

STATE OF NEW YORK

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THE EIGHTY-FIFTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1929



ALBANY  
J. B. LYON COMPANY, PRINTERS  
1930

## P R E F A C E

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This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the eighty-fifth of the series.

Paragraph 6 of Article XI of the Act incorporating the Prison Association of New York provides that "the said 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 of 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."

The State law further provides for the printing of 500 additional copies of this annual report at the expense of the State. Additional copies are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but in other States and in foreign countries.

## THE PRISON ASSOCIATION OF NEW YORK

### PROTECTS SOCIETY

By

Saving men and boys from crime

Helping to reform those who have  
become criminals

Supervising the discharged prisoner,  
and helping him to lead an honest life

Guiding and helping the destitute mothers,  
wives and children of men in prison

Making prison conditions humane and  
effective

Securing legislation to improve court  
procedure and the administration of  
institutions.

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## THE PRISON ASSOCIATION OF NEW YORK

### OFFICERS FOR 1929

PRESIDENT	SECRETARY	TREASURER
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**CORRESPONDING AND GENERAL SECRETARY**  
E. R. CASS

### VICE-PRESIDENTS

ROBERT W. DE FOREST	MORGAN J. O'BRIEN
GEORGE W. KIRCHWEY	GEORGE W. WICKERSHAM

### EXECUTIVE COMMITTEE

GEORGE W. WICKERSHAM, *Honorary Chairman*

CLASS OF 1930

B. OGDEN CHISOLM\*  
MRS. JAMES F. CURTIS  
RICHARD M. HURD  
FRANK D. PAVEY  
HAROLD K. HOCHSCHILD  
MORTIMER L. SCHIFF

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FULTON CUTTING  
WILLIAM H. GRATWICK  
HENRY G. GRAY  
HENRY E. GREGORY\*\*  
HERBERT L. PRATT  
CHARLES H. SABIN

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FREDERIC P. MOORE  
MRS. H. HOBART PORTER  
WILSON M. POWELL  
DEAN SAGE

\* Resigned March 19, 1929.

\*\* Resigned November 19, 1929.



## STANDING COMMITTEES FOR 1929

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### COMMITTEE ON LAW

SAGE, GRAY, PAVEY, POWELL, WICKERSHAM, O'BRIEN, BARROWS

### COMMITTEE ON FINANCE

AUCHINCLOSS, SABIN, SAGE, SCHIFF, PRATT

### COMMITTEE ON DETENTIONS

BARROWS, BLUMENTHAL, HADDEN, SAWYER, BALDWIN, MRS. FIELD,  
MRS. CURTIS

### COMMITTEE ON NOMINATIONS

HURD, SAGE, SAWYER

### COMMITTEE ON PROBATION AND PAROLE

POWELL, MRS. PORTER, HURD, SABIN, CUTTING

### COMMITTEE ON PRISON ADMINISTRATION

MOORE, PAVEY, SAGE, SCHIFF, DAVIS, CHRISOLM, HOCHSCHILD

## EIGHTY-FIFTH ANNUAL REPORT OF THE PRISON ASSOCIATION OF NEW YORK

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March 17, 1930.

HON. HERBERT H. LEHMAN,

*Lieutenant-Governor of New York:*

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

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK,

By EDWIN O. HOLTER, *President.*

E. R. CASS, *General Secretary.*

## CHAPTER I

### RECOMMENDATIONS TO THE LEGISLATURE\*

#### I

That the necessary funds be appropriated for the construction, on the State owned property at Warwick, New York, of an institution for juvenile delinquents, to displace the House of Refuge on Randall's Island.

#### II

That the Legislature establish a five or ten year program of modernization, both structurally and administratively, relating to the institutions of the State Department of Correction and the treatment of their inmates, and make a substantial appropriation, through a bond issue, or from current revenues, toward the fulfillment of that program.

#### III

To reduce the idleness in the prisons additional industrial buildings and modern machinery should be provided, and also modern industrial methods employed. Opportunity for trade training should be allowed for those prisoners capable of learning. Wages should be paid to prisoners as an incentive when the earnings from the industries permit. Salesmen as employees of the Department of Correction should be made available and used to increase the sale of prison labor products in accordance with the law. The law relating to the sale and distribution of the products of prison labor should be strengthened so as to reduce to a minimum the avoidance by institutions of the State, or any of its political divisions, of the purchase of prison made products.

#### IV

That in the program of modernization relating to institutions of the State Department of Correction, there be defined a system of classification of the inmates of the various institutions, to eliminate the present undesirable situation which brings together old and young, those experienced and inexperienced in crime, long and short term prisoners, lifers, and known desperate characters. The present lack of classification defeats substantially at the very beginning of the prison sentence the chances of reformation.

\* Submitted to the Legislature on January 6, 1930, in advance of the Association's complete report, and on February 5th read into the record of an investigation of the prisons by a committee of the Legislature.

## V

That the Legislature give attention to the different estimates relating to the cost of the prison at Attica. These have represented amounts varying from a little over \$7,000,000 to a little over \$12,000,000. The State should not enter into such a large outlay as is represented in the latter figure for one institution.

## VI

That the housing capacity of the prison at Attica, and future new prisons, be limited to a maximum of 1,500 prisoners, and preferably 1,200. Institutions housing more than the above stated numbers make for difficult administration, and practically eliminate the personal contact between the warden and the prisoners which experience has shown to be vital in the process of reformation.

## VII

That an appropriation be made with a view to selecting a site for a new prison to be constructed without the usual cell block type of construction and in line with the modern type of college dormitory. It has been stated by the wardens of the New York State prisons that between 30 and 40 per cent. of the inmates of our State prisons can be housed in an institution without walls and without the usual type of cell blocks. This kind of prison can be used for the best type of the prison population, and can be constructed at a much less cost than prisons which have steel cell blocks and other expensive steel construction. Further, a prison of this kind might be administered without a wall, thereby effecting another big saving. Instead of a wall, if an enclosure is felt necessary, a non-climbable metal fence could be used.

## VIII

That, in view of the riots at Clinton and Auburn prisons, serious thought be given to the advisability of creating a separate institution for long term, lifers, and incorrigible prisoners. This prison to be conducted somewhat along the lines of the Preventive Detention Prison on the Isle of Wight, England.

## IX

That, in devising a system of classification by institutions, the plan should not be overlooked of having the clinic at Sing Sing to serve as a receiving and classification unit for the institutions of the Department of Correction. The State has long been committed to the idea of a receiving and classification prison at Sing Sing, but the psychiatric clinic which is intended as the receiving and classification unit at the prison has not functioned to a worth while degree in the practical application of the idea.

## X

That the staff of the receiving and psychiatric clinic at Sing Sing be increased.

## XI

That there be established at Great Meadow, Clinton, and Auburn prisons a psychiatric department to work under the direction and in cooperation with the psychiatric personnel of the receiving and classification prison at Sing Sing. This plan will allow for further study of prisoners after they have been classified, and for a follow-up of whatever treatment is prescribed by the psychiatric personnel at the receiving and classification prison at Sing Sing.

## XII

That, as a beginning toward a classification of the inmates of the prisons, there be retained at Sing Sing mainly those prisoners who, after thorough mental, physical, and social study, suggest the most likelihood of improvement in their conduct, or reformation.

## XIII

That the Parole Board, as now constituted, be discontinued, and in its stead there be established a board of three full time commissioners, to receive a minimum compensation of \$7,500 each per annum. Authority should also be given to the full time parole board to receive and study applications for executive clemency, and thereby relieve the Governor of the trying and impossible task of studying all such applications. In considering requests for executive clemency the final action of the parole board should be limited to that of making a report with recommendations to the Governor.

The Association has, since 1916, been of the opinion, and urged, that there should be created a full time service parole board, so that the important responsibility of determining fitness for parole can be exercised as a somewhat judicial function, and by those who are free from the institutional administrative responsibilities. In performing its duties the parole board should be required to receive from the Commissioner of Correction and the heads of the various institutions all information in their possession relative to those who are eligible for consideration for parole.

The success of the full time parole board plan would depend, of course, largely upon the type of personnel and the earnestness and courage with which they perform their duties. It is therefore incumbent upon the Governor of the State, who will appoint the parole board, to find the highest type of persons available, and, if necessary, pay them more than the minimum compensation stated above. The administration of parole has been under criticism for many years, and it is therefore necessary and timely that the idea of a full time service parole board be given a trial.

## XIV

That sufficient funds be appropriated to provide adequate compensation and an adequate number of parole officers, so that the State can wholly undertake the supervision of those released on

parole or otherwise from its prisons and reformatories. The salary of parole officers should be fixed at a minimum of \$2,000 and a maximum of \$2,500 or \$3,000. One parole officer should be provided for every seventy-five persons on parole. The parole personnel of the various institutions in the Department of Correction should be placed under the direct administrative control of the Division of Parole in the central office of the State Department of Correction.

#### XV

That sufficient money be appropriated to provide a more adequate amount and variety of food for the inmates of institutions under the Department of Correction. The proposed increase of from 21 to 26 cents per capita, per diem, should without question be allowed. Further, that there be employed in the Department of Correction a dietitian. A scientifically worked out dietary has always been lacking.

#### XVI

Improve through legislation the present undesirable condition with respect to the examination of persons awaiting disposition by the courts, in accordance with the provisions of Sections 658 and 836 of the Code of Criminal Procedure. This relates to those who are suspected of being insane or otherwise mentally ill and the present practice of appointing lunacy commissions. The determining of the need for the appointment of numerous commissions, the personnel constituting the commissions, and the enormous amounts involved in the payment of fees to the members of the commissions, warrant prompt and thorough attention.

#### XVII

Legislation intended to improve the county jail system in this State should be enacted. The glaring defects that exist in our county jail system have been described again and again in the reports of the Prison Association of New York. The county jails should be under the administrative control of the State Department of Correction. Constitutional restrictions make this difficult as an immediate change, but it is possible to effect by legislation the commitment and custody of sentenced prisoners in the jails. They could be sentenced to the county penitentiaries, which should be taken over by the State and placed under the jurisdiction of the State Department of Correction. The county penitentiaries can be made places of reformation, but so long as they are under county management there is little chance for the development of systematic industry and reformative influences.

#### XVIII

That legislation be enacted which will provide that a person convicted two or more times of a major misdemeanor, when for the first time convicted of a felony, may, in the discretion of the trial judge, be sentenced as a first offender felon, and thereby receive an

indeterminate sentence, or as a second offender, and thereby receive a definite sentence.

#### XXI

That legislation be enacted to provide compensation for prisoners who are permanently disabled, through no fault of their own, while engaged at work in a prison industry.

#### XX

Through legislation discontinue the sheriff's control of prisoners in Bronx and Richmond counties, and also in the handling of prisoners between the New York City Prison (the Tombs) and the Criminal Courts Building, and transfer the control of prisoners in transit to the courts to the sole jurisdiction of the New York City Department of Correction. Further, provide for the placing of the complete control of prisoners between the New York City District Courts and the Magistrates' Courts under the Department of Correction of the City of New York. The above proposals, if effected, will make for economy, the elimination of duplication, security, and the centralization of responsibility.

#### XXI

That the State Crime Commission be directed, or a special committee of the Legislature be appointed to investigate the complaints of police brutality, commonly referred to as the "third degree." The frequent reports of such brutalities and their denial, and at the same time the appearance of prisoners after their contacts with the police, suggest that an investigation would be desirable in order to establish the truth or falsity of the complaints.

#### XXII

That the Correction Law be amended to provide a severe penalty for guards or other employees of a State reformatory, or a State prison, who are found guilty of aiding a prisoner to escape, or who smuggle contraband into a reformatory or prison, or who aid a prisoner in violating the rules of a reformatory or prison.

#### XXIII

That the Women's Prison at Auburn be discontinued, and that provision be made on the site of the New York State Reformatory at Bedford for the care and treatment of women prisoners of the State who have heretofore been sent to Auburn.

#### XXIV

That there be organized in the Department of Correction a training school for prison guards. Increasingly it is recognized that one of the essentials for progress in the administration of our prisons is a higher type of trained personnel. The New York City Department of Correction has made marked progress through the use of

a training school for its guards, and the Federal Government has recently organized a similar school.

Increased compensation should be allowed for prison guards. A minimum of \$2,000 a year, with an annual increase depending on character of service, to a maximum of \$2,500, should be provided. The right kind of personnel cannot be had unless satisfactory compensation is given. Guards have long hours of labor—at Sing Sing they work seven days a week—the work is hazardous and is of a character that is peculiarly taxing to their physical and mental make-up.

An intelligent system of classification, together with a scientific treatment of prisoners, will be at a serious disadvantage, if not entirely defeated, unless there is in the working plan of the prison a high grade of personnel. The prisoners are in more frequent contact with their guards than with others of the institutional staff. Therefore, these men should be the kind, who through their qualities of character and conduct, will set a good example.

## CHAPTER II

### Prison Outbreaks

Three prison outbreaks in one year in New York State disclose a prison problem which the people can no longer disregard, if for no other reason than that of self-protection.\* Unfortunately, human life and the destruction of property was the price paid. That is too often true as the beginning of a reform, and in our day is difficult to reconcile with our national boast of square dealing and regard for the interests of mankind.

For years special studies and the reports of official and private bodies recorded many of the conditions brought to light more emphatically through the riots at Clinton and Auburn prisons. From time immemorial the public has been content to send the offender to prison and feel a certain sense of satisfaction and security with the closing of the prison door. What happened to the man behind the walls, or what conditions he had to endure and their effect upon him and the community at the time of his release, aroused little or no thought. He has broken the law; he is a convicted felon; if he had behaved himself he would not be in prison; let him suffer. That, in a large measure, is public sentiment today.

### AVERAGE HAS INCREASED

Since 1917, as shown in a previous report, the average commitment term for minimum sentences has increased from two years and six and three-quarter months to six years and two and one-half months. This has resulted in an increase in the population in the prisons as will be subsequently shown, and has also increased the period of prison influence upon the inmate, but there has been no corresponding increase in the cell housing capacities of the institutions.

THE POPULATION OF THE STATE PRISONS FOR THE FISCAL YEARS ENDING JUNE 30TH.												
	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	
Auburn	1224	1202	1291	1473	1439	1350	1455	1569	1610	1677	1693	
Clinton	1169	969	1207	1380	1381	1376	1450	1559	1584	1350	1574	
Great Meadow	421	529	562	829	547	598	782	1113	1124	1180	1094	
Sing Sing	1153	1179	1162	1227	1244	1447	1440	1543	1671	1713	1956	
Total	3967	3870	4222	4915	4598	4771	5127	5775	5989	6070	6317	

Whether the prison influence is good or bad is an important factor in determining the permanent value of the penal system in this or any other State. If the public is to be only temporarily protected by the imprisonment of the offender, there is then no particular need to be concerned about prison conditions, because that

\* First outbreak, Clinton Prison, July 22, 1929; second outbreak, Auburn Prison, July 28, 1929; third outbreak, Auburn Prison, December 11, 1929.

protection can be had without much effort. However, if the public expects something more than temporary protection, it is logical and sensible to give thought to the conditions within our prisons and the treatment of the law-breaker. To have it generally said that most of those who are committed to prison again revert to crime is a serious reflection on American intelligence and ingenuity.

The query by friendly yet interested foreign visitors, "Is your prison system a success; what progress have you made constructively and administratively in the last twenty-five years?," is one that causes embarrassment to those who know conditions. Here and there progress has been made, but taking the country as a whole the absence of progress is remarkably noticeable. In other words, we are dealing with those who go into our prisons today very much as we did more than a quarter of a century ago. In the meantime America has made outstanding progress in its industries and in other lines of activity.

#### PRISON OUTBREAKS NOT ACCIDENTAL

Prison outbreaks are never accidental or spontaneous. There are always underlying causes to give rise to prison rioting. The three recent outbreaks had their origins in a variety of causes, some of which are obvious and generally admitted, while others are more obscure and problematic. First, the incarceration of the majority of prisoners in small inadequate cells has been a disgrace of long standing. Foreign prisons, although in some instances more severe in administration, nevertheless provide better housing accommodations than are found generally in this country. Sunlight and air, which are so commonly advocated as necessary to health in this country, are not always thought of as necessary for those who break the law and are imprisoned, but yet in foreign countries, where sunlight and fresh air are not so commonly talked about, they are regarded as a necessity even for prisoners. They take the more humane and long range view that the prisoner is again to return to society, and that therefore his health, both mental and physical, should not be impaired lest he become a further burden to the community after his release. The oldest prison in the State is at Auburn. It was built in 1816. It stands on low ground on the Owaseo River, which for the prison is a damp and unsuitable location. The oldest part of the north wing is the original Auburn cell block, which served as a model for almost all American prisons. The cells are  $7\frac{1}{2}$  by 4 feet and  $7\frac{1}{2}$  feet high. In the newer part of the prison the cells are only  $3\frac{1}{2}$  feet high. Each cell has an electric light but no plumbing. There is little ventilation except that which comes through the heavily grated doors. The normal capacity of the prison is 1,226. At times during the year the population has exceeded 1,700. The overflow of prisoners was provided for in crowded corridors and a dormitory. Clinton prison, at Dannemora, was opened in 1845. Of its cells

620 are  $5\frac{1}{6}$  by 4 feet and a little over 6 feet high, and the remaining 540 are about six inches narrower. The cells are lighted by electricity but have no plumbing. At the time of the outbreak there were 1,568 inmates at Clinton, so that the prison was overcrowded by 408 prisoners. Overcrowding always affects the conduct of prisoners and increases the difficulties of the prison officers. It makes difficult the classification and separation of prisoners and adds to the likelihood of contamination through the promiscuous association of the various types of inmates.

The prison at Great Meadow is of more modern construction and was first used in 1911. It has accommodations for 1,146 prisoners, and until recently was not used to near capacity. It is located in farm country, and the one just and outstanding criticism is that there is not enough employment for its inmates.

Sing Sing prison, first opened in 1825, is a combination of the old and the new. In 1916 the State decided to abolish the old Sing Sing, but the accomplishment of that has gone along so slowly that only recently the cells in the new part were placed in service.

The cells at Auburn and the old Sing Sing are very much the same, being of the stone vault like type. In 1916, when the campaign was made for the abolition of the cell blocks at Sing Sing, there was just as much reason that the Auburn cell blocks should also be abolished. Undoubtedly the demand would have been made if it had been felt that the legislature would give its approval. As a matter of fact, it was only after a hard campaign, preceded by decades of condemnation, that the fight for a new Sing Sing was won.

#### INMATES TREATED ALIKE

At the present time all inmates are treated very much alike, that is no forms of special treatment exist to meet the various needs of the inmates. A progressively minded warden once said that in his institution he had over 1,500 prisoners and the same number of problems. That means that each prisoner is an individual problem, and that, therefore, it is folly to proceed on the basis of "mass" treatment. More than one hundred and twenty-five years ago the individual treatment of the offender was advocated. It is being advocated more generally now and experienced workers recognize its value. Yet there is not a prison in the country where it is carried on to any appreciable degree. "Mass" treatment is the general rule. This brings us to the grave evil existing in our State prisons because of the lack of classification of the inmates. Old and young, experienced and inexperienced, those giving promise of reformation and those who do not, associate daily, with the result that in many instances the possibility of reformation is defeated at the very beginning because of the contaminating influence which is largely possible. The man who goes to prison today and comes out a better man, merits public commendation, rather than suspicion and scorn, because the chances are very much

against him at the start and throughout the period of his imprisonment.

A recent inquiry disclosed that there were 731 minors in the New York State prisons out of a population of 6,400. Seventy-five were under eighteen, and those under twenty-one, who, when the inquiry was made, were serving sentences ranging from three to twenty years, a majority of the sentences being over five years, were allocated as follows:

Age	Auburn	Auburn (women)	Clinton	Great Meadow	Sing Sing
16	5	0	7	6	2
17	12	0	7	24	16
18	54	1	23	30	37
19	67	3	41	53	57
20	82	4	59	53	82
Total under 21:	200	8	163	166	194

These minors, although young in years, and of course not all young in criminal experience, nevertheless represent a group that is not properly treated when they are made to live day in and day out with many who are older in years and more experienced in crime.

#### PLAN OF CLASSIFICATION, SEGREGATION AND TREATMENT NEEDED

The treatment of the inmates of our State prisons requires that there be formulated a definite program relating to administration and housing, which will be somewhat permanent in character. One of the difficulties of the past has been that whatever programs have been developed have lacked a real beginning or continuity, and therefore have been of little or no avail. The result is that the prison system of this State has moved forward but little in the last two decades. To proceed intelligently we must first know more about the make-up of the human beings who constitute the prison population. This was in the minds of those who campaigned in 1916 for a new Sing Sing and a distribution and classification prison. After considerable delay there is finally in operation at Sing Sing a unit known as the Psychiatric Clinic. The Legislature during the 1929 session gave the clinic statutory identity.\* However, that unit, as stated in previous reports of this Association, is very much of a small spoke in a big wheel, and until its staff is enlarged and its activities broadened to affect the entire prison system, it will fall far short of the purpose for which it was originally intended.

Sing Sing prison is the logical place for classification and distribution, because the largest percentage of those who are committed to the State prisons are first received there.

For the years 1918 to 1929 inclusive, each year ending June 30th, there were received directly from the courts at each prison the following:

\* See Chapter 242 Laws of 1929. This bill was drafted by and introduced at the request of the Prison Association of New York.

	Auburn		Clinton		Sing Sing		Per cent.	Total
	M	F	M	F	M	F		
1918	389	7	24.3	158	10.2	1016	65.5	1563
1919	238	33	21.4	137	9.8	958	98.8	1301
1920	301	34	20.6	106	7.2	1054	72.3	1431
1921	383	36	21.7	119	8.6	1264	71.7	1766
1922	470	37	26.6	103	9	1467	69	2139
1923	390	35	27.7	119	8.4	897	63.9	1496
1924	487	27	29.6	126	14	1086	59.4	1829
1925	508	38	26	231	12.3	1217	61.7	1856
1926	584	47	24	288	10.8	1448	65.2	2221
1927	537	40	28	183	9.6	1183	61.4	1918
1928	516	43	30.5	172	10.1	1003	59.4	1693
1929	588	43	31.1	201	10.7	1068	58.2	1885
Average yearly			25.3		9.9		64.8	

If the State of New York is ever to make any headway in the scientific treatment of the inmates of its penal and correctional institutions there must be a receiving and classification station to determine the make-up of those who have offended against its laws, and also, so far as knowledge will permit, the kind of treatment they need. All of this cannot be done in one institution, because, as above stated, the make-up of the prisoners varies considerably, likewise their needs, and therefore the other institutions of the Department of Correction must be designated and utilized in accordance with the type of offender they are to receive and the kind of treatment they are equipped to provide. The classification and distribution station at Sing Sing should be the pivot of operation, and should also function as the biggest and most important crime studying laboratory in the United States. That thought was in the minds of those who made for its beginning, but unfortunately since then it has not always been viewed in the same way by some of those in authority.

#### CLASSIFICATION

There are, of course, various theories as to the classification of prison inmates. However, the plain truth is that the State of New York has not as yet developed an intelligent and progressive system of classification. The present system depends mainly upon the prisoner's conduct, some of his personal habits, the place of his commitment, the state of his health, overcrowding in one or another prison and industrial needs. That is not enough. It has no particular scientific background. Because of the lack of a system of classification old and young, experienced and inexperienced, are thrown together, and certainly no one will question the assertion that contamination through indiscriminate association in the prison is a handicap to efforts at reformation. It is bad association that has brought many prison inmates to their downfall, and so far as is humanly possible that cause of downfall should be minimized and controlled during the period of imprisonment.

Warden Lewis E. Lawes of Sing Sing has urged that the inmates of our State prisons be classified as follows:

1. *Prognosis Good:* This group would be made up largely of the more mature, accidental or first offenders, whose previous histories demonstrated that they had, up to the time of

their offenses, being orderly members of society, and who do not present mental, personality or physical handicaps that would interfere with their conducting themselves properly after release from prison.

2. *Prognosis Favorable*: This group would be made up of those offenders who, after careful study, offered some promise of a reformation by procedure other than custodial care, and whose offenses were not directly coupled with constitutional or intellectual defects.

3. *Prognosis Doubtful*: This group would consist of convicts who have been social problems for some time and would include a large number of those with personality deviations and intellectual deficiencies, but who appear to give some promise of improvement under special treatment.

4. *Prognosis Poor*: This group would include the definitely anti-social, the habitual criminal and those who had records, coupled with marked constitutional defects.

The American Prison Association, recognizing the need for a classification of the inmates of institutions, and especially a uniform system of classification, appointed a committee, consisting of medical doctors and administrators of institutions, to work out a standardized scheme of classification. The committee endeavored to obtain a simple but effective classification with a minimum of groups, and one which should not beget confusion in the minds of the average institutional staff. In the committee report, which was approved at the Fifty-Eighth Annual Congress of the American Prison Association, held at Kansas City, October 5 to 11, 1928, it was stated that the ultra scientific had been avoided and complex cross classification omitted. It was urged that definite attention be given in the classification to the type of offender, whether first, accidental, occasional or habitual. Provision is made for the diagnosis of offenders on the basis of personality and behavior reaction together with intellectual deviation, neurological and serological abnormality; with the further provision of the adaptability of the classification to court and institutional statistical purposes. Five main groups of offenders are noted under the Committee's Mental Classification as follows:

- I. Normal.
- II. Feeble-minded.

A resolution adopted at the 56th Annual Congress of the American Prison Association, held at Pittsburgh, defines a defective delinquent as follows:

"The defective delinquent is an offender, who, because of mental subnormality at times coupled with mental instability, is not amenable to the ordinary custody and training of the average correctional institution and whose presence therein is detrimental to both the type of individual herein described and to the proper development of the methods of rehabilitation of other groups of delinquents. Further, the defective de-

linquent because of his limited intelligence and suggestibility requires prolonged and careful training, preferably in a special institution to develop habits of industry and obedience."

### III. Neuropathic.

- (a) Psychopathic Personality.
- (b) Epileptic.
- (c) Post-Encephalitic Personality.
- (d) Alcoholic.
- (e) Drug Addict.
- (f) Psychoneurotic (psychasthenic—neurasthenic—hysterical).
- (g) Other brain or nervous abnormalities without psychosis to be specified.

### IV. Psychotic.

Further classified according to the outline as suggested by The National Committee of Mental Hygiene.

### V. Potentially Psychotic.

- (a) Recovered from psychosis.
- (b) Psychosis in remission.
- (c) Physical symptoms of incipient psychosis.

Following are the explanatory notes and definitions for use with the classification:

#### I. Normal.

In this group are included all those who after careful study fail to disclose the outstanding characteristics of any of the other four groups. (The members of this group are not essentially criminalistic, but are rather those who offend accidentally or through heat of passion—stress of circumstances—unusual opportunity, etc.) It should also include those offenders who are of dull normal and borderline intelligence, i. e., those having intelligence quotient above 70.

#### II. Feeble-minded.

It will be necessary to base the diagnosis of intellectual level upon family history, personal history, including school and industrial records, social adaptation, etc., and as well upon the results of psychometric examination, preferably the Terman revision of the Binet-Simon, which is the form of intelligence test most generally recognized. Too much stress cannot be placed on the value of psychometricians especially trained for this work, in order to obtain uniformity of results. The value of the Binet-Simon Psychometric tests is lost in the hands of the inexperienced.

It is to be further noted that erroneous conclusions are frequently drawn as to the individual's intellectual status in cases of malingering—in those suffering from morbid emotional states, such as schizophrenia, manic depressive psychosis, epilepsy, and as well organic diseases involving the sensorium, mental grasp or capacity. Careful study of the anamnesis, mental and physical symptom complexes, will aid in arriving at a diagnosis.



Individuals found to be feeble-minded but suffering from psychosis, should be classed in the PSYCHOTIC Group (4), while those who show psychopathic trends and reactions, if the intellectual retardation is sufficient, should be classed in this group, e. g. FEEBLEMINDED. The same is true of feeble-minded psychoneurotics, alcoholics—drug addicts.

Epileptics, although they may show apparent intellectual deficiency, ordinarily belong in the NEUROPATHIC Group (3), because of the nature of their deterioration and their peculiar reaction. Likewise those exhibiting the characteristics of post-encephalitic personality, should be placed in the NEUROPATHIC Group, regardless of the existing intellectual status.

As noted under (1) NORMAL Group—those having an intelligence quotient over .70, according to the Terman revision of the Binet-Simon, are not classified with the FEEBLEMINDED Group. (See definition of defective delinquent Page 22.)

### III. Neuropathic.

This group includes all those individuals having an abnormal constitution of the mental make-up, except those classed definitely as feeble-minded, psychotic, or potentially psychotic. (For further definition of this latter group see below).

#### (A) Psychopathic Personality.

Under this designation is a large group who present anomalies of character, which because normal or usual to the individual, cannot be considered as evidence of a psychosis. These individuals differ from the normal in the character and intensity of their volitional and emotional reactions as a result of which they are often unable to make an efficient or comfortable adjustment to their environment. They lack continuity of purpose, fixity of ambition, and show a poverty of sentiment. Members of this group often show special or peculiar reactions such as tendencies toward habitual delinquency—pathological lying—eccentricities—sexual perversions—dromomania—kleptomania—pyromania, etc. Dipsomania is considered under sub-heading (D) Alcoholic.

It is to be further noted that individuals of this type vary greatly intellectually, the range being from superior adult intelligence to that of the imbecile. If, however, the intelligence quotient is below .70, they should be classed in the FEEBLEMINDED Group (2), while those who show episodic psychotic reactions, should be placed in the PSYCHOTIC Group (4).

#### (B) Epileptic.

All individuals showing a history of either idiopathic or secondary epilepsy with the essential symptoms of grand mal, petit mal or equivalent states, should, unless psychotic symptoms are present, be classified in this group.

In the event that history indicates psychotic episodes in which clouded states occur, or in the presence of advanced epileptic deterioration, the individual is designated in the PSYCHOTIC Group (4).

As previously noted, a definite history of essential epilepsy, regardless of the degree of apparent intellectual retardation, precludes the individual's classification in the FEEBLEMINDED Group (2).

#### (C) Post-Encephalitic Personality.

This group is increasing rapidly in numbers, and every effort should be made to complete an early diagnosis in doubtful cases. The history of onset is fairly typical and once the symptom complex has established itself, diagnosis is relatively simple. Those cases which more often come to attention have shown a definite change of personality, with greater or less behavior disorder resulting from volitional disturbance. These individuals readily understand the nature of their acts, but because of delimited volitional capacity, they are unable to inhibit their impulsive and erratic activity. They also very frequently exhibit abnormally wide emotional swings—the fluctuations ranging from intense depression to boisterous hilarity, often without apparent provocation.

Definite neurological findings are usually demonstrable—the more common being those associated with involvement of the basal nuclei and resembling the Parkinson syndrome.

As noted under the FEEBLEMINDED Group (2), these individuals should not be allocated to that group, even if intellectual subnormality is suspected, and for statistical purposes, they should not be classified as PSYCHOTIC, in spite of the fact that provision is made for their designation in the PSYCHOTIC Group (4) under subheading No. 8 "Psychosis with other brain or nervous diseases," (g) Encephalitis Lethargica.

#### (D) Alcoholic.

Designation in this group should be restricted to cases of chronic drinking or spree drinkers, who do not develop psychotic symptoms. For statistical purposes, those with dipsomaniac tendencies are classified in this group rather than as Psychopathic Personality. In this group will frequently occur cases in which hysteroid or dream-like states follow comparatively small doses of alcohol and for which there is subsequent complete amnesia. Crimes are frequently committed during these episodes—but this condition should not be confused with the alcoholic hallucinosis or deteriorations, etc.

In the event that alcoholic types show mental retardation with intelligence quotient below .70, they should be placed in the FEEBLEMINDED Group (2).

Cases presenting symptoms of pathological intoxication—delirium tremens—Korsakow's psychosis—acute or chronic alcoholic hallucinosis, etc., should be properly classified in the PSYCHOTIC Group (4).

#### (E) Drug Addict.

This sub group is limited to persons addicted to drugs and who are not definitely feeble-minded nor psychotic. Drug addicts are presumably psychopathic, but are classified separately here for obvious reasons. In the event, however, that they are demonstrably feeble-minded, they should be placed in the FEEBLE-

MINDED Group (2)—or if showing symptoms of delirium or states of confusion or hallucinosis, they are allotted to the PSYCHOTIC Group (4)—subdivision (10), "Psychosis due to drugs and other exogenous toxins."

(F) *Psychoneurotic.*

This group lacking the essentials of a definite psychosis but of a nature often to precipitate offensive reactions, has been placed in the NEUROPATHIC Group (3), rather than in the PSYCHOTIC Group (4). The following descriptive material has been quoted in its entirety from the "Statistical Guide of the New York State Hospital Commission," with the addition that many of the characteristics of psychasthenia, neurasthenia and hysteria, are frequently found in the feeble-minded and psychopathic. Therefore, if the intelligence defect is demonstrable, the case should be placed in the FEEBLEMINDED Group (2), or if the personality components are pre-eminently psychopathic, the case is placed in the sub-Group (A) Psychopathic Personality.

"The Psychoneurosis group includes those disorders in which mental forces or ideas of which the subject is either aware (conscious) or unaware (unconscious) bring about various mental and physical symptoms; in other words, these disorders are essentially psychogenic in nature.

"The term neurosis is now generally used synonymously with psychoneurosis, although it has been applied to certain disorders in which, while the symptoms are both mental and physical, the primary cause is thought to be essentially physical. In most instances, however, both psychogenic and physical causes are operative and we can assign only a relative weight to the one or the other.

"The following types are sufficiently well defined clinically to be specified in the statistical report.

"(a) *Hysterical type:* Episodic mental attacks in the form of delirium, stupor or dream states during which repressed wishes, mental conflicts or emotional experiences detached from ordinary consciousness break through and temporarily dominate the mind. The attack is followed by partial or complete amnesia. Various physical disturbances (sensory and motor) occur in hysteria, and these represent a conversion of the effect of the repressed disturbing complexes into bodily symptoms or, according to another formulation, there is a dissociation of the consciousness relating to some physical function.

"(b) *Psychasthenic type:* This includes the anxiety and obsessional neuroses of some writers. The main clinical characteristics are morbid fears or phobias, obsessions, doubts and impulsions, feelings of insufficiency, nervous tension and anxiety. Episodes of marked depression and agitation may occur. There is no disturbance of consciousness or amnesia as in hysteria.

"(c) *Neurasthenic type:* This should designate the fatigue neuroses in which physical as well as mental causes evidently

figure; characterized essentially by mental and motor fatigability and irritability; also various hyperaesthesia and paraesthesia; hypochondriasis and varying degrees of depression. " (d) Other types:"

Great care should be exercised in differentiating this group from the Psychopathic Personality cases.

(G) *Other Brain or Nervous Abnormalities without Psychosis to be specified.*

For example: Post-Traumatic constitution without psychosis; in this type of reaction there is a definite history of head injury usually of occurrence early in life, as a result of which there is a fairly definite type of reaction such as inability to stand stress, increased susceptibility to alcohol, periodic outburst of erratic and impulsive behavior not sufficiently marked nor of long enough duration to be classed as PSYCHOTIC. The nature of his acts is conscious to the individual, but he is temporarily without power of inhibition and many of his acts are without valuable purpose and partake too often of a tendency to wanton destruction, such as commission of arson—assault—hold-up—crimes of a sadistic or brutal nature against persons and animals, etc. These cases frequently show evidence of intellectual subnormality, and if marked, they should be classed with the FEEBLEMINDED. If Paranoid trends or psychotic symptoms are present, they will be sufficient to indicate psychosis with the proper placement in Group (4) PSYCHOTIC.

IV. *Psychotic.*

Refer to Statistical Guide, published by The National Committee for Mental Hygiene, or that of the New York State Hospital Commission.

V. *Potentially Psychotic.*

Those individuals who because of certain factors revealed in their history or from conclusions arrived at after careful physical investigation, will probably become psychotic at some time in the not too remote future.

(A) *Recovered from Psychosis.*

History may reveal that there has been a previous psychosis from which the patient has recovered, but that the psychosis is of the type generally recognized as being partially pathognomic of successive attacks at irregular intervals. This is partially true of the manic depressive psychoses, alcoholic psychoses, psychoses with cerebral arteriosclerosis, psychoses with epilepsy, psychopathic personality, mental deficiency, etc.

The existence of definite previous psychosis should be established without a doubt, and history of simple depression, indefinite episodes of excitement, should not be confused with true psychosis.

(B) *Psychosis in Remission.*

This group is composed of the type presenting history of psychosis in which there is present at least partial recovery or disappearance of symptoms, but which will presumably relapse into the pre-existing state, e. g.—schizophrenoid states—parosis, etc.

*(C) Physical Symptoms of Incipient Psychosis.*

Cases in which physical investigation discloses typical neurological symptoms or characteristic serological or cytological deviations of the blood or spinal fluid, suggestive of paresis, cerebral syphilis, cerebro spinal syphilis, cerebral neoplasm (or brain tumor), cerebral arteriosclerosis, Huntington's chorea, etc. Even in the absence of mental symptoms, these individuals are to be recognized as very apt to become psychotic.

The suggested classification made by Warden Lawes, and the above classification prepared by the Committee on Classification of the American Prison Association, should amply serve the State of New York in determining a system of classification and segregation of the inmates of its institutions.

## INADEQUATE EMPLOYMENT

The lack of adequate employment, conducive to mental, physical, and moral deterioration, is an outstanding weakness of our present system. Imprisonment at hard labor is still the sentence specified in many of our criminal codes as the legal punishment for felons. Almost every day judges in the various parts of the State of New York say "I sentence you to state prison for — years at hard labor." The reference to hard labor of course is too often a mere formality. The judge and a comparatively few of the citizenry of the State know it. However, the press emphasizes the sentence and the impression goes abroad that punishment and severity prevail, and the best interests of society are safeguarded. But those who have intimate knowledge of what commitment to prison means know differently. They know that there exist many problems, some that have held the attention of serious minded workers for many decades, and yet remain unsolved, and to a very appreciable degree affect the welfare of society at large. One of these outstanding problems is that of prison labor, which arises, like all other social problems, from the conflict of differing interests, to some extent, at least, irreconcilable.

The best mode of utilizing the labor of our prisons is a question of considerable magnitude. It is a question from which all passion, selfishness and prejudice should be excluded, and which should be viewed solely with regard to the best interest of the State, the greatest number of its citizens, and the prisoner. There can be no question that men and women confined in penal institutions, if mentally and physically able, should be provided with employment. Under the abnormal conditions which go with imprisonment they need the wholesome influence of constructive work. Without it they deteriorate mentally, physically, and morally, and society finally suffers.

The prison labor system in the State of New York is what is known as the State-Use system. Under this system the State conducts a business of manufacture or production, but the use or sale of the goods produced is limited. In short, the Constitution\*

\* See Article 3, Section 29, Constitution of the State of New York.

of the State of New York provides that no work or product of the work of a prisoner in prison, reformatory, penitentiary or jail of this State shall be sold to any individual or firm save the State itself or a political division of the State as represented by institutions, departments or other public body. This system is generally regarded as the nearest approach to the solution of the prison labor problem, but as a means of keeping prisoners employed and satisfying the potential market for prison products in New York State it has not proved the success that its advocates desire. The potential market is conservatively estimated at about \$20,000,000, but the products of prison labor in our best years have not been valued quite as high as \$2,000,000. Certainly, the fact that slightly over 25 per cent of the present prison population, exceeding 6,000, is engaged in industrial occupation is a situation that demands public notice and action.

There is too great a tendency to avoid the purchase of prison made products. Adequate and modern shop buildings and machinery are lacking. The sad fact is that for years most of those in our prisons have not learned the habit of industry and have found it too easy to escape employment which is comparable in time and labor to what is expected of the outside law-abiding citizen. This, in a few words, means that the State of New York has not to a substantial degree solved its prison labor problem, and that the free laboring man is still burdened with more than a reasonable amount of the cost of caring for the law-breaker. Until the State, with the deliberate intention of bending its best efforts to solve the prison labor problem, turns to this question with persistency, sobriety and thoroughness, the State may expect to be classified as an arrant failure in the prison labor field.

## CONCLUSION

The inadequacies and the weaknesses in our prison system, as previously stated, have been discussed in varying degrees and at different times by official and unofficial bodies. Annual reports, year after year, have told a somewhat discouraging story.

Certainly the prison system has suffered in this State first and most seriously because the public has never been sufficiently interested. Therefore old and inadequate buildings, overcrowding, insufficient food, unsanitary cells, idleness, lack of classification, absence of a satisfactory administration of the indeterminate sentence and parole, lack of a well thought out system of individual treatment and educational activities, etc., have been allowed to exist too long. Until there is a widespread demand that these conditions shall no longer exist, and that the officials in our large prisons be given modern and adequate facilities to enable them to discharge a most important public responsibility, no satisfactory results can be expected, and the public will continue to be responsible for a situation that tends to defeat the purpose for which the law-breaker was imprisoned, to wit, his rehabilitation and reformation, and the reasonable protection of society.

## CHAPTER III

### The Prison Association in 1929

At the beginning the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. At the meeting which marked the birth of the Association it was decided that the Association's activities should not be limited solely to the care of the discharged prisoner, but that it should concern itself intimately and generally with the treatment of the prisoner regardless of his place of detention. So the Association has gone on, year after year, unceasingly and with alertness combating those things which impede progress in the solution of the crime problem, and initiating and giving utmost support to endeavors that indicate a forward movement.

The work of the Association is divided as follows: Educational; supervisory; research; relief; legislative.

The educational activities are discharged through publicity for the improvement of methods of dealing with the law-breaker, in the form of specially prepared newspaper and magazine articles, and the frequent guiding of representatives of the press, who seek reliable information bearing upon the crime problem and the administration of criminal justice. Also through addresses before city, state and national bodies, clubs, and other gatherings. During the prison outbreaks in July and December the office of the Association was overwhelmed with inquiries from the press and interested citizens regarding prison conditions. In reply to these inquiries the Association endeavored to give information as to conditions as it knew them to exist, and at the same time give the kind of guidance that would serve to arouse sound public thinking on the prison problem.

Further, as an educational activity, the Association continues to render valuable service in the matter of analyzing and suggesting legislation, and making known experiments and achievements in one community to those in another who are working for progress. Numerous inquiries have been received touching upon subjects anywhere from the size of cells and windows to the ever present question of capital punishment. Those who inquire are anxious to obtain opinions, to be put in touch with authorities, and to gain reliable information. These many inquiries give considerable work, but it is very definitely held that this form of service is quite within the scope of the Association's activities and is highly beneficial. The inquiries come not only from various states of the Union, but from workers and students in other countries; from legislative committees and crime studying bodies; also an endless number from university students and the teachers and pupils of high schools.

The supervisory activities include inspection of city, county and state penal and correctional institutions, which is possible through legislative authority held by the Association.

The relief activities are confined to the mothers, wives and children of men in prison, and to men and women who are released from prison on parole, or who have completed their full sentences, or who are referred to the Association by the New York City Parole Commission, the Court of General Sessions, or the Department of Correction of the City of New York. See pages 46, 50, 54, 59, 61 for further details of relief activities.)

The research activities include studies relative to institutional methods, the administration of the indeterminate sentence and parole, police methods, court procedure, legislation in other states and institutional construction. The Association is continually seeking information on the above and related subjects so as to increase its usefulness. (See pages 64, 66, 77, 81, 83.)

The legislative activities of the Association have been conducted regularly and intensively for years. The Association from time to time initiates legislation and is always active in supporting good legislation and opposing bad legislation. During the 1929 session the Association was especially active. (For details the reader is referred to page 43.)

Under the date of July 29th, 1929, President **Conferences Called by Governor Roosevelt** Holter of the Prison Association addressed a letter to Governor Roosevelt, suggesting an impartial survey of the conditions underlying the riots at Clinton and Auburn prisons. It was suggested that this survey be conducted by three or four outstanding citizens, whose interest, integrity and ability to make an impartial investigation would be unquestioned. The Governor did not altogether follow this suggestion, but later called together a group of representatives of various organizations, state departments and legislators for a frank discussion of the prison situation. In this connection President Holter represented the Prison Association of New York, and Mr. Cass, its General Secretary, the American Prison Association, of which he is also General Secretary. The first meeting was held at the Governor's home in New York City on September 12th, and the second at the Executive Chamber in Albany on November 11th.

Following the September 12th meeting a communication, pursuant to the Governor's request, was sent to him, expressing definitely the Association's views on matters discussed during the meeting. In the main these were substantially identical with what has been stated in the annual reports of the Association for many years. It was emphasized that there was need to formulate a definite program relating to administration and housing which will be somewhat permanent in character, and it was pointed out that one of the difficulties has been that whatever programs have been developed have lacked a beginning or continuity, and therefore have been of little or no avail. The letter also dealt with the need for

the renovation of existing institutions, new construction, erection of another new prison, the Sing Sing Clinic, classification of prisoners, a prison for the most hopeful type of inmates, the location of the prison with respect to relatives of inmates, the feeding of prisoners, and pay for prison guards.

At the second conference which was held at the Executive Chamber in Albany, on November 11th, the Association was represented by its General Secretary, and subsequent to the conference the following communication was addressed to the Governor:

November 21, 1929.

Hon. Franklin D. Roosevelt,  
Governor of the State of New York,  
The Capitol,  
Albany, N. Y.

My dear Governor Roosevelt:—

At a meeting today of the Executive Committee of the Prison Association of New York consideration was given to the subjects relating to the prison situation in this State, discussed at your conference in Albany on November 11th.

The Executive Committee commends you on your earnest desire to improve prison conditions in this State, and anticipates considerable progress as a result of your interest and leadership.

While it is true that there are many opinions as to how prisoners should be dealt with, yet it is also true that there are certain requirements on the fulfillment of which there can be little conflict of opinion. Therefore, the Executive Committee indorses your program, as stated after the meeting on November 11th, embodying the following:

- (a) An increase in the per capita allowance for food.
- (b) The adoption of a rule that will, through increased employment and compensation of inmates, allow for the discontinuance of the practice of permitting prisoners to purchase food and other extras with money given them by friends or relatives.
- (c) The renovation of the housing accommodations at Auburn and Clinton, and a reduction in the number of inmates to be confined in those prisons as well as in Sing Sing.
- (d) The modification of the plans for the new Attica Prison, so as to provide for the housing of a smaller number of prisoners not to exceed probably 1,600.  
In this connection the Association most earnestly urges that the State refrain from a huge expenditure for the Attica prison. It has been stated that the new prison would probably cost \$12,000,000. This is a tremendous sum of money to put into one institution, and the State should be capable of finding a less costly solution in the matter of new construction.
- (e) That, in addition to the Attica prison, there be another new prison of different construction from any of the existing prisons. The new prison not to have a wall, and to have, instead of the usual cell block arrangement, a separate room arrangement on the college dormitory plan. This form of construction (to provide for about 25 or 40 per cent. of the population of our state prisons, those who may be trusted in an institution without a wall and steel cells) is worthy of serious consideration. However, before it is finally decided upon, the developments in the State of Massachusetts, in the State of New Jersey, and in the District of Columbia should be studied.
- (f) The proposal for a parole court, or full time service parole board, is of deep interest to the Association. The Association has long held that because parole is of such importance and is

so wide in its scope, its administration should be conducted by a high grade personnel giving full time service. A full time service parole board was urged by the Association as far back as 1916, and frequently repeated, and several attempts were made to pass legislation. The Crime Commission has also urged a full time service parole board, and Mr. Alger, Governor Smith's Moreland Act Commissioner, investigating the parole system, recommended it.

While the above is a general indorsement of your program, and it is felt by the Executive Committee of the Prison Association that the carrying out of it will make for a very definite advance, it is nevertheless hoped by the Executive Committee that you will not consider it as a complete program for the improvement of the prison system. We understand of course that you contemplate also the modernizing of the cell housing accommodations at the Elmira Reformatory and the transfer of the women prisoners from Auburn to a part of the State Reformatory site at Bedford.

There is also to be considered in the working out of a full program the very important matter of the classification and distribution of the prison population. The Association has expressed the opinion in an earlier communication that a prison, perhaps Sing Sing, could be used mainly for the better type of prisoners, in advance of the completion of Attica and the construction of another new prison.

The Executive Committee hopes that there will be an addition to the staff of the clinic at Sing Sing, so that that important unit can expand in its operation.

There is also the matter of unemployment in the prisons, the present situation being far from satisfactory despite the increase in production during the recent past. The increased idleness created at Clinton and Auburn because of the recent outbreaks adds to an existing and old problem, which cannot be solved to any worthwhile degree until the State goes into the matter seriously.

Sincerely yours,

(Signed) E. O. HOLTER,

President.

### Centralization of the Magistrates' Courts in the Borough of Manhattan

The Association continued with other organizations in actively furthering the proposal for the centralization of the Magistrates' Courts in the Borough of Manhattan. A brief in support of the proposal was prepared by a committee of interested organizations and individuals, and together with a brief prepared by the Committee on Criminal Courts, Law and Procedure of the Association of the Bar of the City of New York, was presented to the Board of Estimate and Apportionment on February 14th, 1929.\* The proposal was discussed before the Committee of the Whole of the Board of Estimate and Apportionment on March 4th, 1929, at which time Mayor Walker appointed Hon. Julius Miller, President of the Borough of Manhattan, Hon. Joseph McKee, President of the Board of Aldermen, and Comptroller Charles W. Berry as a committee to study the proposal. Although the committee at this writing has not made an official report it is nevertheless public knowledge that a thorough study of the proposal has been made

\*Item 168, Calendar of the Board of Estimate and Apportionment.

by the committee. In fact, the committee has gone much further than the consideration of only the centralization of the Magistrates' Courts. It has considered the possibility of including in a twenty-story building the central Magistrates' Court, the Court of General Sessions, now housed in the Criminal Courts Building, the office of the District Attorney of New York County, and a prison of 1,000 or more cells to displace the present Tombs and other male detention prisons in Manhattan. The site of the Tombs and the Criminal Courts Building has been suggested for the proposed building. However, there is remote likelihood of immediate action because of the cost involved. While the proposal has increased in favor with the city authorities it is nevertheless apparently held that there are other city projects which require prior attention.

#### New York County Penitentiary

Unceasing in its desire for a new penitentiary to displace the long criticised penitentiary on Welfare Island, the Association worked actively during the year toward the fulfillment of that need. Conspicuous in this respect was the work of the Association in Albany in support of Assembly Int. No. 228, by Mr. Auleta, to amend the city charter so as to make possible the sale of corporate stock or serial bonds for funds to construct a new penitentiary on Riker's Island. This bill was passed by the legislature and signed by the Governor. The next move was to persuade the New York City authorities to appropriate funds as permitted by the above legislation. Finally, an appropriation of 40 and 15 year serial bonds, in an amount not exceeding \$3,325,000, was allowed for the construction and equipment of a penitentiary and auxiliary buildings to be located on Riker's Island. This is an initial appropriation toward the fulfillment of a project that will probably cost considerably less than \$10,000,000.

It is a source of gratification to the Association to have been identified with the penitentiary movement, and it takes this opportunity to congratulate Commissioner Richard C. Patterson, Jr., of the Department of Correction of the City of New York, on his courage and persistency, and likewise the various other organizations and individuals who gave their labors and influence to the accomplishment of this long standing need. At the present writing the architect's working plans are awaiting the approval of the State Commission of Correction.

#### Juvenile Insti- tution at Warwick

In our previous annual report we strongly urged that there be established in the southern part of the State a school type of institution for the education and treatment of juvenile delinquents. The Association supported the legislation initiated by the State Department of Social Welfare and the State Crime Commission to establish a new juvenile institution. At one stage, when the progress of this legisla-

tion was in danger, the Association conducted a campaign of letter writing which served well to prove to certain members of the legislature that there was a widespread interest and demand for a new institution to displace the House of Refuge on Randall's Island. There resulted finally the passage of two bills, one relating to the acquisition of a site and the other to the drawing of preliminary plans. Later in the year the Association examined the tentative plans and made slight criticisms and offered suggestions.

The Executive Committee of the Association by formal vote approved the report on Federal Penitentiary and reformatory institutions of the House of Representatives Committee (appointed pursuant to House Resolution No. 233 of the First session of the 70th Congress), with the exception of Committee recommendation No. 5, which expresses the belief that it would be helpful in relieving the congestion in the prisons if the present age limits, 17 to 30, are removed for commitment to the U. S. Industrial Reformatory at Chillicothe, Ohio. The Association pointed out that the change in the age limits would be contrary to the theory underlying the establishment of the reformatory system in this country. Later, a communication was addressed to the Attorney General of the United States, Hon. William D. Mitchell, urging that he give serious consideration to the Congressional report, and so far as lies within his power, carry out its recommendations. At this writing, there is before the U. S. Senate, the House having already approved, five bills for the improvement of the Federal Prison system. Briefly, the measures are as follows:

1. *Senate 2556—H. R. 7410.* To establish a hospital for defective delinquents. Many of the inmates of federal prisons are defective mentally and physically and require special treatment.
2. *Senate 2557—H. R. 6807.* Establishes two new penal institutions to relieve the undoubtedly overcrowded condition of the federal institutions.
3. *Senate 2558—H. R. 7413.* Creates an independent parole board. The number of federal prisoners has become so large that it is no longer possible for the Superintendent of Prisons and the several wardens and prison physicians to devote sufficient time to the consideration of prisoners who apply for parole. The number has increased from about 600 in 1910 to nearly 9,000 in 1929.
4. *Senate 2559—H. R. 7412.* Allows for diversified employment of federal prisoners. This bill is directed at the shameful condition of idleness which exists among the inmates of our federal prisons.
5. *Senate 2560—H. R. 7411.* Provides an adequate organization to oversee the care and treatment of nearly 20,000 men who are in the prisons and jails for

violation of federal statutes. Heretofore there has been no coordinating force at the seat of government to direct the many problems connected with the administration of the prisons, the education and welfare of the inmates, the industrial activities and the care and treatment of federal prisoners in the 900 local jails distributed throughout the country. The Federal Prison Department has been a small and in many ways a neglected unit.

The Association has recorded itself in favor of the above bills.

#### Annual Census of Penal and Correctional Institutions

Understanding fully, as set forth in our previous reports, the need and value of the conducting of an annual census of the inmates of penal and correctional institutions, the Association continued its cooperation with the U. S. Bureau of Census. The Director of the Bureau, Mr. W. M. Steuart, is anxious that there be provided legislative authority, and also a yearly appropriation, so that the annual census can be continued. To this end a bill was introduced by Senator Royal S. Copeland, and was referred to the Senate Committee on Commerce. It was then referred to the Department of Commerce and a favorable report submitted. Subsequently a slight change was made in the bill and it is now before Congress in the following form:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That the Director of the Census be, and hereby is, authorized to compile and publish annually statistics relating to crime and to the defective, dependent and delinquent classes in institutions.

On page 117 will be found a summary of the results of the first annual census of prisoners, covering the year 1926. An examination of the summary will undoubtedly convince the reader of its usefulness. Therefore, the Association continues to cooperate with the U. S. Census Bureau, the American Prison Association, the National Committee for Mental Hygiene, the Department of Mental Hygiene of the State of New York, and other interested bodies to obtain the passage by Congress of the above bill.

#### Lunacy Commissions

The joint abortive attempts of the State Committee on Mental Hygiene of the State Charities Aid Association and the Prison Association to curb what appears to be a costly abuse through the exercise of judicial power under Sections 658 and 836 of the Code of Criminal Procedure, resulted finally in the State Crime Commission taking the matter in hand. Two bills were introduced during the 1929 session of the legislature, one to set up certain qualifications for psychiatrists, and the other to improve the procedure of examining those under indictment, or

awaiting trial, or serving sentence, who are suspected of being insane. The present system, involving a tremendous cost to the taxpayers, the seemingly unnecessary appointment of commissions, and the personnel of these commissions, has been criticised in our previous reports and in a courageous *expose* by one New York City newspaper, the *Brooklyn Daily Eagle*. However, regardless of all the available information the two bills introduced by the Crime Commission met with defeat. The most severe opposition was registered against the bill (Assembly Int. No. 1159, Pr. 1792) intended to improve the practice of examining those suspected of being insane. Nevertheless, the Crime Commission has now become interested, and it is anticipated that during the 1930 session of the legislature it will again attempt legislation to curb the existing evils.

Recognizing the need in the City of New York for a substantial demonstration of the value of psychiatry as an aid to the administration of criminal justice, the Association continued most earnestly during the 1929 session of the legislature to work for the passage of a bill which would give the judges of the Court of General Sessions the power to establish a psychiatric personnel as a part of the probation bureau of the court. The work of the clinic would be to conduct psychiatric and physical examinations and study of those within the jurisdiction of the court convicted of a crime, and also to administer treatment to those placed on probation by the court. The cities of Detroit and Cleveland have had for some time clinics similar to that urged for the Court of General Sessions, and in both cities the clinics are under the direct jurisdiction of the Court and the wisdom of such an administrative arrangement is quite obvious in the way they work. The combined activities of Judge Cornelius F. Collins of the Court of General Sessions, the State Crime Commission, and the Prison Association resulted in the drafting of a bill (Assembly Int. No. 1607) which passed both Houses of the legislature but did not meet with the approval of the Governor. While it was evident that the Governor was in favor of psychiatric service for the Court of General Sessions, he, nevertheless, held that since the bill affected the City of New York he could not act without the approval of the Mayor. This could not be had in the form desired, and therefore the attempted legislation failed.

Our previous report contains a statement on police methods, commonly referred to as the "Third Degree." The Association availed itself during 1929 of the records of an organization operating in the Court of General Sessions of the City of New York, and according to these records there still continues strong grounds for suspecting that severe practices are employed to obtain information from those who come into the hands of the police. In April,

1929, the following communication was addressed to the Chairman of the State Crime Commission:

HON. CALISE H. BAUMES,  
67 Farrington Street,  
Newburgh, New York.

DEAR SENATOR BAUMES:—

You will probably recall that in May, 1928, I wrote to you calling attention to the Annual Report (Report Pamphlet No. 1, 1927-1928) of the Committee on Criminal Courts, Law and Procedure of the Association of the Bar of the City of New York, bearing on the alleged brutalities of the police toward those suspected of, or charged with crime.

In your reply you indicated your interest, but stated that the program of the Crime Commission would probably not allow the study of additional subjects.

There appears in the April 3rd issue of the *Outlook and Independent* a very interesting article on the Third Degree by Charles J. V. Murphy. I enclose the pages of that article herewith and hope you will find time to read them.

Would it not be possible for the Crime Commission to include the subject of the Third Degree in its program for the present year? I hope you can do this. You will note in Mr. Murphy's article that he states that the National Crime Commission is going into the subject. However, that will be in a general way, and on a nation-wide basis. The State Crime Commission, with its legislative authority, will have a very decided advantage, and can treat the subject concretely as it relates to the State of New York, and particularly to the City of New York. I am of the opinion that an impartial investigation by the State Crime Commission into the subject of Third Degree methods will result in considerable public support. The subject, of course, is a difficult one, but there is increasing concern on the part of the public generally relating to the various stories of what seems to be unnecessary police brutality. The high courts have given it recognition and have used their authority. However, that relates only to the specific cases before the courts. Mr. Murphy in his article, cites an instance where one of the high courts reversed the decision of a lower court, mainly because of the contention that the police exceeded their authority.

Trusting that you will see your way clear this year to go into the matter referred to, I am, with kindest regards,

Sincerely yours,  
(Signed) E. R. CASS,  
General Secretary.

At this writing there has been brought to the attention of the Association, an editorial from the *New York Times* entitled "The Third Degree." It reads as follows:

### The Third Degree

There is a great deal of talk about the third degree, that narrow summation of the various delicate methods of wringing confessions from suspects of crime. Two years ago the New York Bar Association asked for an inquiry into the subject. The Prison Association of New York has strong views about it. The Wickersham Commission has it on its list. An article in this month's *Harvard Law Review* examines decisions of appellate courts in the last ten or twelve years. They come from five Federal circuits and twenty-nine States. Since no case in which the prosecution has refused to use a confession because it was plainly inadmissible, and only in rare instances a case from which the confession had been ruled out by the trial court is appealed,

one is driven to the conclusion that the third degree is employed as a matter of course in most States, and has become a recognized step in the process that begins with arrest and ends with acquittal or final affirmation.

England is so backward that in the past twenty years not a single case with evidence of the third degree can be dug up. The formulas for eliciting "voluntary" admissions are many. Whipping is a favorite in some jurisdictions. Sometimes the witnesses are included in it, for good measure. The warden of an Arkansas penitentiary to which the defendant had been sent for protection whipped him every one of six or eight days till he was confession-ripe. Rubber hose has been found to give excellent results. A sound drubbing seems to be the commonest form. "In Louisiana some defendants were blindfolded, ropes put around their necks and severe punishment inflicted for five hours." More ingenious is a macabre "suggestion." Take a defendant to the morgue in the small hours and make him look at the wounds of the deceased for three-quarters of an hour. In Michigan a skeleton somehow found its way into the cell of a woman prisoner. In the enlightened State of New York

the defendants were handcuffed to chairs in separate rooms and left there for thirty-seven hours, this after spending three days in jail and traveling all night. They were questioned, threatened and apparently struck.

Is thirty-seven a mystical number? In Michigan "a boy of 19 was placed in a cell furnished only with a stool and left there thirty-seven hours. During this time he was often questioned by the police." In Louisiana a defendant "was left for four days in an antiquated, unheated, windowless jail inhabited by rats." Solitary confinement yields a good crop of confessions. Continuous questioning is even dearer to psychologists and penologists of the Torture School. An Illinois defendant "was questioned almost continuously for four nights and three days." A Missouri defendant was questioned eighteen straight hours without food. The palm goes to California:

A woman was cross-examined for almost two weeks when she was in such low mental and physical condition that she had to be assisted into the room by matrons and have her head covered with wet towels in order to be able to answer questions.

"Questioning" recalls the charm of the old system of "question." This business or pleasure of stupid or cruel officials was a crime at common law. Some States have passed statutes against it, but there seem to have been practically no convictions under them. The company of holders of the third degree must be numerous. The colleges that bestow it flourish undisturbed:

There is no practical redress for the individual. It is small consolation to him to have such confessions ruled out or to



have a conviction reversed. Furthermore, though the officers are civilly liable to the injured party for mistreating him, this remedy is in practice of no avail. Even an innocent man stands at a disadvantage before a jury when testifying alone against police officers; and the guilty one does not seek additional contact with the law. The futility of the theoretical remedy becomes apparent when the books are searched for cases involving civil suits against officers. Only three appear to have been decided since 1916.

In acknowledging the Association's communication of April, 1929, the Crime Commission, through its Chairman, Senator Baumes, expressed an interest in the matter, but indicated that a rather full program of activities would make doubtful the including of an investigation of the alleged police methods. During the year, in the accounts of criminal trials, the treatment of prisoners by the police has come in for criticism by members of the Bar and the press, and these have usually been followed by a denial by the police. However, complaints continue, and it is a question whether the old adage, "Where there's smoke there's fire," does not apply.

#### State Prison Parole

Unceasingly the Association has continued its interest in the administration of the indeterminate sentence and parole. Being largely responsible for the introduction and development of the indeterminate sentence, and its complement, parole, in this state, the Association is, therefore, more than anxious for its highly efficient operation. As far back as 1916, the Association urged a full time service parole board, and in its recommendations to the 1930 legislature it again urges a full time board. (See page 13.) It should be noted that the Moreland Act Commissioner George W. Alger, in 1926, after a careful study of the parole system recommended a full time service parole board, and subsequently the State Crime Commission did likewise. However, the head of the State Department of Correction, Dr. Kieb, did not favor such a board, and since taking office has had in operation a parole board and procedure in harmony with his own ideas. Interested observers were willing that Dr. Kieb should have ample opportunity to demonstrate the value of his type of parole board, to wit, a board consisting of the commissioner of correction, a full time member (who is the second assistant commissioner of correction), and the warden of the prison in which the prisoner is confined. However, in time, it began to be generally recognized that the system which Dr. Kieb had established was not satisfactory. It requires that the commissioner of correction unreasonably burden himself with many important details in addition to his many other administrative responsibilities as head of a large department. It is also felt that he allows his own attitudes, too frequently, to dominate in the determination of the fitness of a prisoner for parole. In short, the parole board is very much of a one

man board, and as such is disappointing to the Prison Association. Criticism grew, and finally the Governor of the State publicly declared that he was not satisfied with the parole system.

At this writing the Crime Commission has before the legislature a bill to provide a full time service parole board consisting of three salaried members, and an increased staff of parole officers. Further, a report has been made to the Governor by a committee appointed by him, and headed by Mr. Sam Lewishohn, to study the parole situation. The report recommends a full time service board and that the administration of parole be taken out of the Department of Correction and placed in the Executive Department; also that the jurisdiction of the parole board be extended to all the institutions of the Department of Correction, and that there be a large staff of parole officers provided. It is felt that before the 1930 legislature adjourns there will be passed a bill providing for a full time service parole board. This will be exceedingly gratifying to the Prison Association of New York, because for many years, and with regularity, it has urged, and attempted through legislation, to bring about, a full time service parole board, on the theory that the work of determining fitness for parole is an important public responsibility, and should have the undivided attention of a high class personnel, the kind of personnel that will do its work courageously, impartially, and with public confidence.

#### The County Jail

As a member of the joint committee that presented after a careful study a plan for the custody and training of prisoners serving sentences in the county jails of New York State, the Association continues to work for the fulfillment of the plan. During the year conferences were held with other members of the joint committee, and it was decided that an attempt be made again to interest the State legislature. This will probably result in a request that a legislative committee be appointed to study the county jail system and give earnest consideration to the plan offered by the joint committee, which was headed by the Hon. George W. Wickersham. The Association in its recommendations to the legislature (See page 14) again urges action.

#### International Prison Congress

Continuing its interest in the International Prison Commission, which will hold its Tenth Congress in Prague, Czechoslovakia, in August, 1930, the Association has cooperated in every way possible with the newly appointed International Prison Commissioner, Mrs. H. Otto Wittppenn of New Jersey. The International Prison Congress is of American origin, and outstanding in the activities which resulted in the first International Prison Congress in London, in 1872, was Dr. E. C. Wines, General Secretary of the Prison Association of New York. Shortly afterward the International Prison Commission was established to arrange for the quinquennial congresses and to promote understanding and cooperation among the workers in

various countries on the findings and declarations resulting from the congresses. In short, the Commission is the working, articulate nucleus of the Prison Congresses. The Commission is now permanently established in Bern, Switzerland.

The General Secretary of the Prison Association of New York was present at the Ninth Congress, held in London in 1925, and has been appointed by President Hoover as a delegate on the part of the United States to the Tenth Congress, to be held in Prague. He has also been appointed by Governor Roosevelt as a delegate from New York State. Further, the General Secretary has, upon request, prepared a report on the First Question of Section Four of the program of the Congress, relating to the organization and functioning of the Children's Court.

The Fifty-Ninth Annual Congress of the American Prison Association was held in Toronto, Canada, September 20th to 26th, 1929. The General Secretary of the Prison Association of New York functions also as the General Secretary of the American Prison Association, and devotes considerable time to its work. The latter organization, the origin of which is traceable to the activities of Dr. E. C. Wines, who was also its General Secretary in 1870, is primarily an educational body. Once a year workers from all parts of the United States (there are usually about forty-six States represented) gather in a State of the Union, or in Canada, to discuss problems relating to their work. These persons are representative of the courts, penal and correctional institutions, state departments, probation and parole bureaus or departments, social workers and interested citizens. One of the outstanding values of these gatherings is that workers are given opportunity to meet and learn of conditions and practices in different parts of the country. The meetings also have an inspirational value and give many workers a new outlook and hope with respect to their individual problems. It is for the above reasons that the Prison Association of New York considers its time well spent to serve the American Prison Association in an effort to fulfill the purpose for which it was established. For details of the Fifty-Ninth Congress, held in Toronto, the Proceedings of the American Prison Association can be consulted in the library of the Prison Association of New York, or in many of the public libraries throughout the country. These volumes can also be purchased practically at the cost of printing.

The reader is referred to the following subjects and pages for additional information on the work of the Association during the year:

**Other Activities**  
 Stenographers—Magistrates' Courts (See page 64); Department of Correction of the City of New York (See page 66); Summary of Legislation for the Repression of Crime (See page 63); Work in the New York City Tombs (See page 54); Counsel and Defendants (See page 59); Property—Arrested Prisoners (See page 61).

## CHAPTER IV

### Legislative Activities

During the 1929 session the Association continued its practice of keeping a watchful eye on bills before the Legislature. It should be kept in mind that educational and propaganda activities and studies conducted through the year often require action by the Legislature as the final step. Therefore, our legislative activities are an important branch of our work.

The Association often requests that bills be introduced, or actively supports or opposes bills that come from other sources. In 1929 a number of bills were introduced by Senator Brown and Assemblyman Goodrich at our request. The fate of these bills is indicated below. All legislation sponsored by the Association, or that coming from other sources meriting support or opposition, is considered by its executive or law committee. The action of these committees is communicated to the chairman of the committees to which the bills are referred, and also to individual members, and in addition a representative of the Association makes personal contact with members of the Legislature in Albany.

Some idea of the volume of work confronting the Legislature is gathered from the following: There were introduced in the Senate 1,594 bills, and in the Assembly 1,823. According to the average of the last thirteen years less than 25 per cent of the bills introduced are written into law. The Prison Association gave active attention to 48 bills introduced in both the Senate and Assembly, 10 bills introduced in only the Senate, and 13 bills introduced in only the Assembly. In all there were 71 bills that held the attention of the Association. Of that number 22 approved by the Association were passed by the Legislature; 29 defeated by the Legislature were approved; 1 passed by the Legislature was disapproved, and 19 defeated by the Legislature, in committee or on the floor, were disapproved. The Governor signed 19 of the bills approved by the Association, and 2 others were sent to the Secretary of State.

*Bills of major importance, and to which the Association gave considerable time, were the following:*

1. *Riker's Island Penitentiary.* Assembly Int. No. 228. Amends New York City charter to provide funds for construction. Signed by the Governor. Chapter 441.
2. *New Juvenile Institution.* Senate Int. No. 1029 and Senate Int. No. 1044. Provide for a new institution to displace the House of Refuge on Randall's Island. Signed by the Governor. Chapter 412 and chapter 449.
3. *Psychiatric and Diagnostic Clinic at Sing Sing.* Assembly

*Int. No. 784.* Writes into law the receiving and classification clinic at Sing Sing, more commonly referred to as the Psychiatric Clinic, and prescribes its functions. This bill was drafted and introduced at the request of the Prison Association. Signed by the Governor. Chapter 242.

*4. Correction Bill. Assembly Int. No. 684.* Amends the prison law to conform with the State Departments Law generally, and includes some new provisions relating to the administration of the Department of Correction. Signed by the Governor. Chapter 243.

*5. Escape of Prisoners. Assembly Int. No. 1068.* Makes it unnecessary, in order to obtain a conviction, to prove force or fraud in an escape from a penal institution, or while a prisoner is in custody outside of an institution. Signed by the Governor. Chapter 240.

*6. Psychiatric Clinic, Court of General Sessions. Assembly Int. No. 1607.* The Prison Association assisted in the drafting of this bill, providing a psychiatric clinic to aid in the determining of the fitness of offenders for probation, and for their treatment while on probation. Failed of passage.

*7. Injury while in prison. Assembly Int. No. 1070.* (Introduced at the request of the Prison Association). To allow compensation for injury when it can be shown that the prisoner while employed was seriously injured through no fault of his own. Failed of passage.

*8. Increased pay to prisoners on release. Assembly Int. No. 1071.* (Introduced at the request of the Prison Association.) The bill proposed that prisoners be allowed \$25 in money at the time of release, instead of \$10. It has been observed repeatedly that the \$10 allowed represents practically all the money that the prisoners have to start anew, and is insufficient. Failed of passage.

*9. Jurisdiction of Commission of Correction. Assembly Int. No. 1073.* (Introduced at the request of the Prison Association.) Extended the jurisdiction of the Commission to plans of state prisons, in addition to that now held for jails, penitentiaries and lockups. Failed of passage.

*10. Indeterminate sentence law. Misdemeanant cases. Assembly Int. No. 1069.* (Introduced at the request of the Prison Association.) Would give discretionary power to the courts in the matter of granting an indeterminate sentence in cases where a prisoner appearing for the first time as a felon had previously been convicted a number of times as a misdemeanant. Failed of passage.

*11. Lunacy commissions. Assembly Int. No. 730.* (Introduced at the joint request of the Prison Association and the State Committee on Mental Hygiene of the State Charities Aid Association.) The purpose of the bill was to curb what appears to be an abuse of judicial power in the appointment of commissions to determine the sanity of a person in confinement. Failed of passage.

*12. Control of court pens, etc. Senate Int. No. 1141.* Amending the Greater New York charter, giving the commissioner of cor-

rection of the city of New York control of all court pens for detention of prisoners, and making provision for the transfer of employees. Failed of passage.

*13. Minimum wage for keepers. Senate Int. No. 665.* Provided a minimum wage of \$2,500 for keepers of first grade in correction department, city of New York, proposal to be submitted to voters for approval. Failed of passage.

*14. Certification of psychiatrists. Assembly Int. No. 1160.* Amends mental hygiene law in relation to certification of qualified psychiatrists. Failed of passage.

A detailed statement of the various other bills on which the Association recorded its support or opposition is omitted this year to conserve space. However, our legislative files are complete as to all bills which held the attention of the Association during the 1929 session.

## CHAPTER V

## Those Who Are Left Behind

We doubt whether any part of our work moves the heart strings as does the relief work with the mothers, wives and children of prisoners. The deplorable fact is that in hundreds of cases, in the course of a year, the removal of the breadwinner of a family, through his prison sentence, suddenly and mercilessly thrusts the family into poverty. Often the pitiful group, composed of mother and small children, is in bewildered despair. For only too often it is not a family that would under the usual conditions become poverty stricken. When the breadwinner was not yet taken away he was supporting his family. Now, suddenly, all is changed and the wife comes with her babies to the Prison Association for help.

With these stricken people our policy is just as liberal as our funds and our common sense will allow. We emphatically do not believe that the relief of such a family should be used as a disciplinary measure. While in many instances the wife must go to work, it is not necessary that she should learn the lesson that her present plight has come through her own or her husband's idleness, for it has not. Therefore, we have for many years felt that the prisoner's family left behind should be so maintained, *through their own efforts and ours*, that they may continue, so far as possible, the standard of living they were following when the man was sent away. In instances where an improvement of the standard of living is advisable and best for the protection of the wife and children, we believe in making effort to that end. That does not mean the giving of unreasonable comfort, or the permitting of luxury or extravagance, but instead the creating of an atmosphere of self-interest and betterment, that will ultimately make for the good of the family and the protection of society.

A young woman, the mother of two small children, comes falteringly into the office of the Association and tells her story to our Relief Secretary, Miss Packard. She states that her husband has never been arrested or in trouble before, and hardly having recovered from the shock of his arrest, with the ensuing trial and sentence, and final imprisonment, is confronted with the necessity of providing for herself and her children until his release. Prior to his trouble he provided for his family, but his earnings did not permit the setting aside of funds for an emergency such as the grave one which now confronts the family. She knows not where to turn nor what to do next. When she begins to realize that there is some one to befriend her, to be interested in her and her problems, and to help her, she experiences a sense of relief and develops a degree of self-confidence. Often, in the office of the Association, it is said to our Relief Secretary, "Well, you have been very kind

to me. Thank you very much. Things don't look quite so dark to me now," or some similar expressions.

We could quote at length cases similar to the above, showing the distress of these unfortunate people and the assistance rendered by the Association. This assistance is not always a matter of giving cash. It often means the giving of sympathetic and wise guidance to enable those in trouble and distress to help themselves.

Statistics of the Relief Bureau for the calendar year are as follows:

Families under care January 1, 1929.....	132
New families received during the year.....	160
Old cases reopened.....	16
<hr/>	
Total number of families cared for in 1929.....	308
Visits to homes of families and various agencies.....	704
Persons provided with a substantial Thanksgiving dinner.....	408
Persons provided with a substantial Christmas dinner.....	453
Children provided with toys at Christmas time.....	290
Total cash given to families.....	\$9,190 95
Women referred to hospitals for general examination.....	42
Children referred to hospitals for general examination.....	28
Women referred to dental clinics.....	30
Children referred to dental clinics.....	34
Women referred to eye clinics.....	16
Children referred to eye clinics.....	15
Women referred to mental hygiene clinics.....	6
Children referred to mental hygiene clinics.....	8
Women referred to pre-natal clinics.....	12
Babies referred to baby health stations.....	16
Women referred to cardiac clinics.....	12
Children referred to cardiac clinics.....	10
Women referred to asthma clinics.....	4
Women referred to skin clinics.....	10
Children referred to skin clinics.....	22
Women referred to the Board of Child Welfare, eligible for allowances for their children under the State law.....	56
Women referred to the Department of Public Welfare, eligible for allowances from the Child Welfare Department of the American Legion or the Spanish War Veterans.....	26
Women referred to convalescent homes.....	44
Children referred to convalescent homes.....	26
Children sent away to the country during the summer.....	164
Boys referred to the Boy Scouts.....	64
Girls referred to the Girl Scouts.....	36
Girls referred to the Camp Fire Girls.....	22
Children referred to Settlement Clubs and Classes.....	112
Boys referred to the Boys' Club of New York.....	38

Children referred to Day Nurseries.....	107
Boys and girls referred to Y. M. C. A. and Y. W. C. A. clubs and classes .....	44
Children referred to church clubs.....	30
Women referred to employment agencies.....	134
Boys and girls from 14 to 19 years of age, referred to employment agencies.....	93
Children referred to summer play schools.....	68
Boys referred to the Protestant, Catholic and Jewish Big Brother organizations.....	56
Girls referred to the Protestant, Catholic and Jewish Big Sister organizations.....	39

#### CRIME PREVENTION WORK OF THE RELIEF BUREAU

One of the important phases of the work of the Relief Bureau is that of crime prevention, which is carried on among the children of destitute families. With the experience and example before them of a father who has come into conflict with the law and is in prison, it seems especially important to make every effort to bring all the constructive influence possible to bear upon these children in order to prevent them following in the downward path in which their fathers have trod. Considerable time and attention is given by the Relief Secretary in seeing that these children are brought into contact with all the uplifting influences which exist in the neighborhood in which they live. Effort is made to have these children join settlement classes, boys' clubs, and girl and boy scout units. Earnest attention is also given to arranging for many of these children to go to various camps during the summer. The Prison Association, having no camp of its own, arranges to send the children of the families in its care to camps provided by other organizations, such as the Tribune Fresh Air camps, the Boys' Club camps, the Boy and Girl Scout camps, the camps of the Camp Fire Girls, camps maintained by the various settlements of the city, as well as by religious organizations, private relief societies, and other welfare organizations. Through cooperation with other agencies many children were also sent to private homes in the country, in nearby states, during the summer of 1929. In a number of cases a little extra money was given to the families so that suitable clothing could be purchased for the children to wear during their vacations. The beneficial effect of these vacations was always apparent upon their return, not only because of improved health, but also in the children's bearing, conduct and behavior.

#### FAMILIES LIVING OUTSIDE OF NEW YORK CITY

Wardens of prisons, representatives of the courts, and parole officers referred out of town cases to the Relief Bureau for whatever assistance and guidance could be given. These are cases where the man is held by the authorities of the City of New York

or at one of the State prisons, usually Sing Sing, and his family resides in a neighboring state or in one of the counties outside of Greater New York. The knowledge of procedure and of existing agencies outside of the City of New York often enables the Relief Bureau to bring the families of these men in contact with agencies in or near their places of residence.

The work of the Relief Bureau of the Association continues to improve in efficiency and scope of activity due to its well qualified and experienced personnel. To those who are interested in this phase of the Association's work a cordial invitation is extended to visit the office of the Association and thereby become more familiar with the daily routine.

## CHAPTER VI

## Employment and Relief Bureau for Released Prisoners

The Prison Association through its Employment and Relief Bureau, helps discharged prisoners to carry out any determination which they may have reached, to obey the rules of society. Ex-prisoners in large numbers, from the institutions of this state and other states, come or are referred to the Bureau. They are from all walks of life and their needs are various. Many of them are without relatives or friends to whom they can turn for assistance. They need to be provided with food, shelter and clothing until they can be established in productive employment. Others need only employment. Many need encouragement and advice.

At the present time, the Bureau has a vast number of released prisoners at its very door. Men paroled from institutions of the State report to official State parole bodies with offices in the Association's building, as follows:

<i>Institutions</i>	<i>Number of Parolees</i>
New York State prisons.....	737
New York State Reformatory, Elmira.....	310
Institution for Defective Delinquents, Napanoch.....	62
Prisons of other states and Federal prisons.....	50
<b>Total</b> .....	<b>1,159</b>

These persons when released, are given transportation to the place of their arrest, one suit of clothing, and not more than ten dollars in money by the State. It is next to impossible for many of them to become re-established in New York City without further assistance. The State provides no funds for this purpose. The parole officers in charge of supervising them continuously refer needy cases to our Bureau for help and advice.

The penal institutions of New York city annually discharge many prisoners who are homeless or who have homes in other cities. The following is a list of those discharged in 1929:

<i>Institutions</i>	<i>Type of Sentence</i>	<i>Number of Inmates Discharged</i>
New York County:		
Penitentiary and Workhouse—		
Penitentiary.....	2205	
Workhouse.....	7085	
Reformatory.....	106	
Miscellaneous.....	44	
New York City Reformatory.....		9450
<b>Total</b> .....		<b>4584</b>

Nearly all prisoners who are released following commitments to the Penitentiary or New York City Reformatory, and a very few

released from the Workhouse, are placed on parole to the New York City Parole Commission. Funds are provided by the city to supply inmates released from the Reformatory with a suit of clothes and five dollars in money. Needy persons discharged from the Penitentiary, at the discretion of the authorities, may be given clothing which is purchased by the Commissary Fund Committee of the Department of Correction. During 1929, some twelve hundred suits were supplied.

Prisoners who are penniless upon discharge, are given twenty-five cents from the Commissary Fund as carfare. Although the City of New York expends a vast amount of money annually, to arrest, convict and imprison these thousands of men, it spends practically nothing to assist those not on parole to get a new start following their release. Many of them come to the Bureau to obtain lodging and meal tickets, clothing and advice about employment.

In addition to the vast number of prisoners released from prison, there are many persons placed on probation who need assistance to provide the immediate necessities of life, or who are released by the courts with the provision that they be returned to some distant point at which they have relatives or friends. Requests are often made of the Bureau by probation officers, to supply the necessary funds for these needy probationers.

Another group of persons who have decided problems are those who come to New York City following their release from prisons or by the courts in other states, or from Federal prisons. The hope of such persons is that they may re-establish themselves in a community apart from that in which their legal history is known. Usually they are friendless and penniless. While the Bureau does not encourage released prisoners who are not acquainted in this community to come here, it extends its resources to such men who give evidence of sincerity.

The problem of securing employment for ex-prisoners is the regular task of placement plus the overcoming of serious obstacles. Because of the wide use of the automobile as an aid to escape following the commission of certain crimes the automobile license bureau in New York City has adopted a rule to refuse a license to persons committed for felonies until they have been out of prison for the length of time of their commitment. Released prisoners who apply for positions of trust in firms which wish to be protected by bonds are refused bonds by surety companies. Employment offices of many large firms and corporations will not employ persons who cannot furnish good work records for a long period of time.

On the other hand there are firms and institutions willing to employ a certain number of released prisoners. Personal contact with such firms must be made and care must be used in referring to them persons who are qualified to do the work that is offered. Employers cannot be expected to pay wages to inefficient and

undesirable employees. Ex-prisoners who are tradesmen or laborers, if they are earnestly seeking work generally can compete with other persons in their class of employment. The fact of a prison record alone will not permanently hinder any capable and willing worker from securing profitable employment. However, he must accept a position in which he will be given an opportunity to demonstrate his sincerity before he can expect to be entrusted with responsibility.

Following are typical cases of men who have been helped by the Bureau:

*C. C.*—Following his release from State prison had been employed as a salesman with a merchandising firm. After a few weeks of satisfactory service he was informed by his employer that in accordance with the custom of the firm it would be necessary for them to have him bonded by a surety company. The manager of the surety company called the young man to his office and told him that because of his prison record the company could not supply a bond for him. He was advised by this manager to resign his position in order that he might be able to secure a good reference for the work which he had done. Following his resignation he came to the Bureau much discouraged and in search of employment. Upon being questioned about his employment previous to his commitment to prison, it was disclosed that he had worked for some time with a well known firm. He was encouraged to return to that firm for an interview with the vice-president whom he knew. The result of the interview was that he was re-employed and has since been advanced to a responsible position and placed in charge of his department.

*M. T.*—Whose family had been helped by the Family Relief Bureau of the Prison Association during his imprisonment applied to the Bureau following his release. Work was secured for him with a steamship company which enabled him to earn support for his family.

*R. T.*—A young man from a distant city applied for assistance while awaiting trial in the Tombs City Prison. His defense was referred to the Voluntary Defenders Committee of the Legal Aid Society and he was placed on probation. Following his release work was secured for him with a packing house and funds for his support were supplied until he received his first week's wages.

*D. J.*—Applied to the Bureau following his release after serving eleven years and ten months in the state prison of a neighboring state. His record showed that he had served six terms in state prison in New York State, and one term each in Elmira Reformatory and New York County Penitentiary. He was referred to a city hospital for a minor operation and given clothing and relief until he was able to take a position which was secured for him in a city institution.

#### STATISTICS FOR THE BUREAU

January 1st, 1929 to December 31st, 1929

Number of interviews .....	5,622
Number of men interviewed .....	3,580
Number of women interviewed .....	27
Men placed in employment .....	962
Women placed in employment .....	7
Meals provided .....	5,988
Lodgings provided .....	1,671
Men receiving clothing .....	605

#### EMPLOYMENT AND RELIEF BUREAU FOR RELEASED PRISONERS 53

Men receiving cash relief .....	588
Men referred to hospitals and clinics for treatment...	76
Total amount spent for relief, meals, lodgings, clothing, cash .....	\$4,066 19
Visits to employers .....	142
Visits to men at work and at home .....	88
Men visited in the Tombs City Prison .....	448
Visits to other penal institutions .....	39
Visits to courts, probation bureaus and social agencies .....	274

## CHAPTER VII

## Helping Prisoners in the Tombs

Unconvicted prisoners held in detention prisons awaiting trial need assistance to a greater degree than sentenced prisoners. Because of the lack of friends or funds, the seriousness of the offense or a previous conviction, bail cannot be secured. Facilities for the segregation of those never arrested before from those previously convicted are to a large extent lacking. The method of handling prisoners awaiting trial in detention prisons is much the same as that used in institutions for sentenced prisoners with the exception that the former retain their own clothing and cannot be forced to work. If they are without friends their touch with the outside world is lost. If they are without funds they cannot arrange for their defense. When they appear before the court, as required by law, a lawyer will be appointed by the court for their defense. It sometimes happens for one reason or another that they are held over for months awaiting a place on the court calendar. If the prosecuting attorney has a weak case, he may delay the trial in the hope that the defendant will become tired of waiting and take a plea. At times the presence of important witnesses or arresting officers cannot be secured immediately in the court. A long period of imprisonment is sometimes forced upon a co-defendant in a case in which the other defendants have been released on bail. In the summer months when the courts are on vacation schedule the census of detention prisons is larger than at any other period in the year.

An important work of the Prison Association has always been to give assistance and advice to prisoners awaiting trial in the Tombs City Prison. On the bulletin board on each tier of this prison is posted the following notice to prisoners:

"Don't trust to fellow prisoners. If you are without friends tell your story to the agent of this Association who will advise you as to all your rights without charge. If you have no money to pay for a lawyer the court will assign one to defend you. This will cost you nothing. Tell those who visit you to beware of persons around the court or prison who act as 'stealers' for lawyers. Free advice will be given by the agent of this Association who visits the prison daily.

Address letters as follows:

Agent, Prison Association, City Prison, or  
135 East 15th St., New York."

The cases which follow indicate the kind of appeals which come to the Association:

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## DEFENDANTS FROM OTHER CITIES

S. H. W.—Wrote to us as follows:

"I am being held for something I did not do and would be very thankful to you if you would come to see me in the Tombs Prison. I am 81 years of age and am a very sick man. I don't come from this city and have no friends here whatever. I tried to explain to the judge but he would not let me talk. The man who made the charge against me I do not know at all."

This old man, nearly eighty-two years of age, in failing health, was discovered on the congested third tier of the prison. He said that he made his home in a distant city with his son who had a responsible position with a transportation company. The attention of the prison physician was directed to the man's physical condition with a request that he be transferred to the fifth tier where he could be assigned to better quarters. Clothing was procured for his comfort.

It was learned that the bail had been set at twenty-five thousand dollars and it was stated at the district attorney's office that as the man was wanted by the Federal authorities and by the police of an up-state city, the amount of bail could not be reduced. The son was notified of the father's arrest. He came to New York and with our assistance and that of an attorney from the Voluntary Defenders Committee it was soon established that the man was not wanted except upon the charge of his original commitment. The judge of the Court of General Sessions upon being informed of the circumstances in the case said that twenty-five thousand dollars bail was unreasonably and reduced it to five hundred dollars cash bail. The following day the case was dismissed and the man departed to his home with his son. Both were extremely grateful for our assistance in securing the old man's release.

P. M.—This young man from a distant city requested that his father be notified of his arrest. The father replied that he could secure employment for his son in a paper pulp factory at a distance from any city or town. Because of this promise from the father the young man was permitted to plead guilty to petit larceny and was released on probation with the understanding that he be returned to his home city. He was assisted in securing his railroad ticket, and after his arrival the following letter was received from him:

"My father met me at the station yesterday morning. I will start to work for a paper company at——Island next week and will be there for two years. I want to thank you again for all that you have done for me and want you to be sure that the lesson I had will do me good."

C. H.—This man, an American Indian from a distant reservation, was held on a charge of burglary. After hearing his case the judge of the court stated that the man would be permitted to take a plea to unlawful entry and be released on suspended sentence provided he could be returned to his home. A railway ticket to his home in a western state was given to him. He wrote as follows:

Pawhuska, Oklahoma.

"I am going to sign up for three years to work in Mexico. It is hard work they say, but it is hard work wherever you go. I know I could be somewhere working hard with no pay if it wasn't for your kindness and your assistance. I wish to thank you many times and I will never forget you."



*E. T.*—This boy was co-defendant with another boy on a charge of grand larceny resulting from the attempted theft of an automobile. The complainant, a high type business man, requested that a full investigation of the social and industrial history of the defendants be made. Upon receipt of copies of the investigation he sent one to the presiding judge expressing his willingness that leniency be shown to the defendants. They were given a suspended sentence and placed on probation. This boy was told by the court that he must return to the home of his parents in a nearby city. A railway ticket was purchased for him and a laundry and tailor bill was paid to enable him to secure his clothing. He wrote upon his arrival at home as follows:

"I arrived here Friday night and found my folks at home and everything is all right."

#### DEFENDANTS REQUESTING ASSISTANCE FOR THEIR FAMILIES

*M. D. T.*—This man asked for advice regarding his own defense, and assistance for his wife who was about to be confined. With the assistance of our Family Relief Bureau, arrangements were made for the care of the man's wife both in her home and at a maternity hospital. The Voluntary Defenders Committee consented to look after the man's defense. After being held in the Tombs for more than five months the case was brought to trial and the man was acquitted.

*A. R.*—This man asked for assistance for his wife and baby. As the man had been in the United States Army, an allowance of \$40.00 a month was secured for his family through the Bureau of Relief for Spanish War Veterans.

*P. V.*—This man had been placed on probation following a conviction for bigamy and had been apprehended as a violator. He had in his possession a death certificate showing that his legal wife had recently died. His statement that following her death he had legally married the bigamous wife was verified at the Marriage License Bureau. The probation officer in the case was notified of the change in the man's domestic circumstances, and the following day he was continued on probation. Funds and clothing were supplied to assist the man's family during the period of readjustment following his release.

#### DEFENDANTS WHO REQUEST ASSISTANCE IN THEIR DEFENSE

Defendants generally make more requests for assistance in their defense than for all other reasons. The excellent co-operation which is afforded through the office of the Voluntary Defenders Committee of the Legal Aid Society, makes it possible for valuable assistance to be given to many persons who are held without bail or who are unable to secure bail. If the defendants are found to be worthy and without funds or friends their defense is usually undertaken by this Committee when proper application is made. Some of the appeals which have been received read as follows:

"We are being held for trial for an attempted hold-up. Neither of us have ever been convicted or charged with any crime before and we don't know a thing about legal procedure or even what rights we have. We are both out-of-town boys and have no money and no friends or anyone who might be interested in us. Will you be kind enough to interview us before we go to trial?"

(Signed—S. E. H. & G. M.)

An attorney was secured for these boys and the case against them was dismissed. One of them returned home with his father. A ticket was given to the other to his home in the middle west.

"I am taking the liberty to write to you for advice and counsel. The charge against me is serious and I have not enough money to employ my own lawyer. I shall be very grateful for anything that you may do for me.

(Signed—B. W. D.)

"Will you call to see me? I am in trouble and have no friends and no money to get a lawyer."

(Signed—M. E.)

"I am detained in the Tombs City Prison and since I was unable to communicate with any of my friends I respectfully ask you to advise me because I am to appear in court shortly."

(Signed—T. F.)

"I wish to interview you about my case. I am sick and have no friends and no funds to employ a lawyer."

(Signed—N. N.)

"When I went up before General Sessions Court last Thursday and found that your assistant had placed a most capable lawyer in charge of my case I felt like a new man."

(Signed—L. K.)

#### REQUESTS FROM DEFENDANTS TO LOOK FOR THEIR PROPERTY

##### (1) *Property taken from them by police officers:*

Many requests come from persons awaiting trial for assistance in locating money, valuables or other property which was taken from them by police officers at the time of their arrest on the ground that it is to be held as evidence at the time of their trial. This subject is dealt with at length elsewhere in this report. (See page 61.)

##### (2) *Personal property left in hotels, parcel rooms and elsewhere:*

*H. J.*—Had recently arrived in the city. In response to a request from him his baggage was secured from the parcel room of the Pennsylvania Station and retained until his release following a Workhouse sentence.

*S. R.*—Upon receipt of a request from this man wages due him were secured from a city institution, and personal property which he had left in a hotel room was obtained and will be kept for him until his release from the penitentiary.

#### DEFENDANTS HELD FOR SEVERAL MONTHS AWAITING TRIAL

The trials of some defendants are delayed for many months. Some of these persons, when their cases are finally tried, are acquitted. They become restless, and because of this enforced imprisonment make constant appeals for knowledge as to why their cases are not called before the court. It is necessary to remind the assistant district attorneys from time to time that these persons have not been called for trial. At times they seem to be forgotten.

*M. J.*—This man was returned to the court for trial following a commitment to the Matewan State Hospital. He was held in the Tombs City Prison. A motion to dismiss the charge against the man was denied by the presiding judge but the case was not called for trial. Finally after seven months the motion for dismissal was renewed and the man was released.

*M. B.*—Was one of three men arrested on a robbery charge. The other two were released on bail and as is often the case in bail cases the trial was delayed. This man was held in prison awaiting trial for six months after which time he was acquitted.

*J. A.*—Was arrested on a charge of felonious assault. At various times over a period of several weeks he was offered a plea to a lesser degree of crime to that charged in the indictment which he refused to take. Finally the case was brought to trial and the man was acquitted.

*E. M.*—Was held on a murder charge. He could neither speak nor understand English. Three attorneys were appointed by the State for his defense. When the man was brought to trial after having been held for more than five months, he was acquitted.

## CHAPTER VIII

### Counsels and Defendants

Complaints were made to the Prison Association by two different defendants who were arrested within a period of three months concerning the methods employed by a certain attorney. The defendants were taken to the same police station and each was advised by a police officer to employ the same attorney. In one case it is reported that the attorney secured a note from the defendant to the defendant's wife requesting her to pay the attorney twenty-five dollars. The attorney met the woman at the district magistrates' court and took her in his car to the bank to secure twenty-five dollars. During the journey he told her that he must have more than twenty-five dollars for the man's defense. By the time the attorney had returned to the District Court the defendant's case had been postponed until the following day. The continuous requests of the attorney for more money caused the defendant's wife to lose confidence in him. She came to the office of the Prison Association, told her story and requested that assistance be given in the defense of her husband. An attorney was interviewed who consented to defend the case without charge if his services were needed. The following day the complainant withdrew the charge against the defendant and he was dismissed. The attorney who had received the twenty-five dollars claimed that that amount was the initial payment of his fee of \$250.00.

In the other case the attorney and his assistant gained the confidence of the defendant to the degree that he permitted them to obtain his savings bank book and a sum of money from his trunk. The attorney received about \$165.00 of which he claimed that he paid thirty dollars to a surety company for a bail bond. The bank book of the defendant containing a balance of some \$285.00 was accepted as surety for a \$1000.00 bail bond. After the defendant had been released on bail for less than two weeks on the pretense of a technical mistake which easily could have been corrected if the surety company had been acting in good faith, the defendant was committed to prison on a bench warrant where he remained awaiting trial for five weeks.

The attorney appeared for the defendant at one session of the magistrates' court and refused to act for him in the higher court unless he received a further fee. The methods employed by the attorney and the surety company which he had recommended caused the defendant to doubt that the attorney would use his best efforts in his defense. Therefore he made an appeal for assistance and another lawyer was secured in his case.

The attorney was informed of the nature of the complaints which had been made against him and that there was a possi-

bility that his methods would be reported to the Bar Association. At his request a personal interview was arranged at which he admitted the truth of the circumstances of the cases as stated above and said that he did not wish to be the subject of an investigation. On his promise to discontinue these practices and with the warning that he would be watched, the matter was not pressed at the time. The methods of practice of the attorney were criticized for the following reasons:

(1) He had connections with officers of a police precinct which enabled him to secure clients directly from the police. This type of business is on par with that secured through ambulance chasers and bail bond runners.

(2) He appeared to antagonize his clients to the extent that they lost confidence in him and were unable to give him the cooperation necessary for him to act in their defense. It is evident that the attorney's chief interest in these clients was to secure money from them.

(3) He referred one of the clients to a surety company which gave him a one thousand dollar bail bond on a bank book containing a balance of less than one-third of the amount of the bond as security, and on a technical excuse the bonding company surrendered the defendant to prison. This type of bail bond business is in bad repute among members of the Bar, the press, and other interested individuals and organizations.

## CHAPTER IX

### Property Taken From Arrested Persons By the Police

The Prison Association frequently receives requests from persons in prison to locate money, valuables and other property which was taken from them at the time of their arrest by police officers. The rules and regulations of the Police Department, Nos. 65 to 69, issued June 30th, 1929, state that a desk officer shall cause property to be removed from the possession of a prisoner in certain cases and shall without unnecessary delay furnish the prisoner an itemized receipt therefor. The regulation requires that the property be listed in the police Blotter or Arrest Record, and charges the desk officer with responsibility for the disposition of such property. Property which is thought to belong to the arrested person may be returned to him at the Police Station or delivered to the prison keeper where he is held. In either case receipt will be taken and filed at the Station House in Receipt Book. Any property required as evidence shall be delivered to the Property Clerk.

It is to be noted that the rules and regulations specifically name certain books—Blotter, Arrest Record, and Receipt Book for recording property returned to prisoners—in which proper entries are to be made. Although the rule charges the desk officer to furnish the prisoner an itemized receipt for property taken from him, no book is named from which such receipt shall be issued. In fact in a thorough investigation which included the questioning of experienced officers of several precincts and a visit to the supply office of the Police Department, the Prison Association has been unable to discover that there exist a prescribed receipt form in the Department on which receipts may be given to arrested persons from whom property is taken. Further, it was disclosed that the giving of a receipt to arrested persons from whom property is taken by police officers is not the general practice of the Department.

Repeated search for property which prisoners state has been taken from them by police officers leads to the belief that laxness in the enforcement of the rule that a receipt be given to arrested persons from whom property is taken and that the property be listed on the Blotter or the Arrest Record, causes irregularities in the handling of such property by the police. Property of value which is taken at times cannot be traced causing its loss to persons who are arrested. The following are some of the cases in which a search for such property has been made:

*M. M. & F. G.*—while held in the Tombs City Prison as co-defendants, requested that the sum of \$53.00 and two watches which had been taken from them at the time of their arrest be located. The desk lieutenant at the station house said that he had personally booked the prisoners and

that the Arrest Record indicated that jewelry and clothing had been taken from them but did not indicate what money had been taken. Three days later the detective who had made the arrest said by telephone that he had found a note on his desk which stated that the money and two watches which had been taken from the prisoners should be in the Property Clerk's office and not in the officer's pocket. The money and two watches were received by the Property Clerk ten days after the arrest had been made.

It is possible that the property might not have been deposited with the Property Clerk if the Prison Association had not been requested by the prisoners to locate it. The prisoners stated that they had received no receipt from the officer who took the valuables from them. The desk lieutenant said that whenever a receipt is given to a prisoner from whom property is taken, it is necessary to write it upon a blank piece of paper as no official receipt form is provided by the Police Department for that purpose.

*B. L.*—wrote a letter to the Prison Association while being held for trial in the Tombs City Prison requesting that a search be made for two suit cases, a cabin trunk and a sum of money which were taken from him at the time of his arrest. The desk lieutenant at the station house said that the Arrest Record showed \$184 had been taken from the man at the time of his arrest. The arresting officer stated that the suit cases were in his office and that the trunk was at a railroad station. The suit cases and contents were later deposited in the Property Clerk's office but no entry of such property was made on the arrest record at the station house.

This type of procedure made the responsibility largely a personal matter with the arresting officer who had the property in his custody until it was deposited in the Property Clerk's office, instead of a proper transaction of the Police Department.

*P. M.*—asked that an Elgin watch which was taken from him by the arresting officer at the time of his arrest be located. Information was received at the police station that the Arrest Record showed that the watch had been taken from the prisoner. No record could be found of the watch at the Property Clerk's office. About seven weeks after the man's arrest he was released on suspended sentence, and after going repeatedly to the station house he was unable to secure his property. Finally he went there with his probation officer and the detective who had made the arrest produced the watch from among his personal effects.

In this case the desk officer, who according to regulation is responsible for the property, had failed to deposit it with the property clerk.

*L. A.*—while awaiting trial in the Tombs City Prison said that previous to his arrest an envelope containing one hundred dollars which he had left with his brother had been given to the arresting officers. Information was secured from the desk officer at the station house that the Arrest Record did not indicate that money or property belonging to the man had been taken by the arresting officers. When the officers were questioned they admitted that the money had been taken and said that it was on deposit to the man's credit at the Property Clerk's office. Inquiry at that office disclosed that no money had been deposited to the man's credit.

During the trial of a co-defendant the complainant was interviewed. He stated that his company had been covered for their financial loss by indemnity insurance. As the investigator turned from the interview one of the detectives who had been standing with his partner nearby asked him if he was still looking for the hundred dollars and upon being assured that such was the case, he said, "Here it is," and pulled a roll of bills from his pocket. The detectives admitted that they had been bluffing in their former statement that the money had been deposited in the Property Clerk's office. They said that when the case was settled that it was their intention to pay the money to the insurance company or to the complainant.

Some weeks later the complainant reported that his company had been fully reimbursed for their loss in the robbery by the insurance company,

and that he had no knowledge of what was done with the hundred dollars. Several months later the adjuster for the insurance company stated that his company had not received the hundred dollars. However, the detectives said that the money had been turned over to the complainant.

Whatever became of the money in this case, it was not handled as a proper transaction of the Police Department, but as the personal business of the detectives.

The Prison Association has brought the lax methods employed in the handling of money, valuables and other property taken from arrested persons by police officers to the attention of the Police Department by letter and has discussed the matter in former reports. (See page 69—Report 1928). The disappearances of such property which is held in the personal charge of individual officers instead of being placed in the custody of the Property Clerk, exposes them to criticism and accusation. The Police Department should provide a printed business like form on which receipts can be given to arrested persons from whom property is taken, and enforce the rules which have been adopted to regulate the procedure.

## CHAPTER X

### Fees Charged By Court Stenographers of Magistrates' Courts For Minutes of Court Proceedings

The taxpayers of the City of New York pay the court stenographers of the various magistrates' courts thousands of dollars annually in salaries to take shorthand reports of the proceedings of cases which are held in these courts. No transcription of these proceedings is made unless a request is received for them from the district attorney's office, the defendants or others. In all cases in which transcribed testimony is ordered it has been the practice of the court stenographers to charge a fee.

The right of the court stenographer to charge a fee is recognized in Chapter 199, Laws of 1921, (Section 1544, Civil Practice Act), which states that "unless otherwise agreed upon.....a stenographer is entitled for a copy fully written out from his stenographic notes and furnished upon request to a party or his attorney, to a fee of *ten cents for each folio*."

A decision by Supreme Court Justice Hammer, Special Term, Part 6, July 2, 1927, in the case of Kemp vs. the City of New York, fixed the fee of ten cents per folio for each of three copies of proceeding delivered by Stenographer Kemp to three separate city departments. It is the general practice of the City of New York to pay for transcription of proceedings at the rate of ten cents per folio as established by law.

By the laws of 1929, Chapter 210, it is established that when the defendant is held by a magistrate to answer a felony charge the official stenographer shall furnish stenographic minutes in the case to the district attorney of the county, and that upon the request of the district attorney minutes shall be furnished in felony cases when the defendant is not held to answer. This law which was to take effect July 1st, 1929, has not yet become operative in the Borough of Manhattan.

When proceedings of cases are ordered by individuals or organizations not connected with the City of New York, it is the practice of some court stenographers of the Magistrates' Courts to charge exorbitant fees for the minutes. It would seem that they consider it their right as officers of the court to withhold the information which is in their possession from the use of defendants and other persons whom it most concerns, until their financial terms are met. Instead of charging for the minutes of proceedings at a folio rate, they charge at a rate per page. As most of the testimony is in the form of questions and answers, the page rate amounts to a total far in excess of the folio rate which is paid by the City of New York.

The minutes of proceedings recently ordered by the Prison Association were charged for by a certain stenographer at the

rate of about one dollar per page or sixty-seven cents per folio. Upon objection being made that the fee was excessive, the rate was reduced to forty cents per page. In another case the bill rendered was fifty dollars for 101 pages, about thirty-three cents per folio. Forty dollars was finally accepted as the fee, at a rate of about twenty-seven cents per folio.

Complaints have come to the Prison Association from other sources about the exorbitant fees charged for stenographic minutes. An attorney was charged \$175.00 for the minutes of a case covering 185 pages—a folio rate of seventy cents. He gave the stenographer a check for one hundred dollars, at a rate of forty cents per folio, and refused to pay more.

A certain court stenographer of the Magistrates' Court told the wife of a defendant in poor circumstances that she must pay ten dollars for two copies of Magistrates' Court proceedings. When he was asked by a person experienced in the methods of court procedure why he had insisted that the woman pay for two copies, when one was sufficient, he consented to supply one copy of the minutes in the case for five dollars.

Other court stenographers upon being told that the fee which they had quoted for certain minutes was excessive have consented to accept one-half of the amount. Certain stenographers of these courts when interviewed frankly admitted that it was their policy to charge a much higher fee for the minutes of proceedings to defendants than is allowed for work done for the district attorney's office or other city departments. They also admitted that the charges by the various court stenographers is not uniform but is fixed by the individual stenographer who has the proceedings in his possession.

It is clear that charges for services of this kind should be uniform and should be regulated and supervised by some central authority to curb what seems to be exploitation.

## CHAPTER XI

## Department of Correction—New York City

RICHARD C. PATTERSON, JR., COMMISSIONER

This Department has jurisdiction over prisoners held awaiting action of the Grand Jury or trial in detention prisons in New York, Kings and Queens counties, and over prisoners sentenced to certain penal institutions which receive persons only from the courts of Greater New York. All these institutions are named below and have been described in former reports of this Association. (See report for 1927—page 55, and others.)

## PERSONNEL

Each of the institutions is administered by a warden or superintendent and a staff of keepers and matrons who are in the competitive class of the Civil Service. The present staff consist of 19 headkeepers, 466 keepers and 76 matrons. For a number of years the Prison Association and other organizations have supported the Department of Correction in its efforts to have the salaries of prison keepers fixed on the basis of a higher minimum with a definite increase to a maximum after a stated number of years in the employ of the Department. This has not been granted by the fiscal authorities of the city. However, the minimum salary for keepers and matrons has been raised from \$1500 to \$1769. Prison keepers who were in the service before July 1st, 1929, along with other city employees, received an increase in salary as of September 1, 1929. At present about 70 per cent of the keepers receive an annual salary of \$1920, while 8 per cent receive the maximum of \$2220. The morale of the Department would be improved by a salary plan that would provide fixed increases to a maximum at the end of five years service as is the rule for policemen and firemen of the City, and for guards in state prisons. All new keepers who come into the Department are trained in the Keepers' School which is operated in conjunction with the training school of the Police Department.

As is shown below the inmate census of the Department is increasing rapidly. This necessitates the appointment of additional keepers and matrons.

## DIVISION OF AUTHORITY

For a number of years the Prison Association has held that the Bronx and Richmond County Jails, and the transportation and the custody of certain prisoners should be transferred from the jurisdiction of the sheriffs of the various counties to the jurisdiction of the Department of Correction. A communication on this subject from the Prison Association appeared on the calendar of the Board of Estimate and Apportionment on March

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5th, 1928, as item No. 135, at which time it was referred to the Commissioner of Correction for report. The report follows:—

January 28, 1929.

The Board of Estimate and Apportionment referred to the Commissioner of Correction for report and recommendation a communication from the Prison Association of New York, which appeared as item No. 135 on the calendar of the Board of Estimate and Apportionment of March 8, 1928, relative to the custody and transportation of prisoners.

In reply we are of the opinion that the entire custodial care and transportation of prisoners in all boroughs should be consolidated under the jurisdiction of the Department of Correction; for the reason that in no two boroughs is this conducted in the same manner, and this divided authority causes much duplication and unnecessary expense to the City.

1. It is therefore recommended that all county jails now under the jurisdiction of the Department of Correction, be thus transferred as has long since been done in the cases of the Counties of New York, Kings, and Queens, which has resulted in a more efficient administration of these jails, as well as making large savings to the public treasury through the reduction of cost in maintaining these jails.

2. That the custody of all civil prisoners be transferred from the Sheriffs of the various counties to the Department of Correction. In New York County the material witnesses are held under the custody of the Department of Correction, while in the other counties these prisoners are under the Sheriff. In the interests of efficiency and economy, civil prisoners, such as alimony, contempt of court, national guard cases, as well as material witnesses should be under the Department of Correction.

3. That the transportation of all prisoners be transferred to the Department of Correction. In Manhattan we transport prisoners charged with felonies and misdemeanors to the Magistrates' Courts and back to the prisons and transport misdemeanants only to the penitentiary and workhouse, while the Sheriff transports the felons. In Kings County we transport all criminal cases taken to and from the prisons. In the daily transportation of hundreds of prisoners to and from the prisons, to the courts and our island institutions, it is not unusual to see a Sheriff's van with one prisoner, (felon), proceeding to our island institutions, while just behind are vans of the Department of Correction transporting a large number of prisoners over the same route to the same destination.

4. That all court pens and the custody of prisoners while in courts be placed under the jurisdiction of the Department of Correction. At the present time the Department of Correction, the Sheriff and Court Attendants are walking over

one another looking after a prisoner, all three dividing the responsibility from the time a prisoner is committed by the Magistrate. Much space could be saved by this simple consolidation, the responsibility fixed and petty graft reduced to a minimum. It is of interest to know that in some courts we have pens for the Department of Correction, pens for the court and pens for the Sheriff making three different custodial agencies. This spells inefficiency and loss of money to the City.

5. In referring this matter to the Commissioner of Correction, the Committee of the Whole recommended that the Commissioner of Correction confer with the Bill Drafting Commissioner to draft the necessary legislation. This has been done and from information furnished by this Department, the Bill Drafting Commissioner is at present engaged in drafting the necessary legislation, which will embrace amendments to existing laws, as well as transferring the necessary personnel from the various departments, bureaus, etc., to the Department of Correction, so that if the recommendations are accepted it may function in a proper manner.

(Signed) R. C. PATTERSON, JR., COMMISSIONER.

The Department of Correction, in cooperation with the Prison Association and other organizations had necessary bills drawn to effect the transfer of the custody and transportation of prisoners from the jurisdiction of the sheriffs of the various counties to the jurisdiction of the Department of Correction, as recommended in the above report, and actively worked for their passage by the legislature. However, the necessary legislation was not passed at the 1929 legislative session.

#### INMATE CENSUS

The number of prisoners held in the various institutions of the Department on a recent date follows:—

<i>Detention Prisons</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Tombs City Prison, Manhattan.....	773		773
Harlem Prison.....		122	122
53rd St. Jail.....	105		105
City Prison, Brooklyn.....	473	71	544
City Prison, Queens.....	141	23	164

#### *Penal Institutions*

N. Y. County Penitentiary and Workhouse.....	1567		1567
Correction Hospital, Welfare Island....	330	429	759
Reformatory Prison, Hart's Island....	872		872
Municipal Farm, Riker's Island.....	447		447
N. Y. City Reformatory, New Hampton	347		347
Women's Farm Colony, Greycourt.....	28	84	112

Grand Total 5083 729 5812

The average daily census of all institutions under the jurisdiction of the Department of Correction for the past twenty years indicates that the highest average daily census of 6416 was reached in 1915. This gradually declined to the lowest daily average of 2997 in 1920 since which year it has increased with fluctuations until it is approaching the high daily average of 15 years ago. The daily average for the past 20 years follows:

Year	Average Daily Census		Average Daily Census		Average Daily Census		Average Daily Census	
	Year	1915	Year	1920	Year	1925	Year	1926
1910.....	3872	1915	6416	1920	2997	1925	4560	
1911.....	4165	1916	5079	1921	3732	1926	4734	
1912.....	4409	1917	5176	1922	4218	1927	4889	
1913.....	4731	1918	4202	1923	3820	1928	5126	
1914.....	5638	1919	3567	1924	4158	1929	5305	

These figures are given for what they are worth. It will be remembered that the years 1914 and 1915 were years of unemployment followed by years of prosperity when there were jobs for everyone until 1921. It is possible that there is some connection between prison commitments and unemployment especially among the type of persons committed to the New York City Workhouse.

The following is an analysis prepared by the Department of Correction:

"During the calendar year 1928, 10,809 prisoners (during 1929, 10,372) were received at the New York County Penitentiary on Welfare Island, which is the main penitentiary of the Department of Correction from which we distribute to other institutions. Of that number six thousand, two hundred and forty-five were so physically and mentally incapacitated at the time of their reception that they couldn't be put to work. This six thousand, two hundred and forty-five was composed of one hundred seventy-seven homo-sexuals; fifteen hundred and sixty-nine chronic alcoholics; three hundred and seventeen who needed immediate mental observation; one hundred and forty-six who had to go immediately into the tuberculosis hospital; three hundred and thirty-seven who were in advanced stages of senility; twelve hundred and fifty-six drug addicts; thirty-three epileptics; thirty-eight partially or totally blind; nineteen deaf and dumb, and several suffering from fractures. Altogether sixty per cent of the men who came to the institution were physically and mentally incapacitated. The year before it was sixty-seven per cent; the years before that ranging between sixty and seventy per cent."

The organization of a clinic to make a study of some 2000 cases as they come to this institution has been proposed by the Department with the support of the Prison Association and other organizations. It is held that the proposed survey would show how many types of abnormal and subnormal persons pass through the present system each year and whether the number is large enough to justify the building of a special institution for their permanent care. By removing the large number of persons who are constantly appearing before the courts to one or more insti-

tutions especially equipped and holding those committed in custodial care for life if necessary would save the large expense of their repeated arrests, and the consequences of their anti-social conduct. By the efficient working of such a system the penitentiary and other institutions of the department would cease to function as a dumping ground for the city's moral and physical misfits and could enter upon a broad plan of treatment of the residue of more hopeful types of inmates.

#### CLASSIFICATION AND SEGREGATION

The law requires that minors awaiting trial must be segregated from other prisoners. In the Tombs City Prison, the North Annex—a building apart from the main Prison with seventy cells—is used for minors arrested as first offenders, and the sixth tier of the main Prison with 40 cells, is reserved for minors who have been previously convicted and for those who are sentenced and are awaiting transfer. Also certain sections or tiers are reserved for minors in the Brooklyn City Prison, the Queens City Prison and the Harlem Prison which is now used for women.

The *New York City Reformatory for Misdemeanants* between the ages of 16 and 30, convicted for the first time, should provide proper segregation for the imprisonment of young men apart from prisoners who are convicted for more serious offenses or who have been previously convicted.

The Prison Association and other organizations were active in the movement which led to the establishment of an institution in the Department for such youthful offenders. It was with regret that it learned in the latter part of 1929, that some 15 per cent. of the inmates sentenced to this institution by the courts had either been previously sentenced to penal institutions or were sentenced following felony convictions on such serious charges as grand larceny in the first and second degrees, rape second degree, and burglary third degree. Such prisoners should be sentenced to other institutions in accordance with the law. The law which establishes the class of prisoners who should be sentenced to the New York City Reformatory, is very definite on the point that the institution is intended for *misdemeanants sentenced as first offenders*. In the hope that this abuse by the courts might be discontinued, the matter was brought to the attention of the Commissioner of Correction. Following is the correspondence on the subject.

December 11, 1929.

DEAR COMMISSIONER PATTERSON:

While examining and discussing the cases of certain inmates sentenced to the New York City Reformatory for Misdemeanants with Warden Adams, our Mr. Dayton on a recent visit to that institution noted that some of the inmates had been previously convicted and sentenced to institutions and that others are serving sentences following convictions for felonies. More careful study

of the past legal history of the inmates disclosed that the list of prisoners who fall under one or the other of the above classifications is long, including about fifteen per cent of the total number. It appears to us that the practice of the courts in sentencing some young men to this institution who are not first offenders or who are sentenced as felons is contrary to the law—Chapter 659, Laws of 1910, Section 93, which legally establishes offenses for which persons may be sent to the institution.

"After January 1st, 1905, any male person between the ages of sixteen and thirty who after conviction by any magistrate or any court of or in the City of New York, of any charge, offense, misdemeanor or crime, other than a felony, as a first offense, shall in the discretion of such magistrate or court be a proper subject for reformatory treatment, may be committed to the said New York City reformatory for misdemeanants \* \* \*".

It would seem that first offender misdemeanants sentenced to this institution would not be helped by association with men convicted of more serious offenses or those who have had prison experience. Perhaps the clause in Chapter 579, Laws of 1915, Section 7, allowing for transfer from one institution to another would give the authority to relieve the present situation, and a word to the courts calling attention to the large number of men sentenced to the institution who do not legally belong there would put a stop to the present practice.

The enclosed list gives the information which we have about this matter.

Don't you think that the commitments to New Hampton should be in accord with the provisions of the law above quoted so that first offender misdemeanants will be together in one institution and get the benefit of the reformatory type of treatment which is better at New Hampton than at other institutions in the department. The census at New Hampton yesterday was 349, and about 50 represent the number who are not in the class provided for in the above quoted section of the law.

(Signed) E. R. CASS,  
General Secretary.

December 13, 1929.

DEAR MR. CASS:

I have your letter dated December 11th enclosing a memorandum of prisoners convicted and sentenced to an indeterminate term in the New York City Reformatory for Misdemeanants, New Hampton, on a felony charge.

The same question was raised in the early part of March of this year and Commissioner Tudor took it up with several of the County Judges and the Judges of the Court of General Sessions, particularly Judge Barrett and Judge Levine. We will again discuss this subject with the County Judges, the Judges of the Court of General Sessions and the Judges of the Court of Special



Sessions and try to induce them to refrain from making similar commitments in the future.

Section 93 of Chapter 659 of the Laws of 1910 is undoubtedly clear, but whenever the Courts make a wrong commitment to the Reformatory, we can, upon request and recommendation of the Warden, effect their transfer to other institutions in the department in the manner indicated by Section 7 of Chapter 579 of the Laws of 1915.

While we are anxious to maintain and continue the institution as a reformatory in the manner provided by Section 93, we are nevertheless, of the opinion that it is unwise to draw the line too closely. In other words, when we learn of instances where a prisoner is sentenced to the Penitentiary, Welfare Island, on a trivial felony charge, and we believe there is a chance to reform or correct him in the reformatory, we ought to continue to exercise our right to effect his transfer. This is one of the chief reasons for attempting to enlarge the housing facilities at the Reformatory.

I want to thank you for bringing this to my attention and your kind interest in the matter.

(Signed) R. C. PATTERSON, JR.,  
*Commissioner.*

December 17, 1929.

DEAR COMMISSIONER PATTERSON:

Thank you for the reply of the 13th instant to my letter of the 11th relating to certain commitments to the New York City Reformatory for Misdemeanants. I know that the question was previously raised and apparently there has not resulted the desired effect. It seems to me that the kind of case that is intended for the New York City Reformatory is clearly defined in the law. It is also clear to me that the law provides the power of transfer by the Commissioner of Correction in certain cases.

However, I firmly believe that in the first instance the judges should observe the law and commit to the New York City Reformatory in accordance with it, and that in the event that there are exceptional cases the power of transfer given the Commissioner of Correction should be exercised.

If a judge is anxious to have a prisoner sent to the Reformatory, but is at the same time desirous of observing the law, it would be possible for him, subsequent to commitment, to communicate with the Commissioner of Correction and ask that he consider, for reasons stated in writing, the transfer of the prisoner to the Reformatory.

I think you will agree with me that it is incumbent upon the judges to observe the statute. It is the too frequent practice of exceptions that often makes for the beginning of a breakdown.

I trust that you, with your usual courage and vigor, will keep the matter before you.

(Signed) E. R. CASS,  
*General Secretary.*

December 20, 1929.

DEAR MR. CASS:

In response to your December 17th letter I quite concur that it is incumbent upon all judges to observe the statute with reference to committing misdemeanants to the New York City Reformatory. Only in rare cases should this statute be not observed and then it should be discussed with the Commissioner of Correction.

(Signed) R. C. PATTERSON, JR.,  
*Commissioner.*

A more recent communication from the office of Commissioner Patterson gives assurance that it is his desire to use the New York City Reformatory only for young men sentenced for misdemeanors as a first offense as is provided in the law. An attempt will be made to have discontinued by the courts the present practice of committing men convicted of felonies or as second offenders to the institution. The present equipment of the other penal institutions of the Department does not afford adequate space for a complete segregation of inmates. However, an effort is made to separate young prisoners from those who are older, and colored prisoners are housed in certain sections of the prisons apart from white prisoners. The Women's Farm Colony at Greycourt receives only white prisoners who are not in need of special medical treatment. Of course, a certain segregation of prisoners requiring medical treatment for contagious or infectious diseases and tuberculosis, or observation for mental disturbances is necessary.

#### MEDICAL SERVICE

During the past year, the main hospital unit of the Department has been consolidated at Correction Hospital. The north wing, and certain wards of the institution which were formerly used for activities of women inmates, have been equipped for use as a hospital for males. Women requiring medical treatment and all colored women are housed in the south wing. All inmates of the Department requiring major surgical operations or treatment for serious sickness, are transferred to this unit. Hospitals or dispensaries in charge of resident or visiting physicians are maintained at each of the other institutions for the treatment of inmates suffering from minor ills or diseases requiring less constant medical attention. Male inmates suffering from tuberculosis are still housed in a building on Hart's Island, which was originally built for a storehouse and affords no privacy or segregation for those in the advanced stages of the disease. A better place should be provided for these patients.

#### RELIGIOUS SERVICES

Chaplains of the Catholic, Protestant and Jewish faiths, or clergymen from nearby churches provide weekly religious services at each of the institutions, and give opportunity for personal interviews with the inmates.

## NEW CONSTRUCTION AND IMPROVEMENTS

The Prison Association, in cooperation with other organizations and the Department of Correction, has worked for the construction of a Women's House of Detention and Hospital in Manhattan, a new Penitentiary at Riker's Island, and for additional construction at New York City Reformatory for Misdemeanants and the Women's Farm Colony, as well as for a new Detention Prison in Manhattan to replace the Tombs City Prison. Since the appointment of Commissioner Patterson in August, 1927, much progress has been made toward the realization of this program.

Architectural plans have been completed and contracts have been let for the construction of a Women's House of Detention and Hospital on the site of the old Jefferson Market Prison for Women. On October 31, 1929, a ground-breaking ceremony, with Mayor Walker as speaker, was attended by city officials and members of many organizations who had worked for a long period of time toward the realization of the institution.

Appropriations have been made by the fiscal authorities of the city, to permit the construction of another dormitory and a building to provide space for an assembly hall and a kitchen and mess hall at the New York City Reformatory for Misdemeanants, and for additional wings at the Women's Farm Colony. Contracts have already been advertised for a part of this construction. An amendment to the New York City charter was made by the 1929 Legislature permitting the use of the proceeds from the sale of serial bonds and corporate stock, for the construction of a new industrial penitentiary on Riker's Island. An initial appropriation for the first year of a three-year building program has been approved.

Appropriations have been approved toward this building program by the Board of Estimate and Apportionment, as follows:

The Women's House of Detention and Hospital.....	\$1,810,000
New York City Reformatory for Misdemeanants..	880,000
Women's Farm Colony.....	247,000
New York County Penitentiary at Riker's Island..	3,325,000

The replacement of the Tombs and the other district prisons in Manhattan is at present tied up to the proposal for the centralization of the Magistrates Courts in that Borough. (See page 33.)

Many improvements have been made in certain institutions of the Department. Harlem Prison, in which women awaiting trial have been detained since about June 1, 1929, has been overhauled throughout. Sanitary and plumbing fixtures which were removed from the Jefferson Market Prison, have been installed in the cells, and telephone connections have been installed between the various tiers and the office of the institution. The main entrance has been enlarged and arranged so that the automobile transports of the Department of Correction may receive and discharge prisoners with safety, apart from the public view. The Detention Prison at 153 East 57th Street, New York City, has been remodeled to pro-

vide overnight detention for any overflow of women prisoners from the Harlem Prison. Fortunately it is not often necessary to use this prison for that purpose as it is partially a sub-basement. An appropriation of \$6,000 has been approved for the construction of a new freight elevator in the Tombs. A large quantity of rock and earth from subway construction has been transported in scows to Riker's Island where it has been distributed by prisoners to strengthen the sea walls of the island. Building Number 4, at Hart's Island, has been completed and is occupied by the old men who were formerly housed in wooden shacks. Ferry boats have been provided for both Riker's Island and Hart's Island, making it possible to transport material to these island institutions without reloading. A new sewage disposal plant is in the process of construction at New York City Reformatory for misdemeanants, and grading and paving which were included in the original plan for that institution, is being continued. The appearance of the grounds about this institution has been greatly improved in recent years. The inmates have cleared a plot of some fifty acres of woodland, so that it is available as farmland. A garage and tool shed has been constructed at the Women's Farm Colony, and a project for draining a large tract of valuable land has been started.

## EMPLOYMENT

The administration of many of the institutions of the Department is made more difficult by the fact that it is not possible to assign all the inmates to definite or nearly full time employment. The law does not permit that prisoners held for trial be required to work. The physical equipment of the male detention prisons of the Department does not afford space adequately protected in which prisoners may exercise in the open air. With present conditions of overcrowding and the increased problem of ventilation, persons thrown together and held in enforced idleness, frequently for long periods, cannot do otherwise than deteriorate physically, mentally and morally.

Three institutions, Municipal Farms, Reformatory Prison and the New York City Reformatory for Misdemeanants, to a certain extent, in fair weather can provide adequate outdoor employment for the inmates. At Reformatory Prison, some two hundred inmates are engaged in the shops in the manufacture of clothing, shoes, beds, brooms, benches and other articles used by the institutions of the Department of Correction and other City Departments. The printing shop does the printing for the Department of Correction. The New York City Reformatory for Misdemeanants is largely a farm institution. Certain small groups obtain practice in the plumbing, electrical, tailoring, carpenter and paint shops from which the necessary repair work of the institution is done, and two other groups attend daily a class in woodworking or school of letters. But most of these youthful offenders are assigned either to farm work or to laboring work and receive no other instruction. The first purpose of an institution for this type

of offender, should be to provide a certain educational training for the mind of each inmate. Every prisoner should spend a part of each day in receiving definite instruction and in study.

At the penitentiary and at Correction Hospital on Welfare Island there is practically no work for inmates except that which is necessary for the maintenance and up-keep of the institutions. It is not possible to do reformative work for prisoners under such conditions. It is hoped that with the completion of the proposed industrial penitentiary at Riker's Island, such conditions of enforced idleness will be done away with and that there will be employment at productive industry for every inmate who is not needed for institutional maintenance work.

## CHAPTER XII

### Drug Addiction

The only way that a drug addict can secure public treatment in New York City is through a voluntary or forced commitment to the New York City Workhouse by a magistrate. Under the Department of Correction at Correction Hospital he is subjected either to the reduction treatment or the abrupt withdrawal treatment for his addiction. Experience over a period of years has taught that many addicts pass through this treatment frequently.

The analysis (see page 69) of the inmates at the penitentiary in 1928 shows that 1256 or 11½ per cent. of the commitments were for drug addiction. Soon after Commissioner Patterson was appointed he secured from the fiscal authorities of the city an appropriation providing for the appointment of a committee of medical men to make a scientific study of the treatment of drug addiction at Bellevue Hospital. After a comparative study of certain specific treatments administered to 318 addicts over a period of a year, a detailed report with definite recommendations for the treatment and rehabilitation of drug addicts was submitted. Extracts from the report follow:

### Narcotic Addiction

Report of the Mayor's Committee to Hon. Richard C. Patterson, Jr.,  
Commissioner of Correction

ALEXANDER LAMBERT, M. D., Chairman  
New York

The committee composed of prominent physicians conducted a study of drug addiction at Bellevue Hospital, New York City, from May 28, 1928 to May 15, 1929. The patients studied, all men, were addicts committed voluntarily by a city magistrate. In outlining its work, the committee considered it a matter of primary importance to establish a satisfactory method of treatment for the withdrawal period of drug addiction. In addition it was planned to obtain useful information concerning the physical and mental status of the drug addict, and finally to investigate the practicability of carrying out a rehabilitation treatment toward the end of making a useful individual out of the addict.

Of the 318 patients treated, approximately one-half were between 30 and 39; more than one-fourth were between 20 and 29. Eighty-three per cent admitted criminal records, about half of

these having been arrested because of the possession of narcotics. The remainder had records of conviction on such charges as larceny, burglary, assault, carrying concealed weapons and homicide. Of the group, 230 had received a public school and sixty-four a high school education, while eighteen had attended college. Six had not had any schooling.

At the time of admission heroin was the drug most commonly used, being employed by 263. Morphine was taken by thirty-one. The period of addiction varied from one to fifty years with about one-half of the patients giving a history of addiction for more than ten years. Only thirty-nine of the addicts stated that they had not taken any treatment to stop the habit. More than half had undergone one or another form of treatment on four or more occasions. In more than a fourth of those having treatment, the longest period of abstinence from the narcotic was less than one year. About half of the patients were recorded as well developed, fairly well nourished and without evidence of organic disease. Of the remainder, all were poorly nourished, and a third of these showed definite organic deterioration or disease. Practically all showed a marked neglect in personal hygiene, in regard to clothing, general body cleanliness and care of the teeth.

In the grouping, according to personality types, about 13 per cent. were considered of normal personality, 30 per cent. were borderline cases and more than 50 per cent. were considered constitutionally psychopathic. In the latter group were included emotional instability 20 per cent.; criminalism, 13 per cent. and paranoid personality, 9 per cent.

From these facts it is apparent that the 318 addicts studied belong to the class known as the "under world." They had all been taking addiction drugs over a considerable length of time, and very few would be considered useful members of society. They had all made efforts to break the habit by means of so-called cures—many times in some instances, with only temporary periods of abstinence as a result. Physically they showed no evidence of any appreciable harm done by the drug of addiction, and rehabilitation from the physical standpoint would present no great difficulty. On the mental side, however, the matter is different. More than half of them were classed as psychopathic. Lacking emotional values and control, they had no true conception of their difficulties, and were actually antagonistic toward efforts to rid them of the habit.

#### COMPARATIVE STUDY OF TREATMENTS

The report gives in detail the symptoms of the patients studied during the withdrawal period under specific treatments, abrupt withdrawal and the reduction treatment. In summarizing the results of the work, the following practical conclusions concerning treatment of the withdrawal stage in narcotic addiction became apparent.

- (1) None of the substances forming the basis of the so-called specific cures for drug addiction bring about amelioration or shortening of the withdrawal symptoms.
- (2) Depressants of the central nervous system are ineffective or not practical as substitutes for opium derivatives.
- (3) The quickest and simplest method of stopping the addiction is that of abrupt withdrawal of the narcotic taken. Among the advantages of this method are the shortness of the time involved, three days as a rule, the avoidance of any complicated system of medication, an easier prevention of the addict surreptitiously obtaining narcotics during the period; and finally an impressive mental effect on the addict, with a striking feeling of relief when the withdrawal stage is over. The disadvantages are the suffering involved, mild in many instances but very severe in others, and the prostration and collapse, which may cause death. As has been pointed out, the abrupt withdrawal treatment should be limited to those addicts who on careful examination are found to have no serious organic degeneration or disease, are not of advanced age, and are not suffering from marked malnutrition.
- (4) The most humane form of treatment is that of giving progressively decreasing doses of morphine. Two weeks at least should be allowed for this reduction treatment. The advantages of this method are the absence or great diminution of severe suffering and its safety as regards collapse and danger to life. The disadvantages are the time involved, the absence of the favorable psychologic effect of the abrupt withdrawal, and the greater and more prolonged vigilance required to prevent the addict obtaining his narcotic.

With this summary, the committee recommends that all addicts undergoing treatment be under capable medical supervision, that those whose general condition warrants it be subjected to abrupt withdrawal, and that those not included in this class be given the reduction treatment.

#### REHABILITATION

The real problem is that of ridding the addict of his habit permanently or at least over a long period of time. There is unfortunately no practical method known which, applied to those addicts coming under the supervision of the department of correction, would accomplish the desired result.

In carrying out a study of rehabilitation in New York City, certain basic principles may be laid down. The end in view is to bring about an adjustment of the addict to an environment which allows him to maintain his self-respect and become of use to the community; in other words, to end his being a continued expense and even a menace to the city, and make him a self-supporting,

productive citizen. To secure such a result, it must be assured that the addict has learned a trade or line of work through which he may be self-supporting; that a position be found for him when he is prepared; that his progress for a number of years be supervised and checked up through some form of parole, and finally that he be brought to a state of mind whereby he becomes cooperative and honestly desires to be permanently free of his habit. A large percentage of addicts are psychopathic; a large number oppose any effort at rehabilitation; many prefer the up and down life of addiction to the more monotonous one of steady labor. It would seem possible, however, through a short period of observation to eliminate those from whom nothing can be expected by the way of rehabilitation, and to select and work on those who give promise of a successful result.

The personnel of the staff in charge is a matter of prime importance. It should be headed by a man of broad understanding of humane character, eager for the success of the experiment, and willing to devote several years to the work. A follow-up staff, of the social worker type, is equally important to carry out supervision of the addict after discharge from the institution.

A location for carrying out the first steps for rehabilitation should be isolated to the extent that the smuggling in of narcotics can be prevented. It should not, however, carry the impression of a prison, but rather that of a sanatorium. There should be all the necessary equipment for occupational therapy and training, and for other features of the general plan.

There would have to be some arrangement made whereby the addicts would not be free agents until finally discharged. This means a binding commitment of some sort over a period of years in the case of those in whom a favorable prognosis is made and the privilege of discharging at any time those from whom no good results can be expected.

## CHAPTER XIII

### The Erection of a New Jail in Bronx County

The Prison Association addressed a communication to the Board of Estimate and Apportionment on February 14, 1927, urging that a suitable site be selected and that the necessary appropriation be granted for the construction of a new jail in Bronx county. It was stated that the present jail does not adequately protect society from the desperate criminals housed therein for the following reasons:

It can be approached from all four sides thereby permitting conversation between prisoners and persons on the outside.

As the visiting room is in the main part of the jail and proper quarters are not provided for searching visitors, it is possible for them to bring in dangerous weapons or other contraband.

The jail and the prisoners housed therein are inadequately protected from persons paying bail bonds or accomplices at the time the prisoners are taken into Part 2 of the County Court.

Because of the increase in the population of the Bronx and the consequent increasing number of prisoners the capacity of this jail will soon be inadequate.

The communication appeared as No. 128 on the calendar of the Board of Estimate and Apportionment for February 17, 1927, and was referred to the committee of the whole and the President of the Borough of The Bronx to report. The report dated February 15, 1928 was made to the Board of Estimate and Apportionment under calendar No. 212 of March 1, 1928.

"On February 2, 1928, your Board referred to me for report a communication dated February 14, 1927, from the Prison Association of New York, calling attention to the present inadequate, unsafe and improper quarters now housing criminals in Bronx county, and urging the construction of a new jail. This communication sets forth various existing conditions which are the subject of criticism and demand of such a serious nature as to warrant the construction of an entirely new structure for the detention of civil and criminal offenders in this county.

"The points of criticism now directed against the Bronx County Jail were practically all covered in a report of the State Commission of Prisons as the result of inspections made in November, 1926, and the need for a suitable building is clearly apparent and admitted by all those having knowledge of the existing conditions. Related to this question and hav-

ing a very distinct and important bearing, is the urgent need for adequate quarters to properly house the Supreme Court, the County Court, City Court and all the various county offices, to relieve congestion existing in present obsolete quarters, and to afford facilities necessary to care for the ever increasing needs of this county.

"The construction of a new county building to properly house the several courts, the various county offices, and the county jail will remedy all of the conditions complained of, and I would therefore request that the sum of \$3,000,000 in tax notes be appropriated by your Board for this purpose."

(Signed) HENRY BRUCKNER,  
*President of the Borough of The Bronx.*

The matter was referred to the Committee of the Whole.

*A resolution authorizing the use of tax notes in the amount of \$5,000,000 to be used for the construction and equipment of an enlarged Bronx County building; also for the construction and equipment of a new county jail, Borough of The Bronx, was adopted by the Board of Estimate and Apportionment on June 27, 1929, calendar No. 9.*

## CHAPTER XIV

### Recent Legislation for the Repression of Crime in New York and Other States\*

The increase in crimes of violence in many sections of the United States during the past decade has created a demand that action be taken to curb the law breaker. Official commissions and public spirited individuals and organizations have given much study to this situation and many of their conclusions and recommendations have been enacted into law by state legislatures.

This study is to review the nature and content of certain laws recently passed in New York State as a deterrent to crime and to make comparisons of these laws with laws recently passed in other states. The laws generally indicate that they have been designed to reduce crimes committed by professional criminals and those who are armed by making mandatory longer terms of imprisonment for those convicted. Also laws governing probation, parole, commutation of sentence, release on bail while awaiting trial, taking of fingerprints following arrest, and others show the efforts to simplify and otherwise strengthen the administration of criminal justice. Other revisions of the statutes relate to the organization of departments of correction and the establishment of prisons and clinics to care for and to classify those convicted. The material has been collected from correspondence with state officials and by searching through the penal law, codes of criminal procedure and recent statutes of the various states.

#### NEW YORK

A joint legislative committee on the Co-ordination of Civil and Criminal Practice Acts was authorized by the Legislature in 1925 to make a study and report on the situation controlled by these acts. The bills sponsored by this committee in 1926, embodied the ideas of legislators, judges, district attorneys, lawyers and public spirited citizens and organizations. The State Crime Commission established by the Legislature in 1926 has continued the study of the crime situation. Many of its recommendations and those of other organizations have been enacted into law. This review treats by subject only the most recent statutes passed since 1926.

#### THE CRIME COMMISSION

A temporary commission is created consisting of eleven members, three from each branch of the Legislature, and five to be appointed by the Governor. This commission shall examine the crime situation in the State with a special consideration of robbery, burglary, murder, and theft amounting to grand larceny,

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and shall examine the procedure, methods and agencies concerned with the detection of crime, the apprehension, bailing, prosecution and trial of persons accused of crime, and the punishment, treatment and pardon of convicted persons and all other matters which have relation directly or indirectly to the crime situation in the state. It shall report to the Legislature its findings and recommendations and drafts of bills necessary to carry them out. (Laws 1926, Ch. 460.)

Legislative authority has been given annually to continue the commission. (Generally known as the Baumes Commission.)

#### HABITUAL CRIMINALS

A person who after having been convicted in this State or elsewhere of a felony commits a felony in this State is punishable upon conviction by imprisonment for a term not less than the longest term nor more than twice the longest term prescribed upon a first conviction unless the subsequent felony is such that upon a first conviction the offender would be sentenced to a life term.

A person who after having been convicted three times of felonies commits a felony within this State shall be sentenced upon conviction of such fourth or subsequent offense to imprisonment in State prison for the term of his natural life.

If at any time either after sentence or conviction it shall appear that a person convicted of a felony has been previously convicted the district attorney shall file an information accusing the person of such previous conviction or convictions. If the person does not admit that he is the same person as charged in such information a jury shall be impaneled to inquire whether the offender is the same person mentioned in the records as set forth in such information. If the jury finds that he is the same person or upon his confession, the court shall sentence him as prescribed. Whenever it shall become known to any warden, prison or other peace officer that any person charged with or convicted of a felony has been previously convicted it shall become his duty to report the facts to the district attorney of the county. (Laws 1926—Ch. 457, amends sections 1941 and 1942 and adds new section 1943, Penal Law.)

#### ROBBERY AND BURGLARY

Burglary is punishable by imprisonment in State prison as follows:

Burglary in the 1st degree for not less than 15 years.  
(Formerly "10 years")

Burglary in the 2nd degree for a term not exceeding 15 years.  
(Formerly "10 years")

Burglary in the 3rd degree for a term not exceeding 10 years.  
(Formerly "5 years")

Robbery in the first degree is punishable by imprisonment for a term of not less than 15 years, formerly "not exceeding 20 years." (Laws 1926—Ch. 436—amends sections 407 and 2125, Penal Law.)

#### FELONIES COMMITTED BY ARMED PERSONS

If any person while in the act of committing a felony shall be armed with a pistol or other dangerous weapon the punishment prescribed for the felony of which he is convicted shall be increased by imprisonment in a State prison for from five to ten years for the first conviction; from ten to fifteen years upon a second conviction, and from fifteen to twenty-five years upon a third conviction. In no case shall any person punishable as above provided be put upon probation or have the execution of his sentence suspended. (Laws 1927—Ch. 342—amends section 1944, Penal Law.)

#### REPORTS AND TREATMENT OF FIREARM WOUNDS

Every physician treating a wound caused by the discharge of firearms or the superintendent of an institution in which such case is treated shall report the case at once to the police authorities. Failure to make the report shall be a misdemeanor. (Laws 1926—Ch. 608—adds new section 1915, Penal Law.)

#### MURDER—SECOND DEGREE

Murder in the 2nd degree is punishable by imprisonment under an indeterminate sentence the minimum of which shall not be less than twenty years and the maximum shall be for natural life,—words "not less than" are new. (Laws 1928—Ch. 32 amends section 1048, Penal Law.)

#### ESCAPES

A prisoner confined in a prison, or being in the lawful custody of an officer, who escapes is guilty of a felony if held for a felony, and of a misdemeanor if held for a misdemeanor. A prisoner confined in a State prison for a term less than life who attempts, although unsuccessfully, to escape is guilty of a felony. (Laws 1929—Ch. 240—amends sections 1694-95, Penal Law.)

#### GRAND LARCENY—SECOND DEGREE

A person is guilty of grand larceny, second degree, who under circumstances not amounting to grand larceny, first degree, unlawfully obtains property valued from \$100 to \$500, (formerly \$50 to \$500), property of any value taken from the person of another, a record of a court or instrument filed at a public office. (Laws 1927—Ch. 679.)

#### BAIL SYSTEM CHANGES

A defendant cannot be admitted to bail except by judges of the Supreme Court, the Court of General Sessions, or of the county courts when he is charged with a felony or with any of the misdemeanors or offenses specified in this section and there is reason to believe that he has been previously convicted of a felony or has been twice convicted of certain misdemeanors or offenses, to wit:

possessing a dangerous weapon or burglar's tools, buying or receiving stolen property, unlawful entry, aiding escape from prison, jostling or picking pockets, or the unlawful possession or distribution of narcotic drugs.

No person charged with a felony or with any of the offenses specified shall be admitted to bail until his fingerprints have been taken to ascertain whether he has been previously convicted of crime. (Laws 1926—Ch. 419—amends section 552, Criminal Code.)

In all applications for bail a statement shall be made setting forth whether any previous applications have been made in connection with the crime charged and the reasons for their denial and by whom denied. (Laws 1927—Ch. 338—adds new section Criminal Code.)

After the conviction of a crime not punishable with death or life imprisonment or of a felony as a fourth offense or when armed with a weapon, a defendant, who has appealed when there is a stay of proceedings, may be admitted to bail as a matter of right when the appeal is from a judgment imposing a fine only, and as a matter of discretion in other cases. (Laws 1928—Ch. 639—amends section 555, Criminal Code.)

A person admitted to bail on a felony charge who willfully fails to appear is guilty of a felony if he does not appear within thirty days. (Laws 1928—Ch. 374—adds new section 1694-A.)

#### CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS

In order that the courts may have accurate information as to the identity of persons charged with crime, all peace officers making arrests are required to have fingerprints taken, and if necessary, the photograph of every person arrested and charged with a felony or with the offenses mentioned above under the title—"bail system changes." Upon the taking of such fingerprints it is the duty of the officer to forward two copies to the Commissioner of Correction at Albany who shall cause his records to be searched for information as to a possible previous record. He shall also seek information from the Federal Bureau of Criminal Identification of the Department of Justice at Washington. Such information as may be received from the Department of Correction and any other information in his possession, is to be transmitted by the police officer to the court through the district attorney. A central bureau of criminal identification, records and statistics is hereby established in the Division of Criminal Identification, Records and Statistics of the Department of Correction at Albany. The Commissioner of Correction shall determine the form of such records which, so far as may be practicable, shall coincide with those of the Bureau of Criminal Identification of the United States Department of Justice. The criminal records in the Department of Correction shall be compared with similar records on file in the Police Department of the City of New York, and with records on file in the United States Department of Justice. The De-

partment of Correction shall prepare annual reports giving the statistics of crime and criminals in the state. The report shall be transmitted to the legislature annually before February 15th. It is the duty of the clerk of every criminal court, and the head of other departments or institutions dealing with criminals to transmit monthly to the Commissioner of Correction such information as may be necessary to enable him to compile a complete report of criminal statistics. (Laws 1928—Ch. 875—repeals sections 941 to 946, Criminal Code, and inserts new sections 940-949.)

Upon the determination of a criminal action against a person in his favor, all photographs and fingerprints taken of such person shall be returned to him on demand. Any officer failing to comply with the request shall be guilty of a misdemeanor. (Laws 1927—Ch. 544—amends sec. 516, Penal Law.)

The report of a person charged with the custody of fingerprint records, certifying in writing that records show previous convictions of persons whose fingerprints are identical with those of a defendant shall be presumptive evidence of previous convictions. (Laws 1927—Ch. 356—adds new sec. 482-B, Criminal Code.)

#### THE FENCE LAW

A person who buys or receives any property knowing the same to have been obtained under circumstances which constitute larceny or who buys or receives a stated list of articles without ascertaining that the person delivering the same has a legal right to do so is guilty of a felony and is punishable by imprisonment for not more than twenty years, or by a fine of not more than \$1000 or by both penalties. (Laws 1928—Ch. 354—amends sec. 1308, Penal Law.)

Upon the trial of a person charged with criminally receiving stolen goods, the person selling or delivering such goods shall not be deemed an accomplice and his testimony shall be considered by the Jury. (Laws 1928—Ch. 170—adds new sec. 1308-A, Penal Code.)

#### COURT PROCEDURE

An appeal must be taken within thirty days after the judgment was rendered,—formerly "one year." (Laws 1926—Ch. 416—amends sec. 521—Criminal Code.)

Defendants, jointly indicted, may be tried separately or jointly in the discretion of the court,—formerly "any defendant requiring it must be tried separately." (Laws 1926—Ch. 461—amends sec. 391—Criminal Code.)

This act prescribes the order in which the evidence must be presented to the jury by the district attorney and the defendant or his counsel. The district attorney must open the case, then the counsel for the defendant may open his defense before the district attorney offers the evidence in support of the indictment,—formerly the district attorney was required to offer the evidence in support of the indictment upon opening the case giving the



advantage to the counsel for the defense. (Laws 1926—Ch. 417—amends sec. 388—Criminal Code.)

The court in charging the jury must state to them that in determining the question of guilt they must not consider the punishment but that it rests with the judge to fix such punishment as may be provided by law. (Laws 1927—Ch. 265—amends sec. 420—Criminal Code.)

When a defendant offers evidence of his character the prosecution may offer in rebuttal proof of his previous conviction. (Laws 1927—Ch. 266—adds new sec. 393-C, Criminal code.)

When identification of any person is an issue, a witness who has on a previous occasion identified such person may testify thereto. (Laws 1927—Ch. 336—adds new sec. 393-B, Criminal Code.)

An appeal to an appellate court may be taken by the people in all cases where an appeal may be taken by the defendant except where a verdict or judgment of not guilty has been rendered. (Laws 1927—Ch. 337—amends sec. 518—Criminal Code.)

Before rendering judgment or pronouncing sentence the court shall cause the defendant's previous criminal record to be submitted, including reports made as a result of a mental, psychiatric or physical examination, and may seek any information that will aid the court in determining the proper treatment of such defendant. (Laws 1927—Ch. 327—amends sec. 482—Criminal Code.)

Emergency stenographers may be employed by a judge of a court to expedite the disposition of criminal cases. (Laws 1927—Ch. 340—amends sec. 197—adds new sec. 173, Judiciary Law.)

Upon the dismissal of an indictment by the court on its own motion or upon the application of the district attorney, a written statement of the reasons therefore shall be made by the court and filed as a public record. (Laws 1927—Ch. 596—amends sec. 671, Criminal Code.)

#### PROBATION

Probation officers may be appointed by the court from the competitive class of the Civil Service. No person shall be eligible for the position who is under 21 years or over 60 years of age, or who has not had the equivalent of a high school education. Probation officers shall be selected because of definite qualifications as to character, ability and training, and primarily with respect to their capacity for rightly influencing human behavior. A probation officer appointed by a county judge shall serve in the supreme and county courts, and may receive a person placed on probation by any other court in the county except the courts of criminal jurisdiction of cities having a population of more than one million.

Probation officers, when directed by the court, shall fully investigate and report to the court in writing on the circumstances of the offense, criminal record and social history of the defendant. Whenever desirable, and facilities exist, they shall also obtain a physical, mental and psychiatric examination of such defendant. The court shall have such information before it prior to sentence.

The court shall determine the conditions of probation which may include: that the probationer (a) shall avoid injurious or vicious habits; (b) shall avoid places or persons of disreputable or harmful character; (c) shall report to the probation officer as directed; (d) shall permit the probation officer to visit him; (e) shall answer all reasonable inquiries; (f) shall work faithfully at suitable employment; (g) shall remain within a specified place; (h) shall abstain from the use of intoxicating beverages; (i) shall pay fines, make restitution and support his dependents; (j) if a child of compulsory school age shall attend school.

The period of probation may not in the case of a child extend beyond his eighteenth year. In the case of a defendant convicted of a felony not beyond five years. In the case of any other defendant not beyond three years.

The court may at any time discharge a probationer from further supervision. Whenever within the period of probation any probationer shall violate his probation on being arrested and arraigned, the court may revoke or continue his probation. If revoked the court may impose any sentence it might have originally imposed.

The duties and powers of probation officers are prescribed in the Act.

The judges of the Court of General Sessions, New York County, and the judges of the county courts in the other counties of New York City, are authorized to appoint the necessary staff of probation officers, stenographers and clerks for an adequate probation department in each county.

The courts in cooperation with the proper fiscal authorities are charged with providing, when practicable, clinical facilities for physical, mental and psychiatric examinations and reports as may be within the required scope of probation investigations and supervision. (Laws 1928—Ch. 460—adds new sections 927-939 and repeals section 11-A, Criminal Code.)

The court or judge authorized to impose sentence upon conviction may place the defendant on probation except that no defendant shall be placed on probation if convicted of a crime punishable by death or life imprisonment or of a felony committed while armed with a dangerous weapon, or as a fourth offense. (Laws 1928—Ch. 841—amends section 2188, Penal Law.)

The director of probation is continued as the head of the division of probation of the State Department of Correction. Not less than three probation examiners shall be appointed in the division. The director of probation shall endeavor to secure the effective application of the probation system and the enforcement of the probation laws throughout the state. With the approval of the Commissioner of Correction after consideration by the State Probation Commission, he shall adopt general rules regulating methods and procedure in the administration of probation. Such rules shall be binding on all probation officers and when duly adopted shall have the force and effect of law, but shall not super-

ade rules legally adopted by certain courts in the City of New York. The State Probation Commission consisting of seven members is continued. (Laws 1928—Ch. 313—amends sections 405, 409, State Departments Law, Repeals art. 3, State Boards and Commissions Law.)

#### PAROLE

The Board of Parole consists of the Commissioner of Correction, the second Assistant Commissioner of Correction and the warden of the prison in which the candidate for parole is held. The second Assistant Commissioner of Correction shall devote his whole time to his duties as member of the Parole Board and head of the division of parole. A director of parole who shall be in charge of the office work, parole records and field activities of parole officers, shall be appointed. There shall be a staff of at least fourteen parole officers appointed by the Commissioner of Correction from the competitive class of the Civil Service. It shall be the duty of the parole officers to aid paroled prisoners in securing employment and exercise supervision over them while on parole. (Laws 1928—Ch. 490—amends sec. 403, State Departments Law.)

The Board of Parole is charged with the duty of determining what prisoners serving an indeterminate sentence in state prisons may be released on parole and when and under what conditions. It is definitely charged with the obtaining of all possible information with regard to each such prisoner received so that it may be on file in the office of the Department of Correction at Albany, and be readily available when the parole of such prisoner is being considered.

Every person sentenced to an indeterminate sentence and confined in a state prison who has never before been convicted of a crime punishable by imprisonment in a state prison, when he has served his minimum sentence shall be subject to the jurisdiction of the Board of Parole. No person shall be released until he shall have served one year. Release shall not be made on the application of the prisoner but solely upon the initiative of the Board.

At least one month prior to the expiration of the minimum term of each prisoner eligible for parole, it shall be the duty of the Board of Parole to cause to be brought before it all available information with regard to such prisoner including the warden's conduct and work record. The Board shall also have before it reports of physical, mental and psychiatric examinations which have been made of such prisoner which so far as practicable shall have been made within two months of the time of his eligibility for parole, together with a report by one of its members giving his personal views and recommendations as to the prisoner.

No prisoner shall be released on parole except by the unanimous vote of the Board, nor unless the Board is satisfied that he will be suitably employed.

At the time of his release he shall be given a copy of the conditions of his parole. A violation of such conditions may render the prisoner liable to arrest and re-imprisonment. If any pris-

oner be convicted of a felony committed while on parole he shall, in addition to the sentence which may be imposed for such felony, be compelled to serve the portion remaining of the maximum term of the sentence on which he was released on parole from the time of such release. No such person shall be eligible for any further parole at any time. No person released on parole shall be discharged from parole prior to the expiration of the full maximum sentence. (Laws 1928—Ch. 485—Repeals Art. 8 of Prison Law and adds new Art. 8.)

Every prisoner received in a state prison on or after July 1st, 1928, under a definite sentence may earn by good conduct and willing performances of duties a commutation of his sentence not to exceed five days for each month. No person, however, shall be released until he shall have served at least one year and no person received in a state prison after this date sentenced to life imprisonment shall have his term diminished but shall serve the full time for which he was sentenced.

Every prisoner received into a state prison or penitentiary between May 1st, 1916, and July 1st, 1926, under a definite sentence, exclusive of life sentence, may earn a commutation of his sentence progressing from one month each for the first three years to six months each for the 16th, 17th, and 18th years, and not to exceed seven months for any subsequent year. Any such prisoner and any prisoner received under an indeterminate sentence prior to July 1st, 1926, may earn by willing performance of duties a reduction of his sentence not to exceed ten days in any thirty days' period. Every prisoner confined prior to May 1st, 1916 under a definite sentence, exclusive of a life term, may continue to earn the commutation of his sentence as heretofore, namely: two months each for each of the first two years, four months each for the third and fourth years, and five months for each subsequent year. Any such prisoner may also earn as compensation for willing performance of duties a further reduction of sentence not to exceed 2½ days in any thirty days' period.

The Commissioner of Correction shall formulate rules governing the allowance or disallowance of commutation to prisoners. Copies of these rules shall be forwarded to the wardens and superintendents of all state correctional institutions and furnished to every prisoner entitled to such benefits. For the purpose of applying the rules, a board shall be constituted in each of the prisons to consist of the warden, the principal keeper, the physician and the officer in charge of industries. In all cases in which the Board shall recommend the withholding of any part of commutation or compensation for good conduct, they shall forward with their report to the Governor their reasons in writing. The Governor, upon receipt of the report recommending the allowance of diminution of sentences of prisoners, may in his discretion, allow the same in whole or in part. He shall place the names of all other prisoners so reported whose sentences he may determine to reduce upon a list specifying the date of release in each case. One copy of any

such list of prisoners subject to the jurisdiction of the Parole Board shall be transmitted by the Governor to the Parole Board and one copy to the warden of the prison in which the prisoners named in the list are confined. Such prisoners shall be released, on the date fixed for release, in the custody of the Board of Parole, and upon such terms and conditions as the Board of Parole shall prescribe until the expiration of the term of sentence.

The Governor shall, in reducing the sentences of prisoners not subject to the jurisdiction of a Board of Parole, annex a condition that such prisoner shall live and remain at liberty without violating the law and be subject to the jurisdiction and control of the Board of Parole. (Laws 1929—Ch. 243—Art. 9.)

#### INSTITUTIONS AND CLINICS

The superintendent of prisons is authorized to execute the necessary contracts for the construction of buildings at Sing Sing Prison, at a cost not to exceed \$2,775,000 which amount is appropriated by the act from the sale of bonds. (Laws 1926—Ch. 291.)

This act authorizes the acquisition of a site for a new state prison. A site of 900 acres has been secured in Attica, Wyoming County, New York. \$3,500,000 is appropriated from the sale of bonds for the acquisition of land and construction at the new state prison at Attica. (Laws 1927—Ch. 56; Laws 1929—Ch. 93.)

A state institution for the care of juvenile delinquents to be known as the New York State Training School for Boys is authorized for the care and training of juvenile delinquents committed in accordance with existing laws to the House of Refuge on Randall's Island, and when completed it will replace that institution. (See page 34.) (Laws 1929—Ch. 412.)

This act amends the charter of Greater New York to permit the use of the proceeds of corporate stock and serial bonds for the erection and equipment of the New York City Penitentiary on Riker's Island. (See page 34.) (Laws 1929—Ch. 441.)

The Commissioner of Correction is directed to organize and establish a psychiatric and diagnostic clinic at Sing Sing Prison. At the clinic the physical and mental condition of all prisoners shall be determined and this work shall include scientific study of each criminal. After classification in the clinic the inmates shall be certified to the warden and recommendations made to the Commissioner of Correction as to their disposition. The industries of the several prisons shall be so organized that inmates can be sent to the institution best suited to their mental and physical capacity and adaptability. (Laws 1929—Ch. 242.)

The sum of \$900,000 is provided from the sale of bonds to begin the modernization of the state prison at Auburn, and the amount of \$375,000 is appropriated from the sale of bonds for the alteration and replacement of cell blocks in the south wing of the prison. (Laws 1928—Ch. 71; Laws 1929—Ch. 93.)

#### STATE DEPARTMENT OF CORRECTION

The Commissioner of Correction, who shall be appointed by the Governor, is the head of the Department of Correction. There shall be in the department the following divisions: (1) division of administration; (2) division of industries; (3) division of parole; (4) division of probation; (5) division of criminal identification, records and statistics. The deputy commissioner shall be the head of the division of administration. The first assistant commissioner shall be the head of the division of industries. The head of the division of parole shall be the second assistant commissioner of correction. The director of probation shall be the head of that division. The chief of the bureau of criminal identification, records and statistics shall be a person skilled in statistical work, as well as a competent administrator.

There shall continue to be a State Commission of Correction composed of the Commissioner of Correction as chairman, and seven other persons appointed by the Governor to hold office for terms of four years. The commission shall visit and inspect all institutions used for the detention of sentenced adults charged with or convicted of crime, or detained as witnesses or debtors, and shall aid in the administration of such institutions, investigate the management, and recommend such systems of employing inmates of other than state correctional institutions as may be legally prescribed. It shall have authority to close jails or lock-ups which are unsafe or inadequate for the classification of prisoners as required by law. The act codifies the correction law of the State. (Laws 1929—Ch. 243.)

#### SUMMARY

##### (New York Legislation)

Through these laws legislators have made available the use of long terms of imprisonment as a curb to crime. The most widely known of these is the "Fourth Offender Act." The clause in this act which permits the district attorney to proceed against the defendant, accusing him of one or more former felony convictions "on an information" has made the law effective. Such a law had been on the statute books previously but it was inoperative as it was held necessary by the appellate courts that a person should have been indicted and convicted for the felonies making him a fourth offender. The facts for such procedure were difficult to obtain.

The laws establishing a sentence following a conviction for robbery 1st, burglary 1st, and murder in the 2nd degree, "at not less than a specified time," are more drastic than they may appear to the casual observer. A life sentence is possible for an atrocious crime as a first conviction and is held to be mandatory following a conviction of any of these charges as a second felony offense.

To reduce crimes by armed persons, extra sentences are specified in addition to those stipulated for the felonies of which such criminals are convicted. Such defendants cannot be placed on probation or admitted to bail when an appeal is pending following a conviction.

By requiring an immediate report to police authorities from physicians and superintendents of institutions of the treatment of wounds caused by firearms, an effort is made to lessen the opportunity for escape of criminals wounded while committing crimes. The taking of fingerprints of all persons immediately following arrest, and the admission to bail only by Supreme Court or County Court judges of persons formerly convicted of certain crimes, is a step taken to hold those who might commit further crimes while awaiting trial. The organization in the Department of Correction of a central bureau of criminal identification records and statistics for the general use of the police of the state will be a further aid in identifying criminals who operate in several localities.

To punish persons who organize and profit by the criminal acts of others, the Fence Law was added.

The laws on court procedure tend to speed up action on criminal cases and to place the state and defendants on a more equal footing before the courts.

The probation law recognized that probation is a judicial function and requires that the court shall have a probation officer's report of an investigation before it prior to sentence.

Recent legislation has established a division of parole with a parole board of three members in the Department of Correction. Two members of this board, the Commissioner of Correction, and the warden of the prison, have many other duties than those imposed as a member of the board. Only those persons sentenced to state prison under an indeterminate sentence when the minimum has been served, are directly subject to the jurisdiction of the board of parole. Such prisoners are not permitted to earn good time credit as were those sentenced prior to July 1st, 1926. However, parole at any time presupposes good conduct.

A prisoner received in a state prison on or after July 1st, 1926, under a definite sentence may earn good time, not to exceed five days per month. Formerly such prisoners having long terms were allowed a much greater reduction in time from their sentences. No reduction of sentence is provided for persons sentenced to life imprisonment. The one ray of hope for such prisoners lies in the power of the Governor to pardon or commute the sentences of worthy cases.

Appropriations have been made to complete the "new Sing Sing," to begin the modernization of Auburn Prison, and toward the construction of the new State Prison at Attica. The State has committed itself to the construction of a new institution for the care of juvenile delinquents to be known as the New York State Training School for Boys, which will replace the House of

Refuge on Randall's Island. By amending the charter of Greater New York, the use of proceeds of corporate stock and serial bonds is permitted for the erection and equipment of the New York City Penitentiary on Riker's Island. The law definitely establishes the psychiatric and diagnostic clinic at Sing Sing Prison as a part of the State Department of Correction.

The State Department of Correction was established as one of the 18 departments of the State Government by the laws of 1926—Chapter 606. The Department as organized has the following divisions: Divisions of Administration, Industries, Parole, Probation, and Criminal Identification, Records and Statistics. The same chapter provides that a State Commission of Correction replacing the State Commission of Prisons be established in the Department of Correction. The Commission is required to inspect the state prisons, penitentiaries, jails and lock-ups of the state.

#### Recent Legislation for the Repression of Crime in Other States

The similarity in the criminal legislation recently enacted in many states emphasizes the fact that the crime problem is nationwide. Official commissions, public committees and private organizations have given much thought, time and money to find a solution. In general the conclusion has been that the best way to reduce crime is to capture the offender and increase the punishment for the offense of which he is convicted. The first task has been attempted by added appropriations for the enlargement of police forces, or by the formation of special vigilance committees of private citizens—the State of Iowa enrolled 3900 men as vigilantes to protect banks, and the other has been accomplished by legislative enactment of drastic penalties for persons convicted as habitual or dangerous criminals. Also there have been changes in a few states of laws regulating probation, the indeterminate sentence and parole, criminal identification and investigation, court procedure, the establishment and control of penal institutions and other important phases of criminal justice.

This study is not an attempt to codify all the recent laws of the various states on the subject. However, it includes sufficient data to indicate the trend of recent legislation from which comparisons can be made. Some of the criminal laws which have recently been enacted by the various states follow:

#### CRIME COMMISSIONS

##### *California*

The California Crime Commission consisting of a chairman and four other members, all to be appointed by the Governor, is hereby created. The Commission is charged to make a study of the entire field of crime, and the subject of penology and to report its conclusions and recommendations annually to the Governor and to the legislature at each regular session. (Laws 1929—Ch. 544.)

*Michigan*

The Michigan State Crime Commission is created for the purpose of examining the crime situation, the administration of justice in criminal courts, to prepare a codification of the criminal laws of the state and to study and report upon all matters relating to crime. (Public Acts 1929—Act No. 326.)

*Minnesota*

The Minnesota Crime Commission was created by order of the Governor to investigate crimes, procedure and punishments and to make recommendations to the next legislature for the correction of any evils found to exist. (Created January 6th, 1926.)

*Montana*

A temporary commission to be known as the Crime Commission whose duties it shall be to examine the criminal situation in the state and to make recommendations to the 1931 legislature is hereby created. (Laws 1929—Ch. 122.)

*Pennsylvania*

A state crime commission was established to study the laws and conditions and practices relating to crime, criminal procedure and criminals and to examine the crime situation in the state. (Laws 1927.)

*Rhode Island*

A criminal law advisory commission to consist of seven members is created. The commission is authorized to make a complete study and survey of the subject of crime including the detection, prosecution, and punishment of offenders, the probation, parole and pardoning systems, the duties, methods and practices of the officers and agencies directly or indirectly connected with the enforcement of law, the suppression and prevention of crime, and the care and treatment of the criminal, and to report annually to the legislature. (Laws 1927—Ch. 950.)

## HABITUAL CRIMINALS

*California*

Every person convicted in this state of any felony, who shall have been previously twice convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, receiving stolen goods, assault with a deadly weapon, or any of them shall be adjudged an habitual criminal and imprisoned in the state prison for life, and shall not be eligible to parole until he shall have served twelve years. Fourth offenders convicted of any felony shall be imprisoned in state prison for not less than life and shall not be eligible to parole. Trial of persons as second or subsequent offenders on informations filed by prosecuting attorneys is provided. (Laws 1927—Ch. 634 and 631.)

*Colorado*

A person who is convicted within the state of burglary in any degree, confidence games, voluntary manslaughter, murder, forcible rape, robbery in any degree, or any narcotic felony, as a second offender, shall receive a sentence of  $\frac{1}{2}$  the longest term to not more than twice the longest term prescribed for a first conviction. A third offender of such felonies shall receive a sentence of not less than the longest term nor more than three times the longest term prescribed upon a first conviction.

A person convicted of such felonies as a fourth or subsequent offender shall be sentenced to the state penitentiary for the term of his natural life. Trial as a second or subsequent offender by means of an information is provided. (Laws 1929—Ch. 85.)

*Florida*

A person convicted of a felony as a second offense must be sentenced for a term of not less than the longest nor more than twice the longest term prescribed upon a first conviction. A person convicted of a felony as a fourth or subsequent offense shall be imprisoned in the state prison for life. The trial of a person as a second or subsequent offender on an information filed by the prosecuting attorney is provided. (Laws 1927—Ch. 12022.)

*Kansas*

Every person convicted a second time of felony, the punishment of which is confinement in the penitentiary, shall be confined not less than double the time of a first conviction, and if convicted a third time of felony he shall be confined during his life. Before judgment is given the court shall find from the records or other competent evidence the fact of former convictions for felonies. (Laws 1927—Ch. 191.)

*Louisiana*

Upon conviction of a felony as a fourth offense a person shall be sentenced to imprisonment for life. (Laws 1928—Act. No. 15.)

*Michigan*

Every person convicted of felony as a second offender must be imprisoned for a term not less than one-half the longest term nor more than one and one-half times the longest term prescribed upon a first conviction. Third felony offenders must be sentenced for a term not less than the longest term nor more than twice the longest term prescribed for a first conviction. All persons convicted of felony as a fourth offense shall be sentenced to a life term if the sentence prescribed for the offense on a first conviction is five years or more in state prison. If the sentence prescribed upon a first conviction is less than five years the sentence shall be not less than  $7\frac{1}{2}$  years nor more than 15 years. Second or subsequent offenders shall not be eligible to parole

before the expiration of the minimum term without the written approval of the judge of the court in which each was sentenced, and trial as such offenders by an information is provided. (Public Acts 1929 No. 24.) The above act replaces an act making mandatory a life sentence for all fourth felony offenders. (Public Acts 1927, No. 175.)

#### Minnesota

Every person convicted of a felony as a second offender, if the subsequent crime is such that an indeterminate sentence might be given upon a first conviction, shall be sentenced under an indeterminate sentence of not less than twice the shortest term nor more than twice the longest term prescribed for a first conviction. A person convicted of a felony as a fourth or subsequent offender, if the offender might be punished by an indeterminate sentence upon a first conviction shall be sentenced under an indeterminate sentence of not less than twice the shortest term prescribed upon a first conviction, and the maximum shall be for life. Trial as a second or subsequent offender by an information is provided. (Laws 1927—Ch. 236.)

#### Missouri

If any person shall be convicted of committing a felony while armed with a deadly weapon, the punishment elsewhere prescribed for the offense shall be increased by imprisonment in the state penitentiary; for the first conviction by two years; upon a second conviction by ten years; upon a third conviction by fifteen years. Upon a fourth or subsequent conviction for a felony so committed the person shall be imprisoned for life. (Laws 1927—Senate Bill 214.)

#### New Jersey

Any person convicted of certain crimes as a fourth offender who has been three times sentenced to state prison is declared to be an habitual criminal and the court in its discretion may impose a life sentence in state prison. (Laws 1927—Ch. 263.)

#### New Mexico

A person convicted of a felony as a second offender shall be sentenced for a term of not less than  $\frac{1}{2}$  the longest term nor more than twice the longest term prescribed upon a first conviction. Third offenders must be sentenced for a term not less than the longest term nor more than three times the longest term prescribed for a first conviction. Fourth offenders shall be imprisoned in the state penitentiary for life. Trial as a second or subsequent offender by an information is provided. (Laws 1929—Ch. 58.)

#### North Dakota

A person convicted of a felony as a third offense shall receive a maximum sentence of twice the maximum sentence prescribed

upon a first conviction. The maximum sentence shall be life imprisonment for a fourth offender. Trial by an information as a second or subsequent offender is provided. (Laws 1927—Ch. 126.)

#### Ohio

Any person convicted of certain specified felonies, who shall have been previously convicted of such felonies, shall be adjudged an habitual criminal and upon conviction for a third offense shall be sentenced to a term equal to the maximum statutory penalty for the offense. A fourth offender shall be sentenced to imprisonment for life. The jury is required to inquire whether the person held to be a second or subsequent offender is the same person charged in the indictment. (Laws 1929—House Bill No. 8.)

#### Oregon

A person convicted of a felony as a second offender must be sentenced for a term not less than the longest term nor more than twice the longest term prescribed upon a first conviction. Third offenders shall receive a sentence of not less than the longest term nor more than twice the longest term prescribed for second offenders. Fourth offenders shall be sentenced to state prison for the term of natural life. Trial by an information as second or subsequent offenders is provided. (Laws 1927—Ch. 334.)

#### Pennsylvania

Persons convicted of certain serious crimes as a second or subsequent offense, committed within five years after the prior offense, may be sentenced for a maximum term not more than twice the longest term prescribed upon a first conviction. Fourth offenders convicted of such crimes committed within the time limit above stated may be sentenced at the discretion of the trial judge to life imprisonment. Any period of servitude shall not be included in the computing of any of said five year periods. Trial as a second or subsequent offender by an information filed by the district attorney within two years after sentence, is provided. (Acts 1929, Act. No. 373.)

#### South Dakota

A person convicted of a felony as a second offense must be sentenced for a term not less than  $\frac{1}{2}$  the longest term nor more than twice the longest term prescribed upon a first conviction. Fourth offenders may in the discretion of the court be sentenced to state prison for life. Trial by an information as a second or subsequent offender is provided. (Laws 1927—Ch. 119.)

#### Vermont

A person convicted of a felony as a fourth offense shall be sentenced to imprisonment in the state prison for the term of his natural life. (Acts 1927—Act No. 128.)

## FELONIES COMMITTED BY ARMED PERSONS

*California*

Minimum penalties are prescribed as follows:—

(a) For a person not previously convicted of a felony but armed with a deadly weapon at the time the offense was committed, or a concealed deadly weapon at the time of his arrest—7 years.

(b) For a person previously convicted of a felony and armed as stated above—15 years.

(c) For a person previously convicted of a felony and not armed as stated above—7 years. (Laws 1929—Ch. 872.)

*Florida*

An armed robber who assaults and feloniously robs a person shall be punished upon conviction by imprisonment for a term of years or for life imprisonment in the discretion of the court. (Laws 1929—Ch. 13792.)

*Illinois*

The punishment for burglary or robbery, if armed with a deadly weapon, is prescribed as imprisonment in the penitentiary for any term of years not less than one year or for life. (Laws 1927—Senate Bill No. 378.)

*Indiana*

A new crime was created providing life imprisonment as punishment for any person convicted of inflicting a wound with a deadly weapon when committing or attempting to commit robbery or burglary.

The penalty for the crimes of robbery, assault and battery with intent to commit robbery, burglary in the first, or burglary in the 2nd while armed, is fixed as imprisonment in state prison for 10 to 25 years. (Formerly 5 to 21 years; 2 to 10 years, and 5 to 20 years respectively.) (Laws 1929—Ch. 54.)

Any person over 16 years of age who commits or attempts to commit the crime of rape, robbery, bank robbery or larceny while armed with a dangerous weapon, shall be guilty of a separate felony in addition to the crimes above named. The sentence upon conviction shall be imprisonment for 10 to 20 years. The court is given the right to provide that such terms of imprisonment shall not run concurrently with any sentence imposed for any of the crimes above enumerated. (Laws 1929—Ch. 55.)

*Louisiana*

A person armed with a dangerous weapon who in the night time shall break and enter an inhabited dwelling with intent to kill, rob, steal, commit rape or any other crime, on conviction shall suffer the penalty of death. (Laws 1926—Act No. 21.)

Another statute provides that whoever commits any of the crimes defined in Act 21 without being armed with a dangerous weapon, on conviction shall be imprisoned for not more than fourteen years. (Laws 1926—Act. No. 71.)

*Massachusetts*

The penalty is prescribed for assault and battery with a dangerous weapon as imprisonment for not less than 10 years in state prison or a fine of not more than \$1000.00. (Laws 1927—Ch. 187.)

*Michigan*

Any person who shall assault and rob or attempt to assault and rob another, such robber being armed with a dangerous weapon or any article patterned in the manner of a dangerous weapon shall be punished upon conviction by imprisonment in a state prison for life or any number of years. (Laws 1927—Public Act No. 374.)

*Minnesota*

If any person shall commit or attempt to commit a felony while armed with a firearm, the penalty therefor including any additional penalty which may be imposed for the commitment of the crime of violence while armed shall in the discretion of the judge be imprisonment for not less than five years. (Laws 1927—Ch. 294.)

*Missouri*

Every person convicted of robbery in the first degree by means of a dangerous weapon shall suffer death or be imprisoned for not less than ten years and any person convicted of robbery in the first degree by any other means shall be imprisoned for not less than five years. (Laws 1927—House Bill 4.)

*Nebraska*

Whoever by violence or by putting in fear takes from the person of another any money or personal property, with intent to rob or steal shall be guilty of robbery and upon conviction shall be imprisoned for a term of three to fifty years. (Laws 1927—Ch. 71.)

*New Mexico*

Bank robbery is punishable by imprisonment in the State Penitentiary for not more than fifty years, and not less than five years. If by the use of a deadly weapon the punishment shall be life imprisonment. (Laws 1929—Ch. 61.)

*Ohio*

The sentence is death for robbery or attempting to rob a bank, unless the jury recommends mercy in which case the minimum sentence is 20 years. (Laws 1929—House Bill No. 285.)

*Oklahoma*

Any person who with the use of a dangerous weapon attempts to rob or robs any person, place of business, residence, banking institution or any other inhabited place shall be guilty of a

felony, and upon conviction shall be punished by death or imprisonment for not less than five years at the discretion of the court or the jury trying the case. (Laws 1925—Ch. 44.)

#### Wisconsin

The penalty for robbing or attempting to rob a bank or other trust company building either by breaking open any vault or safe or through the use of force or a dangerous weapon, is prescribed as imprisonment in state prison for a term of 15 to 40 years. (Laws 1927—Ch. 214.)

### BURGLARY WITH EXPLOSIVES

#### Louisiana

Any person who with intent to commit crime, breaks and enters any building and opens or attempts to open any vault, safe or other secure place by the use of explosives, shall be deemed guilty of burglary with explosives. The punishment prescribed on conviction is imprisonment for a term of 5 to 20 years. (Laws 1926—Act No. 6.)

#### Nebraska

This act fixes the penalty on conviction of the above named crime as imprisonment for life or for any term not less than twenty years. (Laws 1929—Ch. 74.)

#### Texas

Whoever shall commit the crime of burglary by the use of explosives shall be punished upon conviction by imprisonment for not less than 12 years. The act states that the fact that such crimes often occur and are on the increase, creates an emergency and an imperative public necessity that this law take effect at once. (Laws 1925—Ch. 129.)

### KIDNAPPING

#### Indiana

The penalty for kidnapping is prescribed as life imprisonment. (Laws 1929—Ch. 154.)

#### Kentucky

Any person who forcibly or otherwise holds any person against his will for the purpose of obtaining a ransom for the release of such person shall be deemed guilty of a felony and shall be punished by imprisonment for life or by death in the discretion of the jury. (Laws 1928—Ch. 42.)

#### New Jersey

The minimum sentence for kidnapping was increased to 30 years. (Formerly 5 years.) The maximum remains as life imprisonment. (Laws 1928.)

#### Wisconsin

The penalty for kidnapping a child under 16 years of age for the purpose of securing a ransom for the return of such child is fixed as life imprisonment. If no permanent injury results to the person kidnapped the penalty shall be imprisonment for a term of 15 to 30 years. (Laws 1927—Ch. 62.)

### AUTOMOBILE BANDITRY

#### Indiana

Whoever shall commit a felony and shall attempt or have the intention to escape in an automobile shall be charged with automobile banditry and sentenced upon conviction for 10 to 25 years. (Laws 1929—Ch. 54.)

#### Alabama

Any person or persons who, when masked or when their faces are hidden or partially concealed for the purpose of concealing themselves or their identity, shall whip, flog, beat, or in any other way assault any person or persons shall be guilty of a felony and upon conviction shall be sentenced to the penitentiary for not less than one year nor more than 10 years, at the discretion of the jury trying the case. (Acts 1927, Act No. 520.)

### CRIMINAL IDENTIFICATION AND INVESTIGATION

#### California

The powers and duties of the Bureau of Criminal Identification and Investigation are amplified in that there shall be highly trained men in various phases of major crime detection and apprehension, such as in cases of homicide, forgery and bad checks, burglary, robbery and stolen automobiles. These men will have statewide jurisdiction and will cooperate with local police officers. The Bureau is authorized to establish at convenient centers police schools. A statistician is to be appointed with power and duty to collect, compile and publish criminal statistics. (Laws 1929—Ch. 788—amends laws of 1905 and laws of 1917.)

#### Florida

The act creates a Bureau of Criminal Identification and Investigation, provides for its organization and defines its powers and duties. (Laws 1929—Ch. 13619.)

#### Indiana

A Bureau of Criminal Identification and Investigation is created in the office of the Secretary of State. The rights, powers and duties of the Bureau are prescribed in the act. (Laws 1927—Ch. 216.)

#### Pennsylvania

A system is provided of recording the identification of persons convicted of crime, fugitives from justice and habitual criminals. (Laws 1927—Ch. 270.)



*Rhode Island*

A Bureau of Criminal Identification shall be established by the Attorney-General in connection with his office. It shall be the duty of police officials to promptly furnish to the Bureau, fingerprints of all persons arrested who are wanted for serious crimes or who are fugitives from justice, and who have in their possession goods or property believed to have been stolen. (Laws 1927—Ch. 977, amends Ch. 135, General Laws.)

*Utah*

A Bureau of Criminal Identification and Investigation is created. The act provides for its organization and defines its powers and duties. It shall be the duty of sheriffs of counties and chiefs of police to send to the Bureau copies of fingerprints and photographs of certain specified classes of criminals who are arrested. (Laws 1927—Ch. 84.)

*New Jersey* COURTS

A law was passed establishing juvenile and domestic relations courts, defining their jurisdiction, power and duties and regulating the procedure so that the practice throughout the state may be uniform; that juvenile cases may be heard without delay and that each child under the care of any court may have the protection of the state and be subject to its discipline. (Laws 1929, Ch. 157.)

*North Carolina*

Communities with county seat cities of 25,000 or more inhabitants may establish domestic relations courts which shall have all the power, authority and jurisdiction heretofore vested by law in juvenile courts of the state. (Laws 1929.)

*Ohio*

The juvenile court is authorized to commit children other than those who are sound physically and mentally, to children's homes. The Boards of Trustees of such homes are given authority to contract with individuals, hospitals or other agencies for the care and treatment of such children as are not suitable for care within the institution. (Laws 1929—Sen. Bill 215.)

*South Carolina*

A children's court is established in Greenville County which shall have jurisdiction, concurrent with Greenville County Court and the Circuit Courts, of any case of a child less than 16 years or of other persons within such county involved with or contributing to the dependency or delinquency of a child. (Laws 1927—Ch. 173.)

*Arizona*

## PROBATION AND SUSPENDED SENTENCE

Judges of the Superior Court are authorized to appoint adult probation officers in counties of the first class. (Laws 1927—Ch. 69.)

*California*

After the conviction by plea or verdict of guilty of a public offense, if probation is not denied, the court must immediately refer the matter to the probation officer to investigate and to report in writing to the court upon the circumstances surrounding the crime and concerning the defendant and his prior record. The report which must contain recommendations as to the granting or withholding of probation to the defendant, must be filed with the clerk of the court as a record in the case. If probation is denied, a copy of the report must be sent to the Board of Prison Directors.

Probation shall not be granted to any defendant, (a) who in the perpetration of the crime or at the time of his arrest was armed unlawfully with a deadly weapon; (b) to one who used a deadly weapon in the perpetration of the crime; (c) to any defendant previously convicted of a felony; (d) to any public official or employee who in the discharge of the duties of his office accepts or offers to accept or give a bribe, embezzles public money or is guilty of extortion.

The court in granting probation may suspend the imposing or the execution of the sentence. The act defines the authority of the court over probationers and authorizes the appointment of probation officers, prescribing their powers and duties, for both adults and juvenile persons on probation. (Laws 1929—Ch. 737—amends sec. 1203—Penal Code.)

*Idaho*

Probation officers for the several counties may be appointed by the Probate Court to serve under the direction of that court, with the approval of the Board of County Commissioners. (Laws 1927—Ch. 169.)

*Indiana*

No sentence can be imposed for robbery, burglary, assault and battery with intent to commit robbery, automobile banditry and murder which is for a lesser offense than the offense charged in the indictment, and no sentence so imposed shall be suspended or commuted by the court hearing the case. (Laws 1929—Ch. 54.)

*New Jersey*

A probation bill was passed setting up definite powers and duties for probation officers and making uniform methods of procedure throughout the various counties of the state. (Laws 1929—Ch. 156.)

*Ohio*

County departments of probation were established providing for local administration of probation which also may receive under supervision a person paroled or conditionally pardoned from a state penal or reformatory institution. This law provided for the suspension of the imposition of sentence and repealed the suspended sentence law. The State Department of Public Wel-

fare is required to prescribe standards and qualifications for probation officers and to exercise general supervision over the work of all probation and parole officers throughout the state. A chief probation officer and an assistant have been appointed within the Department of Public Welfare and a division of probation and parole has been established. (Laws 1927.)

#### South Dakota

An amendment was submitted to the constitution which is to be voted on at the next regular election to permit circuit court judges to suspend sentences of first offenders. The adult probation law had formerly been held unconstitutional. (Laws 1929.)

#### West Virginia

The courts of the state having original jurisdiction of criminal action shall have power to suspend the imposition or execution of sentence and to place the defendant upon probation for a period not to exceed five years. The sheriff of each county shall be made the probation officer for each county. The duties of the probation officers are prescribed in the act. (Laws 1927—Ch. 55.)

#### California

The court in imposing the sentence for persons convicted of a public offense for which the punishment is imprisonment in any reformatory or state prison shall not fix the period of imprisonment. However, the term shall not exceed the minimum or be less than the maximum provided by law for the offense. It shall be the duty of the judge and the district attorney conducting the trial to obtain and furnish to the State Board of Prison Directors all possible information with regard to the prisoner. The State Board of Prison Directors shall determine after the expiration of the minimum term or after the expiration of one year of the sentence the length of the term. The maximum penalty for a felony, except when different punishment is prescribed in this code, is imprisonment in state prison, not exceeding five years. The minimum penalty, except when other provisions are made, is imprisonment in state prison for not less than 6 months.

Certain minimum penalties; (a) for a person not previously convicted of a felony, but armed with a deadly weapon at the time of the commission of the offense or a concealed weapon at the time of his arrest—7 years; (b) for a person previously convicted of a felony and armed as stated above, 15 years; (c) for a person previously convicted of a felony, but not armed—7 years.

Good time is allowed of two months for the first year, progressing to five months for each year after the fourth year of the sentence.

The State Board of Prison Directors shall have the power of parole over state prison inmates. No prisoner may be paroled until he has served the minimum term provided by law. No

prisoner previously sentenced to a state prison may be paroled until he has served at least two calendar years. No prisoner under a life sentence may be paroled until he has served at least 7 years. Prisoners sentenced to a definite term may be paroled after serving one calendar year.

The Board of Prison Directors is required to send written notice to the judge, district attorney and the sheriff of the county in which the prisoner was tried at least 30 days before granting parole. (Laws 1929—Ch. 872—amends sec. 1168, and repeals sections 18 and 18-A, and 1588, Penal Code.)

The State Board of Prison Directors may, upon granting parole to any prisoner hereafter sentenced to the state prisons, provide for restitution of all property illegally obtained by said prisoner, as a condition of his parole. (Laws 1929—Ch. 158—amends laws 1913.)

A board of three parole commissioners consisting of the sheriff, district attorney and the chief of police of the county seat of each county is created for each county, to establish rules under which prisoners imprisoned in the county or city jail may be allowed to be released on parole. (Laws 1929—Ch. 827.)

#### Idaho

The Governor is authorized to appoint a parole officer for the state penitentiary. (Laws 1927—Ch. 227.)

#### Illinois

Except for the crimes enumerated in section one of this Act (Misprision of Treason, Murder, Rape and Kidnapping), every person over ten years of age adjudged guilty of felony or other crime punishable by imprisonment in the penitentiary or jail who is not sentenced to jail, shall be sentenced to the penitentiary and the jury in its verdict and the court imposing sentence shall not fix the duration of the term, but the period shall not be less than the minimum nor exceed the maximum provided by law for the offense: provided that,

Male persons from 16 to 26 years may be sentenced to the reformatory instead of the penitentiary. If previously sentenced such persons may be sent to the penitentiary instead of the reformatory. Boys from 10 to 16 years may be committed to an institution other than the reformatory or penitentiary provided by law for the discipline or reformation of such persons. Female persons from 10 to 18 years may be committed to an institution other than the penitentiary as is or may be provided by law for the discipline or reformation of such persons, and after the state reformatory for women is ready for occupancy female persons over the age of 16 years committed for 6 months or longer may be committed to that institution. Every male person over 21 years of age convicted of robbery or burglary while armed shall be sentenced to the penitentiary. (Laws 1929—Senate Bill 418—amends laws 1917.)

The Department of Public Welfare was given the power to establish rules under which prisoners in the penitentiary, the reformatory and other correctional institutions may be allowed to go upon parole. No prisoner shall be released until arrangements have been made for his employment while on parole, and also for a suitable home. No prisoner sentenced under a general or indeterminate sentence shall be eligible to parole until he shall have served the minimum term less good time. Persons sentenced for life may be eligible to parole at the end of 20 years. Other persons sentenced for a definite term shall not be eligible to parole until the minimum sentence provided by law, less good time, nor until at least  $\frac{1}{2}$  of the term shall have been served. (Laws 1929—Senate Bill 528—amends laws 1917.)

#### *New Jersey*

The indeterminate sentence was abolished in 1926 for the state prison and there has been no further legislation on this subject. The sentences at the reformatories are for a maximum period but the boards of managers have power to determine when offenders may leave the institution on parole. The parole period in each case lasts until the expiration of the maximum sentence.

No person committed upon a sentence prescribing a definite minimum shall be paroled by the board of managers until the expiration of such minimum less any earned commutation. (Laws 1927—Ch. 196.)

Prisoners may be paroled at the expiration of their terms so that they may work outside the institution to pay costs and fines. (Laws 1929—Ch. 50.)

#### *Ohio*

The director of Public Welfare is authorized to appoint and supervise parole officers for the supervision of persons paroled from state penal, reformatory and correctional institutions. These officers were formerly appointed by the managing officers of the various institutions, and their work was limited to individual institutions. The new law will allow a correlation of the work. (Laws 1929—Senate Bill 216.)

#### *Pennsylvania*

The Board of Pardons is authorized to supervise prisoners released on parole from the state penitentiaries and the Pennsylvania Industrial Reformatory at Huntingdon. The attorney general may appoint for the work of the board, a parole supervisor and necessary field agents. (Laws 1929—Act No. 416.)

#### *South Dakota*

Inmates are required to serve  $\frac{3}{4}$  of their sentence before being eligible for parole. Formerly an inmate was permitted to make application for parole after  $\frac{1}{2}$  of the sentence had been served. (Laws 1927.)

### NEW INSTITUTIONS

#### (Adults)

#### *California*

A new intermediate state prison is created under this act for young first offenders. Persons between the ages of 18 and 24 years of age who for the first time are convicted of crime which is punishable by imprisonment in a state prison shall be sentenced to confinement in the prison hereby created in the discretion of the court. The act provides that the institution shall be under the management and control of the state board of prison directors, and appropriates the sum of \$375,000 for the purpose of the act. (Laws 1929—Ch. 684.)

The California Institution for Women shall be established for the confinement, care and reformation of women misdemeanants, and women convicted of a felony not punishable by death. The institution shall be under the management and control of a board of trustees of five members appointed by the governor, three of whom shall be women, which board shall constitute the division of women's institutions within the Department of Penology.

The duties of the board are prescribed in the act including the right with the advice of a competent mental expert to parole any woman prisoner sentenced for a misdemeanor subject to the same conditions as provided for the parole of state prison prisoners. The parole of any woman sentenced on a felony charge shall be under the jurisdiction of the State Board of Prison Directors. (Laws 1929—Ch. 248.)

(Note) Offenders against the law in California will then be segregated as follows:—

Whittier State School for boys under 16.

Preston School of Industry for boys between 16 and 21.

California School for Girls under the age of 21.

Intermediate Prison for male first offenders between 18 and 24.

San Quentin for more hardened male first offenders under 24 and first offenders over 24.

Folsom for male recidivists.

California Institution for Women over 21.

#### *Connecticut*

A department to be known as the state prison for women was established at the Connecticut State Farm for Women. This department is to be under the control of the directors of the state prison who are directed to transfer women prisoners sentenced to state prison to this prison as soon as suitable buildings shall have been erected and equipped. (Laws 1929—House Bill 960.)

#### *Delaware*

The new women's prison at Greenbank, under the law will be controlled by the same board of trustees as the New Castle County Workhouse.

*Missouri*

An intermediate reformatory for young men between the ages of 17 and 25 convicted of a felony for the first time is created under the management of the Department of Penal Institutions, separate from the Missouri Penitentiary and the Missouri Reformatory at Boonville, on a farm of not more than 600 acres. The inmates are to be given the educational advantages of the common branches of an English education and instruction in profitable and useful trades. The parole board which shall consist of the commissioner of paroles of the Department of Penal Institutions, the superintendent of the reformatory and the attorney general of the state, may grant a parole to an inmate after seven-twelfths of his sentence has been served. Every inmate shall be allowed five per cent, of his daily earnings and the sum of not less than twenty-five dollars shall be allowed to accumulate for use at the time of release. (Laws 1927—Senate Bill 291.)

*Montana*

The Board of State Prison Commissioners is authorized to establish at the Montana State Prison, Deer Lodge, as part of the prison, a tannery. Authority is given to tan hides owned by the state or by other persons, and the Board is authorized to sell tanned hides at a fair market price. (Laws 1929—Ch. 173.)

*New Jersey*

A new reformatory for males, 16 to 30 years of age was established at Annandale. The New Jersey policy permits the sentencing or transferring of the offender to the penal or correctional institution best suited to his needs. (Laws 1929—Ch. 101.)

*Ohio*

Expenditures are authorized from the manufacturing and sales fund for the purchase of lands and the construction of buildings necessary to extend prison manufacturing industries. (Laws 1929—Senate Bill 262.)

(Juvenile)

*California*

The establishment of twenty-four-hour elementary schools for minors between the ages of 8 and 16 years, by any elementary school district, with the approval of the State Board of Education is authorized. Children admitted will be those whose cases represent such serious behavior problems as to need constant study and care, whose parents or guardians do not exercise proper care, supervision and guidance over them, or who refuse to obey the rules of the school authorities and those in need of special educational training and discipline, to prevent them from becoming subject to the provisions of the juvenile court law. A pupil may be assigned to such school by order of the superintendent of schools of the district, approved in writing by the parent or guardian. Should such parent or guardian be unable to pay the

cost of maintenance the court may order payment by the county. Further rules and regulations for the maintenance of such schools are given in the act. (Laws 1929—Ch. 866.)

*New Jersey*

Municipalities maintaining no home for the detention of juvenile offenders may contract with other municipalities maintaining such homes for the care of juvenile offenders sentenced to such institutions by the courts. (Laws 1929.)

## STERILIZATION

*Idaho*

A Board of Eugenics is established composed of the State Public Health Adviser, the warden of the penitentiary and the superintendents of the Idaho Industrial Training School, Northern Idaho Sanatorium, Idaho Insane Asylum, and Idaho State School and Colony at Nampa. These officers mentioned above shall report quarterly to the Board of Eugenics persons who are feeble-minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts under their care who in their opinion are likely to become a menace to society. If after a thorough examination into innate traits, the mental and physical conditions, personal records and family traits and histories of all of the persons so reported, in the judgment of the majority of the Board procreation by such persons would produce offspring having inherited tendencies to feeble-mindedness, insanity, epilepsy, criminality, degeneracy, and there is no probability of improvement, the Board shall order that the operation of vasectomy if a male, and salpingectomy if a female be performed. (Laws 1929—Ch. 285—amends laws 1925—Ch. 194.)

*North Dakota*

It shall be the duty of the head of each state institution in the state, including the State Penitentiary, the State Hospital for the Insane, the State Training School, and the State Hospital for the Feeble-minded to report quarterly to the Board of Examiners, all feeble-minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts, who are potential to producing offspring, who, because of inheritance of inferior or anti-social traits, would probably become a social menace or wards of the State.

There is hereby created a Board of Examiners to consist of three competent physicians and surgeons who shall be appointed by the State Board of Administration upon recommendations made by the State Medical Board. It shall be the duty of such Board of Examiners to examine into the innate traits, the mental and physical conditions, the personal records and the family traits and history of all persons reported so far as the same can be ascertained, and if, in the judgment of the entire Board, procreation by any such person would produce children with an inherited

tendency to feeble-mindedness, insanity, epilepsy, criminality or degeneracy, and there is no probability that the condition of such person so examined will improve, then it shall be the duty of said Board to make an order requiring such person to be sterilized. Each inmate so examined shall be entitled to a hearing before such Board and may take an appeal to the District Court of the County in which the institution where the inmate is confined, is located.

Upon the receipt of the order from said Board of Examiners, the head of the institution to which it is directed shall perform, or cause to be performed such surgical operation for the sterilization of the inmate named therein as may be specified in the order of the Board of Examiners, provided, that such operation shall not under any circumstances be by castration or ovariectomy except when organs are diseased.

The criminals who shall come within the operation of this law shall be those who are moral degenerates and sexual perverts or those who are addicted to the practice of sodomy or the crime against nature, or to other gross, bestial and perverted sexual habits and practices prohibited by Statute. (Laws 1927—Ch. 263—repeals sections 11429 to 11438 inclusive, compiled laws 1913.)

*Note*—Sterilization laws to apply to inmates of certain state hospitals were passed in Arizona (Laws 1929—Ch. 44 and in Mississippi (Laws 1928—Ch. 294.)

#### PUBLIC DEFENDERS

##### Arizona

If a defendant appears for arraignment or any person alleged to be insane appears for hearing and declares under oath that he has no means to employ counsel the court may assign counsel. Whenever counsel is appointed by the Superior Court for a jury trial, he shall be paid by the county as the court shall determine, not less than \$10.00 nor more than \$100.00, to any one attorney for any one trial. (Laws 1927—Ch. 22.)

##### Illinois

Every person charged with crime shall be allowed counsel and when he shall state upon oath that he is unable to procure counsel the court shall assign him competent counsel for his defense. Counsel appointed by the court for the defense of a defendant indicted in a capital case, who is indigent, shall receive a reasonable sum for services not to exceed fifteen dollars per day for a period not exceeding five days in preparation of said defense and not to exceed \$25.00 per day for each day actually occupied in the trial of the case. The total compensation which shall be paid by the county shall not exceed the sum of \$250.00 for any defendant. (Laws 1929—House Bill 338—amends section 2, div. 13, laws 1874.)

#### ADVISORY PARDON BOARD

##### California

An advisory pardon board is hereby created which shall consist of the lieutenant governor as chairman, the attorney general, the director of the department of penology and the wardens of the two state prisons. (Laws 1929—Ch. 370—amends sec. 1—laws 1915.)

#### STATE DEPARTMENTS

##### California

The Department of Penology is created as a part of the State Government. The director of penology, who shall be a member of the Governor's council shall be the executive officer. There shall be five divisions of the department: (a) the division of prisons and paroles, administered by the state board of prison directors; (b) the division of criminal identification and investigation administered by the superintendent of that bureau; (c) the division of pardons and commutations administered by the chairman of the advisory pardon board; (d) the division of narcotic enforcement administered by the chairman of that division; (e) the division of criminology administered by the chairman of the crime commission; (f) the division of women's institutions administered by the chairman of the board of trustees of the California Institution for Women. The act coordinates most of the state agencies dealing with crime. (Laws 1929—Ch. 191—adds new article—Political Code.)

#### SUMMARY AND COMPARISONS

The vast number of laws recently enacted dealing with crime, court procedure, the probation, imprisonment and parole of offenders, indicates that the administration of criminal justice throughout the nation is in a state of transition.

Current comment by local newspapers and other publications generally conveys the opinion that the so-called Baumes Laws with their mandatory long term sentences for those convicted as professional criminals in New York State, are more drastic than the laws of other states. A study of the recent statutes (1927 to 1929) by states discloses that the legislatures of at least 16 other states have passed laws providing long term sentences for habitual criminals convicted of serious crimes as second, third, fourth or subsequent offenders.\*

A life sentence is mandatory for all or certain fourth felony offenders in California, Colorado, Florida, Louisiana, New Mexico, New York, Ohio, Oregon and Vermont, in Michigan for a fourth

\**Note*:—Prior to 1927, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Nebraska, New Hampshire, Rhode Island, Texas, Virginia, Washington and West Virginia had passed laws increasing the sentence for persons convicted of serious crimes as third offenders, and Alabama, Georgia and Wisconsin had provided increased sentences for those convicted as second felony offenders—Prepared by June Lambert, Library Assistant Legislative Reference Section, New York State Library, June, 1929.

felony conviction if the offense would call for a five year sentence upon a first conviction, and in Missouri for a fourth felony committed while armed. A penalty of life imprisonment may be given at the discretion of the court following a conviction as a fourth offender in New Jersey, Pennsylvania, and South Dakota, and the maximum sentence for such offender is prescribed as life in Minnesota, and North Dakota. A life sentence is mandatory for persons convicted of a felony as a third offense in Kansas. Court procedure against habitual criminals has been made effective by laws providing for the trial of a person as a second or subsequent felony offender on an information filed by the prosecuting attorney in California, Colorado, Florida, Michigan, Minnesota, New Mexico, New York, North Dakota, Oregon, Pennsylvania and South Dakota.

In an effort to curb bold and desperate criminals drastic penalties are provided in the laws of many states for persons who commit felonies while armed. The death penalty is mandatory following conviction for first degree robbery while armed in Louisiana, and may be given for this crime or bank robbery in the discretion of the court or jury in Missouri, Ohio and Oklahoma. Life imprisonment is prescribed as the penalty in Indiana for a conviction of inflicting a wound with a deadly weapon when committing robbery or burglary, and in New Mexico for the crime of bank robbery while armed. The maximum sentence is prescribed as life for either robbery or burglary or both crimes committed while armed in Florida, Illinois, Michigan and New York, and for burglary with explosives in Nebraska. A fifty year maximum is the penalty provided for persons convicted of robbery in New Mexico and Nebraska, and a forty year maximum is prescribed in Wisconsin.

Penalties in addition to the punishment prescribed for the felonies of which armed persons are convicted are provided as follows: Indiana, 10 to 20 years—for persons convicted of the crime of rape, robbery, bank robbery or larceny; Missouri, first offense, 2 years, second offense, 10 years, third offense, 15 years, fourth or subsequent offense, life sentence; New York, first offense, 5 to 10 years, second offense 10 to 15 years, third offense 15 to 25 years.

The minimum penalty for armed felons is as follows: California, first offense, 7 years; 2nd offense, 15 years; Minnesota, 5 years in the discretion of the judge. The minimum for burglary with explosives in Texas is prescribed at not less than 12 years.

The penalty for kidnaping in Kentucky is death or life imprisonment in the discretion of the jury, and a life sentence is mandatory for this crime in Indiana and in Wisconsin for kidnaping and injuring a child under 16 years of age. The maximum penalty for this crime in New Jersey is life imprisonment.

The wide use of the automobile by criminals is emphasized by a law in Indiana creating the crime of automobile banditry for

the use of an automobile in attempting to escape while committing a felony and prescribing a sentence upon conviction of 10 to 25 years.

The importance of proper and adequate bureaus for the identification of persons who are arrested is emphasized by recent laws creating or amplifying the powers of bureaus of criminal identification and investigation, passed in California, Florida, Indiana, New York, Pennsylvania, Rhode Island and Utah. The law in New York State definitely links up the division of Criminal Identification Records and Statistics of the State Department of Correction with the Bureau of Criminal Identification of the United States Department of Justice.

Further effort was made to deter the illegal acts of criminals by laws denying probation and the suspension of sentence to those convicted of certain crimes as follows: California, second or subsequent felony offenders, armed criminals and public employees who accept bribes or embezzle public money; Indiana—robbery, burglary, assault and battery with intent to commit robbery, and automobile banditry, and no sentence for a lesser offense than that charged in the indictment can be imposed for these crimes; New York—armed felons and fourth felony offenders. New Jersey and New York enacted laws to make possible uniform methods of probation procedure throughout the various counties of those states. The probation law in Ohio established county departments for the local administration of probation which may receive under supervision persons paroled from state penal and reformatory institutions. Other states have passed laws creating and extending the work of probation.

The general indeterminate sentence and parole law for all state penal institutions in Illinois, as amended, places the responsibility for its administration in the Department of Public Welfare. A similar statute in California gives authority to the State Board of Prison Directors for its administration in the cases of all persons sent to state prison. In these states it is the duty of those charged with the administration of these laws, instead of the sentencing judges, to fix the length of prison terms within the limits of the law after commitments have been made and opportunity has been given to study the personal history of each case. In New York State, a person sentenced to an indeterminate sentence in state prison does not come under the jurisdiction of the Board of Parole until the minimum term prescribed by the court has been served. The Director of Public Welfare in Ohio is authorized to correlate the supervision of parolees from state penal, reformatory and correctional institutions.

By creating a new intermediate state prison for first offenders between the ages of 18 and 24, and the California Institution for Women, the State of California has inaugurated a very definite prison policy. The maximum reformatory age has previously been established as 21 years. An advisory pardon board consisting of three high state officials, and the wardens of the two state

prisons has been created. By authorizing the establishment of twenty-four-hour elementary schools for minors between the ages of 8 and 16 years in any elementary school district, the state has undertaken a piece of crime prevention work for children needing special educational training and discipline to prevent them from becoming subject to the provisions of the juvenile court law. The newly created department of penology seeks to coordinate the agencies dealing with crime.

The reformatory age in Illinois is from 16 to 26 years, or 16 to 21 years for males convicted of robbery or burglary while armed. Young men between the ages of 17 and 25 convicted as first felony offenders can be sentenced in Missouri to the newly created intermediate reformatory.

Certain types of habitual criminals may be considered for the operation of sterilization under the laws, as amended, in Idaho and North Dakota. This operation may also be performed upon the inmates of certain hospitals and asylums in these states, and in Arizona and Mississippi.

The appointment of public defenders for indigent defenders is prescribed in Arizona and Illinois.

A comparison of the recent laws to combat crime in the various states discloses certain sectional types of crime problems. The laws of many central and south central states indicate that there has been prevalent a series of robberies and bank robberies by criminals armed with dangerous weapons or explosives. Alabama in an attempt to curb attacks by masked persons added a law making assault by such persons a felony. More drastic laws in Florida for the punishment of armed and habitual criminals than were added in other states of that section suggest that this state has been visited by a large number of criminals from other sections.

In Michigan, the 1927 law making mandatory a life sentence for all fourth felony offenders was changed in 1929 to apply only to a person convicted of a felony as a fourth offense the maximum sentence for which is five years or more in state prison upon a first conviction. This suggests that changes may be made in the present procedure to curb criminals in other states, and that some of the drastic laws recently passed may have been emergency measures rather than permanent additions to the penal laws and codes of criminal procedure.

This review does not disclose that the penalties prescribed for convicted criminals in any one state are markedly more drastic than those of other states. But it does indicate that the various states have enacted similar laws and created similar bureaus for the repression of crime and the solution of a nation-wide crime problem.

## CHAPTER XV

### Prisoners: 1926

(SUMMARY)\*

#### INTRODUCTION

This bulletin summarizes the results of the first annual census of prisoners covering the year 1926. This was the ninth enumeration of prisoners made by the Federal Government. The report was prepared under the supervision of Starke M. Grogan, chief statistician for statistics of States and cities. The collection of data from the institutions was under the supervision of Leon E. Truesdell, chief statistician for population. The text of the report was written by Bennet Mead, who also outlined the tables and had immediate charge of the collection and compilation of the data.

*Scope.*—This census covered all State prisons and reformatories, together with the four Federal civil penal institutions. A total of 99 prisons and reformatories came within the scope of this census. Census reports were received for 96 of these institutions, which received from the courts a total of 47,000 prisoners during the year 1926. It is estimated that the total number of prisoners received from the courts in 1926 for the whole 99 institutions included in the scope of the census was approximately 49,000. On the basis of this estimate, the reported institutions represented 96 per cent of the total estimated number of prisoners received from the courts by all of the institutions covered by the census.

Detailed information concerning individual prisoners was collected for 43,328 prisoners received from the courts in 1926. These prisoners, reported in detail, represented 88.4 per cent of the estimated total number of prisoners received from the courts into all of the 99 prisons and reformatories which came within the scope of the census.<sup>1</sup> Detailed information was also collected for 40,210 prisoners discharged during the year.

It is to be noted that all of the statistics of prisoners in this report represent sentenced prisoners, and, therefore, in certain institutions a few prisoners who were being held for trial have been excluded from the statistics.

*Significance of data.*—Statistics of prisoners are valuable for showing the application of penal policies for various classes of offenders and in different parts of the country. These statistics indicate, for example, variations in the severity of the penalties

\*Published in 1929, and reprinted in this report with the permission of the Director of the U. S. Bureau of Census.

<sup>1</sup>No reports were received for the State prisons of Alabama, Florida, and Idaho. Summary statistics, but no detailed data, were received for the State prisons of Georgia, New Mexico, and Texas, and for the Tennessee State Prison at Nashville.

imposed on offenders, and they reflect such changes in penal methods as the introduction and extension of the indeterminate sentence and the growing use of the parole as a method of releasing prisoners. In other words, these statistics show how our law-enforcement machinery operates in reference to those offenders who are arrested, convicted, and punished. Statistics of prisoners are also of value as showing the prevailing characteristics of those offenders who are punished by imprisonment.

*Limitations of prison statistics.*—It should be clearly recognized that statistics of prisoners, while useful for the purpose just mentioned, do not afford a satisfactory index of the number of offenses committed in the country as a whole or in the various States. This is true, because the offenders who are imprisoned represent only a very small percentage of the total number of law breakers. In the first place, many offenders are never arrested. Many of those arrested are never brought to trial. A large proportion of those tried are not convicted. Finally, many of those convicted are punished by fines rather than by imprisonment and, if they are able to pay the fines, they do not enter into any prison statistics. During recent decades, also, the method of probation, or releasing the convicted offender on good behavior, has been used to a constantly increasing extent, with the evident result that the prisoners have represented a constantly decreasing percentage of all convicted offenders.

These facts lead to the conclusion that prison statistics must be interpreted with very great caution and that frequently they afford no conclusive evidence of the trend of crime in general or of particular offenses. Their greatest significance, as indicated above, lies rather in their usefulness as an index of the work of law enforcement.

#### MOVEMENT OF PRISON POPULATION

*Summary.*—The movement of prison population during the year 1926, for the 96 prisons and reformatories for which information is available, is shown in Table 1. During the year the total prison population of these institutions increased from 90,047 to 96,125, an increase of 6,078, or 6.75 per cent.

*Prison population.*—The number of sentenced prisoners in State prisons and reformatories on a given date is shown in Table 2, by divisions and states for the last three decennial censuses—1904, 1910, and 1923—and for the beginning and end of the year 1926. This table also shows the ratio of prisoners per 100,000 population. This ratio was 85 in 1927 as against 82.7 in 1926. These ratios represent a considerable increase from the ratios of 74 per 100,000 in 1923, 74.7 in 1910, and 69.1 for 1904. It is to be noted that the figures here given for 1904 are on a slightly different basis than those for later years, as the 1904 census of prisoners did not include those imprisoned for nonpayment of fine. This omission, however, involves only a slight decrease in the figures for 1904, since only a small percentage of prisoners in State prisons and reformatories are committed for nonpayment of fine.

TABLE 1

	MOVEMENT OF PRISON POPULATION DURING 1926 <sup>1</sup>		
	Total	Male	Female
1. Prisoners present Jan. 1, 1926.....	90,047	86,663	3,384
2. In institution.....	83,981	80,638	3,343
3. In custody outside institution.....	6,066	6,025	41
4. Admission during the year.....	55,502	52,375	3,127
5. Received from courts.....	47,000	44,163	2,837
6. Parole violators returned.....	2,228	2,078	149
7. Escaped prisoners recaptured.....	1,471	1,423	49
8. Transferred from other institutions.....	3,405	3,355	50
9. Other admissions.....	1,398	1,356	42
10. Total prisoners handled (sum of items 1 and 4).....	145,549	139,038	6,511
11. Discharges during the year.....	49,424	46,520	2,905
12. Sentence expired.....	17,831	16,607	1,224
13. Paroled.....	19,917	18,738	1,179
14. Pardoned.....	1,286	1,250	36
15. Otherwise released.....	2,883	2,629	254
16. Executed.....	66	66	.....
17. Died.....	734	701	33
18. Escaped.....	2,121	2,049	72
19. Transferred to other institutions.....	4,490	4,270	190
20. Method of discharge not reported.....	128	124	4
21. Prisoners present Jan. 1, 1927.....	96,125	92,509	3,616
22. In institution.....	89,077	85,556	3,521
23. In custody outside institution.....	7,048	6,953	95

<sup>1</sup> Figures in this table cover the 96 institutions for which summary information was received. No information was received for the State prisons in Alabama, Florida, and Idaho.

In comparing the figures for individual States, which are given in Table 2 and in other tables, it should be noted that the number of prisoners committed to the prisons and reformatories in a given State is affected, not only by the prevalence of crime in the State, but also by such factors as the character and effectiveness of the local policies and machinery of law enforcement, and the distribution of prisoners between the State penal institutions and the county and city jail and workhouses.

For example, the exceptionally high ratios of prisoners to population for Maryland are largely due to the fact that a considerable number of petty offenders are sentenced to the State house of correction, whereas such prisoners are as a rule committed in other States to county or city penal institutions. And the ratios of prisoners for Nevada are increased by the presence in the Nevada State Penitentiary of many Federal prisoners who are drawn from neighboring States.

*Prisoners received during the year.*—Statistics of admissions to penal institutions are much more useful as an index of conditions and penal policies than statistics concerning the prisoners present at a given date. However, it was not until the census of 1904 that any satisfactory statistics of admissions were obtained in connec-



TABLE 2

DIVISION AND STATE	PRISONERS PRESENT ON A GIVEN DATE									
	NUMBER PER 100,000 OF GENERAL POPULATION					NUMBER PER 100,000 OF GENERAL POPULATION				
	Jan. 1, 1927	Jan. 1, 1926	Jan. 1, 1923	Jan. 1, 1910	June 30, 1904	1927	1926	1923	1919	1904
United States <sup>1</sup> .....	96,125	90,047	81,959	68,735	57,070	85.0	82.7	74.0	74.7	69.1
Federal prisons and reformatories.....	6,803	6,430	4,664	1,904	1,641	5.8	5.5	4.3	2.1	2.0
State prisons and reformatories.....	89,322	83,617	77,295	66,831	55,429	79.3	77.2	70.5	73.1	68.5
New England.....	4,164	3,979	3,638	3,110	3,500					
Maine.....	412	411	379	301	383					
New Hampshire.....	221	150	158	147	160	29.3	33.1	30.2	34.1	38.7
Vermont.....	388	346	316	170	274	110.1	98.2	85.7	48.8	78.6
Massachusetts.....	1,923	1,769	1,448	1,995	1,958	45.6	42.4	36.0	38.4	64.5
Rhode Island <sup>2</sup> .....	388	315	466	291	451	55.5	45.9	72.0	77.0	94.8
Connecticut.....	920	948	991	605	474	66.8	59.7	60.8	64.3	47.7
Middle Atlantic.....	13,851	12,993	13,596	12,422	9,890					
New York.....	7,298	6,820	6,316	7,422	5,732	64.2	60.7	58.4	77.6	71.4
New Jersey.....	3,383	2,213	1,912	1,839	1,470	64.1	60.8	56.5	72.0	68.2
Pennsylvania.....	4,170	3,960	4,238	3,210	2,688	43.1	41.4	47.2	45.8	39.0
East North Central.....	22,524	20,130	19,751	19,881	8,799					
Ohio.....	6,588	5,974	4,282	2,007	1,962	59.3	63.0	60.1	53.7	33.2
Indiana.....	3,615	3,402	2,302	2,362	1,742	119.2	109.0	75.4	44.8	69.1
Illinois.....	5,168	4,687	3,641	3,096	1,398	116.3	108.0	91.3	56.8	54.1
Michigan.....	1,494	1,336	1,168	953	842	51.5	47.3	42.2	40.8	38.6
West North Central.....	12,179	11,037	8,596	6,526	6,134					
Minnesota.....	2,240	1,936	1,634	1,092	917	83.9	72.4	65.3	52.6	48.6
Iowa.....	2,044	2,018	1,794	968	860	84.2	83.4	74.3	63.3	38.6
Missouri.....	3,442	3,030	2,205	2,307	2,165	98.2	87.6	69.0	70.1	67.9
North Dakota.....	359	304	244	212	151	48.2	47.4	37.9	36.7	35.5
South Dakota.....	359	445	382	207	196	87.7	65.5	49.5	36.5	41.1
Nebraska.....	1,000	936	789	481	327	71.9	67.9	59.1	40.3	29.2
Kansas.....	2,673	2,369	1,744	1,264	1,230	148.7	130.4	87.7	74.8	97.3
South Atlantic.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Maryland.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
District of Columbia.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Virginia.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
West Virginia.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
North Carolina.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
South Carolina.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Georgia.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Florida.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
East South Central.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Kentucky.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Tennessee.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Alabama.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Mississippi.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
West South Central.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Arkansas.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Louisiana.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Oklahoma.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Texas.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Mountain.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Montana.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Idaho.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Wyoming.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Colorado.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
New Mexico.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Arizona.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Utah.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Nevada.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Pacific.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
Oregon.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9
California.....	1,921	1,886	1,481	1,675	1,502	130.1	98.4	129.3	121.9	121.9

<sup>1</sup> Exclusive of prisoners committed for nonpayment of fine.  
<sup>2</sup> Based on estimated population Jan. 1, 1927, 1926, 1923, and 1904; and enumerated population Apr. 15, 1910.

<sup>3</sup> No State prison or reformatory in Delaware or the District of Columbia.  
<sup>4</sup> Data for 1927 and 1926 include the State reformatory for women, established since 1923; data for 1923, 1910, and 1904 include the State workhouse and house of correction.  
<sup>5</sup> Includes data for the Maryland house of correction and the State penitentiary.  
<sup>6</sup> No census report received for 1926.

tion with the census of prisoners. In the succeeding censuses of 1910 and 1923 increasing stress was placed on the statistics of admissions; and in connection with the annual census of prisoners the statistics are largely confined to the admissions.

In view of the fact that the prisoners received from the courts on original commitment represent the current cases and do not include any old cases which were handled in previous years, these prisoners form the best basis for statistical analysis of prisoners. All of the tables in this summary concerning admissions are restricted to prisoners received from the courts during the year and do not include those returned from parole or escape, or those received by transfer.

Table 3 shows prisoners received from the courts during the years 1926, 1923, 1910, and 1904, by divisions and States. The table also shows the number of admissions per 100,000 of the general population for each year.

Owing to the fact that reports were not received for all of the prisons in 1926, the numbers of admissions for that year are not directly comparable with the numbers for the earlier censuses. However, the ratios of prisoners to the general population may be considered fairly comparable. It is to be noted, also, that the figures shown for 1904 are on a somewhat different basis from the later statistics, since they represent all of the major offenders, or those convicted of relatively serious offenses. (In addition, prisoners committed for nonpayment of fine were omitted from the 1904 census.) Thus, the 1904 statistics do not necessarily cover all of the prisoners in the State prisons and reformatories. Accordingly, the figures for 1904 can only be compared in an approximate way with the other figures in Table 3.

## OFFENSES

*Classification.*—The classification of offenses which is used in this report is based upon that used in the 1910 and 1923 decennial censuses of prisoners. However, the list of offenses has been reduced, so as to show separately only the offenses which are especially important in the prisons and reformatories. It will be noted, therefore, that a number of minor offenses, such as drunkenness, disorderly conduct, vagrancy, violating traffic laws, and violating municipal ordinances, which would need to be separately specified in connection with statistics of prisoners in jails and workhouses, are not separately shown in connection with the tables in this report. The list of offenses here used also differs from the lists used in recent decennial reports on prisoners, in that it is primarily a list of specified offenses, and that the offenses are not grouped under such general headings as offenses against the person, against property, etc., as was done in the decennial census reports. At the same time, it will be noted that the great majority of the State and Federal prisoners can be specifically classified under the abridged list of offenses.

TABLE 3

DIVISION AND STATE	PRISONERS RECEIVED FROM COURTS DURING 1926, 1923, 1910 AND 1904							
	STATES PRISONERS AND REFORMATORIES			Male offenders 1926	NUMBER PER 100,000 OF GENERAL POPULATION <sup>1</sup>			
	1926	1923	1910		1926	1923	1910	1904
United States <sup>2</sup> .....	47,000	38,628	29,710	27,740	41.8	34.6	32.3	33.6
Federal prisons and reformatories.....	5,010	3,703	987	(7)	4.3	3.1	1.1	(9)
State prisons and reformatories.....	41,990	34,925	28,723	27,740	37.5	31.5	31.5	33.8
New England.....	1,922	1,847	2,070	1,874	11.5	26.6	25.9	16.1
Maine.....	30	202	49	115	26.6	25.9	9.3	16.1
New Hampshire.....	33	35	43	106	7.3	10.0	10.0	25.3
Vermont.....	197	277	(9)	110	80.9	78.6	28.6	25.6
Massachusetts.....	826	693	1,114	1,211	19.7	17.1	13.1	39.9
Rhode Island.....	197	234	186	80	28.4	45.0	32.3	16.8
Connecticut.....	401	346	198	252	25.0	23.1	16.7	25.4
Middle Atlantic.....	5,991	4,747	5,147	6,775	49.1	24.5	25.0	45.8
New York.....	3,290	2,666	3,188	3,979	25.1	24.5	25.0	45.8
New Jersey.....	1,170	825	814	781	31.8	24.1	32.1	36.3
Pennsylvania.....	1,531	1,256	1,145	2,115	15.9	13.7	14.9	33.7
East North Central.....	10,150	7,537	3,115	4,316	48.1	36.6	25.4	27.9
Ohio.....	1,281	284	1,115	1,232	48.1	36.6	25.4	27.9
Indiana.....	1,380	1,358	1,815	829	44.3	44.8	28.6	28.6
Illinois.....	1,728	1,387	844	1,150	24.0	20.2	16.0	22.3
Michigan.....	8,019	1,996	859	633	69.2	49.4	19.9	28.3
Wisconsin.....	817	532	227	432	28.3	19.3	22.6	20.7
West North Central.....	4,024	3,024	3,482	3,482	31.0	26.2	21.4	21.6
Minnesota.....	822	659	2,057	1,436	27.4	31.2	15.0	19.8
Iowa.....	655	783	353	642	27.4	31.2	15.0	19.8
Missouri.....	1,609	912	826	1,051	46.0	28.5	22.5	32.0
North Dakota.....	210	186	102	81	32.8	21.2	17.7	19.0
South Dakota.....	297	183	152	112	45.0	26.0	26.0	28.6
Nebraska.....	485	378	197	226	35.7	28.3	16.5	20.2
Kansas.....	1,001	599	310	113	68.8	55.6	29.6	72.5
South Atlantic.....	1,253	816	4,388	3,673	19.1	19.1	18.2	25.4
Delaware.....	1,882	1,390	1,760	536	119.1	91.6	131.2	43.6
Maryland.....	844	608	665	648	33.5	25.1	32.1	33.2
District of Columbia.....	844	772	425	530	81.2	49.2	34.8	30.5
West Virginia.....	369	369	192	404	30.3	13.6	6.7	20.0
North Carolina.....	301	197	116	20	20.0	20.0	15.0	16.1
South Carolina.....	302	368	192	404	30.3	13.6	6.7	20.0
Georgia.....	742	876	742	829	30.0	29.0	28.5	39.1
Florida.....	(7)	452	292	(7)	38.5	38.5	38.5	63.1
East South Central.....	2,961	3,618	2,627	3,618	44.1	35.3	27.3	41.6
Kentucky.....	1,365	1,599	859	758	32.0	24.9	29.8	36.3
Tennessee.....	811	599	859	758	32.0	24.9	29.8	36.3
Alabama.....	(7)	1,057	1,755	613	(7)	43.2	38.3	31.3
Mississippi.....	649	478	362	36.2	28.7	34.7	22.3	
West South Central.....	5,422	4,730	3,269	2,316	52.2	42.2	32.2	38.9
Arkansas.....	688	588	352	352	82.4	62.2	36.2	38.9
Louisiana.....	765	599	750	452	39.9	30.0	45.3	30.2
Oklahoma.....	1,969	1,711	818	807	71.7	78.1	40.0	0.4
Texas.....	1,888	1,403	1,121	1,307	37.2	38.5	31.1	38.4
Mountain.....	277	1,681	1,812	1,124	18.6	39.9	36.6	56.3
Montana.....	(7)	245	186	186	29.6	29.6	29.6	29.6
Idaho.....	76	119	95	26	(7)	24.8	70.0	12.6
Wyoming.....	125	68	2	2	68.2	29.7	34.0	69.1
Colorado.....	806	562	566	447	76.1	66.1	84.3	69.3
New Mexico.....	163	164	193	106	49.7	48.7	50.0	42.4
Arizona.....	237	207	273	163	57.8	62.2	126.5	104.1
Utah.....	155	158	149	109	89.0	38.5	39.7	34.0
Nevada.....	121	115	115	158	158.0	158.0	99.7	75.4
Pacific.....	3,008	2,682	1,739	1,533	37.2	31.3	32.8	41.3
Washington.....	852	750	510	414	33.8	31.7	44.7	83.3
Oregon.....	1,256	262	217	216	37.2	31.3	32.8	41.3
California.....	1,849	1,670	1,008	924	42.8	40.4	42.7	49.8

<sup>1</sup> Based on estimated population July 1, 1926, 1923, and 1904; and enumerated population Apr. 15, 1910.

<sup>2</sup> No State prison or reformatory in Delaware or the District of Columbia.

<sup>3</sup> Figures for Georgia, Kansas, and Washington include statistics for Federal prisons which were not separately compiled.

<sup>4</sup> The Vermont State prison failed to report commitments for 1910.

<sup>5</sup> Data for 1926 include the State reformatory for women, established since 1910, and for 1923, 1910, and 1904 include the State workhouse and houses of correction.

<sup>6</sup> Includes data for the Maryland house of correction and the State penitentiary.

<sup>7</sup> No census reported for 1926.

Owing to lack of uniformity in the terminology used in the criminal courts of the various states, no high degree of precision can be attained in classifying the offenses of prisoners, since a given term may be differently applied in various states. An important example of such variations in application of terms is the fact that the term "larceny" is used in a number of states to cover certain closely related offenses such as embezzlement, fraud, and having stolen property, which in other states are distinguished from larceny so-called. Thus, in the statistics here presented the plan has been usually followed of showing the total for "larceny and related offenses," which includes both larceny so-called and other offenses which are not sharply distinguished from larceny.

It must be emphasized that the figures in this report concerning prisoners convicted of the minor offenses, such as carrying weapons, represent only relatively small percentages of the convictions for such offenses, since petty offenders are usually committed to jails and workhouses, rather than to prisons and reformatories.

**Historical summary.**—Table 4 shows the distribution of the male and female prisoners, by offense, for 1926, 1923, and 1910. Since the 1926 figures do not cover the full number of prisoners received from the courts in the entire country, the figures in column 1 of the table are not exactly comparable with the figures for 1923 and 1910; that is, for each offense group the actual increases were somewhat greater than the differences between the figures in column 1 and those in columns 2 and 3. The ratios of prisoners per 100,000 population for 1926 are, however, properly comparable with the ratios shown for 1923 and 1910, since the 1926 ratios have been calculated from the estimated population of the states for which prisoners were reported in detail. The table also shows the per cent distribution of prisoners by offense.

The changes between 1910 and 1923 and between 1923 and 1926 in the number of male prisoners received from the courts relative to the general population for the principal offenses may be summarized as follows:

**Homicide.**—There was a marked decrease from 1923 to 1926 in the proportionate number of male prisoners convicted of homicide. The number of such prisoners, per 100,000 of the male population, was 4.5 in 1926, as compared with 5.7 in 1923 and 5.4 in 1910.

**Rape.**—The number of prisoners convicted of rape, to 100,000 of the male population, increased from 2.3 in 1910 to 2.6 in 1923, and to 3 in 1926.

**Robbery.**—Since 1910 there has been a striking growth in the number of male prisoners convicted of robbery. The ratio of such prisoners, per 100,000 population, was 6.8 in 1926, as against 5.1 in 1923 and 2.6 in 1910.

**Assault.**—The male prisoners convicted of assault, per 100,000 population, numbered 3.8 in 1926, as compared with 3.2 in 1923 and 5.5 in 1910.

**Burglary.**—The ratio per 100,000 population of male prisoners convicted of burglary decreased from 12.7 in 1910 to 11.1 in 1923, then increased to 13.4 in 1926.

Table 4

SEX AND OFFENSE	PRISONERS RECEIVED DURING 1926, 1923, AND 1910								
	Number			Per cent distribution			Ratio per 100,000 general population of same sex <sup>1</sup>		
	1926 <sup>2</sup>	1923	1910	1926	1923	1910	1926 <sup>2</sup>	1923	1910
<b>MALE</b> .....	40,601	35,216	26,222	100.0	100.0	100.0	76.7	61.9	55.5
Homicide.....	2,391	3,220	2,535	5.9	9.1	9.7	4.5	5.7	5.4
Rape.....	1,567	1,497	1,077	3.9	4.3	4.1	2.0	2.6	2.3
Robbery.....	3,582	2,923	2,716	8.9	8.3	4.6	5.8	5.1	2.6
Burglary.....	1,998	1,830	2,610	4.9	5.2	10.0	3.8	3.2	5.5
Assault.....	7,101	6,293	4,694	17.5	17.9	22.9	13.4	11.1	12.7
Forgery.....	2,633	2,568	1,611	6.5	7.3	6.1	5.0	4.5	3.4
<b>Larceny and related offenses</b>	11,367	8,436	7,709	28.0	24.0	29.4	21.5	14.8	16.3
Embezzlement.....	478	494	293	1.2	1.4	1.1	0.9	0.9	0.6
Fraud.....	913	614	559	2.2	1.7	1.9	1.7	1.1	1.1
Having stolen property.....	1,324	638	231	3.3	1.8	0.9	2.5	1.1	0.5
Larceny.....	8,652	6,690	6,676	21.3	19.0	25.5	16.4	11.8	14.1
<b>Sex offenses, except rape</b> .....	1,122	1,110	796	2.8	3.2	3.0	2.1	2.0	1.7
Violating liquor laws.....	3,220	2,933	306	7.9	7.2	1.2	6.1	4.5	0.6
Violating drug laws.....	1,749	2,015	22	4.3	5.7	0.1	3.3	3.5	(*)
Carrying weapons.....	368	245	146	0.9	0.7	0.5	0.7	0.4	0.3
Non-support or neglect of family.....	401	232	115	1.0	0.7	0.4	0.8	0.4	0.2
Violating U. S. postal laws, not elsewhere specified.....	90	280	.....	0.2	0.7	.....	0.2	0.5	.....
Violating U. S. revenue laws.....	64	35	105	0.2	0.1	0.4	0.1	0.1	0.2
Other.....	2,690	1,872	1,910	6.6	5.3	7.3	5.1	3.3	4.0
Not reported.....	257	148	60	0.6	0.4	0.2	0.5	0.3	0.1
<b>FEMALE</b> .....	2,727	2,369	1,510	100.0	100.0	100.0	5.5	4.3	3.4
Homicide.....	161	223	118	5.9	9.4	7.8	0.3	0.4	0.3
Robbery.....	34	38	20	1.2	1.6	1.3	0.1	0.1	0.1
Assault.....	105	59	103	3.9	2.5	6.8	0.2	0.1	0.2
Burglary.....	31	42	47	1.1	1.8	3.1	0.1	0.1	0.1
Forgery.....	108	81	15	3.9	3.4	1.0	0.2	0.1	(*)
<b>Larceny and related offenses</b>	357	341	388	13.1	14.4	25.7	0.7	0.6	0.9
Embezzlement.....	4	16	1	0.1	0.7	0.1	(*)	(*)	(*)
Fraud.....	2	1	.....	0.0	0.3	.....	(*)	(*)	(*)
Having stolen property.....	37	24	12	1.4	1.0	0.8	0.1	(*)	(*)
Larceny.....	288	293	368	10.6	12.4	24.2	0.6	0.5	0.8
<b>Sex offenses</b> .....	630	543	340	23.1	22.9	22.5	1.3	1.0	0.8
Violating liquor laws.....	269	186	19	9.9	7.9	1.3	6.5	3.3	(*)
Violating drug laws.....	140	166	1	5.1	7.0	0.1	3.3	0.3	(*)
Carrying weapons.....	6	2	4	0.2	0.1	0.3	(*)	(*)	(*)
Non-support or neglect of family.....	38	50	20	1.4	2.1	1.3	0.1	0.1	(*)
Violating U. S. postal laws, not elsewhere specified.....	2	2	.....	0.1	0.1	.....	(*)	(*)	(*)
Violating U. S. revenue laws.....	1	1	.....	0.0	0.0	.....	(*)	(*)	(*)
Other.....	805	618	435	29.5	26.1	28.8	1.6	1.1	1.0
Not reported.....	20	18	.....	0.7	0.8	.....	(*)	(*)	(*)

<sup>1</sup> Based upon estimated population July 1, 1926 and 1913, and enumerated population Apr. 15, 1910.

<sup>2</sup> These figures represent the institutions which furnished detailed information.

<sup>3</sup> Based upon estimated population proportional to prisoners of each sex reported in detail.

<sup>4</sup> Less than one-tenth of 1 per 100,000.

<sup>5</sup> Less than one-tenth of 1 per cent.

*Forgery.*—The number of male prisoners convicted of forgery, per 100,000 population, increased steadily from 3.4 in 1910 to 4.5 in 1923 and 5 in 1926.

*Larceny and related offenses.*—Under the laws of many states there is no clear distinction between the class of cases defined as "larceny" and those defined as "embezzlement," "fraud," and "having stolen property." The total number of male prisoners received from the courts for these four offenses was 21.5 per 100,000 population in 1926, as against 14.8 in 1923 and 16.3 in 1910. All four of these offenses had higher ratios to population for 1926 than for 1910. There was an especial striking increase in the ratio for those convicted of having stolen property, which was five times as large in 1926 as in 1910.

*Violating liquor and drug laws.*—For these offenses the ratios of prisoners to population were strikingly small in 1910, before the Federal prohibition and antinarcotic laws had gone into effect. In 1923, however, the male prisoners received for violating liquor laws numbered 4.5 per 100,000 population, and the ratio increased to 6.1 for 1926. The prisoners received as drug law violators, however, decreased from 3.5 per 100,000 population in 1923 to 3.3 per 100,000 population in 1926.

The changes in ratios of female prisoners to the general population were as follows:

*Homicide.*—The female prisoners received in 1926, convicted of homicide, formed three-tenths of 1 per 100,000 of the female population. This was less than the ratio of 0.4 for 1923 but was the same as the ratio for 1910.

*Assault.*—The female prisoners convicted of assault decreased from 0.2 per 100,000 population in 1910 to 0.1 per 100,000 in 1923, then increased to 0.2 in 1926.

*Forgery.*—The ratio for this offense was 0.2 in 1926, as against 0.1 in 1923 and less than 0.1 in 1910.

*Larceny and related offenses.*—The female prisoners convicted of embezzlement, fraud, having stolen property, and larceny decreased from 0.9 per 100,000 population in 1910 to 0.6 in 1923, then increased to 0.7 in 1926.

*Sex offenses.*—The female prisoners convicted of sex offenses, for most of whom the reported offense was prostitution, numbered 1.3 per 100,000 of the female population in 1926, as against ratios of 1.0 in 1923 and 0.8 in 1910. (These figures represent only a small proportion of the full number of convictions in the courts for prostitution or other sex offenses, since those convicted of such offenses are usually punished by a fine, or by imprisonment in a jail or workhouse.)

*Violating liquor and drug laws.*—The ratio to population of the female liquor law violators showed an increase from 0.3 per 100,000 in 1923 to 0.5 in 1926. For the drug law violators, however, the ratio was 0.3 per 100,000 both in 1926 and in 1923.

## SENTENCE

Statistics concerning the type of sentence and the length of the terms of imprisonment imposed by the courts are useful for showing trends in penal methods. Two principal types of sentence are used in this country. The so-called definite sentence, which was the prevalent form during the nineteenth century, includes prisoners sentenced to the death penalty and those sentenced to imprisonment for a specified number of years. In contrast with the definite sentence, there is the indeterminate sentence which in the United States as a rule has a minimum or lower limit and also a maximum or upper limit. In a considerable number of cases, however, the indeterminate sentence has a specified upper limit but no lower limit, so far as the sentence of the court is concerned. In some cases, also, the indeterminate sentence has a specified minimum but no specified maximum or upper limit. Finally, in a small proportion of cases the indeterminate sentence has neither upper nor lower limit, but the actual term of imprisonment is left to be determined according to the conduct of the prisoner, his fitness to be at large, and other considerations. Even where this type of indeterminate sentence is in vogue, however, there is likely to be an upper limit to the time which the offender may be imprisoned, this upper limit not being specified in the particular sentence imposed, but being set forth in some general statute. For example, in Colorado neither a minimum nor a maximum term of sentence may be imposed by the court on the offenders committed to the state reformatory, but the prisoner cannot be confined longer than the maximum sentence set in the criminal statutes for the particular offense of which he is convicted.

In this report statistics concerning sentence show separately, as a rule, the prisoners under definite and those under indeterminate sentence.

*Type of sentence.*—The relative numbers of prisoners received, under definite sentence and under indeterminate sentence, are shown in Table 5 for 1926 as compared to 1923.

As shown by the ratios in the last two columns of the table,

Table 5

SEX	PRISONERS RECEIVED DURING THE YEAR					
	Under definite sentence		Under indeterminate sentence		Ratio of number under indeterminate sentence to number under definite sentence	
	1926 (whole year)	1923 (6½ months)	1926 (whole year)	1923 (6½ months)	1926	1923
Total.....	18,975	8,430	23,878	10,552	1.26	1.26
Male.....	18,295	8,013	22,272	9,788	1.32	1.32
Female.....	719	417	1,606	769	2.30	1.84

there was no change from 1923 to 1926 in the proportion of male prisoners under indeterminate sentence. For female prisoners, however, the proportion under indeterminate sentence increased considerably.

*Maximum length of sentence.*—The distribution of prisoners by maximum length of sentence is summarized in Tables 6 and 7. Separate data are shown for prisoners under definite sentence and for those under indeterminate sentence. In addition, these figures are combined into totals, which represent the distribution of all prisoners according to the upper limits of their sentences. Table 7 covers only prisoners under sentence of imprisonment. Table 6 covers the 98 prisoners sentenced to death, as well as those sentenced to imprisonment. These prisoners under death sentence formed 0.23 per cent of all prisoners and 0.24 per cent of the male prisoners.

It is to be noted that these figures do not represent the full number of persons sentenced to death during the year, since in a number of states such prisoners are not committed to the state prison, but are held for execution in the jails.

The relative numbers of prisoners committed under death sentence to the prisons and to the jails are shown by the fact that during the first 6 months of 1923, out of 57 prisoners under death sentence, 14 were received by county and municipal jails, as compared with 43 received by prisons and reformatories. These figures indicate that during the whole year 1923 there were about 86 prisoners received into prisons and reformatories under death sentence. The corresponding figure for 1926, which is 98, indicates some increase for 1926 over 1923 in the frequency with which the death sentence was imposed.

In Tables 6 and 7 combined figures are shown, which include both prisoners under definite sentence and those under indeterminate sentences. This combination is justified by the fact that the maximum term for an indeterminate sentence represents the upper limit of such a sentence and is, therefore, comparable with a definite sentence of corresponding length. For example, if a prisoner has an indeterminate sentence of 1 to 5 years, he can not be imprisoned beyond the upper limit of this sentence, which is 5 years. The same is, of course, true of a prisoner having a definite sentence of 5 years. Both classes of prisoners may, in general, be released in less than 5 years, either through parole or otherwise.

It is apparent from Table 7 that definite sentences are, in general, shorter than maximum indeterminate sentences. For example, those having maximum sentences of less than 2 years made up 42.5 per cent of the definite term group, but such sentences formed only 5.5 per cent among the prisoners having indeterminate sentences. Another method of comparing the length of definite and indeterminate sentence is by means of the average length of sentence for the respective groups of prisoners. The general average for the male prisoners, including both those under definite and those under indeterminate sentence, was 7.7 years,

Table 6

MAXIMUM LENGTH OF SENTENCE	PRISONERS RECEIVED DURING 1926 <sup>1</sup>								
	Total			Under definite sentence			Under indeterminate sentence		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Total.....	42,533	40,537	2,316	18,975	18,265	710	23,878	22,372	1,600
Under sentence of imprisonment.....	42,755	40,439	2,316	18,877	18,167	710	23,878	22,272	1,608
Under 1 year.....	1,582	1,385	197	1,417	1,292	125	165	83	72
1 to 1.99 years.....	7,534	7,444	90	5,600	5,311	289	1,155	1,103	52
2 to 2.99 years.....	9,964	9,775	189	4,194	4,088	106	1,770	1,649	121
3 to 3.99 years.....	4,319	3,638	681	1,812	1,721	91	2,507	1,917	590
4 to 4.99 years.....	1,104	1,165	30	638	623	15	637	542	15
5 to 5.99 years.....	5,984	5,822	162	1,369	1,331	38	4,415	4,291	124
6 to 9.99 years.....	2,111	2,442	69	601	588	13	1,510	1,554	56
10 to 10.99 years.....	4,013	3,921	92	317	300	17	3,496	3,421	75
11 to 19.99 years.....	4,202	4,136	66	397	381	16	3,805	3,755	50
20 years and over.....	3,393	3,299	94	408	400	8	2,935	2,899	36
Maximum not fixed.....	440	60	380	.....	.....	.....	440	60	380
Minority.....	86	84	2	.....	.....	.....	86	84	2
Life.....	1,325	1,292	33	708	688	20	617	604	13
Term not reported.....	16	14	2	16	14	2	.....	.....	.....
Under death sentence.....	98	98	.....	98	98	.....	.....	.....	.....

<sup>1</sup> Exclusive of those for whom the type of sentence was not reported.

Table 7

MAXIMUM LENGTH OF SENTENCE	PER CENT DISTRIBUTION OF PRISONERS RECEIVED DURING 1926, NOT INCLUDING THOSE SENTENCED TO DEATH								
	Total			Under definite sentence			Under indeterminate sentence		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Total.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Under 1 year.....	3.7	3.4	8.5	7.5	7.1	17.6	0.7	0.4	4.5
1 to 1.99 years.....	18.1	18.4	13.4	33.0	34.9	36.5	4.8	5.0	3.2
2 to 2.99 years.....	13.9	14.2	9.8	22.2	22.5	14.9	7.4	7.4	7.5
3 to 3.99 years.....	10.1	9.0	29.4	9.6	9.5	12.8	10.2	8.5	36.7
4 to 4.99 years.....	2.8	2.9	1.3	3.4	3.4	2.1	2.3	2.4	0.9
5 to 5.99 years.....	14.0	14.4	7.0	8.3	8.4	5.4	18.5	19.3	7.7
6 to 9.99 years.....	5.9	6.0	3.0	3.2	3.2	1.8	8.0	8.3	3.5
10 to 10.99 years.....	9.4	9.7	4.0	2.7	2.8	2.4	14.6	15.4	4.7
11 to 19.99 years.....	9.8	10.2	2.8	2.1	2.1	2.3	15.9	16.9	3.1
20 years and over.....	7.8	8.2	2.8	2.2	2.2	1.1	12.4	13.0	3.5
Maximum not fixed.....	1.0	0.1	16.4	.....	.....	.....	1.8	0.3	23.7
Minority.....	0.2	0.2	0.1	.....	.....	.....	0.4	0.4	0.1
Life.....	3.1	3.2	1.4	3.8	3.8	2.8	2.6	2.7	0.8
Term not reported.....	(7)	(6)	0.1	0.1	0.1	0.3	.....	.....	.....

<sup>1</sup> Less than one-tenth of 1 per cent.

while the average length of sentence for those under definite sentence was only 4.6 years, as against the average maximum of 10.3 years for those under indeterminate sentence. In calculating these averages a quota of 40 years has been allowed for each life sentence among the two principal classes of prisoners. If the prisoners with life sentences are excluded from the comparison, the average length of sentence becomes 3.2 years for the definite term prisoners as compared with a maximum of 9.4 years for the indeterminate group.

As shown in Table 7, the sentences of male prisoners are, in general, decidedly longer than those of female prisoners. For example, the prisoners having maximum sentences of less than 1 year formed 8.5 per cent of the females sentenced to imprisonment, as against 3.4 per cent of the male prisoners; while those having sentences of 20 years and over made up 11.4 per cent of the male prisoners, as against only 4.2 per cent of female prisoners.

The greater length of the maximum indeterminate sentence suggests a tendency of many courts to regard the definite sentence as the *lower limit*, as well as the upper limit, of the offender's term of imprisonment. In other words, the courts frequently disregard the fact that prisoners under definite sentence may be paroled on essentially the same basis as those under indeterminate sentence.

It is, of course, still the fact in some states that the right of parole is limited to prisoners under indeterminate sentence, so that legally the definite sentence constitutes the lower limit of the sentence. However, the definite sentence in actual practice is often shortened by executive pardon, by commutation, or by deductions for good behavior. Actually, therefore, the definite sentence frequently no longer represents the lower limit, even in states where the prisoner under definite sentence is not eligible for parole.<sup>2</sup>

The provisions of the criminal laws of many states help to explain the tendency to regard the definite sentence as a lower limit; for in states where either type of sentence may be imposed the maximum indeterminate sentence may under the law be much longer than the definite sentence which can be imposed for a given offense.

The distribution of prisoners in 1926, according to length of sentence, is compared in Table 8 with the corresponding distribution of admissions during the year 1923.

There was, on the whole, very little change in the prevailing length of prison sentences during the three years from 1923 to 1926. There was a slight decrease in the proportion of prisoners having definite sentences of 10 years or more. There was, however, a slight increase in the proportion of maximum sentences of ten years or more among those under indeterminate sentence. There was an increase in the percentage with definite sentences of less than two years. This increase, however, is largely nominal

<sup>2</sup> See p. 138 for comparison of the average time imprisoned with the length of sentence for prisoners discharged in 1926.

rather than actual, since the 1926 statistics include three State institutions which in 1923 had been included with the jails and workhouses on the ground that a very large proportion of their prisoners were sentenced for minor offenses, and for relatively short terms<sup>1</sup>

It is not feasible to compare the average length of sentence for prisoners in 1926 with the average for 1923, since the 1923 statistics were not tabulated in such a way that the average sentence can be accurately determined.

**Minimum length of sentence.**—The prisoners under indeterminate sentence differ from the definite term prisoners, in that their

Table 8

MAXIMUM LENGTH OF SENTENCE	PER CENT DISTRIBUTION OF PRISONERS RECEIVED DURING 1926 AND 1923, NOT INCLUDING THOSE SENTENCED TO DEATH					
	Total		Under definite sentence		Under indeterminate sentence	
	1926	1923	1926	1923	1926	1923
	100.0	100.0	100.0	100.0	100.0	100.0
Total	30.7	2.6	7.5	4.8	0.7	0.7
Under 1 year	18.1	17.4	25.0	31.4	4.8	6.2
1 to 1.99 years	13.9	14.3	22.2	23.1	7.4	7.2
2 to 2.99 years	10.1	10.3	9.6	10.3	10.3	10.4
3 to 3.99 years	2.3	3.1	3.4	3.9	2.3	2.5
4 to 4.99 years	14.0	14.9	8.3	8.7	18.5	19.8
5 to 5.99 years	5.9	6.1	3.2	3.6	8.0	8.0
6 to 9.99 years	9.4	9.2	2.7	2.4	14.0	13.8
10 to 10.99 years	9.4	9.0	2.1	2.5	15.9	16.0
11 to 19.99 years	9.4	10.0	2.2	2.9	12.4	11.5
20 years and over	7.8	7.7	.....	.....	1.8	1.1
Maximum not fixed	1.0	0.6	.....	.....	0.4	0.3
Minority	0.3	0.3	.....	.....	2.6	2.0
Life	3.1	3.5	3.3	5.5	.....	.....
Term not reported	(5)	0.3	0.1	.....	.....	0.6

<sup>1</sup> Less than one-tenth of 1 per cent.

sentence usually has a fixed minimum as well as a maximum term. In other words, these sentences have both a specified lower limit and an upper limit, which are fixed by the court. As a rule, and unless otherwise specified, prisoners are not eligible for parole until the completion of their minimum terms. The distribution of the prisoners in 1926 under indeterminate sentence, according to minimum length of sentence, is shown in Table 9, which also gives the corresponding distribution of prisoners in 1923.

The figures in Table 9 indicate a tendency for the minimum sentence to be definitely specified for a decreasing percentage of cases. At the same time, the percentage with specified minimum

<sup>2</sup> The Maryland House of Correction is the largest of these institutions. There were administrative reorganizations of the penal institutions of Rhode Island and Vermont, which led to the inclusion of institutions of both these States in the 1926 census, which in 1923 were included with the jails and workhouses.

sentences of 5 to 5.99 years was somewhat larger in 1926 than in 1923. There were only a few other minor changes in the distribution of prisoners according to minimum length of sentence. For 1926 there was a striking contrast between the male and female prisoners in the percentage with the minimum sentence not fixed. Such prisoners formed 63.3 per cent for the female prisoners, as against only 13.6 per cent of the male prisoners. The percentage having sentences from 1 to 1.99 years was decidedly higher for males than for females; and for each of the succeeding groups, according to length of sentence, the percentage was also higher for males than for females.

The average length of the minimum sentence was 2.4 years for male prisoners, as against 0.6 year for female prisoners. These averages are based upon the full number of prisoners under indeterminate sentences, including those with the minimum not fixed,

Table 9

MINIMUM LENGTH OF SENTENCE	PRISONERS RECEIVED DURING THE YEAR UNDER INDETERMINATE SENTENCE OF IMPRISONMENT: 1926 AND 1923					
	Number: 1926			PER CENT DISTRIBUTION		
	1926			1923		
	Total	Male	Female	Total	Male	Female
	1926	1923	1926	1923	1926	1923
Total	23,878	22,272	1,606	100.0	100.0	100.0
Minimum not fixed	4,045	3,029	1,016	16.9	13.6	63.3
Under 1 year	1,487	1,383	104	6.2	6.2	6.5
1 to 1.99 years	10,083	9,708	375	42.3	43.6	22.2
2 to 2.99 years	2,765	2,711	54	11.6	12.2	3.4
3 to 3.99 years	1,458	1,419	39	6.1	6.9	6.4
4 to 4.99 years	475	470	5	1.6	1.7	0.3
5 to 5.99 years	1,538	1,518	20	6.4	6.8	1.2
6 to 9.99 years	798	782	16	3.3	3.5	1.0
10 to 10.99 years	888	878	10	3.7	3.9	0.6
11 to 19.99 years	288	282	6	1.2	1.3	0.3
20 years and over	194	191	3	0.8	0.9	0.2

who are considered as having minimum sentences of zero year. If the prisoners with minimum not fixed are excluded from the comparison, the average becomes 2.7 years for the male prisoners, as against 1.7 for the female prisoners.

#### RECIDIVISM

Accurate information concerning each prisoner's criminal history, and especially concerning previous commitments to prison, is useful to officials in charge of institutions and to law-enforcement officials in general. In addition, statistics of recidivism—that is, of the number of "repeaters" sent to prison—are of great importance to penologists and to the public for judging the effectiveness of the agencies and methods of law enforcement.

Table 10 summarizes the data on recidivism which were obtained for admissions in 1926. It should be noted that in this report the chief emphasis is placed on previous commitments to prisons and reformatories, on the ground that such commitments represent, as a rule, graver offenses than those penalized by imprisonment in county and city jails and workhouses. Thus, previous commitments to jails and workhouses are here tabulated only for prisoners not previously committed to prisons or reformatories.

As the term is applied in this report, therefore, the recidivists, or repeaters, include two classes: (1) Those reported as imprisoned two or more times in prisons or reformatories, who will hereafter be briefly designated as "prison recidivists"; and (2) those reported as committed for the first time to a prison or reformatory, who had been previously imprisoned one or more

Table 10

STATUS AS TO PREVIOUS COMMITMENT	PRISONERS RECEIVED DURING 1926						Ratio of males to each female
	NUMBER			PER CENT DISTRIBUTION			
	Total	Male	Female	Total	Male	Female	
Total	43,328	40,601	2,727	.....	.....	.....	14.9
Reported as to previous commitments	32,783	31,139	1,644	100.0	100.0	100.0	18.9
First offenders	10,215	17,094	1,121	35.8	54.9	63.2	13.2
Recidivists	14,568	14,045	523	44.4	45.1	31.8	26.9
Not previously committed to prisons or reformatories but committed to jails, workhouses, etc.	4,754	4,488	266	14.5	14.4	16.2	16.9
One time	3,299	3,105	194	10.1	10.0	11.3	16.0
Two times	947	902	45	2.9	2.9	2.7	20.0
Three or more times	608	481	127	1.5	1.6	1.6	17.8
Previously committed to prisons or reformatories	9,514	9,557	257	29.9	30.7	15.6	37.2
One time	6,315	6,119	196	19.3	19.7	11.9	31.2
Two times	1,163	1,138	25	3.6	6.9	1.9	66.3
Three or more times	1,331	1,302	29	4.1	4.2	1.8	44.9
No report as to previous commitments	10,545	9,462	1,083	.....	.....	.....	8.7

<sup>1</sup> Percentages based upon the number reported as to previous commitments.

times in a jail, workhouse, or some penal institution other than a prison or reformatory. This latter group will be designated, for brevity, as "jail recidivists." The term "first offender" is used in this report in a restricted sense and refers to prisoners reported as having no previous commitments.<sup>4</sup> Thus, it is apparent that many first offenders, as the term is here applied, may have committed a number of offenses and may even have been repeatedly arrested and convicted, without having served a prison or jail sentence.

Owing to inadequate identification methods of some of the prisoners, and to the failure to fully utilize the services of State and Federal identification bureaus, no complete data on the subject of

<sup>4</sup> This term is sometimes applied to persons arrested or convicted for the first time.

recidivism can be secured at the present time. In the 1926 census of prisoners a number of institutions made no report concerning recidivists; and a number of other prisons reported this information for only part of their prisoners. These conditions are reflected in the fact that, of the 43,328 admissions for which detailed information was furnished, there were 10,545, or 24.3 per cent, with no report as to previous commitments.

It is apparent, also, that among the prisoners classified as first offenders there must have been many who were actually old offenders but were not identified as such. Thus, the full number of recidivists must be materially larger than the reported number. Likewise, the figures in the table undoubtedly understate the numbers of recidivists previously imprisoned twice, three times, etc.

Since, under present conditions, statistics of previous commitments in the United States necessarily understate the extent of recidivism, it is of outstanding importance that of the prisoners received in 1926, whose criminal records were reported, 44.4 per cent were recidivists, that 29.9 were prison recidivists, and 14.5 per cent were jail recidivists.

Recidivism is evidently much more prevalent among male prisoners than among females, since repeaters formed 45.1 per cent of the males, against 31.8 per cent of the females. The percentage of prison recidivists was nearly twice as large for males as for females. At the same time, jail recidivists formed a slightly larger percentage for females than for males. This condition is probably explained by the fact that, in general, female offenders are convicted of less serious offenses and therefore the percentage imprisoned in jails and workhouses is larger for females than for males.

#### RACE AND NATIVITY

The latest accurate statistics of race and nativity for the general population relate to 1920. Since that time, owing to the drastic restriction of immigration and other factors, the distribution of the general population has probably altered to a large extent. Hence, no exact comparison can be made between the prisoners, or any other special group in the year 1926, and the general population.

The distribution of prisoners by race and nativity in 1926, as compared with 1923, is shown in Table 11. It is to be noted that in this table, as elsewhere in this report, the prisoners born in Mexico, and also those born in the United States of Mexican stock, are classified separately from white prisoners. This separation is a departure from the past procedure of the Census Bureau in connection with the population census, under which those of Mexican stock have been classified as white. It is, however, a more logical method of classification, and it is probable that it will be adopted in future census reports.

The differences in the distribution of prisoners, by race and nativity, between 1923 and 1926, as shown in Table 26, probably do not accurately measure the real changes which occurred, for

Table 11

RACE AND NATIVITY	PRISONERS RECEIVED DURING 1926						PER CENT DISTRIBUTION OF PRISONERS RECEIVED IN 1923		
	NUMBER			PER CENT DISTRIBUTION			Ratio of males to each female		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total.....	43,328	40,601	2,727	100.0	100.0	100.0	14.9	100.0	100.0
White.....	32,743	30,916	1,827	75.6	75.6	75.6	17.4	174.6	168.4
Native white.....	29,330	27,034	1,456	67.7	67.7	67.7	16.8	162.1	159.8
Foreign-born white.....	3,413	3,232	181	7.9	8.0	6.9	17.9	12.0	12.3
Negro.....	9,274	8,476	798	21.4	20.9	29.3	10.6	24.0	23.6
Indian.....	248	233	15	0.6	0.6	0.6	(?)	0.5	0.4
Chinese.....	90	89	1	0.2	0.2	(?)	(?)	0.6	0.2
Japanese.....	25	25	0	0.1	0.1	(?)	(?)	(?)	(?)
Mexican.....	816	807	9	1.9	2.0	0.3	(?)	0.1	0.1
Other races.....	46	46	0	0.1	0.1	(?)	(?)	0.1	0.1
Race not reported.....	88	9	79	0.2	(?)	2.8	(?)	0.6	0.5

<sup>1</sup> Mexicans were not separately tabulated in 1923, but were classified as native white or as foreign born white.

<sup>2</sup> Ratio not shown for groups with less than 100 females.

<sup>3</sup> Less than one-tenth of 1 per cent.

Table 12

AGE	PRISONERS RECEIVED DURING 1926, BY SEX						RATIO PER 100,000 POPULATION OF SAME SEX AND AGE <sup>1</sup>	
	NUMBER			PER CENT DISTRIBUTION			Ratio of males to each female	
	Total	Male	Female	Total	Male	Female	Male	Female
Total.....	43,328	40,601	2,727	100.0	100.0	100.0	14.9	114.4
Under 15 years.....	46	22	24	0.1	0.1	0.9	0.9	0.9
15 to 17 years.....	2,088	1,842	246	4.8	4.5	9.0	7.5	67.7
18 years.....	2,322	2,182	150	5.3	5.3	8.8	11.3	261.8
19 years.....	2,896	2,694	202	6.7	6.6	7.4	13.3	309.1
20 years.....	2,717	2,524	193	6.3	6.2	7.1	13.1	311.3
21 to 24 years.....	9,049	8,441	608	20.9	20.8	22.3	13.9	238.4
25 to 29 years.....	8,222	7,771	451	19.0	19.1	16.5	17.2	178.1
30 to 34 years.....	5,122	4,846	276	11.8	11.9	10.1	17.6	122.0
35 to 39 years.....	3,893	3,672	221	9.0	9.0	8.2	16.5	93.8
40 to 44 years.....	2,802	2,470	332	6.5	6.1	4.8	18.7	78.2
45 to 49 years.....	1,623	1,547	76	3.7	3.8	2.8	29.4	51.6
50 to 54 years.....	1,007	1,064	33	2.5	2.6	1.2	32.2	43.7
55 to 59 years.....	624	602	22	1.4	1.5	0.8	27.4	33.3
60 to 64 years.....	354	344	10	0.8	0.8	0.4	34.4	22.6
65 years and over.....	245	240	5	0.8	0.8	0.3	22.5	14.2
Age not reported.....	273	240	33	0.6	0.6	1.2	7.3	0.3

<sup>1</sup> Based upon the estimated population 15 years of age and over of the States for which detailed statistics were received.

several reasons, chief of which is the fact that the percentage of foreign-born white persons in the general population has probably been decreasing since 1920, owing to the restriction of immigration. Thus, the decrease in the percentage of foreign-born white prisoners, as shown in the table, may be due in the main to the similar change in the general population.

The decrease in the percentage of negro prisoners also is probably merely apparent, since the 1926 figures fail to cover all of the states. Of the seven states for which the detailed statistics are lacking, all but two are southern states having considerable numbers of negro prisoners. Thus, the 1926 figures are especially incomplete as regards the negroes.

## AGE

A subject of considerable public interest is the distribution of prisoners according to age. Table 12 presents the classification of the prisoners in 1926 according to age, together with the ratio of prisoners per 100,000 of the general population. These ratios are, however, to be considered as rough approximations, since the age composition of the general population probably changed considerably between 1920 and 1926 and since accurate statistics concerning the age distribution of the general population are available only for 1920, when the last decennial population census was taken.

The ratio of prisoners per 100,000 of the general population is highest for the male prisoners 20 years of age and next highest for those 19 years old. The ratio is also strikingly high for those 18 years old and for the age group 21 to 24 years. The ratio of prisoners to population steadily decreases with advancing age, beginning at the age of 21. In the case of the female prisoners the ratio to population is highest for those 19 years of age, is slightly smaller for those 20 years old, and decreases rapidly for each successive higher age group.

The median age of any group of persons is that age which separates the group into two equal parts, one consisting of those who are above the median age, and the other of those below it. The median age of 26.6 years for all of the male prisoners indicates that one-half of the male prisoners were younger than 26.6 years, while the other half were older than this age. For the female prisoners, the median age was 24.2 years.

## DISCHARGED PRISONERS

*Method of discharge.*—The distribution of discharges according to method of discharge is shown in Table 13.

A great majority of the prisoners discharged in 1926 were released either by expiration of sentence or by parole. In the case of the male prisoners those paroled formed a higher percentage of the total than those released by expiration of sentence, but in the case of the female prisoners those released by expiration of



sentence slightly outnumbered those who were paroled. In view of the interest in the subject of capital punishment, attention is called to the fact that executions number 66 out of the total of 44,964 prisoners discharged.

Comparison with the results of the 1923 census indicate a decrease in the percentage of prisoners released by parole, since 54.4 per cent of the male prisoners leaving prisons and reformatories in 1923 were paroled, as against 44.4 per cent in 1926. At the same time male prisoners released upon expiration of sentence increased from 33.4 per cent of the total in 1923 to 39.4 per cent in 1926.

*Time served.*—The time served is the length of imprisonment for discharged prisoners. This item of information is highly important in the study of penal policies. It might be thought that

Table 13

METHOD OF DISCHARGE	PRISONERS DISCHARGED DURING THE YEAR 1926 BY SEX					
	NUMBER			PER CENT DISTRIBUTION		
	Total	Male	Female	Total	Male	Female
Total.....	44,964	42,259	2,705	100.0	100.0	100.0
Released—total.....	41,927	39,319	2,608	93.2	93.0	96.4
Sentence expired.....	17,831	16,657	1,174	39.7	39.4	43.4
Paroled.....	19,917	18,783	1,134	44.3	44.4	41.9
Furlough.....	1,230	1,230	0	2.9	3.0	1.7
Otherwise released.....	2,883	2,629	254	6.4	6.2	9.4
Executed.....	66	66	0	0.1	0.2	0.0
Died.....	794	701	93	1.8	1.7	3.0
Escaped.....	2,121	2,049	72	4.7	4.8	2.7
Method not reported.....	126	124	2	0.3	0.3	0.1

the time served would, in general, be equal or nearly equal to the length of a prisoner's sentence. This, however, is by no means the case, nor should it be supposed that effective penal administration requires that offenders should be imprisoned for the full terms to which they are sentenced by the courts. On the contrary, flexibility in the sentence is desirable for securing the best results in operating the penal institutions. The modern view holds that the primary purpose of imprisonment is to protect society from the offender; when an offender has been rehabilitated so that there is a reasonable prospect that upon his release he will not revert to criminal habits, it is desirable to release him under parole supervision.

Most prisoners under indeterminate sentence are likely to be released on parole; that is, conditionally. It is also true that even prisoners under so-called definite sentence are eligible to parole under certain conditions in many states. Furthermore, both prisoners under definite sentence and those under indeterminate sentence may have their sentences reduced as a reward for good

conduct. Such reductions of sentence for good behavior may, in some states, amount to one-third or one-half of the full term. It is possible even in a considerable number of states for a prisoner under indeterminate sentence to be paroled before the completion of his minimum sentence through a deduction for good behavior.

Table 14 summarizes the distribution of discharges in 1926, by time served, for the principal groups according to method of discharge. It is to be noted that the statistics of time served in this table and elsewhere in this report are based upon the interval between the beginning of each prisoner's sentence and the date of discharge. This interval probably corresponds closely as a rule with the actual period of imprisonment, but in a considerable fraction of cases the interval thus obtained is somewhat in excess of the actual period of imprisonment, since no account was taken of periods during which prisoners were away from the institution either on parole or on escape. These statistics of time served, therefore, tend to exaggerate somewhat the period of actual imprisonment.

Table 14

SEX AND TIME SERVED	PRISONERS DISCHARGED DURING 1926, BY METHOD OF DISCHARGE							
	NUMBER				PER CENT DISTRIBUTION			
	Total	Sentence expired	Paroled or pardoned	Other	Total	Sentence expired	Paroled or pardoned	Other
<b>BOTH SEXES.....</b>	<b>40,210</b>	<b>16,167</b>	<b>19,277</b>	<b>4,766</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Under 1 year.....	12,809	7,231	3,893	1,685	31.9	44.7	30.2	35.4
1 to 1.99 years.....	13,362	4,544	8,002	816	33.2	28.1	41.5	17.1
2 to 2.99 years.....	4,950	1,777	2,815	361	12.3	11.0	14.0	7.6
3 to 3.99 years.....	2,226	902	1,159	173	5.8	6.1	9.0	3.7
4 to 4.99 years.....	1,296	420	697	149	3.1	2.6	3.6	3.1
5 to 9.99 years.....	1,029	419	221	389	2.6	4.2	5.3	4.5
10 years and over.....	458	127	248	83	1.1	0.8	1.3	1.7
Not reported.....	3,011	397	1,341	1,273	7.5	2.5	7.0	26.7
<b>MALE.....</b>	<b>37,669</b>	<b>15,033</b>	<b>18,184</b>	<b>4,452</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Under 1 year.....	11,516	6,482	3,565	1,469	30.6	43.1	19.6	33.0
1 to 1.99 years.....	12,357	4,227	7,632	798	34.1	29.5	42.0	17.9
2 to 2.99 years.....	4,712	1,743	2,619	350	12.5	11.6	14.4	7.9
3 to 3.99 years.....	2,248	954	1,123	171	6.0	6.3	8.2	3.8
4 to 4.99 years.....	1,231	402	1,179	148	3.3	2.7	3.7	3.3
5 to 9.99 years.....	1,984	668	1,090	217	5.3	4.4	6.0	4.9
10 years and over.....	455	125	247	83	1.2	0.8	1.4	1.8
Not reported.....	2,666	226	1,223	1,217	7.1	1.5	6.7	27.3
<b>FEMALE.....</b>	<b>2,541</b>	<b>1,134</b>	<b>1,093</b>	<b>314</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Under 1 year.....	1,292	749	328	216	50.9	66.0	30.0	68.6
1 to 1.99 years.....	505	177	370	18	19.9	10.3	23.9	5.7
2 to 2.99 years.....	256	104	153	11	9.4	9.0	17.9	3.5
3 to 3.99 years.....	81	38	36	7	3.2	3.4	3.3	2.2
4 to 4.99 years.....	36	19	21	4	1.4	1.1	1.9	0.9
5 to 9.99 years.....	41	11	26	4	1.6	1.0	1.6	1.3
10 years and over.....	3	1	1	1	0.1	0.1	0.1	0.3
Not reported.....	345	171	118	56	13.6	16.1	10.8	17.8

*Sentence.*—The average time served is compared with the average length of maximum sentence for discharged prisoners, classified by method of discharge, in Table 15.

Table 15

METHOD OF DISCHARGE	AVERAGE TIME SERVED AND AVERAGE LENGTH OF MAXIMUM SENTENCE OF PRISONERS DISCHARGED DURING 1929					
	Average time served (years)		Average length of maximum sentence (years)		Percentage which average time served is of length of sentence	
	Male	Female	Male	Female	Male	Female
Total.....	1.96	1.20	6.28	3.82	31.2	31.4
Sentence expired.....	1.75	0.87	2.65	1.57	66.1	55.4
Paroled or pardoned.....	2.12	1.65	8.59	4.91	24.7	35.7
Other.....	2.02	0.70	10.88	6.41	18.6	12.9

## CONSTITUTION AND BY-LAWS

An Act to Incorporate The Prison Association of New York. Passed May 9, 1846, by a two-thirds vote. (As subsequently amended.)

*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 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 the corporation is formed.

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

### ARTICLE 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.
3. For 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

The officers of the society shall be a president, vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following standing committees, viz.: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. 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 THIRD

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

The executive committee shall meet once in each month, and keep general 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

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

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 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 committee shall adopt.

## ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such person 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 of 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 the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

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

And it is hereby further enacted that no manager of said society shall receive 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 powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment, of the persons so as aforesaid committed to the said 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 trades and employments as in their judgment will be most conducive to their 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 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.

#### BY-LAWS

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. The annual meeting shall be held on the third Thursday of January in each year at half-past three in the afternoon at the office of the association.

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in intervals between the annual meetings, by the executive committee.

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

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. Reading of the minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on the work of the year.
6. Annual report of the treasurer.

IV. The order of business at every other 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. Reports 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.

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

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

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be at least the following standing committees: executive; finance; law; detention; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detention to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election, as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole, and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and state prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into three parts to be known as:

1. The endowment fund.
2. The reserve fund.
3. The general fund.

*The Endowment Fund.*—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

*The Reserve Fund.*—The reserve fund shall consist of such sums as may be set aside from the general fund from time to time by the executive committee for investment. Whenever any part of the reserve fund shall be appropriated by the executive committee, such sum shall be immediately transferred to the general fund. The endowment and reserve funds shall be under the immediate direction and control of the committee on finance, and all investments of these funds shall be ordered by the Committee. The treasurer of the association shall be a member and act as the treasurer of the committee on finance, and shall be responsible for the safe-keeping of the sureties of the endowment and reserve funds.

Any uninvested balance of the endowment and reserve funds shall be kept each in separate trust companies in the name of the association, subject to check of the treasurer, and shall, whenever possible, bear interest. All income from the endowment and reserve funds may be transferred to the general fund as soon as received.

No part of the reserve fund shall be used for any purpose except by resolution of the executive committee, and whenever any part shall be appropriated by the executive committee, it shall immediately be transferred to the general fund.

*The General Fund.*—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes,

and income from endowment and reserve funds, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary at once of all transfers of income from the endowment and reserve funds to the general fund.

The treasurer shall notify the corresponding secretary, immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements. This provision shall not apply to the endowment and reserve funds.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of either the reserve or general fund, the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance. Such account shall be separate and distinct from those accounts opened for the uninvested balance of the endowment and reserve funds.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall audit and report upon accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing the investments and the receipts and disbursements of the endowment and reserve funds; he shall make, at the annual meeting of the association, a detailed statement of receipts and disbursements for the fiscal year.

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the

State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

XII. One or more agents may be appointed by the executive committee to assist the standing committees in their duties.

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

XIV. 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.

## TREASURER'S REPORT

Statement of Income and Expenses Year Ended December 31, 1929

INCOME	
Donations:	
Regular .....	\$19,710 67
General appeal .....	1,222 50
Special purposes .....	8,533 52
	\$29,466 59
Interest and dividends .....	14,400 15
Rent of second floor .....	1,200 00
Refunds of \$117.96 deducted from expenses .....	
Total income .....	\$45,066 74
EXPENSES	
General administration:	
Salaries and wages .....	\$11,516 83
Traveling expenses .....	380 07
Printing and stationery .....	716 34
Postage .....	470 28
Telephone and telegraph .....	314 41
Annual report .....	299 65
Legal and auditing .....	235 00
Legislative service .....	120 00
Furniture and fixtures .....	864 76
Miscellaneous .....	394 16
Total .....	\$15,311 50
Relief—prisoners and families .....	13,257 14
Relief administration .....	3,355 94
Employment administration .....	3,391 54
Appeal Bureau—administration .....	4,271 50
House maintenance .....	2,624 15
Traveling expenses—assistant secretary .....	400 00
Total expenses .....	43,111 77
Additions to special funds .....	1,717 13
Additions to capital account .....	237 84
	1,954 97
Total income accounted for .....	\$45,066 74

We have audited the books, accounts, minutes and other records of The Prison Association of New York for the year ended December 31, 1929, and have verified the cash, securities and other assets and liabilities of the Association at that date, and we certify that the attached statement of income and expenses correctly states its financial condition at December 31, 1929, and its operations for the year ended on that date.

Respectfully submitted,  
 (Signed) WEBSTER, BLANCHARD & TAYLOR,  
*Certified Public Accountants,*  
 50 Broadway, New York City.

## CONTRIBUTORS

## LIFE PATRONS

By Contributions of \$500 or More at One Time

Auchincloss, Charles, C.  
Barbey, Mrs. Henry I.  
Blumenthal, George  
Brewster, Robert S.  
Clark, F. Ambrose.  
Harkness, E. S.  
Harrah, Charles J.  
Hochschild, Harold K.  
Holter, Mrs. E. O.  
James, Arthur Curtiss  
Lewisohn, The Misses Alice and Irene.  
New York Foundation.

Phipps, Henry.  
Pyne, Percy R.  
Rockefeller, John D.  
Rockefeller, John D., Jr.  
Rockefeller, The Laura Spelman Memorial.  
Sage, Dean.  
Schiff, Mortimer L.  
Scott, William B.  
Tiffany, L. C.  
Vail, Mrs. Lawrence.  
Woerishoffer, Mrs. Anna.

## HONORARY LIFE MEMBERS

By Contributions of \$100 at One Time

F. S.  
C. S. S.  
G. W. W.  
A. Friend.  
Anonymous.  
Anson, Mrs. Earnald.  
Association of Grand Jurors, N. Y. County.  
Astor, Mrs. Ava Willing.  
Auchincloss, Mrs. C. C.  
\*Auchincloss, Mrs. E. S.  
Bachelors, The.  
Baker, George F.  
Bandler, Maurice E.  
Baring, Charles.  
Barksdale, Mrs. H. M.  
Beard, Anson McC.  
Bell, Mrs. Gordon Knox.  
Boettger, Henry W.  
Bourne, Miss Marion C.  
Bowen, Mrs. Harry S.  
Brokaw, George T.  
Brown, Alexander H.  
Brownell, Miss Matilda A.  
Bruce, Miss Sarah E.  
Bulkyer, Mrs. Jonathan.  
Burchard, Anson W.  
Carhart, Mrs. Hamilton.  
Cary, Miss Kate.  
Champlin, Mrs. Hila J.  
Chapman, Mrs. John J.  
Chisholm, George E.  
Chisolm, B. Ogden.  
Chisolm, W. E.  
Choate, Joseph H.

\*Choate, Mrs. Joseph H.  
Clafin, John.  
Clark, Edward Severin.  
Clark, Mrs. Stephen C.  
Clarke, Miss Florence M.  
Klar, William P.  
Clyde, Mrs. William P.  
Coe, William R.  
Colgate, William.  
Connor, W. E.  
Coolidge, Mrs. Sherman.  
Cooper, James Fenimore.  
Cooper, Mrs. James Fenimore.  
Cromwell, James W.  
Curtis, Mrs. James F.  
Cutting, Fulton.  
Davis, Joseph E.  
deBrabant, Mrs. Marius.  
DeForest, Henry W.  
DeLano, Mrs. Warren.  
Devoe, Miss Harriet E.  
Dicks, Mrs. W. K.  
Dodge, Mrs. Cleveland H.  
Dodge, D. Stuart.  
Dominick, M. W.  
DuBois, Miss Katherine.  
Durand, Mrs. Frederic F.  
Dwight, Winthrop E.  
Emmons, Arthur B.  
Ewing, William F. C.  
Field, Mrs. Marshall.  
Finn, George H.  
Frazier, Mrs. Frank P.  
Frost, Aaron V.

\*DECEASED

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Gabriel, Mrs. E. Vivian.  
Gallatin, Mrs. Albert H.  
Gardner, Mrs. Robert Folger.  
Gerry, Peter G.  
Gilman, Winthrop S.  
Goldman, Julius.  
Gould, Edwin.  
Grace Church.  
Hadden, Alexander M.  
Halkett, Mrs. Sarah K.  
Hall, Mrs. Bolton.  
Hall, E. Trowbridge.  
Harkness, Mrs. Charles W.  
Harris, John F.  
Hayden, Charles.  
Hears, James A. & Son, Inc.  
Herriek, Mrs. Robert F.  
Hill, Frederick T.  
Howland, Mrs. Joseph.  
Hurd, Richard M.  
Hyde, Mrs. Clarence H.  
Jackson, Mrs. Charles H., Jr.  
Jameson, E. C.  
Jennings, Miss Annie B.  
Jinks, The.  
Johnson, Arthur G.  
Johnson, Gilbert H.  
Johnson, James W.  
Judson, F. A.  
Keteltas, Miss Alice.  
Kunhardt, W. B.  
LaFarge, Mrs. Oliver H. P.  
Langdon, Woodbury G.  
Langley, William C.  
Lawrence, Mrs. Samuel.  
Lehman, Mrs. H. H.  
Lewisch, Adolph.  
Livingston, Johnston.  
Livingston, Miss Julia.  
Lorillard, Pierre.  
Low, William G.  
McHarg, Henry K.  
McKinney, Price.  
McLean, Mrs. James.  
McMillin, Emerson.  
Marshall, Louis.  
Monell, Miss Barbara.  
Moore, Edward S.  
Moore, Mrs. William H.  
Morgan, Mr. and Mrs. J. P.  
Morris, Mrs. Lewis R.  
Murtland, Samuel.  
National Humane Alliance.  
Nichols, W. H.  
Olmstead, Mrs. C. T.  
Olyphant, Robert M.  
Osborn, William Church.  
Osborn, Mrs. William Church.  
Oswalt, F. E.  
Pearce, Mrs. Henry.

Perkins, George W.  
Pond, Miss Florence L.  
Porter, H. Hobart.  
Post, James H.  
Pratt, George D.  
Prentice, Benson S.  
Rand, George C.  
Reed, Latham G.  
Reid, Fergus.  
Remsen, Miss Elizabeth.  
Rice, Mr. and Mrs. Alexander H.  
Richardson, Mrs. C. Tiffany.  
Rionda, Mrs. Manuel.  
St. Thomas Church.  
Sage, William H.  
Satterlee, Mrs. Herbert L.  
Schermerhorn, F. Augustus.  
Sooville, Miss Grace.  
Seaman, Lloyd W.  
Seligman, J. & W. Co.  
Sexton, Mrs. A. G.  
Shepard, Mrs. Finley J.  
Shipman, C. H.  
Simpson, Miss Jean Walker.  
Skeel, Mrs. Roswell, Jr.  
Slayback, John D.  
Sloan, Samuel.  
Sloane, Mr. and Mrs. George.  
Smith, J. Hopkins.  
Snowden, James Hastings.  
Stillman, Miss Charlotte R.  
Stokes, Mrs. Phelps.  
Stone, Miss Annie.  
Straight, Mrs. W. D.  
Third Panel Sheriff's Jury.  
Thomas, Seth E.  
Train, Mrs. Arthur.  
Trevor, Mrs. John B.  
Trumbull, Frank.  
Untermeyer, Samuel.  
Vanderlip, F. A.  
Van Bergen, Mrs. B. V.  
Van Ingon, E. H.  
Van Ingen, Mrs. E. H.  
Van Norden, Warner M.  
Warburg, Felix M.  
Ward, Artemas.  
Ward, George C.  
Webb, William Seward.  
Weekes, Harold H.  
Westinghouse, Church, Kerr & Co.  
White, Alfred T.  
Whitney, Henry P.  
Wickersham, George W.  
Winthrop, Benjamin R.  
Wood, Walter.  
Wood, William.  
Woodin, William H.  
Wrenn, Robert D.  
Zabrickie, Mrs. George.

## LIFE MEMBERS

By Contributions of \$50 at One Time

A. H. (In Memory of).  
 A. Z.  
 C. S.  
 C. V. R. and O. A. V. R. (in Memory of).  
 P. E. A.  
 A Friend.  
 "From a Friend."  
 Acorn.  
 Agent.  
 Anonymous.  
 Achilles, Mrs. Gertrude S.  
 Adkins, Mrs. Leonard D.  
 Adler, Felix.  
 Alexander, William.  
 Anderson, J. Cameron.  
 Andrews, Constant A.  
 Archbold, Mrs. John D.  
 Arnold, Edward W. C.  
 Astor, W. W.  
 Baldwin, William D.  
 Baldwin, William M.  
 Barrows, Ira.  
 Baumert, Frank J.  
 Belmont, August.  
 Bellak, C. Morton.  
 Benecke, Alex.  
 Benjamin, William E.  
 Biggs, Mrs. H. M.  
 Bigelow, Mrs. Lucius H.  
 Bliss, Cornelius N., Jr.  
 Bliss, Mrs. Cornelius N.  
 Bliss, Mrs. Robert W.  
 Borden, Albert G.  
 Borg, Simon.  
 Boyd, Mrs. Francis O.  
 Brooks, Miss Bertha G.  
 Brown, Everett L.  
 Brown, Stewart.  
 Bryce, Peter Cooper.  
 Bulkeley, Edwin M.  
 Bulkeley, Mrs. Edwin M.  
 Campbell, Mrs. Henry G.  
 Campbell, Mrs. O. A.  
 Carey, S. W., Jr.  
 Carey, Mrs. Ellen G.  
 Chapin, Charles Merrill, Jr.  
 Chapin, Simeon B.  
 Christ Church of New Brighton.  
 Cheney Brothers.  
 Christian Herald.  
 Christie, Robert E.  
 Clarke, Miss Lois Q.  
 Clarkson, Banyer.  
 Clarkson & Ford Co.  
 Cluett, Walter H.  
 Coffin, Edmund, Jr.  
 Comey, John W.  
 Coster, Mrs. Charles Henry.

Coward, Mrs. Thomas R.  
 Crane, Albert.  
 Cronwell, Mr. and Mrs. J. H. R.  
 Cross, John Walter.  
 Crossman, W. A. & Bro.  
 Cutting, R. Hayward.  
 Davis, Henry J. (In Memory of Mrs. Amy Eliz. Davis).  
 Davis, Thomas B.  
 De Lamar, Miss Alice A.  
 Delano, William Adams.  
 De Feyster, Miss Augusta M.  
 Dickman, Mrs. George.  
 Dinsmore, Mrs. W. B.  
 Dodge, William E., Jr.  
 Dwight, Mrs. Edward F.  
 Eastman, Mr. and Mrs. Lucius.  
 Eittinger-Schid Co.  
 Ellis, William D.  
 Emmet, Mrs. C. Temple.  
 Emmet, Miss Lydia F.  
 Emmons, Mrs. Arthur B.  
 Engs, P. W.  
 Evans, Hartman K.  
 Farrelly, Mrs. Gerald J.  
 Flagler, Mrs. Harry H.  
 Foster, James, Jr.  
 Fox, Mortimer J.  
 Fraser, Mrs. George S.  
 Friendly Fund, Inc.  
 Gabrieliowitch, Mrs. Clara.  
 Gage, Mrs. B. W.  
 Gallatin, Albert.  
 Gallatin, Mrs. Albert.  
 Geddes, Donald G.  
 Geer, Mrs. Walter.  
 Guggenheim, Mrs. Simon.  
 Gurnee, A. G.  
 Halsted, Miss A. B.  
 Hamersley, L. G.  
 Hamilton, Frank.  
 Hammond, Mrs. John Henry.  
 Hawks, Mrs. Morris.  
 Healy, A. Augustus.  
 Heckscher, Miss Anna M.  
 Helfetz, Jascha.  
 Hensheimer, Alfred M.  
 Hencken, Mrs. Albert C.  
 Herrick, E.  
 Hewitt, Mrs. Peter Cooper.  
 Hinekey, Mrs. Samuel N.  
 Hird, Miss Martha.  
 Hoe, Richard M.  
 Hoe, Mrs. Richard M.  
 Hood, Miss Juliet K.  
 Horn, James.  
 Hosmer, Mrs. Edward Sturges.  
 Hoyt, Gerald L.  
 Huntington, Henry E.

Hutchinson, John W.  
 Hyde, Mrs. B. Talbot B.  
 Hyde, E. Francis.  
 Hyde, Frederick E.  
 Ingalls, Mrs. David S.  
 Irvin, Richard.  
 Johnson, Mrs. Aymar.  
 Jones, Edward.  
 Jones, Mrs. Edward H.  
 Jones, James J.  
 Joost, Martin.  
 Jourdan, Edward R.  
 Kelsey, Clarence H.  
 Kemble, George I.  
 Kerr, Mr. and Mrs. Robert C.  
 Kidder, Mrs. A. M.  
 Klee, Walter S.  
 Lamont, Miss Elizabeth K.  
 Landauer, James D.  
 Landauer, William I.  
 Landon, Francis G.  
 Langton, John.  
 Lathers, Miss Julia.  
 Leffingwell, R. C.  
 Leon, Maurice.  
 LeRoy, J. R.  
 Lester, Miss M. Elizabeth.  
 Lohenstine, William C.  
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For Fiscal Year January 1, 1929 to December 31, 1929

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G. R.	10 00	Maclay, Mrs. Alfred B. . . . .	5 00
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Levi, George. . . . .	5 00	G. R.	25 00
Levy, Benjamin. . . . .	1 00	Maclean, Mrs. J. B. . . . . S.	10 00
Levy, Ephraim B. . . . .	5 00	MacMurray, Mrs. J. W. . . . .	20 00
Levy, Leo E. . . . .	5 00	MacNeil, Herman A. . . . .	5 00
Lewis, Maurice J. . . . . G. R.	1 00	Magee, James. . . . .	5 00
Lewis, Mrs. August. . . . .	10 00	Mallaby, Miss Theodora F. . . .	5 00
Lewisohn, Adolph. . . . .	25 00	Mandel, Max. . . . .	5 00
Lewisohn, Sam A. . . . .	10 00	Manges, Morris. . . . .	10 00
Lisbman, Julius. . . . .	10 00	Mandfield, Howard. . . . .	10 00
Limbarg, Herbert R. . . . .	10 00	Marcus, Mrs. George E. . . . .	
Lincoln, Mrs. Frederic W. . . .	5 00	G. R.	5 00
Lincolni, Mrs. Frederic W. S. . .	5 00	Markowitz, Mrs. A. Lincoln. . .	1 00
Lindemann, Oscar. . . . .	10 00	Marony, Robert J. . . . . S.	5 00
Lindley, Mrs. Erasmus C. . . . .	25 00	Marquand, Mrs. Alban. . . . .	20 00
Lion, Miss Sarah G. (In		Marquand, Miss Sarnia. . . . .	10 00
Memory of Esther Lion). S	5 00	Marsh, William P. . . . . G. R.	10 00
Linsberger, Mrs. L. . . . . G. R.	5 00	Marshall, Mrs. Chauncey	
Litchfield, Electus D. . . . .	5 00	10 00	
Lloyd, Mrs. Francis G. . . . .	5 00	Martin, Mrs. Alfred W. . . . .	5 00
Lloyd, Sabaudu. . . . . G. R.	5 00	Martin, Alfred W. . . . .	2 00
Loebstine, Mrs. William C. . . .	10 00	Martin, Miss Florence C. . . . .	5 00
Lockwood, Mrs. I. Ferris. . . .	10 00	Martin, William. . . . .	5 00
Loeks, Im. . . . .	10 00	Martyn, Mrs. George. . . . .	1 00
Loines, Mrs. Stephen. . . . .	10 00	Mather, Charles E. . . . .	2 00
Lotta Fund for Aiding Dis-		Mathews, Mrs. Albert H. . . . .	10 00
charged Convicts. . . . . S.	1830 00	Mathewson, Douglas. . . . . S.	5 00
Love, John W. . . . .	1 00	Maurice, Miss Marian B. . . . .	25 00
Loveman, Miss Amy. . . . .	5 00	Mauzy, Mrs. Henry Tobin. . . .	3 00
Lovig, Lawrence. . . . . C. T.	1 00	Maximilian, F. K. . . . . G. R.	1 00
Low, William G. . . . .	20 00	Maxwell, Howard W. . . . .	25 00
Lowell, Sidney V. . . . .	2 00	Maynard, Miss Helen Louise	
Lowry, Mrs. Holt. . . . .	5 00	5 00	
Ludlam, Charles S. . . . .	5 00	Meade, Miss Annie P. . . . .	5 00
Ludvig, Elek John. . . . .	10 00	Meigs, Ferris J. . . . .	10 00
Lueders, George. . . . .	10 00	Mei-Hwa Fur Trading Corp. . . .	5 00
Lueders, George & Co. . . . G. R.	10 00	Mendenhall, Henry B. . . . .	5 00
Lund, Harry A. . . . . C. T.	1 00	Menger, M. E. . . . . G. R.	2 00
Laquer, Lea Mc. . . . .	10 00	Merchant, Mrs. B. T. . . . .	5 00
Lusk, Graham. . . . . G. R.	5 00	Merrill, Mrs. Charles E. . . . .	5 00
M.		Merrill, Mrs. Charles E., Jr. . . .	10 00
McAlpin, Mrs. William W. . . .		Merrill, Mrs. Edwin G. . . . .	5 00
G. R.	10 00	Merrill, Ralph Winslow. . . . .	2 00
		Merritt, Edward R. . . . . S.	5 00
		Mersereau, Mrs. Jacob. . . . .	10 00

Meyer, Mrs. Charles B. . . . .		G. R.		National Biscuit Co. . . . .	5 00
Middlebrook, Mrs. William W. . . . .	5 00			Naumburg, Mrs. Aaron. . . . .	10 00
Middleton & Co., Ltd. . . . .	2 00			Neave, Mrs. Charles. . . . .	5 00
Miller, Miss Annie. . . . .	10 00			Neumeyer, Mrs. G. . . . .	5 00
Miller, Mrs. Lawrence McK. . . .	10 00			Neuss, William . . . . .	10 00
Millett, Richard Caldwell. . . . .	5 00			Newhouse, Mrs. Walter Scott	
Millett, Mr. and Mrs. Stephen				G. R.	2 00
C. . . . .	25 00			Newman, Stephen L. . . . .	10 00
Millett, Mrs. Stephen G. . . . .				Nichols, George. . . . .	10 00
G. R.	10 00			Nichols, Mrs. John W. T. . . . .	10 00
Milliken, Jno. B. . . . .	10 00			Nichols, Mrs. William H. . . . .	10 00
Milliken, Seth M. . . . .	20 00			Nichols, William H. . . . . G. R.	10 00
Miller, David B. . . . .	10 00			Nicolai, Nathaniel. . . . .	5 00
Minford, Miss Agnes A. . . . .				Norris, Miss Fanny. . . . .	10 00
G. R.	5 00			Norton, Mrs. Charles D. . . . .	25 00
Minner, Edmund E. . . . .	1 00			Norton, Mrs. Frank L. . . . .	5 00
Mitchell, Mrs. John Murray. . . .	10 00			Noures, Miss J. L. . . . .	5 00
Mitler, Bernhard, E. . . . .	2 00			Noxall Waist & Dress Co. . . . .	
Moeller, Miss Hannah T. . . . .	5 00			G. R.	5 00
Moller, Edwin Clarence. . . . .	10 00				
Moon, Mrs. George C. . . . .	1 00			O.	
Moore, Benjamin. . . . .	50 00			Oakley, Alonzo Core. . . . .	5 00
Moore, Edward S. . . . .	100 00			O'Connor, John Christopher	
Moore, Mrs. Louis deB. S. . . . .	10 00			G. R.	25 00
Moore, Mrs. Paul. . . . .	50 00			Ogden, Charles W. . . . .	10 00
Moore, Mrs. William H. . . . .	25 00			Ogden, Miss Mary F. . . . .	10 00
Morawetz, Mrs. Victor. . . . .	25 00			Oi, Albert D. . . . .	5 00
Morche, Ernest W. . . . .	2 00			Olafson, Olof. . . . .	1 00
Morgan, Mrs. Edith P. . . . .	5 00			Oleott, Mrs. Eben Erskine. . . . .	1 00
Morgan, Mrs. John H. . . . .	15 00			Oleott, Miss Theodora. . . . C. T.	5 00
Morris, Mrs. Irma C. . . C. T.	1 00			O'Neill, Miss Anna. . . . . C. T.	10 00
Morris, Mrs. Lewis R. . . . . S.	50 00			Opeahay, Wilfred A. . . . .	25 00
Morris, Lewis Spencer. . . . .	10 00			Oppenheimer, Mrs. . . . . .	
Morris, Richard L. . . . .	1 00			G. R.	10 00
Morris, Mrs. William. . . . .	1 00			Osborn, Mrs. Ralph. . . . .	10 00
Morris, William H. . . . .	10 00			Osborn, Mrs. William Church	
Morton, Mrs. Paul. . . . .	15 00			S.	10 00
Moses, Mrs. Emanuel. . . . .	5 00			Osborn, William Church. . . . .	100 00
Moses, Mrs. James. . . . .	5 00			Otis, F. Burton. . . . .	2 00
Mossman, Mrs. Howard Hill					
G. R.	5 00			P.	
Mott, E. P. . . . .	5 00			Palen, Miss Grace. . . . .	5 00
Mott, Lewis F. . . . .	10 00			Palmer, Mrs. J. Culbert	
Mouraille, Miss Mathilde				G. R.	5 00
M. . . . .	3 00			Pappenheimer, Mrs. A. M. . . . .	5 00
Mowbray, Miss Mary E. . . . .				Parker, Mrs. A. W. . . . .	10 00
G. R.	3 00			Parker, Mrs. Willard. . . . .	10 00
Mueller, Jacob P. Co. . . . .	2 00			Parker, Mrs. William. . . . .	5 00
Mueller, Miss Louise M. . . . .	5 00			Parsons, Miss Anna H. . . . .	1 00
Munn, John P. . . . .	10 00			Parsons, Argyll Rosse. G. R.	5 00
Munroe, Mrs. Chester. . . . .	35 00			Parsons, Mrs. Edgerton. . . . .	5 00
Munson, Robert H. . . . .	10 00			Parsons, Mrs. Joseph G. R.	10 00
Murphy, Grayson M. P. . . . .	20 00			Parsons, William Barclay	
Jr. . . . .	5 00			5 00	
Murray, Miss Catherine. . . . .	5 00			Parsons, William Barclay. . . . .	5 00
Mutterperl, Sol. . . . .	2 00			Pussavant & Co. . . . .	5 00
Myers, Marcus A. . . . . G. R.	1 00			Paulding, James Kirke. . . . .	5 00
Mygatt, Kenneth. . . . .	5 00			Pavenstadt, Adolf J. . . . .	20 00
				Pavey, Frank D. . . . .	20 00
N.				Pavey, Frank D. . . . . S.	10 00
Nash, Mrs. Francis P. . . . .	10 00			Payne, Miss Sarah Kate. . . . .	2 00
Nathan, Mrs. Harmon H. . . . .	20 00			Pearee, William G. . . . .	25 00

Peck, Mrs. Bayard L. G. R.	5	00	Putnam's, G. P. Sons.....	10	00
Peck, Miss Eva W.....	2	00	Pyne, Mrs. M. Taylor.....	15	00
Peshles, Miss Frances H.....	5	00	Pyne, Mrs. M. Taylor.....S.	20	00
Pegram, Edward Sanford S.....	5	00			
Peiers, Siegfried.....	5	00	Q		
Pell, James D.....	10	00	Quan, Mrs. James.....C. T.	1	00
Pendleton, Mrs. E. Gray.....	5	00	Quinn, William J.....	3	00
Pennoyer, Mrs. Paul Geddes.....	5	00	Quinto, Philip.....	2	00
Perkins, Miss Emily S.....	20	00			
Perkins, Mrs. George W.....	25	00	R		
Perstein Bros.....	8	00	Racky, Miss Bertha.....	1	00
Perry, Mrs. H.....	5	00	Radnai, Josef.....	1	00
Peters, Miss Alice R.....	10	00	Randolph, Mrs. Francis F.....	50	00
Peters, Miss Elizabeth.....	3	00	Ransom, Mrs. Paul C.....	3	00
Peters, Mrs. Samuel T.....	5	00	Ravner, Mr. and Mrs. Wil-		
Peters, Mrs. William R.....	10	00	Ham.....	5	00
Phelps, Miss Claudia Lee,			Redmond, Miss Emily.....	20	00
2nd.....	10	00	Redmond, Mrs. Johnston L.....	25	00
Philippe, Louis.....G. R.	10	00	Reed, Henry Douglas.....	10	00
Phillips, Mrs. Elliot S.....	5	00	Reed, Mrs. Henry Hope.....	5	00
Phillips, Mrs. Townsend			Reed, Lansing.....G. R.	50	00
G. R.	25	00	Reed, William H.....	5	00
Pierce, Miss Anne.....	5	00	Reese, Miss Margaret M.....		
Pierce, Edward Allen.....	10	00	R. G. R.		
Pierrepont, Miss Julia J.....	5	00	Reensburg, Mrs. Jerome.....	10	00
Pierrepont, Mrs. R. Stuy-			Reid, Fergus.....	100	00
vesant.....	10	00	Reisinger, Curt H.....	5	00
Pinkerton, Mrs. Robert			Remsen, Miss Margaret S.....	10	00
Allan.....	15	00	Renton, Stanley H.....	5	00
Pitkin, Mrs. Albert J.....	50	00	Renwick, Mrs. William G.....	5	00
Pitney, Mrs. J. O. H.....	10	00	Requa, J. Eugene.....	5	00
Plitt, Louis.....	1	00	Resor, Mrs. Stanley.....S.	50	00
Podesta, L.....	2	00	Reutter, Mrs. Robert. G. R.	5	00
Polak, Edward.....	15	00	Reynolds, Miss Emma C.....	5	00
Polak, John Osborn.....	2	00	Reynolds, George G.....	50	00
Polk, Frank L.....	10	00	Reynolds, Miss Kate L. C. T.	5	00
Polk, Mrs. William M.....	50	00	Rhineland, Mrs. Thomas		
Pollak, Julius & Sons, Inc.	3	00	N.....G. R.	5	00
Pollak, W. G.....	15	00	Rhodes, Miss Nina.....	10	00
Pope, Mrs. Charles Frank.....	25	00	Rice, Jacques B.....	5	00
Porter, H. Hobart.....	100	00	Richard, Miss Elvina.....	50	00
Porter, Mrs. H. Hobart. S.	25	00	Richards, Edward A. G. R.	25	00
Post, Abram S.....	20	00	Richards, Miss Harriet M.....	1	00
Post, Mrs. Carroll J. H.....	5	00	Richards, Miss Sarah E.....	5	00
Post, James H.....	100	00	Richardson, Mrs. C. Tiffany.....	25	00
Potter, Miss Blanche.....	10	00	Richardson, Miss Edith C.....	3	00
Potter, Miss Grace Howard			Richardson, Miss Marion.....	5	00
G. R.	5	00	Richardson, Miss Marion		
Pouch, Edgar D.....G. R.	10	00	C. T.	10	00
Pouch, William H.....	10	00	Richardson, William C.....	2	00
Powell, Wilson M.....	50	00	Richardson, Mrs. William J.....	2	00
Pratt, Charles E.....	20	00	Richmond, Mrs. Helen M.....	1	00
Pratt, Mrs. Charles M.....	5	00	Riggs, Lawson, Jr.....	5	00
Prentice, Robert Kelly.....	5	00	Ripley, Mrs. Henry B.....		
Prescott, Miss Mary R.....	10	00	Ryde.....G. R.	25	00
Prince, Mrs. Benjamin.....	13	00	Roberts, Mrs. Henrietta W.....	10	00
Pryor, Mrs. S. Morris.....	5	00	Roberts, Miss Josephine L.....	10	00
Pulsifer, Nathan T.....	20	00	Roberts, Miss Marion L.....	5	00
Purrlington, Mrs. William			Robie, Mrs. John W.....	4	00
A.....S.	25	00	Robinson, Mrs. Franklin W.....	5	00
Putnam, Mrs. E. V.....	65	00	Robinson, Mrs. Kenneth D.....	5	00
Putnam, Mrs. William A.					
G. R.	5	00			

Robison, Mrs. William G. R.	5	00	Schley, Mrs. Kenneth.....	4	00
Roche, James S.....	5	00	Schlieder, Frederick.....C. T.	5	00
Rockefeller, John D., Jr.....	500	00	Schliman, Julius.....G. R.	5	00
Rockwood, Miss Katherine			Schmidlapp, Carl J.....	25	00
C.....	10	00	Schnabel, Miss Laura.....	5	00
Rodewald, Miss A. Leontine.....	10	00	Schnabel, Miss Laura.....S.	3	00
Roesler, Mrs. Franz.....S.	50	00	Schoder, Rex P.....	2	00
Roesler & Hasslacher			Schoedel, Walter.....	2	00
Chemical Co.....	10	00	Schoonmaker, J. H.....G. R.	10	00
Rogers, Mrs. Francis.....	5	00	Schroeder, Mrs. Henry.....	2	00
Rogers, Francis.....	10	00	Schuchardt, Frederick.....S.	5	00
Rogers, Noah C.....G. R.	15	00	Schultz, Mrs. Anthony.....	20	00
Root, Charles T.....G. R.	25	00	Schulte, Mrs. David A.....	10	00
Rook, Oran.....	10	00	Schulte, Mrs. Joseph M.....	2	00
Rose, John Henry.....	1	00	Schultz, Mrs. Albert B.....	5	00
Rosenbaum, Arthur A.....	10	00	Schwab, Miss Emily.....	10	00
Rosenbaum, Selig.....	10	00	Schwartz, Edward P.....	5	00
Rosenbaum, Sol G.....	10	00	Seoles, Mrs. R. J.....	5	00
Rosendald, William M.....	5	00	Scott, Charles M.....	15	00
Rosensohn, Mrs. S. J.....	10	00	Scott, Henry L.....	15	00
Rosenthal, Rudolph.....	1	00	Scott, Miss Mary Evelyn.....	25	00
Rosenzweig, Mrs. Joseph.....	5	00	Scott, Miss Margaret.....	10	00
Rothbart, Albert.....	50	00	Seabrook, Mrs. H. H.....	10	00
Rumery, Ralph R.....	2	50	Seasongood, A. J.....S.	5	00
Runyan, Miss Carrie B.....	2	00	See, A. B. Elevator Co, Inc.		
Rushton & Co.....	10	00	Seekamp, John F.....	15	00
Russell, Miss Ella E.....	5	00	Seelig, G. A. F.....	1	00
Russell, Mrs. Howland.....S.	5	00	Seem, Mrs. Samuel H.....	5	00
Russell & Erwin Mfg. Co.....	5	00	Seeman, Joseph.....S.	10	00
Ryle, Arthur.....	10	00	Seibels, Mrs. Robert.....	10	00
Ryle, Arthur.....S.	10	00	Seibert, Jacob, Jr.....	5	00
			Seidman, Leo.....G. R.	5	00
S			Seligman, Mrs. Isaac N.....	10	00
Sabin, Charles H.....	50	00	Seligberg, Alfred F.....	10	00
Sackett, Henry Woodward.....	5	00	Shaw, Mrs. Jennie C.....	3	00
Sage, Dean.....A. S.	400	00	Shaw, Mrs. Samuel T. G. R.	2	00
Sage, Dean.....E. B.	1300	00	Sheafe, Mrs. Charles M., Jr.	5	00
Sage, Mrs. William H.....	25	00	Sheldon, Miss Edith.....	1	00
Sahler, Miss Helen G.....	5	00	Sherman, Miss Dorothea.....	5	00
Sa. Clair Oil Co, Inc.....	5	00	Sherman, Mrs. Gordon E.....	5	00
St. John's Church.....	5	00	Sherrell, Miss Helel L.....	2	00
Sales & Co.....	5	00	Sherwood, Mrs. Arthur M.....	10	00
Salisbury, Mrs. Lucius A.....	10	00	Shipman, Mrs. Ellen.....G. R.	25	00
Sammis, Miss Lillian.....C. T.	1	00	Shorter, Thomas S. G. R.	5	00
Sanborn, James F.....	5	00	Shriver, Alfred.....	5	00
Sanford, Edward T.....	10	00	Sibley, Mrs. Hiram W.....	20	00
Satterlee, Mrs. Herbert L.....	5	00	Sidman, Edgar N.....	5	00
Satterthwaite, Mrs. Thomas			Siegmán, M. B.....	10	00
E.....	15	00	Silberstein, Abraham.....	5	00
Sattler, Anton, Inc.....	2	00	Simmons, Mrs. Joseph Ferris		
Sax, Charles.....	2	00	G. R.	5	00
Saul, Miss Elka.....	3	00	Simon, A. L. & L. L.....	5	00
Saunders, Arthur C.....	3	00	Simon, Frank.....	10	00
Sawyer, Deatur M.....	10	00	Simonds, Mr. and Mrs. R. G.	10	00
Savage, Miss Mary Hall.....	5	00	Simonds, S. S.....S.	3	00
Schefer, Anton H.....	20	00	Simons, Isaac.....	2	00
Schey, Mrs. Max.....G. R.	5	00	Simons, Miss Jean W.....	50	00
Schiff, Mrs. Jacob H.....	5	00	Simons, Miss Mabel E. S.....	1	00
Schiff, Mortimer L.....	25	00	Sinclair, Mrs. Donald B.....	10	00
Schlesinger, Baldwin.....	3	00	Skajoun, George E.....	2	00

Slade, Francis Louis.....	5 00	Stevens, Mrs. Richard T....	5 00
Slade, George D.....	25 00	Stiles, Mrs. Robert S.....	2 00
Slimmon, Robert, & Co. G. R.	1 00	Stevenson, Miss Marion V..	10 00
Sloan, Samuel.....	10 00	Stewart, Mrs. A. A.....S.	5 00
Sloan, Mrs. William S.....	20 00	Stewart, William R.....	10 00
Slone, Mrs. John.....	30 00	Stickney, Henry Austin.....	15 00
Sloane, Mrs. William.....	25 00	Stiefel, Miss Helen M. G. R.	3 00
Smith, Mrs. A. F.....	35 00	Stiefel, Mrs. Isaac.....	2 00
Smith, Mrs. Charles Herbert	5 00	Stieglitz, Mrs. Albert.....	5 00
Smith, Miss Elizabeth More-	10 00	Stieglitz, Leopold.....	10 00
house.....	5 00	Stillman, Mrs. Charles R....	25 00
Smith, Mrs. Fitch W.....	10 00	Stimson, Henry A.....G. R.	5 00
Smith, George C.....	25 00	Stimson, Henry L.....	25 00
Smith, George C., Jr.....	10 00	Stires, Ernest M.....	5 00
Smith, J. Hopkins.....	100 00	Stokes, John W.....	10 00
Smith, Miss Madeline Denton	10 00	Stokes, Mrs. Phelps.....	50 00
Smith, Mrs. Pierre J.....	5 00	Stone, Harold F.....	2 00
Smith, Mrs. R. Penn.....	25 00	Stone, Herbert F.....G. R.	5 00
Smith, Mrs. Spencer C.....	10 00	Stone, Samuel H.....	50 00
Smith, Mr. and Mrs. Wilson	10 00	Stone, Wilbur M.....	15 00
F.....G. R.	10 00	Stoughton, Miss Leila R..	5 00
Smithers, Christopher D....	10 00	G. R.	5 00
Snow, Frederick A.....	25 00	Stout, Harry A.....	10 00
Snowden, James Hastings.....	25 00	Stout, Henry P.....	10 00
Sollman, Ekko.....	5 00	Stout, Mrs. Lewis A.....	10 00
Solomon, Mrs. Stella.....	2 00	Strasburger, Mr. and Mrs.	
Sommer, Philip L.....G. R.	10 00	Irwin.....G. R.	10 00
Sommerich, Edwin.....G. R.	5 00	Strattemeyer, Edward.....	20 00
Spahr, Mrs. Charles B.....	10 00	Stratton, Albert Elbridge	
Spalding, A. G., & Bros.....	10 00	G. R.	3 00
Spalding, Mrs. George A....	5 00	Straus, Herbert N.....	25 00
Spalding, Joseph W.....	5 00	Straus, Marcus.....	10 00
Sparks, F. Ashley.....	10 00	Strauss, Mrs. Daisy.....	5 00
Spaulding, S. S.....	25 00	Strauss, Joseph.....	2 00
Speir, Mrs. Louis Dean.....	1 00	Strauss, Nathan.....	2 00
Speir, Louis Dean.....	10 00	Stricker, Mrs. Hans Carl..	3 00
Spellman, Louis E.....	25 00	Strong, Mrs. J. R.....	35 00
Speranza, Mrs. Gina.....G. R.	10 00	Strong, John R.....	5 00
Speyer & Co.....	10 00	Sturges, Miss Susan M..	10 00
Spool Cotton Co.....	25 00	G. R.	10 00
Sprague, Miss K. M., C. T.	1 00	Sturges, W. W.....	5 00
Sprague, Seth.....	10 00	Sturjis, Mrs. Thomas G. R.	3 00
Stabler, Edward L.....	2 00	Sturgis, William G.....G. R.	10 00
Stafford, Mrs. William F..	10 00	Stuyvesant, A. Van Horne,	
Standish, Mrs. Myles, G. R.	10 00	Jr.....	25 00
Stark, Theodore H.....	1 00	Stuyvesant, Miss Anne W..	25 00
Stearns, Eckley H.....	5 00	Styles, Mrs. Frederick E....	3 00
Stebbins, Charles M.....	3 00	Sullivan, Mrs. James.....	5 00
Stebbins, E. Vail.....	50 00	Sullivan, William Mathews	
Steele, Charles.....	10 00	Sutton, J. Wilson.....	1 00
Stein, Mrs. Emil.....	5 00	Swan, Mrs. Joseph.....	10 00
Stein, Mrs. Gerda.....	10 00	Rockwell, Mrs. G. R.....	10 00
Stein, Miss Helen A.....	2 00	Swan, Mrs. Lyndon M.....	3 00
Stein & Blane.....	2 00	Sweet, Mrs. Paul F. (1928-	
Stephens, T. W.....G. R.	10 00	1929).....S.	10 00
Stephens, Thomas C.....	25 00	Swezey, Mrs. Christopher..	5 00
Sterling, Nelson D.....G. R.	10 00	T.....	
Stern, Benjamin.....	10 00	Taber, Miss Mary.....	5 00
Stetson, Miss Ethel.....	2 00	Tait, Mrs. Trevor S.....	1 00
Steuer, Mrs. M. D.....	5 00	Tanenbaum, Jerome.....	10 00
Stevens, Miss Mary O. G. R.	5 00	Tannahill, Charles F.....	25 00

Tappin, Charles L.....	5 00	Tweed, Miss Mary W.....	2 00
Taylor, Bertrand L.....	25 00	Tyler, Mrs. Walter L.....	5 00
Taylor, Charles G.....	10 00	U.....	
Taylor, Mr. and Mrs. Her-		Ulman, Mrs. Morris S. G. R.	5 00
bert C.....	20 00	Ulmann, Ludwig.....	5 00
Teagle, Walter C.....G. R.	1 00	Underhill, William P.....	10 00
Teller, Chester Jacob.....	2 00	United Shoe Dye Works.....	25 00
Teller, Robert, Sons &		United Retail Grocers' Asso-	
Dorner.....	10 00	ciation.....	10 00
Terry, Mrs. John T.....	10 00	V.....	
Terry, Wally.....	5 00	Vaillant, Miss Abby A.....	5 00
Thacher, Mrs. Thomas D....	10 00	Van Alstyne, Mrs. David.....	5 00
Thackray, Miss Ethel M. S.		van Beuren, Mrs. Michael M.	10 00
Thayer, Miss Anna M.....	1 00	Van Brunt, Jeremiah R....	10 00
Thiele, E.....	100 00	Vanderpoel, Mrs. John A..	15 00
Third Panel Sheriff's Jury..		Van de Water, Mrs. F. F..	1 00
Thomas, Mrs. Allen M.....	5 00	Van De Water, William G..	5 00
Thomas, Miss Gertrude S....	25 00	Van Gerbig, Mrs. Barend.....	200 00
Thomen, Mrs. O. J.....	5 00	Van Rensselaer, Mrs. Wil-	
Thompson, Mrs. Lewis S....	5 00	liam B.....	5 00
Thomson, George M.....	5 00	Van Santvoord, Seymour....	10 00
Thomson, John W.....	10 00	Van Sinderen, Mrs. Adrian	10 00
Thorburn, Miss Clara M....	4 00	van Valkenburg, Mrs. Carl-	
Thorburn-Artz, Mrs. L. N..	5 00	ton.....	2 00
Thorne, Mrs. Edwin.....	10 00	Van Vechten, F. R.....	50 00
Thorne, Mrs. Samuel.....	5 00	Van Vechten, Mrs. Schuyler	2 00
Thorne, Samuel.....	10 00	Van Wezel, Marcus S.....	5 00
Thurman, Israel N.....G. R.	3 00	Van Winkle, Miss Mary	
Tiebout, John.....	25 00	Star.....G. R.	2 00
Tiffany, Charles L.....	10 00	Varnum, Mrs. James M....	25 00
Tiffany, Louis C.....	25 00	Vernam, W. B.....	10 00
Tiffany Studios.....	10 00	Ver Planck, Mrs. William	2 00
Tilford, Mrs. Henry M.....S.	5 00	G.....	10 00
Timpson, Mrs. James.....	5 00	Victor, Thomas F.....	10 00
Timpson, Miss Margaret C..	25 00	Voislawsky, Antonie P....	5 00
Tod, Mrs. J. Kennedy.....	5 00	Vollmar, Alfred P.....	10 00
Tompkins, Mrs. William W.		Von Lilienthal, Albert W..	10 00
G.....G. R.	20 00	Vorhaus, Louis J.....	5 00
Tompkins, Mrs. William W.		Vorster, A. H.....	2 00
S.....	20 00	W.....	
Tong, Alfred E.....G. R.	10 00	Wade, Mrs. Alfred B.....	25 00
Torrance, Norman F.....	2 00	Wadsworth, Mrs. Augustus	
Tow, Mrs. Forrest M.....	10 00	Baldwin.....	10 00
Towne, Frank B.....	15 00	Wadsworth, Charles D.....	5 00
Towne, Mrs. John Henry..	25 00	Wadsworth, Mrs. Dudley.....	15 00
Townsend, Arthur O.....	5 00	Wainwright, C. H.....	25 00
Townsend, Edward.....	50 00	Walbridge, Henry D.....	10 00
Tracy, Miss Helen Dawson.	25 00	Walcott, Mrs. Frederic C..	10 00
Train, Mr and Mrs. Arthur		Walker, Mrs. Aldace F....	1 00
Trask, Mrs. James D. G. R.	10 00	G.....G. R.	10 00
Trask, Spencer, & Co.....	10 00	Walker, Mrs. G. Herbert	10 00
Travers, George W.....	10 00	Walker, Mrs. Joseph.....	10 00
Treat, Mrs. Edwin B.....S.	10 00	Walker, Mrs. Samuel S....	3 00
Tropp, Leopold.....	5 00	Wallin, Dr. Mathilda E.....	5 00
Trowbridge, James A.....	5 00	Wahh, Mrs. Charles H. G. R.	2 00
Truslow, Arthur.....	2 00	Walsh, O. J.....	1 00
Tuckerman, Mr. and Mrs.		Ward, Miss Caroline C.....	5 00
Paul.....	25 00		
Tulipan, Mrs. Morris.....	2 00		
Turnbull, Miss Ethel.....	20 00		
Turner, Mrs. Henry Chandler			
Tuttle, Mrs. Frederica.....	5 00		
G. R.	25 00		