintendent of State prisons, shall have the like management and control of said prison and the inmates thereof that is now conferred upon him by law over the Auburn prison and the prisoners confined therein.

Matron.

§ 3. The superintendent of State prisons shall appoint a matron of said State prison for women, and he may remove her from office whenever, in his judgment the public interest shall so require. He shall designate such number of assistant matrons, not exceeding one for each twenty prisoners, and such number of guards not exceeding four, as he shall deem necessary for the safe keeping and improvement of the prisoners and the maintenance of discipline. Such assistant matrons and guards shall be appointed by the agent and warden of the Auburn prison, with the approval of the superintendent of State prisons. The agent and warden shall also have power to remove the assistant matrons, guards and other employes so appointed by him.

Assistant matrons and guards.

Removals for cause.

Salary of matron.

§ 4. The salary of the matron shall be fixed by the superintendent of State prisons, but shall not exceed

twelve hundred dollars per annum. Such agent and warden shall appoint a storekeeper of said prison, who shall have charge of the stores and perform the like duties in the said prison for women that are now performed by the storekeeper in the Auburn prison, and also such other duties as the agent and warden may direct.

Store-keeper.

§ 5. The matron shall be allowed rations for herself from the prison stores, and shall reside in the house connected with the said prison for women, and shall be provided with proper furniture, fuel and lights.

Allowances to matron.

§ 6. Each assistant matron shall board and lodge in the State prison and shall receive as compensation, in addition to such board and lodging, not to exceed the sum of three hundred dollars per annum. The storekeeper shall receive a salary not to exceed one thousand dollars per annum. Each guard shall receive a salary not to exceed annually six hundred dollars. Such salaries shall be paid monthly and shall be fixed and rated by the superintendent of State prisons.

Salaries and compensation of employes.

§ 7. The physician and chaplain respectively of Auburn prison shall be the physician and chaplain of said State prison for women, and shall perform the duties appertaining to said respective offices thereat, and no additional compensation shall be allowed or paid to them for the same.

Physician and chaplain.

§ 8. The storekeeper of said prison shall, before entering on the duties of his office, execute and file in the office of the comptroller of this State, a bond to the people of the State of New York, with sufficient sureties to be approved by the superintendent of State prisons, in the penal sum of twenty-five hundred dollars, conditioned for the faithful performance of his duties according to-law.

Bond of store-keeper.

Commit-  
ments to  
prison.

Transporta-  
tion of  
convicts.

Removal of  
convicts  
from peni-  
tentiaries.

Comptroller  
not to pay  
expenses.

Expense  
and manner  
of transfers.

Children  
may accom-  
pany  
mother to  
prison.

§ 9. On and after the passage of this act, any women over the age of sixteen years who shall be convicted of felony in any of the courts in this State shall, when the sentence imposed be one year or more, be sentenced to imprisonment in the State prison for women. The clerk of the court imposing such sentence shall immediately notify the agent and warden of the Auburn prison thereof and such agent and warden shall cause such convict to be transported in the company of at least one other woman to such State prison for women, and the expenses of such transportation shall be paid as a part of the expenses of the maintenance of the prison.

§ 10. Within thirty days after the passage of this act, every woman convict imprisoned under conviction of a felony in any penitentiary shall be removed from such penitentiary to the State prison for women at Auburn, and shall be kept thereat to serve the unexpired balance of her term, in the same manner as if the said woman prisoner had been sentenced originally thereto, and it shall be the duty of the said superintendent of State prisons to cause to be removed from all the county penitentiaries in this State, within sixty days after the passage of this act, all of the said women prisoners therein. The comptroller of the State shall not allow or pay any board or other expense of keeping any such woman prisoner in any penitentiary after the sixtieth day after the passage of this act. All necessary expenses for the transfer of said prisoners shall be deemed a part of the current expenses of Auburn prison, and the manner of such transfer shall be under such escort or guard, or by such officer or officers, as the superintendent of State prisons shall direct.

§ 11. In case any woman committed to said prison shall, at the time of said commitment, be the mother of a nursing child in her care, under one year of age, or be pregnant with child, which shall be born after such

commitment, such child may accompany its mother and remain in said prison until such time as, in the opinion of the physician, such child can be properly removed therefrom and suitably provided for elsewhere; and in case said woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child or children more than one year of age, and who otherwise might be left without proper care or guardianship, it shall be the duty of such court so committing said woman to cause such child or children to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 12. For the purposes of the government and management of such State prison for women, other than as provided for by this act, such State prison for women shall be deemed a department of the Auburn prison.

§ 13. The accounts and records of the State prison for women shall be kept separate and distinct from those of the Auburn prison.

§ 14. This act shall take effect immediately.

#### CHAPTER 386.

AN ACT in relation to the rebuilding and repair of buildings at the Auburn State prison and the sale of damaged and unmarketable goods at any of the State prisons.

APPROVED by the Governor April 13, 1893. Passed, three-fifths being present.

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

SECTION 1. The superintendent of State prisons is hereby authorized to expend out of moneys received by the agent and warden of Auburn prison "as the pro-

Commit-  
ment of  
children by  
court.

Depart-  
ment of  
Auburn  
prison.

Accounts  
and records.

Expens-  
tures for  
rebuilding  
and repairs.

ceeds of the labor of prisoners and the sales of articles manufactured by them" and now standing to the credit of the said agent and warden in banks at Auburn, the sum of thirty thousand dollars, or so much thereof as may be necessary, in rebuilding and repairing the buildings recently destroyed or damaged by fire at Auburn prison.

§ 2. The moneys hereby authorized to be expended shall be drawn and accounted for in the same manner as moneys drawn for the purchase of materials for manufacturing purposes.

§ 3. When any goods manufactured in the State prisons shall be damaged by fire or water, or become deteriorated or unmarketable from any cause the superintendent of State prisons may direct them to be sold at the best price obtainable.

§ 4. This act shall take effect immediately.

#### CHAPTER 356.\*

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

APPROVED by the Governor April 20, 1892. Passed, three-fifths being present.

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

Page 746, paragraph 3. The sum of one hundred thousand dollars, deposited in bank to the credit of the agent and warden of Auburn prison, in excess of the amount which will be needed to meet the expenses

\* Items of appropriation contained in this act, as passed by the Legislature, and objected to by the governor, with the statement of his objections thereto, are not included in this publication, which contains only so much of the act as actually became a law, under section nine of article four of the constitution.

Moneys,  
how drawn  
and ac-  
counted for.

Sale of dam-  
aged, etc.,  
goods.

Payment of  
excess of  
certain de-  
posits into  
State  
treasury.

of such prison for manufacturing purposes; and the sum of seventy-five thousand dollars, deposited in bank to the credit of the agent and warden of Clinton prison, in excess of the amount which will be needed to meet the expenses of such prison for manufacturing purposes, shall be forthwith paid into the treasury of the State and shall be added to the prison fund in the treasury pursuant to the provisions of section one hundred and fifteen of chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, and shall constitute a part of the fund appropriated in the annual appropriation bill of eighteen hundred and ninety-two, for the maintenance of the several State prisons during the fiscal year, commencing on the first day of October, eighteen hundred and ninety-two.

Whenever the agent and warden of either of the several State prisons may have deposited to his credit as agent and warden, moneys received by him "as the proceeds of the labor of prisoners and the sales of articles manufactured by them," that are not required for carrying on the industries of such prison, the superintendent of State prisons may, with the consent of the comptroller, cause such moneys to be drawn from the banks in which they may be, and to be deposited, in such banks as the comptroller may designate, to the credit of the agent or warden of either of the other State prisons, to be used in carrying on the industries in the prison of which such last named agent and warden is in charge, as provided by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine.

Redeposit of  
proceeds of  
labor and  
sale.

## CHAPTER 570.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

APPROVED by the Governor June 15, 1889. Passed, three-fifths being present.

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

This act, among other provisions and appropriations, contains the following:

Page 793—For the superintendent of State prisons,—the said superintendent is hereby authorized to lease to the citizens of Dannemora the surplus water belonging to the State that is not needed for the use of Clinton prison or other State purposes, upon leases to be approved by the comptroller.

Clinton prison, lease of surplus water at.

## CHAPTER 525.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

PASSED June 13, 1885, by a two-thirds vote.

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

This act, among other provisions and appropriations, contains the following:

Page 887—The superintendent of State prisons may delegate to his clerk authority to certify, in the absence of the superintendent, estimates to the comptroller, to sign orders for the transfer of convicts, and to sign orders for the discharge of insane criminals whose terms of imprisonment have expired.

Clerk to sign estimates.

## CHAPTER 36.

AN ACT to provide for the procurement of proper electrical apparatus, machinery and appliances by the superintendent of State prisons for the execution of convicted criminals.

APPROVED by the Governor March 1, 1889. Passed, three-fifths being present.

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

SECTION 1. The superintendent of State prisons shall immediately on the passage of this act, cause an electrical apparatus suitable and sufficient for the infliction of the punishment of death as provided by section five hundred and five of the Code of Criminal Procedure to be constructed and placed in each of the State prisons of this State; together with the necessary machinery and appliances for the execution of convicted criminals as provided by said code.

Superintendent of State prisons to provide certain apparatus.

§ 2. For the purpose of defraying the expenses of the foregoing apparatus, machinery and appliances, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated. Said sum shall be paid to said superintendent by the State treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, on vouchers to be approved by the comptroller.

Appropriation; and how payable.

§ 3. This act shall take effect immediately. (1)

(1) See Extracts from the Code of Criminal Procedure.

## CHAPTER 312.

AN ACT to authorize the superintendent of State prisons to employ convicts confined in the Clinton State prison on the public highways, within a radius of twenty miles of the said prison.

APPROVED by the Governor April 5, 1883. Passed, three-fifths being present.

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

Employment of convicts on highways.

SECTION 1. The superintendent of State prisons may employ, or cause to be employed, not to exceed three hundred of the convicts confined in Clinton State prison at any time, in the improvement of public highways within a radius of twenty miles from said prison.

Rules for care of prisoners.

§ 2. The warden of such prison may make such rules as he may deem necessary for the proper care of said prisoners while so employed, subject to the approval of the superintendent of State prisons.

Designation of highways.

§ 3. The warden may designate, subject to the approval of the superintendent of State prisons, the highways and portions thereof upon which such labor shall be employed; and such portions so designated shall be under his control during the time such improvements are in progress.

State engineer to fix grades, etc.

§ 4. After the warden has designated such highways and the parts thereof to be improved and such designation has been approved by the superintendent of State prisons, the State engineer and surveyor shall fix the grade and width of such roadway and direct the manner in which the work shall be done.

Purchase of tools and materials.

§ 5. The superintendent of State prisons is hereby authorized to purchase any machinery, tools and materials necessary in such employment.

§ 6. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1894, chap. 396, § 5.

## CHAPTER 266.

AN ACT to provide for the employment of State prison convicts upon the public highway, and repealing chapter three hundred and twelve of the laws of eighteen hundred and ninety-three.

BECAME A LAW April 4, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

Employment of convicts.

SECTION 1. The superintendent of State prisons may employ or cause to be employed, not to exceed three hundreds of convicts confined in each State prison in the improvement of the public highways, within a radius of thirty miles from such prison and outside of an incorporated city or village.

Rules for care of prisoners.

§ 2. The agent and warden of each prison may make such rules as he may deem necessary for the proper care of such prisoners while so employed, subject to the approval of the superintendent of State prisons.

Designation of highways.

§ 3. The agent and warden of each prison may designate, subject to the approval of the superintendent of State prisons, the highways and portions thereof upon which such labor shall be employed; and such portions so designated and approved shall be under his control during the time such improvements are in progress, and the State engineer and surveyor shall fix the grade and width of the roadway of such highways and direct the manner in which the work shall be done.

Duty of State engineer.

§ 4. The superintendent of State prisons is hereby authorized to purchase any machinery, tools and materials necessary in such employment.

Purchase of tools, etc.

§ 5. Chapter three hundred and twelve of the laws of eighteen hundred and ninety-three is hereby repealed.

Repeal.

§ 6. This act shall take effect immediately. (1)

(1) Amended by Laws of 1894, chap. 664.

## CHAPTER 664.

AN ACT to amend chapter two hundred and sixty-six of the laws of eighteen hundred and ninety-four, relating to interference with convicts employed on the public highways.

BECAME a law May 11, 1894, with the approval of the Governor.  
*Passed, three-fifths being present.*

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

Act amended.

SECTION 1. Chapter two hundred and sixty-six of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the employment of State prison convicts upon the public highway, and repealing chapter three hundred and twelve of the laws of eighteen hundred and ninety-three," is hereby amended by inserting a new section to be known as section five, and to read as follows:

Interference with work of convicts a misdemeanor.

§ 5. Any person interfering with or in any way interrupting the work of any convict employed pursuant to this act, upon the public highways, or any person giving or attempting to give any intoxicating liquors, beer, ale or other spirituous beverage to any State prison convict so employed, shall be guilty of a misdemeanor. Any officer or keeper of any State prison having in charge the convicts employed upon such highways, may arrest without a warrant any person violating any provision of this section.

Arrests without warrant.

Sections re-numbered.

§ 2. Sections five and six of the act hereby amended are renumbered sections six and seven.

§ 3. This act shall take effect immediately.

## CHAPTER 24.

AN ACT in relation to the superintendent of State prisons.

PASSED February 17, 1877; three-fifths being present.

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

SECTION 1. The superintendent of State prisons shall receive an annual salary of six thousand dollars, payable quarterly by the treasurer, on the warrant of the comptroller, and in addition thereto all reasonable and necessary traveling expenses by him actually incurred and paid in the discharge of his official duties, not exceeding the sum of one thousand dollars per annum, and a further sum of one thousand dollars per annum, or so much thereof as may be necessary for clerk hire, of all of which expenses he shall keep an account by items, and verify the same by his oath, to be filed with the comptroller.

Salary of superintendent.

Account of expenses to be kept, etc.

§ 2. Within ten days from the time of notice of his appointment the superintendent shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the secretary of State, and shall be in all respects subject to the provisions of the sixth title of chapter five of the first part of the Revised Statutes, as far as the same be applicable, and within such ten days he shall give to the people of the State of New York a bond in the penal sum of twenty-five thousand dollars, with two good sureties, to be approved by the comptroller, conditioned for the faithful discharge of the duties of his office.

Oath of office.

Bond.

§ 3. No appointment shall be made in any of the prisons of this State on grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of

Appointments by.

this rule, shall be sufficient cause for removal from office of the superintendent.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 107.

AN ACT in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons.

PASSED April 11, 1877; three-fifths being present.

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

SECTION 1. The superintendent of State prisons shall have his office in the city of Albany. He shall have power and it shall be his duty to inquire into all matters connected with said prisons, and he shall have the management and control of said prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof.

§ 2. The superintendent shall appoint the agents and wardens, physicians and chaplains of the prisons, as provided in the constitution; and he may remove them from office whenever, in his judgment, the public interests shall so require. He may designate such number of the officers, keepers, guards or matrons as he may deem necessary for the safe-keeping of the convicts, or for the maintenance of discipline, to reside at the prisons, and the persons so designated shall be boarded at the expense of the said prisons, deduction being made for the same in the amount of salaries paid such officers, keepers, guards and matrons.

§ 3. The said superintendent may leave vacant any subordinate office, now established by law, in either of

Office to be in the city of Albany.

General powers and duties.

Agents, wardens, etc., appointment of. Removals.

May direct certain officials to reside at prisons.

Board, etc., to be deducted from salaries.

Certain offices may be left vacant by.

(1) Repealed by Laws of 1889, chap. 382, § 2.

the State prisons, which he shall consider unnecessary for the protection of the property of the State or for the safe-keeping of the convicts.

§ 4. The compensation of the several officers, keepers, guards, matrons and teachers shall be fixed and determined, from time to time, by the superintendent; provided, however, that in no case shall the amount exceed the compensation now allowed by law.

§ 5. The superintendent shall make such rules and regulations for the government of the officers, keepers, guards, matrons and teachers of the prisons, and in regard to the duties to be performed by them and for the government and punishment of the convicts as he may deem proper. The clerks of the several prisons shall conform to the rules established by the said superintendent, and shall perform their duties under the direction of the agent and warden, in such manner as shall be prescribed by the comptroller.

§ 6. The system of labor in the State prisons shall be by contract or by the State, or partly by one system and partly by the other, as shall be in discretion of the superintendent deemed best.

§ 7. The agent and warden of each prison shall appoint (excepting the physician, chaplain and clerk) all officers, keepers, guards, matrons who may be either married or single women, and teachers of such prison, subject to the approval of the same by the superintendent, and shall have the power to remove the same. The said agent and warden of each prison shall be allowed rations from the prison stores for himself and family.

§ 8. Contracts for the purchase of materials and supplies for the prisons and for convict labor and for the sale of property manufactured at the prisons may be entered into by the agent and warden, subject to the approval of the superintendent.

Compensation of officers to be fixed by.

Proviso.

Rules and regulations.

Clerks.

System of labor.

Agent and warden appointment by.

Rations for.

Contracts for purchase of materials, etc.

Superintendent to report to Legislature, annually, before Jan. 31st, in writing, condition of prisons.

§ 9. It shall be the duty of the superintendent, on or before the tenth day of January in each year hereafter, to report to the Legislature in writing the condition of each of the prisons, the number of convicts confined and for what offenses, the moral, intellectual and physical condition of the convicts and how employed, the amount of money expended and how, in detail, the amount of money earned and how, in detail, the amount paid into the treasury, and such other matters as may seem pertinent and proper in the judgment of the superintendent.

§ 10. All acts and parts of acts inconsistent with provisions of this act are hereby repealed.

§ 11. This act shall take effect immediately. (1)

#### CHAPTER 253.

AN ACT to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons."

PASSED MAY 10, 1877; three-fifths being present.

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

SECTION 1. Section eight of chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons," is hereby amended so as to read as follows:

§ 8. Contracts for the purchase of materials and supplies for the prisons, and for convict labor at any kind

(1) Amended by Laws of 1877, chap. 293.  
Repealed by Laws of 1889, chap. 326, § 2.  
See Laws of 1888, chap. 38.

Laws of 1877, sec. 8, chap. 197, amended.

Contracts, making and approval of.

of work or trade which shall be approved by the superintendent, and for the sale of property manufactured at the prisons may be entered into by the agent and warden, subject to the approval of the superintendent.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 38.

AN ACT to amend chapter two hundred and fifty-three of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to the superintendent of state prisons, and for the more efficient and economical management of said prisons.'"

PASSED MARCH 7, 1883; three-fifths being present.

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

SECTION 1. Section one of chapter two hundred and fifty-three of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to the superintendent of State prisons, and for the more efficient and economical management of State prisons,'" is hereby amended so as to read as follows:

§ 1. Section eight of chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons," is hereby amended so as to read as follows:

§ 8. Contracts for the purchase of materials and supplies for the prisons, and for convict labor at any kind

(1) Amended by Laws of 1880, chap. 83.  
Repealed by Laws of 1889, chap. 322, § 2.

Contracts to be made by agent and warden.

of work or trade which shall be approved by the superintendent, and for the sale of property manufactured at the prisons, may be entered into by the agent and warden, subject to the approval of the superintendent; provided that no contract for convict labor to be used for the manufacture or finishing of fur or wool hats shall be made or entered into by the agent or warden of any prison in the State of New York, or by any other person or persons acting as the agent or agents of said State; and provided further, that it shall not be lawful for any person or persons confined in any prison in said State to be employed in the making or finishing of fur or wool hats, excepting they are so employed under a contract made and entered into before the passage of this act.

§ 2. All acts and parts of acts inconsistent with the foregoing are hereby repealed.

§ 3. This act shall take effect immediately. (1)

#### CHAPTER 172.

AN ACT authorizing the removal of the female convicts confined in the State prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this State.

PASSED April 24, 1877; three-fifths being present.

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

SECTION 1. The superintendent of State prisons is hereby authorized to transfer all the female convicts confined in the State prison at Sing Sing to such penitentiary or penitentiaries as he may select, and the convicts so transferred shall serve out the remainder of the term of imprisonment to which they have been sen-

(1) Repealed by Laws of 1889, ch. 382, § 2.  
See Laws of 1877, ch. 107.

Proviso as to manufacture of hats.

Authorizing the transfer of female convicts at Sing Sing prison to penitentiaries, etc.

tenced, the same as though their original sentence had been to confinement in the penitentiary to which they shall be so transferred, and nothing in this act contained shall be held to work a release of any of the pains and penalties of the original sentence of any of said convicts.

§ 2. All necessary expenses of such removal of convicts shall be deemed a part of the incidental expenses of the prison at Sing Sing, and shall be audited by the comptroller and paid from the treasury upon his warrant.

§ 3. Whenever any females shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of this State, having a county penitentiary within said judicial district, the court before which such conviction shall be had shall sentence the person so convicted to be imprisoned in the penitentiary situated within that judicial district, and in case such conviction shall be had in a judicial district in which there is no penitentiary located, then the court shall sentence such females, so convicted, to the penitentiary situated nearest to the county in which such conviction is had.

§ 4. It shall be the duty of the sheriff of any county in which any female shall be convicted and sentenced, as in the third section is provided, to convey such person to the county penitentiary to which she shall be sentenced, and deliver her to the superintendent thereof, for which service such sheriff shall be paid by the State treasurer such fees as are allowed by law for conveying convicts to the State prison.

§ 5. The several superintendents of the said county penitentiaries are hereby required to make a return, under oath, on the thirtieth day of September of each year, to the comptroller, in which they shall fully set forth the name of each convict committed or transferred

Expenses how paid.

Females hereafter convicted to be sentenced to penitentiary within judicial district where convicted, etc.

Sheriff to convey convict to penitentiary.

Fees.

Superintendents of county penitentiaries to report to comptroller names of convicts, etc.

to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which conviction is had, the date of such conviction and length of sentence, and date of the reception of such convict at said penitentiary. The comptroller shall thereupon audit and allow such penitentiary for the maintenance of such convicts, one dollar and fifty cents per week for each convict imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the treasury of the State in favor of the superintendent of said county penitentiary for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

§ 6. Persons convicted and imprisoned in county penitentiaries under this act, shall be subject to all laws applicable to persons convicted and imprisoned in State prisons and not in conflict herewith.

§ 7. This act shall take effect immediately.

#### CHAPTER 447.

AN ACT to provide for the erection of a new State prison and for the removal of the present State prison from Sing Sing, and making an appropriation therefor.

APPROVED by the Governor June 12, 1889. Passed, three-fifths being present.

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

SECTION 1. The governor is hereby authorized to appoint five commissioners for the purpose of selecting a suitable site in any of the counties east of the sixth judicial district; upon which site there shall be erected a

Comptroller to audit and allow penitentiary for maintenance of convict, etc.

Convicts subject to certain laws.

Commissioners to select site for State prison.

State prison for the reception and incarceration of convicted criminals to take the place of the present State prison in the town of Ossining, county of Westchester.

§ 2. The said commissioners are hereby empowered to receive by gift or to contract for the purchase of such site for the location of such State prison, subject to the approval of the next legislature; but no such contract, gift or purchase shall be valid and binding upon the State until the same shall have been duly approved by the next legislature.

§ 3. The said commissioners shall report the action which they have taken under the provisions of this act to the senate and assembly within ten days after the organization of the legislature in the year one thousand eight hundred and ninety, and they shall also prepare and submit with such report, for the consideration of the legislature, a statement of the cost of location or grounds required, and a general plan for the construction of such prison, together with an estimate of the cost of the same.

§ 4. The said commissioners shall be entitled to the payment of their traveling expenses while engaged in the performance of their duties under this act, and their account for such expenses shall be audited and paid out of the treasury, but they shall receive no compensation for their services. And the sum of one thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, payable on the warrant of the comptroller for the purposes of this act.

§ 5. This act shall take effect immediately.

Site for location, how approved by Legislature.

Report to Legislature of 1890.

Statement, plan and estimate.

Traveling expenses of commissioners, appropriation for.

How payable.

## CHAPTER 487.

AN ACT authorizing the construction of new buildings at Sing Sing prison, making an appropriation therefor, and authorizing the expending of certain moneys for that purpose.

BECAME a law May 4, 1894, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The superintendent of State prisons is hereby authorized to cause to be constructed a new building for a chapel, hospital and mess-room, buildings connected therewith for a kitchen, bake-ovens, boiler-house and store-room, and new work shops at the Sing Sing prison, and provide said buildings with all necessary fixtures; he is hereby authorized to expend for that purpose, out of the moneys received by the agent and warden of said Sing Sing prison "as the proceeds of the labor of prisoners and the sale of articles manufactured by them," and now standing to the credit of said agent and warden in the bank or banks designated for such deposits, the sum of one hundred thousand dollars, or so much of it as may be necessary.

§ 2. The work and labor on said buildings to be erected under the provisions of this act, as far as practicable, are to be done by the prisoners imprisoned in said Sing Sing prison; and the moneys authorized to be expended under the first section of this act will be drawn from the bank and accounted for in the same manner as moneys drawn for the maintenance of the industries carried on in said prison, and as provided by law, relating thereto.

§ 3. This act shall take effect immediately. (1)

(1) See Laws of 1893, chap. 96.

## CHAPTER 96.

AN ACT making an appropriation and authorizing the expending of certain moneys for continuing the construction of new buildings at Sing Sing prison authorized by chapter four hundred and eighty-seven of the laws of eighteen hundred and ninety-four.

BECAME a law March 12, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is hereby authorized to be expended by the superintendent of State prisons out of the moneys received by the agent and warden of said Sing Sing prison "as the proceeds of the labor of prisoners and the sale of articles manufactured by them," and now standing to the credit of said agent and warden in the bank or banks designated for such deposits, in continuing the construction of the buildings authorized to be built by chapter four hundred and eighty-seven, laws of eighteen hundred and ninety-four; and also in building an addition to the clerk's office in said prison.

§ 2. The moneys authorized to be expended under the first section of this act will be drawn from the bank and accounted for in the same manner as moneys drawn for the maintenance of the industries carried on in said prison, and as provided by law, relating thereto.

§ 3. This act shall take effect immediately.

Construc-  
tion of  
buildings.

Expenditure  
of certain  
moneys  
therefor.

Work and  
labor.

Moneys  
how drawn  
and ac-  
counted for.

Expenditure  
authorized.

Moneys to  
be accounted  
for.

## CHAPTER 312.

AN ACT in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the State Lunatic Asylum for Insane Convicts at Auburn, and to fix the rate of interest to be paid on convict deposits.

PASSED May 22, 1877; three-fifths being present.

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

Compensation of officers, etc., fixed.

SECTION 1. From and after the first day of March, eighteen hundred and seventy-seven, the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons shall be as follows: To each of the agents and wardens of said prisons, three thousand and five hundred dollars per year; to the physicians of each of said prisons two thousand dollars per year; to the principal keepers of each of said prisons, fifteen hundred dollars per year; to the clerk of each of said prisons, two thousand dollars per year; to the chaplain of each of said prisons two thousand dollars per year; to the kitchen keepers of each of said prisons, twelve hundred dollars per year; to the store keepers of each of said prisons, twelve hundred dollars per year; to the hall keeper of each of said prisons, one thousand dollars per year; to the keepers of each of said prisons, nine hundred dollars per year; to the sergeant of guard at each of said prisons, nine hundred dollars per year; to the guards of each of said prisons, seven hundred and eighty dollars per year; to the matron at Sing Sing prison, seven hundred and eighty dollars per year; to each of the assistant matrons at Sing Sing prison, six hundred

and sixty dollars per year; to each of the male teachers at each of said prisons, three hundred dollars per year, and to each of the female teachers at each of said prisons, two hundred dollars per year, which salaries to male and female teachers shall be in full for all services performed at the prisons by them. The salary of the superintendent of the State Lunatic Asylum for Insane Convicts at Auburn shall be two thousand dollars per year.

§ 2. The superintendent of State prisons may leave vacant, or require to be left vacant, any subordinate offices or positions now established by law, filled by appointment by the agent and warden, with the approval of the superintendent, in any of the State prisons which he may consider unnecessary for the protection of the property of the State, or for the safe-keeping of the convicts. And the compensation prescribed by this act for the several keepers, guards, matrons, teachers and other officers, except agent and warden, physician, chaplain and clerk, may, from time to time, be otherwise fixed and prescribed by the superintendent, but shall not, in any case, exceed the compensation now allowed by law.

Superintendent may have vacant certain offices, etc.

Compensation of certain officers, etc., may be changed by superintendent.

§ 3. The interest on convict deposits shall hereafter be paid at the rate of five per centum per annum.

Interest on convict deposits.

§ 4. All provisions of law inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1889, ch. 332, § 2.

## CHAPTER 424.

AN ACT in relation to the appointment of a State agent for the guidance and employment of discharged convicts.

PASSED June 6, 1877; three-fifths being present.

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

State agent  
for dis-  
charged  
convicts.  
Appoint-  
ment of.  
Duties.

SECTION 1. The superintendent of prisons is hereby authorized and empowered to appoint a State agent for discharged convicts, who shall hold office during the pleasure of the said superintendent, whose duty it shall be to visit, from time to time, the various penal institutions and reformatories of the State, and at least once in each month at each of the State prisons, to confer with all convicts whose term of imprisonment is soon to expire, for the purpose of inducing them to proceed immediately from the place of their confinement to suitable homes and places where employment will be secured to them. The said agent shall seek access to employers of labor adapted to such discharged convicts, so that they can, upon their liberation, be at once directed to suitable employment on the introduction and request of the said agent.

Furnishing  
convicts  
transporta-  
tion, etc.

§ 2. The said agent shall furnish the convicts discharged from prisons and reformatories with transportation, food, clothing and any necessary tools and advice, so that they may enter upon employment.

Office.

§ 3. The office of the said agent shall be located at some one of the State prisons of this State, to be designated by the superintendent of State prisons.

Account to  
be kept, etc.

§ 4. The said agent shall keep an account of all the moneys expended by him pursuant to regulations approved by the superintendent of State prisons, for his correspondence and necessary traveling and incidental expenses, and in furnishing clothing, board, transporta-

tion and tools to discharged prisoners, and such account, showing the amount under each head for each person, duly approved by the superintendent of State prisons, together with the proper vouchers, shall be transmitted to the comptroller of the State each month, and upon its approval by him, a warrant shall be drawn upon the State treasury therefor, but the whole amount so paid for such expenditures shall not exceed five thousand dollars over and above the amount already provided for by law for any one year. And any clothing, money and transportation furnished to each discharged convict as provided in chapter four hundred and sixty, session laws of eighteen hundred and forty-seven, chapter four hundred and seventeen, laws of eighteen hundred and sixty-two, chapter four hundred and fifteen, laws of eighteen hundred and sixty-three, and in any other laws of this State, shall be applied as directed by the said superintendent of prisons in carrying out the provisions of this section.

§ 5. The warden or superintendent of each State prison, penitentiary and reformatory, and the sheriff of each county, shall furnish to the said agent upon the first of each month, a full list of all the convicts who will be discharged from the custody of the said institutions, respectively under their charge during the next succeeding month, with such statements as shall be prescribed in the forms furnished under the direction of the superintendent of State prisons by the said agent concerning each convict to be discharged.

§ 6. The said agent shall, on or before the fifteenth day of January in each year, make to the superintendent of State prisons, a detailed statement in full of his official acts for the year ending the thirty-first day of December next last preceding, and the chief practical results of the same, so far as verified by him, and the

Expendi-  
tures not to  
exceed  
\$5,000, etc.

Money,  
transporta-  
tion, etc.,  
furnished  
discharged  
convicts to  
be applied  
as directed  
by superin-  
tendent.

List of con-  
victs to be  
furnished  
by wardens,  
sheriffs, etc.

Annual  
statement  
of agent.

superintendent of prisons shall transmit the same as a part of his annual report to the legislature of the State.

Salary.

§ 7. The salary of the said agent shall be two thousand five hundred dollars per annum, to be paid quarterly by the treasurer, upon the warrant of the comptroller, provided that such salary for the first year ensuing after the appointment of said agent, shall be paid from the sum heretofore appropriated "for maintaining the system of guidance, employment and aid of discharged prisoners," for the present year.

Proviso.

§ 8. This act shall take effect immediately. (1)

## CHAPTER 93.

AN ACT to repeal chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts."

BECAME a law March 9, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. Chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the appointment of a State agent for the guidance and employment of discharged convicts," is hereby repealed.

§ 2. This act shall take effect immediately.

(1) Repealed by Laws of 1895, ch. 92.

## CHAPTER 148.

AN ACT authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison.

PASSED April 19, 1878; three-fifths being present.

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

SECTION 1. The superintendent of State prisons is hereby authorized and empowered to survey, locate and construct a railroad from a point at or near the Clinton State prison at Dannemora, in the county of Clinton, to a point in the town of Plattsburgh at or near the waters of Lake Champlain, of the gauge of not more than three feet and six inches, nor less than thirty inches, within the rails, for public use in the transportation of persons and property, and, to such extent as deemed advisable, to employ such labor in the grading, bridging and constructing of said road, and in the manufacture of spikes, chairs and such other material necessary in the construction of said road, and in such way as the same may be employed with due economy to the interest of the State. The said superintendent of prisons is also authorized and empowered to use timber or other materials from the lands belonging to the State in the construction of said road, and of the bridges and superstructure thereof, and in the repair thereof.

§ 2. In case the said superintendent of State prisons shall be unable to agree for any real estate required for the purpose of said road, such title may be acquired on a petition by said superintendent in the manner provided by an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, for acquiring title to land for railroad purposes, except that, in any petition

Superintendent of State prisons authorized to construct, etc.

Employment of labor.

May use timber, etc., from State lands.

Title to real estate, how acquired.

therefor, no avowment of subscription to stock, or the filing of any map shall be required.

§ 3. The said superintendent of State prisons is hereby authorized and empowered to receive contributions of property, money or labor, or land, for the right of way or depot ground, and any property, money or labor so contributed shall be applied and expended in the construction of said road.

§ 4. Said superintendent is also authorized and empowered, upon the completion or partial completion of said road, to lease said road for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this State.

§ 5. The sum of eighty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated and authorized to be paid to the said superintendent of State prisons by the State treasurer, upon the warrant of the comptroller, to be expended in the survey, location and right of way of said road, and in its construction, provided and on condition that the cost of said road shall not exceed said sum in addition to the convict labor laid out thereon.

§ 6. This act shall take effect immediately.

#### CHAPTER 373.

AN ACT to amend chapter four hundred and seventy-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend the several acts in relation to State prisons."

PASSED May 27, 1879; three-fifths being present.

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

SECTION 1. Section twelve of chapter four hundred and fifty-one of the laws of eighteen hundred and sev-

Superintendent may receive contributions.

May lease road subject to approval.

Appropriation.

Previous.

enty-four, entitled "An act to amend the several acts in relation to State prisons," is hereby amended so as to read as follows:

§ 12. It shall be the duty of the agent and warden of the several State prisons of this State to require of all able-bodied convicts therein an equal number of faithful hours' labor during such hours as the inspector shall designate, and each convict in good faith performing such day's work, and being in all respects obedient to the rules and regulations of the prison; or, if not able to work, but is faithful and obedient, each shall be allowed two months on each of the first two years; four months on each succeeding year to the fifth year; and five months to each remaining year of the term of his imprisonment; and provided further, commutation of time earned by a convict for good conduct shall be wholly forfeited up to the time he commits any of the offenses mentioned in section two of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three; or commits any other act that would amount by law to a misdemeanor; but such shall not be the effect in cases where, without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended; and the name of no convict who has escaped, or attempted to escape, subsequent to the twelfth day of May, eighteen hundred and seventy-four, shall be sent to the governor for the commutation of any part of his sentence by prison officials.

§ 2. This act shall take effect immediately. (1.)

(1) Repeated by Laws of 1889, ch. 352, § 2.

Hours of labor.

Commutation of time.

Forfeiture thereof.

## CHAPTER 440.

AN ACT to facilitate the identification of criminals.

BECAME A LAW May 9, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

Measure-  
ment and  
description  
of prisoners.

SECTION 1. The superintendent of State prisons shall cause the prisoners in the State prisons therein confined at the time this act takes effect, and all prisoners thereafter received under sentence to be measured and described in accordance with the system commonly known as the Bertillon method for the identification of criminals. The said superintendent shall cause such measurements to be made by a person or persons in the official service of the State, and shall prescribe rules and regulations for keeping accurate records of such measurements at such prisons and in duplicate at his office in Albany and for classifying and indexing the same. It shall also be the duty of the officials having charge of the New York State Reformatory at Elmira, and of the penitentiaries in which prisoners shall be confined, or shall be hereafter received under sentence, to cause said prisoners to be measured and described in accordance with said Bertillon system by such person or persons in the official service of the State or of any such county or institution as may be designated by the superintendent of State prisons for the purpose, which measurements shall be made according to the rules and methods prescribed by the superintendent of State prisons. And it shall be the duty of the officials in charge of said New York State Reformatory at Elmira, and of such penitentiaries to cause duplicate records of such measurements to be transmitted to the superintendent of State prisons to be by him indexed and classified according to said Bertillon system.

§ 2. The necessary expenses incurred by the superintendent of State prisons in indexing and classifying prisoners, as provided in this act, shall be payable by the treasurer from the moneys appropriated for the maintenance and support of the several State prisons, on the warrant of the comptroller, and on bills approved by the superintendent of State prisons, but such expenses shall not exceed twelve hundred dollars in any one year.

Expenses,  
how payable.

§ 3. This act shall take effect immediately.

## CHAPTER 301.

AN ACT to authorize the attorney-general, the superintendent of public works, the superintendent of State prisons, and State treasurer to have official seals.

PASSED May 21, 1878; three-fifths being present.

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

SECTION 1. The attorney-general, the superintendent of public works, the superintendent of State prisons and State treasurer are each hereby authorized to adopt and procure an official seal, with suitable devices and inscription. A description of such seal, with an impression thereof and a certificate of approval of the same by the governor, shall be filed as required by law in the office of the secretary of State, and from the date of such filing shall be the official seal of the respective offices so adopting them, and may be renewed when necessary.

Official  
seals.

§ 2. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1892, ch. 682.  
Revised in the Public Officers' Law, Laws of 1892, ch. 681, § 40.

## CHAPTER 272.

AN ACT making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.

PASSED May 13, 1879; by a two-third vote.

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

This act, among other provisions and appropriations, contains the following:

Page 357. For the New York State Reformatory at Elmira, for all purposes, including maintenance of the establishment as may be required, in excess of any earnings of the inmates, and for furnishing material for the employment of the inmates, fifty thousand dollars, to be expended under the direction of the managers; and hereafter the managers shall report to the legislature, during the first week of its annual sessions, the items and amount of the earnings of the establishment.

New York  
State Re-  
formatory.

Report to  
Legislature.

## CHAPTER 346.

AN ACT for the enlargement of the Clinton State prison.

PASSED May 21, 1879; three-fifths being present.

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

SECTION 1. The speaker of the assembly, the comptroller, the superintendent of State prisons, Wells S. Dickinson, and Charles P. Easton are hereby authorized and required, at as early a day as their other public duties will permit, to prepare and adopt such plans and specifications for the enlargement of the Clinton State prison as shall make provision for the secure confinement of at least twelve hundred prisoners, upon esti-

Commis-  
sioners.

Plans and  
specifica-  
tions.

mates which shall show the total cost for such enlargement will not exceed the sum of two hundred thousand dollars. Before any portion of the sum hereinafter appropriated shall be expended, except for the purpose of securing such plans, full detailed plans and specifications for such enlargement shall be made and adopted, in writing, by the commissioners above named, and filed in the office of the secretary of State, and when so filed shall not be altered or departed from in carrying out such enlargement, except upon the concurrent written consent of said commissioners filed in the office of the secretary of State, which shall fully and distinctly state the extent of such alteration, and the extent to which the expense of such enlargement will be affected thereby, and shall show that such alteration will not carry the total cost of such enlargement beyond the sum of two hundred thousand dollars. This section shall be construed as meaning that no part of the sum appropriated in section three of this act, except as hereinafter specified, shall be expended until the contract to complete the work contemplated by this act is absolutely let and the security therefor deposited, or approved by the commissioners.

§ 2. The work for such enlargement, and the furnishing of all materials for the same, shall be let, by the commissioners above named, by contract or contracts, and awarded by them to the lowest bona fide and responsible bidder or bidders therefor, in whole or separately as the interests of the State shall require, after being advertised by them in the State paper, daily, for four weeks consecutively, immediately preceding such letting; the notice for such letting shall state the work to be let, the quality, quantity, and kind of materials to be bid for, and the length of time which will be given for the completion of the work or the delivery of the materials, and the amount of security required for

Section,  
how to be  
construed.

Work to be  
let by con-  
tract.

Notice.

**Proposals.** the faithful performance of the work. The proposals received by them shall be opened in the presence of each other; and every contract for work or material in pursuance of this act shall reserve the right to said commissioners to declare the same forfeited whenever, in the judgment of said commissioners, such contract is not being performed in accordance with the terms thereof. The commissioners named in the first section of this act shall receive no compensation for their services as such, but their reasonable disbursements and expenses, to be audited by the comptroller, shall be allowed and paid.

**Reservation.**

**Compensation of commissioners.**

**Appropriation.**

§ 3. The sum of one hundred thousand dollars is hereby appropriated for the purpose of such enlargement, and the necessary expenses attending the same, which sum the treasurer is hereby directed to pay out of any money in the treasury not otherwise appropriated, upon the warrant of the comptroller, to the order of the said commissioners, from time to time, and in such sums as they shall require the same, upon vouchers therefor, to be approved by the comptroller.

§ 4. This act shall take effect immediately.

#### CHAPTER 374.

AN ACT to authorize the agent and warden of Clinton prison to make certain contracts for the benefit of the State.

PASSED May 25, 1880; three-fifths being present.

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

SECTION 1. The agent and warden of the Clinton prison, if he shall think proper, shall have power to make contracts, for the benefit of the State, for the leasing of the State saw-mill and coal-kilns, so called, or

Agent to make contracts for leasing saw-mill and coal kilns, etc.

either of them, situate upon the lands of the State at present dedicated to the use of the Clinton prison, and for the sale and disposal of the dead timber standing and timber fallen upon said lands, or portions thereof, as he may think proper, on such terms as to the said agent and warden may seem to be for the best interests of the State; provided, however, that before making any contracts for leasing said saw-mills or coal-kilns, the said agent and warden shall invite proposals for the leasing thereof, by advertisement to be published two weeks in two newspapers published in said county; and provided that no contract or contracts made in accordance with the provisions of this section shall be binding upon the State until the same shall be approved by the superintendent of State prisons and the comptroller.

§ 2. This act shall take effect immediately.

#### CHAPTER 548.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-three, entitled "An act appropriating certain waters to the use of the Clinton State prison, and to make compensation therefor."

PASSED June 18, 1881, by a two-thirds vote.

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

SECTION 1. Section one of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-three, entitled "An act appropriating certain waters to the use of the Clinton State prison, and to make compensation therefor," passed April twenty-nine, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Agent of prison may appropriate waters named to use of prison.

§ 1. The agent of the Clinton State prison in this State is hereby authorized to appropriate to the use of the said prison all waters and streams of water on lot number sixty-five in the town of Dannemora, in the tract of land known as the gore, lying between the military township and the Canadian and Nova Scotia refuge tract in the county of Clinton, and on the lot or tract of land situate in said town of Dannemora, of about five hundred acres granted by the people of the State of New York to Pierre Alette, known as the Hockstrasser lot, and on lot number five of Pion patent so called in said county, except a spring of water situate near the dividing line between said Hockstrasser lot and said lot number five, Pion patent, and the brook flowing from said spring; and also excepting another spring of water situate on said Hockstrasser lot, north-east from said first-mentioned spring and about one hundred rods distant therefrom with the brook flowing from said last-mentioned spring; and to convey the said waters to the said prison from the said lots respectively by ditches now used for that purpose, and to continue, maintain and keep the said ditches in good repair and condition to convey the said water to the said prison, to dig and maintain all other necessary ditches, and at all proper and reasonable times to enter into and upon the lands through which the said ditches run or may run, to repair and put the same in good condition.

§ 2. This act shall take effect immediately.

## CHAPTER 211.

AN ACT to authorize the agent and warden of Clinton prison to repair certain State roads and highways.

PASSED April 25, 1884.

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

SECTION 1. The agent and warden of Clinton prison is hereby authorized, with the consent of the superintendent of prisons, to employ convicts, not exceeding fifty in number at any one time, in repairing plankroads and turnpikes built by the State of New York, and highways in road districts containing lands of the State of New York, situated within ten miles of Clinton prison.

Employment of convicts.

§ 2. This act shall take effect immediately. (1)

## CHAPTER 429.

AN ACT to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons.

PASSED May 27, 1880; three-fifths being present.

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

SECTION 1. It shall be unlawful to introduce into any poor-house, juvenile reformatory, protectory, house of refuge, jail, penitentiary or prison, or to bring upon the premises thereof, any wine, alcoholic, malt or intoxicating liquors, except upon the written requisition of the medical officer of such institution, or for any trustee, manager, officer, agent, employee, or other person connected with any such institution, or the inmates thereof, to use, to offer to others, or to allow to be used within any such institution, or upon the premises thereof, any wine, alcoholic, malt or intoxicating

Introducing or bringing alcoholic, malt or intoxicating liquors into poor-houses, etc. prohibited.

(1) Repealed by Laws of 1889, ch. 382, § 2.

liquors, except by the direction and prescription of the medical officer of such institution, who shall, in every case of such prescription, make a record of the name of the person and the cause for which such prescription is given, in a book kept publicly for such purpose, which record shall be verified by the affidavit of such medical officer, at least once in every six months.

**Penalty.**

§ 2. Any person violating this act, upon conviction thereof, shall be deemed guilty of a misdemeanor.

§ 3. This act shall take effect immediately. (1)

## CHAPTER 401.

AN ACT to revise and consolidate the laws regulating the sale of intoxicating liquors.

APPROVED by the Governor April 30, 10 A. M., 1892. Passed, three-fifths being present.

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

SECTION 34. LIQUORS IN PUBLIC INSTITUTIONS.—No strong or spirituous liquors, wines, ales or beer shall be brought, sold or given away upon the premises used and established as a jail, penitentiary, house of refuge, protectory, juvenile reformatory or poorhouse, to or for the use of an inmate or person confined therein, without a written prescription from a physician to such jail, penitentiary, prison, house of refuge, protectory or juvenile reformatory or poor-house, specifying the cause for which such prescription is given, the quantity and kind of strong or spirituous liquors, wines, ale or beer, which may be furnished, the name of the person or prisoner for whom and the time during which the same may be furnished. Such prescription shall not be made un-

(1) Repealed by Laws of 1892, ch. 401.  
Revised in the Excise Law, Laws of 1892, ch. 401, § 24.

less the physician is satisfied that the strong or spirituous liquors, wines, ales, ale or beer furnished is necessary for the health of the person or prisoner for whose use it is prescribed, and that fact must be stated in the prescription. Any person who shall bring into or sell in a jail, penitentiary, prison, house of refuge, juvenile reformatory, or poor-house, any strong or spirituous liquors, wines, ale or beer, contrary to this section, shall be guilty of a misdemeanor, and any sheriff, keeper, or assistant keeper, or other officer employed in or about any jail, penitentiary, prison, house of refuge, protectory, juvenile reformatory or poor-house, who knowingly suffers any strong or spirituous liquors, wines, ale or beer to be sold or used therein contrary to the provisions of this section shall forfeit his office. (1)

## CHAPTER 112.

AN ACT in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws.

BECAME A LAW March 23, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

## CHAPTER XXIX OF THE GENERAL LAWS.

## THE LIQUOR TAX LAW.

(This act among other provisions, contains the following:)

SECTION 1. SHORT TITLE.—This chapter shall be known as the liquor tax law.

§ 2. DEFINITIONS.—The term "liquors," as used in this act, shall include and mean all distilled or rectified spirits, wine, fermented and malt liquors. A sale of liquor of less than five wine gallons shall be "trafficking in liquors," within the provisions of this act. An

(1) Repealed by Laws of 1896, ch. 112.

association within the meaning of this act is any combination of two or more persons not incorporated nor constituting a copartnership.

§ 24. PLACE IN WHICH TRAFFIC IN LIQUOR SHALL NOT BE PERMITTED.—Traffic in liquor shall not be permitted,

1. In any building owned by the public, or upon any premises established as a penal institution, protectory, industrial school, asylum, State hospital or poor-house, and if such premises be situated in a town and outside the limits of an incorporated village or city, not within one-half mile of the premises so occupied, provided there be such distance of one-half mile between such premises and the nearest boundary line of such village or city.

§ 30. PERSONS TO WHOM LIQUOR SHALL NOT BE SOLD OR GIVEN.—No corporation, association, copartnership or person, whether taxed under this act or not, shall sell or give away any liquors,

6. To any person confined in or committed to a State prison, jail, penitentiary, house of refuge, reformatory, protectory, industrial school, asylum or State hospital, or any inmate of a poor-house, except upon a written prescription from a physician to such institution, specifying the cause for which such prescription is given, the quantity and kind of liquor which is to be furnished, the name of the person for whom and the time or times at which the same shall be furnished. Such prescription shall not be made unless the physician is satisfied that the liquor furnished is necessary for the health of the person for whose use it is prescribed, and that fact must be stated in the prescription.

## CHAPTER 389.

AN ACT to provide for the payment by the State of the expenses of the trials of convicts for crimes committed during the time of their imprisonment in either of the State prisons of this State.

PASSED July 1, 1882; three-fifths being present.

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

SECTION 1. Whenever any convict or convicts in either of the State prisons of this State or in the New York State Reformatory at Elmira, shall be indicted and tried for any offense committed by such convict or convicts during the time of their imprisonment in any State prison in this State or reformatory, the expenses of such trial, and in case of conviction of murder in the first degree, the expenses of executing the judgment or sentence of the court shall be paid by the State.

Expenses to be paid by the State.

§ 2. It shall be the duty of the district attorney of any county in which such convict or convicts shall be indicted and tried to make out a detailed statement under oath of all the necessary expenses incurred by any such trial, including the expenses of procuring witnesses to attend before the grand jury and at the trial of the indictment, and also the amount which shall or may be paid for petit jurors for and during the time occupied by such trial, and forward the same to the comptroller of the State of New York.

District-attorney to make detailed statement and forward same to the comptroller.

§ 3. It shall be the duty of the comptroller and attorney-general to examine such statement and to correct the same by striking therefrom any and all items which are not intended to be paid by the provisions of this act, and after correcting said statement as aforesaid, to draw his draft upon the treasurer for the amount of such expenses in favor of the county treasurer of the county in which such trial and indictment

Comptroller and attorney-general to audit same.

shall be had, which sum shall be paid to the said county treasurer out of any moneys in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

#### CHAPTER 12.

AN ACT to provide for a commission to examine into the operation of the contract labor system in the prisons, penitentiaries and reformatories of this State.

PASSED February 9, 1884; three-fifths being present.

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

Prison labor  
commission.

SECTION 1. Within ten days after the passage of this act there shall be appointed by the governor, by and with the advice and consent of the senate, five commissioners, all of whom shall be citizens of this State, who are hereby constituted a board of commissioners under the name of the "Prison Labor Commission," who shall hold office until March first, eighteen hundred and eighty-four.

To examine  
and report.

§ 2. The said commission is hereby authorized and empowered to examine into and to report upon the practical operation of the contract system for the employment of convicts in the State prisons, penitentiaries and reformatories of this State, as now required by law, and particularly as to the effect of such employment upon prison management and discipline; upon the prisoners, and upon the community at large; and for such purpose the said commissioners, or any of them, shall have full power and authority to enter any and all such institutions at all times, and shall have power to examine witnesses, and to send for and examine books and papers.

§ 3. The said commission shall report their conclusions, with such recommendations as they may deem proper, as to the best method of employing such convict labor, to this legislature, not later than the first day of March, eighteen hundred and eighty-four; they shall also prepare a form of bill to be submitted with such report.

Time lim-  
ited.

§ 4. The said commissioners shall each receive the sum of ten dollars per day for his services during his term of office; and the reasonable expenses of such commission, together with such salary to each member thereof, shall be paid upon the audit of the comptroller, out of any moneys in the treasury not otherwise appropriated.

Compensa-  
tion.

§ 5. This act shall take effect immediately.

#### CHAPTER 21.

AN ACT in relation to convict labor.

PASSED March 3, 1884; three-fifths being present.

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

SECTION 1. The superintendent of State prisons shall not, nor shall any other authority whatsoever, renew or extend any existing or pending contract, or make any new contract for the employment of any convicts in any of the prisons, penitentiaries or reformatories within this State.

§ 2. This act shall take effect immediately. (1)

(1) See *People v. Beckus*, 117 N. Y. 150.

## CHAPTER 470.

AN ACT relating to the employment of children by contract in houses of refuge, reformatories and other correctional institutions.

PASSED June 4, 1884; three-fifths being present.

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

Managers of houses of refuge not to contract labor of children.

SECTION 1. It shall be unlawful for the trustees or managers of any house of refuge, reformatory or other correctional institution, to contract, hire, or let by the day, week, or month, or any longer period, the services or labor of any child or children under, now or hereafter committed to or inmates of such institutions.

## CHAPTER 432.

AN ACT to create a prison labor reform commission for the purpose of investigating how best to employ the convicts, confined in the several prisons, penitentiaries, and reformatories of this State other than by the contract system and what improvements in the commitment, custody and employment, management, and discipline of convicts should be adopted; and to regulate the employment of convict labor in the said prisons, penitentiaries and reformatories pending such investigation.

PASSED May 20, 1886; three-fifths being present.

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

Prison labor reform commission, term of.

SECTION 1. Within five days after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint three citizens of this State, commissioners, who shall be known and designated as the "Prison Labor Reform Commission" who shall

hold office until the first day of June, eighteen hundred and eighty-seven.

§ 2. The said commission is hereby authorized and directed to investigate and report to the next legislature, either by bill or otherwise, on, or before the tenth day of February, eighteen hundred and eighty-seven, upon each of the following subjects to-wit:

Report to next Legislature.

What to embrace.

As to employment of convicts.

First. The various systems of employing convicts, and especially the reformatory feature, which involves the convicts' best interest, and the self-sustaining principle of maintaining convicts without cost to the State.

Second. The introduction of a system of employing convicts in the prisons, penitentiaries and reformatories other than the contract system, as it has heretofore obtained in this State, and upon what articles of manufacture prison labor can best be employed with a view of diminishing to the minimum the competition which now exists between prison labor and free labor.

Ibid.

Third. What experiments should be made in the employment of convicts upon any new industry, and in which of the prisons, penitentiaries or reformatories the same should be tested and under whose direction.

Experiments in new industries.

Fourth. The best method by which can be established a graded system in the commitment, custody and employment of all convicts in this State, with a view of classifying and separating the depraved and vicious from those possessing a type of character susceptible of higher moral improvement.

Graded system.

Fifth. What abuses, if any, obtain in the management and discipline of the convicts in the several prisons, penitentiaries and reformatories of this State, and what new method, change, modification or improvement should be adopted in this behalf.

Abuses, and new methods.

§ 3. The said commissioners, or any or either of them, shall have full power and authority to enter any of the prisons, penitentiaries or reformatories of this State at

Power to enter prisons, etc., and to send for persons and papers, etc.

all times, and shall have power to examine witnesses, and to send for and examine books and papers; each of said commissioners shall receive the sum of three thousand dollars, payable quarterly; and the sum of fifteen thousand dollars is hereby appropriated, which shall cover all the expenses of the commission, including the salary of said commissioners; and the comptroller, on the warrant of said commission, signed by a majority thereof, shall pay out of any moneys in the treasury not otherwise appropriated, such amounts not exceeding the sum of fifteen thousand dollars, for the purposes of said commission, as provided for in this act.

§ 4. Until the report of the commissioners, hereinbefore provided for, shall have been made to the legislature, and until the first day of June, eighteen hundred and eighty-seven, the system of labor in the State prisons, penitentiaries and reformatories of this State shall be the public account system (excepting existing contracts now in force); provided that whenever there shall be idle or unemployed convicts or inmates in any of said institutions whom, in the judgment of the superintendent, warden or manager thereof, it shall not be practicable for want of plant, material or conveniences to so employ on public account, then the superintendent, warden or manager of each of said prisons, penitentiaries and reformatories may respectively employ with the approval of the governor such idle convicts or inmates in the institution under his control on what is known as the piece-price system of labor.

§ 5. This act shall take effect immediately.

Salaries and expenses of commissioners.

Public account system of labor, in State prisons, etc.

Unemployed convicts to work on piece-price system.

## CHAPTER 586.

AN ACT providing for the proper employment of convicts in the penal institutions of the State, and making an appropriation necessary to prevent the prisoners from remaining in idleness.

APPROVED by the Governor August 1, 1888. Passed, three-fifths being present.

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

SECTION 1. No motive power machinery for manufacturing purposes shall be placed or used in any of the penal institutions of the State; and no person in such institution shall be required or allowed to work, while under sentence thereto, at any trade or industry where his labor, or the production or profit of his labor, is farmed out, contracted, given or sold to any person or persons whomsoever.

Penal institutions, labor by convicts to, regulated.

§ 2. The superintendent of State prisons, and all other officers having in charge the management of the penal institutions of the State, shall hereafter cause to be manufactured therein by the inmates thereof, such articles only as are commonly needed and used in the public institutions of this State, for clothing and other necessary supplies of such institutions and the inmates thereof; and all the articles manufactured in such penal institutions, not required for use therein, shall be furnished to the several institutions, supported in whole or in part by the State, for the use of their inmates, upon the requisitions of the trustees or managers thereof, upon the superintendent of State prisons, and no article, so manufactured, shall be purchased for the use of such inmates unless the same can not be furnished upon such requisitions.

Superintendent of State prisons, duty of as to manufactures by convicts.

Disposition of articles manufactured.

§ 3. The comptroller, the superintendent of State prisons and the president of the State Board of Charities shall constitute a board whose duties shall be to fix

Board constituted, to fix uniform price for manufactures.

and determine the value or price at which all articles manufactured in such penal institutions, and furnished for use in the several institutions of the State, shall be so furnished, which price shall be uniform to all institutions; the comptroller shall devise and furnish to the several institutions a proper form for such requisitions, and also a proper system of accounts to be kept for all such transactions. All moneys received for such articles so furnished upon requisition shall be paid into the treasury, as now required by law in case of sales of the products of State prisons.

§ 4. The sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purchase of material for manufacturing purposes in the penal institutions of the State and for all purposes connected with the manufacturing industries therein, to be expended in the purchase of material to be manufactured in accordance with the provisions of the first and second sections of this act, and in manufacturing articles for the use of the State and its institutions only.

§ 5. This act shall take effect immediately. (1)

#### CHAPTER 323.

AN ACT in relation to the labeling and marking of convict-made goods, wares and merchandise manufactured in States requiring the labeling and marking of such goods, wares and merchandise.

PASSED May 14, 1887; three-fifths being present.

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

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is

Requisition and account duty of comptroller as to.

Payments into State treasury.

Appropriation for purchase of material, etc.

How expended.

Labels and marks upon certain wares.

(1) Repeated by Laws of 1889, ch. 322, § 2.

employed in any State, except the State of New York and imported, brought or introduced into the State of New York shall before being exposed for sale be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

§ 2. The brand, label or mark hereby required shall contain, at the head or top thereof, the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering of the style and size known as grand\* primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall it be placed upon the box or other covering of the same or be attached to the article as a label. Said brand or mark shall be placed upon the most conspicuous part of the article or its covering, and said label, when used instead of a brand or mark, shall be attached in the most conspicuous place.

§ 3. It shall not be lawful for any person dealing in this State in any such convict made goods, wares or merchandise, manufactured in any State, except the State of New York, to have the same in his possession for the purpose of sale, or to offer the same for sale, without the brand, mark or label required by this act or to remove or deface such brand, mark or label. Any person offending against the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten hundred dollars or to be imprisoned for a term not exceeding twelve months or both, in the discretion of the court.

§ 4. This act shall take effect immediately. (1)

\* So in original.

(1) Repeated by Laws of 1894, ch. 698, § 6; Laws of 1896, ch. 531, § 6.

Label or mark, what to contain.

How placed.

Penalty for dealing in certain goods not branded, etc.

## CHAPTER 698.

AN ACT in relation to the labeling and marking of convict-made goods, wares and merchandise manufactured in states requiring the labeling and marking of such goods, wares and merchandise.

BECAME A LAW May 14, 1894, with the approval of the Governor.  
Passed, three-fifths being present.

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

Labels and marks upon certain convict-made goods, etc.

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any State, except the State of New York, and imported, brought or introduced into the State of New York, shall before being exposed for sale be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

Label or mark, what to contain.

§ 2. The brand, label or mark hereby required shall contain at the head or top thereof, the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

Use of label.

Labels and marks, how placed.

§ 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act and of section three hundred and eighty-four-b of the penal code, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

Enforcement of provisions.

§ 4. It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of any such person, persons or corporation, one-half of the fine, provided for by section three hundred and eighty-four-b of the penal code, which shall be secured, shall be paid upon certificate by the district attorney to the commissioner of labor statistics, who shall use such money in investigating and securing information in regard to the violations of this act and in paying the expenses of such conviction.

Furnishing evidence.

Payment over of fines upon conviction.

§ 5. Section three hundred and eighty-four-b of the penal code is hereby amended to read as follows:

§ 384b. PENALTY FOR DEALING IN CONVICT-MADE GOODS OF OTHER STATES WITHOUT LABELING.—A person having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise, manufactured in any other State, without the brand, mark or label required by law, or who removes or defaces such brand, mark or label is guilty of a misdemeanor, punishable by a fine not exceeding ten hundred dollars, nor less than one hundred dollars, or imprisonment for a term not exceeding one year nor less than ten days, or both.

Penalty for dealing in goods of other States without labeling.

Repeal.

§ 6. Chapter three hundred and twenty-three of the laws of eighteen hundred and eighty-seven is hereby repealed.

§ 7. This act shall take effect on the first day of September, eighteen hundred and ninety-four. (1)

## CHAPTER 931.

AN ACT in relation to the labeling and marking of convict-made goods, wares and merchandise, and amending the penal code in relation thereto, and repealing certain laws.

BECAME A LAW May 27, 1896, with the approval of the Governor.  
Passed, a majority being present.

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

Labeling and marking of convict-made goods.

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed shall, before being sold, or exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

Contents of brand or mark.

§ 2. The brand, label or mark hereby required shall contain at the head or top thereof the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of an article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box,

Placing of same upon articles.

(1) See Laws of 1894, ch. 699.  
Repealed by Laws of 1896, chap. 931, § 6.

crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

§ 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and of section three hundred and eighty-four of the penal code, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

Enforcement of act.

§ 4. It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of any such person, persons or corporation, one-half of the fine provided for by section three hundred and eighty-four b of the penal code, which shall be secured, shall be paid upon certificate by the district attorney to the commissioner of labor statistics, who shall use such money in investigating and securing information in regard to the violations of this act and in paying the expenses of such conviction.

Furnishing of evidence.

Application of fine.

§ 5. Section three hundred and eighty-four b of the penal code is hereby amended so as to read as follows:

§ 384b. PENALTY FOR DEALING IN CONVICT-MADE GOODS WITHOUT LABELING.—A person having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise hereafter manufactured and sold, or exposed for sale, in this State without the brand, mark or label required by law, or removes or defaces such brand, mark or label, is guilty

Penalty for dealing in goods without labeling.

of a misdemeanor punishable by a fine not exceeding ten hundred dollars nor less than one hundred dollars, or imprisonment for a term not exceeding one year nor less than ten days, or both.

§ 6. Chapter three hundred and twenty-three of the laws of eighteen hundred and eighty-seven, and chapter six hundred and ninety-eight, laws of eighteen hundred and ninety-four, are hereby repealed.

§ 7. This act shall take effect November first, eighteen hundred and ninety-six.

#### CHAPTER 699.

AN ACT to regulate the sale of convict-made goods, wares and merchandise manufactured by convicts in other States.

BECAME a law May 14, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. On and after the first day of January, eighteen hundred and ninety-five, it shall be unlawful for any person, persons or corporation to expose for sale within the State of New York, without first obtaining from the comptroller of the State a license to sell, any convict-made goods, merchandise or wares, as hereinafter provided.

§ 2. Every person, persons or corporation desiring to act as agents for or to deal in convict-made goods, merchandise or wares, before exposing such goods within the limits of the State of New York, shall make an application in writing to the comptroller setting forth his or their residence or office, the class of goods he, they or it desires to deal in, the town, village or city, giving the street number at which he, they or it intends to locate, together with names of two or more responsible

Sale of goods without license prohibited.

Application to comptroller.

citizens of the State of New York, who shall enter into a bond of not less than five thousand dollars to guarantee that the said applicant will in all and every particular, comply with any and all laws of the State of New York regulating and prescribing the sale of convict-made goods, wares and merchandise.

§ 3. The comptroller shall thereupon issue a license to such applicant for one year, except as hereinafter provided, which license shall set forth the name of such person, persons or corporation and shall be kept conspicuously posted in his, their or its place of business.

§ 4. Such person, persons or corporation shall annually, before the fifteenth day of January in each year, transmit to the secretary of State a verified statement setting forth:

1. The name of the person, persons or corporation.
2. His, their or its place of business.
3. The names of the persons, agents, wardens or keepers of any prison, jail, penitentiary or reformatory or establishment using convict labor with whom he has done business, and the person, persons or corporation to whom he has sold goods, wares or merchandise, giving the State, city or town and street number of such purchaser or purchasers.
4. In general terms the amount paid to each of such agents, wardens or keepers, for goods, wares or merchandise and the character of goods, wares and merchandise so received.

§ 5. Every person, persons or corporation shall pay annually, on or before the fifteenth day of January in each year, the sum of five hundred dollars to the State treasurer, as a license fee, which amount shall be credited to the maintenance account of the State prisons, and shall become available for such use upon the certificate of the comptroller.

Bond.

Licenses to applicant.

Annual statement to secretary of State.

Annual license fee.

Term of  
licenses.

Revocation  
of licenses.

Duty of  
commissioner of  
labor sta-  
tistics.

Proceedings  
to compel  
compliance  
with act.

Penalty for  
violation.

Furnishing  
evidence.

Payment  
over of fines  
upon con-  
viction.

§ 6. Licenses shall be for one year unless revoked as subsequently provided.

§ 7. The comptroller shall have power to revoke the license of any person, persons or corporation upon satisfactory evidence or upon conviction for any violation of any law regulating the sale of convict-made goods, wares and merchandise, but no such revocation shall be made until after due notice to the person, persons or corporation so complained of, and for the purposes of this section the said comptroller, or his authorized agents, shall have power to administer oath and to compel the attendance of persons and the production of books, papers, etcetera.

§ 8. When upon complaint or otherwise the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county in which such alleged violation has occurred of that fact, giving the information in support of his conclusions, and the district attorney shall at once institute the proper legal proceedings to compel compliance with this act. Any person offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding ten hundred dollars, nor less than fifty dollars, or to be imprisoned for a term not exceeding twelve months nor less than ten days, or both.

§ 9. It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of such person, persons or corporation, one-half of the fine provided for by this act, which shall be secured, shall be paid by the district attorney to the commissioner of labor statistics, to be used by him in investigating and securing information regarding violations of this act, and in paying the expenses of securing convictions for violations thereof.

§ 10. Nothing in this act shall affect the product of the prisons or other penal institutions of the State of New York. (1)

Proviso.

#### CHAPTER 737.

AN ACT to regulate the employment of prison labor in the manufacture of brooms and brushes made of broom-corn.

BECAME A LAW May 21, 1894, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The commissioner of statistics of labor, by virtue of the powers heretofore conferred upon him, shall ascertain forthwith the number of persons within the State employed in manufacturing brooms and brushes made of broom-corn, in every factory, shop or other place of employment of which he shall have or obtain any knowledge or information, or of which the address shall be furnished to him, and on or before the first day of June next shall make, certify and transmit to the governor, a tabulated statement of the location of every such factory, shop or place of employment, the names of the respective proprietors or employers, and the number of persons employed in manufacturing said kind of goods in each place of employment, including in a distinct schedule the number of prisoners actually employed in manufacturing said kind of goods in the several prisons, reformatories, penitentiaries and other penal institutions.

Enumera-  
tion of em-  
ployees in  
manufac-  
ture of  
brooms and  
brushes.

Report to  
governor.

§ 2. In case it appears from such enumeration that the total number of prisoners employed in manufacturing said kind of goods exceeds five per centum of the total number of persons within the State employed in

Governor  
may discon-  
tinue manufac-  
ture in  
penal insti-  
tutions.

(1) See Laws of 1894, ch. 698; Laws of 1896, ch. 937.

manufacturing such goods, the governor shall require the managing authorities of any one or more of such penal institutions to discontinue such employment wholly or in part, as he shall direct, and failure or refusal on the part of any officer to comply with such requirements shall be cause for removal.

New enumeration.

§ 3. Whenever the governor shall deem a new enumeration necessary or proper, he shall require the said commissioner to make and report the same in the manner hereinbefore prescribed, and shall take action thereupon, as above provided.

Enumeration deemed a State enumeration.

§ 4. Every such enumeration shall be deemed a State enumeration within the provisions of section one hundred and five of title two of chapter three of part four of the revised statutes, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, and every such statement or copy thereof certified by said commissioner, shall be presumptive evidence of the facts therein stated in all courts and places, and in all actions and proceedings.

Statements; evidence.

§ 5. This act shall take effect immediately.

#### CHAPTER 21.

AN ACT providing for commutation of sentences for good behavior of convicts in the prisons and penitentiaries in this State.

PASSED FEBRUARY 23, 1886; three-fifths being present.

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

Convicts may earn commutation or diminution of sentence.

SECTION 1. Every convict confined in any State prison or penitentiary in this State, on a conviction of a felony or misdemeanor, whether male or female, where the term or terms equal or equals one year, or who has a term the maximum of which is fixed by law, exclusive of

any term which may be imposed by the court or by statute as an alternative to the payment of a fine, or a term of life imprisonment, may earn for himself or herself a commutation or diminution of his or her sentence or sentences as follows, namely, two months for the first year, two months for the second year, four months each for the third and fourth years, and five months for each subsequent year.

Amount of commutation allowed.

§ 2. Where any convict in any State prison or penitentiary in this state is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term for the purpose of estimating the amount of commutation which he or she may be entitled to under the provisions of this act.

Commutation, how computed.

§ 3. For the purposes of this act the term of imprisonment of each convict shall begin on the date of his or her actual incarceration in a State prison or penitentiary.

Term of imprisonment, when to begin.

§ 4. On any day not later than the twentieth day of each month, the agent and warden of each of the State prisons in this state, and the warden or superintendent of each of the penitentiaries in this State, shall forward to the governor a report, directed to him, of any convict or convicts who may be discharged the following month by reason of the commutation of his or her sentence or their sentences in the manner hereinafter provided, which may be written or printed, or partly written and partly printed, which shall be uniform as to size and arrangement, which size and arrangement shall be fixed by the governor, and shall contain the following information, distinctly written, namely: the full name of the convict, together with any alias which he or she may be known to have, the name of the county where the conviction was had, a brief description of the crime of which the convict was convicted, the name of the court

Monthly report by warden to governor.

Form of report and contents thereof.

in which the conviction was had, the name of the presiding judge, the date of sentence, the date of reception in the prison or penitentiary, the term and fine, the amount of commutation recommended, and the date for discharge from the prison or penitentiary, if allowed.

Expiration of terms on holidays, Sundays, etc.

§ 5. In the cases of all convicts where the date for discharge from a State prison or penitentiary, as determined after the allowance of commutation for good conduct, falls on Sunday, or any legal holiday, it shall fall on the day following.

Rules for allowance for good conduct.

§ 6. As soon as practicable after the passage of this act, the superintendent of State prisons shall formulate rules governing the allowance or disallowance of commutation to convicts for good conduct in prison or penitentiary which shall in all cases be strictly adhered to in all the prisons and penitentiaries in this State. These rules may be changed from time to time, if necessary, in the discretion of the superintendent of State prisons, and he shall immediately on their adoption, or of any changes in the same thereafter, cause copies of the same to be forwarded to the agents and wardens of all the prisons, and the wardens or superintendents of all the penitentiaries in this State. A copy of these rules shall be furnished to every convict entitled to the benefits of this act.

Rules, how changed.

To be furnished to convicts.

Prison board constituted, to determine allowance of commutation.

§ 7. For the purpose of applying the rules mentioned in the last section for the allowance or disallowance of commutation for the good conduct of any convict, a board shall be constituted in each of the prisons and penitentiaries of this State, to consist of the agent and warden in each of the State prisons and the principal keeper and the physician therein, and the warden or superintendent in each of the penitentiaries of this State, the deputy or principal keeper and the physician therein, or of the

persons acting in their place and stead. This board shall meet once in each month before the date fixed for the transmission of their report to the governor, as hereinbefore provided, and proceed to determine the amount of commutation which they shall recommend to be allowed to any convict, which shall not in any case exceed the amount fixed by this act. They shall have full discretion to recommend the withholding the allowance of commutation for good conduct, or of a part thereof as a punishment for offenses against the discipline of the prison or penitentiary, in accordance with the rules hereinbefore mentioned.

To hold monthly meetings.

May recommend withholding of commutation or part thereof.

§ 8. In all cases, however, where the board shall recommend the withholding of the allowance of the whole or any part of commutation for good conduct, they shall forward with their report to the governor their reasons, in writing, for such disallowance, and the governor may, in his discretion, decrease or increase the amount of commutation as recommended by the said board, but he shall not increase the same beyond the amount fixed by this act.

Reasons for withholding commutation to be sent to governor.

Power of governor.

§ 9. In case any convict in any of the State prisons or penitentiaries in this State having a sentence or sentences which equals or equal four years, escapes or attempts to escape, he or she shall, for the first escape or attempt to escape, forfeit one-half the amount of commutation fixed by this act. For the second escape or attempt to escape, he or she shall forfeit all commutation for good conduct as provided for in this act. Any convict, however, having a sentence or sentences which equals or equal less than four years, who escapes or attempts to escape, shall forfeit all commutation for good conduct as provided for in this act. But where a convict has more than one term, the provisions of this

Forfeitures for escapes from prisons, etc.

Provisions as to more than one term.

section shall only apply to the term during which the escape or attempt to escape was made.

§ 10. The board hereinbefore provided for to fix the amount of commutation for good conduct shall, immediately on the escape or attempt to escape of any convict, meet and proceed to investigate the said escape or attempt to escape, reduce the testimony of all persons having knowledge on the subject to writing, cause the said persons to affix their signatures thereto and make oath to the same before any one of the members of said board, who is hereby authorized and empowered to administer such oath, and false swearing on such examination or in such statement shall be perjury. The said board shall thereupon make a full report in writing, and immediately forward the same to the superintendent of State prisons, who shall thereupon determine whether an escape or attempt to escape was committed, make an endorsement, in writing, of his decision, and return the same to the agent and warden of the State prison, or the warden or superintendent of the penitentiary where the escape or attempt to escape shall have occurred, where the same shall be recorded in a book to be kept for that purpose. But, if from newly discovered evidence, or other just cause, there is reasonable ground to believe that an injustice has been done to any convict in his or her having been adjudged to have escaped or attempted to have escaped, the superintendent of State prisons may, in his discretion, make an order in writing, directed to the agent and warden of the State prison or the warden or superintendent of the penitentiary from which such convict was adjudged to have escaped or attempted to have escaped, requiring that a re-examination of the former adjudication be had, and upon a report to him of such re-examination, he shall proceed to render a decision upon the same. And the proceedings of such re-examination, the decision and the pro-

Prison board to inquire into escapes.

Report to Superintendent of Prisons and his decision thereon.

Determination to be recorded.

Re-examination as to escapes in certain cases.

Provisions not to apply to terms of less than one year.

ceedings had thereunder, shall in all respects be conducted in the manner above set forth in this section as upon a first hearing in the matter of an escape or attempt to escape. But the provisions of this section shall not apply to the case of any convict the length of whose term or terms is less than one year.

§ 11. The provisions of section nine shall apply to all convicts who are now, or who may hereafter be confined in any prison or penitentiary of this State.

§ 12. The reports of the various boards for the determination of the amount of commutation for good conduct of convicts in the prisons and penitentiaries of this State to the governor, shall be personally signed by the members thereof.

§ 13. The governor upon the receipt of the report recommending the allowance of commutation of sentences of convicts for good conduct as provided for in this act, may, in his discretion, allow the same, and place the names of all those convicts whom he may determine to commute upon one warrant, and direct the same to the agent and warden of the State prison, or the warden or superintendent of the penitentiary, wherein such convicts may be confined, who shall thereupon proceed to execute such warrant by discharging the convicts mentioned therein on the date fixed for their discharge.

§ 14. The governor shall, in commuting the sentences of convicts as provided for in this act, annex a condition to the effect that if any convict so commuted shall, during the period between the date of his or her discharge by reason of such commutation and the date of the expiration of the full term for which he or she was sentenced, be convicted of any felony, he or she shall, in addition to the penalty which may be imposed for such felony committed in the interval as aforesaid, be compelled to serve in the prison or penitentiary in

Provisions as to escapes, how applicable.

Reports to governor, how signed.

Power of governor to grant allowance for good conduct.

Condition to be annexed to commutation by governor.

Convict to be returned to commutation for violation of condition.

which he or she may be confined for the felony for which he or she is so convicted, the remainder of the term without commutation which he or she would have been compelled to serve but for the commutation of his or her sentence as provided for in this act.

Certificate of warden as to commutation, how received in evidence.

§ 15. The certificate of the agent and warden of a State prison, or the warden or superintendent of a penitentiary, that the period of imprisonment of a convict was commuted under the provisions of this act, and of the crime and the length of term for which such commutation was granted, shall be received in evidence as proof for the purposes mentioned and described in section fourteen.

Convicts to be informed of this act.

§ 16. Upon the receipt of any convict in any prison or penitentiary in this State who shall be entitled to the benefits of this act, the provisions of the same shall be read to him or her, and the meaning of the same shall be fully explained to him or her by the clerk of the prison or penitentiary.

Proceedings upon discharge.

§ 17. Upon the discharge of any convict by reason of commutation of sentence for good conduct, the provisions of sections fourteen and fifteen of this act shall be read to, and their nature fully explained to him or her, by the clerk of the prison or penitentiary.

Act to apply to asylum for insane criminals.

§ 18. The provisions of this act shall apply to any convict who may have been transferred to the State asylum for insane criminals from either of the prisons or penitentiaries, or from any reformatory of this State to which he or she may have been transferred from any of the prisons or penitentiaries of this State whose sentence or sentences aggregates or aggregate not less than one year. And the medical superintendent of the State asylum for insane criminals may and shall perform any of the acts which may or shall be done by any board mentioned in this act.

Duty of medical superintendent.

§ 19. The provisions of this act shall apply to any convict who may have been transferred from either of the prisons or penitentiaries to any reformatory of this State whose sentence or sentences equals or equal not less than one year. And the superintendent or chief officer of any reformatory in this State in which any convict may be transferred as aforesaid, may and shall perform any of the acts which may or shall be done by any board mentioned in this act.

Act to apply to convicts in reformatory.

Duty of superintendent of reformatory.

§ 20. In all cases where it is herein provided that any board shall or may do any act, a majority thereof may and shall perform the same. (1)

Quorum of boards.

§ 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 22. This act shall take effect immediately. (2)

#### CHAPTER 677.

AN ACT relating to the construction of statutes constituting chapter one of the general laws.

APPROVED by the Governor May 18, 1892. Passed, three-fifths being present.

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

#### CHAPTER 1 OF THE GENERAL LAWS.

##### THE STATUTORY CONSTRUCTION LAW.

§ 19. MEETING; QUORUM; POWERS OF MAJORITY.—Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of all such persons or officers at a meeting duly

(1) Repealed by Laws of 1892, ch. 677, and revised in the Statutory Construction Law, Laws of 1892, ch. 677, § 19.

(2) See Laws of 1892, ch. 417.

held at a time fixed by law, or by any by-law duly adopted by such board or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, may perform and exercise such power, authority or duty, and if one or more of such persons or officers shall have died or have become mentally incapable of acting, or shall refuse or neglect to attend any such meeting, a majority or the whole number of such persons or officers shall be a quorum of such board or body, and a majority of a quorum, if not less than a majority of the whole number of such persons or officers may perform and exercise any such power, authority or duty. Any such meeting may be adjourned by a less number than a quorum. A recital in any order, resolution or other record of any proceeding of such a meeting that such meeting had been so held or adjourned, or that it had been held upon such notice to the members, shall be presumptive evidence thereof.

#### CHAPTER 330.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

PASSED May 12, 1886, by a two-thirds vote.

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

This act, among other provisions and appropriations, contains the following:

Page 535. The managers, trustees, superintendent, or other proper officers of each State hospital, asylum, charitable or reformatory institution, the State commissioner in lunacy, the State board of charities, the State

Quarterly accounts, by certain boards, etc., as to receipts and expenditures.

board of health and shore inspector shall quarterly, on January first, April first, July first and October first of each fiscal year, render to the comptroller a detailed, itemized and particular account of all receipts and expenditures, with sub-vouchers of such State hospital, asylum, charitable or reformatory institution, State commissioner in lunacy, State board of charities, State board of health, and shore inspector during the three months preceding. Such accounts shall be receipted and verified by the oaths or affirmations of the officer rendering the same; and the comptroller shall examine and audit such accounts with the same authority as if they had been liquidated and paid in full from moneys appropriated from the State treasury. The accounts shall give in detail the source of all receipts, including any sums received from each county, and be accompanied by original and proper vouchers covering the items of expenditures, unless such vouchers shall have been previously filed with the comptroller, or with the treasurers of counties, or other persons entitled to receive the same.

All State institutions receiving moneys, in whole or in part, from the State treasury for maintenance, shall deposit all its funds in banks or bank at the best attainable interest, said banks or bank to give a bond for the security of such deposit, to be approved by the comptroller; and all State institutions or departments, excepting charitable institutions, reformatories and houses of refuge, shall pay into the treasury, quarterly, all receipts and earnings other than receipts from the State treasury.

All state charitable institutions, reformatories and houses of refuge shall file with the comptroller, on or before October twentieth of each year, a certified inventory of all articles of maintenance on hand at the close of the preceding fiscal year, naming in such in-

Deposits in banks by certain institutions.

Earnings, how accounted for.

Annual inventory by charitable institutions, etc.

ventory the kind and amount of such article of maintenance.

Comptroller to designate form of keeping accounts by certain institutions.

The comptroller is empowered and authorized to devise a form of accounts to be observed in any State charitable institution, reformatory, house of refuge, or department which shall be accepted and followed in such institutions or departments after thirty days' notice thereof has been submitted by the comptroller. And such form of accounts shall include such a uniform method of bookkeeping, filing and rendering of account as may insure a uniform mention of purchase of like articles, whether by the pound, measure or otherwise as the interest of the public service require. Such form shall also include a uniform rate of allowance in reporting in such institutions and departments the amount and value of all produce, and other articles of maintenance raised upon lands of the State, and which may enter into the maintenance of such institution or department.

Clerk, etc., of charitable institutions, duty of, as to articles purchased.

It shall be the duty of the clerk or bookkeeper in each State charitable institutions, reformatory, and house of refuge or any State department to receive and examine all articles purchased by the proper officer, or received for the maintenance thereof, to compare them with the bill thereof, to ascertain whether they correspond in weight, quantity and quality, and to inspect the supplies thus received. And said clerk or bookkeeper shall also enter each bill of goods thus received, in the books of the institution or department in which he is employed, at the time of the receipt of the articles, and if any discrepancy is found between such bill and the article received, he shall make a note thereof, whether it be in weight, quality or quantity, and no goods or other articles of purchase, or farm or garden production of lands of the institution shall be received, except an entry thereof be made in the book of accounts of the

institution, with the proper bill, invoice or mention, according to the form of accounts and record prescribed by the comptroller. In accounts for repairs or new work, the name of each workman, the number of days he is employed, and the rate and amount of wages paid to him shall be given.

Accounts for repairs or new work.

If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications, shall be filed with the comptroller.

Duplicate contracts for comptroller.

§ 2. This act shall take effect immediately.

#### CHAPTER 485.

AN ACT for the appointment of an assistant clerk in the respective State prisons.

PASSED May 28, 1886; three-fifths being present.

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

SECTION 1. The comptroller is hereby authorized to appoint an assistant clerk in the respective State prisons to be paid in the same manner as the present prison clerk is paid, at a salary to be fixed by the comptroller not to exceed fifteen hundred dollars per annum.

§ 2. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1889, ch. 282, § 2.

## CHAPTER 280.

AN ACT to amend chapter four hundred and forty-three of the laws of eighteen hundred and eighty-three, entitled "An act to amend chapter five hundred and fifty of the laws of eighteen hundred and eighty-one, entitled 'An act to amend chapter four hundred and sixty of the laws of eighteen hundred and seventy-nine,' entitled 'An act to amend chapter one hundred and twenty-three of the laws of eighteen hundred and fifty-four,' entitled 'An act to promote medical science.'"

PASSED May 5 1887; three-fifths being present; without the approval of the Governor.\*

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

SECTION 1. Section one of chapter four hundred and forty-three of the laws of eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Wardens of hospitals, prisons, morgues, etc., to deliver certain dead bodies to medical colleges.

§ 1. It shall be lawful for the governors, keepers, wardens, managers or persons having the lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for deceased persons, and for all undertakers, and all persons having in their lawful possession the body of any deceased person for keeping or burial, to deliver, and they are hereby required to deliver, under the conditions hereinafter mentioned, the bodies of all deceased persons in their possession, charge, custody or control, to the medical colleges of this State authorized by law to confer the degree of Doctor of Medicine, and it shall be lawful for the professors and teachers in said colleges to receive such bodies, and use them for the purposes of medical study; provided, however, that the provisions of this

Exemptions from act.

\* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [Art. I.V., § 9, Constitution of the State of New York.]

act shall not apply to cases where the remains of deceased persons have been placed in the possession or custody of said undertakers or other persons for keeping or burial in the usual manner by their relatives or friends; and provided, further, that the remains of no deceased person shall be so delivered or received, if desired for interment by his or her relatives or friends within forty-eight hours after his or her death; and provided, further, that the remains of no person who may be known to have relatives or friends shall be so delivered or received without the assent of such relatives or friends; and provided, further, that the remains of no person who shall have expressed a desire in his or her last illness that his or her body be interred, shall be so delivered or received, but the same shall be buried in the usual manner; and provided, further, that in case the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, it shall be given up to such relative or friend for interment. Any medical college desiring to avail itself of the provisions of this act shall notify said governors, keepers, wardens, managers, undertakers, and other persons, hereinbefore mentioned, in the county where said college is situated, and in the counties adjacent thereto in which no medical college is located, of such desire, and thereafter it shall be obligatory upon said governors, keepers, wardens, managers, undertakers, and other persons hereinbefore mentioned, to notify the proper officer or officers of said college whenever there are dead bodies in their possession, charge, custody or control that come under the provisions of this act, and to deliver said bodies to said college. In case two or more of such medical colleges shall be located in any one county of this State, or shall be entitled, under the provisions of this act, to receive bodies from the same county or counties, then such medical colleges shall be

Medical colleges to give notice to wardens, etc.

Notices to colleges to receive dead bodies.

Duties of professors at colleges.

Applications for bodies for interment, by relatives, &c.

Proof required.

Violations of act, how punished.

entitled to receive such bodies in proportion to the number of matriculated students in each college. It shall be the duty of the professors and teachers in said colleges to dispose of the remains of persons so delivered to and received by them, after they have served the purposes of study, as aforesaid, in accordance with the instructions of the board of health in the localities where said medical colleges are situated. Any person desiring or claiming for interment, as relative or friend, the body of any deceased person, as is hereinbefore provided, may be required by the person or persons in whose possession, charge, custody or control said body is, or by said medical colleges or any officer or duly authorized agent thereof, to make oath or affirmation, before any officer authorized by law to take or administer the same, that he or she is such relative or friend, and also stating the facts and circumstances on which such claim to be a relative or friend of such deceased person is based, which oath or affirmation shall be reduced to writing and subscribed by the person making the same, but the expense thereof shall be paid by the person or persons requiring such oath or affirmation to be made, and in case any such person shall refuse to make or subscribe such oath or affirmation, such body shall not be delivered to the person so refusing, but he or she shall forfeit all claim and right to the same. Such oath or affirmation shall be delivered to the person or persons requiring the same to be made. Any person neglecting or violating any provision of this act shall forfeit and pay a penalty of twenty-five dollars for each and every neglect or violation thereof, and it shall be the duty of the health officer or the person performing his duties, in the places where said colleges are situated, whenever he shall have knowledge or information of any neglect or violation of any of the provisions

Penalties recovered, how applied.

of this act, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the costs and expenses of such suit, for the benefit of the health department of said locality.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 661.

AN ACT in relation to the public health, constituting chapter twenty-five of the general laws.

APPROVED by the Governor May 9, 1893. Passed, three-fifths being present.

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

SECTION 203. EXAMINATION AND QUARANTINE OF CHILDREN ADMITTED TO INSTITUTIONS FOR ORPHANS, DESTITUTE OR VAGRANT CHILDREN OR JUVENILE DELINQUENTS.—Every institution in this State, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the State and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words "juvenile delinquents" here used shall include all children whose commitment to an institution is authorized by the penal code. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether

(1) Repealed by Laws of 1892, ch. 661. Revised in the Public Health Law, Laws of 1893, ch. 661.

the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physician, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom.

§ 204. MONTHLY EXAMINATION OF INMATES AND REPORTS.—Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the State board of health, to the board of managers, or directors of the institution, and to the local board of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the

institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded, shall cause the evil to be remedied without delay.

§ 205. BEDS; VENTILATION.—The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate, and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air space which shall, under special circumstances, be allowed, which permit shall be kept conspicuously posted in such dormitory. The physician of the institution shall immediately notify in writing the local board of health and the board of managers or directors of the institution of any violation of any provision of this section.

§ 207. CADAVERS.—The persons having lawful control and management of any hospital, prison, asylum, morgue, or other receptacle for corpses not interred, and every undertaker or other person having in his lawful possession any such corpse for keeping or burial may deliver and he is required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges of the State authorized by law to confer the degree of doctor

of medicine and to any university of the State having a medical preparatory course of instruction and the professors and teachers in every such college or university may receive any such corpse and use it for the purpose of medical study. No corpse shall be so delivered or received if desired for interment by relatives or friends within forty-eight hours after death, or if known to have relatives or friends without the assent of such relatives or friends; or if a person who shall have expressed a desire in his last illness that his body be interred, but the same shall be buried in the usual manner. If the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment as provided in this section, may be required by the persons, college, university or officer or agent thereof, in whose possession, charge or custody the same may be to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, the expense of which affidavit shall be paid by the persons requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him but he shall forfeit his claim and right to the same. Any such medical college or university desiring to avail itself of the provisions of this section shall notify such persons having the control and management of the institutions and places heretofore specified, and such undertakers and other persons having any such corpse in their possession, custody or control in the county where such college or university is situated, and in any adjoining county in which no medical college is situated, of such desire, and thereafter all such persons shall notify the proper officers of such college or university whenever there is

any corpse in their possession, custody or control, which may be delivered to a medical college or university under this section, and shall deliver the same to such college or university. If two or more medical colleges located in one county are entitled to receive corpses from the same county or adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred, the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit. (1)

(1) Section 207a added by Laws of 1896, chap. 302.

## CHAPTER 302.

AN ACT to amend article twelve, of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," by adding thereto a new section immediately following section two hundred and seven, to apply only to the counties of Onondaga, Oswego, Madison, Cortland and the Auburn State prison in the county of Cayuga, and to be known as section two hundred and seven-a.

BECAME a law April 17, 1896, with the approval of the Governor.  
Passed, a majority being present.

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

SECTION 1. Article twelve of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," is hereby amended by adding a new section immediately following section two hundred and seven, to be known as section two hundred and seven-a.

§ 207a. CADAVERS.—The governors, keepers, wardens, managers, or persons having lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for corpses not interred in the counties of Onondaga, Oswego, Madison and Cortland, and the warden of the Auburn State prison, in the county of Cayuga, and every undertaker or other person in the counties of Onondaga, Oswego, Madison and Cortland, having in his lawful possession any such corpses for keeping or burial, may deliver, and they are hereby required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by rela-

tives or friends in the usual manner for keeping or burial, to the medical colleges or schools in said counties of Onondaga, Oswego, Madison and Cortland, authorized by law to confer either the degree of doctor of medicine, or the degree of doctor of dental surgery and to all other colleges or schools incorporated under the laws of the State in said counties for the purpose of teaching medicine, anatomy or surgery, and to any university in either of said counties having a medical preparatory course of instruction, and the professors and teachers in every such college, school or university may receive such corpses and use the same for the purposes of medical, anatomical or surgical science and study. No such corpse shall be so delivered if within forty-eight hours, after death, it is desired for interment by relatives, or by friends, who will bear the expenses of its interment; nor shall a corpse be so delivered or received of any person known to have relatives, whose places of residence are also known, without the assent of such relatives; and such relatives shall be deemed to have assented thereto, unless they shall claim such corpse for the interment within twenty-four hours after being notified of the death of such person. If the remains of any person so delivered or received shall be subsequently claimed for interment by any relative or by any friend who will bear the expense of such interment, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment, as provided in this section, may be required by the persons, college, school, university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, and, if a friend, that he will bear the expense of such interment, the expense of which affi-

davit shall be paid by the person requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him, but he shall forfeit his claim and right to the same. Any such college, school or university in either of said counties desiring to avail itself of the provisions of this section shall notify said governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified in the county where said college, school or university is situated, or in any of said adjoining counties, in which no such college, school or university is situated of such desire, and thereafter it shall be obligatory upon such governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified, to immediately notify the proper officer or officers of said college, school or university, whenever there is any corpse in their possession, charge, custody or control, which may be delivered to a medical college, school or university under this section, and to deliver the same to such college, school or university. It shall be the duty of such governors, keepers, wardens, managers and persons having lawful control and management of the institutions hereinbefore mentioned, after being duly notified by any college, school or university of its desire to avail itself of the provisions of this section, to keep, if requested so to do by such college, school or university, and if provided by such medical college, school or university with a suitable book for that purpose, a true and correct record of any and all corpses thereafter coming into their possession, charge, custody, or control, and of the disposition made of the same, giving the name of such corpses, if known; the dates of death and burial, if known; the names and places of residence, if known, of the relative of such corpses; the names of the persons by whom such corpses are claimed for interment and the names of the colleges, schools, uni-

versities, or persons, to whom the same are delivered, and the dates of such deliveries; which said books shall be open to the inspection of the officers and agents of such college, school or university furnishing the same and to the officers and agents of any other medical college, school or university entitled to receive corpses from the same county. If two or more colleges, schools or universities located in any one of said counties are entitled to receive corpses from the same or from said adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college, school or university receiving any corpse under this section, shall dispose of the remains thereof, after they have served the purposes of medical, anatomical or surgical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Any person neglecting to comply with or violating any provision of this section, shall forfeit and pay a penalty of twenty-five dollars for each and every such noncompliance or violation thereof, and it shall be the duty of the health officer, or person performing his duties, in the places where said medical colleges, schools or universities are situated, whenever he shall have knowledge or information of any noncompliance with, or violation of, any provision, or provisions, of this section, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the cost and expenses of the action, to the health board of said locality, for its use and benefit.

§ 2. This act shall take effect immediately.

## CHAPTER 637.

AN ACT to establish a prison fund and to designate the sources and purposes thereof.

PASSED June 21, 1887; three-fifths being present.

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

Prison fund established.

How raised.

Appropriations and credits to fund.

SECTION 1. There shall be established in the treasury of this State a fund which shall be known and designated as the prison fund; it shall consist of all moneys raised by taxation for prison purposes or heretofore appropriated and unexpended therefor, and all moneys arising from the sale of the products or property of the prisons, and all such moneys, whenever received in the treasury, shall be placed to the credit of such fund; and all appropriations made for any of the prisons of this State (except for repairs other than the ordinary repairs thereof), for the maintenance thereof, for the purchase of materials therefor, and for manufacturing therein, shall be paid by the treasurer from such fund, upon the warrant of the comptroller.

§ 2. This act shall take effect immediately.

## CHAPTER 420.

AN ACT to provide for police matrons in cities.

APPROVED by the Governor May 28, 1888. Passed, three-fifths being present.

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

Designation of station house for detention of women under arrest.

SECTION 1. The mayor of every city of this State, which according to the last State or national census contained a population of twenty-five thousand or over, excepting the cities of New York and Brooklyn, and in the cities of New York and Brooklyn the boards of commis-

sioners of police of said cities respectively shall, within three months after the passage of this act and all other cities in this State may designate one or more station houses within their respective cities for the detention and confinement of all women under arrest in said cities. Such mayor and board of commissioners of police may at any time designate for such purpose any additional station house or houses, or may revoke the designation of any station house or houses theretofore designated, provided that at least one such station house shall at all times be so designated for such purpose in each city.

Additional designations.

§ 2. Whenever the local authorities charged with the duty of making appropriations of moneys to be raised by taxation and expended for public purposes shall make a sufficient appropriation of funds therefor, the mayors of all cities in this State, excepting New York and Brooklyn, and in those cities the boards of commissioners of police, shall appoint for each station house designated as in the last section provided not more than two respectable women who shall be known as police matrons in the same manner and under the restrictions governing the appointment of patrolmen, so far as the same may be applicable, except that any rule or regulation as to the age of a person appointed patrolman, shall not apply to matrons appointed under this act. No woman shall be appointed a police matron unless suitable for the position and recommended therefor in writing by at least twenty women of good standing, residents of the city in which the appointment is made.

Police matrons, when and how appointed.

Regulations governing appointments.

Appointees, how recommended.

§ 3. Police matrons shall, upon appointment, hold office until removal, and they may be removed at any time, by the authority appointing them, by written order stating the cause of such removal. Upon the death, resignation or removal of a police matron, her successor shall be appointed as soon as may be, in the manner hereinbefore provided. A police matron shall receive a compensation or salary, to be fixed by the common

Term of service.

Removals.

Vacancies, how filled.

Compensation, how fixed.

council in the several cities where such matrons shall be provided, except in the cities of New York and Brooklyn, where the rate of compensation shall be fixed by the boards of police, respectively, not exceeding in any case the minimum salary paid to patrolmen in the city in which\* matron is appointed.

Matrons, when to reside at police station.

§ 4. When only one police matron is attached to a police station, she shall reside there, or within a reasonable distance therefrom, and shall hold herself in readiness to respond to any call therefrom at any hour, day or night, and each matron shall, during such hours as may be fixed by the head of the police department, remain in such station and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a police matron is attached, it shall be the duty of such matron to remain constantly thereat ready for service; or, if there be more than one matron attached to such station, then one of them shall be constantly ready for service. A police matron shall, subject to the officer in charge of such station house, have the immediate care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in command of such station for assistance. She shall be subject to<sup>o</sup> the authority of the board of police, or, if there be no such board, then to the chief of police in the city where she may be appointed, and to the rules and regulations prescribed by such authority; but at the station where she may be on duty she shall be subject only to the authority of the officer in command thereof.

To be subject to police rules.

Separate accommodations for women at station house, etc.

§ 5. Whenever the local authorities of any city shall make an appropriation therefor, it shall be the duty of the board of police in such city, or if there be no board of police, then of the mayor of such city, to provide out

\* So in the original.

of such appropriation sufficient accommodation for women held under arrest to keep them separate and apart from the cells, corridors and apartments provided for males under arrest, and to so arrange each station house that no communication can be had between the men and women therein confined, except with the consent of the matron or the officer in command of said station.

§ 6. Whenever a woman\* is arrested and taken to a police station to which a matron is attached, it shall be the duty of the officer in command of such station to cause such matron to be summoned forthwith, and whenever, in any city in which a police matron has been appointed, a woman is arrested and taken to a station house to which no matron is attached, it shall be the duty of such officer to cause such woman to be removed as soon as possible to the nearest station house to which a police matron is attached. No such separate confinement, nor any such removal of any woman, shall operate to take from any court any jurisdiction which it would have had. The term "woman" whenever used in this act, shall include any female minor.

Proceedings in case of arrest of women.

Term "woman" defined.

§ 7. The local authorities of all cities which according to the last State or national census contained a population of twenty-five thousand or over, except the city of New York, as said local authorities are specified in the second section of this act, shall, and the board of estimate and apportionment of the city of New York, and the local authorities of all other cities, may appropriate annually such sum as may be necessary for the separate care and confinement in station houses of all women arrested in each of said cities, and for the appointment, salary and maintenance of police matrons for the purposes of this act.

Appropriations under act, how made.

§ 8. This act shall take effect immediately. (1)

\* So in the original.

(1) Amended by Laws of 1891, chap. 90.

## CHAPTER 90.

AN ACT to amend chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for police matrons in cities."

APPROVED by the Governor March 20, 1891. Passed, three-fifths being present.

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

SECTION 1. Section one of chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for police matrons in cities," is hereby amended so as to read as follows:

Designation  
of station-  
houses for  
detention of  
women.

§ 1. The mayor of every city in this State, which according to the last state or national census contained a population of twenty-five thousand or over, excepting the cities of New York and Brooklyn, and in the cities of New York and Brooklyn, the boards of commissioners of police of said cities respectively, shall, within three months after the passage of this act, designate one or more station-houses within their respective cities, for the detention and confinement of all women under arrest in said cities. Such mayor or board of commissioners of police may at any time designate for such purpose any additional station-house or houses, or may revoke the designation of any station-house or houses theretofore designated, provided that at least one such station-house shall at all times be so designated for such purpose in each city.

§ 2. Section two of said act is hereby amended so as to read as follows:

Police  
matrons,  
appointment  
of.

§ 2. The mayors of all cities in this State, excepting New York and Brooklyn, and in those cities the boards of commissioners of police shall appoint for each station-house designated as in the last section provided not more than two respectable women who shall be known

as police matrons in the same manner and under the restrictions governing the appointment of patrolmen, so far as the same may be applicable, except that any rule or regulation as to the age of a person appointed patrolman shall not apply to matrons appointed under this act. No woman shall be appointed a police matron unless suitable for the position and recommended therefor in writing by at least twenty women of good standing, residents of the city in which the appointment is made. In cities where there are no station-houses, and where the county jail is used for the purposes of houses of detention, it shall be deemed a compliance with the provisions of this act if there shall be in constant attendance at such jail so long as any woman is detained under arrest therein, a woman properly qualified to and who shall perform the duties herein imposed upon police matrons.

Provision  
when jail  
used as  
house of de-  
tention.

§ 3. Section three of said act is hereby amended so as to read as follows:

§ 3. Police matrons shall, upon appointment, hold office until removal, and they may be removed at any time, by the authority appointing them, by written order stating the cause of such removal. Upon the death, resignation or removal of a police matron, her successor shall be appointed as soon as may be, in the manner hereinbefore provided. A police matron shall receive a compensation or salary to be fixed by the common council in the several cities where such matrons shall be provided, except in the cities of New York and Brooklyn, where the rate of compensation shall be fixed by the boards of police, respectively, not exceeding in any case the minimum salary paid to patrolmen in the city in which such matron is appointed.

Term of  
service.

Vacancies.

Compensa-  
tion, how  
fixed.

§ 4. Section four of said act is hereby amended so as to read as follows:

Residence  
at police  
station.

§ 4. When only one police matron is attached to a police station, she shall reside there, or within a reasonable distance therefrom, and shall hold herself in readiness to respond to any call therefrom at any hour, day or night, and each matron shall, during such hours as may be fixed by the head of the police department, remain in such station and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a police matron is attached, it shall be the duty of such matron to remain constantly thereat ready for service; or, if there be more than one matron attached to such station, then one of them shall be constantly ready for service. A police matron shall, subject to the officer in charge of such station-house, have the immediate care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in command of such station for assistance. She shall be subject to the authority of the board of police, or if there be no such board, then to the chief of police, in the city where she may be appointed, and to the rules and regulations prescribed by such authority; but at the station where she may be on duty she shall be subject only to the authority of the officer in command thereof.

Duties of  
matrons.

Matrons  
subject to  
police rules.

§ 5. Section five of said act is hereby amended so as to read as follows:

§ 5. It shall be the duty of the boards of commissioners of police in every city, or if there be no board of police, then of the mayor of such city, to provide sufficient accommodations for women held under arrest to keep them separate and apart from the cells, corridors and apartments provided for males under arrest, and to so arrange each station-house that no communication can be had between the men and women therein confined,

Separate ac-  
commoda-  
tions for  
women un-  
der arrest.

except with the consent of the matron or the officer in command of said station-house.

§ 6. Section six of said act is hereby amended so as to read as follows:

§ 6. Whenever a woman is arrested and taken to a police station, to which a matron is attached, it shall be the duty of the officer in command of the station to cause such matron to be summoned forthwith, and whenever, in any city in which a police matron has been appointed, a woman is arrested and taken to a station-house to which no matron is attached, it shall be the duty of such officer to cause such woman to be removed as soon as possible to the nearest station-house to which a police matron is attached. No such separate confinement, nor any such removal of any woman, shall operate to take from any court any jurisdiction which it would have had. The term "woman," used in this act, shall not include any female either actually or apparently under the age of sixteen years whose care is assumed by any society referred to in section two hundred and ninety-three of the penal code; but every such female on being taken to a station-house shall be at once transferred therefrom, by the officer in charge, to the custody of such society.

Proceedings  
in case of  
arrest of  
women.

Term  
"woman"  
not to in-  
clude car-  
tain  
females.

§ 7. Section seven of said act is hereby amended so as to read as follows:

§ 7. The proper local authorities of all cities in this State, which, according to the last State or national census, contain a population of twenty-five thousand or over, except the city of New York, and in said city of New York the board of estimate and apportionment, shall appropriate annually such sum as may be necessary for the separate care and confinement in station-houses of all women arrested in each of said cities, and for the appointment, salary and maintenance of police matrons

Annual ap-  
propriations  
for purposes  
of act.

How made  
in New  
York city in  
1891.

for the purposes of this act. The board of estimate and apportionment in said city of New York is hereby authorized and empowered to reopen the budget for the year eighteen hundred and ninety-one in order to include therein the estimates necessary to carry out the provisions of this act in said city.

§ 8. This act shall take effect immediately.

#### CHAPTER 277.

AN ACT to authorize boards of supervisors to establish work-houses.

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine, of the Constitution, April 28, 1891. Passed, three-fifths being present.

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

SECTION 1. The board of supervisors of any county may establish and maintain a workhouse for the confinement of persons convicted within the county of crimes or criminal offenses the punishment for which is imprisonment in the county jail, and may provide for the imprisonment and employment therein of all persons sentenced thereto, and any court or judicial officer may sentence such persons to such workhouse instead of to the county jail.

§ 2. This act shall take effect immediately. (1.)

(1) Repealed by Laws of 1892, ch. 636.  
Revised in the County Law, Laws of 1892, ch. 636, § 102.

#### CHAPTER 396.

AN ACT to provide for the better security of the freedom of religious worship in certain institutions.

APPROVED by the Governor April 30, 1892. Passed, three-fifths being present.

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

SECTION 1. All persons who may have been or may hereafter be committed to or taken charge of by any of the institutions mentioned in this act, are hereby declared to be and entitled to the free exercise and enjoyment of religious profession and worship, without discrimination or preference.

Freedom of  
worship to  
inmates of  
institutions.

§ 2. This act shall be deemed to apply to every incorporated or unincorporated society for the reformation of its inmates, as well as houses of refuge, penitentiaries, protectories, reformatories or other penal institutions, continuing to receive for its use, either public moneys, or a per capita sum from any municipality for the support of inmates.

Application  
of act.

§ 3. The rules and regulations established for the government of the institutions mentioned in this act shall recognize the right of the inmates to the free exercise of their religious belief, and to worship God according to the dictates of their consciences, in accordance with the provisions of the constitution; and shall allow religious services on Sunday and for private ministrations to the inmates in such manner as may best carry into effect the spirit and intent of this act, and be consistent with the proper discipline and management of the institution; and the inmates of such institutions shall be allowed such religious services and spiritual advice and spiritual ministrations from some recognized clergyman of the denomination or church which said inmates may respectively prefer or to which they may

Rules and  
regulations  
of institu-  
tions.

Religious  
services,  
etc., allowed  
to inmates.

have belonged prior to their being confined in such institutions; but if any of such inmates shall be minors under the age of sixteen years, then such services, advice and spiritual ministrations shall be allowed in accordance with the methods and rites of the particular denomination or church which the parents or guardians of such minors may select; such services to be had and such advice and ministrations to be given within the buildings or grounds where the inmates are required by law to be confined, in such manner and at such hours as will be in harmony, as aforesaid, with the discipline and the rules and regulations of the institution and secure to such inmates free exercise of their religious beliefs in accordance with the provisions of this act. In case of a violation of any of the provisions of this act, any person feeling himself aggrieved thereby may institute proceedings in the supreme court of the district where such institution is situated, which is hereby authorized and empowered to enforce the provisions of this act.

Proceedings for enforcement of act.

§ 4. This act shall take effect immediately.

#### CHAPTER 364.

AN ACT to prevent the use of butterine, oleomargarine or adulterated or imitation dairy products in certain institutions within this state.

APPROVED by the Governor April 30, 1893. Passed, three-fifths being present.

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

Expenditures for products, etc., forbidden.

SECTION 1. No money appropriated by law for maintenance and support in whole or in part of a State institution; nor money received by a charitable, benevolent, penal or reformatory institution from the State, or from

a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part for such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream from the same.

§ 2. No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.

Purchase, sale and use of products, etc., prohibited.

§ 3. This act shall take effect immediately.

#### CHAPTER 158.

AN ACT in relation to the punishment of crimes in certain cases.

PASSED April 11, 1886; three-fifths being present.

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

SECTION 1. Whenever any person under the age of twenty-one and above the age of sixteen years, shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of

Place of confinement designated.

have belonged prior to their being confined in such institutions; but if any of such inmates shall be minors under the age of sixteen years, then such services, advice and spiritual ministrations shall be allowed in accordance with the methods and rites of the particular denomination or church which the parents or guardians of such minors may select; such services to be had and such advice and ministrations to be given within the buildings or grounds where the inmates are required by law to be confined, in such manner and at such hours as will be in harmony, as aforesaid, with the discipline and the rules and regulations of the institution and secure to such inmates free exercise of their religious beliefs in accordance with the provisions of this act. In case of a violation of any of the provisions of this act, any person feeling himself aggrieved thereby may institute proceedings in the supreme court of the district where such institution is situated, which is hereby authorized and empowered to enforce the provisions of this act.

§ 4. This act shall take effect immediately.

#### CHAPTER 364.

AN ACT to prevent the use of butterine, oleomargarine or adulterated or imitation dairy products in certain institutions within this state.

APPROVED by the Governor April 30, 1893. Passed, three-fifths being present.

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

SECTION 1. No money appropriated by law for maintenance and support in whole or in part of a State institution; nor money received by a charitable, benevolent, penal or reformatory institution from the State, or from

Proceedings for enforcement of act.

Expenditures for products, etc., forbidden.

a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part for such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream from the same.

§ 2. No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.

§ 3. This act shall take effect immediately.

#### CHAPTER 158.

AN ACT in relation to the punishment of crimes in certain cases.

PASSED April 11, 1886; three-fifths being present.

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

SECTION 1. Whenever any person under the age of twenty-one and above the age of sixteen years, shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of

Purchase, sale and use of products, etc., prohibited.

Place of confinement designated.

the State, having a penitentiary within said judicial district, the court before which such conviction shall be had, may, in its discretion, sentence the person so convicted to imprisonment in the penitentiary situated in that judicial district. Every person so sentenced shall be received into the said penitentiary and shall be kept and employed in the manner prescribed by law, and shall be subject to the rules and discipline of said penitentiary.

Duty of  
sheriff.

§ 2. It shall be the duty of the sheriff of any county within the said judicial district in which any person shall be convicted and sentenced, as in the first section is provided, to convey such person to the penitentiary situated in such judicial district, and deliver him to the superintendent thereof, for which such sheriff shall be paid by the State treasurer such fees as are allowed by law for conveying convicts to the State prison.

§ 3. This act shall take effect immediately. (1)

#### CHAPTER 417.

AN ACT to alter the term for which criminals may be sentenced to state prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge.

PASSED April 22, 1862; three-fifths being present.

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

SECTION 1. Section thirteen, of title seven, chapter one, part fourth, of the revised statutes, is hereby amended by striking out the words "two years" in the last line of said section, and inserting in the place of the words so stricken out of the words "one year."

(1) See Penal Code, § 699.

§ 2. Every convict confined in any State prison in this State, and every convict confined in any penitentiary in this State, under sentence on conviction for a felony, may earn for himself a commutation or diminution of the term of his sentence, subject to the provisions of section four hereof, and in the manner following:

Convicts  
may earn  
commuta-  
tion.

If he shall diligently work the number of hours prescribed by the rules of the prison or penitentiary, during each day that he is ordered to work, for the space of one month, and if he shall well obey the rules and quietly submit to the discipline of the prison or penitentiary for the space of one month, he shall be entitled, for every period of one month for which he shall so work, obey and submit, to a commutation or deduction from the term for which he has been sentenced of one day. If he shall so work and obey and submit for the space of six or more successive months, he shall be entitled for every, one of said six or more successive months to a commutation or deduction from the term for which he was sentenced of two days, which two days shall be in addition to the deduction of one day for each month hereinbefore provided for. The provisions of this section shall, so far as they are applicable, apply to female prisoners confined in any State prison of this State, or in any penitentiary therein, and also to any prisoner confined in any State prison of this State, or in any penitentiary therein, for whom the agent or other officer of said State prison has no work at which to put him under any contract for the labor of convicts; provided, however, that the provisions of this act shall not affect the case of any person who shall be under a sentence of imprisonment for the term of his natural life.

Manner of  
doing it.

Female  
prisoners.

Proviso.

§ 3. It shall be the duty of every agent or other officer having charge of a State prison or penitentiary in this State, whenever a convict is delivered to him for con-

finement in the said State prison or penitentiary, to make known to him the provisions of the second section hereof.

Keepers and matrons to keep record of work.

§ 4. It shall be the duty of the keepers and matron of each State prison and penitentiary in this State to keep such record, day by day, of the manner of working of each convict therein to whom the provisions of this act shall be applicable, and of his conduct therein, as shall show what convicts have fulfilled the requirements of the second section thereof, and each of such keepers or matron shall report such record at the end of each month to the agent or principal keeper of the prison or penitentiary, and it shall be the duty of the agent or principal keeper of such State prison or penitentiary to preserve such record; and he shall not, more than thirty days before the term of each convict expires, as diminished by said record, transmit a copy of such record to the governor, which shall give the name of such convict, the date of his reception, the term of his sentence; and the governor of the State of New York may thereupon, in his discretion, direct the abatement or deduction of the term of the sentence of said convict of the number of days of commutation or diminution thereof which said convict shall have earned.

Fees received from visitors applied to use of convicts discharged.

§ 5. The funds arising from the fees charged to visitors at the State prisons and penitentiaries may be applied under the direction of the inspectors of prisons by the warden to the use and benefit of convicts upon their discharge, provided that no convict shall receive any greater sum than ten dollars in addition to the amount now allowed by law, and also that the condition of the allowance of such additional sum shall be the good behavior of the convict during his imprisonment.

Proviso.

§ 6. All acts and parts of acts inconsistent herewith, are hereby, so far forth as inconsistent herewith, repealed.

§ 7. This act shall take effect immediately. (1.)

#### CHAPTER 415.

AN ACT to amend section first of chapter four hundred and seventeen of the laws of eighteen hundred and sixty-two.

PASSED MAY 4, 1883; three-fifths being present.

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

SECTION 1. Section first of chapter four hundred and seventeen of the laws of eighteen hundred and sixty-two, is hereby amended by striking out the word "thirteen" in the first line thereof, and inserting the word "twelve" in the place thereof.

Section 1. of chap. 417, amended.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Every convict confined in any State prison in this State and any convict confined in any penitentiary in this State under sentence on conviction for a felony, may earn for himself a commutation or diminution of the term of his sentence subject to the provisions of section four hereof, and in the manner following: If he shall diligently work the number of hours prescribed by the rules of the prison or penitentiary during each day that he is ordered to work, for the space of one month, and if he shall well obey the rules and quietly submit to the discipline of the prison or penitentiary for the space of one month, he shall be entitled, for every period of one month for which he shall so work,

Convicts may earn commutation of sentence.

Regulations concerning work and behavior.

(1) Amended by Laws of 1883, chap. 415.  
Probably repealed by Laws of 1886, ch. 21, § 21.  
See *People ex rel. Stokes v. The Warden*, etc., 66 N. Y. 342.

obey and submit, to a commutation or deduction from the term for which he has been sentenced of one day, unless he shall subsequently forfeit the same by an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, in which case all previous commutations earned by him shall be wholly forfeited; but such shall not be the effect in cases where, without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended. If he shall so work and obey, as above, and submit, for the space of six or more successive months, he shall be entitled, for every one of said six or more successive months, to a commutation or deduction from the term for which he was sentenced of two days. The provisions of this section are hereby declared to apply to those convicts serving as waiters and cooks in and about the prisons. During the period that convicts are confined to the prison hospitals, if dutiful to the rules thereof, time as contemplated by this section, shall not be counted either for or against the convict; and for a period of three consecutive months or more before confinement in hospital and an additional period of consecutive time after discharge therefrom, together sufficient to make six months, shall be counted as six successive months, the same as if no time had been passed in hospital, if the convict, during the entire period, shall have fulfilled all the requirements of this section. The provisions of this section shall, so far as they are applicable, apply to female prisoners confined in any State prison of this State, or in any penitentiary therein, and also to any prisoner confined in any State prison of this State or in any penitentiary therein, for whom the agent or other officer of said State prison has no work at which to put him under any contract for the labor of convicts; provided, however that the provisions of this

act shall not affect the case of any person who shall be under a sentence of imprisonment for the term of his natural life.

§ 3. Section fourth of said act is hereby amended so as to read as follows:

§ 4. It shall be the duty of the keepers and matron of each State prison and penitentiary in this State, to keep such record, day by day, of the manner of working each convict therein to whom the provisions of this act shall be applicable, and of his or her conduct therein, as shall show what convicts have fulfilled the requirements of the second section thereof, and each of such keepers or matron shall report such record at the end of each month to the agent or principal keeper of the prison or penitentiary, and it shall be the duty of the agent or principal keeper of such State prison or penitentiary to preserve such record, and he shall, not more than thirty days before the term of each convict expires, as diminished by said record, transmit to the governor a certificate and report, showing that it appears from the record kept by the keepers of the prison, of the manner of working and of the daily conduct of each convict confined therein, duly preserved by him as required by law, that the convict has diligently worked the number of hours prescribed by the rules of the prison, during each day that he or she has been ordered to work, for the space of six or more successive months, or otherwise, as the case may be, and that he or she has well obeyed the rules and strictly submitted to the discipline of the prison for the space of six or more successive months, or otherwise, as the case may be, and that the convict has fulfilled all the requirements of section two of this act. Such certificate and report shall give the name of the convict, the county where convicted, the crime, the date of conviction, at what court, by whom held, the date of sentence, the term of sentence,

Keepers and  
matrons  
to keep  
record of  
work and  
manner of  
doing it  
and report  
same.

and the time the convict was received at the prison; and the governor of the State of New York may thereupon, in his discretion, direct the abatement or deduction of the term of the sentence of said convict of the number of days of commutation or diminution thereof, which said convict shall have earned.

§ 4. Section fifth of said act is hereby amended so as to read as follows:

§ 5. The funds arising from the fees charged to visitors at the State prisons may be applied, under the direction of the inspectors of State prisons, and the fees charged to visitors at the penitentiaries may, in like manner, be applied, under the direction of the board or committee charged with the general management thereof, by the warden, superintendent or other officer having charge of any State prison or penitentiary, for the use and benefit of convicts upon their discharge, in addition to the amount now allowed by law; and also on the condition that the allowance of such additional sum shall be the good behavior of the convict, from and after the passage of this act. (1)

#### CHAPTER 321.

AN ACT to amend section second of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three.

PASSED April 23, 1864; three-fifths being present.

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

SECTION 1. Section two, of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three, is hereby amended as follows: An allowance for good

Allowance for good conduct.  
Rate of allowance.

(1) Amended by Laws of 1864, chap. 31.  
See People ex rel. Stokes v. The Warden, etc., 66 N. Y. 342.

conduct shall be made of one month on each of the first two years; of two months on each succeeding year to the fifth year; of three months on each following year to the tenth year; and of four months on each remaining year of the time of their imprisonment. The inspectors of State prisons, and the respective boards or committees entrusted with the general management of the several penitentiaries in this State, by the warden, superintendent, or other officers having charge thereof, may make this section applicable to convicts now imprisoned in the several State prisons and penitentiaries, to the end that such convicts may receive the benefit of their good conduct in the past.

§ 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately. (1)

Applicable to convicts for good conduct in the past.

#### CHAPTER 25.

AN ACT to reduce the term of imprisonment of convicts in the several penitentiaries of this State.

PASSED February 20, 1875; three-fifths being present.

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

SECTION 1. It shall be the duty of the agent and warden of each of the penitentiaries in this State to require of every able-bodied convict confined therein as many hours of faithful labor in each and every day during his term, as shall be prescribed by the rules of such penitentiary; and every convict faithfully performing such labor and being in all respects obedient to the rules and regulations of said penitentiary, or if unable to work, yet faithful and obedient as aforesaid, shall be allowed

Convicts, labor required of.

(1) See People ex rel. Stokes v. The Warden, etc., 66 N. Y. 342.

Deduction from term of imprisonment.

from his term of imprisonment a deduction of two months in each of the first two years; four months in each of the next two years; and five months in each of the remaining years of said term; provided, that any such convict who shall commit an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, or any misdemeanor whatever, shall forfeit all deduction of time earned by him for good conduct before the commencement of such offense; and the name of no convict who has escaped or attempted to escape, shall be sent by the penitentiary officials to the governor for the commutation of any part of his sentence; but such shall not be the effect in cases where without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended.

§ 2. This act shall take effect immediately.

Forfeiture of.

#### CHAPTER 869.

AN ACT to abolish certain punishments in the State prisons and penitentiaries of this State.

PASSED May 11, 1-69; three-fifths being present.

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

Certain punishments abolished.

SECTION 1. The punishments commonly known as the shower-bath, crucifix, or yoke and buck, are hereby abolished in all the State prisons and penitentiaries of this State.

Penalty for inflicting same, upon convicts.

§ 2. Any officer, agent or employee in any of said prisons or penitentiaries, who shall hereafter inflict or cause to be inflicted upon any convict or person confined in said prisons or penitentiaries, either of the punishments mentioned in the first section of this act, shall be guilty of a misdemeanor, and upon conviction thereof

shall be punished by a fine of not less than one hundred nor more than two hundred and fifty dollars, or by imprisonment in a penitentiary or county jail not less than three months nor more than one year, or by both such fine and imprisonment.

§ 3. This act shall take effect immediately. (1)

#### CHAPTER 357.

AN ACT to authorize summary convictions of professional thieves, burglars, pickpockets, counterfeiters and forgers.

PASSED April 30, 1873; three-fifths being present.

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

SECTION 1. If any person shall be charged on oath or affirmation before any police magistrate or justice of the peace in this State with being a professional thief, burglar, pickpocket, counterfeiter or forger, or shall have been arrested by the police authorities at any steamboat landing, railroad depot, church, banking institution, brokers' office, place of public amusement, auction room, store, auction sale in private residences, passenger car, hotel or restaurant, or at any other gathering of people, whether few or many, and if it shall be proven to the satisfaction of any such magistrate or justice of the peace, by sufficient testimony, that he or she was frequenting or attending such place or places for an unlawful purpose, and that he or she has at some time been convicted of any of the crimes herein named, he or she shall be deemed a disorderly person, and upon conviction after trial shall be committed by the said magistrate or justice of the peace to the penitentiary,

Professional thieves, etc., when to be deemed disorderly persons.

Upon conviction to be imprisoned.

(1) Repealed by Laws of 1880, ch. 382, § 2.  
See extracts from the Constitution, Article 1, § 5.

in counties where there is a penitentiary, for a term not exceeding one hundred days, there to be kept at hard labor, and in counties where there is no penitentiary, or where no contract exists with any authorities of any penitentiary in the State, then to the county jail of said county, for a term not exceeding one hundred days, or, in the discretion of any such police magistrate or justice of the peace he or she shall be required to enter security for his or her good behavior for a period not exceeding one year.

Persons aggrieved may apply for writ of habeas corpus.

§ 2. Any person who may or shall feel aggrieved at any such act, judgment or determination of any such police magistrate, or justice of the peace pursuant to the provision of this act, may apply to any judge or justice of any court having the power to issue a writ of habeas corpus for the issuance of said writ, and upon return thereof there shall be a rehearing of the evidence, and the judge or justice may either discharge, modify or confirm the commitment.

§ 3. This act shall take effect immediately. (1)

#### CHAPTER 571.

AN ACT to authorize the confinement of convicts in the county penitentiaries of this State.

PASSED JUNE 9, 1875; three-fifths being present.

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

County penitentiary, sentence of convicts to.

SECTION 1. Whenever any person shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of the State having a county penitentiary within said judicial district, and such person so convicted shall be sentenced to imprisonment for a term not exceeding three years,

(1) See Code of Criminal Procedure, § 510.

the court before which such conviction shall be had may, in its discretion, sentence the prisoner so convicted, to be imprisoned in the county penitentiary situated within that judicial district, instead of a State prison, and every person so sentenced shall be received into the said county penitentiary, and shall be kept and employed therein, in the manner prescribed by law, and shall be subject to the rules and discipline of said county penitentiary.

§ 2. It shall be the duty of the sheriff of any county within the said judicial district in which any person shall be convicted and sentenced, as in the first section is provided, to convey such person to the county penitentiary situated in such judicial district, and deliver such person to the superintendent thereof, for which service such sheriff shall be paid by the State treasurer such fees as are allowed by law for conveying convicts to the State prison.

Sheriff, duty of.

His fees.

§ 3. The several superintendents of the said county penitentiaries are hereby required to make a return under oath on the thirteenth day of September of each year to the comptroller, in which they shall fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which such conviction is had, the date of such conviction, the length of sentence, and date of the reception of such convict at said penitentiary. The comptroller shall thereupon audit and allow such penitentiary, for the maintenance of such convicts, at a rate not exceeding one dollar and fifty cents per week for all of the convicts imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the treasurer of the State in favor of

Annual return to comptroller, superintendents to make.

Maintenance of convicts.

\* So in the original.

the superintendent of said county penitentiary for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

§ 4. All laws applicable to persons convicted and imprisoned in State prisons, and not in conflict herewith, shall be applicable to persons convicted and imprisoned in county penitentiaries under this act.

§ 5. This act shall take effect immediately. (1)

#### CHAPTER 372.

AN ACT to amend chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the confinement of convicts in the county penitentiaries of this State," relating to sentence and compensation for support of convicts.

BECAME a law April 23, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section one of chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the confinement of convicts in the county penitentiaries of this State," is hereby amended so as to read as follows:

§ 1. Whenever any person shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of the State having a county penitentiary within said judicial district, and such person so convicted shall be sentenced to imprisonment for a term not exceeding five years, the court before which such conviction shall be had may, in its discretion, sentence the prisoner so convicted

(1) Amended by Laws of 1896, ch. 372.

to be imprisoned in the county penitentiary situated within that judicial district instead of a State prison, and every person so sentenced shall be received into the said county penitentiary and shall be kept and employed therein in the manner prescribed by law, and shall be subject to the rules and discipline of said county penitentiary.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. The several superintendents of the said county penitentiaries are hereby required to make a return under oath on the thirtieth day of September of each year to the comptroller in which they shall fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which such conviction is had, the date of such conviction and length of sentence and date of the reception of such convict at said penitentiary. The comptroller shall thereupon audit and allow such penitentiary, for the maintenance of such convicts, at a rate of thirty cents per capita per day for each and every convict imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the treasurer of the State in favor of the superintendent of said county penitentiary, for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

§ 3. This act shall take effect immediately.

What laws are applicable.

Report of superintendent to comptroller.

Compensation for support of convicts.

Act amended.

Sentence of convicts to penitentiary instead of State prison.

## CHAPTER 471.

AN ACT authorizing certain sums of money to be paid to prisoners, confined in the county penitentiaries, upon their discharge therefrom.

PASSED JUNE 4, 1879.

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

Clothing and money to be furnished to certain discharged convicts.

SECTION 1. It shall be the duty of the superintendents of county penitentiaries to furnish to each convict, male or female, who shall have been convicted of a felony, and imprisoned in said penitentiaries in pursuance of the provisions of chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, upon their discharge from prison, by pardon or otherwise, necessary clothing not exceeding twelve dollars in value, except for the time between the first day of November and the first day of April, when clothing not exceeding eighteen dollars in value may be given; and a sum of money not exceeding, on an average, five dollars, as said superintendent may deem proper and necessary; and the sum of four cents for each mile which it may be necessary for each convict to travel to reach his or her place of residence within this State, and if such convict has no residence within the State, to the place of his or her conviction.

Superintendents to make annual return to comptroller.

§ 2. It shall be the duty of the superintendents of said penitentiaries to make a return to the comptroller of this State, under oath, on the thirtieth day of September of each year, in which he shall fully set forth the name of each convict received in said penitentiaries by virtue of the act named in section one of this act, in what court convicted, before what presiding justice or judge the offense for which conviction was had, the date of such conviction and length of sentence, date of reception of such convict at such penitentiaries, and the

date of his or her discharge therefrom; and in detail, the sums of money paid by them under the provisions of section one of this act.

§ 3. The comptroller shall thereupon audit and allow to such penitentiaries such sum as may be found due to them, under the foregoing provision, during the year preceding said thirtieth day of September, and shall draw his warrant upon the treasury of the State in favor of the superintendent of each penitentiary, for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

Audit and allowance of sums due.

Payment.

§ 4. This act shall take effect immediately.

## CHAPTER 686.

AN ACT in relation to counties, constituting chapter eighteen of the general laws.

APPROVED by the Governor May 18, 1892. Passed, three-fifths being present.

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

## CHAPTER XVIII OF THE GENERAL LAWS.

## THE COUNTY LAW.

This act, among other provisions, contains the following:

SECTION 1. SHORT TITLE.—This chapter shall be known as the county law, but shall not apply to the county of New York.

§ 12. GENERAL POWERS.—The board of supervisors shall:

11. Contract, at such times and upon such terms as the board may by resolution determine, with the authorities of any other county for the reception into the penitentiary of such county, and the custody

and employment at hard labor therein, of any person convicted within their county of any offense, other than a felony, and sentenced to imprisonment in a county jail, or penitentiary, for a term exceeding sixty days.

§ 90. USE OF JAILS.—Each county jail shall be used,

1. For the detention of persons duly committed to secure their attendance as witnesses in any criminal case;
2. For the detention of persons charged with crime, and committed for trial or examination;
3. For the confinement of persons duly committed for any contempt, or upon civil process;
4. For the confinement of persons convicted of any offense, other than a felony, and sentenced to imprisonment therein, or awaiting transportation under sentence to imprisonment in another county.

§ 91. ROOMS THEREIN.—Each county jail shall contain,

1. A sufficient number of rooms for the confinement of persons committed on criminal process, or detained for trial, or examination as witnesses in a criminal case, separately from prisoners under sentence;
2. A sufficient number of rooms for the separate confinement of persons committed on civil process, or for contempt;
3. A sufficient number of rooms for the solitary confinement of prisoners under sentence.

§ 92. CUSTODY AND CONTROL OF PRISONERS.—Each sheriff shall receive and safely keep in the county jails of his county, every person lawfully committed to his custody, for safe-keeping, examination, or trial, or as a witness, or committed or sentenced to imprisonment therein, or committed for contempt. He shall not, without lawful authority, let any such person out of jail. Persons in custody on civil process, or committed for contempt, or detained as witnesses shall not be put or kept

in the same room with persons detained for trial, or examination upon a criminal charge, or with convicts under sentence. Persons detained for trial or examination upon a criminal charge, shall not be put or kept in the same room with convicts under sentence.

A woman detained in jail upon a criminal charge, or as a convict under sentence, shall not be kept in the same room with a man; and if detained on civil process, or for contempt, or as a witness, she shall not be put or kept in the same room with a man, except with her husband, in a room in which there are no other prisoners. All persons confined in a county jail shall, as far as practicable, be kept separate from each other, and shall be allowed to converse with their counsel, or religious adviser, under such reasonable regulations and restrictions, as the keeper of the jail may fix. Convicts under sentence shall not be allowed to converse with any other person, except in the presence of a keeper. The keeper may prevent all other conversation by any other prisoner in the jail, when he shall deem it necessary or proper.

§ 93. FOOD AND LABOR.—Prisoners detained for trial, and those under sentence, shall be provided with a sufficient quantity of plain but wholesome food, at the expense of the county; but prisoners detained for trial may, at their own expense, and under the direction of the keeper, be supplied with any other proper articles of food. Such keeper shall cause each prisoner committed to his jail for imprisonment under sentence, to be constantly employed at hard labor when practicable, during every day, except Sunday, and the board of supervisors of the county, or judge of the county, may prescribe the kind of labor at which such prisoner shall be employed; and the keeper shall account, at least annually, with the board of supervisors of the county, for the proceeds of such labor. Such keeper may, with the

consent of the board of supervisors of the county, or the county judge, from time to time, cause such of the convicts under his charge as are capable of hard labor, to be employed outside of the jail in the same, or in an adjoining county, upon such terms as may be agreed upon between the keepers and the officers, or persons, under whose direction such convicts shall be placed, subject to such regulations as the board, or judge may prescribe. (1.)

§ 94. READING MATTER.—Each keeper shall provide a bible to be kept in each room of the jail in his charge, and he shall permit the persons therein confined, to be supplied with other suitable and proper books and papers, and if practicable, he shall cause divine service to be conducted for the benefit of the prisoners, at least once each Sunday, if there shall be room in the prison that may be safely used for that purpose.

§ 95. RECORD OF COMMITMENTS.—Each keeper shall keep a daily record of the commitments and discharges of all prisoners delivered to his charge, which shall contain the date of entrance, name, offense, term of sentence, fine, age, sex, place of birth, color, social relations, education, secular and religious, for what and by whom committed, how discharged, trade or occupation, whether so employed when arrested, number of previous convictions.

§ 96. COMMITMENTS BY UNITED STATES COURTS.—Such keeper shall receive and keep in his jail every person duly committed thereto, for any offense against the United States, by any court or officer of the United States, until he shall be duly discharged; the United States supporting such person during his confinement; and the provisions of this article, relative to the mode of confining prisoners and convicts, shall apply to all

(1) Amended by Laws of 1896, chap. 826.

persons so committed by any court or officer of the United States.

§ 97. KEEPERS TO PRESENT CALENDARS TO COURTS.—Such keeper shall present to every court of oyer and terminer, and every court of sessions having a grand jury, to be held in his county, at the opening of the court, a calendar stating:

1. The name of every prisoner then detained in such jail.
2. The time when he was committed, and by virtue of what precept.
3. The cause of his detention.

§ 98. DISCHARGED IF NOT INDICTED.—Within twenty-four hours after the discharge of any grand jury by any such court, the court shall cause every person so confined in jail on a criminal charge, who shall not have been indicted, to be discharged without bail, unless satisfactory cause shall be shown for its further detention, or if the case may require, upon bail, until the meeting of the next grand jury in the county.

§ 99. SUSPENSION OF HABEAS CORPUS.—During the session of the court of oyer and terminer in any county, no person detained in the county jail of such county,\* no person detained in a county jail of such county\* upon a criminal charge, shall be removed therefrom by writ of habeas corpus, unless such writ shall have been issued by or shall be made returnable before such court. (1.)

§ 100. PRISONER TO BE DISCHARGED IF UNABLE TO PAY FINE.—When any person shall be confined in a jail for the non-payment of a fine, not exceeding two hundred and fifty dollars, imposed for any criminal offense, and against whom no other cause of detention shall exist, on satisfactory proof being made to the county court of

\* So in the original.

(1) See Constitution of 1894, art. 6, § 6.

the county in which such prisoner may be confined, that he is unable, and has been ever since his conviction, to pay such fine, the court may in its discretion, order his discharge.

§ 101. HOUSES OF DETENTION FOR WOMEN, CHILDREN AND WITNESSES.—The board of supervisors of any county, except the county of Kings, may procure, by lease or purchase, a suitable place or places, other than the jail, for the safe and proper keeping, and care of women and children charged with crime not punishable by death or imprisonment in State prison for a term exceeding five years or with second offense, and persons detained as witnesses, to be termed houses of detention; and when so provided, any magistrate in the county shall commit women and girls, and boys under sixteen years of age, and all persons held as witnesses thereto, instead of the jail. The sheriff shall have the same charge and control of such house, and shall be entitled to the same compensation for the care and keeping of prisoners therein, as in the county jail.

§ 102. COUNTY WORK-HOUSES.—The board of supervisors of any county may establish and maintain a work-house for the confinement of persons convicted within the county of crimes and criminal offenses, the punishment for which is imprisonment in the county jail, and may provide for the imprisonment and employment therein of all persons sentenced thereto, and any court or judicial officer may sentence such person to such work-house instead of to the county jail.

§ 103. WHO MAY VISIT JAILS AND WORK-HOUSES.—The following persons may visit at pleasure all county jails and work-houses: The governor and Lieutenant-governor, secretary of State, comptroller and attorney-general, members of the legislature, judges of the court of appeals, justices of the supreme court and county

judges, district attorneys and every member\* of the gospel having charge of a congregation in the town in which such jail or work-house is located. No other person not otherwise authorized by law shall be permitted to enter the rooms of a county jail or work-house in which convicts are confined, unless under such regulations as the sheriff of the county shall prescribe.

§ 183. CUSTODY OF JAILS.—Each sheriff shall have the custody of the jails of his county and the prisoners therein and such jails shall be kept by him, or by keepers appointed by him, for whose acts he shall be responsible.

§ 230. COUNTY CHARGES.—The following are county charges:

5. The compensation of the sheriff for the commitment\* and discharge of his prisoners on criminal process within the county, and for summoning constables to attend court;

6. Compensation allowed by law to constables for attending courts of record, and the compensation allowed by law to constables and other officers, for executing process on persons charged with a felony; for services and expenses in conveying such persons to jail; and for the service of subpoenas issued by the district attorney and for other services in relation to criminal proceedings and support of prisoners in transit, for which no specific compensation is prescribed by law, and which are not a town charge, as prescribed by article seven, of the town law; but no charge for issuing or serving any subpoena in any criminal action or proceeding issued or served on behalf of a defendant shall be allowed, unless otherwise ordered by the court in which the action or proceeding was pending;

7. The expenses necessarily incurred in the support of persons charged with, or convicted of crimes, and committed to the jails of the county.

\* So in the original.

## CHAPTER 826.

AN ACT to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws."

BECAME A LAW May 21, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section ninety-three of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended so as to read as follows:

§ 93. FOOD AND LABOR.—Prisoners detained for trial, and those under sentence, shall be provided with a sufficient quantity of plain but wholesome food, at the expense of the county; but prisoners detained for trial may, at their own expense, and under the direction of the keeper, be supplied with any other proper articles of food. Such keeper shall cause each prisoner committed to his jail for imprisonment under sentence, to be constantly employed at hard labor when practicable, during every day, except Sunday, and the board of supervisors of the county, or judge of the county, may prescribe the kind of labor at which such prisoner shall be employed; and the keeper shall account, at least annually, with the board of supervisors of the county, for the proceeds of such labor. Such keeper may, with the consent of the board of supervisors of the county, or the county judge, from time to time, cause such of the convicts under his charge as are capable of hard labor, to be employed outside of the jail in the same, or in an adjoining county, upon such terms as may be agreed upon between the keepers and the officers, or persons,

under whose direction such convicts shall be placed, subject to such regulations as the board or judge may prescribe; and the board of supervisors of the several counties are authorized to employ convicts under sentence to confinement in the county jails, in building and repairing penal institutions of the county and in building and repairing the highways in their respective counties or in preparing the materials for such highways for sale to and for the use of such counties or towns, villages and cities therein; and to make rules and regulations for their employment; and the said board of supervisors are hereby authorized to cause money to be raised by taxation for the purpose of furnishing materials and carrying this provision into effect; and the courts of this State are hereby authorized to sentence convicts committed to detention in the county jails to such hard labor as may be provided for them by the boards of supervisors.

§ 2. This act shall take effect immediately.

## CHAPTER 347.

AN ACT to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings.

PASSED May 20, 1880; three-fifths being present.

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

SECTION 1. Each of the asylums, reformatories, homes, retreats, penitentiaries, jails, or other institutions of this State, in which the board, instruction, care or clothing of persons committed thereto is, or shall be, a charge against any county of this State, or town therein, shall be known for the purposes of this act as one of the State benevolent institutions of the State.

Asylums, etc., to be known for purposes of this act as State benevolent institutions.

Judges, and other officers, to make report of commitments.

§ 2. It shall be the duty of every judge, justice, superintendent of the poor, overseer of the poor, supervisor, or other person, who by law is authorized to make commitments or appointments to any of the State benevolent institutions of the State, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of the county in which any town is so liable, for the board, instruction, care, or clothing mentioned in section one of this act; said report shall be made within ten days after making such commitment or appointment, and shall show, when known, the nationality, age, sex, and residence of each person so appointed or committed, and the length of time of such appointment or commitment.

Keepers to report to clerk of board of supervisors.

§ 3. It shall be the duty of the keeper, superintendent, warden, secretary, director, or other proper officer of each of the State benevolent institutions of the State, within ten days after receiving any person into any of the institutions mentioned in section one of this act, whose board, care, instruction, tuition, or clothing shall be chargeable to any town or county, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of which any town is so liable. Such report shall show when such persons were received into said institution, and when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making such commitment or appointment, and the sum chargeable per week, month or year for such person.

What report to state.

To report deaths, etc.

§ 4. In case of the death, removal or discharge of any person committed or appointed to any of the institutions mentioned in this act, it shall be the duty of the officers mentioned in section three of this act, to immediately report to the clerk of the board of supervisors of the respective county the date of such death, removal or discharge.

§ 5. It shall be the duty of the officers mentioned in section three of this act, annually, on or before the fifteenth day of September, to present to the clerk of the board of supervisors of the county, liable for the board, instruction, care, or clothing mentioned in this act, or of the county in which any town is so liable, a sworn statement of the account of such institution, with such county or town, up to the first day of October next succeeding, and in case of a claim for clothing, an itemized statement of the same, and in case any part of the board, care, tuition, or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and accompanying such account shall be a report showing the name, age, sex, nationality, and residence of each person mentioned in the account, the name of the officer who made the commitment or appointment, the date and length of commitment or appointment, the time to which the account has been paid, and the amount claimed to the first day of October next succeeding, the sum per week or per annum charged, and if no part of such account has been paid by any person or persons, the report shall show such fact, duly verified.

Sworn statement of account to be presented annually to clerk of board of supervisors.

What statement to contain.

§ 6. Any officer mentioned in this act who shall refuse or neglect to make the reports required by this act shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town or county to which he is required to make such report.

Failure to make report to cause forfeiture of pay.

§ 7. The clerk of the board of supervisors who shall receive any report or account in pursuance of the provisions of this act shall carefully file the same and present the same to the respective boards of supervisors on the second day of the annual meeting of the board next succeeding the receipt of the same.

Reports to be filed and presented to board.

§ 8. The poor-houses in the several counties of this State are hereby exempted from the provisions of this act.

Not to  
apply to  
Kings  
county.

§ 9. Nothing in this act contained shall be held to apply to the county of Kings.

§ 10. This act shall take effect immediately. (1)

#### CHAPTER 273.

AN ACT to amend chapter three hundred and forty-seven of the laws of eighteen hundred and eighty, entitled "An act to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings.

PASSED May 13, 1881; three-fifths being present.

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

SECTION 1. Section five of chapter three hundred and forty-seven of the laws of eighteen hundred and eighty, entitled "An act to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings," is hereby amended so as to read as follows:

§ 5. It shall be the duty of the officers mentioned in section three of this act, annually, on or before the fifth day of October, to present to the clerk of the board of supervisors of the county liable for the board, instruction, care or clothing mentioned in this act, or of the county in which any town is so liable, a sworn statement of the account of such institution, with such county or town, up to first day of said October, and in case of a claim for clothing, an itemized statement of the same, and in case any part of the board, care, tuition, or clothing has been paid by any person or persons, the account shall show what sum has been so paid, and accompanying such account shall be a report showing the name, age, sex, nationality, and residence of each

Sworn  
statement  
of account  
to be annually  
presented to  
board of supervisors.

(1) Amended by Laws of 1881, ch. 272.

person mentioned in the account, the name of the officer who made the commitment or appointment, the date and length of commitment or appointment, the time to which the account has been paid, and the amount claimed to the first day of said October, the sum per week or per annum charged, and if no part of such account has been paid by any person or persons, the report shall show such fact, duly verified.

§ 2. This act shall take effect immediately.

#### CHAPTER 490.

##### AN ACT concerning tramps.

PASSED June 11, 1885; three-fifths being present.

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

SECTION 1. Every tramp, upon conviction as such, shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, the expense during such imprisonment not to exceed one dollar a week per capita, to be paid by the State.

Punish-  
ment.

§ 2. All persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occasion, shall be held to be tramps within the meaning of this act.

Tramps.

§ 3. Any act of vagrancy by any person not a resident of the State shall be evidence that the person committing the same is a tramp within the meaning of this act.

Acts of va-  
grancy evi-  
dence.

§ 4. Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary, or willfully or maliciously injure the person or property of another, which injury under existing law does not amount to a felony, or shall be found carrying any fire-

Unlawful  
acts, when  
committed  
by tramps,  
made  
felonies.

arms or other dangerous weapon, or burglar's tools or shall threaten to do any injury to any person or to the real or personal property of another, when such offense is not now punishable by imprisonment in a State prison, shall be deemed guilty of felony, and on conviction, shall be punished by imprisonment in the State prison at hard labor for not more than three years.

§ 5. Any person being a resident of the town where the offense is committed may, upon view of any offense described in this act, apprehend the offender and take him before a justice of the peace or other competent authority.

§ 6. This act shall not apply to any person under the age of sixteen years, nor to any blind person, nor to any person roving within the limits of the county in which he resides.

§ 7. Any person convicted under this act shall be entitled to the same commutations of sentence as now provided by law for any prisoners committed to the State prison or penitentiary.

§ 8. This act shall take effect immediately. (1.)

#### CHAPTER 115

AN ACT to amend chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, entitled "An act concerning tramps."

BECAME a law without the approval of the Governor, in accordance with the provisions of article four section nine of the Constitution, March 31, 1891. Passed, three-fifths being present.

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

SECTION 1. Section one of chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, is hereby amended so as to read as follows:

(1) Amended by Laws of 1891 ch. 115.  
See *People v. Deacons*, 109 N. Y. 374.

Apprehension of tramps.

Act not to apply to persons named.

Commutations.

§ 1. Every tramp, upon conviction as such shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, and the expense during such imprisonment shall be paid by the State at the rate of thirty cents per day per capita.

§ 2. This act shall take effect immediately.

#### CHAPTER 109.

AN ACT to establish the fiscal year of State charitable, eleemosynary and reformatory institutions.

PASSED March 22, 1879.

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

SECTION 1. The fiscal year of all State asylums, hospitals, charitable and reformatory institutions in this State, shall commence on the first day of October in each year, and close on the thirtieth day of September, inclusive, next succeeding; and the annual reports of said institutions heretofore required for the use of government shall be made for the fiscal year as herein established; provided, however, that the first report made by any of said institutions, after the passage of this act, shall be for the period commencing with the commencement of its fiscal year as heretofore established to and including the thirtieth day of September, eighteen hundred and seventy-nine.

§ 2. All acts inconsistent with this act are hereby repealed.

Fiscal year, when to begin and close.

Annual reports.

## ALBANY COUNTY.

## CHAPTER 152.

AN ACT for the construction of a penitentiary, and in relation to the relief of the poor in the county of Albany.

PASSED April 13, 1844.

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

SECTION 1. The board of supervisors of the county of Albany shall cause to be erected, at such place within the limits of said county as shall be designated in the manner hereinafter directed, a suitable building or buildings for a penitentiary, for the safe keeping and employment of vagrants, disorderly persons, and all prisoners (except in cases of convictions for felony) who shall be sentenced to confinement at hard labor, or to solitary imprisonment, by any court held in said county or in the city of Albany.

§ 2. Samuel Pruyn and Barent P. Staats, of the city of Albany, and Lewis M. Dayton, of Rensselaerville, in said county, are hereby appointed commissioners, whose duty, or that of a majority of whom, after taking the constitutional oath of office, it shall be, without any unnecessary delay, to select a proper site for the location of the said penitentiary, with proper grounds to be attached thereto; and within six months from the passage of this law to report such location, together with a detailed plan for the construction, management and discipline of the said penitentiary, and an estimate of the expense of the land for the site and of the construction thereof, to the said board of supervisors. In case of a vacancy by death, resignation, removal from said county, refusal or neglect to serve, or otherwise, in the said board of commissioners, such vacancy shall be filled by the person administering the government of this

Penitentiary to be erected.

Commissioners to locate site and report.

State. The said commissioners shall each receive, for their services, three dollars for each day while actually employed in the discharge of their duties, and such sum as shall be actually incurred by them in obtaining the necessary plans, estimates and information preparatory to the report to be made by them as aforesaid; such several sums to be paid by the said board, and the amount thereof added to the sum to be raised by tax as hereinafter mentioned.

Their pay.

§ 3. Upon such report being made, the said board of supervisors, together with the mayor and recorder of the city of Albany, who shall be associated with the said board for that purpose, or a majority of them, shall examine the same and determine thereupon; and the said board and mayor and recorder may alter, modify, reduce or increase the site, plan or expense of construction of said penitentiary, as specified in the said report, in any manner as to them shall seem fit, expedient or necessary. The said commissioners, hereinbefore named, (at the expiration of ninety days after the report shall have been made to the said board of supervisors, and delivered to the chairman or clerk of said board,) shall procure the lands necessary for the site of said penitentiary, and proceed to construct the same, at such place and on such plan, in all respects, as the said board of supervisors, with the mayor and recorder, shall, in manner aforesaid, have approved and directed. But if the report of the said commissioners shall not have been approved by the said board, with the mayor and recorder, and no site for the said building or plan for the erection thereof, shall have been agreed on by the said board, with the mayor and recorder as aforesaid, then it shall and may be lawful for the said commissioners to select such site for the said building and the grounds to be connected therewith, and to proceed in the construction

Duty of supervisors and mayor and recorder.

of the same on such plan as they, or a majority of them, shall deem best.

§ 4. The management and direction of the said penitentiary, when completed, shall be under the control and authority of the said board of supervisors and the said mayor and recorder of the city of Albany, who are hereby authorized and empowered, by their votes in joint meeting, to establish and adopt rules for the regulation and discipline of said penitentiary, to appoint officers to take charge thereof, to fix their compensation and prescribe their duties, and generally to make all such by-laws and ordinances, in relation to the management and government thereof, as they shall deem expedient. But the person who shall be appointed principal keeper of the said penitentiary, shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct, or other cause, to be particularly assigned.

§ 5. The said board of supervisors are authorized to borrow, on the credit of the said county, such sum or sums of money as shall be necessary to defray all the expenses of procuring the site and completing the erection of the said penitentiary; and they are hereby also authorized and required to raise, levy and collect a sum sufficient to repay the same with the interest becoming due thereon, in not less than four nor more than eight equal annual installments, on and from the taxable property in the city and county of Albany, in the same manner as other county charges are levied and collected; and the said board of supervisors shall, from time to time, pay such drafts as may be drawn on them by the said commissioners, or a majority of them, for the cost of the site and erection of the said building, not exceeding the amount at which such cost may have been fixed and determined by said board and the said mayor

Penitentiary how managed.

Supervisors may borrow money.

and recorder as aforesaid, in case the same shall have been so fixed and determined by them.

§ 6. The sheriff of the county of Albany is authorized and required, at the request and under the direction of said board of supervisors, with the mayor and recorder, to order and compel all persons, who shall be sentenced to imprisonment in the county jail at hard labor at any time during the erection of said penitentiary, to work and labor in and upon the building and construction of the same.

§ 7. The expenses of the said penitentiary, over and above all receipts from the labor of those confined thereto, (now the property of said common council,) supervisors, yearly, at their annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of the county.

§ 8. It shall be lawful for the said board of supervisors to rent, of the common council of the city of Albany, the almshouse and farm in said city, together with all the fixtures and appurtenances belonging thereto, (now the property of said common council,) upon such terms as shall be agreed upon between the said common council and the said board of supervisors.

§ 9. It shall also be lawful for the said board of supervisors and the mayor and recorder of the city of Albany, by their votes in joint meeting, to let or farm out the aforesaid almshouse and farm, (with all the fixtures and appurtenances belonging thereto,) together with the inmates thereof, for a term of years not exceeding five, upon such conditions as they shall deem expedient, and to appoint one or more persons, whose duty it shall be to exercise a supervisory inspecting and directing power over the general treatment, fare and well being of the paupers.

§ 10. The said board of supervisors and the said mayor and recorder, by their votes in joint meeting,

Duty of the Sheriff.

Expenses to be paid.

Supervisors may rent almshouse.

They may let the almshouse, farm, etc., for five years.

Temporary relief.

shall make and prescribe such rules and regulations, in relation to temporary relief granted to the poor, by the overseers of the poor in the said city, and in the several towns in the said county, and the manner in which the same shall be chargeable, as they shall deem expedient; and they shall, in like manner, also determine and regulate the manner in which the salaries of overseers of the poor, payment to physicians, and counsel fees in cases relating to the poor, accruing in the said city, and in the said several towns, shall be audited, paid and made chargeable, as they shall deem expedient. (L)

Duty of clerk of supervisors.

§ 11. Whenever any rules, regulations, agreement or arrangement shall have been made or entered into, under and in pursuance of the two preceding sections of this act, the clerk of the said board of supervisors shall forthwith give notice of the particulars thereof, and of the time when the same shall take effect, to the clerk of the common council of the city of Albany, and to the clerk of each town in said county; and thereupon, such officers of said city and towns, whose official functions in relation to the subject matters of such rules, regulations, agreement or arrangement, shall be altered or affected thereby, shall in all things comply therewith in the discharge of their respective official duties, so far as the same are affected thereby.

Persons to be confined in the penitentiary.

§ 12. After the said penitentiary shall have been completed, or so far completed, as to allow the confinement of prisoners therein, and a certificate thereof shall have been filed in the office of the clerk of the county of Albany by the said commissioners, or a majority of them, it shall be the duty of the sheriff of the city and county of Albany, to confine all persons sentenced to confinement in the jail of said county, county, as mentioned in the first section of this act, by any court held in the said city or county, in the

(1) Amended by Laws of 1879, ch. 258.

said penitentiary; and the keeper thereof shall receive such persons and safely keep them for the term for which they were sentenced, and employ them according to the discipline and rules established for the government of said penitentiary. (1)

#### CHAPTER 183.

AN ACT to amend "An act for the construction of a penitentiary, in the county of Albany," passed April 13, 1844.

PASSED MAY 3, 1847.

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

SECTION 1. All persons who shall be sentenced to confinement at hard labor, or to solitary imprisonment, (except in cases of convictions for felony,) by any court held in the city or county of Albany, or by any justice of the peace, police justice, or other magistrate in said city or county of Albany, shall be sentenced to such confinement or imprisonment in the penitentiary of said county, there to be received, kept and employed in the manner now prescribed by law. And it shall be the duty of such court, justice or magistrate, to cause all persons so sentenced, to be conveyed forthwith, by some proper officer or officers to said penitentiary; and one-half the fees now allowed by law, for conveying convicts to State prisons, shall be allowed and paid therefor, by the board of supervisors of said county, except when such service is rendered by any constable or officer in attendance upon any court of oyer and terminer, or general sessions for the city or for the county of Albany, who is paid by the day for such attendance, or by any police constable of the city of Albany, in

Persons to be imprisoned in the penitentiary.

(1) See Laws of 1847, ch. 183; Laws of 1853, ch. 251; Laws of 1858, ch. 251.

which case only the actual expenses necessarily incurred by such officer in such service shall be paid him by the superintendent of said penitentiary, and by him charged among the expenditures thereof.

§ 2. It shall be lawful for any justice of the peace in the county of Albany, to commit any person who shall be convicted, before such justice, as a disorderly person, to the penitentiary instead of the jail of the county of Albany; there to remain, subject to the rules, regulations and discipline of said penitentiary, until discharged as provided by law.

Justices may sentence convicts to penitentiary.

Vagrants.

§ 3. It shall be lawful for any justice of the peace, or other magistrate having jurisdiction thereof, in the city or county of Albany, in all cases of complaints for vagrancy, to commit any person convicted upon such complaint, before said justice or magistrate, to said penitentiary, for a term not exceeding six months.

§ 4. Whenever any person under the age of sixteen years, shall be convicted of any felony, in any court held in and for said city or county of Albany, such court may, in its discretion, sentence the person so convicted, to confinement in said penitentiary, subject to its rules and discipline, for such term as said court would be authorized by law, to sentence a person convicted of a like offense, to imprisonment in a State prison.

Under the age of 16 years.

§ 5. Every person lawfully imprisoned in said penitentiary, who shall escape from thence, or who shall break said penitentiary, with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner, to escape from such penitentiary, although no escape shall be effected, shall, upon conviction thereof, be punished by imprisonment in said penitentiary for a term not exceeding double the time for which he was so imprisoned, to commence from and after the expiration of his or her former sentence. (1.)

Penalty for escaping or breaking out.

(1) Repealed by Laws of 1866, chap. 592.

§ 6. Any person convicted and sentenced to said penitentiary, by any court or magistrate in the city or county of Albany, upon a second conviction for the same offense in said city or county shall be liable to imprisonment in said penitentiary for double the term of the former sentence of such person.

Second convictions.

§ 7. It shall be lawful for the board of supervisors in either of the counties of Rensselaer, Saratoga, Schoenectady, Schoharie, Greene and Columbia, to enter into an agreement with the board of supervisors of the county of Albany, (or with any person in their behalf, by them appointed,) to receive and keep in said penitentiary, any person or persons who may be sentenced in either of said counties, to confinement at hard labor in the jail of such county, for any time not less than three months. And it shall be the duty of the sheriff of any of said counties for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement at hard labor in the jail of said county, for a term not less than three months, to the said penitentiary; and the keeper of said penitentiary shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said penitentiary. And the officer conveying such convicts to said penitentiary, shall be paid by the county from which they are sent, such fees for said conveyance, as the board of supervisors of said county shall direct.

Agreement may be made with other counties to imprison convicts.

§ 8. This act shall take effect immediately. (1.)

(1) Amended by Laws of 1855, ch. 290; Laws of 1859, ch. 477

## CHAPTER 477.

AN ACT to amend an act entitled "An act to amend an act for the construction of a penitentiary in the county of Albany," passed May third, eighteen hundred and forty-seven.

PASSED April 18, 1859; three-fifths being present.

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

Act amend-  
ed.

SECTION 1. The third section of the act entitled "An act to amend an act for the construction of a penitentiary in the county of Albany," passed May third, eighteen hundred and forty-seven, is hereby amended so that said section shall read as follows, to wit:

Sentence of  
persons  
convicted  
of public in-  
toxication.

§ 3. In all cases arising in the county of Albany, where any person shall be convicted before any court or magistrate of said county, or of the city of Albany, of the offense of public intoxication, or where any person shall be convicted upon complaint for vagrancy, such person may be committed or sentenced by such court or magistrate, to confinement in said penitentiary, subject to its rules and discipline, for such term, not exceeding six months, as such court or magistrate may deem proper.

§ 2. This act shall take effect immediately.

## CHAPTER 251.

AN ACT relative to the penitentiary of Albany county.

PASSED May 31, 1882; three-fifths being present.

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

Prisoners to  
be removed  
from jail to  
penitentiary.

SECTION 1. The sheriff of Albany county is hereby authorized and directed to remove the prisoners from the building at present used and occupied as the Albany

county jail to the Albany county penitentiary; and the said penitentiary is hereby designated as the county jail of Albany county. And the superintendent of said penitentiary, appointed by the joint board of supervisors of said county, and the mayor and recorder of the city of Albany shall be the jailer thereof and have the custody and control of all persons confined therein, as the sheriff of said county would have were this law not enacted, and no jailer shall hereafter be appointed by the sheriff of Albany county.

Bond to  
sheriff.

§ 2. The superintendent of said penitentiary shall, within ten days after this act takes effect, and within ten days after any new appointment shall be made, give a bond to the sheriff of Albany county, in the sum of fifteen thousand dollars, which shall be annually renewed on and after the first day of January in each year, to be approved by the sheriff and county judge, with at least three sureties, who shall be freeholders and inhabitants of said county, who shall justify in the sum of five thousand dollars each at least; or if more than three sureties, in a sum sufficient each, to amount in the whole to the sum of fifteen thousand dollars, conditioned that he will faithfully discharge the duties of jailer of said county and save the sheriff harmless from, and on account of, any and all escapes that shall happen from said jail, of which he is superintendent, and that he will immediately pay over all moneys that may be in his hands belonging to said sheriff, and that he will faithfully perform all acts and save the said sheriff harmless from all acts that he shall perform by virtue of or under color of his office as jailer of said county of Albany; and if he shall refuse or neglect to give such bond he shall forfeit his office, and the sheriff shall have the immediate custody and control of said penitentiary and jail and the prisoners confined therein, until

Condition of.

another superintendent shall have been appointed and given the bond as aforesaid.

§ 3. It shall be the duty of said superintendent as such jailer to convey prisoners to and from said jail, as their presence and attendance may be required or ordered, or directed by the sheriff of Albany county. The sheriff of said county shall receive no compensation for the transportation of prisoners to and from said jail.

§ 4. The superintendent of said penitentiary shall prepare and keep for the purpose of said jail, separate rooms or apartments for juvenile prisoners, for females, for persons detained as witnesses, and for imprisoned debtors, each and all of said classes of persons to be kept separate and apart from each other, and from those committed to said jail as criminals, who are adult males. And after this act takes effect, the building at present used as a jail shall no longer be used for such purpose.

§ 5. All general laws now in force regulating the jails of the respective counties of the State, and all laws in reference to the jail of Albany county shall, so far as they are consistent with this act, be applicable to said jail. Nothing in this act contained to interfere with the penitentiary as now used or the laws regulating the same; except that persons temporarily committed to the same as a jail, but under sentence of conviction for the commission of any crime, shall not be confined in the same apartments with those committed to said penitentiary as convicts. The expenses of transporting and maintaining persons committed to said jail, as aforesaid, shall be paid out of the penitentiary funds, and accounted for as other expenses of the penitentiary are accounted for.

§ 6. The superintendent of the penitentiary is hereby authorized and empowered to make such additions and

Conveyance  
of pris-  
oners.

Separate  
rooms, etc.

General  
laws to  
apply to  
peniten-  
tiary.

Expenses  
of transpor-  
tation how  
to be paid.

Additions,  
etc. to pen-  
itentiary to  
be made.

alterations in the penitentiary as may be necessary to fit it for the uses and purposes herein designated. But the expense thereof shall not exceed the sum of three thousand dollars.

§ 7. This act shall take effect November twenty-five, eighteen hundred and eighty-two. (1.)

#### CHAPTER 55.

AN ACT to repeal chapter two hundred and fifty-one of the laws of one thousand eight hundred and eighty-two, entitled "An act relative to the penitentiary of Albany county."

PASSED February 23, 1883; three-fifths being present.

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

SECTION 1. Chapter two hundred and fifty-one of the laws of eighteen hundred and eighty-two, entitled "An act relative to the penitentiary of Albany county," is hereby repealed.

§ 2. This act shall take effect immediately.

#### CHAPTER 261.

AN ACT in relation to the management of the Albany penitentiary.

PASSED May 11, 1885; three-fifths being present.

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

SECTION 1. All the powers and duties now imposed by law upon the board of supervisors of Albany county, and upon the mayor and recorder of the city of Albany,

Powers and  
duties  
vested in  
Albany pen-  
itentiary  
commissioner.

(1) Repealed by Laws of 1888, ch. 50,  
See Laws of 1894, ch. 133.

associated with said board in relation to the maintenance, management and care of the penitentiary in said city and the inmates thereof, the establishment and adoption of rules for the regulation and discipline thereof, the appointment of officers to take charge thereof, the fixing of their compensation and prescribing their duties, together with all other rights, powers and duties relating to said penitentiary, vested in said board of supervisors or said mayor, recorder and board of supervisors, except as hereinafter modified, are hereby vested in the Albany penitentiary commission, as hereby constituted.

President of board of supervisors to appoint one commissioner.

§ 2. The president of the board of supervisors of Albany county shall, within sixty days after this act shall take effect, appoint a resident freeholder and citizen of Albany county one commissioner of the Albany penitentiary commission, who shall hold his office up to and until noon of the first day of October, in the year one thousand eight hundred and ninety, and thereafter until his successor shall be appointed. Within the thirty days prior to said first day of October, in the year one thousand eight hundred and ninety, and in like manner every five years thereafter, it shall be the duty of the president of the board of supervisors of Albany county to appoint a commissioner of the Albany penitentiary commission. Said commissioner so appointed shall hold office for the term of five years following the hour of noon of the first day of October succeeding his appointment. The appointment of such commissioner shall consist of a written certificate of appointment, signed by said president, and the filing of the same with the clerk of the board of supervisors of Albany county, which certificate shall be by said clerk reported to said board at its next meeting and be printed in its minutes. If such appointment shall not be made, and filed within the thirty days prior

to any first day of October, above designated for the making of any such appointment, it may be made and filed within the thirty days preceding any following first day of October.

§ 3. The said commissioner so appointed, together with the district attorney of Albany county, who shall be a commissioner by virtue and during the continuance of his term of office, and the county treasurer of Albany county, who shall also be a commissioner by virtue and during the continuance of his term of office, are hereby made and constituted the commissioners of the Albany penitentiary commission.

District-attorney and county treasurer to be commissioners.

§ 4. The Albany penitentiary commission shall, whenever a vacancy shall occur in that office, appoint the superintendent or principal keeper of the Albany penitentiary, who shall receive a salary of three thousand dollars a year, and shall not be engaged in any business or any other occupation or employment. They shall also by general rules fix and prescribe the number of subordinate officers and employes, who shall be appointed by such superintendent, and their respective salaries and duties. Said commission shall annually, between the first and tenth day of December in each year, present to the board of supervisors of Albany county a report, showing in detail the receipts and disbursements of the year, the respective sources from which money has been received, and the respective purposes for which it has been paid out and also a general summary of the same; the name of each person employed and the salary or compensation paid him or her; the cost of maintaining each prisoner in the penitentiary, and in tabular form the number of prisoners therein each day during the year. Said reports shall also contain a statement of the gross and net earnings, if any, of the penitentiary during the past year, and the average earnings of the prisoners per capita and such

Superintendent of penitentiary, appointment and salary of rules, etc.

other information as will show the then condition of the penitentiary and the manner of its management during the previous year.

§ 5. The said commissioners shall choose from their number a chairman and secretary. The chairman shall preside at all meetings of the board. The secretary shall record in a book, to be procured by him for that purpose, at the county expense, all proceedings, orders, resolutions and decrees of the board. Such book shall be and constitute a public record, and shall be kept and preserved by the secretary. The books of account, records, documents and all other papers in said penitentiary shall be at all times open to the inspection and examination of the board of supervisors of Albany county, or any committee thereof, and copies thereof and any information upon any subject relating to said penitentiary or its management, when asked for by said board, shall be at all times furnished to said board by the superintendent of the penitentiary.

§ 6. The said superintendent of the penitentiary, under the supervision and direction of the said commissioners, shall deposit with the county treasurer of Albany county all moneys received by him for said penitentiary or in its management, and all moneys required in the conduct of the business of said penitentiary or the payment of officers or employes thereof, or any disbursements connected with it or its management (except the wages and salaries which shall be paid upon the certificate of the superintendent of the penitentiary) shall be paid upon bills made out in the same form, and verified in the same manner as is now required in the case of claims presented for audit to the board of supervisors of Albany county, when such bills are accompanied with the warrant of the superintendent of the penitentiary, specifying the person to whom, the service or supplies for which and the amount in which

Chairman and secretary.

Superintendent to deposit moneys with county treasurer.

Payments, how to be made.

such payments are to be made and duly signed and dated; provided, however, that the superintendent may for petit disbursements and expenses pay out and disburse in any one month an amount not exceeding two hundred dollars, of which disbursements the superintendent shall render a detailed account each month to the commissioners of the Albany penitentiary, which shall be audited by them, by each commissioner who approves thereof, certifying in writing thereon the fact of such approval; and when so approved by a majority of said commissioners, it shall be paid by the county treasurer. The county treasurer shall keep an account of all the receipts and disbursements provided for in this act.

§ 7. The commissioners or any one of them may be removed at any time upon charges presented against them or any one of them by the board of supervisors of Albany county, which charges and the proofs in relation thereto shall be brought to a hearing before the special term of the supreme court held in Albany county on a notice of eight days of the time and place of such hearing to said commissioner or commissioners against whom such charges may be presented. If upon such hearing, it shall appear that such commissioners or commissioner shall have violated the law, or shall have failed in any way faithfully and zealously to carry out the purpose of this act, or perform the duties imposed hereby, the court shall so adjudge, and thereafter the commissioners or commissioner against whom such adjudication shall be made shall cease to be such commissioners. Any vacancies in the commission so caused shall be filled for the unexpired term by the certificate of appointment of the president of the board of supervisors, filed with the clerk of the board of supervisors. And any vacancy for any cause, arising in the office of the commissioner whose appointment is pro-

Board of supervisors may, present charges against commissioners, etc.

Vacancies.

vided for in section two of this act, shall be filled in like manner by the president of the board of supervisors.

§ 8. The superintendent of the penitentiary may be at any time removed by the decision of a majority of said commissioners, for neglect of duty or violation or disregard of the rules or regulations prescribed and adopted by said commission, for the management of the penitentiary, or for incompetency, provided, however, that before any such removal shall take place, written charges shall be made and signed by at least two of said commissioners against said superintendent, and together with a written notice of a time and place at which the superintendent will be heard in answer thereto, be served upon him, and he shall be entitled to appear and be heard at such time and place, and give any proper proofs in the matter in question.

§ 9. All the business and affairs of said penitentiary shall be conducted in the names of said commissioners as such, and all liabilities existing against any person, persons or corporations shall be enforced by them in their names as commissioners.

§ 10. This act shall take effect the fifteenth day of May, eighteen hundred and eighty-five. (1)

(1) Amended by Laws of 1895, ch. 761.  
See Laws of 1814, ch. 132.

Majority of commissioners may remove superintendent.

Business to be conducted in name of commissioners.

## CHAPTER 761.

AN ACT to amend chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-five, entitled "An act in relation to the management of the Albany penitentiary."

BECAME A LAW May 27, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Section two of chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-five, being "An act in relation to the management of the Albany penitentiary," is hereby amended to read as follows:

Act amended.

§ 2. The president of the board of supervisors of Albany county shall, within ten days after the first day of June, eighteen hundred and ninety-five, and every five years thereafter, appoint a resident freeholder, a citizen of Albany county, one commissioner of the Albany penitentiary commission, who shall hold his office up to and until upon the tenth day of June, in the year nineteen hundred, and thereafter until his successor shall be appointed.

Commissioners appointed.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. The said commissioner so appointed, together with the district attorney of Albany county, who shall be a commissioner by virtue and during the continuance of his term of office, and the county clerk of Albany county, who shall also be a commissioner by virtue and during the continuance of his term of office, are hereby made and constituted the commissioners of the Albany penitentiary commission.

Penitentiary commissioners.

§ 3. Section four of said act is hereby amended so as to read as follows:

Superintendent of penitentiary.

§ 4. The Albany penitentiary commission shall within fifteen days after the tenth day of June, eighteen hundred and ninety-five, and each five years thereafter for a period of five years, appoint the superintendent or principal keeper of the Albany penitentiary, who shall receive a salary of three thousand dollars a year and shall not be engaged in any business or any other occupation or employment. They shall also by general rules fix and prescribe the number of subordinate officers and employes, who shall be appointed by such superintendent, and their respective salaries and duties. Said commission shall annually, between the first and tenth day of December in each year, present to the board of supervisors of Albany county a report, showing in detail the receipts and disbursements of the year, the respective sources from which money has been received, and the respective purposes for which it has been paid out and also a general summary of the same; the name of each person employed and the salary or compensation paid him or her; the cost of maintaining each prisoner in the penitentiary, and in tabular form the number of prisoners therein each day during the year. Said reports shall also contain a statement of the gross and net earnings, if any, of the penitentiary during the past year, and the average earnings of the prisoners per capita and such other information as will show the then condition of the penitentiary and the manner of its management during the previous year.

§ 4. This act shall take effect immediately.

Officers and employes.

Annual report to supervisors.

## CHAPTER 237.

AN ACT to prohibit the manufacture or sale of brushes in the prison known as the Albany penitentiary.

BECAME a law April 2, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. It shall not be lawful to manufacture for sale any brushes in the prison known as the Albany penitentiary. And it shall be the duty of the keeper and overseer or overseers in said prison to enforce the provisions of this act, and to prohibit the manufacture of brushes, in whole or in part, by the convicts confined in said penitentiary.

Manufacture or sale of brushes, prohibited.

§ 2. This act shall not alter or impair the conditions of any contract actually made and entered into by and between any contractor, and the board of commissioners, or the superintendent of said penitentiary which shall have been made and put in operation prior to the passage of this act.

Contracts, not affected.

§ 3. This act shall take effect immediately.

## CHAPTER 261.

AN ACT to authorize the confinement of persons, convicted of certain offenses in the county of Dutchess, in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses.

PASSED April 15, 1894; three-fifths being present.

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

SECTION 1. It shall be lawful for the board of supervisors of the county of Dutchess to make and enter into an agreement with the board of supervisors of the county of Albany, or for any persons on behalf of either board, and by said board appointed to contract for the

May contract with supervisors of Albany.

reception, custody and employment at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of criminal offenses in said county of Dutchess, and sentenced to imprisonment in the said jail thereof for any term not less than two months. And it shall be the duty of the sheriff of the county, upon receiving notice in writing from the board of supervisors of the execution of such contract, to convey all persons sentenced to imprisonment, and then in the jail of said county for a term not less than two months, to the said penitentiary of the county of Albany and the keeper of said penitentiary shall receive such persons and safely keep them for the term of sentence, and employ them according to the discipline and rules of such penitentiary. The sheriff conveying such convicts shall be paid by the county of Dutchess such fees and expenses therefor as the board of supervisors of said county shall direct and allow.

Sentence of  
prisoners.

§ 2. It shall be the duty of the court which may hereafter sentence any person to cause such person to be conveyed forthwith, by the officer in whose charge the prisoner shall be, to the said penitentiary; and one-half the fees now allowed by law for carrying convicts to State prisons shall be allowed and paid therefor by the board of supervisors of said county of Dutchess.

Vagrants.

§ 3. All persons convicted as vagrants in said county of Dutchess may be sentenced by the convicting magistrate to imprisonment at hard labor in said penitentiary for any term not exceeding six months.

Disorderly  
persons.

§ 4. Whenever any person shall be convicted, before any lawful magistrate or court in said county of Dutchess, of being a disorderly person under and by virtue of part first, chapter twenty, title five of the revised statutes, such magistrate may require and accept bail for the good behavior of such person, as provided by said title, or may at discretion commit the person

so convicted to imprisonment at hard labor for any term not exceeding six months.

§ 5. This act shall take effect immediately. (1)

#### CHAPTER 402.

AN ACT to amend "An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary, etc.," passed April fifteenth, one thousand eight hundred and fifty-four.

PASSED April 13, 1855; three-fifths being present.

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

SECTION 1. The second section of the act entitled "An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses," passed April fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

It shall be the duty of every court, police justice, justice of the peace, or other magistrate by whom any person may be sentenced in the county of Dutchess for a term of not less than two months, for any crime or misdemeanor punishable by imprisonment in the county jail, to sentence such person to imprisonment in the Albany county penitentiary, there to be received, kept and employed in the manner prescribed by law; and such court, justice or other magistrate, shall cause such person so sentenced to be conveyed forthwith, by some proper officer, to said penitentiary; and the officers thus conveying such convicts, shall be paid such fees and expenses therefor as the board of supervisors of the said county of Dutchess shall direct.

§ 2. This act shall take effect immediately.

(1) Amended by Laws of 1855, ch. 402; Laws of 1856, ch. 106; Laws of 1857, ch. 745.

## CHAPTER 106.

AN ACT to amend "An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess, etc.," passed April 15th, 1854.

PASSED April 7, 1856; three-fifths being present.

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

SECTION 1. The first section of the act entitled "An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess, in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses," passed April fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

It shall be lawful for the board of supervisors of the county of Dutchess to make and enter into an agreement with the board of supervisors of the county of Albany, or for any persons on behalf of either board, and by said board appointed, to contract for the reception, custody and employment at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of criminal offenses in said county of Dutchess, and sentenced to imprisonment in the said jail thereof for any term not less than two months. And it shall be the duty of the sheriff of the county upon receiving notice in writing from the board of supervisors of the execution of such contract, to convey all persons sentenced to imprisonment and then in the jail of said county, for a term not less than two months, and all persons hereafter sentenced to imprisonment in the county jail for the term of two months or longer, to the said penitentiary of the county of Albany; and the keeper of said penitentiary shall receive such persons and safely keep them for the term of sentences, and employ them according to the discipline and rules of such

Duty of board of supervisors.

penitentiary; the sheriff conveying such convicts shall be paid by the county of Dutchess such fees and expenses therefor as the board of supervisors of said county shall direct and allow.

§ 2. This act shall take effect immediately.

## CHAPTER 745.

AN ACT to amend "An act authorizing the confinement of convicts from Dutchess county, in the Albany penitentiary," etcetera, passed April fifteenth, one thousand eight hundred and fifty-four.

PASSED May 16, 1872; three-fifths being present.

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

SECTION 1. The second section of the act entitled "An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess, in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses," passed April fifteenth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows:

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced in the county of Dutchess for any crime or misdemeanor punishable in the county jail, to cause such person or persons to be conveyed forthwith by the officer in whose charge the prisoner shall be, to the county jail of Dutchess county, and the sheriff of said county shall thereupon forthwith convey all such persons as shall be received by him, under sentence of not less than two months, to the said penitentiary, under the provisions of the first section of this act.

In what cases persons convicted of crime, etc., punishable with imprisonment in county jail, to be conveyed to Albany county penitentiary.

§ 2. The third section of said act is hereby amended so as to read as follows:

Sentence  
in cases of  
vagrancy.

§ 3. All persons convicted as vagrants in said county of Dutchess may be sentenced by the convicting magistrate to imprisonment in the county jail of said county for any term not exceeding six months, and all such persons sentenced for a period not less than two months shall be forthwith conveyed by the sheriff of said county to the penitentiary, under the provisions of the first section of this act. And it shall be the duty of the sheriff of said county to report to the board of supervisors of said county, in each year, at their annual meeting, the name, age, offense of which convicted, terms of sentence, date of receipt by such sheriff, and date of the delivery of every such person at the penitentiary.

Sheriff to  
report to  
board of su-  
pervisors.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 134.

AN ACT to repeal an act passed May sixteenth, one thousand eight hundred and seventy-two, entitled "An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' et cetera, passed April fifteenth, one thousand eight hundred and fifty-four."

PASSED March 25, 1873; three-fifths being present.

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

SECTION 1. Chapter seven hundred and forty-five of the laws of one thousand eight hundred and seventy-two, being "An act to amend 'An act authorizing the con-

Chap. 745,  
Laws of  
1872, re-  
pealed.

(1) Repealed by Laws of 1878, ch. 154.

finement of convicts from Dutchess county in the Albany penitentiary,' et cetera, passed April fifteenth, one thousand eight hundred and fifty-four," is hereby repealed.

§ 2. This act shall take effect immediately.

#### CHAPTER 111.

AN ACT to authorize the supervisors of Washington county to contract with the supervisors of Albany county for the keeping of certain persons who may be confined in the jail of said county of Washington, in the Albany county penitentiary.

PASSED March 29, 1855; three-fifths being present.

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

SECTION 1. It shall be lawful for the board of supervisors of the county of Washington to enter into an agreement with the board of supervisors of the county of Albany, or with any person in their behalf by them appointed, to receive and keep in the Albany county penitentiary, any person or persons who may be sentenced to confinement at hard labor in the jail of said county of Washington, for any term not less than sixty days; and it shall be the duty of the sheriff of said county, upon received notice of such agreement in writing, from the board of supervisors of such county, to convey all persons sentenced to confinement at hard labor in the jail of said county for a term not less than sixty days, to said penitentiary; and the keeper of said penitentiary shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said penitentiary. And the officer conveying such convicts to said penitentiary shall be paid

by the said county of Washington, such fees for said conveyance as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately.

CHAPTER 667.

AN ACT directing persons convicted before magistrates or courts of special sessions of the peace, in the town of Waterford, in the county of Saratoga, and sentenced to imprisonment in Albany penitentiary, to be transported directly thereto.

PASSED April 16, 1857; three-fifths being present.

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

SECTION 1. All persons hereafter convicted before any magistrate or court of special sessions of the peace, in the town of Waterford, in the county of Saratoga, of any offense, and sentenced to imprisonment in the Albany penitentiary, may be taken by any constable of the town of Waterford, to the said penitentiary, by the most usual and direct route; and keeper of said penitentiary is required to receive and detain such persons the same as if the warrants of commitment had been placed in the hands of the sheriff of the said county.

§ 2. Nothing in this act shall be so construed as to change the present mode of making town or county charges.

Convicts sent to penitentiary.

CHAPTER 29.

AN ACT authorizing persons convicted before magistrates or courts of special sessions of the peace, in the town of Waterford, in the county of Saratoga, and sentenced to imprisonment in the county jail, at hard labor, to be transported directly to the Albany penitentiary.

PASSED March 5, 1859; three-fifths being present.

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

SECTION 1. All persons hereafter convicted by or before any magistrate or court of special sessions of the peace, in the town of Waterford, in the county of Saratoga, of any offense or crime, and sentenced to imprisonment in the county jail, at hard labor, may be taken by any constable of said town of Waterford, directly to the Albany penitentiary, by the most usual and direct route, and the keeper of said penitentiary is required to receive and detain such persons, the same as if the warrants of commitment had been placed in the hands of the sheriff of the said county of Saratoga.

§ 2. This act shall take effect immediately.

CHAPTER 253.

AN ACT authorizing the board of supervisors of the county of Warren to contract with the board of supervisors of the county of Albany, for the keeping in the Albany penitentiary, of persons convicted of crime in the county of Warren.

PASSED March 31, 1865; three-fifths being present.

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

SECTION 1. It shall be lawful for the board of supervisors of the county of Warren to make and enter into

an agreement with the board of supervisors of the county of Albany, or for any person on behalf of either board and by said board appointed, to contract for the reception, custody and employment at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of criminal offenses in said county of Warren, and sentenced to imprisonment in the said jail thereof for any term not less than two months. And it shall be the duty of the sheriff of the county upon receiving notice in writing from the board of supervisors of the execution of such contract, to convey all persons sentenced to imprisonment and in the jail of said county, for a term not less than two months, to the said penitentiary of the county of Albany, and the keeper of said penitentiary shall receive such persons, and safely keep them for the term of sentence, and employ them according to the discipline and rules of said penitentiary. The sheriff conveying such convict shall be paid by the county of Warren such fees and expenses therefor as the board of supervisors of said county shall direct and allow.

§ 2. It shall be the duty of the court which may hereafter sentence any person, to cause such person to be conveyed forthwith by the officer in whose charge the prisoner shall be, to the said penitentiary, and the compensation of each officer shall be such sum as the board of supervisors of said county shall deem proper and just.

§ 3. This act shall take effect immediately.

## CHAPTER 399.

AN ACT authorizing the board of supervisors of the county of Broome to contract with the board of supervisors of the county of Albany for the keeping in the Albany penitentiary of persons convicted of crime in the county of Broome, and to contract with the board of supervisors of the county of Onondaga for the keeping in the Onondaga county penitentiary, at Syracuse, of persons convicted of crime in the county of Broome.

PASSED April 28, 1869; three-fifths being present.

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

SECTION 1. It shall be lawful for the board of supervisors of the county of Broome, and the board of supervisors of the county of Albany, by or through any person on behalf of either board, and by such board appointed to make and enter into an agreement with each other, for the reception, custody and employment, at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of a criminal offense or criminal offenses in said county of Broome and sentenced to imprisonment in the county jail in said county of Broome for any time not less than two months, at hard labor, of any vagrant or vagrants, disorderly person or persons committed to said jail, and of any person or persons committed to said jail on default of payment of fine in criminal proceedings.

§ 2. It shall be lawful for the board of supervisors of the county of Broome, and the board of supervisors of the county of Onondaga, by or through any person, on behalf of either board, and by such board appointed to make and enter into an agreement with each other for the reception, custody and employment, at hard labor, in the penitentiary of said county of Onondaga, at Syra-

Super-  
visors of  
Broome  
county to  
contract  
with Albany  
peniten-  
tiary.

May make  
like contract  
with Onon-  
daga county  
peniten-  
tiary.

cuse, of any person or persons who may be convicted of a criminal offense or criminal offenses in said county of Broome, and sentenced to imprisonment in the common jail of said county of Broome for any time not less than two months, of any vagrant or vagrants, disorderly person or disorderly persons committed to said jail, and of any person or persons committed to said jail on default of payment of fine in criminal proceedings.

§ 3. The present clerk and the present chairman of the board of supervisors of the county of Broome, and the clerk and chairman of the board of supervisors of either of the other counties mentioned in this act, are authorized and empowered to enter into contracts of like nature, purport and effect, and in the same cases as specified in sections one and two of this act, except that no such contract shall be made to extend beyond the first day of December, eighteen hundred and sixty-nine.

§ 4. Upon the making of any contract by this act authorized, it shall be the duty of the clerk of the board of supervisors of the county of Broome, to forthwith deliver to the sheriff of said county a copy of such contract, and the said sheriff shall from time to time, during the existence of the same, convey to such of the aforesaid penitentiaries as the said contract shall relate to, so many of those confined in said jail as shall be embraced within the terms of such contract.

§ 5. The expense and compensation to the sheriff for thus conveying such persons to either or each of said penitentiaries shall be such as the board of supervisors shall deem just.

§ 6. Nothing in this act contained shall effect or impair the force of any act of the legislature relating to labor that may be done in the city of Binghamton by persons imprisoned in the common jail of the county of Broome.

Chairman and clerks of board of supervisors may enter into contracts.

Contract, how long to continue.

Sheriff of Broome county, to be furnished with contract.

Expenses of transportation to be a county charge.

Proviso as to labor in Binghamton.

§ 7. It shall be the duty of the keepers of said penitentiaries, and each of them, to receive such persons as shall be sent to them in pursuance of any contract made as aforesaid, and safely keep them according to the discipline and rules of said penitentiary for the term of sentence, or until they shall be discharged by law.

§ 8. This act shall take effect immediately.

Duties of officers of penitentiaries.

#### CHAPTER 841.

AN ACT authorizing and requiring the removal of certain prisoners confined in the State prison at Sing Sing to the penitentiary of the county of Albany.

PASSED MAY 11, 1869; three-fifths being present.

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

SECTION 1. The agent and warden of the State prison at Sing Sing is hereby authorized and required, if the inspectors of State prisons shall so direct, within twenty days after the passage of this act, to select at least one hundred and not to exceed one hundred and fifty male convicts, who may be confined in the State prison at Sing Sing at the time of making such selection, and cause them forthwith to be removed to the penitentiary at Albany.

Agent at Sing Sing prison, when State prison inspectors so direct, to remove convicts to Albany penitentiary.

§ 2. All necessary expenses of such removal of convicts, including the expense of sustaining them while traveling, shall be deemed a part of the incidental expenses of the prison at Sing Sing; and if there be not funds belonging to said prison sufficient to pay such expenses, and also meet the current demand for its support, the agent thereof shall so certify, when such expenses shall be audited by the comptroller and paid from the treasury upon his warrant.

Expenses of removal, how certified and paid.

Selection of convicts for removal, how made.

§ 3. The selection of convicts for removal shall be made from among those who have last arrived at such prison, and who shall have at least one year of their time of imprisonment yet to serve, at the time when such selection is made.

Convicts to be chained, while being transported.

§ 4. The agent and warden of the said prison at Sing Sing shall cause the convicts so to be removed to be sufficiently chained in pairs and transported to the said penitentiary at Albany, and shall deliver such convicts, with the certified copies of their sentences, to the superintendent of such penitentiary, and such superintendent is hereby authorized to receive such convicts and keep them according to their respective sentences, as if they had been originally committed to such penitentiary.

Delivery with copies of their sentences, to superintendent of penitentiary.

Expenses of board and clothing, how borne.

§ 5. The State shall in no case be liable for the board, clothing or any other expense of keeping such convicts in said penitentiary, and the whole of such expenses shall be borne by the authorities of said penitentiary, and shall in no event be paid or borne by the State.

Convicts, how to be employed at penitentiary.

§ 6. Such convicts may be employed by the authorities of said penitentiary upon any work or labor therein conducted, in the same manner as convicts originally sentenced there; and all moneys arising or in any way growing out of such employment of such convicts shall be treated and considered as if such moneys arose from the labor and employment of convicts originally sentenced to be imprisoned in such penitentiary.

Clothes and money, to be furnished to such State convicts, upon discharge.

§ 7. The clothes and money that are usually furnished by the State to a convict upon his discharge from a State prison shall be furnished each convict removed under the provisions of this act, upon his discharge from imprisonment in said penitentiary, in the same manner as if he were discharged from a State prison. The clothes and money above referred to shall be furnished by the superintendent of the penitentiary, and the amount thus expended and paid shall be audited by the comptroller

How furnished and paid.

and paid to such superintendent from the State treasury upon the warrant of the comptroller

§ 8. After the expiration of one year from the time of the delivery of said convicts to the superintendent of the penitentiary at Albany, under the provisions of this act, said superintendent shall, on the demand of the agent and warden of the State prison at Sing Sing, if the inspectors of State prisons shall direct such demand to be made, re-deliver to said agent and warden all said convicts as shall then be remaining in said penitentiary, with the certified copies of their sentences, and said agent and warden shall cause such convicts to be sufficiently chained in pairs and re-transferred to said prison at Sing Sing, where they shall remain till the expiration of their respective terms of imprisonment, with the same force and effect as if they had never been removed therefrom. The necessary expenses of such re-transportation and maintenance of convicts during transit shall be paid in the manner provided in the second section of this act. Nothing in this act contained shall be held to work a release of any of the pains and penalties of the original sentence of any of said convicts.

Agent at Sing Sing and prison inspectors, may demand re-delivery of convicts after one year.

Expenses thereof, how paid.

Penalties of original sentences, not to be affected.

§ 9. This act shall take effect immediately.

#### CHAPTER 574.

AN ACT to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany.

PASSED May 4, 1869; three-fifths being present.

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

SECTION 1. All females hereafter convicted in the fifth and sixth judicial districts of this State, of crimes punishable by imprisonment in the State prison, shall be sent to the penitentiary at Syracuse.

Sentence of female convicts, to Syracuse penitentiary.

Duty of superintendent of penitentiary.

§ 2 The superintendent or inspectors of the penitentiary at Syracuse are hereby required to receive and keep the female convicts from the fifth and sixth judicial districts, mentioned in this act, until they shall be discharged according to law; and the said superintendent and inspectors shall be allowed to charge for the maintenance of such female convicts as may hereafter be sentenced to imprisonment in said penitentiary, under or by virtue of this act, or of any act authorizing or directing the sentence of females under conviction of felony to said penitentiary, a sum not exceeding one dollar and fifty cents per week each, to be a charge against the State.

Sentence of certain convicts to Albany penitentiary.

§ 3. Whenever any person shall be convicted of any offense punishable with imprisonment in the State prison for a term of five years or less, in any county of the State having a contract for the board, care and discipline of prisoners with the Albany county penitentiary, or in any county situated in the third and fourth judicial districts of this had may, in its discretion, sentence the person so convicted to imprisonment in said penitentiary; but no charge whatever for the board or maintenance of any person so sentenced shall be made against the county in which such person shall be so sentenced, or against the State of New York. (1.)

No charge to be made for maintenance.

State to furnish clothing, etc., to convicts on discharge.

§ 4. The provisions of the statutes now regulating the amount of money and clothing to be given to convicts upon their discharge from State prison, shall apply to such convicts as may hereafter be sentenced to said Syracuse and Albany penitentiaries under the provisions of this act. The expenses thereof shall be a charge against the State.

Annual returns to comptroller.

§ 5. The superintendent or inspectors of the penitentiaries named in this act, shall make a return under oath

on the thirtieth day of September of each year to the comptroller, in which they shall fully set forth the name of each convict committed to said penitentiaries under or by virtue of this act, in what court convicted and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence and the amount due from the State for the maintenance of such female convicts, as may hereafter be sentenced to the penitentiary at Syracuse, under the provisions of this act, and for allowance made to discharge convicts under this act. Upon auditing such return, the comptroller shall draw his warrant on the treasurer in favor of said superintendent or inspectors for said amount, which sum or sums shall be paid from any money in the treasury not otherwise appropriated. (1.)

What to set forth.

Comptroller to audit return.

How payable.

§ 6. The provisions of chapter three hundred and twenty-one of the laws of eighteen hundred and sixty-four, together with the provisions of the acts to which said chapter are amendatory, are hereby made applicable to convicts hereafter to be sentenced for felonies or misdemeanors to the penitentiaries at Syracuse and Albany, to the end that the same commutation, allowance for good conduct shall be made to said convicts as are granted under said acts to convicts now confined in State prisons.

Allowance for good conduct.

§ 7. It shall be the duty of the sheriff of any county in which any person shall be convicted and sentenced as in the first and third sections is provided, to convey such person to the penitentiary, for which such sheriff shall be paid by the State treasurer such fees as are allowed by law for conveying convicts to State prisons.

Sheriff's fees, for conveying convicts to penitentiary.

§ 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

§ 9. This act shall take effect immediately.

(1) Amended by Laws of 1892, ch. 597; Laws of 1893, ch. 314.

(1) Amended by Laws of 1892, ch. 587.

## CHAPTER 587.

AN ACT to amend chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany."

APPROVED by the Governor May 14, 1892. Passed, three-fifths being present.

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

Act amended.

SECTION 1. Section three of chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany," is hereby amended so as to read as follows:

Sentence of convicts to penitentiaries.

§ 3. Whenever any person shall be convicted of any offense punishable with imprisonment in the State prison for a term of five years or less, in any county of the State having a contract for the board, care and discipline of prisoners, with any or either of the county penitentiaries mentioned in this act or in any county situated in the third and fourth judicial departments of this State, the court before which such conviction shall be had, may, in its discretion, sentence the prisoner so convicted to imprisonment in said penitentiary.

§ 2. Section five of said chapter is hereby amended so as to read as follows:

Annual return of officers of penitentiaries to comptroller.

§ 5. The superintendent or inspectors of the penitentiaries named in this act, shall make a return under oath on the thirtieth day of September of each year to the comptroller, in which they shall fully set forth the name of each convict committed to said penitentiaries under or by virtue of this act, in what court convicted and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence and the amount due from the State for the

maintenance of all male convicts who may be sentenced to said penitentiaries as herein stated and the maintenance of such female convicts, as may herein be sentenced to the penitentiaries under the provisions of this act, and for allowance made to discharged convicts under this act. The comptroller shall thereupon audit and allow such penitentiary, for the maintenance of such convicts at the rate of thirty cents per day for each and every convict imprisoned therein under and by virtue of this act, during the year preceeding the said thirtieth day of September, and shall draw his warrant upon the treasurer of the State in favor of the superintendent of said county penitentiary for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

Allowance by State for maintenance of convicts.

§ 3. This act shall take effect immediately. (1)

## CHAPTER 114.

AN ACT to further amend chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany, as amended by chapter five hundred and eighty-seven of the laws of eighteen hundred and ninety-two."

APPROVED by the Governor March 10, 1893. Passed, three-fifths being present.

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

SECTION 1. Section three of chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Al-

Act amended.

(1) See Laws of 1893, ch. 114.

bany, as amended by chapter five hundred and eighty-seven of the laws of eighteen hundred and ninety-two," is hereby amended so as to read as follows:

§ 3. Whenever any person shall be convicted of any offense punishable with imprisonment in the State prison for a term of five years or less, in any county of the State having a contract for the board, care and discipline of prisoners with any or either of the county penitentiaries mentioned in this act, or in any county situated in the third, fourth and fifth judicial departments of this State, the court before which such conviction shall be had may in its discretion sentence the prisoner so convicted to imprisonment in said penitentiary.

§ 2. This act shall take effect immediately.

#### CHAPTER 139.

AN ACT authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany county penitentiary.

PASSED April 22, 1838; three-fifths being present.

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

SECTION 1. It shall be lawful for the several boards of supervisors of the counties of Montgomery and Oneida, to enter into an agreement with the board of supervisors of the county of Albany, or with any person in their behalf by them appointed, to receive and keep in the Albany county penitentiary, any person or persons who may be sentenced to confinement at hard labor, by any court or magistrate in said counties of Montgomery and Oneida, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the several boards of su-

Sentence of convicts to penitentiaries.

Boards of supervisors to make agreement, etc.

pervisors of the counties of Montgomery and Oneida to give public notice thereof, specifying in such notice the period of the continuance of such agreement, which said notice shall be published in such newspapers printed in said counties, not less than two, and for such period of time, not less than four weeks, as the several boards of supervisors of said counties of Montgomery and Oneida shall direct.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the counties of Montgomery and Oneida, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in the Albany county penitentiary, there to be received, kept and employed in the manner prescribed by law and the rules and discipline of said penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant duly signed by the presiding judge or justice of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said penitentiary.

§ 3. It shall be the duty of the sheriff and constables in and for the counties of Montgomery and Oneida, to whom any warrant of commitment for that purpose may be directed, by any court or magistrate in this act mentioned, to convey such person so sentenced to the Albany county penitentiary, and there deliver such person to the keeper of said penitentiary, whose duty it shall be to receive such persons so sentenced during the continuance of said agreement, authorized by the first section of this act to be there safely kept and employed, according to the rules and discipline of said peniten-

Duties of courts.

Sheriff and constables.

tiary; and the officers thus conveying such convicts so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the counties of Montgomery and Oneida shall prescribe and allow.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 289.

AN ACT to extend the provisions of "An act authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

PASSED April 13, 1859; three-fifths being present.

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

SECTION 1. Chapter one hundred and thirty-nine of the laws of eighteen hundred and fifty-eight, is hereby amended so as to allow the supervisors of any county in this State to contract with the supervisors of any county having a penitentiary therein, in the same manner and with like effect as is permitted by the provisions of this chapter. (2)

(1) See Laws of 1859, ch. 289; Laws of 1874, ch. 329; Laws of 1876, ch. 108; *People ex rel. Trainor v. Baker*, 59 N. Y. 483.  
(2) See Laws of 1858, ch. 139; Laws of 1874, ch. 329; Laws of 1876, ch. 108.

Convicts may be imprisoned in adjoining counties.

#### CHAPTER 209.

AN ACT to amend an act, passed April eighteenth, eighteen hundred and fifty-nine, entitled "An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

PASSED April 18, 1874; three-fifths being present.

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

SECTION 1. The act entitled "An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary, passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State," is hereby amended so as to read as follows:

§ 1. It shall be lawful for the several boards of supervisors in the several counties of this State to enter into an agreement with the board of supervisors of any county having a penitentiary therein, or with any person in their behalf by them appointed to receive and keep in the said penitentiary any person or persons who may be sentenced to confinement therein by any court or magistrate, in any of the said several counties in this State, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the said several boards of supervisors of the several counties aforesaid, to give public notice thereof, specifying in such notice the period of the continuance of such agreement, which said notice shall be published in such newspapers, printed in said several counties, not less than two, and for such period of time, not less than

Agreement by boards of supervisors for keeping prisoners.

Notice thereof to be given.

four weeks, as the several boards of supervisors of said several counties shall direct.

Duty of  
courts, etc.,  
as to sen-  
tence.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in the penitentiary in the county with the board of supervisors of which the said agreement is made, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of said penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge or justice of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to the county jail of the county in which he is so sentenced, and to be thereupon conveyed by the sheriff of such county to said penitentiary.

Warrant.

Constables  
and sheriffs.

§ 3. It shall be the duty of the constables in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey such person so sentenced, to the county jail of the county in which he is so sentenced, and of the sheriff of said county forthwith to convey such person to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of said penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of said penitentiary; and the officers thus con-

veying such convicts, so sentenced shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 108.

AN ACT to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

PASSED April 11, 1876; three-fifths being present.

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

SECTION 1. Section two of chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State, is hereby amended so as to read as follows:

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any

Commit-  
ments to  
Albany  
peniten-  
tiary.

(1) See Laws of 1876, ch. 108; *Brown v. The People*, 73 N. Y. 457; *People ex rel. Taylor v. Baker*, 80 N. Y. 466; *People ex rel. Van Houton v. Sadler*, 97 N. Y. 166.

person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in such penitentiary, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of such penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge, or justice or clerk of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to such penitentiary.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. It shall be the duty of the sheriffs, deputy sheriffs, constables or policemen in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey forthwith such person so sentenced, to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of such penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of such penitentiary; and the officers thus conveying such convicts so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

§ 3. This act shall take effect immediately. (1)

(1) See People ex rel. Van Houton v. Sadler, 37 N. Y. 144.

## CHAPTER 218.

AN ACT to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city.

PASSED May 1, 1884; three-fifths being present.

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

SECTION 1. The sheriff of Albany county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons, and in addition thereto he shall receive an annual salary of four thousand dollars, to be paid quarterly by the treasurer of Albany county, in full of all fees or other compensation from the county of Albany, and he shall not receive from the county of Albany any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants other than those whose salaries are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now, or which may hereafter be, imposed upon him by law, without fee or reward from the county of Albany, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursements for travel, lodging and food incurred while attending to the transportation of juvenile delinquents, and any other person whom he is required by law to transport where the cost of such transportation is made by law a county charge, but such disbursements

Salary of  
sheriff.

Duties of  
sheriffs,  
etc.

Fees.

Disbursements to be audited.

Jailor, salary of.

Docket to be kept.

Watchman, salary of.

Jailor's docket, description of.

in no one case shall be allowed at a sum in excess of ten dollars. The aforesaid disbursements shall be fixed, allowed, audited and paid by the county treasurer of Albany county, when bills therefor shall be presented by the sheriff in the form and with the verification required by law in the case of claims presented to the board of supervisors of Albany county. The sheriff shall receive from the county treasurer, and be allowed for a jailor, to be employed in the jail in the city of Albany, the sum of one thousand and eighty dollars a year, to be paid in monthly payments. The said jailor shall, in addition to his other duties, to be prescribed by the sheriff, keep under the supervision and direction of said sheriff, the "jailor's docket" of prisoners hereinafter mentioned. Said jailor shall reside in the dwelling-house connected with the jail, which shall be kept in suitable repair by the county of Albany, but which shall not be furnished by the county; nor shall the sheriff's or jailor's office be furnished by or at the expense of the county of Albany. The sheriff shall also receive from the county treasurer and be allowed for a day watchman at the jail, the sum of five hundred dollars a year, and for a night watchman at the jail, the sum of five hundred dollars a year, and for a cook and other servant, together, the sum of five hundred dollars a year, which sums shall be paid in monthly payments. (1)

§ 2. It shall be the duty of the sheriff to cause to be kept at the jail a book to be indorsed and known as the "Jailor's docket," which book shall be numbered consecutively and shall be suitably lined and arranged in columns as follows: At the top of the first column shall be the word "No.," at the top of the second column the word "Name," at the top of the third column the words "Date of commitment," under which words shall be left a space for the insertion of the year, and there-

(1) Amended by Laws of 1886, ch. 198.

under such column shall be divided into one space for the month, another for the day of the month and a third for the hour of the day at which the prisoner shall be received at the jail. Over the fourth column shall be the words "Offense charged," over the fifth the words "Authority committing," over the sixth the words "Date of discharge," which last-mentioned column shall be divided into spaces the same as the third column. Over the seventh column the words "By what authority discharged," over the eighth column the words "Where sent," over the ninth column the words "Term of confinement in the jail," under which shall be the words "Days" and "Hours" over respectively two divisions of said ninth column; over the tenth column the word "Remarks." It shall be the duty of the sheriff to cause to be written in said book in clear, intelligible hand, in the first column, consecutive numbers beginning with number one — one for each person committed to the jail — in the second column the name of the person committed, in the third column, in the respective subdivisions thereof, the month, day of the month and hour when such person is received at the jail, and at the top of said column the year, in the fourth column the nature of the offense with which he is charged, in the fifth column the name of the court or magistrate committing him, in the sixth column, in like manner as in the third, the year, month, day and hour of his discharge or removal from the jail, in the seventh column the name of the court or magistrate by whose sentence or authority the prisoner is removed from the jail, in the eighth column the name of the place or institution, if, any, to which the prisoner is sentenced or committed, in the ninth column the number of days and hours during which such prisoner shall have been confined in the jail. The sheriff is authorized to

have a blotter or entry book in which the aforesaid matters may be first and forthwith entered, and thereafter and at all times within one week after such entries shall be made in the blotter the same shall be more carefully transcribed into the aforesaid book known as the "Jailor's docket."

Entries in docket.

§ 3. All entries relating to any one person while he shall be in custody for any one offense or on a charge thereof or committed for examination in respect thereto, or as a witness, shall be made at one place, and together in the jailor's docket and under or following one entry of his name therein; and the sheriff shall in addition to any criminal prosecution be liable in the sum of one hundred dollars for every case in which an entry is made in said jailor's docket in violation of this or the preceding section, whether the entry be made by him or not, which sum may be collected by suit for the benefit of the county by the county treasurer in his name of office or by any taxpayer of the county for its benefit.

Commitments to be preserved.

Duplicate commitments.

§ 4. The sheriff shall file and preserve in the jail all commitments of prisoners thereto and all discharges of prisoners therefrom. Whenever any prisoner shall be sentenced by any magistrate or by any court, it shall be the duty of such magistrate or the clerk of the court, if there be one, to forthwith deliver to the sheriff two duplicate commitments, one of which the sheriff shall deliver with the prisoner to the officer or institution to which the prisoner is thereby committed, and the other of which, with a proper receipt for such prisoner endorsed thereon or attached thereto, shall be filed and preserved by the sheriff in the jail. Whenever a prisoner shall be discharged or set free by any magistrate or court, it shall be the duty of such magistrate or court, or clerk of the court, if there be one, forthwith to deliver to the sheriff a certificate stating that such pris-

Sheriff to be furnished certificate of discharge, etc.

oner was discharged and set free, and giving the date and hour of such discharge, which certificate shall be filed by the sheriff and preserved in the jail. The aforesaid commitments, discharges and certificates shall be, by the sheriff or jailor, properly endorsed with the name of the person, the date and the character of the instrument, and shall be numbered to correspond with the number of such person in the jailor's docket, be arranged in order and carefully preserved, and constitute public records; and any officer, magistrate or clerk, neglecting to deliver the same to the sheriff or jailor, or at the jail, for more than forty-eight hours after such commitment or discharge, shall be liable to a fine for each such neglect of ten dollars to be collected by the sheriff for his own use, or by the county treasurer, or any taxpayer of the county for the county of Albany, and it shall be the duty of the sheriff to enforce the provisions of this section.

Civil docket.

§ 5. The sheriff shall also keep a proper book or books to be indorsed "Civil docket," and numbered consecutively, in which he shall enter the title of all actions, suits and proceedings in which any process or mandate shall be received, served or acted upon by him, or in which he shall render any services. He shall also state therein the action taken by him, and the date or dates thereof, which books shall be kept and remain in the jail. All the aforesaid books shall belong to and be paid for by the county of Albany.

Food, quality of, etc.

§ 6. It shall be the duty of the sheriff to provide for the prisoners in the jail the kind and quality of food prescribed by law. Such food shall be supplied only upon requisitions in writing addressed to the person supplying the same, made upon printed blanks, signed by the sheriff and dated, specifying in detail the amount by weight or measurement, and the quality and kind of

food required. At the time of the delivery of the food under such requisitions, a receipt for the same shall be endorsed upon such requisition and signed by the sheriff. The sheriff shall cause to be kept accurate books of account, showing in detail all food for which requisitions are issued and the dates at which it was received, and such books shall be the property of the county, and shall always be open to public inspection. The bills for all food or provisions furnished under this act shall be made out in the form and with the verification required in the case of claims against the county of Albany, to be presented to the supervisors thereof, and shall be certified to be correct by the sheriff and shall, together with the requisitions and receipts aforesaid attached thereto, be presented to the county treasurer of Albany county, and shall be examined by him, and if just and proper shall be paid by him, if certified and accompanied with the aforesaid requisitions and receipts, but not otherwise. The food furnished under the aforesaid requisitions shall be used exclusively for the board and sustenance of the prisoners confined in the jail, and it shall be a misdemeanor punishable with fine and imprisonment for any person to convert the same to any other or different use, or to his own use, or for any person having the charge thereof to permit the same to be used for any other purpose.

Bills for.

Food not to be used for other purposes.

Report to treasurer.

§ 7. It shall be the duty of the sheriff to make a report in tabulated form to the county treasurer of Albany county, on the first day of each month, in which he shall state the name of each prisoner confined in the jail during the previous month, and the number of days and hours of such month that he was confined therein, and the aggregate number of days and hours of confinement of the entire number of prisoners confined therein. He shall also make a like statement separately as to all United States prisoners confined in said jail, and

shall account and pay over to the county treasurer all moneys received from the United States therefor. He shall state the total aggregate number of days and hours of such month during which the whole number of prisoners in said jail were confined therein. He shall state the quantity and quality of each kind of food purchased for the prisoners during the preceding month, and the price thereof, and the respective persons, firms or corporations from whom the several articles were purchased. He shall also state the average cost per day of maintaining a prisoner in said jail during such preceding month.

§ 8. It shall be the duty of the county treasurer, immediately after the first day of January in each year, to ascertain the total amount of each kind of food for which requisitions were made, and which was receipted for during the previous year, and the cost thereof, and also the total aggregate number of days and hours for which prisoners were, during such year, confined in the jail, and the average cost per day of each prisoner. The county treasurer shall transmit to the board of supervisors, at its spring meeting, a summary in tabular form of each of the several matters stated in the aforesaid reports of the sheriff, and of the computation made by said county treasurer of the cost of maintaining the prisoners in the jail for the year preceding the first of January prior to such meeting, and the same shall be printed in the minutes of said board.

§ 9. Whenever it shall be proper that any jury in Albany county shall, pending the trial or their deliberations in any case, receive food or nourishment at the expense of the county, in some proper hotel or other suitable place, it shall be the duty of the clerk of the court to certify, under the title of the cause or matter in which such jury have been drawn, that such jury, pending its deliberations, was necessarily supplied with certain

Separate statement of U. S. prisoners.

Treasurer to ascertain amount, etc. of food, and transmit same to board of supervisors.

Duty of clerk of court to certify that jury is supplied with food at expense of county.

meals, specifying the same, and the dates upon which they were supplied, and to deliver such certificate to the sheriff. The sheriff shall attach thereto his bill for the expenses incurred by him in providing food for such juries, which bill shall be made out in the form, and shall be verified in the manner, required in the case of bills presented to the supervisors of Albany county. Said bill, when presented to the treasurer of Albany county, accompanied with said certificate, shall be examined and allowed by him at a proper sum, and paid from the county treasury.

Jail calendar.

§ 10. Whenever any court of oyer and terminer, court of sessions or court of special sessions shall be held in the city of Albany, it shall be the duty of the sheriff of Albany county to furnish to such court a jail calendar, in which shall be stated in addition to such other matter as may be required by law or as the court may by its order direct, the names of all persons confined in said jail, excepting only United States prisoners, and in the case of the court of special sessions excepting also persons who have been indicted or have been committed to await the action of the grand jury. He shall state also the cause of such commitment to the jail, and the period of the person's confinement therein. It shall be the duty of the district attorney, at the opening of the court, and at each session of the court of special sessions, to bring this matter specially to the attention of the court, and said court shall thereupon proceed to examine such calendar and investigate and inquire into such cases, and whenever there appears to be no sufficient legal reason for the further detention of any person in said jail the court shall direct that he be discharged therefrom.

Sections named not to affect fees.

§ 11. Sections one, two, three, five, six, seven and eight of this act shall take effect on the first day of January, eighteen hundred and eighty-six, and the terms and provisions of this act shall in no way affect the fees, per-

quisites or compensation of the present sheriff of Albany county during his present term of office. The board of supervisors of Albany county is authorized at any session of said board to enter into a contract with the sheriff of Albany county for the board and feeding of the prisoners confined in the Albany jail during the present term of office of said sheriff, provided that no agreement shall be made to pay to said sheriff in full for all services or expenses rendered or to be rendered or incurred by him for such board and feeding of prisoners, any greater or larger sum than at and after the rate of two dollars and seventy-five cents for each week's board and feeding furnished and provided by him for such prisoners.

Board of supervisors may contract with sheriff for board of prisoners.

§ 12. No tramp or vagrant convicted or sentenced by any magistrate in the county of Albany shall by any residence in the Albany penitentiary or jail gain a residence in said county, nor shall the time of his residence in said penitentiary or jail be in any way considered in any case in determining his residence.

Tramps not to gain residence.

§ 13. Nothing in this act contained shall relieve the sheriff of Albany county from any duties, obligations or services now or that may hereafter be imposed by law upon him.

Act not to relieve sheriff from legal obligations.

§ 14. Section three of chapter eighty of the laws of eighteen hundred and forty-four, an act entitled "An act to reduce the fees and compensation of certain public officers for services chargeable to the city and county of Albany, and for other purposes," chapter three hundred and fifty-two of the laws of eighteen hundred and sixty, an act entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," chapter two hundred and sixty-six, of the laws of eighteen hundred and sixty-three, an act entitled "An act to amend an act entitled 'An act in relation to the salary of the keeper of the common

Acts repealed, etc.

jail of the city and county of Albany," passed April thirteen, eighteen hundred and sixty," and chapter six hundred and forty-one of the laws of eighteen hundred and sixty-nine, an act entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," are hereby repealed. This fourteenth section of this act shall take effect on the first day of January, eighteen hundred and eighty-six, and not before.

#### CHAPTER 598.

AN ACT to amend chapter two hundred and eighteen of the laws of eighteen hundred and eighty-four, entitled "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany, and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city."

PASSED JUNE 8, 1886; three-fifths being present.

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

SECTION 1. Section one of chapter two hundred and eighteen of the laws of eighteen hundred and eighty-four is hereby amended so as to read as follows:

§ 1. The sheriff of Albany county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons, and in addition thereto, he shall receive an annual salary of four thousand dollars, to be paid quarterly by the treasurer of Albany county, in full of all fees or other compensation from the county of Albany, and he shall not receive from the county of Albany any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants other than those whose salaries

Sheriff's salary and fees in civil cases.

Payment by him of certain assistants.

are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now, or which may hereafter be imposed upon him by law, without fee or reward from the county of Albany, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursement for travel, lodging and food incurred while attending to the transportation of juvenile delinquents, and any other person whom he is required by law to transport, where the cost of such transportation is made by law a county charge, but such disbursements in no one case shall be allowed at a sum in excess of fifteen dollars if but one be so transported and for each additional one transported at the same time the sum of eight dollars. The aforesaid disbursements shall be fixed, allowed, audited and paid by the county treasurer of Albany county when bills therefor shall be presented by the sheriff in the form and with the verification required by law in the case of claims presented to the board of supervisors of Albany county. The sheriff shall receive from the county treasurer, and be allowed for a jailor, to be employed in the jail in the city of Albany, the sum of one thousand and eighty dollars a year, to be paid in monthly payments. The said jailor shall in addition to his other duties, to be prescribed by the sheriff, keep under the supervision and direction of said sheriff, the "jailor's docket" of prisoners hereinafter mentioned. Said jailor shall reside in the dwelling-house connected with the jail, which shall be kept in suitable repair by the county of Albany, but which shall not be furnished by the county; nor shall the sheriff's or jailor's office be furnished by or at the expense of the county of Albany. The sheriff shall also receive from the county treasurer,

Disbursements for travel, etc., limited.

How audited and paid.

Compensation of jail-or.

Jailor to keep prisoners' docket.

To reside in jail.

Clerk,  
watchman  
and cook,  
how paid.

and be allowed for a clerk the sum of one thousand dollars, for a day watchman at the jail the sum of six hundred dollars a year, and for a night watchman at the jail the sum of six hundred dollars a year, and for a cook and other servants, together, the sum of five hundred dollars a year, which sum shall be paid in monthly payments.

§ 2. This act shall take effect immediately.

#### CHAPTER 93.

AN ACT to provide for the better administration of justice in the town of Watervliet, in the county of Albany.

PASSED April 5, 1877; three-fifths being present.

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

This act contains, among others, the following section:

§ 7. Said police justice shall have power to commit prisoners to the police station of the village of West Troy during the trial, or pending any trial or examination of such prisoner, before said police justice, for any crime, offense or charge thereof; and after any such trial or examination he shall have the power to commit any such prisoner directly to the Albany county penitentiary, in all cases where said justice may sentence such prisoner to said penitentiary, without committing him to the common jail of the said county of Albany. And during any such commitment of any prisoner to the aforesaid police station in West Troy the expense of the support of any such prisoner shall be paid by the police commissioners of the West Troy police, and shall be by them a charge against the county of Albany or the town of Watervliet, as the case may be, and shall be paid by the treasurer of said county or the supervisor of said town, to said commissioners for the use of said police force.

Temporary  
commit-  
ments.

May sen-  
tence to Al-  
bany peni-  
tentiary with-  
out first  
committing  
to Albany  
county jail.

Expense of  
temporary  
commit-  
ments pre-  
vided for.

#### CHAPTER 275.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in respect to the powers of the recorder, and in respect to the jail in the city of Cohoes.

Accepted by the city.

BECAME A LAW April 17, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

This act, among other provisions, contains the following:

SECTION 2. Subdivision forty-three of section seven of title four of said chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Powers of  
council.

§ 43. To provide a council-room or rooms for the common council; court-rooms for the recorder and for the justices of the peace; rooms and accommodations for the board of education and other boards of said city; offices for the mayor, chamberlain, city clerk, city attorney and for such other officers as may require the same for the transaction of the business pertaining to their respective offices; engine-houses, rooms and accommodations for the several fire companies of said city; station-houses and accommodations for the police force of said city, and all necessary fuel, lights, stationery and supplies for such rooms and offices. The common council shall also have power, and it shall be its duty to provide a suitable jail within said city, which shall be known and designated as the "Cohoes jail," at an expense not to exceed six hundred dollars per annum, which sum shall be paid annually from the Cohoes jail fund, upon the warrant of the board of police commissioners to the said city of Cohoes.

Rooms, ac-  
commoda-  
tions and  
supplies.

Jail.

§ 3. Section twelve of title seven of said chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Charge of jail.

Jailer.

Monthly statements.

§ 12. The said board shall have charge of the jail in said city which shall be provided by the common council thereof. The station-house keeper shall, under appointment by said board, be the jailer of said jail and shall hold his office during the pleasure of said board. In full compensation for all services herein required of said jailer, he shall be paid in monthly payments, upon the warrant of said board, from the jail fund hereinafter mentioned, a salary at the rate of one thousand dollars per annum. The said jailer shall, under the direction and supervision of said board, have the care and custody of said jail and of the prisoners confined therein; he shall, at all times, keep said jail renovated and in clean, healthful and proper condition, and shall prepare all necessary and proper food and feed and otherwise care for said prisoners. It shall be the duty of said jailer to present to the said board of police commissioners, at each regular monthly meeting thereof, an itemized statement of the number of prisoners fed by him and of the total number of meals furnished to the same each day during the month preceding the date of said report, or since the date of the last report, together with an itemized statement of the kind and amount of food and supplies furnished for the use of said jail and of the prisoners confined therein each day during the said month or period and by whom furnished. At each said regular meeting, said jailer shall also present to said board a statement which shall contain the full name of every prisoner confined therein during the month previous to the presentation thereof, or since the presentation of the last preceding statement; the day of the week and month and the hour of the day when each

prisoner was received at the jail; the name of the committing magistrate or court; for what offense committed; the day of the week and month and the hour of his or her discharge or removal from said jail; and by what authority so discharged or removed. The matters of facts contained in said last mentioned statement shall be kept transcribed by said jailer in a book to be kept by him under the direction of said board, which shall be known as the "jailer's docket," and which shall be open to public inspection. The said jailer shall perform such other duties as may be required of him by said board. Such itemized statements shall each be verified by the jailer, and the verification of either thereof by said jailer, knowing it to contain false or fraudulent items or statements, or knowing of the omission therefrom of items or statements which should properly appear therein shall be and constitute the crime of perjury. All accounts for the furnishing of materials, supplies and food, and for every charge and expense of maintaining said jail, shall be presented to said board, itemized and verified in the manner prescribed in section one, of title twelve of this chapter, for the presentation of claims to the common council. The jailer shall not be directly or indirectly interested in any such account or in any contract for the furnishing of such materials, food or other supplies. The said board of police commissioners shall have power whenever it shall deem such course expedient and for the best interest of the public, to cause all, or any part of, such materials, food, or other supplies, in such quantities as may be required by said jailer, to be furnished by contract, or contracts, to be let to the lowest bidder or bidders therefor. The provisions of section nine of title eleven of this act shall govern the letting of every such contract, so far as said provisions are applicable hereto. There shall be paid

Verification of statements.

Presentation of accounts.

Not to be interested.

Contracts for supplies.

Payment by  
county for  
maintenance  
of jail.

by the county treasurer of the county of Albany, to the chamberlain of the city of Cohoes, on the first day of March, eighteen hundred and ninety-six (or as soon as practicable after the passage of this act), for said year, and on the first day of March in each year thereafter, the sum of three thousand dollars, which shall be credited by said chamberlain to the fund in his hands to be known as the "Cohoes Jail Fund." Said sum shall be in full for every charge and expense of maintaining and running the jail in the city of Cohoes, and for the custody thereof and of the prisoners confined therein and of feeding and otherwise taking care of said prisoners. Said board of police commissioners shall audit every account for such charge and expense, and the same shall be paid upon the warrant of said board, by the said chamberlain, from the said fund, designated the "Cohoes Jail Fund," to the person or persons entitled thereto. Any portion of said fund not expended pursuant to the provisions of this section, in any one year, shall be appropriated to such purposes as the said board of police commissioners may direct. The supervisors of the county of Albany shall not audit any claim or charge presented against said county by reason of the existence, care or maintenance of a jail in the city of Cohoes, or of the care, custody and maintenance of any person or persons confined therein, arising after the first day of January, eighteen hundred and ninety-six, except the salary of the physician thereof, which shall be and remain a county charge.

Audit and  
payment of  
accounts.

Repeal.

- § 4. Section twenty-nine of said title seven of said chapter six hundred and seventy-one is hereby repealed.
- § 5. This act shall take effect immediately.

## ERIE COUNTY.

### CHAPTER 77.

AN ACT to provide for the erection and establishment of a workhouse in the county of Erie.

PASSED APRIL 21, 1846.

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

SECTION 1. The board of supervisors of the county of Erie, shall be and they are hereby authorized to cause to be erected at such place within the limits of said county as shall be designated in the manner hereinafter mentioned, a suitable building or buildings, to be called "the workhouse of the county of Erie," to be used for the safe-keeping and employment of vagrants, disorderly persons, and all prisoners under sentence or conviction, (except in those cases of conviction for a felony, in which the party convicted shall be sentenced to be punished by death or imprisonment in a State prison,) who shall be sentenced to confinement at hard labor or to solitary imprisonment by any court held in said county of Erie, or who may be authorized to be confined therein by any of the provisions of this act.

Work-  
house may  
be erected.

§ 2. The clerk of the said board of supervisors, on receiving a written request to that effect from any five members of the said board, shall immediately call a special meeting of such board; which shall, when called, by a legal meeting of such board, for all lawful purposes, as well as for the purpose of proceeding under this act. Such special meeting shall be called by the clerk, by sending by mail to each of the members of said board, a written notice of the time and place of such meeting, at least

Special  
meeting of  
supervisors  
when to  
be called.

Commiss-  
sioners.

Their pay.

eight days before the day of such meeting, and publishing a copy of such notice at least six days before such meeting in two public newspapers in said county; but no such meeting shall be informal or illegal on account of any defect in such notice, if four fifths of the members of such board shall attend such meeting. The said board at such special meeting, or at the next annual meeting of such board, shall appoint three commissioners, who, or a majority of whom, after taking the constitutional oath of office, shall, without unnecessary delay, select a proper site for the location of said building or buildings, with proper grounds to be attached thereto, and make a conditional contract for the same, subject to the approval and confirmation of the said board; and to report such location and contract, together with a detailed plan for the construction, management and discipline of said workhouse, and the improvements of such grounds, and the erection of the necessary out-buildings; and also an estimate of the expense of the land for the site and the improvement thereof, and of the construction of the said workhouse and out-buildings, to the board of supervisors of said county at their next annual meeting. In case of a vacancy in the said board of commissioners by death, resignation, removal from said county, refusal or neglect to serve or otherwise, such vacancy shall be filled by an appointment by the first judge of said county, of Erie. The said commissioners shall receive for their services such sum as the board of supervisors shall allow, not exceeding three dollars for each day while actually employed in the discharge of their duties, and such expenses as shall be actually incurred by them in obtaining the necessary plans, estimates and information preparatory to the report to be made by them as aforesaid, such several sums to be paid by the said board of super-

visors, and the amount thereof added to the sum to be raised by tax as hereinafter mentioned.

§ 3. Upon such report being made, the said board of supervisors shall examine the same and determine thereupon, and the said board of supervisors may alter, modify, reduce or increase the site, plan or expense of construction of said workhouse as specified in said report, in such manner as to them shall seem fit, expedient or necessary, and shall then determine whether they will authorize such commissioners to procure a site for said workhouse, and erect the same. The said commissioners, whenever they shall be empowered and directed so to do by the said board of supervisors, shall purchase or procure the lands necessary for the site of said workhouse according to the directions and determination of such board, and shall thereupon proceed to construct the same, at such place and on such plan, in all respects, as the said board of supervisors shall, in manner aforesaid, have approved and directed; but before either of the said commissioners shall enter upon the construction of said workhouse or be entitled to draw or receive any moneys for any of the purposes mentioned in this act, he shall file in the office of the county treasurer of the said county a bond to the said county of Erie, executed by himself and two sufficient sureties, to be approved by the board of supervisors or said county treasurer, in the penal sum of ten thousand dollars, and conditioned for the full and faithful performance of his duties as such commissioner, and the due accounting to the board of supervisors of said county of Erie, at each annual meeting, for all moneys received by him as such commissioner; if any such bond shall be forfeited the same shall be prosecuted under the direction of said board of supervisors, and all sums recovered for the breach of the condition thereof, ap-

Site and ex-  
pense may  
be altered  
or modified.

plied to the erection, completion and furnishing of said workhouse.

Work-  
house how  
managed  
when com-  
pleted.

§ 4. The concerns and management of the said workhouse, when completed, shall be under the control and direction of the board of supervisors, through such commissioners and officers as they may appoint for such purpose; and such board of supervisors is hereby authorized to establish and adopt, from time to time, at any annual meeting of said board of supervisors, such rules for the regulation and management of said workhouse, and the support, employment and discipline of the persons confined therein, and to appoint such commissioners and other officers to take charge thereof, and prescribe their compensation and duties, as to them may seem proper, just and expedient, and generally to make all such by-laws, rules, regulations and ordinance in relation to the discipline, management and government thereof, as they shall deem expedient; but the person who shall be appointed principal keeper of said workhouse, shall hold his office for the term of three years, unless sooner removed by the said board for incompetency, improper conduct or other cause to be particularly assigned in writing, and entered on the minutes of said board, with the ayes and nays upon the adoption of the resolution for such removal. No such by-laws shall be finally adopted by said board on the same day on which the same shall be first presented to said board for consideration, nor until the same shall have been considered and reported upon by a select committee appointed for that purpose. (1.)

Supervisors may  
borrow  
money, and  
levy and  
collect a  
tax.

§ 5. The said board of supervisors are hereby authorized to borrow, from time to time, on the credit of the county of Erie, such sum or sums of money as shall be necessary to defray all the expenses of procuring the

(1) Amended by Laws of 1889, ch. 368.

site and completing the erection of said workhouse, outhouses, yard and appurtenances, and of procuring the necessary furniture and fixtures, and other things in and about the same; and it is hereby authorized and required to raise, levy and collect a sum sufficient to repay the principal sum so borrowed, in not less than five nor more than ten equal annual installments, and also the interest which shall become due on the same, which shall be levied and collected on and from the taxable property in the county of Erie, in the same manner as other county charges are levied and collected; and the said board, or the county treasurer of said county, shall from time to time pay such drafts as may be drawn by the said commissioners, or a majority of them, for the cost of said site and erection of said workhouse, not exceeding the amount at which such cost may have been fixed and determined upon by said board, in case said board of supervisors shall have so fixed and determined the same. The county treasurer of said county, under the direction of the board of supervisors thereof, may execute to the person or persons of whom such moneys may be borrowed, such bond or bonds for the repayment thereof, as may be necessary or proper; which bonds shall be binding upon the said county of Erie.

§ 6. The expenses of maintaining the said workhouse, over and above all receipts for the labor of persons confined therein, and for the support of prisoners therein, whose support is not chargeable to said county of Erie, shall be audited and paid by the said board of supervisors yearly at their annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of the said county of Erie.

Expenses  
how to be  
paid.

§ 7. Whenever the said workhouse shall, in the opinion of the said commissioners, or a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be confined

When the  
house is  
completed,  
determina-  
tion to be  
filed.

therein, they shall make triplicate determinations thereof, under their hands and seals; one of which they shall file in the office of the clerk of the said county of Erie; one other they shall file in the office of the clerk of the recorder's court of the city of Buffalo; and the other they shall cause to be published in the several newspapers published in Erie county.

Prisoners to be confined in the workhouse.

§ 8. The court of oyer and terminer, or court of general sessions of the peace, or the recorder's court of the city of Buffalo, which shall be first in session after the filing of the said determination, shall, by an order to be entered in its minutes, upon the motion of the district attorney for Erie county, direct all persons then confined in the jail of Erie county, and which by the terms of this act are authorized to be confined in said workhouse, to be transferred to said workhouse, and there to be confined until the term for which they were sentenced to be imprisoned in said jail shall have expired; and in said order shall be inserted the said determination at length; the names of the said persons respectively; the offense or cause for which they were committed; the court by which they were committed; the day of commitment; and the day on which the sentence will expire.

Duty of sheriff of Erie county.

§ 9. The clerk of the court in which said order shall be entered, shall cause two copies of said order to be made, and to be attested by his hand, and the seal of said court, which he shall deliver to the sheriff of Erie county; said sheriff shall forthwith transfer the persons named in said order to said workhouse, and shall deliver said persons, with one copy of said order, to the principal keeper of said workhouse, and take his receipt therefor; thenceforward the persons named in said order shall be detained and held to labor in said workhouse for the same term of time they would have been required to be detained in said jail if this act had not been passed; and

the said sheriff shall from that time be discharged from all liability on account of said persons.

§ 10. After the said determination shall be published as hereinbefore required, every court or magistrate in the county of Erie that shall be authorized by law to sentence or commit any person to the county jail of Erie county as vagrants, disorderly persons, or common prostitutes, or by virtue of a final sentence for any offense, or upon a final conviction on any account whatever, (except for contempt) may sentence such person to be confined in said workhouse; and in addition to any sentence now authorized by law to be pronounced in such case, may sentence such person to be confined at hard labor, or to solitary confinement, in whole or in part, or in part to each, at its discretion. (1)

§ 11. After the said workhouse shall have been completed, the said board of supervisors of Erie county may contract with the board of supervisors of any other county in the present eighth senatorial district, upon such terms as may be agreed upon by said boards respectively, to receive into the said workhouse any person that may be sentenced to confinement therein by any magistrate or court of any such other county for such offenses as such court or magistrate may, by law, have a right to sentence to confinement in the jail of the county in which such person may be sentenced; and any officer to whom the process of commitment in such case may be delivered for execution, shall, by virtue of such process, convey such person to the said workhouse, and deliver him to the principal keeper thereof; and such keeper shall detain such person upon such sentence, and shall treat such person in the same manner as if he had been sentenced to like imprisonment therein by any court or magistrate in the county of Erie. After any such contract shall be made by the

Vagrants, etc., may be sentenced to workhouse.

Prisoners may be confined in workhouse from other counties in the eighth district.

(1) Amended by Laws of 1869, chap. 391.

board of supervisors of said county of Erie, with the board of supervisors of any other county, and so long as the same shall remain in force, the courts and magistrates of such other county shall have the same power, jurisdiction and authority to sentence and commit persons to such workhouse as is or shall be possessed or rightfully exercised by the courts and magistrates of said county of Erie.

Prisoners may be employed in building workhouse.

§ 12. The first judge of Erie county, the recorder of the city of Buffalo, and the district attorney of the county of Erie, or any two of them, may, in their discretion, make such order for the employment upon said workhouse, while the same is in the course of construction, of such persons as may, for the time being, be confined in the jail of Erie county, upon final sentence or summary conviction, or as disorderly persons, or vagrants, as they may deem beneficial to the county of Erie, and such order shall be in writing, and signed by them, and shall be carried into effect by the sheriff of said county.

Appropriation of avails of poorhouse farm.

§ 13. The board of supervisors of said county of Erie shall be and they are hereby authorized, in their discretion, to appropriate any portion of the moneys arising from the sale of the poorhouse and farm of said county, or any part of said farm, under the act entitled "An act to authorize the board of supervisors of the county of Erie to sell and convey the poorhouse and farm attached thereto, belonging to the county of Erie, and invest the proceeds thereof," passed April 8, 1836, to the erection of such workhouse, or to the payment of any expense or debt incurred under the provisions of this act; and the said board may assign and transfer any mortgage or mortgages taken on such sale, with the bonds accompanying the sale on a sale thereof, to raise moneys to expend under the provisions of this act or as

collateral security for any moneys authorized to be borrowed by the provisions of this act.

§ 14. This act shall take effect immediately. (1)

#### CHAPTER 391.

AN ACT to amend an act entitled, "An act to provide for the erection and establishment of a workhouse in the county of Erie," passed April twenty-first, eighteen hundred and forty-six.

PASSED April 16, 1852.

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

SECTION 1. The tenth section of the act entitled, "An act to provide for the erection and establishment of a workhouse in the county of Erie," passed April twenty-sixth, one thousand eight hundred and forty-six, is hereby amended so as to read as follows:

Part amended.

After the said determination shall be published as hereinbefore required, every court or magistrate in the county of Erie, that shall be authorized by law to sentence or commit any person to the county jail of Erie county, as vagrants, disorderly persons, or common prostitutes, or by virtue of a final sentence for any offense, or upon a final conviction on any account whatever (except for contempt), may sentence such person to be confined in said workhouse; and in addition to any sentence now authorized by law to be pronounced in such case, may sentence such person to be confined at hard labor, or to solitary confinement, in whole or in part or in part to each, at its discretion. And when, by the judgment of any court in said county, a fine shall be imposed, such court may order that the person convicted

Sentences by courts or magistrates.

(1) Amended by Laws of 1852, ch. 391; Laws of 1880, ch. 592; Laws of 1882, ch. 120.

be committed to the said workhouse, and there confined at hard labor until such fine shall be paid, not exceeding two days' imprisonment for each and every dollar so imposed as a fine.

#### CHAPTER 368.

AN ACT to amend chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled "An act to provide for the erection and establishment of a work-house in the county of Erie."

PASSED May 24, 1850; three-fifths being present.

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

SECTION 1. Section four of chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled "An act to provide for the erection and establishment of a work-house in the county of Erie," is hereby amended so as to read as follows:

§ 4. There shall be elected at the general election in the county of Erie in eighteen hundred and eighty, and in each third year thereafter at the general election, a keeper of said work-house of said county, to be chosen in the same manner as other county officers of said county and whose term of office shall be three years, and shall commence on the first day of January, eighteen hundred and eighty-one. The term of office of the present keeper of said work-house shall cease and determine on the thirty-first day of December, eighteen hundred and eighty. The keeper of said work-house shall take and file his oath of office in like manner as other county officers before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of said county before his election, and shall not be increased or diminished during

Sec. 4. ch. 77. Laws of 1846, amended.

Keeper of work-house to be elected.

Official term.

Oath.

Salary.

his term of office, and the same shall be a county charge. In case of any vacancy occurring in said office by death, resignation or otherwise, the county judge of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people. The said keeper shall have power and it shall be his duty to appoint and employ such assistants as are necessary, whose salaries shall be fixed by the said board of supervisors; to purchase materials and supplies that shall be necessary, from time to time, for the support and maintenance of the persons confined therein; to draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any moneys in his hands appropriated for that purpose; to keep a book or books, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county at all reasonable hours, and which book or books and the vouchers for such expenditures shall be exhibited by him to the board of supervisors at each annual meeting of the board and at any special meeting thereof, when he shall be called upon by resolution so to do. And the said keeper shall, at each annual meeting of the board of supervisors, and whenever called upon so to do, render to the said board a full, just and correct account in writing, and in detail, of all expenditures made by him, and of his doings as such keeper; the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for, and the price or sum allowed for the service or article for which such allowance was made, which statement shall be verified by the oath of the said keeper, and shall be filed with the

Vacancy.

Assistants.

Drafts for expenses.

Accounts.

To be exhibited to board of supervisors.

Detailed statement of expenditures to be submitted.

Inventory.

Statement of indebtedness.

Penalty for failure to furnish same.

Rules, etc.

Work-house commissioners.

clerk of the board of supervisors. The said keeper shall, in each and every year, on the first day of the annual session of the board of supervisors, furnish to and file with the said board a full, true and correct inventory of all the goods, furniture and property of every name, kind and nature belonging to the said county or in its use, on or connected with the said work-house, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the said work-house in a book of invoice, and shall be opened for inspection to any taxable inhabitant of said county at all reasonable hours. The said keeper shall also furnish to the board of supervisors on or before the third week of the annual session of said board in each year a detailed statement of all outstanding indebtedness or liability against said work-house, belonging to his department, and a failure to furnish such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment. The board of supervisors of said county shall have power and it shall be their duty to make, establish and adopt, from time to time, such rules and regulations for the management of said work-house, and the support, employment and discipline of the persons therein confined as they shall deem necessary. Said board may also, from time to time, appoint such work-house commissioners as shall seem to them expedient and shall prescribe their compensation. Said commissioners shall have such supervisory power over said work-house as shall be conferred upon them by the board of supervisors, or is conferred upon them by existing laws. (1)

(1) See Laws of 1846, ch. 77.  
Additional ser. Laws of 1868, ch. 139.  
Office of commissioner of the Erie county work-house or penitentiary abolished by Laws of 1887, ch. 596.

## CHAPTER 135.

AN ACT to amend chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty, entitled "An act to amend chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled 'An act to provide for the erection and establishment of a work-house in the county of Erie.'"

PASSED May 9, 1882; three-fifths being present.

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

SECTION 1. Chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty, entitled "An act to amend chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled 'An act to provide for the erection and establishment of a work-house in the county of Erie,'" is hereby amended by adding thereto the following sections:

§ 5. Said board of supervisors shall have power and it shall be their duty to give directions to and prescribe the duties of the said commissioners in relation to the supervision of the accounts and books of account, or any of them, kept at or relating to the affairs of said work-house and to the auditing or disallowing any or all of said accounts, also to prescribe the duties of said commissioners relating to the making hereafter of any additions, improvements and repairs at said work-house, also relating to advertising for, purchasing of, either by said commissioners or the keeper of said work-house, and directing the purchases of all materials and supplies for said additions, improvements or repairs and for the support and maintenance of the persons confined in said work-house, or for use thereat, or for any of such materials or supplies, and said board of supervisors shall have power to prescribe any acts or duties to be performed by said commissioners which

Board of supervisors may give directions as to keeping books, etc.

said board of supervisors may deem proper, relating to the employment of the assistants to the keeper and the number to be employed, and may prescribe any other acts or duties to be performed by the said commissioners, relating to the affairs of said work-house and the contracting for and purchasing of all materials and supplies, and may require annual reports to be made to said board of the acts of said commissioners.

Power and duty of commissioners.

§ 6. Said commissioners shall have full power and it shall be their duty to do and perform all such acts and duties as shall be lawfully required of or given them to perform by said board of supervisors.

Of keeper of work-house.

§ 7. It shall be the duty of the keeper of said work-house to conform to all the rules, regulations, resolutions and laws made or adopted by the said board of supervisors, pursuant to this act or the act hereby amended, and to observe and conform to such directions as shall be given him by said commissioners pursuant to the power conferred upon them by said board of supervisors under this act or the act hereby amended.

Neglect of duty a misdemeanor.

§ 8. For any neglect of the said commissioners, or either of them, to perform any duty imposed upon them by law or by the rules, regulations or laws adopted by the said board of supervisors pursuant to this act, he or they shall be adjudged guilty of a misdemeanor, and upon conviction punished accordingly.

§ 9. For any neglect or refusal of the said keeper of the said work-house to perform any duty required of him pursuant to this act or the act hereby amended, or to conform to the directions, or any of them, lawfully given pursuant to this act or pursuant to the rules and regulations of said board of supervisors, he shall be adjudged guilty of a misdemeanor and punished accordingly.

§ 10. It shall not be lawful for either of said commissioners, or any supervisor, member of said board of supervisors, to furnish any supplies, materials, property or labor for improvements, additions or repairs, or any of them, at said work-house, or to be used upon the premises, or for the inmates at said work-house, or the keeper thereof, or any of his assistants thereat, or to be or become directly or indirectly interested in any contract for\* the furnishing of any such supplies, materials, property or labor, or the making of any such improvements, additions or repairs, and for each violation of any of the provisions of this section, said commissioner or supervisor so offending shall be adjudged guilty of a misdemeanor and be punished accordingly, and the said board of supervisors shall not audit or allow any claim for supplies furnished by any member of said board.

Not lawful for commissioners, etc., to furnish supplies.

§ 11. No member of said board of supervisors or relative of the keeper of said work-house shall be eligible to the office of commissioner under this act.

Supervisor not eligible to office of keeper or commissioner.

§ 12. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 13. This act shall take effect immediately. (1)

#### CHAPTER 586.

AN ACT to abolish the office of commissioner of the Erie county work-house or penitentiary.

PASSED JUNE 17, 1887; three-fifths being present.

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

SECTION 1. The office of commissioner of the Erie county work-house or penitentiary is hereby abolished, and the powers vested and duties devolving upon such

Office abolished.

Powers, how vested.

\* So in the original.

(1) See Laws of 1886, ch. 77.

commissioner or commissioners by law, shall be vested in and devolve upon the supervisors purchasing and auditing committee, or such other officers or committee as the board of supervisors of Erie county may hereafter designate.

**Repeal.** § 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect on the first day of January, one thousand eight hundred and eighty-eight.

#### CHAPTER 587.

AN AOT to authorize the supervisors of the several counties in the eighth judicial district to send certain persons, who may be confined in the several county jails, to the Erie county penitentiary.

PASSED July 21, 1883.

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

Powers of supervisors in certain counties, as to persons in county jail.

Duty of sheriff.

SECTION 1. It shall be lawful for the board of supervisors in either of the counties of Allegany, Chautauqua, Cattaraugus, Wyoming, Genesee, Niagara and Orleans to enter into an agreement with the board of supervisors of the county of Erie (or with any person in their behalf, by them appointed) to receive and keep in said penitentiary any person or persons who may be sentenced in either of said counties to confinement at hard labor in the jail of such county for any term not less than three months; and it shall be the duty of the sheriff of any of said counties, for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement to hard labor in the jail of said county, for a term not less than three months, to said penitentiary; and the

keeper of said penitentiary shall receive such persons, and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said penitentiary; and the officer conveying such convicts to said penitentiary shall be paid by the county from which they are sent, such fees for said conveyance as the board of supervisors of said county shall direct.

§ 2. This act shall take effect on the first day of September next. (1)

#### CHAPTER 584.

AN ACT to authorize the removal of certain female convicts to the penitentiaries at Buffalo and Rochester, and to provide for the imprisonment of female convicts in such penitentiaries and in the State prison at Sing Sing.

PASSED April 27, 1885; three-fifths being present.

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

SECTION 1. The inspectors of State prisons are hereby authorized to remove certain convicts now imprisoned in the female prison at Sing Sing, who were sent there from the seventh and eighth judicial districts, to the penitentiaries in said districts; those sent to said prison from the seventh judicial district shall be removed to the penitentiary in the city of Rochester, and those sent to said prison from the eighth judicial district shall be removed to the penitentiary in the city of Buffalo, but no convict whose term of sentence expires within three months from the passage of this act shall be removed by virtue hereof.

Removal of female convicts from Sing Sing to penitentiaries at Buffalo and Rochester.

(1) See People ex rel. Trainor v. Baker, 89 N. Y. 465.

Females convicted in seventh and eighth judicial districts, where to be sent.

§ 2. All females hereafter convicted in the seventh judicial district of this State, of crimes punishable by imprisonment in the State prison, shall be sent to the penitentiary at Rochester, and those convicted of such crimes in the eighth judicial district, shall be sent to the penitentiary at Buffalo, except as is hereinafter provided.

Females convicted of certain crimes where to be confined.

§ 3. All females now confined in the State prison at Sing Sing, from the seventh and eighth judicial districts of this State, upon conviction for the crimes of murder, manslaughter or arson, shall remain in said State prison until legally discharged, and all females hereafter convicted in said judicial districts, or either of them, of the crime of murder, manslaughter or arson, and sentenced to imprisonment in State prison, shall be confined in said State prison at Sing Sing.

Superintendents, etc., of Rochester and Buffalo penitentiaries.

§ 4. The several superintendents, agents or wardens of the said penitentiaries at Rochester and Buffalo, are hereby required to receive the female convicts mentioned in this act that may be removed to such penitentiaries, until they shall be discharged according to law, and the said superintendents, agents or wardens shall be allowed to charge for the maintenance of female convicts that shall be removed from the State prison at Sing Sing to such penitentiaries under and by virtue of the provisions of this act, a sum not exceeding one dollar and fifty cents per week, to be a charge against the State.

§ 5. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 6. This act shall take effect immediately. (1)

(1) Amended by Laws of 1866, ch. 667.

## CHAPTER 667.

AN ACT to amend an act entitled "An act to authorize the removal of certain female convicts to the penitentiaries of Buffalo and Rochester, and to provide for the imprisonment of female convicts in such penitentiaries and in the State prison at Sing Sing," passed April twenty-seventh, eighteen hundred and sixty-five, and to provide for the payment for the care of such felons as have been sentenced to said penitentiaries.

PASSED April 18, 1866; three-fifths being present.

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

SECTION 1. Section four of "An act to authorize the removal of certain female convicts to the penitentiaries at Buffalo and Rochester, and to provide for the imprisonment of female convicts in such penitentiaries, and in the State prison at Sing Sing," passed April twenty-seventh, eighteen hundred and sixty-five, is hereby amended so as to read: The several superintendents, agents or wardens of the said penitentiaries at Rochester and Buffalo are hereby required to receive and keep the female convicts mentioned in this act that may be removed to such penitentiaries, until they shall be discharged according to law; and the said superintendents, agents or wardens, shall be allowed to charge for the maintenance of female convicts that may be removed from the State prison at Sing Sing to such penitentiaries, under and by virtue of the provisions of this act, and for the maintenance of such convicts as may heretofore have been or may hereafter be sentenced to imprisonment in said penitentiaries at Buffalo and Rochester, under and by virtue of this act, or of any act authorizing or directing the sentence of persons under conviction of felony to said penitentiaries at Buffalo

Duty of officers of Rochester and Buffalo penitentiaries.

Maintenance of female convicts in penitentiaries a charge against State.

and Rochester, a sum not exceeding one dollar and fifty cents per week each, to be a charge against the State.

Clothes,  
etc. of con-  
victs when  
discharged,  
who to pay  
for.

§ 2. The provisions of the statutes now regulating the amount of money and clothing to be given to convicts upon their discharge from State prison, shall apply to such convicts as were transferred from the State prison at Sing Sing to the penitentiaries at Buffalo and Rochester, under the act to which this act is an amendment, and also to all felons hereafter sentenced to said penitentiaries. The expenses thereof shall be a charge against the State.

Returns of  
officers of  
the peniten-  
tiaries.

§ 3. The superintendents, agents and wardens of each of the penitentiaries named in this act shall make a return, under oath, on the thirtieth day of September of each year, to the comptroller, in which they shall fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of the act of which this act is an amendment, in what court convicted, and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such convicts, and for allowance made to discharged convicts under this act. Upon auditing such return, the comptroller shall draw his warrant on the treasurer in favor of said superintendent, agent or warden, for said amount, which sum or sums shall be paid from any money in the treasury not otherwise appropriated.

§ 4. The provisions of chapter three hundred and twenty-one of laws of eighteen hundred and sixty-four, together with the provisions of the acts to which said chapter is amendatory, are hereby made applicable to convicts now under sentence or hereafter to be sentenced for felonies or misdemeanors to the penitentiaries at Buffalo and Rochester, to the end that the same commutation allowance for good conduct shall be made

to said convicts as are granted under said acts to convicts now confined in State prisons.

§ 5. This act shall take effect immediately.

#### CHAPTER 173.

AN ACT fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie.

BECAME A LAW March 28, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. FISCAL YEAR.—The fiscal year for the county of Erie shall begin on January first, and the accounts of all county officers and county institutions shall be kept accordingly.

§ 2. COUNTY AUDITOR.—There shall be in the county of Erie a county auditor, who shall be elected at the general election held in November, eighteen hundred and ninety-five, and who shall take his office January first, eighteen hundred and ninety-six, and who shall be a resident freeholder of such county, and shall hold his office for a term of four years, and until his successor has duly qualified. No person elected as county auditor shall be, when he enters upon his duties, a member of the board of supervisors, nor shall he, while holding such office be eligible to election as supervisor. The county auditor first elected under this act shall hold his office for a term of four years from January first, eighteen hundred and ninety-six. Before entering upon the duties of his office he shall take the constitutional oath of office and execute to the county of Erie a good and sufficient bond, to be approved by the county judge

in a sum to be fixed by the board of supervisors, conditioned upon the faithful performance of his duties. The annual salary of such county auditor shall be determined by the board of supervisors at a sum not exceeding twenty-five hundred dollars. Such oath and bond shall be filed in the office of the county clerk. The trustees of the city and county hall shall provide suitable rooms to be used by such auditor as an office. The board of supervisors may, when in their discretion the business of the county auditor's office so requires, authorize the county auditor to appoint a clerk at a salary to be fixed by said board not exceeding twelve hundred dollars per year.

§ 3. DUTIES OF COUNTY AUDITOR.—The county auditor shall examine and report upon all accounts or claims against the county for work, labor, services, merchandise, or materials, furnished the county before the same shall be audited and ordered paid by the board of supervisors; he shall ascertain, before reporting to the board of supervisors, whether such accounts or claims and the prices charged therein are just and true, and whether the prices charged and the quality of the merchandise furnished are in accordance with the contract or agreement therefor, if any such contract or agreement has been made, and whether the work, labor and services, have been performed and the merchandise or materials delivered, and shall attach a certificate to each claim or account, stating the result of his examination, and if it is advised by him that any such account or claim be rejected or modified, stating the reasons for such rejection or modification. Such account or claim, with the certificate attached thereto, shall be filed in his office, and shall, during office hours, be open to public inspection. The auditor shall cause to be kept in his office such books as are necessary to contain all claims and accounts

against the county presented to him for examination, and the action taken by him on each, and a record of the money appropriated by the board of supervisors for the benefit of the county institutions and officers and the amount drawn thereon, and a record of all contracts or agreements made for supplies to be furnished any county institution or county office. Whenever any account or claim, except pay-rolls, payable out of an appropriation therefor, is presented to the county auditor for his examination, he shall state in his report thereon to the board of supervisors the balance remaining to the credit of that appropriation.

§ 4. COUNTY OFFICERS AND EMPLOYEES; HOW PAID.—Before presentation to the county auditor of claims or pay-rolls for services rendered the county, or for salaries by any county employe or county officer, such claim shall be certified by the county officer employing such person to the effect that such person was regularly appointed to the position held by him, that the services specified were actually performed, and that the compensation demanded in such claims and the amounts contained in said pay-rolls are correct. Upon the presentation of such claims or pay-rolls, to the auditor, by the several county officers he shall examine the same and report thereon to the board of supervisors and a certified transcript of such claims or pay-rolls as allowed shall be made by such auditor and delivered to the county treasurer. All county employes and county officers shall be paid monthly upon such warrants by the county treasurer. All original pay-rolls and claims for services shall be filed in the office of the county auditor, and the transcripts thereof in the office of the county treasurer.

§ 5. FILING AND VERIFICATION OF ACCOUNTS, WARRANTS AND RECEIPTS.—All accounts or claims presented to the county auditor for examination by any keeper of

a county institution, county official or other person shall be in duplicate, one of which shall be kept on file in the office of such keeper or official, and the other filed in the office of the county auditor. Each account or claim presented to the county auditor for examination shall be verified by the person presenting it to the effect that it is just, true and correct, and that no part thereof has been paid or otherwise settled, and that the prices charged in such account or claim are reasonable and just, and if there is any contract or agreement therefor, that they are in accordance with such contract or agreement, a copy of which must be attached to said account or claim. All warrants upon the county treasurer for the payment of any claim examined by the county auditor and ordered paid by the board of supervisors, shall be drawn by the clerk of such board and countersigned by the chairman thereof and by the county auditor. There shall be attached to each verified bill presented to the county auditor for examination, a receipt which shall be signed by the person receiving the warrant for the amount of such bill, and be placed on file in the office of the county auditor.

§ 6. PURCHASE OF SUPPLIES BY COUNTY INSTITUTIONS AND OFFICIALS.—Keepers of county institutions and county officials may purchase for the use of such institutions or offices all supplies necessary for their support and maintenance, all accounts for which shall be presented to the county auditor to be examined by him, as prescribed in this act. If directed by the board of supervisors, with or without the recommendation of the county auditor, supplies for such county institutions or officers shall be purchased under contract let to the lowest bidder, upon a notice publicly announced in a manner and form prescribed by the board of supervisors. The keeper of a county institution, a county officer or the county auditor shall not be directly or indirectly in-

terested in any contract or purchase of supplies by any such keeper or county official. All written contracts or agreements for supplies for any institution or office, shall be made in duplicate, one copy of which shall be filed forthwith in the office of the county auditor, and one copy in the office of the keeper of the county institution or county office for which such contracts are made.

§ 7. REPORTS AND ESTIMATES BY KEEPERS AND OFFICERS.—The keepers of the county institutions and the county officers shall annually submit to the board of supervisors on or before October fifteenth of each year, an estimate of the amount necessary to be expended for supplies for the support and conduct of such institutions or offices during the year beginning January first, following. They shall include in their annual report to the board of supervisors the quantity of supplies used by them and the amount paid therefor, during the preceding year, ending December thirty-first, and also a full statement of all contracts made by them for supplies and all facts as shall be required to show whether such contracts were reasonable and just; and shall state the action of the county auditor and of the board of supervisors thereon. The board of supervisors may call upon any such keeper or officer for a further or more detailed report, or for further information on any subject embraced in the report. The board of supervisors or a committee appointed for that purpose may investigate any such report or any contract or agreement for supplies at any time. Upon such examination such board or committee shall have power to subpoena witnesses and to compel their attendance, with or without books and papers.

§ 8. REPEAL.—Chapter one hundred and three of the laws of eighteen hundred and eighty-three, chapter three hundred and eighteen of the laws of eighteen hundred and eighty-five, and chapter two hundred and

thirty-five of the laws of eighteen hundred and eighty-eight, are hereby repealed.

§ 9. TIME FOR TAKING EFFECT.—This act shall take effect January first, eighteen hundred and ninety-six, except that the county auditor herein provided for shall be elected at the general election in November, eighteen hundred and ninety-five, who shall hold his office from January first, eighteen hundred and ninety-six, as prescribed in section one of this act.

## KINGS COUNTY.

### CHAPTER 214.

AN ACT to authorize the board of supervisors of the county of Kings to build a penitentiary, and to raise money to pay for the same, and to authorize the sale of land belonging to the town of Brooklyn in said county.

PASSED April 16, 1830.

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

Penitentiary.

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to cause to be erected on the county farm, at such place as the county superintendents of the poor shall designate, a suitable building for a penitentiary, with solitary cells within the same, for the safe-keeping of the prisoners who are sentenced to confinement at hard labor, or to solitary imprisonment, by any of the courts held in said county.

Supervisors may borrow money.

§ 2. The board of supervisors of the county of Kings are authorized to borrow, on the credit of said county, a sum not exceeding five thousand dollars, at the rate

of six per cent per annum, for the purpose of defraying the expense of the building mentioned in the preceding section; and they are authorized and required to raise the said sum of money, by tax on the said county, with the interest becoming due on the same, in five equal yearly installments, and to extinguish the debt.

§ 3. The supervisor and overseer of the poor of the town of Brooklyn in the county of Kings, are hereby authorized to sell at public auction, after due notice having been given, so much of the common land of said town, together with the poor-house of the town, as they may deem necessary and expedient for the purpose of defraying the ratable proportion of the town of Brooklyn towards the expenses incurred in the purchase of the county farm, together with the buildings and improvements of the same, including the penitentiary which is authorized to be built by this act; and the supervisor and overseers of the poor of said town are authorized to execute valid conveyances on the part of the town, to the person or persons who become purchasers of the lands sold by virtue of this act.

Brooklyn common land and poor-house.

### CHAPTER 226.

AN ACT for the erection of a court-house and jail in the county of Kings.

PASSED April 25, 1833.

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

SECTION 1. A court-house and jail in and for the county of Kings, shall be erected in the village of Brooklyn, in said county; and Losee Van Nostrand, Joseph Moser and Peter Canover, shall be, and are hereby appointed commissioners to purchase or procure a suitable site or sites in said village, for the same; the title for

Lot to be purchased.

which shall be taken in the name of the supervisors of the said county; a majority of said commissioners are authorized to act in the premises, and shall report their proceedings to the said supervisors, by whom they shall be paid for their services.

§ 2. For the purpose of erecting the said buildings, the said supervisors are hereby authorized to create a public stock to the amount of twenty-five thousand dollars, bearing an interest of five per cent. per annum, transferable only on the books of the said supervisors; said stock shall be in shares of fifty dollars each, and the sum of two thousand dollars in addition to an amount sufficient to pay the interest of said stock shall be assessed, levied and collected annually, in said county, in the same manner and at the same time with other taxes, for the purpose of redeeming and paying off the said stock and the interest thereof, until the same shall be paid off and satisfied; and the credit and the public property of the said county, shall be, and is pledged for the payment of the said stock and the interest thereof, as aforesaid.

§ 3. The said supervisors of said county, and the president and trustees of the said village of Brooklyn, or a majority of them, in a board assembled for that purpose, shall, within sixty days after the passage of this act, appoint a building committee consisting of five persons; which said committee so appointed, shall immediately thereafter proceed to erect and build the said court-house and jail in the said village, on the site or sites so designated, and procured as aforesaid, by the said commissioners for that purpose; and shall from time to time as the same may be necessary, draw upon the county treasurer for moneys for the same; and shall from time to time, when required by the said supervisors, account with them for all moneys by them or either of them received and expended for and on account of said

Public stock to be created.

Building committee.

buildings, or either of them. A majority of said building committee is hereby empowered to exercise all the powers vested in the said committee; and they shall, if required by the said board of supervisors, and the president and trustees of the said village, make and execute to the said county of Kings, such security by bond or otherwise, as the said supervisors, and the president and trustees, or a majority of them in board assembled may require for the faithful discharge of their trust; and if said security be required, the said committee shall, individually, make and execute the same to the said board of supervisors of the county of Kings, and shall deliver the same to the said supervisors, before they shall act in the premises, by whom they shall be paid for their services.

§ 4. Whenever the said court-house and jail so to be erected, or either of them, shall be so far completed as to admit of the same, or either of them being used for the purposes intended, it shall then be the duty of the first judge of the said county, to sign a declaration in writing to that effect, and to file the same in the office of the clerk of the said county, who shall thereupon cause the said notice to be published in the newspapers printed in the said county; and such declaration shall also be entered of record on the minutes of the county courts of said county, at the next following terms thereof; and from and after the filing and publication of such declaration, the terms of the courts of common pleas and general sessions of the peace of the said county, shall be held in said court-house; and all writs, process and proceedings returnable or continued at or to any of the said terms, shall be returnable and continued at and to the court-house in said village; and that from and after the filing and publication of such declaration in relation to such jail, the same shall then be the common jail of the said county, for the confinement of

Duty of first judge.

all criminals, and for all other uses and purposes for which common jails are designated by law.

§ 5. Until the filing and publication of such declaration in relation to the said court-house as aforesaid, all writs, process and proceedings whatsoever, returnable at or continued to any of the terms of the courts of common pleas and general sessions of the peace, or either of them, at the court-house in Flatbush, shall, from and after the passage of this act, be held to be, and shall be, returnable at or continued to the same terms at the apprentices' library, in the said village of Brooklyn, at which place the April and October terms of the said courts respectively shall be held.

§ 6. Persons convicted in the county of Kings of any offenses punishable by imprisonment in a county jail, may be sentenced by the court before which such conviction shall be had, to imprisonment in the penitentiary erected by the supervisors of the said county on the county farm, instead of the county jail, and shall there be confined by the keeper of the said penitentiary in the same manner as they are required by law to be kept in county jails, and the keeper of the said penitentiary shall be subject to all laws applicable to the keepers of county jails.

§ 7. The keeper of the alms-house of the said county shall, by virtue of his office, be keeper of the said penitentiary, and shall, within thirty days after the passage of this act, execute a bond to the people of this State, with such sureties as shall be approved by any two judges of the county courts of the said county, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties of his office; which bond shall be filed in the office of the clerk of the said county, and shall be prosecuted in the same manner as bonds given by sheriffs of counties; and the said bond shall be renewed whenever required by the board of supervisors

Writs and process.

Sentences to penitentiary.

Keeper to give bond.

of the said county, and a similar bond shall be executed by any keeper of the said alms-house who shall hereafter be appointed, before entering on the duties of his office.

§ 8. The fees of justices of the peace, constables and marshals, in cases of offenses cognizable in a court of special sessions, and which shall not be tried in the court of general sessions oroyer and terminator of the said county, and in cases cognizable by a single magistrate, shall be town and city charges, upon the towns or city where such offenses shall have been committed, and the fines imposed and collected in any such cases shall be credited to the said towns and city respectively.

§ 9. This act shall take effect from and immediately after the passage thereof. (1)

Fees.

To take effect.

#### CHAPTER 350.

AN ACT authorizing the supervisors of the county of Kings to create a loan for the erection of a penitentiary, and for the purchase of land, and the erection of a new lunatic asylum.

PASSED July 1, 1861; three-fifths being present.

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

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to raise, by tax or loan, a sum not exceeding twenty-five thousand dollars; the money so raised shall be laid out and expended under the direction of the said board in the erection of a penitentiary.

§ 2. The said board of supervisors are hereby also authorized to raise, by tax or loan, a sum not exceeding fifty thousand dollars; the money so raised shall be laid

\$25,000 may be raised for penitentiary.

\$50,000 for lunatic asylum.

(1) See Laws of 1861, ch. 156.

out and expended under the direction of the said board in the purchase of land, and the erection thereon of a new lunatic asylum, or either of said objects, as may be deemed necessary.

§ 3. The treasurer of the county of Kings is hereby authorized, under the directions of said board of supervisors, to borrow, on the credit of the county, the whole or such portion of said sums as the board may determine upon, and to give his official bond, or bonds, for the payment of the same, with interest annually.

§ 4. The said board of supervisors shall cause to be levied, collected, and paid annually as county charges are, such sums as shall be necessary to pay the annual interest of the money borrowed under this act, and shall in like manner cause to be levied, collected and paid, such sums as shall be necessary to reimburse, as it becomes due, the principal so borrowed, in annual installments; and the number of installments, and when payable, shall be determined by the said board, when they shall give the first directions to the treasurer to borrow money under this act, and the treasurer shall immediately apply the money, so collected and paid in to him, towards the payment of the interest and principal of the money so borrowed.

§ 5. This act shall take effect immediately.

#### CHAPTER 70.

AN ACT authorizing the supervisors of the county of Kings, to create a loan to continue the erection of a penitentiary in said county.

PASSED March 19, 1852; three-fifths being present.

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

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to raise by tax, or loan, a

Treasurer  
to give  
bond.

Money,  
how paid.

Amount of  
loan, and  
how to be  
expended.

sum not exceeding fifty thousand dollars, the money so raised shall be laid out and expended under the direction of the said board, in the erection of a penitentiary for said county.

§ 2. The treasurer of the county of Kings is hereby authorized, under the directions of said board of sum not exceeding fifty thousand dollars, the money so supervisors, to borrow on the credit of the county, the whole, or such portion of said sum of fifty thousand dollars, as the said board may determine upon, and to give his official bond, or bonds, for the payment of the same, with interest annually.

§ 3. The said board of supervisors shall cause to be levied, collected, and paid annually, as county charges are, such sums as shall be necessary to pay the annual interest of the money borrowed under this act, and shall in like manner cause to be levied, collected, and paid, such sums as shall be necessary to reimburse as it becomes due, the principal so borrowed, in annual installments, and the number of installments, and when payable, shall be determined by the said board, when they shall give the first directions to the treasurer to borrow money under this act; and the treasurer shall immediately apply the money so collected and paid in to him, towards the payments of the interest and principal of the money so borrowed.

#### CHAPTER 110.

AN ACT relating to the penitentiary in the county of Kings.

PASSED April 5, 1853; three-fifths being present.

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

SECTION 1. Whenever the penitentiary, in the county of Kings, shall be ready for the confinement of prisoners

Treasurer  
authorized  
to give  
bonds for  
payment.

Supervisors  
to levy  
and collect  
sums to pay.

Notice to  
be given by  
supervisor.

therein, the board of supervisors of said county shall file a certificate thereof in the office of the clerk of said county, and also publish a notice of the same, for three weeks successively, in one or more newspapers published in said county.

Certain persons to be sent to penitentiary instead of county jail.

§ 2. After the filing of said certificate and the publication of said notice, it shall be the duty of all magistrates and courts, in said county, to sentence all persons who, on conviction, are liable (except in capital cases) to imprisonment for a period of not less than thirty days, to confinement in said penitentiary, instead of the county jail. And the keeper thereof shall receive such persons and safely keep, for the term for which they were sentenced, and employ them according to the discipline and rules established for the government of said penitentiary.

Term of office of keeper.

§ 3. After the filing of said certificate and the publication of said notice, the person who shall be appointed principal keeper of the said penitentiary shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct, or other cause to be particularly assigned.

#### CHAPTER 36.

AN ACT authorizing the board of supervisors of the county of Kings to create a loan to continue the erection of a penitentiary in said county, and to erect a wash-house for the nursery buildings on the county farm.

PASSED March 2, 1854; three-fifths being present.

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

\$50,000 may be borrowed

SECTION 1. The treasurer of the county of Kings is hereby authorized, under the direction of the board of

supervisors thereof, to borrow, on the credit of the county, a sum not exceeding fifty thousand dollars, and to give his official bond or bonds for the payment of the same, with interest annually; the money so borrowed to be laid out and expended, under the direction of the said board of supervisors, in the completion of the county penitentiary.

Wash-house.

§ 2. The treasurer of said county is also hereby authorized to borrow, in like manner, a sum not exceeding two thousand five hundred dollars, which money so borrowed shall be applied to the erection of a wash-house for the nursery buildings on the county farm.

Tax to pay, how levied.

§ 3. The said board of supervisors shall cause to be levied, collected and paid annually, as county charges are, such sums as may be necessary to pay the annual interest of the money so borrowed, and shall in like manner cause to be levied, collected and paid, such sums as shall be necessary to reimburse, as it becomes due, the principal sum so borrowed in annual installments; the number and times of payment of such installments shall be determined by the said board of supervisors, when they shall give the first directions to the county treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid to him towards the payment of the interest and principal of the money so borrowed.

Record of bonds.

§ 4. The resolution of said board of supervisors, determining the amount of such loan, the number of installments, and when payable, shall be signed by the chairman and clerk of said board, and recorded in a book to be provided for that purpose in the office of the clerk of said county, which book shall be a public record, and entitled "Record Book of County Bonds."

Bonds, how drawn and signed.

§ 5. All bonds issued in pursuance of the provisions of this act, or of any act hereafter authorizing said board of supervisors to borrow money, shall be num-

bered from number one, upwards, in the order in which they are issued; they shall be drawn and signed by the county treasurer, and countersigned by the county clerk, which county clerk shall affix to said bonds the county seal, and enter the numbers of said bonds, their dates, amounts and when payable, in said record book of county bonds.

§ 6. This act shall take effect immediately.

#### CHAPTER 341.

AN ACT relating to the jail and penitentiary in the county of Kings.

PASSED April 18, 1862; three fifths being present.

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

Jail under  
control of  
keeper.

SECTION 1. From and after the first day of January, eighteen hundred and sixty-four, the jail of the county of Kings shall be under the control and management of a keeper, (instead of the sheriff of said county,) subject to the restrictions hereinafter contained. Keepers of the jail of said county shall hold their office for three years unless sooner removed by the appointing power for incompetency or improper conduct, specified in writing.

Term of  
office.

§ 2. The first keeper shall be appointed by the board of supervisors of said county, by a vote of a majority of all the members elected to said board, at a meeting to be held on the first Tuesday of October, eighteen hundred and sixty-three. On the first Tuesday of October, every third year after said first Tuesday of October, eighteen hundred and sixty-three, said board of supervisors shall in like manner appoint a keeper, whose term of office shall commence on the first day of January succeeding his appointment. Vacancies in said of-

Appointed  
by super-  
visors.

fice may in like manner be filled at any regular meeting of said board, and persons appointed to fill the same shall hold during the remainder of the term of the individual in whose place they are appointed.

Deputy  
keeper.

§ 3. Said keeper may appoint a deputy to assist him in the discharge of his duties, who shall hold his office during the pleasure of said keeper, which deputy shall possess all the powers of the keeper in case of his absence or inability to act, and be subject to like liabilities; and the said keeper shall also appoint so many subordinates and assistants as said board of supervisors may direct, who shall hold their offices during the pleasure of said keeper and of said board of supervisors.

Oath of  
office.

§ 4. All keepers and deputy keepers appointed in pursuance of the provisions of this act, shall, before entering upon the duties of their office, take the constitutional oath and file the same in the office of the clerk of said county, and give such security for the faithful performance of their trusts as said board of supervisors may direct.

Powers of  
deputy.

§ 5. The keeper of said jail, and during his absence or inability, his deputy, shall possess all the powers which are conferred by law upon sheriffs in relation to the confinement and detention of prisoners, and shall be subject to the same liabilities in case of escape, and shall pay over all moneys received in his official capacity to the persons legally entitled to receive the same.

Supplies,  
etc., to be  
furnished  
by super-  
visors.

§ 6. All supplies necessary for the maintenance of the inmates of said jail shall be furnished by said board of supervisors by contract or otherwise, as they may deem expedient, and all fixtures and furniture furnished and necessary repairs made, under their orders and directions.

§ 7. Nothing in this act shall be construed to interfere with the powers of the sheriff, constables and po-

Saving  
clause as to  
power of  
sheriff.

licemen of said county of Kings at all times taking the prisoners confined in said county jail to and from said jail when required or authorized so to do by any law, or confining in said jail such prisoners as said sheriff may legally hold by virtue of civil process and for the purpose of confining prisoners held on civil process, the sheriff of said county shall have the exclusive custody of a suitable portion of the jail of said county, to be assigned by the board of supervisors for that purpose anything in this act contained to the contrary notwithstanding.

Compensation of keeper, etc., fixed by supervisors.

§ 8. The compensation to be allowed said keeper, his deputy and his subordinates, shall be fixed by the board of supervisors of said county; shall be paid quarterly unless otherwise directed by said board, and shall not be increased or diminished during the continuance in office of said keeper, deputy and subordinates.

When prisoners to be sent to penitentiary.

§ 9. From and after the first day of May, one thousand eight hundred and sixty-four, it shall be the duty of all magistrates and courts in said county to sentence all prisoners who on conviction are liable (except in capital cases) to imprisonment in the county jail, for more than ten days, to imprisonment in the penitentiary instead of said jail; and the keeper of said penitentiary shall receive such persons and safely keep for the term for which they are sentenced, and employ them according to the discipline and rules established for the government of said penitentiary. (1)

(1) Repealed by Laws of 1864, ch. 278.

#### CHAPTER 225.

AN ACT to authorize the judges of the several courts of the county of Kings to send prisoners convicted and sentenced for terms less than five years to the penitentiary of said county.

PASSED April 16, 1869; three-fifths being present.

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

SECTION 1. The several courts of criminal jurisdiction in the county of Kings may sentence to confinement in the penitentiary of said county persons convicted before them of any offense, the punishment of which by law is confinement in a State prison for a term of less than five years.

§ 2. This act shall take effect immediately.

#### CHAPTER 247.

AN ACT to provide for the maintenance of certain convicts in the penitentiaries of Onondaga and Kings counties.

PASSED April 24, 1874; three-fifths being present.

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

SECTION 1. The superintendents of the penitentiaries of Onondaga and Kings counties shall make a return, under oath, on the thirtieth day of September of each year hereafter, to the comptroller of this State, in which they shall fully set forth the name of each convict committed to the penitentiaries under their charge during the preceding year, under or by virtue of "An act in relation to the punishment of crimes in certain cases," passed April eleventh, eighteen hundred and fifty-six, in what court convicted, and before what presiding jus-

Superintendents to make annual return to comptroller. Contents of return.

tice, with the offense for which convicted, and also the date of conviction, length of sentence, and the amount due from the State for the maintenance of such convicts, at the same rate per week as is now paid for the maintenance of convicts sentenced under the same act to confinement in the penitentiaries at Rochester and Buffalo, not to exceed one dollar and fifty cents per week during the time such prisoner is confined in the said penitentiaries. Upon auditing such return the comptroller shall draw his warrant on the treasurer of this State, in favor of the superintendents of the said penitentiaries for the amount due for the maintenance of all such convicts during the fiscal year ending on the said thirtieth day of September in each year as provided in said chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six.

Comptroller's warrant.

#### CHAPTER 315.

AN ACT to authorize the board of supervisors of Kings county to construct a suitable building for a work-house at the penitentiary, and to provide for the payment thereof.

PASSED MAY 14, 1875; three-fifths being present.

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

SECTION 1. The board of supervisors of the county of Kings are hereby authorized, by a two-thirds vote of said board, to construct a suitable building for a work-house at the Kings county penitentiary, at a cost not to exceed the sum of twenty thousand dollars.

§ 2. For the purpose of providing for payment for the same, the board of supervisors of Kings county are hereby authorized, by a two-thirds vote of said board, to borrow upon the credit of the county, a sum not to ex-

Work-house at penitentiary.

Borrowing money and issuing certificates of indebtedness.

ceed twenty thousand dollars, and to issue certificates of indebtedness therefor, payable on the first day of February, one thousand eight hundred and seventy-six, with interest not to exceed seven per cent, said certificates to be issued under such regulations and restrictions as the board of supervisors may prescribe, and there shall be levied in the next annual taxes for said county an amount sufficient to pay the principal and interest of said certificates.

§ 3. This act shall take effect immediately.

#### CHAPTER 529.

AN ACT to authorize the court of oyer and terminer and court of sessions of the county of Kings, to sentence prisoners convicted in said courts, of certain offenses, to the penitentiary of said county for any term for which they might be sentenced to a State prison.

PASSED JUNE 7, 1875; three-fifths being present.

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

SECTION 1. Whenever any person shall be convicted in the court of oyer and terminer or the court of sessions of the county of Kings, of any offense punishable by imprisonment in a State prison for a term not exceeding ten years, said courts and each of them shall have power, and are hereby authorized to sentence such persons, so convicted as aforesaid, to imprisonment in the penitentiary of said county for the same term for which he might be sentenced to the State prison, for the offense of which he had been convicted.

§ 2. This act shall take effect immediately.

## CHAPTER 104.

AN ACT to regulate and provide for the disposition to be made of aged and infirm vagrants committed to and imprisoned in the Kings county penitentiary.

PASSED April 5, 1884.

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

Removal of aged and infirm persons committed for vagrancy to almshouse.

SECTION 1. The commissioners of charities and correction of the county of Kings, in the State of New York, are hereby authorized and empowered, upon the request of the warden of Kings county penitentiary, to remove from said penitentiary any or all aged and infirm persons unable to labor who now are or may hereafter be imprisoned in said penitentiary as vagrants, to the Kings county almshouse, and to detain such person or persons so removed in said almshouse until the expiration of the term of imprisonment for which such person or persons shall have been severally sentenced, or until otherwise released according to law.

§ 2. This act shall take effect immediately.

## CHAPTER 439.

AN ACT for the care and reformation of females, and concerning the public interests in the city of Brooklyn and county of Kings.

APPROVED by the Governor May 3, 1892. Passed, three-fifths being present.

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

Commitment of certain females to reformatory institutions.

SECTION 1. Whenever any female over the age of twelve years shall be brought by the police, or shall voluntarily come before a committing magistrate in the city of Brooklyn or any of the justices of the peace

of the county of Kings, and it shall be proved to the satisfaction of such magistrate by the confession of such female, or by competent testimony that such female, first, is found in a reputed house of prostitution or assignation, or in company with, or frequenting the company of thieves or prostitutes, or is found habitually associating with disorderly persons; or is wilfully disobedient to parent or guardian, and is in danger of becoming therefrom and from vicious habits or associations criminal or disorderly or, second, is a prostitute or is of intemperate habits, such magistrate may judge that it is for the welfare of such female that she be placed in a reformatory, and may thereupon commit such female to one of the following reformatory institutions namely: The Wayside Home, three hundred and fifty-two Bridge street, or the Roman Catholic House of Good Sheperd, at Rockaway and Hopkinson avenues, which said institutions are hereby severally authorized to receive and hold females committed under this act, but until an examination and judgment shall be had, no persons shall be committed to the institutions mentioned in this act.

Institutions authorized to receive same.

§ 2. It shall be the duty of each of such institutions which shall receive females coming within description of the first class mentioned in the foregoing subdivision or who are of intemperate habits to keep them separate and apart from other females coming within the description of the second class mentioned. Whenever any of such institutions is unable for any reason to receive females, or any class of females, committed under this act it shall be the duty of such institution to forthwith notify the committing magistrates in the city of Brooklyn and the justices of peace of the county of Kings, as to what class or classes of females can be received by such institutions. Whenever it shall appear to the managers or trustees of any institution to which a female

Classes of females to be kept apart.

Notice as to reception of classes.

Return of females to committing magistrate.

has been committed under this act that such female is not a proper or fit subject for their care, or that such institution has not suitable accommodation for such female, such institution may return such female to the committing magistrate, with a statement in writing of the reasons for such return, and such magistrate may thereupon commit such female as a vagrant, pauper, or disorderly person.

Recommitment.

Commitments, what to state.

Term of commitments.

Proviso as to validity.

Payments for support and maintenance.

Proviso.

§ 3. Every commitment made under this act shall state the name and age of the female so committed together with the cause of her commitment, and shall designate the institution to which she is committed, which institution shall, when practicable, be one which is conducted by persons of the same religious faith as such female; and such commitment shall also state the term of the commitment, which, if the female so committed is an adult, shall be six months, or if such female is a minor, during her minority, unless sooner discharged by the trustees or managers of such institution, or by a court upon satisfactory evidence of reasonable probability that such female will thereafter live at liberty without violating the law, provided however, that no commitment made under this act, which shall not recite all the facts upon which it is based, shall be deemed or held to be invalid by reason of any such imperfection or defect in form.

§ 4. The treasurer of the county of Kings shall pay to the managers of each of the aforesaid institutions the yearly sum of one hundred and ten dollars, or pro rata for the time such female shall remain in said institution under such commitment, for and toward the support and maintenance of each and every female as may be committed to the care and custody of said managers as aforesaid, provided that the charge for support and maintenance shall have been first passed upon by the board of supervisors of said county in the

same manner as now provided by law for payment of county accounts.

§ 5. All acts or parts of acts inconsistent herewith are hereby repealed. Repeal.

§ 6. This act shall take effect immediately. (1)

#### CHAPTER 711.

AN ACT in relation to the commitment, care and support of destitute and delinquent children in the county of Kings.

BECAME a law May 16, 1894, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. Whenever any child actually or apparently under the age of sixteen years is brought before any court or magistrate in the county of Kings, pursuant to any of the provisions of section two hundred and ninety-one of the penal code, or of section eight hundred and eighty-eight of the code of criminal procedure, or of section six of chapter one hundred and seventy-two of the laws of eighteen hundred and sixty-five, the magistrate presiding or before whom such child is brought shall thereupon fix a day not less than three nor more than ten days distant for the hearing of the charge against said child, and shall, at the same time, in addition to such other notices as may be required by law, give notice, in writing, of such arrest to the board of commissioners of charities and corrections of the county of Kings, which notice shall state the name of the child, its age, either actual or apparent, its sex, color, birth-place, residence, father's name, mother's name, parents' religion and parents' occupation, each, if known; that

Duty of magistrate upon arrest of children.

To fix day for hearing.

Notice to board of charities.

(1) See Laws of 1894, ch. 711.

specific charge upon which the arrest is made; the name of the officer making the arrest, and the name and address of the complaining witness, if any there be. And such court or magistrate may, in its or his discretion, temporarily commit such child to the custody and care of any institution to which said court or magistrate is authorized by law to make final commitment, there to be detained until final commitment, discharge or other order in the proceeding.

Investigation of arrest and charges by board.

Powers of magistrates in proceedings.

Appearances by board.

Statement of facts to be filed by board.

Term of commitment.

§ 2. It shall be the duty of the board of commissioners of charities and corrections of the county of Kings to investigate forthwith the circumstances of the arrest and of the charge against such child, with the view of determining the bona fides of the same and of the merit of the claim for the support of such child as a public charge at the expense of the county of Kings, and the court or magistrate before whom the proceeding is pending is hereby authorized, in its or his discretion, to adjourn such proceeding, from time to time, pending such investigation by said board, and to send back the final report, when made, for further investigation and report, and to examine under oath the person or persons making such investigation on behalf of said commissioners. Said board of commissioners may appear either by clerk or by counsel on all hearings in such proceeding, and shall on or before the final hearing therein, file with the court or magistrate in writing such fact or facts as in the opinion of said board of commissioners render it proper or improper that such child should be supported as a public charge at the expense of the county of Kings; and such written statement of fact or facts so filed shall be preserved with and form a part of the record of the proceedings instituted by the arrest of such child.

§ 3. The term of commitment of each child committed in Kings county under any of the provisions of section

two hundred and ninety-one of the penal code, or of section eight hundred and eighty-eight of the code of criminal procedure, shall be until such child shall attain the age of sixteen years, or until with the written consent of said board of commissioners it shall be duly bound out as an apprentice by the institution to which it shall have been committed, or until with like consent it shall be given over in adoption by said institution to some suitable person, or until upon application by or upon due notice to said board of commissioners of charities and corrections, any court or magistrate in Kings county authorized by law to make commitment under section two hundred and ninety-one of the penal code, shall upon proof to its or his satisfaction that the best interests of such child require its immediate discharge from commitment, make an order directing such discharge, or until upon at least five days' written notice to said board of commissioners, it shall be returned by such institution to the committing magistrate, court or officials, as the case may be, on the stated ground that, in the opinion of said institution, such child is an improper subject for its further custody or care. In the event of any child being returned to the committing magistrate, court or officials, for the reason last stated, the action of such institution in so returning it shall not be open to review, and a new warrant or order of commitment of such child may thereupon be made, or such child may be discharged, or such other disposition may be made of it as, in the opinion of said committing magistrate, court or officials may be just and proper.

Return of children to committing magistrate.

§ 4. This act is hereby declared to be a public act, but nothing herein contained shall be construed to alter or to affect any provision of chapter one hundred and seventy-two of the laws of eighteen hundred and sixty-

Provisions not affected.

five, or of chapter four hundred and thirty-nine of the laws of eighteen hundred and ninety-two.

§ 5. This act shall take effect immediately.

#### CHAPTER 235.

AN ACT to authorize the city of Brooklyn to establish and maintain a disciplinary training school for boys, and to authorize the commitment thereto by magistrates and courts of boys under the age of fourteen years who shall be vagrants or convicted of certain offenses in said city.

Accepted by the city.

BECAME a law April 10, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

Authority to establish and maintain school.

SECTION 1. The city of Brooklyn is hereby authorized to establish and maintain a school for the disciplinary training of boys, to be known by the name of the Brooklyn Disciplinary Training School for Boys.

Appointment of managers.

§ 2. Immediately after the passage of this act the mayor of the city of Brooklyn may, in his discretion, appoint nine persons, who together with the mayor of said city, the president of the Brooklyn Industrial School Association and Home for Destitute Children, the first vice-president of the Roman Catholic Orphan Asylum Society of the city of Brooklyn, and the president of the Hebrew Orphan Asylum Society of the city of Brooklyn, shall constitute the board of managers of the school authorized by this act to be established. The said mayor and the said officials of the orphan asylums and of the industrial school association herein named shall be ex-officio members of said board. In making said appointment the mayor shall designate three of

Ex-officio members.

Designation of terms.

the persons so appointed, whose terms of office shall expire on the thirty-first day of January, eighteen hundred and ninety-seven, and three whose terms of office shall expire on the thirty-first day of January, eighteen hundred and ninety-eight, and three whose terms of office shall expire on the thirty-first day of January, eighteen hundred and ninety-nine. The successor to each of the appointed managers shall be appointed in the month of January preceding the expiration of his term of office, by the said mayor, and shall hold office for three years. No member of said board of managers shall receive any compensation for his services as such manager.

Appointment of successors.

Compensation.

§ 3. The said board of managers shall select from its members, other than those who shall be members ex-officio, a proper person to be president of said board, and a proper person to be secretary thereof, and may, from time to time, make by-laws, rules and regulations relative to the management, government, instruction, discipline, employment and disposition of the boys received in said institution, or who shall be under their care, as they may deem proper. They may also appoint such officers, agents and servants as they may deem necessary to carry out the purposes of said school and may remove the same, but such removal shall only be made by a majority vote of all the managers of said board, and no liabilities shall be incurred by said board for salaries or for any other purpose in excess of the appropriation made therefor by the board of estimate of said city or by other provision of law.

Officers of board.

By-laws and rules.

Officers, agents and servants.

Incurring of liabilities.

§ 4. The managers of said school shall have power in their discretion to receive and take into said school all such boys under the age of fourteen years, and over seven years, who shall be taken up or committed as vagrants, or convicted of criminal offenses, other than felonies, in the said city, as may, in the judgment of the county court or of the supreme court in said city, or of the jury before whom any such offender shall be tried,

Receiving boys into school.

Employment and instruction.

Proviso as to binding out.

Age as how ascertained.

Acquisition of site and erection of building.

or of the police magistrate, be proper boys to be so received, and the said managers shall have power to place the said boys committed to their care, during their minority, at such employment and to cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; provided, however, that in all such cases the boys shall not be sent out of the State, and regard shall be had to the religion of the parents of the boys so bound out, so that so far as practicable they shall be bound out to persons professing the same faith as said parents.

§ 5. It shall be the duty of all courts and magistrates by whom any boy shall be committed or sent to said school, to ascertain the age of such boy by such proofs as may be in their power, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such boy. In cases where the age of the boy so committed is not so ascertained and inserted in the order of commitment, the said managers shall as soon as may be after such boy shall be received by them, ascertain the age of such boy by such proof as may be in their power, and cause the same to be entered in a book to be kept by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such boy.

§ 6. The said board of managers shall, as soon as practicable, select a suitable building site and such other lands as may be necessary, and may, with the express consent of the mayor, purchase or acquire the same, and shall cause to be erected thereon a suitable building or buildings to be used for the purposes authorized by this act, and until such building shall be erected and ready for use for said purposes the said board of managers is authorized to procure and occupy such temporary accommodations as may be necessary therefor.

§ 7. The said board of managers shall, on or before the fifteenth day of May in each year, transmit to the board of estimate of said city, a statement in detail of the amounts which in their judgment will be required for the use of said the Brooklyn Disciplinary Training School for Boys for the fiscal year next succeeding, and such board of estimate shall act upon said statement in the same manner as statements submitted to them by the different departments of said city and county government are acted upon, in pursuance of section eighteen of title two of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight. Immediately after the organization of the board of managers of said school they shall transmit to the board of estimate of said city an estimate as to the amount of money which will be necessary to carry out the purposes of said school during the remainder of the year eighteen hundred and ninety-six, and said board of estimate shall thereupon, in their discretion, determine and fix the amount which shall be allowed for that purpose, and the amount so determined and fixed by them shall be paid from the revenue fund of said city upon vouchers duly certified by the president and secretary of said board.

§ 8. It shall be the duty of the common council of the city of Brooklyn, by committee or otherwise, to visit and inspect the said school at least twice in each year, and the said school shall be at all times open to the visitation and inspection of the mayor of said city, or of such person or persons as he may appoint for that purpose, and the board of managers thereof shall make a report in the month of November in each year to the said mayor, containing a full statement of all the matters connected with said school, including all receipts or disbursements of moneys, and shall make such further or other report upon any subject connected therewith

Annual estimate of expenses.

Action thereon by board of estimate.

Estimate for 1896.

Allowance and payment of amount.

Visitation and inspection of school.

Report of managers.

whenever so required by said mayor or by the common council.

Certain act applicable.

§ 9. The provisions of chapter three hundred and ninety-six of the laws of eighteen hundred and ninety-two, entitled "An act to provide for the better security of the freedom of religious worship in certain institutions," shall apply to the school authorized to be established by this act.

§ 10. This act shall take effect immediately.

#### CHAPTER 352.

AN ACT in relation to certain public officers in the county of Kings.

PASSED May 23, 1875; three-fifths being present.

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

Superintendent of construction and repairs.

SECTION 1. The powers, duties and salary of the officer known as the superintendent of construction and repairs of the county of Kings shall be such as are now fixed and defined by the board of supervisors of said county. The term of office of the superintendent of construction and repairs, of the keeper of the morgue, and of the engineer of the jail of said county, and of their and each of their successors shall be three years from the date of the last election or appointment of said officers, respectively, by the said board of supervisors.

Term of office of certain officers.

§ 2. This act shall take effect immediately.

## MONROE COUNTY WORK-HOUSE AND PENITENTIARY.

### CHAPTER 279.

AN ACT for the construction of a work-house in the county of Monroe.

PASSED May 27, 1853; three-fifths being present.

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

SECTION 1. The board of supervisors of the county of Monroe shall cause to be erected, at such place within the limits of the said county as shall be designated, in the manner hereinafter directed, a suitable building or buildings, to be called "the work-house of the county of Monroe," to be used for the safe keeping and employment of such persons as may be confined therein under the provisions of this act.

Work-house to be erected.

§ 2. Joshua Conkey, Lewis Selze, Ezra B. True, Samuel H. Davis, Able Dryer, and Thaddeus Van Alstyne are hereby appointed commissioners, whose duty, or that of a majority of them, it shall be, after taking the constitutional oath of office, to select a proper site for the location of the said work-house, with proper grounds to be attached thereto, and within six months from the passage of this act to report such location, together with a detailed plan for the construction, management and discipline of the said work-house, and an estimate of the expense of the land for the site and of the construction thereof, to the said board of supervisors. In case of a vacancy, by death, resignation, or removal from said county, neglect, or refusal to serve, or otherwise, in the said board of commissioners, such vacancy shall be filled by the county judge of said county.

Commissioners.

Report of the commissioners to supervisors.

§ 3. When the said commissioners shall be prepared to report, as aforesaid, they shall serve a written notice to that effect upon the clerk of the said board, who shall immediately call a special meeting of said board, which shall, when called, be a legal meeting of said board for all lawful purposes, as well as for the purpose of proceeding under this act; such special meeting shall be called by the clerk, by sending by mail to each of the members of said board a written or printed notice of the time and place of such meeting, at least ten days before the day of such meeting, and by publishing a copy of such notice for the same time in four public newspapers printed in said county; but no such meeting shall be informal or illegal on account of any defect of such notice, if two-thirds of all the members of said board shall attend such meeting.

Report may be altered.

§ 4. Upon such report being made, the said board of supervisors shall examine the same and determine thereupon; and may alter the site, change or modify the plan and reduce or increase the expense of construction of said work-house, specified in the said report, in any manner as to them shall seem fit. The said commissioners (at the expiration of sixty days after the report shall have been made to the said board of supervisors, and delivered to the chairman or clerk of said board) shall procure the lands necessary for the site of the said work-house, and proceed to construct the same at such place and on such plan, in all respects, as the said board of supervisors shall, in manner aforesaid, have directed and adopted. But if the report of the said commissioners shall not have been approved by the said board, and no site for the said building or buildings, or plan for the erection thereof, shall have been agreed on by the said board, then it shall and may be lawful for the said commissioners to select and procure such site for the said building or buildings and the grounds to be

Proceedings in case of non-approval of report.

Lands to be procured.

connected therewith, and to proceed in the construction of the same on such plan as they, or a majority of them, shall deem best.

§ 5. The management and direction of the said work-house, when completed, shall be under the control and authority of the said board of supervisors; and the said board is hereby authorized and empowered to establish and adopt rules for the regulation and discipline of the said work-house, to appoint officers to take charge thereof, to fix their compensation and prescribe their duties, and generally to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. But the person who shall be appointed superintendent of the said work-house shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct or other cause, to be particularly assigned in the order of removal.

Work-house to be under control of the supervisors.

§ 6. The said board of supervisors is hereby authorized to borrow, on the credit of the said county, such sum or sums of money, not exceeding \$15,000, as shall be necessary to defray all the expenses of procuring the site and completing the erection of the said work-house; and the said board is hereby authorized and required to raise, levy and collect a sum sufficient to repay the same, with the interest becoming due thereon, on and from the taxable property of the county of Monroe, in the same manner as other county charges are levied and collected; such repayment to be made within twenty years from the date of such loan, in yearly installments or otherwise, as the said board shall direct; and the said board of supervisors shall, from time to time, pay such drafts as may be drawn on it by the said commissioners, or a majority of them, for the cost of the site and erection of the said

Supervisors may borrow money.

building or buildings, not exceeding the said sum of fifty thousand dollars.

Prisoners to work on work-house during its erection.

§ 7. The sheriff of the county of Monroe is hereby authorized and required, at the request and under the direction of the said commissioners, to order and compel all persons who shall be sentenced to imprisonment in the county jail, at any time during the erection of the said work-house, and who, under the provisions of this act, might be sentenced to the said work-house, to work and labor in and upon the building and construction of the same.

Expenses, how audited and paid.

§ 8. The expenses of maintaining the said work-house, over and above all receipts for the labor of persons confined therein, and for the support of those whose support shall not be chargeable to the county of Monroe, shall be audited and paid by the said board of supervisors yearly, at their annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of said county.

When work-house is completed, prisoners to be transferred thereto.

§ 9. Whenever the said work-house shall, in the opinion of the said commissioners or a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be therein confined, they shall make duplicate certificates thereof, under their hands and seals, one of which they shall file in the office of the clerk of said county, and the other shall be served upon the sheriff of said county; and the said sheriff shall thereupon transfer all such persons to the said work-house, and the superintendent thereof shall receive such persons and safely keep them for the term for which they were sentenced, and employ them according to the discipline and rules established for the government of said work-house.

§ 10. Immediately after filing the certificate of completion, as aforesaid, the said commissioners shall cause a copy thereof to be published in at least four newspapers published in said county; and thereafter it shall be the duty of every court or magistrate in the county of Monroe, authorized by law to sentence or commit any person to the county jail of said county as vagrants, disorderly persons, or common prostitutes, or by virtue of a final sentence, or conviction for any offense (except for contempt), to sentence such person to be confined in the said work-house, there to be received, kept and employed, according to the provisions of this act and the rules and regulations adopted under it. And it shall be the duty of such court or magistrate to cause all persons so sentenced to be conveyed forthwith by some proper officer or officers to said work-house; and such officer or officers shall be paid therefor the fees now allowed by law for conveying persons to the county jail. But this section shall not apply to those juvenile offenders who by law may be sent to the western house of refuge. (1)

Certificate of completion to be published and persons to be sentenced to the work-house.

§ 11. It shall be lawful for any justice of the peace, or other magistrate having jurisdiction thereof, in the county of Monroe, in all cases of complaints for vagrancy, to commit any person, except such juvenile offenders as are mentioned in the last section, convicted upon such complaint before such justice or magistrate, to said work-house, for a term not exceeding six months.

Justices of the peace, etc., may sentence to work-house.

§ 12. Every person lawfully committed to said work-house, who shall escape from, or break said work-house with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner, to escape from such work-house, although no escape shall be effected, shall, upon conviction thereof, be punished

Escapes.

(1) Amended by Laws of 1867, chap. 492.

by confinement in said work-house for a term not exceeding double the time for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence.

Second convictions.

§ 13. Any person convicted and sentenced to said work-house, by any court or magistrate in the county of Monroe, shall be liable, upon a second conviction for the same offense, to confinement in said work-house for double the term of the former sentence of such person.

Prisoners of certain other counties may be sent to Monroe county work-house.

§ 14. It shall be lawful for the board of supervisors in either of the counties of Livingston, Steuben, Yates, Seneca, Ontario, Wayne, Orleans and Genesee to enter into an agreement with the board of supervisors of the county of Monroe (or with any person in their behalf, and by them appointed), to receive and keep in said work-house any person or persons, who may be sentenced in either of said counties to confinement in the jail of said county, for any time not less than three months; and it shall be the duty of the sheriff of any of said counties for which such agreement may be made, as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement in the jail of said county, for a term not less than three months, to the said work-house; and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house; and the officer conveying such convicts to said work-house shall be paid by the county from which they are sent such fees for said conveyance as the board of supervisors of said county shall direct.

§ 15. This act shall take effect immediately. (1)

(1) Amended by Laws of 1856, ch. 11; Laws of 1860, ch. 23; Laws of 1872, ch. 87. See Laws of 1858, ch. 198.

## CHAPTER 492.

AN ACT to amend the tenth section of the act entitled "An act for the construction of a work-house in the county of Monroe," passed May twenty-seventh, eighteen hundred and fifty-three.

PASSED April 15, 1857; three-fifths being present.

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

SECTION 1. The tenth section of an act, entitled "An act for the construction of a work-house in the county of Monroe," passed May twenty-seventh, eighteen hundred and fifty-three, is hereby amended by adding at the end of said section the following: "If any person is committed to said work-house who has been sentenced to pay any fine, and has not paid the same before such commitment, payment of any such fine imposed on such person may be paid to the superintendent of said work-house, for the use of said county, and shall be applied to the expenses of the said work-house. The said superintendent shall annually account to the board of supervisors for all moneys received by him for such fines, and the manner the same has been expended, and if required by said board of supervisors, he shall pay to the treasurer of said county any and all such moneys in his hands unexpended."

Fines.

§ 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

## CHAPTER 11.

AN ACT to amend an act entitled "An act for the construction of a work-house in the county of Monroe," passed May 27th, 1853.

PASSED February 18, 1858; three-fifths being present.

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

Law amended.

SECTION 1. Section fourteen of an act entitled "An act for the construction of a work-house in the county of Monroe" is hereby amended so as to read as follows:

Supervisors of certain counties to make agreement, etc., to send persons to jail work-house, etc.

§ 14. It shall be lawful for the board of supervisors in either of the counties of Livingston, Steuben, Yates, Seneca, Ontario, Wayne, Orleans, Genesee and Niagara, to enter into an agreement with the board of supervisors of the county of Monroe (or with any person in their behalf and by them appointed), to receive and keep in said work-house any person or persons, who may be sentenced in either of said counties to confinement in the jail of said county, for any time not less than three months; and it shall be the duty of the sheriff of any of the said counties for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement in the jail of said county, for a term not less than three months, to the said work-house; and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house; and the officer conveying such convicts to said work-house, shall be paid by the county from which they are sent, such fees for said conveyance as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately. (1)

(1) Amended by Laws of 1860, ch. 23.

## CHAPTER 23.

AN ACT to amend an act entitled "An act for the construction of a work-house in the county of Monroe, passed May twenty-seventh, eighteen hundred and fifty-three.

PASSED February 11, 1860; three-fifths being present.

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

SECTION 1. Section fourteen of the act entitled "An act for the construction of a work-house in the county of Monroe," passed May twenty-seventh, eighteen hundred and fifty-three, is hereby amended by inserting the words "Chemung, Tioga and Niagara" between the word "Steuben" and "Yates," so that the said section,

Section fourteen amended.

as amended, shall read as follows: It shall be lawful for the board of supervisors, in either of the counties of Livingston, Steuben, Chemung, Tioga and Niagara, Yates, Seneca, Ontario, Wayne, Orleans and Genesee, to enter into an agreement with the board of supervisors of the county of Monroe (or with any person in their behalf, and by them appointed), to receive and keep in said work-house any person or persons who may be sentenced in either of the said counties to confinement in the jail of said county, for any time not less than three months; and it shall be the duty of the sheriff of any of said counties, for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement in the jail of said county, for a term not less than three months, to the said work-house; and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house; and the officer conveying such

Supervisors of certain counties may enter into agreement relative to certain criminals.

convicts to said work-house, shall be paid by the county from which they are sent, such fees for said conveyance as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately.

#### CHAPTER 827.

AN ACT to amend an act entitled "An act for the construction of a work-house in the county of Monroe," passed May twenty-seventh, eighteen hundred and fifty-three.

PASSED June 25, 1873; three-fifths being present.

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

SECTION 1. It shall be lawful for the inspectors and superintendent of the Monroe county penitentiary to contract or hire out such convict labor as they may have at their disposal, to person or persons, to be employed at work outside and in the vicinity of said penitentiary grounds, designating a suitable number of persons to act as guards to take them out and keep charge of them while thus working, and safely return such convicts to the said penitentiary. The same rules, by-laws and ordinances adopted by the board of supervisors for the regulation, government and discipline of said penitentiary shall be applicable in all cases and apply in the same manner as it would were said convicts in confinement in said penitentiary, and the guards or the officer in charge shall have authority to prevent escapes while at labor, safely keep and return daily said convicts to the said penitentiary to be confined therein

§ 2. This act shall take effect immediately.

Inspectors and superintendents may hire out convict labor.

Bulm. etc.

#### CHAPTER 188.

AN ACT in relation to the Monroe county work-house.

PASSED April 14, 1858; three-fifths being present.

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

SECTION 1. The name of the work-house of the county of Monroe, as designated in the act chapter two hundred and seventy-nine, of the laws of the year eighteen hundred and fifty-three, is hereby changed to "The Monroe County Penitentiary," by which name it shall hereafter be known and designated, and all acts and parts of acts passed by the legislature of this State, and all acts of the board of supervisors of Monroe county, or of any other county in this State, or of the inspectors or superintendent or other officers thereof, and all sentences or other acts of any of the courts of this State, referring or applicable to the said work-house of the county of Monroe, shall apply to "The Monroe County Penitentiary," and to the prisoners, officers, and inspectors thereof so far as the name\* shall be applicable.

§ 2. Whenever any person shall be convicted, in the county of Monroe, of any offense punishable by imprisonment in the county jail, or by such imprisonment and a fine, or shall be sentenced by any court of competent authority in said county, for any offense, to pay a fine and to be committed until such fine is paid, such person shall be committed to the Monroe county penitentiary, instead of the county jail, and may be so sentenced by the court before whom such person shall be tried, and shall be received into said penitentiary, and be there kept and employed at labor in the same manner as other convicts in said penitentiary, and shall be in like manner subject to the rules and discipline of said penitentiary.

\* So in the original.

Persons  
convicted,  
etc.

§ 3. In all cases arising in the county of Monroe, where any person shall be convicted before any court or magistrate of said county, or of the city of Rochester, of the offense of drunkenness, vagrancy, or disorderly conduct, or shall be required to give security to keep the peace, or for good behavior, if such security shall not be given to the satisfaction of such court or magistrate, such person may be committed or sentenced as the case may require, by such court or officer, to imprisonment at labor, in the Monroe county penitentiary, for a term not exceeding three months, in the discretion of such court or magistrate. All persons so sentenced or ordered to be committed, shall be received into said penitentiary, and be employed at labor therein, and be subject to the rules and discipline thereof, until discharged according to law.

§ 4. This act shall take effect immediately.

#### CHAPTER 217.

AN ACT to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work-house in the county of Monroe.

PASSED April 12, 1862; three-fifths being present.

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

SECTION 1. Whenever any justice of the peace in the county of Ontario shall, in accordance with section three, title two, chapter twenty, part one of the Revised Statutes, be satisfied that any person brought before him, under the provisions of the said title, is a vagrant within said title, and is an improper person to be sent to the poor-house of the said county, he shall sentence and commit such person to the work-house in the county

of Monroe, for a term of not less than sixty days nor more than ninety days.

§ 2. It shall be lawful for the board of supervisors of Ontario county, and it is hereby required to enter into an agreement with the board of supervisors of the county of Monroe, (or with any person in their behalf and by them appointed), to receive and keep in said work-house any person or persons who may be sentenced in pursuance of the first section of this act.

§ 3. Any officer of the said county of Ontario, to whom any person shall be delivered by a justice of the peace thereof, with a commitment to the said work-house, in pursuance of any sentence under the first section of this act, is hereby authorized to take and deliver such person to the superintendent of said work-house, who shall receive such person and safely keep him for the term for which he may be sentenced, and keep him at work according to the rules and discipline of said work-house; and the officer taking such person to said work-house shall be paid by the county of Ontario such fees for such taking as the board of supervisors of said county shall audit and direct.

§ 4. This act shall take effect immediately.

#### CHAPTER 463.

AN ACT to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester in the county of Monroe.

PASSED May 18, 1874; three-fifths being present.

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

SECTION 1. All expenses incurred by the city of Rochester or any of the towns in the county of Monroe,

Supervisors of Ontario county make agreement with supervisors of Monroe county.

Officers who shall take vagrants to work-house.

Expenses, how borne.

for the arrest, trial and conviction of any prisoner, by any police justice or justice of the peace in said county, including the board and clothing of said prisoner while under sentence at the Monroe county penitentiary, shall be borne and paid by the town or city where such trial and conviction shall be had.

Fines.

§ 2. All fines imposed and received by any magistrate or police justice in the county of Monroe, and all fines received by the superintendent of the Monroe county penitentiary, shall belong to the poor fund and shall be used for the support of the poor in such town or city respectively, where such trial and conviction shall be had. (1)

Books of accounts, entries to be made therein.

§ 3. The superintendent of said Monroe county penitentiary shall, as soon as this act shall take effect, cause proper books of account to be opened with the city of Rochester, and the several towns in said county of Monroe, in which shall be entered the name and residence of all persons convicted and sent to the said penitentiary from said county, and all expenses for said prisoner while under sentence at said penitentiary shall be charged to the city of Rochester or the town from which such person shall be sent.

Annual report of superintendant, etc.

§ 4. The superintendent of said penitentiary shall report annually to the board of supervisors of said county, and within ten days from the first day's session of said board, and shall present a detailed statement to said board, giving the name of each person confined in said penitentiary, and the period of the confinement, showing the indebtedness to said penitentiary of the city of Rochester and the several towns in the county separately, and the balance due from such city or town respectively; and the board of supervisors of said county shall assess such balance on the taxable property of the city of Rochester or the towns from which such balance

Board of supervisors to assess balance.

(1) Amended by Laws of 1879, ch. 448; Laws of 1881, ch. 291.

shall be due as will be sufficient to pay all such indebtedness to said penitentiary.

§ 5. The amount so assessed on the city, and the several towns in the county, shall, when collected, be paid to the county treasurer and credited to the penitentiary fund.

Amount to be paid to county treasurer.

§ 6. All acts and parts of acts, heretofore passed in consistent with the provisions of this act are to that extent hereby repealed.

Repeal.

§ 7. This act shall take effect on the first day of March next.

#### CHAPTER 448.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester, in the county of Monroe."

PASSED June 3, 1879; three-fifths being present.

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

SECTION 1. Section two of chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester, in the county of Monroe," is hereby amended so as to read as follows:

§ 2. All fines imposed and received by any magistrate or police justice in the county of Monroe, and all fines received by the superintendent of the Monroe county penitentiary, shall belong to the poor fund, and shall be used for the support of the poor in such town or city respectively where such trial and conviction

Fines to belong to poor fund.

*Exception.* shall be had; except that all fines imposed by the police justices of the city of Rochester shall, when collected, be paid to the treasurer of said city, and by him credited to the police fund.

§ 3. This act shall take effect immediately.

#### CHAPTER 291.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester in the county of Monroe."

PASSED May 18, 1881; three-fifths being present.

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

SECTION 1. Section two of chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe county penitentiary from the several towns and the city of Rochester, in the county of Monroe," is hereby amended so as to read as follows:

§ 2. All fines imposed and received by any magistrate or police justice in the county of Monroe, and all fines received by the superintendent of the Monroe county penitentiary, shall belong to the poor fund, and shall be used for the support of the poor in such town or city respectively where such trial and conviction shall be had; except that all fines imposed by the police justices of the city of Rochester shall, when collected, be paid to the treasurer of said city, and by him credited to the police fund; and except that all fines imposed by the police justice or magistrate of the village of Hone-

Fines to belong to poor fund.

To the police fund.

oye Falls shall, when collected, be paid to the treasurer of said village, and by him credited to the general fund of said village.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 170.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and eighty-six, entitled "An act to amend chapter four hundred and fifty-seven of the laws of eighteen hundred and fifty-seven, entitled 'An act to incorporate the Industrial School of Rochester.'"

APPROVED by the Governor March 21, 1883. Passed, three-fifths being present.

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

SECTION 1. Section nine of the act entitled "An act to amend chapter four hundred and fifty-seven of the laws of eighteen hundred and fifty-seven, entitled 'An act to incorporate the Industrial School at Rochester,'" is hereby further amended so as to read as follows:

Charter amended.

§ 9. Whenever any child shall be surrendered to the charge and direction of the said corporation by any instrument in writing, signed by a parent or guardian of such a child, by a superintendent of the poor of the county of Monroe, or by the overseer of the poor of the city of Rochester, or left to its care with no provision for its support for the space of six months, or whenever any child shall, by a proper court or magistrate, be committed to said corporation as a vagrant, disorderly or destitute child, the directors of said corporation may, in their discretion, bind out such child to some suitable employ-

Binding out of certain children.

(1) See Laws of 1874, ch. 462.

ment in the same manner as overseers of the poor are by law authorized to bind out poor and indigent children; but proper provisions shall in every such case be made and inserted in the indentures by which such child shall be bound to service, for securing an education proper and fitting for the condition and circumstances in life of such child.

Provisions of indentures.

§ 2. This act shall take effect immediately.

## NEW YORK COUNTY.

### CHAPTER 176.

AN ACT relative to the alms-house, and bridewell, and city prison, in the city of New York.

PASSED April 15, 1814.

Recital.

WHEREAS The mayor, aldermen and commonalty of the city of New York, have, by their memorial, represented to the legislature, that they are now erecting, and have nearly completed, spacious buildings, at Bellevue, in the ninth ward of the city of New York, one of which buildings is designated by them to be used and employed as an alms-house, and another contiguous thereto, is designated by them to be used and employed as a gaol, for the confinement of such offenders as are to be kept at labor during their imprisonment; and have prayed the legislature, for certain reasons set forth in their said memorial, to establish the said last mentioned building as one of the gaols of the said city, and to enact the hereinafter contained provisions relative to commitment of offenders thereto, and to the city-prison and bridewell, the prayer of which memorial appears proper to be granted:— Therefore,

1. *BE it enacted by the People of the State of New York, represented in Senate and Assembly,* That one of the buildings now erecting by the mayor, aldermen and commonalty, of the city of New York, at Bellevue, in the ninth ward of the said city, as shall be designated by the common council of the said city, shall be and become one of the gaols of the said city, by the name of "The Penitentiary of the City of New York," whenever and as soon as the common council of the said city shall deem such building sufficiently finished for the safe keeping of prisoners; and the said building shall thenceforth be and continue the gaol of the said city, for the confinement and safe keeping of all persons convicted of any crime or misdemeanor, and sentenced to confinement therein, by the general sessions of the peace, in and for the city and county of New York, or any court of oyer and terminer there; and also of all persons committed thereto by the mayor, recorder and aldermen, of the said city, or the special justices for preserving the peace in the said city, for the time being, or any two of them; and the said penitentiary shall be under the charge of the mayor, aldermen and commonalty, of the city of New York; and the said mayor, aldermen and commonalty, in common council convened, shall, from time to time, appoint some proper person to be keeper of the same, who shall hold his office during the pleasure of the said common council, and shall be called "the keeper of the penitentiary of the city of New York;" and all commitments of offenders to the said gaol shall be to "the keeper of the penitentiary of the city of New York."

Penitentiary of New York.

Who to be confined therein.

Penitentiary under whose charge.

Keeper to be appointed.

II. *And be it further enacted,* That the part of the bridewell of the city of New York, which is now established and used as the gaol of the said city, for the confinement and safe keeping of all persons charged with, or convicted of any crime or misdemeanor, except persons sentenced to imprisonment in the State prison,

Gaol of the city.

shall, after the above mentioned building at Bellevue becomes the penitentiary of the said city as aforesaid, continue to be the gaol of the said city, for the confinement and safe keeping of such persons as shall be specially committed thereto, or sentenced to confinement therein, and especially of all persons committed to prison in the said city for offenses against the United States; and the gaol last aforesaid, shall also be under the charge of the mayor, aldermen and commonalty, of the said city; and the common council of the said city shall, from time to time, appoint some proper person to be keeper of the same, who shall hold his office during the pleasure of the said common council, and shall be called "the keeper of the city-prison of the city of New York;" and all commitments of offenders to the gaol last aforesaid, shall be to "the keeper of the city-prison of the city of New York."

Keepers of the penitentiary and gaol to receive prisoners, etc.

III. *And be it further enacted*, That the keeper of the said penitentiary, and the keeper of said city-prison, shall keep all persons committed to them respectively in the same manner and under the same penalties as the sheriffs of the other counties in the State ought by law to keep in the jails of the respective counties, the criminals committed to them.

Disorderly persons may be committed to the Penitentiary for six months.

IV. *And be it further enacted*, That it shall and may be lawful for the mayor, recorder and aldermen, of the said city of New York, and the special justices for preserving the peace in the said city, for the time being, or any two of them, to commit any person who may be deemed and adjudged a disorderly person, within the meaning of the act, entitled "An act for apprehending and punishing disorderly persons," to the above mentioned penitentiary, to be kept at hard labor, or any work or employment therein, for any period not exceeding six months.

There to be kept at hard labor.

Who to be confined therein.

Keeper to be appointed, and by whom.

V. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty, of the city of New York, in common council convened, from time to time, to appoint such other officers as they may deem proper for the government of the said alms-house, bridewell and city-prison, and penitentiary, and to make and ordain such ordinances and regulations as they shall deem necessary for the better government of the said alms-house, bridewell and city-prison, and penitentiary, and the keepers, officers and servants thereof: *Provided*, Such ordinances and regulations be not contrary to the law and constitution of this State or of the United States.

Common council of New York may appoint officers over the alms-house, bridewell and city-prison, and regulate the same by ordinances, etc.

Proviso.

VI. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, of the city of New York, in common council convened, from time to time, to appoint such discreet and suitable person, as they may think proper, to be superintendent of the said alms-house, with such powers and duties as they may, from time to time, by their ordinances, regulations or by-laws, ordain and prescribe, and to hold his office for the term of seven years, if he shall so long be of good behavior, and removable during that period for corrupt or mal-conduct, or disability, solely, and for no other cause. (1)

Superintendent of the alms-house to be appointed by the common council.

To hold his office for seven years, unless sooner removed for mal-conduct only.

#### CHAPTER 197.

AN ACT respecting the State prison, and concerning the penitentiary in the city of New York.

PASSED April 12, 1828.

This act, among other provisions, contains the following:

§ 9. The mayor, aldermen and commonalty of the city of New York, in common council convened, may,

New York penitentiary.

(1) See Laws of 1821, ch. 13; Laws of 1822, ch. 13.

from time to time, and whenever they shall deem it expedient so to do, by a resolution or order in common council, designate such place or places as they may think proper, within the said city, to be the penitentiary or bridewell of the city of New York, and to cause all the prisoners then in confinement in the penitentiary of said city, to be removed thereto; and from and after the passing of such resolution or order, all laws existing in relation to the penitentiary of the city of New York, shall apply to the place or places so to be designated as aforesaid.

Government  
of female  
convicts.

§ 10. Such female convicts, if kept by said corporation under contract to be made by virtue of this act, shall be confined and governed in accordance with the same laws, rules and regulations under which they are now kept.

#### CHAPTER 11.

AN ACT relative to the powers of the common council of the city of New York, and the police and criminal courts of the said city.

PASSED JANUARY 23, 1883.

This act, among other provisions, contains the following:

Vagrants  
may be  
committed  
to alms-  
house or  
penitentiary

§ 3. If such magistrate be satisfied by the confession of the offender, or competent testimony, that such person is a vagrant within the description aforesaid, he shall make up and sign a record of conviction thereof, which shall be filed in the office of the clerk of the court of sessions; and shall, by warrant, under his hand, commit such vagrant, if not a notorious offender, and be a proper object for such relief, to the alms-house of the said city for any time not exceeding six months, there to be kept at hard labor; or if the offender be an im-

proper person to be sent to the alms-house, then such person shall be committed for the like time to the penitentiary of said city.

§ 11. If any person convicted of an offense punishable by imprisonment in a State prison, shall be discharged, either upon being pardoned, or upon the expiration of his sentence, and shall subsequently be convicted in the said city of New York, of petit larceny, or of an attempt to commit an offense, which, if committed, would be punishable by imprisonment in a State prison, then the person convicted of such subsequent offense may be punished by imprisonment in the penitentiary of the said city, or in a State prison, in the discretion of the court before whom such subsequent conviction shall be had, for a term not exceeding five years.

Punishment  
for second  
offense.

§ 12. Every person having been convicted of petit larceny, or of an attempt to commit an offense, which, if perpetrated, would be punishable by imprisonment in a State prison, and having been pardoned or otherwise discharged, who shall subsequently be convicted in the said city of New York of petit larceny, or of any attempt to commit an offense, which, if perpetrated, would be punishable by imprisonment in a State prison, may be sentenced by the court, before whom such conviction may be had, in its discretion, to imprisonment either in the penitentiary of the said city, or in a State prison for a term not exceeding five years.

§ 13. Whenever a conviction shall be had in any criminal court in the city of New York, of any person for buying or receiving any personal property feloniously stolen from another, knowing the same to have been stolen, such person may be sentenced, in the discretion of the court, to imprisonment in the penitentiary of the said city, for the same term of time for which such person may by law be sentenced to imprisonment in a State prison.

For buying  
stolen  
property.

## CHAPTER 246.

AN ACT to provide for the government of the department of alms and penitentiary, in the city and county of New York.

PASSED April 6, 1849; three-fifths being present.

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

Alms-house department, etc., to be managed by a board of ten governors.

SECTION 1. The alms-house department of the city and county of New York, including therein the alms-house proper, and the support and relief of the poor, the county lunatic asylum, and the nurseries for poor and destitute children, the penitentiary, the city prison and bridewell, and the other prisons and houses of detention in said city, with the hospitals connected therewith, except the sheriff's jail in Elbridge street, and the house of refuge, shall hereafter be under the exclusive control and management of a board of governors, to consist of ten persons, who shall be named and styled the governors of the alms-house.

First board.

§ 2. Richard S. Williams, Jonathan J. Coddington, Simeon Draper, James H. Titus, (Merchant,) Schureman Holsted, Andrew H. Mickle, William T. Pinckney, Isaac Townsend, J. Phillips Phoenix, Timothy Daly, shall be the first board of governors, and two of their number shall be designated by the board, shall go out of office on the first day of January in each year.

Governors, how to be elected or appointed.

§ 3. At every general election held in said city and county, one of said governors shall be elected and shall hold his office for five years. No ballot for such governor shall be counted which shall contain more than one name. Immediately after such election, and the county canvass of the votes, if such governor shall be declared duly elected, then it shall be the duty of the mayor of said city, to appoint the person who shall have received the next highest number of votes to the one declared

elected, as another governor, and to forthwith file a certificate of such appointment in the county clerk's office. Such two governors shall enter upon the discharge of their duties on the first day of January next succeeding such general election. The one thus appointed shall have the same powers and hold his office for the same term as the one thus elected.

§ 4. Said board of governors shall have the full and exclusive power to govern, manage and direct the several institutions hereinbefore mentioned, to appoint such wardens, chaplains, physicians and clerks, as may be necessary; to define their respective duties and authority; to prescribe the number and duties of the various subordinates to be employed therein, and to fix the amount of their compensation, and shall generally possess all the power and authority now by law conferred, and be subject to the duties imposed on the commissioner of the alms-house in said city, the common council of said city, and the board of supervisors of said county, in respect to the said department and the said institutions.

Power of the board of governors to manage the institutions.

§ 5. No governor shall, directly or indirectly, be in any way interested in any contract for supplies or for any other purpose, connected with any of the institutions under the control of the board, or in any arrangement by which any pecuniary benefit shall result to himself. It shall be the duty of any governor who may have any knowledge or information of the violation of this provision, forthwith to report the same to the board. Every governor shall, before entering upon the duties of his office, take and subscribe the oath prescribed in article twelve of the constitution, which oath, when subscribed, shall be filed in the office of the county clerk of the city and county of New York.

Restriction.

§ 6. The said governors shall have power to indenture and bind out, as apprentices, during their minority,

Power to bind out children and minors.

any minor children under their care and control, by reason of the provisions of this act. If subsequent to such indenture, any father, mother, or other relative, shall give satisfactory security, to be filed in the office of said governors, that such child shall not become a charge to the city and county of New York, during such minority, thenceforth such indenture shall become void, and it shall be the duty of said governors forthwith to cancel the same. In case any disagreement, as to the sufficiency of such security tendered, shall occur between said governors, the father, mother, or other relative of any child, before such security tendered shall become in any way effectual, it shall be approved by some judge of the supreme court, elected or appointed in and for the city and county of New York.

§ 7. The said wardens, chaplains, physicians and clerks, shall hold their offices during the pleasure of the board of governors, and shall receive such compensation as they shall prescribe.

§ 8. The said warden shall respectively have power to appoint such subordinates as may be required to assist in the proper discharge of their several duties, who shall hold their offices during the pleasure of said wardens, but may at any time be removed by the board of governors.

§ 9. The said board of governors shall annually, and in the month of January, in each year, make to the legislature and to the common council of the city, a full report of their proceedings, of the condition of the institutions under their charge, and of all receipts and expenditures for the preceding year.

§ 10. The said common council shall by committees, by them for that purpose duly appointed, visit and inspect the said department and all of said institutions, at least twice in each year, and shall have power to impeach before the supreme court, any of said board of

Tenure of certain offices.

Subordinates may be appointed.

Annual report to be made.

Committees to visit and inspect institutions.

governors or any officer connected with any of said institutions, and the said court shall have power at a general or special term, to remove any of said governors or officers, for due cause shown.

§ 11. In case of any vacancy in the board of governors, the remaining members shall fill the same for the residue of the term thus made vacant.

§ 12. The board of supervisors of said county shall annually raise and collect by tax upon the real and personal property taxable in the said city and county, such sum of money as said board of governors shall from time to time require for the purposes of this act, to be applied by said governors exclusively to said purposes, and to be accounted for by the said governors, which sum shall be in lieu of all taxes in said county for the relief and support of the poor thereof.

§ 13. This act shall take effect on the eighth day of May next, and so much of the act entitled "An act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, as confers upon the sheriff of the city and county of New York, any power or control over any of the prisons named in this act, is hereby repealed; and on and after the first Tuesday of May next, the office of commissioner of alms-house shall be abolished. (1)

Vacancies.

Money to be raised by tax.

Act when to take effect.

(1) See Laws of 1850, ch. 229; Laws of 1860, ch. 510; Laws of 1861, ch. 387, p. 753.

## CHAPTER 510.

AN ACT to create in the city and county of New York, the department of public charities and correction, and to abolish the alms-house department therein.

PASSED April 17, 1869; three-fifths being present.

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

Chief officers to consist of four.

Comptroller of city to appoint commissioners; term of office; vacancies.

Appointment and term of office of successor.

To take oath of office.

SECTION 1. There is hereby created in the city and county of New York, the department of public charities and correction. The chief officers thereof shall be four in number, and shall be denominated commissioners of public charities and correction.

§ 2. Immediately upon the passage of this act, the comptroller of the city and county of New York shall appoint the said four commissioners, who shall hold their offices for five years. Whenever any vacancy shall occur in said office of commissioner the board shall fill it for the unexpired term by appointment. However, in case of disagreement on the part of said commissioners, such vacancy or vacancies shall be filled by a majority of the judges of the superior court of the county of New York, within thirty days from the time of said vacancy; and in case of the failure of said judges to perform said duty, the board of commissioners shall have the right to appeal to the judges of the court of appeals, to forthwith perform such service, and all appointments and removals from office shall be deferred until such appointment is made and the vacancy or vacancies filled. Three months preceding the expiration of the five years aforesaid, the said comptroller shall proceed to appoint four commissioners for the term of six years. The commissioners first appointed under this act shall immediately take oaths of office and file

them with the clerk of the county of New York, and shall then commence their respective terms. (1)

§ 3. The said four commissioners shall, together, constitute a board of control over the department hereby created. Three of them shall form a quorum. The board shall appoint one of the commissioners to be president thereof for five years. Each of the commissioners shall receive an annual salary of three thousand dollars. From and after the twentieth day of April, one thousand eight hundred and sixty, the alms-house department of the city and county of New York, and the office of governor of the alms-house shall be abolished, and thereupon the books, accounts, vouchers, records and all property of whatsoever nature then or theretofore under management and control of, or in the keeping of the said alms-house department, or any governor or subordinate thereof, shall be transferred to the keeping and custody of the board of control of the department of public charities and correction hereby created, and for the use thereafter of said department; but the said property shall forever remain and continue the property of the mayor, aldermen and commonalty of the city of New York, subject to the public uses of said board of control as aforesaid, and for the purposes provided by this act. (1)

§ 4. The department hereby created, is hereby empowered and directed to possess and exercise full and exclusive powers for the government, management, maintenance and direction of the several institutions and buildings, and premises and property and appurtenances thereto, which immediately preceding the appointment of the four commissioners aforesaid, were under control of the board of governors of the alms-house, and especially of the alms-house and work-house,

Commissioners to constitute a board of control.

Compensation.

Alms-house department abolished.

To have exclusive control of all institutions and buildings formerly under control of governors of alms-house.

(1) See People ex rel. Wehle v. Weissbach, 69 N. Y. 385; Marmittan v. The Mayor, etc., 62 N. Y. 189; Schenck v. The Mayor, etc., 67 N. Y. 46.

of the nurseries for poor and destitute children, and of the county lunatic asylum, and of the potter's field, or other public burial place of the poor and strangers in the city and county of New York, and especially also of the penitentiary and city prison, and various prisons and houses of detention in said city, which are hereby particularly designated as the institutions of the public correction and charities provided for by this act. But the foregoing shall not relate to the house of refuge, nor the juvenile delinquent asylum, nor the house of detention of witnesses, nor the county or sheriff's jail. (1.)

§ 5. The department hereby created is hereby empowered by its board of commissioners and of control as aforesaid, to appoint and remove, or by rules provide for appointment or removal of such subordinate officers as it shall see fit, for the purpose of distributing its said powers of government, management and direction as aforesaid, or as hereinafter provided. The said board may define the respective duties and authority of said subordinates, and fix their respective designations of office, and fix their respective compensation. And until otherwise provided for by said board of commissioners, under the exercise of the power of appointment and removal aforesaid, but no longer. The superintendents, wardens, chaplains, physicians, clerks and other subordinates who may be in office or place, over or within the institutions aforesaid, shall remain in office or place, and legally discharge all the duties and fulfill all the powers necessary thereto. And the said commissioners respectively, and subordinate officers of the said department shall generally possess every power and authority now conferred upon, and be subject to every duty imposed upon the former alms-house commissioners, or the board of ten governors, or the in-

May appoint and remove and define duties of subordinates.

To be subject to the duties and possess the authority of governors of alms-house.

(1) See People ex rel. Wehle v. Weisenbach, 60 N. Y. 335; Maximilian v. The Mayor, etc., 62 N. Y. 160; Schenck v. The Mayor, etc., 67 N. Y. 46.

dividual governors of the alms-house, by any law of the State, or by any ordinance, or by any resolution of the mayor, aldermen and commonalty of the city of New York, or board of supervisors of the county of New York, which power, authority and duty may affect or relate to the institutions aforesaid, or their inmates, or their officers, or the late alms-house department of the city and county of New York, and is not inconsistent with the provisions of this act.

§ 6. No moneys for the purposes of the department hereby created shall be expended by the board of commissioners or under their direction or that of any individual commissioner, unless a proper appropriation therefor has been made, in the manner now provided by law. And no commissioner nor subordinate of the department hereby created shall ever be directly or indirectly interested in any contract for supplies, or for any other purpose connected with any of the institutions, or property under control of the board of commissioners, or subordinates, not interested, directly or indirectly, in any arrangement by which any pecuniary benefit shall result to himself. (1.)

§ 7. It shall be lawful to detain in the work-house, for the purpose of employment therein, any person who shall have been duly committed to the city prison, the penitentiary or the alms-house; but it shall not be lawful for vagrants or paupers, or the recipients of the public charities of the department hereby created, unless they have been before convicted of crime, to be employed in company or in association with persons committed as aforesaid, for offenses other than intoxication, or assault and battery, not felonious. The board of commissioners aforesaid may transfer and commit, or cause to be transferred and committed from the said city prison, penitentiary or alms-house, to the said work-

No moneys to be expended by commissioners unless by appropriation.

Persons committed to city prison may be detained in work-house.

(1) Amended by Laws of 1866, ch. 242.

house, or to any parts of Blackwell's island as are set apart for purposes of public criminal correction (subject to the prohibition of company and association aforesaid), the following classes of persons: persons committed for crime; persons in the alms-house; persons applying for relief to the department hereby created, provided their own consent to such transfer or committal be obtained; persons committed by magistrates as vagrants or disorderly persons. (1)

Persons confined in work-house how employed.

§ 8. Every person whose age and health will permit, shall be employed in getting out stone, or in cultivating the grounds under use of the department hereby created, or in manufacturing such articles as may be required for the ordinary use of all the institutions under the control of the said board of commissioners, preparing and building sea walls around the islands or other places upon which the said public institutions now are or may hereafter be located, or at such mechanical or other labor as on trial shall be found to suit the capacity of the individual. It shall be the duty of the department to use every proper means to furnish convicts and paupers with suitable employment by contract; such employment, however, not to conflict or come into competition with any mechanical or other employment pursued by the people of the State. And in case any convict or pauper shall neglect or refuse to perform the work allotted to him or her, by the person in charge, it shall be the duty of the proper subordinate to punish such convict or pauper by confinement, by being fed on bread and water only, for such length of time as may be considered necessary; which refusal and punishment shall forthwith be reported to said board of commissioners. And in case any pauper shall refuse or neglect to perform the work assigned to him or her on three several

(1) Amended by Laws of 1864, ch. 566.

occasions, the said board may expel such pauper from the alms-house.

§ 9. The hours of labor shall not exceed ten per day to each person subject to the discipline of the department, and shall be fixed by the said board of commissioners; and the articles raised or manufactured shall be subject to the order, and placed under the control of said commissioners. All the grounds occupied by the department hereby created, or under the jurisdiction of the said board of commissioners, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department; and the proceeds arising from the sale of articles thus raised, shall be paid monthly into the hands of the board of commissioners, and be by them paid over to the city chamberlain and a memorandum thereof filed with the department of finance of the city and county of New York.

Hours of labor.

§ 10. The said board of commissioners may open in its discretion an account with all paupers, committed to the said work-house, charging them with all the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for the labor performed by such pauper; and at the expiration of the term of sentence, if any balance shall be found to be due to them, may pay the same to such pauper in cash at the time of their discharge in the discretion of the board.

May open account with paupers.

§ 11. It shall be the duty of the said board of commissioners to cause to be kept and employed, separate and apart from each other, the paupers and criminals, and as far as possible to cause the latter to be classified, so that the novice in crime may not become contaminated by the evil example of, or by association and contact with the more hardened and confirmed.

Paupers and criminals to be kept separate.

Requisition of subordinates to be in writing.

§ 12. Each superintendent, each warden or chief officer of the several institutions under charge of the department hereby created, shall make his requisitions in writing, on the said board of commissioners, for all articles deemed necessary by the said board, to be used in the respective institutions under his charge, and shall keep an accurate account of the same.

To report weekly.

§ 13. Each said superintendent, warden or chief officer shall, once in each week, report to the said board of commissioners, the number of persons received, transferred, sick, died, and remaining in the respective institutions under their charge; also the quantity and kind of labor performed; and the said board of commissioners shall make a quarterly report thereof to the board of supervisors of the county of New York.

Certain paupers in alms-house to be transferred to work-house.

§ 14. The officer having charge of the alms-house shall daily send all paupers residing in the alms-house, capable of performing any work, and not otherwise employed, to the work-house, or such other institutions, the city prisons and penitentiary exempted, where they shall be put at such labor as the chief officer thereof may be authorized by the board of commissioners to direct.

Children to be employed

§ 15. It shall be the duty of the officer in charge of the nurseries to provide suitable employment for all the children under his care, under such regulations and provisions as are hereinbefore provided for, in reference to paupers committed as aforesaid.

May make rules and by-laws.

§ 16. The said board of commissioners shall be authorized to make, from time to time, such rules and by-laws for the management and government of the department hereby created, and especially of each institution, as may seem to them necessary, and which shall not be inconsistent with the provisions of this act, nor contrary to law.

May add to or improve buildings.

§ 17. The said board of commissioners shall, whenever the increase of inmates in, or the proper care and

government of, the institutions or establishments on Randall's Island, or Blackwell's Island or the Bellevue hospital, under their charge, or any other of them, shall, in their judgment, render it necessary or expedient, have power to enlarge, add to or alter the buildings belonging to such institutions, or any one of them, and to erect other buildings on said islands, or within the enclosure of Bellevue hospital, for the uses and purposes of said institutions, or any one of them. The said board of commissioners shall also have power to lay out Potter's field, to make enclosures therein, to build vaults therein, and to provide all necessary labor therefor, and for interments therein. The said board of commissioners shall also have power to make all needful repairs to buildings or property under its control.

May apprentice and bind out children.

§ 18. The said board of commissioners, or any one commissioner, shall have power to indenture and bind out, as apprentices during their minority, any minor children who may be under their care and control by reasons of the provisions of this act, or of any other act of this State, in the forms, and with the provisions now prescribed by law; and the board, or any commissioner, shall have power, in their discretion, to cancel such indentures; and they may bind out such children for the employment of farming, or any useful art or trade, to citizens of the adjoining States.

To make annual report.

§ 19. The board of commissioners aforesaid shall, annually, in the month of January in each year, make to the board of supervisors of the county of New York, and the legislature of the State, a full report of their proceedings, and of the condition of the department of public charities and correction hereby created, and of all its receipts and expenditures of the preceding year.

Money required for purposes specified in this act to be raised by tax annually.

§ 20. The board of supervisors of the county of New York shall, and are hereby empowered to annually raise and collect by tax, upon the real and personal property

taxable in said city and county, such sum of money as said board of commissioners shall, from time to time, require for the purposes of this act, to be applied by said board of commissioners exclusively to said purposes, and to be accounted for by the said board of commissioners; which sum shall be in lieu of all taxes in said county for the relief and support of the poor thereof, and for the support and expenses of the county criminals.

Power of supervisors.

§ 21. The board of supervisors of the county of New York, shall have power, by committee, to visit and inspect the department hereby created, and the institution under its control, and report the same to the governor of the State, who shall have power to remove any commissioner of the said department, against whom charges of misconduct in office may be established, under the provisions of law relating to sheriffs.

Attorney to be appointed annually.

§ 22. The board of commissioners hereby appointed shall annually appoint an attorney to the department hereby created, who shall perform such duties of a legal nature as the said department may require, and whose compensation shall be fixed by said board of commissioners.

Act of April 14, 1867, repealed.

§ 23. So much of section twenty-five of an act entitled "An act to amend the charter of the city of New York," passed April fourteenth, eighteen hundred and fifty-seven, as relates to or affects the alms-house department of said city, is hereby repealed.

§ 24. Wherever, in any act or ordinance not inconsistent with the provisions of this act, but applicable thereto, the words alms-house department of the city of New York shall occur, it shall be taken to mean and refer to the department hereby created, and in like manner the words governor or governors of the alms-house shall be taken to mean the commissioner or commissioners provided for by this act; and all provisions of

law or ordinances which are inconsistent with this act are hereby repealed.

§ 25. This act shall take effect immediately. (1)

#### CHAPTER 586.

AN ACT to amend the act entitled "An act to create in the city of New York the department of public charities and correction, and to abolish the alms-house department therein," passed April seventeenth, eighteen hundred and sixty.

PASSED June 6, 1864; three-fifths being present.

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

SECTION 1. Section seven of the act entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms-house department therein," passed April seventeenth, eighteen hundred and sixty, is hereby amended by adding at the end of said section the following:

No person committed to the city prison in said city of New York for disorderly conduct shall be transferred from said prison until after the expiration of forty-eight hours after commitment. No person committed to the said city prison or the work-house for drunkenness or disorderly conduct shall be released or discharged from confinement before the expiration of the term for which he or she shall be committed, except upon reversal of judgment upon appeal, or review by a court of superior jurisdiction to the magistrate making the commitment,

(1) See Laws of 1868, ch. 53, 177; Laws of 1869, ch. 238, 376; Laws of 1871, ch. 607, 810; Laws of 1872, ch. 479; N. Y. City Consolidation Act, Laws of 1882, ch. 410; People ex rel. Wehle v. Weissenbach, 60 N. Y. 388; Maximilian v. The Mayor, etc., 62 N. Y. 160; Schneck v. The Mayor, etc., 67 N. Y. 46.

Department abolished, and two separate departments established in place thereof, by Laws of 1866, ch. 812.

without a written order directing such discharge, be made and signed by the committing magistrate, and one of the commissioners of public charities and correction.

§ 2. This act shall take effect immediately.

#### CHAPTER 242.

AN ACT to amend an act entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms-house department therein," passed April seventeenth, eighteen hundred and sixty, by enabling the comptroller of the city of New York more speedily to raise the moneys required for the charitable, correctional and other purposes of said act.

PASSED March 30, 1866; three-fifths being present.

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

SECTION 1. Section six of the act entitled "An act to create in the city and county of New York, the department of public charities and correction, and to abolish the alms-house department therein," passed April seventeenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 6. The comptroller of the city of New York is hereby authorized and empowered, in accordance with the fiscal procedure heretofore established by chapter ten of the laws of eighteen hundred and sixty-five, to pay to the department of public charities and correction the amount of moneys lawfully appropriated to said department in each and every year whenever the same become due and payable, and between the first day of January and the passage by the board of supervisors, and the confirmation by the legislature of this State of the ordinance making the annual appropriation for the sup-

Comptroller authorized to pay moneys to department of public charities in satisfaction of action of supervisors and legislature, and issue revenue bonds therefor.

port of the government of the city and county of New York; and the said comptroller is hereby authorized and empowered to issue the revenue bonds of the said city and county, to raise such sum or sums of money as may be necessary to give effect to the foregoing provisions of this section. No moneys shall be expended by the said board, nor by any individual commissioner, nor by any of their subordinates, nor under their direction, for the fiscal purposes of the department hereby created, unless the proper appropriation for such expenditure of moneys has been made in the manner now provided by law. The board of supervisors of the county of New York shall have the power to fix the amount of salaries, at a sum not exceeding five thousand dollars for each of the said commissioners, as well as to levy, in the manner now provided by law, the annual tax required for the fiscal purposes of this act. No commissioner nor subordinate of the department hereby created, shall ever be, directly or indirectly, interested in any contract for supplies, or for any other purpose connected with any of the institutions or property under the control of the board of commissioners or subordinates, nor interested, directly or indirectly, in any arrangement by which any pecuniary benefit shall result to himself.

§ 2. This act shall take effect immediately.

Salaries of commissioners, by whom to be fixed, what amount not to exceed.

## CHAPTER 428.

AN ACT to enable the commissioners of public charities and corrections of the city of New York to purchase land outside of the county of New York for the purpose of furnishing additional facilities for the care and maintenance of the inmates of the institutions under the control of said commissioners, and to regulate the control thereof.

PASSED May 17, 1893; three-fifths being present.

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

SECTION 1. The commissioners of public charities and corrections of the city of New York are hereby authorized and empowered to expend the sum of twenty-five thousand dollars, heretofore appropriated for that purpose by the board of estimate and apportionment of said city, and such further sums as may from time to time be appropriated by the said board for the same purpose, in the purchase of and taking title, in the name of the mayor, aldermen and commonalty of the city of New York, to such land or lands situated outside the county of New York as may in the opinion of such commissioners be suitable for the purpose of providing additional and improved facilities for the care and maintenance of such inmates of the institutions under the control of said commissioners as are now or may hereafter be committed to their charge.

§ 2. Such land or lands when so purchased shall be deemed to be and shall be under the control of the said commissioners of public charities and corrections, and may be improved and used by them for the purpose aforesaid. All laws applicable to the powers and jurisdiction and control of the said commissioners of public charities and corrections which are applicable to the other premises, buildings and institutions under their

Expenditure of \$25,000 authorized in the purchase of lands.

How lands to be held.

charge shall be deemed to apply to said land or lands, and to all buildings and erections which may for said purpose be placed and maintained by said commissioners thereon.

§ 3. This act shall take effect immediately.

## CHAPTER 912.

AN ACT to abolish the department of public charities and correction in the city of New York, and to provide for the establishment of two separate departments in place thereof, to be known respectively as "The department of public charities of the city of New York," and "The department of correction of the city of New York," and to define the powers and duties of such departments.

Accepted by the city.

BECAME a law June 3, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. The existing department of public charities and correction of the city of New York, is hereby abolished from and after the thirty-first of December next following the passage of this act; and in lieu thereof and in addition to the existing departments of the city of New York, there are hereby created the department of public charities and the department of correction of the city of New York, which said department of public charities and department of correction shall succeed respectively to all the rights, powers, duties, obligations and jurisdiction of the existing department of public charities and correction, as hereinafter provided. The terms of office of the commissioners of the existing department of public charities and correc-

Department abolished.

New department created.

Terms of existing commissioners.

tion, shall cease and terminate on and after midnight of the thirty-first of December following the passage hereof.

Appointment of commissioners.

§ 2. The mayor of the city of New York shall, at least ten days before the thirty-first of December following the passage of this act, appoint three resident taxpayers of the city of New York who shall be citizens of the United States to be commissioners of public charities in the city of New York, and a resident taxpayer of the city of New York and who shall be a citizen of the United States to be commissioner of correction in the city of New York, which commissioners shall take office on the first day of January following the passage hereof.

Terms of office.

§ 3. The term of office of each of said commissioners shall be six years from and after the thirty-first day of December next following the passage of this act and until the appointment and qualification of his successor, and each of such commissioners of public charities shall receive from the city of New York the salary of five thousand dollars per annum, and the said commissioner of correction shall receive from the city of New York the salary of seven thousand five hundred dollars per annum. Each of said commissioners shall be removable by the mayor at pleasure; provided, however, that the mayor shall publish his reasons therefor in the City Record, at least ten days before such removal shall take effect.

Salary.

Removal for cause.

Term of appointments to fill vacancies.

Any person appointed to fill a vacancy as commissioner of either of said departments shall hold office, subject to removal as aforesaid, for the term of six years from the date of his appointment.

Commissioners of public charities, their powers and duties.

§ 4. The commissioners of public charities shall be the head of the department of public charities of the city of New York. They shall have the general direction and charge of all hospitals, asylums, almshouses and other institutions belonging to the city or county of New York which are or shall be devoted to the care of the in-

sane, the feeble-minded, the sick, the infirm, and the destitute, except the hospital wards attached to the penitentiary and to other prisons and institutions under the direction of the commissioner of correction, and except such hospitals as are or may be established or conducted by the department of public health, pursuant to law. They shall have all the authority concerning the care, custody and disposition of the insane, the feeble-minded, the sick, the infirm and the destitute which the commissioners of public charities and correction now have, and they shall be subject to the same duties and obligations in respect of such persons as the said commissioners are. It shall be the duty of the said commissioners to keep and preserve a proper record of all persons who shall come under their care or custody and of the disposition made by them of such persons, with full particulars as to the name, age, sex, color and nativity of each, and in the case of minors, as to the names and residence of parents and their religious faiths, so far as ascertained, and the name, religious faith and residence of the institutions or families with whom they are placed, together with copies of any instruments of indenture executed by the said commissioners. In the placing out, transfer, indenture or commitment of any child, such child shall, when practicable, be placed with or transferred, indentured or committed to an institution governed by persons of the same religious faith as the parents of the child, or to an individual of like religious faith. But the said commissioners shall have no authority or duty in respect of any criminal or misdemeanant, or in respect of any institution devoted to the custody of such persons. Provided, that nothing in this act shall be construed to repeal any part of chapter one hundred and twenty-six of the laws of eighteen hundred and ninety, entitled "An act to promote the care and curative treatment of the pauper and indigent

Record to be kept.

Transfer, indenture, etc., of children.

Proviso as to State care of insane.

insane in the counties of this State, except New York, Kings and Monroe counties, and to permit said excepted counties, or either of them, in accordance with the action of their respective local authorities, to avail themselves, or any one or more of them, of the provisions of this act."

Commissioner of correction, his powers and duties.

§ 5. The commissioner of correction shall be the head of the department of correction of the city of New York. He shall have all the authority concerning the care, custody and disposition of all criminals and misdemeanants in the city and county of New York, which the commissioners of public charities and correction now have, and he shall be subject to the same duties and obligations in respect to such persons as the said commissioners now are. But he shall have no authority and be subject to no obligation in respect of any destitute person not charged with or convicted of any crime or misdemeanor. He shall have the general charge and direction of all prisons and other institutions for the care and custody of criminals and misdemeanants which belong or shall belong to the city and county of New York. Said department shall be authorized to demand and receive all fines imposed for intoxication and disorderly conduct in the city of New York in the manner and for the purposes now prescribed by law. The commissioner of correction may provide for the doing in the correctional institutions of any work, labor or service for the department of public charities that may be required by the commissioners thereof, and may from time to time, in his discretion and upon the request of the commissioners of public charities, detail and designate inmates of the work house to perform necessary work, labor and services in and upon the grounds and buildings which are in the charge of the commissioners of public charities, and said inmates of the work house when so employed, shall tion of a work house keeper or keepers, but no inmate

Detail of inmates to perform work.

of the work house shall be employed in any capacity whatever, in any ward of any hospital. (1)

§ 6. The commissioners of the sinking fund of the city of New York shall upon the passage of this act prepare a detailed plan for the subdivision of said department of charities and correction, into a department of public charities and a department of correction as herein provided, and for the partition between such two new and separate departments of the land, buildings, stock, steamboats and other boats, furniture, movables and other property now or theretofore owned, used or controlled by or for said existing department of public charities and correction, and the books, records, vouchers and other papers of said department, and to such end shall have full access to all of the books and papers which are the property of the mayor, aldermen and commonalty in the custody of the said department or board of charities and correction, and authority at any and all times to compel the attendance before it of the commissioners of charities and correction, and their employes and subordinates. Such plan shall also provide for the apportionment between the two new and separate departments, and for the assignment to service in such two new and separate departments, respectively, of the subordinates and employes of every grade, who shall be in the service of the existing department of public charities and correction at the time. Such subordinates and employes shall hereafter hold their places subject to existing law. In such plan the city prisons, the penitentiary and the work house, with the grounds thereto appertaining, and the stone quarry on Blackwell's island, and Biker's island, shall be assigned to the department of correction. The hospitals and asylums now controlled and managed by the existing department of public charities and correction, Blackwell's

Plan for subdivision of department and partition of property.

Assignment of buildings, etc., to departments.

(1) Amended by Laws of 1896, chap. 84.

island, with the buildings thereon (except the penitentiary and work house, with their hospital wards and grounds thereto appertaining and the stone quarry), Ward's island and so much of Randall's island as is now used or controlled by said department of public charities and correction, the branch lunatic asylum on Hart's island and the farm at Central Islip, Long Island, with the buildings thereon appertaining to said department of public charities and correction, shall be assigned to the department of public charities. The commissioners of the sinking fund shall complete such plan as herein provided, at least sixty days prior to the first of December following the passage of this act, and it shall thereupon be signed by the said commissioners of the sinking fund, or a majority of them, and shall be transmitted to the mayor of the city of New York, and it shall be the plan for carrying this act into effect. If the said commissioners of the sinking fund shall fail to transmit such plan to the mayor within the time prescribed, then and in that event any resident and taxpayer of the city of New York may apply to the supreme court in the name of the people of the State, for a mandamus to compel the said commissioners of the sinking fund forthwith to perform the duties prescribed by this act.

§ 7. From and after the thirty-first of December following, no new building for the use of the department of correction shall be erected upon Blackwell's island. But nothing in this section shall be so construed as to prevent the commissioner of correction from completing any building or buildings which may at the time of the creation of the department of correction be in process of erection upon the parts of the said island which shall be assigned to the said department as hereinbefore in the sixth section provided, or from repairing from time to time such buildings as shall at said time be standing upon said parts of said island.

Completion of plan and transmission thereof to mayor.

Provision in case of failure to transmit plan.

Erection of new buildings on Blackwell's island prohibited.

§ 8. The commissioners of public charities, whenever in their judgment it is expedient and practicable to do so, may cause to be removed or transferred to other quarters the inmates of the branch lunatic asylum on Hart's island, and may cause to be vacated the buildings now or hereafter occupied by or for the uses of that asylum. And whenever the said buildings shall be so vacated, the said buildings with the grounds thereto appertaining shall be transferred to the department of correction. And whenever such transfer shall have been completed, the commissioners of public charities shall have no further rights, duties or obligations in respect to Hart's island or to any part thereof, and the whole of said island shall thereafter be controlled by and appertain to the department of correction of the city of New York. Provided, however, that the burial of deceased paupers in the potter's field on said island may be permitted under such regulations as the respective commissioners of public charities and of correction shall agree upon, or in the event of their failure to agree, such as shall be directed by the mayor of New York.

§ 9. The commissioner of correction whenever, in his judgment, it is expedient and practicable to do so, may cause to be removed to Riker's island, and in case Hart's island shall have been transferred to the department of correction as in the foregoing section eight provided, then also to Hart's island, the inmates of the workhouse and penitentiary on Blackwell's island; and he may direct such removals to be made, from time to time, as accommodation for the said inmates may be provided upon Riker's island and Hart's island. And whenever in consequence of such removals or otherwise any of the buildings occupied or used for said workhouse or penitentiary shall have become vacant, such building or buildings with the grounds thereto apper-

Removal of inmates of asylum on Hart's island.

Transfer of buildings and grounds.

Burials in potter's field.

Removal of inmates of workhouse and penitentiary on Blackwell's island.

Transfer of buildings and grounds.

taining shall be transferred to the department of public charities. And whenever any of the said buildings or grounds shall have been so transferred, the commissioner of correction shall have no further rights, duties or obligations in respect of such building or buildings or grounds, but it or they shall thereafter be controlled by and appertain to the department of public charities of the city of New York.

§ 10. The commissioners of public charities and correction of the city of New York shall, at least thirty days before the board of estimate and apportionment of said city shall make its provisional estimate for the next ensuing year, send to the board of estimate and apportionment an estimate in writing of the amount of expenditure, specifying in detail the objects thereof that shall be required for the next ensuing year, in the department of public charities, and an estimate of the amount of expenditure, specifying in detail the objects thereof, for the ensuing year which shall be required in the department of correction, including the statement of each of the salaries of the officials, clerks, employes and subordinates of each of such departments, and such departmental estimates shall be in lieu of the departmental estimate of the board of public charities and correction, and the board of estimate and apportionment shall consider such estimates and other statements and shall make provisional estimates and final estimates for each of said departments as is now required by law to be made for the other departments of the said city; and the expenses of each of said departments shall be provided for and paid in the same manner as the expenses of other departments are now provided for and paid, in said chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, and the acts supplemental thereto and amendments thereof, but in no case shall the amount expended

Estimate of expenditures for ensuing year.

Duty of board of estimate, etc.

Expenses of of departments.

by either of said departments exceed the amount appropriated for the said department by the board of estimate and apportionment.

§ 11. The annual salaries to be paid to the commissioners herein provided for shall be in full for all services rendered by them to the city and county of New York in any capacity whatever.

Annual salaries.

§ 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 13. This act shall take effect immediately.

#### CHAPTER 84.

AN ACT to amend chapter nine hundred and twelve of the laws of eighteen hundred and ninety-five, entitled "An act to abolish the department of public charities and correction in the city of New York, and to provide for the establishment of two separate departments in place thereof, to be known respectively as 'The department of public charities of the city of New York,' and 'The department of correction of the city of New York,' and to define the powers and duties of such departments."

Accepted by the city.

BECAME a law March 11, 1896, with the approval of the Governor. Passed, a majority being present.

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

SECTION 1. Section five of chapter nine hundred and twelve of the laws of eighteen hundred and ninety-five, entitled "An act to abolish the department of public charities and correction in the city of New York, and to provide for the establishment of two separate departments in place thereof, to be known, respectively, as 'the department of public charities of the city of

Amendment of act.

New York,' and 'the department of correction of the city of New York,' and to define the powers and duties of such departments," is hereby amended so as to read as follows:

Powers and duties of commissioner of correction.

§ 5. The commissioner of correction shall be the head of the department of correction of the city of New York. He shall have all the authority concerning the care, custody and disposition of all criminals and misdemeanants in the city and county of New York, which the commissioners of public charities and corrections now have, and he shall be subject to the same duties and obligations in respect to such persons as the said commissioners now are. But he shall have no authority and be subject to no obligation in respect of any destitute person not charged with or convicted of any crime or misdemeanor, except that any self-committed prisoner who was an inmate of the work-house on the thirty-first day of December, eighteen hundred and ninety-five, may, in the discretion of said commissioner of correction be retained therein during the period for which such person was committed, but no self-committed person shall hereafter be received or retained therein. The commissioner of correction shall have the general charge and direction of all prisons and other institutions for the care and custody of criminals and misdemeanants which belong or shall belong to the city and county of New York. Said department of correction shall be authorized to demand and receive all fines imposed for intoxication and disorderly conduct in the city of New York in the manner and for the purposes now prescribed by law. The commissioner of correction may provide for the doing, in the correctional institutions, of any work, labor or services for the department of public charities that may be required by the commissioners thereof, and may, from time to time, in his discretion, and upon the request of the commis-

Designation of inmates to perform work.

sioners of public charities, detail and designate inmates of the correctional institutions to perform necessary work, labor and services in and upon the grounds and buildings which are in the charge of the commissioners of public charities, and the said inmates of correctional institutions, when so employed, shall at all times be under such personal oversight and direction of a keeper or keepers from the correctional institutions as the commissioner of correction may deem necessary, but no inmate of any correctional institution shall be employed, in any capacity whatever, in any ward of any hospital while such ward is being used for hospital purposes.

§ 2. This act shall take effect immediately.

#### CHAPTER 237.

AN ACT in relation to the commitment and discharge of persons convicted of public intoxication, disorderly conduct or vagrancy in the city and county of New York.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor  
Passed, three-fifths being present.

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

SECTION 1. Whenever any person is convicted in the city and county of New York, of public intoxication, disorderly conduct or vagrancy, it shall be the duty of the court or magistrate before whom such conviction is had to commit the person so convicted to the workhouse in said city and county, and to insert in the warrant of commitment a recital that the person so committed is committed pursuant to the provisions of this act, and a direction that the person so committed shall be detained in such workhouse, until discharged, pursuant to the

Commitments to work-house.

Warrant of commitment.

provisions of this act, and for a term not exceeding six months from the date of such commitment.

Duty of superintendent of workhouse.

§ 2. It shall be the duty of the superintendent of the workhouse to ascertain from the records thereof, and from an examination and inspection of the person committed as aforesaid, whether such person has, since the passage of this act, and within two years next preceding the date of his commitment, been previously committed to such institution upon conviction of public intoxication, disorderly conduct, or vagrancy; and, within twenty-four hours after the commitment of any such person to the workhouse, to transmit to the commissioners of public charities and correction, a written statement showing the name, sex, age, residence, occupation, height, weight and the color of the hair of any such person, and describing any scars, marks or deformities or other signs whereby such person may subsequently be identified, the date of the commitment, the offense for which such person was committed and the name of the magistrate by whom the commitment was made; and also stating whether such person has been previously committed to such institution within the period, and for any one of the causes above specified; and, if so, the number of times that such person has been so committed during such period, the date of the last previous commitment of such person for either of said offenses, the name of the magistrate by whom, and the offense for which such last previous commitment was made, and the period of detention under such last previous commitment.

Record of commitments, etc., by commissioners of charities.

§ 3. It shall be the duty of the commissioners of public charities and correction to keep a book or books in which shall be properly recorded the names of all persons committed pursuant to this act, and all other facts which shall be certified to them by the superintendent of the workhouse as herein required, which book or

books are hereby declared to be public records and shall be open to public inspection and shall be so indexed and kept as to show whether any person committed, as prescribed by this act, has been previously committed within two years next preceding such commitment for any of the causes herein specified.

§ 4. Within three days after the commitment of any person as herein provided, it shall be the duty of the commissioners of public charities and correction to ascertain from the aforesaid records whether such person has been committed to the workhouse, after the passage of this act and within two years next preceding the date of such commitment for public intoxication, disorderly conduct or vagrancy, and to make a written order specifying the date at which such person shall be discharged, as follows, namely, in the case of a person who has not previously been committed for any one of the offenses herein specified within two years next preceding the date of his last commitment, and after the passage of this act, the said order shall direct that such person shall be discharged at the expiration of five days from the date of his commitment in the case of a person, who has been committed once before within the period of two years next preceding the date of his commitment and after the passage of this act for any of the offenses herein specified, the said order shall direct that such person shall be discharged at the expiration of twenty days from the date of his commitment, and in the case of a person who has been committed more than once during the two years next preceding the date of his commitment and after the passage of this act for any of the offenses herein specified, the said order shall direct that such person be discharged at the expiration of a period equal to twice the term of his detention under the last previous commitment, but not, in any event, exceeding six months; provided, however, that in the

Duty of commissioners after commitments of persons.

Orders for discharge of persons.

case of a person committed upon conviction of vagrancy, the said order may direct that the said person shall be discharged at the expiration of a period to be fixed by the commissioners and stated therein, not exceeding six months and not less than the period of detention above specified for first or subsequent commitments, as the case may be. The date of any order made pursuant to this section and the name of the person whose period of detention is fixed thereby, and the period of detention therein specified and the names of the commissioners of public charities and correction present at the meeting of such commissioners at which such order was made, shall be entered in the records required to be kept by the third section of this act, and the said order shall forthwith be transmitted to the superintendent of the workhouse; and upon the expiration of the term of detention specified therein, and the discharge of the person named therein, it shall be the duty of such superintendent forthwith to return such order, with a written certificate indorsed thereon specifying the date of the discharge of the person named therein, to the commissioners of public charities and correction who shall preserve the same as a public record. The powers and discretion conferred upon the commissioners of public charities and correction by this section may be exercised by such commissioner or commissioners as shall be present at any meeting of such commissioners.

Record of orders, etc.

Return of orders upon discharge.

Exercise of powers conferred.

Proviso as to release of persons.

Transfer of persons to other institutions.

§ 5. Nothing herein contained shall affect the power of any court or magistrate to release a person convicted of any offense herein specified upon the payment of a fine or upon the execution of a recognizance or bond, as now prescribed by law.

§ 6. The board of commissioners of public charities and correction may transfer and commit and cause to be transferred and committed from the said workhouse

to the city prison, penitentiary, almshouse or to any other of the institutions under their jurisdiction, any person committed to the said workhouse under this act, whenever such transfer shall be necessary for the proper care and management of such city prison, penitentiary or almshouse, or for the proper employment of such person; and the said board may also transfer and commit and cause to be transferred and committed from the said workhouse to the city prison or penitentiary, any person committed to the said workhouse under this act, whenever, by reason of the number of offenders actually detained in such workhouse at any one time, there shall not be accommodation therein for all the persons committed thereto.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 8. This act shall take effect immediately. (1)

#### CHAPTER 886.

AN ACT to amend chapter two hundred and thirty-seven, laws of eighteen hundred and ninety-five, entitled "An act in relation to the commitment and discharge of persons convicted of public intoxication, disorderly conduct or vagrancy in the city and county of New York."

Accepted by the city.

BECAME A LAW May 26, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. Chapter two hundred and thirty-seven of the laws of eighteen hundred and ninety-five is hereby amended so that the same shall read as follows: Act amended.

(1) Amended by Laws of 1896, ch. 886.

Penalties upon conviction.

Commitment upon charge of vagrancy.

Penalty for intoxication or disorderly conduct.

Commitment to work house.

Fine or imprisonment.

§ 1. Whenever any person is convicted in the city and county of New York of public intoxication, disorderly conduct or vagrancy, the court or magistrate before whom such conviction is had shall impose upon the person so convicted one or other of the penalties herein provided. Upon a charge of vagrancy, the person so convicted shall be committed to the work-house in said city and county, to be detained until discharged pursuant to the provisions of this act, and for a term not exceeding six months from the date of such commitment, and the warrant of commitment shall so recite. Upon a charge of public intoxication or disorderly conduct, the court or magistrate may impose a penalty, as follows:

1. Commit the person so convicted to the said work-house to be detained until discharged pursuant to the provisions of this act, and for a term not exceeding six months from the date of such commitment, and the warrant of commitment shall so recite.

2. Impose a fine not exceeding ten dollars. Upon the payment of the fine imposed, the person so convicted shall be forthwith discharged from custody. If the fine imposed be two dollars or less, and be not paid forthwith, the person so fined shall be committed to the city prison for not exceeding two days, each day of imprisonment to be taken as a liquidation of one dollar of the fine. If the fine imposed exceed the sum of two dollars, and be not paid forthwith, the court or magistrate shall commit the person so fined to the city prison, and the warrant of commitment shall contain a direction that, if the fine be not paid before five o'clock in the afternoon of the day succeeding such commitment, the person so committed shall be transferred to and detained in the work-house until discharged pursuant to the provisions of this act, and for a term not exceeding six months from the date of such commitment.

Undertaking or disorderly person.

When not to be discharged.

Duty of superintendent of work-house.

3. Require any person convicted of disorderly conduct to give sufficient surety or sureties for his good behavior for any time not exceeding six months. In default of giving such surety forthwith, the court or magistrate shall commit such person to the city prison to be thereafter transferred to and detained in the work-house until such surety is furnished, or until discharged pursuant to the provisions of this act, not exceeding, however, a term of six months from the date of such commitment. But no such person shall be discharged by the commissioner of correction prior to the expiration of the time for which he was required to give surety, except by order of the magistrate who signed the last warrant of commitment, granted as provided in section five of this act.

§ 2. It shall be the duty of the superintendent of the work-house to ascertain from the records thereof, and from examination and inspection of the person committed as aforesaid, whether such person has, since April fourth, eighteen hundred and ninety-five, and within two years next preceding the date of his commitment, been previously committed to such institution upon conviction of public intoxication, disorderly conduct, or vagrancy; and, within twenty-four hours after the commitment of any such person to the work-house, to transmit to the commissioner of correction, a written statement showing the name, sex, age, residence, occupation, height, weight and the color of the hair of any such person, and describing any scars, marks or deformities or other signs whereby such person may subsequently be identified, the date of the commitment, the offense for which such person was committed and the name of the magistrate by whom the commitment was made; and also stating whether such person has been previously committed to such institution within the period, and for any one of the causes above specified; and, if so,

the number of times that such person has been so committed during such period, the date of the last previous commitment of such person for either of said offenses the name of the magistrate by whom and the offense for which such last previous commitment was made, and the period of detention under such last previous commitment.

Records of commitments so be kept.

§ 3. It shall be the duty of the commissioner of correction to keep a book or books in which shall be properly recorded the names of all persons committed pursuant to this act, and all other facts which shall be certified to him by the superintendent of the work-house as herein required, which book or books are hereby declared to be public records and shall be open to public inspection and shall be indexed and kept as to show whether any person committed, as prescribed by this act, has been previously committed within two years next preceding such commitment for any of the causes herein specified.

Determination as to previous commitments.

§ 4. Within three days after the commitment of any person as herein provided, it shall be the duty of the commissioner of correction to ascertain from the aforesaid records whether such person has been committed to the work-house, after April fourth, eighteen hundred and ninety-five, and within two years next preceding the date of such commitment for public intoxication, disorderly conduct or vagrancy, and to make a written order specifying the date at which such person shall be discharged, as follows, namely: In the case of a person who has not previously been committed for any one of the offenses herein specified within two years next preceding the date of his last commitment, and after April fourth, eighteen hundred and ninety-five, the said order shall direct that such person shall be discharged at the expiration of five days from the date of his commitment; in the case of a person who has been committed once

Orders for discharge of persons.

before within the period of two years next preceding the date of his commitment and after April fourth, eighteen hundred and ninety-five, for any of the offenses herein specified, the said order shall direct that such person shall be discharged at the expiration of twenty days from the date of his commitment; and in the case of a person who has been committed more than once before during the two years next preceding the date of his commitment and after April fourth, eighteen hundred and ninety-five, for any of the offenses herein specified, the said order shall direct that such person be discharged at the expiration of a period equal to twice the term of his detention under the last previous commitment, but not, in any event, exceeding six months; provided, however, first, that in the case of a person committed upon conviction of vagrancy, the said order may direct that the said person shall be discharged at the expiration of a period to be fixed by the commissioner of correction and stated therein, not exceeding six months and not less than the period of detention above specified for first or subsequent commitments, as the case may be. Second. That whenever the *period of detention of any such person under his last previous commitment shall have exceeded the period of detention provided for by this section (either by reason of his detention on failure to furnish surety for his good behavior, or by reason of the action of the commissioner of correction upon a conviction of vagrancy,)* then such excess of detention under his last previous commitment shall not be considered by the commissioner in determining the date of his discharge under the existing commitment. The date of any order made pursuant to this section and the name of the person whose period of detention is fixed thereby, and the period of detention therein specified shall be entered in the records required to be kept by the third section of this act, and the said

Records of orders, etc.

order shall forthwith be transmitted to the superintendent of the work-house; and upon the expiration of the term of detention specified therein, and the discharge of the person named therein, it shall be the duty of such superintendent forthwith to return such order, with a written certificate indorsed thereon specifying the date of the discharge of the person named therein, to the commissioner of correction who shall preserve the same as a public record.

When magistrate may direct discharge, etc.

§ 5. In any case where the period of detention, as fixed by the commissioner of correction shall exceed twenty days, and shall be less than one hundred and sixty days, the magistrate who signed the last warrant of commitment may, after the expiration of twenty days, direct the discharge of any person so committed, but no such order or mandate shall be granted by any magistrate except upon the written certificate of the commissioner of correction, specifying the period of detention fixed by him for the person so committed, and upon an affidavit setting forth facts which, in the opinion of the said magistrate, shall justify such discharge.

Affidavit and certificate, filing of.

The said affidavit and certificate shall be filed and preserved with the complaint upon which such person was last convicted. Upon any subsequent commitment, under the provisions of this act, of a person so discharged, the commissioner of correction shall fix the period of detention of such person at the term for which he would have been detained under the existing commitment if no such order or mandate had been granted.

Transfer to city prison or other institution.

§ 6. The commissioner of correction may transfer and commit and cause to be transferred and committed from the said work-house to the city prison, penitentiary or to any other of the institutions under his jurisdiction, any person committed to the said work-house under this act, whenever such transfer shall be necessary for the proper care and management of such city prison, peni-

tentiary or other institution or for the proper employment of such person; and the said commissioner may also transfer and commit and cause to be transferred from the said work-house to the city prison or penitentiary, any person committed to the said work-house under this act, whenever, by reason of the number of offenders actually detained in such work-house at any time, there shall not be accommodation therein for all the persons committed thereto.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

#### CHAPTER 626.

AN ACT to make further provision for the proper custody, care and maintenance of criminals and misdemeanants under the jurisdiction of the commissioner of correction of the city of New York.

Accepted by the city.

BECAME a law May 13, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The commissioner of correction in the city of New York, with the consent and approval of the board of estimate and apportionment of said city, expressed as hereinafter provided, is hereby authorized and empowered to erect such and so many buildings, and such additions to and extensions of existing buildings, under the jurisdiction and control of the department of correction, and to make such alterations and improvements in any of the buildings under the jurisdiction and control of said department, as in the opinion of said commissioner of correction and of said board of

Erection and alteration of buildings.

estimate and apportionment shall be necessary for the proper maintenance, care and treatment of the criminals and misdemeanants who are, or may hereafter be, or come under the jurisdiction of said commissioner of correction, including, in the discretion of said commissioner and said board of estimate and apportionment, the rebuilding or extension of the present city prison known as the "Tombs," and also an addition or wing to the penitentiary on Blackwell's island.

§ 2. Before proceeding to erect any building or any addition to, or extension of, an existing building, or to make any alterations or improvements as authorized by the last preceding section, the said commissioner of correction may, from time to time, present to the said board of estimate and apportionment, a statement of any work proposed to be done, with plans and specifications therefor, and an estimate of the approximate probable cost thereof, whereupon the said board of estimate and apportionment may, by resolution, authorize said work to be done wholly or in part, and may approve the plans and specifications therefor, or may return the same to said commissioner for modification or alteration, whereupon said commissioner shall reconsider said plans and specifications, and after having modified or altered the same, shall again submit them to said board of estimate and apportionment, who may then approve the same or again return them to the said commissioner for further modification or alteration, and said plans and specifications may be so returned to said commissioner and resubmitted to said board of estimate and apportionment, until the said board of estimate and apportionment shall, by resolution, approve said plans and specifications and authorize the work to be proceeded with accordingly. The said commissioner of correction and the said board of estimate and apportionment are each hereby authorized to employ a competent

Statement of proposed work.

Plans and estimates.

Architect.

architect to prepare or examine any plans for any work proposed to be done under the provisions of this act. Nothing herein contained shall be so construed as to impair or abrogate the power or jurisdiction of the department of buildings.

§ 3. When any work provided for by this act shall have been authorized, and the plans and specifications therefor approved by the board of estimate and apportionment, the said commissioner of correction shall proceed to execute and carry out said work, which shall be done by contract made at public letting to the lowest bidder, pursuant to the general provisions of law and ordinances regulating the letting, execution and performance of public contracts in the city of New York. The commissioner of correction, with the approval of the board of estimate and apportionment first had and obtained, is hereby authorized and empowered, with the consent in writing of the contractor and his sureties, to alter any plans, and the terms and specifications of any contract entered into by authority of this act, provided that such alteration shall in no case involve or require an increased expense greater than five per centum of the whole expenditure provided for in said contract.

§ 4. For the purpose of carrying out the work authorized by this act, including the compensation of the architects employed by said commissioner of correction to prepare plans and specifications, and to supervise the work done thereunder, and of the architect employed by the board of estimate and apportionment to examine any plans and specifications, and including also the cost of such furniture and fixtures for any new building, or altered or extended building as shall be approved and consented to by the board of estimate and apportionment, the comptroller of the city of New York is hereby directed, from time to time, when thereto directed by

Proviso.

Contracts.

Alteration of plans.

Issue of stock.

the board of estimate and apportionment, "to issue consolidated stock of the city of New York in the manner now provided by law, to an amount not exceeding in the aggregate eight hundred thousand dollars."

§ 5. This act shall take effect immediately.

#### CHAPTER 724.

AN ACT to make further provision for the proper maintenance, care and treatment of sick, infirm and destitute persons under the jurisdiction and care of the commissioners of public charities in the city of New York.

Accepted by the city.

BECAME a law May 19, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

Erection of  
buildings.

SECTION 1. The commissioners of public charities in the city of New York, with the consent and approval of the board of estimate and apportionment of said city, expressed as hereinafter provided, are hereby authorized and empowered to erect such and so many buildings and such additions to and extensions of existing buildings, under the jurisdiction and control of said department, and to make such alterations and improvements in any of the buildings under the jurisdiction and control of said department as in the opinion of said commissioners of public charities and the said board of estimate and apportionment shall be necessary for the proper maintenance, care and treatment of the sick, infirm and destitute persons who are or may hereafter be or come under the jurisdiction and care of said commissioners of public charities.

Estimate of  
cost.

§ 2. Before proceeding to erect any building or any addition to or extensions of an existing building or to

make any alterations or improvements as authorized by the last preceding section, the said commissioners of public charities may from time to time present to the said board of estimate and apportionment a statement of any work proposed to be done, with plans and specifications therefor, and an estimate of the approximate probable cost thereof, whereupon the said board of estimate and apportionment may by resolution authorize said work to be done wholly or in part, and may approve the plans and specifications therefor, or may return the same to said commissioners of public charities for modification or alteration, whereupon said commissioners of public charities shall reconsider said plans and specifications, and after having modified or altered the same shall again submit them to said board of estimate and apportionment, who may then approve the same or again return them to the said commissioners of public charities for further modification or alteration, and said plans and specifications may be so returned to said commissioners of public charities, and resubmitted to said board of estimate and apportionment until the said board of estimate and apportionment shall, by resolution, approve said plans and specifications and authorize the work to be proceeded with accordingly. The said commissioners of public charities, and the said board of estimate and apportionment are each hereby authorized to employ a competent architect to prepare or examine any plans for any work proposed to be done under the provisions of this act. Nothing herein contained shall be so construed as to impair or abrogate the power or jurisdiction of the department of buildings.

Plans.

Alteration of  
plans.

Architect,  
employment  
of.

§ 3. When the work provided for by this act shall have been authorized and the plans and specifications therefor approved by the board of estimate and apportionment, the said commissioners of public charities shall proceed to execute and carry out said work, which

Contracts.

shall be done by contract made at public letting to the lowest bidder pursuant to the general provisions of law and ordinances regulating the letting, execution and performance of public contracts in the city of New York. The commissioners of public charities, with the approval of the board of estimate and apportionment first had and obtained, are hereby authorized and empowered, with the consent in writing of the contractor and his sureties to alter any plans, and the terms and specifications of any contract entered into by authority of this act, provided that such alteration shall in no case involve or require an increased expense greater than five per centum of the whole expenditure provided for in said contract.

Issue and sale of stock.

§ 4. For the purpose of carrying out the work authorized by this act, including the compensation of the architects employed by said commissioners of charities to prepare plans and specifications and to supervise the work done thereunder, and of the architect employed by the board of estimate and apportionment to examine any plans and specifications, and including also the cost of such furniture and fixtures for any new building, or altered or extended building as shall be approved and consented to by the board of estimate and apportionment, the comptroller of the city of New York is hereby directed from time to time, when thereto directed by the board of estimate and apportionment, to issue consolidated stock of the city of New York in the manner now provided by law to an amount not exceeding in the aggregate one million dollars.

§ 5. This act shall take effect immediately.

## CHAPTER 503.

AN ACT to prevent the overcrowding of jails in the city and county of New York.

PASSED JUNE 2, 1883; three-fifths being present.

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

SECTION 1. It shall be the duty of the keeper of the city prison in the city of New York, from and after the passage of this act, to provide a separate cell for the confinement of each prisoner committed to his custody.

Separate cells.

§ 2. Whenever the number of prisoners confined in the city prison shall exceed the number of cells at the disposal of the keeper thereof, it shall be the duty of said keeper to deliver to the sheriff such prisoners as he is unable to provide with separate cells, together with the commitments by virtue of which such prisoners are held, and certify on the back of such commitments that he is unable to provide for their safe-keeping according to the requirements of this act.

Prisoners to be delivered to sheriff when they exceed number of cells.

§ 3. It shall be the duty of the sheriff to safely keep in the county jail, which is under his care and custody, all prisoners transferred to his custody by virtue of the provisions of this act, and to return them to the keeper of the city prison upon receipt of a requisition in writing, signed by such keeper, and certifying that such prisoners can be provided with the accommodations required by this act.

Duty of sheriff.

§ 4. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1884, ch. 546.

## CHAPTER 249.

AN ACT to repeal chapter five hundred and three of the laws of eighteen hundred and eighty-three, entitled "An act to prevent the overcrowding of jails in the city and county of New York."

PASSED MAY 5, 1884.

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

SECTION 1. Chapter five hundred and three of the laws of eighteen hundred and eighty-three, entitled "An act to prevent the overcrowding of jails in the city and county of New York," is hereby repealed.

§ 2. This act shall take effect immediately.

## CHAPTER 535.

AN ACT to provide for the establishment of municipal lodging-houses in the city of New York.

PASSED JUNE 2, 1886; three-fifths being present.

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

SECTION 1. The commissioners of charities and correction of the city of New York are authorized, in a reasonable time after the passage of this act, to hire one or more buildings in said city with sufficient ground attached to each to be known as municipal lodging-houses, and used for purposes of this act. But no building shall be so hired until the leasing thereof shall have been authorized by the board of estimate and apportionment.

§ 2. Said commissioners of charities and correction are also authorized to purchase and take title in the name of the mayor, aldermen and commonalty of the city of New York to buildings with sufficient grounds attached thereto in said city, to be used for the purposes of this act whenever authorized so to do by the board

Municipal lodging-houses, hiring of, authorized.

Purchase of buildings, when authorized.

of estimate and apportionment. The comptroller, when authorized by the board of estimate and apportionment, shall provide the money to pay the expense of each of such purchases by the issue of revenue bonds of said city, and an amount sufficient to cover such expense and to pay such bonds shall be included in the final estimate for the year in which any such purchase shall be made.

§ 3. The board of estimate and apportionment shall include in the final estimate for each year a sum sufficient to pay the rent of all premises rented as provided for in section one of this act. There shall also be included in the appropriation for the department of public charities and correction in the final estimate for each year such sum as the said board of estimate and apportionment may determine upon for the maintenance during such year of the said municipal lodging-houses, including repairs, furniture, supplies, raw material, implements of labor and salaries of those employed thereat. And for the year eighteen hundred and eighty-six the board of estimate and apportionment is authorized to appropriate such sum as may be necessary for the rental and maintenance of any such premises; and the amount so appropriated shall be included in the final estimate for said year.

§ 4. As soon as any such municipal lodging-house shall be prepared to receive applicants, it shall be the duty of the commissioners of charities and correction to inform the board of police commissioners of that fact, and to provide them with tickets of admission to such lodging house for distribution to the precinct under their charge. After such notification is received, it shall be unlawful for any captain of precinct, or other police official to shelter as a lodger in any police station, situated within the limits of one mile from such lodging-house, any person other than women, children and aged

How paid.

Rent, how provided for.

Appropriation for maintenance, materials, etc.

Special provisions as to 1886.

Notice for reception of applicants.

Tickets of admission, issue of.

Regulations for admission to police stations, etc.

or infirm men. And to all other applicants\* for shelter or lodging, it shall be the duty of said captain or other police officials to furnish tickets of admission to the nearest municipal lodging-house.

Regulations as to shelter and food, in lodging-houses.

§ 5. It shall be the duty of the commissioners of charities and correction, or of the superintendent or keeper of any municipal lodging-house acting under them, to provide for any applicants for shelter who, in their judgment, may properly be received, plain and wholesome food and a night's lodging free of charge, and also to cause said applicants to be bathed on admission, and their clothing to be steamed or disinfected, provided that no person shall be received more than three times in any one month in the same lodging-house, and the said superintendent or keeper shall require all persons so applying to him for, and receiving from him food and lodging, or either, to perform a reasonable amount of labor in return for such food and lodging, and may detain any such person until the same is performed, but not beyond the hour of eleven in the forenoon of the day succeeding his application. And if any such person shall refuse or neglect to perform such labor suited to his age, strength and capacity, or shall willfully damage any of the property of the lodging-house, or shall willfully violate or refuse to comply with such rules and regulations as the commissioners of charities and correction may make for the government of such lodging-house, he shall be deemed a vagrant, and may be prosecuted and punished under the provisions of section eight hundred and eighty-seven, eight hundred and eighty-eight, eight hundred and eighty-nine, eight hundred and ninety, eight hundred and ninety-one, eight hundred and ninety-two, eight hundred and ninety-three of the code of criminal procedure.

Performance of labor in return for food, etc.

Willful violations of act deemed vagrancy.

How punished.

\* So in the original.

§ 6. The commissioners of charities and correction may make suitable rules and regulations for admission to and for the government of any municipal lodging-house; they shall determine the kind and means of employment and labor to be exacted of the persons receiving food and lodging therein, and shall provide for their necessary superintendence and detention until such labor shall be performed. All revenue resulting from such labor shall be paid into the city treasury.

Rules for admission, employment, etc.

§ 7. This act shall take effect immediately.

### Extracts from the New York City Consolidation Act as in Force in 1896.

§ 90. The common council may, by ordinance, from time to time, by a vote of two-thirds of all the members elected to the common council and the approval of the mayor, designate any building or buildings within the said city and county to be the common jails of said city and county, for all the purposes for which common jails may by law be used, and such building or buildings so designated shall be such common jails until changed by an ordinance of said common council adopted by a vote of not less than two-thirds of all the members and the approval of the mayor. All payments made by the mayor, aldermen and commonalty of the city of New York, from January first, eighteen hundred and seventy, to September first, eighteen hundred and seventy-one, to the persons then police justices, at the rate of salary fixed by resolution of the common council of said city adopted the thirty-first day of December, eighteen hundred and sixty-nine, are hereby declared to have been lawfully paid, and said resolution is hereby legalized, ratified and confirmed.

As to designation of common jail.

Payments to certain police justices for salaries, legalized.

Assignment of rooms for holding certain courts.

§ 91. The common council, by resolution or ordinance adopted by a vote of not less than two-thirds of all the members elected to said common council, and the approval of the mayor, may assign such place in the said city as may to them seem most conducive to the public convenience for the holding of the courts of general or special sessions and of oyer and terminer, and upon application of the board of police justices, may designate additional places for the holding of police courts and jail delivery, to be held in and for the said city and county; but any alteration of the place of holding such courts shall, before the same takes effect, be notified in one or more of the public newspapers printed in the said city for the period of not less than four weeks; such publication to be made under the direction of the clerk of said common council.

Notice of change of assignment, how published.

Common council to appoint jail physician.

§ 93. The common council must appoint some reputable physician, duly authorized to practice medicine, as the physician to the jail of the county, who shall hold his office at the pleasure of the board.

State health laws to be enforced.

§ 570. It shall be the duty of said board of health to aid in the enforcement of, and, so far as practicable, to enforce all laws of this State, applicable in said city, to the preservation of human life, or to the care, promotion, or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious, or adulterated drugs, medicine, or food. Said board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide) from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, and from the managers, principals,

Reports from hospitals, etc.

and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theaters and other places of public resort or amusement in said city; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information for the better discharge of its duties in said city. And it is hereby made the duty of the officers, institutions, and persons so called on, or referred to, to promptly give such information and make such reports, verbally or in writing, as may be required by said board.

Officers of hospitals, etc. to give information and make returns to board.

§ 1073. The term "city hall of the city of New York," when used in any law of this State, is hereby declared to include, for all legal purposes, all buildings which shall be designated by the common council of the said city for the use of courts or public offices within that part of the said city bounded by Chambers street, Broadway, Park row, Centre street, Mail street, and Tryon row; but rooms or premises procured or hired in accordance with law for the use of any of the courts authorized by law to be held in and for the city and county of New York, or the first judicial district of the State of New York, shall be deemed a part of the city hall of the city of New York for the purpose of holding a court therein.

Term "City Hall" defined.

§ 1553. Every police clerk shall, on or before the fifth day of each month, pay over to the comptroller of the city whatever moneys have come into his hands as such clerk during the previous month, and shall accompany such payment by a sworn return in writing, signed by such clerk, in such form as such comptroller shall prescribe, setting forth from whom each portion of said money was received, at what date, and for what account it was paid; and the comptroller shall file and preserve such returns; and every warden of a prison, authorized

Payments to comptroller by clerks.

to collect any fine, shall, at the same time and in the same manner as is provided in respect of said clerks, pay over to said comptroller all such moneys, and shall therewith deliver the like sworn returns as is required of such clerk.

Sheriff to have custody of jail as now used.

§ 1715. The sheriff shall have the custody of the jail used for the confinement of persons committed on civil process only and of the prisoners in the same. The building now used as a jail for the confinement of such persons shall be and constitute the jail of the city and county of New York for the confinement of such persons.

To appoint a warden and keepers.

The sheriff shall appoint a warden of said jail and a suitable number of keepers, not exceeding seven, who shall hold office during the term of said sheriff unless sooner removed by him, and the compensation of such warden and keepers shall be fixed by the board of estimate and apportionment and the amount of such charges or compensation is hereby made a charge upon the city and county of New York to be defrayed in the same manner as other county charges. The liberties of the jail are the whole of the city.

Their terms and compensation.

Jail liberties defined.

## CHAPTER 102.

AN ACT to amend section fifteen hundred and eighty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relative to wardens receiving fines and paying the same over to the comptroller.

Accepted by the city.

BECAME a law March 16, 1896, with the approval of the Governor. Passed, a majority being present.

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

SECTION 1. Section one thousand five hundred and eighty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

City charter amended.

§ 1581. All fines not paid to the clerk as provided in the last section must be received by the warden of the city prison or warden of the prison to which the commitment shall be made, and said warden shall at the same time and in the same manner as it\* provided in respect to said clerk, pay over to said comptroller all such moneys, and shall thereafter deliver a like sworn return as is required of such clerk.

Receiving and paying over fines by wardens.

§ 2. This act shall take effect immediately.

\* So in the original.

## ONONDAGA COUNTY PENITENTIARY.

## CHAPTER 338.

AN ACT in relation to the penitentiary in the county of Onondaga.

PASSED April 10, 1860.

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

Convicts to be sentenced to the penitentiary.

SECTION 1. All persons who shall be sentenced to confinement at hard labor or to solitary imprisonment (except in cases of convictions for felony) by any court held in the city of Syracuse or county of Onondaga, or by any justice of the peace, police justice or other magistrate in said city or county, shall be sentenced to such confinement or imprisonment in the penitentiary of said county, there to be received, kept and employed in the manner now prescribed by law. And it shall be the duty of such court, justice or magistrate to cause all persons so sentenced to be conveyed forthwith by some proper officer or officers to said penitentiary; and one-half of the fees now allowed by law for conveying convicts to State prisons shall be allowed and paid thereof by the board of supervisors of said county, except when such service is rendered by any constable or officer in attendance upon any court of oyer and terminer, or general sessions for the city of Syracuse or for the county of Onondaga, who is paid by the day for such attendance or by any police constable of the city of Syracuse, in which case only the actual expenses necessarily incurred by such officer in such service shall be paid him by the superintendent of said penitentiary, and by him charged among the expenditures thereof.

Convicts to be transported to said penitentiary forthwith.

Expenses, how paid.

§ 2. It shall be lawful for any justice of the peace in the county of Onondaga to commit any person who shall be convicted before such justice, as a disorderly person, to the penitentiary instead of the jail of the county of Onondaga, there to remain subject to the rules, regulations and disciplines of said penitentiary until discharged as provided by law.

Disorderly persons to be sent to said penitentiary.

§ 3. It shall be lawful for any justice of the peace or other magistrate having jurisdiction thereof in the city of Syracuse or county of Onondaga in all cases of complaints for vagrancy to commit any person convicted upon such complaint before said justice or magistrate to said penitentiary for a term not exceeding six months.

Vagrants.

§ 4. Whenever any person under the age of sixteen years shall be convicted of any felony, in any court held in and for said city or county, such court may in its discretion, sentence the person so convicted to confinement in said penitentiary subject to its rules and discipline for such term as such court would be authorized by law to sentence a person convicted of a like offense to imprisonment in a State prison.

Persons under the age of 16 years convicted of felony.

§ 5. Every person lawfully imprisoned in said penitentiary who shall escape from thence, or who shall break said penitentiary with intent to escape therefrom or who shall attempt by any force or violence or in any other manner to escape from such penitentiary, although no escape shall be effected, shall upon conviction thereof be punished by imprisonment in said penitentiary for a term not exceeding double the time for which he was so imprisoned to commence from after the expiration of his or her former sentence. (1)

Penalty for escape from said penitentiary.

§ 6. Any person convicted and sentenced to said penitentiary by any court or magistrate in the city of Syracuse or county of Onondaga upon a second conviction for the same offense in said city or county, shall be liable

Second conviction.

(1) Repealed by Laws of 1866, ch. 508, page 827.

to imprisonment in said penitentiary, for double the term of the former sentence of such person.

Convicts in certain other counties may be imprisoned in said penitentiary.

§ 7. It shall be lawful for the board of supervisors in either of the counties of Oswego, Jefferson, Oneida, Madison, Cortland, Cayuga, and Wayne, to enter into an agreement with the board of supervisors of the county of Onondaga (or with any person in their behalf, by them appointed), to receive and keep in said penitentiary any person or persons who may be sentenced in either of said counties to confinement at hard labor, in the jail of such county, for any time not less than three months; and it shall be the duty of the sheriff of any of said counties, for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement at hard labor in the jail of said county, for a term not less than three months, to the said penitentiary; and the keeper of said penitentiary shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said penitentiary; and the officers conveying such convicts to said penitentiary shall be paid by the county from which they are sent, such fees for such conveyance as the board of supervisors of said county shall direct.

Convicts in jail to work upon said penitentiary.

§ 8. The sheriff of the county of Onondaga is authorized and required, at the request and under the direction of said board of supervisors, with the mayor and clerk, to order and compel all persons who shall be sentenced to imprisonment in the county jail at hard labor, at any time during the erection of said penitentiary, to work and labor in and upon the building and construction of the same, or upon the grounds adjacent thereto.

Expenses, how defrayed.

§ 9. The expenses of the said penitentiary, over and above all receipts from the labor of those confined

therein, shall be audited and paid by the said board of supervisors yearly, at their annual meeting, and shall be raised, levied and collected according to law.

§ 10. The management and direction of the said penitentiary, when completed, shall be under the control and authority of the said board of supervisors, who are hereby authorized and empowered to establish and adopt rules for the regulation and discipline of said penitentiary, to appoint officers to take charge thereof, to fix their compensation, and prescribe their duties generally, to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient; but the person who shall be appointed principal keeper of the said penitentiary shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct, or other cause to be particularly assigned.

Board of supervisors to have control and management thereof.

§ 11. This act shall take effect immediately.

#### CHAPTER 32.

AN ACT relative to the penitentiary of Onondaga county.

PASSED March 11, 1851.

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

SECTION 1. The sheriff of Onondaga county is hereby authorized and directed to remove the prisoners from the jail to the penitentiary of that county, and said penitentiary shall be used for all the purposes of a jail of said county, and the superintendent of said penitentiary appointed by the board of supervisors, shall be the jailor thereof, and have the custody and control of all persons while confined therein, as the sheriff of said county would have were this law not enacted.

Prisoners in jail removed to penitentiary.

Superintendent to give bond.

§ 2. The superintendent of said penitentiary shall within ten days after this act takes effect, and within ten days after any new appointments shall be made, give a bond to the sheriff of the county of Onondaga, in the sum of fifteen thousand dollars, which shall be annually renewed on the first day of January in each year, to be approved by the sheriff and clerk, and filed with the clerk of said county, with at least three sureties and who shall be freeholders and inhabitants of said county, who shall justify in the sum of five thousand dollars each, at least; or if more than three sureties, in a sum sufficient each to amount in the whole to the sum of fifteen thousand dollars, conditioned that he will faithfully discharge the duties of jailor of said county and save the sheriff harmless from and on account of any and all escapes that shall happen from said penitentiary while he is superintendent, and that he will immediately pay over all moneys that may be in his hands belonging to said sheriff, and that he will faithfully perform all acts and save the said sheriff harmless from all acts that he shall perform by virtue of or under color of his office as jailor of said county of Onondaga; and if he shall neglect or refuse to give and file such bond, he shall forfeit his office as superintendent of said penitentiary, and in case of a vacancy in the office of said superintendent, the said sheriff shall have the immediate custody of and control of said penitentiary and the prisoners therein, until another shall have been appointed, and given the bond as aforesaid.

Penalty for neglect.

Sheriff's authority over prisoners.

§ 3. The sheriff of said county of Onondaga shall retain the same control and authority over all prisoners committed to said penitentiary as a county jail, (except such as are liable under the present law to be sentenced to said penitentiary) as he has heretofore had, except while they are confined within the walls of said penitentiary, and he shall have power at all times to take said

prisoners to and from said penitentiary when required or authorized to do so by law, and shall have one-half of the fees for receiving and discharging the said prisoners that he now has, and it shall be the duty of the superintendent of said penitentiary to keep a true account of all commitments and discharges of such prisoners, and to deliver to said sheriff a copy thereof certified by him every three months.

§ 4. All general laws now in force regulating the jails of the respective counties of this State, shall, so far as they are consistent with this act, be applicable to said penitentiary in its use as a county jail; and within twenty days after this act takes effect the county judge of the county of Onondaga shall cause the liberties of the jail in said county to be altered in conformity to the statute, so as to include said penitentiary and the lot belonging to the same; and the present jail liberties of said county shall remain till such alteration shall be made.

Jail limits.

§ 5. The superintendent and board of inspectors of the Onondaga county penitentiary, appointed by the board of supervisors of said county, shall have power, if they shall deem it proper, to employ the prisoners confined in the penitentiary (and liable to labor) upon any work belonging to the county, within the bounds of the city of Syracuse, or upon any other work within said city for a sufficient compensation to be paid to the county therefor, and agreed upon between the said superintendent and inspectors and the employer or employers.

Labor of prisoners.

§ 6. All laws conflicting with this act are hereby repealed.

§ 7. This act shall take effect immediately. (1)

(1) Amended by Laws of 1881, ch. 302. See Laws of 1869, ch. 398.

## CHAPTER 271.

AN ACT to authorize the supervisors of the counties of Cayuga and Tompkins, to enter into an agreement with the board of supervisors of Onondaga or Monroe county, to receive and keep in the work-house of either of said counties, persons sentenced to confinement in the jail of the said counties of Cayuga and Tompkins, for any term not less than three months.

PASSED April 16, 1888; three-fifths being present.

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

SECTION 1. It shall be lawful for the board of supervisors in the counties of Cayuga and Tompkins, to enter into an agreement with the board of supervisors of either of the counties of Onondaga or Monroe (or with any person in their behalf or by them appointed), to receive and keep in the work-house in the county of Onondaga, or in the county of Monroe, any person or persons who may be sentenced in the said counties of Cayuga or Tompkins to confinement in the jail in the said counties, for any term not less than three months; and it shall be the duty of the sheriff of the said counties of Cayuga and Tompkins, when such agreement shall be made as aforesaid, upon receiving notice thereof in writing, from the board of supervisors of said counties of Cayuga and Tompkins to convey all persons sentenced to confinement in the jail of said counties for a term not less than three months, to the said work-house, and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house, and the officers conveying such convicts to such work-house shall be paid by the said counties of Cayuga and Tomp-

kins, such fees for said conveyances as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately. (1)

## CHAPTER 12.

AN ACT to define the liberties of the jail in and for the county of Cayuga.

PASSED March 3, 1882.

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

SECTION 1. The city limits of Auburn, in Cayuga Jail limits. county, are and hereafter shall be the liberties of the county jail of Cayuga county.

§ 2. All acts and parts of acts inconsistent or in conflict with this act are hereby repealed.

§ 3. This act shall take effect immediately.

## CHAPTER 116.

AN ACT in relation to the prisoners in the Cayuga county jail.

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 10, 1888. Passed, three-fifths being present.

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

SECTION 1. Until the new jail in the county of Cayuga shall be ready for occupancy, and the designation of the temporary jail therein shall be revoked, the county judge or special county judge of that county may, if he deem it necessary or proper so to do, by order, direct that any prisoner or person in custody of the sheriff of said county be confined in the county jail of Onondaga

Removal of certain prisoners to Onondaga county jail, how authorized.

(1) See Laws of 1889, ch. 289.

county, and said sheriff shall forthwith deliver such prisoner or person and a copy of such order to the sheriff of said last named county who shall receive into his jail, and there safely keep all persons sent to him by virtue hereof, and he shall be responsible for their safe keeping as if he were the sheriff of Cayuga county; and the jail of Onondaga county shall thereupon become, to all intents and purposes, the jail of Cayuga county so far as concerns such prisoners or persons transferred; and such prisoners or persons may by like order be returned at any time to the custody of the sheriff of Cayuga county, whereupon the responsibility of said Onondaga county sheriff shall cease.

Conditions and effect thereof.

Proviso.

§ 2. No person on the limits of the jail of Cayuga county shall be so transferred.

§ 3. This act shall take effect immediately.

#### CHAPTER 74.

AN ACT authorizing the board of supervisors of Oswego county to change the site of the jail in Oswego county and to raise money therefor.

PASSED March 16, 1887; three-fifths being present.

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

Supervisors may purchase new site for jail.

SECTION 1. The committee appointed by the board of supervisors of the county of Oswego at a special session thereof, held February first to fourth, eighteen hundred and eighty-seven, to select and purchase a site and supervise the erection of a new county jail in the city of Oswego, are hereby authorized to purchase for the said county of Oswego the following premises, namely: Lot number seventy-seven and the west two-thirds of lot number seventy-eight on block number forty-seven Oswego city (east) for a site for said new jail.

§ 2. To defray the expenses of such purchase the treasurer of said county is hereby authorized to pay out of any moneys in the treasury not otherwise appropriated the said purchase price, not exceeding three thousand dollars or such part thereof as may be in said treasury. In case there are not sufficient funds in said treasury to pay such purchase price then said committee are authorized to borrow not exceeding the sum of three thousand dollars, upon the credit of said county of Oswego, payable in one year from the first day of March, eighteen hundred and eighty-seven, with interest. The amount so borrowed shall be paid by tax upon the taxable real and personal property of said county, to be raised, assessed, levied and collected the same as other county charges, and shall be applied by the county treasurer of said county to the payment of the amount so borrowed and the interest thereon.

County treasurer to pay therefor.

May borrow money.

Tax therefor.

§ 3. When the new jail building is completed, and accepted by the said building committee or by the board of supervisors of said county of Oswego, the said board of supervisors shall direct the removal thereto of all prisoners then in custody or confinement in the old jail in Oswego city, and thereafter such new jail shall be the common jail of the county of Oswego to the same extent and not otherwise as the said old jail in said city has heretofore been.

New jail, prisoners, when to be removed to.

§ 4. When such new jail shall have been completed and accepted as aforesaid and the prisoners in the old jail removed thereto, the board of supervisors of said county may sell and convey the present jail, and lot on which it stands, at such time, and in such manner as they may deem for the interests of said county and for the best obtainable price, and the purchase money therefor shall be paid to the county treasurer of said county of Oswego for the use of said county.

Sale of old jail and lot.

Avails, how applied.

§ 5. This act shall take effect immediately.

## CHAPTER 356.

AN ACT to amend chapter forty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend an act authorizing the election of a police justice in the village of Peekskill, and for other purposes."

PASSED May 17, 1887; three-fifths being present; without the approval of the Governor.\*

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

SECTION 1. Section one of chapter forty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend an act authorizing the election of a police justice in the village of Peekskill, and for other purposes," is hereby amended so as to read as follows:

§ 1. The act entitled "An act authorizing the election of a police justice in the village of Peekskill, and for other purposes," passed May eighth, eighteen hundred and fifty-four, is hereby repealed, except section eight of said act, which is hereby amended as follows: It shall be the duty of the trustees of the village of Peekskill to maintain and keep in order the lock-up or temporary jail in said village, at the expense of the corporation of said village, for the safe keeping and confinement of persons; and the justices of the peace of the town of Cortlandt are hereby authorized to commit to said lock-up or jail all culprits or criminal offenders whose term of imprisonment shall not exceed thirty days, and all persons whom it may be proper and necessary to confine, to await examination on charge for criminal offenses; and it is hereby made the duty of said trustees to appoint a jailor, who shall provide proper sustenance or maintenance for all persons confined therein; and all charges for the same are to be laid before the board of

\* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [Art. IV, § 9, Constitution of the State of New York.]

Village trustees to maintain lock-up.

Commitment of certain offenders to.

Jailor, appointment of.

supervisors of the county of Westchester, whose duty it shall be to audit, assess and pay the same, as other county charges are audited, assessed and paid. All persons committed within the town of Cortlandt, in the county of Westchester, by any justice of the peace of the town of Cortlandt to the custody of any officer or constable, to be conveyed to any jail, penitentiary or other prison, shall be forthwith conveyed by such officer to the jailor of the Peekskill lock-up and delivered into the charge of such jailor, together with the commitment for confining such person and the receipt of such jailor shall be taken for such prisoner. The board of trustees of the village of Peekskill, or its chief of police, shall detail an officer from the police officers of said village, who shall convey all such prisoners so delivered into the custody of the jailor of said lock-up, to the jail, penitentiary or other prison to which they may be committed. The board of trustees of the village of Peekskill is hereby authorized and empowered to pay the necessary expenses of conveying such prisoners, and to charge and collect the same fees for the services of the officers of the village, in conveying prisoners, as are now allowed by law to be charged and collected by constables and sheriffs for the same service, and the board of supervisors of the county of Westchester and the board of town auditors of the town of Cortlandt shall audit and allow all such bills at the same rate allowed constables and sheriffs for the same service. No sheriff or constable shall be allowed any compensation for conveying any prisoner committed to his charge by a justice of the peace of the town of Cortlandt, except for conveying him to the jailor of the said lock-up, unless the board of trustees of the village of Peekskill shall, by resolution, so authorize him to do, a copy of which resolution must

His duties.

Conveyance of prisoners provided for.

Expense of conveying, how audited by town or county.

Sheriffs or constables, restrictions upon.

Labor upon highways by prisoners.

accompany his bill therefor. The board of trustees of the village may compel any prisoner committed to the Peekskill lock-up to labor on the highways of the village of Peekskill.

§ 2. This act shall take effect immediately.

#### CHAPTER 377.

AN ACT concerning tramps and vagrants in the county of Putnam.

BECAME a law April 23, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. All persons hereafter convicted as vagrants or tramps in the county of Putnam shall be committed to the penitentiary with which that county has at the time a contract for the board of its prisoners, instead of the county jail or county poorhouse.

§ 2. The magistrate making such commitment shall certify in each warrant of commitment whether the person so convicted is or is not a resident of the county of Putnam. If he is a nonresident of that county, the expense of his transportation to and maintenance in the penitentiary shall be paid by the State to the same extent as now provided by law in the case of tramps.

§ 3. All acts and parts of acts inconsistent with this act are hereby limited in their application, and shall not be construed to render inoperative or impair in any manner any of the provisions of this act.

§ 4. This act shall take effect immediately.

Commitments to penitentiary.

Certificate in warrant of commitment.

Nonresident tramps.

Proviso.

#### CHAPTER 75.

AN ACT to authorize the board of supervisors of the county of Saratoga to borrow money, for the purpose of building a court-house, jail, jailor's residence and other buildings, in the village of Ballston Spa, in and for said county.

APPROVED by the Governor March 22, 1888. Passed, three-fifths being present.

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

SECTION 1. The board of supervisors of the county of Saratoga is hereby authorized and empowered, to borrow money on the credit of said county in a sum not exceeding twenty-nine thousand five hundred dollars upon the notes, bonds or obligations of said county, for the purpose of building a court-house, jail, jailor's residence and other buildings, in the village of Ballston Spa, in and for the said county of Saratoga, and said notes, bonds or obligations shall be chargeable on all the taxable property of said county.

§ 2. The notes, bonds or obligations hereby authorized, may be issued in such denominations, and made payable at such time or times as the board of supervisors or a committee thereof may determine, and shall draw interest.

§ 3. Said notes, bonds or obligations shall be authenticated by the signatures of the chairman of the said board of supervisors and the supervisors of the towns of Milton and Ballston and the treasurer of said county and shall be issued under the seal of said county and shall be registered by the clerk of said county in a book to be kept for that purpose and who shall endorse his certificate of such registry thereof.

§ 4. After the execution of said notes, bonds or obligations the same shall be delivered to the treasurer of

Board of supervisors may borrow money.

Issue of notes, bonds, etc.

How executed and registered.

Sale of notes, bonds, etc.

Saratoga county and be by him sold at public or private sale on such notice as a committee of the said board of supervisors may deem proper at the best price he can obtain for the same, not less than par, and the proceeds thereof shall be paid over to the said board of supervisors or a committee thereof.

Proceeds  
thereof,  
how ap-  
plied.

§ 5. The proceeds of said notes, bonds or obligations, or so much thereof as shall be necessary, shall be applied in paying and discharging any debt or liability of said county, created or that may be created in the erection of the said court-house, jail, jailor's residence or other buildings, in the first section of this act mentioned.

§ 6. This act shall take effect immediately.

#### CHAPTER 220.

AN ACT to provide for charging to the towns the expenses of prisoners temporarily committed to the Wayne county jail.

PASSED May 1, 1885; three-fifths being present.

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

Fees of  
sheriff and  
board, when  
audited, how  
to be  
charged.

SECTION 1. In all cases of temporary commitment before trial or examination of any prisoner to the Wayne county jail, in cases of misdemeanor or other offenses triable before a court of special sessions, the fees of the sheriff for receiving and discharging such prisoner, and the board of such prisoner while temporarily committed, when audited by the board of supervisors, shall be charged by said board to the town from which such prisoner was so temporarily committed.

§ 2. This act shall take effect immediately.

#### CHAPTER 392.

AN ACT to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Richmond county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the county of Richmond, and to fix the duties and compensation of the sheriff of said county and of certain employes in the jail of said county.

BECAME a law April 27, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The sheriff of Richmond county shall receive his fee and perquisites in all civil cases in which the same are to be paid by private persons and in addition thereto he shall receive an annual salary of six thousand dollars, to be paid monthly by the treasurer of Richmond county, in full of all fees or other compensation from the county of Richmond; and he shall not receive from the county of Richmond any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants other than those whose salaries are herein specifically provided for as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now or which may hereafter be imposed upon him by law, which are a county charge without fee or reward from the county of Richmond, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursements for travel, lodging and food incurred while attending to the transportation of juvenile delinquents or any other person whom he is required by law to apprehend or transport,

Fees and  
annual  
salary of  
sheriff.

Disburse-  
ments of  
sheriff.

where the cost of such apprehension or transportation is made by law a county charge. The bill for aforesaid disbursements shall be presented to and audited by the board of supervisors of Richmond county at their annual session. The sheriff shall receive from the county treasurer and be allowed for a jailor to be employed in the jail in the county of Richmond, the sum of nine hundred dollars a year, to be paid in monthly installments. The said jailor, in addition to his other duties, to be prescribed by the sheriff, shall keep, under the supervision and direction of said sheriff, the "jailor's docket" of prisoners hereinafter mentioned. The sheriff shall also receive from the county treasurer and be allowed for a cook and other servant together, the sum of five hundred dollars a year, which shall be paid in monthly installments. Whenever the sheriff shall deem it necessary to create a temporary guard for the protection of the jail, he shall, with the assent of the county judge, employ such guard at a salary of three dollars per day, which shall be paid by the county treasurer upon the audit of the sheriff.

Jailor.

Cook and  
servant.Temporary  
guard.Jailor's  
docket.

§ 2. It shall be the duty of the sheriff to cause to be kept at the jail a book, to be indorsed and known as the "jailor's docket," which book shall be numbered consecutively, and shall be suitably lined and arranged in columns as follows: At the top of the first column shall be the word "number," at the top of the second column the word "name," at the top of the third column the words "date of commitment," under which shall be left a space for the insertion of the year, and there under such column shall be divided into one space for the month and another for the day of the month at which the prisoner shall be received at the jail. Over the fourth column shall be the words "offense charged," over the fifth the words "authority committing," over the sixth the words "date of discharge," over the sev-

enth column the words "by what authority discharged," over the eighth column the words "where sent," over the ninth column the words "term of confinement in jail," under which shall be the words "days and hours," over respectively two divisions of said ninth column, over the tenth column the word "remarks." It shall be the duty of the sheriff to cause to be written in said book in clear, intelligible hand in the first column consecutive numbers beginning with number one, one for each person committed to the jail, in the second column the name of the person committed, in the third column, in the respective subdivisions thereof, the month and day of the month when such person is received at the jail, and at the top of said column the year; in the fourth column the nature of the offense with which he is charged, in the fifth column the nature of the court or magistrate committing him, in the sixth column, in like manner as in the third, the year, month and day of his discharge or removal from the jail; in the seventh column the name of the court or magistrate by whose sentence or authority the prisoner is removed from the jail, in the eighth column the name of the place or institution, if any, to which the prisoner is sentenced or committed; in the ninth column the number of days during which such prisoner shall have been confined in the jail. The sheriff is authorized to have a blotter or entry book, in which the aforesaid matters may be first and forthwith entered, and thereafter and at all times within one week after such entries shall be made in the blotter the same shall be more carefully transcribed into the aforesaid book known as the "jailor's docket."

Entries  
therein.Blotter or  
entry book.

§ 3. All entries relating to any person while he shall be in custody for any one offense or on a charge thereof or committed for examination in respect thereto, or as a witness, shall be made at one place, and together in the

Entries  
relating to  
prisoner,  
how made.

jailor's docket, and under or following one entry of his name thereon; and the sheriff shall, in addition to any criminal prosecution, be liable in the sum of one hundred dollars for every case in which an entry is made in said jailor's docket in violation of this or the preceding section, whether the entry be made by him or not, which sum may be collected by suit for the benefit of the county treasurer, in his name of office, or by any taxpayer of the county for its benefit.

§ 4. The sheriff shall file and preserve in the sheriff's office all commitments of prisoners thereto and all discharges of prisoners therefrom. Whenever any prisoner shall be sentenced by any magistrate or by any court, it shall be the duty of such magistrate or the clerk of the court, if there be one, to forthwith deliver to the sheriff two duplicate commitments, one of which the sheriff shall deliver with the prisoner to the officer or institution to which the prisoner is thereby committed, and the other of which, with a proper receipt for such prisoner indorsed thereon or attached thereto, shall be filed and preserved by the sheriff in the sheriff's office.

Whenever a prisoner shall be discharged or set free by any magistrate or court, it shall be the duty of such magistrate or court, or clerk of the court, if there be one, forthwith to deliver to the sheriff a certificate, stating that such prisoner was discharged and set free, and giving the date and hour of such discharge, which certificate shall be filed by the sheriff and preserved in the sheriff's office. The aforesaid commitments, discharges and certificates shall be, by the sheriff or jailor, properly indorsed with the name of the person, date and the character of the instrument, and shall be numbered to correspond with the number of such person in the jailor's docket, be arranged in order and carefully preserved, and constitute public records; and any officer, magistrate or clerk neglecting to deliver the same to

Liability of sheriff for violations.

Commitments and discharges.

Certificates of discharges.

Indorsements on commitments, etc., to sheriff.

Provision for care to deliver commitments, etc., to sheriff.

the sheriff or jailor, or at the jail, for more than forty-eight hours after such commitment or discharge shall be liable to a fine for each such neglect of ten dollars, to be collected by the sheriff for his own use or by the county treasurer or any taxpayer of the county for the county of Richmond, and it shall be the duty of the sheriff to enforce the provisions of this section.

§ 5. The sheriff shall also keep a proper book or books, to be indorsed "civil docket," and numbered consecutively, in which he shall enter the title of all actions, suits and proceedings in which any process or mandate shall be received, served or acted upon by him, in which he shall render any services. He shall also state therein the action taken by him, and the date or dates thereof, which book shall be kept and remain in the sheriff's office. All the aforesaid books shall belong to and be paid for by the said county of Richmond and forever remain a public record.

§ 6. It shall be the duty of the sheriff to provide fuel and light for the court-house and jail and also provide for the prisoners in the jail the kind and quality of food prescribed by law. Such fuel, food and material for light shall be supplied only upon requisitions in writing, addressed to the persons supplying the same made upon printed blanks, signed by the sheriff and dated, specifying in detail the amount by weight or measurement, and the quality and kind of fuel, food and material for light required. At the time of the delivery of the same under such requisitions a receipt therefor shall be indorsed upon such requisition and signed by the sheriff. The sheriff shall cause to be kept accurate books of account, showing in detail all food, fuel and material for light for which requisitions have been issued and the dates at which it was received, and such books shall be the property of the county and shall always be open to the public inspection. The bills for all food or provisions

Civil dockets.

Supplies for jail.

Requisitions therefor.

Books of account.

Bills for food.

furnished under this act shall be made out in the form and with the verification required in the case of claims against the county of Richmond, to be presented to the supervisors at their annual session, together with the requisitions and receipts aforesaid attached thereto, which said supervisors shall audit the same, which bills shall be paid as other county charges. The food furnished under the aforesaid requisitions shall be used exclusively for the board and sustenance of the prisoners confined in the jail, and it shall be a misdemeanor, punishable with fine and imprisonment, for the sheriff or any person to convert the same to any other or different use or to his own use, or for any person having the charge thereof to permit the same to be used for any other purpose.

Use of food restricted.

Misdemeanors.

Monthly report to county treasurer.

§ 7. It shall be the duty of the sheriff to make a report in tabulated form to the county treasurer of Richmond county, on the first day of each month, in which he shall state the name of each person confined in the jail during the previous month, and the number of days of such month that he was confined therein, and the aggregate number of days of confinement of the entire number of prisoners confined therein. He shall state the total aggregate number of days of such month which the whole number of prisoners in said jail were confined therein. He shall state the quantity of each kind of food purchased for the prisoners during the preceding month, and the price thereof, and the respective persons, firms or corporations from whom the several articles were purchased. He shall also state the average cost per day of maintaining a prisoner in said jail during such preceding month.

Computation of cost of maintenance of prisoners.

§ 8. It shall be the duty of the county treasurer, immediately after the first day of November, in each year, to ascertain the total amount of each kind of food for which requisitions were made, and which was receipted

for during the previous year, and the cost thereof, and also the total aggregate number of days for which prisoners were, during such year, confined in the jail, and the average cost per day of each prisoner. The county treasurer shall transmit to the board of supervisors, at its annual meeting, a summary in tabulated form of each of the several matters stated in the aforesaid reports of the sheriff, and of the computation made by the said county treasurer, of the cost of maintaining the prisoners in the jail for the year preceding the first of November, prior to such meeting, and the same shall be printed in the minutes of said board.

Report of treasurer to supervisors.

§ 9. Whenever it shall be proper that any jury in Richmond county shall, pending the trial or their deliberation in any case, receive food or nourishment at the expense of the county in some proper hotel, or some other suitable place, it shall be the duty of the clerk of the court to certify under the title of the cause or matter in which such jury have been drawn, that such jury, pending its deliberations, was necessarily supplied with certain meals, specifying the same, and the dates upon which they were supplied, and to deliver such certificates to the sheriff. The sheriff shall attach thereto his bill for the expenses incurred by him in providing food for such juries, which bill shall be made in the form, and shall be verified in the manner required in the case of bills presented to the supervisors of Richmond county. Said bill, when presented to the treasurer of Richmond county, accompanied with said certificate, shall be examined and allowed by him at a proper sum, and paid from the county treasury.

Meals for jury.

Bills for expenses.

§ 10. Whenever any court shall be convened for the trial of criminal causes in the county of Richmond, it shall be the duty of the sheriff, to furnish to such court a jail calendar, in which shall be stated in addition to such other matters as may be required by law, or as

Jail calendar.

the court may by its order direct, the names of all persons confined in said jail, who have been indicted or have been committed to await the action of the grand jury. He shall state also the cause of such commitment to the jail and the period of the person's confinement therein. It shall be the duty of the district attorney, at the opening of the court, to bring this matter specially to the attention of the courts, and said court shall thereupon proceed to examine such calendar and investigate and inquire into such cases, and whenever there appears to be no sufficient legal reason for the further detention of any person in said jail, the court shall direct that he be discharged therefrom.

Examination of calendar and investigation of cases.

Tramps not to gain residence.

§ 11. No tramp or vagrant convicted or sentenced by any magistrate in the county of Richmond shall, by any residence in the Richmond jail, gain a residence in said county, nor shall the time of his residence in said jail be in any way considered in any case determining his residence.

Proviso as to duties, etc., of sheriff.

§ 12. Nothing in this act contained shall relieve the sheriff of Richmond county from any duties, obligations or services now or that may hereafter be imposed by law upon him.

§ 13. This act shall take effect immediately.

## CHAPTER 529.

AN ACT to revise, amend and consolidate the several acts relating to the village of Port Jervis, and to repeal certain acts and parts of acts.

BECAME a law May 11, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

This act, among other provisions, contains the following:

SECTION 50. The board of trustees shall have the management and control of the finances, and of the property, real and personal, belonging to said corporation, and shall examine, settle and allow such accounts and claims against the village, of its officers and others, as are just and legal; and it shall be the duty of the trustees, and they shall have the power:

Powers and duties of trustees.

32. To erect and maintain a village jail for the temporary detention of all persons charged with the commission of any crime, misdemeanor, or offense against the laws of the State or the ordinances of the village, or who shall be held by reason of the judgment of any court for the nonpayment of any fine imposed for any misdemeanor committed, or for any penalty incurred in said village; and all such fines and penalties shall be paid into the village treasury for the support of said jail and village police; and said jail shall be kept in a comfortable and healthy condition, and shall be under the charge of the police constables, subject to the regulations of the board of trustees, which they are hereby authorized to adopt. The president of the village, for cause shown, may order the discharge of any person confined in said jail under any ordinance or by reason of any fine or judgment in favor of said village; and he shall have power to remit or compromise any such judgment, all costs and expenses being paid.

Village jail, etc.

Discharge etc.

## Society for Reformation of Juvenile Delinquents in New York City.

### CHAPTER 126.

AN ACT to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York.

PASSED March 29, 1824.

Preamble.

WHEREAS by the petitions of several inhabitants of the city of New York, it is represented that they are desirous of establishing a society and house of refuge, for the reformation of juvenile delinquents in the said city, and have prayed to be incorporated: Therefore,

Corporation created.

I. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all such persons as now are, or hereafter shall become subscribers to the said association, pursuant to the by-laws thereof, shall be, and hereby are constituted a body corporate and politic, by the name of "The Managers of the Society for the Reformation of Juvenile Delinquents in the city of New York," and by that name they shall have perpetual succession, and being in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions and causes whatsoever; and may have a common seal, and change the same at their pleasure; and shall be capable in law, by that name and style, of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation: *Provided,* That such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purposes than those for which this incorporation is formed.

Proviso.

II. *And be it further enacted,* That the estate and concerns of the said corporation shall be conducted by a board of thirty managers, to be elected by a plurality of ballots of the members resident in the city of New York, being subscribers as aforesaid, and present at such election, yearly on the third Monday in November, at such place in the said city, and at such time of the day, as the board of managers may from time to time appoint, and of which public notice shall be given; and if any vacancy shall occur by the resignation, removal or otherwise, or any one of the said board, the same shall be filled for the remainder of the year by such person or persons, being subscribers as aforesaid, as the board for the time being, or a major part of them, shall appoint; and until the election on the third Monday in November, in the year one thousand eight hundred and twenty-five, the following persons shall compose the said board of managers, to wit: Cadwallader D. Colden, John Griscom, John Duer, Jonathan W. Wainwright, Isaac Collins, Thomas Eddy, Ansel W. Ives, John T. Irving, John E. Hyde, Cornelius Dubois, James W. Gerard, Joseph Curtis, John Stearns, Ralph Olmstead, Robert F. Mott, Stephen Allen, Henry J. Wyckoff, Samuel Cowdrey, John Targee, Arthur Burtis, Joseph Grinnell, Hugh Maxwell, Henry Mead, Peter A. Jay, Gilbert Coutant, Cornelius R. Duffy, and James Lovett: and it is hereby further enacted, That no manager of the said society shall receive any compensation for his services.

Concerns to be conducted by thirty managers.

First managers.

III. *And be it further enacted,* That if the annual election shall not take place on the stated day for that purpose, the said corporation shall not thereby be dissolved, but the members of the said board shall continue in office until a new election, which shall be had at such time and place, and after such notice, as the said board shall prescribe; and in case of an equality of

Elections.

votes for any one or more persons, as a member or members of the said board of managers, the said board shall determine which of such persons shall be considered as elected, and such person or persons shall take his or their seats, and act accordingly.

Power and  
duty of the  
managers.

IV. *And be it further enacted*, That the said managers shall have power, in their discretion, to receive and take into the house of refuge to be established by them, all such children, who shall be taken up or committed as vagrants, or convicted of criminal offenses, in the said city, as may in the judgment of the court of general sessions of the peace, or of the court of oyer and terminer, in and for the said city, or of the jury before whom any such offender shall be tried, or of the police magistrates, or of the commissioners of the alms-house and bridewell of the said city, be proper objects; and the said managers shall have power to place the said children committed to their care, during the minority of such children at such employments, and to cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacities; and they shall have power in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to such persons, and at such places, to learn such proper trades and employments, as in their judgment will be most for the reformation and amendment, and the future benefit and advantage of such children: *Provided*, That the charge and power of the said managers, upon and over the said children, shall not extend, in the case of females, beyond the age of eighteen years. (1)

Previse.

V. *And be it further enacted*, That all and singular the clauses and provisions in the act entitled "An act concerning apprentices and servants," relating to the covenants to be inserted in the indentures of appren-

tices and servants, made by the overseers of the poor, and the provisions of the sixth, ninth, tenth, eleventh, twelfth, and thirteenth sections, of the last mentioned act, shall apply to the apprentices and servants, and the persons to whom they may be bound, under and by virtue of this act.

VI. *And be it further enacted*, That the said managers under this act, may from time to time make by-laws, ordinances and regulations, relative to the management and disposition of the estate and concerns of the said corporation, and the management, government, instruction, discipline, employment, and disposition of the said children, while in the said house of refuge, or under their care, 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 corporation, and may designate their duties: *And further*, That the said managers shall make an annual report to the legislature, and to the corporation of the city of New York, of the number of children received by them into the said house of refuge, the disposition which shall be made of the said children, by instructing or employing them in the said house of refuge, or by binding them out as apprentices or servants, the receipts and expenditures of the said managers, and generally all such facts and particulars as may tend to exhibit the effects, whether advantageous or otherwise, of the said association.

By-law.

Annual re-  
ports to be  
made.

VII. *And be it further enacted*, That this act shall be and is hereby declared a public act, and that the same shall be construed in all courts and places, benignly and favorably, for every humane and laudable purpose therein contained.

Public act.

(1) See *People v. Park*, 41 N. Y. 50.

May be altered.

VIII. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify, or repeal this act. (1)

## CHAPTER 24.

AN ACT to amend the act entitled, "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March 29th, 1824, and for other purposes.

PASSED JANUARY 25, 1836.

MANAGERS to receive all children convicted of criminal offenses in any city or county of the State.

1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the managers of the society mentioned in the act hereby amended, shall receive and take in the house of refuge, established by them in the city of New York, all such children as shall be convicted of criminal offenses, in any city or county of this State, and as may in the judgment of the court, before whom any such offender shall be tried, be deemed proper objects; and the powers and duties of the said managers in relation to the children which they shall receive in virtue of this act, shall be the same in all things, as are prescribed and provided by the act entitled, "An act to incorporate the Society for the Reformation of Juvenile Delinquents, in the city of New York," passed March the 29th, 1824, in respect to children, which the said managers have received, or may receive in virtue of that act.

Health commissioners to account annually to the comptroller for monies received for marine hospital.

2. *And be it further enacted*, That the commissioners mentioned in the thirty-eighth section of the act entitled, "An act to provide against infectious and pestilential diseases," passed March the twenty-first, eighteen hundred and twenty-three, shall account annually to the comptroller of the State, for all monies received by them, for the use of the marine hospital, and if the

(1) Amended by Laws of 1836, ch. 94; Laws of 1839, ch. 144; Laws of 1860, ch. 241; Laws of 1865, ch. 172; Laws of 1869, ch. 285; Laws of 1873, ch. 359; Laws of 1878, ch. 384.

same shall, in any one year, be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses, as are to be borne and paid as part of the contingent charges of the city of New York, and including the annual compensations granted to the said commissioners by the said act, then and in such case, the said health commissioners shall pay such surplus over to the treasurer of the managers of the Society for the Reformation of Juvenile Delinquents, in the city of New York, for the use of the said society; and the said commissioners shall also pay to the said treasurer, for the use of, and to be expended by the said society, in the erection of a house of refuge, for female juvenile delinquents, so much of the balance, or surplus, now in their hands, or which may be invested, pursuant to the said thirty-eighth section, as the person administering the government of this State may not deem necessary to be retained and disposed of, agreeably to the said thirty-eighth section, to meet any deficit of the receipts of the said commissioners for the purposes of the said marine hospital, or for the building of such other stone or brick hospitals in the place of the present wooden ones, as the person administering the government of this State may from time to time think necessary, and that the said thirty-eighth section, so far as the same is inconsistent with the provisions of this act, and no further, be and the same is hereby repealed.

3. *And be it further enacted*, That the sheriffs of the several counties of this State, shall be allowed for the transportation of any juvenile delinquents according to the provisions of this act, the same compensation as is now given by law for the transportation of convicts to the State prisons, to be audited and paid by the supervisors of the respective counties, as part of the contingent expenses of the said counties: *Provided*, That after notice shall be given by the managers of the said society,

When surplus to be paid to the treasurer of society.

Surplus now in their hands, how disposed of.

Compensation to sheriffs.

Provido.

that there is not room for the reception of any further delinquents, it shall not be lawful to transport any other delinquents, until notice shall be given that they can be received.

Legislature  
may repeal.

4. *And be it further enacted*, That the legislature may at any time, repeal, amend or modify this act.

#### CHAPTER 144.

AN ACT to amend the act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York.

PASSED April 12, 1833.

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

SECTION 1. Nine members of the board of managers of the said society, shall constitute a quorum for the transaction of business, and for the performance of all the powers and duties of the board, except the appointment and removal of any officer of the institution, for which business twelve members of the said board shall constitute a quorum.

#### CHAPTER 241.

AN ACT to amend an act entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March twenty-nine, eighteen hundred and twenty-four.

PASSED April 10, 1860; three-fifths being present.

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

SECTION 1. The act entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March twenty-nine, eighteen hundred and twenty-four, is hereby

amended by adding to the fourth section thereof the following words: The managers of the said society shall receive into the house of refuge established by them in the city of New York, whenever they may have room for that purpose, all such children as shall be taken up or committed as vagrants, in any city or county in this State, and might now, if convicted of criminal offenses in such city or county, be sent as directed by law to said house of refuge, if in the judgment of the court or magistrate by whom they shall be committed as vagrants, the aforesaid children shall be deemed proper persons to be sent to said institution. The powers and duties of the said managers in relation to the children whom they shall receive in virtue of this act, shall be the same in all things as now provided by law in case of children convicted of criminal offenses and committed to the charge of said managers.

Vagrants  
may be ad-  
mitted into  
house of  
refuge.

#### CHAPTER 172.

AN ACT to amend an act entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March twenty-ninth, eighteen hundred twenty-four.

PASSED March 22, 1865; three-fifths being present.

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

SECTION 1. The managers of the Society for the Reformation of Juvenile Delinquents shall, as soon as conveniently may be after the next annual election of the society, arrange themselves into three classes of ten each, to be determined by lot, to serve respectively one, two, and three years, and at every subsequent election, at the expiration of the terms thus designated, ten persons shall be chosen as managers to serve for the term

Managers to  
be divided  
into classes.

Terms of  
office.

Vacancies,  
how filled.

of three years; any vacancy that may occur in any class during the term of service of said class may be filled by the board of managers for the unexpired portion of said term.

§ 2. The fourth section of the act entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March twenty-ninth, eighteen hundred and twenty-four, is amended by striking out the following words: "Provided, that the charge and power of the said managers upon and over the said children shall not extend in the case of females beyond the age of eighteen years."

Duty of  
courts to  
ascertain age  
of delin-  
quents.

§ 3. It shall be the duty of all courts and magistrates by whom any juvenile delinquent shall be committed or sent to the house of refuge in the city of New York, to ascertain the age of such delinquent by such proof as may be in their power, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent.

When man-  
agers to ascer-  
tain age of  
delinquents.

§ 4. In case where the age of the delinquent so committed is not so ascertained and inserted in the order of commitment, the said managers shall, as soon as may be after such delinquent shall be received by them, ascertain the age of such delinquent by such proof as may be in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent.

Who to be  
deemed dis-  
orderly  
children.

§ 5. All children under the age of sixteen in the several counties, which now are or hereafter shall be designated by law as the counties from which juvenile delinquents shall be sent to the house of refuge in the city of New York, deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons against the lawful commands of their

fathers, mothers, guardians, or other persons standing in the place of a parent, shall be deemed disorderly children.

§ 6. Upon complaint made on oath to any police magistrate or justice of the peace against any child within his county, under the age of sixteen, by his or her parent or guardian, or other person standing to him or her in place of a parent, as being disorderly, such magistrate or justice shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before himself or any other police magistrate or justice of the said county for examination. (1)

In what case  
magistrate  
to issue war-  
rant.

§ 7. If such magistrate or justice be satisfied by competent testimony that such person is a disorderly child within the description aforesaid, he shall make up and sign a record of conviction thereof, and shall by warrant under his hand commit such person to the house of refuge established by the managers of the Society for the Reformation of Juvenile Delinquents in the city of New York, and the powers and duties of the said managers in relation to the said children shall be the same in all things as are prescribed as to other juvenile delinquents received by them; provided, however, that any person committed under this act shall have the same right of appeal now secured by law to persons convicted of criminal offense; but on any such appeal mere informality in the issuing of any warrant shall not be held to be sufficient cause for granting a discharge.

Make record  
of conviction  
and commit  
to house of  
refuge.

§ 8. This act shall take effect immediately.

(1) See Laws of 1894, ch. 711.

## CHAPTER 285.

AN ACT to amend an act entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," passed March twenty-ninth, eighteen hundred and twenty-four.

PASSED April 22, 1869.

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

SECTION 1. The managers of the Society for the Reformation of Juvenile Delinquents are hereby authorized to establish a school ship for the purpose of instructing the boys in their charge in navigation and the duties of seamanship, and for that purpose they are authorized to purchase and hold any vessel or vessels, and to navigate the same into and upon any of the ports and waters of the State.

§ 2. The said society may employ such superintendents and officers for the government and instruction of the boys, and from time to time make such rules and regulations for the government of the school ship, as they may deem expedient.

§ 3. The said society shall have the control of the school ship and other vessels procured for the institution, and may transfer from the house of refuge on board of said ship or vessels such boys under their charge as they may elect, and shall cause them to be instructed in navigation and the duties of seamanship, and may send any boy upon a voyage at sea, and in his behalf enter into necessary contract therefor, with his assent or the assent of his parent or guardian if it is practicable to obtain the same.

§ 4. This act shall take effect immediately.

Managers may establish a school ship.

May instruct boys in navigation.

May purchase and navigate vessels.

Superintendents and officers.

Society to have control of school ship.

May transfer boys from house of refuge to vessels, and instruct same in navigation and seamanship.

## CHAPTER 384.

AN ACT to further amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty.

PASSED June 3, 1878; three-fifths being present.

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

SECTION 1. Section four of chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty, is hereby further amended by adding thereto the following words: If any child now in the house of refuge, or who may hereafter be committed to it, is a cripple, or is deaf, blind, epileptic or imbecile, or becomes so while an inmate of the house of refuge, or if the health of any such child is or shall become impaired so that, in the judgment of the managers, such child is an improper subject for retention in the house of refuge, the managers may, in their discretion, notify the parents or guardian of the condition of such child and request the parent or guardian to remove such child from the institution. If the parent or guardian so notified fails to remove such child within fifteen days after the notice is given, or if there should be no such parent or guardian known to the managers, then the superintendent of the poor of the county whence such child was committed shall, on a written request of the managers, remove

Disposition of children who are crippled, ill, etc.

such child without delay, at the expense of the said county.

§ 2. This act shall take effect immediately.

#### CHAPTER 107.

AN ACT in aid of the managers of the Society for the Reformation of Juvenile Delinquents in the city of New York.

PASSED April 9, 1825.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer shall, on the warrant of the comptroller, pay to the treasurer of the managers of the Society for the Reformation of Juvenile Delinquents in the city of New York, out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars annually, for the term of five years; that the first payment of two thousand dollars shall be made on the first day of May next, and the like sum on every first day of May thereafter.

\$2,000 pay-  
able annu-  
ally.

#### CHAPTER 302.

AN ACT to create a fund in aid of the Society for the Reformation of Juvenile Delinquents in the city of New York, and for other purposes.

PASSED April 29, 1829.

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

SECTION 1. The commissioners of health mentioned in the eleventh and twelfth sections of title fourth of chapter fourteenth of the first part of the Revised Statutes, shall pay out of the monies received by them for the use of the marine hospital, eight thousand dollars

Appropri-  
ation of  
\$8,000 annu-  
ally.

annually, in quarterly payments of two thousand dollars each, commencing on the first day of May next, to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York for the use of said society, which sum of eight thousand dollars shall be part of the surplus, and not in addition thereto, directed to be paid said treasurer by the above mentioned eleventh section, and the said commissioners of health shall pay over annually to the comptroller of the State, on or before the first of April, the balance that may remain of the said surplus fund, after paying the eight thousand dollars as aforesaid; and the balance of the said surplus, so paid to the comptroller, shall be invested by him in some secure manner at interest, and the said fund shall be kept distinct and separate, and shall be denominated the "mariners' fund."

§ 2. So much of the said twelfth section of title fourth of chapter fourteenth of the first part of the Revised Statutes as applies to the balance of hospital monies in the hands of the commissioners of health, is declared to apply only to such balances as were in their hands at the time said chapter took effect as a law; and any part of said section inconsistent with this declared construction, is hereby repealed.

Repeal.

§ 3. The commissioners for collecting the duty of excise in the city of New York, designated by the act entitled "An act to amend an act entitled 'An act to lay a duty on strong liquors, and for regulating inns and taverns, so far as relates to the city of New York, and for other purposes,'" passed April 10th, 1824, shall demand and receive one dollar and fifty cents, in addition to the sum now required by law, upon every license granted by them after the passing of this act, to any tavern-keeper, grocer or keeper of an ordinary or victualing house or public garden, in pursuance of the

Inn-keep-  
ers, etc., to  
pay \$1.50  
yearly.

act above mentioned, and the acts amendatory of the same, which additional sums the said commissioners shall pay over to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York, for the use of said society.

Managers of theatres, etc., to take out license.

§ 4. No theater or circus, or building for exhibiting theatrical or equestrian performances in the city of New York, shall be opened for such exhibitions after the first day of May next, unless the manager or proprietor thereof, shall annually obtain from the mayor of the said city, a license therefor; which license the said mayor is authorized to grant, to continue until the first day of May ensuing the grant thereof; and every manager or proprietor offending in the premises or consenting or allowing the same to be done, whether there be one or more managers or proprietors of such theater or circus, shall be guilty of a misdemeanor, and shall be subject to a fine of one hundred dollars for each day it shall be so opened, or imprisonment not exceeding three months.

Amount to be paid for the same.

§ 5. Upon granting every license authorized by the preceding section, the mayor shall receive from the person to whom the same shall be granted, the sum of five hundred dollars for each theater, and the sum of two hundred and fifty dollars for each circus; which sums when so received, shall be paid over to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York, for the use of said society.

Account to be rendered to comptroller.

§ 6. The said commissioners of health shall render to the comptroller annually, a minute and detailed account of all monies denominated "hospital monies," which shall be received, and also all such monies disbursed by them or either of them, for the marine hospital; for the expenses of their trust, so far as the same are payable out of this fund for their own salaries, and the com-

mission allowed by law to the health commissioner for collection, and also of the surplus, if any, of such monies paid over to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York.

§ 7. The comptroller is hereby authorized to allow to the health commissioner for the collection of "hospital money" from coasting vessels, a commission at his discretion, of not less than two and a half, nor exceeding ten per cent., which allowance he is authorized to make, as well upon the collections made from such vessels during the past year, as upon those hereafter to be made. (1)

Allowance for collecting hospital money.

#### CHAPTER 13.

AN ACT to amend an act entitled "An act to create a fund in aid of the Society for the Reformation of Juvenile Delinquents in the city of New York, and for other purposes."

PASSED February 3, 1836.

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

SECTION 1. No theater, circus, or building, garden or grounds, for exhibiting theatrical or equestrian performances, in the city of New York, shall be open for such exhibitions, unless the manager or proprietor thereof shall first and annually obtain from the mayor of the said city a license therefor; which license the said mayor is authorized to grant, to continue in force until the first day of May next ensuing the grant thereof. And every manager or proprietor neglecting to take out such license, or consenting or allowing such performances without first taking out the same; and every owner or lessee

Theatres, etc., not to be opened without license from the mayor.

(1) Amended by Laws of 1831, ch. 186; Laws of 1835, ch. 13. See Laws of 1831, ch. 234, § 13; Laws of 1875, ch. 836; Laws of 1881, ch. 507, p. 741.

of any building in said city, who shall lease or let out the same for the purpose of being occupied as such theater, or circus, or building for exhibiting theatrical or equestrian performances, or shall assent that the same be used for the purposes aforesaid, and the same shall have been so used by any manager or proprietor thereof who shall not have previously obtained such license, shall be subjected to a penalty of five hundred dollars for every such neglect or omission; which penalty the Society for the Reformation of Juvenile Delinquents in said city are hereby authorized, in the name of the people of this State, to prosecute, sue for and recover, for the use of said society. (1)

Licenses for a less term than a year.

§ 2. The said mayor is hereby authorized to grant licenses for said theatrical and equestrian performances for any term less than one year; and in any case where such license is for a term of three months, or less, the said mayor is hereby authorized to commute for a sum less than said five hundred dollars, but in no case less than two hundred and fifty dollars for a theater, or one hundred and fifty dollars for a circus.

Amount of license to be paid.

§ 3. Upon granting every such license authorized by this act, or the act hereby amended, the said mayor shall receive from the person to whom the same shall be granted, the amount of said license; which amounts, as respectively received by him, shall be paid over to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York, for the use of said society.

Penalty for acting without license.

§ 4. In case any manager or proprietor of any theater, circus, or building, garden or grounds, for exhibiting theatrical or equestrian performances, shall open, or advertise to open, any theater, circus, or building, garden or grounds for any such exhibition or exhibitions in said city, without first having obtained a license therefor as

(1) Repealed by Laws of 1896, ch. 568, p. 832.

is provided for by this act, or the act hereby amended, it shall and may be lawful for the said Society for the Reformation of Juvenile Delinquents in the said city, to apply to the chancellor of this State, or the vice-chancellor of the first circuit, for an injunction to restrain the opening thereof, until they shall have complied with the requisitions of this act, and the act hereby amended, in obtaining such license, and also complying with such order as to costs, as the said chancellor or vice-chancellor may deem just and proper to make; which injunction may be allowed upon a bill or petition, to be exhibited in the name of the said society, in the same manner as injunctions are now usually allowed by the practice of the court of chancery. (1)

§ 5. Any injunction allowed under this act, may be served by posting the same upon the outer door of the theater, or circus, or building wherein such exhibitions may be proposed to be held, or if the same shall be in a garden or grounds, then by posting the same at, or on, or near the entrance way to any such place or exhibition; and in case of any proceeding against the manager or proprietor of any such theater, circus, or building, or garden or grounds as aforesaid, it shall not be necessary to prove the personal service of the injunction, but the service hereinbefore provided shall be deemed and held sufficient.

Notice of injunction how to be given.

§ 6. The fourth and fifth sections of the act hereby amended, are repealed.

Sections repealed.

§ 7. This act shall take effect immediately. (2)

Act to take effect.

(1) Repealed by Laws of 1896, ch. 568, p. 832.

(2) See Laws of 1862, ch. 381; Laws of 1872, ch. 732, p. 1763; People v. Kolb, 2 Abb. Ct. App. 529; 3 Keyes, 228.

## CHAPTER 100.

AN ACT to amend section seventeenth of title seven, chapter one, part four, of the revised statutes.

Passed April 10, 1840.

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

SECTION 1. The seventeenth section of title seven, chapter one and part four of the revised statutes is amended, so as to read as follows: "Whenever any person under the age of sixteen years, shall be convicted of any felony or other crime, the court, instead of sentencing such person to imprisonment in a State prison, or county jail, may order that he be removed to and confined in the house of refuge, established by the Society for the Reformation of Juvenile Delinquents, in the city of New York, unless notice shall have been received from such society that there is not room in such house for the reception of further delinquents."

§ 2. This act shall take effect immediately. (1)

## CHAPTER 608.

AN ACT in relation to the confinement of juvenile offenders under sentences of the courts of the United States.

Passed July 21, 1853.

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

SECTION 1. It shall be the duty of the respective keepers of the house of refuge in the city of New York, and the western house of refuge, to receive and safely keep in their respective houses, subject to the regulations and discipline thereof, any criminal under the age of sixteen years, convicted of any offense against the

Duty of keepers of house of refuge.

(1) See *People v. Park*, 41 N. Y. 21.

United States, sentenced to imprisonment therein by any court of the United States sitting within this State, until such sentence be executed, or until such convict shall be discharged by due course of law; the United States supporting such convict and paying the expenses attendant upon the execution of such sentence.

§ 2. This act shall take effect immediately. (1)

## CHAPTER 181.

AN ACT concerning convicts under the age of seventeen years, and other purposes.

Passed April 15, 1830.

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

SECTION 1. The person administering the government of this State, is hereby empowered to direct the agent of either of the State prisons of this State, whenever the inspectors thereof shall recommend the same, to convey any convicts who shall be under the age of seventeen years, to the house of refuge in the city of New York; and they shall there be confined according to the rules and regulations of said house of refuge. The expenses of such removal shall be the same as allowed to sheriffs for like services, and a charge upon such prison, as part of its ordinary expenses to be certified by the inspectors. (2)

§ 2. The expenses of such removal shall be first paid out of any funds of the prison for general support, to be certified by the inspectors; and it shall also be the duty of said inspectors and agent, to make out a certificate of said expenses, and forward the same to the sheriff of the county where such convict or convicts were sen-

To be sent to the house of refuge.

Expense, how paid.

(1) Repealed by Laws of 1856, ch. 546.

(2) Repealed by Laws of 1866, ch. 508, p. 620.

tenced, whose duty it shall be to present the same to the board of supervisors of said county, at their first annual meeting thereafter.

§ 3. The board of supervisors shall raise the said amount as other county charges; and the treasurer of said county shall, within ten days after receiving the same, remit the said amount to the agent of said prison.

§ 4. There shall be annually paid to the resident chaplain at the prison at Auburn, the sum of two hundred and fifty dollars, in addition to the sum now allowed by law, to be paid out of the earnings of the convicts. (1)

#### CHAPTER 254.

AN ACT empowering the boards of supervisors in the respective counties of this State, to fix and determine the compensation to be allowed for the conveyance of juvenile delinquents to houses of refuge, and insane criminals to insane asylums.

PASSED April 12, 1859; three-fifths being present.

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

SECTION 1. The boards of supervisors in the respective counties of this State are hereby empowered, and it shall be their duty, annually to fix and determine the compensation to be allowed and paid to officers for the conveyance of juvenile delinquents to the houses of refuge, and of lunatics to the insane asylums, and no other or greater amount than that so fixed and determined shall be allowed and paid for such service.

§ 2. So much of the seventeenth section of chapter two, title eight, part four of the Revised Statutes, as is inconsistent with the provisions of this act, as well as all other laws conflicting herewith, are hereby repealed.

§ 3. This act shall take effect immediately.

(1) Repealed by Laws of 1847, ch. 460, § 160.

To be raised by tax.

Chaplain.

Boards of supervisors to determine compensation.

Conflicting statutes repealed.

#### CHAPTER 113.

AN ACT to relieve juvenile delinquents from certain disqualifications.

PASSED March 18, 1872.

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

SECTION 1. The disqualification to testify created by section twenty-three (original number) of title seven, chapter first of part fourth of the revised statutes, and the prohibition to vote at any election contained in section fifteen of chapter two hundred and forty of the laws of eighteen hundred and forty-seven, shall not apply to a person heretofore convicted, or hereafter to be convicted of felony, or of any infamous crime, and in consequence thereof committed to one of the houses of refuge, or other reformatories organized under the laws of this State.

§ 2. This act shall take effect immediately. (1)

Disqualification to vote, etc., not to apply to persons committed to houses of refuge, etc.

#### CHAPTER 404.

AN ACT to provide for the support, treatment and care of pauper, destitute and delinquent children.

PASSED June 8, 1878; three-fifths being present.

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

SECTION 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house or alms-house, but such justices of the peace, boards of charities, police justices, or other magistrates shall commit such child or children to some reforma-

Where children under sixteen to be committed.

(1) Repealed by Laws of 1886, ch. 593, p. 847.

tory or other institution, as provided for in the case of juvenile delinquents, nor shall it be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poor-house or almshouse for support and care, or to retain any child between the ages of two and sixteen years, in such poor-house or alms-house, but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law.

Supervisors to take necessary action.

The boards of supervisors of the several counties and the board of estimate and apportionment of the county of New York are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act.

Religious faith to govern selection of asylum.

When any such child is committed to any orphan asylum or reformatory, it shall, if practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child. (1)

Transfer of children for neglect or improper detention.

§ 2. Upon the complaint in writing of any two members of the State board of charities, or any one member together with the secretary of the State board of charities, that any such child or children are not properly cared for, or are improperly detained in any institution or family, in the care of which said child or children have been placed and are, the county judge of the county in which such institution is situated, or such family resides, or any justice of the supreme court, shall forthwith, by order in writing, transfer or have transferred such child or children to some organized institution in the same or any other

(1) Amended by Laws of 1870, ch. 240.

county, but subject always to the other provisions of this act. (1)

§ 3. Any violation of this act is hereby declared a misdemeanor, punishable according to the statute for such offense.

§ 4. This act shall take effect immediately.

#### CHAPTER 240.

AN ACT to amend chapter four hundred and four of the laws of eighteen hundred and seventy-eight, entitled "An act to provide for the support, treatment and care of pauper, destitute and delinquent children."

PASSED April 30, 1879; three-fifths being present.

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

SECTION 1. Section one of chapter four hundred and four of the laws of eighteen hundred and seventy-eight, entitled "An act to provide for the support, treatment and care of pauper, destitute and delinquent children," is hereby amended so as to read as follows:

§ 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate, to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house or alms-house, but such justices of the peace, boards of charities, police justices or other magistrates shall commit such child or children to some reformatory or other institution, as provided for in the case of juvenile delinquents; but in case of any such commitment such justice of the peace, board of charities, police justice or other magistrate shall immediately give notice to the superintendents of the poor or other authorities having charge of the poor of the county in which said

Where children under sixteen to be committed, etc.

(1) Repealed by Laws of 1879, ch. 240.

commitment was made, giving the name and age of the person committed, to what institution, and the time for which committed; nor shall it be lawful for any county superintendents or overseer of the poor, board of charity or other officer to send any child between the the\* ages of two and sixteen years as a pauper to any county poor-house or alms-house for support and care, or to retain any child between the ages of two and sixteen years in such poor-house or alms-house; but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law. The boards of supervisors of the several counties, and the board of estimate and apportionment of the county of New York, are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to any orphan asylum or reformatory, it shall, when practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

Supervisors to take necessary action.

Religious faith to govern selection of asylum.

Repeat.

§ 2. The second section of said act is hereby repealed.

§ 3. This act shall take effect immediately.

\* So in the original.

## CHAPTER 633.

## AN ACT for the better preservation of the health of children in institutions.

PASSED June 14, 1886; three-fifths being present.

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

SECTION 1. Every institution in this State incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children, or juvenile delinquents, excepting hospitals, shall have attached thereto a regular physician of its selection, duly licensed to practice under the laws of this State and in good professional standing.

Institutions for orphans, etc., to employ physician.

§ 2. The name of such physician and his address shall be posted and be kept posted conspicuously within such institution, near its main entrance.

Name, how posted.

§ 3. It shall be the duty of the officers of such institution, upon receiving any child therein, either upon commitment or otherwise, before admitting it to contact with any other of its inmates, to cause such child to be examined by said physician and a certificate in writing to be given by him, stating whether such child is apparently suffering with diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes or skin, which might be communicated to the other inmates thereof. Such physician shall specify in such certificate the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and also any deformity or abnormal condition which he may find upon examination to exist. Such certificate shall be kept by the officers of the institution filed with the commitment or other papers on record in the case, and no child shall be so admitted until after such certificate shall have been furnished as above provided.

Examinations before admission.

As to contagious or infectious diseases, etc.

As to physical or mental condition.

Certificate, how filed.

Certain children to be placed in quarantine.

§ 4. On receipt of such certificate the officers of such institution shall on receiving such child, place it in strict quarantine thereafter from the other inmates of the institution until discharged therefrom by order of such physician, who shall thereupon indorse on such certificate the time such child has remained in quarantine and the date of such discharge therefrom.

Monthly inspections and reports to managers.

§ 5. It shall be the duty of such physician at least once a month to thoroughly examine and inspect the entire institution and to report in writing in such form as shall be approved by the State board of health, to the board of managers or directors of such institution, and also to the board of health within the district or place where the institution is situated, its condition especially as to the plumbing, sinks, water closets, urinals, privies and dormitories, and also as to the physical condition of the children and the existence of any contagious or infectious diseases, especially of the eyes or skin, and as to their food, clothing and cleanliness, and also whether the officers of such institution have provided proper and sufficient nurses, orderlies and other attendants of proper capacity to attend to said children, to secure to them due and proper care and attention as to their personal cleanliness and health, together with such recommendations for the improvement thereof as he may deem proper. And it shall be the duty of such boards to immediately investigate any complaint, and if the same shall prove to be well founded to remedy the evil without delay.

Reports to local boards of health.

Duty of such boards.

Isolation of children having diseases of eye or skin.

§ 6. No child suffering from any contagious or infectious disease, especially of the eyes or skin, shall be allowed to enter or remain in any such institution in contact with any children not so afflicted, unless it shall immediately be isolated or placed in a proper room or infirmary which shall be provided for that purpose by

the officers of the institution under the direction of said physician.

§ 7. The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet horizontally, and all the beds shall be so arranged that under each of them the air shall freely circulate, and there be adequate ventilation. Every dormitory shall be provided with means of ventilation, as the board of health within the locality may prescribe. In the dormitories of such institutions, six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than those provided in this way, unless free and adequate means of ventilation exist, approved by the local board of health, and a special permit in writing be granted therefor, specifying the number of beds of the cubic air space which shall, under special circumstances, be allowed. Such permit shall be conspicuously posted and kept posted in each dormitory. It shall be the duty of the physician attached to any such institution to at once notify in writing the local board of health and the board of managers or directors of such institution, if the provisions of this section are at any time violated.

Dormitories and beds, condition of ventilation.

Permit by local board of health.

Notice of violations thereof.

§ 8. The words "juvenile delinquents" in this act shall include all children whose commitment to an institution is provided for by the provisions of the penal code.

"Juvenile delinquents" defined.

§ 9. Any person who shall willfully refuse to comply with, or to discharge any duty imposed by this act, or who shall violate any provision thereof, shall be guilty of a misdemeanor.

Willful violations a misdemeanor.

§ 10. This act shall take effect on the first day of October eighteen hundred and eighty-six. (1)

Act. when to take effect.

(1) Repealed by Laws of 1892, ch. 651. Sections 1 to 8 revised in the Public Health Law, Laws of 1902, ch. 601, § 938 to 939. See Laws of 1902, ch. 677, § 28.

## WESTERN HOUSE OF REFUGE.

## CHAPTER 143.

AN ACT to authorize the establishment of a house of refuge for juvenile delinquents in western New York. (1.)

PASSED MAY 8, 1846.

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

Com-  
missioners to  
select site.

SECTION 1. The governor of the State of New York, by and with the consent of the senate, shall, during the present session of the legislature, appoint three commissioners for the purpose of selecting a suitable site on which to be erected "the western house of refuge for juvenile delinquents;" and the said commissioners shall, within four weeks from the time of their appointment, proceed to examine and determine upon the site aforesaid, and shall locate the same at some suitable place in the interior or western portion of the State. In determining such location, the said commissioners shall take into consideration any proposition which may be made to them, and of the performance of which they shall have satisfactory assurance, to give to the State the lands necessary for the site of said house of refuge or any materials or money to aid in the erection thereof; and any bond or other obligation executed to the people of this State, and delivered to said commissioners to secure any such site, money or materials, for the purposes aforesaid, shall be valid and binding upon the parties executing the same.

Deed for  
site to be  
executed  
to the peo-  
ple of the  
State.

§ 2. If the said commissioners shall procure by purchase (or voluntary cession,) the site for said house of refuge, the deed thereof shall be duly executed to the

(1) Name changed to the State Industrial School, Laws of 1886, ch. 536.

people of this State and delivered to the comptroller, and thereupon the treasurer is hereby directed to pay, on the warrant of the comptroller, to the grantor or grantors of whom the said site shall be purchased, such sum or sums of money as may be required to pay for the site agreeably to the contract of the said commissioners, not exceeding three thousand dollars.

§ 3. At any time, not exceeding two months after the said site shall be obtained by the said commissioners, (who are hereby empowered to contract for the same,) the governor, lieutenant-governor and comptroller, shall appoint three commissioners to contract for the erection and inclosure of the said house of refuge, on such plan and such terms as they may deem just and proper; provided the said plan and the terms of said contract shall be approved by the said governor and lieutenant-governor; and provided also, that said house of refuge shall be built in a plain manner, and that said governor and lieutenant-governor shall approve no plan for the erection of the building of such house of refuge, which shall in their judgment require more than twenty thousand dollars for the completion of such building; and the said commissioners shall select and designate one of their number who shall superintend the building of the said house of refuge, with a view to the due execution of the work on the part of those with whom the said commissioners shall contract for the erection and inclosure thereof.

Com-  
missioners to  
erect house  
of refuge.

§ 4. The said commissioners last mentioned, before they enter on the duties of their office, shall each give his bond to the people of this State, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved of by the comptroller, conditioned for the faithful performance of the duties required of them by this act.

To give  
bond.

Money to be paid to commissioners.

§ 5. The treasurer is hereby directed to pay to the said commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may from time to time require, for the building of the said house of refuge not exceeding such sum as will, with the sum drawn and paid for the site of said house of refuge, amount to twenty-two thousand dollars, at such times as the same may be wanted by said commissioners, in sums not exceeding five thousand dollars at any one time; and the expenditure of at least four thousand dollars thereof shall be accounted for to the comptroller before any other sum shall be advanced.

Report of money expended to be made.

§ 6. It shall be the duty of the said commissioners to make a detailed report of all the money received and expended by them by virtue of this act, and of the progress which shall have been made in the erection and enclosure of the said buildings, to the comptroller of this State, on or before the first day of January next, and as often thereafter as the comptroller shall or may, from time to time, require.

Pay of first mentioned commissioners.

§ 7. Each of the said commissioners first mentioned in this act, shall be allowed for his service and expenses, while actually employed in the duties of his appointment, the sum of two dollars per day, and at the rate of two dollars for every thirty miles necessary travel in the performance of the duties required by virtue of this act.

Pay of building commissioners.

§ 8. Each of the said commissioners to be appointed by virtue of this act to contract for and superintend the building of the said house of refuge, shall be allowed for his services and expenses, while actually employed in the duties of his office, the sum of two dollars per day.

Notice to be published for six weeks to receive proposals.

§ 9. The said commissioners shall, for six weeks, advertise in a newspaper published in each of the cities of Albany, Rochester and Buffalo, and in the villages of

Syracuse and Canandaigua, for sealed proposals for erecting and completing the said buildings and enclosure, and shall make a contract for the same with the lowest bidder or bidders, provided such bidder or bidders shall give satisfactory security for the performance of his or their contract or contracts; provided such contract or contracts and such security, shall be approved by the vice-chancellor of the eighth circuit, or the lieutenant-governor. No such bid shall be received unless the same shall be accompanied by a bond to the people of this State, in the penal sum of ten thousand dollars, executed by the person making such bid and by two sureties, (whose sufficiency shall be certified by the comptroller or the first judge of the county in which such sureties reside,) conditioned that the person making such bid will, within twenty days after such bid shall be accepted, enter into a contract according to such bid, and give such security as is above required for the full and faithful performance thereof. In case the condition of such bond shall be broken, the comptroller shall cause such bond to be prosecuted, whenever, in his opinion, the interest of the State shall require it; and in the suit brought thereon, the people of this State shall be entitled to recover the difference between the bid mentioned in the condition of said bond, and the sum mentioned in the bid upon which a contract shall be finally made, and also any other damages which the State may sustain by the breach of the condition of such bond.

§ 10. The governor, lieutenant-governor and comptroller shall appoint, by writing, under their hands and seals, fifteen discreet men, who shall act as managers of the house of refuge, established by virtue of this act, and who shall, on the acceptance of their respective appointment, perform the duties required of them by

Fifteen managers to be appointed.

virtue of this act, without any compensation for their services.

§ 11. The said managers shall be divided by the officers appointing them, into three classes of five each, and the class to which each of such managers shall belong, shall be set forth in the certificate of their appointment. The terms of office of the first class shall expire on the first Tuesday in February, in the year succeeding their appointment; of the second class on the first Tuesday in February in the next year thereafter; and of the third class, on the first Tuesday in February of the succeeding year. Whenever vacancies shall occur in the said board of managers, such vacancies shall be filled by the governor, with the consent of the senate; and the terms of office of such managers shall be such, that they shall hold their office for the term of three years, as near as may be; and that the terms of office of one-third thereof, shall expire on the first Tuesday of February in each year. Such managers shall have power to make all such rules, regulations, ordinances and by-laws for the government, discipline and management of said house of refuge, and the inmates and officers thereof, as to them may appear just and proper. (1)

§ 12. The said managers shall appoint a superintendent of the said house of refuge, and such other officers as they may deem necessary for the interest of the institution, with a view to the accomplishment of the object of its establishment, and economy of its management; and the said managers shall make a detailed report to the legislature of the performance of their duty, on or before the fifteenth day of January in each year.

§ 13. The said managers and superintendent shall receive and take into the said house of refuge, all male children under the age of eighteen years, and all female children under the age of seventeen, who shall be

To be divided into three classes.

Managers to appoint superintendent, etc.

Children to be received when legally committed.

(1) Amended by Laws of 1888, ch. 408.

legally committed to the said house of refuge as vagrants, or on a conviction for any criminal offense by any court having authority to make such commitments; the said managers shall have power to place the said children committed to their care, during the minority of such children, at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities, and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority to such persons and at such places, to learn such proper trades and employments, as in their judgment will be most for the reformation and amendment, and the future benefit and advantage of such children; provided, that the charge and power of the said managers upon and over the said children, shall not extend, in the case of females, beyond the age of eighteen years, or in the case of males, beyond the age of twenty-one years.

§ 14. All and singular the clauses and provisions contained in the fourth title of chapter eight of the second part of the Revised Statutes, relating to the covenants to be inserted in the indentures of apprentices and servants, made by the overseers of the poor, shall apply to the apprentices and servants, and the persons to whom they may be bound, under and by virtue of this act.

§ 15. Whenever the said house of refuge shall, in the opinion of the commissioners authorized to be appointed by the third section of this act, be in readiness for the reception of persons committed thereto, the said commissioners shall make, under their hands and seals, duplicate certificates thereof, one of which they shall transmit by mail to the governor of this State, and the other of which they shall cause to be filed in the office of the clerk of the county in which such house of refuge

Part of N. S. to apply.

Duplicate certificates to be made when the house is finished.

Duty of  
governor.

shall be situated. The governor, on receiving such certificate, shall make an order designating the counties which shall thereafter be authorized to send juvenile delinquents to the said house of refuge, and shall file the certificate of such commissioners, and his said order, in the office of the secretary of State. The said secretary of State shall transmit by mail to the first judge and county clerk of each of the counties designated in said order, a certified copy of such certificate and order.

Of secretary  
of State.

§ 16. From and after the time of making such order, the courts of criminal jurisdiction of the several counties designated in said order, shall sentence to said house of refuge every male under the age of eighteen years, and every female under the age of seventeen years, who shall be convicted before such court of any felony; the said courts, and the several magistrates of the said counties, may in their discretion sentence to said house of refuge, any such male or female who may be convicted before them of any petit larceny, and the courts and magistrates of the county where such house of refuge may be located, may also, in their discretion, send to said house of refuge, any such male or female who may be convicted before them as a vagrant. The board of supervisors of each of said counties, at their annual meeting, shall raise such a sum as shall in their opinion be sufficient to pay to the treasurer of said house of refuge fifty cents per week, for the support, maintenance and care of every person sentenced in their county to confinement therein; and the treasurer of the said county shall quarterly pay, on the drafts of the treasurer of the said house of refuge, the said sum of fifty cents a week for each person supported in said house of refuge, under a conviction had in such county. (1)

(1) Amended by Laws of 1850, ch. 304. Repealed by Laws of 1886, ch. 393, p. 88. See People v. Park, 41 N. Y. 35.

§ 17. For the purpose of reimbursing to the general fund the moneys advanced therefrom under the provisions of this act, the comptroller shall, on or before the first day of June next, apportion to and among the several counties in this State, in proportion to the corrected aggregate valuations of the real and personal estate of such counties, in the year one thousand eight hundred and forty-five, the said sum of twenty-two thousand dollars, and the interest thereon, from the time of the advance thereof, on the said first day of June, to the first day of April then next; and the board of supervisors of the several counties in this State shall, at their next annual meeting, cause the sum so apportioned to their counties respectively, to be levied and collected upon the taxable property of their counties, in the manner that other State and county taxes are collected. The said moneys, when collected, shall be paid to the county treasurers of such counties, and such county treasurers shall, immediately on the receipt thereof, pay over the same to the treasurer of this State, and take his receipt therefor, and shall then procure such receipt to be countersigned by the comptroller.

Expense of  
building  
house, how  
to be re-  
imbursed.

§ 18. All provisions of existing laws requiring the courts of any of the counties which shall be named in the order to be made by the governor, under the provisions of the fifteenth section of this act, to sentence persons to the house of refuge in the city of New York, shall be from and after the making of the said order, repealed so far as the same relates to the counties named in the said order, and shall be inconsistent with the provisions of this act.

Repeal as  
respects  
certain  
counties.

§ 19. This act shall take effect immediately. (1)

(1) Amended by Laws of 1852, ch. 247; Laws of 1861, ch. 296. See Laws of 1850, ch. 24; Laws of 1853, ch. 638; Laws of 1875, ch. 228. Repealed by Laws of 1886, ch. 346.

## CHAPTER 387.

AN ACT to amend the "Act to authorize the establishment of a house of refuge for juvenile delinquents in western New York," passed May eighth, eighteen hundred and forty-six.

PASSED April 16, 1852.

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

SECTION 1. So much of the sixteenth section of the act hereby amended as provides for the raising, collection, and payment to the treasurer of the said house of refuge of fifty cents per week for the support, maintenance and care of persons sentenced to confinement therein, shall be and is hereby repealed.

§ 2. It shall be the duty of the courts of criminal jurisdiction in the several counties which now are, or shall be hereafter designated as the counties from which juvenile delinquents are to be sent to the said house of refuge, to ascertain by such proof as may be in their power the age of every delinquent, by them respectively sentenced to the said house of refuge, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent.

§ 3. In cases where any such court shall omit to insert in the order of commitment the age of any delinquent committed to the said house of refuge, the managers shall as soon as may be after such delinquent shall be received by them, ascertain his age by the best means in their power, and cause the same to be entered in a book to be designated by them for the purpose. And the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent.

§ 4. This act shall take effect on the first day of October next. (1)

(1) Repealed by Laws of 1896, ch. 549.

Part of 16th section repealed.

Duty of courts of criminal jurisdiction.

In case the court omits to insert the age of any delinquent.

When this act takes effect.

## CHAPTER 306.

AN ACT to amend the act passed May eighth, eighteen hundred and forty-six, entitled "An act to authorize the establishment of a house of refuge for juvenile delinquents in western New York."

PASSED April 17, 1861; three-fifths being present.

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

SECTION 1. Whenever it shall appear to the managers of the western house of refuge that any of the delinquents therein confined shall have been guilty of attempting willfully to set fire to any building belonging to the institution, or any combustible matter for the purpose of setting fire to any such building, or that any delinquent shall have been guilty of openly resisting the lawful authority of the officers of the institution, or of attempting, by threats or otherwise, to excite others to do so, or shall, by gross or habitual misconduct, exert a dangerous and pernicious influence over the other delinquents, it shall be lawful for them to submit a written statement of the facts in any such case to a judge of the supreme court, or to the county judge of the county of Monroe, and thereupon to apply to him for an order authorizing the temporary confinement of such delinquent, for correction, in the Monroe county penitentiary.

§ 2. It shall be the duty of the judge forthwith summarily to inquire into the facts of the case, and if it shall appear to him that the statement is substantially true, and that the case is one in which the ends designed to be accomplished by the institution will be best promoted by it, he shall thereupon make an order authorizing the confinement of the delinquent in the said penitentiary for a limited period to be expressed in the order, and the superintendent or keeper of the said peni-

penitentiary is hereby authorized and required to receive such delinquent and detain him during the period expressed in such order, unless the managers shall previously direct him to be returned to the said house of refuge.

§ 3. At the expiration of the period limited by the said order, or sooner if the said managers shall direct it, the superintendent or keeper of the said penitentiary shall return such delinquent to the custody and care of the superintendent of the said house of refuge, to be further dealt with according to the laws, rules and regulations ordained for its government. (1)

§ 4. This act shall take effect immediately. (2)

#### CHAPTER 489.

AN ACT to amend an act passed April seventeenth, eighteen hundred and sixty-one, entitled "An act authorizing the establishment of the house of refuge for juvenile delinquents in western New York."

Passed May 20, 1874; three-fifths being present.

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

SECTION 1. The third section of chapter three hundred and six of the laws of New York, passed April seventeenth, eighteen hundred and sixty-one, entitled "An act authorizing the establishment of the house of refuge for juvenile delinquents in western New York," is hereby amended by adding at the end of section three the following: During the confinement of all such persons sent from the said western house of refuge to the penitentiary the State shall pay for the board and clothing of such persons as are now in or may hereafter be sent to such penitentiary, at the same rate as paid for

Board and clothing of persons sent from western house of refuge, State to pay for.

(1) Amended by Laws of 1874, ch. 489; Laws of 1875, ch. 636.  
(2) Amended by Laws of 1891, ch. 375. Repealed by Laws of 1896, ch. 546.

other State prisoners confined in said penitentiary, not exceeding one dollar and fifty cents per week for such board.

§ 2. This act shall take effect immediately.

#### CHAPTER 536.

AN ACT to further amend chapter three hundred and six of the laws of one thousand eight hundred and sixty-one, entitled "An act to amend the act passed May eighth, one thousand eight hundred and forty-six, entitled 'An act to authorize the establishment of the house of refuge for juvenile delinquents in western New York.'"

Passed June 7, 1875; three-fifths being present.

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

SECTION 1. The third section of chapter three hundred and six of the laws of eighteen hundred and sixty-one, entitled "An act to amend the act passed May eighth, eighteen hundred and forty-six, entitled 'An act authorizing the establishment of the house of refuge for juvenile delinquents in western New York,'" is hereby amended so as to read as follows:

§ 3. At the expiration of the period limited by the said order, or sooner if the said managers shall direct it, the superintendent or keeper of the said penitentiary shall return such delinquent to the custody and care of the superintendent of the said house of refuge to be further dealt with according to the laws, rules and regulations ordained for its government. During the confinement of all such persons sent from the said western house of refuge to the penitentiary, the State shall pay for the board and clothing of such persons as were heretofore sentenced, or are now in, or may hereafter

Return of delinquents to house of refuge.

Board and clothing State to pay for.

be sent to such penitentiary, at the same rate as paid for other State prisoners confined in said penitentiary, not exceeding one dollar and fifty cents per week for such board.

§ 2. This act shall take effect immediately.

#### CHAPTER 404.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and forty-six, entitled "An act to authorize the establishment of a House of Refuge for Juvenile Delinquents in Western New York."

APPROVED by the Governor May 26, 1888. Passed, three-fifths being present.

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

SECTION 1. Section eleven of chapter one hundred and forty-three of the laws of eighteen hundred and forty-six, entitled "An act to authorize the establishment of a House of Refuge for Juvenile Delinquents in Western New York," is hereby amended so as to read as follows:

§ 11. The said managers shall be divided, by the officers appointing them, into three classes of five each, and the class to which each of such managers shall belong shall be set forth in the certificate of their appointment. The terms of office of the first class shall expire on the first Tuesday in February in the year succeeding their appointment; of the second class, on the first Tuesday in February in the next year thereafter; and of the third class, on the first Tuesday in February in the succeeding year. Whenever vacancies shall occur in the said board of managers such vacancies shall be filled by the governor, with the consent

Managers,  
classification  
of  
terms of.

Vacancies  
how filled

of the senate; and in filling vacancies in said board of managers the governor may appoint persons of either sex; and the terms of office of such managers shall be such that they shall hold their office for the term of three years, as near as may be; and that the terms of office of one-third thereof shall expire on the first Tuesday of February in each year. Such managers shall have power to make all such rules, regulations, ordinances and by-laws for the government, discipline and management of said house of refuge and the inmates and officers thereof as to them may appear just and proper.

Eligibility  
to appoint-  
ment ex-  
tended.  
Term of  
office.

By-laws.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 375.

AN ACT to amend an act passed April seventeen, eighteen hundred and sixty-one, entitled "An act to amend the act passed May eighth, eighteen hundred and forty-six, entitled 'An act to authorize the establishment of the house of refuge for juvenile delinquents in western New York.'"

APPROVED by the Governor May 18, 1891. Passed, three-fifths being present.

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

SECTION 1. Chapter three hundred and six of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the establishment of the house of refuge for juvenile delinquents in western New York," is hereby amended so as to read as follows:

§ 1. Whenever it shall appear to the board of managers of the State industrial school that any of the delinquents therein confined shall have been guilty of at-

Confinement of de-  
linquents for certain  
offenses,  
application  
for.

(1) Repealed by Laws of 1896, ch. 542.

tempting willfully to set fire to any building belonging to the institution, or any combustible matter for the purpose of setting fire to any such building, or that any delinquent shall have been guilty of openly resisting the lawful authority of the officers of the institution, or of attempting, by threats or otherwise, to excite others to do so, or shall, by gross or habitual misconduct, exert a dangerous and pernicious influence over the other delinquents, it shall be lawful for them to submit a written statement of the facts in any such case to a judge of the supreme court, or to the county judge of the county of Monroe, and thereupon apply to him for an order authorizing the temporary confinement of such delinquent for correction, in the Monroe county penitentiary, or in the New York State reformatory at Elmira.

§ 2. It shall be the duty of the judge forthwith summarily to inquire into the facts of the case, and if it shall appear to him that the statement is substantially true, and that the case is one in which the ends designed to be accomplished by the institution will be best promoted by it, he shall thereupon make an order authorizing the confinement of the delinquent in the said penitentiary, or in the New York State Reformatory in Elmira, for a limited period, to be expressed in the order, and the superintendent or keeper of the said penitentiary, or New York State Reformatory at Elmira, is hereby authorized and required to receive such delinquent, and detain him during the period expressed in such order, unless the board of managers shall previously direct him to be returned to the said State industrial school, provided however that no such delinquent who is under sixteen years of age shall be committed to the New York State Reformatory at Elmira.

§ 3. At the expiration of the period limited by the said order, or sooner, if the board of managers shall

Commitment to penitentiary or State reformatory.

Detention in same authorized.

Proviso.

Return of delinquents.

direct it, the superintendent or keeper of the said penitentiary, or the New York State Reformatory at Elmira, shall return such delinquent to the custody and care of the superintendent of the said State industrial school, to be further dealt with according to the laws, rules and regulations ordained for its government.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 260.

AN ACT to amend chapter three hundred and thirty of the laws of eighteen hundred and eighty-six, entitled "An act making appropriations for certain expenses of the government and supplying deficiencies in former appropriations."

PASSED May 2, 1887; three-fifths being present; without the approval of the Governor.\*

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

SECTION 1. All that portion of section one of chapter three hundred and thirty of the laws of eighteen hundred and eighty-six, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," which reads as follows: For the Western House of Refuge for Juvenile Delinquents, for the erection of a hospital, fifteen thousand dollars. The work to be done upon plans and specifications to be approved by the comptroller, and upon a contract with proper sureties to be approved by him for the completion of the hospital within the limits of this appropriation for relaying shop and school room floors, two thousand five hundred dollars;

Amendment of supply bill of 1886.

Appropriation for hospital.

(1) Repealed by Laws of 1890, ch. 59.

\* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [ART. IV., § 8, Constitution of the State of New York.]

and for stairway escapes at ends of west wings of the institution, five hundred dollars, is hereby amended and changed so as to read as follows: For the Western House of Refuge for Juvenile Delinquents, for the erection of a hospital, fifteen thousand dollars, the work to be done in accordance with plans to be approved by the superintendent of said institution and comptroller of the State under the direction of said superintendent, and with the aid and employment of the inmates of said institution, the said building to be completed for the said sum hereby appropriated; for relaying shop and school-room floors, two thousand and five hundred dollars; for stairway escapes at ends of west wings of the institution, five hundred dollars.

§ 2. This act shall take effect immediately.

#### CHAPTER 539.

AN ACT changing the name of "The Western House of Refuge for Juvenile Delinquents" otherwise called the "House of Refuge for Juvenile Delinquents in Western New York" to "The State Industrial School," and relating to discipline and instruction therein, and commitments thereto, and making an appropriation therefor.

PASSED JUNE 2, 1886; three-fifths being present.

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

SECTION 1. "The Western House of Refuge for Juvenile Delinquents" otherwise called the "House of Refuge for Juvenile Delinquents in Western New York," as the same was authorized to be established by chapter one hundred and forty-three of the laws of eighteen hundred and forty-six, shall hereafter be known and designated as "The State Industrial School."

Relaying  
floors.

Stairway  
escapes.

Corporate  
name  
changed.

§ 2. All acts or parts of acts relating to the "Western House of Refuge for Juvenile Delinquents" or the "House of Refuge for Juvenile Delinquents in Western New York" not inconsistent with this act are hereby made applicable to the State Industrial School.

§ 3. It shall be lawful for the board of managers of the State Industrial School to receive into said school all children who have heretofore been, or who may hereafter be, sentenced to the "Western House of Refuge for Juvenile Delinquents" or to the House of Refuge for Juvenile Delinquents in Western New York, or to the State Industrial School, and to retain the same, subject to the rules and regulations of said institution, and said board of managers shall have the right, and it shall be their duty to receive and detain all such persons committed to their custody, and such right and duty shall not be effected, prejudiced or impaired by reason of, or in consequence of, any technical defect or clerical error in the warrant of commitment. (1)

§ 4. The superintendent of the State Industrial School, with the approval of the board of managers thereof, is hereby authorized, in his discretion, to institute and establish a system of rules and regulations for uniforming, equipping, officering, disciplining and drilling in military art the male inmates of said institution, and to exercise and drill such inmates according to the most approved tactics, such number of hours daily as he may deem advisable.

§ 5. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, which the treasurer shall pay, on the warrant of the comptroller, to the order of the said board of man-

Acts made  
applicable.

Ibid.

Effect of  
change in  
name.

Regula-  
tions as to  
military  
drills.

Appropri-

(1) Amended by Laws of 1898, ch. 470.

agers, for the purpose of carrying into execution the provisions of section four of this act.

§ 6. This act shall take effect immediately. (1)

#### CHAPTER 470.

AN ACT to amend chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six, entitled "An act changing the name of the 'Western House of Refuge for Juvenile Delinquents in Western New York,' to 'The State Industrial School,' and relating to discipline and instruction therein, and commitments thereto, and making an appropriation therefor."

APPROVED by the Governor April 22, 1889. Passed, three-fifths being present.

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

Act amended.

SECTION 1. Section three of chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six is hereby amended to read as follows:

Right to receive and detain children.

§ 3. It shall be lawful for the board of managers of the State Industrial School to receive into said school all children who have heretofore been, or who may hereafter be, sentenced to the Western House of Refuge for Juvenile Delinquents, or to the House of Refuge for Juvenile Delinquents in Western New York or to the State Industrial School, and to retain the same, subject to the rules and regulations of said institution, and said board of managers shall have the right, and it shall be their duty to receive and detain all such persons committed to their custody, and such right and duty shall not be affected, prejudiced or impaired by reason

(1) See Laws of 1846, ch. 143; repealed by Laws of 1896, ch. 546.

of, or in consequence of, any technical defect or clerical error in the warrant of commitment. The several courts having criminal jurisdiction and who shall hold criminal courts in all the counties of this State, except the counties of New York and Kings, are hereby authorized to sentence juvenile delinquents convicted in any of such courts to such State Industrial School.

§ 2. This act shall take effect immediately.

Commitments to school.

#### CHAPTER 471.

AN ACT to authorize and empower the commissioners of the land office to grant to the city of Rochester a right of way for a public street through the lands of the State appurtenant to the State Industrial School, at Rochester.

APPROVED by the Governor June 13, 1889. Passed, three-fifths being present.

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

SECTION 1. The Commissioners of the Land Office are hereby authorized and empowered to grant and lease by letters patent to the city of Rochester a right of way for a public street through the lands of the State of New York appurtenant to the State Industrial School, situated in the city of Rochester, upon such terms, conditions and restrictions as the Commissioners of the Land Office and the managers of said Industrial School shall deem just and proper for the protection of the interests of the State and said Industrial School, as may be agreed upon by and between the Commissioners of the Land Office, said managers, and the city of Rochester.

Commissioners of land office may grant right of way for street.

Conditions now agreed upon.

§ 2. The terms conditions and restrictions hereinabove provided for shall be reduced to an agreement in writing and signed in duplicate on behalf of said man-

Agreement, how executed, filed and delivered, etc.

agers by their president and secretary, and under their seal, and by said city by its mayor with the seal of said city. One copy thereof shall be filed in the office of the Commissioners of the Land Office, and the other copy shall be delivered to the president of said board of managers, and when so delivered may be recorded with the letters patent issued by the Commissioners of the Land Office in the office of the clerk of Monroe county.

§ 3. This act shall take effect immediately.

#### CHAPTER 216.

AN ACT to prohibit, except on conviction for felony, the commitment of children under twelve years of age to the State Industrial School at Rochester or the house of refuge on Randall's Island.

APPROVED by the Governor April 20, 1891. Passed, three-fifths being present.

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

SECTION 1. Hereafter, no child under the age of twelve years, shall be sentenced or committed to the State Industrial School at Rochester, or the house of refuge on Randall's island, on conviction for any crime or offense less than a felony.

§ 2. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1896, ch. 546.

#### CHAPTER 228.

AN ACT to authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents.

PASSED MAY 1, 1875; three-fifths being present.

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

SECTION 1. The managers of the Western House of Refuge for Juvenile Delinquents are hereby authorized to erect and furnish a suitable building for a female department of the Western House of Refuge for Juvenile Delinquents, large enough to accommodate one hundred girls, to be under the same management as the said house of refuge, and to be located on the farm belonging to the State on which said house of refuge now stands; and the said managers shall contract for the erection and enclosure of the said building on such plans and such terms as they may deem just and proper, provided the said plans and the terms of said contract shall be approved by the governor and comptroller of the State of New York; and the said managers shall select and designate three of their number, who shall superintend the erection of said building, with a view to the due execution of the work on the part of those with whom the said managers shall contract for the erection and enclosure thereof.

§ 2. The State treasurer is hereby directed to pay to the treasurer of the said board of managers, on warrant of the comptroller, out of any money in the treasury not otherwise appropriated, such sum or sums of money as they may from time to time require for the erection of said building, not exceeding the sum of seventy-five thousand dollars, at such time as the same may be needed by said managers, in sums not exceeding five thousand dollars at any one time, and the expenditure

Western house of refuge, building for female department.

Contract for building, managers to enter into.

Plan, and terms of contract, approval of.

Appropriation.

of at least four thousand dollars thereof shall be accounted for to the comptroller before any other sum shall be advanced.

Report of moneys received and expended to be made to the comptroller.

§ 3. It shall be the duty of the said managers to make a detailed report of all the money received and expended by them by virtue of this act, and of the progress which shall have been made in the erection and enclosure of the said building, to the comptroller of this State, on or before the first day of January next, and as often thereafter as the comptroller shall or may from time to time require.

Sealed proposals, advertising for.

§ 4. The said managers shall for three weeks advertise in a newspaper published in each of the cities of New York, Albany, Buffalo, Rochester and, Syracuse, for sealed proposals for erecting and completing said building and enclosure, and shall make a contract for the same with the lowest bidder or bidders, provided such bidder or bidders shall give satisfactory security for the performance of his or their contract or contracts, provided that such contract or contracts and such security shall be approved by the comptroller or governor. No such bid shall be received unless the same shall be accompanied by a bond to the people of the State, in the penal sum of ten thousand dollars, executed by the person making such bid, and by two sureties, whose sufficiency shall be certified by the first judge of the county in which such sureties reside, conditioned that the person making such bid will, within twenty days after such bid shall be accepted, enter into a contract according to such bid, and give such security as is above required for the full and faithful performance thereof. In case the conditions of such bond shall be broken, the comptroller shall cause such bond to be prosecuted, whenever, in his opinion, the interests of the State shall require it; and in the suit brought thereon the people of this State shall be entitled to recover the difference between the

Contract to be made with lowest bidder.

Provide.

Bonds to accompany bid.

If conditions broken, the comptroller to prosecute bond.

Measure of damages.

bid mentioned in the condition of said bond and the same mentioned in the bid upon which a contract shall be finally made, and also any other damages which the State may sustain by the breach of the condition of said bonds.

§ 5. No part of the moneys hereby appropriated shall be paid by the comptroller until plans for the erection of the building shall have been presented and approved by the said managers and a contract made for the erection thereof, at a total cost of not more than seventy-five thousand dollars, which contract shall stipulate to complete the building, ready for occupancy at once, and without further outlay; and the person or persons entering into said contract shall bind themselves in bonds of not less than eighty thousand dollars, with two good and sufficient sureties, to be approved by the comptroller, to erect and complete the said building in the manner and for the sum hereinbefore provided.

When moneys to be paid.

Bond of contractors and approval thereof.

§ 6. Instead of letting the construction of said building by contract, as before provided, said managers may, with the approval of the governor and comptroller, construct such building under the supervision of a superintendent appointed for that purpose, and any expenditure made by them for that purpose shall be audited by the comptroller, and paid by the treasurer out of the moneys hereby appropriated for the construction of such building.

Managers may construct building under supervision of a superintendent.

§ 7. The managers and superintendent shall receive and take into said house of refuge all female children under the age of sixteen who shall be legally committed to said house of refuge as vagrants, or on a conviction of any criminal offense by any court having authority to make such commitments. The said managers shall have power to place the said children committed to their care, during the minority of such children, at such employments and cause them to be instructed in such branches

Vagrant female children, or those convicted of crime, to be received into House of Refuge.

Employment, instruction, and binding out of children.

of useful knowledge as shall be suitable to their years and capacities; and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to such persons, and at such places, to learn such proper trades and employment, as in their judgment will be most for the reformation and the future benefit and advantage of such children, provided that the charge and power of said managers upon and over said female children shall not extend beyond the age of eighteen years.

Powers of managers over children, when to cease.

Readiness for reception of children, certificates of.

Order by the governor.

Certified copy of certificate and order, secretary of State to transmit.

Sentences to house of refuge.

§ 8. Whenever the said department for females of the western house of refuge shall, in the opinion of the managers, be in readiness for the reception of persons committed thereto, the said managers shall make duplicate certificates thereof, one of which shall be transmitted by mail to the governor of this State, and the other of which shall be filed in the office of the clerk of the county of Monroe. The governor, on receiving such certificate, shall make an order authorizing courts in the fourth, fifth, sixth, seventh and eighth judicial districts of the State to send female delinquents to the said house of refuge, and shall file the certificate of such managers and his said order in the office of the secretary of State; the said secretary of State shall transmit by mail to the first judge and county clerk of each of the counties included in the judicial districts designated in said order a certified copy of such certificate and order.

§ 9. From and after the time of making such order, the courts of criminal jurisdiction of the several counties in the judicial districts designated in said order, shall sentence to the said house of refuge every female under the age of sixteen years who shall be convicted before such court of any felony; the said courts and the several magistrates of the said counties may, in their

discretion, sentence to the said house of refuge any such female who may be convicted before them of petit larceny, prostitution or disorderly conduct.

§ 10. All provisions or existing laws, requiring the courts in any of the judicial districts named in the order to be made by the governor under the provisions of the ninth section of this act, to sentence persons to the house of refuge in the city of New York, shall be, from and after the making of the said order, repealed, so far as the same relates to the counties embraced in the said order and shall be inconsistent with the provisions of this act.

Repeal of existing laws.

§ 11. All acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 12. This act shall take effect immediately. (1)

#### CHAPTER 54.

AN ACT to amend section three of chapter four hundred and thirty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to revise and consolidate the statutes of the State relating to the custody and care of indigent and pauper children by orphan asylums and other charitable institutions."

BECAME A LAW February 24, 1894, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. The third section of chapter four hundred and thirty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to revise and consolidate the statutes of the State relating to the custody and care of indigent and pauper children by orphan asylums and other charitable institutions;" is hereby amended so as to read as follows:

Act amended.

(1) Repealed by Laws of 1896, ch. 546.

Institutions to keep record of children.

§ 3. All institutions, public or private, incorporated or not incorporated, for the reception of minors, whether as orphan or as pauper, indigent, destitute, vagrant, disorderly or delinquent persons, are hereby required to provide and keep a record, in which shall be entered the date of reception, and the names and places of birth and residence, as nearly as the same can reasonably be ascertained, of all children admitted in such institutions, and how and by whom and for what cause such children shall be placed therein, and the names, residence, birth-place and religious denomination of the parents of such children so admitted, as nearly as the same can be reasonably ascertained; and whenever any such child shall leave such institution, the proper entry shall be made in such record, showing in what manner such child shall have been disposed of, and if apprenticed to or adopted by any person or family, or otherwise placed out at service or on trial, the name and place of residence of the person or head of the family to or with whom such child shall have been so apprenticed, adopted or otherwise placed out. The supreme court may, upon application by a parent, relative or legal guardian of such child, after due notice to the institution and hearing had thereon, by order direct the officers of such institution to furnish such parent, relative or legal guardian with such extracts from such record relating to such child as such court may deem proper. Nothing in this section shall be construed to prevent visitation by relatives and friends in accordance with the established rules of such institutions.

§ 2. This act shall take effect immediately.

Court may order extracts furnished.

Visitations by relatives and friends.

## CHAPTER 187.

AN ACT to provide for the establishment of a house of refuge for women.

PASSED May 2, 1881; three-fifths being present.

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

SECTION 1. There shall be established in this State a house of correction for women, to be located at some point within the State, outside of the counties of New York and Kings, to be known as the house of refuge for women.

House of correction.

§ 2. It shall be the duty of the governor, within thirty days after the passage of this act by and with the advice and consent of the senate, to appoint five residents of the State to constitute a board of managers of said house of refuge, who shall hold office for one, two, three, four and five years respectively, as shall be indicated by the governor on making the appointment; and thereafter, all appointments, except to fill vacancies in said board, shall be for five years, and shall be made by the governor with the advice and consent of the senate.

Governor to appoint board of managers.

Whenever a vacancy occurs in said board of managers by expiration of term of office, or by death, resignation, removal or otherwise, the governor shall appoint a resident of the State to fill such vacancy, but when an appointment shall be made to fill out an unexpired term of office, the governor shall so indicate at the time of making such appointment, and the person so appointed shall hold office only till the close of such unexpired term. The governor shall have power to remove any manager at any time, for cause, on giving to such manager a copy of the charges against him or her and an opportunity of being heard in his or her defense.

Vacancies.

§ 3. Before entering upon their duties, the said managers shall respectively take and subscribe to the usual

Official oath.

oath of office, which oath may be taken and subscribed before the judge of any court of record in this State, or any notary public having a seal, and shall be filed in the office of the secretary of State. They shall also, severally, execute a bond to the people of this State in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the comptroller of the State, conditioned for the faithful performance of the duties required of them by this act, which bond shall be filed in the office of the comptroller of the State.

Not to receive compensation, but expenses to be paid.

§ 4. The said managers shall receive no compensation for their time or services; but the actual and necessary expenses of each of them while engaged in the performance of the duties of his or her office, on being presented in writing and verified by his or her affidavit, shall be paid quarterly by the treasurer of said board of managers.

Duty of board of managers to purchase buildings, etc.

§ 5. It shall be the duty of the said board of managers, immediately after their appointment, to meet and organize by the election of a president, secretary and treasurer from their number, and within six months after the time of their appointment, to purchase land and one or more buildings, if such can be found within the limits of the State outside the counties of New York and Kings, suitable or which can be made suitable for the detention and employment of such women as may be committed to their charge, under the provisions of this act, and to rearrange and prepare the said structures and premises in such manner and with such appointments and appurtenances as shall most effectually facilitate the useful instruction and self-supporting industry of the inmates who are to occupy the same. In case no land and buildings thereon, suitable for the purpose, can be purchased, the said managers are hereby authorized to select and purchase an eligible site, within the

limits of the State, as aforesaid, and to cause to be erected thereon appropriate buildings with accommodations for two hundred and fifty inmates, together with such household accommodations for the superintendent and family and for subordinate officers as said managers may deem necessary. In case it shall become necessary to erect such buildings, the governor is hereby authorized to appoint a superintendent of construction to take charge of the erection of such house of refuge, to be paid an annual salary of not more than twenty-five hundred dollars out of the appropriation made by this act, but no part of said appropriation shall be expended, except upon plans and specifications for such house of refuge, submitted by the board of managers to be approved by the comptroller, and upon sworn estimates and contracts, accompanied by suitable bonds with good and sufficient sureties for the completion thereof, which will satisfy him that such work will be completed for a sum not to exceed one hundred thousand dollars. The term of office of said superintendent of construction shall terminate upon the performance of the contracts made for the erection of the buildings, provided that all contracts under this section shall be open to competition and shall be awarded to the lowest responsible bidder after notice duly given by suitable publication, reserving the power in said board of managers to reject any and all bids therefor.

Superintendent of construction.

Plans, etc.

Term of office of superintendent.

§ 6. The board of managers shall, on the completion of the buildings herein provided for, appoint a female superintendent of said house of refuge, who shall hold office during the pleasure of the board; she shall have power to appoint and remove her subordinates, subject to the approval of the board. The board of managers shall fix the salary of the superintendent, and of all other officers and persons employed in the said house of refuge.

Female superintendent of house of refuge.

Notice to county clerks, etc.

§ 7. As soon as the said house of refuge is ready for the reception of inmates, it shall be the duty of the board of managers to officially notify the several county clerks of the counties of this State, except the counties of New York and Kings, of that fact, and to furnish said county clerks with suitable blanks for the commitment of women to said house of refuge. It shall be the duty of the said several county clerks, immediately on the reception of said official notification, to transmit a copy thereof to the several justices of the peace, police justices, and other magistrates and courts of their respective counties.

Commitments.

§ 8. When, and so soon as the said house of refuge is ready for the reception of inmates, and all the requirements of section seven of this act have been fully complied with, all justices of the peace, police justices, and other magistrates and courts of the counties within the limits aforesaid, any law to the contrary notwithstanding, may sentence and commit all females, between the ages of fifteen and thirty years, who have been convicted of petit larceny, habitual drunkenness, of being common prostitutes, frequenters of disorderly houses or houses of prostitution, to the said house of refuge, for a term of not more than five years, unless sooner discharged therefrom by the board of managers.

Magistrates to notify superintendents of convicts.

§ 9. It shall be the duty of every justice of the peace, police justice or other magistrate or court, committing any woman under authority given by this act, immediately to notify the superintendent of said house of refuge of such conviction and to cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses, and last place of residence of all women so committed by them, together with the particulars of the offense charged. A copy of said record shall be transmitted with the warrant of commitment to the superintendent of said house

Record to be kept.

of refuge, who shall enter and keep in a book of record all these and such other facts as are by law required concerning inmates of poor-houses.

§ 10. It shall be unlawful for any magistrate or court to commit any female under fifteen or over thirty years of age to the said house of refuge, and it shall be unlawful for the superintendent of the said house of refuge to receive any female under fifteen or over thirty years of age as an inmate of said house of refuge.

Females under 15 and over 30 not to be committed.

§ 11. The board of managers shall employ suitable persons to convey from the place of conviction to the said house of refuge all women duly committed thereto, and said persons shall have the power and authority of deputy sheriffs. All expenses of such conveying shall be paid by the treasurer of the board of managers of said house of refuge.

Persons to convey prisoners.

§ 12. It shall be the duty of the board of managers, appointed in accordance with section two of this act, to decide upon the means and kind of employment for women committed to the said house of refuge, and to provide for their necessary custody and superintendence; and the provisions for the self-keeping and employment of such women shall be made with regard to the formation of habits of self-supporting industry in such women, and to their mental and moral improvement; and for the purposes of this act, to secure the safe-keeping, obedience, and good order of the women committed under this act, the superintendent of said house of refuge is hereby given, and is required to exercise, in regard to women committed to said house of refuge, the same power as jail keepers and constables have in regard to persons committed or held in custody of said officers.

Employment.

§ 13. The board of managers of said house of refuge may open an account with all persons committed to said house of refuge, charging them with all the expenses

Account of be opened with prisoners.

incurred by the board for their maintenance and discipline, not to exceed, however, the sum of two dollars per week, and crediting them with a reasonable compensation for the labor performed by them, and at the expiration of their term of sentence, if any balance shall be found due to them, may pay the same to them at the time of their discharge.

Appropriation.

§ 14. The sum of one hundred thousand dollars is hereby appropriated for the purposes of this act. The treasurer of the State shall, on the warrant of the comptroller, pay to the treasurer of the board of managers of said house of refuge such sums as may, from time to time, be required for the purchase of land, erection of buildings and furnishing the same, not to exceed the sum of one hundred thousand dollars, such requirements being notified to the comptroller by the said board of managers, in writing, specifying, in items, the purposes for which the said sums are required.

§ 15. This act shall take effect immediately. (1)

(1) Supplementary act, Laws of 1884, ch. 314. Amended by Laws of 1887, ch. 17; Laws of 1892, ch. 704; Laws of 1895, ch. 263.

See Laws of 1896, ch. 238; Laws of 1899, ch. 41. Repealed by Laws of 1896, ch. 546.

## CHAPTER 314.

AN ACT supplemental to chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women," and making an additional appropriation for the erection of a building.

PASSED MAY 21, 1884; three-fifths being present.

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

SECTION 1. The sum of ninety-five thousand and five hundred dollars, being the balance remaining unexpended of the sum of one hundred thousand dollars, appropriated by chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women," or so much thereof as shall remain unexpended on the passage of this act, is hereby appropriated for the purposes of said act. The treasurer of the State shall, on the warrant of the comptroller, pay to the treasurer of the board of managers of said house of refuge, such sums or portions thereof as may from time to time be required for erection of buildings and furnishing the same, such requirements being notified to the comptroller by the said board of managers, in writing, specifying in items the purposes for which said sums are required.

\$95,000 re-appropriated.

§ 2. The further sum of twenty-five thousand dollars is hereby appropriated for the purposes of said act, to be paid by the treasurer of the State as specified in the first section of this act.

\$25,000 appropriated.

§ 3. No part of the sum heretofore and herein appropriated shall be expended except upon plans and specifications for such house of refuge, submitted by the board of managers, to be approved by the comptroller and upon

Not to be expended except upon plans, etc. approved by comptroller.

sworn estimates and contracts, accompanied by suitable bonds, with good and sufficient sureties for the completion thereof, which will satisfy the comptroller that such work will be completed for a sum not to exceed one hundred and twenty thousand five hundred dollars. All contracts for such construction shall be open to competition, and shall be awarded to the lowest responsible bidder after notice duly given by suitable publication, reserving the power to said board of managers to reject any and all bids therefor.

§ 4. This act shall take effect immediately. (1)

#### CHAPTER 42.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four, entitled "An act supplemental to chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women,' and making an additional appropriation for the erection of a building."

PASSED March 10, 1885; three-fifths being present.

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

SECTION 1. Section four of chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four, entitled "An act supplemental to chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women,' and making an additional appropriation for the erection of a building," is hereby amended so as to read as follows:

(1) Amended by Laws 1885, ch. 42; Laws of 1892, ch. 341.

§ 4. If the board of managers appointed under and in pursuance of said acts shall deem it advisable, and for the best interest of the State to purchase other land within the city of Hudson for the purposes mentioned in said acts than that already so purchased, it is hereby authorized to do so, and thereupon, if so deemed advisable, said board is hereby authorized and empowered to sell and convey the land heretofore purchased for such purposes at the best price which can be obtained therefor, but not at a price less than that for which the same was so purchased.

§ 2. This act shall take effect immediately. (1)

#### CHAPTER 341.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four as amended by chapter forty-two of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four, entitled 'An act supplemental to chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women, and making additional appropriation for the erection of a building.'"

APPROVED by the Governor April 20, 1892. Passed, three-fifths being present.

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

SECTION 1. Section four of chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four as amended by chapter forty-two of the laws of eighteen hundred and eighty-five, entitled "An act to amend

Board of managers empowered to purchase additional land, etc.

Act amended.

(1) See Laws of 1892, ch. 341.

chapter three hundred and fourteen of the laws of eighteen hundred and eighty-four, entitled 'An act supplemental to chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women, and making additional appropriation for the erection of a building,'" is hereby further amended so as to read as follows:

Purchase of other lands.

§ 4. If the board of managers appointed under and in pursuance of said act shall deem it advisable and for the best interests of the State to purchase other lands within the city of Hudson for the purposes mentioned in said act, than that already so purchased, it is hereby authorized to do so, and thereupon, said board shall report its action to the commissioners of the land-office, who are hereby authorized and empowered to sell and convey the land heretofore purchased for such purposes at such price as they may deem to be for the best interests of the State.

Sale of lands herebefore purchased.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

## CHAPTER 17.

AN ACT to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a House of Refuge for Women."

PASSED February 16, 1887; three-fifths being present.

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

SECTION 1. Section eight of chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-

one, entitled "An act to provide for the establishment of a House of Refuge for Women," is hereby amended so as to read as follows:

§ 8. When, and so soon as said house of refuges shall be ready for the reception of inmates, and all the requirements of section seven of said act shall have been complied with, all justices of the peace, police justices, and other magistrates and courts within the limits aforesaid, any laws heretofore enacted the contrary thereof, notwithstanding, may sentence and commit to the House of Refuge for Women at Hudson, New York, for a term of five years, unless sooner discharged therefrom, by the board of managers thereof, any female between the ages of fifteen and thirty years who shall have been convicted by such justice, or in said court, of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses, or houses of prostitution, or of any misdemeanor, and who is not insane, or mentally or physically incapable of being substantially benefited by the discipline of said institution.

Commitments of certain females.

1. The board of managers of said House of Refuge shall have power to cause to be detained therein, under such proper rules and regulations as said board shall provide, any female so committed thereto, according to the terms of said sentence and commitment, and to cause the re-arrest in any county in this State, and return to said House of Refuge, of any person who may have escaped therefrom, or been conditionally discharged therefrom, as herein provided, and in any case of such re-arrest and return, to detain her as aforesaid, from the time of such return for a time equal to the unexpired portion of her term at the time of her said escape or conditional discharge.

Juries governing detentions.

2. In any case of the escape of an inmate from said house of refuge, any person duly employed by said board of managers to convey to said House of Refuge, women

Re-arrests in case of escape.

END.

committed thereto, shall have power to arrest such escaped inmate in any county in this State without a warrant, and forthwith to convey her to said House of Refuge, and any magistrate shall have power to cause any such escaped inmate to be arrested and held in custody until she can be removed to said house of refuge as in case of her first commitment thereto.

No arrests  
in cases of  
conditional  
discharge.

3. Any person having been conditionally discharged from said house of refuge may be arrested and returned thereto upon the warrant of the board of managers of said House of Refuge, issued by order of said board, signed by the secretary and attested by the president of said board, which warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to any person employed by said board of managers to convey to said House of Refuge persons committed thereto, and when so signed, attested and delivered may be executed by such person in any county in this State.

§ 2. Section ten of said act is hereby amended so as to read as follows:

Age and  
expiration,  
how deter-  
mined.

§ 10. Any court or magistrate authorized to commit any female to said House of Refuge shall, before so committing her, inquire into and for the purposes of the case, determine the age of such female at the time of such commitment, and her age as so determined shall be stated in the warrant; and when the year only is stated it shall be considered as expiring on the day on which the warrant is dated, and the statement of the age of such female so made in said warrant of commitment shall be conclusive evidence as to the age of said female in any action to recover damages for her detention or imprisonment under said warrant, and shall be presumptive evidence of the age of such female in any other inquiry, action or proceeding relating to such detention.

1. Whenever it shall appear to the satisfaction of said board of managers that any person committed to said House of Refuge is not of the proper age to be so committed thereto, or is insane, or mentally or physically incapable of being materially benefited by the discipline of said institution, or improperly committed thereto, it shall be the duty of said board of managers thereupon to cause the return of such female to the county from which she was so committed, in the custody of one of the persons employed by said board of managers to convey to said House of Refuge women committed thereto, who shall deliver her into the custody of the sheriff of such county, to be by said sheriff taken before the court or magistrate which committed her to said House of Refuge, or some other court or magistrate having equal jurisdiction in such county, to be by such court or magistrate resented for the offense for which she was committed to said House of Refuge, and dealt with in all respects as though she had not been so committed to said House of Refuge, and in such case all costs and expenses incurred and paid by said board of managers, on account of such female so returned, shall be a county charge upon such county, to be levied and collected as other taxes in said county, and paid over to said board of managers, and credited to the account to which such expenses were charged.

Managers,  
when to  
return  
female.

Magistrates  
may resent-  
ence.

Expenses  
of return,  
how paid.

2. The board of managers of said House of Refuge shall have the power, in their discretion, to furnish each person discharged from said House of Refuge, with clothes and money to the same amount and extent as is provided for discharged convicts by section three of chapter four hundred and fifty-one of the laws of eighteen hundred and seventy-four. The expense thereof to be paid out of any moneys appropriated for the maintenance of said House of Refuge.

Managers  
may fur-  
nish cloth-  
ing, &c.,  
upon dis-  
charge.

How paid.

Care of nursing children, etc.

Commitments to asylums in certain cases.

Freedom of worship.

3. In case any woman committed to said House of Refuge shall, at the time of such commitment, be the mother of a nursing child in her care, under one year of age, or be pregnant with child, which shall be born after such commitment, such child may accompany its mother to, and remain in said House of Refuge, until such time as, in the opinion of said board of managers, such child can properly be removed therefrom, and suitably provided for elsewhere; and in case such woman at the time of such commitment, shall be the mother of, and have under her exclusive care a child or children, more than one year of age, and which might otherwise be left without proper care or guardianship, it shall be the duty of such court or magistrate, so committing said woman, to cause such child or children to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 3. Nothing herein contained shall interfere with the right of freedom of worship of any inmate confined within said institution, as provided by the constitution of the State of New York.

§ 4. This act shall take effect immediately. (1)

(1) Amended by Laws of 1892, ch. 704. See Laws of 1881, ch. 187.

## CHAPTER 704.\*

AN ACT to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women," and to amend chapter seventeen of the laws of eighteen hundred and eighty-seven, entitled "An act to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women.'"

APPROVED by the Governor May 19, 1892. Passed, three-fifths being present.

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

SECTION 1. Section six of chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women," is hereby amended so as to read as follows:

Act amended.

§ 6. The board of managers shall appoint a female superintendent of said house of refuge, who shall hold office during the pleasure of the board; she shall have power to appoint and remove her subordinates, subject to the approval of the board. The board of managers shall fix the salary of the superintendent, and of all other officers and persons employed in the said house of refuge. All persons so employed in the said house of refuge for women, must, before entering upon his or her duties, pass an examination before the local civil service board appointed by the State civil service board.

Female superintendent and subordinates.

Salaries.

Civil service examinations.

§ 2. Section seven of said act of eighteen hundred and eighty-one, is hereby amended so as to read as follows:

\* Items of appropriation contained in this act, as passed by the Legislature, and objected to by the governor, with the statement of his objections thereto, are not included in this publication, which contains only so much of the act as actually became a law, under section nine of article four of the constitution.

Blanks for  
commit-  
ments.

Duty of  
county  
clerk.

Committ-  
ments to in-  
stitution.

§ 7. It shall be the duty of the board of managers of said house of refuge to furnish the several county clerks of the counties of this State with suitable blanks for the commitment of women to said house of refuge. It shall be the duty of the several county clerks, immediately on receiving such blanks, to notify the several justices of the peace, police justices and police magistrates, and other magistrates and courts of their respective counties that they have such blanks.

§ 3. Section eight of chapter seventeen of the laws of eighteen hundred and eighty-seven, entitled "An act to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for the establishment of a house of refuge for women,'" is hereby amended so as to read as follows:

§ 8. When and so soon as said house of refuge shall be ready for the reception of inmates and all the requirements of section seven of this act shall have been complied with all justices of the peace, police justices, and police magistrates and other magistrates and courts within the limits of this State, any laws heretofore enacted to the contrary thereof notwithstanding may sentence and commit to the house of refuge for women at Hudson, New York, for a term of five years unless sooner discharged therefrom by the board of managers thereof, any female between the ages of twelve and twenty-five years who shall have been convicted by such justice or in said court of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of any misdemeanor, and who is not insane or mentally or physically incapable of being substantially benefited by the discipline of said institution.

Subdivision 1. The board of managers of said house of refuge shall have power to cause to be detained

therein, under such proper rules and regulations as said board shall provide, any female so committed thereto, according to the terms of said sentence and commitment, and to conditionally discharge any inmate so sentenced and committed at any time prior to the expiration of said five years, and to cause the rearrest in any county of this State, and return to said house of refuge, of any person who may have escaped therefrom, or has been conditionally discharged therefrom, as herein provided, and in any case of such rearrest and return to detain her as aforesaid from the time of such return, for a time equal to the unexpired portion of her term, at the time of her said escape or conditional discharge.

Subdivision 2. In any case of the escape of an inmate from said house of refuge any person duly employed by said board of managers to convey to said house of refuge women committed thereto, shall have power to arrest such escaped inmate in any county in this State without a warrant and forthwith to convey her to said house of refuge, and any magistrate shall have power to cause any such escaped inmate to be arrested and held in custody until she can be removed to said house of refuge as in case of her first commitment thereto.

Subdivision 3. Any person having been conditionally discharged from said house of refuge may be arrested and returned thereto upon a warrant signed by the president and attested by the secretary of said board, which warrant shall briefly state the reasons for such arrest and return, and shall be directed and delivered to any person employed by said board of managers to convey to said house of refuge persons committed thereto, and when so signed, attested and delivered, may be executed by such person in any county in this State.

§ 4. Section nine of said act of eighteen hundred and eighty-one is hereby amended so as to read as follows:

Powers of  
managers  
as to sen-  
tences and  
rearrests.

Rearrests  
in case of  
escape.

Rearrests  
in case of  
conditional  
discharge.

Duty of committing magistrate.

§ 9. It shall be the duty of every justice of the peace, police justice or other magistrate or court, committing any woman under authority given by this act, immediately to notify the superintendent of said house of refuge of such conviction, and to cause a record to be kept of the name, age, birth-place, occupation, previous commitments, if any, and for what offenses, and last place of residence, of all women so committed by them, together with the particulars of the offense charged. A copy of said record shall be transmitted with the warrant of commitment to the superintendent of said house of refuge, who shall enter and keep in a book of record all these facts.

§ 5. Section ten of said act of eighteen hundred and eighty-seven is hereby amended so as to read as follows:

Age and occupation, how determined.

§ 10. Any court or magistrate authorized to commit any female to said house of refuge shall before so committing her, inquire into, and for the purposes of the case, determine the age of such female at the time of such commitment, and her age as so determined shall be stated in the warrant; and when the year only is stated it shall be considered as expiring on the day on which the warrant is dated, and the statement of the age of the female so made in said warrant of commitment shall be conclusive evidence as to the age of said female, in any action to recover damages for her detention or imprisonment under said warrant, and shall be presumptive evidence of the age of such female in any other inquiry, action or proceeding, relating to such detention.

Return of females to counties in certain cases.

Subdivision 1. Whenever it shall appear to the satisfaction of said board of managers that any person committed, to said house of refuge is not of the proper age to be so committed thereto, or is insane, or mentally or physically incapable of being materially benefited by the discipline of said institution, or improperly com-

mitted thereto, it shall be the duty of said board of managers, thereupon to cause the return of such female to the county from which she was so committed in the custody of one of the persons employed by said board of managers to convey to said house of refuge women committed thereto, who shall deliver her into the custody of the sheriff of such county, to be by said sheriff taken before the court or magistrate which committed her to said house of refuge or some other court or magistrate having equal jurisdiction in such county to be by such court or magistrate resentence for the offense for which she was committed to said house of refuge, and dealt with in all respects as though she had not so been committed to said house of refuge, and in such cases all costs and expenses incurred and paid by said board of managers, on account of such female so returned, shall be a county charge upon such county, to be levied and collected as other taxes in said county, and paid over to said board of managers, and credited to the account to which such expenses were charged.

Recommitment.

Cost and expense of return.

Subdivision 2. The board of managers of said house of refuge shall have the power, in their discretion to furnish each person discharged from said house of refuge with clothes and money to the same amount and extent as is provided for discharged convicts, by section three of chapter four hundred and fifty-one, of the laws of eighteen hundred and seventy-four. The expenses thereof to be paid out of any moneys appropriated for the maintenance of said house of refuge.

Clothing, etc., furnished, upon discharge.

Subdivision 3. In case any woman committed to said house of refuge shall at the time of such commitment be the mother of a nursing child in her care, under one year of age, or be pregnant with child, which shall be born after such commitment, such child may accompany its mother to, and remain in said house of refuge until such time as in the opinion of said board of mana-

Nursing children, care of.

Commitment of children to asylums in certain cases.

gers such child can properly be removed therefrom, and suitably provided for elsewhere; and said board of managers shall in their discretion have power to cause such child or children to be placed in any asylum for children in this State and to pay for the care and maintenance of such child or children at a rate not to exceed two dollars and one-half a week, until the mother of such child or children shall have been discharged as hereinbefore provided for, or to commit such child or children to the care and custody of some relative or proper person willing to assume such care. And in case such woman at the time of such commitment shall be the mother of and have under her exclusive care, a child or children, more than one year of age, and which might otherwise be left without proper care or guardianship, it shall be the duty of such court or magistrate, so committing said woman to cause such child or children to be committed to such asylum as may be provided by law for such purpose, or to the care and custody of some relative or proper person willing to assume such care.

§ 6. Section eleven of said act of eighteen hundred and eighty-one is hereby amended so as to read as follows:

§ 11. The board of managers shall employ and are hereby authorized to employ suitable persons to be known as marshals of the house of refuge for women, to convey from the place of conviction to the said house of refuge all women committed thereto, and said persons shall have the power and authority of deputy sheriffs. Such marshals shall be paid for their services by the treasurer of the said house of refuge such fees and mileage as sheriffs are paid in conveying persons to State prisons.

§ 7. Section twelve of said act of eighteen hundred and eighty-one is hereby amended so as to read as follows:

Marshal to convey women committed.

Compensation.

§ 12. It shall be the duty of the board of managers appointed in accordance with section two of the act of eighteen hundred and eighty-one, to decide upon the means and kind of employment and instruction in the ordinary English branches and, in the discretion of the said board of managers, in typewriting and stenography, for the women committed to the said house of refuge, and to provide for their necessary custody and superintendence; and the provisions for the safe-keeping and employment of such women shall be made with regard to the formation of habits of self-supporting industry in such women, and to their mental and moral improvement; and for the purpose of this act to secure the safe-keeping, obedience and good order of the women committed under this act, the superintendent of said house of refuge is hereby given, and is required to exercise, in regard to women committed to said house of refuge, the same power as jail-keepers and constables have in regard to persons committed or held in custody of said officers.

Employment and safe-keeping of inmates.

Superintendent to exercise powers of jail-keepers, etc.

§ 9. The board of managers of said house of refuge are hereby authorized and empowered to apply all funds appropriated for the maintenance of said house of refuge to the expenses connected with and incurred in improvements and additions to buildings on the grounds of said house of refuge, and to all other disbursements necessarily incurred in the judgment of the board of managers in the proper conduct of the business and the affairs of said house of refuge.

Application of funds appropriated for maintenance.

§ 10. The board of managers of said house of refuge are hereby authorized and empowered to employ legal counsel to resist attempts to remove from said house of refuge, women sentenced and committed thereto, by any mandate, or process, or writ provided for by the code of civil procedure of this State, or by the criminal

Employment of counsel.

code of this State. Such counsel, so employed, shall be paid by the treasurer of the board of managers of said house of refuge.

§ 11. This act shall take effect immediately. (1)

#### CHAPTER 587.

AN ACT to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women."

BECAME a law May 12, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

Amendment  
of act.

SECTION 1. Subdivision three of section ten of chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, as amended by chapter seventeen of the laws of eighteen hundred and eighty-seven, as amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Nursing  
children,  
care of.

3. In case any woman committed to said house of refuge shall at the time of such commitment be the mother of a nursing child in her care, under one year of age, or be pregnant with child, which shall be born after such commitment, such child may accompany its mother to, and remain in said house of refuge until such time as in the opinion of said board of managers such child can be properly removed therefrom, and suitably provided for elsewhere; and said board of managers shall in their discretion have power to cause such child or children to be placed in any asylum for children in this State and to pay for the care and maintenance of such child or children

Commitment  
of children to  
asylums in  
certain cases.

(1) Amended by Laws of 1896, ch. 587. Repealed by Laws of 1896, ch. 516.

at the rate not to exceed two dollars and a half a week, until the mother of such child or children shall have been discharged as hereinbefore provided for, or to commit such child or children to the care and custody of some relative or proper person willing to assume such care. And in case such woman at the time of such commitment shall be the mother of, and have under her exclusive care, a child or children, more than one year of age, and which might otherwise be left without proper care or guardianship, it shall be the duty of such court or magistrate so committing said woman to cause such child or children to be committed to such asylum as may be provided by law for such purpose, or to the care and custody of some relative or proper person willing to assume such care. The board of managers may bind out any child, born at or brought by its mother to the house of refuge, if a male, for a period which shall not be beyond its twenty-first year, and if a female, for a period which shall not be beyond her eighteenth year, which shall have been abandoned by its mother for a period not less than six months, and remaining in the house of refuge, to be a clerk, apprentice or servant, by an indenture in writing, which shall be signed by all the managers in the name of the board of managers, and shall be signed also by the person or persons to whom such child shall be so bound out, who shall, in such indenture undertake to treat such child kindly, which binding shall be as effectual as if such child had bound himself or herself with the consent of his or her father or mother.

Board may  
bind out  
children.

§ 2. This act shall take effect immediately.

## CHAPTER 253.

AN ACT to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women."

BECAME A LAW April 6, 1895, without the approval of the Governor.  
Passed, three-fifths being present.

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

Act amended.

SECTION 1. Section two of chapter one hundred and eighty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the establishment of a house of refuge for women," is hereby amended so as to read as follows:

Board of managers.

§ 2. It shall be the duty of the governor within thirty days after the passage of this act by and with the advice and consent of the senate to appoint six residents of the State to constitute a board of managers of said house of refuge, two of whom shall be women and another of whom shall be a physician who shall have practiced his profession for not less than ten years, and who shall have been graduated from some regularly incorporated medical school or college within the State of New York. Said managers shall hold office for one, two, three, four, five and six years respectively, as shall be indicated by the governor on making such appointments; and thereafter all appointments, except to fill vacancies in said board, shall be for six years, and shall be made by the governor with the advice and consent of the senate. Said board shall always be so constituted as that two of its members shall be women, and another a physician possessing the qualifications above described. Whenever a vacancy occurs in said board of managers by expiration of term of office, or by death, resignation, removal or otherwise, the governor shall appoint a resi-

Vacancies in board.

dent of the State to fill such vacancy, but when an appointment shall be made to fill out an unexpired term of office, the governor shall so indicate at the time of making such appointment, and the person so appointed shall hold office only until the close of such unexpired term. The governor shall have power to remove any manager at any time for cause, on giving to such manager a copy of the charges against him or her and an opportunity of being heard in his or her defense.

Removal for cause.

§ 2. The members of the board of managers in office at the time of the passage of this act shall continue to hold office until the appointment and qualification of the managers herein provided to be appointed, when their respective terms of office shall expire.

Terms of present managers.

§ 3. This act shall take effect immediately. (1)

## CHAPTER 238.

AN ACT to provide for the establishment of a house of refuge for women in western New York.

BECAME A LAW without the approval of the Governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1890. Passed, three-fifths being present.

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

SECTION 1. There shall be established in this State, a house of correction for women, to be located at some point within the seventh or eighth judicial district of the State, to be known as the Western House of Refuge for Women.

Establishment of house of correction.

§ 2. It shall be the duty of the governor, within thirty days after the passage of this act, by and with the advice and consent of the senate, to appoint five residents of the State, at least two of whom shall be

Managers, appointment of.

(1) Repealed by Laws of 1896, ch. 546.

women, to constitute a board of managers of said house of refuge who shall hold office for one, two, three, four and five years respectively, as shall be indicated by the governor on making the appointment; and thereafter all appointments, except to fill vacancies in said board, shall be for five years, and shall be made by the governor, with the advice and consent of the senate.

**Vacancies.**

Whenever a vacancy occurs in said board by expiration of the term of office or by death, resignation, removal or otherwise, the governor shall appoint a resident of the State to fill such vacancy, but when an appointment shall be made to fill out an unexpired term of office, the governor shall so indicate at the time of making such appointment and the person so appointed shall hold office only till the close of such unexpired term. The governor shall have power to remove any manager at any time for cause, on giving to such manager a copy of the charges against him or her, and an opportunity of being heard in his or her defense.

**Removals for cause.****Official oath.**

§ 3. Before entering upon their duties the said managers shall respectively take and subscribe to the usual oath of office, which oath may be taken and subscribed before the judge of any court of record in this State, or any notary public having a seal, and shall be filed in the office of the secretary of State. They shall also severally execute a bond to the people of this State in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the comptroller of the State, conditioned for the faithful performance of the duties required of them by this act, which bond shall be filed in the office of the comptroller of the State.

**Board.****Compensation and expenses.**

§ 4. The said managers shall receive no compensation for their time or services; but the actual and necessary expenses of each of them while engaged in the performance of the duties of his or her office, on being presented in writing and verified by his or her affidavit,

shall be paid quarterly by the treasurer of said board of managers.

§ 5. It shall be the duty of the said board of managers immediately after their appointment to meet and organize by the election of a president, secretary and treasurer from their number, and within six months after the time of their appointment, to purchase land and one or more buildings, if such can be found, within the limits of the seventh or eighth judicial district of the State, suitable or which can be made suitable for the detention and employment of such women as may be committed to their charge under the provisions of this act and to rearrange and prepare the said structures and premises in such manner and with such appointments and appurtenances as shall most effectually facilitate the useful instruction and self-supporting industry of the inmates who are to occupy the same. In case no land and buildings thereon suitable for the purpose can be purchased, the said managers are hereby authorized to select and purchase an eligible site within the limits aforesaid and to cause to be erected thereon appropriate buildings with accommodations for one hundred and fifty inmates, together with such household accommodations for the superintendent and family and for the subordinate officers as said managers may deem necessary. In case it shall become necessary to erect such buildings, the governor is hereby authorized to appoint a superintendent of construction to take charge of the erection thereof, to be paid an annual salary of not more than twenty-five hundred dollars out of the appropriation made by this act, but no part of said appropriation shall be expended except upon plans and specifications, for such house of refuge, submitted by the board of managers to be approved by the comptroller and upon sworn estimates and contracts accompanied by suitable bonds with good and sufficient sure-

Organization of board.

Purchase of land and buildings.

Purchase of site and erection of buildings.

Superintendent of construction.

Proviso as to expenditures for buildings.

ties for the completion thereof, which will satisfy him that such work will be completed for a sum not to exceed seventy-five thousand dollars. The term of office of said superintendent of construction shall terminate upon the performance of the contracts made for the erection of the buildings provided that all contracts under this section shall be open to competition and shall be awarded to the lowest responsible bidder, after notice duly given by suitable publication, reserving the power in said board of managers to reject any and all bids therefor.

Term of superintendent.

Contracts.

Female superintendent.

Salaries of officers and employes.

Notice to county clerks.

Duty of clerks thereupon.

Commitments.

§ 6. The board of managers, shall, on the completion of the buildings herein provided for, appoint a female superintendent of said house of refuge, who shall hold office during the pleasure of the board; she shall have power to appoint and remove her subordinates subject to the approval of the board. The board of managers shall fix the salaries of all officers and persons employed in the said house of refuge.

§ 7. As soon as the said house of refuge is ready for the reception of inmates, it shall be the duty of the board of managers to officially notify the several county clerks of the counties of this State of that fact and to furnish said county clerks with suitable blanks for the commitment of women to said house of refuge. It shall be the duty of the said several county clerks, immediately on the reception of said official notification to transmit a copy thereof to the several justices of the peace, police justices and other magistrates and courts of their respective counties.

§ 8. When, and so soon as said house of refuge shall be ready for the reception of inmates and all the requirements of section seven of this act shall have been complied with, all justices of the peace, police justices and other magistrates and courts (any laws heretofore enacted to the contrary thereof notwithstanding) may

sentence and commit to the western house of refuge for women for a term of five years, unless sooner discharged therefrom by the board of managers thereof, any female between the ages of fifteen and thirty years who shall have been convicted by such justice or in such court of petit larceny, habitual drunkenness, or being a common prostitute, of frequenting disorderly houses or houses of prostitution or of any misdemeanor, and who is not insane or mentally or physically incapable of being substantially benefited by the discipline of said institution.

§ 9. The board of managers of said house of refuge shall have power to cause to be detained therein under such proper rules and regulations as said board shall provide, any female so committed thereto according to the terms of said sentence and commitment, and to cause the rearrest in any county of this State and return to said house of refuge, of any person who may have escaped therefrom or been conditionally discharged therefrom, as herein provided, and in such case of such rearrest and return, to detain her as aforesaid from the time of such return, for a time equal to the unexpired portion of her time at the time of her escape or conditional discharge.

§ 10. In any case in the escape of any inmate from said house of refuge, any person duly employed by said board of managers to convey to said house of refuge women committed thereto, shall have power to arrest such escaped inmate in any county in this State without a warrant and forthwith to convey her to said house of refuge; and any magistrate shall have power to cause any such escaped inmate to be arrested and held in custody until she can be removed to said house of refuge, as in case of her first commitment thereto.

§ 11. Any person having been conditionally discharged from said house of refuge may be arrested and

Detentions and rearrests, power of managers as to.

Rearrests in case of escapes.

Rearrests in case of conditional discharge.

returned thereto upon the warrant of the board of managers of said house of refuge, issued by order of said board, signed by the secretary and attested by the president of said board, which warrant shall briefly state the reason for such arrest and return and shall be directed and delivered to any person employed by said board of managers to convey to said house of refuge persons committed thereto, and when so signed, attested and delivered, may be executed by such person in any county of this State.

*Duty of committing magistrate.*

§ 12. It shall be the duty of every justice of the peace, police justice or other magistrate or court committing any woman under authority given by this act, immediately to notify the superintendent of said house of refuge of such conviction and to cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses (and last place of residence of such woman or women), so committed by them, together with the particulars of the offense charged. A copy of said record shall be transmitted with the warrant of commitment to the superintendent of said house of refuge, who shall enter and keep in a book of record all these and such other facts as are by law required concerning inmates of poor-houses.

*Age and expirations, how determined.*

§ 13. Any court or magistrate authorized to commit any female to said house of refuge shall before so committing her inquire into and for the purpose of the case determine the age of such female at the time of such commitment, and her age as so determined shall be stated in the warrant; and when the year only is stated, it shall be considered as expiring on the day on which the warrant is dated and the statement of the age of such female so made in said warrant of commitment shall be conclusive evidence as to the age of said female in any action to

recover damages for her detention or imprisonment under said warrant, and shall be presumptive evidence of the age of such female in any other inquiry, action or proceeding relating to such detention.

§ 14. Whenever it shall appear to the satisfaction of said board of managers that any person committed to said house of refuge is not of proper age to be so committed thereto, or is insane or mentally or physically incapable of being materially benefited by the discipline of said institution, or improperly committed thereto, it shall be the duty of said board of managers thereupon to cause the return of such female to the county from which she was so committed in the custody of one of the persons employed by said board of managers to convey to said house of refuge women committed thereto, who shall deliver her into the custody of the sheriff of such county to be by said sheriff taken before the court or magistrate which committed her to said house of refuge, or some other court or magistrate having equal jurisdiction in such county, to be by such court or magistrate resentenceed for the offense for which she was committed to said house of refuge, and dealt with in all respects as though she had not been committed to said house of refuge, and in such case all costs and expenses incurred and paid by said board of managers on account of such female so returned shall be a county charge upon such county to be levied and collected as other taxes in said county and paid over to said board of managers and credited to the account to which such expenses were charged.

*Return of females in certain cases.*

*Expenses of return, how paid.*

§ 15. The board of managers of said house of refuge shall have power in their discretion to furnish each person discharged from said house of refuge with clothes and money to the same amount and extent as is provided for discharged convicts, by section three of chapter four hundred and fifty-one of the laws of eighteen

*Clothing, etc., furnishing of, upon discharge.*

hundred and seventy-four, the expenses thereof to be paid out of any moneys appropriated for the maintenance of said house of refuge.

§ 16. In case any woman committed to said house of refuge shall at the time of such commitment be the mother of a nursing child in her care under one year of age, or be pregnant with child which shall be born after such commitment, such child may accompany its mother and remain in said house of refuge until such time as in the opinion of said board of managers such child can properly be removed therefrom and suitably provided for elsewhere; and in case such woman at the time of such commitment shall be the mother of and have under her exclusive care a child or children more than one year of age and which might otherwise be left without proper care or guardianship, it shall be the duty of such court or magistrate so committing such woman to cause such child or children to be committed to such asylum as may be provided by law for such purpose or to the care and custody of some relative or proper person willing to assume such care.

§ 17. The board of managers shall employ suitable persons to convey from the place of conviction to the said house of refuge, all women duly committed thereto, and said persons shall have the power and authority of deputy sheriffs. All expenses of such conveying shall be paid by the treasurer of the board of managers of said house of refuge.

§ 18. It shall be the duty of the board of managers appointed in accordance with section two of this act, to decide upon the means and kind of employment for women committed to said house of refuge and to provide for their necessary custody and superintendence; and the provisions for the safe-keeping and employment of such women shall be made with regard to the formation of habits of self-supporting industry in such women and

Nursing children, care of.

Commitments to asylums in certain cases.

Persons to convey women committed.

Employment and safe-keeping of inmates.

to their mental and moral improvement; and for the purposes of this act to secure the safe-keeping, obedience and good order of the women committed under this act, the superintendent of said house of refuge is hereby given and is required to exercise, in regard to women committed to said house of refuge, the same power as jail keepers and constables have in regard to persons committed or held in custody of said officers.

§ 19. The board of managers of said house of refuge may open an account with all persons committed to said house of refuge, charging them with all the expenses incurred by the board of managers for their maintenance and discipline, not to exceed, however, the sum of two dollars per week and crediting them with a reasonable compensation for the labor performed by them. At the expiration of their term of sentence if any balance shall be found due them, may pay the same to them at the time of their discharge.

§ 20. The sum of one hundred and thirty thousand dollars is hereby appropriated for the purpose of this act. The treasurer of the State shall, on the warrant of the comptroller, pay to the treasurer of the board of managers of said house of refuge, such sums as may, from time to time, be required for the purchase of land, erection of buildings and furnishing the same, not to exceed the sum of one hundred and thirty thousand dollars, such requirements being notified to the comptroller by the said board of managers in writing, specifying in items the purposes for which the said sums are required.

§ 21. Nothing herein contained shall interfere with the right of the freedom of worship of any inmate confined within said institution, as provided by the constitution of the State of New York.

§ 22. This act shall take effect immediately. (1)

Accounts with inmates.

Appropriation.

Freedom of worship.

(1) Repeated by Laws of 1896, ch. 546.

## CHAPTER 637.

AN ACT to provide for the establishment of a reformatory for women, and making an appropriation therefor.

APPROVED by the Governor May 16, 1892. Passed, three-fifths being present.

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

Establishment of reformatory.

SECTION 1. There shall be established in this State a reformatory to be located within the counties of New York or Westchester, to be known as the Reformatory for Women.

Appointment of managers.

§ 2. It shall be the duty of the governor within thirty days after the passage of this act to appoint five residents of the State, at least two of whom shall be women, to constitute a board of managers of said reformatory, who shall hold office for one, two, three, four and five years respectively, as shall be indicated by the governor on making the appointment; and thereafter all appointments except to fill vacancies in said board shall be for five years, and shall be made by the governor with the advice and consent of the senate. When-

Vacancies.

ever a vacancy occurs in said board of managers by expiration of terms of office, or by death, resignation, removal or otherwise, the governor shall appoint a resident of the State to fill such vacancy, but when an appointment shall be made to fill out an unexpired term of office, the governor shall so indicate at the time of making such appointment, and the person so appointed shall hold office only until the close of such unexpired term. The governor shall have power to remove any manager at any time, for cause, on giving to such manager a copy of the charges against him or her and an opportunity of being heard in his or her defense.

Removals for cause.

§ 3. Before entering upon their duties the said managers shall respectively take and subscribe to the usual oath of office, which oath may be taken and subscribed before the judge of any court of record in this State, or any notary public having a seal, and shall be filed in the office of the secretary of State. They shall also, severally, execute a bond to the people of this State in the penal sum of five thousand dollars with two or more sufficient securities,\* to be approved by the comptroller of the State, conditioned for the faithful performance of the duties required of them by this act, which bond shall be filed in the office of the comptroller of the State.

Official oath.

Bond.

§ 4. The said managers shall receive no compensation for their time or services, but the actual and necessary expenses of each of them while engaged in the performance of the duties of his or her office, on being presented in writing and verified by his or her affidavit, shall be paid quarterly by the treasurer of said board of managers.

Compensation and expenses.

§ 5. It shall be the duty of the said board of managers, immediately after their appointment, to meet and organize by the election of a president, secretary and treasurer from their number, and within six months after the time of their appointment to purchase land and one or more buildings, if such can be found within the limits of the State in the counties of New York or Westchester, suitable or which can be made suitable for the detention and employment of such women as may be committed to their charge, under the provisions of this act, and to rearrange and prepare the said structures and premises in such manner and with such appointments and appurtenances as shall most effectually facilitate the useful instruction and self-supporting industry of the inmates who are to oc-

Organization of board.

Purchase of land and buildings.

\* So in the original.

Purchase of  
site and  
erection of  
buildings.

copy the same. In case no land and buildings thereon, suitable for the purpose, can be purchased, the said managers are hereby authorized to select and purchase an eligible site within the limits of the State, as aforesaid, and to cause to be erected thereon appropriate buildings with accommodations for two hundred and fifty inmates, together with such household accommodations for the superintendent and family, and for subordinate officers as said managers may deem necessary, upon plans and specifications to be approved by the superintendent of State prisons, commissioners of the new capitol and the comptroller, who are hereby constituted a board for that purpose. In case it shall become necessary to erect such building, the governor is hereby authorized to appoint a superintendent of construction to take charge of the erection of such reformatory, to be paid an annual salary of not more than twenty-five hundred dollars out of the appropriation made by this act; but no part of said appropriation shall be expended except upon plans and specifications for such reformatory submitted by the board of managers, to be approved by the comptroller; and upon sworn estimates and contracts, accompanied by suitable bonds with good and sufficient sureties for the completion thereof, which will satisfy the comptroller that such work will be completed for a sum not to exceed one hundred thousand dollars. The term of office of said superintendent of construction shall terminate upon the performance of the contracts made for the erection of the buildings, provided that all contracts under this section shall be open to competition, and shall be awarded to the lowest responsible bidder after notice duly given by suitable publication, reserving the power in said board of managers to reject any and all bids therefor. (1)

Superintendent of construction.

Conditions of expenditure of appropriation.

Term of superintendent.

Contracts.

(1) This section was not repealed by Laws of 1906, ch. 540.

§ 6. The board of managers shall, on the completion of the buildings herein provided for, appoint a female superintendent of said reformatory, who shall hold office during the pleasure of the board; she shall have power to appoint and remove her subordinates, subject to the approval of the board. The board of managers shall fix the salary of the superintendent, and of all other officers and persons employed in the said reformatory.

Female superintendent.

Salaries of officers and employes.

§ 7. As soon as the said reformatory is ready for the reception of inmates, it shall be the duty of the board of managers to officially notify the county clerks of the counties of New York and Westchester of that fact, and to furnish said county clerks with suitable blanks for the commitment of women to said reformatory. It shall be the duty of the said respective county clerks, immediately on the reception of said official notification, to transmit a copy thereof to the several police justices and other magistrates and courts of said counties.

Notice to county clerks.

Duty of clerks thereupon.

§ 8. When, and so soon as said reformatory shall be ready for the reception of inmates, and all the requirements of section seven of this act shall have been complied with, all police justices, and other magistrates and courts within the limits aforesaid, any laws heretofore enacted\* the contrary thereof, notwithstanding, may sentence and commit to the said reformatory for a term not less than three years nor more than five years, unless sooner discharged therefrom, by the board of managers thereof, any female between the ages of sixteen and thirty years who shall have been convicted by such justice, or in such court, of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of

Commitments to reformatory.

\* So in the original.

any misdemeanor or felony, other than murder, manslaughter, burglary or arson, and who is not insane, nor mentally or physically incapable of being substantially benefited by the discipline of said institution.

Detentions  
and rear-  
rests, power  
of managers  
as to.

§ 9. The board of managers of said reformatory shall have power to cause to be detained therein, under such proper rules and regulations as said board shall provide any female so committed thereto, according to the terms of said sentence and commitment, and to cause the rearrest in any county in this State, and return to said reformatory of any person who may have escaped therefrom, or been conditionally discharged therefrom, as herein provided, and in any case of such rearrest and return, to detain her as aforesaid, from the time of such return for a time equal to the unexpired portion of her term at the time of her said escape or conditional discharge.

Rearrests in  
case of  
escapes.

§ 10. In any case of the escape of an inmate from said reformatory any person duly employed by said board of managers to convey to said reformatory women committed thereto, shall have power to arrest such escaped inmate in any county in this State without a warrant, and forthwith to convey her to said reformatory, and any magistrate shall have power to cause any such escaped inmate to be arrested and held in custody until she can be removed to such reformatory as in case of her first commitment thereto.

Rearrests in  
case of  
conditional  
discharge.

§ 11. Any person having been conditionally discharged from said reformatory may be arrested and returned thereto upon the warrant of the board of managers of said reformatory, issued by order of said board, signed by the secretary and attested by the president of said board, which warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to any person employed by said board of

managers to convey to said reformatory persons committed thereto, and when so signed, attested and delivered may be executed by such person in any county in this State. But such warrant must first be indorsed by a magistrate of the county in which the person is who is sought to be arrested, and such person must be taken before the nearest justice of the peace or magistrate for examination into the facts, if she so requests.

§ 12. It shall be the duty of every police justice or other magistrate or court, committing any woman under the authority given by this act, immediately to notify the superintendent of said reformatory of such conviction and to cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses, and last place of residence, of all women so committed by them, together with the particulars of the offense charged. A copy of said record shall be transmitted with the warrant of commitment to the superintendent of said reformatory, who shall enter and keep in a book of record all these and such other facts as are by law required concerning inmates of poor-houses.

Duty of  
committing  
magistrate.

§ 13. Any court or magistrate authorized to commit any female to said reformatory shall, before so committing her, inquire into and for the purposes of the case determine the age of such female at the time of such commitment, and her age, as so determined, shall be stated in the warrant; and when the year only is stated it shall be considered as expiring on the day on which the warrant is dated, and the statement of the age of such female so made in said warrant of commitment shall be conclusive evidence as to the age of said female in any action to recover damages for her detention or imprisonment under said warrant, and shall be presumptive evidence of the age of such female in any

Age and  
expirations,  
how determined.

other inquiry, action or proceeding relating to such detention.

Return of females in certain cases to county.

§ 14. Whenever it shall appear to the satisfaction of said board of managers that any person committed to said reformatory is not of the proper age to be so committed thereto, or is insane, or mentally or physically incapable of being materially benefited by the discipline of said institution, or improperly committed thereto, it shall be the duty of said board of managers thereupon to cause the return of such female to the county from which she was so committed, in the custody of one of the persons employed by said board of managers to convey to said reformatory women committed thereto, who shall deliver her into the custody of the sheriff of such county, to be by said sheriff taken before the court or magistrate which committed her to said reformatory, to be by such court or magistrate dealt with in accordance with the facts in all respects as though she had not been so committed to said reformatory, and in such cases all costs and expenses incurred and paid by said board of managers, on account of such female so returned shall be a county charge upon such county, to be levied and collected as other taxes in said county, and paid over to said board of managers and credited to the account to which such expenses were charged.

Expense of return, how paid.

Clothing, etc., furnishing of, upon discharge.

§ 15. The board of managers of said reformatory shall have the power, in their discretion, to furnish each person discharged from said reformatory with clothes and money to the same amount and extent as is provided for discharged convicts by section three of chapter four hundred and fifty-one of the laws of eighteen hundred and seventy-four. The expense thereof to be paid out of any moneys appropriated for the maintenance of said reformatory.

§ 16. In case any woman committed to said reformatory shall, at the time of such commitment, be the mother of a nursing child in her care under one year of age, or be pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in said reformatory until such time as, in the opinion of said board of managers, such child can properly be removed therefrom and suitably provided for elsewhere; and in case such woman at the time of such commitment shall be the mother of and have under her exclusive care a child or children more than one year of age, and which might otherwise be left without proper care or guardianship, it shall be the duty of such court or magistrate so committing said woman to cause such child or children to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

Children, care of nursing.

Commitment to asylums in certain cases.

§ 17. The board of managers shall employ suitable persons to convey from the place of conviction to the said reformatory all women duly committed thereto, and said persons shall have the power and authority of deputy sheriffs. All expenses of such conveying shall be paid by the treasurer of the board of managers of said reformatory. But in cases of commitment like those mentioned in section sixteen the said board of managers shall designate a woman of suitable age, discretion and character to accompany the person committed along with the officer or representative authorized in this section to be employed by said managers.

Persons to convey women committed.

Female attendants.

§ 18. It shall be the duty of the board of managers, appointed in accordance with section two of this act, to decide upon the means and kind of employment for women committed to the said reformatory, and to provide for their necessary custody and superintendence;

Employment and safe-keeping of inmates.

and the provisions for the safe-keeping and employment of such women shall be made with regard to the formation of habits of self-supporting industry in such women, and to their mental and moral improvement; and for the purposes of this act to secure the safe-keeping, obedience and good order of the women committed under this act, the superintendent of said reformatory is hereby given, and is required to exercise, in regard to women committed to said reformatory, the same power as jail-keepers and constables have in regard to persons committed or held in custody of said officers.

§ 19. The board of managers of said reformatory may open an account with all persons committed to said reformatory, charging them with all the expenses incurred by the board of managers for their maintenance and discipline, not to exceed, however, the sum of two dollars per week, and crediting them with a reasonable compensation for the labor performed by them, and at the expiration of their term of sentence, if any balance shall be found due to them, may pay the same to them at the time of their discharge.

§ 20. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of this act out of any moneys in the treasury not otherwise appropriated. The treasurer of the State shall, on the warrant of the comptroller, pay to the treasurer of the board of managers of said reformatory such sums as may, from time to time, be required for the purchase of land, erection of buildings and furnishing the same, not to exceed the sum of one hundred thousand dollars, such requirements being certified to the comptroller by the said board of managers, in writing, specifying, in items, the

Accounts  
with  
inmates.

Appropriation.

purposes for which the said sums are required, which must be verified by the affidavit of a majority of the said board of managers.

§ 21. This act shall take effect immediately. (1)

[By an act which became a law May twenty-second eighteen hundred and ninety-five, chapter seven hundred and one, section one, laws of New York, an additional appropriation of seventy thousand and fifty dollars was made for the reformatory for women.]

#### CHAPTER 546.

AN ACT relating to state charities, constituting chapter twenty-six of the general laws.

BECAME A LAW May 12, 1896, with the approval of the Governor.  
Passed, three-fifths being present.

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

#### CHAPTER XXVI OF THE GENERAL LAWS.

##### STATE CHARITIES LAW.

[This act, among other provisions, contains the following:]

#### ARTICLE VIII.

##### *Institutions for Juvenile Delinquents.*

- Section 120. State Industrial school; managers.  
121. Managers of House of Refuge for Juvenile Delinquents in New York city.  
122. Powers and duties of managers.  
123. Superintendent.  
124. Commitment of children.  
125. Register.  
126. Discipline and control of inmates.  
127. Military drill.  
128. Transfer of inmates to penitentiary or Elmira Reformatory.  
129. Confinement of juvenile delinquents under sentences by the courts of the United States.  
130. Effects of alcoholic drinks and narcotics to be taught.

SECTION 120. STATE INDUSTRIAL SCHOOL; MANAGERS.  
— The State Industrial School, at Rochester, is hereby

(1) This chapter repealed, except § 5, by Laws of 1906, ch. 546.

continued for the reception of all male and female children, under the age of sixteen years, who shall be legally committed to such school as vagrants or on a conviction for any criminal offense by any court having authority to make such commitment.

Such school shall be under the control and management of a board of fifteen managers appointed by the governor. Their term of office shall be three years, and they shall be so appointed that the terms of one-third shall expire on the first Tuesday of February in each year. All vacancies shall be filled by the governor and the person appointed to fill a vacancy shall hold office for the remainder of the term of the person whom he succeeds. In the discretion of the governor, persons of either sex may be appointed as managers of such school. Such managers shall serve without compensation.

§ 121. MANAGERS OF HOUSE OF REFUGE FOR JUVENILE DELINQUENTS IN NEW YORK CITY.—The society for the reformation of juvenile delinquents in the city of New York shall continue to be a corporation by the name of "The managers of the Society for the Reformation of Juvenile Delinquents in the city of New York," with all the powers conferred upon it by its act of incorporation and the acts amendatory thereof. There shall continue to be thirty managers of such society, each of whom shall hold office for the term of three years; and the managers in office when this chapter takes effect shall continue in office for the terms for which they were chosen respectively. The members of such society residing in the city of New York shall annually on the third Monday in November, by a plurality of votes, elect ten managers of such society. If a vacancy shall occur in the office of any manager, the board of managers may appoint a person to fill the vacancy for the remainder of the unexpired term.

§ 122. POWERS AND DUTIES OF MANAGERS.—The managers of such house of refuge, established by the society for the reformation of juvenile delinquents, in the city of New York, and of such State industrial school shall have the general control of such institutions and shall make all such rules, regulations, ordinances and by-laws for the government, discipline, employment, management and disposition of the officers thereof, and of the children while in such institution or in the care of such managers, as to them may appear just and proper. They shall appoint a superintendent and such other officers as they may deem necessary for the conduct and welfare of the institution under their charge. They shall report in detail annually to the legislature on or before the fifteenth day of January, the number of children received by them into the institution, the disposition thereof, their receipts and expenditures, their proceedings during the preceding year, and all other matters which they deem advisable to be brought to the attention of the legislature.

§ 123. SUPERINTENDENT.—The superintendent so appointed shall be the chief executive officer of such school, or house of refuge, and subject to the by-laws, rules and regulations thereof and the powers of the board of managers, shall have control of the internal affairs and shall maintain discipline therein and enforce a compliance with, and obedience to, all rules, by-laws, regulations and ordinances adopted by such board for the government, discipline and management of such school or house of refuge.

Under direction of such managers, he shall receive and take into such institution all children legally committed thereto by any court having authority to make such commitment.

§ 124. COMMITMENT OF CHILDREN.—Children under the age of sixteen years may be committed from the

rural counties of this State as vagrants, or on the conviction of any criminal offense by any court having authority to make such commitments, to the state industrial school or the house of refuge established by the society for the reformation of juvenile delinquents; but such children in the counties of New York and Kings shall be committed to the house of refuge in New York city, established by such society. But no child under the age of twelve years shall be committed or sentenced to either of such institutions for any crime or offense less than felony. The courts of criminal jurisdiction in the several counties shall ascertain by such proof as may be in their power, the age of every delinquent committed to either of such institutions, and insert such age in the order of commitment and the age thus ascertained shall be deemed and taken to be the true age of such delinquent. If the court shall omit to insert in the order of commitment, the age of any delinquent committed to such school or house of refuge the managers shall as soon as may be after such delinquent shall be received by them, ascertain his age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent.

§ 125. REGISTER.—Upon the commitment of a delinquent to such industrial school or house of refuge, the superintendent thereof shall cause to be entered in the register kept for that purpose, the date of admission, name, sex, age, place of birth, nationality, residence and such other facts as may be ascertained, relating to the origin, condition, peculiarity or inherited tendencies of such delinquent.

§ 126. DISCIPLINE AND CONTROL OF INMATES.—The managers of the State industrial school shall receive and detain, during minority, every delinquent committed

thereto in pursuance of law, or to the western house of refuge for juvenile delinquents, or to the house of refuge for juvenile delinquents in western New York. The managers of the house of refuge for juvenile delinquents in the city of New York, may receive and detain during minority all delinquents committed thereto. The managers of each institution shall cause the children detained therein or under their care to be instructed in such branches of useful knowledge, and to be regularly and systematically employed in such lines of industry as shall be suitable to their years and capacities, and shall cause such children to be subjected to such discipline, as in the opinion of such board, is most likely to effect their reformation. The managers of each institution, with the consent of any child committed thereto, may bind out as an apprentice or servant, such child during the time they would be entitled to retain him or her, to such persons and at such places to learn such trade and employment as in their judgment will be for the future benefit and advantage of such child.

§ 127. MILITARY DRILL.—The superintendent of the State industrial school, and the superintendent of the house of refuge, established by the society for the reformation of juvenile delinquents, with the approval of the respective boards of managers thereof, may institute and establish a system of rules and regulations for uniforming, equipping, officering, disciplining and drilling in military art, the male inmates of such institutions, and for the exercise and drill of such inmates according to the most approved tactics, such number of hours daily as such superintendent may deem advisable.

§ 128. TRANSFER OF INMATES TO PENITENTIARY OR ELMIRA REFORMATORY.—If a delinquent confined in the State industrial school or the house of refuge established by the society for the reformation of juvenile delinquents is guilty of attempting to set fire to any building

belonging to either of such institutions, or to any combustible matter for the purpose of setting fire to any such building, or of openly resisting the lawful authority of an officer thereof, or of attempting to excite others to do so, or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the other delinquents, the board of managers of the institution wherein such case arises shall submit a written statement of the facts to a justice of the supreme court, or, if the case arises within the State industrial school, to the county judge of the county of Monroe, and apply to him for an order authorizing a temporary confinement of such delinquent, in the Monroe county penitentiary, or if over sixteen years of age, in the Elmira reformatory; and if the case arises within the house of refuge, established by the society for the reformation of juvenile delinquents in the city of New York, in the county jail or penitentiary of the county of New York, or if the delinquent be over sixteen years of age, to the Eastern New York reformatory, when completed, and until then to the Elmira reformatory. Such judge shall forthwith inquire into the facts, and if it appear that the statement is substantially true, and that the ends desired to be accomplished by the institution wherein the case has arisen will be best promoted thereby, he shall make an order authorizing the confinement of such delinquent in such penitentiary, county jail or reformatory for the limited time expressed in the order, and the keeper or superintendent of such penitentiary, county jail or reformatory shall receive such delinquent and detain him during the time expressed in such order. At the expiration of the time limited by such order, or sooner, if the board of managers of either of such institutions shall direct, the superintendent or keeper of such reformatory, county jail or penitentiary shall return such delinquent to the custody of the super-

intendent of the institution from which such delinquent shall have been received.

§ 129. CONFINEMENT OF JUVENILE DELINQUENTS UNDER SENTENCES BY THE COURTS OF THE UNITED STATES.—The superintendents of the house of refuge, established by the society for the reformation of juvenile delinquents in the city of New York, and the State industrial school at Rochester, shall receive and safely keep in their respective institutions, subject to the regulations and discipline thereof, and the provisions of this article, any criminal under the age of sixteen years convicted of any offense against the United States, under sentences of imprisonment by any court of the United States, sitting within this State, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence.

§ 130. EFFECTS OF ALCOHOLIC DRINKS AND NARCOTICS TO BE TAUGHT.—The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in the schools connected with such house of refuge established by the society for the reformation of juvenile delinquents in the city of New York and in the State Industrial school at Rochester, for not less than four lessons a week for ten or more weeks in each year. All pupils who can read shall study this subject from suitable text-books, but pupils unable to read shall be instructed in it orally by teachers using text-books adapted for such oral instruction as a guide and standard, and these text-books shall be graded to the capacities of the pupils pursuing such course of study.

## ARTICLE IX.

*Houses of Refuge and Reformatories for Women.*

Section 140. Names and location of houses of refuge and reformatories for women.

141. Appointment of managers.
142. General powers and duties of managers.
143. Appointment and removal of officers and employes; compensation.
144. General powers of superintendents.
145. Oaths and bonds.
146. Commitments; papers furnished by committing magistrates.
147. Return of females improperly committed.
148. Disposition of children of women so committed.
149. Conveyance of women committed.
150. Detentions and re-arrests in case of escapes.
151. Employment of inmates.
152. Employment of counsel.
153. Board of managers of Bedford reformatory to notify county clerks of completion thereof.

§ 140. NAMES AND LOCATIONS OF HOUSES OF REFUGE AND REFORMATORIES FOR WOMEN.—The houses of correction for women located at Hudson and Albion are continued and shall be known respectively as the House of Refuge for Women at Hudson, and the Western House of Refuge for Women. The reformatory for women located at Bedford is also continued and shall be known as the New York State Reformatory for Women.

§ 141. APPOINTMENT OF MANAGERS.—Each such institution shall be under the control of its present board of managers, until others are appointed. Such boards shall consist of six managers to be appointed by the governor, by and with the advice and consent of the senate. All such managers shall be residents of the State, two shall be women and one a physician who has practiced his profession for ten years. The terms of the managers hereafter appointed shall be six years, except that the managers appointed to fill vacancies shall hold office for the unexpired terms of the managers whom they succeed. The term of office of one of such managers shall expire each year. If in any such institu-

tion there be less than six managers in office when this act takes effect, the governor shall appoint additional managers to make up the number of six, who shall be so classified by him that the term of one manager shall expire each year. Where the term of office of a manager of any such institution expires at a time other than the last day of December in any year, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each manager thereafter appointed shall begin on the first day of January.

The governor may remove any manager, at any time, for cause, on giving to such manager a copy of the charges against him and an opportunity to be heard in his defense.

Such managers shall receive no compensation for their time or services; but the actual expenses necessarily incurred by them in the performance of their official duties shall be paid in the same manner as other expenses of such institution. Nothing contained in this section shall abridge the term of any manager now in office.

§ 142. GENERAL POWERS AND DUTIES OF MANAGERS.—Each board of managers shall have the general superintendence, management and control of the institution over which it is appointed; of the grounds and buildings, officers and employes thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them necessary for carrying out the purposes of such institutions.

§ 143. APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYES; COMPENSATION.—The board of managers of each of such institutions shall appoint from among

its members a president, secretary and treasurer, who shall hold office for such length of time as such board may determine.

They shall appoint a female superintendent, who shall hold office during the pleasure of the board.

Such boards of managers shall fix the compensation of the officers and employes of the institution under their charge.

§ 144. GENERAL POWERS OF SUPERINTENDENTS.—The superintendent of each such institution shall, subject to the direction and control of the board of managers thereof:

1. Have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employes and the inmates thereof, and of all matters relating to their government and discipline.

2. Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the board of managers, as may seem to her proper or necessary for the government of such institution and its officers and employes; and for the employment, discipline and education of the inmates thereof.

3. Exercise such other powers and perform such other duties as the board of managers may prescribe.

Such superintendent shall also have power to appoint and remove all subordinate female officers and employes, subject to the approval of the board.

§ 145. OATHS AND BONDS.—Each manager and superintendent of such institutions shall take the constitutional oath of office and execute a bond to the people of the State, in the sum of five thousand dollars, with sureties approved by the State comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give an

additional bond for such amount as the comptroller may direct. The comptroller may require other officers of such institutions to give a bond, if, in his opinion, the interests of the State demand it.

§ 146. COMMITMENTS; PAPERS FURNISHED BY COMMITTING MAGISTRATES.—A female, between the ages of twelve and twenty-five years, convicted by any magistrate of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor, and who is not insane, nor mentally or physically incapable of being substantially benefited by the discipline of either of such institutions, may be sentenced and committed to the House of Refuge for Women, at Hudson, and such females between the ages of fifteen and thirty years, convicted of like offenses, may be sentenced and committed to the Western House of Refuge for Women, at Albion, or the New York State Reformatory for Women, at Bedford. The term of such sentence and commitment shall be five years, but such female may be sooner discharged therefrom by the board of managers. Such commitments to the House of Refuge for Women, at Hudson, until the New York State Reformatory for Women, at Bedford, is completed and ready for the reception of inmates shall be made from the first, second, third, fourth, fifth and sixth judicial districts; to the Western House of Refuge at Albion, from the seventh and eighth judicial districts. Upon the completion of the New York State Reformatory for Women, at Bedford, commitments thereto shall be made from the first judicial district and the county of Westchester.

The board of managers of each such institution shall furnish the several county clerks of the State with suitable blanks for the commitment of women thereto.

Such county clerks shall immediately notify the magistrates of their respective counties of the reception of

such blanks and that upon application they will be furnished to them.

The magistrate committing a female pursuant to this section shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted, with the warrant of commitment, to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers, to be entered in a book of record.

Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment.

§ 147. RETURN OF FEMALES IMPROPERLY COMMITTED.—Whenever it shall appear to the satisfaction of the board of managers of any such institution, that any person committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally incapable of being materially benefited by the discipline of any such institution, such board of managers shall cause the return of such female to the county from which she was so committed. Such female shall be so returned in the custody of one of the persons employed by such boards of managers to convey to such

institutions women committed thereto, who shall deliver her into the custody of the sheriff of the county from which she was committed. Such sheriff shall take such female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to any such institution and dealt with in all respects as though she had not been so committed.

The costs and expenses of the return of such female, necessarily incurred and paid by any such board of managers shall be a charge against the county from which such female was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 148. DISPOSITION OF CHILDREN OF WOMEN SO COMMITTED.—If any woman committed to any such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom.

The board of managers of any such institution may cause such child to be placed in any asylum for children in this State and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week, until the mother of such child shall have been discharged from such institution, or may commit such child to the care and custody of some relative or proper person willing to assume such care.

If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such woman shall cause such

child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 149. CONVEYANCE OF WOMEN COMMITTED.—The board of managers of each of such institutions shall employ suitable persons to be known as marshals, to convey from the place of conviction to such institution, all women legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. In case of the commitment of a woman, who, at the time thereof, is the mother of a nursing child or is pregnant, the board of managers shall designate a woman of suitable age and character to accompany the person so committed, along with the officer or representative, authorized in this section to be employed by such managers.

§ 150. DETENTIONS AND REARRESTS IN CASE OF ESCAPES.—The board of managers of any such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment.

If an inmate escape or be conditionally discharged from any such institution, the board of managers may cause her to be rearrested and returned to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of any such institution to convey to such institution, women committed thereto, may arrest, without a warrant, an escaped inmate in any

county in this State, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto.

A person conditionally discharged from any such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institutions, women committed thereto, and may be executed by such person in any such county of this State.

§ 151. EMPLOYMENT OF INMATES.—The board of managers of each institution shall determine the kind of employment for women committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such women shall be made for the purpose of teaching such women a useful trade or profession and improving their mental and moral condition.

Such board of managers may credit such women with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such women at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge.

To secure the safe keeping, obedience and good order of the women committed to any such institution, the superintendent thereof, has the same power as to such women, as keepers of jails and penitentiaries possess as to persons committed to their custody.

§ 152. CLOTHING AND MONEY TO BE FURNISHED DISCHARGED INMATES.—The board of managers of any such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of the conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction.

§ 153. BOARD OF MANAGERS OF BEDFORD REFORMATORY TO NOTIFY COUNTY CLERKS OF COMPLETION THEREOF.—As soon as the Bedford Reformatory for Women is completed and ready for the reception of inmates, the board of managers thereof shall notify the county clerks of Westchester and New York counties and furnish such clerks with suitable blanks for the commitment of women to such institution. Such county clerks, on the reception of such notification, shall transmit a copy thereof to the several magistrates of such counties.

## CHAPTER 278.

AN ACT authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense, to be sent to the Shelter for Homeless Women in the City of Syracuse.

PASSED May 13, 1881; three-fifths being present.

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

SECTION 1. The trustees of the "Shelter for Homeless Women," in the city of Syracuse, are hereby empowered to receive and take, in their discretion, into the said institution, all such women and girls as shall be taken before the police justice of said city and committed as vagrants or convicted of misdemeanors, as a first offense, and the said trustees shall have power to keep such women and girls at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; and the said police justice is hereby authorized to commit to the said institution such women and girls as shall be by him committed as vagrants, or convicted of misdemeanors as aforesaid, in the same manner and for the same period as he is now authorized to commit to the penitentiary.

§ 2. The said police justice, upon such commitment or conviction, shall issue, in duplicate, his warrant to some officer, authorizing him to take in charge the person named in said warrant, and convey her to said institution. The receipt of such person at said institution shall be duly indorsed upon said warrant by the matron or person in charge thereof, which warrant shall be returned to said police justice, and be by him filed in the clerk's office of the county of Onondaga, and such warrant shall be a sufficient and competent authority for the officers of the said institution to keep and de-

Girls committed as vagrants, etc., may be taken into home and employed therein.

Duty of police justice.

tain the person therein named; and a duplicate thereof shall be delivered to the matron or other officer of said institution, with a copy of all indorsements made upon the one returned to the court, to be retained and recorded by such matron or officer aforesaid, in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 3. The board of supervisors of the county of Onondaga is hereby authorized and directed to audit the bills for boarding any inmates of said institution, received therein under the provisions of this act, at such prices as said board shall deem just and reasonable, and apportion the amount thereof upon the city of Syracuse, or upon the various towns in said county, as they shall deem equitable.

§ 4. The said institution shall be subject to the same visitations, inspection and supervision as are now provided by law for the jails, penitentiaries and prisons of this State.

§ 5. This act shall take effect immediately. (1)

#### CHAPTER 413.

AN ACT to amend chapter two hundred and seventy-eight of the laws of eighteen hundred and eighty-one, entitled "An act authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense, to be sent to the Shelter for Homeless Women in the city of Syracuse."

PASSED May 19, 1887; three-fifths being present.

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

SECTION 1. Chapter two hundred and seventy-eight of the laws of eighteen hundred and eighty-one, entitled

(1) Amended by Laws of 1887, ch. 413; Laws of 1893, chs. 59 and 355.

Board of supervisors to audit bills.

"An act authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense to be sent to the Shelter for Homeless Women in the city of Syracuse," is hereby amended so that section five thereof shall be section ten thereof, and sections one, two, three and four thereof, shall read as sections one, two, three and four following respectively, and new sections shall be added thereto, to be known as sections five, six, seven, eight and nine as hereinafter set forth respectively.

§ 1. Any police justice, justice of the peace or other committing magistrate of the city of Syracuse, is hereby authorized to commit to the "Shelter for Homeless Women" in the city of Syracuse, all girls under the age of sixteen years that shall be taken before said police justice, justice of the peace or other committing magistrate, and committed as vagrants or convicted of misdemeanors. The girl so committed shall be committed to the custody and control of the said corporation until such girl is discharged therefrom by the vote of the majority of said trustees of said corporation. But such girl shall not in any event, or under any of the provisions of this act be detained by said corporation after she arrives at the age of nineteen years.

§ 2. That said police justice, justice of the peace or other committing magistrate upon such commitment or conviction, shall issue in duplicate his warrant to some police officer or constable authorizing him to take in charge the person named in warrant and convey her to the said institution. The receipt of such person at said institution shall be duly indorsed upon said warrant by the matron or person in charge thereof, which warrant shall be returned to said police justice, justice of the peace or other committing magistrate and be by him filed in the office of the clerk of Onondaga county, and such warrant shall be sufficient and competent author-

Commitments to Shelter for Homeless Women.

Discharges therefrom, when made.

Warrant of commitment to be in duplicate.

How endorsed and filed.

ity for the officers of the said institution to keep and detain the person therein named; and a duplicate thereof shall be delivered to the matron or other officers of said institution with a copy of said indorsements made upon the one returned to the court, and shall be retained and recorded by such matron or officer aforesaid in a book kept for that purpose, and said book shall always be open to the inspection of any person.

Books open to inspection.

Power to refuse to receive girls.

Proceedings thereupon.

Action of magistrate.

§ 3. Within five days of the receipt of any girl so committed as aforesaid, at the said institution, the board of trustees of the said corporation or the president or the vice-president thereof may refuse to receive at the said institution the girl committed thereto. In case of such refusal the same shall be indorsed upon the copy of the warrant delivered as above provided to the matron or other officer of said institution, and the said copy of the warrant, so indorsed, shall be returned to the police justice, justice of the peace or other committing magistrate who may have issued said warrant. Upon the receipt of such refusal, such police justice, justice of the peace or other committing magistrate shall issue to some police officer or constable his warrant requiring the said officer or constable to take the girl so refused from the said institution and to bring her before him. Upon the execution of this warrant said police justice, justice of the peace or other committing magistrate, shall proceed to sentence or commit the girl so brought before him in the same manner and with the same force and effect as if she had never been committed to the said institution.

Lawful custody, how acquired.

§ 4. The said corporation shall be deemed to have acquired lawful care and custody of any girl between the ages of seven and sixteen years who shall have been surrendered to it by her parents, or her parent, if but one be living; provided that such surrender is evidenced by a writing, executed by such parents or parent, setting

forth the age and name of the said girl, the date of surrender, the term for which said surrender is made, and expressly vesting in the corporation all the power and control over the girl of which said parents, or parent, is possessed.

Surrender to be in writing.

§ 5. The corporate authorities of any charitable institution in the county of Onondaga now or hereafter having the lawful care or custody of any girl not less than seven years of age, not awaiting trial and not under sentence for a term of years for crime, may, with the consent of this corporation, transfer and assign such custody and care to this corporation upon such terms as the directors of such institution and this corporation may agree upon; but such transfer and assignment shall be evidenced by a writing, and shall not be made on the approval thereof by the county judge of Onondaga county, indorsed on said writing.

Transfer from charitable institutions.

How approved.

§ 6. This corporation is hereby authorized to receive, and shall have the custody, of all girls committed, surrendered or transferred to it under the provisions of this act, and shall have authority by officers or agents to restrain or direct them, to keep such girls at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable for their years and capacities, to determine their hours of labor, study and rest, to care for their sustenance and health, and to have general control over them.

Powers of corporation to restrain and instruct girls.

§ 7. In all cases under this act where girls shall come under the care, custody or control of this corporation, the age of such girls shall, so far as this corporation is concerned, be prima facie deemed and taken to be correct, as stated in the written surrender of the parents, or parent, or the order of commitment by the committing magistrate or officer, or in the transfer by the authorities of any charitable institution; and in case of any omission to state the age of any girl in any of such

Ages, provisions as to ascertainment.

cases, the trustees of this corporation shall, as soon as may be after such girl shall be received by them, ascertain her age by the best means in their power, and cause the same to be entered in a book to be designated by them for the purpose; and the age of such girl, thus ascertained, shall be prima facie deemed and taken to be the true age of such girl.

§ 8. The board of supervisors of the county of Onondaga is hereby authorized and directed to audit the bills for boarding for any inmates of said institution received therein by virtue of any of the provisions of section one of this act, at such prices as said board of supervisors shall deem just and reasonable, and apportion the amount to be paid to said corporation on the city of Syracuse, or upon the various towns in the county of Onondaga, as they shall deem equitable.

§ 9. The said institution shall be subject to the same visitations, inspection and supervision as are now provided by law for the jails, penitentiaries and prisons of this State.

§ 2. This act shall take effect immediately. (1)

(1) See Laws of 1898, ch. 58.

Duty of board of supervisors, as to persons committed.

Visitation authorized.

## CHAPTER 53.

AN ACT further to amend chapter two hundred and seventy-eight of the laws of eighteen hundred and eighty-one, entitled "An act authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense, to be sent to the Shelter for Homeless Women in the city of Syracuse," and to change the name of such corporation.

APPROVED by the Governor February 22, 1898. Passed, three-fifths being present.

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

SECTION 1. Section one of chapter two hundred and seventy-eight of the laws of eighteen hundred and eighty-one, entitled "An act authorizing such women and girls as are vagrants or convicted of misdemeanors, as a first offense, to be sent to the Shelter for Homeless Women in the city of Syracuse," as amended by chapter four hundred and thirteen of the laws of eighteen hundred and eighty-seven, is hereby further amended so as to read as follows:

§ 1. Any police justice, justice of the peace or other committing magistrate or court in the fifth, sixth, seventh or eighth judicial district of this State, is hereby authorized to commit to "The Shelter for Unprotected Girls" any girl under the age of sixteen years, of Protestant faith or parentage who shall be taken before such committing officer or court, and who may be committed under any of the provisions of sections two hundred and ninety-one and two hundred and ninety-two of the penal code of the State of New York, or as vagrants or committed on conviction of misdemeanor. Any girl so committed shall be committed to the custody and control of the said corporation until such girl is discharged therefrom by the vote of a majority of the trustees of said corporation. But such girl shall not in any

Act amended.

Commitments to institution.

Detection limited.

event, or under any of the provisions of this act be detained by such corporation after she shall have arrived at the age of nineteen years.

§ 2. Section two of said chapter two hundred and seventy-eight, as amended by said chapter four hundred and thirteen, is hereby further amended so as to read as follows:

§ 2. Such police justice, justice of the peace or other committing magistrate or court, upon such commitment or conviction, shall issue in duplicate a warrant to some police officer or constable of the county or city where the commitment or conviction occurs, authorizing such officer or constable to take in charge the person named in the warrant and to convey her to said institution.

The receipt of such person at said institution shall be duly indorsed upon said warrant by the matron or other person in charge thereof, which warrant so indorsed, shall be returned to said police justice, justice of the peace or other committing magistrate or court, and shall by him or it be filed in the office of the clerk of the county from which said person shall have been committed, and such warrant shall be sufficient and competent authority for the officers of said institution to keep and detain the person therein named. A duplicate of such warrant, with a copy of the indorsement made upon the warrant so returned, shall be delivered to the matron or other officer in charge of such institution and shall be retained by such institution, and a

substantial transcript of the statement of facts recited therein and thereon, shall be recorded, or caused to be recorded, by such matron or other officer aforesaid, in a suitable book to be kept for that purpose, which book shall at all reasonable hours of the day be subject to the inspection of any person.

§ 3. Section three of said chapter two hundred and seventy-eight, as amended by said chapter four hundred

Warrant of  
commit-  
ment.

Indorse-  
ment and  
return of  
warrant.

Duplicate,  
retained by  
institution.

Record.

and thirteen, is hereby further amended so as to read as follows:

§ 3. Within five days after the receipt of any girl committed as aforesaid to the said institution, the board of trustees or the president or vice-president thereof may, for good cause, refuse to receive at said institution the girl so committed thereto. In case of such refusal, the same shall be indorsed upon the duplicate of the warrant delivered, as above provided, to the matron or other officer of said institution, and the said duplicate warrant so indorsed shall be returned to the police justice, justice of the peace or other committing magistrate or court that may have issued the same. Upon receiving such refusal, such police justice, justice of the peace, or other committing magistrate or court, shall issue to some police officer or constable a warrant requiring the said officer or constable to take the girl, so refused admission, from the institution, and to bring her before him or it, whereupon the said police justice, justice of the peace, or other committing magistrate or court, shall proceed to sentence or commit such girl so brought before him or it, in the same manner and with the same force and effect as if she had never been committed to such institution.

§ 4. Section four of said chapter two hundred and seventy-eight as amended by said chapter four hundred and thirteen, is hereby further amended so as to read as follows:

§ 4. The said corporation shall be deemed to have acquired lawful care and custody of any girl between the ages of seven and sixteen years, who shall have been surrendered to it by her parents, or her parent if but one be living, provided that such surrender is evidenced by a writing, executed by such parents or parent, setting forth the age and name of the said girl, the date of surrender, the term for which such surrender is made, and

Refusal to  
receive  
girl.

Proceed-  
ings there-  
upon.

Action of  
magistrate.

Custody of  
girl sur-  
rendered  
by parent.

Surrender,  
how made.

expressly vesting in such corporation all the power and control over the girl possessed by such parents or parent, and which writing shall contain an affidavit made by the parents or parent, stating that the statements therein contained are true.

§ 5. Section five of said chapter two hundred and seventy-eight, as the same is so designated and declared to be by said chapter four hundred and thirteen, is hereby amended so as to read as follows:

§ 5. The corporate authorities of any charitable institution located within the fifth, sixth, seventh or eighth judicial district of this State, now or hereafter having the lawful care or custody of any girl not less than seven years of age, not awaiting trial nor under sentence, for a term of years, for crime, may, with the consent of this corporation, upon such terms as the directors of such institution and this corporation may agree upon; but such transfer and assignment shall be evidenced by a writing officially executed by such institution, and shall be made only on the approval thereof by the county judge of the county in which such institution is situated, indorsed on said writing.

§ 6. Section six of said chapter two hundred and seventy-eight, as the same is so designated and declared to be, by the said chapter four hundred and thirteen, is hereby amended so as to read as follows:

§ 6. "The Shelter for Unprotected Girls" is hereby authorized to receive, and have the custody of all girls committed, surrendered or transferred to it under the provisions of this act, and of such as are now under the care and custody of "The Shelter for Homeless Women in Syracuse, New York," and shall have authority by officers or agents to restrain or direct them; to keep such girls at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable for their years and capacities; to de-

Transfers  
from char-  
itable in-  
stitutions

Approval  
by county  
judge.

Authority  
to receive  
girls.

General  
care and  
control.

termine their hours of labor, study and rest; to care for their sustenance and health, and to have general control over them.

§ 7. Section seven of said chapter two hundred and seventy-eight, as the same is so designated and declared to be, by the said chapter four hundred and thirteen is hereby amended so as to read as follows:

§ 7. In all cases under this act where any girl shall come under the care, custody or control of this corporation, the age of such girl shall, so far as this corporation is concerned, be prima facie deemed and taken to be correct, as stated in the written surrender of the parents or parent, or the order of commitment by the committing magistrate, court or officer, or in the transfer by the authorities of any charitable institution; and in case of any omission to state the age of any girl in any of such cases, the trustees of this corporation shall, as soon as may be after such girl may be received by them, ascertain her age by the best means in their power, and cause the same to be entered in the book to be designated by them for the purpose; and the age of such girl thus ascertained shall be prima facie deemed and taken to be the true age of such girl.

§ 8. Section eight of said chapter two hundred and seventy-eight, as the same is so designated and declared to be, by said chapter four hundred and thirteen, is hereby amended so as to read as follows:

§ 8. Each board of supervisors of the several counties within the fifth, sixth, seventh and eighth judicial districts of this State, is hereby authorized and directed to audit the bills for boarding any inmate of said institution received therein, from the county of such board, by virtue of any of the provisions of section one of this act, at such prices as such board of supervisors may deem just and reasonable, and the bills so audited shall

Age stated  
deemed  
correct.

Ascertain-  
ment of  
ages in  
cases of  
omission.

Bills for  
boarding  
inmates,  
how audited  
and paid.

Apportion-  
ment by  
supervis-  
ors.

be paid by the county treasurer of such county. When any such bill is so audited and paid, it shall be apportioned by said board among the various cities and towns in such county as such board shall deem equitable, and the amount so apportioned to any city or town shall be reimbursed by such city or town to such county.

§ 9. Section ten of said chapter two hundred and seventy-eight, as the same is so designated and declared to be, by the said chapter four hundred and thirteen, is hereby amended so as to read as follows:

Change of  
corporate  
name.

§ 10. The name of "The Shelter for Homeless Women, in Syracuse, New York," a corporation organized under the provisions of chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, by a certificate of incorporation, filed in the office of the county clerk of the county of Onondaga, the twenty-ninth day of June, eighteen hundred and seventy-eight, is hereby changed to, and such corporation shall hereafter be known and designated as "The Shelter for Unprotected Girls."

§ 10. The said chapter two hundred and seventy-eight, as amended by said chapter four hundred and thirteen, is hereby further amended by adding thereto the following sections, to be designated and numbered, respectively, as sections, eleven, twelve, thirteen and fourteen, as follows:

Laws ap-  
plicable.

§ 11. All acts and parts of acts relating to "The Shelter for Homeless Women in Syracuse, New York," not inconsistent with this act, are hereby made applicable to "The Shelter for Unprotected Girls."

Commit-  
ments, etc.,  
not af-  
fected.

§ 12. The change of name hereby enacted shall not be held to affect or impair any commitment, transfer or surrender heretofore made, or which may hereafter be made to "The Shelter for Homeless Women in Syracuse, New York," but any girl so committed, transferred or surrendered may be received by "The Shelter for Un-

protected Girls," and shall remain in the care, custody and control of said institution in the same manner as if the commitment, transfer or surrender had been made to said institution under the name herein conferred upon it.

§ 13. No legacy or devise to "The Shelter for Homeless Women in Syracuse, New York," in any will hereafter admitted to probate, and no gifts hereafter made to "The Shelter for Homeless Women in Syracuse, New York," shall fail or abate, or become inoperative by reason of the change of name herein enacted, but "The Shelter for Unprotected Girls," shall take and enjoy such legacy, devise or gift as if the same were made to such corporation under the name herein conferred upon it.

Legacies,  
etc., not  
inoperative.

§ 14. This act shall take effect immediately. (1)

#### CHAPTER 355.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and ninety-three, entitled "An act further to amend chapter two hundred and seventy-eight of the laws of eighteen hundred and eighty-one, entitled 'An act authorizing such women and girls as are vagrants or convicted of misdemeanors as a first offense, to be sent to the Shelter for Homeless Women in the city of Syracuse' and to change the name of such corporation."

APPROVED by the Governor April 12, 1893. Passed, three-fifths being present.

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

SECTION 1. Section fourteen of chapter fifty-three of the laws of eighteen hundred and ninety-three is hereby amended to read as follows:

Act  
amended.

(1) Amended by Laws of 1896, ch. 555.

Arrest of persons conditionally discharged.

§ 14. Any person having been conditionally discharged from said institution may, upon the violation of the condition of discharge, be arrested and returned thereto upon a warrant issued by order of the board of trustees of said institution, signed by the secretary and attested by the president thereof, which warrant shall briefly state the reasons for such arrest, and shall be directed and delivered to some officer or agent employed by the board of trustees to convey to said institution persons committed thereto, and when so signed, attested and delivered, may be executed by such officer or agent in any county of this State. But such warrant, before being so executed, must be indorsed by a magistrate of the city, town or county in which the person sought to be arrested may be found.

§ 2. This act shall take effect immediately.

#### CHAPTER 256.

AN ACT empowering the recorder of the city of Oswego to sentence and commit certain convicts to the custody and keeping of "The Woman's Reform Association of Oswego, New York," to transfer such prisoners and to empower said association to receive and hold such convicts.

PASSED April 19, 1883; three-fifths being present.

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

SECTION 1. The recorder of the city of Oswego is hereby authorized and empowered to sentence and commit any and all females convicted of any crime, misdemeanor or offense in the recorder's court of the city of Oswego, or before the said recorder sitting as a police justice, or in the special sessions of the said city of Os-

Recorder may commit females to imprisonment by association named.

wego, to imprisonment, by "The Woman's Reform Association of Oswego, New York," in the same manner and with the same effect, in all respects as the said recorder in either of said capacities is now authorized by law to sentence and commit such persons to the county jail or to the penitentiary. The said recorder is also hereby authorized and empowered, at his discretion, to transfer any female prisoner, hereafter sentenced by him as aforesaid, from the county jail or penitentiary to imprisonment by the said "The Woman's Reform Association of Oswego, New York," and to transfer, at his discretion, any female, hereafter sentenced by him as aforesaid to imprisonment by said association, from said association to the county jail or penitentiary, in the same manner and with like effect as if said original sentence had been to imprisonment in said jail, penitentiary or by said association.

May order transfer of female prisoners.

§ 2. The same powers which the sheriff of the county or the keeper of the Oswego county jail now has by law, to receive and hold convicts in imprisonment, are hereby conferred upon "The Woman's Reform Association of Oswego, New York," as to all such female convicts as are mentioned in this act. And the said "The Woman's Reform Association of Oswego, New York," shall receive the same pay and be paid in the same manner for the board of all such convicts sentenced to or transferred to imprisonment by said association, as provided for heretofore, as the sheriff or keeper of the county jail would be entitled to if such convicts had been imprisoned in the county jail.

Powers conferred on association.

§ 3. This act shall take effect immediately. (1)

(1) Repealed by Laws of 1886, ch. 304.

## CHAPTER 467.

AN ACT relating to Saint Saviour's Sanitarium and for the care of inebriate women.

APPROVED by the Governor May 4, 1892. Passed, three-fifths being present.

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

Corporation may receive and retain females in custody.

SECTION 1. The corporation known as Saint Saviour's Sanitarium now established and existing in the city of New York, for the reception and reformation of inebriate women, is hereby authorized and empowered to receive and retain in its custody all such females as its trustees shall deem suitable subjects for its care, who may voluntarily surrender themselves, or who may be committed to its custody in the manner and for the term hereinafter provided, or for so much of such term as may be necessary in the judgment of said trustees for treatment and reformation.

Commitments upon consent of trustees and certificates of physicians.

§ 2. Any judge or justice of a court of record in the county or district where an alleged inebriate female resides may commit such female to such sanitarium upon the consent in writing of the trustees thereof, signed by their superintendent or executive officer, and upon the certificate in writing of two physicians, under oath, showing that such female is over the age of eighteen years and is incapable or unfit to properly conduct herself or her own affairs or is dangerous to herself or others by reason of habits of periodical, frequent or constant drunkenness induced either by the use of alcoholic or vinous or other liquors, or opium, morphine or other narcotic or intoxicating or stupefying substance. But it must appear from such certificate that every physician executing the same is a graduate of some incorporated medical college and is a permanent resident of the State and has been in the actual

practice of his profession for at least three years, and it must also appear upon the face of such certificate that the physicians executing the same have made a personal examination of the female alleged to be an inebriate, and that such examination has been had within twenty days prior to the application for the commitment. The judge or justice to whom any such consent and certificate are presented may require affidavits to be submitted in support of the allegations contained in such certificate, or may institute an inquiry and take proof as to such facts before making a commitment. No such commitment shall be for a longer term than one year, but the same may be renewed for a like term or terms upon a proceeding taken as hereinbefore prescribed in the case of an original commitment.

Term of commitment.

§ 3. Nothing herein contained shall be construed to limit the rights of the courts to review by habeas corpus the detention of any person committed under this act.

Proviso.

§ 4. This act shall take effect immediately.

## CHAPTER 877.

AN ACT relating to the House of the Good Shepherd in the city of New York and for the care of inebriate women.

Accepted by the city.

BECAME a law June 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

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

SECTION 1. The corporation known as the House of the Good Shepherd, now established and existing in the city of New York, is hereby authorized and empowered to receive and retain in its custody all such females as its trustees shall deem suitable subjects for its care who may voluntarily surrender themselves or who may

Institution may receive and retain females in custody.

be committed to its custody in the manner and for the term hereinafter provided, or for so much of such term as may be necessary, in the judgment of said trustees, for treatment and reformation.

Commit-  
ments to in-  
stitution.

§ 2. Any judge or justice of a court of record in the county or district where an alleged inebriate female resides may commit such female to such house upon the consent, in writing, of the trustees thereof, signed by the reverend mother superintendent or executive officer of said house, and upon the certificate in writing of two physicians under oath, showing that such female is over the age of eighteen years and is incapable or unfit to properly conduct herself or her own affairs, or is dangerous to herself or others by reason of habits of periodical, frequent or constant drunkenness, induced either by the use of alcoholic, vinous or other liquors, or opium, morphine or other narcotic or intoxicating or stupefying substance. But it must appear from such certificate that every physician executing the same is a graduate of some incorporated medical college and is a permanent resident of the State and has been in the actual practice of his profession for at least three years, and it must also appear on the face of such certificate that the physicians executing the same have made a personal examination of the female alleged to be an inebriate, and that such examination has been had within twenty days prior to the application for the commitment. The judge or justice to whom the consent and certificate are presented may require affidavits to be submitted in support of the allegations contained in such certificate, or may institute an inquiry to take proof as to such facts before making the commitment. No such commitment shall be for a longer term than one year, but the same may be renewed for a like term or terms upon a proceeding taken as hereinbefore prescribed in the case of an original commitment.

Term of  
commit-  
ments.

§ 3. Females committed to the House of the Good Shepherd pursuant to the provisions of this act must be kept separate and apart from the other inmates of said house.

Females to be kept separate.

§ 4. Nothing herein contained shall be construed to limit the right of the court to review by habeas corpus the detention of any person committed under this act.

Proviso as to review of detention.

§ 5. This act shall take effect immediately.

#### CHAPTER 227.

AN ACT in relation to the Anchorage in the city of Elmira.

APPROVED by the Governor April 5, 1892. Passed, three-fifths being present.

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

SECTION 1. The Anchorage, a corporation created under the general laws of this State for the promotion of Christian work and the improvement of the spiritual and moral condition of women who shall come under its care, and having its location in the city of Elmira, may make by-laws not inconsistent with law, providing for its custody, with or without confinement in its buildings in such city of women committed to it in pursuance of this act; for the proper care and maintenance, the disciplinary and reformatory treatment and probationary release on parole of such women while so in its custody; and for such administration of its affairs, as to its trustees may seem desirable, by an executive committee to be composed of at least five of its trustees.

By-laws for care and custody of women, etc.

§ 2. The by-laws of such corporation may be submitted to the State board of charities for approval. The State board of charities may make and annex to a copy of such by-laws its certificate in writing dated the day

Approval and certificate of State board of charities.

when made to the effect that it approves such by-laws and that one or more members of such board within thirty days before the date of such certificate personally inspected the buildings and management of such corporation and that such board is satisfied that such corporation is properly prepared to and will for at least one year thereafter receive into its custody and properly care for women committed to it in pursuance of this act.

Filing and record of by-laws and certificate.

§ 3. Such copy of the by-laws of said corporation and certificate of the State board of charities annexed thereto may, within one year after the date of such certificate, be filed and recorded in the clerk's office of the county of Chemung and a copy of such by-laws and certificate duly certified by the clerk of Chemung county may be filed and recorded in the clerk's office of each of the counties of Steuben, Schuyler, Tompkins and Tioga.

Annual inspection by State board of charities.

§ 4. If the State board of charities shall make such certificate and any women shall be committed to the Anchorage in pursuance of this act, one or more of the members of such board shall so long as any women so committed shall remain in the custody thereof, annually within sixty days before the expiration of each year after the date of such certificate, personally inspect the buildings and management of such corporation; and such board shall after such inspection make a certificate in writing dated as of the day upon which it is made either substantially to the same effect as the first certificate or substantially to the contrary effect; and the certificate so made shall be filed by such board in each county clerk's office in which the certificate of the last previous year shall have been filed. And after the filing of such certificate substantially contrary to such first certificate no commitments shall be made to the Anchorage by virtue of this act.

Certificate.

Commitments when to cease.

§ 5. During the period of one year after the date of the first certificate of the State board of charities filed in the clerk's office of Chemung county and during each year after the date of the filing of each subsequent certificate of the State board of charities substantially to the same effect as the first certificate, the recorder of the city of Elmira shall commit any woman between sixteen and thirty years of age convicted by him or by the court of special sessions held by him of being a prostitute or of frequenting any house of ill-fame, or of disorderly conduct or of being a disorderly person, for the first offense; and may commit any woman actually or apparently under twenty years of age, convicted by the court of special sessions held by such recorder of any misdemeanor, to the Anchorage to be there detained subject to its by-laws so approved by the State board of charities and filed.

Commitment of women by recorder of Elmira.

§ 6. Any magistrate in any other county in which a certified copy of such first certificate of the State board of charities is authorized to be filed may, if a certified copy of such certificate or of any subsequent certificate of the State board of charities to the same effect shall be filed in such county during the period of one year after the date of any such certificate, commit any woman between sixteen and thirty years of age convicted by such magistrate or by a court of special sessions held by such magistrate, of prostitution or of frequenting any house of ill-fame, or of disorderly conduct or of being a disorderly person for the first offense; and any woman actually or apparently under twenty-one years of age; and any woman convicted by the court of special sessions held by such magistrate of a misdemeanor, to the Anchorage to be there detained subject to the rules and regulations of the State board of charities.

Commitments by courts of special sessions in other counties.

§ 7. No person committed to the Anchorage in pursuance of this act shall be deprived of her liberty by

Period of commitments.

virtue of such commitment for a longer period than such person might have been committed to a county jail upon conviction of the offense of which the conviction was had by virtue of which the commitment was made.

Contracts with corporation.

§ 8. The board of supervisors of any county from which commitments are authorized to be made to the Anchorage by virtue of this act may contract with the Anchorage for the support of women committed to the Anchorage from such county and the amount payable to the Anchorage in pursuance of such contract shall be a county charge upon such county.

Change of by-laws.

§ 9. After the State board of charities shall have approved the by-laws of the Anchorage, such by-laws shall not thereafter be changed except with the approval of such board. If the State board of charities shall at any time make a certificate substantially contrary to the effect of such first certificate made by it, such board of charities shall immediately thereupon cause each woman then in the custody of the Anchorage by virtue of this act to be taken before a magistrate or a court of special sessions of the town, city or village from which such woman was committed and such magistrate or court may thereupon discharge such woman from such commitment or may recommit such woman to the county jail of the county for a period which together with the period since the date of the first commitment shall not exceed the total period for which such woman might have been committed to jail upon her original conviction by virtue of which her commitment to the Anchorage was made.

Detention and restraint of inmates powers of committee as to.

§ 10. The executive committee of said Anchorage shall have power to cause to be detained therein, under such proper rules and regulations as the board of trustees shall provide, any female so committed thereto according to the terms of said sentence and commit-

ment, and to cause the rearrest in any county of this State, and return to said Anchorage, of any person who may have escaped therefrom or been conditionally discharged therefrom, as herein provided, and in such case of such rearrest and return, to detain her as aforesaid from the time of such return, for a time equal to the unexpired portion of her time at the time of her escape or conditional discharge.

§ 11. The executive committee shall employ suitable persons to convey from the place of conviction to the said Anchorage, all women duly committed thereto, and said persons shall have the power and authority of deputy-sheriffs. All expenses of such conveying shall be paid by the treasurer of the board of said Anchorage.

Conveyance of women to institution.

§ 12. In any case of the escape of any inmate from said Anchorage, any person duly employed by said executive committee to convey to said Anchorage women committed thereto, shall have power to arrest such escaped inmate in any county in this State without a warrant, and forthwith to convey her to said Anchorage; and any magistrate shall have power to cause any such escaped inmate to be arrested and held in custody until she can be removed to said Anchorage, as in case of her first commitment thereto.

Arrest of escaped inmate.

§ 13. Any person committed to the Anchorage may be discharged therefrom conditionally or otherwise in the discretion of the executive committee, whenever in the judgment of said committee there is satisfactory evidence of the reformation of such person, provided that in no case of sentence for a certain definite period shall commutation or abridgement of sentence be made for more than one-third of the period specified in the warrant of commitment without the concurrence in writing of the committing magistrate, or of his successor in office.

Discharges and commutation of sentences.

Arrest after conditional discharge.

§ 14. Any person having been conditionally discharged from said Anchorage may be arrested and returned thereto upon the warrant of the executive committee of said Anchorage, issued by order of said committee, signed and attested by the chairman of said committee, which warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to any person employed by said executive committee to convey to said Anchorage persons committed thereto, and when so signed, attested and delivered may be executed by such person in any county of this State.

Duty of committing magistrate.

§ 15. It shall be the duty of every justice of the peace, police justice or other magistrate or court committing any woman under authority given by this act immediately to notify the superintendent of said Anchorage of such conviction, and to cause a record to be kept of the name, age, birthplace, occupation, previous commitment, if any, and for what offenses (and last place of residence of such woman or women) so committed by them together with the particulars of the offense charged. A copy of said record shall be transmitted with the warrant of commitment to the superintendent of said Anchorage, who shall enter and keep in a book of record all these and such other facts as are by law required concerning inmates of poor-houses.

Age and expiration, how determined.

§ 16. Any court or magistrate authorized to commit any female to said Anchorage shall before so committing her inquire into and for the purpose of the case determine the age of such female at the time of such commitment, and her age as so determined shall be stated in the warrant; and when the year only is stated, it shall be considered as expiring on the day on which the warrant is dated and the statement of age of such female so made in said warrant of commitment shall be conclusive evidence as to the age of said female in any action to recover damages for her detention or imprison-

ment under said warrant, and shall be presumptive evidence of the age of such female in any other inquiry, action or proceeding relating to such detention.

§ 17. Whenever any person committed to such institution by a magistrate court or justice of the peace, as provided in this act, shall by reason of insubordination or other improper conduct, prove, in the judgment of the executive committee of said institution, to be an improper subject for care in said Anchorage, it shall be the duty of the executive committee of said Anchorage thereupon to cause the return of such female to the county from which she was committed in the custody of one of the persons employed by said executive committee to convey to said Anchorage women committed thereto, who shall deliver her into the custody of the sheriff of such county to be by said sheriff taken before the court or magistrate which committed her to said Anchorage, or some other court or magistrate having equal jurisdiction in such county to be by such court or magistrate resentence for the offense for which she was committed to said Anchorage, and dealt with in all respects as though she had not been committed to said Anchorage, and in such case all costs and expenses incurred and paid by said board of trustees on account of such female so returned shall be a county charge upon such county to be levied and collected as other taxes in said county and paid over to said board of trustees and credited to the account to which such expenses were charged.

§ 18. In case any women committed to such Anchorage at the time of such commitment shall be the mother of a nursing child in her care under one year of age, or be pregnant with child which shall be born after such commitment, such child may accompany its mother and remain in said Anchorage until such time as in the opinion of the board of trustees such child can properly

Return of inmate to counties.

Resentences.

Expenses of return, how paid.

Nursing children, etc., care of.

be removed therefrom and suitably provided for elsewhere.

Powers of  
superin-  
tendant.

§ 19. For the safe management and discipline of said Anchorage the superintendent thereof is hereby given and is required to exercise, in regard to women committed to said Anchorage, the same power as jail-keepers and constables have in regard to persons committed or held in custody of said officers.

Freedom of  
worship.

§ 20. Nothing herein contained shall interfere with the right of the freedom of worship of any inmate confined within said institution, as provided by the constitution of the State of New York.

§ 21. This act shall take effect immediately.

#### CHAPTER 353.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York."

PASSED May 13, 1886; three-fifths being present.

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

SECTION 1. Section fourteen hundred and sixty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

Magistrates  
may com-  
mit certain  
females to  
House of  
Mercy, etc.

1466, Subd. 1. Whenever any female over the age of twelve years shall be brought by the police, or shall voluntarily come before a committing magistrate in the city of New York, and it shall be proved to the satisfaction of such magistrate by the confession of such female,

or by competent testimony, that such female (first) is found in a reputed house of prostitution or assignation; or in company with, or frequenting the company of thieves or prostitutes, or is found associating with vicious and dissolute persons; or is willfully disobedient to parent or guardian, and is in danger of becoming morally depraved; or (second) is a prostitute, or is of intemperate habits and who professes a desire to reform and has not been an inmate of the penitentiary, such magistrate may judge that it is for the welfare of such female that she be placed in a reformatory, and may thereupon commit such female to one of the following reformatory institutions, viz.: The Protestant Episcopal House of Mercy, New York, the Roman Catholic House of the Good Shepherd, foot of Eighty-ninth street, or the Magdalen Female Benevolent Asylum and Home of Fallen Women, which said institutions are hereby severally authorized to receive and hold females committed under this act.

2. It shall be the duty of each of such institutions which shall receive females coming within the description of the first class mentioned in the foregoing subdivision to keep them separate and apart from females coming within the description of the second class mentioned. Whenever any of such institutions is unable for any reason to receive females, or any class of females, committed under this act, it shall be the duty of such institutions to forthwith notify the committing magistrates in the city of New York as to what class or classes of females can be received by such institution, and as to what class or classes can not be received by such institution. Whenever it shall appear to the managers or trustees of any institution to which a female has been committed under this act that such female is not a proper or fit subject for their care, or that such institution has not suitable accommodations for such

Females in  
first class  
above  
named to be  
kept sepa-  
rate from  
those of  
second.

Rights of  
managers  
of institu-  
tions under  
act.

female, such institution may return such female to the committing magistrate with a statement in writing of the reasons for such return; and such magistrate may thereupon commit such female as a vagrant, pauper, or disorderly person.

Commit-  
ments, what  
to state.

3. Every commitment made under this act shall state the name and age of the female so committed, together with the cause of her commitment, and shall designate the institution to which she is committed, which institution shall when practicable, be one which is conducted by persons of the same religious faith as such female; and such commitment shall also state the term of the commitment which, if the female so committed is an adult, shall be six months, or if such female is a minor, during her minority, unless sooner discharged by the trustees or managers of such institution, provided, however, that no commitment made under this act, which shall recite the facts upon which it is based, shall be deemed or held to be invalid by reason of any imperfection or defect in form.

Term of  
commit-  
ment.

§ 2. This act shall take effect immediately. (1)

(1) See *People ex rel. Danziger v. Protestant Episcopal Home of Mercy*, 128 N. Y. 180; *People ex rel. Kuhs v. Protestant Episcopal Home of Mercy*, 123 N. Y. 207.

## CHAPTER 754.

AN ACT to authorize payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance.

BECAME A LAW May 27, 1895, with the approval of the Governor.  
Passed, three-fifths being present.

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

SECTION 1. Boards of estimate and apportionment, common councils, boards of aldermen, boards of supervisors, town boards, boards of trustees of villages, and all other boards or officers of counties, cities, towns and villages, authorized to appropriate and raise money by taxation and make payments therefrom, are hereby authorized in their discretion to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their inmates, of the moneys which are or may be appropriated therefor; such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the State board of charities.

Payments for  
support, etc.  
of inmates of  
institutions  
authorized.

§ 2. This act shall take effect immediately.

## STATE ASYLUM FOR INSANE CRIMINALS.

### TITLE THREE, CHAPTER TWENTY, PART ONE OF THE REVISED STATUTES. (1)

#### Section 1. Asylum located at Auburn.

2. State commissioner in lunacy to appoint medical superintendent.
3. Superintendent to reside in building; his salary.
4. Powers and duties of superintendent.
5. Other officers and employees, and their salaries.
6. Insane female convicts to be transferred from Sing Sing to this asylum.
7. Medical superintendent to give bond.
8. Estimates to be made for supplies and submitted to inspector of State prison in charge.
9. Rules for asylum to be adopted by inspectors of State prisons.
10. Transfer of insane convicts from prisons to asylum.
- 11, 12. Disposition to be made of convicts who continue insane at expiration of sentence.
13. Disposal of convicts who are restored to reason.
14. Documents to accompany prisoner on being transferred.
15. Compensation of physician for making examination of convicts.
16. Superintendent may maintain action to recover for support of patients.

#### Location.

SECTION 1. The building erected at Auburn for an asylum shall be known and designated as the State asylum for insane criminals, at Auburn.

State commissioner in lunacy to appoint medical superintendent.

§ 2. The State commissioner in lunacy shall appoint a medical superintendent for said asylum, who shall be a well educated physician of experience in the treatment of the insane, who shall, under the direction of said inspectors, have charge of said asylum, and shall make all purchases for the support of said asylum, and shall account for all moneys coming to his hand in the same manner as the agent and warden of any of the State prisons are now required by law to do.

Superintendent to reside in building.

§ 3. The said medical superintendent shall reside in the building, and shall devote as much of his time as

(1) Repealed by Laws of 1896, ch. 545.

may be necessary to the care and treatment of those confined therein. He shall receive a salary of fifteen hundred dollars per annum, payable monthly, and shall be allowed rations for himself and family, and all necessary fuel and lights for warming and lighting his rooms in said building.

His salary.

§ 4. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings and grounds, together with their furniture, fixtures and stock; and the direction and control of all persons therein, subject to such laws and regulations as may be established by the board of inspectors. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws aforesaid. Also to appoint, with the approval of the board, such and so many attendants and employees as he may think proper and necessary for the economical and efficient administration of the affairs of the asylum, and to prescribe their several duties and places, and to discharge any of them at his sole discretion. But in every case of discharge so occurring, he shall forthwith enter the same, with the reasons therefor, under an appropriate head, in one of the record books of the asylum. He shall also have power to suspend, until the next meeting of the board, for good and sufficient cause, any resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances to said board whose duty thereupon it shall be to call a special meeting of the board to provide for the exigency. The assistant physician shall perform the duties and be subject to the responsibilities of the superintendent, in his sickness or absence.

His duties.

Other appointments.

§ 5. The other officers and employees in said asylum shall be an assistant physician, who shall also perform the duties of clerk of said asylum; a matron, and not

Other officers and employees.

exceeding ten male attendants for the male department, and four female attendants for the female department, who shall be appointed by the board of prison inspectors, upon the recommendation of the medical superintendent; and the monthly wages of such attendants shall be fixed from time to time by the said board of prison inspectors, not to exceed twenty-five dollars per month each, and the same paid monthly, and said attendants shall reside in, and be boarded, at the expense of such asylum.

Salaries.

Insane female convicts to be transferred from Sing Sing.

§ 6. The inspector of State prisons shall cause any female convict in the State prison at Sing Sing, who, now is or hereafter may become insane, to be removed to and retained in the female department of the State asylum for insane criminals in the manner provided by law. And all the provisions of this act shall apply to the cases of convicts so removed, except that whenever any such female convict shall have become restored to reason, she shall be transferred to and again received into the female State prison at Sing Sing.

Medical superintendent to give bond.

§ 7. The medical superintendent shall file in the office of the comptroller of this State a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as such, which bond, before it shall be filed, shall be approved by the board of inspectors; and no medical superintendent shall enter upon the discharge of the duties of said office till such bond so approved shall have been duly filed, as aforesaid.

Estimates of supplies to be certified by inspector in charge of Auburn prison.

§ 8. The superintendent shall estimate monthly, as is now provided by law, and subject to the same restrictions and conditions as in the case of agents and wardens of the State prisons, for all moneys necessary for the support and maintenance of said asylum, which estimate shall be submitted to and carefully examined by the inspector in charge of the said Auburn prison, who, if he is satisfied that the said estimate is correct, and

that the articles named in said estimate are actually needed for the support and maintenance of said asylum, shall certify the same, and on the production of said estimate, so certified, to the comptroller, he shall draw his warrant on the treasurer for the amount of said estimate, and the treasurer shall pay the amount of said warrant out of any money in the treasury appropriated for the support of the State prisons.

§ 9. The inspectors of State prisons shall adopt such rules and regulations from time to time, as they shall deem proper for the control and management of the said asylum which said rules and regulations shall be approved by the State commissioner in lunacy, and they shall also have power to remove any and all the officers in said asylum for cause, and shall enter such cause in full on the minutes of their proceedings at the asylum. And no officer removed by the said inspectors, for cause, shall be re-appointed to any position in said asylum.

Rules to be adopted by inspectors of State prisons.

§ 10. Whenever the physicians of either of the State prisons of this State shall certify to the board of inspectors, or to the inspector in charge, that any convict therein is insane it shall be the duty of such board or of such inspector in charge, to make immediately, a full examination into the condition of such convict, and if satisfied that he is insane the said board of inspectors, or the inspector in charge, shall order the agent or warden of the prison where such convict is confined forthwith to convey said convict to the State asylum for insane criminals, and to deliver him to the superintendent thereof, who is hereby required to receive him into the said asylum, and retain him there until legally discharged.

Transfer of insane convicts from State prison to asylum.

§ 11. Whenever any convict in the State asylum for insane criminals, under and by virtue of the provisions of this act, shall continue to be insane at the expiration of the term for which he was sentenced, the board of in-

Disposition to be made of convicts who continue insane at expiration of sentence.

spectors upon the superintendent's certificate, that he is harmless and will probably continue so, and that he is not likely to be improved by further treatment in the asylum; or upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the county alms-house, may cause such insane convict to be removed at the expense of the State, from said asylum, to the county wherein he was convicted, or to the county of his former residence, and delivered to and placed under the care of the superintendents of the poor of such county, and the said superintendents are hereby required to receive such insane convict under their charge; they may also discharge and deliver any convict whose sentence has expired, and who is still insane, to his relatives or friends, who will undertake with good sureties to be approved by said superintendent of the State asylum for insane criminals, for his peaceful behavior, safe custody and comfortable maintenance without further public charge.

14.

§ 12. In case the insanity of any convict shall continue after the expiration of his sentence, he shall be retained in said asylum until adjudged a fit subject to be discharged by the State commissioner in lunacy.

§ 13. Whenever any convict, who shall have been confined in the said asylum as a lunatic, shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the Auburn State prison, and the agent and warden of said prison shall receive said convict into the said prison, and shall in all respects, treat said convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other prisons of the State, but any convict received from a penitentiary shall be returned to the same.

Disposition of restored convicts.

§ 14. Whenever the inspectors of State prisons shall order any convict to be transferred to the asylum for insane criminals, the agent and warden of the prison from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of said convict to be filed in his office, and shall deliver the original certificate to the superintendent of the asylum; and when any such convict shall be transferred to the Auburn prison from such asylum, as hereinbefore provided, the said superintendent shall deliver to the agent and warden of said prison such original certificate, which shall be filed in the clerk's office in said prison.

§ 15. The physician who shall attend any meeting of the board of inspectors of State prisons, or who shall make any examination of any convict, as hereinbefore provided, shall be paid his actual and reasonable traveling expenses in going to and returning from such examination or meeting, on the certificate of the president of the board of inspectors of State prisons, that he has attended such meeting or examination.

§ 16. The superintendent is hereby authorized to recover for the support of any patient therein chargeable under the law to either counties or penitentiaries, in an action to be brought in said superintendent's name as superintendent of the State asylum for insane criminals, and which action shall not abate by reason of his death or removal, against the county or penitentiary for the maintenance of the said patient, and judgment therein shall be rendered for such sum as shall be found due, together with interest from the time of the demand made. (1)

Documents to accompany insane convicts when transferred from prison to hospital.

Compensation of physician for examination of convicts.

Superintendent may maintain action for support of patients.

(1) Repealed by Laws of 1896, ch. 545.

## CHAPTER 289.

AN ACT in relation to the management of the State Asylum for Insane Criminals at Auburn, and the care and custody of the inmates thereof.

PASSED May 13, 1884; three-fifths being present.

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

SECTION 1. The building erected at Auburn for an asylum shall be known as the State Asylum for Insane Criminals.

§ 2. The superintendent of State prisons shall appoint a medical superintendent for the said asylum, who shall be a well-educated physician, of experience in the treatment of the insane. He shall also appoint, upon the nomination of the medical superintendent, an assistant physician, who shall be a well-educated physician, a steward and matron, all of whom, together with the medical superintendent, shall reside in the asylum, and shall be designated the resident officers thereof.

§ 3. The medical superintendent shall also be the treasurer of the asylum. He shall file in the office of the comptroller of the State a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of his trust as such treasurer, which bond before it shall be filed shall be approved by the superintendent of State prisons. The medical superintendent shall have the custody of all moneys and all securities and obligations belonging to the asylum. He shall open with one of the banks in Auburn, to be selected with the approbation of the comptroller of the State, an account in his own name as medical superintendent of the asylum, and shall deposit all moneys, immediately upon receiving them, in said bank, and shall draw for the same only for the uses of the asylum and in the manner prescribed by the by-laws, upon the written order of

Medical superintendent, appointment of, etc.

Duties of, etc.

the steward specifying the object of payment. He shall keep full and accurate accounts of receipts and payments in the manner directed in the by-laws, and such other accounts as the superintendent of State prisons shall prescribe, and he shall balance all the accounts on his books, annually, on the thirtieth day of September of each year, and make a statement of the balances thereon, and an abstract of the receipts and payments for the past year, which he shall, within five days thereafter, deliver to the superintendent of State prisons, and his books and vouchers shall at all times be open to the inspection of the superintendent of State prisons. He shall further render an account of the State of his books and of the funds and other property in his custody, whenever required to do so by the superintendent of State prisons.

§ 4. The superintendent of State prisons shall from time to time determine the annual salaries and allowances of the resident officers of the said asylum, provided that such salaries do not exceed, in the aggregate, the sum of six thousand dollars for any one year. The salaries of the resident officers of the asylum shall be paid quarterly, on the first days of January, April, July and October in each year, by the treasurer of the State, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the medical superintendent of the asylum on his presenting a bill of particulars, signed by the steward and certified by the medical superintendent. The resident officers of the asylum, before entering on their respective duties, shall personally take the oath prescribed in section one, article twelve of the constitution of the State, and such oath shall be filed with the clerk of the county of Cayuga.

§ 5. The medical superintendent shall be the chief executive officer of the asylum, and shall have the gen-

Accounts.

Salaries.

Powers and duties of superintendent.

eral superintendence of the buildings and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to such rules and regulations as shall be adopted by the superintendent of State prisons and approved by the State commissioner in lunacy, with power to assign them their respective duties; also to appoint such and so many attendants and other subordinate employees as he may think proper and necessary for the economical and efficient administration of the affairs of the asylum, and to prescribe their several duties and places, and to fix, with the approval of the superintendent of State prisons, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge so occurring he shall forthwith enter the same, with the reasons therefor, under an appropriate heading, in one of the record books of the asylum. He shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all accounts and records are fully made up to the last day of September in each year, and that the principal facts and results, with his report thereon, be presented to the superintendent of State prisons within thirty days thereafter. The assistant physician shall perform the duties and be subject to

the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of said asylum, but only in the name of the medical superintendent, and in each instance by his direction, and not otherwise. He shall also perform the duties of book-keeper and clerk of said asylum.

§ 6. The medical superintendent shall cause an estimate to be made monthly, as is now provided by law, and subject to the same restrictions and conditions as in the case of the agents and wardens of State prisons, for all moneys necessary for the support and maintenance of said asylum, which may be required to supplement the deficiencies in the earnings thereof, which estimate shall be submitted to and examined by the superintendent of State prisons, who, if he is satisfied that the said estimate is correct, and that the articles named therein are actually needed for the support and maintenance of said asylum, shall certify to the same, and on production of said estimate so certified to the comptroller, he shall draw his warrant on the State treasurer for the amount of said estimate, and the State treasurer shall pay the amount of said warrant to the medical superintendent of the asylum, out of any money in the treasury appropriated for the support of said asylum.

§ 7. The superintendent of State prisons shall have the power to remove any and all of the resident officers in said asylum, for cause, and no resident officer removed by the superintendent of State prisons shall be re-appointed to any position in said asylum.

§ 8. Whenever the physician of either of the State prisons or penitentiaries of the State, or of the State reformatory at Elmira, shall certify to any warden or other officer in charge, that any convict therein is insane, it shall be the duty of said warden, or other officer in charge, to make immediate and

Monthly estimate.

Power of removal.

Transfer of insane convicts to asylum.

full examination into the condition of such convict, and if fully satisfied that he is insane, the said warden, or other officer in charge, where such convict is confined, shall forthwith cause such convict to be transferred to the asylum for insane criminals, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum and to retain him there until legally discharged, and it shall be the duty of said warden, or other officer in charge, before transferring such insane convict, to see that he is in a state of perfect bodily cleanliness, and is provided with a suit of clothing similar to that furnished to convicts on their discharge from prison.

In what cases insane convicts may be returned after expiration of sentence.

§ 9. Whenever any convict in the asylum for insane criminals, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained in said asylum until such time as in the judgment of the medical superintendent of said asylum he is a safe and proper subject to be returned to the care of the superintendents of the poor of the county wherein he was convicted, and the said superintendents of the poor are hereby required to receive such insane person under their charge. The medical superintendent of the said asylum with the approval of the State commissioner in lunacy shall discharge and deliver any patient whose sentence has expired, and who is still insane, to his relatives or friends, who will undertake with good and approved sureties for his peaceable behavior, safe custody and comfortable maintenance without further public charge, and the bond of such sureties shall be approved by a county judge.

Convicts on recovery to be transferred to prison.

§ 10. Whenever any convict who shall have been confined in said asylum as a lunatic shall have become restored to his right mind, and the medical superintendent shall so certify in writing, he shall forthwith

be transferred to the Auburn State prison, and the agent and warden of said prison shall receive such convict into said prison and shall in all respects treat such convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other State prisons; but any convict received from a penitentiary, or from the State reformatory at Elmira, shall on recovery be returned to the same.

§ 11. Whenever any convict shall be transferred to the asylum for insane criminals, the agent and warden, or other officer in charge of the prison, penitentiary or reformatory from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of said convict to be filed in the office of said warden or other officer in charge, and shall deliver the original certificate to the medical superintendent of said asylum, and whenever any such convict shall be transferred to the Auburn State prison, or to a penitentiary, or the State reformatory, from said asylum, as hereinbefore provided, the said medical superintendent shall deliver to the agent and warden, or other officer in charge of said prison, penitentiary or State reformatory, such original certificate, which shall be filed in the clerk's office of the same.

Certificate of conviction to be delivered to superintendent and copy to be filed with warden.

§ 12. The medical superintendent of the asylum is hereby authorized to recover for the support of any patient therein chargeable, under the law, to either counties or penitentiaries, in an action to be brought in said medical superintendent's name as treasurer of the said asylum for insane criminals, which action shall not abate by reason of his death or removal against the county or penitentiary, for the maintenance of said patient, and judgment therein shall be rendered for such sum as shall be found due, together with interest from the time of the demand made.

Action to recover for support of patients.

§ 13. Nothing in this act shall be construed to effect the tenure of office of any of the present officers of the asylum.

§ 14. All acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 15. This act shall take effect immediately. (1)

#### CHAPTER 343.

AN ACT to provide for the appointment of an additional assistant physician at the State Asylum for Insane Criminals.

PASSED May 17, 1887; three-fifths being present; without the approval of the Governor.\*

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

Additional  
physician  
authorized.

SECTION 1. The superintendent of State prisons is hereby authorized to appoint, on the nomination of the medical superintendent thereof, a second assistant physician at the State Asylum for Insane Criminals, whose salary shall be fixed and paid in the same manner as those of the other resident officers of said asylum, provided the salary of the said second assistant physician shall not exceed the sum of one thousand dollars in any one year. One thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Appropriation.

§ 2. This act shall take effect immediately. (2)

(1) Repealed by Laws of 1893, ch. 81, § 15; Laws of 1890, ch. 545.  
\* Not returned by the Governor within ten days after it was presented to him, and became a law without his signature. [Art. IV., § 9, Constitution of the State of New York.]  
(2) Repealed by Laws of 1896, ch. 545.

#### CHAPTER 192.

AN ACT providing for the appointment of commissioners to determine the best method of providing additional accommodations for, and the expediency of providing farming lands for the occupation of insane criminals.

PASSED April 24, 1886; three-fifths being present.

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

SECTION 1. The State comptroller, State commissioner in lunacy and the medical superintendent of the State Asylum for Insane Criminals are hereby constituted a commission to inquire into and determine as to the best method of meeting the demand for additional accommodations for, and the expediency of providing suitable farming lands for the industrial occupation of the inmates of the State Asylum for Insane Criminals.

Commission  
created.

§ 2. The said commissioners shall report the result of their inquiries to the next legislature, together with a bill embodying such plans as in their judgment will best meet the requirements in the premises.

Duties of  
commissioners.

Report to  
next Legis-  
lature.

§ 3. The said commissioners shall receive no compensation for their services, beyond their expenses actually incurred in traveling, which amount shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

Commis-  
sioners to  
receive no  
compensa-  
tion.

§ 4. This act shall take effect immediately. (1)

(1) Amended by Laws of 1887, ch. 518; Laws of 1886, ch. 284.

## CHAPTER 345.

AN ACT to amend the title of chapter one hundred and ninety-two of the laws of eighteen hundred and eighty-six, entitled "An act providing for the appointment of commissioners to determine the best method of providing additional accommodations for and the expediency of providing farming lands for the occupation of insane criminals," and to amend said chapter and make an appropriation to carry out the provisions of this act.

PASSED JUNE 7, 1887; three-fifths being present.

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

Title of act amended.

SECTION 1. The title of chapter one hundred and ninety-two of the laws of eighteen hundred and eighty-six, entitled "An act providing for the appointment of commissioners to determine the best method of providing additional accommodations for, and the expediency of providing farming lands for the occupation of insane criminals," is hereby amended to read as follows: An act providing for the appointment of commissioners, to determine the best method of providing additional accommodations for and the expediency of providing farming lands for the occupation of insane criminals, and to provide for the selection and purchase of a site and the erection of suitable buildings.

§ 2. Section four of chapter one hundred and ninety-two of the laws of eighteen hundred and eighty-six, entitled "An act providing for the appointment of commissioners, to determine the best method of providing additional accommodations for, and the expediency of providing farming lands for the occupation of insane criminals," is hereby amended so as to read as follows:

§ 4. The said commissioners are hereby authorized to select and purchase a site, which shall contain not to exceed two hundred and fifty acres of suitable land,

Commission to select farm for asylum.

on which to erect an asylum for insane criminals; the deed or deeds for said site shall be duly executed to the people of the State and after being approved by the Attorney General and duly recorded in the clerk's office of the proper county shall be deposited in the office of the comptroller; and the treasurer of the State is hereby directed to pay on the warrant of the comptroller, to the said commissioners for the grantors, of whom the said site shall be purchased, such sums of money as may be required therefor. The said commissioners shall procure plans and estimates for the construction of the necessary buildings to accommodate four hundred and fifty patients, and adapted to the requirements of the criminal insane; and the said commissioners are hereby authorized to contract for the erection of such buildings, at a cost which, including the cost of the land so to be purchased, shall not exceed the sum of three hundred thousand dollars, as in their judgment they may deem best, in accordance with such plans and estimates, and on such terms as they may deem proper, provided such plans and estimates shall be approved in writing by the superintendent of State prisons; and the sum of three hundred thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to carry out the provisions of this act; but no part thereof shall be expended, except for lands and for procuring plans and estimates, until the said commissioners shall have made and filed in the office of the comptroller a contract or contracts in writing signed by the lowest responsible bidder, or bidders therefor, after suitable advertisement, which shall satisfy the comptroller that said buildings will be completed and the land purchased at a cost not to exceed the sum of three hundred thousand dollars; and the contract or contracts which shall be made for erecting such buildings shall

Deed, how approved and deposited.

Land, how paid.

Plans and estimates for buildings.

Cost of building with land, limited.

Appropriation.

Contract for building, how filed.

One-half of appropriation only, payable within one year.

Commissioners to have no interest in building.

Building superintendent.

Payments by State treasurer.

Vouchers, how filed.

Report to Legislature.

provide that only one hundred and fifty thousand dollars of said sum so appropriated shall be required to be paid thereon and for such land by the State within one year from the making of said contract or contracts. The said commissioners shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, in the erection of said buildings. The said commissioners may, in their discretion, employ a building superintendent and such clerical help or agents as the interests of the State may require in carrying out the provisions of this act. The treasurer of the State shall pay to the said commissioners, on the warrant of the comptroller, such sum or sums of money as they may require for the purposes of this act, in sums not exceeding fifteen thousand dollars, at any one time, except for the purchase of land, and not exceeding in the aggregate the sum of three hundred thousand dollars; and itemized vouchers duly verified, together with an abstract thereof, for each sum so advanced and expended shall be filed in the office of the comptroller before any additional sum shall be advanced. The said commissioners shall make a detailed report of all moneys received and expended by them in pursuance of this act, and the progress made in the erection of said buildings to the legislature in January of each year.

§ 3. This act shall take effect immediately. (1)

(1) See Laws of 1889, ch. 324.

#### CHAPTER 324.

AN ACT to amend chapter one hundred and ninety-two of the laws of one thousand eight hundred and eighty-six, entitled, as amended by chapter five hundred and forty-five of the laws of one thousand eight hundred and eighty-seven, "An act providing for the appointment of commissioners to determine the best method of providing additional accommodations for and the expediency of providing farming lands for the occupation of insane criminals, and to provide for the selection and purchase of a site and the erection of suitable buildings."

APPROVED by the Governor May 29, 1889. Passed, three-fifths being present.

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

SECTION 1. Section one of chapter one hundred and ninety-two of the laws of one thousand eight hundred and eighty-six, entitled, as amended by chapter five hundred and forty-five of the laws of one thousand eight hundred and eighty-seven, "An act providing for the appointment of commissioners to determine the best method of providing additional accommodations for and the expediency of providing farming lands for the occupation of insane criminals, and to provide for the selection and purchase of a site and the erection of suitable buildings" is hereby amended so as to read as follows:

§ 1. The State comptroller, the chairman of the State commission in lunacy and the medical superintendent of the State Asylum for Insane Criminals are hereby constituted a commission to inquire into and determine as to the best method of meeting the demand for additional accommodations for, and the expediency of providing suitable farming lands for the industrial occupation of the inmates of the State Asylum for Insane Criminals.

§ 2. This act shall take effect immediately.

Commission created.

Duties of commission.

## CHAPTER 515.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane; the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy."

PASSED June 12, 1884; three-fifths being present.

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

SECTION 1. Section twenty-three of chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane; the management of asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," is hereby amended so as to read as follows:

§ 23. Any person now or hereafter confined in any State lunatic asylum upon a criminal charge; and any person so confined by order of any court of this State, or by any other competent authority, who at the time of such commitment or confinement is under conviction for a crime, or who has been tried and acquitted thereof on the ground of insanity, may, by an order of a justice of the supreme court upon the application of any superintendent of an asylum, be transferred to the State Asylum for Insane Criminals at Auburn after first giving ten days' notice in writing by mail of such application to the superintendent of the State Asylum for Insane Criminals at Auburn.

§ 2. Section thirty-two of said act is hereby amended so as to read as follows:

Insane criminals may be transferred to State asylums at Auburn.

§ 32. Whenever any insane person in confinement under a criminal charge, or under a conviction for a crime, or who has been acquitted of crime on the ground of insanity, shall be committed as hereinbefore recited to any State lunatic asylum, or to the State Asylum for Insane Criminals at Auburn, the county in which such criminal charge arose, or such conviction or acquittal was had, shall defray all the expenses of such person while at such asylum, and the expense of returning him to such county; but the county may recover the amount so paid from his own estate, or from any relative, town, city or county that would have been bound by existing laws to provide for and maintain him elsewhere. (1)

Expense to be defrayed by county where conviction had, etc.

## CHAPTER 40.

AN ACT relative to the care and custody of the insane. Approved by the Governor March 12, 1890. Passed, three-fifths being present.

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

SECTION 1. In every order, commitment or direction made by any court, judge or other officer for the confinement of an insane or feeble-minded woman in any hospital, public institution or other place, not located at the same place where such insane or feeble-minded person may be at the time such order, commitment or direction is made, such court, judge or other officer shall also direct therein that such insane or feeble-minded woman shall have as an attendant at least one suitable adult woman, while in custody pursuant to such order, commitment or direction, and while going to such hospital, public institution or other place; and no officer or

Female attendants for women in transit to institutions, etc.

(1) Repealed by Laws of 1896, ch. 545.

other person shall keep in his custody, or take to any hospital, public institution or other place for the custody or confinement of an insane or feeble-minded person any insane or feeble-minded woman unless accompanied by such an attendant.

In case of transfers and removals.

§ 2. Whenever any insane or feeble-minded woman confined in any institution of this State, under and pursuant to a commitment or order of any court, judge or other officer, is to be transferred from one institution to another institution, or from any hospital or other public institution to a point outside of the city, village or town where said hospital or public institution is located, the board of managers of the institution where said insane or feeble-minded woman is confined shall cause said insane or feeble-minded woman, when so removed and transported, to be accompanied by one or more females in addition to the officer having her in charge.

Expenses.

§ 3. The expenses of procuring female assistants required for carrying out the provisions of this act shall be a charge upon the city or county from which said insane or feeble-minded woman was committed.

§ 4. This act shall take effect immediately.

#### CHAPTER 81.

AN ACT to establish the Matteawan State Hospital.

APPROVED by the Governor March 1, 1893. Passed, three-fifths being present.

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

SECTION 1. ESTABLISHMENT AND PURPOSES OF THE MATTEAWAN STATE HOSPITAL.—The grounds, buildings and property located at Matteawan, in the county of Dutchess, and since the twenty-fifth day of April, eigh-

teen hundred and ninety-two, used for the purposes of the State Asylum for Insane Criminals, which, prior to that date, was established at Auburn, is hereby declared to be the Matteawan State Hospital, to be used for the purpose of holding in custody and caring for such insane persons as may be committed to the said institution by courts of criminal jurisdiction, and for such convicted persons who may be declared insane while undergoing sentence at any of the various penal institutions of the State.

§ 2. MEDICAL SUPERINTENDENT.—The superintendent of State prisons shall, as often as there is a vacancy, appoint a medical superintendent for the Matteawan State Hospital, who shall be a well-educated physician of at least five years actual experience in a hospital for the care and treatment of the insane. The superintendent of State prisons, subject to the approval of the State commission in lunacy, shall make by-laws and regulations for the government of the hospital and the management of its affairs.

§ 3. MEDICAL SUPERINTENDENT AS TREASURER OF THE HOSPITAL.—The medical superintendent shall be the treasurer of the hospital, and before entering on his duties, shall file with the comptroller of the State his undertaking to the people with sureties to be approved by the superintendent of State prisons, to the effect that he will faithfully perform his trust as such treasurer. He shall have the custody of the moneys, securities and obligations belonging to the hospital, and shall open with some bank to be selected with the approval of the comptroller, an account in his name as such medical superintendent and immediately deposit in such bank all moneys received by him as such medical superintendent and treasurer, and shall draw therefrom only for the use of the hospital and in the manner provided by the by-laws and upon the order of the steward,

specifying the object of each payment. He shall keep a full and accurate account of the receipts and payments, as directed by the by-laws and of such other matters as the superintendent of State prisons and the State commissioner in lunacy may prescribe, and balance all his accounts, annually, on the thirtieth day of September, and within ten days thereafter deliver to the superintendent of State prisons, a statement thereof and an abstract of such receipts and payments for the past year. His books and vouchers shall at all times be open to the inspection of the superintendent of State prisons and the State commission in lunacy, and they may at any time require of him a statement of his accounts and of the funds and property in his custody.

§ 4. SALARIES OF RESIDENT OFFICERS.—The superintendent of State prisons shall, from time to time, determine the annual salaries and allowances of the resident officers, provided they do not in the aggregate exceed twelve thousand dollars; and the same shall be paid quarterly, on the first days of January, April, July and October by the treasurer of the State, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the medical superintendent, on his presenting a bill of particulars thereof signed by the steward, and properly certified by such medical superintendent.

§ 5. POWERS AND DUTIES OF MEDICAL SUPERINTENDENT AND ASSISTANTS.—The medical superintendent shall appoint such number of assistant physicians, not to exceed one for each two hundred inmates or fraction thereof, as the necessities of the institution may require, a steward and matron, all of whom and the medical superintendent shall reside in the hospital and shall be known as the resident officers thereof. Before entering upon their duties as such, they shall severally take and file with the clerk of the county in which the

hospital is situated, the constitutional oath of office. The medical superintendent shall be the chief executive officer of the hospital and shall have the general superintendence of the buildings and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to such rules and regulations as shall be adopted by the superintendent of State prisons, with power to assign them their respective duties; also to appoint such and so many attendants and other subordinate employes as he may think proper and necessary for the economical and efficient administration of the affairs of the hospital, and to prescribe their several duties and places and fix, with the approval of the superintendent of State prisons, their compensation and to discharge any of them at his sole discretion; but in every case of discharge so occurring, he shall forthwith enter the same, with the reasons therefor, under an appropriate heading in one of the record books of the hospital. He shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions and uniform obedience to all the rules and regulations of the hospital. He shall further cause full and fair accounts and records of all his doings and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all accounts and records are fully made up to the last day in September in each year, and that the principal facts and results, with his report thereon, be presented to the superintendent of State prisons, within forty days there-

after. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of such hospital, but only in the name of the medical superintendent, and in each instance by his direction and not otherwise.

§ 6. MONTHLY ESTIMATES.—The medical superintendent shall cause an estimate to be made monthly, in accordance with forms to be approved by the State comptroller, of all moneys necessary for the support and maintenance of the hospital which may be required to supplement the deficiencies in the earnings thereof. Such estimate shall be submitted to and examined by the superintendent of State prisons, who, if he is satisfied that it is correct, and that the articles named therein are actually needed for the support and maintenance of the hospital, shall certify to the same, and on production of such estimate so certified to the comptroller, he shall draw his warrant on the State treasurer for the amount thereof, and the State treasurer shall pay such amount to the medical superintendent of the hospital out of any money in the treasury appropriated for the support of such hospital.

§ 7. POWER OF REMOVAL.—The superintendent of State prisons shall have the power of removal of the medical superintendent for cause, and such officer shall not be re-appointed to the office of medical superintendent or to any other subordinate position in said hospital.

§ 8. TRANSFER OF INSANE CONVICTS TO THE MATTEAWAN STATE HOSPITAL.—Whenever the physician of either of the State prisons, county penitentiaries or of the State reformatory or other penal institution, shall certify to the warden or other officer in charge, that any convict or inmate confined therein, is, in his opinion, insane, such warden

or other officer in charge shall cause such inmate to be transferred to the Matteawan State Hospital and delivered to the medical superintendent thereof, who is hereby required to receive him into such hospital and to retain him there until legally discharged; and such warden or other officer in charge, before transferring such insane inmate, shall see that he is in a state of perfect bodily cleanliness, and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison.

§ 9. DISPOSAL OF INSANE CONVICTS AFTER EXPIRATION OF TERM OF IMPRISONMENT.—Whenever any convict in the Matteawan State Hospital, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained therein until he has recovered or is otherwise legally discharged. The medical superintendent of such hospital, with the approval of the State commission in lunacy, may discharge and deliver any patient whose sentence has expired, and who is still insane, to his relatives or friends who will undertake, with good and approved sureties for his peaceable behavior, safe custody and comfortable maintenance without further public charge, and the undertaking of such sureties shall be approved by the judge of the county in which such patient resides; and such patient may, in the discretion of the medical superintendent, be provided with the whole or a portion of such allowances as are hereinafter granted to recovered convicts. Whenever any convict, who, by reason of his insanity shall have been retained beyond the date of the expiration of his sentence shall recover, he may be discharged by the medical superintendent, and such convict shall be entitled to ten dollars in money, suitable clothing and a railroad ticket to the county of his conviction or to such other place as he may designate at no greater distance. Any convict in

the Matteawan State Hospital, whose term of imprisonment has expired by commutation or otherwise, and who is not recovered, may, upon an order of the commission in lunacy, be transferred to any institution for the insane.

§ 10. CONVICTS ON RECOVERY TO BE TRANSFERRED TO PRISON.—Whenever any convict, who shall have been confined in such hospital as an insane person, shall have become restored to his right mind before the expiration of his sentence, and the medical superintendent thereof shall so certify in writing to the agent and warden or other officer in charge of the institution from which such convict was received or to which the superintendent of State prisons may direct that he be transferred, such agent and warden or other officer in charge shall forthwith cause such convict to be transferred to the institution whence he came, or, if received from one of the State prisons, to such State prison as the superintendent of State prisons may direct; and the agent and warden or other officer in charge of such institution shall receive such convict into such institution, and shall in all respects, treat him as when originally sentenced to imprisonment.

§ 11. CERTIFICATE OF CONVICTION TO BE DELIVERED TO MEDICAL SUPERINTENDENT AND COPY FILED.—Whenever any convict shall be transferred to the Matteawan State Hospital, the agent and warden or other officer in charge of the prison, penitentiary, reformatory, or other penal institution from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of such convict to be filed in the office of the warden or officer in charge, and shall deliver the original certificate to the medical superintendent of such hospital; and whenever any such convict shall be transferred to any penal institution from such hospital, as hereinbefore provided, the medical

superintendent shall deliver to the agent and warden, or other officer in charge of such institution, such original certificate, which shall be filed in the clerk's office of the same.

§ 12. TRANSFER FROM STATE HOSPITALS TO MATTEAWAN STATE HOSPITAL.—The commission in lunacy may, by order in writing, transfer any insane inmate of a State hospital, committed thereto upon the order of a court of criminal jurisdiction, to the Matteawan State Hospital, and the county in which the criminal charge arose or conviction or acquittal was had, shall defray all the expenses of such person while at the Matteawan State Hospital and the expenses of returning him to such county.

§ 13. AUTHORITY TO RECOVER FOR THE SUPPORT OF PATIENTS.—The medical superintendent of the hospital is hereby authorized to recover for the support of any patient therein, chargeable under the law to either counties or penitentiaries, in an action to be brought, in said medical superintendent's name as treasurer of said hospital, against the county or penitentiary, for the maintenance of said patient, and judgment therein shall be rendered for such sum as shall be found due, together with interest from the time the demand is made. Such action shall not abate by reason of the death or removal of such medical superintendent but may be continued in the name of his successor.

§ 14. TENURE OF OFFICE.—Nothing in this act shall be construed to affect the tenure of office of any of the present officers of the hospital.

§ 15. REPEAL OF ACT ESTABLISHING THE STATE ASYLUM FOR INSANE CRIMINALS AT AUBURN.—Chapter two hundred and eighty-nine of the laws of eighteen hundred and eighty-four is hereby repealed.

§ 16. WHEN ACT TO TAKE EFFECT.—This act shall take effect immediately. (1)

(1) Repealed by Laws of 1905, ch. 545.

## CHAPTER 545.

AN ACT in relation to the insane, constituting chapter twenty-eight of the general laws.

BECAME a law May 12, 1896, with the approval of the Governor. Passed, three-fifths being present.

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

## CHAPTER XXVIII OF THE GENERAL LAWS.

## THE INSANITY LAW.

[This act, among other provisions, contains the following:]

## ARTICLE IV.

## STATE HOSPITAL FOR INSANE CRIMINALS.

- Section 90. Establishment and purposes of the Matteawan State hospital.
91. Medical superintendent.
92. Medical superintendent as treasurer of the hospital.
93. Salaries of resident officers.
94. Powers and duties of medical superintendent and assistants.
95. Monthly estimates.
96. Power of removal.
97. Transfer of insane convicts to the Matteawan State hospital.
98. Disposal of insane convicts after expiration of term of imprisonment.
99. Convicts on recovery, to be transferred to prison.
100. Certificate of conviction to be delivered to medical superintendent and copy filed.
101. Transfer from State hospital to Matteawan State hospital.
102. Authority to recover for the support of patients.
103. Tenure of office.
104. Communications with patients.

SECTION 90. ESTABLISHMENT AND PURPOSES OF THE MATTEAWAN STATE HOSPITAL.—The grounds, buildings and property located at Matteawan, in the county of Dutchess, and used for the purposes of the hospital for insane criminals, are hereby declared to be the Matteawan State hospital, to be used for the purpose of holding in custody and caring for such insane persons as may be committed to the said institution by courts of criminal jurisdiction, and for such convicted persons who may be declared insane while undergoing sentence at any of the various penal institutions of the state.

§ 91. MEDICAL SUPERINTENDENT.—The superintendent of state prisons shall, whenever there is a vacancy, appoint a medical superintendent for the Matteawan State hospital, who shall be a well-educated physician of at least five years' actual experience in a hospital for the care and treatment of the insane. The superintendent of state prisons, subject to the approval of the state commission in lunacy, shall make by-laws and regulations for the government of the hospital and the management of its affairs.

§ 92. MEDICAL SUPERINTENDENT AS TREASURER OF THE HOSPITAL.—The medical superintendent shall be the treasurer of the hospital, and before entering upon his duties, shall file with the comptroller of the state his undertaking to the people with sureties to be approved by the superintendent of state prisons, to the effect that he will faithfully perform his trust as such treasurer. He shall have the custody of the moneys, securities and obligations belonging to the hospital, and shall open with some bank, in the vicinity of the hospital, to be selected with the approval of the comptroller, an account in his name as such medical superintendent, and immediately deposit in such bank all moneys received by him as such medical superintendent and treasurer, and shall draw therefrom only for the use of the hospital and in the manner provided by the by-laws and upon the order of the steward, specifying the object of each payment. He shall keep a full and accurate account of the receipts and payments, as directed by the by-laws, and of such other matters as the superintendent of state prisons and the state commission in lunacy may prescribe, and balance all his accounts, annually, on the thirtieth day of September, and within ten days thereafter deliver to the superintendent of state prisons, a statement thereof and an abstract of such receipts and payments for the past year. His books and vouch-

ers shall at all times be open to the inspection of the superintendent of state prisons and the commission, and they may at any time require of him a statement of his accounts and of the funds and property in his custody.

§ 93. SALARIES OF RESIDENT OFFICERS.—The superintendent of state prisons shall, from time to time, determine the annual salaries and allowances of the resident officers, provided they do not in the aggregate exceed twelve thousand dollars; and the same shall be paid quarterly, on the last days of March, June, September and December, by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the medical superintendent, on his presenting a bill of particulars thereof signed by the steward, and properly certified by such medical superintendent.

§ 94. POWERS AND DUTIES OF MEDICAL SUPERINTENDENT AND ASSISTANTS.—The medical superintendent shall be the chief executive officer of the hospital and shall:

1. Have the general superintendence of the building and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the rules and regulations adopted by the superintendent of state prisons, with power to assign their respective duties.

2. Appoint such number of assistant physicians, not to exceed one for each two hundred inmates or fraction thereof, as the necessities of the institution may require, also a steward and matron, all of whom and the medical superintendent, shall reside in the hospital, and shall be known as the resident officers thereof.

3. Appoint such and so many attendants and other subordinate employes as he may think proper and necessary for the economical and efficient administration

of the affairs of the hospital, and prescribe their several duties and places, and fix, with the approval of the superintendent of state prisons, their compensation, and discharge any of them at his sole discretion; but in every case of discharge, so occurring, he shall, forthwith, enter the same with the reasons therefor, under an appropriate heading, in one of the record books of the hospital.

4. Give, from time to time, such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

5. Maintain salutary discipline among all who are employed by the institution, and enforce strict compliance with all instructions and orders given by him, and uniform obedience to all the rules and regulations of the hospital.

6. Cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and extent prescribed in the by-laws.

7. See that all accounts and records are fully made up to the last day of September in each year, and present the principal facts and results, with his report thereon, to the superintendent of state prisons, within forty days thereafter. The resident officers, before entering upon their duties as such, shall severally take and file in the office of the secretary of state, the constitutional oath of office. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of such hospital, but only in the name of the medical superintendent, and in each instance by his direction and not otherwise.

§ 95. MONTHLY ESTIMATES.—The medical superintendent shall cause an estimate to be made monthly, in accordance with forms to be approved by the state comptroller, of all moneys necessary for the support and maintenance of the hospital, which may be required to supplement the deficiencies in the earnings thereof. Such estimate shall be submitted to and examined by the superintendent of state prisons, who, if he is satisfied that it is correct, and that the articles named therein are actually needed for the support and maintenance of the hospital, shall certify to the same, and on production of such estimate so certified, to the comptroller, he shall draw his warrant on the state treasurer for the amount thereof, and the state treasurer shall pay such amount to the medical superintendent of the hospital, out of any money in the treasury appropriated for the support of such hospital.

§ 96. POWER OF REMOVAL.—The superintendent of state prisons may remove the medical superintendent, for cause shown, and an opportunity to such superintendent to be heard thereon, and such officer shall not be reappointed to the office of medical superintendent, or to any other position in said hospital.

§ 97. TRANSFER OF INSANE CONVICTS TO THE MATTEAWAN STATE HOSPITAL.—Whenever the physician of either of the state prisons, county penitentiaries, or of the state reformatory or other penal institutions, shall report in writing to the warden or other officer in charge thereof, that any convict confined therein is, in his opinion, insane, such warden or other officer shall apply to a judge of a court of record to cause an examination to be made of such person by two legally qualified examiners in lunacy, other than a physician connected with such state prison, penitentiary, reformatory or penal institution, qualified to act as medical examiners in lunacy. Such examiners shall be designated by the judge

to whom the application is made. Such examiners, if satisfied, after a personal examination, that such convict is insane, shall make a certificate to such effect in the form and manner prescribed by this chapter for the commitment of insane persons to state hospitals. Such warden or other person in charge shall apply to a judge of a court of record for an order transferring such convict to the Matteawan State hospital, accompanying such application with such certificate in lunacy. Such judge, if satisfied that such convict is insane, shall issue such order of transfer, and such warden or other officer in charge shall thereupon cause such convict to be transferred to the Matteawan State hospital and delivered to the medical superintendent thereof. At the time of such transfer, the certificate in lunacy and order of transfer shall be presented to such medical superintendent, and a copy thereof shall be placed on file in the office of the superintendent of state prisons. Such insane convict shall be received into such hospital and retained there until legally discharged. Such warden, or other officer in charge, before transferring such insane convict, shall see that he is bodily clean, and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison. The costs necessarily incurred in determining the question of insanity, including the fees of the medical examiners, shall be a charge upon the state or the municipality at whose expense the institution from which the transfer is made or sought to be made is maintained.

§ 98. DISPOSAL OF INSANE CONVICTS AFTER EXPIRATION OF TERM OF IMPRISONMENT.—Whenever any convict in the Matteawan State hospital, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained therein until he has recovered or is otherwise legally discharged. The medical superintendent of such

hospital may discharge and deliver any patient whose sentence has expired, and who is still insane, but who, in the opinion of the superintendent is reasonably safe to be at large, to his relatives or friends who are able and willing to comfortably maintain him, without further public charge; and such patient may, in the discretion of the medical superintendent, be provided with the whole or a portion of such allowances as are hereinafter granted to recovered convicts. Whenever any convict, who, by reason of his insanity, shall have been retained beyond the date of the expiration of his sentence shall recover, he may be discharged by the medical superintendent, and such convict shall be entitled to ten dollars in money, suitable clothing and a railroad ticket to the county of his conviction or to such other place as he may designate at no greater distance. Similar allowances shall be made to patients committed by order of a court and who may be discharged. Any convict in the Matteawan State Hospital, whose term of imprisonment has expired by commutation or otherwise, and who is not recovered may, upon an order of the commission in lunacy, be transferred to any institution for the insane.

§ 99. CONVICTS ON RECOVERY TO BE TRANSFERRED TO PRISON.—Whenever any convict, who shall have been confined in such hospital as an insane person, shall have recovered before the expiration of his sentence, and the medical superintendent thereof shall so certify in writing to the agent and warden, or other officer in charge of the institution, from which such convict was received or to which the superintendent of state prisons may direct that he be transferred, such convict shall forthwith be transferred to the institution from which he came by the medical superintendent of the hospital, or, if received from one of the state prisons, to such state prison as the superintendent of state prisons may

direct; and the agent and warden or other officer in charge of such institution shall receive such convict into such institution, and shall, in all respects, treat him as when originally sentenced to imprisonment. Any inmate not a convict, held upon an order of a court or judge, in a criminal proceeding, may be discharged therefrom, upon the superintendent's certificate of recovery, made to and approved by such court or judge.

§ 100. CERTIFICATE OF CONVICTION TO BE DELIVERED TO MEDICAL SUPERINTENDENT AND COPY FILED.—Whenever any convict shall be transferred to the Matteawan State hospital, the agent and warden or other officer in charge of the prison, penitentiary, reformatory or other penal institution from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of such convict to be filed in the office of the warden or officer in charge, and shall deliver the original certificate to the medical superintendent of such hospital; and whenever any such convict shall be transferred to any penal institution from such hospital, as hereinbefore provided, the medical superintendent shall deliver to the agent and warden, or other officer in charge of such institution, such original certificate, which shall be filed in the clerk's office of the same.

§ 101. TRANSFER FROM STATE HOSPITALS TO MATTEAWAN STATE HOSPITAL.—The commission in lunacy may, by order in writing, transfer any insane inmate of a state hospital, committed thereto upon the order of a court of criminal jurisdiction, to the Matteawan State hospital, and the county in which the criminal charge arose or conviction or acquittal was had, shall defray all the expenses of such person while at the Matteawan State hospital and the expenses of returning him to such county.

§ 102. AUTHORITY TO RECOVER FOR THE SUPPORT OF PATIENTS.—The medical superintendent of the hospi-

tal is hereby authorized to recover for the support of any patient therein, chargeable under the law to either counties or penitentiaries, in an action to be brought, in the name of the people of the state of New York, against the county or penitentiary, for the maintenance of said patient.

§ 103. TENURE OF OFFICE.—Nothing in this article shall be construed to affect the tenure of office of any of the present officers of the hospital.

§ 104. COMMUNICATIONS WITH PATIENTS.—No person not authorized by law or by written permission from the superintendent of state prisons shall visit the Matteawan State hospital, or communicate with any patient therein without the consent of the medical superintendent; nor without such consent shall any person bring into or convey out of the Matteawan State hospital any letter or writing to or from any patient; nor shall any letter or writing be delivered to a patient, or if written by a patient, be sent from the Matteawan State hospital until the same shall have been examined and read by the medical superintendent or some other officer of the hospital duly authorized by the medical superintendent. But communications addressed by such patient to the county judge or district attorney of the county from which he was sentenced, shall be forwarded, after examination by such medical superintendent, to their destination.

## CHAPTER 163.

AN ACT to incorporate the Prison Association of New York.

PASSED MAY 9, 1846; by a two-third vote.

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

SECTION 1. All such persons as now are and hereafter shall become members of 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 this corporation is formed.

Corporation created.

§ 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:

Estate and concerns how managed.

## ARTICLE FIRST.

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.

Objects of the association.

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 SECOND.

**Officers.** The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer; and there shall be the following committees, viz: a finance committee, a committee on detentions, a committee on discipline, a committee on discharged convicts, and an executive committee.

## ARTICLE THIRD.

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

## ARTICLE FOURTH.

**Their duties.** 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 FIFTH.

**Society to meet annually.** 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 SIXTH.

**Membership.** Any person contributing annually to the funds of the association, shall, during such contribution be a member thereof. A contribution of five hundred dollars

shall constitute a life patron; a contribution of one hundred dollars, an honorary member of the executive committee for life; and a contribution of twenty-five 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 SEVENTH.

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 shall adopt.

## ARTICLE EIGHTH.

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 NINTH.

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

## ARTICLE TENTH.

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

## ARTICLE ELEVENTH.

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

ceding meeting. The officers elected for the current year under the constitution shall continue to be the officers thereof, until others shall be duly chosen in their places. And it is hereby further enacted, that no manager of said society shall receive any compensation for his services.

Work-house.

§ 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.

Laws and ordinances.

§ 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 com-

mittee, 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 their reformation and amendment and future benefit and advantage of such persons.

May bind out minors.

§ 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 situated 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

Prisons may be visited and examined.

by whom the examination is to be made, and the time within which the same must be concluded.

#### CONCURRENT RESOLUTION

To print extra copies of the annual report of the New York Prison Association. (1)

*Resolved* (if the senate concur), That there be printed ten extra copies of the annual report of the New York Prison Association for each member, officer and reporter of the legislature, and one thousand copies for the use of the association, of which two hundred and fifty shall be bound in cloth in the usual style, for foreign exchanges, and the remainder in paper covers.

STATE OF NEW YORK,  
IN ASSEMBLY, January 24, 1866.  
The foregoing resolution was duly passed.  
By order of the assembly,  
J. B. CUSHMAN,  
Clerk.

STATE OF NEW YORK,  
IN SENATE, February 1, 1866.  
The foregoing resolution was duly passed.  
By order of the senate,  
JAS. TERWILLIGER,  
Clerk.

#### CONCURRENT RESOLUTION

Relative to granting additional powers to the executive committee of the Prison Association of New York. (2)

*Resolved* (if the senate concur), That the executive committee of the Prison Association of New York, in addition to the power now possessed by them of examining on oath all prison officers in actual service, be authorized to appoint a commission of their own members with authority to invite any former prison officers of this State and any officers now or heretofore connected with prisons in other States, to appear before them

(1) Laws of 1866, p. 2136.

(2) Laws of 1866, p. 2131.

and to examine said persons on their oath or affirmation on all matters of fact and opinion, whereon they may think proper to examine them touching the management of our prisons and the general subject of prison discipline and government.

STATE OF NEW YORK,  
IN ASSEMBLY, March 10, 1866.  
The foregoing resolution was duly passed.  
By order of the assembly,  
J. B. CUSHMAN,  
Clerk.

STATE OF NEW YORK,  
IN SENATE, March 10, 1866.  
The foregoing resolution was duly passed.  
By order of the senate,  
JAS. TERWILLIGER,  
Clerk.

#### CHAPTER 822.

AN ACT making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations.

PASSED May 10, 1869; three-fifths being present.

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

Page 1925. This act, among other provisions, contains the following: For the Prison Association of the State of New York, four thousand dollars; and the said association, in addition to the powers heretofore conferred upon them, are hereby instructed in required to examine any person or persons with reference to the moral or financial administration of the prisons of the State, and the reformatory agencies employed in them, whenever they elect, provided that no expense shall be incurred to the State in such examination.

Prison association.

Additional powers conferred.

## CHAPTER 857.

AN ACT making appropriations for certain public and charitable institutions.

PASSED May 11, 1869; by a two-third vote.

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

Conditions upon which comptroller shall pay appropriations.

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, the several amounts as specified in this act to the persons duly authorized to receive the same; but no sum here indicated shall be paid to any hospital, orphan asylum, home for the friendless, or educational institution, receiving an appropriation pro rata, till the president and secretary, or the managers of the same, shall have made to him a report of their operations pursuant to chapter four hundred and nineteen of the laws of eighteen hundred and sixty-four, entitled "An act requiring officers of scientific and eleemosynary institutions to make annual reports," unless such requirement shall have been expressly waived in this act. When the comptroller has reason to believe that a false report or return has been made by any institution or school by whatever name called, entitled to draw a share of the public moneys herein appropriated, or any institution receiving special appropriations, or whenever any citizen of the State shall, upon an affidavit of facts justifying investigation, request investigation of any such institution, the comptroller is hereby authorized and required to direct the Prison Association to investigate the same, and, pending such investigation, he shall withhold or modify the appropriation herein made, if in his judgment the same ought to be done.

May direct investigation of any institution by Prison Association.

## EXTRACTS

FROM THE

Constitution of the State of New York,

AS

Proposed by the Constitutional Convention, September 29, 1894, at Albany, N. Y., and Adopted by the People of the State, November 6, 1894.

## ARTICLE 1.

SECTION 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained. (1)

Excessive bail and fines.

## ARTICLE 3.

SECTION 29. The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing

Prison labor contract system abolished.

(1) See Bayard, Matter of, 25 Hun, 546; Barker v. People, 6 Johns, 437; People ex rel. Kemmler v. D. Johnston, 119 N. Y. 569; 27 St. Rep. 966; People v. Tweed, 15 Abb. Pr. N. S. 743.

that convicts may work for, and that the products of their labor may be disposed of, to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

#### ARTICLE 4.

SECTION 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve. (1)

#### ARTICLE 5.

SECTION 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and con-

Reprieves, commutations, and pardons to be granted by Governor.

Superintendent of State prisons, appointments, powers and duties of.

(1) See Edymoln, Matter of, 3 How. Fr. 478; Whalen, Matter of, 47 St. Rep. 312; People v. Pease, 3 Johns. Cas. 232; People v. Potter, 3 Park. Cr. 47; People ex rel. Forsyth v. Court of Sessions, 141 N. Y. 113.

trol of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the Inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense. (1)

#### ARTICLE 8.

SECTION 11. The Legislature shall provide for a State Board of Charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State Commission in Lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a State Commission of prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

SECTION 12. The members of the said board and of the said commissions shall be appointed by the gover-

(1) See People ex rel. Griffin v. Lathrop, 71 Hun 202; affirmed 142 N. Y. 113.

State board of charities, state commission in lunacy, state commission of prisons.

Boards appointed by Governor.

nor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

#### ARTICLE 10.

Sheriffs,  
clerks of  
counties,  
district  
attorneys  
and regis-  
ters;  
Governor  
may remove.

SECTION 1. Sheriffs, clerks of counties, district attorneys and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the legislature shall direct. Sheriffs shall hold no other office and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense. (1)

Time of  
election.

Vacancies in  
offices, how  
filled.

SECTION 4. The time of electing all officers named in this article shall be prescribed by law.

SECTION 5. The legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the com-

(1) See *People ex rel. Gallup v. Green*, 2 Wend. 266;  
*Coutant v. People*, 11 Wend. 511;  
*Warner v. People*, 2 Deno 272;  
*Moody v. Supervisors*, 46 Barb. 629;  
*People ex rel. McEwan v. Keeler*, 29 Hun. 175; 64 How. Fr. 478.

first annual election after the happening of the vacancy. (1)

#### CONCURRENT RESOLUTION

Of the senate and assembly, proposing amendment to article three, section twenty-nine, of the constitution, relating to prison labor. (2)

*Resolved* (if the senate concur), That the following amendment to the constitution be agreed to and referred to the legislature to be chosen at the next general election of senators:

Section twenty-nine of article third of the constitution is hereby amended so as to read as follows:

§ 29. All prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State shall be kept occupied and employed at labor; and on and after the first day of January, eighteen hundred and ninety-seven, no such prisoner shall be required or allowed to work at any trade, industry or occupation wherein or whereby his labor or time shall be farmed out or contracted to any person, firm, organization or corporation. The legislature shall provide for the employment of such prisoners, as far as practicable, upon public works, or in the manufacture of supplies required for the use of public institutions owned or managed and controlled by the State or any political division thereof.

STATE OF NEW YORK,  
IN ASSEMBLY, April 24, 1895.  
This bill was duly passed, a majority  
of all the members elected to the as-  
sembly voting in favor thereof, three-  
fifths being present.

By order of the assembly,  
HAMILTON FISH,  
Speaker.

STATE OF NEW YORK,  
IN SENATE, May 14, 1895.  
This bill was duly passed, a majority  
of all the members elected voting in  
favor thereof, three-fifths being pres-  
ent.

By order of the senate,  
CHARLES T. SAXTON,  
President.

(1) See *People v. Keeler*, 12 N. Y. 370;  
*People ex rel. Hatfield v. Comstock*, 75 N. Y. 326;  
*People ex rel. Weller v. Townsend*, 102 N. Y. 430.  
(2) *Laws of 1895*, v. 1, p. 1011.

Extracts from the Code of Civil Procedure,  
as in Force in 1896.

CHAPTER II.

TITLE II.

ARTICLE FIRST.

*Arresting, conveying to jail, and committing a prisoner.*

- Section 110. Prisoner, how kept.  
 111. Limit to period of confinement.  
 112. Support of prisoners.  
 113. Charges for food, etc., when prohibited.  
 114. Also for waiting for prisoner.  
 115. Rates of charges for lodging, etc.  
 116. Prisoner may send for necessaries.  
 117. Charges for rent, etc., prohibited.  
 118. Prisoner, how conveyed to jail through another county.  
 119. Officer or prisoner not liable to arrest.

§ 110. PRISONER, HOW KEPT.—A person arrested, by virtue of an order of arrest, in an action or special proceeding brought in a court of record; or of an execution issued upon a judgment rendered in a court of record; or surrendered in exoneration of his bail; must be safely kept in custody, in the manner prescribed by law, and, except as otherwise prescribed in the next two sections, at his own expense, until he satisfies the judgment rendered against him, or is discharged according to law. (1)

§ 111. LIMIT TO PERIOD OF CONFINEMENT.—No person shall be imprisoned within the prison walls

(1) Mr. Throop states that this title contains every section, or a substitute for every section of articles 1, 2, 3 and 4 of tit. 6, ch. 7, pt. 3 of R. S., except §§ 9, 22 and 27.

See *Doyle v. Doyle*, 4 Civ. Proc. 203.

of any jail for a longer period than three months, under an execution or any other mandate against the person, to enforce the recovery of a sum of money less than five hundred dollars in amount, or under a commitment upon a fine for contempt of court in the non-payment of alimony or counsel fees in a divorce case, where the amount so to be paid in less than the sum of five hundred dollars; and where the amount in either of said cases is five hundred dollars or over, such imprisonment shall not continue for a longer period than six months. It shall be the duty of the sheriff, in whose custody any such person is held, to discharge such person at the expiration of said respective periods, without any formal application being made therefor. No person shall be imprisoned within the jail liberties of any jail for a longer period than six months, upon any execution or other mandate against the person; and no action shall be commenced against the sheriff upon a bond given for the jail liberties by such person to secure the benefit of such liberties, as provided in articles fourth and fifth of this title, for an escape made after the expiration of six months' imprisonment as aforesaid. Notwithstanding such a discharge in either of the above cases, the judgment creditor in the execution, or the person at whose instance the said mandate was issued, has the same remedy against the property of the person imprisoned, which he had before such execution or mandate was issued; but the prisoner shall not be again imprisoned upon a like process issued in the same action, or arrested in any action upon any judgment, under which the same may have been granted. Except in a case hereinbefore specified, nothing in this

section shall effect\* a commitment for contempt of court. (1)

§ 112. SUPPORT OF PRISONERS.—In any county, if a prisoner, actually confined in jail, makes oath before the sheriff, jailor, or deputy-jailor, that he is unable to support himself during his imprisonment, his support shall be a county charge. (2)

§ 113. CHARGES FOR FOOD, ETC., WHEN PROHIBITED.—A sheriff or other officer shall not charge a person, whom he has arrested, with any sum of money, or demand, or receive from him money, or any valuable thing, for any drink, victuals, or other thing, furnished or provided for the officer, or for the prisoner, at any tavern, ale-house, or public victualing or drinking-house.

§ 114. ALSO FOR WAITING FOR PRISONER.—A sheriff or other officer shall not demand or receive from a person arrested by him, while in his custody, a gratuity or reward, upon any pretence, for keeping the prisoner out of jail; for going with him or waiting for him

\* So in the original.  
 (1) See *Coyne*, Matter of, 18 Civ. Proc. 397; 13 N. Y. Supp. 797.  
*Dalon v. Kapp*, 11 Civ. Proc. 68.  
*Downey v. Clute*, 12 Civ. Proc. 435.  
*Eads v. Wynne*, 79 Hun 463; 61 St. Rep. 256; 59 N. Y. Supp. 923.  
*Levy v. Salomon*, 105 N. Y. 529; 12 Civ. Proc. 125; 15 Abb. N. C. 220; 19 Abb. N. C. 52; 1 St. Rep. 207; 8 St. Rep. 16.  
*N. Y. C. & H. R. R. Co. v. Shepard*, 10 Civ. Proc. 153; 12 Civ. Proc. 156; 1 St. Rep. 77.  
*People ex rel. Clark v. Grant*, 111 N. Y. 584; 47 Hun 604; 14 Civ. Proc. 25; 15 St. Rep. 121; 20 St. Rep. 77.  
*People ex rel. Cohen v. Grant*, 3 St. Rep. 186.  
*People ex rel. Lust v. Grant*, 15 Abb. N. C. 220; 10 Civ. Proc. 158; 1 St. Rep. 507.  
*People ex rel. Rodding v. Grant*, 10 Civ. Proc. 174.  
*Shepard*, Matter of, 5 St. Rep. 480.  
*Warschauer v. Webb*, 10 Civ. Proc. 169.  
*Winton v. Winton*, 117 N. Y. 623; 53 Hun 4; 16 Civ. Proc. 337; 24 St. Rep. 656; 26 St. Rep. 732; 5 N. Y. Supp. 587.  
*Wright v. Grant*, 11 Civ. Proc. 467; 15 Abb. N. C. 451; 5 St. Rep. 224.  
 (2) By the Laws of 1884, ch. 298, the court issuing execution against the person, upon a judgment of \$50 or less, may, after six months' imprisonment, discharge the debtor from custody on the application of a taxpayer of the county. See *People v. Howe*, 34 Hun 628.

to find bail, or to agree with his adversary; or for any other purpose. (1)

§ 115. RATES OF CHARGES FOR LODGING, ETC.—If a person arrested is kept in a house, other than the jail of the county, the officer arresting him, or the person in whose custody he is, shall not demand or receive from him any greater sum, for lodging, drink, victuals, or any other thing, than has been heretofore prescribed by the court of sessions of the county; or, if no rate has been prescribed by the court of sessions, than is allowed by a justice of the peace of the same town or city, upon proof that the lodging or other thing was actually furnished, at the request of the prisoner. And such an officer or person shall not, in any case or upon any pretext, demand or receive compensation for strong, spirituous, or fermented liquor, or wine, sold or delivered to the prisoner.

§ 116. PRISONER MAY SEND FOR NECESSARIES.—A prisoner so kept in a house, may send for and have beer, ale, cider, tea, coffee, milk, and necessary food, and such bedding, linen, and other necessary things, as he thinks fit, from whom he pleases, without detention of the same or any part thereof by, or paying for the same, or any part thereof to, the officer arresting him, or the person in whose custody he is.

§ 117. CHARGES FOR RENT, ETC., PROHIBITED.—A sheriff, jailor, or other officer, shall not demand or receive money, or any valuable thing, for chamber rent in a jail; or any fee, compensation, or reward, for the commitment, detaining in custody, release, or discharge of a prisoner, other than the fees expressly allowed therefor by law.

(1) See *Turney's Case*, 5 City H. Rec. 131; *People ex rel. Backus v. Stone*, 10 Falge, 606.

§ 118. PRISONER, HOW CONVEYED TO JAIL THROUGH ANOTHER COUNTY.—A sheriff or other officer, who has lawfully arrested a prisoner, may convey his prisoner through one or more other counties, in the ordinary route of travel, from the place where the prisoner was arrested, to the place where he is to be delivered or confined. (1)

§ 119. OFFICER OR PRISONER NOT LIABLE TO ARREST.—A prisoner, so conveyed, or the officer having him in custody, is not liable to arrest in any civil action or special proceeding, while passing through another county (2.)

#### ARTICLE SECOND.

#### *Jails; Jail Discipline; and Regulations Concerning the Confinement and Care of Prisoners.*

##### Section 120. Jail in New York city.

- 121. Jails in other counties.
- 122. Either of several jails may be used.
- 123. Civil and criminal prisoners to be kept separate.
- 124. Males and females to be kept separate.
- 125. Penalties.
- 126. Jail physician.
- 127. Removal of sick prisoners.
- 128. Sale of liquor in jails.
- 129. Permit, when granted.
- 130. Penalties for violation.
- 131. Service of papers on prisoner.
- 132. Sheriff to permit access for that purpose.
- 133. Prisoners under United States process.
- 134. Sheriff answerable for their custody.

§ 120. JAIL IN NEW YORK CITY.—The building, now used as a jail in the city of New York, for the confinement of prisoners in civil causes, shall continue to be the jail of the city and county of New York, for the confinement of such persons; and the sheriff of the city and county of New York shall have the custody thereof, and of the prisoners in the same.

(1) See *Love v. Humphrey*, 9 Wend. 204; *People ex r-l. Post v. Grant*, 50 Hun, 243.

(2) See *Love v. Humphrey*, 9 Wend. 204.

§ 121. JAILS IN OTHER COUNTIES.—The buildings, now used as the jails of the other counties of the State, shall continue to be the jails of those counties respectively, until other buildings have been designated or erected for that purpose, according to law; and the sheriff of each county shall have the custody of the jail or jails of his county, and of the prisoners in the same. (1)

§ 122. EITHER OF SEVERAL JAILS MAY BE USED.—The sheriff of a county, in which there is more than one jail, may confine a prisoner in either; and may remove him from one jail to another, within the county, whenever he deems it necessary for his safe-keeping, or for his appearance at court.

§ 123. CIVIL AND CRIMINAL PRISONERS TO BE KEPT SEPARATE.—A prisoner, arrested in a civil cause, must not be kept in a room, in which any prisoner, detained on a criminal charge or conviction, is confined. (2)

§ 124. MALES AND FEMALES TO BE KEPT SEPARATE.—Male and female prisoners must not be put in the same room; except that a husband and his wife may be put or kept together in a room wherein there are no other prisoners. (2)

§ 125. PENALTIES.—A sheriff, or other officer, who willfully violates any of the foregoing provisions of this title, forfeits to the person aggrieved, treble damages. He is also guilty of a misdemeanor, and shall be punished accordingly. A conviction also operates as a forfeiture of his office.

§ 126. JAIL PHYSICIAN.—The board of supervisors of each county, except New York, must appoint some reputable physician, duly authorized to practice medicine, as the physician to the jail of the county. If there

(1) See *Rosch v. O'Dell*, 33 Hun, 320.

(2) See the County Law, Laws of 1882, ch. 686, §§ 1, 92; not applicable to New York county.

is more than one jail they must appoint a physician to each. The common council of the city of New York must appoint a similar physician, to the jail of that city and county. The physician to a jail holds his office at the pleasure of the board which appointed him, except in the county of Kings. In that county, the term of his office is three years.

§ 127. REMOVAL OF SICK PRISONERS.—If the physician to a jail, or, in case of a vacancy, a physician acting as such, and the warden or jailor, certify in writing, that a prisoner confined in the jail in a civil cause, is in such a state of bodily health that his life will be endangered unless he is removed to a hospital for treatment, the county judge, or, in the city and county of New York, one of the justices of the supreme court, must, upon application, make an order, directing the removal of the prisoner to a hospital within the county designated by the judge; or, if there is none, to such nearest hospital as the judge directs; that the prisoner be kept in the custody of the chief officer of the hospital until he has sufficiently recovered from his illness, to be safely returned to the jail; that the chief officer of the hospital then notify the warden or jailor, and that the latter thereupon resume custody of the prisoner. If the prisoner actually escapes, while going to, remaining at, or returning from the hospital, a new execution may be issued against his person, if he was in custody by virtue of an execution; or, if he was in custody by virtue of an order of arrest, a new order of arrest may be granted, upon proof by affidavit of the facts specified in this section, without other proof, and without an undertaking.

§ 128. SALE OF LIQUOR IN JAILS.—Strong, spirituous, or fermented liquor, or wine, shall not, on any pretense, be sold within a building used and established as a jail. Spirituous, fermented or other liquor, except cider, and that quality

of beer called table-beer, shall not be brought into a jail for the use of a person confined therein, without a written permit by the physician to the jail, which must be delivered to and kept by the keeper thereof, specifying the quantity and kind of liquor which may be furnished, the name of the prisoner for whom, and the time during which the same may be furnished. (1)

§ 129. PERMIT, WHEN GRANTED.—Such a permit shall not be granted, unless the physician is satisfied, that the liquor allowed to be furnished is necessary for the health of the prisoner, for whose use it is permitted; and that fact must be stated in the permit.

§ 130. PENALTIES FOR VIOLATION.—A person who brings into or sells in a jail, strong, spirituous, fermented, or other liquors, or wine, contrary to the foregoing provisions of this article; or a sheriff, keeper of a jail, assistant-keeper, or an officer, or person employed in or about a jail, who knowingly suffers liquor or wine to be sold or used therein, contrary to this article, is guilty of a misdemeanor, and shall be punished accordingly. A conviction also operates as a forfeiture of his office.

§ 131. SERVICE OF PAPERS ON PRISONER.—A sheriff or jailor, upon whom a paper in an action or special proceeding, directed to a prisoner in his custody, is lawfully served, or to whom such a paper is delivered for a prisoner, must, within two days thereafter, deliver the same to the prisoner, with a note thereon of the time of the service thereof upon, or the receipt thereof by him. For a neglect or violation of this section, the sheriff or jailor, guilty thereof, is liable to the prisoner for all damages occasioned thereby. (2)

§ 132. SHERIFF TO PERMIT ACCESS FOR THAT PURPOSE.—Subject to reasonable regulations, which the sheriff may establish for that purpose, a sheriff, jailor,

(1) See the Liquor Tax Law, Laws of 1895, ch. 112, § 24.

(2) See Johnson, Matter of, 21 Abb. N. C. 172.

or other officer, who has the custody of a prisoner, must permit such access to him as is necessary, for the personal service of a paper in an action or special proceeding, to which the prisoner is a party, and which must be personally served. (1)

§ 133. PRISONERS UNDER UNITED STATES PROCESS.—A sheriff must receive into his jail and keep a prisoner, committed to the same, by virtue of civil process issued by a court of record, instituted under the authority of the United States, until he is discharged by the due course of the laws of the United States, in the same manner as if he was committed by virtue of a mandate in a civil action, issued from a court of the State. The sheriff may receive, to his own use, the money payable by the United States for the use of the jail.

§ 134. SHERIFF ANSWERABLE FOR THEIR CUSTODY.—A sheriff or jailor, to whose jail a prisoner is committed, as prescribed in the last section, is answerable for his safe keeping, in the courts of the United States, according to the laws thereof.

#### ARTICLE THIRD.

##### *Temporary Jails, and Temporary Removal of Prisoners from Jail.*

\* Section 125. When jail becomes unfit, etc., another to be designated.

125. Designation, how annulled.

127. Copy of designation to be served on the sheriff, etc.

128. Prisoners already upon jail liberties.

129. Jail liberties to prisoner, who becomes entitled thereto, before removal.

140. Id., to prisoners removed.

141. When designation to be revoked, etc.

142. Copy of revocation to be served on sheriff; sheriff's duty thereon.

143. Removal of prisoners in case of fire.

144. What officer to act in case of absence, etc.

§ 135. WHEN JAIL BECOMES UNFIT, ETC., ANOTHER TO BE DESIGNATED.—If there is no jail in a county; or the jail becomes unfit or unsafe for the con-

(1) See *Wreckman v. Wreckman*, 4 Civ. Proc. 148.

finement of some or all of the prisoners, or is destroyed by fire or otherwise; or if a pestilential disease breaks out in the jail, or in the vicinity of the jail, and the physician to the jail certifies that it is likely to endanger the health of any or all of the prisoners in the jail; the county judge, or, in the city and county of New York, the presiding justice of the appellate division of the supreme court of the first department, must, by an instrument in writing, filed with the clerk of the county, designate another suitable place within the county, or the jail of a contiguous county, for the confinement of some or all of the prisoners, as the case requires. The place so designated thereupon becomes, to all intents and purposes, except as otherwise prescribed in this article, the jail of the county for which it has been so designated, and the purposes expressed in the instrument designating the same.

§ 136. DESIGNATION, HOW ANNULLED.—The designation may be modified or revoked, by the judge making the same, by a like instrument in writing, filed with the clerk of the county.

§ 137. COPY OF DESIGNATION TO BE SERVED ON THE SHERIFF, ETC.—The county clerk must serve a copy of the designation, duly certified by him under his official seal, on the sheriff and keeper of the jail of a contiguous county so designated. The sheriff of that county must, upon the delivery of the sheriff of the county for which the designation is made, receive into his jail and there safely keep, all persons who may be lawfully confined therein, pursuant to this article; and he is responsible for their safe keeping, as if he was the sheriff of the county for which the designation is made.

§ 138. PRISONERS ALREADY UPON JAIL LIBERTIES.—If a prisoner has been admitted to the liberties of the jail of the county for which the designation is made, he

must, notwithstanding, remain within those liberties; but he may be removed by the sheriff, to whom he has given bond for the liberties, to the jail or other place so designated, and confined therein, in a case where the sheriff might confine him in the jail of his own county.

§ 139. *JAIL LIBERTIES TO PRISONER, WHO BECOMES ENTITLED THERETO, BEFORE REMOVAL.*—If a person, who is arrested, before or after the designation, by the sheriff of the county for which the designation is made, becomes entitled, after the designation, and before his removal, to the liberties of the jail, he must be admitted to the liberties of the jail of that county, as if the designation had not been made; but he may be removed by the sheriff to the jail or other place so designated, and confined therein, in a case where the sheriff might confine him in the jail of his own county.

§ 140. *JAIL LIBERTIES TO PRISONERS REMOVED.*—If a person confined in or removed to the jail of a contiguous county, designated as prescribed in this article, becomes entitled to the liberties of the jail, the sheriff of that county must admit him to the jail liberties, as if he had been originally arrested by that sheriff, on a mandate directed to him.

§ 141. *WHEN DESIGNATION TO BE REVOKED, ETC.*—When a jail is erected for the county, for whose use the designation was made, or its jail is rendered fit and safe for the confinement of prisoners, or the reason for the designation of another jail or place has otherwise ceased to be operative the designation must be revoked, as prescribed in this article.

§ 142. *COPY OF REVOCATION TO BE SERVED ON SHERIFF; SHERIFF'S DUTY THEREON.*—The county clerk must immediately serve a copy of the revocation, duly certified by him under his official seal, upon the sheriff of the same county; who must remove the prisoners be-

longing to his custody, and confined without his county, to his proper jail. If a prisoner has been admitted to the jail liberties in the other county, he must also be removed; and he is entitled to the liberties of the jail of the county, to which he is removed, without a new bond, as if he had been originally admitted to the jail liberties in that county; and the bond given by him applies accordingly to those liberties.

§ 143. *REMOVAL OF PRISONERS IN CASE OF FIRE.*—If, by reason of a jail, or a building near a jail, being on fire, there is reason to apprehend that some or all of the prisoners confined in the jail, may be injured, or may escape, the sheriff or keeper of the jail may, in his discretion, remove them to some safe and convenient place, and there confine them, until they can be safely returned to the jail; or, if the jail is destroyed, or so injured, that it is unfit or unsafe for the confinement of the prisoners, until a designation is made, as prescribed in section 135 of this act.

§ 144. *WHAT OFFICER TO ACT IN CASE OF ABSENCE, ETC.*—If the county judge, or the presiding justice of the appellate division of the supreme court of the first department, is absent or unable to act, or if his office is vacant, a designation, or the revocation or modification thereof, as prescribed in this article, may be made, in any county, except New York, by the special county judge or the district attorney, or in the city and county of New York, by any justice of the appellate division.

## ARTICLE FOURTH.

*Jail Liberties; Escapes.*

Section 145. Jail liberties in certain counties.

146. Id. in other counties.
147. Id.: how laid out.
148. Copy to be kept posted in jail.
149. Who admitted to liberties.
150. Undertaking to be executed by prisoner; its contents.
151. For whom undertaking to be held.
152. Prisoner to be committed when surety is insufficient.
153. Surrender of prisoner by his sureties.
154. How surrender made.
155. What deemed and what not deemed an escape.
156. When court may order indicted prisoner to be produced.
157. Prisoners committed for contempt.
158. Sheriff's liability for escape.
159. Penalty for connivance at escape by a sheriff, etc.

§ 145. JAIL LIBERTIES IN CERTAIN COUNTIES.—The following are the liberties of the jail for each of the counties specified, to wit:

For the city and county of New York, the whole of that city and county.

For the county of Onondaga, the whole of the city of Syracuse.

For the county of Monroe, the whole of the city of Rochester.

For the county of Erie, the whole of the city of Buffalo.

For the county of Dutchess, the whole of the city of Poughkeepsie.

For the county of Kings, the whole of that county.

For the county of Albany, the whole of the city of Albany.

For the county of Jefferson, the whole of the city of Watertown.

For the county of Herkimer, the whole of the village of Herkimer.

For the county of Rensselaer, the whole of the city of Troy.

For the county of Niagara, the whole of the city of Lockport.

§ 146. JAIL LIBERTIES IN OTHER COUNTIES.—The liberties of the jail, in each of the other counties of the State, as heretofore established, shall continue to be the liberties thereof, until they are altered, or new liberties are established, as prescribed by law.

§ 147. JAIL LIBERTIES, HOW LAID OUT.—Where the liberties of a jail are altered or established, by resolution of the board of supervisors, as prescribed by law, a space of ground, adjacent to the jail, and not exceeding five hundred acres in quantity, must be laid out as the jail liberties, in a square or rectangle as nearly as may be; but a stream of water, canal, street, or highway may be adopted as an exterior line, notwithstanding it is not in a straight line, or is not at right angles with the other exterior lines of the liberties. A resolution establishing or altering jail liberties, must contain a particular description of their boundaries; and as soon as may be after its adoption, the boundaries must be designated by monuments, inclosures, posts, or other visible and permanent marks, at the expense of the county. (1)

§ 148. COPY TO BE KEPT POSTED IN JAIL.—The county clerk must, within one week after a resolution of the board of supervisors, establishing or altering jail liberties, has been filed in his office, deliver an exemplified copy thereof to the keeper of the jail, who must keep the same exposed to public view, in an open and public part of the jail, and exhibit it to each person admitted to the liberties of the jail, at the time of his executing a bond for that purpose.

§ 149. WHO ADMITTED TO LIBERTIES.—A person in the custody of a sheriff, by virtue of an order of arrest; or of an execution in a civil action; or in consequence of a surrender in exoneration of his bail; is entitled to be admitted to the liberties of the jail upon delivering

(1) See *Roach v. O'Dell*, 33 Hun 259.

to the sheriff an undertaking as prescribed in the next section. (1)

§ 150. UNDERTAKING TO BE EXECUTED BY PRISONER; ITS CONTENTS.—The undertaking must be executed by the prisoner and one or more sufficient sureties, residents and householders or freeholders of the county, in a penalty at least twice the sum in which the sheriff was required to hold the defendant to bail, if he is in custody under an order of arrest, or has been surrendered in exoneration of his bail, before judgment; or directed to be collected by the execution, if he is in custody under an execution; or remaining uncollected upon a judgment against him if he has been surrendered after judgment; conditioned that the person so in custody shall remain a prisoner, and shall not, at any time or in any manner, escape or go without the liberties of the jail until discharged by due course of law. The provisions regulating the justification of bail, contained in article third of title first of chapter seventh of this act, govern, except as otherwise expressly prescribed in this article, with respect to the notice of justification of the sureties; the officers before whom they must justify; the substitution of new sureties or a new undertaking; the examination and qualifications of the new sureties; and the allowance of the undertaking. But after the allowance, the undertaking must be delivered to the party at whose instance the prisoner is in custody. (2)

§ 151. FOR WHOM UNDERTAKING TO BE HELD.—An undertaking so taken is held for the indemnity of the

(1) See *Allen v. Allen*, 58 How. Pr. 381.  
*Boucicault v. Boucicault*, 59 How. Pr. 131.  
*Dougan v. Cohen*, 13 Civ. Proc. 75.  
*Feurick v. Conner*, 11 Week. Dig. 242.  
*Levy v. Kaim*, 55 How. Pr. 126.  
*McCallum v. Barnard*, 55 How. Pr. 169.  
*People ex rel. Brown v. Van Hoesen*, 62 How. Pr. 76.  
*Roosevelt v. Jacob*, 1 Law Bull. 75.  
*Wemple v. Glavin*, 87 How. Pr. 169.  
 (2) See *Foucher v. Holley*, 3 Wend. 181.

sheriff taking it, and of the party at whose instance the prisoner executing it is confined.

§ 152. PRISONER TO BE COMMITTED WHEN SURETY IS INSUFFICIENT.—If the party at whose instance the prisoner is in custody discovers that a surety therein is insufficient, he may, upon proof of the fact, by affidavit or otherwise, apply to the court or to a judge thereof, on whose process or mandate such prisoner is in custody, or to the county judge of the county where such prisoner is confined and the court, or a judge thereof, or such county judge, may make an order committing such prisoner to close confinement in the jail, until another undertaking with good and sufficient sureties is offered. (1)

§ 153. SURRENDER OF PRISONER BY HIS SURETIES.—One or more of the sureties, in an undertaking given for the liberties of a jail, may surrender the principal, at any time before judgment is rendered against them in an action on the undertaking; but they are not exonerated thereby, from a liability incurred before making the surrender. (2)

§ 154. HOW SURRENDER MADE.—The surrender must be made as follows: The surety or sureties making it must take the principal to the keeper of the jail, who must, upon his or their written requisition to that effect, take the principal into his custody, and indorse upon the undertaking given for the liberties, an acknowledgement of the surrender; and also, if required, give the surety or sureties a certificate, acknowledging the surrender.

§ 155. WHAT DEEMED AND WHAT NOT DEEMED AN ESCAPE.—The going at large, within the liberties of the jail in which he is in custody, of a prisoner who has executed such an undertaking, or of a prisoner who would be entitled to the liberties upon executing

(1) See *Dougan v. Cohen*, 13 Civ. Proc. 255.  
 (2) See *Deets v. Livermore*, 1 Sandf. 684.

such an undertaking, is not an escape. But the going at large, beyond the liberties, by a prisoner, without the assent of the party at whose instance he is in custody, is an escape; and the sheriff in whose custody he was, or his sureties has the same authority to pursue and retake him, as if he had escaped from the jail. Such an escape forfeits the undertaking for the liberties, if any; subject to the provisions of the next article of this title. (1)

- (1) See *Arnold v. Steeves*, 10 Wend. 514.  
*Bailou v. Kip*, 7 Johns. 175.  
*Barry v. Mandell*, 10 Johns. 563.  
*Bissell v. Kip*, 5 Johns. 85.  
*Bronson v. Noyes*, 7 Wend. 188.  
*Brown v. Littlefield*, 11 Wend. 467, aff'g 7 Wend. 464.  
*Brown v. Tracy*, 9 How. Fr. 53.  
*Bullymore v. Cooper*, 45 N. Y. 228.  
*Bush v. Pettibone*, 4 N. Y. 300, aff'g 5 Barb. 273.  
*Cable v. Cooper*, 15 Johns. 152.  
*Castillon v. Graves*, 8 Johns. 472.  
*Carpentier v. Willett*, 1 Abb. Ct. of App. Den. 213; 1 Keyes 510; 25 How. Fr. 225, aff'g 6 Buss. 25; 13 How. Fr. 409.  
*Catgrove v. Howe*, 2 Civ. Proc. 61; 20 Daly 253.  
*Dash v. Van Kleeck*, 7 Johns. 477.  
*Davis v. Howe*, 118 N. Y. 55, aff'g 54 N. Y. Supr. 530.  
*Dexter v. Adams*, 2 Den. 546.  
*Dole v. Moulton*, 2 Johns. Cas. 295.  
*Dunford v. Weaver*, 84 N. Y. 445; 21 Hun 369.  
*Falre hild v. Case*, 24 Wend. 381.  
*Faerick v. Conner*, 11 Week. Dig. 342.  
*Ginochio v. Orser*, 1 Abb. Fr. 433.  
*Goodwin v. Griffin*, 82 N. Y. 529.  
*Hart v. Dubola*, 20 Wend. 235.  
*Hassam v. Griffin*, 18 Johns. 48.  
*Hinman v. Brees*, 13 Johns. 529.  
*Hutchinson v. Brand*, 9 N. Y. 259, aff'g 6 How. Fr. 77.  
*Irtigue v. Griffin*, 2 Johns. Cas. 462.  
*Jackson v. Bartlett*, 8 Johns. 261.  
*Jansen v. Hilton*, 10 Johns. 549.  
*Jones v. Cook*, 1 Cow. 309.  
*Kellogg v. Gilbart*, 10 Johns. 229.  
*Lansing v. Fieed*, 2 Johns. Cas. 3.  
*Latham v. Westervelt*, 16 Barb. 421.  
*Littlefield v. Brown*, 11 Wend. 285.  
*Lockwood v. Mercereau*, 5 Abb. Fr. 206.  
*Losey v. Orser*, 4 How. 261.  
*Lovell v. Orser*, 1 Bow. 349.  
*Martin v. Wood*, 7 Wend. 132.  
*Maas v. O'Brien*, 14 Hun 95.  
*McElroy v. Mancius*, 13 Johns. 121.

§ 156. WHEN COURT MAY ORDER INDICTED PRISONER TO BE PRODUCED.—Where a person, who has been indicted for a criminal offense, is held by a sheriff, by virtue of a mandate in a civil action or special proceeding, the court in which the indictment is pending may make an order, requiring the sheriff to bring him before the court; whereupon the court may make such disposition of the prisoner as to it seems proper. The sheriff's fees and expenses, in so doing, are a county charge of the county wherein the court is sitting.

§ 157. PRISONERS COMMITTED FOR CONTEMPT.—A prisoner, committed to jail upon process for contempt, or committed for misconduct in a case prescribed by law, must be actually confined and detained within the jail, until he is discharged by due course of law, or is removed to another jail or place of confinement, in a case pre-

- Middle District Bank v. Deyo, 6 Cow. 732.  
*Minton v. Woodworth*, 11 Johns. 474.  
*Noble v. Smith*, 5 Johns. 257.  
*Olinsted v. Raymond*, 6 Johns. 62.  
*Palmer v. Hatch*, 9 Johns. 325.  
*People ex rel. Backus v. Stone*, 10 Paige 606.  
*Phelps v. Barton*, 12 Wend. 68.  
*Powers v. Wilson*, 7 Cow. 374.  
*Pulver v. McIntyre*, 13 Johns. 603.  
*Ray v. Hogeboom*, 11 Johns. 423.  
*Renick v. Orser*, 4 Bow. 334.  
*Richmond v. Fraim*, 24 Hun 678.  
*Ross v. Luther*, 4 Cow. 153.  
*Scott v. Shaw*, 13 Johns. 373.  
*Secor v. Bell*, 18 Johns. 52.  
*Stuckle v. Reed*, 23 Hun 417.  
*Stone v. Woods*, 5 Johns. 192.  
*Sweet v. Palmer*, 16 Johns. 121.  
*Thompson v. Lockwood*, 15 Johns. 255.  
*Van Wormer v. Van Vost*, 10 Wend. 156.  
*Watties v. Marsh*, 5 Cow. 176.  
*Wemple v. Glavin*, 57 How. Fr. 109; 5 Abb. N. C. 350.  
*Wesson v. Chamberlain*, 3 N. Y. 321.  
*Wheeler v. Batley*, 13 Johns. 265.  
*Wiggin v. Orser*, 5 Duer 118.  
*Wilckens v. Willett*, 1 Keyes 521, aff'g Wickelhausen v. Willett, 12 Abb. Fr. 219; 21 How. Fr. 46, aff'g 10 Abb. Fr. 164.  
*Wiles v. Brown*, 3 Barb. 37.

scribed by law. A sheriff or keeper of a jail, who suffers such a prisoner to go or be at large out of his jail, except by virtue of a writ of habeas corpus or by the special direction of the court committing him, or in a case specially provided by law, is liable to the party aggrieved for his damages sustained thereby, and is guilty of a misdemeanor. If the commitment was for the non-payment of a sum of money, the amount thereof, with interest, is the measure of damages. (1)

§ 158. SHERIFF'S LIABILITY FOR ESCAPE.—Where a prisoner, in a sheriff's custody, goes or is at large beyond the liberties of the jail, without the assent of the party at whose instance he is in custody, the sheriff is answerable therefor, until an undertaking for the liberties of the jail is given and approved, in an action against him as follows:

1. If the prisoner was in custody by virtue of an order of arrest, or in consequence of a surrender in exoneration of his bail, before judgment, the sheriff is answerable to the extent of the damages sustained by the plaintiff.

2. If the prisoner was in custody by virtue of any other mandate, or in consequence of a surrender in exoneration of his bail, after judgment, the sheriff is answerable for the debt, damages, or sum of money, for which the prisoner was committed. (2)

(1) See *Loosey v. Orser*, 4 Bow. 331.

People ex rel. *Hawley v. Bennett*, 4 Paige, 223.

(2) See *Barnes v. Willett*, 11 Abb. Pr. 225; 12 Abb. Pr. 448; 35 Barb. 514; 19 How. Pr. 664.

*Bensel v. Lynch*, 44 N. Y. 162; 2 Rob. 448.

*Cogrove v. Bove*, 10 Daly, 323.

*Dagnerto v. Orser*, 10 Abb. Pr. 120; 15 Abb. Pr. 113.

*Dintius v. Fay*, 28 Barb. 18.

*Dunstord v. Weaver*, 84 N. Y. 445; 21 Hun 349.

*Flack v. State*, 96 N. Y. 481; 5 Civ. Proc. 298.

*Latham v. Westervelt*, 26 Barb. 256.

*McArthur v. Passa*, 46 Barb. 425.

*McCreary v. Willett*, 23 How. Pr. 129; 4 Bow. 643.

*Metcalf v. Stryker*, 21 N. Y. 225; 10 Abb. Pr. 12; 31 Barb. 62.

*Patterson v. Westervelt*, 17 Wend. 542.

§ 159. PENALTY FOR CONNIVANCE AT ESCAPE BY A SHERIFF, ETC.—A sheriff or other officer, who demands or receives, a reward, gratuity, or other valuable thing, to procure, assist, connive at, or permit an escape of a prisoner in his custody is guilty of a misdemeanor, and shall be punished accordingly. A conviction also operates as a forfeiture of his office, and disqualifies him forever thereafter from holding the same.

#### ARTICLE FIFTH.

##### *Action Upon an Undertaking for Jail Liberties.*

###### Section 160. Defense in action on undertaking.

161. Judgment against sheriff to be evidenced against sureties, etc.

162. Summary judgment for sheriff.

163. Requisites for application therefor.

164. Such judgment when stayed, &c. when vacated.

165. Judgment against sheriff is evidence of damages.

166. Action on undertaking.

167. Action on undertaking; damages recoverable.

168. Such action bars action against sheriff.

169. Defense in action against assignee.

170. Stay of proceedings where action brought against sheriff.

171. Defense of sheriff in action for escape.

§ 160. DEFENSE IN ACTION ON UNDERTAKING.—In an action brought on an undertaking for the jail liberties, it is a defense, that the prisoner voluntarily returned to the liberties of the jail from which he escaped, or was recaptured by, or surrendered to the sheriff from whose custody he escaped, before the commencement of the action. The defendants may make that or any other defense to the action, which might be made by the sheriff, to an action against him for the escape. (1)

People v. *Adgate*, 5 Cow. 694.

People ex rel. N. Y. Soc. for the Prev. of Cru. to Child. v. *Gilmore*, 88 N. Y. 626.

*Patten v. Laussing*, 1 John. 215.

*Renick v. Orser*, 4 Bow. 234.

*Smith v. Knapp*, 30 N. Y. 581.

*Willett v. Lassalle*, 19 Abb. Pr. 272; 1 Rob. 618.

*Zimmer v. Riesing*, 4 N. Y. Supp. 866.

(1) See *Sterus v. Tabbott*, 23 Hun 308.

*Walter v. Middleton*, 63 N. Y. 605.

§ 161. JUDGMENT AGAINST SHERIFF TO BE EVIDENCE AGAINST SURETIES, ETC.—But if judgment has been rendered against the sheriff, in an action brought for the escape, and due notice of the pendency of the action was given to the prisoner and his sureties, to enable them to defend the same, the judgment against the sheriff is conclusive evidence of his right to recover against the prisoner and his sureties, to whom the notice was given, as to any matter which was or might have been controverted, in the action against the sheriff. (1)

§ 162. SUMMARY JUDGMENT FOR SHERIFF.—In an action brought by a sheriff on an undertaking for the jail liberties, if it appears to the court, upon a motion made in behalf of the sheriff, that judgment has been rendered against him, for the escape of the prisoner, and that due notice of the pendency of the action against him, was given to the prisoner and his sureties, to enable them to defend the same, the court must order a summary judgment for the plaintiff; and judgment must be entered accordingly with costs. (2)

§ 163. REQUISITES OF APPLICATION THEREFOR.—But to entitle a sheriff to move for such a judgment, he must have served a copy of his complaint, and given twenty days' notice of the motion.

§ 164. SUCH JUDGMENT WHEN STAYED. *Id.*; WHEN VACATED.—If it appears, on the hearing of the motion, that the defendants have a meritorious defense, which was not controverted in the action against the sheriff, and which by law could not have been so controverted, the court may stay proceedings on the judgment, with such limitations and upon such terms, as it deems just, until a trial in the action; but the judgment must stand as a security for

(1) See *Kettle v. Lipe*, 6 Barb. 467.

(2) See *Davidson v. Hertzbach*, 15 Abb. N. C. 135 n.

the sheriff. If the defense is established, the court must vacate the judgment, and render judgment for the defendant.

§ 165. JUDGMENT AGAINST SHERIFF IS EVIDENCE OF DAMAGES.—In an action brought by a sheriff on an undertaking for the jail liberties, a judgment against him for the escape of the prisoner, is evidence of the damages sustained by him, as if it had been collected; and he may recover his reasonable attorney's and counsel fees, and other expenses in defending the action against him, as part of his damages.

§ 166. ACTION ON UNDERTAKING.—If an undertaking for the jail liberties is forfeited before the same is duly allowed the party at whose instance the prisoner was confined, or, in case of his death, his executor or administrator, may elect to bring an action on the undertaking.

§ 167. ACTION ON UNDERTAKING; DAMAGES RECOVERABLE.—The person so electing may maintain an action on the undertaking, in a case where an action might be maintained by the sheriff; and he may recover the same damages for the breach of the condition, which he might have recovered in an action against the sheriff, for the escape. (1)

§ 168. SUCH ACTION BARS ACTION AGAINST SHERIFF.—The commencement of such an action shall be deemed an election and is a bar to an action, by or on behalf of such person, against the sheriff or other officer accepting such an undertaking, for an escape by the prisoner executing the undertaking, amounting to a breach of the conditions thereof, unless the escape was with the assent of the sheriff or other officer.

§ 169. DEFENSE IN ACTION.—In an action brought as provided for in the three last sections, the defendant

(1) See *Morton v. Campbell*, 14 Abb. Pr. 415; 37 Barb. 173.

may make any defense, which he might make, if the action was brought by the sheriff.

§ 170. STAY OF PROCEEDINGS WHERE ACTION BROUGHT AGAINST SHERIFF.—If the person so entitled to bring an action on the undertaking for the jail liberties, in lieu of making such election, brings an action against the sheriff for the escape, the court may, except where the escape was made with the sheriff's assent, stay proceedings upon a judgment recovered against the sheriff, with such limitations, and upon such terms as it deems just, until he has had a reasonable time to prosecute the undertaking, and collect a judgment recovered thereon. (1)

§ 171. DEFENSE OF SHERIFF IN ACTION FOR ESCAPE.—In an action against a sheriff or other officer, for the escape of a prisoner, it is a defense, that the escape was without the assent of the defendant, and that at the commencement of the action, he had the prisoner within the liberties, either by his voluntary return, or by recapture. (2)

- (1) See *Potts v. Davidson*, 15 Abb. N. C. 185; 7 Civ. Proc. 87; 1 How. Pr. N. S. 215.  
*Melntyre v. Woods*, 5 Johns. 337.  
*Chamberlain's Case*, 18 Abb. Pr. 103; 42 Barb. 281; 28 How. Pr. 1.  
 (2) See *Middle District Bank v. Deyo*, 6 Cow. 732.  
*Lawrence v. Campbell*, 32 N. Y. 455.  
*Didsbury v. Van Tassel*, 12 N. Y. Supp. 30.

## TITLE III.

*Application of the Foregoing Provisions to the Proceedings of a Coroner.*

Section 172. Duties of coroner when sheriff is a party.

172. Any one of the coroners may act.  
 173. Arrest of sheriff by coroner.  
 174. Sheriff; how confined.  
 175. Place of confinement to be deemed a jail.  
 177. Sheriff to be admitted to jail liberties; liability of coroner for sheriff's escape.  
 178. Coroner may prosecute, etc., undertaking for liberties.  
 179. Duties of coroner where sheriff is plaintiff.  
 180. Such prisoner entitled to jail liberties, etc.  
 181. Escape of such prisoner.

§ 172. DUTIES OF CORONER WHEN SHERIFF IS A PARTY.—In an action or special proceeding, to which the sheriff of a county is a party, a coroner of the same county has all the power, and is subject to all the duties of a sheriff, in a cause to which the sheriff is not a party; except as otherwise specially prescribed by law. (1)

§ 173. ANY ONE OF THE CORONERS MAY ACT.—A mandate in a civil action or special proceeding which must or may be executed by the coroners, or by a coroner of a county, must be directed either to a particular coroner, or generally to the coroners of that county. Where such a mandate is directed generally to the coroners of a county, or requires them to do any act, it may be executed, and a return thereto may be made and signed, by one of them; but such an act or return does not affect the others.

§ 174. ARREST OF SHERIFF BY CORONER.—Where a mandate, requiring the arrest of the sheriff of the county, is directed to a coroner, he must execute the

- (1) See *Albany City Nat. Bank v. Kearney*, 9 Hun 535.  
*Bigelow v. Provost*, 5 Hill 565.  
*Carpenter v. Silwell*, 11 N. Y. Sl.  
*Douglas v. Warren*, 32 How. Pr. 264.  
*Holbrook v. Brennan*, 6 Daly 45; 45 How. Pr. 513.  
*Lansing v. Clapp*, 5 How. Pr. 238.  
*Mills v. Young*, 22 Wend. 314.  
*Stacy v. Parrham*, 3 How. Pr. 28.

same in the manner proscribed by law, with respect to the execution of a similar mandate by a sheriff; and he is authorized to take an undertaking on the arrest, or an undertaking for the jail liberties, to himself, in his name of office, in a like case, and in like manner, and with like effect, as where such an undertaking may be taken by a sheriff.

§ 175. SHERIFF; HOW CONFINED.—Where the actual confinement of a sheriff by a coroner, on a mandate, is required or authorized by law, he must be confined by the coroner, in a house situated within the liberties of the jail of the county, other than the sheriff's house, or the jail, in the same manner as a sheriff is required by law to confine a prisoner in the jail. (1)

§ 176. PLACE OF CONFINEMENT TO BE DEEMED A JAIL.—That house thereupon becomes the jail of the county, for the use of the coroner; and each provision of law relating to the jail, or to an escape from the jail, applies thereto, while the sheriff is confined therein.

§ 177. SHERIFF TO BE ADMITTED TO JAIL LIBERTIES; LIABILITY OF CORONER FOR SHERIFF'S ESCAPE.—A sheriff so arrested must be admitted to the liberties of the jail of the county, in a like case, and upon executing a like undertaking to the coroner, as proscribed by law for a prisoner in the sheriff's custody. For an escape of the sheriff from the liberties, the coroner is liable, in the same manner, and to the same extent, as a sheriff for a similar escape; and he may make the same defense as a sheriff.

§ 178. CORONER MAY PROSECUTE, ETC., UNDERTAKING FOR LIBERTIES.—The coroner may prosecute an undertaking for the liberties taken by him, and is entitled to all the rights, and subject to all the liabilities, proscribed by law, with respect to a similar undertaking taken by a sheriff. The undertaking may be assigned by him, to the party at whose instance the sheriff was

(1) See Day v. Brett, 6 Johns. 22.

arrested; and the same proceedings may be had thereupon, as upon an undertaking taken and assigned by a sheriff in a similar case.

§ 179. DUTIES OF CORONER WHERE SHERIFF IS PLAINTIFF.—A person arrested by a coroner, in an action or special proceeding, in which the sheriff of the county is plaintiff, must be confined in the jail of the county, in a case where such a confinement is required or authorized by law; but the coroner is not liable for an escape of the prisoner from the jail, after he has been confined therein. A person so confined must be kept and treated, in all respects, like a prisoner confined by the sheriff.

§ 180. SUCH PRISONER ENTITLED TO JAIL LIBERTIES, ETC.—A person so arrested by a coroner is entitled to be discharged, or to the liberties of the jail, as the case requires, upon giving an undertaking to the coroner, in like manner, and in a like case, in which a person arrested by a sheriff would be entitled to be so discharged, or to the liberties. The undertaking so given, must be in all respects similar to that required to be given to a sheriff; and it has the like effect, and may be assigned and proceeded upon in like manner.

§ 181. ESCAPE OF SUCH PRISONER.—A coroner is answerable for an escape of a prisoner, admitted by him to the liberties of the jail, in the same manner and to the same extent as a sheriff, and may interpose a like defense.

## TITLE IV.

*Powers, Duties, and Liabilities of an Incoming and Outgoing Sheriff, Respectively, Touching the Matters Included in this Chapter.*

- Section 182. Certificate to be furnished to new sheriff.  
 182. Powers of former sheriff; when to cease.  
 184. Jails, process, etc., to be delivered to new sheriff.  
 185. Former sheriff to execute instrument.  
 186. Former sheriff to execute certain process.  
 187. Certain orders to be delivered to and returned by new sheriff.  
 188. Delivery of prisoners, process, etc., how enforced.  
 189. Under-sheriff, etc., when to comply with foregoing provisions.

§ 182. CERTIFICATE TO BE FURNISHED TO NEW SHERIFF.—Where a new sheriff has been elected or appointed, and has qualified and given the security required by law, the clerk of the county must furnish to the new sheriff a certificate, under his hand and official seal, stating that the person so appointed or elected, has so qualified and given security. (1)

§ 183. POWERS OF FORMER SHERIFF; WHEN TO CEASE.—Upon the commencement of the new sheriff's term of office, and the service of the certificate on the former sheriff, the latter's powers as sheriff cease, except as otherwise expressly prescribed by law.

§ 184. JAILS, PROCESS, ETC., TO BE DELIVERED TO NEW SHERIFF.—Within ten days after the service of the certificate upon the former sheriff, he must deliver to his successor:

1. The jail, or if there are two or more, the jails of the county, with all their appurtenances, and the property of the county therein.
2. All the prisoners then confined in the jail or jails.
3. All process, orders, commitments, and all other papers and documents, authorizing, or relating to the confinement or custody of a prisoner, or, if such a process, order, or commitment has been returned, a state-

(1) See *Curtis v. Kimball*, 12 Wend. 275.  
*People ex rei Westcott v. Holley*, 12 Wend. 481.

ment in writing of the contents thereof, and when and where it was returned.

4. All mandates; then in his hands, except such as he has fully executed, or has begun to execute, by the collection of money thereon, or by a seizure of or levy on money or other property, in pursuance thereof. (1)

§ 185. FORMER SHERIFF TO EXECUTE INSTRUMENT.—At the time of the delivery, the former sheriff must execute an instrument, reciting the property, documents, and prisoners delivered, specifying particularly the process or other authority, by which each prisoner was committed and is detained, and whether the same has been returned or is delivered to the new sheriff. The instrument must be delivered to the new sheriff, who must acknowledge, in writing, upon a duplicate thereof, the receipt of the property, documents and prisoners, therein specified; and deliver such duplicate and acknowledgement to the former sheriff. (2)

§ 186. FORMER SHERIFF TO EXECUTE CERTAIN PROCESS.—Notwithstanding the election or appointment of a new sheriff, the former sheriff must return, in his own name, each mandate which he has fully executed; and must proceed with and complete the execution of each mandate which he has begun to execute, in the manner

(1) See *Festrick v. Conner*, 12 Week. Dig. 43.  
*French v. Willist*, 15 Abb. Pr. 93.  
*Hinds v. Doubleday*, 21 Wend. 222.  
*Holmes, B. & H. v. Rogers*, 59 Hun 600; 18 St. Rep. 632; 2 N. Y. Supp. 561.  
*Irving Matter of*, 3 How. Pr. N. S. 236.  
*Partridge v. Westervelt*, 13 Wend. 609.  
*Rawson v. Turner*, 4 Johns. 469.  
*Richards v. Porter*, 7 Johns. 137.  
*Ridgway v. Barnard*, 28 Barb. 513.  
*Stegman v. Hollingsworth*, 29 St. Rep. 14.  
 (2) See *Tallmidge v. Richmond*, 9 Johns. 85; 15 Johns. 207.

specified in subdivision fourth of the last section but one. (1)

§ 187. CERTAIN ORDERS TO BE DELIVERED TO AND RETURNED BY NEW SHERIFF.—Where a person, arrested by virtue of an order of arrest, is confined, either in jail, or to the liberties thereof, at the time of assigning and delivering the jail to the new sheriff, the order, if it is not then returnable, must be delivered to the new sheriff, and be returned by him at the return day thereof, with the proceedings of the former sheriff and of the new sheriff thereon.

§ 188. DELIVERY OF PRISONERS, PROCESS, ETC., HOW ENFORCED.—If the former sheriff neglects or refuses to deliver to his successor, the jail, or any of the property, documents or prisoners in his charge, as prescribed in this title, his successor must, notwithstanding, take possession of the jail, and of the property of the county therein, and the custody of the prisoners therein confined, and proceed to compel the delivery of the documents withheld, as prescribed by law. (2)

§ 189. UNDER-SHERIFF, ETC., WHEN TO COMPLY WITH FOREGOING PROVISIONS.—If, at the time when a new sheriff qualifies, and gives the security required by law, the office of the former sheriff is executed by his under-sheriff, or by a coroner of the county, or a person specially authorized for that purpose, he must comply with the provisions of this title, and perform the duties thereby required of the former sheriff. (3)

- (1) See *Averill v. Wilson*, 4 Barb. 180.  
*Holmes, B. & H. v. Rogers*, 50 Hun 600; 18 St. Rep. 652; 2 N. Y. Supp. 501.  
*Richards v. Porter*, 7 Johns. 137.  
*Union Dime Sav. Inst. v. Anderson*, 83 N. Y. 174; 19 Hun 210.  
*Wood v. Colvin*, 5 Hill 225.
- (2) See *McKay v. Harrower*, 27 Barb. 462.
- (3) See *Newman v. Beckwith*, 61 N. Y. 206; 5 Lans. 50.  
*Sickles v. Hogeboom*, 19 Wend. 562.  
*Stegman v. Hollingsworth*, 29 St. Rep. 13.

## CHAPTER IX.

## TITLE III.

## ARTICLE FIRST.

§ 877. DEPOSITION; WHEN PERSON EXAMINED IS IN JAIL OR PRISON.—Where the party or other person to be examined is confined in a prison or jail within the State, under a sentence for a felony, that fact must be stated in the affidavit, and his deposition may be taken as prescribed in the foregoing sections, as if he was not so confined, except that in such a case, the granting or refusing the order, and, if granted, the appointment of a referee to take the testimony, is always in the discretion of the judge. The order must require the production of the prisoner by the person in charge of the prison or jail, at the prison or jail; but it may prescribe such regulations and restrictions with respect thereto as the judge deems proper. (1)

## CHAPTER XVII.

## TITLE I.

## ARTICLE FOURTH.

*Care of the Property of a Person Confined for Crime.*

- Section 2215. When and to what court application to be made.
2250. Who may apply.
2251. Creditor must relinquish security.
2252. Contents of petition.
2253. Copy of sentence and affidavit to be presented.
2254. Proceedings upon presentation of the papers.
2255. Id.; on return of order to show cause.
2256. Effect of order appointing trustee.
2257. Removal of trustee; appointment of new trustee.
2258. Prisoner's property; how applied.
2259. Id.; to be delivered to him on his discharge.
2260. Application of this article to persons heretofore sentenced.
- § 2219. WHEN AND TO WHAT COURT APPLICATION TO BE MADE.—Where a person is imprisoned in a State

(1) The original section 877, together with section 878, was stricken out in 1877; they related to proceedings to vacate the order, and the mode of taking the deposition.

prison, for a term less than for life; or in a penitentiary or county jail, for a criminal offense, for a longer term than one year; one or more trustees, to take charge of his property, may be appointed, as prescribed in this article, by the county court of the county, or the supreme court in the judicial district, where he resided at the time of his imprisonment, or if he was not then a resident of the State, where he is imprisoned. (1)

§ 2220. WHO MAY APPLY.—A petition for such an appointment may be presented by either of the following persons:

1. A creditor of the prisoner.
2. The prisoner's husband, wife, or child.
3. One or more of his next of kin, or, where he owns real property, of his heirs presumptive.
4. A relative whom he is bound to support.
5. Any relative or other person, in behalf of his infant child or children.

§ 2221. CREDITOR MUST RELINQUISH SECURITY.—A creditor of the prisoner, who has a judgment, mortgage, or other security, specified in section 2158 of this act, can not apply for such an appointment, with respect to the debt so secured, unless he appends to or includes in his petition, the declaration, required by that section from a consenting creditor; which declaration has the same effect as the declaration of a consenting creditor, as therein specified.

§ 2222. CONTENTS OF PETITION.—The petition must be in writing, and verified by the affidavit of the petitioner, to the effect, that the matters of fact therein stated are true, to the best of the petitioner's knowledge and belief. It must set forth the facts, showing that the applicant is entitled to make the application, and that the application is made to the proper court; the name and residence of each person,

(1) Laws of 1890, ch. 401, provides for the care and custody of the estates of persons sentenced to State prison for life.

who is entitled to make such an application, as prescribed in the last section but one, except the fifth subdivision thereof; and a brief description of the property, real and personal, of the prisoner, and the value thereof. If the applicant is a creditor, and not a resident of the State, he must annex to his petition, the papers specified in section 2161 of this act. If any of the facts, herein required to be set forth, cannot be ascertained by the petitioner, after the exercise of due diligence, that fact must be stated; and the court may, in its discretion, issue a subpoena, requiring any person to attend and testify, respecting any matter, which, in its opinion, ought to be more fully and certainly set forth.

§ 2223. COPY OF SENTENCE AND AFFIDAVIT TO BE PRESENTED.—The papers must be accompanied with a copy of the sentence of conviction of the prisoner, duly certified by the clerk of the court by which he was sentenced, under the seal thereof; together with an affidavit of the applicant, stating that the person so convicted is actually imprisoned thereunder.

§ 2224. PROCEEDINGS UPON THE PRESENTATION OF THE PAPERS.—Upon the presentation of the papers, the court may, in its discretion, make an order, either appointing one or more fit persons trustees of the property of the prisoner; or requiring all creditors of the prisoner, and all persons interested in his estate, to show cause, at the time and place specified therein, why such an appointment should not be made. In the latter case, the order must direct the manner of service thereof, by publication or otherwise.

§ 2225. PROCEEDINGS ON RETURN OF ORDER TO SHOW CAUSE.—Upon the return of an order to show cause, made as prescribed in the last section, proof of the service thereof, as required thereby, must first be made; whereupon the court must hear

the allegations and proofs of the creditors, and other persons interested in the estate, who appear. Where the prisoner is indebted to any person, the court must appoint one or more trustees, unless the persons interested in the prisoner's property pay the debt, or give such security, as the court prescribes, for the payment thereof, either absolutely, or contingently upon a recovery in an action; in which case, or where the prisoner is not indebted, the court may grant or deny the prayer of the petition, as justice requires.

§ 2226. EFFECT OF ORDER APPOINTING TRUSTEES.—The entry of the order, appointing one or more trustees, and the filing of the papers upon which it was granted, vest in the trustee or trustees all the right, title and interest of the prisoner, in and to any property, real or personal. Where the prisoner owns real property, an exemplified copy of the order must be recorded, in the proper office for recording deeds, in each county where the real property is situated.

§ 2227. REMOVAL OF TRUSTEE; APPOINTMENT OF NEW TRUSTEE.—Upon the application of any person, entitled to apply for an order, appointing trustees of the prisoner's property, and upon such a notice as the court prescribes, to the petitioner, and to such other persons interested, as the court thinks proper to designate, the court, by which the order was granted, may, in its discretion, remove any trustee, and appoint another in his place; or may appoint one or more additional trustees. The new trustee or trustees, so appointed, have the same power and authority, are vested with the same right, title, and interest, and are subject to the same duties and liabilities, as if he or they had been appointed by the original order.

§ 2228. PRISONER'S PROPERTY; HOW APPLIED.—After deducting their commissions and expenses, al-

lowed by law, and paying the prisoner's debts, the trustees may, from time to time, under the direction of the court by which they were appointed, apply the surplus of any money in their hands, to the support of the prisoner's wife and children, and of such other relatives as he is bound to support, and to the education of his children.

§ 2229. PRISONER'S PROPERTY; TO BE DELIVERED TO HIM ON HIS DISCHARGE.—When the prisoner dies, or is lawfully discharged from imprisonment, the trustee or trustees must deliver over to him, or to his legal representatives, all his property, remaining in their hands, after deducting therefrom their lawful expenses and commissions.

§ 2230. APPLICATION OF THIS ARTICLE TO PERSONS HERETOFORE SENTENCED.—This article applies to a prisoner who has been sentenced before this chapter takes effect, and to his property; except where one or more trustees of his property have been heretofore appointed, by proceedings taken in pursuance of a statute then in force.

## CHAPTER XX.

### TITLE I.

#### ARTICLE FIRST.

§ 3163. WHEN COURT MAY RELIEVE FROM IMPRISONMENT.—Where it satisfactorily appears that a party, who is actually confined in jail, by virtue of an order of arrest, or an execution against the person, issued in an action brought in the court, is physically unable to endure the confinement, and that he can not procure bail, or the necessary sureties in a bond for the jail liberties, as the case requires, the court or a justice thereof, may, in its or his discretion, by order, direct the sheriff to re-

leave him from custody. The sheriff must obey such an order. After such a release from an execution against the person, another execution, against the person of the judgment debtor, cannot be issued upon the judgment; but the judgment creditor may enforce the judgment against property, as if the execution, from which the judgment debtor was released, had been returned without his being taken.

### Extracts from the Penal Code as in Force in 1896.

SECTION 48b. PRISON OFFICERS NOT TO BE INTERESTED IN PRISON CONTRACTS.—A superintendent of State prisons, or agent, warden or other officer, keeper or guard, employed at either of the prisons, who

1. Shall be directly or indirectly interested in any contract, purchase or sale, for, by, or on account of such prison; or

2. Accepts a present from a contractor or contractor's agent, directly or indirectly, or employs the labor of a convict or another person employed in such prison on any work for the private benefit of such superintendent, officer, keeper or guard, is guilty of a misdemeanor, except that the agent and warden shall be entitled to employ prisoners for necessary household service.

§ 89. OFFICER SUFFERING ESCAPE.—A sheriff, or other officer or person, who allows a prisoner, lawfully in his custody, in any action or proceeding, civil or criminal, or in any prison under his charge or control, to escape or go at large, except as permitted by law, or connives at or assists such escape, or omits an act or duty whereby such escape is occasioned, or contributed to, or assisted, is,

1. If he corruptly and willfully allows, connives at, or assists the escape, guilty of a felony;

2. In any other case, is guilty of a misdemeanor.

§ 90. OFFICER SUFFERING ESCAPE FORFEITS OFFICE.—An officer who is convicted of the offense specified in the first subdivision of the last section, forfeits his office, and is forever disqualified to hold any office or place of trust, honor or profit, under the constitution or laws of this State.

§ 114. INJURY TO RECORDS AND MISAPPROPRIATION BY MINISTERIAL OFFICERS.—A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who either

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office, is guilty of felony. (1)

§ 115. PERMITTING ESCAPES, AND OTHER UNLAWFUL ACTS, COMMITTED BY MINISTERIAL OFFICERS.—A sheriff, coroner, clerk of a court, constable or other ministerial officer and every deputy or subordinate of any ministerial officer, who either

1. Receives any gratuity or reward, or any security or promise of one, to procure, assist, connive at, or permit any prisoner in his custody to escape, whether such escape is attempted or not; or,

2. Commits any unlawful act tending to hinder justice, is guilty of a misdemeanor.

§ 116. NEGLECTING OR REFUSING TO EXECUTE PROCEEDINGS.—An officer who, in violation of a duty imposed

(1) See *Ayres v. Covill*, 15 Barb. 260.

upon him by law to receive a person into his official custody, or into a prison under his charge, willfully neglects or refuses so to do, is guilty of a misdemeanor.

§ 117. GENERAL PROVISION AS TO NEGLECT, ETC.—A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who willfully neglects to perform the duty, is guilty of a misdemeanor. This and the preceding section do not apply to cases of official acts or omissions, the prevention or punishment of which is otherwise specially provided by statute. (1)

§ 117a. NEGLECT OF COUNTY OFFICER TO MAKE REPORT.—A county officer or an officer whose salary is paid by the county, who neglects or refuses to make a report under oath to the board of supervisors of such county on any subjects or matters connected with the duties of his office, whenever required by resolution of such board, is guilty of a misdemeanor.

§ 160. COMMUNICATIONS WITH PRISONERS PROHIBITED.—A person who:

1. Not being authorized by law or by a written permission from the superintendent of State prisons, visits any State prison or communicates with any prisoner therein without the consent of the agent or warden, or without such consent brings into or conveys out of a State prison any letter, or writing to or from any prisoner; or,

2. Conveys into such prison any article prohibited by law or by the rules of the superintendent; is guilty of a misdemeanor.

§ 510. FORGERY; FALSE CERTIFICATE TO CERTAIN INSTRUMENTS.—An officer authorized to take the proof or acknowledgement of an instrument which by law may

(1) See *People v. Meakim*, 123 N. Y. 214; *Williams v. People*, 15 Week. Dig. 571; *People ex rel. Wright v. Common Council*, 16 Abb. N. C. 96; *People v. Brooks*, 1 Denio, 457; *People v. Bedell*, 2 HUl. 196.

be recorded, who willfully certifies falsely that the execution of such an instrument was acknowledged by any party thereto, or that the execution of any such instrument was proved, is guilty of forgery in the first degree.

§ 699. PERSONS BETWEEN THE AGE OF SIXTEEN AND TWENTY-ONE YEARS.—Where a male person between the ages of sixteen and twenty-one years is convicted of a felony, or where the term of imprisonment of a male convict for a felony is fixed by the trial court at one year or less, the court may direct the convict to be imprisoned in a county penitentiary, instead of a State prison, or in the county jail located in the county where sentence is imposed. Whenever a child under the age of fourteen years, is charged with the perpetration of a crime, other than a capital crime, which, if committed by an adult, would be a felony, the child shall, in the discretion of the court, be tried as for a misdemeanor, and the court, magistrate or tribunal before whom such trial is held, shall impose the penalty as prescribed by law in the case of misdemeanors.

## Extracts from the Code of Criminal Procedure as in Force in 1896.

### TITLE X.

#### CHAPTER I.

##### *The Death Penalty.*

Section 491. Warrant for execution of convict.

492. Time of execution.

493. Judge must transmit certain papers to governor.

494. Governor may consult judges, etc.

495. Governor only to reprieve, etc., except as provided in the following sections.

496. If convict becomes insane, sheriff to impanel jury.

497. Duty of district-attorney.

- Section 498. Inquisition; suspension of execution.  
 499. Sheriff to transmit inquisition to governor; governor's duty.  
 500. If female convict is pregnant, sheriff to impanel jury of physicians.  
 501. Inquisition; suspension of execution.  
 502. Sheriff to transmit inquisition to governor; governor's duty.  
 503. When day of execution passed, etc.  
 504. Court to inquire, etc., when to direct execution.  
 505. Death penalty; mode of infliction.  
 506. Death penalty; where inflicted.  
 507. Death penalty; who to be present.  
 508. Death penalty; certificate after execution.  
 509. Death penalty; when inflicted by sheriff in an adjoining county.

§ 491. WARRANT FOR EXECUTION OF CONVICT.—When a defendant is sentenced to the punishment of death, the judge or judges holding the court at which the conviction takes place, or a majority of them, of whom the judge presiding must be one, must make out, sign and deliver to the sheriff of the county, a warrant, stating the conviction and sentence, and appointing the week within which sentence must be executed. Said warrant must be directed to the agent and warden of the State prison of this State designated by law as the place of confinement for convicts sentenced to imprisonment in a State prison in the judicial district wherein such conviction has taken place, commanding such agent and warden to do execution of the sentence upon some day within the week thus appointed. Within ten days after the issuing of such warrant, the said sheriff must deliver the defendant, together with the warrant, to the agent and warden of the State prison therein named. From the time of said delivery to the said agent and warden, until the infliction of the punishment of death upon him, unless he shall be lawfully discharged from such imprisonment, the defendant shall be kept in solitary confinement at said State prison, and no person shall be allowed access to him without an order of the court, except the officers of the prison, his counsel, his physician, a priest or minister of religion, if he shall desire one, and the members of his family. (1)

(1) See *People ex rel. Kemmier v. Durston*, 119 N. Y. 569.

§ 492. TIME OF EXECUTION.—The week so appointed must begin not less than four weeks and not more than eight weeks after the sentence. The time of execution within the said week shall be left to the discretion of the agent and warden to whom the warrant is directed; but no previous announcement of the day or hour of the execution shall be made, except to the persons who shall be invited or permitted to be present at said execution as hereinafter provided. (1)

§ 493. JUDGE MUST TRANSMIT CERTAIN PAPERS TO GOVERNOR.—The judge, presiding at the term at which the conviction took place, must immediately thereupon transmit to the governor a statement of the conviction and sentence, with the notes of testimony taken upon the trial by him or the notes, written out, taken by a stenographer or assistant stenographer, attending the court or term pursuant to law.

§ 494. GOVERNOR MAY CONSULT JUDGES, ETC.—The governor is authorized to require the opinion of the judges of the court of appeals, justices of the supreme court, and the attorney-general, or of any of them, upon a statement so furnished.

§ 495. GOVERNOR ONLY TO REPRIEVE, ETC., EXCEPT AS PROVIDED IN THE FOLLOWING SECTIONS.—No judge, court, or officer, other than the governor, can reprieve or suspend the execution of a defendant sentenced to the punishment of death, except where a sheriff is authorized so to do, in a case and in the matter prescribed in the following sections of this chapter. This section does not apply to a stay of proceedings upon an appeal or writ of error.

§ 496. IF CONVICT BECOMES INSANE, SHERIFF TO IMPANEL JURY.—If, after a defendant has been sentenced to the punishment of death, there is reasonable ground

(1) See *Thomas v. People*, 67 N. Y. 216; *Haggerty v. People*, 53 N. Y. 476; *Matter of Ferris*, 35 N. Y. 262; 32 How. Pr. 411; *People v. Enoch*, 13 Wend. 109; *People ex rel. Kemmier v. Durston*, 119 N. Y. 16

to believe that he has become insane, the sheriff of the county in which the conviction took place, with the concurrence of a justice of the supreme court, or the county judge of the county, who may make an order to that effect, must impanel a jury of twelve persons of that county, qualified to serve as jurors in a court of record, to examine the question of the sanity of the defendant. The sheriff must give at least seven days' notice of the time and place of the meeting of the jury to the district attorney of the county. Section one hundred and eight of the code of civil procedure regulates the impaneling of such a jury and the proceedings upon the inquisition so far as is applicable.

§ 497. DUTY OF DISTRICT ATTORNEY.—The district attorney must attend the inquiry. He may produce witnesses before the jury; for which purpose he has the same power to issue subpoenas, as for witnesses to attend a grand jury, and disobedience thereto may be punished by the supreme court, at any term thereof, in the same manner as disobedience to process issued by that court.

§ 498. INQUISITION; SUSPENSION OF EXECUTION.—The inquisition of the jury must be signed by the jurors and the sheriff. If it be found by the inquisition that the defendant is insane, the sheriff must suspend execution of the warrant directing the defendant's death, until he receives a warrant from the governor, directing that the defendant be executed.

§ 499. SHERIFF TO TRANSMIT INQUISITION TO GOVERNOR; GOVERNOR'S DUTY.—The sheriff must immediately transmit the inquisition to the governor, who as soon as he is satisfied of the sanity of the defendant, or of his restoration to sanity, must issue his warrant, appointing a time and place for the execution of the latter, pursuant to his sentence, unless the sentence is commuted or the convict pardoned, and may in the

meantime give directions for the disposition and custody of the defendant.

§ 500. IF FEMALE CONVICT IS PREGNANT, SHERIFF TO IMPANEL JURY OF PHYSICIANS.—If there is reasonable ground to believe that a female defendant, sentenced to the punishment of death, is pregnant, the sheriff of the county where the conviction took place must impanel a jury of six physicians to inquire into her pregnancy. Sections four hundred and ninety-seven and four hundred and ninety-eight of this code apply to the proceedings upon the inquisition, except that the sheriff may, in his discretion, require one or more of the physicians composing the jury, to attend from an adjoining county. A physician acting as a juror upon such an inquisition, need not be qualified to serve as a juror in a court of record.

§ 501. INQUISITION; SUSPENSION OF EXECUTION.—The inquisition of the jury must be signed by the jurors and the sheriff. If it is found by the inquisition that the defendant is quick with child, the sheriff must suspend the execution of the warrant directing her execution until he receives a warrant from the governor directing that the convict be executed.

§ 502. SHERIFF TO TRANSMIT INQUISITION TO GOVERNOR; GOVERNOR'S DUTY.—The sheriff must immediately transmit the inquisition to the governor, who, as soon as he is satisfied that the defendant is no longer quick with child, may issue his warrant, appointing a time and place for her execution, pursuant to her sentence, or may commute her punishment to imprisonment for life.

§ 503. WHEN DAY OF EXECUTION PASSED, ETC., CONVICT TO BE BROUGHT UP BY WARRANT.—Whenever, for any reason, other than insanity or pregnancy, a defendant, sentenced to the punishment of death, has not been executed pursuant to the sentence, at the time

specified thereby, and the sentence or judgment inflicting the punishment stands in full force, the court of appeals, or a judge thereof, or the supreme court, or a justice thereof, upon application by the attorney-general, or of a district attorney of the county where the conviction was had, must make an order, directed to the agent and warden or other officer in whose custody said defendant may be, commanding him to bring the convict before the court of appeals or a term of the appellate division of the supreme court in the department, or a term of the supreme court in the county where the conviction was had. If the defendant be at large, a warrant may be issued by the court of appeals or a judge thereof, or by the supreme court, or a justice thereof, directing any sheriff or other officer to bring the defendant before the court of appeals or a term of the appellate division of the supreme court, or before a term of the supreme court in that county. (1)

§ 504. COURT TO INQUIRE, ETC.; WHEN TO DIRECT EXECUTION.—Upon the defendant being brought before the court, it must inquire into the circumstances, and if no legal reason exists against the execution of the sentence, it must issue its warrant to the agent and warden of the State prison mentioned in the original warrant and sentence, under the hands of the judge or judges, or a majority of them, of whom the judge presiding must be one, commanding the agent and warden to do execution of the sentence during the week appointed therein. The warrant must be obeyed by the agent and warden accordingly. The time of execution within said week shall be left to the discretion of the agent and warden to whom the warrant is directed; but no previous announcement of the day or hour of the execution shall be made, except to the persons who shall

(1) See *People v. Griffin*, 15 *Week. Dig.* 394; *People ex rel. Kemmler v. Durston*, 119 *N. Y. 509*.

be invited or permitted to be present at said execution as hereinafter provided. (1)

§ 505. DEATH PENALTY; MODE OF INFLECTION.—The punishment of death must, in every case, be inflicted by causing to pass through the body of the convict, a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict is dead. (2)

§ 506. DEATH PENALTY; WHERE INFLECTED.—The punishment of death must be inflicted within the walls of the State prison designated in the warrant, or within the yard or inclosure adjoining thereto.

§ 507. DEATH PENALTY; WHO TO BE PRESENT.—It is the duty of the agent and warden to be present at the execution, and to invite the presence, by at least three days' previous notice, of a justice of the supreme court, the district attorney, and the sheriff of the county where the conviction was had, together with two physicians and twelve reputable citizens of full age, to be selected by said agent and warden. Such agent and warden must, at the request of the criminal, permit such ministers of the gospel, priests or clergymen of any religious denomination, not exceeding two, to be present at the execution; and in addition to the persons designated above, he shall also appoint seven assistants or deputy sheriffs who shall attend the execution. He shall permit no other person to be present at such execution except those designated in this section. Immediately after the execution a post-mortem examination of the body of the convict shall be made by the physicians present at the execution, and their report in writing stating the nature of the examination, so made by them,

(1) See *People ex rel. Kemmler v. Durston*, 119 *N. Y. 509*.  
*Matter of Ferris*, 25 *N. Y. 282*; 23 *How. Pr. 411*.  
*People v. Lyons*, 17 *St. Rep. 766*.  
 (2) See *People ex rel. Kemmler v. Durston*, 119 *N. Y. 509*.  
*People v. Kemmler*, 119 *N. Y. 509*.

shall be annexed to the certificate hereinafter mentioned and filed therewith. After such post-mortem examination, the body, unless claimed by some relative or relatives of the person so executed, shall be interred in the graveyard or cemetery attached to the prison, with a sufficient quantity of quick-lime to consume such body without delay; and no religious or other services shall be held over the remains after such execution, except within the walls of the prison where said execution took place, and only in the presence of the officers of said prison, the person conducting said services and the immediate family and relatives of said deceased prisoner. Any person who shall violate or omit to comply with any provision of this section shall be guilty of a misdemeanor.

§ 508. DEATH PENALTY; CERTIFICATE AFTER EXECUTION.—The agent and warden attending the execution must prepare and sign a certificate, setting forth the time and place thereof, and that the convict was then and there executed, in conformity to the sentence of the court and the provisions of this code, and must procure such certificate to be signed by all the persons present and witnessing the execution. He must cause the certificate, together with the certificate of the post-mortem examination mentioned in the preceding section, and annexed thereto, to be filed within ten days after the execution in the office of the clerk of the county in which the conviction was had.

§ 509. DEATH PENALTY; DISABILITY OF AGENT AND WARDEN TO EXECUTE WARRANT.—In case of the disability, from illness or other sufficient cause, of the agent and warden to whom the death warrant is directed, to be present and execute said warrant, it shall be the duty of the principal keeper of said prison, or such officer of said prison as may be designated by the

superintendent of State prisons, to execute the said warrant, and to perform all the other duties by this act imposed upon said agent and warden.

### CHAPTER III.

#### TITLE VII.

§ 908. KEEPER OF PRISON, TO RETURN LIST OF DISORDERLY PERSONS, ETC.—The keeper of every prison to which disorderly persons may be committed, must return to the county court of the county, on the first day of each term, a list of the persons so committed and then in his custody, with the nature of the offense of each, the name of the magistrate by whom he was committed, and the term of his imprisonment.

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