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FIFTY-EIGHTH ANNUAL REPORT

OF THE

Prison Association of New York

For the Year 1902.

OFFICE OF THE ASSOCIATION,
135 EAST FIFTEENTH STREET, NEW YORK CITY.

TRANSMITTED TO THE LEGISLATURE JANUARY 20, 1903.

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January 20, 1903.

Fifty-Eighth Annual Report
OF THE
PRISON ASSOCIATION OF NEW YORK
FOR THE YEAR 1902.

THE PRISON ASSOCIATION OF NEW YORK:

135 EAST 15TH STREET, NEW YORK CITY,

January 20, 1903.

HON. FRANK W. HIGGINS, *Lieutenant-Governor, New York:*

SIR.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present herewith the fifty-eighth annual report of the Prison Association of New York, and to respectfully request that you will lay the same before the Legislature.

Respectfully yours,

CHARLTON T. LEWIS,

President.

SAMUEL J. BARROWS,

Corresponding Secretary.

TABLE OF CONTENTS.

	PAGE
Letter of Transmittal.....	3
List of Officers and Committees.....	7
Report of Executive Committee.....	9
Report of Corresponding Secretary.....	24
Prisons and Jails.....	37
Jails and Penitentiaries in New York, Z. R. Brockway.....	37
Albany County Jail.....	45
Albany County Penitentiary.....	46
Broome County Jail, Binghamton.....	49
Chemung County Jail, Elmira.....	51
Monroe County Penitentiary, Rochester, N. Y.....	53
Monroe County Jail, Rochester, N. Y.....	55
Ontario County Jail.....	56
Rensselaer County Jail, Troy.....	57
Schuyler County Jail, Watkins.....	58
Yates County Jail.....	59
State Industrial School, Rochester.....	61
Ogdensburg City Jail, St. Lawrence County.....	68
St. Lawrence County Jail, Canton.....	68
Franklin County Jail, Malone.....	69
Richmond County Jail, Richmond.....	69
New York State Reformatory for Women, Bedford.....	70
House of Refuge for Women, Hudson.....	74
The Auburn Refuge for Women.....	75
Penal Institutions of Greater New York; Memorandum Submitted to His Honor the Mayor.....	76
Probation Work.....	78
Parole Work.....	83
Discharged Prisoners.....	85
Grateful Letters.....	87
Battle with Tuberculosis in Prison.....	87
Battle with Insanity in Prison.....	90
Treatment of the Criminal.....	95
Report of the Committee, National Conference of Charities and Cor- rections.....	95

	PAGE
Indeterminate Sentence.....	100
Address of Hon. John Franklin Fort, National Prison Congress, 1902..	109
New Crimes and Punishments, by Samuel J. Barrows.....	107
The Late Dean Sage, Memorial Minute.....	113
Cornelius B. Gold: Resolution Concerning His Resignation.....	114
Treasurer's Account.....	115
County Committees.....	116
Honorary Corresponding Members.....	118
Life Patrons.....	121
Honorary Members.....	122
Life Members.....	124
Contributions.....	125
Donations of Clothing and Reading Matter.....	146
Appendix.....	148
Charter of Prison Association.....	148
By-Laws.....	154
Index.....	159

1902

OFFICERS FOR 1903.

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Corresponding Secretary,

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Treasurer,

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John W. Hutchinson.	Evert Jansen Wendell.

Mornay Williams.

1902

REPORT OF THE EXECUTIVE COMMITTEE.

To the Honorable, the Legislature of the State of New York:

The State of New York may well be congratulated upon progressive improvements in its methods of dealing with crime, such that it stands, in this respect, in the rank of the most enlightened States of the Union. Its recognition of the vital principle of the indeterminate sentence and the development of a reformatory system fruitful in results are alone sufficient to give New York a distinguished place in the annals of civic progress. These and other reforms have been brought about, however, not through cherishing an easy spirit of self-contentment, but by the constant application of enlightened criticism and a persistent determination, through better methods and better administration, to secure better results. It is only by the wise development and direction of public sentiment, and its expression in the making and administration of well-considered laws that the State of New York can maintain the honorable position it holds.

ABOLITION OF THE FEE SYSTEM ✓

It is curious, however, to find still lurking in law and practice in the State of New York the remnants of a vicious system which existed in England when John Howard undertook his beneficent work more than a hundred years ago, and the evils of which were potent in rousing him to his memorable exertion for prison reform. We refer to the unfortunate survival of the fee system by which sheriffs in counties of New York are

See also page 19 of Report for year 1903

allowed to make a profit from the prisoners who are committed to their custody. It is a system open to such flagrant abuses, of which the prisoner and the community may both be the victims, that it is a matter of surprise that it has not long since been swept out of existence. No argument for its continuance can be found stronger than that of local tradition and unbroken heritage. The apologies which may be made for making prisoners means of revenue to the State as some reimbursement for the cost of crime, do not apply to a system which makes them a source of private revenue for a public officer. We have no reason to suppose that the system is worse administered in New York State than elsewhere. But on the other hand, there are no safeguards around the system here against its inherent evils. These evils are so great and so obnoxious that an enlightened and progressive community ought long since to have made them impossible. One of the most conspicuous objections to the system is the purely economic one. It has been often demonstrated that prisoners can be kept more economically by paying the exact cost of their subsistence with a moderate salary for keepers than at the usual per capita and per diem rates paid to the sheriffs. But even where the cost to the community is not greater, experience shows that the community on the whole has more prisoners to support under the fee system than it does under the salary system. Without imputing wrong to any individual citizen in office, it is evident that when judges and sheriffs are elected, and subject to partisan influence, combinations for mutual advantage are possible. The power of suspending sentence has been wisely conferred upon judges of New York State and prudently and honorably exercised by them. But it is not difficult to imagine some pressure upon a judge to sentence a

man to jail where he may be a source of revenue to a friendly sheriff, instead of releasing him on probation. The decrease in the prison population in some of our large cities can be traced very directly to the abolition of the fee system. The same consideration as to the self-interest of the sheriff may tend to induce the committal of a prisoner to a jail where he remains in idleness, instead of sending him to a penitentiary where he might be profitably employed.

Still more important is the moral and humane consideration. The question of what is the best disposition to be made of a prisoner, whether to release him on probation or to commit him to a correctional institution, should not be complicated with the question of the support of a public official whose interest it is to increase the population of the jail. Looking back for generations we find many instances in which the fee system, in the hands of selfish and unprincipled men, has been a source of persistent and flagrant abuses. In several countries its entire abolition has been regarded as a first step in prison reform.

Various counties in the State have already recognized the economical and moral advantage of changing from the fee to the salary system in the custody of prisoners. No time ought to be lost in making this change imperative throughout the State. We urge the passage of a general law for this purpose.

CONSTRUCTION OF JAILS.

The important matter of jail construction, both with reference to physical and moral influences, has engaged the attention of the Association during the past year, and steps have been taken to enlist in it the interest of architects and jail builders. In certain important respects it is evident that architects,

builders and keepers are not conforming to the wise requirements of existing laws. The laws of New York (chapter 18 of the General Laws, article 5, page 839, Revised Statutes of New York, Birdseye, 3d edition) require "that all persons confined in a county jail shall as far as practicable be kept separate from each other; and that prisoners committed to jail under sentence shall 'be constantly employed at hard labor when practicable during every day except Sunday.'" Keepers are, however, often powerless to carry out this law, because the construction of their jails renders it impossible. Even in the newer jails separate cells are so constructed that communication from cell to cell is easily effected, and prisoners are thrown together in the exercise corridor and promiscuous intercourse is promoted. Still more serious is the total lack of provision in the structure of jails for the labor which the law requires of prisoners. The cells are made so small that separate cellular labor is impossible, and there are no shops or workrooms for labor in common. The only alternative is labor out of doors. But in some jails there is no jail yard for exercise or labor, and, except in the few instances in which labor is found on the public roads, prisoners are therefore condemned to idleness.

Although much improvement has been effected in the plumbing and sanitary arrangements of prisons and jails, the light that in recent years has been thrown on tuberculosis renders important increased attention to every hygienic consideration in the construction of such buildings. Our jails through lack of sunlight and ventilation and through the promiscuous association of their inmates have been prolific in contagion. If the individual history of prisoners now confined at Dannemora were taken, it would be found that many first acquired the terrible

disease in county jails. In all future construction steps should be taken to invoke expert medical authority as to the best means of securing prophylactic and hygienic conditions.

JAILS AND PLACES OF DETENTION.

The laws of the State require the separation of persons awaiting trial from those under sentence. While the separation is technically made, there is so little difference in the treatment of accused persons and those under sentence that there is no exaggeration in saying that the punishment of persons under arrest begins immediately upon their commitment to jail. Under the law accused persons are presumably innocent until proved guilty; in too many of our jails prisoners are treated as guilty until proved to be innocent. The quarters assigned to them do not differ essentially from those assigned to sentenced prisoners, and they have no opportunity for exercising in the open air. When the facilities for exercise, labor and libraries at penitentiaries are considered, it is evident that the lot of the sentenced men in the penitentiary may be far better than that of an innocent person in a jail.

It would be a great step in advance in the penal administration of the State if a sharper distinction were made between the treatment of the prisoner during the period of detention and the period of correction. Jails should simply be used as places of detention for those awaiting trial. They should be constructed accordingly, namely, with simplicity, security, and with abundant provision for light, air and exercise. The separate system should be applied, as it prevents both physical and moral contagion, and secures the only classification which is desirable for those awaiting trial, one which is purely individual.

All sentenced prisoners should be immediately committed to correctional institutions under control of the State where they can be classified with reference to corrigibility and industrial capacity.

LABOR IN JAILS.

Until some radical change is affected, every effort ought to be made to provide labor for prisoners sentenced to jail. The idleness of the jail population is a persistent and lamentable evil. In spite of the lack of facilities owing to defective buildings, there are few places where existing conditions could not be mitigated by the introduction of some form of industry in the jails or by working prisoners out of doors. The first cost to taxpayers of remanding prisoners to idleness is sufficiently great; but it is greatly enhanced by the fact that prisoners are turned into habitual vagabonds and criminals by enforced idleness. While it may sometimes be difficult to fix the degree of responsibility of the prisoner, it is not difficult to determine the responsibility of the State towards those forcibly deprived of their liberty. To deliberately create and continue conditions of idleness for those who need the spur, the discipline and the training which come from persistent industry is for the State to blindly punish itself under the assumption that it is punishing the prisoner.

TREATMENT OF MISDEMEANANTS.

The distinction made between felons and misdemeanants is an attempt to distinguish the gravity of offenses, but it has proved to be of little value in determining the relative degree of danger to the State from different offenders. In point of character and capacity for inflicting injury upon the community, the misdemeanant is often more dangerous than the felon. The difference

1902

between him and the felon is too frequently a purely technical one, founded upon some arbitrary and theoretical distinction in the law as to the relative harmfulness of offenses. Under such distinctions the misdemeanant as well as society itself becomes a victim of the short sentence repeatedly imposed for the same offense. While felons between the ages of sixteen and thirty may be submitted to a correctional regime, a great number of misdemeanants are committed to jails or institutions where there is no correctional influence whatever. The ranks of felons are thus rapidly recruited from misdemeanants or under the repeated infliction of the short sentence the latter become habitual offenders of the misdemeanant class. The problem of dealing with misdemeanants has been much neglected from the assumption that offenses in that grade are of minor importance. Our provisions for dealing with them are totally inadequate. The most important reforms in the domain of penology now relate to the treatment of this class. It is not difficult to discover the principles which should control such treatment. A purely punitive system has proved an utter failure. A corrective system would impose new conditions, introduce new influences and secure new results. In such a system probation, the indeterminate sentence and reformatory institutions are all essential elements. It is less dangerous in almost all cases to put a first offender on probation than to send him to jail for a short sentence, especially under the influences which now prevail in jail life. But when probation proves of no avail, then the misdemeanant should be sent under an indeterminate sentence to a reformatory institution. The adoption of such a method would result in a great reduction of the number of those who are now hopelessly assigned to the incorrigible class. The early establishment of a reformatory for misdemeanants would be a measure of rational economy.

NAPANOCH.

In this connection we call attention to the failure of the State to make use of resources already at hand. The prison at Napanoch is an illustration. It bears the title of the Eastern Reformatory, but it is a reformatory only in name. It is without shops for productive and educative labor, it has no system of graded schools sufficient for a reformatory, and its discipline is inadequate. While Elmira is overcrowded, half the cells at Napanoch are empty. Prisoners sent from Elmira are those who have been found to be less amenable to reformatory treatment. Napanoch is at present but little more than a place of detention for such prisoners.

The State has already spent a large sum of money on this prison. To realize on the investment made, it should go further and make this prison a reformatory in fact instead of in name. Once thoroughly equipped for this purpose the law should be so modified as to permit misdemeanants as well as felons to be committed to this institution, as is done in the case of women misdemeanants committed to reformatories for women.

PENAL INSTITUTIONS OF NEW YORK CITY.

Further legislation, though of a very simple character is needed for the penal system of Greater New York. Under the present charter some of the penal institutions in that territory are under the Department of Correction; others have been left out of its jurisdiction. In Manhattan and the Bronx all prisoners held for criminal offenses, both those awaiting trial and those under sentence, are committed to institutions under the Department of Correction, the Ludlow street jail under the administration of the sheriff being reserved for civil cases, and for United States prisoners. In the borough of Brooklyn, while

the penitentiary is under the Department of Correction, the jail is under the administration of the sheriff. In each of the boroughs of Richmond and Queens there is but a single penal institution, the jail, which in each of these boroughs is under the sheriff. The situation would be less anomalous if only those awaiting trial were confined in the jails; but in each of the boroughs named, many persons are confined in the jails for terms of imprisonment. Twelve thousand seven hundred and seventy men were sentenced to the Raymond street jail in Brooklyn last year for varying periods. Taking the average sentence of ten days, this represents a total period of at least 127,700 days of idleness. With the exception of a few men utilized in keeping the prison clean, this army of prisoners did not work. The per capita cost of feeding them was 13½ cents a day. Admitting all the difficulties in the employment of short sentenced prisoners, hardly a man among them would not have been able under properly organized industries to earn at least the 13½ cents a day necessary for his food. The condition of these prisoners, some of them sentenced for periods of six months, and even for a year, and remanded to total idleness, contrasts sadly with the condition of those sentenced to Kings County Penitentiary in the same borough, where opportunities for labor are provided. It is the conviction of your committee that no prisoners under sentence should be confined in idleness. To remove the difficulties of the situation in New York in this respect, we urge a change in the charter requiring that all prisoners sentenced for misdemeanors, with the exception of females and of minors under sixteen, committed to a reformatory institution, shall be sentenced to prisons under the jurisdiction of the Department of Correction. The adoption of this law will leave in the borough jails only those awaiting trial.

The importance of this change appears when the question of building new jails in the boroughs of Brooklyn and Richmond is considered. The woman's jail in Kings county, and the Richmond county jail have long since been condemned by this Association. The proposition to build a new woman's jail in Brooklyn, and also a jail in the borough of Richmond, has recently been brought before the Board of Estimate and Apportionment of New York. It is estimated that a new jail for women in Brooklyn would cost \$150,000, and a new jail in Staten Island, \$80,000, if these institutions were used for sentenced prisoners, a total of \$230,000. The Association has presented to the Board of Estimate and Apportionment, facts and figures showing that all the sentenced prisoners now committed to these institutions can be amply accommodated in prisons under the jurisdiction of the Department of Correction, where they may be properly employed. It is therefore unnecessary to build new institutions in these boroughs for sentenced prisoners. All that is necessary is to make provision for those awaiting trial. On Staten Island a new building will be necessary for this purpose, but it can be erected at much less expense, owing to the limited accommodations required. In Brooklyn it is possible to use Kings County Penitentiary as a jail for women. It is within the powers of the commissioners of the sinking fund to designate it as a jail for that purpose. During the last year under a similar arrangement, effected by Commissioner Hynes and Sheriff Dyke, women prisoners awaiting trial have been so committed.

We submit a bill prepared by the law committee of this Association embodying the proposed changes in the charter.

Should further accommodations be needed for sentenced prisoners, the subject should be considered with reference to the

institutions of the Department of Corrections as a whole, and the industrial distribution of prisoners. The decision would be modified by the policy of the Department. At any rate the question should be treated as one of the problems of Greater New York, and not purely as a local problem of separate boroughs, based on conditions before consolidation.

WOMEN PROBATION OFFICERS.

Under the existing probation law, judges may secure the services of police officers who may be assigned to probation work without additional compensation. Advantage cannot be taken of this provision to obtain women probation officers, since they are not members of the police force or of any allied branch of the public service from which they could be transferred. The courts are, therefore, entirely dependent on volunteer service for women probation officers. In the borough of Brooklyn a woman probation officer has for some time been sustained by the Brooklyn City Mission; another is supported by the Society of St. Vincent de Paul. At the invitation of this Association the Women's Clubs of Brooklyn, after a careful consideration of the question, have pledged the support of another much-needed woman officer. It has been justly urged, however, by some of the supporting societies that, as under the present law policemen may earn their salaries by doing probation work, the salaries of woman officers who do similar work, should likewise be authorized by the State. Experience shows that there is no more economical expenditure for the State than that necessary to sustain a probation system, which lowers the population in the jails and prisons, and, what is more important, saves the first offender from becoming a "rounder." We, therefore, sug-

gest that the laws be so amended as to permit women probation officers to receive such salaries as may be determined by city or county authorities charged with fixing the salaries of public employees.

EXTENDING PAROLE LAW.

The experience of the Association covering a long period of years in dealing with men on parole enables it to speak with confidence as to the wisdom of extending the parole law.

The success of the parole system in many cases depends largely upon the educative and moral influences which have been brought to bear upon the subject of it during his confinement. It depends partly upon the judgment of the parole board and also upon the wisdom and vigilance of supervision when on parole. The extension of the parole law to a certain class of prisoners in State prisons has been justified by results. The limitation of the law, however, to cases in which the maximum sentence could not be more than five years, greatly restricts the scope and benefit of the law. This limitation in the law is entirely arbitrary. Prisoners sentenced for ten years or more may be as desirable subjects for conditional release as those sentenced for five years and under. We therefore recommend that the scope of the law be made general.

TREATMENT OF IDIOTS.

Instances of idiots who have been tried and sentenced to punishment are not infrequently brought to the attention of this Association. Several such cases have been committed to Elmira Reformatory. In one instance a young man paroled from that institution in the custody of this Association was found on expert examination to be a congenital idiot. It is the duty of the managing board to transfer such cases, but where shall they

be sent? At present some of them have been transferred to Napanoch. Such cases come under a different category from that of the criminal insane, but it would seem that the vigilance which is exerted in protecting the criminal insane in the courts should be extended more fully to the feeble minded. A strict physiological and psychological examination would show that many now treated as subjects of punishment are feeble minded and need the education or custodial care properly accorded to this unfortunate class.

CARE OF CONSUMPTIVES.

The Association congratulates the State upon what has already been done at Dannemora for the treatment of prisoners infected with tuberculosis. The remarkable success already achieved through the efforts of Dr. Ransom more than justifies the relatively small expenditure at which it has been secured. The establishment of a seclusion ward and the provisions for out of door treatment are in line with the latest modern methods of knowledge. As the State owns an abundance of land in that vicinity it is practicable to erect without great expense a special building, apart from the prison, for the treatment of this class of patients. The additional accommodations required ought to be promptly furnished.

One of the most important lessons to be derived from the study of cases at Dannemora is the fact already alluded to, that tuberculosis is engendered, developed and communicated in the county jails of the State. Sing Sing and Auburn are also responsible for contributions to the number of such unfortunates. This fact emphasizes the need of better construction and administration of county jails and of the separation of prisoners while in jail.

SING SING.

The enlarging of the windows at Sing Sing prison as far as completed has removed some of the traditional gloom of that institution. No time ought to be lost, however, in securing a new cell building. Sing Sing is notorious as a breeding place for tuberculosis. While we appreciate and in the preceding paragraph have commended the wisdom of the State in establishing special quarters at Dannemora for prisoners afflicted with tuberculosis, it is equally evident that it is neither economical nor humane for the State to maintain a nest of tuberculosis like Sing Sing prison. The condemnation of this building by the Board of Health ought alone to be sufficient to secure its speedy reconstruction or removal.

HOSPITALS FOR INSANE CRIMINALS.

We congratulate the State upon the erection of the administration building for insane criminals at Dannemora. The work, under the personal supervision of Dr. Lamb, has been done with satisfactory economy. New York is now better equipped than any State in the Union with asylums for those who before or after sentence for crime have proved to be insane, but further construction is needed to meet the present and future demands of this institution.

STATE PRISON INDUSTRIES.

We also congratulate the State upon the great improvement in the prison industries of the State. The State Superintendent of Prisons, Hon. Cornelius V. Collins, has shown his strong grasp of the subject, and his desire to make the most of the opportunities left for prison labor under the limitations imposed by the Constitution. If the system of production for State use

1902

can be carried out to its utmost extent without interference from mistaken agitators, all State prisoners can be effectively employed in educative and productive labor. The success of State prison industries when properly organized furnishes a strong argument for the acquisition of the penitentiaries by the State so that they may all be included in the scheme of organized prison industry.

On behalf of the executive committee.

CHARLTON T. LEWIS,

Chairman.

1902

REPORT OF THE CORRESPONDING SECRETARY.

The opening of the year 1902 was marked by a change in the administration of the penal institutions of New York city. Mr. Thomas W. Hynes was appointed by the mayor as commissioner of correction. The corresponding secretary took an early opportunity in company with Mr. Alexander M. Hadden to call on Mr. Hynes at his office and to assure him of the support of the Association in any efforts he might make towards the improvement of the prison system of New York. The representatives of the Association were received very cordially, and Mr. Hynes expressed himself as happy to have the confidence and co-operation of this society. The pleasant relations thus established have been continued throughout the year. The commissioner has furnished every facility to representatives of the Association and has sought counsel and co-operation as to administrative and legislative matters affecting his department.

The suggestion made in our first visit that the completion of the New Tombs would undoubtedly demand early attention was met with a cordial assurance that the commissioner at the outset of his work had recognized the importance of giving immediate attention to this subject. This intention was energetically carried out and in spite of multiplied hindrances and difficulties the building was finally brought to completion, and opened for the reception of prisoners.

In the course of the year the corresponding secretary has had conferences with Hon. Lisperard B. Stewart, President of the Commission of Prisons, Hon. George McLaughlin, secretary of the commission, and Hon. Cornelius V. Collins, State superintendent of prisons, with reference to the prison system of our State; with Mr. Charles H. Beckett, for some time president of the board of managers of the Elmira Reformatory, and Mr. Henry Solomon, one of the managers of that institution.

REMOVAL OF BOYS FROM THE WORKHOUSE.

Last year a special inspection was made by the committee on detentions in regard to the commitment of boys to Blackwell's Island. Attention was called to their unfortunate condition when committed to the workhouse, where they were separated from all influences for good, associated with older offenders than themselves, and kept in idleness and without instruction, and on their charge from confinement would have received absolutely nothing except additional opportunities for learning the ways of crime. The committee believed that a better disposition might be made of these cases by the magistrates by putting them on probation or by committing them to the House of Refuge. But in case it was found necessary to send boys over eighteen years to the workhouse, the committee suggested the need of providing schools and adequate employment for those thus sentenced.

It is gratifying to note that this subject received attention from two sources: from the Board of City Magistrates in their annual report, and also from the Commissioner of Correction, Mr. Hynes. In their report, drawn by the chairman, Judge Deuel, the city magistrates called attention to the necessity of a reform school or reformatory for males between the ages of sixteen and twenty-one. The proposition was somewhat similar to that made by the State Commission of Prisons for a reformatory for misdemeanants. A communication from Judge Deuel to the corresponding secretary called attention to this subject and invited the cooperation of the Association.

Meanwhile the Commissioner of Correction, Mr. Hynes, had recognized the necessity of taking immediate steps to provide better conditions for the boys committed to the workhouse. He proposed to take advantage of section 698 of the charter of New York, the language of which is as follows:

"It shall be the duty of the commissioner to cause all the criminals and misdemeanants under his charge to be classified, as far as practicable, so that youthful and less hardened offenders shall not be rendered more depraved by the association with an evil example of older and more hardened offenders. The commissioner may establish and maintain such schools

or classes for the instruction of the inmates of the institutions under his charge, as may be authorized by the board of estimate and apportionment. And to this end the commissioner may set apart one of the penal institutions for the custody of such youthful and less hardened offenders, and said commissioner shall have the power, in his discretion, to transfer such offenders thereto from any other of the penal institutions of the city."

At a meeting of the Committee on Detentions held February 19th, at the office of the Association, Judge Deuel and Commissioner Hynes were present by invitation. While the subject of an additional reformatory was regarded as a matter for future legislation it was deemed best to take advantage of every provision of existing laws to mitigate the condition of boys in the workhouse at Blackwell's Island. Commissioner Hynes stated that he had already begun to fit up buildings at Hart's Island for the accommodation of juvenile offenders and that he was planning schools for them and, to a limited extent, industrial education. Judge Deuel emphasized the importance of having this educational work conducted under the auspices of the Department of Correction, and not made contingent upon volunteer effort. The conference resulted in a cordial agreement as to the best lines to be pursued.

Subsequently the corresponding secretary, in behalf of the Committee on Detentions wrote the following letter to the Commissioner of Correction in support of an appeal to the Board of Estimate and Apportionment.

February 20, 1902.

Mr. THOMAS W. HYNES, Commissioner of Correction, 148 East 20th street, New York City:

DEAR SIR.—The Committee on Detentions of the Prison Association of New York, in an inspection of the workhouse on Blackwell's Island, made May 2, 1901, were greatly impressed with the need of some better provision in the way of schooling and employment for the boys ranging from 16 to 21 years of age, committed by the city magistrates to the institution. These boys, kept in idleness and without instruction, receive

absolutely nothing during their confinement except additional opportunities for learning the ways of crime.

The committee learn with great satisfaction that on assuming the office of Commissioner you have promptly given attention to this matter and that you propose to avail yourself of the authority of section 698 of the charter, which distinctly provides for the separation of youthful and less hardened offenders from the more depraved. The same section also authorizes the Commissioner to establish and maintain such school or classes for the instruction and training of the inmates of the institutions under his charge as may be authorized by the Board of Estimate and Apportionment.

Our committee earnestly express the hope that you will appeal to the Board of Estimate and Control for the necessary appropriation to establish and equip an adequate school. While a certain amount of help may be secured from zealous unpaid volunteers, it is evident that the regular and sustained work of the instruction, industrial and otherwise, cannot be left to the contingencies of volunteer effort. It should be a necessary part of the prison discipline and regime.

Wishing you success in your laudable efforts to improve the conditions of these young offenders and hoping that the Board of Estimate and Apportionment will promptly grant the necessary appropriation to carry out the provisions of section 698, I remain, my dear sir, on behalf of the Committee,

Yours sincerely,

(Signed.) S. J. BARROWS.

To this communication the following reply was received:

Hon. S. J. BARROWS, Secretary, Prison Association of New York:

DEAR SIR.—Your letter of this date has been received and read with much pleasure. Permit me to offer to the Committee on Detentions of the Association my sincere thanks for their kind words of approval of the steps which are to be taken in behalf of the more youthful prisoners committed to the custody of this Department.

I have transmitted a copy of your letter to the mayor, as Chairman of the Board of Estimate and Apportionmen, and I sincerely trust, that by the action of the Board, a sufficient amount may be allowed to enable me to carry out the improvements already commenced.

Again thanking you, I am,

Very truly yours,

(Signed.)

THOMAS W. HYNES,
Commissioner.

The Board of Estimate and Apportionment supported the plan of the Commissioner by an appropriation which has enabled Mr. Hynes to establish dormitories and a school for boys at Hart's Island and to renovate and reconstruct the dilapidated buildings on the island and to fit them for the reception of women prisoners.

UNITED STATES PRISONERS IN REFORMATORIES.

March 30, 1901, there were about forty United States prisoners in Elmira Reformatory, all committed under definite sentences. While these young men have the advantage of that institution, if they wish to avail themselves of its opportunities, they lack, however, the incentives which are furnished by the indefinite sentence. As one of these "definites" said to me, they know nothing that they can do while they are in the institution will shorten their sentence beyond the small deduction they get for "good time;" they know also equally well that no bad conduct of theirs can in any way lengthen their sentence. They constitute a different class from the great majority of the inmates. They may gain or lose certain privileges by being advanced or reduced in grade, but what they gain or lose has no important relation to their liberation. Further, when they are discharged, they are discharged absolutely and cannot be placed under the healthful conditions of the parole law.

In his report for 1894 Attorney-General Olney, after describing the character and benefits of the reformatory system, said:

"In these benefits and privileges, juvenile convicts who are sent from United States courts have no share. Their sentences are

fixed, and no matter how perfect their conduct, they can receive only such commutation of sentence as is prescribed for prisoners sentenced to prisons or penitentiaries. They are thus deprived in large measure of those incentives which induce others to work for parole, and the discrimination thus necessarily made results not infrequently to the absolute prejudice of the Federal prisoner, causing him to regard his treatment as a species of injustice, and encouraging him in insubordination and discontent. To remedy this condition federal prisoners should be placed on the same footing in these institutions as the other inmates, and the statutes should be so modified as to make applicable to Federal prisoners sentenced to reformatories the indeterminate sentence and parole laws which govern the State prisoners therein confined."

A committee appointed by the National Prison Association, composed of Mr. Z. R. Brockway, Mr. Albert Garvin, warden of the Connecticut State Prison, and myself, have framed an indeterminate sentence law, based on the New York law, adapted to Federal prisoners. This proposed law has been approved by Major Strong, Superintendent of United State prisoners in the Department of Justice, and by Mr. James M. Beck, assistant Attorney-General. Hon. Vespasian Warner, chairman of the Committee on Revision of the Laws in the House of Representatives, who himself strongly favors the indeterminate sentence, proposes to include the proposed law in the report of his committee on the United States Penal Code. While there is some advantage in this disposition of the law, the chances are that no action will be taken on the United States Penal Code at the present session of Congress. It may prove to be better at the succeeding session to submit the law as a separate bill.

STATISTICS OF PROBATION.

A provision of the probation law requires that clerks at courts shall notify the Secretary of State of the appointment of probation officers, and also send certain statistics in regard to those placed on probation. Wishing to know to what extent probation officers have thus far been appointed and to what extent the law is operative I addressed a letter to the Secretary

of State asking for exact information. A reply was received stating that the facts were not yet accessible, and that it might take some time to secure them. Evidently no appointments have been made in some courts, or, if so, the appointments are merely nominal. While some of our judges are using the law in a manner to illustrate its great utility and benefit, others are apparently indifferent to its existence or operation. The success, however, of probation officers and the probation law in representative courts, is sure to be felt in neighboring courts and communities; and the campaign of education with reference to probation must be continued until it is uniformly applied throughout the State.

PROBATION IN BROOKLYN.

A salutary result of the development of public sentiment on this question in Brooklyn appears in the combined action of a number of women's clubs and allied organizations to sustain a probation officer in the Brooklyn magistrates' courts. On April 14th Mrs. Barrows addressed a meeting of representatives of these clubs in which great interest was shown in this subject. Subsequently the corresponding secretary addressed meetings of representatives of the same clubs and was kindly invited to make suggestions as to practically carrying out the scheme. Miss Annie J. Roome has been appointed by the committee of the women's clubs, and this Association has promised to make a contribution of fifty dollars a year towards her expenses. She began her work in December, but had previously had experience as a volunteer probation officer in some of the courts.

WOMEN'S COMMITTEE.

In May the committee of inspection was strengthened by the addition of ten ladies, who were appointed by the president and consented to serve: Mrs. Isabel C. Barrows, Mrs. Maud Battershall, Mrs. Tunis G. Bergen, Miss Mary H. Bouvier, Mrs. G. Stanton Floyd-Jones, Miss Mary Sinton Lewis, Mrs. Henry P. Loomis, Miss S. R. Martin, Miss Katharine O'Connor and Mrs. Henry Remington Toler. This committee has since made

several inspections of women's institutions, beginning with the Woman's Reformatory at Bedford, reports of which are published elsewhere.

EMPLOYMENT OF AN ASSISTANT AGENT.

In accordance with resolution passed at the special meeting of the executive committee, Mr. E. E. Waite was engaged to assist Mr. Kimball in making his probation work at the Court of General Sessions, and also in visiting the City Prison and the penitentiaries on Blackwell's Island and Kings county. Mr. Waite held his position until the month of December, when he resigned and moved to Boston. Mr. Bullard has since been provisionally engaged to continue in the same line of work.

VISITS TO PRISONS AND INSTITUTIONS.

The visits of the corresponding secretary have included in New York the City Prison, the penitentiaries on Blackwell's Island, Kings County Penitentiary, the Workhouse, the jails in Richmond, Kings and Queens counties. On May 7th, in company with Dr. J. G. Phelps Stokes, chairman of the committee on detentions, and Mrs. Isabel C. Barrows, of the woman's committee, the House of Refuge for Women at Hudson was visited. On May 8th the prison at Auburn, Mrs. Barrows inspecting the woman's department. May 9th we visited the George Junior Republic at Freeville, N. Y. After a most interesting day studying this novel experiment Dr. Stokes and myself visited the Craig Colony for Epileptics at Stony, in Livingston county. Monday, May 12th, I inspected, alone, the jail at Geneseo. At Rochester I had an interesting conference with Rev. Dr. Crapsey and Rev. William C. Gannett, members of our Association. On May 27th I attended, in Rochester, a meeting of our county committee, at which Judge Quincey Voorhis, the chairman; Dr. Crapsey, Judge Arthur E. Sutherland and his brother, Mr. William E. Sutherland, were present, and also the probation officer appointed by Judge Sutherland. This officer is doing excellent work. In company with Mr. Brockway I visited the reform school at Rochester, and the jail in that city concerning which Mr. Brockway has written reports.

While attending, the last week in May, the National Conference of Charities in Detroit, I visited the House of Correction in that city which furnishes an interesting example of how short sentence men can be profitably kept at work from a financial as well as from a moral standpoint. The Detroit House of Correction has for years not only paid its expenses, but turned in many thousand dollars to the city treasury. But what is more important, the discipline secured through this labor is of the best order, and within the last year it has been decided to assign the inmates a portion of their earnings. Returning from Detroit, I visited jails at Ogdensburg and Canton, in St. Lawrence county, in Franklin county, and the jail at Plattsburg, in Clinton county. I have twice visited during the year the State Prison at Dannemora, and the hospital for insane criminals.

As Commissioner for the United States on the International Prison Commission I went abroad in July to attend the meeting of the International Prison Commission at Berne. The principal object of the meeting was to frame a program for the Seventh International Prison Congress to be held in Budapest in 1905.

While abroad I visited prisons in France, Switzerland, Bavaria and Holland, paying especial attention to the newer prisons and representing the best types of European construction. I had visited before, the prison at Fresnes, near Paris, and was impressed again with its admirable structure as well as with its good administration. The new prison at Straubing, Bavaria, is like-wise an institution erected on a grand scale, and with every modern improvement. At Zurich and Lenzburg one may see examples of the progressive spirit of Switzerland, and at Harlem, in Holland, I visited for the first time the new circular prison, an interesting type unknown in this country.

Notable feature of new prisons abroad are the good sites chosen, with ample ground, some of which may be used for gardening or agricultural purposes; the utilization of different types of structure such as the rectangular, cruciform, and circular forms; the ample cell room, the admission of direct sunlight in the cell, the thorough system of ventilation, the abso-

lute prevention of vermin from finding lodgment in cells, new punishment cells with double doors, the inner one of steel grating, two feet from the outer door, thus protecting keepers from assault; the application of electricity, the telephone and electric lights for maintaining better security in prison administration. At Straubing, for instance, there are tiers of cells for the more dangerous prisoners in which a colored electric light above the door burns whenever the doors open, and the fact is reported by an electric signal at the central office. Watchman's clocks are also used to insure greater vigilance of keepers at night. No corporal punishment is now allowed in Bavaria, France or Switzerland.

MEETINGS.

January 10th Messrs. Smith and Barrows, the secretaries of the Association, attended as delegates a conference of civic, educational and philanthropic organizations held at the rooms of the League for Political Education, 23 West Forty-fourth street, with the view to promote coöperation and prevent duplication of effort. Reports were made from more than thirty societies, and steps were taken for a permanent organization of the conference.

On February 20 and 21, 1902, the corresponding secretary had the pleasure of attending, with the president of the Association, the session of the first New Jersey State Conference of Charities and Correction, held at Trenton. The meeting was an interesting and inspiring one, and among its most gratifying features was the evidence in the addresses of Judges Fort and Skinner, that members of the bench in New Jersey are taking an active interest in the improvement of the penal system of the State.

On Tuesday, February 26th, I addressed the Conference of Charities at Orange, N. J., on the subject of "A Reformatory for Women," which it is proposed to establish in New Jersey.

October 31. I addressed a meeting of presidents and representatives of women's clubs in Brooklyn, on the subject of probation with the special view of securing the appointment of a woman probation officer, her salary to be raised by contributing clubs.

The Association was represented at the Third State Conference of Charities and Correction, November 18, 19 and 20 at Albany, by Dr. Samuel Macauley Jackson and the corresponding secretary.

November 22d, as chairman of the committee on the treatment of the criminal, I attended a meeting of the executive committee of the National Conference of Charities and Correction to discuss a provisional program for the conference to be held at Atlanta, Ga., next May. On the same day I addressed the Needle Woman's Guild at the Assembly Hall of the Charities Building. The Association has since received a valuable gift of underwear from the guild in addition to favors of previous years.

November 24 a committee consisting of Mr. Holt, chairman of the law committee, and Dr. Stokes, chairman of the committee on detentions, and the corresponding secretary waited upon Mayor Low, by appointment, in regard to extending the jurisdiction to the department of correction of New York. The mayor thought the proposition logical and asked the Association to frame a bill embodying the suggestions made.

November 28 and December 12 the corresponding secretary appeared before the board of estimate and apportionment in relation to the proposed new women's jail in Brooklyn, showing that all sentenced women could easily be accommodated in the Kings County Penitentiary.

Several meetings of the law committee were held in relation to the bill for extending the jurisdiction of the department of correction.

December 3d the corresponding secretary met the committee of the women's clubs of Brooklyn in regard to the appointment of a woman probation officer in Brooklyn.

December 6 to 10 I spent in Washington, D. C. It is a matter of regret that the appropriation of \$100,000 made by Congress for jails in the Indian Territory is to be expended upon four jails to cost \$25,000 each. While the department of justice will make strenuous efforts to get the best jails that it can for this money it is unfortunate that a larger appropriation was not placed at its disposal.

In response to an urgent invitation from the Prisoners' Aid Association of Canada I went to Toronto December 13. Sunday

morning, December 14th, I joined the president of the Association. Mr. Hamilton Cassel, at the Central Prison of Toronto and preached to the prisoners from 10 to 10.30 a. m. A carriage in waiting took me to the Central Presbyterian Church, Rev. Daniel McTavish, minister, at 11 o'clock where I preached a short sermon. At 12 o'clock I was driven to the Metropolitan Methodist Church, Rev. Dr. Sparling, pastor, which I reached at 12.10 in time to follow the pastor's sermon with a ten minute appeal in behalf of the Prisoners' Aid Association. In the evening I addressed a large audience in the Carlton Methodist Episcopal Church, Rev. Dr. Smith, pastor, on the treatment of the criminal. Monday, December 15, at 10.30 a. m. I attended a meeting of the Toronto Ministers' Association and by invitation spoke on probation. At 1 p. m. I was the guest of the Canadian Club. This organization is made up of merchants, students, and lawyers, and embraces in its membership the most active and progressive element in Toronto. It meets every Monday at 1 o'clock, has lunch for half an hour and then listens to an address for half an hour or holds a discussion on some prominent topic. I received a cordial welcome and spoke for half an hour on "International Aspects of Penology." At 8 p. m. I attended the annual meeting of the Prisoners' Aid Association and spoke in relation to its work and aims.

Tuesday, December 16th, I had, at the Parliament Building, 11 a. m., a pleasant interview with Mr. James Noxon, the head of the prison department, and was the guest at luncheon with Mr. James Massey, former warden of the central prison, who is one of the best representatives of prison reform in Canada. At 3 p. m. I attended a public conference on prison reform under the auspices of the Prisoners' Aid Association, and spoke on the indeterminate sentence. At 5 o'clock I accompanied, by invitation, a deputation from the Prisoners' Aid Association, which included the mayor of Toronto, to wait on the premier, Mr. Ross and the provincial secretary, Mr. J. R. Stratton, in regard to reforms the association is urging upon the attention of the government. In response to the hospitable invitation of the premier and of various questions I gave such information as I could in regard to the experience of some of our own States along similar lines. The

reforms urged by the Prisoners' Aid Association are a reformatory to be established by the Dominion Government for young men, first offenders, and secondly legislation whereby parole system, the accumulative sentence system, and the probation system, may be legalized in Canada. Of the Ontario government they ask for:

1. Greater expedition in the means that are being taken to establish the Provincial Reformatory for boys on good farm land, and the adoption of the cottage system.

2. The adoption of the probation system.

3. The adoption of the proposed bill for the economic treatment of inebriates.

The association also asks for isolation cells in the Toronto jail for the purpose of keeping boys and young men — first offenders — from the contaminating effects of jail association.

4. The more prompt removal of lunatics.

5. Other provision than the jail for the destitute poor of the city.

The Canadian Prisoners' Aid Association is thus seen to be active and progressive in spirit. That it keeps so well abreast with the times is largely due to the vigilance and earnestness and untiring industry of its secretary, Dr. A. M. Rosebrugh.

I take this opportunity of returning thanks to Hamilton Cassel, Esq. K. C., president of the Prisoners' Aid Association, to Dr. A. M. Rosebrugh, its secretary, to James Massey, Esq., J. T. Gilmour, Warden of the Central Prison, to the Ministers of Toronto who so kindly opened their pulpits, to the Ministers' Association, the Canadian Club and to still other friends for kind hospitality.

S. J. BARROWS,
Corresponding Secretary.

PRISONS AND JAILS.

The Prison Association has been fortunate during the last year in availing itself of the long and fruitful experience of Mr. Z. R. Brockway, formerly superintendent of the Elmira Reformatory, who inspected a number of jails and penitentiaries in the central and western part of the State and gave to the Association the benefit of his observations. Special reports on these penitentiaries and jails are given on subsequent pages. But more important than the details of local conditions are the general conclusions reached by Mr. Brockway concerning the jail and penitentiary system of New York State as printed in the following communication addressed to the Association.

JAILS AND PENITENTIARIES IN NEW YORK.

By Z. R. BROCKWAY.

The common jail system has not found a defender these last hundred years and more. It is, as a system, a combination of evils known, exploited, deplored. The entire jail system of the whole State and county is iniquitous, and the jails themselves are but centres of pollution deftly if unintentionally distributed. Civic wisdom has thus far failed to find an effective remedy for the evils of the jail system and the jails. The more modern and alleged improved jail structures scarcely palliate the evils of jail imprisonments, and the district penitentiaries which were established half a century ago with good intention only mitigated the evil for a time and that more apparently than really. These penitentiary hostels for misdemeanants were always, practically convict prisons managed mainly for profit and, now by reason of prison labor legislation have become but jails where short term prisoners are confined without systematic instruction either in labor or letters.

EVILS OF THE JAIL SYSTEM.

The faultiness of the jail system is rooted in causes so apparent that it seems surprising that they have not hitherto been better recognized; their removal is so simple and easy a matter that it is amazing the evil and the fault have been so long endured.

The causes referred to are,

First, the association and unrestrained communication of prisoners confined in the jails. This pernicious practice is attributed to

a. Defective arrangement of jail buildings making it difficult to separate the prisoners as they should be during the whole time of their confinement in jail.

b. The prevalent good natured, careless sentiment with sheriffs, jailors and others, to the effect that the jail prisoners *ought not* to be crossed but should be indulged in their desire to associate and communicate with each other; and

c. To the common notion that jail prisoners are more tractable when they are thus indulged and are more servicable for convenient or supposed economy in performances of routine jail duties.

Secondly. The use of common jails for imprisonment of prisoners on final sentence instead of sending the prisoners to the penitentiaries where, until recently, they were put at work for profit, were subjected to less or more salutary discipline, and where actually or possibly their association and communication could be somewhat restrained and regulated. This retention of penitentiary prisoners in jails is explained by the terms of contracts between the counties and the penitentiaries, which were so phrased as to exclude from the penitentiaries prisoners from outside counties sentenced for less than sixty days, and by the practice of magistrates of making sentences often fifty-nine days or less and so sending prisoners to the jails instead of to the penitentiaries. By such means the income of the sheriff, under the fee system, was increased, the prisoner and his friends were sometimes thus accommodated; and such short sentences to the jail served to satisfy a traditional vague estimation of justice or

punishment. Latterly, since work for prisoners at the penitentiaries is abolished, the magistrates discover no moral or other advantage of penitentiary over jail imprisonment and by holding the prisoners in jail there is saving of expense, viz: the cost of transportation to the penitentiaries, and under the sheriff's salary system substituted for the fee system in so many counties, there is some saving of cost for current support. Naturally the contracts of counties with the penitentiaries are allowed to lapse without renewal, so that the number of sentenced prisoners held in the jails is increased and increasing, often to overcrowding which fact supplies to the jail control plausible excuse and argument for allowing free communication amongst them. The presence of these sentenced jail prisoners increases the difficulties of jail management and, in truth, diverts the jail from its only proper use, namely: *for the temporary detention of prisoners who are awaiting the action of the courts.*

The *third* cause to be here mentioned is parsimony and indifference on the part of the county authorities, the jail officials, and community as to jail administration. There is not a sufficient number of employees to supervise the jail prisoners so as to prevent improper communication among themselves and with objectionable acquaintances and visitors. The small expenditure required to instruct and occupy the prisoners is withheld; and, there is, generally indifference to and absence of effort for their recovery to logical and provident behavior whether they are under sentence or awaiting trial. The public parsimony should not be attributed to penury, for there is abundance of means; nor to meanness, for the public sentiment when aroused, and informed on the subject is always most generous in expenditures for charities and corrections. No doubt, petty partisan considerations play their part, one party shifts the onus to another party back and forth year by year; but such partisan practice could not continue except for apathy which is the product of ignorance as to the real importance of this jail matter; imperfect discernment of the influences that induce crimes, negligence as to the springs of feeling and conduct, and a commonly crass notion abroad about moral freedom and consequent desert. The general public

mind is averted from the topic of the jails and is dense as to the danger of social infection from these jail repositories and anti-social human bacillus.

SOLUTION OF THE JAIL PROBLEM.

The long sought solution of this perplexing jail problem consists in the adoption of three public measures which will exert at the same time a powerful repressive influence upon the annual volume of crime; namely, the isolation of prisoners in common jails; the providing of establishments and a systematic treatment for sentenced misdemeanant offenders; and, some items of necessary legislation.

The isolation of prisoners in jails may be now promoted and ultimately accomplished by reducing their number as it will be when sentenced prisoners are excluded from the jails and confined elsewhere, and by such alterations of existing jails with improved new jails when from time to time alterations and new construction are made in a regular procedure. It may be made obligatory upon the counties to provide enough of immediate supervision. Improved jail management may be effected by the influence of local committees of the Prison Association working for this end together with the State Commission of Prisons in their supervision of jails. The six county penitentiaries already in existence if not well enough adapted for present use may be made so with a not large expenditure, and with the addition of another — a deportation colony — could all be easily arranged in series for the intended purpose.

THE PENITENTIARIES.

These penitentiaries were originally established for the very purpose of an improved treatment of misdemeanant offenders, but were soon diverted to use for imprisoning felons from the State and federal courts. These penitentiaries are about to become great jails devoted to the usual jail use only and are felt to be burdensome for the counties of ownership to maintain. If, for any reason, Kings county penitentiary is to be abandoned, the property put to other use, there yet remains at Manhattan the penitentiary and workhouse; and even if Manhattan prefers

to retain these institutions under local control, there then remain the institutions at Albany, Syracuse, Rochester and at Buffalo, which, together with the before-mentioned proposed colony, afford capacity enough, and when arranged in series, would be all sufficient establishments to initiate the general system. The Syracuse penitentiary is now renewed and removed far enough from the city of Syracuse for use as the agricultural training school of the series.

DESIRABLE LEGISLATION.

Legislation will be needed to extend and perfect the probation act of 1901. The function of probation officers should be extended from their present duty of investigation and supervision, after arrest, to investigations and conveyance of official admonitions previous to actual arrests, the aim being to avoid arrests in the same manner that the probation act now seeks to avoid imprisonment. The court should have discretion to allow and order compensation to voluntary probation officers whenever the services they render properly justifies compensation. In the same spirit and on the same basic principle of the probation and parole laws, authority should be given to magistrates to impose a probationary test which shall include training treatment within and without the confines of the before-named correctional establishments, in custody of a supervisory board of officers: this without any predetermined limit of time nor too restricted statutory conditions of treatments. The final disposal of such committed probationers — their absolute discharge on parole, should be left to the governing authority to be determined according to the conduct of the probationary pupil. I wish that the law would make it imperative that all misdemeanants on conviction, if not absolutely discharged at the time, should serve on probation either in charge of probation officers in the open in accordance with the act of 1901, or to serve probation in custody. The law should clearly prohibit imprisonment in jail of any prisoner, after his full court trial, unless temporarily imprisoned while awaiting an early transfer.

The series of correctional establishments and the management of the whole system might well be placed in the hands of the

State Commission of Prisons, forming a new and distinctive department of the State prison system. It is, however, yet an open question whether the proposed legislation should include giving power to the Commission of Prisons to select and transfer from the State prisons certain prisoners serving under the indeterminate sentence (those of similar grade of character to misdemeanants) to the new department for better preparatory training. Such a measure would contribute to unify control of all prisons except jails; would enable the Superintendent of Prisons to make a good classification of all sentenced prisoners; afford better facilities for their industrial training, and would create a favorable condition of laws and institutions for ultimately obliterating the present distinction between felony and misdemeanor, a distinction so generally unreasonable, often injurious, unnecessary for the public protection, and always useless for any purpose other than to maintain the chimera that there is somewhere to be found an absolutely just measure of punishments to fit such statutory distinctions. It would also prove a good stride towards realizing in the laws the full indeterminate sentence principle.

The State Commission of Prisons, associated with the State Comptroller, and their action to be approved by the Governor, might be empowered to acquire the penitentiaries and found the suggested colony. With any one of the penitentiaries in hand, manned, equipped and with an appropriation for maintenance, and after the enactment of suitable laws for organizing them, the whole would be put into commission by a Governor's proclamation. The best known measures of legislation to secure non-partisan administration to the utmost that is possible under our political system seems to be: (a) some plain statutory declaration to this effect and honest application of civil service regulations; (b) making it an offence, with a penalty, for any attacks of the department to contribute to a partisan fund or to actively engage in a political canvass; (c) prohibition and penalty as against any who shall solicit or approach improperly, in view of their obligation any attaché of this department. Financial legislation must be had to acquire the property, provide the plant, to furnish means for current maintenance and repairs, with better-

ments as required, and to supply an economical incentive to officers and all concerned promotive of the best efficiency. Some of the penitentiary counties are already desirous to sell their penitentiary property outright and at a fair valuation; other desirable penitentiary property might need to be acquired by the State through condemnatory proceedings, or the State could lease, making return of rental by State support of prisoners now maintained at the county expense.

In whatever way the State may take over the penitentiaries it is but an investment, not a waste of public funds, for, if taken at a fair value, as would be, the penitentiary property could be sold again for other use, thus realizing the investment which is, at present, justified for public welfare. The cost of maintenance should be divided between the State at large and each county having prisoners under treatment, divided and shared on a plan similar to the practice in Pennsylvania of maintaining the penitentiaries. Such an arrangement for the support of those misdemeanant convict establishments would insure, in the counties, a local as well as general interest in maintaining public order and interest in the culprits, more than when the State, by a general levy, should assume the total maintenance expense. Moreover, the act should provide for collection and payment to the counties participating from prisoners themselves having resources, from family relatives of prisoners and, possibly, from wards of cities and from townships. Under a system of increasing valuation for taxation, the owner of crime-breeding property may be made to pay. There is here certainly an open field for distributing and levying the cost of maintaining criminals upon the county, township, ward and landlord, constituting a just discrimination of taxation, one likely to exert, at the same time, a salutary repression on crimes.

A COLONY FOR INCORRIGIBLES.

An act creating this new department of the prison system of the State should include full authorization to locate, procure, prepare and operate a colony or colonies small or large for apparently incorrigible and other anti-social siftings from the mass of offenders coming under this system.

Some magistrates of much intelligence and influence are known to earnestly desire a better plan and authority of law for disposing of misdemeanants, and, throughout the State, magistrates generally are perplexed with this misdemeanant problem. Many prominent judges of the higher courts will, it is confidently believed, approve of this plan as an experiment, at least, and will, if required, recommend its adoption by the Legislature. The penitentiary counties, some of them surely, and others of them probably, are anxious to dispose of their penitentiaries so that several county centres of influence can be counted on to urge favorable legislative action.

ECONOMIC VALUE OF PAROLE.

Mr. Butler, secretary of the State Board of Charities of Indiana, says that, covering a period of four years and seven months to October, 1901, there have been paroled from the two prisons of that State 1,340 men; that these paroled prisoners earned on parole \$272,661.68, of which amount they had saved in hand \$48,063.71. Economy is further shown by the operation of the indeterminate sentence with parole plan at the New York State Reformatory at Elmira the first twenty years. A comparison of saving of time in prison for 5,120 prisoners paroled, compared with what must have been had the prisoners been under a determinate sentence, taking the minimum of sentences to the State prisons for the similar offence as the basis of comparison, shows 10,112 years of imprisonment saved, and a saving of maintenance cost of \$1,395,456. If there should be computed and added to this monetary saving the earnings of the paroled prisoners while on parole, calculated on the Indiana experience of earnings, then a total economical benefit is shown of \$2,362,683. And if compared with Mr. Eugene Smith's estimate of the public cost of criminals at large the amount of economic advantage reaches an enormous figure. In this connection it is worthy of note that the average time imprisoned of these 5,120 paroled felons is less than two years for 62.6-10 per cent., and for \$6.4-10 per cent. less than three years.

It will be observed that while the proposed change of treatment of misdemeanants extends to them every advantage and encouragement, and excludes retributive punishment, it is also

1902

an effective protective measure. It is intended that when the public necessity demands reclusion of misdemeanant offenders, and they are actually in custody, they shall be fitted by training and placing, for earning and good behavior as the conditions of their release. There must appear, for release, some good probability that they *are* thus fitted and adjusted, and little or no probability that if released they will appear again as offenders.

ALBANY COUNTY JAIL, ALBANY, N. Y.

This old jail should be razed to the ground and a new one supplied without delay. It consists of a small block or group of ordinary penitentiary cells opening into a corridor on either side of the block, and of a few rooms for women or witnesses adjoining the residence or offices. There are no suitable facilities for classification or separation of inmates from free communication with each other, no adequate ventilation of the cells. Probably the jail managers are doing as well as they can do in this matter of order and cleanliness, but there remains much to be desired in these respects. The prisoners have enough to eat, are kept in safe custody and are as comfortable as could well be required for such a class of offenders in temporary jail confinement in such a jail. Twenty-six prisoners were there all told, and of these twenty-three were court prisoners and only three served sentence. Prisoners sentenced for misdemeanors at Albany usually are committed to the penitentiary. One of the prisoners was under sentence of ten months, he was in service as a hall boss, the others were for terms less than thirty days. The greatest number of prisoners at any time during the year is said to be fifty-five.

There is no school, no regular employment. Religious services of a sort are maintained under charge of the City Missionary and Tract Society. Here, as at Rochester, it is under consideration to abandon the jail by removing jail prisoners to the county penitentiary. It is freely admitted by the officials I met that a new jail is needed, and here as at Troy is a suitable field for effort on the part of the Prison Association's county committee. The location of the present jail is convenient to the court house, and the lot is large enough for a

good modern jail so constructed and classified of apartments as to enable the avoidance of corrupting communications among the jail prisoners, such as commonly prevalent and perhaps quite unavoidable in this jail and in others so faulty of construction. A model jail at the capital of the State of New York would naturally be copied and so improve jails throughout the State as from time to time improvements are made in other county jails and new jails are provided.

Inspected June 27, 1902.

Z. R. BROOKWAY.

ALBANY COUNTY PENITENTIARY.

During the forties a movement was rife to relieve the evils of idleness in jail confinement of sentenced misdemeanant prisoners by their systematic employment under good discipline. District penitentiaries were provided, owned by the county where jail prisoners from the several counties were imprisoned on contract and payment by the county of their conviction for ward and penitentiary care.

The Albany penitentiary was the first of this class of prisons, and at the time of my first knowledge of it not far from the year 1850, contained some hundreds of misdemeanant prisoners, afterwards increased by a large number of Federal prisoners received from the United States courts sitting in many of the States and Territories. This penitentiary scheme was inspired, guided and developed largely by Amos Pilsbury, the first superintendent of the Albany prison, and for years its able and admirable executive manager. Later his son, Louis Pilsbury, succeeded him as superintendent of this penitentiary, continuing the spirit and methods of the elder Pilsbury's management until he himself was selected for the first Superintendent of State Prisons of New York, under the amended constitution that substituted a superintendent appointed by the Governor and Senate in place of the board of directors elected by the suffrages of the people at a general election. The central aim of the Pilsburys was pecuniary profit to the proprietor county, but with due regard, according to the sentiment of the times

then, for the welfare of the prisoners. The profitableness of the Albany County Penitentiary under the management of Amos Pilsbury gave it great celebrity and lead to establishing others until, if we include the penitentiary of the city and county of New York, there were and are in this State six such prisons. Other States followed, notably Michigan, Ohio and Pennsylvania. At the period of growth of this misdemeanant penitentiary system in New York, and in other States there was no obstacle through opposition to prison labor, such as is now prevalent everywhere. The contract system was generally adopted, and by the profitable results to the State from the labor of prisoners, made so to a great extent by the management of the Pilsburys and the example of these county or district prisons, the American prison system became famed far and wide both at home and abroad. There remains but the skeleton of that penitentiary system; it has to all intents and purposes collapsed. The county penitentiary establishments at Albany and Rochester and the others in the State are no longer pecuniarily profitable, but a more or less burdensome public charge. Then they were managed without regard to political partisan advantage. Now, the county penitentiaries are but the buffet of partisanship. The prisoners then sent from surrounding counties and thus taken out of the jails, are now confined in the jails again. The prison treatment of misdemeanants in the State of New York has depreciated, turned backwards to the conditions and standards of half a century ago.

While the capacity of this Albany penitentiary is for 600 prisoners, there were in confinement on the day of my visit only 192, of which number only 45 were committed from the home county. Eleven of the prisoners are women and five of them Federal prisoners. Already the annual deficit of income for support is from \$20,000 to \$30,000, varying according to the number of outside prisoners from other counties where board and care is paid for at \$2.25 per week, and such county contracts are not often renewed now when they expire. It is therefore quite evident that Albany county will not maintain the penitentiary for Albany county prisoners alone, and that

the institution will be abandoned as a county penitentiary when all or more of outside counties discontinue its use for their prisoners. Indeed, by an act (chapter 127) of the laws of this year (1902), enacted by the last Legislature the commissioners of the penitentiary are not only empowered to reduce salaries and expenses and to turn over the establishment to the sheriff of the county, but also "to discontinue and close the penitentiary and abandon its use as a prison, and to sell the same and all the lands and appurtenances connected therewith."

The sentences under which the prisoners are confined are from 30 days to a year and a fine; the average term is between four and five months. Of the 1,117 prisoners received during 1901, 438 were under 30 years of age, 547 between 30 and 50, and 132 over 50 years old. Manual training and a school of letters could easily and usefully be organized to embrace training for all or nearly all the prisoners, and would be specially serviceable for training of the 438 prisoners received and the 72 now present there under 30 years of age. If, as is averred, even an hour a week of manual training is useful for pupils of the public high schools, giving 120 hours in the three years' course, then for the shortest term prisoners, now held in idleness, four hours a day for the 30 days of their term would give an equal amount of manual training and be also useful and still more serviceable for the prisoners held under longer sentences. So, too, a school of letters could be made of much service by way of imparting information, but more by awakening a desire to know and to do.

The situation here at Albany penitentiary is most favorable for the State to acquire the institution and try the experiment of treating for a rational reformation and rehabilitation, misdemeanor offenders to be committed under the indeterminate sentence through authority conferred through an extension of that system of sentence to misdemeanants. There is a library of some 3,000 volumes, newspapers are excluded. Two chaplains, a Catholic and a Protestant, under a salary of \$250 each per annum, conduct religious services on Sundays; it is said the prisoners generally attend such services; but as above indicated, there is no educative or training system. The Albany

penitentiary is but a large common jail for sentenced prisoners. It is in sanitary condition; the diet, clothing and discipline of the prisoners are suitable; all the details of institutional administration are commendably conducted, but on the low plane of current common jail management.

Inspected June 27 and 28, 1902.

Z. R. BROCKWAY.

BROOME COUNTY JAIL AT BINGHAMTON, N. Y.

This jail and sheriff's residence is quite new, having been erected about 1895. The exterior of the building is of sandstone and is handsome. The outward appearance of the residence portion would grace any street in the residential district of our best interior cities. The jail building proper is insufficiently lighted, the architect having apparently sacrificed light for the jail apartments to the benefit of outside architectural appearance. The interior of the jail is built of iron and (alleged) steel bars. It is well arranged for classifying jail inmates, there being several compartments completely isolated from each other as relates to the possible communication of prisoners from one compartment to another. It is with much reason, claimed for this jail, that it is the best of its proportions or size in the State. However, there have been three instances of escape of prisoners when altogether nine escaped, four of whom were recaptured. The number of cells is fifty, divided into compartments as above stated. The cells, corridors, indeed the whole premises were in excellent order as to cleanliness and other sanitary conditions with the exception that there is insufficient sunlight admitted by windows. There were forty-four prisoners, of which number eighteen were under sentence, and twenty-six awaiting some court process. The court prisoners are allowed to associate, as were also such of the sentenced prisoners as were not at work, breaking stone in a shed two blocks away from the jails. Those not at work were variously accounted for, two of them having refused to work at stoned breaking were locked in their ordinary cells and fed on restricted diet.

The sentences range from three or five days to six months, but mostly the sentence is 59 days, one day within the term that would oblige their transfer to the Albany County Penitentiary according to contract, a policy adopted for economy and intentionally or incidentally it benefits the sheriff, the income of whose office is as yet dependent on fees. But the salary system is to take the place of fees with the election of the next sheriff. Moreover as the recorder of the city, E. Mack Smith, rightly declares, there is no public benefit now possible to be derived by sending prisoners to the Albany County Penitentiary since the prisoners there are unemployed, and there are in operation in Albany no educational or reformatory agencies beyond those of the jail at home.

There is provided here a jail chaplain, a country clergyman, who for \$2 a Sunday, holds religious services, optional with the prisoners to attend, and actually the attendance is very irregular. There is an apparently well-used library of say 100 volumes, and newspapers are freely admitted. Of the prisoners but two were women and very few young men. The prisoners generally were of the rural, dissolute, middle-aged loafer class in appearance, more worthless than wickedly or dangerously criminal. Recorder Smith says that he avoids committing youths to jail when it is possible to properly avoid it, and acknowledged his perplexity about their proper disposal. He cordially approves some plan of treating misdemeanor offenders more thoroughly than can now be done under present laws and with the present institutions organized, managed and controlled as they are, and would favor an application of the indeterminate sentence principle to these offenders.

The breaking of stone at Binghamton jail is not a profitable plan. The county pays fifty cents a load for stone, which is hauled in by farmers and others and is of very poor quality, and allows the city and towns to take the broken stone for roads without price or pay. It is doubtful too if the city and towns do, in the long run, get good macadamized roads in this way as cheaply as they could by the purchase of good stone well assorted directly from the quarries and breakers. The outlay for two guards with extra food indulgences and for shed rent and

1902

tools, together with the fifty cents a load for the disintegrating stone, is believed to be a larger outlay per yard for stone than could be purchased elsewhere. Here, as elsewhere, the impression was made upon the inspector that it is of great importance that sentenced misdemeanor prisoners shall be treated elsewhere than in county jails, which should only be used for the detention of prisoners awaiting trial.

Inspected June 26, 1902.

Z. R. BROCKWAY.

CHEMUNG COUNTY JAIL.

The structure was erected in 1872 and has cost the county for the buildings and improvements since made, the lining of cells with iron, together with five thousand dollars (\$5,000) for the site, \$70,276.16. The amount includes the sheriff's residence, a large and commodious edifice, with outbuildings, such as barn, morgue, etc. As a whole, for a county jail establishment of the kind, it is a good structure, but is, as are all jails built at the date named, faulty of plan, and it is now inadequate to the accommodation of the number of prisoners usually confined; that is to say, there is an insufficient number of cells insufficiently lighted and ventilated with no possibility—as they are constructed and located—of keeping the prisoners separately lodged and separately confined, so as to avoid the corruption of indiscriminate association during the day. The premises were found to be in perfect order as to cleanliness and repair. By the efficient care of the jailor there were no offensive odors discernible, such as commonly exist in ordinary jails of this kind.

The food supplied the prisoners is of good quality and sufficient in quality, being also well prepared and served.

The total of prisoners numbered thirty-two, of which number twenty were under sentence varying from five days to six months. The sentenced prisoners were well employed breaking stone and in domestic work. Of the thirty-two prisoners, three were women, all associated in a large but single apartment.

One was a lad of sixteen years, who, the jailor said, was most exemplary in behavior and language; it is pleasing to know that this lad was discharged from imprisonment on the day of my visitation. Five of the prisoners are Chinamen, held under federal authority awaiting trial for violating the immigration laws.

Until the enactment of the inhibitive prison labor law, 1397 or 1898, this county sent prisoners to the Monroe county penitentiary, and it is estimated that if such practice were now in vogue twelve of the twenty prisoners now in jail would have been sent to that penitentiary instead. The change of law in 1900, by which the sheriff's office was made a salaried office instead of compensation by fees, seems not to be the direct discernible cause of the reduced number of prisoners in jail. It was not, however, practicable to go very thoroughly into that matter. My impression is that, speaking generally, the sheriff salary system, in place of the old fee system, will operate to diminish considerably the total of jail prisoners throughout the State below what it would be under the fee system. The appearance of prisoners in the "pit" and at work and on the corridors, was that of orderly, well-behaved men, and those breaking stone were as industrious, quiet and well in hand by the overseer as are prisoners confined and worked in our great State penitentiaries. The punishments used are deprivation of food and the dark cell. Religious services are maintained on Sunday by the Rescue Mission here in town, and consist of singing and an exhortation, etc., as is usual with such religious workers. There were none or few books to occupy the prisoners at early evening and on Sundays, but it is doubtful if they would improve them if supplied. As a rule, they lack the education that enables one to read readily and with interest, lack the influence of reading habit and of taste for books. The small number of prisoners and differing character and conditions of detention render it very difficult to institute in such a small jail any system of education or, indeed, any systematic rational effort for reformation. While somewhat more might be done in this direction, it is not to be expected that the sheriff and jailors can do much more than is already done in the jail at this time.

The cost of supporting the prisoners is .9573 per week per capita, but this amount does not include items of attendance and supplies, which accounts, as kept here, embrace similar expenditures for the other county officers, etc. There is no economy in working at breaking stone as it is here done. The stone used on the streets of the city, as prepared in the jail yard by the prisoners, costs the city more than crushed stone of better quality, and is better screened, would cost purchased directly from crushers run by free labor.

There have been no epidemics or diseases of prisoners, and only two deaths, which were from delirium tremens, and of prisoners past recovery when they were committed to the jail.

Chemung county jail is in good condition and well managed. But, as previously remarked, is wrong of construction, inadequate of accommodations, possesses these faults in common with the jails throughout the State and country generally, and together with them is created and carried on the principle of current treatment widely open to criticism.

Inspected May 21, 1902.

Z. R. BROOKWAY.

MONROE COUNTY PENITENTIARY, ROCHESTER, N. Y.

The examination of this county prison shows the very best of institutionary administration. The main buildings, the out-buildings, every apartment, and also the grounds were all in good order, good repair, and models of cleanliness. The prisoners were well clothed in their prison uniform, evidently well nourished and bathed and were in appearance under excellent disciplinary control. They were quiet, appeared contented, showed no indications of an arbitrary or irritating governance. The penitentiary, not then completed, was opened for the reception of prisoners in 1854; after completion of buildings according to the original plan, and within a few years past, additional cells were constructed, so that there are now separate cells for 500 prisoners. Owing, mainly to the withdrawal of prisoners formerly sent to this penitentiary from surrounding counties, a

withdrawal, induced by the prison labor constitutional amendment, and the act of 1896, the number of prisoners confined in this prison is reduced to 127, of which number 18 are women. The only employment aside from prison duties work is farm work, which at the date of inspection engaged only thirty-five of the prisoners. The prisoners are under sentences varying from ten days to one year, the average of sentences being 4 25 months. At the hour of the day on which my inspection was made, 11 o'clock a. m., the prison duties' work was completed and the prisoners were idle, except that some were gathered in what were formerly work-shop apartments and were occupied, under guard, reading or apparently reading from books. The prison library is said to be replenished every two years. News papers are admitted, but there is no school or systematic effort to educate the prisoners. It has been demonstrated elsewhere that important educational results can be had with misdemeanant prisoners under such an average term of sentence as that of the prisoners in this penitentiary. Sixty-eight of the prisoners were under thirty years of age. If the Board of Supervisors could be induced to pay for the services of but one school teacher much good would be accomplished by educational effort in this prison. The extremest disciplinary measure used is the dark cell with restricted diet, but one prisoner was under such treatment on the day of my visit.

The deputy superintendent (the superintendent was absent) seemed apprehensive of evil effects from the contemplated bringing to the penitentiary of the jail prisoners of the county, a matter referred to in my report on the Monroe County Jail. The State should take over this penitentiary with the other county penitentiaries of the commonwealth and provide thus, in connection with the improved so-called indeterminate sentence system, facilities for classification of prisoners and such penitentiary treatment of those sentenced as would more effectively prevent crimes and development of misdemeanants into habitual criminals.

The arrangement of this penitentiary plant is such as to enable quite inexpensive supervision. Only one guard is required on

the walls and a small number of guards, and assistants can sufficiently guard and supervise the whole of the enclosure and appointments.

Inspected June 6, 1902.

Z. R. BROCKWAY.

MONROE COUNTY JAIL, ROCHESTER, N. Y.

This jail in a large comparatively new structure, possesses facilities for classification, but not for complete separation of prisoners. The apartments visited were, some of them, indeed most of them, untidy, for which condition there is possibly some excuse because the jailor was absent that day and it was "Visiting Day." Under the act of the Legislature (1902) it is ordered that this jail shall be abandoned and the prisoners removed to the penitentiary buildings for a county jail. The matter of compliance or non-compliance with the act of the State Legislature is under advisement by the board of county supervisors, not yet determined. I am of the opinion that a removal of the jail to the penitentiary is unwise, even if it is apparently and temporarily economical of expenditures. Such a policy will be injurious to and probably destructive of the good the penitentiary may do. Prisoners awaiting trial and those under sentence should not be confined in the same prison establishment, and cannot be subjected to the same kind of control and management. All sentenced prisoners should be taken to the penitentiary, but the jail should be retained and used for jail purposes proper. The prisoners in this jail as in other jails were allowed indiscriminate association and apparently no thought is given to the damage arising from it. No attempt is made to rescue susceptible prisoners from their criminality and to prevent the increase of individual centers of evil influence when they shall be discharged. These jail germinal culture fields of crime must be suppressed.

Inspected May 29, 1902.

Z. R. BROCKWAY.

ONTARIO COUNTY JAIL.

The jail was built seven years ago, and a stone shed 50 by 100 feet was built during the past year. There is also a dining-room. The total cost is said to be about \$15,000, not including the cost of the stone shed—the building for employment of prisoners at breaking stone. There is at present a cheerful and suitable apartment over the cell house, used as a chapel, but it is intended to build up into this apartment and so absorb it, an additional tier or floor of cells. The interior of the jail proper is of iron and steel. The jail as a secure place of confinement for criminals is in many respects well controlled, but lacks facilities for good separation from evil communications of the jail prisoners. This jail plan makes it possible, with careful administration, to maintain separation of prisoners from bodily contact with each other, but not from evil mental contact. The heating and ventilation are well enough for such a jail, and there are perhaps sufficient bathing facilities. The jail management was apparently in good hands, yet some improvement could be made in good order of apartments, bedding, beds and furniture. The jail contains 32 cells and three large rooms, besides the chapel, dining-room and stone shed before mentioned. There were on the day of my visit 26 prisoners, all males. Of the 26, 17 were committed under sentence from 10 to 60 days each. One was an Indian lad 11 years old only, arrested for burglary and found armed with pistols. The lad was, properly, quite separated from the other prisoners who on each floor were, as usual in jails, allowed to assemble in the "pit" of their flat. This county of Ontario now cares for all the misdemeanor prisoners, having discontinued sending prisoners to the Monroe County Penitentiary.

Religious services are conducted every alternate Sunday by the Salvation Army, the Rescue Mission's people, and by women of the Christian Temperance Union. Attendance on religious services is optional with the prisoners, and about two-thirds voluntarily attend. There are no books, and no educational effort is made; perhaps could scarcely be made by the sheriff and jailor with such very limited expenditure as the board of supervisors have as yet allowed to be made for all purposes.

The punishments consist of the dark cell with reduced diet. The kitchen is well arranged and scrupulously neat. The food is good and ample in quantity.

The sheriff is at present compensated by the old and usual fee system, but by an act already passed the salary system will be substituted with the beginning of 1904.

It is probable that in the winter season the jail will be of insufficient accommodation at times, otherwise Ontario county seems well provided as to its jail. Some scheme for the consideration and care of prisoners sentenced to jails should, by the State, soon be ordered.

Inspected May 30, 1902.

Z. R. BROCKWAY.

RENSELAER COUNTY JAIL AT TROY, N. Y.

The Troy jail is an ancient structure, built as early as 1826; its cells are rooms intended to receive a number of occupants each, the partitions dividing these cells or rooms from each other are of wood, and are, the jailor said, infested with bugs. The interior of the jail is inflammable, a tinder-box, without adequate fire protection or sufficient means of exit in case of a conflagration. It is impossible to exterminate the insects from the wooden partitions, and every care is exercised to avoid damage and casualties by accident of fire. The jail premises, outside and within, show thoughtful painstaking attention as to repairs and general sanitary condition.

The investment made in the establishment is about \$50,000. The number of prisoners on the day of this inspection was forty-three; sixteen of them "court prisoners" and twenty-seven under sentence; seven were women; there were no children, none or few youths; they are adults of a municipal "bummer" class. The sentences of the sentenced prisoners run from five days to six months; most of them were serving very short sentences.

There is no regular employment for them; no school work or effort; no library, but some books and the daily newspapers are admitted and distributed. Religious services on Sundays are maintained under charge of the churches of the city. Some re-

ligious person, denominated jail chaplain, attends occasionally, and benevolent women visit the prisoners to "do them good."

Two prisoners escaped from the jail recently, and previously, not long ago, two others made their escape.

The food supplied is served but twice a day, the afternoon meal at about three o'clock. I believe the food is good and sufficient. It is rather surprising that the county of Rensselaer, with its city of 122,000 inhabitants, wealthy, cultured and benevolent, should so long allow this jail to remain; it is surprising that a new improved jail has not been already provided. The sheriff says that if the question of building a new and suitable jail should be submitted to a popular vote, no doubt a majority would favor it. There is some difference of opinion on the subject of location for a new jail, but this is a matter which could probably be easily arranged. At any rate, the need of a new jail is imperative.

Inspected June 27, 1902.

Z. R. BROCKWAY.

SCHUYLER COUNTY JAIL, WATKINS, N. Y.

This jail is a lean-to structure attached to the rear of the sheriff's residence, built of field or rough quarry stone with an outside veneering course or two of bricks. The eight cells for men are of similar material, and are at present more or less insecure for custody of important prisoners. Two men escaped some weeks ago by digging through the outer wall, against which their cell abutted. The cells are vaults, unventilated except as air may enter through the interstices between the flat crossed bars of the cell doors. Repairs are in process, such as cementing the corridor and cell floors with the view to flushing them readily with water for cleansing. The front wall is to be covered with iron or steel plates as the rear wall is already covered; good and suitable bathtubs have been recently put in place. The jail is heated with steam pipes and lighted by gas. In the upper story there are four square rooms for prisoners, a bathroom, etc., and one room for the turnkey to occupy. The doors to these rooms are cheap panelled wooden doors. One of these

doors was damaged, the lower panels burst through and hanging. The jailor said it was done by a "lady" who was in a passion and kicked a hole through the door. The appearance of all the apartments of the jail was untidy, but this may be partly due to the repairs being made and to the fact that there were no prisoners therein. The number of prisoners sometimes confined in this jail ranges from none to seventeen. Some sentenced prisoners, misdemeanants, from Schuyler county, are still sent to the Monroe County Penitentiary at Rochester. The jailor said there are at present only three at Rochester.

The present sheriff's compensation is by fees, but the next sheriff must serve under the salary system. It is, however, intimated that the change of system will be of no good effect nor result in any saving of expense to the county. It is the opinion of your inspector that the change from fees to salary for sheriffs, when adopted throughout the State, will facilitate the plan of State conduct of all jails and prisons, a measure necessary to any good systematic management of imprisonment for better prevention of crime.

Schuyler county needs a new jail of improved plans, enabling complete separation of prisoners from each other, but there is no prospect that the supervisors will move in the matter. This is evident from the efforts to put the present jail in as good condition as possible and evident also by the public willingness to be taxed for such a purpose.

Inspected May 26, 1902.

Z. R. BROCKWAY.

YATES COUNTY JAIL.

The jail was built more than forty years ago; the jailor's residence is good enough, but the jail itself is bad. It is of stone and concrete materials, unsafe for custody, without ventilation in winter, and the general condition of corridors and cells decidedly mussy. A new jail should be provided, but there is small prospect that anything will be done about it by the Board of Supervisors of the county. At the date of my visit there were only two prisoners in jail, and I afterwards ascertained

that there was only one prisoner at the Rochester (Monroe county) penitentiary sent from Yates county. Of the two prisoners in jail, one a man of forty years of age or so was awaiting trial, having been arrested while asleep beating his way on a railway train. In appearance this man was a roving "confidence man," possibly a discharged convict from some prison. The other prisoner was a Penn Yan lad, twenty years old. He was under sentence for intoxication, and said he had been previously in jail on a similar charge. The two were in undisturbed, unsupervised, free communication, sitting at a table in the jail corridor engaged with a pack of cards. Whatever of criminal knowledge the older prisoner possessed would naturally and immediately be communicated to the rural younger village loafer. The young man rather regretfully said, in answer to my inquiries, that he had not been in the State Industrial School or at the Elmira Reformatory, and had to commend himself, in the presence of his older jail companion, by boastfully volunteering the information that he had been in jail before this. The young man was, on the day of my visit, and probably every day of his stay in jail, attending under instruction in the county jail State school of crime. This single instance is not of small importance, because when he is turned out into the community again he is sure to become a center of criminal culture for others and they in turn for still others, the crimious influence progressing geometrically. But the instance of jail association is of vast importance, because it is typical of the folly and damage of the jail system generally. The sheriff says that the average of jail prisoners is, say six, and the largest number at any time during the sheriff's administration on the salary compensation plan is seventeen. The sheriff was a few miles out of town. He is a fruit grower; comes to the county seat and jail once or twice a week "to see how things are going." His salary is \$1,000 a year, with an allowance for jailor, \$300, and for a domestic (the jailor's wife), \$100.

Under the former fee system, there were in jail and at Rochester from twenty-five to fifty persons, the sheriff said.

Yates county should build a new jail on the Akron or separate plan, and the jail should be better administered. Twenty-five

thousand dollars (\$25,000) or so would be sufficient expenditure to provide a suitable jail, and, at this point, prevent further education in crime of the jail prisoners here confined from time to time.

Inspected June 24, 1902.

Z. R. BROCKWAY.

STATE INDUSTRIAL SCHOOL, ROCHESTER.

Secretary Barrows, together with the undersigned, visited the State Industrial School on Tuesday forenoon, May 27th, and on Wednesday forenoon I returned there without Secretary Barrows, for some further inquiries. The cause of our inquiries was not so much in the direction of details of domestic management—institutional housekeeping—as to the matter of real usefulness of this as a good type of such institutions for treating juvenile offenders. It may be safely assumed, and our observation of conditions as we passed through the grounds and through some of the buildings of this juvenile reformatory, confirms the assumption, that with a board of fifteen managers assigned, as divided, into nine committees each, of four or five members, with the 130 individuals employed in various capacities under direction of the experienced and capable superintendent, with the supervision of the State Board of Charities, and of the Charities Aid Association, together with the frequent critical inspections of the agent of the department of the State Comptroller, the internal institutional affairs are quite sufficiently supervised or inspected and are in altogether satisfactory condition. But my own familiarity with the organization and practical operation of reformatories, and knowledge of the difficulties of accomplishing the reformation of offenders through the mechanism and management of reforming institutions, and knowledge, too, of the considerable number of boys having served in such juvenile reformatories discharged, grown to adults, and now peopling prisons of one kind or another, led me to devote my inquiries mainly to the question of practical utility.

Now, on examining the last annual report of the managers and other officers, made to the State Legislature (report of 1901),

which contains a very full description of the premises there. I find there is scarcely required, in addition to the report mentioned, any special communication about the methods and probable usefulness of the institution itself. The report of the officers (1901) is, it seems, a severe arraignment. The managers say:

"Under the present provisions of the criminal code, children between the ages of twelve and eighteen, and for felonies, children who are under twelve, may be committed to this institution. * * * The penal or criminal codes now authorize commitments of all the grades of crimes and offences, from that of being truant, or an innocent orphan with improper guardianship up to the crime of rape, arson and highway robbery. * * * The State thus with a legal drag net, gathers together hundreds of children, those hereditarily criminal and habitually criminal, the drunken and debauched, thieves and prostitutes; and those together with the unfortunate, the innocent, and those of years so few as to barely render them competent, technically under the law, to commit a crime. are gathered in masses within the walls of the same institution."

The managers complain that no provision of law has been made compelling the separation and classification of the offenders; that among the errors of well-meaning individuals and organizations in the name of philanthropy and by legislatures providing for the training of these classes, the evil influence upon society has been far reaching and destructive; and that "moral contagion is recklessly spread by the State, carrying along with it its necessary accompaniment of physical disease and death. The corruption of morals has been ordained by legislation."

The foregoing characterization is specially applicable, the managers say, to this institution in the earlier years of its history and they properly take to the more recent management some commendation for efforts to improve the deplorable conditions and for what of improvement has been actually accomplished. But the present doubtful utility of this and similar institutions of which this State Industrial School at Rochester is one of the best is emphasized by the following quotations from this same annual report:

"Notwithstanding changes and improvements in methods of training, the evils entailed by old prison traditions extending back to 1847, and the limitations imposed by physical surroundings, preventing the separation and classification of inmates, are productive now of evils so great as to neutralize and to defeat, to a considerable extent, the efforts of the management. And that there yet remain influences operating upon the inmates "from unfortunate enforced associations, which to a certain extent * * * must affect the lives of all." The superintendent in his own report, echoing the plaint of the managers, says: "Under such conditions it will be readily apparent, even to those who have given the subject no thought, that there must necessarily be more or less contamination." Also, complaint is made of the State policy toward this institution within the year of the report that "it has been practically impossible to find suitable clothing in which to dress new boys," and "as a matter of fact during the past year boys have been dressed in all sorts of non-descript apparel * * * a grievous wrong * * * and a very serious and important matter affecting the self-respect of the boys." "That because of the uncertainty in the matter of salaries and of permanency of position there has been unrest and general retrogression all through the institution," etc. "That the policy of the State in this and many other directions has dwarfed the legitimate work of this great State industrial scheme."

It cannot lessen the force of the criticism upon such juvenile reformatories that the foregoing citations from the report of 1901 are of facts adduced as argument for removal of the whole institution to a thousand acre tract in the open and a radical change of system. It is commendable that the managers are alive to the evils that exist and seek a remedy therefor, and they are no doubt quite correct in the opinion that at the basis of any useful reform in such institutions is the principle of better classification. But, classification alone will not fully accomplish what is demanded to stanch this source of criminal culture, much more and more thorough scientific reformatory work must be done with the juvenile inmates and it is by no means assured that the remedy proposed — removal to the open — will accomplish all that is hoped for from it. My observations of open

juvenile reformatories elsewhere reveal the same and other glaring faults, if not in the same degree of evil effect, and it is still a question whether, on the whole, the open system is the best system for the class of juvenile offenders, which for the public safety, most need to be reformed. Faults of administration, together with concessions to unwise demands of "well-meaning individuals and organizations in the name of philanthropy" will prove as destructive under the open as it is demonstrated they are hurtful under the present housed system.

The administrative defects may be summed up in the one word, *superficialism*, and it is quite possible that the managers and officers of such institutions are not really responsible for it. Inhibitive "physical surroundings," a too restrictive State policy, and meddling representatives of a false sentiment necessitate, perhaps, adoption by the management of both theory and practice, which are in fact subversive of true aim and claim. If it is assumable that the lads committed are of such character that they cannot properly be treated on probation at large under supervision, then any theory of education that fails to correct their fault, and such fragmentary manual and trades training as unfits them for the work they will on their discharge be obliged to do, or fails to fully fit them for their natural special occupation is wrong. The premature release of such superficially trained inmates inflicts an injury upon the community, the relatives and the inmates which is indeed far-reaching and destructive. The injury is the same whether the defective training and premature release is responsive to an inconsiderate demand of outside "influence" brought to bear, or out of deference to a foolish sentimentalism that would relieve the inmate from the necessary strenuous training.

There is no hazard in affirming that a great many boys are annually discharged from both the State Industrial School at Rochester, and from the New York House of Refuge, not well or most favorably fitted and placed to earn their living comfortably in a legitimate trade or employment.

In theory the intention is, according to the managers' report, that instruction shall be made practicable, and the inmates be fairly prepared for use of their trades to earn a livelihood when paroled from the institution. In practice, however, a different policy seems to prevail. The superintendent says that in his judgment "the matter of instruction is the important thing, and whether they ever work at the trade outside or not, the actual value has been just as great as though they were to pursue outside the trade taught them here." The statistics of the institution show that the paroled inmates are not prepared and required to engage, on their release, in the trades taught them, or alleged to be taught them, and that for this reason, and possibly other reasons also, many of them violate their parole and are returned, or by fresh offences find domicile in criminal institutions of another grade or character. The total of those received upon new commitments during the year is 388, and the number paroled 471; while their average time of detention from training is, of boys, 1 year, 5 months and 26 days, and of girls only 1 year, 3 months and 5 days. It cannot be, with such quick movement of the institutional population from reclusion to parole, a population composed of juveniles who according to the superintendent could not have been treated safely on probation without committal to an institution, that the discharged inmates could have been well trained and well placed for permanent rehabilitation — this on the face of it. And such a view is supported by the fact that during the year there were returned to the institution of those paroled, escaped and recommitted, 223; that of the 471 paroled only 61 were paroled for the trades "learned" (?) in the State Industrial School, and by the fact of the superintendent's depreciated estimate of the importance of a close connection between the specific industrial training to be given in the institution, and the individual occupation of the inmates on and after their release.

The individual managers of this and similar juvenile reformatories should scarcely be censured for whatever is of incom-

pletteness, of superficialism of management, because the management is hampered by prevalent erroneous public estimate of the real character of the inmates and a commonly mistaken sentimentalism as applied to them. Mr. Briggs, the superintendent, observes (page 35 of his report):

"It must be constantly borne in mind that they who are sent to the State Industrial School are those who will not as a rule attend public school; they are the incorrigibles of whom the public school teachers are glad to be rid." "Well-meaning individuals and organizations in the name of philanthropy" referred to in the managers' report prompted by the spirit of a hurtful indulgence demand and often obtain the premature release of inmates. This is an interference that certainly impairs the central motive of the system which is intended and calculated to make the inmates exert themselves to secure their own release by meritorious advancement in trades and disciplinary adjustment of themselves. Also, Dr. Bilbey says some are recommended for parole and presumably paroled, because of incipient and advanced pulmonary tuberculosis, thus distributing danger of infection to the general outside community; others are vicious and troublesome, are discharged or transferred to other prisons and then discharged regardless of any assurance that they will amend their habitual conduct, thereby avoiding at the institution the vigorous recovering discipline which the uninformed and sentimental element of the public might not approve of. The same regrettable sentiment induces a leniency within the institution that operates to withdraw a considerable number of the inmates from the educational régime, lowers the standard of performance, slackens the reins and retards the progress of the mass.

The chief of the department of discipline reports that "the most severe disciplinary measure used at the Rochester institution is guard-house treatment, and an indefinite stay in that squad; that during the year covered by the report (1901) the daily average of inmates subjected to this treatment is 37, of which number an average of 10 were confined in separate rooms, all withdrawn from the regular reformatory activities, and some of them on short rations. It is satisfactorily demon-

strated by experience elsewhere that such repressive measures in reformatories conduce to subjective crinouness, and no doubt more of the inmates would be recovered to safe inhabitaney could there be devised, and the public sentiment adopt and approve it, some simple tonical coersive measure to replace the repressive.

It is vain to expect that these inmates generally will respond to persuasion alone. Any system of effective reformation for such must include coercion, and coercion does for the time breed dissatisfaction and restlessness. Washington in his letters to John Jay (1786) recognized and uttered the truth of this principle when he said: "Experience has taught us that men will not adopt and carry out measures best calculated for their own good without the intervention of coercive power." It is worthy of inquiry whether it will not be more difficult to apply this necessary element of a reformatory system when the State Industrial School inmates are removed to the open — the thousand acre tract — as proposed. The evil communications which the managers say are so prolific of corruption could be, by a more effective disciplinary régime, greatly diminished in this institution as it is at present, and could be sufficiently obviated by classification and removal of some inmates and so reducing the total of the institutional population. However, I refrain from discussing the "removal to the open" remedy, presuming that the managers who have for a long time had the matter under consideration may have chosen the wisest course possible to pursue. And such a discussion here would lead so far into the science of reforming wrong character that it would be aside from the proper sphere of a report of official inspection as contemplated by the Prison Association.

This report is not intended as fault finding of the superintendent or managers in the details and routine of their management, but rather as a criticism, and to some extent a protest against the assumed pretended usefulness of such juvenile prisons for the purpose of public protection from crimes.

Inspected May 27 and 28, 1902.

Z. R. BROCKWAY.

OGDENSBURG JAIL, ST. LAWRENCE CO., N. Y.

This jail is used simply for city purposes. Offenders are retained but a short time, mainly while drunk. For longer sentences they are sent to Canton, eighteen miles away. There are eight cells. No ventilation directly from the cells, only from the windows in the external corridor. As a rule, men are kept here but three or four days. The place is fairly clean, but sanitary arrangements should be improved.

Inspected June, 1902.

S. J. BARROWS.

CANTON JAIL, ST. LAWRENCE CO.

This jail was rebuilt about two years ago. Externally it is imposing. The interior arrangement is less satisfactory. A portion of the old structure was utilized in rebuilding. The jail contains twenty-eight cells, distributed on two floors, with two outer corridors on each floor. There are barred windows on the outer wall and the cell structure is an interior cage. There are two swing beds in each cell. There is a water-closet in the inner corridor or cage. Two special cells are used for sentenced murderers or more desperate criminals. The practice of putting two prisoners in a cell is a bad one. The cells are five feet wide by seven feet ten inches long and eight and one-half feet high. The ventilation is secured through apertures above the door and through the grated doors.

At the time of my visit twenty-six Chinamen were confined in this jail, all of them awaiting trial or on appeal for violation of the immigration laws. These Chinamen were confined in an attic constructed entirely of wood and unplastered, extremely dangerous in case of fire. They bring their own bedding and do their own cooking. An extra guard is assigned to the Chinese. The government allows the county \$2.75 a week for each prisoner. Frequent fumigation is a necessity to destroy vermin. But two women were in jail. Three boys were shut up in a room together, apart from other prisoners.

The jail population increases in the winter months, averaging the highest between December and March.

The prisoners work on the roads when the weather is seasonable, and in the winter months in the sheds crushing stone. The winter population is largely made up of tramps committed for vagrancy, the other prisoners mainly for drunkenness and petit larceny.

Inspected June, 1902.

S. J. BARROWS.

FRANKLIN COUNTY JAIL, MALONE, N. Y.

This jail was built in 1892. It has brick walls, with a steel cage and intervening corridor. At the time of my visit there were fifteen natives and fifteen Chinamen, one boy awaiting trial. There were no women's apartments, but in case of necessity, quarters above the sheriff's house are used. There are no separate apartments for boys. In spite of the fact that the upper corridor was unoccupied, the fifteen natives were confined in the six cells in the lower tier. Hammocks are used for beds. There are four in some cells and six in the corner ones.

The Chinamen were confined by themselves in a large room in the upper story surrounded with bunks, the walls being of brick, the floor of steel and the roof of sheet iron. This part of the structure is fairly protected against fire.

There is no provision for labor, either within the prison or out of doors. The doors of the cells were open and prisoners were allowed to mingle together in the corridor.

This jail has been properly condemned by the State Commissioner of Prisons. The county ought to have a new jail on modern sanitary principles.

Inspected June, 1902.

S. J. BARROWS.

RICHMOND COUNTY JAIL.

The jail was built in 1860. Construction brick. Interior block of cells enclosed with brick wall, windows a foot wide but very high. Size of cell, 4 feet 10 inches wide, 8 feet long, 8 feet high; built in 2 tiers, 14 cells on one side and 6 on the other; ventila-

tion through an aperture in the upper part of cell, opening into pipe extending to the roof. Iron doors, graded to cells. Population, 16 males and 2 women. Sentences usually range from two days to a year. No employment in cells, but four or five men at work on the farm. Roof inside of wood with iron sheeting above it. There is no hospital ward.

Women's quarters are separate, seven cells, same size as men's. In addition to the grated floor there is an outer iron door, which can be closed, making the cell entirely dark. This, the keeper said, is seldom used.

There is one acre of ground around the jail and three acres are hired. Potatoes are raised for the prison. Two horses and two cows are kept. Three guards are employed in three-hour relays. There is an undersheriff and a chef, making five officers besides the sheriff. There is no matron, but the undersheriff's wife is said to take care of the women, though she gets no pay.

The sheriff, Mr. Witte, receives \$6,000 a year; and no fees for keeping prisoners. The debtors' prison is in the court house, two large rooms with three windows each, well lighted and ventilated. These rooms are used for the detention of witnesses.

The drainage is bad. There are no sewers and a cess pool is used. There are two acres of higher land on which the jail could be built and better drainage secured.

In the winter, when tramps are committed, the jail population rises to 35 or 40, and men must be doubled. They sleep on canvass hammocks suspended from hooks. The bathing facilities are inadequate.

This is an old jail, insufficient in size and defective in structure, which ought to be replaced by a more modern building with adequate drainage.

Inspected May 22, 1902, by Messrs. George Williams Curtis and S. J. Barrows.

N. Y. STATE REFORMATORY FOR WOMEN, BEDFORD, N. Y.

On Thursday, May 1, 1902, a visit to the Reformatory for Women at Bedford was made by the four following ladies of the women's committee of the Prison Association of New York: Mrs.

G. Stanton Floyd-Jones, Miss Katherine O'Connor, Miss S. R. Martin and Mrs. Isabel C. Barrows. Three hours were devoted to studying the institution and the methods adopted.

This Reformatory, though organized in 1892 was not opened for the reception of prisoners until May, 1901, when one woman was received. There are now 118 in its care. There are 19 women and 11 men on the pay-roll, the men working entirely outside the buildings. The superintendent, physician, steward and assistant superintendent, are all women, appointed through the civil service examinations, women of high character and admirable training. They work together with great skill and the special training of Miss Davis, the superintendent, in the chemistry of food has enabled her, in conjunction with her associates, to make some interesting and valuable investigations as to the best dietary for such an institution. The result shows improvement in the health of the girls specially observed and at the same time a saving to the purse of the taxpayer.

All the domestic work of the place is done by the inmates, as well as the sewing for each one. In the latter department they are hampered by the penny wise and pound foolish method of living from hand to mouth. Though every week sees new commitments, the superintendent is not allowed to have material enough on hand to have dresses and underwear ready to put upon those coming in. It is a fact that sometimes a girl has had to lie in bed till clothing could be made for her. This same policy is seen in the preparation of room to receive them. It would be extremely unfortunate if two girls should have to be put in the same room, but that will inevitably happen if the State does not provide more rooms in the original cell-house, only half of which has as yet been remodelled. The only reply from the State to applications for permission to prepare in advance for the girls who will shortly be sent there, has been that there will be time enough when they come.

The superintendent had a well-thought out plan of teaching these girls scientific gardening, to educate women who could work in the gardens in summer and in houses in winter. Those who have followed the advances made in England know that many young women are there being trained in excellent schools to do

just this sort of thing. Even the colored girls under Booker Washington, at Tuskegee, have for several years had an excellent course in the raising of plants, bees, poultry, small fruits, etc. Nothing better could be devised for these city girls and women than to transplant them into the country and fit them to earn an honest living in such ways. But the governor of the State did not approve of this plan and vetoed the provision.

The farm of 110 acres is not specially adapted for farming, but good propagating gardens could be started. The inmates, from girls of 15 to women of 30, are at a suitable age to be able to do light work out of doors and some of them were setting out strawberry vines the day we were there. They were soon to drop potatoes. This is useful work, but is not giving the kind of training that Miss Davis had in mind.

There are no hard and fast rules yet laid down for the guidance of the community. These may be necessary when their numbers are larger. At present each case is decided on its own merits. The discipline seems good. The severest punishment is confinement, except during working hours, in a light cell. This is usually of short duration, but one woman of 24, who should never have been sent there, was kept seven weeks in this solitary cell before she would yield. Such an utterly abandoned woman as this does incalculable harm in a reformatory. She undoes the good to the other girls as fast as it is accomplished. The superintendent should have the power to transfer women to some institution where she can not harm girls who are trying to reform. An attempt to secure the passage of a law making this possible was defeated. Until the public can be educated in the principles of reform it is going to be uphill work for any superintendent to have to fight vice and obstinacy in the reformatory and in addition indifference and ignorance outside.

The girls are received in the reception house, which is three stories in height. Mothers, or those women soon to be mothers, married women and babies are on the first floor. On the second are the girls who are being studied for farther classification. In the third story are all who have venereal disease, who are kept apart till there is no danger to others from associating with them.

1902

There are four cottages, with capacity for twenty-eight each, two of these are for younger and two for older girls. They are classified according to their previous history.

These cottages are comfortable buildings, clean and light, with fresh air surging through the corridors and over the transoms into the rooms. The rooms are made gay with pictures and photographs, which are fastened to the washable walls with soap, so that when a girl changes her room or goes away, the traces are easily removed. They are encouraged to like pretty things, and flowers and plants were everywhere visible. In one room on the ground floor the cat of the institution, "Peppermint," was so much at home that she was bringing up her five pretty babies in the corner of a room, and Miss Davis encouraged the girl in her kindness to these little creatures.

Each cottage is complete in itself, having its own kitchen and dining-room, all spotless. The laundry work is done by the girls, both steam and hand work, so that they learn to wash in a simple as well as in a more complex way.

In the well-lighted school rooms classes were gathered. Schooling is obligatory and classes are so arranged that all can attend during some part of the day. They are not at all ambitious to learn to read and write, but their wishes are not consulted. Much attention is paid to singing, as the superintendent is a musician. Once a week the Catholic girls spend in singing hymns and once a week the Protestant girls spend in learning their church music. Once a week there is a lecture. Mr. Wood, the president of the board, gives many lectures on his travels, with slides. One evening they come together and do mending. Each girl takes all the care of her own clothes, repairing them, marking them and putting them away.

In the afternoon the girls play games of all sorts on the campus, ball, croquet, basket ball, etc. The campus at that time is more like a school yard where the young people are having a jolly time, than a bit of a reformatory institution. Of course officers are always with them.

The motto, seen a score of times in and about the place, is "Forgetting the things which are behind and reaching forth to those which are before."

HOUSE OF REFUGE FOR WOMEN, HUDSON.

On Wednesday, May 7, Mrs. I. C. Barrows, Dr. J. G. Phelps Stokes and the corresponding secretary inspected the House of Refuge, now under the charge of Dr. Hortense Bruce. There are 220 inmates, the buildings having a capacity of 311. Here, as at Bedford, the atmosphere created by the highly educated women, Dr. Bruce, Dr. Walker and other intelligent women, is favorable for reform. The instruction in the various industries, sewing, cooking, laundry work, etc., is admirable. There is also thorough work in gymnastics and a great deal of outdoor employment, both of which give an outlet to the physical energies of the women and aid in the discipline of the prison. There is neither much strength nor inclination for rioting after so much wholesome exercise.

The same need of ability to transfer incorrigible women to a different and severer discipline was evident. Dr. Bruce is applying the parole law wisely and systematically, but there are many who give no evidence of fitness for even temporary release, and when their term of three years expires they will be even less prepared for permanent freedom in the community. A study of such cases shows how absolutely necessary is the real indeterminate sentence for incorrigibles.

A new, more sanitary and more convenient hospital should be constructed in the near future, and the present structure could be converted into a gymnasium and offices for various purposes.

A more crying need is for a proper disposal of the sewage, which at present finds its way into the Hudson to add contamination to that great stream. There should also be some way of providing drinking water at less trouble and expense, or the city of Hudson should be compelled to purify its water supply. All the water for the asylum is taken from the Hudson and must be boiled and cooled before drinking.

A new building for discipline has been constructed, with eight supposed-to-be silent rooms. But, through failure to deaden the walls, signals may easily be passed between the rooms. By strange oversight, there is no inner grated door and no observation window. An officer would be wholly at the

1912

mercy of an enraged inmate in opening the solid doors. There is not even any way of lighting up the interior by night, though the rooms are admirably lighted by day by skylights.

THE AUBURN REFUGE FOR WOMEN.

The Prison for Women at Auburn has been organized nine years, and has been continuously under the care of Mrs. Welsh, who has modelled it after the one at Sherborn, Mass., as far as she could. There are at present over a hundred inmates, with capacity for a hundred more. The rooms are of good size, and like the whole building, scrupulously clean. The women are graded and carefully classified. None are received for less than one year. Some are serving life sentences.

The women are employed in working for the State, weaving, towel-making by hand, sewing, making mattresses, etc. They are taught dressmaking and plain sewing. In odd moments they are encouraged to do fancy work.

Unfortunately political influence is felt in the appointment of assistants. The State civil service has nothing to do with their selection. The matron deploras having to send out woman after woman as vicious and desperate as when she came in, simply because her sentence has expired. One such was leaving the prison gate as I entered — one who had served her sentence for "holding up" a man and robbing him in the streets of New York. She frankly said that she was going back to go on with her trade. What good did a definite sentence do her? The matron said she was one of the apparently incorrigibles who should never be allowed at large.

Several acres are under cultivation within the prison walls, and the women have raised so many cabbages that they have had cabbage three times a week all the year, to their advantage in health, the matron thinks; also tomatoes in abundance. They raise flowers, small fruits and vegetables, and are better and happier for the outdoor employment. The matron would be glad to have the services of a visiting physician, who should

be a woman. At present the only medical service is rendered by the physician of the State prison. One chaplain does the work in both prisons. His efforts are supplemented by frequent visits from Mrs. Booth. Mrs. Welsh herself conducts a Bible class.

Inspected May 8, 1902.

ISABEL C. BARROWS.

PENAL INSTITUTIONS OF GREATER NEW YORK.

MEMORANDUM SUBMITTED TO HIS HONOR, THE MAYOR, BY THE PRISON ASSOCIATION OF NEW YORK, NOVEMBER 24, 1902.

The Association calls attention to the necessity of important structural and physical changes in relation to the jails in the boroughs of Richmond and of Brooklyn, and also to desirable changes in the administration and organization of these institutions, and also of the Queen's county jail so as to bring them all under the department of correction of Greater New York.

Richmond County Jail.—The Richmond County Jail has been condemned by the inspectors of this Association for a number of years as antiquated and unsanitary. The State Commission of Prisons has likewise condemned it in strong terms. There is urgent need of a new and modern jail built on modern principles. Such a jail should be well lighted and ventilated, should provide for the complete separation of prisoners and for the entrance of sunlight directly into the cells. The Prison Association earnestly hopes that no plans will be accepted for such a jail which do not meet with all the requirements of penological science. The new light thrown within the last ten years upon the origin and development of tuberculosis renders absolutely necessary a revision of our plans of prison construction if we are to check the ravages of this disease, which is one of the greatest scourges of prison life.

Raymond Street Jail.—The women's quarters of the Raymond street jail are notoriously unfit, and the president of the State Commission of Prisons, Mr. Lispenard Stewart, declared them "a disgrace to civilization." The necessity for using them has

been reduced to a minimum by the adoption of a suggestion made by visitors of this Association that the Kings County Penitentiary should be used as a jail for women.

The men's quarters though better constructed and more tolerable as a place of detention are inadequate as a place of commitment under sentence. One of its most glaring defects is that there is no provision for labor for prisoners.

A proposition has now been made to rebuild Raymond street jail. The Prison Association while heartily favoring the building of better accommodations believe that neither the Raymond street jail nor the Richmond county jail should be considered as local and isolated problems, but that they ought both to be considered with relation to the whole question of the treatment of offenders within the limits of Greater New York. The decision of this question will have important bearing on the architectural character of these institutions. If they are to remain in isolation and as receptacles for sentenced prisoners they should be sufficiently provided with workshops. If to be used simply for those awaiting trial, workshops will be unnecessary, though a certain number of cells should be sufficiently large to admit of hand labor for unconvicted persons who may desire to exercise their right to labor while awaiting trial.

Reasons for merging these institutions into the Department of Correction.

1. We believe there should be a distinct difference between the régime for persons under arrest awaiting trial and those who are sentenced under conviction. The first are presumably innocent, and the problem in reference to them is simply that of detention. Prisoners under sentence are presumably guilty, and the problem with reference to them is correction. A jail should therefore be simply a place of detention. Arrested persons should be separated, detained in cells sufficiently large, and permitted to work on their own account while awaiting trial if their occupations permit of labor in their cells.

Those under conviction should be committed where they have the discipline which comes from steady work, proper instruction, and a certain standard of deportment.

PROBATION WORK.

It can be said with much confidence that interest in probation work is growing throughout the State and that the salutary law which was framed by this Association and passed in 1901 will bear increasing fruitage.

The probation work of the Prison Association itself is confined mainly to cases brought before the court of general sessions in the city of New York. Such offenders are all indicted for felony and would thus be liable to the severer grades of punishments. Two agents are employed by the Association in connection with the city prison and with the court of general sessions. The long experience of Mr. D. E. Kimball in this field and the good judgment and tact displayed by him in dealing with many difficult cases, accounts for the large percentage of success in cases placed under suspension of sentence in the custody of this Association. It is sometimes assumed that probation should only be applied to juvenile offenders and to those accused of light offences in the lower courts; but the experience of this Association shows that offenders convicted of what under the common legal classification are supposed to be the most serious offences, and who would receive sentences ranging from one to fifteen and even twenty years, are equally good subjects for the application of the suspended sentence. The fact that 95 per cent of these cases have not defaulted or been recommitted to prison for any other charge is substantial evidence of the moral, practical, and economical value of the probation system as applied to felons. The Association has every encouragement to continue this work.

Mr. Kimball reports as follows:

Number of cases referred for investigation by judges of the court of general sessions.....	473
Number of persons conditionally released in custody of the Association.....	71
Number of persons on whom sentence was suspended on recommendation of agent.....	98
Number of persons tried and acquitted through the aid of the Association.....	37

Of the 71 on probation in the custody of the Association:

Lapsed and sent to prison.....	3
Cannot be found.....	9
Doing well or excused from reporting.....	59

 71

The history of the 206 persons who were placed in the custody of the Association whose sentence was suspended on recommendation of our agent or who were acquitted partly through the aid of the Association, would make, in itself, an interesting and pathetic volume in which truth would often appear to be stranger than fiction. We give a condensed sketch of a few cases simply to indicate the character of our work. The individual history of many others would be equally interesting, but we have no space for a complete record of each case.

A HUSBAND'S MISTAKE.

In jail without money, and with a prospect of being sent to State prison for five years, a young man asked the advice and assistance of the Association. He freely acknowledged that he was guilty of stealing his employer's goods, and said it was useless to appeal to the firm for mercy, because they had decided to prosecute him as severely as the law permitted as an example to the large number of clerks employed in the establishment; the complainants had retained private counsel to aid the district attorney in prosecuting the defendant, so that his prospects were dark indeed. He had been employed by the business house that had him arrested for three years, and was a capable salesman. The young man tearfully explained his lapse from the path of rectitude, and inquiry proved that his story was true. His young wife had been in a delicate condition and was prematurely confined. The little money which the young couple had saved was soon exhausted, but the woman's condition became worse. A consultation of physicians was had and an expensive operation decided upon. In addition to this the physician decided that a trained nurse must be secured, and the

young husband was almost beside himself with worrying. The wife was in such a condition that she must not be informed as to how financial matters stood, and, in despair, after failure to borrow money from friends, the young man stole his employers' goods and with the money realized paid the heavy expenses that had come upon him unexpectedly. The operation was successful and soon after his wife was restored to health. Her husband's wrong act was discovered and he was arrested. The prosecutors were informed as to the unusual circumstances of the case, but they refused absolutely to relent or to recommend the prisoner to the mercy of the court. On investigation, we found that the young man had always borne a most excellent character, and more than twenty-five letters and affidavits telling of his honesty and trustworthiness were obtained and presented to the court by this Association. In addition to this, the judge whose duty it was to pass sentence upon the man, was fully informed as to all the facts and circumstances in connection with the case. He agreed with me that the case seemed to be a proper one for the exercise of great mercy because of extenuating circumstances, but said that the complainants were also entitled to consideration and were entitled to the law's protection.

A way was finally found to reach the complainants, and after friends had made full restitution of the value of the stolen property, they joined the Prison Association and the prisoner's family and friends in an application to the court for extreme clemency. After considering the case for some time, the judge paroled the prisoner under a suspended sentence, in the custody of the Association. He had a hard time in obtaining work, but is now in a good situation and reports to our office every month.

A WIFE AND BABY.

In passing through the prison pens at the court, I noticed a frail little woman with an infant in her arms; she was crying, and a man who sat beside her was trying to comfort her. The baby was laughing at a burly court officer who had attracted its attention. I stopped, and then saw that the woman was little more than a child and that the man who was her husband,

was totally blind. The man and his wife were jointly indicted for grand larceny. He was eventually convicted and sent to the penitentiary for three months, and the wife discharged, to be cared for by the Association. She was but nineteen years of age, her baby two months old, and her home was in Philadelphia. She was sent to that city, and has written to the Association several times to say that she was with her mother making a good living at dressmaking.

THE VALUE OF A GOOD REPUTATION.

A Jewish boy whose appearance was the reverse of prepossessing was convicted of petit larceny by a jury, and because of his youth, the verdict was coupled with a recommendation to the mercy of the court. The poor fellow could not speak English and, as has been said, his appearance was against him. With the aid of another prisoner in the Tombs I communicated with him and learned that he had not informed his friends as to his whereabouts, because he was ashamed to have them know he was in prison. Inquiry among them proved that he had been in the United States two years, and during that time he had been employed as collector by a baker who had trusted him with hundreds of dollars and never lost a cent. Other evidence tending to show that he bore a good character was secured, which had it been brought out at his trial, would probably have secured his acquittal instead of conviction. In addition to this merchants and friends in the neighborhood said he was an honest boy who had worked hard to support his widowed mother and four little brothers and sisters. When these facts were placed before the judge, he acted favorably on my request that the prisoner be released on probation under suspension of sentence.

A MINISTER'S SON.

A minister's son, accused of stealing clothing from a boarding house and pawning the goods to buy liquor, came to my notice. As he was but twenty-two years old and was undoubtedly penitent, it seemed as though he had learned a lesson and that prison life, association and contamination would only complete the evil work which the craving for intoxicating drink had started. In-

vestigation showed that he came from an excellent family, residing in a western city, that his parents were heart broken at the prospect of their boy being sent to prison and that his brother, employed in a New York city business house, was willing to make complete restitution to the complainants. The facts were brought to the attention of the court and a suspension of sentence secured. When the property had been restored to its rightful owners, the young man was sent home to his parents.

The father sent the following letter:

DEAR SIR.—I wish to thank you most heartily for your kindness to our unfortunate boy. It has been a great sorrow to us that so promising a boy should take the course he has. He has no criminal instincts, but for the sake of drink, it seems he will risk everything. Since you have shown your kind heart, I would still further trespass by asking you to advise his oldest brother what is best to do. It is impossible for me to go to N. Y. to look after him, so I have to depend upon my eldest son to act for me and I want him to have the benefit of your experience.

A BOY OF SEVENTEEN.

Lured from his home in the South by a wicked woman, a boy of seventeen years asked my help in regaining his liberty. Investigation revealed the fact that the woman gave the boy a watch to pawn to purchase needed clothing. A day or two later on hearing that he had been seen in the company of another girl, she accused him of stealing the watch. After his arrest, her anger cooled down and she expressed sorrow for the boy. The boy was finally released on probation in the care of the Association and was sent immediately to the home of his parents in a southern city, safe from the designing creature who had almost succeeded in accomplishing the utter ruin of the boy.

AN EXCEPTIONAL SHOP-LIFTER.

Among the large number of persons paroled to the care of the Association, was one of a woman who lives in New Jersey who is the mother of five children and has a paying business and money in bank; yet temptation proved to be too great, and she

succumbed as easily as if poverty had been the actuating motive. She visited the department stores of Sixth avenue, made a number of purchases, and in one of them, thinking she was not watched, secreted a silk petticoat under her wrap and was arrested. Bail was obtained and every effort made to settle the case. She was finally compelled to plead guilty, and on her promise to keep out of similar stores in future, she was released on a suspended sentence and paroled in the care of the Prison Association.

After reading the figures and facts above, our readers, we believe, will agree with Judge Foster, of the Court of General Sessions, that the work of this Association "makes a very satisfactory showing, and Mr. Kimball is certainly entitled to great credit for the work that he does."

PAROLE WORK.

The Prison Association of New York is the agent in Greater New York for the New York State Reformatory at Elmira. All young men discharged from that institution and sent to Greater New York are placed in the custody of this Association and are obliged to report every month at our office until they receive their absolute discharge. The method of parole is as follows:

Each prisoner committed to the reformatory is obliged to attain a certain number of marks before he is eligible for conditional liberation. These marks are based upon his record in the shop, in the school, and his general deportment. When he is eligible for parole, his case is considered by the board of managers, sitting as a parole court, and if deemed advisable, he is placed on the eligible list. Before he can receive his parole, however, he is obliged to have some assurance of work from some reputable person or firm outside. Such offers are generally secured by the family or friends of the prisoner. They are submitted by the superintendent of the reformatory to this Association for investigation and report. If the report is favorable, the parole is granted. The conditions of parole are in general that the person shall lead a sober, honest and industrious life, and he is expected to save money from his earnings

and to make a detailed report each month, in writing, which he presents personally to the agent at the office of our Association. After verification, the report is transferred to the superintendent of the reformatory. The paroled prisoner is at all times under the authority of the superintendent of the reformatory, who may issue a warrant to secure his return whenever the facts seem to justify it. It is part of the work of the agent of the Association to visit the paroled men and secure satisfactory evidence that they are conducting themselves as law-abiding citizens.

The report made by our agent on parole work for the year ending December 31, 1902, is as follows:

Number paroled in the custody of the Association.....	389
Absolutely released	142
Warrants were issued for.....	118
Returned on warrants.....	24
Disappeared, without proof, however, that they returned to a criminal life.....	73
On parole December 31, 1902.....	182

Taking the whole number for whom warrants were issued (118), it is seen to be 27 per cent. of the total number of those paroled, leaving 73 per cent. of whom it may be said with much positiveness that they are doing well. But many of these warrants are issued simply for failure to report. There is reason to believe that nearly one-half of them are of this nature. Investigations made in some such cases have shown that the prisoner changed his residence, left the State or accepted some better opportunity of employment without waiting to get formal permission from the superintendent. While this is a violation of the conditions of parole and renders him liable to be returned to the reformatory, it is not in itself a proof of relapse into crime. Making allowance for these cases we cannot be accused of undue optimism when we say that from 75 to 80 per cent. of these paroled men are doing well.

DISCHARGED PRISONERS.

The Association continues to extend the aid to many prisoners who are not placed on parole, but are discharged from jails and penitentiaries on a definite sentence. A special agent of the Association regularly visits Blackwell's Island and the King's county penitentiary in Brooklyn to counsel and aid those who are about to be discharged. Many such prisoners only need an extension of a helping hand and a helping word to encourage them to start anew in some course of life which has been but temporarily interrupted by their confinement. In other cases food, shelter and clothing are supplied by the Association and the man is tided over until he can find work. The report of the aid department for the year of 1902 is as follows:

ANNUAL REPORT OF THE

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Men registered from New York County Penitentiary.....	32	41	31	18	16	18	20	16	1	7	24	28	242
Registered from Alabama.....	6	7	5	5	2	5	1	1	1	2	3	3	31
Registered from Clinton.....	7	7	7	3	1	1	2	3	2	1	3	1	31
Registered from Georgia.....	2	2	1	1	1	1	1	1	1	1	1	1	14
Provided in care of Association.....	35	31	35	25	36	31	35	3	4	7	6	6	43
Registered from other prisons.....	12	10	9	14	10	9	7	5	1	5	38	39	309
Partial number registered.....	100	99	104	70	68	52	68	37	57	71	80	78	612
Number of men given tools.....	5	9	12	8	9	6	6	6	3	7	15	15	102
Number of men sent to the reformatory.....	184	196	176	83	91	79	94	68	47	37	65	69	1,435
Number of men discharged to steady work.....	36	47	49	32	18	10	23	13	13	13	13	8	177
Leaves granted.....	181	200	227	109	73	84	59	31	20	42	59	67	1,043
Leaves granted to other institutions.....	582	608	488	236	221	242	211	437	296	262	307	304	4,812
Banks sent out.....	360	320	350	175	400	300	640	470	250	375	300	500	4,860

GRATEFUL LETTERS.

That the work of the Association is not unappreciated by our beneficiaries and their friends is shown by the many grateful letters we receive. Some of these letters are not correctly spelled and grammatically perfect, others show a high grade of intelligence and training. Letters come to us from all parts of the country. A grateful writer from Minneapolis, Minn., says:

"No doubt you will be quite surprised to see this letter, but I am a brother of G—— J——, with whom you are well acquainted, and for whom you did so much. I have been intending to write to you for a number of weeks, but have been delaying it for no particular reason except that I wished to write you something bright and cheerful in regard to G——'s present condition. He is employed in a printing establishment, lives at home with his mother. His behavior and general deportment is excellent, and we are all delighted to inform you who have been his friend of this good standing. I as well as all my people appreciate what you did and know how kind you have been. The gratitude we owe you we hope some day to show more effectively."

An affectionate mother says:

"I write you a note to thank you for your kind interest you have shown my son. I thank God that he has had a good friend in you. God will bless you for what you have done for his mother in taking care of her son."

A gentleman writing from the Pacific Coast says:

"My home affairs required that I should return here, but I regret that I did not have an opportunity to express my heartfelt thanks to you and the noble Association you represented for your humane Christian action in behalf of my unfortunate son. Words are inadequate to express my gratitude to you. May the good God shower blessings upon you and bless you all your life, and may the influence and power of the Association continue to grow and become a great factor in the community for the reformation of young men and the lessening of crime."

THE BATTLE WITH TUBERCULOSIS IN PRISON.

In the modern battle against tuberculosis it is worth while to record every notable victory, less for the encouragement of those who are leading the fight than to secure for them the

moral and material support which are necessary. While public attention has been called to the needs of the poor, and public and private generosity have been applied to their relief, less attention has been given to the treatment of tuberculosis in penal institutions. The State of New York, however, has led the way in providing the first isolation wards for the treatment of tuberculous prisoners. The results obtained have been remarkable.

One of the three State prisons is located at Dannemora, in the Adirondacks, N. Y., where the climate has proved to be favorable for the treatment of tuberculosis. The prisons at Auburn and at Sing Sing have been unfortunately too favorable for the development of the disease, the absence of sunlight and the prevailing dampness of the latter prison, rapidly developing consumption in susceptible patients. For some years it has been the custom to transfer such prisoners to Dannemora. From 1891 until the present time 796 cases of tubercular disease have been transferred to the Clinton Prison. During the first five years, from 1891 to 1895, inclusive, there was no particularly systematic scheme of transferring or caring for these men, and the subject of tuberculous disease in prisons had received but little attention. During this period the total number of deaths from tubercular diseases as recorded in the published reports, was: Sing Sing, 86; Auburn, 133; Clinton, 34; total, 253. During the succeeding five years a more or less systematic endeavor was made to transfer all the tubercular cases and give them special treatment and isolation in so far as was possible. During this period the number of deaths in Sing Sing was 23, in Auburn 27, and Clinton 22, or a total of 72 deaths. Thus showing an improvement of 71 per cent. in the second period over the first in the death rate.

This remarkable result led to the fixed policy on the part of the Superintendent of Prisons, Mr. Collins, to continue to transfer tuberculous cases to Dannemora as fast as they could be cared for. Up to last year no special means for either care or isolation was provided, and the problem for caring for so many diseased men became a grave one. A small appropriation of \$2,500 was obtained, and an extension or additional ward for

the treatment of tubercular cases was constructed. In connection with this ward is an exercise court or small park, having a clump of trees for shade in the excessively hot weather. It is furnished with benches and with spring water for the accommodation of this class of patients, and they are kept in the open air as much as is consistent with prison environment. Dr. J. B. Ransom, the physician, is one of the highest authorities on tuberculosis in this country, and in addition to the usual medical treatment he is applying the X-ray and "light" treatment with excellent results.

The new ward for tubercular patients was opened July 8, 1902. It accommodates 43 patients. Taken in connection with the old isolation ward of 11 beds, the total capacity is 54 beds. The whole number of tubercular cases under observation and treatment last year was 294. The number of cases remaining in prison October first was 218. Dr. Ransom cannot be accused of exaggeration when he says: "This number, so largely in excess of hospital accommodations, constitutes a most striking appeal for a separate building with at least 500 bed capacity for this class of patients, the number of which must be greatly increased under the present system of transfer to this institution. There should be no time lost in providing ample accommodations for the tubercular convicts of the State."

By way of comparison of results it may be stated that the death rate from tubercular disease at the Blackwell's Island Consumptive Hospital, opened in February, 1902, as shown by the commissioner's report, for a period of about two months, with a tubercular population of 245, was 76 deaths or 31 per cent. The report of the United States Marine Sanitarium for the treatment of tuberculosis, located at Fort Stanton, N. M., shows a total number treated of 303 cases, with a death rate of 14 per cent. during a period of two years, and the Army Sanitarium, located at Fort Bayard, N. M., for the treatment of tubercular subjects, with a total number of 568 treated, had a death rate of 16 per cent. during a like period of two years. During the year 1902 Clinton Prison contained a tubercular population of 294; death, 11; giving a death rate of .03742.

The class of cases in the four institutions are very similar as regards stage of the disease, all stages of the disease being admitted and treated in all the institutions, and a large percentage of them being advanced cases. It is possible that the cases admitted to the Blackwell's Island Consumptive Hospital were somewhat more advanced than those admitted to the other institutions mentioned, and that a comparison cannot be fairly made with that institution. It must be remembered on the other hand that some of the institutions referred to have every facility that money can buy, and are free from the enervating effects of the discipline necessary to prison life and the mental depression which follows incarceration in State prisons.

Dr. Ransom has demonstrated what can be done with restricted accommodations. The great need is more accommodation for the large class of consumptive prisoners, and the State should properly provide suitable isolation for this class of its wards. This is important not only for the welfare of the prisoner, but also for the general public, for at the expiration of their sentence a regiment of prisoners are turned out every year from penal institutions who may propagate in the community the disease they have acquired in prison.

THE BATTLE WITH INSANITY IN PRISON.

The State of New York has an honorable record in relation to the classification, cure and treatment of insane criminals. As this is a subject of much interest and of frequent inquiry both in the United States and abroad, it seems desirable to furnish a condensed account of the history of organized efforts in New York State in regard to insane criminals. The facts desired and description have been kindly furnished by Dr. H. E. Allison, Superintendent of the State Hospital at Matteawan.

The institution at Dannemora is not yet fully equipped and completed, but we hope in a subsequent report to be able to furnish a description and photograph of that institution.

It was formerly the custom, in the years about 1850, to commit all convicts becoming insane to the asylum at Utica. They were there found to be a very troublesome element, not only were they

difficult to hold in custody, but they were a disturbing and vexatious feature, as well as a source of anxiety to the management, and objectionable on account of their dangerous character. The sensitive feelings of other patients often suffered in consequence. A commission was therefore appointed by the governor to examine into the subject and following the presentation of their report the inspectors of State prisons were directed by an act passed in April, 1855, to make separate provision for the custody of this class of the insane then in Utica and for such as should become insane in prison. Funds were subsequently appropriated and a building was erected by convict labor upon the grounds adjoining the old Auburn prison. The asylum was opened February 2, 1859. As a result of the establishment of the new institution the Utica asylum was soon relieved of all its male patients of the convict class, not only of those undergoing sentence but later on of those also whose terms had expired.

Utica, however, still continued to receive unconvicted patients charged with crime who were often possessed of dangerous delusions. These patients were not of the convict class, but their accumulation created a condition which again embarrassed the asylum management. In 1869 an act was passed for the relief of the State asylums, as they were then termed, by which judges were empowered at their discretion to commit insane persons charged with arson, murder or attempt at murder, to either the asylum for insane convicts at Auburn, or to one of the State asylums. At the same time, transfers of such criminal cases were authorized to be made from the State asylums at Auburn; which, by a change of its title, was now designated "The State Lunatic Asylum for Insane Criminals."

The buildings at Auburn were shortly afterwards enlarged. Other legislative acts and subsequent amendments made it possible for the asylum to receive from all the penal institutions of the State convicts of both sexes becoming insane while serving terms of sentence; and, at the discretion of the judges of the courts, all cases charged with crime found to be mentally deranged at any stage of the criminal proceedings against them before sentence. By chapter 515, Laws of 1884, the supreme

court was empowered, upon application of the medical superintendent of a State asylum to transfer to Auburn any patient in such State asylum confined therein upon a criminal charge, of any person so confined by order of court, or other competent authority, who, at the time of his commitment, was either under conviction or who had been tried and acquitted upon the ground of insanity. This practically gave to Auburn all the criminal insane of the State, both convicted and unconvicted.

The asylum, therefore, came to contain:

Patients simply charged with crime.

Patients accused of crime and awaiting indictment.

Patients under indictment awaiting trial.

Patients acquitted upon the ground of insanity.

Patients convicted but found to be insane while awaiting sentence.

All these enumerated cases were termed "court cases." In addition, the asylum also contained:

Insane convicts undergoing sentence.

Insane convicts with expired terms unfit to be at large.

The asylum at Auburn before the passage of the act of 1884 had become overcrowded. There was no land available for the further extension of buildings, and Dr. Carlos F. Macdonald, then the medical superintendent, had repeatedly called attention to the necessity for increased accommodation and particularly to the need of a farm. It was not until 1886, however, that any decisive action was taken, but in that year a commission was appointed by the Legislature to determine the best method of providing for the needs of the criminal insane.

This step received a very wide endorsement of the press and of public sentiment. The report of this commission resulted in the purchase of a farm of about two hundred and fifty acres in Dutchess county, and the erection of the buildings now known as the Matteawan State Hospital. The new institution was opened in April, 1892, with two hundred and sixty-one inmates. In addition to the causes of growth mentioned another factor had become operative. In 1889 the State Care Act was passed. Previous to this act the hospital obtained some relief from over-

crowding by transferring to the care of superintendents of the poor of the various counties such patients of the convicted class who still remained insane at the time of the expiration of their term of imprisonment. This practice was stopped by the enactment of the act which forbade the counties from assuming the custody of any insane person. The new buildings at Matteawan for a time were sufficient to provide for the growing population, but it speedily became evident that the hospital originally designed for but five hundred and fifty inmates would soon be filled. It was seen that a population of from one thousand to twelve hundred would have to be provided with quarters. Upon representation of these facts by the prison department, Governor Merton, in his annual message in 1896, recommended that a site be selected upon a large tract of land belonging to the State, near Clinton prison, and that buildings be erected thereon by convict labor to provide additional room for the criminal insane of the convict class. Work was at once commenced. An appropriation was made that year from the prison capital fund, of \$25,000. A portion of one wing of the buildings has now been erected and will be ready for occupancy this fall.

It has always been the policy of the hospital to keep the convicted and unconvicted patients as far as possible in separate wards; and, in building the new hospital at Dannemora, it was thought best to take advantage of the opportunity to separate the two classes still more effectually, in which design we had the support of the State Commission in Lunacy.

In 1889 the organic act was passed, formally establishing the Dannemora Hospital for Insane Convicts. The law provides that *Dannemora shall receive and care for all male convicts becoming insane while undergoing imprisonment for felony in any of the prisons, penitentiaries or reformatories of the State, and that it may retain in custody all convicts remaining insane at the expiration of their terms.* The Matteawan State hospital is empowered to transfer to the new hospital all convicts who have more than six months of a sentence still remaining to serve.

It is the intention hereafter to admit to Matteawan, court cases, that is, patients who may have committed crime but who

may have been declared insane before imprisonment; it will also receive as patients persons who have been convicted of petty crimes and misdemeanors and who may be found to be insane while undergoing short sentences of one year or less, but who are not classed as felons. Such is the very brief and imperfect history of the growth of the care and custody of the criminal insane in the State of New York.

THE TREATMENT OF THE CRIMINAL.

REPORT OF THE COMMITTEE OF THE NATIONAL CONFERENCE OF CHARITIES AND CORRECTION.

Whatever difference may exist as to methods and systems, there is remarkable unanimity among modern penologists concerning the principles to be applied to the treatment of the criminal. Whether we look at it from the standpoint of the individual offender or of society as a whole, we reach essentially the same conclusion. A penal system to be effective must be corrective. It is a form of social suicide for any State to adopt a system which propagates crime instead of eradicating it. The protection of society is best secured not by extirpating the criminal, but by exterminating his criminality. It is a paradox for society to punish offenders when it continues to foster the conditions which produce them. Drastic and revengeful punishments have failed as deterrents. A corrective system must be essentially disciplinary and educational.

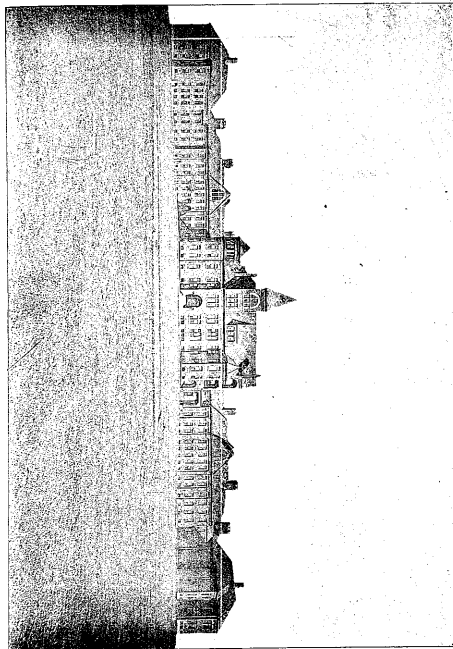
Let it be noted that the great majority of first offenders against the law are not criminals in purpose, and a great number become habitual criminals only because society adopts methods of dealing with them which positively tend to make them such.

The rational treatment of the offender must begin as soon as he comes in the grasp of the law. The work of the probation officer and his investigation may even anticipate the trial. Jails should not be places of punishment for those awaiting trial; still less should they be places of contamination. The separation of youths from hardened offenders and the separation of the sexes should be rigidly enforced. The true function of the jail is simply that of a house of detention; as now constructed and administered jails are absolutely unfit to be places of correction, and are often a reproach to our civilization.

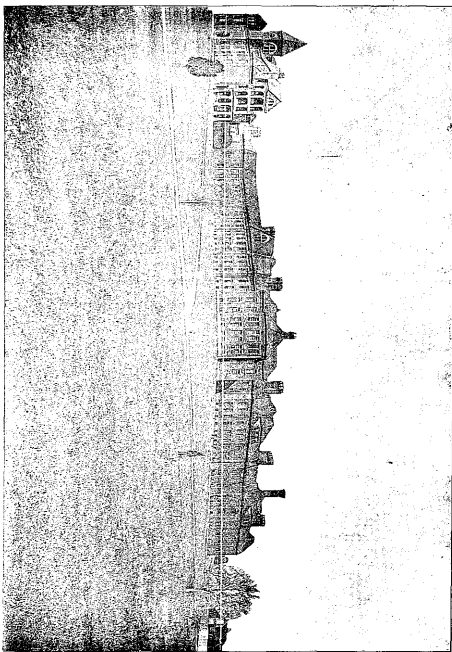
We make no comment in this report upon judicial procedure or administration during the trial of prisoners; but their dis-

position after trial reveals at once the imperfect traditions of our law and practice. The assumption that imprisonment is the only disposition to be made of the offender is arbitrary and irrational. It has already been demonstrated after several years of trial in various States and countries, and as applied to every form of offence, except capital crime, that the suspension of the sentence and the release of prisoners on probation are vastly more corrective than imprisonment for first offenders, since statistics prove that a much smaller number of those placed on probation return to crime than of those committed to prison. The statistics of France and Belgium have demonstrated that of many thousand prisoners placed on probation but five per cent. default and are re-arrested. Investigations made by the Prison Association of New York with reference to 169 cases placed on probation in its charge during the last year, and all guilty of State Prison offenses, show that ninety per cent. are doing well. There is no prison system which can show equal results. We have here conclusive proof that for first offenders probation should be the first step in correction. Though a simple suspension of sentence is effective it is made more so by the appointment of probation officers, whose investigations furnish information to the judge, and who exercise surveillance over the probationer committed to their custody. In cases where fines are imposed, the opportunity given to the probationer to earn and pay the amount of the fine is more rational than the familiar practice of committing him to a prison where he earns nothing and where he may even be a charge on the taxpayer.

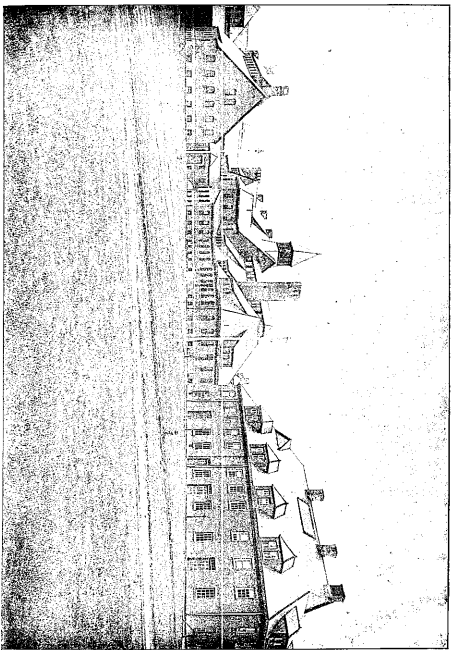
When probation fails with the first offender, it is then necessary to restrict his liberty. But the assumption that a mere deprivation of liberty will of itself improve the character of the offender, is one of the great blunders of our penal system, and is responsible for the commitment of prisoners to jails where they lie in idleness for weeks and months in promiscuous and contaminating association. When an offender is removed from society he should be submitted to conditions which are essentially disciplinary and corrective. No system is corrective which is not educational. It follows that correctional and re-



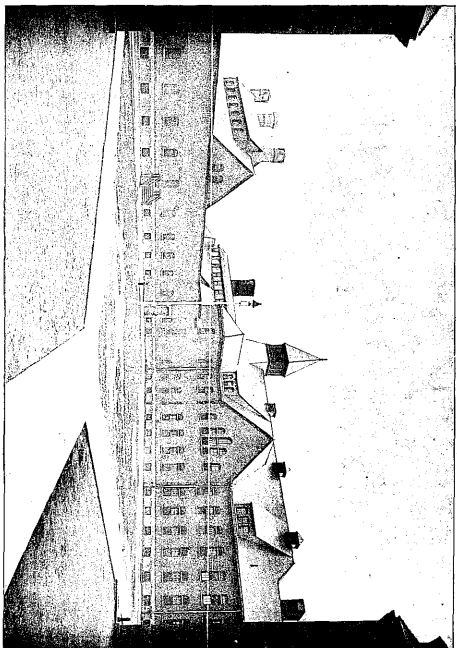
Massachusetts State Hospital - Front View.



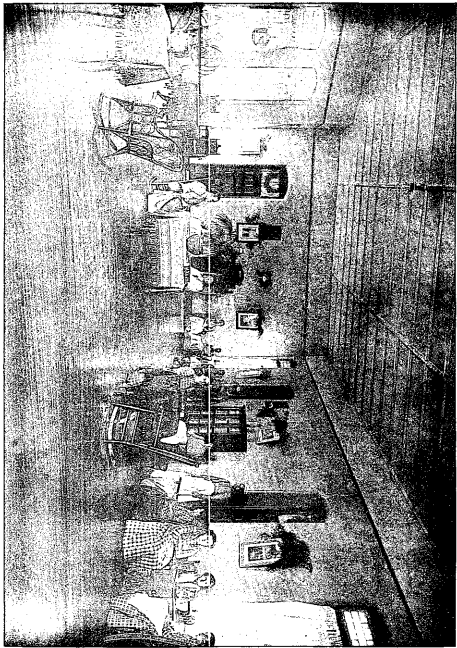
MANCHESTER HOTEL, BRIGHTON, SOUTHWEST CORNER.



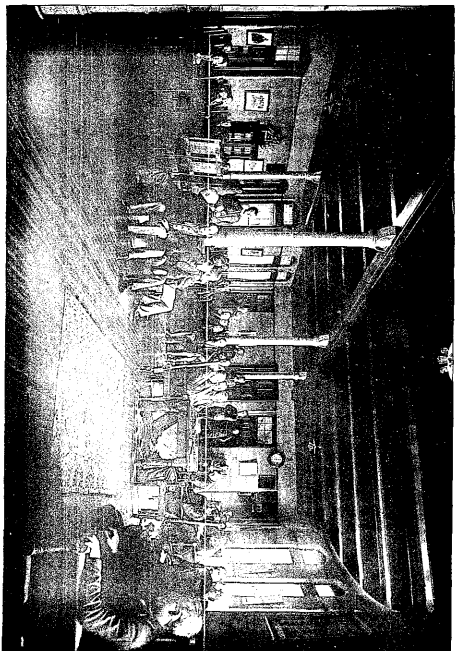
MANHATTAN BARRACKS, NEW YORK, SOUTH SIDE, AND FORT MIFLIN, PHILADELPHIA.



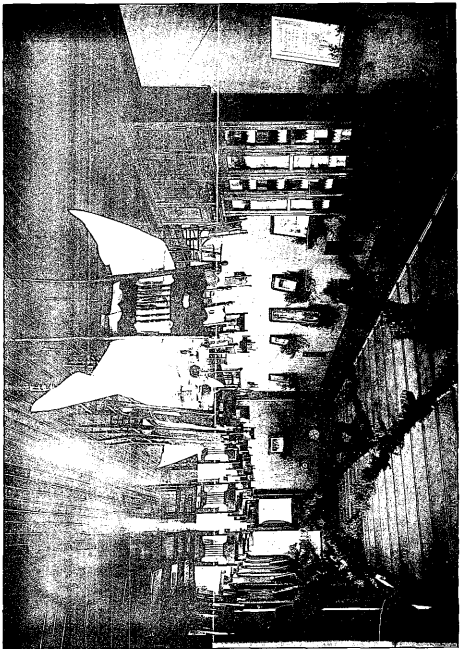
Madison State Hospital, South Interior Courtyard.



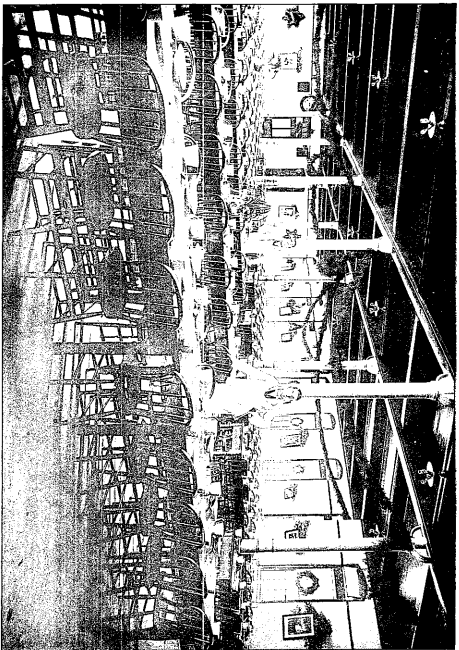
Maternity State Hospital—Hay Room for Women.



Minnesota State Hospital—day room for men.



Marquise de la Fayette - Ballroom - Hotel de la Fayette - Paris



Manufacturing Shop - Howard - Building House for Mrs. Allen.

1902

formatory institutions should be built with this distinct end in view. School-rooms, shops, chapels, gardens, farms, are not luxuries but necessary instruments to the supreme end. Abundance of light, air, wholesome food, and exercise, of all of which the prisoner was deprived in mediaeval times, are absolute necessities under the new system.

Essential features of the reformatory system are an improved personnel in prison officers, an efficient corps of teachers, educative and productive industries, a graded and marking system, and elevating, refining and moral influences.

An indispensable element is the indeterminate sentence. The prisoner's release must not depend upon an arbitrary time sentence pronounced by the judge, but upon his individual efforts and attainment. He must "Work out his own salvation," partly "with fear and trembling," but also with hope and aspiration. It is only from the indefinite sentence that we can expect any definite results. The fixing of a definite term of imprisonment for every offence in the category of criminal codes is absolutely arbitrary and mechanical. Its application is marked by *extreme injustice and is most impotent in results*. On the one hand, the short sentence is the bane of our judicial system, and is responsible for the production of the great number of repeaters. On the other hand, sentences are often excessively long without producing any beneficent result because they are not joined to any good system of instruction or administration. The indeterminate sentence is therefore a logical and necessary feature of a reformatory system. No judge save the Omniscent One can say in advance just how long a period of detention is necessary to cure a delinquent. The imposition of time penalties is a relic of the scheme of social vengeance. It should be replaced by a reformatory system in which the prisoner is not committed for a stated period, but remains under discipline until his record shows that it is safe to release him. Even then his release should be conditional until by good behavior at large he has earned his absolute discharge. The parole system in many States and countries has sufficiently demonstrated its utility. To secure the best results it should be absolutely free from all partisan influences and determined by the character and conduct of the prisoner.

It is one advantage of the indeterminate sentence that if properly applied with conditional liberation it will eventually enable us to distinguish between the corrigible and the incorrigible offenders. For the first, it secures liberation as soon as he is fitted to receive it; for the second, it provides the only remedy which is adequate for the protection of society, namely, the prolonged detention of the persistent offender.

There are many unsolved questions in the field of penology, but they relate mostly to methods and details. Among the great regenerative forces is that of intelligent and fruitful labor. Without exception, prison congresses, national and international, have emphasized the absolute necessity of labor for prisoners. There is much difference of opinion as to how it shall be applied and administered. It is a question largely influenced by considerations of climate and of available industries. Without attempting to decide in favor of special systems, it may be said that ideal conditions of prison labor are secured when the prisoner is employed in industries which are both educative and productive, in which discipline is not disturbed, in which by the labor of the prisoner the State is reimbursed for his support, and in which the prisoner himself secures a share of his earnings. Though competition cannot be wholly extinguished, that form of prison labor is to be preferred which is either so diversified, or else so concentrated by the appropriation of a single industry as to produce the least disturbance in the market for free labor. The Scylla and Charybdis of two extremes should be avoided—that in which the State uses its criminals as a means of financial profit without reference to their reformation; and that in which the State condemns its prisoners to prolonged idleness, still less favorable for their redemption. In the selection of labor for prisoners that form should be chosen which will do most to fit the prisoner for self-support when at liberty.

In this brief report we can enter into no details of prison administration or questions of physical environment; of dietaries, discipline and classification. All these matters are subordinate to the supreme question of the principle which should govern our penal system.

The care and discipline of criminals is not a matter of private charity; it is a function of the State. But in a country like our own, in which the State represents the will of the people, it must also represent their conscience, their intelligence and their heart. Behind the machinery of the administration must be the motive power of a great public sentiment summoning its officers to do justice and to love mercy. For the State to take offenders who are capable of redemption and commit them to conditions which turn them into hopeless criminals, is for the State to become a partner in the promotion of crime. To corrigible offenders society owes, for its own sake and for theirs, the application of every influence, physical, intellectual, moral and religious, which can bring about reformation. The multiplied agencies of education, the incentive to hope, endeavor, ambition and ultimate reward should be brought to bear upon the delinquent, involving the entire reorganization of his life, the training of his hand, the development of his will, the quickening of his intellect, the awakening of his conscience, the unfolding of his religious nature; in short, his correction and redemption. For this task great forces, divine and human, are placed at the disposal of the State, and the State which neglects to invoke and apply them imperils its own social health and development.

SAMUEL J. BARROWS,

Chairman.

SHIRLEY BRAGG, *Alabama.*

C. H. BUNDY, *Indiana.*

JOSEPH P. BYERS, *Indiana.*

S. A. HAWK, *Georgia.*

CHARLES HUTZLER, *Virginia.*

THOS. W. HYNES, *New York.*

CHARLTON T. LEWIS, *New York.*

W. P. LYON, *Wisconsin.*

J. L. MILLIGAN, *Pennsylvania.*

WARREN F. SPAULDING, *Massachusetts.*

HANNAH G. SOLOMON, *Illinois.*

J. L. TAIT, *Illinois.*

JULIA A. TUTWILLER, *Alabama.*

THE INDETERMINATE SENTENCE.

BY THE HON. JOHN FRANKLIN FORT, JUSTICE OF THE SUPREME COURT OF NEW JERSEY.*

When it shall come to be accepted that punishment for crime is solely for the purpose of preventing future offenses, the introduction of remedial methods will become easy. The Supreme Court of Illinois declares that the object of punishment can be attained only in one of three ways:

1. By the amendment of the offender.
2. By deterring others through his example.
3. By depriving the guilty of the power to do further mischief. *People v. Reformatory*, 148 Illinois, 413.

The first and last of these objects are the ones in which we are most interested in this discussion. With the deterrent effect of punishment, which is the only relic of the old belief in the three objects as stated, we have little to do. If I were to discuss it at all, it would be to attempt to establish that it was no longer useful to send a man to prison for stealing a horse in order that others may be prevented from stealing horses. When a man gets to the state of mind in which he will steal horses, the fact that some one else has been punished for it will have little, if any, influence upon his actions, and, for the man who has no impulse to steal, the fact of the punishment of another for so doing is utterly inconsequential.

To rightly get at the method of dealing with offenders, we must bring ourselves in position to see that it is not the man, but, rather, his mental, moral and social condition with which we have to deal. We shall attain more important results for good through efforts to prevent or overcome the evil effects of heredity, environment and ignorance in man than through confining him for the consequences which flow therefrom. The great problem of penal reform is to be settled by the application of the homely adage, "An ounce of prevention is worth a pound of cure."

* An address before the National Prison Congress at its annual session, Philadelphia, Pa., 1902.

My paper is to consider one of the modern suggestions for criminal reformation, namely: "The Indeterminate Sentence"—so called. Several States have adopted it in committing offenders to a part, if not all, of their penal institutions. New York, Massachusetts, Ohio, Illinois, Indiana, New Jersey, not to mention others, are among the number. The New Jersey act was adopted in 1901, and, as it is the latest expression of the form, or statutory declaration, of an indeterminate sentence, I will give it. It reads: "The courts, in sentencing to the reformatory, shall not fix or limit the duration of sentence, but it shall not, in any case, exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, and may be terminated by the managers of the reformatory, as herein provided." The act proceeds to give the managers power to make rules and to release the prisoners on parole in accordance therewith; the prisoner to be in the custody of the managers, subject at any time to be recommitted to the reformatory for the violation of his parole; and, in case of a retaking, the time out will not count on the term of service. It will be noticed that there is no required minimum term of sentence, as, I think, is found in all other States. In New Jersey, the power to discharge at any time after the prisoner is received or to hold for the maximum term of possible punishment, fixed for the offense of which the prisoner was convicted, is absolute.

This statute will raise all the legal and other questions so much discussed under this form of sentence. Is a statute which fixes a term of imprisonment dependent upon the will of a body not judicial constitutional under our triple form of government? I shall not enter into a long discussion of this question. All the State constitutions, I think, contain clauses in form about as follows: "Cruel and unusual punishments shall not be inflicted." "The Governor may remit fines and forfeitures and grant pardons after conviction in all cases except impeachment;" and the usual clauses of the division of governmental powers into legislative, executive, and judicial, with the clause that "the judicial power" shall be vested in certain named courts.

What punishment may, or shall be inflicted, always has been fixed by the legislative branch of government. True, it usually has left to the court, within certain fixed limits, the definite amount of the fine or term of imprisonment, but the contention that it must do so hardly can be sustained. There is no decision coming within my observation which holds that the Legislature may not fix a definite and arbitrary penalty for every offense created by a statute if it so wills. If it can require, that the court fix and make certain that which is uncertain, and impose such penalty when so fixed, why may it not require the imposition of a definite sentence?

There is nothing cruel or unusual about a sentence to the penitentiary or reformatory for the maximum period fixed in the statute for the offense of which the offender stands convicted. That always has been within the power of the court. When such a sentence was imposed under the old method it was much more cruel than under the new. Now the offender may get out within a tenth of his term. Then he must stay for the whole thereof.

Nor does the power of discharge at any time on parole conflict with the power of pardon. The two things are quite different. The supreme court of Pennsylvania (*a*) has stated the difference clearly. It said, "pardon operates directly upon the crime and only indirectly on the criminal." Pardon is not to let one free from prison; it is to wipe out the effect of the crime. But it is unnecessary to consider this question further. In all the States, except in Michigan, (*b*) in which the constitutionality of this class of legislation has arisen, it has been sustained. Ohio (*c*), Indiana (*d*), Illinois (*e*) and Massachusetts (*f*) have passed upon it by their highest courts.

- (a) Commonwealth v. Holloway, 42; Pa. St. 448.
- (b) People v. Cummings, 88; Michigan, 249.
- (c) Peters v. State, 43; Ohio, 629.
- (d) Miller v. State, 149; Indiana, 607.
- (e) People v. Reformatory, 148; Illinois, 413.
Genge v. People, 167; Illinois, 447.
- (f) Coulon's Case, 148; Massachusetts, 168.
Commonwealth v. Brown, 167; Massachusetts, 144.

The opinion in Michigan was delivered in 1891. Only Ohio then had passed upon the question and its decision was by a divided court. In the light of events, the following extravagant language, taken from the opinion of the judge who spoke for the majority of the court in the Michigan case, is not without interest: "I have not," he says, "sufficient words at my command to use in condemnation of this statute. It would fill our State with convicts—they could not be called freemen—running at large outside our prison walls, all liable at any moment to be taken back inside, at the will of four individuals, no better, possibly, in their impulses and caprices than the average man." Reading this quotation only eleven years after it was uttered, it sounds almost ludicrous. The history of the parole law in Michigan, which they evidently have operated, irrespective of that decision, seems to refute every statement in that quotation. The Governor of that State, in 1898, advised me, through the prison authorities, that up to that time 128 prisoners had been paroled, and that, at that time, only fifteen still remained on parole and only nine had ever violated their parole—all the others had received honorable discharges. Of the nine, eight had been returned to prison, and one was in Ohio, serving a sentence for larceny. It would be difficult to find a more crushing rejoinder to the prediction of the Michigan court of the terrible consequences of permitting prisoners to be out under a parole law than these facts.*

Up to this time, so far as I know, no State has applied the indeterminate sentence to persons confined in all of its penal institutions. Given the right conditions, and an impartial non-partisan tribunal to control discharges, I would favor its application to all offenders. I would go still a step farther. I would have neither the minimum nor the maximum term fixed by statute, and, possibly, not by the sentencing court. The proper way to cure those who are really criminals is as you cure other diseased persons—namely: Keep them under treatment until they are cured, or at least so nearly cured that they may be discharged safely.

* The State of Michigan by a special vote of the people in Nov. 1902, amended its Constitution so as to enable its Legislature to pass indeterminate sentence laws.

We constantly hear the statement that criminals are on the increase. I do not think that it is true, but, if it is, the legislatures are responsible for it, and, possibly, in some respects careless judges. Acts made crimes to-day are tenfold as many as they were at common law. Every Legislature that meets, in any State, makes two or more new offenses crimes. Thousands of men are annually jailed, awaiting trial or otherwise, for offenses which are crimes simply because they are made, by statute, mala prohibita and which have nothing in them which is malum in se. They are not crimes arising from a bad heart or a criminal disposition. The confinement of such persons in prison, with the loss of self-respect entailed, the incidental disgrace, and, worse than all, the possible intercourse with professional criminals, leads them into real crime. No man committed for an offense, which does not involve moral turpitude should ever be confined with a man tainted by a crime that does.

It seems to me that the indeterminate sentence should apply to the habitual criminal, for many reasons. If it is true that criminal tendencies are hereditary, that contact with the criminal induces others to enter the life; if it be true that his moral nature is diseased and that his criminal tendencies are uncontrollable—and many expert scientists so teach in these days—then why let him be at large at all? The State has as much right to protect itself from the criminal as from the dangerous insane. A confirmed criminal should not be permitted to perpetuate his species, to contaminate his fellows, or to go abroad while his moral nature, irresistibly or pervertedly, leads to depredations upon society. Such an one should be confined until cured, or apparently cured, and then only discharged under parole, with power to retake him upon a relapse into crime, and, hence, a violation of the conditions of his parole.

Probation and indeterminate sentence for first or youthful offenders is past the experimental stage, and is, in several States, a fixed policy. It is only a matter of time when it will be so in all. A reform of this sort, which proves successful in operation, is irresistible, and will, ultimately, by its own force, extend to all the States. As the indeterminate sentence system

extends, and is enlarged, it will, I fear, be found that uniform methods of discharge under it will be demanded. A board of managers of a penal institution is not always the safest body with which to leave the liberty of the prisoner. Even though it be constitutional and otherwise legal to confer upon the managers of a penal institution the power of discharge, is it not of doubtful wisdom under our form of government? Is it not a matter of serious concern whether a "Court of Discharge" should not exist in each State, having judicial power of inquiry and action? If it could be certain that no conditions that were political and non-judicial would control the board of management, the power might be lodged safely with them. But is not the temptation too great from the possibility of political influence which such a power to discharge carries with it for us to hope that it will be exercised always with the sole object of promoting the good of the prisoner? Would not both the public and the prisoner feel safer in the hands of an impartial tribunal in which was lodged the ultimate decision as to a discharge?—a tribunal with power to hear the whole matter and with the sole power to remand into custody for cause. Should not a man have the right to be heard on the question of his remand into custody? I would not take from the managers their power of initiative as to release. I would require all applications for release before expiration of term to come through them, but if they refuse to permit an application for parole after a reasonable term of service, that the court might consider it, I would give the prisoner the right of review and of a hearing before the Discharge Court. This court could be composed of a judge, designated by the Governor, and of the several wardens of the penal institutions of the State, or a majority of them. The judge should be president of the court, and no prisoner, once discharged, should be re-manded, except upon the order of the President of the Discharge Court, made upon verified facts, duly presented and filed as a matter of public record. The plan here suggested may not be the wisest, and further reflection may devise a better, but, in the interests of absolute impartiality and assured public confidence—which are essential to the permanence of

the system—it seems clear that some such protection should be thrown around it.

Let us, then, strive for the permanent establishment, under proper safe-guards, of the indeterminate sentence feature in the penal system of the Federal and State governments. With it will come enlarged possibilities for the scientific study of criminology and the criminal. When we shall have attained this, there will have been ushered in a new and enlightened method for the reduction of crime, namely, the study, reformation and elevation of the individual man.

NEW CRIMES AND PUNISHMENTS.

BY SAMUEL J. BARROWS.

The curiosities of law-making are as singular in their way as those of law-breaking. It is strangely curious, for instance, that the people of China should have been the unconscious and indirect cause of making a most notable change during the last year in the criminal legislation of the State of Kentucky. For it is owing to the relations which Kentucky now holds to the people of China that this State has passed the severest law concerning trespass that has yet been enacted on the statute books of any of our States. Hitherto the trespasser on private property, the man who, without permission, invades an orchard or a garden, whether on foot or horseback, is regarded as a felon and to send him to prison for from one to three years. Hitherto that State has been content with fences of any suitable material four and a half feet high, or with broad ditches flanked by low fences; but the fences hereafter to be erected against the felonious trespasser are to be seven feet high, whether of wire, board, picket or stone.

And all this means that a new industry has been introduced into the mountains of Kentucky by the establishment of ginseng gardens. The ginseng is a small aromatic plant, which is regarded with a superstitious veneration by the Chinese on account of its supposedly curative properties. Its virtues are presumed to verge on the miraculous. Inasmuch as China cultivates the superstition, Kentucky has determined to cultivate the plant. This does not mean the advent of a new medical cult in Kentucky, but that some of its enterprising farmers have an eye to business. A limited supply in China raises prices to a fabulous height, not rivaling the tulip mania in Holland, but still sending up ginseng root to \$60 a pound. At present the wholesale price in the New York market is \$7 a pound, and at that rate it would yield a good profit. In order

to protect it under cultivation a new trespass law has been framed. In addition to the prescription of a seven-foot fence, which seems to be somewhat prohibitive in itself, and which only a blue-ribboned Kentucky hunter could take without scraping the soil from his hoofs, a mystic sign-board on the premises (12 x 24 inches) must contain the laconic word "Posted." To the eastern poacher this single word would be something of an enigma, but in Kentucky it is the customary form of notice that hunting is prohibited. In the east the trespasser is warned not to trespass under penalty of the law. In Kentucky this single word is the terse survival, I suppose, of a common legal requirement that notice against trespass "shall be posted."

Thus, *without knowing it*, the Chinese are the indirect cause of another exclusion act—this time for their own benefit. How the eyes of the Chinamen who are confined for some months in the jails of our frontier for trespass on the soil of the United States will twinkle with malicious satisfaction when they learn that the sacred plant of China has rendered the sacred soil of Kentucky inviolable, and that the Kentucky huntsman who enters such a garden without permission must be excluded from Kentucky society for from one to three years and stigmatized as a felon!

If we shall notice during the next year a large migration from Kentucky to Rhode Island, the reason will not be far to seek; for, while Kentucky was passing a law making trespass a felony, Rhode Island was engaged in passing one providing that the penalty for trespassing on land where "notice was posted," for purposes of shooting and fishing or trapping, should be \$20. But the new immigrant from Kentucky will find that Rhode Island does not mean to be trifled with in matters of malicious mischief, for it has increased its \$20 fine for this offense to \$100, and made the imprisonment a year, instead of three months.

After having reviewed the legislation of the forty-five States for the last year with special reference to the tendencies of criminal legislation, I am in better position to answer a question often raised, Is crime increasing? For want of any comparative statistics in the United States, it is extremely diffi-

cult to say whether criminals or wrongdoers are increasing with reference to the population, inasmuch as so much depends upon the vigilance of the police and the existence of the county fee system. In some of our States, notably New York, there has been a remarkable decrease in the prison population. But if we cannot say the criminals are multiplying, we can say with great positiveness that statutory crimes are multiplying from year to year in the United States. Every State Legislature is a law-making factory, and the yearly product is pretty large. Dr. Arthur Cleveland Hall, in his able book on "Crime and Social Progress" very properly maintains that as society advances the categories of crime must increase. Thus as social and civic relations multiply, the standard of propriety and good conduct and of social protection is constantly raised. When such new laws are rigidly enforced we may expect an increase for the time being in the number of offenders until society has adjusted itself to the new requirements. The numerous laws and ordinances against expectation furnish a simple illustration of this tendency to more rigid standards for social protection. Such statutes soon become educative and the moderation of magistrates in enforcing them has prevented a too rapid increase in the statistics of offenders.

Many changes in criminal law, however, are but changes in the length and breadth of definitions. They are concocted not to confound the criminal, but to confound his lawyer. The vast majority of offenders pay no attention to the theory and definition of the offense before they commit it. It is after they have broken the law that they and their lawyers study to find how much protection they can get out of it, especially through the force of its construction. So a good deal of the annual patching and mending, as it relates to crimes and offenses, represents neither reflections of public sentiment nor attempts to deter the criminal; it is rather the result of judicial sparring and fencing in court. Lawyers who have dreamed that the codification and solidifying of the great mass of statute law in any State would thereby reduce the volume of legislation have been doomed to disappointment. No sooner is a code fairly launched than it must be hauled up on the legislative dry-dock for ampli-

fication or repair. No such catalogue of crimes can be complete under the mercurial variations of public sentiment.

Many changes in criminal law, however, are not changes of definition, but changes of penalty. Thus I find that though there is a constant and gradual extension of the category of crimes and offenses the number of new punishments increases faster than that of new crimes. Any disturbance of the social atmosphere, any marked change in ethical temperature, is sure to register itself very early in the barometer of public feeling through some expression which is either abhorrent or deterrent. The operation of a local gang of burglars may not only move the judges to impose the maximum sentence, but may move legislators to raise the maximum fixed by the law. A remarkable instance of this was the concurrent, the unconcerted, action of twenty-four States, which in 1901 passed laws with extremely severe penalties against abduction. They all grew out of the abduction and detention for ransom of a boy in Omaha, the son of rich parents. The crime was by no means a new one; it is as old as wickedness itself, and goes clear back to tribal society. But though the crime is old, the punishments in these twenty-four States are essentially new. In some of these States the crime was not even recognized as such on the statute books, and under our system of law it is necessary to label the crime before catching and labeling the criminal. In 1902 five more States passed laws with reference to abduction, some of them making the maximum thirty years, and others life imprisonment.

I have noted nine new or amended laws in the various States forbidding offenses against persons, and the tendency to show increased respect for the person appears in raising the penalty in all cases where it has been changed.

As to crimes against the government, notwithstanding the discussion which followed the assassination of President McKinley, and the outburst against anarchy, but four States have passed laws which grew directly out of the assassination of the President. In only two of these, New Jersey and New York, was legislation directly passed relating to anarchy as a movement or organization. In New York, where the crime was com-

mitted, criminal anarchy is now defined as the doctrine that organized government should be overthrown by force or violence. The advocacy of such doctrine, either by word of mouth, or by writing, is a felony; editors are made liable for the publication of anarchistic sentiments, and persons for participating in meetings of anarchists, the penalty being a \$5,000 fine or imprisonment for ten years, or both. The New Jersey law is even more sweeping in its definition. New York extends its agis over Europe and the other continents, by making it a felony to advocate the assassination of any officer of any civilized State having an organized government.

Examples of patriotic laws which are purely sentimental are found in the recent statutes of Maryland, Ohio and Rhode Island, which, as the result of systematic agitation in various States, have forbidden desecration of the United States flag by using it on advertisements.

There were passed many laws with reference to crimes against property. Some of these, such as that of diverting the electric current, train robbery, the theft of bicycles, etc., are purely modern crimes in form, though not in substance, and from year to year they will find recognition in statute books until they have made the round of the forty-five States.

I have no space to mention in detail the great number of miscellaneous and minor offenses involving sanitary laws, building, liquor, game and labor laws, laws against corporations and the new penalties attached to them. In Ohio there seems to be disposition to crowd out automobilists and bicyclists, for they are now required to leave two-thirds of the road free, instead of one-half. This might be regarded as a victory for the horse, if horseback riders were not required to observe the same rule; so that it is rather a victory for the wagon. In this matter of locomotion New Jersey shows unexpected generosity. While in most States non-residents have fewer privileges in the way of business, hunting, etc., than have residents, and are obliged to pay various taxes to secure them, New Jersey magnanimously says that municipalities may require headlights on vehicles at night under a \$5 penalty, but that this law does not apply to non-residents (presumably of

the municipality). In Massachusetts fines are apparently not sufficiently deterrent for automobilists, and she now adds ten days' imprisonment for exceeding speed limits. Would a cold chill run down the backs of the Puritans if they knew that Massachusetts has authorized the sale of ice cream on the Lord's day, and also soda water and confectionery?

Louisiana has just undertaken to grade misdemeanors and minor offenses, and to fix for them maximum and minimum penalties. The result is as arbitrary there as elsewhere. If one section of the act did not prohibit the lottery business, this term might be properly applied to the verbal dice which law-makers throw into the laws in the shape of penalty. The unit of value as to punishment it is as impossible to find as in other haphazard undertakings. Much attention is paid in the code to various forms of larceny. One form of stealing, however, has not been included in the definition of larceny. It is that of stealing rides on railroad trains. In this case it is not the offender who takes away the property, but the property that takes away the offender. It is, however, made a misdemeanor, a designation whose mantle of definition covers a multitude of sins.—The Independent.

THE LATE DEAN SAGE.

MEMORIAL MINUTE.

Resolved, That the following minute be entered upon the record of the Executive Committee:

The Executive Board of the Prison Association of New York hereby expresses its profound sense of the loss it has sustained in the death of Mr. Dean Sage, who at the time of his decease and for seventeen years, was a member of the Board.

The son of one who was among the precursors of this era of colossal benefactions to institutions of education and charity, Mr. Sage was of a moral type, to which the purpose of this Association made appeal, and he brought into the fellowship of its work and counsel a strong personality and a peculiar energy of mind and conscience.

Those who were in any way associated with him discerned at once the high plane of motive and intellectual habit on which his life moved, and those who came within the inner circle of his life recognized in him, as a dominant note, that sincerity and loyalty of soul which constitutes the art of friendship.

With grateful memory we record this appreciation of our comrade in public service, and our profound sympathy with those whose grief is beyond words.

8

Mr. Joseph R. Swan, a member of the Executive Committee of The Prison Association of New York, told me on the day of Mr. Dean Sage's funeral, July 6th, 1943, that Mr. Sage's father died on June 23rd, 1902. This notation is attached herewith because it was not possible to find the exact date of death in our records.

E. R. Cass
General Secretary

CORNELIUS B. GOLD.

At a regular meeting of the Executive Committee of the Prison Association, held at 32 Liberty street, New York, December 18, 1902, the following resolution relating to the resignation of Mr. Cornelius B. Gold, as treasurer, was unanimously adopted:

The Executive Committee of the Prison Association having accepted with great regret the resignation of Mr. Cornelius B. Gold, from the office of treasurer of the Association, desire to say that they have only done so at his urgent request; that they appreciate his long and faithful services, and that they rejoice in that, though no longer treasurer he will continue to serve the Association as a member of the Executive Committee. They know that the Association has in him a good friend, one ever watchful of its interests and guardful of its finances; and one whom it is ever a pleasure to welcome at their meetings.

TREASURER'S ACCOUNT.

FOR FOURTEEN MONTHS ENDING DECEMBER 31, 1902.

Dr.

Donations	\$13,874 74
New York State Reformatory	1,400 00
Rents	970 00
Balance in Mechanic's National Bank, October 31, 1901	239 79
	<hr/>
	\$16,484 53

Cr.

Expenses of agency in New York city for discharged convicts and persons on probation and under arrest	\$5,604 67
Expenses of State organization, prison and jail inspection and county work	5,967 72
Interest on \$5,500 mortgage	330 00
Taxes and water rents on No. 135 East Fifteenth street	87 20
Insurance on No. 135 East Fifteenth street	31 25
Reserve fund deposited in New York Life Insurance and Trust Company	1,000 00
Balance in Mechanics' National Bank	3,463 69
	<hr/>
	\$16,484 53

CORNELIUS B. GOLD,
Treasurer.

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

HENRY E. GREGORY,
EDWARD B. MERRILL,
Auditing Committee.

COUNTY COMMITTEES.

In order to secure proper attention to local conditions, and co-operation with reference to the general prison system of the State, the plan of organization of the Prison Association of New York involves the formation of a corresponding and co-operating committee in each county of the State. The persons in the following counties have accepted such positions and additional lists of members are in preparation.

Broome county.—Residence, Binghamton, Dr. J. G. Orton, H. M. Beecher, Austin S. Bump, D. H. Carver, Dr. J. M. Farrington, S. J. Hirshman, E. C. Tichener, Wm. A. White.

Cattaraugus county.—Residence, Portville, Hon. W. B. Mersereau.

Cayuga county.—Residence, Auburn, Frank W. Richardson, Dr. Cheeseman, Prof. Arthur S. Hoyt, Mrs. Mary C. Beardsley, Frederick Sefton, M. D., Rev. E. W. Miller.

Chemung county.—Residence, Elmira, Z. R. Brockway, Rev. Wm. T. Henry, W. C. Peebles, Mrs. J. H. Pierce, Hon. Chas. R. Pratt, Theron H. Wales, M. D.

Chenango county.—Residence, Norwich, Nelson P. Bonny, J. L. Ray, Rev. Daniel W. Dexter.

Delaware county.—Residence, Delhi, Andrew J. Nicol, Jas. K. Penfield.

Erie county.—Residence, Buffalo, A. G. Sherman, George B. Bell, C. B. Armstrong.

Greene county.—Residence, Greenville, Chas. P. McCabe; residence, Catskill, J. I. Olney, Jeremiah Day.

Herkimer county.—Residence, Herkimer, O. H. Deck, M. D.

Jefferson county.—Residence, Watertown, J. C. Knowlton, Jesse M. Adams, Rev. Richard G. Keyes.

Livingston county.—Residence, Geneseo, Dr. John H. Milne; residence, Dansville, Dr. Jas. H. Jackson, A. O. Bunnell.

Monroe county.—Residence, Rochester, Wm. E. Sutherland, Judge Arthur E. Sutherland, Quincy Van Voorhis.

Montgomery county.—Residence, Fonda, W. Frothingham, J. C. Caton.

Onondaga county.—Residence, Syracuse, A. B. Blodgett, J. C. Carson, Henry N. Hyde, Rev. E. W. Mundy.

Ontario county.—Residence, Clinton, Rev. E. P. Powell; residence, Canandaigua, Dr. C. T. Mitchell; residence, Seneca Castle, Levi Page.

Oswego county.—Residence, Oswego, C. H. Butler.

St. Lawrence county.—Residence, Canton, Chas. Caldwell, Worth Chamberlain, Mrs. D. L. Jackson, Dr. Payson; residence, Ogdensburg, Robert J. Donahue, Bishop Henry Gabriels.

Steuben county.—Residence, Atlanta, H. C. Hatch; residence, Hornellsville, B. F. Smith, M. F. Smith; residence, Hammondsport, Monroe Wheeler.

Wyoming county.—Residence, Warsaw, H. E. Gurney.

HONORARY CORRESPONDING MEMBERS.

UNITED STATES.

- Alabama.—R. H. Dawson, Montgomery; Miss Julia S. Tutwiler, Livingston; Mrs. R. D. Johnson, Birmingham.
- Colorado.—J. S. Appel, Denver; Wm. F. Slocum, Colorado Springs.
- California.—Brainard F. Smith, Represa, Sacramento, Cal.
- Connecticut.—Francis Wayland, New Haven; John C. Taylor, Hartford.
- Florida.—L. B. Wombwell, Tallahassee.
- Illinois.—Prof. C. R. Henderson, Rev. H. H. Hart, Chicago.
- Indiana.—Thos. E. Ellison, Fort Wayne; Alvin T. Hert, Jefferson; C. H. Reeve, Plymouth.
- Kansas.—John D. Milliken, McPherson; R. W. McClaughry, Fort Leavenworth.
- Louisiana.—Michael Heymann, New Orleans; Clarence F. Law, New Orleans.
- Maine.—William Sawyer, Portland.
- Maryland.—G. S. Griffith, Baltimore.
- Massachusetts.—W. F. Spaulding, Boston; F. B. Sanborn, Concord.
- Michigan.—Levi L. Barbour, Detroit; L. C. Storrs, Lansing.
- Minnesota.—Samuel G. Smith, St. Paul; Austin H. Young, Minneapolis.
- Missouri.—Thos. P. Haley, Kansas City.
- New Jersey.—E. J. Anderson, Trenton.
- New York.—Z. R. Brockway, Elmira.
- North Carolina.—Col. W. F. Beasley, Plymouth.
- North Dakota.—N. F. Boucher, Bismarck.
- Ohio.—Gen. R. Brinkerhoff, Mansfield.
- Oregon.—Earl M. Wilbur, Portland.
- Pennsylvania.—I. J. Wistar, Philadelphia.
- Tennessee.—Rev. P. L. Cobb, Rev. A. L. Phillips, Mrs. Z. N. Williams, Nashville.

- Texas.—John N. Henderson, Dallas; L. A. Whatley, Huntsville.
- Vermont.—L. D. Hazen, St. Johnsbury.
- Virginia.—Robert Stiles, Richmond.
- Wisconsin.—Clarence Snyder, Hon. James E. Heg, A. O. Wright, Madison.
- Washington.—John B. Catron, Walla Walla; Hon. Ernst Sister, Tacoma.

FOREIGN COUNTRIES.

BERMUDA.

- J. H. T. Jackson, Hamilton.

CANADA.

- James Massie, Toronto, Ontario.

FRANCE.

- A. Rivière, Secretary Société Générale des Prisons, 52 Rue d'Amsterdam, Paris; Mons. Robin (pasteur), 21 Rue Piatt, Belleville, Paris; Mons. Bonneville de Marsangy, No. 7 Rue Penthievre, Paris; Dr. Paul Ballière, 128 Boulevard Haussman, Paris; R. Béranger, Vice President du Senat, 11 Rue Portalis, Paris.

GERMANY.

- Johann Wichern, Rauhe Haus, Horn bei Hamburg; Herr Heinemann, 250 Hammer Landstrasse, Horn bei Hamburg; Dr. Föhring, President Tribunal of Justice, Hamburg; Pastor Winkelman of the Prison Association of Saxony; Hermann Adami, LLD., 5 Bismarck strasse, Bremen.

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Lounsbury, R. P.....	10 00
Low, Hon. Seth.....	10 00
Low, Wm. G.....	25 00
Lowell, Mrs. Caroline H.....	1 00
Ludlam, Geo. P.....	10 00
Lusk, Dr. Wm. C.....	5 00
Lydig, David.....	10 00
Lyness, Mrs. Elizabeth.....	10 00
McCook, Col. John J.....	10 00
McCord, Wm. H.....	10 00
McCullough, Miss E. S.....	5 00
McCurdy, Richard A.....	75 00
McEwen, D. C.....	5 00
McEwen, Thomas, Jr.....	2 00
McKim, J.....	10 00
McKim, Robt. V.....	5 00
McLane, Mrs. Adelaide L.....	5 00
MacLaren, Mrs. F.....	25 00
McLean, John S.....	10 00
McMahon, Fulton.....	5 00
McMahon, James.....	25 00
McSweeney, John.....	5 00
Macy, V. Everit.....	25 00
Macy, Mrs. Wm. H.....	10 00
Mager, Mrs. F. Robert.....	10 00
Maillard, Henry, Jr.....	5 00
Mansfield, F. H.....	1 00
Mansfield, Howard.....	10 00
Marston, Edgar L.....	5 00
Martin, J.....	10 00
Martin, Wm. V.....	5 00
Marvin, Dr. D. M.....	5 00
Mason, Miss S. C.....	5 00
Matthews, Mrs. Edward.....	10 00
Maury, C. W.....	25 00
Maxwell, Mrs. Robert M.....	50 00

Mead, Edward N.	\$5 00
Meigs, Ferris J.	10 00
Meigs, Mrs. Titus B.	5 00
Mendelson, Mr. Simon.	1 00
Merriman, Miss Annie L.	5 00
Merrill, Mrs. Payson.	5 00
Merritt, Mrs. Geo.	10 00
Meyer, Mrs. A. B.	1 00
Middleton & Co.	10 00
Milbank, Mrs. Joseph.	50 00
Müller, Mrs. A.	10 00
Milligan, Chas.	2 00
Minturn, Mrs. Jno. W.	10 00
Mitchell, Mrs. Moncrieff.	10 00
Mix, Robert J.	5 00
Molleson, George E.	1 00
Moore, Mrs. Edward C.	10 00
Moore & Schley.	50 00
Moore, F. C.	10 00
Moore, Miss Katherine T.	10 00
Moore, W. H. H.	10 00
Moran, Mrs. D. E.	10 00
Moorehouse, Rev. D. W.	5 00
Morgan, Miss C. L.	50 00
Morgan, E. D.	20 00
Morgan, George H.	15 00
Morgan, Mrs. J. Pierpont.	10 00
Morse, Daniel P.	10 00
Mortimer, Mrs. W. Y.	50 00
Mott, Lewis F.	5 00
Mott, W. F.	10 00
Munn, Alexander.	5 00
Munn, C. A.	5 00
Munn, O. D.	10 00
Munroe, Mrs. Chester.	5 00
Munsey, Frank A.	10 00
Murray, James B.	5 00

1702

Nicholls, Seth.	\$10 00
North, Thos. M.	10 00
O'Connor, Miss Katharine.	5 00
O'Connor, Thomas H.	25 00
Ogden, Mrs. Chas. W.	10 00
Olcott, George M.	25 00
Olmsted, Mrs. Chas. T.	20 00
Olyphant, J. Kensett.	10 00
Olyphant, Robert M.	10 00
O'Neill, Mrs. H.	10 00
Othout, Mrs. Jane E.	10 00
Opldycke, Mrs. Emerson.	10 00
Opldycke, Mrs. W. S.	5 00
Openhym, Wm., & Sons.	10 00
Ormsbee, A. I.	5 00
Osborn, Mrs. Wm. Church.	10 00
Otterson, Miss Lucy.	5 00
Palmer, General W. J.	20 00
Parish, Henry.	20 00
Parish, Miss Susan D.	25 00
Parsell, Mrs. H. V.	10 00
Parsons, Mrs. Edwin.	20 00
Parsons, H. de B.	5 00
Parsons, John E.	10 00
Partridge, Mrs. E. L.	5 00
Patterson, Chas. B.	5 00
Pavensdtot, Adolf.	10 00
Pazos, A., & Co.	10 00
Peabody, George Foster.	50 00
Pearsall, J. W.	5 00
Pearse, Walter A., Jr.	1 00
Penfold, Miss Josephine.	10 00
Perkins, Goodwin & Co.	5 00
Perrine, Miss Mary R.	10 00
Petit, John J.	5 00
Pettigrew, R. H.	2 00
Phelps, Stowe.	5 00

Pinchot, Mrs. Jas. W.....	\$25 00
Pinkerton, Robert A.....	10 00
Pitkin, W. F.....	1 00
Planten, John R.....	10 00
Plunkitt, Hon. Geo. W.....	10 00
Polk, Mrs. Wm. M.....	5 00
Pomroy, H. A.....	10 00
Post, A. S.....	5 00
Pouch, F. E.....	5 00
Powers, Mrs. Jennie Turner.....	2 50
Price, Mrs. Bruce.....	10 00
Price, James K.....	5 00
Prime, Rev. Wendell.....	50 00
Putnam's Sons, G. P.....	10 00
Rand, Rev. Wm. W.....	2 00
Raymond, Chas. H.....	25 00
Raymond, R. W.....	10 00
Read, William G.....	25 00
Rhineland, Miss Serena.....	200 00
Riker, Samuel.....	10 00
Ripley, Mrs. Louise A.....	10 00
Rives, Geo. L.....	20 00
Robb, Hon. J. Hampden.....	10 00
Robb, N. Thayer.....	10 00
Roberts, John E.....	10 00
Roberts, Mrs. M. L.....	5 00
Rockwell, Miss Hannah M.....	3 00
Rogers, Ed. L.....	25 00
Rogers, Francis.....	5 00
Rollins, W. F.....	15 00
Root, Chas. T.....	5 00
Ross, W. A., & Bro.....	10 00
Rothschild Bros. & Co.....	5 00
Rumpf, Mrs. Chas.....	5 00
Sachs, Louis.....	5 00
Sachs, Mrs. Samuel.....	10 00
Sackett, Henry W.....	5 00
Sage, Dean.....	100 00

Saint Gaudens, Augustus.....	\$10 00
Sallinger, Edward.....	5 00
Sanborn, Mrs. A. R.....	10 00
Sanders, Mrs. Henry M.....	10 00
Sarterlee, Col. Herbert L.....	25 00
Saunders, Frederick.....	5 00
Schenck, Mrs. A. H.....	10 00
Schermerhorn, Wm. C.....	50 00
Schieffelin, Mrs. H. M.....	25 00
Schieffelin, Mrs. Wm. Jay.....	10 00
Schieffelin, Wm. Jay.....	20 00
Schieffelin & Co.....	10 00
Schieren, Mrs. Chas. A.....	5 00
Schiff, Jacob H.....	25 00
Schott, Chas. M., Jr.....	20 00
Schultz, Carl H.....	10 00
Schuyler, Miss L. L.....	5 00
Schwab, Mrs. Gustav.....	5 00
Schwanwedel, Henry.....	10 00
Scott, Geo. S.....	50 00
Scott, Miss Louise B.....	10 00
Scoville, Robert.....	10 00
Seecomb, Mrs. E. A.....	10 00
See, Alonzo B.....	50 00
Seligman, Miss Alice F.....	5 00
Seligman, Edwin R. A.....	5 00
Seligman, Mrs. Jesse.....	5 00
Seligman, J. W., & Co.....	25 00
Sellew, T. G.....	10 00
Shaw, Mrs. Philander.....	2 00
Sheldon, C. D.....	5 00
Shepard, Mrs. Elliott F.....	25 00
Shepard, Edward M.....	10 00
Sherman, Mrs. Chas. E.....	10 00
Sherwood, Mrs. A. M.....	5 00
Shipley, Miss Elizabeth.....	1 00
Simmons, J. S., & Co.....	10 00
Simons, C. D.....	5 00

Simpson, John W.	\$50 00
Sinclair, John	10 00
Skiddy, W. W.	10 00
Slade, Francis Louis.	5 00
Slade, Miss Mabel.	10 00
Slicer, Mrs. Thos. R.	5 00
Smith, Bryant H.	5 00
Smith, Rev. Cornelius B.	5 00
Smith, F. Gordon.	10 00
Smith, George C.	20 00
Smith, James Rufus.	10 00
Smith, Wm. Alex.	10 00
Smith, W. Stebbins.	10 00
Smith, W. Wheeler.	10 00
SooySmith, Chas.	5 00
Speers, James M.	20 00
Speyer, Leo.	10 00
Speyer & Co.	10 00
Spool Cotton Co., The.	25 00
Stamford Mfg. Co.	40 00
Starr, Theo. B.	10 00
Start, Miss Mary.	5 00
Steele, Chas.	10 00
Steers, James R., Jr.	10 00
Stein, A.	5 00
Stern, Benjamin.	10 00
Stetson, Mrs. F. L.	25 00
Stevens, Mrs. Byam K.	10 00
Steward, Mrs. Mary A.	5 00
Stewart, Hon. W. R.	10 00
Stewart, Wm. W.	10 00
Stickney, Mrs. C. D.	10 00
Stickney, Joseph.	10 00
Stiger, Miss F. A.	5 00
Stillman, Mrs. T. E.	100 00
Stinson, Mrs. H. C.	5 00
Stokes, Anson Phelps.	25 00
Stokes, J. G. Phelps, M. D.	50 00

Stokes, Miss Annie.	\$10 00
Stone, Mason A.	5 00
Storer, Mrs. Albert.	5 00
Stromeyer, W. A.	10 00
Stuyvesant, Rutherford.	10 00
Sullivan, Isabella.	10 00
Tarbox, Hiram.	1 00
Thatcher, Thomas.	25 00
Thomas, Dr. T. Gaillard.	5 00
Thompson, Mrs. Frederick F.	50 00
Thomson, John W.	10 00
Thorne, Edwin.	10 00
Thorne, Jonathan.	25 00
Thorne, Samuel.	10 00
Thorne, W. V. S.	5 00
Tiebout, C. H.	5 00
Tiffany & Co.	20 00
Tomkins, Calvin.	5 00
Townsend, R. H. L.	10 00
Trowbridge, James A.	10 00
Tuck, Dr. Henry.	5 00
Tucker, Stephen D.	10 00
Tuckerman, Alfred.	10 00
Turnbull, Mrs. Eamsey.	5 00
Turner, Dr. Wm. J.	2 00
Turton, Geo. L.	5 00
Uhlmann, Frederick.	10 00
Ullman, E. E.	10 00
Upham, Mrs. Elizabeth K.	10 00
Vanderpoel, Mrs. John A.	5 00
Vanderveer, Miss E. F.	3 00
Van Ingen, Dudley W.	5 00
Van Ingen, Mrs. E. H.	10 00
Van Santvoord, Miss A. T.	10 00
Van Winkle, Miss Mary D.	10 00
Vermilye & Co.	10 00
Vernon, Harold.	1 00
Villard, Mrs. Henry.	25 00

Villard, Oswald Garrison.....	\$10 00
Wagner, J.....	10 00
Wakeman, Mrs. C. A.....	10 00
Waller, Miss Anna.....	2 00
Warburg, F. M.....	25 00
Ward, Miss Emily M.....	10 00
Ward, John Seely, Jr.....	50 00
Ward, Miss M. M.....	10 00
Washburn, Wm. Ives.....	5 00
Weeks, Mr. A. A.....	25 00
Well, Leopold, & Bro.....	5 00
W. C. D.....	2 00
Welling, W. B.....	5 00
Wells, Chas. W.....	10 00
Wells, Henry C.....	5 00
Wells, Miss Julia Chester.....	10 00
Wetmore, Dr. J. McE.....	10 00
Whaley, Mrs. S. D.....	5 00
Wheeler, F. Merriam.....	10 00
Wheelock, Dr. Geo. G.....	10 00
Whitcomb, P. R.....	10 00
White, Alf. Thos.....	10 00
White, John Jay.....	50 00
White, Miss Mary.....	2 00
White, Mrs. Stamford.....	10 00
Whitlock, Mrs. D. B.....	10 00
Whitney, H. P.....	100 00
Wicke, William.....	10 00
Willcox, William G.....	5 00
Willetts, John T.....	10 00
Williams, B. C.....	3 00
Williams, George G.....	20 00
Williams, Mrs. Georgiana P.....	5 00
Willis, W. P., & Co.....	25 00
Wills, Chas. T.....	5 00
Wingate, General Geo. W.....	10 00
Winkhaus, Mrs. A. C.....	5 00
Winthrop, Egerton L.....	25 00

1902

Winthrop, Mrs. Grenville.....	\$25 00
Wisner, Miss Josephine.....	10 00
Witherbee, Mrs. F. S.....	15 00
Wolff, Lewis S.....	10 00
Wood, Orrin S.....	10 00
Woodford, Franklin E.....	1 00
Wormser, Mrs. Isidor.....	10 00
Wray, Miss Julia.....	10 00
Wright, Mrs. M. Fisher.....	10 00
Zimmerman, Mrs. M. E.....	15 00
Zinser, Mrs. August.....	5 00
Woman's Missionary Society, St. Ann's P. E. Church, Brooklyn, N. Y., through Rev. Reese S. Alsop, D.D.,	5 00

DONATIONS OF CLOTHING.

Mrs. J. Andrews.
 S. P. Avery.
 J. F. Baird.
 Miss Baldwin.
 Mrs. T. W. Ballard.
 Miss S. L. Bayne.
 Mrs. Berry.
 L. H. Biers.
 Mrs. Bird.
 Mrs. E. W. Boyden.
 Mrs. W. Harman Brown.
 Mrs. T. C. Buck.
 Mrs. Burkhalter.
 Mrs. J. C. Cady.
 W. B. Campbell.
 E. E. Chauncey.
 Mrs. M. Childs.
 Mrs. E. W. Church.
 C. Clark.
 Mrs. J. Cohen.
 Chas. A. Dards.
 Mrs. J. H. Emerson.
 Mrs. L. Fisher.
 Mrs. E. W. Fitch.
 A. Foster.
 Mrs. Leo E. Frank.
 Mrs. G. A. Fuller.
 Mrs. A. W. Gardner.
 L. B. Gawtry.
 W. B. Gilman.
 Mrs. E. Gruening.
 Alexander M. Hadden.
 Mrs. G. Hammond.

James R. Hatheway.
 Mrs. John Heule.
 Mrs. Hicks.
 Rev. Dr. Howes.
 Mrs. Thos. H. Hubbard.
 Mrs. E. F. Hyde.
 Mrs. George T. Jackson.
 Dr. Samuel Macauley Jackson.
 Mrs. J. H. Jacquelin.
 Mr. Jaffrey.
 J. G. Keteltas.
 Mrs. Kuhnhardt.
 Mrs. H. Kupfer.
 Mrs. Lawson.
 Thos. LeBontillier.
 J. Liebman.
 L. C. McKinley.
 Mrs. E. W. Machen.
 Miss W. A. March.
 Miss K. T. Martin.
 Mrs. D. T. Merkle.
 Mrs. Murray.
 Miss A. M. Murray.
 Mrs. Noyes.
 Mrs. Pierce.
 Mrs. F. Popper.
 Mrs. Henry Prentice.
 Miss M. P. Robinson.
 Mr. Rollands.
 Miss Helen Sands.
 J. H. Savage.
 B. P. Saxton.
 Mrs. Wm. Scott.

J. E. Serre.
 M. P. Slade.
 Eugene Smith.
 Mrs. H. M. Sperry.
 Mrs. F. R. Steers.
 Mrs. F. R. Sturgis.
 Miss Isabella Sullivan.
 Mrs. H. B. Tompkins.
 S. L. Townsend.
 Mrs. J. F. Trow.
 Mrs. Trowes.
 Mr. Turner.
 E. B. Van Winkle.
 Mrs. J. H. Walker.
 Henry C. Wells.
 Mrs. Mary A. Wilson.
 Mrs. J. R. Wolff.
 Wm. S. Wood.
 C. P. Wyckoff.
 Andrew C. Zabriskie.

DONATIONS OF READING MATTER, ETC.

Mrs. Stephen Babcock.
 M. C. Bishop.
 E. C. Bogert.
 Mrs. Boynton.
 Mrs. E. W. Church.
 Mrs. DeGrose.
 F. B. Dickinson.
 Herman Drisler.
 John A. Ely, Jr.
 Mrs. C. L. Folsom.
 Mrs. L. Friend.
 F. R. Goodyear.
 Mrs. F. G. Gorham.
 Miss Hasbrouck.
 Mrs. John A. Hendricks.
 Miss Hendricks.
 Mrs. W. W. Heroy.
 Mrs. Esther Herrman.
 Hospital Book and Newspaper
 Society.
 Miss N. Isaacs.
 Mrs. George T. Jackson.
 Mrs. G. Kemball.
 Miss Kendall.
 S. E. Kilner.
 Mrs. C. W. Lawrence.
 Mrs. A. Lillenthal.
 Miss Minnie M. Mare.
 A. L. Merriam.
 Mrs. E. B. Merrill.
 A. E. Meyer.
 Mrs. Miller.
 Mrs. A. Miller.
 O. A. H.
 Mrs. G. Pollak.
 Miss S. E. Prindle.
 M. Reed.
 Mrs. D. DuBois Sahler.
 Mrs. N. Schwat.
 Mrs. M. W. Sewall.
 John M. Shedd.
 P. S. Solomon.
 Mrs. S. L. Stix.
 Miss Isabella Sullivan.
 M. L. Taylor.
 Mrs. C. J. Triacca.
 Mrs. F. Von Bermuth.
 Mrs. Wetmore.
 Mrs. C. Willcox.

APPENDIX.

CHARTER OF THE PRISON ASSOCIATION OF NEW YORK.

AN ACT to incorporate the Prison Association of New York.

Passed, May 9, 1846, by a two-thirds vote

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

Section 1. All such persons as are now or hereafter shall become members to the said association, pursuant to the constitution thereof, shall and are hereby constituted a body corporate, by the name of "The Prison Association of New York," and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; provided that such real estate shall never exceed the yearly value of 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 alterations in the mode therein prescribed.

ARTICLE I.

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.

1902

ANNUAL REPORT OF PRISON ASSOCIATION OF NEW YORK. 149

2. The improvement of prison discipline and the government of prisons, whether for cities, counties or States.

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribu-

tion, be a member thereof. A contribution of \$500 shall constitute a life patron; a contribution of \$100 shall constitute an honorary member of the association for life; and a contribution of fifty dollars shall constitute a *member of the association for life*. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

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

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

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

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city, as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects; and the said executive committee shall have the same power to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

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

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

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power and it shall be their duty to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons;* and the duties of the keepers of each prison that they may examine shall be the same in relation to them as in the 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 the State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW YORK:

IN SENATE, May 8, 1846.

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

Resolved, That the bill do pass.

By order of the Senate,

A. GARDINER,
President.

* See section 24.

STATE OF NEW YORK:

IN ASSEMBLY, April 24, 1846.

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

By order of the Assembly,

A. C. CRAIN,
Speaker.

APPROVED, this 9th day of May, 1846.

SILAS WRIGHT.

STATE OF NEW YORK,

SECRETARY'S OFFICE.

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

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

ARCH'D CAMPBELL,
Deputy Secretary of State.

[Revised Statutes, part IV, chap. 3, title 1.]

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

* See section 20 in last revision.

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.

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

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

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

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

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

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

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

VII. 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 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.

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

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto.

2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

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

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view of making the best arrangements for his future employment.

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners and applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

3. To secure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences,

taking care not to have more than one in a place, where it can be avoided.

4. To see that the prisoners are provided with suitable clothing, of a kind that will not attract particular attention.

X. It shall be the duty of the committee on prison discipline: To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: Health, reformation, convict labor, administration and internal police, comparison of different prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

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

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

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

XIV. The treasurer shall 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 VII.

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

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

1902

INDEX.

	PAGE.
Albany county jail	45
Albany county penitentiary	46
Allison, Dr. H. E.	90
Assistant agent, employment of	31
Auburn refuge for women	75
Auburn, tuberculosis at	21, 88
Barrows, Mrs. Isabel C.	30, 31, 71, 74
Battershall, Mrs. Maud	30
Beck, James M.	29
Beckett, Charles H.	24
Bedford Reformatory for Women	70
Bergen, Mrs. Tunis G.	30
Blackwell's Island	25, 31
Board of Estimate and Apportionment	28
Bouvier, Miss Mary H.	30
Boy of seventeen, A	82
Boys, removal of from workhouse	25
Bragg, Shirley	99
Brockway, Z. R.	29, 31, 37
Broome county jail	49
Bruce, Dr. Hortense	74
Bundy, C. H.	99
Butler, Amos W.	44
By-laws	152
Byers, Joseph P.	99
Canton jail	68
Cassel, Hamilton	35
Charter of P. A. N. Y.	146
Chemung county jail	51
Collins, Hon. Cornelius V.	22, 24, 88
Construction of jails	11
Consumptives, care of	21
Contributions	126
Corresponding secretary, report of	24
County committees	116
Crapsey, Rev. Dr.	31
Crimes and punishments, new	107

	PAGE.
Craig Colony	31
Dannemora	21, 22, 88
Davis, Miss Katharine	71
Detention, places of	13
Detroit house of correction	32
Discharged prisoners	85
Dyke, Sheriff	15
Elmira reformatory	23
European prisons	23
Executive committee, report of the	9
Federal prisoners	28
Fee system, abolition of	9
Floyd-Jones, Mrs. G. Stanton	30, 71
Foster, Judge	83
Franklin county jail	69
Gannett, Rev. Wm. C.	31
Garvin, Albert	29
George Junior Republic	31
Gilmour, J. T.	36
Gold, Cornelius B.	124
Grateful letters	87
Gregory, Henry E.	115
Hadden, Alexander M.	24
Hawk, S. A.	99
Holt, George C.	34
Honorary corresponding members	118
Honorary members	122
Hospitals for insane criminals	22
Hudson House of Refuge for Women	31, 74
Husband's mistake, a	79
Hutzler, Charles	99
Hynes, Commissioner	18, 24, 25,
Idiots, treatment of	20
Incorrigibles, colony for	43
Indeterminate sentence	100
Insane criminals, hospital for	22
Insanity in prison	90
International Prison Commission	32
International Prison Congress	32
Jackson, Dr. Samuel Macauley	34
Jail system, evils of	35
Jails and penitentiaries in New York	37
Jails, construction of	11
Jails, labor in	14
Kimball, D. E.	78, 83

	PAGE.
Kings county penitentiary	17
Labor in jails	14
Lamb, Dr.	22
Legislation, desirable	41
Lewis, Charlton T.	99
Lewis, Miss Mary Sinton	30
Life members	124
Life patrons	121
Loomis, Mrs Henry P.	30
Low, Mayor	34
Lyon, W. P.	99
Martin, Miss S. R.	30, 71
Massey, James	35
Matteawan	90
McLaughlin, Hon. George	24
Meetings, reports of	33
Merging of institutions	77
Merrill, Edward B.	115
Milligan, J. L.	99
Minister's son, a	81
Misdemeanants, treatment of	14
Monroe county jail	55
Monroe county penitentiary	53
Napanoch	16, 21
National Prison Association	29
Noxon, James	35
O'Connor, Miss Katharine	30, 71
Officers for 1903, list of	8
Ogdensburg jail	66
Olney, Attorney-General	28
Ontario county jail	56
Parole, economic value of	44
Parole law, extending	20
Parole work	83
Penal institutions of New York city	16, 76
Prisoners' Aid Association of Canada	34
Prisons and jails	37
Probation in Brooklyn	30
Probation, statistics of	29
Probation work	78
Ransom, Dr. J. B.	21, 89
Raymond street jail	17, 76
Rensselaer county jail	57
Report of Corresponding Secretary	24
Report of Executive Committee	9