

TWENTIETH ANNUAL REPORT

OF THE

EXECUTIVE COMMITTEE

OF THE

PRISON ASSOCIATION OF NEW YORK.

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February 2, 1865.

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TWENTIETH ANNUAL REPORT  
OF THE EXECUTIVE COMMITTEE OF THE PRISON ASSOCIATION  
OF NEW YORK.

HON. GEORGE G. HOSKINS,

*Speaker of the Assembly:*

Sir—The Executive Committee of the Prison Association of New York, as required by a provision of law, respectfully submits through you to the Legislature of the State its Twentieth Annual Report.

Very respectfully,

Your obedient servant,

E. C. WINES, *Cor. Sec'y.*

OFFICE OF THE PRISON ASSOCIATION,  
38 BIBLE HOUSE, NEW YORK, Feb. 1st, 1865.

## OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1865.

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FRANCIS LIEBBER, LL. D., 48 East 34th.      JAMES H. TITUS, 34 Liberty.  
Hox. JOHN T. HOFFMAN, 63 Wall.              J. STANTON GOULD, Hudson, Col. county.

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#### FINANCE COMMITTEE,

HENRY K. BULL, <i>Chairman</i> . WM. T. BOOTH, EDWARD COOPER,	WM. C. GILMAN, MARK HOYT, M. K. JESUP.
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#### *Ex-officio,*

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EDMUND COPPIN                    H. J. RAYMOND,  
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## Ex-officio.

JOHN D. WOLFE,                    THEO. W. DWIGHT,                    E. C. WINES.

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ABRAHAM DEAL: Office No. 12 Centre street.

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Sullivan: residence, Monticello—Rev. SAMUEL D. DODD.  
Tioga: residence, Owego—Rev. EDWIN R. KEYS, H. D. PERRY.  
Tompkins: residence, Ithaca—Rev. F. S. ZABRISKIE.  
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PETER VAN VLECK, Rev. GEORGE WATERS.  
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Wayne: residence, Lyons—Rev. L. HINSDALE SHERWOOD.  
Westchester: residence, White Plains—Rev. THEO. S. RUMNEY, Dr. H. E. SCHMID,  
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 Yates: residence, Penn Yan—Rev. FREDERICK STARR.

## HONORARY, CORRESPONDING AND LIFE MEMBERS.

## I. HONORARY MEMBERS.

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\*Hon. John Duer . . . . . do  
\*Hon. J. W. Edmonds. . . . . do  
Rensselaer N. Havens. . . . . do  
Abraham Van Nest. . . . . do  
Peter Cooper. . . . . do

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M. G. De Beaumont,  
M. C. H. LUCAS,  
Members of the Institute of France.  
M. Demetz, Membre du Conseil General du  
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etc., Paris.  
M. G. Blouet, Architect du Gouvern-  
ment, Paris  
John G. Perry, Esq., Inspector of Pri-  
sons and Director of the Convict  
Prisons of Great Britain.

\*Col. Jebb, Surveyor General of the  
Prisons and Director of the Convict  
Prisons of Great Britain.  
Hon. Matthew Davenport Hill, Bristol,  
England.

Edwin Chadwick, Esq., London.  
Dr. Vardoli, Member of the Great Coun-  
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Health at Lausanne, Switzerland.  
Dr. Goss, Geneva, Switzerland.  
Jacob Post, Esq., London.

\*Rev. Louis Dwight, Secretary of the  
Prison Discipline Society, Boston,  
Mass.

Francis Lieber, LL. D., Prof. Political  
Science, Columbia College, New  
York, and Cor. Member of the In-  
stitute of France.

Wm. Parker Foulke, Esq., Philadelphia,  
Pa.  
Stephen Coitell, Esq., Philadelphia, Pa.  
M. Moreau Christophe, Chevalier of the  
Legion of Honor, France.

Alfred Aspland, Esq., F. R. C. S., Dun-  
kinfield, Underlynn, England.  
J. P. Litchfield, M. D., Kingston, U. C.  
Samuel E. Love, M. D., Principal of the  
Institution of the Blind, Boston,  
Mass.

Edward Haviland, Philadelphia, Pa.  
Dr. Varruthrak, Frankfort-on-the-Maine

J. M. Ward, M. D., Newark, N. J.  
Miss Mary Carpenter, Bristol, Eng.  
Miss Dorothea L. Dix, Boston, Mass.  
Prof. Nathan David, Copenhagen, Den-

mark.  
Prof. Charles Sumner, Boston, Mass.  
Hon. I. L. Tolkampff, Berlin, Prussia.  
\*John Haviland, Prison Architect, Phila-  
delphia, Penn.

\*George Sumner, Esq., Boston, Mass.  
John Lytle, Philadelphia, Pa.  
George W. Searle, Esq., Boston.  
N. B. The physician, warden and  
chaplain of every State Prison in the  
country are, ex-officio, corresponding  
members of the Association.

III. HONORARY LIFE MEMBERS OF THE  
EXECUTIVE COMMITTEE, MADE SUCH  
BY THE PAYMENT OF ONE HUNDRED  
DOLLARS OR EQUIVALENT AT ONE TIME.

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Wm. H. Aspinwall. . . . . do  
J. J. Astor, Jr. . . . . do  
John C. Freeman. . . . . do

Wm. T. Booth. . . . . do  
James Brown. . . . . do  
H. K. Bull. . . . . do  
John Caswell. . . . . do

Samuel B. Caldwell. . . . . do  
Edward Cooper. . . . . do  
A. B. Conger. . . . . do  
Wm. B. Crosby. . . . . do

II. K. Corning. . . . . do  
James Warren Delano. . . . . do  
Wm. Delano, Jr. . . . . do  
John E. Dodge. . . . . do

\*George Douglas. . . . . do  
\*Wm. Douglas. . . . . do  
Winthrop S. Gilman. . . . . do  
Wm. C. Gilman. . . . . do

Meredith Howland. . . . . do  
Jno. Taylor Johnston. . . . . do  
James Lenox. . . . . do  
Miss Lenox. . . . . do

do  
Peter Lorillard. . . . . do  
Robert B. Minturn. . . . . do  
Samuel F. B. Morse. . . . . do  
George D. Morgan. . . . . do

Adam Norris. . . . . do  
R. M. Olyphant. . . . . do  
Danil I. Parish. . . . . do

\*Deceased.

Charles Parker.....	New York.	Jas. M. Brown.....	New York.
Geo. D. Phelps.....	do	George Bruce.....	do
C. No. A. Pullen.....	do	Orsamus Bushnell.....	do
C. R. Roberts.....	do	Mrs. Burr.....	do
C. V. S. Roosevelt.....	do	*Benj. F. Butler.....	do
Adam T. Sackett.....	do	Ira Bliss.....	do
Joseph Sampson.....	do	*Mrs. Maria Banyer.....	do
J. F. Sheafe.....	do	*Henry Chaucey.....	do
Mrs. Mary Sheafe.....	do	Wm. T. Coleman.....	do
C. H. Shipman.....	do	E. K. Collins.....	do
Henry M. Schieffelin.....	do	Israel Cross.....	do
R. L. Stuart.....	do	F. Cotinect.....	do
Alexander Stuart.....	do	Cyrus Curtis.....	do
James Stokes.....	do	Stephen Cuttler.....	do
Jonathan Sturges.....	do	Wm. F. Cury.....	do
Mrs. Catharine L. Spencer.....	do	Henry C. De Rham.....	do
H. S. Terbell.....	do	Abraham Denike.....	do
Alex. Van Rensselaer.....	do	*John Duer.....	do
Joseph Walker.....	do	Lucy H. Eddy.....	Elizabethown, N. J.
Salom H. Wales.....	do	*Thomas Eddy.....	do
George C. Ward.....	do	J. W. Edmonds.....	New York.
Samuel Willets.....	do	Z. Stiles Ely.....	do
Rev. E. C. Wines.....	do	P. W. Engle.....	do
John David Wolfe.....	do	B. H. Field.....	do
J. Walter Wood.....	do	H. W. Field.....	do
William Wood.....	do	Hamilton Fish.....	do
Joseph Howland.....	Matteawan, N. Y.	James Foster, Jr.....	do
Mrs. Jos. Howland.....	do	James Freeland.....	do
Rev. N. S. S. Bennett, D.D., Troy, do		Wm. P. Furniss.....	do
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Rev. G. W. Perkins.....	Meriden, Ct.	*John Gilman.....	do
Wm. Andrews, Esq.....	do	Arthur Gilman.....	do
		*William C. Gilman.....	do
		J. B. Graham.....	do
		E. Benson Graves.....	do
		John C. Green.....	do
		Henry Griencell.....	do
		*Seth Grosvenor.....	do
		*Jasper Grosvenor.....	do
		Eliza P. Gurney.....	Burlington, N. J.
		Ogden Hagersty.....	New York.
		Valentine G. Hall.....	do
		Mrs. Valentine G. Hall.....	do
		*Wm. M. Halstead.....	do
		L. P. Hayes.....	do
		*Timothy Hedges.....	do
		A. Heckscher.....	do
		E. Herrick.....	do
		Silas C. Herring.....	do
		D. Hoadley.....	do
		James Horn.....	do
		B. W. Howe.....	do
		Edgar M. Howland.....	do
		*G. G. Howland.....	do
		*S. S. Howland.....	do
		James C. Holden.....	do
		Thomas Hunt.....	do
		George F. Hussey.....	do
		Richard Irvin.....	do
		John Jay.....	do

\*Deceased.

*Miss Ann Jay.....	New York.	Howard Potter.....	New York.
E. S. Jaffray.....	do	P. R. Pyne.....	do
*J. R. Jaffray.....	do	Robert Ray.....	do
Solomon Jenner.....	do	Freeman Rawson.....	do
James J. Jones.....	do	Wm. C. Rhinelande.....	do
Walter R. Jones.....	do	S. S. Robbans.....	do
Alexander S. Johnson.....	do	Geo. M. B. Ruggles.....	do
J. F. Joy.....	do	Israel Russell.....	do
William Kemble.....	do	*David Sams.....	do
Wm. J. King.....	do	James L. Schieffelin.....	do
J. Kinsman.....	do	*Peter Schelenhorn.....	do
Charles P. Kirkland.....	do	*Dudley Selien.....	do
Josiah Lane.....	do	Austin Sherman.....	do
Mrs. Langdon.....	do	B. B. Sherman.....	do
Samuel Leeds.....	do	Cornelius Smith.....	do
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Jacob R. Le Roy.....	do	T. B. Stillman.....	do
*C. M. Leupp.....	do	*Gerard Stuyvesant.....	do
*H. B. Livingston.....	do	Mrs. Helen Stuyvesant.....	do
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Rufus L. Lord.....	do	Charles N. Talbot.....	do
*Cornelius Low.....	do	Moses Taylor.....	do
Nicholas Low.....	do	James H. Titus.....	do
N. Ludlum.....	do	S. P. Townsend.....	do
A. A. Low.....	do	Geo. T. Trimble.....	do
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W. H. H. Moore.....	do	Prosper M. Wetmore.....	do
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*R. H. Nevins.....	do	B. K. Winthrop.....	do
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D. W. C. Olyphant.....	do	H. Burrall.....	Salisbury do
Wm. Oxbow.....	do	Thomas Owen.....	do
Thomas Owen.....	do	*John J. Palmer.....	do
*John J. Palmer.....	do	E. Paruly.....	do
E. Paruly.....	do	F. Pell.....	Meriden, Ct.
Wm. Patten.....	do	J. Phalon.....	do
J. Phalon.....	do		

\*Deceased.

## TWENTIETH ANNUAL REPORT.

The Prison Association of New York having completed the twentieth year of its existence and labors, the Executive Committee, in compliance with a requisition of law, submits to the Legislature a report of what has been done during the past year.

The Executive Committee will not consume the time of your honorable bodies with a detailed statement of the objects of the Association, since these must be familiar to you, as well from former reports, as from the language of the statute, which gave to the society its corporate existence. It will be enough to repeat, in the briefest terms, that these objects, as declared in the charter, are: 1. To extend a helping hand to such arrested and detained persons as seem to require it. 2. To aid discharged convicts in their efforts to reform. 3. To improve the government and discipline of our prisons.

Nor does the Executive Committee deem it necessary to do more, in the present report, than to re-affirm, which it does with increased emphasis, its convictions, as set forth in the last annual report, in reference to the following points: 1. The importance of separating party politics from the control and management of our State prisons. 2. The evil tendency and effects of the contract system of labor in our prisons. 3. The good and salutary influence of the commutation system. Increased experience of the policy established by this system confirms its wisdom. 4. Solitary cells for incorrigible prisoners. These are much needed, and ought to be immediately provided. 5. Pardons. This subject was discussed at length last year; and the conclusion reached, that the pardoning power ought to be sparingly used, that it ought to be subjected to restrictions carefully devised and well known, and that the Governor should be aided in this part of his official duties by a board of commissioners, whose duty it should be to examine and sift all applications for executive clemency. 6. Length of sentences. On this subject, the Executive Committee will but refer your honorable bodies to the discussion in the last report, wherein two evils in our administration of criminal justice are set forth, viz: the great inequality

of sentences for the same or like crimes, and the excessive length of the sentences often awarded to the violators of law; a length which, there is reason to believe, in some cases at least, utterly defeats one of the great ends of punishment, the reformation of the criminal. As regards the policy of long sentences, something may be said on both sides of the question. On the one hand, long sentences give time for the breaking up of old associations, and for weaning from evil habits; but, on the other, they have the effect, when excessive, of unfitting the prisoner for independent action and the common duties of life. A man, confined for many years in a convict prison, where everything is provided for him,—food, clothes, lodging, and even employment,—becomes, after the lapse of a decade of years, well nigh, if not quite, incapacitated for seeking out these things for himself. A prisoner, who has been for years a machine in the hands of others, loses at length the ability for independent exertion. A convict discharged from Sing Sing, some years ago, had become actually incapacitated for walking otherwise than in the lock step practised there; and, even in the streets of New York, took his position behind whomsoever he happened to be walking with, and trode invariably in his foot steps, to the infinite amusement of the crowds who beheld him. A liberated convict, who had served out a sentence of six years, wrote to a friend still in prison: "You will feel very queer when you get out, and don't want to know what to do; so come and live with me, till you get used to the world." If a prisoner cannot be cured of his evil propensities and habits during an imprisonment of two to five years, the work will hardly be accomplished in a term of ten or twenty years.

The general agent of the Association, Mr. Abraham Beal, has pursued his labors in the detention and discharged convict departments, with his usual industry, zeal, and efficiency. The utility of these labors cannot be easily overestimated, whether considered in their moral or material issues. A great number of persons are thereby prevented from entering upon a career of crime, or reformed, turned back, and restored to society after they had entered upon such a career; animosities are allayed; difficulties are adjusted; reconciliations are effected; litigation is diminished; and thousands, probably it would not be too much to say, tens of thousands of dollars are annually saved to the State. Some idea of the extent and magnitude of this work, as well as of its truly humane character and the excellent results achieved, may be obtained from the following tabular view of it:

	Number of persons visited in our various detention houses, and in the homes of their friends, and required advice and comfort.	Number of convicts carefully examined, in which doors appeared to be accumulating circumstances.	Number of complaints disseminated on the advice of the General Agent, as discharges, or the result of passion, prejudice or mistake.	Number of persons discharged from custody on the recommendation of the Agent, and persons not evidently either innocuous or penitent.	Number of discharged convicts and others provided for places remote from their former associations.	Number of discharged convicts and others provided with employment and situations at home or abroad.	Number of discharged convicts supplied, on their release, with clothing, as coats, pants, shirts, hats, caps and outer garments.
January, (about).....	500	91	37	33	87	13	7
February.....	450	83	25	31	50	12	8
March.....	500	87	31	35	72	22	9
April.....	400	71	26	29	87	24	13
May.....	450	74	27	27	87	21	8
June.....	400	83	31	29	80	14	14
July.....	450	94	36	31	94	25	9
August.....	400	87	40	37	83	24	6
September.....	150	27	13	9	19	2	3
October.....	450	79	34	47	91	25	11
November.....	500	117	33	27	87	21	10
December.....	550	96	29	37	124	23	23
Totals.....	5,200	939	368	373	1,024	231	121

From the above table, it appears that 5,200 prisoners were visited and counseled; 939 complaints were examined; 363 complaints were abandoned as being frivolous or the result of prejudice, passion or mistake; 373 persons were discharged from custody, their further detention not being required, in the judgment of the authorities, by the interests of justice or morality; 1,024 discharged prisoners were furnished with board or aided with money to convey them to situations remote from their former associations; 231 discharged prisoners were furnished with permanent employment, whereby they could eat the bread of honest industry; and 121 released criminals were supplied with clothing to a less or greater extent. This shows a total of 8,306 cases, in which relief, moral or material, was administered, according to the exigencies of each, to criminals, or those arrested as such, either while in prison or on their discharge. The beneficent nature and happy fruits of the agent's labors will be further and more clearly seen, as well as more impressively exhibited, in his special report, which will be found in the appendix.

The results of the twenty years' labors of the Association, so far as relates to the detention and discharged convict departments, may be thus summed up: 66,164 persons visited in prison and counseled according to the exigencies of each; 20,847 complaints examined; 3,627 complaints withdrawn on the recommendation of the society; 6,368 persons arrested and held for examination or trial, discharged at our instance; 9,803 discharged convicts and other prisoners aided with board, or clothing, or both; and 3,131 discharged convicts provided with employment and situations at home or abroad; making a grand total of 111,940 cases, in which relief of some kind and to some extent, be the same less or more, has been extended to the fallen and the forlorn, by the Prison Association, since its formation in the year 1844.

To the department of prison discipline belongs the inspection of prisons in all its details. The Executive Committee is happy to report to the Legislature that, for the first time in the history of the Association, this duty has been, during the past year, discharged in its full extent. Not a solitary prison in the whole State, of any class or grade, has been left unvisited and unexplored.

The examination of the county jails has been more comprehensive and thorough than ever heretofore. For the detailed results of said examination, your honorable bodies are referred to the report of the special committee, by whom the work was performed. Their report will be found, *in extenso*, in the appendix. The Executive Committee will but offer the briefest summary of the said report, since they hope that the document itself will be read by every member of the Legislature and by many thousands of the people of the State. It will be found to be a paper well worthy to be "read, learned, marked, and inwardly digested," by every citizen who feels an interest in the honor of the State and the progress of civilization.

There are sixty counties in New York, but, since six of them have two jails each, and one of them three, the whole number of jails actually visited, inspected and examined during the year was sixty-eight. As a general thing, the sheriffs and jailors are reported as competent, humane and faithful men, aiming to discharge their duties creditably to themselves and usefully to the commonwealth, and many of them doing as well, or nearly as well, as the circumstances in which they find themselves placed will allow. Yet the jails, at least no inconsiderable portion of them, owing to the faulty construction, the cramped accommodations, the defective and vicious

arrangements, and the old and rickety condition of the jail buildings, must be pronounced little, if at all, short of positively disgraceful to the intelligence, the civilization, the humanity, and the public spirit of the State. The defects and imperfections of this class of prisons were found by the committee, almost everywhere, numerous and glaring. Insecurity, scant room, crowded corridors, bad ventilation, vicious air, horrible odors, abundance of vermin, want of personal cleanliness in the prisoners, too ample facilities for outside communication, defective separation of the sexes, compulsory idleness, the absence of all means of intellectual culture, very inadequate agencies for religious instruction and moral reform, and, above all, the promiscuous association of prisoners of all classes and all ages—forming, as they do, a fetid, seething mass of mutual contamination and pollution—are, if not universal, at least far too common points in the picture presented by our common jails. There are, indeed, as we gladly admit, honorable exceptions to this statement; yet it is none the less true that they are exceptions to the general rule. The jails throughout the state, with rare exceptions, contain prisoners convicted of misdemeanors and minor offences of every shade and description. These persons are, for the most part, indiscriminately confined with prisoners of all classes awaiting their trial, and with witnesses and persons held on body execution, when any such, as often happens, are in the jail. Of those awaiting trial, some are very young, and others will be proved innocent of the crimes charged against them. Nevertheless, they are subjected, for weeks, and often for months, to all the evils resulting from enforced idleness and corrupt association. The picture presented by the inmates of many a county prison in our State is that of a combination of depravity and wretchedness, revolting and heart-sickening to the last degree. There can be little doubt, as Mr. Crawford has remarked in his *Report on the State Prisons of the United States*, that there is often far more injury resulting from confinement in the county jail than benefit arising from the reformatory discipline, to which the convict may be subjected in the prison of higher grade. A jail, under the system on which this class of prisons is at present organized and conducted, is, in effect, little better than a Pandora's box. It is a centre of evil influences, from which not only the inmates themselves, but, as the special report on county prisons clearly shows, the whole community suffers. The remedy is obvious and simple. Our jails must be built upon an entirely different principle. They



must be so constructed as to secure the perfect isolation of every prisoner. A law that would secure this result would be the greatest improvement in penal legislation ever made. The isolation, so essential in our county jails, is now quite impossible, because the cells are so contracted and so ill-ventilated, that the prisoners would be in danger of their lives, if kept closely confined in them. A cell, where a prisoner is immured the whole time, should have 900 cubic feet of space, and a perfect ventilation, which can be secured by the known appliances of science. Whoever shall frame and cause to be enacted a law which will secure this reform, will need no nobler monument to perpetuate his memory among a grateful posterity. However men may differ with respect to the solitary and congregate systems for state prisons, there is entire unanimity of sentiment among all who have turned their attention to the subject of prison discipline, that, in the common jail, complete isolation is demanded alike by the welfare of the prisoner and the security of society; and the friends of reform ought never to intermit their efforts till this result is effected in every jail in our State.

Nothing can exceed the irregularity and looseness with which the jail books are mostly kept. Indeed, in several counties, no books at all are kept, and the only records are the original commitments, which are never preserved with sufficient care, and in some cases are entirely destroyed. In counties where books are kept, the sheriffs pay for them themselves, and treat them as private property, carrying them off when their term of office expires, unless their successors choose to purchase whatever portion of them still remain blank. The consequence is, that in some counties, no jail statistics are to be obtained, and in most others, the information afforded by the books is meagre and unsatisfactory. The Executive Committee, seconding herein the recommendation of their special committee, append the draft of a bill intended to secure a uniform and suitable method of recording and preserving the statistics of our common jails, and recommend that the same be enacted into a law.

The special committee report the imprisonment of persons as witnesses without indemnity for the loss of time, as prevailing throughout the State. The Executive Committee regards, and has ever regarded and spoken of this practice as, to say the least of it, a great hardship. Undoubtedly, society has a right to the testimony of a person who has been a witness to the commission of

a crime; but it appears no less clear that the bare witnessing of a crime, an act which is for the most part accidental and involuntary, is not itself a crime which ought to subject the witness to the double punishment of incarceration with felons and the loss of his time during the period of imprisonment. Might not the State at once take the deposition of such a person, duly attested by oath or affirmation, and, using this written testimony, instead of parol evidence on the trial, let the witness himself go about his business? But if this is inadmissible, a point which we do not undertake to decide, although we believe it is universally done in Europe, then we have an intimate conviction that the highest justice and reason require both that the witness be confined separately and apart from prisoners tainted by the act or even the suspicion of crime, and that he be fully indemnified for all loss that may accrue to him from his imprisonment. It is for the benefit of society that he is incarcerated, and it is but reasonable that society should pay a fair equivalent for the benefit. For this last opinion we have no less an authority than the late illustrious Edward Livingston, who, in his Introductory Report to the Code of Prison Discipline, thus explicitly lays down the doctrine upon this point: "The temporary privation of their (i. e. witnesses) liberty is a necessary sacrifice for the safety of society; it is taken on the same principle that justifies the appropriation of private property for public purposes, and it carries with it the same right of indemnity."

There is one fact which places in a very clear light the vast importance which attaches to our county jails as penal institutions. Not less than 60,000 to 70,000 human beings—men, women and children—either guilty or arrested on suspicion of being guilty of crimes, pass every year through these institutions. It is as if a mass of immortality equal to the entire population of Albany or Rochester became annually inmates of our jails, and were subjected to the influences, for good or for evil, operating therein. Surely it cannot be otherwise than a matter of the very highest moment, what the character of those institutions is—whether it is such that their operation and effect shall be, on the one hand, to increase both the volume and the malignity of this mighty current of criminality, or, on the other, by their reformatory and healing influences, to diminish its magnitude, and to abate, in some degree at least, the intensity of its virus.

Other points are discussed and other suggestions offered in the [Assem. No. 62.]

report of the committee, for all which reference is made to the document itself.

We will only add, further, that the committee made very extensive and searching investigations into the sources of crime. The statistics collected by them on this and other subjects connected with their enquiries, have been embodied in an extended series of tables, appended to their report, which will be found to be both interesting and instructive.

The penitentiaries in the counties of Kings, Albany, Onondaga, Monroe and Erie have been visited and examined during the year. The details of the observations made and the conclusions reached by the committee who performed the labor are embodied in their report, which will be found in the appendix. They concur, in the main, in the estimate of these institutions given in the last report, regarding them as, upon the whole, excellent in design, arrangement and administration; but they add the remark, and it is certainly an important one, that the theory, which requires these prisons to be self-sustaining and even a source of profit, may, in its practical workings, be carried too far. Their managers, in the desire, laudable enough in itself, to obtain revenue for their respective counties, are in danger of pursuing a course of economy, which will detract from the comfort and well-being of the prisoners and may even oppose itself to their reformation.

The gentlemen who inspected the penal institutions on Blackwell's Island, as will be seen by a perusal of their report, found much to commend and somewhat to censure in the constitution and management of those vast establishments.

The three State prisons have been visited and inspected during the year, by committees appointed to that duty.

The report on Sing Sing prison is very brief, the committee excusing themselves from greater detail, in consideration of the full and comprehensive view of the institution in all its relations, aspects, and interests, given in the last annual report. In their short paper, however, they assume and maintain several important positions. They oppose, with emphasis, the dominating power of party politics in our State prisons. They object strenuously, but not too strenuously, since the grounds of objection are ample and valid, to the promiscuous admission of visitors into the prison, at 25 cents a head. They praise the commutation system as excellent in design and working. And they close by avowing the opinion that many of the officers whom they found in the prison at

the time of their visit had mistaken their appropriate calling in assuming the care and government of prisoners.

The report of the committee who visited Clinton prison is also short, and on the same ground; though it is less succinct than that on Sing Sing. The committee present a highly interesting sketch (the first ever published by the Association) of the founding and early history of the prison, which is marked by some incidents of almost romantic interest. They give a graphic and glowing description of the magnificent natural scenery, in the midst of which the prison is situated, and also of the manufacture of iron, in its various processes, to which the labor of a considerable portion of the convicts is devoted. They criticize the contract system, not only as prejudicial to discipline, but likewise as damaging to the pecuniary interests of the State. They find the ventilation of the prison, though not perfect, yet more effective than in any other of the prisons of the State, which had fallen under their observation. They commend the warden and his lady as eminently fitted for their position, and the other officers as, in the main, humane, watchful, judicious, and faithful in the discharge of their duties; and they regard the institution as well conducted both in respect to the punitive and reformatory elements, which should be blended in the government of a prison.

The report of the special committee on Auburn prison is more full and elaborate than those relating to the other State prisons. On the points which the report discusses, and they are neither few nor unimportant, it is, indeed, quite exhaustive. It is replete with criticisms and suggestions, well worthy of your study, both as philosophers and legislators. and, as such, is commended to your attentive perusal. It animadverts with just severity, upon the contract system of labor in our penal institutions, regarding it as an effectual barrier to any good effects to be expected from them; upon the prison buildings at Auburn, representing them as unsafe, unhealthy, inconvenient, and every way unsuitable to the end in view; upon the smallness of the cells, characterizing their contracted dimensions as a wanton and brutal cruelty; upon the connection of party politics with and its controlling power over the government and administration of our prisons, looking on this as the supreme evil of the system, destructive of all satisfactory and useful results; upon the promiscuous admission of visitors into our prisons on the payment of a fee, deeming it prejudicial to the prisoners in many ways, and derogatory to the dignity of the State; upon the present system of secular instruction, treating it,

though productive of some good, as utterly inadequate and defective; upon the undue length of sentences, as tending to an undue use of the pardoning power, and as hindering the reformation of prisoners subjected thereto; upon the peculiar and distinctive "striped prison dress," regarding it as destructive of the prisoner's self-respect, as an unwise and wanton degradation of him in his own esteem, and as utterly useless and needless, if the prison be efficiently watched; and upon the system of overwork, as at present arranged and managed, viewing it as partial, unjust, contrary to the letter of the sentence pronounced on the prisoners, and tending to engender discontent, envy, heart-burnings, and all uncharitableness. On the above points, the Executive Committee concurs, substantially, in the conclusions of the report. On one point, we deem it proper to add a word or two of comment; that, namely, touching the distinctive prison dress. The position taken on this point by the report is approved by the Executive Committee. Convicts, when they first enter a State prison, often rebel most vigorously against the prison uniform. It is odious to their feelings. It wounds their *amour propre*. It is a rude shock to their self-respect. It degrades them in their own eyes. It robs them, in their own esteem, of more than half their manhood. Now, nothing which produces effects like these should be forced upon a prisoner, except upon an imperious and overmastering necessity. A man, on entering a convict prison, should feel that, however vicious his past life may have been, he is come to a place where he has a character to regain and support; and a dress, so hateful and revolting, and which necessarily hinders his reformation by making him despise and loathe himself, instead of being, as now, a uniform and necessary accompaniment of prison life, should hang over him as an evil and a degradation, only to be inflicted in the last extremities of discipline. In this connection, it may be stated, that within the past year, the board of inspectors of the Massachusetts State prison have, for reasons set forth in their annual report just issued, determined to abolish the parti-colored dress worn in that institution, and to replace it with a plain but neat suit, having nothing distinctive in it. We may add, just here, that, in our judgment, the lockstep, in which the convicts in our prisons are obliged to march, belongs to the same category, and ought to be consigned to the same limbo. Most convicts have an intense dislike to it. The writer of this report has known a convict in Sing Sing, who besought the warden, with passionate entreaties, that he might not be compelled to march through the

prison yard in that step. In the Provincial Penitentiary of Canada, where the discipline is otherwise very strict, this method of locomotion is not exacted of the prisoners.

The report speaks, in warm terms, of the good effects of the commutation law, affirming that it works admirably in many ways. It recommends the experiment of a prison farm in connection with the institution at Auburn, as nearly one-half the convicts are farmers or laborers. It regards the Auburn prison, like that at Sing Sing, as too large for working out, in the most effective manner, the appropriate results of prison discipline, and avows the opinion that not one but several more prisons should be constructed in suitable localities, for State purposes. It favors the adoption of a comprehensive and carefully devised system of rewards, such as will afford manifold and abundant stimulants to good conduct on the part of the inmates of our convict prisons. In all which particulars, the Executive Committee commends and seconds the views presented, except that they do not feel prepared to yield a full assent to the proposed experiment of a farm to be worked by convict labor, but reserve judgment on that point for further consideration and inquiry.

On the subject of punishments, the report is not altogether clear in its expression of opinion. It condemns the buck, which was still found in use at Auburn, though we feel sure it has been forbidden by the Inspectors in all our State prisons; a condemnation in which we cordially unite. It condemns equally the yoke and the shower bath, which are certainly less objectionable than the buck, and possibly, in certain cases and under certain circumstances, not open to objection at all. As already intimated, there is some obscurity in the language of the report; yet it *seems* to favor the re-introduction of the "cat" as an instrument of punishment; and, in a paper by Dr. Button, the physician of the prison, appended to the report, that gentleman openly advocates its employment. Now, to this revival of the lash, this return to an *effete* and discarded barbarism, the Executive Committee desires to enter its distinct and emphatic protest. We have no very decided objection to the abolition of the other punishments assailed by the committee. Indeed, we are inclined to think that most punishments, and especially those of a stern and severe nature, may be dispensed with, when adequate stimulants to good conduct shall have been supplied to convicts, in that comprehensive and manifold and wise system of rewards, which the committee so justly and forcibly re-

commend, and when the said system shall be administered by men of intelligence, humanity, experience, judgment, and prudence. But the Executive Committee, from the start, has opposed, uniformly and persistently, the punishment of prisoners by scourging; and, as yet, adheres to its ancient faith, feeling no disposition to change its ground in that regard. It is now very seldom indeed, that the lash is used in foreign convict prisons. It is possible to subdue a man, to break his spirit, by flogging; it is not possible to improve him morally by such a punishment. The moral effect is, almost without exception, bad. It is said that in the British army, where the lash is still used, when a soldier has been flogged two or three times, he has generally to be drummed out of his regiment as incurably worthless. In many convicts, punishment by scourging excites undying hate. An indignity has been offered to their manhood, which they cannot overlook or forget. To a convict, in an Irish prison, who had been refractory and even regarded as dangerous, but whose subsequent quiet behavior in church and at Bible class had given hope of a radical and permanent amendment, his chaplain said, "Well, my good fellow, I hope you have no bad feelings now, and that you have driven that nasty black dog off you back?" "He replied," says the chaplain, in narrating the case, "with a shrug and a sneer, and a smile on his large white face, like a moonbeam on a field of snow, 'Oh! of course, sir.' 'Come, I don't like the way you say that, I fear you entertain bad feelings still.' 'Do you know, sir,' he replied with greater sobriety and seriousness than was usual with him, 'that I was in this prison before?' 'I did not know it.' 'Well, I was, sir, five or six years ago, and they flogged me. I have the marks of the lash on my body. When they wear out, I shall forget and forgive it.'"

The examinations of the prisons of the State, made by the Association during the past two years, have produced the conviction that their defects and imperfections are such, that the whole system needs revision. Under this conviction, a committee\* has been appointed to consider the present organization of our prisons, and to report a plan for their reorganization. Feeling the need of the broadest possible induction of facts, pertinent to and bearing upon the subject, as the basis of their labors, the committee sought

\* The said committee consists of Theodore W. Dwight, LL. D., chairman; Hon. Wm. F. Allen, Hon. John T. Hoffman, Francis Lieber, LL. D., Hon. Thos. W. Clerke, John Stutten Gould, John H. Griscom, M. D., John Ordronaux, M. D., Remesler N. - - - and E. C. Wines, D. D.

and obtained authority, at the hands of the Executive Committee (provided the necessary funds can be obtained for that special object), to send out two commissions, one to examine the prisons and prison systems of the States of our own country, and the other to perform a similar service in reference to the penal institutions of England and Ireland, and possibly, if circumstances favor, of some of the other European states, which are known to have made the greatest progress in the science of prison discipline. The committee have prepared, and will cause to be presented to your honorable bodies, a memorial setting forth the importance and utility of the proposed inquiries, and praying an increased appropriation to our treasury the present year, to enable them to prosecute these inquiries to a successful issue. A number of eminent citizens have united with them in this prayer, believing the measure wise in itself, and, if carried into effect, likely to result in great benefit to the State.\*

In our last annual report, the policy was announced of appointing local committees of correspondence, who should be specially charged with the duty of looking after the moral and religious interests of the inmates of our common jails. Such committees have been designated and have agreed to act in the greater part of the counties of the State. In a few counties, it was not possible, in the limited time at the command of the committee on jails, to find persons willing to serve. Wherever prudent, earnest, pious laymen could be found, willing to act, they were preferred. In other cases, ministers of the gospel were selected, without, however, the slightest thought or care as to their denominational connection. Good men and true, who could sympathize with the prisoner and were willing to labor for his reformation, whether in the ministry or the laity, and by whatever name they might be called, were the helpers whom the Association sought. When such were found, they were satisfied; and so, they hope and believe, the community will be. This committee has, and can have, no sectarian views, and they are willing to receive aid and co-operation in their great work of redeeming and saving the lost, whether such assistance comes from clergymen or laymen, no matter what

\* The citizens who have thus appended their names and given the sanction of their high intelligence and their great weight of character to the memorial and prayer aforesaid are: Daniel Lord, William M. Everts, A. H. Bradford, Edward S. Pierrepont, David Dudley Field, F. B. Cutting, E. W. Bonney, Charles P. Kirkland, D. P. Ingraham, A. Oakley Hall, J. S. Bosworth, Thos. C. Acton, John E. Bergen, Wm. McMurray, James Brown, A. A. Low, Peter Cooper, Geo. Griswold, James Boorman, Jonathan Sturges and John Taylor Johnston.

creed they adopt, by what party names they are called, or under what forms they worship.

The Executive Committee is happy to have the present report enriched by a scholarly and instructive paper on the Penal System of Massachusetts, by George W. Searle, Esq., of Boston, a corresponding member of the Association. The essay will be found in the appendix.

Two additional papers, by the Corresponding Secretary, are also contained in the appendix. One is a detailed Report on the Massachusetts State Prison, embodying the results of an examination of that institution made in the month of July. The other is an Historical Review of the Progress of Prison Reform in Great Britain during the last hundred years, showing the wonderful advance made within that period in the science of prison discipline and in the application of its principles to the government and administration of prisons.

The finances of the Association are in a satisfactory condition. The details are given in the annexed annual report of the treasurer.

Our hearty thanks are given to the Legislature of the State and the Common Council of New York for liberal appropriations to our treasury; to the private citizens, who have generously ministered to our needs and the needs of the fallen and the friendless; and to all who have, in any way or to any extent, contributed to the furtherance of our work.

Least of all should we forget—least of all, as we trust, do we forget—that Benignant Providence, whose smile has cheered us in the labors of the year that is past, and whose faithful promise to those who serve Him, in serving the wretched and helpless among his creatures, supplies both courage and strength for the toils, the sacrifices and the self-denials of the year that is before us.

All of which is respectfully submitted, by order of the Executive Committee.

JOHN DAVID WOLFE, *President.*

JOHN H. GRISCOM, *Chairman Ex. Com.*

E. C. WINES, *Corresponding Secretary.*

OFFICE OF THE PRISON ASSOCIATION OF NEW YORK, }  
38 Bible House, New York, Dec. 31, 1864. }

## APPENDIX.

(A.)

### ANNUAL REPORT OF THE TREASURER.

*The Prison Association of New York, in account with Wm. C. Gilman, Treasurer.*

1864.	Dr.		
Dec. 31.	To cash paid for prison visitation and inspection, and for salaries .....	\$6,076	89
	Relief of discharged prisoners.....	1,279	86
	Rent .....	565	50
	Fuel, stationery, postage and miscellaneous expenses, Center Street office..	\$278	87
	Bible House office.....	377	00
	Printing, public meeting, and annual report ....	655	37
	Library.....	286	21
	United States bonds .....	35	65
	Deposit with United States Treasurer.....	6,137	50
	Balance on hand, to new account.....	2,500	00
		983	43
		<u>\$18,509</u>	<u>91</u>
1864.	Cr.		
Jan. 1.	By balance from old account.....	\$684	85
Dec. 31.	By donations received during the year.....	5,408	00
	Appropriation from the State treasury .....	3,000	00
	Appropriation from the city treasury. ....	2,500	00
	Deposit withdrawn from U. S. Treasurer .....	6,000	00
	Interest, and premium on coin .....	899	06
	Cash returned by discharged prisoners.....	18	00
		<u>\$18,509</u>	<u>91</u>
1865.			
Jan. 10.	By balance from old account.....	\$983	43
	New York, January 10, 1865.	WM. C. GILMAN,	
	Audited and found correct, Jan. 31, 1865.	<i>Treasurer.</i>	
	H. K. BULL,		
	Wm. T. BOOTH, } <i>Of Finance Committee.</i>		

(B.)

DONATIONS TO THE PRISON ASSOCIATION  
OF NEW YORK, IN 1864.

Abeel, J. H. . . . .	\$20	Headley, D. . . . .	850
Archer, Geo. B. . . . .	100	Hand, H. . . . .	5
Aspinwall, W. H. . . . .	100	Hoc, R. & Co. . . . .	5
Adams, J. T. . . . .	5	Howland, Jos. . . . .	100
Arnold, Constable & Co. . . . .	10	Hay, Allan. . . . .	10
Alsop, J. W. . . . .	10	Hunt, W. G. . . . .	5
Betts, F. B. . . . .	10	Harper & Co. . . . .	5
Baker, Geo. E. . . . .	5	Hart, C. B. . . . .	5
Badger, Jacob. . . . .	5	Hendricks, Bros. . . . .	10
Butler, Wm. Allen . . . . .	10	Hunter, James. . . . .	20
Booth, W. A. . . . .	20	Holden, J. C. . . . .	25
Brown, W. Harman . . . . .	20	Hogman W. . . . .	10
Baker, H. & Co. . . . .	15	Howland, Meredith. . . . .	100
Blanco, B. . . . .	15	Irvin, R. . . . .	20
Brown, James M. . . . .	25	Joy, J. F. . . . .	25
Brown, Stewart. . . . .	25	Johnston, John Taylor. . . . .	100
Brown, James. . . . .	100	Janevay, W. R. . . . .	15
Bozman, James . . . . .	100	Jewell, Abm. . . . .	10
Bull, H. K. . . . .	100	Jenkins, A. . . . .	10
Collins, Jos. B. . . . .	10	Jenup, M. K. . . . .	20
Caldwell, S. B. . . . .	25	Jones, W. R. T. . . . .	5
Cassidy, James . . . . .	10	Lorillard, Peter. . . . .	50
Coring, H. K. . . . .	100	McLane, Allan. . . . .	50
Cassell, John . . . . .	25	Lauke & McCreey . . . . .	10
Clark, Benj. G. . . . .	15	Mott, W. F. Jr. . . . .	5
Crosby, Win. B. . . . .	100	Marsh, J. . . . .	5
Cooper, E. . . . .	100	Mott, W. F. . . . .	10
Cash . . . . .	10	Morgan, Henry . . . . .	10
Clark, H. . . . .	5	Messenger, T. . . . .	10
Collins, S. B. . . . .	10	Minn, O. D. . . . .	10
Council General, French. . . . .	5	Milhan, J. . . . .	5
Cruikshank, James . . . . .	5	Middleton, Thos. D. . . . .	25
Caldwell & Morris. . . . .	50	Morgan, Geo. D. . . . .	100
Cary, W. F. . . . .	25	Meigs, Chas. A. . . . .	20
Denistoun & Co. . . . .	25	Mayer, Isaac . . . . .	10
Dillon, Robt. . . . .	10	Miller, J. D. . . . .	10
Doubleday, J. M. . . . .	5	Marsh, Judge. . . . .	10
Douglass, Wm. Estate of. . . . .	100	Minturn, R. B. . . . .	100
Dodge, W. E. Jr. . . . .	10	Morgan, H. T. . . . .	50
Dodge, W. E. . . . .	100	Morse, S. F. B. . . . .	100
Eddy, Lucy H. . . . .	25	Murray Fund. The . . . . .	25
Evarts, Wm. M. . . . .	10	Naylor & Co. . . . .	25
Edwards, Mrs. Jas. . . . .	5	Norrie, A. . . . .	100
Gilman, W. C. . . . .	100	Noyes, Wm. Curtis . . . . .	25
Gilman, W. S. . . . .	100	Newbold, C. . . . .	25

Owen, Thos. . . . .	\$25	Stuart, Alex. . . . .	\$100
Oothout, Wm. . . . .	10	Stokes, Jas. . . . .	100
Opdyke, Geo. . . . .	10	Sheafe, Mr. and Mrs. J. F. . . . .	100
Oelrich & Co. . . . .	10	Schieffelin, J. L. . . . .	25
Ogden, J. L. . . . .	10	Sturges, Jonathan. . . . .	100
Olyphant, R. M. . . . .	100	Schieffelin, H. F. . . . .	25
Pullen, John A. . . . .	100	Swan, O. D. . . . .	10
Potter, Howard. . . . .	25	Smith, U. J. . . . .	10
Phelps, Geo. D. . . . .	100	Solomon, B. L. . . . .	5
Pacific Mutual Ins. Co. . . . .	20	Shipman, C. H. . . . .	100
Popehusen & Konig. . . . .	10	Schieffelin, H. H. . . . .	5
Penfold, John . . . . .	10	Talcott, W. H. . . . .	10
Platt, E. . . . .	10	Tappan, J. Nelson. . . . .	10
Palanca, R. . . . .	10	Tucker, W. . . . .	5
Pavenstedt E. & Co. . . . .	10	Tracy, Wm. . . . .	5
Perry, Theo. . . . .	5	Trimble, G. T. . . . .	20
Pierson & Co. . . . .	5	Terry, John T. . . . .	15
Post, Wm. . . . .	10	Tapscott & Co. . . . .	10
Perkins, S. . . . .	10	Townsend, C. A. . . . .	5
Passavant & Co. . . . .	5	Titus, James H. . . . .	25
Prosser, Thos. & Son. . . . .	5	Usher, Selden . . . . .	10
Power, Thos. J. . . . .	5	Vose, John G. . . . .	25
Parsons, J. E. . . . .	10	Van Rensselaer, A. . . . .	100
Rider, E. T. . . . .	3	Van Duzer, A. S. . . . .	10
Rodewald, A. . . . .	5	Victor F. & Achelis. . . . .	5
Roosevelt, C. V. B. . . . .	100	Walker, Jos. . . . .	25
Richards, Guy . . . . .	20	Wilmerding, Huguet & Co. . . . .	5
Raudolph, B. F. . . . .	10	Wiggin, A. . . . .	10
Recknagel & Co. . . . .	5	Walsh, A. R. . . . .	10
Rusch, A. & Co. . . . .	5	Wilson, Jas. C. . . . .	5
Rogers, Chas. M. . . . .	5	Wetmore, S. . . . .	20
Schieffelin P. & Co. . . . .	10	Weston & Gray. . . . .	100
Schepeler & Co. . . . .	10	Willets, Samuel. . . . .	100
Stanford Manufacturing Co. . . . .	5	Woolsey, E. J. . . . .	50
Schieffelin, S. A. . . . .	5	Wygant, Edwin. . . . .	5
Schieffelin, Bradhurst. . . . .	5	Ward, Geo. C. . . . .	100
Schieffelin, S. B. . . . .	20	Wolfe, John D. . . . .	250
Schuyler, J. Rutsen . . . . .	15	Young, Henry. . . . .	20
Sampson, Joseph. . . . .	100		

\$5,408

(C.)  
REPORT ON AUBURN PRISON.

New York, December 19th, 1864.

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

Gentlemen, your committee appointed to inspect the State prison at Auburn, respectfully report the following as the result of their examination, begging leave first to call your attention to some general topics, upon which many of their conclusions are based.

The confinement of criminals has three objects, different in nature, and requiring different rules of prison management, but which are to be united and harmonized in order to make the practical working of our prison and penitentiary system correspond to its theory.

A criminal, firstly, may be regarded simply as an enemy to human society, or somewhat as a moral wild beast, dangerous, while at liberty, to social order, and whom civil communities, by virtue of the law of self-preservation, secure so as to prevent further injury, or even put to death, when the dangerous character of the offender or the terror of his fellow citizens produces the conviction that no confinement can effect the security desired and sought.

Again, the criminal is regarded as an offender against the divine justice, or against human law based upon divine precept and approval; and society thereupon claims a right to punish, which is scarcely defensible in morals or theology, until we resort again to the law of self-preservation, and justify the punishment even when Deity hath said "Vengeance is mine, I will repay," by the necessity of example in deterring the tempted from the commission of crime.

The desideratum under the first theory is simply secure confinement; under the second is sought, also, the infliction of a certain amount of pain on the criminal, which shall, at the same time, be calculated to excite apprehension in the community.

To these, thirdly, every enlightened and Christian system adds the recognition of the fact that a criminal is also a human being, physically and morally diseased, or perverted, and having moral and religious claims upon the community not to be disregarded, and therefore seeks, while securing society and punishing the transgressor, to reform him as well; not only preventing crime by the operation of fear, but reducing its actual amount by taking criminals from the diseased mass to return them to society purified and regenerate.

This, the most important object, and that which renders the right of

society the most clear, is unhappily the point where our system, not so much from inherent vice as from mal-administration, fails.

The three purposes of imprisonment above mentioned, indicate modes of prison discipline quite dissimilar, and widely variant financial considerations.

Considered in the light of cages for dangerous animals regarded as valueless and irreclaimable, that is, as mere places for punishment, to inflict pain and inspire dread, it is desirable that our prisons should be made to support themselves; in which case their receipts and expenditures will be made a primary consideration. But viewed as reformatories, they partake of the nature of educational institutions; and while it is desirable that their receipts should materially lighten the burden of taxation which they impose, their real return and profit to the State is to be measured in prevented crimes and reclaimed criminals.

We think that every one familiar with our prisons will admit that in them the physical, mental and moral well being of the convict, and his spiritual interests are postponed to a supposed pecuniary exigency, which exigency is not itself met; a fatal error, which culminates in the adoption of the contract system of labor, as it is called,—the system, namely, of hiring out the convicts to work for contractors, under which system the sound working of our penal establishments is utterly impossible.

These preliminary remarks are made as materially influencing the judgment of your committee upon many matters hereinafter referred to.

#### I. STATE AND CONDITION OF THE PRISON.

The buildings and premises at the Auburn State prison remain substantially the condition reported to you last year.

The prison is admirably situated for conveniences of access, facilities for the purchase of supplies, the transportation of goods, and capability of cleanliness; but, from being immediately within the city of Auburn, is exposed to a great influx of visitors, and to the intrusion of city politics and interests.

The experiment of a farm, to be worked by convict labor, might, in the judgment of your committee, be well tried in this prison—where nearly one half of the convicts are farmers or laborers. Health and economy seem both to plead in favor of the trial. Its failure at Sing-Sing, with a convict population mainly of city origin, can be no argument in the matter.

Your committee unites with that of last year in censuring the entire plan of the prison buildings as unsafe, unhealthy, and in all respects inconvenient.

There is no steam power in the building, and no supply of water, though the Owasco Creek washes the prison wall. There is no sufficient light or ventilation, and the entire premises are ill adapted to their purpose. Your committee is ready to believe that much of the disorder, of

which this prison is said to have been the scene, is traceable, directly or indirectly, to these causes. The workshops are inconvenient and inflammable, and the wash house, from utter absence of anything like appropriateness in its construction, we found decidedly the least cleanly portion of the prison.

The warden and his family are tolerably accommodated in the prison. No adequate provision is made for the other officers—a defect especially objectionable in the case of the physician, who is now compelled to reside at some distance from the men under his care.

The prison contains 990 cells, about 600 of which were occupied at the time of your committee's visit. They average 6½ feet by 4½, have no ventilation or light, save from the grated door, and are heated by stoves in the angles of the building, rendering the lower tier cold and damp, and the upper unendurably hot; while the corridors, in damp and even ordinary weather, are so ill ventilated, that the moisture accumulates upon the walls and grated doors, and upon the bedding exposed at the door of the cell.

The small size of the cells in our State prisons can be, in the opinion of your committee, characterized by no other name than a wanton and brutal cruelty. It does not tend to additional security; it effectually prevents cleanliness; and is a constant obstacle to the mental and moral, as well as the physical, welfare of the inmates.

The argument in its favor,—economy of room,—is one which the State has no right to advance, where the welfare of its prisoners is involved, and is in itself merely the statement of another defect of our system, viz., that our State prisons are already too large.

It is doubtful whether more than about 600 can, under our system, be advantageously kept together; and it is certain that this cannot be the case where all classes of criminals are mingled, as they now are.

Not merely one but several more prisons should be constructed in suitable localities; well planned, ventilated and lighted; with cells of reasonable size; and distinction should be made in the class of prisoners committed to each so as to classify convicts both as to their management in prison and as bearing upon their reputation on their release.

## II. THE GOVERNMENT OF THE PRISON.

The present staff of officers consists of an agent and warden, a clerk, a chaplain, a physician, a principal keeper, under keepers and guards. These officers are all appointed by the Inspectors of State Prisons, and are removable at any time by them. They are habitually removed, from the highest to the lowest, on every political change of the appointing power.

Their duties, the inspection contemplated by law, and the utter absence of any inspection in fact by the Executive are as reported at page 97 of the last year's report.

Dr. James K. Bates, one of the Inspectors, was at the prison when visited by your committee.

It is evident that, however conscientious and able the warden may be, he has no efficient control over his subordinates. He can neither appoint nor remove so much as a guard or a keeper. He can only suspend in case of misconduct, until he can apply to the Inspectors; where removal or non-removal is likely to be a question of political influence, or where, as has sometimes been the case, a compromise may be effected by removing a bad man from one prison to appoint him in another.

So long as party politics govern in the selection of prison officers, no satisfactory results can ever be obtained from our prisons.

With Inspectors appointed to hold office during good behavior—a warden appointed for the like term by a power independent of the inspectors, and all subordinate officers appointed by the warden, except the chaplain and physician, who should be independent of him, our prison discipline may become in a measure satisfactory.

Under the present state of things, this is utterly impossible.

Your committee believe the higher officers of Auburn Prison at this time, or rather at the time of their visit—as the political events of the year may have already led to a change—to be competent men. We were received by them with the utmost kindness, and did not detect any effort or desire to conceal or cover anything in the management of the place. The prison was thoroughly examined, both with the officers and in their absence, at all hours, from six o'clock, a. m., to nine o'clock, p. m., and conversations were had with the prisoners, with convicts under punishment, and with one or two of the present and former contractors.

## III. PHYSICAL, HYGIENIC AND SANITARY CONDITION OF THE PRISON.

Too much stress cannot be laid upon this point in considering the condition of our prisons.

The State has, morally, no right to employ as a punishment any confinement, which, by its nature or the mode in which it is regulated, has a deleterious influence upon the health of the convicts; and, in a reformatory point of view, all exertions for moral reform must forever prove ineffectual, which are not accompanied by an effort after physical well being.

The confinement in Auburn State Prison is an incarceration in a perpetually vitiated atmosphere, without sufficient attention to cleanliness, with no free access of light, with complete deprivation of exercise in the open air and of relaxation, and with an improperly graduated system of labor.

These conditions—so incompatible with physical well being, and therefore with moral improvement—will be noticed in detail.

That the men, at the time of the visit by your committee, seemed in good health, is a result due to the care and kindness of the physician and warden, and had not evidently been attained without a considerable



laxity of discipline; a relaxation which, however, your committee does not venture, without much more careful examination, to censure. They repeat that the higher officials impressed them as being conscientious and kind men, and as doing their duty; the warden especially, having the advantage of long experience in prison government.

The cells, at the time of our visit, had been recently carefully scraped of their coating or accumulation of coats of old whitewash, were clean, and apparently carefully kept.

The frames for the beds were chiefly of iron, and the cells seemed free from vermin.

No facilities for washing are contained either in the cells or in the prison.

In conversing with the prisoners after their return to the cells at night, the effluvium from bodies heated by work, unwashed or imperfectly washed, and in the working garments of the day, was highly offensive; and the atmosphere, five minutes after the prisoners had left them in the morning, was almost overpowering.

The cells are gloomy even on an ordinarily bright day; and, after going to them at night, the prisoners obtain for a few hours a little doubtful light from a few lamps in the galleries.

The enlargement of the cells to at least double their present size, and provision for ventilation by a fan wheel, the only mode yet found sufficient in similar institutions—for the free access of sunlight, and for the illumination of the cells by gas at night—are duties which the State owes to humanity, to its own credit, and to its true interests.

Night tubs are kept in the cells, which are removed by the prisoners in the morning, emptied in the stream, and tolerably cleansed, and brought by the prisoners on their return.

Your committee refer to the state of the furniture of cells at Sing Sing (Prison Association Report for 1863, p. 97,) as an improvement which should be introduced in this prison. The cells contain a bible, in the English, French or German language, and in many cases a hymn book.

The hospital is a large and suitable room; but there is no provision for cases of contagious or infectious disease.

A small room, is, indeed, left vacant, which is (honorously) designated for the treatment of such cases; but there is no access to it, save through the main hospital, and the room is wholly unsuitable.

A tolerably convenient water closet and bath room are attached, but they are in the same room, and there is no supply of hot water, which, for bathing purposes, has to be carried to the hospital in pails. These defects should of course be remedied.

The supply of medicines, at the time of your committee's visit, was inadequate, and no surgical instruments are provided by the State for the prison.

One of your committee attended the sick call, and was much gratified by the kind manner and treatment of the physician, Dr. Button.

There is among the prisoners a frightful development and amount of pulmonary disease, the inevitable result of the bad ventilation of the prison.

Masturbation is also fearfully prevalent; and, as this is one of the greatest evils of prison life, it needs a few words of comment.

Many, if not most, of the prisoners are of previous dissolute life, without mental culture, and hence are deprived of any internal resource against the tedium of incarceration; and they are, at the same time, ignorant of the evils to which they expose themselves by this practice.

It is, as has been said, very prevalent, and especially on Sundays, so that the morning sick call on Monday is occupied to a considerable extent by the pallid, tremulous and exhausted victims of this vice.

Your committee desire briefly to suggest some remedies:

The prisoners should be carefully and constantly warned of the danger of the habit.

Your committee found that this duty had been performed to some extent by the physician, and also by the Roman Catholic Priests on their visitations; but the injunctions of the physician are, as is well known, almost systematically disregarded by patients of all classes; and the plain statement by visitors, in whom the prisoners have learned to place confidence, will effect more than the remonstrance of the officers of the prison.

Relaxation, outdoor and indoor amusements, should be provided, so that the mind may be occupied; and, above all, the defective lighting of the prison should be remedied, so as to admit of mental occupation.

The Sunday life, especially, of a convict in our prisons is a fearful thing in itself, and fearfully provocative of this vice.

With the exception of the one daily service, and for some of the convicts the exercises of the Sunday school, it is a day of forced idleness in cells too close, confined and dark to admit of reading with comfort, or of any mental employment; and, not to disguise the truth, the day is spent by perhaps the majority of the inmates in almost constant masturbation.

Another evil which requires reprehension is the unrestricted admission of visitors.

The amount received by Auburn Prison from visitors during the past year was \$2,152.75, the price of admission being 25 cents, in addition to a very large number of persons visiting from whom no payment was received, as they belonged to classes exempted by law from the payment of fees; this number being at least fifty per cent more.

There was, therefore, admitted the enormous number of 12,916 persons from curiosity merely, as those who visit the prison on business or to see their friends or relatives are not counted here.

The evils resulting from this immense number of nearly forty visitors per day, ought to be at once evident.

It gives increased facilities for escape and for the introduction of contraband articles, especially liquors. It keeps the workshops in a perpetual ferment of curiosity, leads to infractions of discipline and consequent punishment, but especially it exerts an evil influence on the matter of which we are now speaking.

Fully three-quarters of these visitors are women. The motive of such visits is not always certain, but they are almost entirely confined to the male department of our prisons, and the deportment and gestures of these female visitors often indicate that they are impelled, perhaps unconsciously, by a morbid sexual curiosity. The effect upon men, long deprived of sexual indulgence, is very injurious. It produces immediate excitement, leading, as has been said, to breaches of discipline, and produces an unhealthy frame of mind and of sexual appetite, which is followed by increased indulgence in masturbation.

Your committee is led to speak thus plainly from their own observation of the somewhat careless manner and carriage of female visitors before men morbidly on the watch for any gesture or casual exposure which may stimulate amatory desire, and from a wish fully to state the reasons which induce them to recommend a great reduction in the visiting of strangers.

The State has no right, either in regard to its own dignity or duty, to make its prisoners a public show.

Reformation is greatly impeded by it, for it destroys that which Satan has often left as a means of reformation, the sense of shame. It fixes more deeply in the convict's mind the impression, which is the chief obstacle to improvement, that he is an object of hatred or contempt to his fellows; and it is felt, especially by the better class, as a profound degradation and a sad addition to their punishment.

If it be, as it certainly is, desirable to furnish the better convicts with a small sum of money on their discharge, that being the purpose to which the admission fund is now devoted, let the State supply the same amount from its treasury rather than make its prisoners a spectacle for idle and prurient curiosity.

The admission of visitors to Auburn State Prison is a great evil, which should immediately be abated. It is just to the warden to state that this matter is not under his control.

The lunatic asylum at Auburn contains two victims of the vice of masturbation from Auburn prison.

The dietary of the prison struck your committee as good. The articles provided during their visit were tasted by them.

The physician informed them that he tasted the food daily, and no complaint was made to them by any of the convicts.

There was one case of scurvy under treatment at the time of our visit. The prisoners should take supper, as well as breakfast and dinner, in the dining room. The cells are too close and small to take their supper in, as they now do.

The rations are occasionally cooked some time before they are eaten, which should never, at all events in the summer, be allowed.

In respect of the prison buildings, with the exception of the wash room and some neighboring structures, the committee were satisfied with their cleanliness. In fact, it was as clean, probably, as its faulty construction admitted.

With regard to the provision made for the personal cleanliness of the convicts, we were not satisfied.

Water is not provided in the prison, though the neighboring Owasco creek furnishes an abundant supply. The men are marched to their workshops, where they are permitted, not compelled, to wash; and they may do so before dinner and supper in troughs small, shallow, badly contrived, and insufficient in number, with which the said workshops are supplied.

No facilities for bathing in the prison are provided.

The quadrangle in the yard of the prison has two tanks 25 feet by 12, containing about three feet of water, in each of which an entire shop of 20, 30 or 40 men are allowed to bathe, if it can be so called, once a week, there being no stream running through these tanks, but the water is introduced by force pumps.

Of course, for any purpose of health or cleanliness, they are worse than useless.

No sheets are supplied, and the flannel blankets, saturated with the effluvia of lodies heated by work, and insufficiently cleaned, are changed "as often as needed." This is also the case with the clothing of the convicts; and the expression is far more general than your committee would have liked to hear. The bed ticks are washed once a year. The blankets are hung out in the prison galleries, but the atmosphere of the place is such as to render this a ceremony of comparatively little value.

Convicts should also be supplied with two shirts, if anything like cleanliness be desired.

The men appeared tolerably clean in their persons, but here, as your committee fear, is the case in all prisons, due attention is not paid to the clothing and bedding of convicts.

IV. MORAL, RELIGIOUS AND EDUCATIONAL CONDITION OF THE PRISON.  
The spiritual well-being of the prisoners is entrusted to the chaplain, Rev. D. A. Shepard, who also discharges the duties of librarian, and superintends the correspondence of prisoners, making his office a very laborious one.

Service is held in the chapel once every Sunday, attended by all the prisoners. There is also a Sunday school attended only by the better class of the prisoners.

Your committee venture to suggest that this regulation, however conducive to prison discipline, considered as a reward for good conduct, may exclude from religious influence those who need it most.

No attempt has been made to establish prayer meetings, similar to those at Sing Sing; and your committee are inclined to believe that it may be well to await the result in that prison, before establishing them elsewhere. The service on Sunday is said to be devoutly, or at least respectfully attended. There is a convict choir, as at Sing Sing, with good results.

Each cell is supplied with a Bible and hymn book, a practice which the committee desire specially to commend. The impression produced on the minds of convicts, so like those of children, by a short piece of religious poetry, is often wonderfully strong; and the hymn book often forms an easy and perhaps the only practicable introduction to the Bible.

In the mind of a convict two things are deeply fixed, a regard for his own comfort, which he considers wantonly disregarded, and a conviction of the hatred of the whole human race against him. It is equally true that vice and crime are, to a certain extent, regarded as semi-physical diseases, springing not infrequently from physical causes, such as filthy, confined habitations, personal uncleanness, and the like, which causes are to be removed.

Hence the care of government should be to make its prisons so healthful as to reverse, if possible, all the vice producing conditions; and the first duty of individual philanthropy is sympathy with the physical and moral sufferings of the prisoners.

Once convinced of human sympathy and regard, the prisoner has advanced one great step towards reformation.

For the like reason, judicious correspondence with prisoners is beneficial to them.

On the other hand, the continual hope of pardon and its inevitable disappointment cause a dangerous and frightful condition, sadly at variance with discipline and christian patience.

Moral precepts or lectures on the enormity of crime may do good, when cast upon soil prepared to receive them; but the agencies which are to prepare the way for the reformation of criminals must be sympathy and affection, real, not assumed, for the unhappy subjects of punishment.

Everything about the prison should conduce to this end—the comfort and cleanliness of the person, the cell and clothing of the prisoner, the quality of his food, and, as far as practicable, the mode in which it is served to him. In fine, his whole prison life must teach him that he is regarded as a man, and the subject of human interest, or no progress toward a new and better life can be made.

Complaints were made by contractors to your committee of laxity in prison discipline; but we as yet believe that what contractors resent as a laxity of discipline, is merely a regard for the best interests and welfare of the prisoner.

In the religious duties of the Sunday School, valuable aid is rendered

by the students of the neighboring Theological Seminary; but your committee was greatly pained to learn that it had been found necessary to exclude one of those students from the school for carrying out of the prison, concealed in a hymn book, communications to a citizen not permitted by the rules.

Visitors to the prison, whether philanthropic or otherwise, should remember that one of their first duties is to inculcate, both by precept and example, obedience to its regulations.

It is too often the case that the habits of conduct and character of inferior officials, contractors and foremen, constitute a very bad example, and excite discontent among the men, resulting in the very natural remark, "I am no worse than the men set over me here, and it is very unfair that I should be in prison, and they at large."

The chaplain does not reside in the prison, and his office is very inconvenient.

There is a well selected library of about 2,000 volumes, which are circulated at the workshops, a practice which the committee cannot commend. It does not tend to improve discipline in the shops, and does not bring the convicts into so close relations with the chaplain as the mode adopted at Sing Sing (P. Assn. Rep., 1863, p. 69), which is, in the opinion of the committee, notwithstanding the labor and time expended, far preferable in its results.

Three teachers are employed to give secular instruction, but their number is wholly inadequate. Still, good results are produced, many learning to read and write in the prison, and the remark being not unfrequent in convicts' letters, that the writer used his pen in correspondence for the first time.

The number and pay of teachers should be increased, and the cells so lighted and the time table of the prison so arranged as to admit of their spending more time with each convict. The time now spent with each does not average over ten minutes twice a week.

The same cruel practice as to convicts' work obtains here as at Sing Sing. They are never taught a trade. Each is kept at some one part of it, and never acquires any handicraft that can support him on his discharge.

If the theory of our system is to be practically carried out, this should no longer be allowed, but each convict should be taught a complete trade.

This fact is much mourned over by the better class of convicts, who complain that while they can polish the mountings of a harness or mould or cover them, no one of them knows how to perform all the processes of the trade, so as to secure him employment on his discharge.

#### V. THE PRISONERS.

The prison was not at all full at the time of our visit. The more important statistics of the inmates for the past year, as shown by the chaplain's report, are as follows:

*Race.*—Whites, 511; blacks, 39; total, 550.

*Nativity.*—Natives, 437; foreigners, 180; total, 550.

*Crimes.*—Against persons, 127; against property, 423; total, 550.

*Terms of Sentence.*—One year and less than two, 16; two and less than three, 135; three and less than four, 77; four and less than five, 36; five and less than six, 110; six and less than seven, 9; seven and less than eight, 20; eight and less than nine, 12; nine and less than ten, 3; ten and less than eleven, 15; eleven and less than twelve, 0; twelve and less than thirteen, 4; thirteen and less than fourteen, 0; fourteen and less than fifteen, 3; fifteen and less than sixteen, 20; sixteen and less than seventeen, 1; twenty years, 6; for life, 20; until executed, 2; total, 550.

*Moral habits.*—Temperate, 133; intemperate, 263; moderate, 154;

*Commitments and recommissions.*—First conviction, 457; second, 71; third, 17; fourth, 3; fifth, 2; total, 550.

*Social Relations.*—Married, 225; unmarried, 233; unknown, 92; total, 550.

The committee suggested to the warden the propriety of devoting a part (say one hour) of each day, for conversation with such persons as might desire to see him for complaint, or to seek counsel. We are of the opinion that a regulation of this kind would prove eminently beneficial. He reports that he visits all the men daily, and sometimes more frequently, in their shops, but we are of the opinion that the result desired can be better obtained by a private interview than by one in the presence of the contractors, keepers and foremen.

The causes of crime, to judge merely from the prisoners' statements, seemed, as usual, chiefly drinking and bad company, though these statements are partly owing to the desire of the prisoner to shift the guilt of his fall to some human tempter.

#### VI. DISCIPLINE OF THE PRISON.

This, at all times the most difficult point of a prison system, can scarcely be considered with anything of fairness upon the evidence of a single visit of a few days only.

Punishment is of course, often necessary, and must sometimes be severe, but frequent and severe punishment is an evidence of imperfect rather than of good discipline.

The punishment mainly relied upon is confinement in the dungeon, a simple dark cell, with or without deprivation of food, the iron cap, which is familiar to you, and bucking. This last (a common punishment in the army), the physician considers a brutal and dangerous punishment, and it is rarely resorted to.

The shower bath, we rejoice to say, is not used.

The philanthropy which abolished the "cat," to make room for the process of gradual strangulation by drowning, which is concealed under

the wholly inappropriate name of shower bath, for the partial dislocation of the limbs produced by bucking, or for the crucifixion of the yoke, is very doubtful. The punishment of confinement in a dark cell, of privation of food, or the ball and chain, may fall in some rare instances of extreme insubordination, and in these it is doubtful whether the cat was either less effectual or more objectionable than its modern successors. Death has followed the shower bath, never we believe the use of the cat, and one can be as brutally administered as the other.

The only safeguard is in the character of the officers in charge.

The rules of the prison are few and simple, but sufficient system does not seem to be observed in communicating them to the prisoner. This should be one of the first duties performed on his admission, and it should be often repeated.

Attempts at escape are not unfrequent, and are sometimes, though rarely, successful. Three have succeeded during the year.

The internal discipline of the prison has not been improved by the transfer to it of a large number of prisoners from Sing Sing, comprising very naturally those most troublesome, and of whom the authorities at Sing Sing were most anxious to rid themselves.

The dark cells or dungeons are, like those in Sing Sing prison, badly placed, where the inmates can hear too much of what passes about them and disturb their neighbors.

#### VII. COMMUTATION.

The commutation law, enabling convicts to earn a remission of part of their sentence, works admirably in many ways.

It affords a premium for good conduct, and correlatively it compels the prisoners to realize that they are momentarily liable to a punishment for misconduct by its forfeiture, while it gives them that mainspring of all healthy action, the prospect of something to be attained by their own exertions; that motive and natural hope so fearfully absent from ordinary prison life.

As interpreted, it gives for good conduct during the first

2	years	.....	2 months.
3	} 2 months each	.....	6 do
4		.....	
5		.....	
6		.....	
7	} 3 do	.....	15 do
8		.....	
9		.....	
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23

and four months per year for each year beyond ten.

The introduction of a carefully devised system of rewards, either by law or by the discretionary power of the warden, would produce similar beneficial results. The objections to the system of overwork in this aspect will be stated hereafter.

Classification of the prisoners, either by the building of many new prisons, as suggested, or by a separation in the existing ones, would tend to a like good result.

#### VIII. LENGTH OF SENTENCES.

Few strangers to prison matters know how terrible a punishment two years confinement in the State prison is, and, as matters of mere adequacy of punishment, short sentences are preferable to long ones.

1. The chance of pardon is less, as is clearly shown by prison statistics both here and elsewhere.

2. The general testimony of prison officers is, that short sentence men conduct themselves better in prison than those whose sentences are longer.

3. There is a greater chance of reformation and a future moral life where the sentence is short; a long one deadens all the energy, and the convict comes forth a living dead man, forgotten by his friends, and himself forgetting all the useful matters he once knew; unfit for any better life than his prison, which he no longer dreads; it has spent upon him all its force.

The policy of obviating the first objection by allowing no pardoning power, is mentioned because it has been urged by men of great scientific and theoretical attainments, but mentioned with disapproval, and merely for the sake of adding that a year of practical work among criminals would forever dispel any such theoretical fancy.

Finally, we are able to assert that many reformations take place in prisons and after discharge; that many convicts, notwithstanding the general aversion to employing them, succeed in obtaining good situations and becoming reputable citizens; and herein we find encouragement in our own labor and a source of congratulation to the State.

In connection with the subject of discharge, it is to be noted that the State appropriates \$10 for a suit of clothes for each convict, a sum ridiculously inadequate.

Hence, instead of a plain new suit of clothes, suited to his station and appropriate to the intended commencement of a new life, the discharged prisoner is clad in cast-off and repaired garments of gentlemen, which rarely tend to give him an honest appearance, and deprive him of the little encouragement of a span new suit to recommence the world in.

We recommend an additional appropriation, and the purchase of new and suitable garments.

#### IX. THE CONTRACT SYSTEM AND OVER WORK.

Here, as in the other prisons of the State, this plan is adopted, and it is not too much to say that wherever it is found, it interferes with prison discipline, impedes reformation, and is an effectual barrier to any good results anticipated from our prison system.

One effect following immediately from it has been experienced by your committee in the almost utter impossibility of obtaining reliable information of the state of the prison.

While the officers of Auburn State Prison unite in the statement that its discipline was never better, the contractors seem equally unanimous in the opinion that it has never been so bad.

Your committee, spending a day or two only at the prison, cannot safely determine by their own observation. No complaints are made save by contractors, and the treatment of the inmates seemed to the committee mild and humane; though in the workshops they detected symptoms of laxity in discipline, which they thought should be referred rather to inherent vice in the contract system than to its administration.

With the present absurd and wicked system of electing prison officers by the people, and for short terms, added to the appointment of subordinate officers by the inspectors and not by the warden, who has therefore no control over them, and frequently finds in them intriguers for his place rather than assistants, it is idle to look for much good in the administration of our prison; but how much is the danger of unwise elections increased by a system which puts the whole public reputation of a person in the mouths of men whose interests are opposed to that of the public.

The first effect of the system—and its mere statement ought to be enough to condemn it—is, that it places, for the whole working day, all the prisoners contracted for under the almost entire control of men with no official responsibility; independent to a great extent of the prison authority; of unknown character, and not at all interested either in the moral, intellectual, or physical well being of the convicts; their only recommendation being that of having proved the highest bidders for the human beings hired to them.

In the prosecution of the labor desired, strangers to the prison, employed as agents, foremen, or in some cases even as workmen, are introduced among the convicts, and the different positions occupied by these men as to wages and reputation is a constant source of irritation to the prisoners.

These latter are perfectly aware of the additional disgrace imposed upon them by thus hiring them out to men of whose morals the State cares nothing, and are also well aware of a further objection to the system, to wit, that the relation between keeper and contractor is usually one either of opposition, ending commonly in the discharge of the keeper or his removal to another shop, or of extensive and ill concealed bribery.

From the introduction of strangers arise escapes, and the smuggling into the prison of liquors and other contraband articles. From the characters and interests of contractors and keepers, come frauds upon the State, oppressive exaction from some of the prisoners, and a fearful example of misconduct and dishonesty in official station to all.

Our prisons at the present moment, it is fair to say, are practically regulated by no consideration for the public welfare, and by no regard to the moral improvement or even the punishment of their inmates, but solely by views of the pecuniary results of their labor to the contractor.

In the connection, as a comment upon the practical working of the system, even in a money making point of view, your committee present, without comment, except the remark that it shows the inevitable result of the system, the following comparative table of Sing Sing and Auburn prisons, for the year ending September 30th, 1863:

	Total male pris. on contract.	Not on con. Monthly av.	Earnings.	Expenses.	Cost of con- victs per month.
Sing Sing.....	620.90	279.83	\$86,637 35	\$128,191 50	\$10 04
Auburn.....	565	101.03	97,929 66	86,294 64	9 18

Convicts are sentenced to confinement at hard labor, and the sentence corresponds with both the policy of the law and the requirements of philanthropy, demanding the steady employment of prisoners.

The practice under the contract system is to give each convict a certain task. If this be large, some men are fully employed and others worked to death; if small, some finish it in a few hours, and are then idle and unmanageable; others continue working among their idle fellows, weary and discontented.

From this arises the system of overwork, by which the stimulus of reward, which ought to be a powerful agent of reformation in the hands of the warden, extended to the best men, is taken from him and given to strangers, to use for their own profit, and by them extended to their favorites, or at best to the quickest workman, irrespective of any other consideration.

Over work is not given in all the shops, and hence to the jealousy of individuals is added that of classes.

The money made by this over work ought to be paid to the warden for the prisoner, but, in practice, contractors prefer to give it to the prisoners in the form of contraband articles at a profit of 100 per cent.

The deliberate opinion of your committee is that, under the present system of appointment and election to office, of contracting and over work, the entire theory of our penal system is rendered negatory. Inspection may correct isolated abuses, and philanthropy relieve isolated cases of distress, but real systematic improvement is impossible.

Your committee reports the striped prison dress as being also a useless and unwise degradation, totally needless, if the prison be efficiently watched, and destructive of all respect.

They were not, on the whole, dissatisfied with the appearance of the prison, and think themselves not in a condition to pass positively upon its discipline, though the impression produced upon them was that it was sufficiently strict and steady.

Respectfully submitted.

J. H. ANTHON, for the Committee.

A letter from Dr. Button to the chairman of the committee on the subject of prison punishments is appended:

HOSPITAL OF THE AUBURN PRISON,  
October 21st, 1864.

To John H. Anthon, Esq.:

Dear Sir,—I have finished the matter in my annual report, and herewith send you a copy of the tables, containing probably all the information you will desire. I will also, as you wished, give you some of my own ideas of punishment.

As preliminary, allow me to say that it is a subject of very great importance, a proper understanding of which involves the entire science of our whole physical, intellectual, moral and spiritual being. I therefore do not presume to have such an understanding of the subject as would give my opinion much weight.

I think all punishment should be reformatory, and so administered as to impress upon the mind of the convict not only its necessity, but its utility to himself. If so administered, the kind is of less consequence than the manner of its use.

As a general rule, those who punish most have the worst discipline. Certain and severe punishment for every violation of rules, does not prevent such violations. To enforce and maintain discipline, there must be mental and moral superiority in the keeper to such a degree as to be felt by the convict. He should possess a *will power* as a natural endowment, with perfect self-control, which will make the convict feel that he must obey. Such keepers do not need to use physical punishment. Unfortunately such qualifications are not common.

Punishment should be prescribed as a physician treats his patients. If the pathology is not understood, the treatment fails. A common blacksmith is as well qualified to repair a watch, or a tailor to make a steam engine, as a common politician is for a keeper of a State prison. Yet nearly all the men appointed receive such places from the fact that they are unfit for any other business, and such an appointment pays a political debt to a neighborhood or family.

In this view, what are the best means to be used in such hands?

The yoke, bucking, the dungeon or dark cell, on short rations of bread and water, and confinement in cells prepared for such purposes, and the same fare, are the means used here.

All these means, by the pain and suffering they produce, the abstinence from food, fresh air, light and exercise, reduce the strength and vigor, until the will is subdued, the passions subside, and the convict yields.

Now, while the will is subdued by exhaustion of physical strength, unless some moral feeling or principle is awakened and brought into exercise, so as to have a controlling influence afterwards, no reformation follows which is of any benefit. As soon as the system is full of rich blood, the same turbulent and unruly spirit is manifested, and a repetition of the punishment is met by a defiance of all punishment. A

man cannot give what he does not possess, consequently he cannot plant morals if he has not *seed*, nor cultivate them if he does not *love* such flowers. Some keepers never punish, and have the best discipline. Others use punishment occasionally, and do not feel it necessary to repeat it on the same subject. Others, again, use all kinds on the same subject, and then leave him a permanent resident of a cell until his time is out.

Many of the convicts are broken down subjects, have lived a life of indolence and dissipation, and work six days of ever week of the year is a great change for them.

If the contractor pays for their labor, he wants it; and if they are not sick, the keeper must get it out of them. If they have weak lungs, are thin in flesh, and of a nervous, irritable temperament, they cannot be yoked without danger of permanent injury. If they are serfulous or tubercular subjects, the dungeon is still more dangerous; and this class are quite as disobedient as any. The law prohibits the use of the whip or cat.

I have never witnessed its use, and cannot speak of it from personal knowledge; but if the infliction of pain or other suffering be indispensable to maintain order and compel obedience, I am unable to see the wisdom of the law which allows the use of a more dangerous means of punishment.

But the whip is a relic of barbarism, and the civilization of this enlightened age will not tolerate its use.

How much better is the yoke, bucking, or the dungeon? Is the sting upon the skin any more barbarous than exhaustion from the yoke, or the pangs of hunger, or of being deprived of light, fresh air, and exercise? Are the latter more refined or humane?

If the State cannot afford to furnish intellectual and moral force to govern and reform the ignorant and vicious inmates of its prisons, then allow the use of such means, as the capacities of its officers can understand and employ. No permanent injury even need follow the use of the whip. This cannot be said of any of the means now in use here.

The cells of this institution are nearer a "relic" of barbarism than is the whip. The convicts are sentenced to confinement and hard labor for a term of years, but under such a sentence, has the State a right to make that sentence a *death penalty*? And yet how can a *hereditary tubercular consumption* subject escape death, if compelled to lodge *five* years in one of these cells, which, from the construction and the number (550) in one wing, cannot possibly be supplied with fresh air?

Every Monday morning, a great number of men are so debilitated and weak from long confinement in the foul air of those cells (two nights and one day) that they earnestly beg to be excused from labor, when, if refreshed by rest and sleep, they would much rather prefer labor to illness.

Masturbation under these circumstances is much more debilitating and sooner leads to insanity and idiocy.

This revolting practice prevails to an alarming extent, and there is no effectual remedy.

I think it is greatly increased in excitable subjects by the sight of large numbers of females, who are constantly visiting the prison and passing through every shop in droves.

This should be prohibited entirely. I have thus endeavored to give you some of my views, gathered from observation here. If they are of sufficient interest to pay you for the trouble of their perusal, I shall be satisfied.

I remain very truly,

Yours &c.,

J. D. BUTTON,  
Physician.

(D.)

## REPORT ON CLINTON PRISON.

The undersigned, a committee appointed to "visit, inspect and examine" the Clinton State Prison, respectfully report:

That they visited the prison on the 17th and 18th days of August, completing their examination on the afternoon of the latter date.

The prison is situated sixteen miles west of Plattsburgh, Clinton county, in the township of Dannemora, upon a site some seventeen hundred feet above the level of Lake Champlain, in the midst of a magnificent mountainous country, and amid surroundings perfectly in keeping with the needs of the institution, as to salubrity, security and convenience of industrial accessories. The incipency and early history of the institution have some remarkable, if not romantic, characteristics. After the Legislature had decided to locate a state prison at Dannemora, in order to work some iron-mines, there situated, by convict labor, Mr. Ransom Cook was delegated to erect the prison buildings, and was appointed the first warden of the institution. He took about sixty Sing Sing prisoners up to Plattsburgh, and thence to Dannemora; set them at work felling trees and preparing timber; and then superintended their construction of a stockade fence twenty feet high around an area of thirty-seven acres of land. The convicts worked faithfully by day, and at night were each chained to a rope to prevent escapes. They soon succeeded in fencing themselves in from contact with the outer world, and, their stockade completed, their warden began the erection of "stone walls" which did "a prison make," and which, in due time, became what has since, for twenty years, been known as the Clinton State Prison. Not a prisoner escaped during these preliminary labors; and, so admirably and effectually did Mr. Cook carry out his original plan, that very few convicts have ever succeeded in getting away from the prison, except by regular discharge. It is also a fact, that attempts at escape are, as compared with the prisons at Auburn and Sing Sing, quite infrequent, as well as fruitless.

The prison is under the charge of Mr. John Parkhurst, a gentleman, in our judgment, admirably fitted for the position by his experience, tact, kind heartedness and executive ability. In Mrs. Parkhurst, the institution possesses a matron, whose interest in the convicts manifests itself practically and greatly to the advantage and comfort of the prisoners, to whom she performs the part of a true and faithful friend.

The convicts at Clinton Prison are, as at the other State prisons, farmed out to contractors, who secure their labor for from thirty-seven and a half to fifty cents per day, on terms varying from one to five years in length. The low rate at which the regular day's work of more than three hundred men is thus secured, of course results most advantageously to the contractor. This is evident from the single circumstance that nails are here manufactured from the ore, (the mine being on the prison premises), and, after going through all the processes of smelting, forging, rolling and cutting, are turned out in kegs, all ready for shipment, at the insignificant cost of *seventy dollars per ton*, or about three and a quarter cents per pound. It is calculated that these nails, delivered at New York, cost less than four cents per pound. They are sold as fast as manufactured at ten cents a pound, paying a *profit of one hundred and fifty cents upon their cost*, all which accrues to the contractors alone, the State deriving no benefit whatever from the advanced price, as it undoubtedly should. The shoe contractors do not, perhaps, clear quite so large a profit, but their operations are very successful, and are naturally expected, where the wages paid are only thirty-seven cents a day.

The visitor to Clinton Prison cannot fail to find much to interest him. To one not familiar with the iron manufacture, an inspection of the various processes through which iron ore is here made to pass from the mine into a keg of nails, is calculated to inspire considerable wonder and delight. Not the least exciting scene in the series, is that furnished at night in the foundry and rolling mill, where, lit up by the glare of numerous forge fires, the convicts prepare the strips of iron, from which the nails are cut by the cutting machine. The surroundings and accessories of this part of the manufacture are as closely suggestive of the infernal regions and their attendant horrors, as anything the eye of man ever saw; and certainly they impress the mind more forcibly in that direction than any mere description by pen or voice.

The system of ventilation here followed was introduced by Ransom Cook in the original construction of the building, and though not equal to the full demands of science and health, is the most effective that has fallen under our observation among the prisons of this State. The halls and cells are generally void of unpleasant odor, which is, doubtless, to a great extent, due to the rigid enforcement of cleanliness, but which in itself will not relieve the atmosphere of the peculiar animal effluvium, the certain attendant of every crowded and unventilated apartment, however cleanly its walls and floors, and which prevails more or less in all other institutions of similar character, where the system of ventilation is imperfect.

To the better ventilation here found, conjoined with the general salubrity of the situation, the regular hours of labor and the good diet, is to be attributed the small amount of sickness observed, cases of acute disease being very rare, and such as require medical care being mostly hereditary in their origin, or the results of evil habits prior to admission.



As to the prison management it may be safely averred, in general terms, that the institution is admirably conducted, both as regards the punitive and reformatory elements which should be blended in the government of a prison. The keepers are humane, but firm, in administering discipline, punishments are not frequent or cruel; the convicts are more contented and better behaved, in the main, than in other prisons visited by your committee; they are fed well, comfortably clothed, and not overworked; they are permitted to select books from a good library of 3,000 volumes; they have a kind chaplain, a careful and intelligent physician, and very watchful keepers and guards. Of course, as usual in prisons, it is difficult to find a convict who has any idea that his punishment is just; but, even in this respect, Clinton is an exceptional place, for your committee discovered one or two of these *rare* cases, who confessed very frankly that they were receiving their deserts, and one was candid enough to admit that the State Prison was the very best place for him. Such specimens of candor, however, are of the rarest sort; the general view taken by convicts being that they have been victims of perjury, shystering lawyers, or unjust and prejudiced juries.

The committee which visited this prison in 1863, on behalf of the Prison Association, Messrs. Solomon Jenner, John Stanton Gould and E. C. Wins, made, it will be remembered, a thorough inspection, and reported the results of the same in an exhaustive and detailed statement, which was printed in the last annual report of the Association. In view of the intelligent and complete presentation of the subject by that committee, the undersigned have not felt called upon to follow closely in the same path, or to occupy space in repeating the same statements, which, in the main, are as timely and appropriate this year as in 1863. Your committee have consequently contented themselves with a general, rather than a particular, reference to most of the matters connected with the Clinton prison.

F. W. BALLARD,  
HENRY K. BULL,  
JNO. H. GRISCOM.

(E.)

## REPORT ON SING SING PRISON.

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

The undersigned, a special committee, appointed to examine and inspect the State prison at Sing Sing, respectfully report :

That they proceeded with such examination during the past summer, and found many things demanding attention, which they would now bring to the notice of the board, had not the same already been so fully set forth in the last annual report of the Association.

Your committee, during their examination, were particularly struck with the force and justice of the language used in that report in respect to the great evil attending the coupling of the management of the prison with politics; and they are of the opinion that no satisfactory results will be attained until this system is abandoned. The opinion appears to prevail among the officers that efforts to reform are incompatible with discipline, a principle which your committee repudiate, and which this association has uniformly opposed from its organization.

Your committee found, in the hospital, several cases where there is no hope that the patients will recover. Some of these are kept there bedridden for a long time, and it is a matter for careful consideration whether some legislation ought not to be had, providing for the relief of prisoners thus afflicted.

The practice of permitting visitors to go through the prison on payment of a fee of twenty-five cents, still continues, and is deemed by your committee as highly objectionable. It produces a bad effect on both the prisoners and the visitors, as the "making a show of a person" always does. It is contrary to the grave character of a prison, and certainly incompatible with the dignity of the State. The admittance of female visitors is especially to be deprecated, as it proves an incentive to secret vice.

Male visitors ought to be admitted only on a written permit from the warden, or principal keeper, after careful examination of the applicant, and for satisfactory reasons. Visitors of the other sex should only be admitted to the female department, except in rare instances, where humanity absolutely demands it.

Theoretically, no conversation is allowed to take place among the prisoners; but practically, the rule is not observed. Your committee saw many instances of violating this regulation; and, so far as the out door workmen were concerned, little or no restraint existed to prevent

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their speaking to each other. The facility thus offered for conspiracy and for general demoralization is at once seen.

The use of tobacco is permitted, and this privilege has been actually granted by the legislature, as to the wisdom of which your committee are divided in opinion. Convicts were seen smoking, however, during working hours, and this is a practice which your committee unanimously disapprove.

The "commutation system," as it is called, by which the terms of sentence may be reduced by good conduct, is highly spoken of by the officers, and appears to be estimated by the prisoners at its proper value. It is fulfilling the expectations of those who were instrumental in having the law passed.

The modes of punishment are chiefly by the shower bath, the iron yoke, and solitary confinement. The physician of the prison is inclined to favor a restoration of flogging. He admits that it has serious objections, but in a *sanitary* view, he thinks it the best means of punishment a prison has ever known.

Your committee do not propose to enter upon a discussion of the grave question of punishments. They think that no system can be recommended as always and invariably the best, and that any system, to be productive of useful results, must be wisely, discreetly and humanely administered. All depends upon the men who have charge of the prison, and if they be rightly chosen, we think the necessity for serious punishment will rarely occur.

Your committee directed their attention to the labor system in shops under contractors, at this prison, as compared with the plan of labor under solitary confinement adopted in the prison at Philadelphia. It is a difficult question to solve, there being objections to each system. Which ever system should be preferred, it is certain that neither will work well, if suitable persons are not entrusted with the management.

In the female department, it was represented to us as difficult to find remunerative and steady employment for them all. Many were idle.

Your committee desire before closing their report, to allude once more to the class of persons who were employed to take charge of this prison and of the prisoners. It is not an agreeable duty which we perform, when we express the belief that many of the officers employed in the prison at the time of our visit are not adapted by their qualifications and habits, to this field of labor. It is useless to attempt to work out the great problem of making both a reformatory and penal institution of a State prison, until effectual steps shall be taken to separate such establishments from the influence of political changes.

JOHN A. BRYAN, *Chairman*.  
FRANCIS LIEBER,  
WILLIAM T. BOOTH,  
HOWARD CROSBY,  
GEORGE L. PRENTISS, *Committee*.

( F. )

### REPORT ON THE MASSACHUSETTS STATE PRISON BY THE CORRESPONDING SECRETARY.

On the 12th and 13th days of July, 1864, I visited, inspected, and examined the Massachusetts State prison, at Charlestown; and have since read the history of the institution, so far as it is embodied in the annual reports of the officers to the Governor and Council, from the year 1838 to the present time. This prison is the pride of the people of the old Bay State, who claim it as the model prison of the world; and, certainly, they have abundant cause to congratulate themselves on their chief penal establishment, for it is undoubtedly an admirably arranged and admirably managed institution.

My thanks are due to the officers of the prison for courtesies kindly extended by them; and particularly, to the gentlemanly and accomplished warden, the Hon. Gideon Haynes, who afforded me every possible facility for the prosecution of my mission. He personally conducted me throughout the entire prison premises; patiently explained every thing relating to the arrangements; with the greatest kindness answered my numerous interrogatories; and of his own accord, proffered me the opportunity of freely conversing with any or all of the prisoners, separate and apart from the officers, or any of them.

#### *Prison Wall.*

The prison wall is of solid granite masonry, 25 feet high and 5 feet thick at bottom, and surmounted by a stout iron railing, with watch towers placed at intervals on the summit. It is quadrangular in form, and encloses an area of five acres; which, however, does not include the entire prison premises. The site, on which the prison stands, is a point of land, washed on two sides by the sea, and affording, therefore, the purest and most salubrious air. A more healthful position could scarcely have been selected.

#### *Prison Buildings*

The prison buildings are of massive Quincy granite. The central structure is an octagon, seventy-five feet in diameter and a ceiling corresponding in height, with a large glass case filled with gold fish in the centre, a book case containing the prison library on one side, and on the other, several lounges, chairs, and writing desks for the use of officers and visitors. It is lighted by four immense arched double windows, extending from the floor to the ceiling. The prison chapel is in the upper part of this central building. It is a spacious and commodious apartment; well

lighted and well aired; having a neat and appropriate desk; provided with comfortable seats; cheerful and attractive in its appearance; and every way adapted to the purpose for which it is designed. The kitchen, or cookery, as it is here called, is in the basement of this structure.

There are three blocks of cells, radiating from the centre building, at right angles to each other, and opposite one of these a range of brick buildings, consisting of the various prison offices and two handsome dwelling houses, the residences of the warden and deputy warden. In the three wings for the confinement of convicts, the external walls have large arched windows, extending from the eaves nearly to the ground, only enough of the blank wall being left to serve as columns for the support of the structure. Each of these windows (there being some twenty-eight or thirty in all) is about nine feet wide by twenty-six in height, and secured by strong, upright, cylindrical iron bars, so that each block forms, as it were, a complete cage in itself. The doors of the cells in these wings are of open work, through their whole extent, being made of bars of round iron. By this arrangement of windows and doors, air and light are admitted to the cells almost as freely as if the outer walls were taken away and the doors of the cells were set wide open. An interesting fact connected with the arrangement just described is, that, originally, the external walls had only small openings at considerable intervals, like those in the state prison at Sing Sing, through which air and daylight could struggle in but moderate quantities to the interior, and the doors of the cells, as at Sing Sing, also were solid for more than half their surface, with small openings in the upper part. Five years ago this wretched arrangement for excluding rather than admitting the two great conditions of physical health, sunlight and atmospheric air, was exchanged for the present cheerful and airy improvement. And this improvement was effected without the slightest difficulty. The requisite spaces were cut away in the wall, and fourteen windows, corresponding in all respects with those in the other and later built wings, were put in, thus transforming a dark, ill-aired and gloomy structure into a light, well-ventilated and cheerful one. The prison, under the arrangement above described, has been found to be perfectly secure, no escapes having been effected for many years.

The hospital of the prison is situated at the end of one of the wings. It contains fourteen cells of large size. The whole arrangement in this department is admirable, equal to anything I have seen in any prison I ever visited. The apartments are well adapted to the purposes for which they are designed, being easy of access, readily warmed, well-ventilated, and so arranged as to afford opportunity for constant supervision at night, without the knowledge of the patients.\*

The blocks of cells radiate, as already mentioned, from the octagon building, with which they are immediately connected, and from which a perfect observation of them is had.

\* See Inspector's Report for 1854.

The whole number of cells in the prison is 554. Those in the two new wings are eight and a half feet long by four and a half wide, and seven feet in height. The old ones are somewhat smaller. The furniture in each cell consists of an iron bedstead, a table with a drawer in it, a stool, a water-bucket, a night-bucket, a knife, fork and spoon, a bible and a slate. Each convict has, also, in his cell, a supply of pepper, salt and vinegar, wherewith to season his food.

There are, within the prison grounds, seven dwellings, which are rented, at a moderate charge, to as many officers employed in the establishment.

#### THE PRISON STAFF.

The staff of prison officers are a warden, deputy warden, chaplain, clerk, physician, eleven turnkeys, eleven watchmen, eight assistant watchmen and a gate-keeper. The salaries paid to these officers are on a liberal scale, amounting, in the aggregate, to about \$30,000.

The warden, besides a dwelling, fuel and light, receives a salary of \$2,500, a sum sufficient, but not more than sufficient, to secure men of competent ability, and hold them permanently to the work. He receives his appointment to the office from the Governor and Council, and is, in a good degree, free from political control; since, although an Executive, making a nomination, would be likely to select a gentleman of his own party, yet it is not customary for a Governor to remove an incumbent upon party grounds. The warden is entrusted with the control and management of all the concerns of the prison, and is held responsible for its condition and the manner of conducting its affairs. He has the nomination and, in effect, the appointment of all his subordinates, except the chaplain, clerk, and physician, and the right to oversee and command them in their various duties. The present warden requires of all those in any way connected with the police of the prison a kind and gentlemanly bearing towards the prisoners. He requires the exercise, on their part, of a rigid and uniform self-control in their intercourse with them, nor allows the use of a syllable of profane or other improper language towards them. And the same is true of the persons introduced by the contractors to instruct the convicts in their various trades. Not long since, one of these instructors so far lost command of himself as to apply a grossly vulgar epithet to a convict. The man reported the language to the warden. This officer immediately summoned the *employee* before him, and inquired whether it was true that he had used the language reported. He admitted that he had, and immediately began, in an excited manner, to state the provocation under which he had done so. The warden instantly arrested the explanation with the quiet remark, "that it was of no consequence what the provocation had been," and added that if he had anything in the shop, he could send and get it, but could never himself be permitted to enter the place again. The same course would have been, under like circumstances pursued, and has in fact been pur-

sued on a former occasion, towards one of the prison officers. Mr. Haynes, on no provocation and under no circumstances, permits the use, by his subordinates, of irritating or offensive language towards the convicts. An officer must in no case forget himself, however the prisoners may do so. The latter are dealt with in another manner, but instant dismissal is the penalty incurred by the former. *But officers are never dismissed on political grounds.* While the unworthy are dismissed promptly and without hesitation, competent men are retained as long as they are willing to serve the institution. The consequence is, that the prison has, at the present time, a staff of officers, humane, capable and efficient in an eminent degree. Mr. Haynes's maxim is that successful discipline in a prison depends, in a great measure, upon the officers who are placed in immediate charge of the convicts, and that therefore too much care cannot be used in their selection nor too great effort made to retain those who are found capable and faithful. He repudiates the prevalent idea that almost any man who is strong, sinewy and rough, will do for a prison officer. He regards this idea as a grave error. Convicts, in his opinion, are ruled more by intellectual and moral forces than by muscle. An officer who is even tempered, firm and straightforward in his intercourse with them, who knows something of human nature, who studies the characters of the men whom he has in charge, who, in a word, is a gentleman, and never forgets it, such a man, in his judgment, will manage prisoners without trouble.

The deputy-warden is the principal assistant of the warden. It is his duty to attend to the opening and closing of the prison, to be present during all religious services, to have a constant care of the internal affairs of the prison, to attend especially to its police and discipline, and to be continually moving about the prison, visiting the shops, yards, hospital, cells and other departments, and seeing that the overseers keep their men diligently at work. In short, he must be as nearly ubiquitous and all-seeing as may be in the power of one man to be.

The clerk is the accountant, bookkeeper, scribe, and, indeed, a sort of *factotum* to the establishment. His duties are both multitudinous and multifarious.

The functions of the chaplain and physician are, perhaps, sufficiently explained by their titles, though their duties will be further set forth in subsequent portions of this report.

The turnkeys are the immediate agents of the warden and deputy-warden in enforcing the police and discipline of the prison, in which relation their duties are manifold, numerous, of grave responsibility, and requiring always, for their due discharge, experience, judgment, and vigilance, and often a high degree of tact and skill.

The supreme duty of the watchmen and assistant watchmen is to prevent, at all hazards, any convict from effecting his escape. In subordination to this, they have many minor functions, such as to relieve the officers of the shops, to wait on visitors through the prison, and gener-

ally to perform all such duties and services, for the security and well-being of the prison, as they may be directed to perform by the warden or his deputy, both by day and night.

#### THE GOVERNMENT OF THE PRISON.

Reason, firmness and kind treatment are the fundamental principles of government in this prison. The system pursued here, at least for a number of years past, has been to look upon a man as a man; to regard him as a brother though fallen, and to view and treat him as entitled to human sympathy, kindness and respect. The mildness of the discipline employed has not been, in any sense (so at least testify the officers), a relaxation of discipline; but, on the contrary, there have been fewer outbreaks, fewer acts of insubordination, violence and outrage than before its introduction. During the incumbency of the present warden, that is, since the year 1858, neither cat, shower-bath, yoke, buck, nor any corporal punishment whatsoever, has been employed. The only punishment used is the darkened cell, without bed other than a board and blanket, and a diet of bread and water; but each days' confinement takes off one day of commutation earned by the culprit, which consideration is found to operate with great power in hastening his submission. A convict, who has broken any of the prison rules, placed in solitary confinement, subjected to hard lodging and short fare, and condemned to his own thoughts, knows that the length and severity of his punishment rest entirely with himself; for the moment he relents, and expresses a willingness to return to his work and obey the rules, he is released. Nothing humiliating is required of him. He understands that the past will be forgotten, if his future conduct deserves it. Under this system, and with this understanding, scarcely a day or two ever elapses, before a change becomes visible, and the proudest and most obstinate solicit enlargement, with promises of industry and obedience. Mr. Haynes avers that he has never known an instance where he thought that a man would be made better by the infliction of blows, nor has he ever yet, as he thinks, met the person, however low and degraded, however hardened and steeped in crime, who had not a spot in his heart that could be reached by proper management. When a convict enters the prison, before he is set to work, he is fully and carefully instructed in his duties, and informed what will be expected of him; a printed copy of the rules and regulations is placed in his cell, and he is told that any violation of them will certainly meet with punishment—a caution which, in many cases, is found sufficient for the entire term of his sentence.

The violation of the rule of silence is the most common offence, for which punishment is inflicted. But the number of punishments does not appear to be large. It was but a little in excess of one hundred last year. The average duration of punishments is about two days; sometimes it reaches to ten; not unfrequently it is only a few hours.

The principle of rewards for good conduct on the part of convicts is not introduced into this prison to any greater extent than it is in those of our own State. The chief, if not the only, play given to this principle is in the operation of the law enacted in 1857, which secures to the convict for continued good conduct a small monthly deduction from his term of sentence. The influence of this commutation law, as it is called, upon the discipline, is found to be highly advantageous in this prison, as it has been in the prisons of our own and other States. Its effect has been to make convicts, from whom trouble would ordinarily have been expected, prompt in duty, orderly in deportment, and respectful to their officers, and to awaken in them the desire to form fixed habits of industry and morality; so that, on regaining their freedom, they may be prepared to lead virtuous lives and become respectable and useful citizens. All the prisoners are furnished with almanacs, in which they record, month by month, the days of commutation earned by good behavior; and, as the days increase, so does the determination to conduct in such a manner as to secure the full benefit of the statute.

Within the last two years Mr. Haynes has introduced a new practice, viz., that of allowing the convicts, on public and national holidays—as the Fourth of July, Thanksgiving, and the like—an hour of almost unrestricted recreation and enjoyment together in the yard, in which they amuse themselves with football and such other athletic games as may please their fancy. Mr. H. expresses entire satisfaction with the result of the experiment. He says that, whether viewed in the light of enjoyment by the men, the strict propriety observed, the good feeling engendered, or the effect upon the discipline, it was, in every point of view, a perfect success. It was like a tonic administered to the mind and the animal spirits, bracing up the whole system for more cheerful and vigorous labor. The contractors, to whom the working time of the men belongs, say that they would willingly allow them an hour every week for such recreation, feeling satisfied that the loss of time would be more than made up by the increased cheerfulness and vigor of their industry. Mr. Haynes is quite sure that the devoting of an hour occasionally in this way, under proper rules and regulations, would be the most important measure, in a sanitary point of view, that could be adopted. It would have a tendency to break the monotony of their lives, give them the necessary out-door exercise, so requisite to health, furnish them with food for thought and contemplation, and withdraw the mind in a great degree from themselves and the imaginary ills over which they brood and mope, till they become to them as positive realities, terminating but too often in insanity or death. Again, he thinks that such a recreation, occasionally granted, might be made an efficient and powerful instrument in enforcing discipline, by restricting the privilege to those who might be thought to merit it by their good conduct. How much the prisoners enjoy and prize it clearly appears in the fact that for weeks and months after one of these seasons, their letters are filled with little

else than descriptions of the scene and details of the enjoyment it afforded.

#### REFORMATION THE GREAT OBJECT OF PRISON DISCIPLINE.

The law creating the Massachusetts State Prison avows two objects in founding that institution—the punishment and reformation of transgressors. Reformation then, as well as punishment, was recognized, from the origin of the present penal system of Massachusetts, as the great and true principle of prison discipline. It was a considerate and wise provision, and one characteristic of the benevolent interest which that State has ever taken in her unfortunate children, that *reformation* was made an object of prime importance in laying the foundation of her punitive system. What results have been accomplished by the discipline which she established is an inquiry which must interest every philanthropist, and especially every penologist. Let it be remembered that that discipline is based mainly upon the self-respect of the prisoner and his desire to regain the character and standing he has lost. Patient advice, encouragement in well-doing, sympathy and kindness, combined with mild but inevitable punishment for the wilfully disobedient, are its prominent features. A solution of the question as to results may be found, in part at least, in an extract from the warden's report for 1862. In that document he holds the following language: "Suffice it to say, that what has been sought in vain in other States through the instrumentality of the shower bath and the lash, has been accomplished here by the more humane method of recognizing in the convict still a man, made in God's own image, and endeavoring, by kindness and sympathy, to rekindle and keep alive the smallest spark of virtue and manhood he may bring with him into the institution. The fact that out of the whole number received here in thirty-two years (5,053) only seven and a half per cent. of them have returned, is more conclusive upon this point, and a stronger argument in favor of our system of discipline, than any other I could urge at this time.

#### STATE AGENCY FOR DISCHARGED CONVICTS.

Massachusetts has one instrumentality at work in connection with her State prison, quite unknown, as far as I am informed, as a matter of State action elsewhere, and yet as wise and considerate as it is unique. It is an instrumentality not indeed reformatory in itself, but eminently adapted to aid reformation when purposed and begun. In 1845 she established, by legislative enactment, a State agency, whose sole function it should be to provide situations for discharged convicts, and appointed an agent, whose sole business it should be to superintend and manage the agency thus established. It is by law made the duty of this agent to counsel such discharged convicts as may seek his aid, and to take such measures to procure employment for such of them as may desire it, by corresponding with persons in agricultural and mechanical pursuits, and with benevolent individuals and associations, as he may

deem proper and expedient." His mode of proceeding is as follows: Knowing when such and such convicts are about to be discharged, he visits them in prison some time before, and inquires whether they wish him to find places for them, or to aid them in any way, and if they want places, in what part of the country. He requests every one who desires his help to call on him at his office immediately on leaving the prison, and in the meantime he exerts himself to meet their desires and provide for their necessities. "Nor," says the warden in one of his annual reports, "has he ever once failed to find, for every one who asked it, employment at the work he wished, and in the part of the country he wished." A respectable cabinet maker declared that within the space of ten or twelve years, forty to fifty discharged convicts, whom he knew to have learned their trade in the State prison, had been employed in his establishment, and that he had never discharged one of them for bad conduct. "How encouraging," adds the warden, "are these facts, and what a proof of the utility of this act of merciful and beneficent legislation, affording evidence that most of the convicts, when discharged, are enabled, by the offer of employment provided by the agent, to resist the temptations to idleness and crime, and to become industrious men and good citizens." The operation of this agency explains, no doubt, in great part, the smallness of the percentage of convicts who return to the Charlestown prison, as mentioned in the last paragraph, and the unusually large proportion who appear to have reformed and returned to a life of honesty and virtue.

#### PROVISIONS FOR THE RELIGIOUS WANTS OF THE PRISONERS.

The precept incumbent in the chaplaincy of this prison, is the Rev. Geo. J. Carleton, who, by the possession of a kind and genial disposition, as well as by his general ability, seems well qualified for the important and responsible position with which he is entrusted. The religious wants of the prisoners here appear to be carefully and abundantly provided for in the arrangements made to meet them. A Sabbath school, presided over by the chaplain, is held every Sabbath morning in the chapel, for the benefit of such convicts who may choose to attend, after which the regular services of the Lord's day, at which a sermon is always preached, is observed, and upon these all are *required* to attend. There is also a daily religious exercise in the chapel immediately after breakfast, consisting, usually, of reading the scriptures, singing and prayer; but the chaplain is at liberty, if it seem good to him, to accompany the portion of scripture read with exposition and exhortation. This service is short, not occupying, ordinarily, more than fifteen minutes, but may be prolonged at the discretion of the officiating clergyman. The influence of the few minutes so spent is found to be every way salutary. The thought of God, his being and providence, is thus kept alive in many a mind from which it might otherwise practically die out. At this solemn and impressive hour the memory of earlier and better days

often revives, and the recollections thus awakened are hallowed by reminiscences of the altar of prayer in the family circle and the house of God. The old home influence comes back upon these crime-stained worshippers like gales from the better land, and its action is powerful for good. Not a few of the convicts are found to be pleasingly susceptible to moral influences skillfully applied, and to religious instruction kindly administered. To such especially, the daily chapel services are of great value, in some cases by making them positively better, and in others by preventing them from growing rapidly worse. And what has thus been said of the brief religious exercises of the week-day mornings, will, as a matter of course, apply with added force to the more extended and impressive services of the holy Sabbath. In addition to these more formal labors, the chaplain devotes no little time to personal interviews with the prisoners, in which he instructs, exhorts, warns and counsels, according to the exigencies of each individual case, and, it is to be hoped, agreeably to the injunction of the apostle, "with all long suffering and doctrine."

Special occasions, as fast days, thanksgiving, and the anniversary of our national independence, it is customary in this prison to improve to religious ends, by holding appropriate religious services, and imparting suitable religious instruction.

In like manner the occurrence of death among the prisoners is not allowed to pass without special notice. The deceased, neatly attired in the habiliments of the grave, is placed in the chapel, where each prisoner may look for the last time upon the remains of their comrade. The deep solemnity of such occasions, and the unbidden tear in the eyes of men unaccustomed to weep, have in many cases afforded gratifying proof that the sensibilities of the heart are not entirely crushed by sin.\*

The chaplain makes frequent visits to the hospital, to minister the consolations of religion to the sick and the dying. In many instances earnest desires are expressed for religious counsel and prayer, and all the evidence of repentance is afforded which is possible in cases of this nature. In the brief funeral obsequies connected with the death of each man, such incidents related to the prisoners are not without a salutary effect, if not permanent at least for a time. There is a hymn book for each prisoner in the chapel, which he may take to his cell if so minded.

#### THE PRISON CHOIR.

In this connection it may be noted that both the Sabbath and week day services are aided by a regular choir of singers, composed of the convicts themselves. Some of these are proficient in instrumental as well as vocal music, and their performances are not only creditable to themselves, but constitute an important and interesting part of the religious services of the prison. The choir is instructed by one of their own

\* See Report for 1854.

number, who is abundantly competent to the task; and one hour is allowed them for rehearsal on every Saturday afternoon, and, I think, also, on Sabbath morning.

*Secular Instruction.*

I am sorry to say that the secular instruction in this prison is not as well provided for as the religious. Undoubtedly, the latter is the most important, but the former is far from being unimportant. There is no school in the prison other than the Sabbath school, and no secular lessons are given in the cells. Now, as far as I can gather from the reports, about ten per cent of the men imprisoned here are unable, on entering, to read at all, and many others read very imperfectly; yet all the instruction they ever receive in these and other elementary branches of learning is imparted in the Sabbath school; a circumstance, by the way, which converts that sacred agency into too much of a secular institution. I entirely concur in the declaration made by the inspectors in one of their reports, that "it is not creditable to a state like Massachusetts to keep her criminals in such a condition."

*The Prison Library.*

The prison has a well selected library of 1,400 volumes, which is placed under the care of the chaplain. There is a stated appropriation of \$200 a year for its increase. Most of the convicts are able to avail themselves of this means of recreation and improvement, and, for the most part, the opportunity is eagerly embraced. The prisoners are allowed to change their library books twice a week. The officers and their families are also allowed the privilege of the library. The prison library is an instrumentality on which great reliance is placed, and justly, for the improvement of the convicts.

*Ventilation.*

The ventilation of this prison is unsurpassed, as might be inferred from the structure of the prison buildings, as already described. There is nothing of that unpleasant, close and musty odor, so commonly observed in prisons; on the contrary, the corridors and cells are perfectly sweet and inoffensive.

*Provision for Lighting the Prison.*

All the apartments used by the convicts enjoy the full benefit of sunlight by day, and at night the gas burners are sufficiently numerous to enable every prisoner to read any ordinary print comfortably. This, in fact, is required by special statute; and it is further required that the jets be kept burning, with a full head of gas on, till nine o'clock P. M., throughout the year.

*Cleanliness.*

The cells are kept well whitewashed, clean, sweet and free from vermin. They are often examined with a view to the extermination of these pests. If a man reports that he has seen or felt a bug, through

search is immediately made, that the evil may be, so to speak, nipped in the bud. A lacker made of coal tar is rubbed upon the iron bedstead, and this is found to be the most effectual defence against these pestilent insects. The night tubs are emptied and scrubbed daily.

*Supply of Water.*

The prison has an unlimited supply of Cochituate water. There are hydrants in all the stories of the prison buildings, and in all the work shops. The prisoners are supplied with ice water *ad libitum* during the warm weather of summer. Each prisoner is required to wash in his workshop three times daily, that is, immediately before each meal. There are six bath tubs, provided with hot and cold water, where all the convicts are required to bathe once a week in summer, and once a fortnight in winter, with the exception of those engaged in dirty work, who must use the bath weekly throughout the year. The sheets and pillow cases are changed once a fortnight, and the blankets are washed at least three or four times a year. The under clothes of the men are washed weekly. The bed clothes are thoroughly aired once each month.

*Beds.*

The mattresses used here are made of curled palm leaf. They are said to be superior to those made of straw, and cheaper in the long run. A mattress of this sort will last seven years, at the end of which time the material in two old ones will make a third as good as new.

*Shaving and Hair Cutting.*

The men are shaved by convict barbers twice a week, and have their hair cut four times a year.

*The Clothing of the Convicts.*

The prison uniform consists of a suit of which one side is of blue and the other of red cloth, and a cap of the same material and colors. The suit is the same winter and summer, except that in the winter the men wear flannel drawers and under shirts. Their other shirts are of heavy striped cotton. All their clothes are marked with their own names in full, even to their towels, sheets and pillow cases. This is done to foster a feeling of self-respect in the convicts, and to induce them to take better care of their clothes. It also increases the sense of personal responsibility. I have described the convicts' uniform, as it has been heretofore, and is now; but the inspectors and wardens, at a late meeting, resolved to abolish all variety of colors, and to make the uniform to consist hereafter of a suit of simple blue. The necessity for a distinctive dress, if it ever existed, is thought to exist no longer; and it is believed that a dress of uniform color will tend to promote the self-respect of the prisoner, and so to increase the chances of his reformation.

All the convicts are furnished with pocket combs.

*The Prison Dietary.*

In respect to quantity, quality and variety, the dietary of this prison is all that can be desired; some would say that it is too good for criminals confined at hard labor. If one ration is not enough in any case, another is supplied. If one kind of food is found to disagree with a man, or is even unpalatable, another, as far as may be practicable, is substituted. Vegetables are supplied according to the season. Mr. Haynes' maxim is: "You can't manage hungry men; if the stomach is empty, they will rebel." All the meals are taken in the cells. An hour is allowed for dinner; this is, at least, a great convenience to the officers.

The daily bill of fare is as follows:

## SUNDAY.

*Breakfast*—Meat hash, brown bread and coffee.  
*Dinner*—Baked beans and pork, white bread.

## MONDAY.

*Breakfast*—Fish hash, brown bread and coffee.  
*Dinner*—Corn beef and potatoes, and brown bread.  
*Supper*—White bread and coffee.

## TUESDAY.

*Breakfast*—Meat hash, brown bread and coffee.  
*Dinner*—Beef soup and brown bread.  
*Supper*—Indian pudding and coffee.

## WEDNESDAY.

*Breakfast*—Fish hash, brown bread and coffee.  
*Dinner*—Stewed peas and pork, and brown bread.  
*Supper*—White bread and coffee.

## THURSDAY.

*Breakfast*—Fish hash, brown bread and coffee.  
*Dinner*—Fish chowder and brown bread.  
*Supper*—White bread and coffee.

## FRIDAY.

*Breakfast*—Meat hash, brown bread and coffee.  
*Dinner*—Baked beans and pork, and brown bread.  
*Supper*—White bread and coffee.

## SATURDAY.

*Breakfast*—Fish hash, brown bread and coffee.  
*Dinner*—Beef soup and brown bread.  
*Supper*—White bread and coffee.

*Sanitary Condition of the Prison.*

It would be rationally inferred, from facts and circumstances detailed in former parts of this report, that the condition of the prisoners in respect to health must be excellent; and such, in point of fact, is the case. There has not been a solitary case of fever in the prison for more than ten years, and none of any contagious disease for the same period, except one of varioloid last fall. The greater part of the deaths are

from pulmonary complaints, mostly caused by habits of self-abuse; and again, the major part of those who die in the prison are either natives of Ireland or of Irish parentage. The average number of patients in the hospital, out of a prison population of nearly five hundred, have been as few as three and a fraction for an entire year. It is doubtful whether facts like the above can be matched in any other prison, or indeed, in any community outside, even in the most favored localities.

*Industries of the Prison.*

The industries of the prison are arranged and managed upon the contract system. Up to the commencement of the present war, the institution had been, for many years, self-sustaining; indeed, it has been so for the greater part of the last quarter of a century, notwithstanding it is charged with the whole expense of conveying the convicts from all parts of the State to its walls.

Mr. Robinson, warden in 1847, says in his report of that year: "There are but few convicts, that come to this prison, who have trades; and this want of a calling is undoubtedly one of the evil circumstances of their lives, which have led them into crime. I always consult the convict, when he comes to prison, as to what trade he would prefer to learn, and, when I can, I gratify his inclination—from the conviction that a man will be likely to do better, in prison and out, if permitted to follow the bent of his own desire in this respect. The prisoners are encouraged and required to exert themselves to become expert, good workmen; and most of them who are sent here for a term of years do, in fact, become skilful, and able to compete for a livelihood with others in their trade. I know of many that are receiving large wages. I often meet and converse with them in the street; they often call upon me, and I often receive letters informing me of their success in the trades which they had acquired in this prison." The present warden, Mr. Haynes, says in his report for 1860: "Fortunately, we are enabled to give most of our convicts a good trade, so that when they do go forth into the world again they are much better prepared, as a general thing, to earn an honest living than when they came here."

*Penal Sentences.*

Mr. Haynes, in his report for last year, has some remarks on the inequality and length of penal sentences, so pertinent and reasonable that I venture to transcribe them entire. He says:

"One of the most perplexing matters we have to deal with in this connection is the inequality of sentences; each of our judges appear to have a standard of his own by which he is guided, and a great diversity of opinion seems to exist among them upon this subject. I know it is impossible so to regulate sentences that equal and exact justice will be administered in each individual case, as crimes of the same class vary so much in the aggravation attending them. I do not wish to be under-



stood as favoring either of the extremes, but simply to point out the fact, and the influence it has upon the discipline of the prison.

"To illustrate this point, I would call your attention to the sentences for passing counterfeit money, the aggravation in such cases being only in the amount passed or in the reputation of the one passing it.

"Of those in the prison at the present time for passing one counterfeit bill, their sentences vary from one to five years; for the passing of two bills, from two to ten years. We have one man here who plead guilty to passing three counterfeit five dollar bills, who was sentenced to fifteen years; another who plead guilty to passing four twenty dollar bills, who was sentenced to but four years; one man, for having in his possession ten counterfeit bank bills, was sentenced to one year; another, for the same offence, to twelve years. These men may work near each other, and of course learn the facts, and it can be easily imagined that great dissatisfaction would be engendered, and our discipline suffer in consequence. No logic can convince a man that justice requires him to serve fifteen years here for passing fifteen dollars in bad money, when his neighbor serves but four for passing eighty, every thing else being equal. Scarcely a week passes that I am not appealed to in regard to such cases. It is in vain for me to say that I am not responsible for it. Many of these men are friendless, and naturally look to me for advice and assistance.

"Again, I believe our criminal code to be very defective; we have now upon our statute books five crimes punishable with imprisonment for life, viz.: murder in the second degree, highway robbery, arson, rape and burglary, being armed; also, several others that may be so punished at the discretion of the judge. It is seldom that a life sentence is passed with the remotest idea, either of the judge or criminal, that it will be inflicted. I repeat what I have said on a previous occasion, that 'I have never received a man into this institution on a life sentence, who did not say he preferred it to one for ten years,' and our records will prove that they are correct. The following table will show the number of convicts received at the prison since 1833, on a sentence of ten years and upwards, the number pardoned, died, served time out, now remaining, and the average time served in each case:

Term of Sentence.	Whole number received.	Number pardoned.	Served their time out.	Died.	Number remaining.	Average time served.
For 10 years .....	108	31	15	16	46	6 1/2 years.
15 years .....	25	12	..	4	10	8 years.
20 years .....	16	7	..	2	7	9 years.
Life .....	93	44	..	13	33	6 1/2 years.

"It will be observed that fifteen only of those sentenced for ten years and upwards have served their whole term; that twenty-eight per cent., (about a quarter of the whole number,) have been pardoned, and the average time served was six years and nine months; while of those for life, forty-six per cent., (nearly one-half,) have been pardoned, and the average time served was but six years and three months. Are they

not right in preferring a life to a ten years' sentence? At the present time a sentence for life in the State prison is pronounced as flippantly and with no more solemnity attending it than one for thirty days in the house of correction, the judge frequently accompanying it with the suggestion that they have only to behave well for a few years to obtain a pardon. This I hold to be wrong; the court should rather magnify than depreciate the enormity of the crime that demands such a sentence, and give the criminal to understand that under any circumstances many years of good conduct must pass before he can even hope for a pardon. What would be thought of the judge who, in passing sentence of death upon a criminal, should intimate that he did so only for form sake, and that the penalty in all probability would not be inflicted? And yet a sentence for life, as it ought to be understood, both by the judge and criminal, falls but little short of a death sentence in importance and solemnity. To be effective, a life sentence ought to be confined to crimes, the perpetration of which would clearly forfeit the criminal's liberty for the remainder of his days; and a pardon in such cases should be the exception, and not the rule.

"If, for four of the five crimes punishable with a life sentence, a term not exceeding ten years could be substituted, with the understanding that, except for good and substantial reasons, the full penalty would be inflicted, an important step would be taken, not only towards the suppression of crime, but in the discipline of the prison. It is not the penalty that prevents crime, but the certainty of conviction and punishment."

The routine of prison life at Charlestown is thus set forth in the inspector's report for 1853:

"The convicts are mustered out of their rooms in the morning, at hours varying with the season of the year, but as a general rule, at the earliest period of broad daylight. It is not considered safe to allow them to be at large except when there is ample natural light to observe and control their motions. After being a short time engaged in "washing up," and, in summer, at work, they return to their cells with their breakfast, and immediately after attend prayers in the chapel, and then go to their workshops to labor. They there remain associated together in strict silence, unless when, by express permission of the officer in charge, they are allowed to make such inquiries or remarks as the exigencies of their work may require. The most frequent cause of complaint and punishment is the infraction of this rule as to silence, and from the instances we have noticed, the rule appears to be very effectively and strictly enforced. At 12 o'clock the men return with their dinners to their cells, and are allowed and required to remain there for an hour. They then return to their workshops and continue their labor until 6 o'clock in the long days of summer, and when the days become shorter, until just before the sunlight begins to fail. They then take

their supper rations, and return to their cells for the night. There is no evening religious service. On their way to their cells in the evening, the convicts all approach a certain point, where the warden or deputy and the overseers of the work-shops take their stand. Such of the men as have committed any offence during the day, are ordered to remain at this point, while the others file off to their rooms. The offence of each is then stated by his overseer, to the warden or deputy, who examines the case, and in his discretion merely reprimands the offender, or sends him into punishment, which consists in the deprivation of supper and bed; instead of the latter, a board and blanket being allowed. The number of punishments per day does not greatly vary from one-half of one per cent on the number of convicts. On Sunday morning, those of the convicts who wish to take part in the exercises of a Sunday school, assemble in the chapel for that purpose an hour before divine service. This exercise is entirely voluntary, and is the only stated teaching which is given in the institution.

"Divine service follows immediately after the morning hour of the Sunday school, and the prisoners then return to their cells for the day."

E. C. WINES, *Cor. Secretary.*

NEW YORK, July 30th, 1864.

( G. )

## THE PROGRESS OF PRISON REFORM IN ENGLAND.\*

BY THE CORRESPONDING SECRETARY.

[The following historical survey of the progress of prison reform in England for the last hundred years, was prepared for the North American Review, and accepted for insertion in that journal. It was, however, crowded out of the January number by articles previously engaged, and, as its publication in the April number would be too late for its transference to this report, it was reluctantly, and, I believe, to the regret of the editor as well as of the writer, withdrawn from that able periodical to find a place in these humble pages.]

The subject of this memoir, the Rev. John Clay, held much the same relation to prison discipline in England, that Dr. Arnold did to education. *Primus inter pares* was but his just title; a title, moreover, readily yielded to him by his peers. For nearly forty years, Mr. Clay occupied the position of chaplain to the Preston House of Correction, in North Lancashire. To such eminence did he rise through the ability, zeal and success with which he discharged the duties of his trust, that, during all the later years of his incumbency, his counsel was sought in matters connected with prison reform, not only in his own country, but in many of the states of continental Europe; and there was scarcely a parliamentary commission appointed to inquire into the state of prisons in Great Britain and the necessity and proper methods of reform, which he was not summoned before to give his views on the subject to which the inquiry related. His son, the Rev. Walter Lowe Clay, was induced, as he informs us in a brief preface, to write and publish the work before us by two considerations. In the first place, his father had requested him to carry out a design long cherished, of preparing from his numerous reports, pamphlets, and miscellaneous manuscripts, a popular treatise on the remedies for crime, but which he himself had been prevented from completing ere death supervened and cut short all earthly projects; and secondly, many of his father's friends wishing to possess a memoir of his life, and thinking that the memory of so noble and useful a man ought to be rescued from oblivion and preserved to posterity, had urged

\* The Prison Chaplain: A Memoir of the Rev. John Clay, B. D., late Chaplain of the Preston Gaol, with selections from his Reports and Correspondence, and a Sketch of Prison Discipline in England; by his son, the Rev. Walter Lowe Clay, M. A., of Emmanuel College, Cambridge. Cambridge: Macmillan & Co. And at 23, Henrietta street, Covent Garden, London: 1861. 8vo., pp. 621.

him to undertake the task. The well conceived and well executed volume upon our table is the result of these promptings. Filial duty has thus accomplished a two-fold work: the production of an historical sketch of the penal system of England, and the preparation of a biography well worthy to be inwoven with it, since it is the biography of one who had contributed, in no secondary degree, to give shape and efficiency to that system. It is in its historical relations and aspects that we propose mainly to examine the work before us; and we shall endeavor to draw from it and lay before our countrymen a condensed but comprehensive view of the progress of prison reform in the British islands for the last hundred years.

The horrors, cruelties, and manifold abominations of English prisons, prior to the time of Howard, as sketched by Mr. Clay, are almost past belief. We have neither space nor disposition to spread the harrowing details before our readers. The central evil of the system was that the jail keeper, free from all supervision and restraint, was left to make his living and even to enrich himself out of the prisoners. No salary was paid; but, on the contrary, the place was often purchased. Howard mentions many cases of this. As a matter of course, rapacity and brutality became the leading characteristics of the race of jailors. Extortion was legalized; for the law, as well as custom, laid the cost of the prisons upon the prisoners themselves. Such are the outlines of the picture. The filling up was in keeping. Fees, rents, parings of prison rations, garnish money, filth, squalor, starvation, swarms of vermin, colonies of rats, the sale even of the privilege of begging, the systematic stimulation of vices which the jailors knew how to render lucrative to themselves, drunkenness and debauchery in their most horrid forms, ponderous irons of cruel tightness, thumb screws, underground dungeons, chainings to dead bodies, jail fevers which swept away their miserable victims by scores and hundreds, an utter absence of all moral care and religious teaching, the venal and villainous trading on their prisoners' lusts, by keepers, elaborate contrivances for fleecing both debtors and creditors, and a shameless feeling of magistrates, even up to the Lord Chief Justice himself, to induce them to remain in convenient ignorance of a thousand iniquitous practices—these things, and such as these, are among the details that fill up and complete the horrid and sickening picture.

It must not be thought, however, that no efforts were made to correct these evils and mitigate these horrors. As "brave men lived before Agamemnon," so humane men preceded John Howard. When the jails became dangerously crowded, and their abuses had grown to be intolerable, a new class of penal institutions, under the name of houses of correction, came into use. Originally, indeed, they were workhouses rather than prisons, intended less for punishment than the exaction of compulsory labor from "rogues, vagabonds, sturdy beggars, and other idle and disorderly persons." These new institutions, according to the testimony

of Sir Edward Coke, were decidedly efficacious in the repression of vagrancy and crime. But, as the doom of everything human is to degenerate, whatever these houses were designed to be and whatever they were at first, "they afterwards became in general (as Fielding, who was as good a magistrate as he was a novelist, attests), no other than schools of vice, seminaries of idleness, and common shores of nastiness and disease." Such Howard found them. They contained, as he testifies, as much moral abomination as the jails, and more physical misery. Early in the reign of George I, the house of correction was made, by act of parliament, more strictly a prison; and later enactments have modified these houses to such an extent that the distinction between them and jails is now well nigh obliterated.

The reform of prisons was not seriously attempted prior to the commencement of the 18th century, though some essays at reformation were made by individuals. Latimer lifted up his voice against the heathenism in the London prisons: "Oh, I would ye would resort to prisons!" he says in a sermon preached before Edward VI, "a commendable thing in a christian realm. I would there were curates of prisons that we might say, 'the curate of Newgate, the curate of the Fleet;' and I would have them waged for their labor. It is holiday work to visit the prisoners, for they be kept from sermons." Foxe, in his Book of Martyrs, often glances sharply at the iniquities practised and the miseries endured in prisons in the time of Queen Mary. In Elizabeth's reign, Bernard Gilpin regularly visited all the jails that fell within the range of his missionary circuits in the northern counties. The first regular treatise on prison abuses and abominations, appeared in the year 1618, under the title "Essays and Character of a Prison and Prisoners," from the pen of Geoffrey Mynshull, of Graye's-Inn, Gent." Mynshull was an insolvent debtor, who lugubriously whiled away his time during his own imprisonment, in the composition of his quaint but instructive jeremiad. In his description of a prison as a school for villany, a pest-house, a sink of debauchery, and a place where the penitless might starve to death; and, in his catalogue of malpractices, strippings for garnish, carousings at the tap, squeezings for fees, &c., &c., he completely anticipates the revelations of Howard.

A noteworthy attempt to effect a reform in prison discipline, occurred soon after the formation of the Christian Knowledge Society in 1699. "A committee of prisons" was appointed, which inspected Newgate and the Marshalsea, visited the prisoners in their cells, thought fit to distribute some money among them, and reported the results of their investigation to the society. Dr. Thomas Bay, founder of the society and chairman of the committee, followed the report by an "Essay towards the Reformation of Newgate and the other Prisons in and about London." The document, which is still extant in the archives of the society, and is printed in chapter I of *Hepworth Dixon's Life of Howard*, is a remarkable one in several respects. It presents a vivid picture of the

rampant abuses and loathsome immorality of the London jails, offers a series of shrewd practical suggestions touching the management of prisons, anticipates many of the *improvements of later years in prison discipline*, and boldly recommends that provision be made to keep every prisoner in a distinct cell; the first proposal of separate confinement, we think, ever made;—the remote germ of the far-famed Pennsylvania system. The result of this effort, beyond the distribution of some religious books in the London prisons, the despatch of a parcel to every county jail, and the gift of a pulpit and chaplain to the Marshalsea, is not recorded. The whole subject would seem to have died out of mind till the year 1738, when Mr. (afterwards General) Oglethorpe, illustrious as the founder of the State of Georgia, procured the appointment of a committee of the House of Commons "to inquire into the state of jails in this kingdom." Parliament took up the investigation warmly; corruptions, pecculations, and abuses of the most flagrant and loathsome kind were dragged to the light; the news-writers and pamphleteers expatiated on the subject—and Hogarth helped to intensify the public indignation by an illustrative picture and engraving. It was in compliment to Oglethorpe's committee that Thompson, in bringing out a new edition of "The Seasons," in 1780, introduced the following lines:

"Ye sons of mercy! yet resume the search,  
Drag forth the legal monsters into light;  
Wrench from their hands oppression's iron rod,  
And make the cruel feel the pangs they give."

Some of them were indeed made to feel those pangs. Bawbridge, of the Fleet, Acton, of the Marshalsea, and Huggins and Barnes, of the King's Bench prison, were ejected from their offices and subjected to legal prosecution. Some legislation was had as the result of the labors of this committee, but little was effected by it in the way of practical reform. In 1735 another parliamentary committee was created, with William Hay at its head. Hay was a *deformed pigmy in person*, but a man of clear head, strong sense and genuine benevolence, and far in advance of his age on questions of social reform. His report was an able, sagacious, comprehensive document, too wise and far-reaching in its recommendations for his contemporaries; but many of its suggestions have since been enacted into law. About this time the cause of prisoners was taken up in another quarter. The members of the "Godly Club," formed at Oxford, and embracing the Wesleys, Whitefield, and their most zealous followers, prayed, preached and distributed alms in all the jails, bridewells and bedlams that came within their circuits; and it was only on compulsion that they at length desisted from this part of their labors.

The cause of prison reform struggled on, with but dubious success, for many years. Owing to the alarming increase of the consumption of gin, crimes multiplied at a rapid rate, and bills for hanging criminals at

an equal pace. Capital felonies had risen, in Blackstone's time, to 160, and soon after, the list contained 232. The publication of Blackstone's Commentaries, in 1765, gave a rude shock to the public confidence in gibbet justice; and translations of Montesquieu's Spirit of Laws, and Beccaria on Crimes and their Punishment, added to the force of the blow. In 1772 a clergyman, by the name of Denne, in a letter to Sir Robert Ladbroke, proposed and advocated separate imprisonment as a means of reforming criminals. To Denne is commonly awarded the credit of being the first champion of the separate system of imprisonment, although, as the reader has seen, Dr. Bray made a suggestion to that effect as early as 1699, and a few lines to the same purport occur in a sermon by Bishop Butler, in 1740. Denne's pamphlet attracted no little attention at the time of its publication, and Howard quotes it with much respect some years later. The same year that produced Denne's letter was marked by a yet more hopeful symptom of the coming reform, the formation of a society, which exists to this day, for the relief of poor debtors. The following year an act was passed authorizing the justices at quarter sessions to appoint chaplains to their jails, at a salary not exceeding £50 (\$250) per annum. This was the first official recognition of the fact that prisoners are within the pale of salvation. The same year Mr. Popham introduced a bill into Parliament for the abolition of jailors' fees and the payment of fixed salaries instead. A few months earlier John Howard, the illustrious philanthropist, the world-renowned prison reformer, had been appointed high sheriff for Bedfordshire. Thus did the shadows of the night begin to retire, and the pale up-shootings of the dawn to skirt the distant horizon.

Howard's "universal jail-commission" arose out of his appointment to the shrievalty of Bedfordshire. "The circumstance," he writes, "which excited me to activity in behalf of prisoners was, the seeing some who, by the verdict of juries, were declared *not guilty*, some on whom the grand jury did not find such an appearance of guilt as subjected them to trial, and some whose prosecutors did not appear against them, after having been confined for months, dragged back to jail and locked up again till they should pay sundry fees to the jailor, the clerk of assize, etc. In order to redress this hardship, I applied to the justices of the county for a salary to the jailor in lieu of his fees. The bench were properly afflicted with the grievance, and willing to grant the relief desired, but they wanted a precedent for charging the county with the expense. I therefore rode into several neighboring counties in search of a precedent; but I soon learned that the same injustice was practiced in them; and looking into the prisons I beheld scenes of calamity which I grew daily more and more anxious to alleviate. In order, therefore, to gain a more perfect knowledge of the particulars and extent of it, by various and accurate observation, I visited most of the *county jails* in England. Seeing in two or three of them some poor creatures whose aspect was singularly deplorable, and asking the cause of it, I was answered,

'they were lately brought from the bridewells!.\* This started a fresh subject of inquiry. I resolved to inspect the bridewells, and for that purpose I traveled again into the counties where I had been, and, indeed, into all the rest, examining houses of correction, city and town jails. I beheld in many of them, as well as in the county jails, a complication of distress; but my attention was principally fixed by the jail fever and the small pox, which I saw prevailing to the destruction of multitudes, not only of felons in their dungeons, but of debtors also."

Howard commenced his labors as a prison reformer in 1773, at the age of forty-six, and continued them, as Carlyle phrases it, with unequalled "energy, patience, practicality, sedulity, and sagacity," to the day of his death, which occurred on the 20th of January, 1791. The number of journeys he made and the amount of toil he expended in the prosecution of his chosen mission during those eighteen years were almost past belief. "I am a plodder," he said of himself, "who go about to collect materials for men of genius to make use of." In point of fact, his philosophy was altogether of the inductive school. He never speculated on abstract principles; never propounded new theories. His utmost inductions were simple, obvious, common sense suggestions. Finding the English public and parliament utterly ignorant on the subject of prisons, he ransacked Europe for the desired information, but left to others—Blackstone, Popham and Eden—the work of evolving principles and framing laws out of his vast accumulations of facts. With his measuring tape, weighing scales and note-book, he repeatedly visited every jail in Great Britain, and once, at least, the principal prisons in every continental state; some of them, indeed, many times. He never took a statement on hearsay, but cross-questioned keepers, turnkeys and prisoners, and explored every cell and dungeon himself; and, finally, having satisfied his exacting conscience by repeated revision and unweary verification, he brought out his book on "The State of Prisons," with its forty two pages of "proposed improvements," ballasted by four hundred and forty seven pages of facts. It was his intense veracity and his indomitable will which made him what he eventually became, a European censor morum. Far from being a courtly man, and by no means a respecter of persons, grave, patient, energetic, unselfish, intensely religious, never shrinking from any suffering or danger, in season and out of season he "plodded" as he himself says, about his task, dragging abominations into daylight, and forcing them under the notice of all whom it concerned. He once spent forty days of *voluntary quarantine* on board a filthy lazaretto at Venice, in order to learn the full truth about its management. Within a month afterwards, and while still quaking with the effects of a quarantine fever, he had a private interview with the Emperor Joseph, during which he seems to have told him all the most unpalatable facts he knew concerning the imperial prisons.

\* Another name for houses of correction.

Howard's labors and writings, aided by a circumstance to be immediately noticed, awakened a wide-spread interest in prison reform, and the question of prison discipline was abundantly discussed. His book on the State of Prisons created much excitement, and called forth numerous reviews. One of these is noteworthy, as being an enthusiastic eulogy from the pen of Samuel (afterwards Sir Samuel) Romilly, illustrious for his labors in the department of law reform. Other works on the same subject, and even under the same title with Howard's, soon appeared from the press. Jonas Hanway, who, like Howard, had carefully observed and studied the prisons of Holland, and, like him, had found them far in advance of those of England, denounced English jails in good round terms, as "schools for instruction in iniquity," and laid down the principle that association is "irreligious, inhuman and impolitic." He proposed a plan of solitary imprisonment to be enforced with much rigor, recommending not only separate cells, but separate airing yards and separate closets in the chapel, "so contrived that the prisoner may see and hear the clergyman, whilst a double grate prevented his seeing any other prisoner." As indispensable adjuncts to solitude, he proposed labor, the firm and just government of a "gentleman-keeper," and the religious ministrations of an able, earnest chaplain. "To render the punishment subservient to no end but terror," he says, "is but half the work; it is intended to preserve the prisoner, and restore him to the world with impressions of religion and social love in his mind." Hanway, it will thus be seen, anticipated the essential principles, as well as the incidental exaggerations, of the modern system of separate imprisonment.

The circumstance referred to in the last paragraph as having given a special importance and interest to the investigations of Howard was the perplexity in which the government found itself involved touching the disposal of its surplus convicts, which could neither be hung, transported, nor crammed into the prisons, as they were already crowded to excess. This plethora of convicts, at that particular juncture, arose from the fact that transportation, which had been more or less in use for two hundred years as a means of getting rid of the surplus criminality of the realm, was then in abeyance, owing to the revolt of the British North American Colonies, and the war they were waging for their independence. As a consequence, the felony of England was dammed up in the country. To meet the evil, an act was passed "to authorize, for a limited time, the punishment by hard labor of offenders liable to be transported." This act converted Bridewells into penitentiary factories. Meanwhile, to eke out the notorious insufficiency of the Bridewells, two old hulks at Woolwich, the *Justitia* and the *Censor*, were converted into floating prisons. The convicts committed to these hulks were to be employed in raising gravel, in cleansing the river bed, in laboring in the dockyards, or on other public works. This was the origin of the hulk-

system, which afterwards became so famous, we might say infamous, in the history of prison discipline in England. Howard inspected the hulks in 1776. "I wished," he writes in his *State of Prisons*, "to have found the prisoners more healthy, and their provisions good of the sort. But as the scheme is new and temporary, I am not willing to complain." In point of fact, he found the floating prisons filthy and pestilential, and the convicts sickly, half-naked, fed on mouldy biscuit and tainted meat, and dying at the rate of thirty per cent. per annum. Two years later, on visiting the hulks, he found, as the result of his indignant remonstrances, the worst evils remedied, and, with his approbation, the government decided on a temporary adherence to the plan. As the whole body of the country justices, despite the exhortations of the judges in their charges, had totally disregarded the injunctions of the recent act, and the ruinous Bridewells remained utterly unfit for the reception and safe-keeping of hard laboring felons, a bill was passed to continue the system, and additional hulks were established at Portsmouth, Plymouth, and elsewhere.

In 1779, Howard published a second edition of his *State of Prisons*, with an appendix in a second volume containing the results of his further investigations, both at home and abroad. He was able to report considerable progress in the work of prison reformation. His vigilance and strictures had proved a strong stimulus. Few prison authorities had ventured altogether to neglect the recommendations of his former work. Many new jails had been commenced. In others, salaries had been granted to the keepers in lieu of fees and tithes. Jail fever had almost entirely disappeared. These improvements, which were of a substantial character, were due almost solely to Howard's personal exertions. Yet they fell far short of his aims and wishes. Physical evils only had been alleviated. "At this point," he wrote in his appendix, "the spirit of improvement seems to stop, scarcely touching upon that still more important object, the reformation of morals in our prisons." Meanwhile, however, at the instigation of Howard, a bill had been passed "for the erection of two penitentiary houses for the reception of persons usually transported." Three supervisors were appointed to carry it into effect, of whom Howard himself was one. This act is a famous one in the annals of prisons; it was framed with great care by Howard, Blackstone and Eden (afterward Lord Auckland). It thoroughly represented the opinions of the first with regard to solitary confinement, and the reformation of criminals. "Accompanied by well regulated labor and religious instruction (so runs the preamble), it might be the means, under Providence, not only of deterring others from the commission of the like crimes, but also of reforming the individuals themselves." Indeed, every eminent writer of the time, who treated on prison discipline, favored the system of separate imprisonment. Paley, in his moral philosophy, gave in his adhesion to this doctrine. He says that "of the reforming punishments which have not yet been tried, none promises so much success as that of solitary confine-

ment." But the solitude contemplated by the act for creating the two penitentiary houses was by no means absolute. It was doubted whether the prisoners could be made to work in solitude, and whether suitable employment could be found for them. The convicts were, therefore, to labor in companies, under the constant supervision of an officer. The system was thus much more analogous to what is now known as the Auburn, or congregate system, in contradistinction from the Pennsylvania, or separate system, in which the prisoners work as well as sleep in separate cells. This part of the discipline was copied from the *Maison de Force*, at Ghent, at that time regarded as the model prison of Europe.

Howard continued, with unabated zeal and diligence, his work of prison-visiting, both in Great Britain and the states of the Continent, till the year 1784, when he brought out a third edition of his *State of Prisons*, embodying all the fresh information he had gathered. In England, prison discipline had rather retrograded than otherwise. In many localities, the interest in prisons was either on the wane or already extinct. The jails were disgracefully crowded, and the jail fever had again made its appearance with desolating effect. The causes for this deterioration were manifold. Transportation was suspended; the number of convicts, as a consequence, was rapidly accumulating; the act for the erection of the two penitentiary houses had proved a failure, and the scheme had been abandoned; even Howard's influence and energy being unequal to the task of conquering red tape and carrying out the design. The act requiring the Bridewells to be prepared "for the temporary reception, safe custody, employment and due regulation" of transports, had met with total neglect. The Bridewells were so ruinous and insecure that the convicts sentenced to reformatory imprisonment in lieu of transportation, were of necessity sent to the jails. These soon became overcrowded, and an act was passed in 1782, "for amending and rendering more effectual the laws in being relative to houses of correction." This act, considerably leavened with the new doctrines promulgated by Howard and his followers, transformed the Bridewells still more completely into reformatory prisons. Labor, supervision, the separation of classes, and even in some cases, according to the interpretation of Mr. Crawford and Sir Joshua Jebb, individual separation, were enjoined, and the doctrine that prisoners in Bridewells, as well as in jails, had souls to save, was recognized by the appointment of chaplains at £20 a year. But this measure met with little more attention than the previous acts, and two years later Parliament made another attempt to rouse the country justices to reform their prisons. Three bills were passed. The objects aimed at in this triad of acts were, 1st. The erection of new jails, with all the latest improvements. 2d. The payment of salaries to the jailors in lieu of fees and other perquisites. 3d. Separate imprisonment in jails as well as Bridewells. 4th. A remodeling of the hulk system, and 5th. The revival of transportation. A system was

adopted for the hulks which made them far worse than ever, and yet it lasted for forty years. The new scheme for transportation was that of founding a penal colony, to consist of unalloyed felony, under the control of a judge, a staff of taskmasters, a detachment of soldiers, and last, though not least, a gallows. An attempt was first made to found such a colony at Sierra Leone. The convicts, however, died off so rapidly, that the attempt was soon abandoned, and in May, 1787, Commodore Phillips set sail from Spithead for Botany Bay, in New South Wales, in charge of a convoy of seven transports laden with eight hundred felons, male and female, the founders of the British Australian Empire. Howard was vehemently opposed to transportation. Besides the immediate evil of overcrowded prisons resulting from the scheme, he saw that it involved the abandonment of his much cherished project of penitentiaries. "The gentlemen," he says, "who defeated the design (of penitentiary houses), and adopted the expensive, dangerous and destructive scheme of transportation to Botany Bay, I leave to their own reflections on their conduct." A few months after writing these lines, Howard died (in January, 1791), a life-weary, disheartened, disappointed man. "No effectual reform," he wrote shortly before his death, "will be made in our prisons, till the root of the evil be cut off, which, from the closest observation, I am convinced is drunkenness."

The interest in prisons, though feeble before, waned still further after his death. In a few districts, nevertheless, his reforms were prosecuted and his principles of prison discipline were carried out with vigor and success. The most notable instance of this was in Gloucestershire, where an enlightened and energetic justice, Sir G. O. Paul, whom Howard had inoculated with his doctrine, and inspired with his zeal, worked out a complete prison system for the county, consisting of four distinct Bridewells for the reception chiefly of vagrants and persons summarily convicted of small offences, and of a common jail and penitentiary combined, in the city of Gloucester. The penitentiary was modeled on the reformatory principles of Howard: Two cells were allowed to each convict, the one to sleep, the other to work in. But the solitude was far from being unbroken. The prisoners met every morning in the chapel, and in the evening before they were locked up, they were permitted "to walk for exercise and air in the airing yards of the prison," but always in the presence of an officer. The monotony of the solitude was further relieved by frequent visits to the cells, daily from the governor, schoolmaster, and taskmaster (a trustworthily prisoner), and almost daily from the chaplain. In a word, the discipline of this prison, in its main features, separation, labor, the disease of irons, coarse but wholesome and abundant food, kind treatment, and secular and religious teaching, is precisely that now established in the best prisons, after a lapse of eighty years.

In the county of Sussex, even earlier than at Gloucester, a prison upon

the separate system had been erected at Horsham under the potent supervision of the Duke of Richmond. This prison was the first on the separate system in the world. Though little is known of the details of its discipline, yet the success of the experiment is abundantly attested. Howard wrote of the prison with unqualified approbation; and the celebrated Lord Mansfield, after having once inspected it at assize-time and after listening to the keeper's account of its reformatory power, exclaimed, as he himself tells us, "Good God! this language of experience is very forcible, and the facts ought to be more generally known." Another cellular prison was erected in Sussex county, at Petworth, in which the system was developed much further than at Horsham. In fact, on a small scale (it contained only thirty two cells), this prison was a complete anticipation of Pentonville.

Gloucestershire and Sussex were the only counties in which the separate system was fairly tried in the last century. There were several clumsy imitations, but they all miscarried either from the want of intelligence in the officers or because discipline was sacrificed to parsimony. The idea of solitary imprisonment had, from the first, excited vehement prejudice. Coleridge but echoed the popular sentiment when he wrote, in 1799:

As he passed by Colbath Fields, he saw  
A solitary cell;  
And the devil was pleased, for it gave him a hint  
For improving his prison in hell.

Two years after Howard's death, Jeremy Bentham proposed a penitentiary on a new plan, a strange compound of semi-sound principles and absurd details. He called it a panopticon, because from a central Argus-chamber a continual inspection of the prisoners was to be kept up by means of a system of reflectors, and that by night as well as by day. It is unnecessary to give a detailed account of the plan, as it proved utterly impracticable.

In 1811, Sir Samuel Romilly, who had discovered the close connection between prison reform and his own great project of law reform, stirred up the House of Commons to reconsider the whole subject of penitentiaries. A committee was appointed, and Bentham and Sir George Paul were summoned to give evidence as the respective advocates of panoptica and penitentiaries. Sir George was victorious; and the proposal of the committee to erect a National Penitentiary on the principles of Howard's Act was adopted. A modification of Bentham's ground-plan was followed, and the swamp, previously purchased as the site of his panopticon, was retained. This prison, after undergoing manifold changes and the expenditure of immense sums of money upon it, finally, in 1843, became the famous Millbank Prison; and from that time it has been used almost wholly as a depot for convicts.

Though some progress, as we have seen, was made in certain localities, and though James Neild, a Buckinghamshire magistrate, and treasurer of the Debtor's Relief Society, had plodded for eleven years in un-

al circuits of inspection over England, Scotland and Wales, and published the result of his labors in a ponderous quarto, the cause of prison reform languished from the time of Howard's death in 1791, till Mrs. Fry's mission to Newgate became the talk of the town and the topic of the platform. To the coterie of philanthropic Quakers, of which she eventually formed the centre, is due the credit of re-awakening a general interest in the state of jails throughout the country. In February, 1813, William Allen, Stephen Grellet (the famous American Quaker), and two other Friends, visited the criminals in Newgate. On entering the female side, they were shocked at the disgusting and pitiable condition of the blaspheming, fighting, dram-drinking, half-naked women, crowded with their wretched children, into the wards and yards. Owing to her aristocratic connections, her husband's wealth, her thorough goodness, and her peculiar gift of exhortation, Mrs. Fry was already a spiritual directress among the Quakers, and one of their most prominent ministers. To her, therefore, the four Friends applied. Accompanied by only one lady, she paid three visits to Newgate, and distributed some coarse clothing among the women. On the third visit, the ladies had the courage to kneel down and pray in the midst of the rabble. "I heard weeping," wrote Mrs. Fry in her journal, "and I thought they appeared much tendered; a very solemn quiet was observed; it was a striking scene, the poor people on their knees around us in this deplorable condition." Nearly four years passed before Mrs. Fry resumed her ministrations. About Christmas, 1816, she and a friend named Mary Sanderson, obtained permission to try the experiment of discipline at Newgate. An unoccupied cell was assigned them, in which they established a school under one of the prisoners, whom the rest elected as schoolmistress. Other ladies soon joined in the work, and in April, 1817, eleven Friends and a clergyman's wife formed themselves into an Association for the Improvement of Female Prisoners in Newgate. They first drew up a code of rules, to which the women promised obedience. They then procured materials for employment, formed the prisoners into working companies, found a market for their productions, provided them with decent clothing out of their own earnings, and established schools and bible classes. By these measures, the savage rabble was reduced to decency and order. The city dignitaries and prison officials could scarcely credit what they saw. A letter by Robert Owen, published in all the newspapers, drew public attention to the Newgate ladies. The visitors, already numerous, increased and multiplied. On the two public mornings in the week, parties of inspection streamed through Newgate. Fashionable philanthropists, benevolent aristocrats, members of parliament, cabinet ministers, royal dukes and duchesses, docked to the philanthropic show, and the experiment was swamped in its very success. However, the publicity it had enjoyed was not without its use. It thoroughly aroused the popular interest in prison reform; and Mrs. Fry had all the qualities necessary for utilizing the motive power she had evoked. Her well-timed exertions stimulated into extensive and practical activity the

newly awakened and increasing interest in prison discipline. She was an invaluable ally to Wilberforce, Powell Buxton, and the whole communion of benevolent innovators. It was through her influence that prison discipline and the mitigation of the penal code were elevated to an equality even with the abolition of slavery. It was she who firmly established the principle that none but women should be employed in the superintendence of female prisoners. She did more than any one else to introduce Christian faith as the essential basis of reformatory discipline. She was the first to meliorate the condition of female convicts on board the transport ships and in the colonies. These constitute her direct contributions to the development and progress of penal discipline. Her indirect aid to the cause, already noticed, was of no less, if not indeed of even greater, importance.

In 1815, a refuge for young criminals, claimed to have been the forerunner of Reformatory Schools, was opened in London; and the next year the "Society for the Improvement of Prison Discipline" was formed. The formation of this Society was well-timed, and its influence for good not unimportant. It organized and combined the isolated and desultory efforts of individuals; collected and diffused much valuable information; and established regular inspections of all the prisons in the realm. But the most important, as well as successful, part of the Society's work was the establishment of refuges for discharged prisoners, especially for boys, who most needed such assistance, as it had been the custom, in their case, to administer a valedictory flogging, and then turn them out, raw and bleeding, into the streets. The Ladies' Association established similar refuges for discharged female prisoners. Pamphlets on prisons swarmed from the press, and found eager readers. Buxton's Inquiry into the Present System of Prison Discipline ran through six editions in a twelvemonth. Parliament, which for many years had done little more than appoint abortive committees and listen to inconclusive debates, was at last fairly roused to action. When the work of statute-consolidation commenced, the prison laws were among the first subjected to the process. The two jail committees prolonged their sittings for three sessions, and examined a legion of witnesses. They found the prison laws an accumulated medley of bewildering statutes, full of anomalies and contradictions. Sir Robert Peel put the twenty three most important into his legislative crucible, and transmuted the whole into the well-known Jail Act, which came into effect in July, 1823. In this act, all the chief improvements on prison discipline, which had been evolved and elaborated by successive reformers, were embodied, with the exception of separation, to which, notwithstanding it was favored by Howard, Hanway, Nield, Paul and other eminent friends of prison reform. Mrs. Fry and the Prison Discipline Society were unalterably opposed. Classification was substituted for separation, but upon a vicious principle. Legal offences, and not moral character, was made the basis of the division into classes. In adopting this principle, the very object for which classification, if at



all, is to be desired, was sacrificed, viz. the separation of hardened offenders from those comparatively unpolluted. The other improvements which the act made in prison discipline were more valuable. Female prisoners were to be placed exclusively under the charge of female officers. Short daily services were to be held in the chapel. Reading and writing were to be taught. Important restrictions were laid on the jailor's hitherto unchecked power in the prison. Both the keeper and the chaplain were to make regular reports to the Court of Quarter Sessions, and the court to the Home Secretary and to Parliament. A nominal distinction was retained between the Jail and the House of Correction; but the difference was well nigh obliterated. Great emphasis was laid on hard labor; and the treadmill, though not expressly mentioned, is implied. This machine had been invented five years before by a Mr. Cabbitt. The idea even at that time was not new, for Jeremy Bentham had advocated, twenty years before, the corrective potency of a "walking-wheel;" and at a still earlier date, "treading in a wheel for moving machinery" was one method of labor specified by Howard's Penitentiary Act. Its use now rapidly spread, and the "everlasting staircase" (as the rogues called it) soon came to be regarded as the infallible panacea for larcenous propensities. This jail act of Peel gave a wonderful stimulus to prison reform throughout the kingdom. In many counties, the justices thoroughly reorganized their prisons. At least one hundred prisons were raised to the standard required by the act; and others, though falling short of the mark, were, nevertheless, not a little improved in their discipline.

The same year in which Sir Robert Peel's jail act was passed, and about a month after its passage, Mr. Clay was elected chaplain of the Preston House of Correction, having previously served for two years as assistant chaplain in the same prison. Immediately, with all the enthusiasm and energy of his nature, with admirable prudence and judgment, and with a perseverance which nothing could overcome, and to which indeed, obstacles seemed but incentives, he set about the work of reform. He had no exemplar to follow; no traditions of jail chaplaincies to guide him. He had not only to do his work, but to find it. For many years, therefore, his labors were but a series of experiments. During the first half of his incumbency, his letters and journals form a record of failures and disappointments, of futile attempts to counteract the evils of a system radically and hopelessly defective, and of sickening wrangles constantly produced by his efforts to suppress even petty abuses. The difficulties of the task at last fully evoked the peculiar pertinacity of his character, while the growing sense of the importance of his office created a spirit of devotion, which never flagged, till his health, towards the end of his protracted career, was completely broken by the long continuance of his labors. Mr. Clay's efforts were, in their way, scarcely less important, and far more successful, than those of Howard himself; nor was his influence in the end, much less extensive or beneficent. In the face

of obstacles and difficulties and discouragements, which would have appalled and turned back a less resolute spirit, he persevered in his reformatory labors, till, from being a place where thieving, gambling, swearing, smoking, and fighting were practised with impunity, and where even open blasphemy, ribald obscenity, and disgusting profligacy ran riot, he made the Preston House of Correction one of the model prisons, if not, indeed, (as we are somewhat inclined to think) *the* model prison, of the world. Mr. Clay, like many of the ablest friends of prison reform in England (Howard among the number, as we have seen), was ever an earnest advocate of the separate system, which, after a twenty years battle, he succeeded in introducing at Preston. The system, however, as advocated and practised by Mr. Clay, was of a modified and softened type. From the first, he repudiated the necessity and harmlessness of total isolation. He had carefully read and pondered both sides of the controversy, and the bold panegyrics of the extreme advocates of the separate system had never clouded his perceptions or warped his judgment. He required no more solitude for his experiment than would be sufficient, in duration and strictness, to give the prisoner time for reflection, and to save him from further contamination. He had no faith in the power of solitude, in and of itself, to generate right feelings and produce permanent reformation. He was keenly alive to the conviction that isolation, unaccompanied by other influences, was quite as likely to arouse vicious, as to foster salutary, feeling. All that he asked, therefore, from separation was, that it should guaranty the prisoners from mutual corruption, and make them think. To cleanse and hallow the thought, when once aroused, he held to be, under God, his work, and not the systems'. In effect, how to avoid contamination and compel reflection, without injury either to mind or body, was, in his opinion, the real problem; and, as before the experiment began, he was convinced of the dangerous potency of the lonely cell, he at once took means to lessen its rigor. He shrank from the idea of ministering the gospel among men listless from the dreary monotony of enforced solitude, or, perchance, trembling on the verge of insanity. "The mind must retain its full strength (was his constant saying) when engaged on such a work as repentance." Accordingly, in the Preston jail, total isolation was neither practised nor attempted. The prisoners had each his separate cell for working and sleeping, but they met every morning in the chapel, and on the Lord's day twice, for religious service. They also saw each other daily in the exercising yard, and again in the school room, where they received instruction in the elementary branches of secular learning. The result was, that in not a solitary case did insanity originate in the prison under the separate system, as there practised, but, on the contrary, several who came into the institution in a somewhat diseased and excited state of mind, were thoroughly restored to mental soundness

under the mild and judicious discipline, to which they were subjected; and, according to the best information and the best judgment of Mr. Clay, sixty per cent. of the inmates went out more or less reformed; most of them, indeed, to become industrious and virtuous citizens.

The progress which prison reform had made in the United States, had already attracted much attention in Europe, and commissioners were sent from several of the chief European States to inspect the American prisons. Prussia sent Dr. Julius, France M. M. de Beaumont and de Tocqueville, and afterward M. M. Demetz and Blonet, and England, in 1833, Mr. Crawford.

Ten years' experience had proved the English jail act a failure. Crime was rapidly and alarmingly on the increase. From 1806 to 1826, the commitments to prison had quadrupled, while the population had only doubled, which shows that crime had increased one hundred per cent. More thorough and effective means for the repression of crime were loudly called for by the country. A parliamentary committee was appointed to inquire into the causes of the rapid growth of crime and the appropriate means of repression. Among the witnesses examined was Captain Basil Hall, who had recently published a laudatory account of the prisons at Auburn and Sing Sing. On the strength of his evidence, the committee recommended a modification of the American system of prison discipline, and in 1832, Lord Melbourne despatched Mr. Crawford to visit and examine the penitentiaries of the United States. Mr. Crawford had been one of the founders of the Prison Discipline Society, and was among the most active and practical of its members. An upright, sedulous, and sagacious man, he fulfilled his commission in a thorough-going, business-like manner. His report, voluminous, trustworthy, and minute even to tediousness, embodied a vast amount of important information. While frankly acknowledging the great merits of the American prisons, he laid bare their evils with bold and unsparring hand. Mr. Crawford unhesitatingly gave his decision in favor of the Pennsylvania discipline. Still, he did not venture to recommend that model for imitation in England. On his return, he thoroughly examined all the chief prisons in his own country, to ascertain how far either of the systems, the silent or the separate, could be adopted in them. It was with great reluctance that he at last felt compelled to confess that the enormous expense of the separate system rendered its introduction almost hopeless. A form of the silent system, similar to that established at Wethersfield, Connecticut, by the Messrs. Pillsbury, had recently been introduced into the Wakefield jail, and the success of the experiment was undeniable. Grudgingly, therefore, Mr. Crawford recommended the adoption of a similar discipline throughout the kingdom.

In 1835, the duke of Richmond, in whose family prison reform had become an hereditary task, took the matter up, and procured a select

committee to inquire into the state of jails. The labors of this committee were of the highest importance. They continued their sessions for six months, examined crowds of witnesses, amassed piles of returns and reports, inspected all the prisons within their reach, and made no less than five distinct reports. Nor did they confine their investigations to prisons only. The hulks, reformatory schools, convicts' transport ships, and the penal colonies, all came within the range of their exhaustive researches. The immediate result of these labors was the passage of a bill containing little more than two provisions; provisions, however, which have formed the foundation of the English prison system. The first, intended to secure greater uniformity of discipline, required magistrates to lay all proposed new regulations before a secretary of state, who was empowered to alter, add to, or reject them, and, in the last case, to substitute others in their stead. The second provision of the act gave the secretary the still more important power of appointing five inspectors of prisons in Great Britain. The inspectors were immediately appointed by Lord Melbourne, and at the urgent request of the Duke of Richmond's committee, Scotland, where the prisons were in an execrable state, was made the special province of one of them. The gentleman selected for this important post was Mr. Frederick Hill, a younger brother of that enlightened, humane and able magistrate, the Hon. Matthew Davenport Hill, Recorder of Birmingham. A more fortunate choice could hardly have been made. In less than ten years, under his energetic administration, a clean sweep was made of all the old prison abominations of Scotland, and a new and improved system thoroughly organized.

On the appointment of the prison inspectors, England was divided into three districts, the Northern, the Southwestern and the Home. For the Home district two inspectors were appointed,—Messrs. Crawford and Russell, the latter of whom had been chaplain of the Millbank Penitentiary, and whose evidence before the Richmond committee was by far the most important given. Their first report, presented in March, 1836, caused no little stir. It consisted mainly of a merciless exposure of the abominations in Newgate prison. Not an individual in any way connected with the establishment escaped the censure of the inspectors; even Mrs. Fry's committee, though heartily praised for their self-denial and assiduity, coming in for a share of their impartial strictures. Messrs. Crawford and Russell had been directed to find a solution for the question, "what is to be done with juvenile convicts?" The question was by no means a new one. Howard\*, and still more Hanway, had written and toiled much to establish a better method of treatment for delinquent children; and not without considerable effect. Inoculated with their doctrines, a number of kind-hearted Christian gentlemen, in 1788, found-

\* "Boys," wrote Howard, "confined for correction, should always be separate from other prisoners, and, indeed, from one another. A kind and tender monitor should often see them, and, without fixing their attention, converse with them as a friend or parent."

ed the Philanthropic Society, and established an asylum for the education of convicts' children and the reformation of criminal boys. In 1806, the Society was incorporated by act of parliament, and the asylum re-organized. In its later form, it was a triple institution. One department was a prison school for young convicts; another, a *manufactory for the employment of destitute boys*; and the third, a training school for pauper girls. The year before, a Refuge for the Destitute, intended chiefly for the reception of discharged prisoners, was opened at Hoxton. In 1817, the magistrates of Warwickshire established, at Shetton-on-Dunsmore, an Asylum for the reformation of Juvenile Offenders, "the prototype," says Mr. Clay, junior, "in all respects, of more modern reformatory schools." Seven years later, the governors of the old Bridewell Hospital founded a House of Occupation, intended primarily and chiefly for boys and girls who had shown hopeful signs of contrition in the Bridewell, though incorrigible children of feeble parents were also admissible. About the same time, Mrs. Fry and her lady coadjutors instituted a House of Discipline at Chelsea for vicious and neglected girls. Rather later, a Children's Friend Society, organized through the exertions of Captain Brenton, opened an industrial school for boy-vagrants at Hackneywick, and another for destitute girls at Chiswick. The children from these two schools, when sufficiently reformed, were sent as emigrants to the Cape of Good Hope. A bolder philanthropist, Henry Wilson, created and managed, single-handed, a School of Industry for young thieves at Woolwich. The Richmond committee had gathered a mass of evidence in these reformatory institutions for young criminals, and on it had founded a proposal for the abolition of the boys' hulk, and for making reformatories an integral part of the prison system of England. On the recommendation of the inspectors for the Home district, Lord John Russell, who had already appropriated the task of prison reform in parliament, had procured the passage of an act for founding a Reformatory for Boys at Parkhurst, in the Isle of Wight, by which it was hoped that the problem of the treatment of juvenile transgressors would be effectually and satisfactorily solved. This establishment, organized and launched upon the sea of experiment in 1838, is at once a prison-school, a manufactory, and a farm. The young offender commences his term as a solitary prisoner, and gradually develops into an apprentice, or a farm-laborer.

The Parkhurst Reformatory was but a part of the new penal system which the government proposed to create. Transportation had grown into so loathsome and horrible an evil, that the public became desirous, not of total abolition, which the national selfishness forbade, but of some amendment. The scheme, when first adopted by Pitt's government, had met with general favor; Howard and his friends being the only strenuous opponents. Twenty years after Howard's death, Bentham and Romilly renewed the cry against transportation; and, from that time, it became the object of increasingly vehement attack. Still, the system thrived, with a kind of putrescent vitality and vigor, till Archbishop Whately,

in two letters on Transportation to Earl Grey, with lucid and trenchant logic, convinced all, who were not officially or otherwise incapable of conviction, of the enormous evils of the system; "a system (he says) begun in defiance of all reason, and continued in defiance of all experience." In 1837, Sir William Molesworth, in concert with Dr. Whately, obtained a committee on transportation. The revelations of this committee, into the details of which we have neither space nor inclination to enter, were equally loathsome and appalling. In view of them, our author says: "Altogether, it may be doubted whether in any community that ever existed, the bestial and devilish elements of humanity were ever so fearfully developed, as in New South Wales and Van Diemen's Land thirty years ago. One people there once was, which might have vied in sin with our Australian progeny, and that people God expunged from off the face of the earth with fire and brimstone." The committee recommended the instant abolition of the system of transportation and the substitution of confinement in penitentiaries. But this advice, in spite of all that Sir William Molesworth could do, was marred by a proposal that the penitentiaries should be erected, not at home, but in Australia. The publication of this committee's report, in 1838, raised the question of prison discipline into greater importance than ever.

In the second report of the inspectors for the home district, Messrs. Crawford and Russell drew an elaborate comparison between the silent and separate systems of prison discipline. Their criticisms shook the public faith in the former considerably. But it was their third report, in 1838,—after Howard's book the most important volume in the history of prison discipline ever published,—that secured the final triumph of their favorite theory, imprisonment on the principle of separation. It so happened that a fire had burnt down two of the pentagons of the Milbank penitentiary. The inspectors seized on the opportunity, which the necessity for their reconstruction offered, for trying, with all the professional assistance they could command, a series of experiments in cell-building and prison-building. To work out the problem of prison architecture more fully, Lord John Russell gave them as a coadjutor captain (afterwards major general Sir Joshua) Jebb, who was at the same time appointed to the new office of surveyor general of prisons, an office which constituted him prison architect-in-chief to the whole Kingdom. The three performed their task well and thoroughly. Though some mistakes, almost as a matter of course, were made, it has still not been necessary to modify, in any important respect, the plans and rules for prison-building, which were laid down in the inspectors' third report. Prior to its publication, Lord John Russell had brought in a brace of bills, in accordance with the views and principles embodied in it. The one was the act for creating the Parkhurst Reformatory, already noticed; the purpose of the other was to establish the separate system of imprisonment.

The former was passed immediately; the latter not until the following year.

Messrs. Crawford and Russell had strongly urged Lord John to build a model prison, and accordingly, in 1839, he asked parliament for the requisite grant and authority. Both were readily yielded; and, in the autumn of the same year, Sir Joshua Jebb was commissioned to choose a site, prepare plans, and commence operations. The site chosen was at Pentonville, near the spot which Howard had selected sixty years before for his penitentiary. On the 16th of April, 1840, Lord Malmesbury, as home secretary, laid the corner-stone, and, in December 1842, the prison was opened for the reception of convicts upon the separate plan. In October of the following year, a corridor of separate cells was brought into use at Preston; and about midsummer of 1844, a large new prison, built on the model of Pentonville, was opened at Reading. It was mainly in these three prisons that the problem how to combine reformation with punishment, so far as England is concerned, was worked out. The mode of treatment adopted in each was essentially different; and the history of prison discipline in Great Britain for the next few years is bound up with the history of these three institutions.

The Pentonville prison was meant to serve a double purpose, for the government had a double problem to solve: first, what system of discipline to establish in the country; and, second, how to dispose of "government convicts"—convicts, that is to say, sentenced to transportation, or some equivalent punishment. Hitherto the destination of such convicts had been the Millbank penitentiary, the hulks, or the penal colonies. It would occupy too much space to enter into a detail of the penal system in Australia, though such a detail would not be without interest to the general reader. Suffice it to say that into this system, which had not yet been abandoned, despite all the argument and all the efforts of its opponents, the model prison at Pentonville was incorporated. The design was, if possible, to transform the most hopeful portion of English felony into honest emigrants before they were dispatched to Australia. To this end, a select number of healthy young convicts, under short sentences of transportation, were sent to Pentonville, where they remained eighteen months to be taught trades and to be reformed. On their entrance they were given to understand that "the prison was the portal to the penal colony," and that their status in Australia would depend upon their conduct in Pentonville. But, besides forming an important part of the new penal system, the Pentonville penitentiary was intended to serve as a model of prison construction and prison discipline to the whole country. The government of the prison was vested in a board of eleven commissioners, who virtually deputed the management to two of their number, Messrs. Crawford and Russell. These gentlemen were thorough-paced advocates of the Pennsylvania system. They were imbued with unlimited faith in the reforming potency of solitude. On

their theory, the more complete the isolation, the more reformatory the influence. The separation of the prisoners was, therefore, made as perfect as it was possible to make it. But in all minor details, the discipline established at Pentonville was wise and humane. The officers of the prison were carefully selected, the convicts were treated with uniform courtesy and kindness, and the proportions of time allotted to labor and instruction were carefully balanced. The chaplain, the Rev. Joseph Kingsmill, was a person of great intelligence and judgment. From the first, he dissented from the ultra theories adopted at Pentonville, and it is to him, chiefly, that the subsequent modifications, mitigating the rigor of the discipline, were due. He was one of the first to perceive the real use of separation. "We are led by our own observation," he wrote in 1849, "to value it little as an active agency for reforming criminals, but to allow it a high place as auxiliary, in general, to that which is reformatory in the highest degree—Christian instruction in the hands of Christian men."

The experiment at Reading was tried with the same zeal and humanity as at Pentonville, and under the auspices of a chaplain fully Mr. Kingsmill's equal in hearty energy, the Rev. John Field, one of the best known and most thorough-paced advocates of the separate system. The efficacy of total isolation in producing reformation was accepted in all its breadth: But, instead of the wholesome labor, which was the best branch of the discipline at Pentonville, a fallacy, styled by the Berkshire magistrates "corrective education," was grafted on the system. "It is quite evident to us," these sapient gentlemen said, "that if we were to offer any mode of employment, and to give the prisoner an interest in what he was doing, we should lose entirely the control which we have over his mind; he would be thinking of his trade instead of his instruction." In effect, the doctrine held at Reading, was, that the felon-reformers should get their patients' minds under their "entire control," and then give them, as Mr. Clay phrases it, "an educational shampering." To this end, the prisoners were "employed in nothing but education." They learned lessons from morning to night, and what made the matter worse was, that the Bible was the chief lesson-book. It was committed to memory by wholesale; whole books, nay, almost the entire New Testament, was learned by heart by eminently studious felons. "In short," said a somewhat irreverent punster, "it was the Read—Read—Reading jail." "Really, I ought to call your jail a university of the highest order," was the remark of an amused peer, after hearing the discription of it given by the chairman of the Berkshire visiting justices, in his evidence before the Lords' committee on transportation, in 1847.

The cellular system established at Preston was widely different from the discipline both at Pentonville and Reading. Mr. Clay had advantages which neither of his brother chaplains, Mr. Kingsmill or Mr. Field,

possessed. At the time the experiment was commenced, he had quite won the confidence of the magistrates, and, in his attempts to develop his plans, he was not hampered, to any great degree, with other men's theories, but allowed to put his own doctrines in practice without hindrance. The "separate system," as introduced and practised in the Preston prison in accordance with Mr. Clay's views, has been described in a previous part of the present paper, and need not be repeated. His manner of personal ministrations among the prisoners was pervaded with the utmost thoughtfulness. He never suffered the religious teaching to degenerate into mere routine. It was his endeavor, as far as possible, to lead the prisoner to welcome religion as an alleviation of his punishment. He would have been the last to fall into the mistake, committed in some prisons, of prescribing a certain religious dietary for the convicts. Nothing could have been either more contrary to his convictions or more repugnant to his feelings than to enforce a fixed spiritual regimen as a part of the discipline. If a man, from necessity or choice, had been left to receive in a prison the first lesson of what he must know and believe to his soul's health, Mr. Clay would do all that lay in his power to make the memory of that first lesson a pleasant one; not the memory of an irksome, hateful prison task, but of a precious boon, which had rendered even the blank cell a tolerable, perchance a happy, place. With this object in view, he sought to render the school, the chapel, and his personal interviews with the prisoners in their cells, all valued privileges, instead of dreaded exactions.

The question was warmly debated about this time, whether the reformation of the criminal or the protection of society was the primary object of imprisonment. A parliamentary committee, while examining a witness, incidentally let slip the opinion, "that there were two modes of preventing crime,—one by reforming prisoners, the other by deterring bad characters from the commission of crime." For this judgment, the committee were severely censured. It was upon this occasion that Archbishop Whately wrote: "We cannot admit that the reformation of the convict is an essential part of the punishment; it may be joined incidentally, but cannot necessarily belong to a penal system." Abstractly, this may be true; but prison discipline is a very concrete thing. The real question is, which class of agencies,—the reformatory or the deterrent,—will be found most effective in preventing crime, which all admit to be the direct and immediate object of punishment? Mr. Clay maintained, with much earnestness, in opposition to the Archbishop and many other learned and able men, that reformation is a more essential element than even punishment in any system for the prevention of crime. He looked upon the great majority of prisoners as (to use his own phrase) "incidental offenders," men who broke the law on sudden impulse, and generally under the influence of drink. Now, on the one hand, such persons, being slaves to the habit of drink, were thereby well nigh robbed of their rational powers, and, therefore, with respect to them, a preven-

tive system, which involved an appeal to the reason, would seem all but impotent. Yet, on the other hand, these incipient criminals were the very men whom it was most possible to reform, and to restore to liberty, sobered and in their right mind. "This alone proves," said Mr. Clay, "that mere deterrent agencies are insufficient; almost all crime springs from drunkenness, and nothing can deter a being so irrational as a drunkard." He saw, therefore, from the first, that the real problem was to devise some method of treatment which would combine both punishment and reformation. Separate confinement, modified and mitigated as in the Preston discipline, in his opinion, made the complete solution of this problem possible. It was terribly penal; yet, as a rule, its effect was not to exasperate or harden; and it helped, instead of precluding, the meliorating and purifying influences of religion.

Sir Robert Peel was driven from office in 1841, in consequence of the repeal of the corn laws, and Lord John Russell succeeded to the vacant premiership. A thorough discussion of the criminal question was had both in and out of parliament, which had considerable effect in moulding the measures of the ministry. Early in the year, the Colonial Home Secretaries, Earl Grey and Sir George Grey, announced the scheme, which they had jointly devised. It consisted, first, of a reformatory stage of imprisonment upon the separate plan; and secondly, of a probationary stage of association on public works at home; and thirdly, of transportation to such of the penal colonies as were willing to receive them. As the Pentonville and Millbank prisons could furnish only about half the number of cells required for the first stage, the government hired ranges of cells in various county prisons,—Wakefield, Preston, Reading, &c. As the only accommodations for prisoners undergoing the second stage were four sets of hulks at Woolwich, Portsmouth, Gibraltar and Bermuda, which were but wretched make-shifts at the best, Sir Joshua Jebb was commissioned, in the summer of 1847, to construct cellular barracks, and prepare a complete penal establishment on Portland Island, where it was intended to employ about a thousand convicts on the construction of a breakwater. Abundant promises were held out of the speedy abolition of the hulk system, but, in spite of public indignation and remonstrance, the English hulks were not abandoned till 1856, nor those at Gibraltar till 1859. One is still in use at Bermuda, though it is confessed, even in official reports, that all the abominations peculiar to hulks are there forced into frightful maturity and vigor by the heat of the climate.

The controversy about prison discipline, which was revived in 1847, increased in intensity the next year, waxed still warmer in 1849, and culminated in 1850. Almost the entire press, which had in the main favored separation in 1847, gradually veered round into brisk hostility. The Times, the Daily News, the factious Punch, and other newspapers took part in the assault. Nor did the journalists enjoy a monopoly of the contest. The air was almost darkened by the multitude of pam-

phlets and magazine articles, which were issued from the press. Many even of the great lords of literature took part in the controversy. Carlyle launched his "Model Prisons" at the belabored system, and Dickens, in the final number of "David Copperfield," gave it the "most unkindest" cut of all. Therein, in an inimitable tableau, Uriah Heep, with pattern penitence and deeply 'umble, took leave of the public in the character of a model prisoner, the centre figure in a cackling group of ecstatic justice. The rattling fun of the caricature told powerfully upon the British public, which seems apt to believe, without question, in the absurdity of everything, which is cleverly ridiculed. The editors and the literary magnates failed, indeed, to upset the separate system, but their efforts produced considerable effect. A partial reaction against reformatory discipline set in, which speedily led to issues signally calamitous. For these issues the editors and their allies, were, in a great measure, responsible. But the reaction against the method of kindness, between which and the method of indulgence the public could see no difference, received some stimulus from a parliamentary committee; for the prison discipline controversy raged as vigorously in parliament as it did out of doors. Lord Brougham kept it alive in the Upper House; Mr. Charles Pearson in the Lower. This latter gentleman was a strenuous opponent of the separate system, and had, indeed, pledged himself on the hustings to make an end of it.

The evidence of the very first witness called before the committee, Sir Joshua Jebb, proved that Mr. Pearson would find it a hard task to redeem his promise to pull down and destroy the system of separate imprisonment. On the main question, whether the system should be maintained or not, Mr. Pearson's was the solitary hostile vote. There was, however, no little difficulty in determining what was the separate system; for there were no less than five distinct variations claiming approval. First, there was the discipline of Pentonville, now mitigated by horticulture, &c. Secondly, there was the academical discipline, still flourishing at Reading. Thirdly, there was the semi-cellular mark system, then in partial operation at Birmingham, under the auspices of its distinguished author, Captain Machonochie. Fourthly, there was *excellément* (the English equivalent has not yet been coined), with hard labor at cranks and similar contrivances, enforced at Winchester, and in a still more punitive form at Leicester. And, fifthly, there was the "mixed system," still working with great success and no drawbacks, at Preston. After examining many witnesses and after long discussion of the whole question, the Committee reported strongly in favor of the discipline of which Mr. Clay was the most prominent advocate. Every modification of rigid isolation, for which he had contended, was emphatically commended. Indeed, most practical disciplinarians were rapidly embracing his opinions. The experience of a few years had sufficed to prove their soundness. At the great Wakefield prison, for example, after replacing the silent with the separate system, the justices

began with Pentonvillian rigor, and in less than two years adopted all the Preston modifications. Still, the committee hankered after some method of treatment more sharply penal than that at Preston seemed to be. Unfortunately, they took the Leicester jail as the model for imitation. In this jail, the prisoners had cranks in their cells, and were forced to turn the handles 14,000 times a day. If they refused to work, they were flogged or starved into submission. The crank variation of the separate system was the very thing the public had been crying for. It satisfied the requirements of Punch, the editors, the literary magnates, and the justices. It was in vain that Mr. Clay, Mr. Field, and others protested that the solitary cell, without any addition, was already penal to the very verge of safety. It was in vain that Mr. Osborne, of Bath, who spoke from what he had seen in his own jail, stigmatized crank-labor as torture, and foretold the inevitable consequences. It was solemnly believed that there was a reformatory as well as deterrent potency in the appointed 12,000 revolutions per diem. Among the earliest converts to the efficacy of the sharper discipline were the borough justices of Birmingham. They, therefore, ousted the benevolent Captain Machonochie, and appointed in his place a stern disciplinarian, who was duly instructed to adopt and put in force deterrent methods. At the end of two years, the public became anxious that the new governor should give an account of his stewardship. Rumors were afloat, which called for investigation. The sickening tragedy brought to light by the inquiry elicited a unanimous outburst of indignation from the whole country. One poor lad, required by the stern exactions of the deterrent system to turn the handle of a stiff crank 10,000 times a day, and being unwilling, or, what is more likely, unable, to perform the task, had been driven, by starvings, flogging, drenchings with cold water, and tight strappings to his cell wall in the attitude of crucifixion, to hang himself. Other stories, illustrative of the method of unkindness, nearly or quite as revolting as this, and not a few minor atrocities, were raked up and brought to light in the course of the investigation. When the inquiry at Birmingham jail was over, it was thought advisable to subject the jail at Leicester, the prototype and model of crank-turning discipline, to a similar scrutiny. It appeared that there, too, the felons and felon-breakers had been driven into fierce collision, and that jailors and turn-keys had been forced to strange extremities, and that jailors and turn-keys, in the endeavor to coerce stubborn convicts into conformity with an intrinsically and radically pernicious system. If the inquiry had been extended to other prisons, it is not to be doubted that like results would have appeared.

But it was not necessary to pursue the sickening search. The investigations at Birmingham and Leicester were enough. They instantly produced a strong reaction against the deterrent policy and the method of rigor and unkindness. The very editors, pamphleteers, and members of parliament, whose speeches and writings had led to the adoption of

the system, now joined in the chorus of indignation against the unfortunate justices and jailors, who had carried to their murderous but logical results the principles which they themselves had preached but three short years before. But the nation had grown wiser by experience. When once it was demonstrated that they inevitably engendered either stupidity or ferocity, cranks followed treadmills into the limbo of expedients abandoned as useless or pernicious. The doctrine that the religious reformation of the prisoner should be the paramount object of prison discipline, to which all other aims should be both subordinate and subservient, now rose from the dubious position of a theory into the dignity of an established axiom.

By degrees, the principle of separate imprisonment became widely grafted upon the English penal system. In 1856, in one hundred and twenty of the English prisons, about one third of the whole number, the separate system was fully carried out; in as many more, partially; while the remaining third were either on the silent system or in the old disorderly state. In the many prisons built since then, the cellular construction has been, without an exception, adopted. Gradually, too, the several variations of the system are approximating to uniformity; and the special form of discipline, first fashioned and brought into use by Mr. Clay, is winning acceptance as the standard type. The prisoners at Reading, even, are now set diligently at work. The masks, chapel boxes, and airing cages have long been abolished at Pentonville. Whenever a new prison is built, an austere discipline is apt to be established at first; but, after a little experience, it is hardly less apt to be modified into conformity with the pattern at Preston. Opinion in England is now almost unanimous in favor of modified separation, or that "mixed system" inaugurated by Mr. Clay in the Preston House of Correction, and found by experience to be equally favorable both to the reformation of the prisoner and the promotion of his mental and bodily health.

It has not been our purpose, in the present paper (simply, however, for the want of space for such a design), to offer any illustrations of the discipline adopted in the English penal colonies of Australia. But having, in a preceding paragraph, incidentally referred to Captain Machonochie, we cannot forbear a brief notice of his remarkable experiment on the very worst class of convicts on Norfolk Island. The discipline originated by this gentleman is known to penologists under the designation of the mark system. This system rests on four chief principles:

1. Instead of a time sentence it inflicts a labor-sentence, thus setting the convicts to earn back their freedom with the sweat of their brow.
2. It teaches the prisoners self-denial, by enabling them to purchase a speedier termination to their slavery by the sacrifice of present animal indulgence.
3. It appeals to their social qualities, and makes the prisoners themselves coadjutors in the preservation of discipline, by giving them an interest in each other's good behavior.
4. It prepares them for

restoration to society, by gradually relaxing the restraints on their conduct, and training their powers of self-governance. To carry out these principles, Captain Machonochie treated the convict as a laborer, with marks for wages, and required him to earn a certain number as the condition of his discharge. These marks had an alternative value; they could either purchase extra food, or the deduction of so many days from the sentence. He fixed on ten marks as a fair day's wages, the men being paid by piece work, and not by time, and for every ten marks he saved, the convict shortened his term by a day. At the stores he purchased daily his necessary supplies, paying for them in marks. The rations were served out at three rates. The coarsest cost three, the next four, and the best five marks per diem. The abstemious felon might thus save seven, and even the self-indulgent, five, each day, for the purchase of his liberty. As extra marks were allowed for overwork and hard work, it was possible to hoard at the rate of eight or ten a day. The marks, too, furnished the means of disciplinary punishment, a proportionate fine being the penalty for every act of misconduct. And while, by this machinery of marks, Captain Machonochie trained his convicts to self-denial and industry, he secured his other objects by different means. He divided the convicts' sentences into three periods. During the first, or penal stage, the men worked under sharp, stringent discipline. At the conclusion of this, they were allowed to form themselves into companies of six each (being left to themselves to choose their own companions), and they then entered the social stage. In this, the six had a common fund of marks, into which the daily earnings of each were paid, and from which the food and fines of each were deducted. They were thus made responsible for each other's conduct. Moreover, by this means, Captain Machonochie, who well knew the intense selfishness of criminals, hoped to implant kindly and social feelings. In the last, or individualized stage, the companies were broken up, and though every man was still kept at penal labor to earn his tale of marks, he was, in other respects, free. He had his own hut and garden, and if he wished, he might have a piggery and poultry yard; for the Captain, by giving the probationer property and rights of his own, hoped to teach them respect for those of other people. Such is a brief sketch of Captain Machonochie's system of penal discipline. He was four years on Norfolk Island. He threw himself, heart and soul, into the work of regenerating the degraded brutes who formed its population. He built churches, established schools, imported a catechist, and on Sundays toiled as ministering deacon, himself. Day and night his brain was incessantly busy, elaborating new expedients whereby to raise his fallen charge out of bestial lust and demoniac malignity into self-respect, loyalty, and human affection. His success was wonderful, though he was never allowed to give his system a fair trial. His own testimony is: "I found it (Norfolk Island) a turbulent, brutal hell, and I left it a well ordered community." A truly heroic soul!

But we must draw our article to a close. Instead of the old and cumbersome machinery by which the English convict system had been worked, an act was passed in 1850, creating a board, three in number, of "directors of convict prisons," of which Sir Joshua Jebb was made chairman, and almost the entire control of the government prisons was lodged in his hands.

The Milbank prison and the establishments at Pentonville, Portland, Dartmoor, Portsmouth, Brixton and Chatham, with the hospital prison at Woking, serve for all government convicts from England, Scotland and Wales. Ireland has her own convict prisons, which, like those of England, are under the control of a board of three directors. The Irish penal system has a scheme of discipline peculiar to itself, which it owes to the genius of Sir Walter Crofton, a prison disciplinarian of the school of Captain Machonochie, "who was destined (so says our author) to improve, develop, and in fact, almost perfect his master's theories." He adds: "If Mr. Clay and Captain Machonochie had sat down together to amalgamate their opinions and combine their experience for the production of a complete scheme of convict discipline, they could hardly have produced anything more perfect in theory than the Irish convict system is in actual fact." So think Lord Brougham, Recorder Hill of Birmingham, and Miss Mary Carpenter, with a crowd of lesser lights. From this view, the late Sir Joshua Jebb and his followers dissented. A brisk controversy, and one marked by some asperity both of feeling and language, has been going on for several years, between the advocates of the rival systems of Sir Joshua Jebb and Sir Walter Crofton. No doubt we, in this country, have much to learn from the *recent progress of prison discipline* both in England and Ireland, and from a candid and earnest study of the two systems, to which reference has just been made. There is no space for such an inquiry at the present time. On some future occasion, we may call the attention of the readers of this journal to the subject, in an article on the *present systems of prison discipline in England and Ireland*. We have attempted little more, in the present paper, than to condense our author's six hundred and twenty-one pages into the brief compass in which the history is here offered to our readers. We take leave of him with our thanks for his entertaining and instructive narrative, and commend his volume to all who take an interest in such inquiries, as a storehouse of facts, arguments and illustrations on the important subject of prison discipline.

(H.)

## THE PENAL SYSTEM OF MASSACHUSETTS.

By GEORGE W. SEARLE, Esq., a Corresponding Member of the Association.

New England, although not without its complement of faults, has by general assent been declared the most humane, cultivated and religious portion of the United States. Some of its conceded excellence may be unmerited, and much of its imputed faultiness may be undeserved. But the common school and the penal system of Massachusetts, beyond a peradventure, deserve all the credit which has been accorded to them by their most zealous friends.

The penal system of Massachusetts is not however free from defects. The defects exist rather in the system itself than in its application. The best has been made of a system defective in itself. Bounty and benevolence have been freely yielded after the victim has reached the prison door, when justice would often have rescued him from it. Charity and benevolence have been made the foundation stone of the structure, when simple justice from corner to cap stone, would have been a better foundation.

To a fair judgment of the comparative merits of a penal system, it is prudent to direct attention to the classes of its penal institutions and their machinery; to its preventive measures for the repression of crime; to the initiation of criminal proceedings; to its code of crimes; to the formal pleadings; to the trial, with its practice, incidents and auxiliaries; to the tribunals of trial and sentence; to its system of prison discipline; to the moral atmosphere of the prison; to the reformatory agents and institutes; to the relations of charitable and penitentiary institutes; to prisons and prisoners, and to the effects of poverty, vice and lack of labor. These are all mutually dependent and essential to a just appreciation of the merits and a due estimate of the defects of the penal system of Massachusetts.

The preventive measures and the entire practical detail of the system may be best learned from the statute book, but some few points may be briefly touched upon.

## ARRESTS, PROSECUTIONS, &amp;c.

The practice of arresting without legal warrant is a subject of delicate interest in any penal system. An officer, by the law of this state, may arrest without warrant, any one disturbing the peace, or in case of riot or assault in his presence, or in case of reasonable suspicion of felony. Any offence punishable in the State Prison for the term of one year or more, is defined as a felony. Any private individual has a right to arrest on reasonable suspicion of felony; but he arrests on his peril, sub.



ject to the civil remedy of the party arrested, if it shall appear that no offence has been committed.

Prosecutions are instituted either by complaint to a police magistrate, or police court, or before a grand jury. Whether the grand jury system should be continued, and if continued, whether under its present or some reformed practice, is a question we have no space more than to name. The secrecy of the grand jury and the *ex parte* nature of its hearings may be hereafter modified and adapted more exactly to secure at once the liberty and security of the individual, and the just rights of the community.

The detail of crimes and penalties would involve too large a draft upon the statute book for our space, but a single topic will not be out of place.

The only crimes punishable with death are rape and murder in the first degree.

The system of law in regard to homicide was materially improved at the recodification of the general laws in the year 1860. By that act, murder was divided into two degrees: when committed with deliberately premeditated malice aforethought, or in the commission of, or attempt to commit any crime punishable with death or imprisonment for life, or committed with extreme atrocity or cruelty, it is held to be in the first degree; murder, not appearing to be in the first degree, is murder in the second degree. The punishment for murder in the first degree is death; that for murder in the second degree is imprisonment in the state prison for life. The degree is to be found by the jury as part of the issue, when there is a trial by jury. On a plea of guilty of murder in the first degree, it has recently been held, [in the case of Edward W. Green for the murder of Frank Converse, in the building of the Malden Bank,] that a single judge may legally proceed to sentence of death, without any submission of the question of the degree of murder to a jury.

#### THE POLICE SYSTEM.

The police system of Massachusetts is, with few exceptions, of a high order, and its incumbents of high personal character and peaceable disposition. In the rural districts the town constable is generally a man content to mind his own business and let others mind theirs; but a noisy brawler or a meddlesome disturber of the peace is constantly setting innocent villagers together by the ears. In the cities, and especially in the metropolis, the police consists of a mixture of the best and the worst order of the police-man. Those who have been long upon the hardest routes become hardened and regardless of the exact rights of others. By carrying favor with these and keeping on the right side of them, dram shops, brothels, and resorts for the lowest thieves are undisturbed for years. But woe to her or him who has the misfortune, intentionally, accidentally or otherwise, to incur the displeasure of such officials. There is no end to the use he may make of his office, both in advancing justice

and injustice, particularly the latter. As a malicious persecutor and eaves-dropper, he is liable to all the moral objections which can be urged against him. Upon the witness stand he is the informer and the spy, and the worst specimen of the swift witness. It is not, therefore, without reason that some have claimed that the original rule of the early common law should be restored, which prohibited any conviction of the king's subjects at the prosecution of the crown, on the uncorroborated testimony of officers of the government; so strict were the guardians of the people's rights in those days in securing them beyond all power of possible control of government officials. A free government has habituated us to more confidence, and possibly a confidence not wholly deserved, in these officers, leaving the question of motive, integrity and truthfulness to the intelligence of the jury; and this would be a safe reliance generally, were it not that by an arbitrary fiction that jury and the prisoner are deprived of the chief means of protection and of information in the sworn statement of the prisoner.

There is no class of cases in which the petty tyranny of a rude policeman is more habitually practised than in arrests and prosecutions for intoxication and drunkenness. Many such arrests are made without cause, from personal malice and spite, and many more where a kind word of direction and assistance home would have done more service to the individual and to the public. And it may at least be questioned whether treating intoxication as a crime is not a serious mistake, which should be remedied by the substitution of more effective because more lenient and humane remedies. If a person is found intoxicated in the streets or disturbing the peace, he may be carried to the station-house and detained until he is sober; but beyond that all punishment is of questionable utility. There are no cases in which the right of personal freedom and of domicile are more habitually violated than in cases of real or pretended intoxication. Legislation on this subject has been gradually growing more humane, and may yet reach a standard of justice and humanity. Drunkenness is punished with a fine not exceeding five dollars for the first offence, and for any subsequent repetition by a fine not exceeding ten dollars, or by imprisonment in the House of Correction or House of Industry, not exceeding three months.

The sooner drunkenness is recognized and treated as a vice and a disease, the better for the State and for the drunkard. Massachusetts is gradually coming round to this view. An attempt was made at the last Legislature to found an Inebriate Asylum, after the example at Binghamton, New York, but failed of success. We trust it is soon to be renewed. The Washingtonian Homes, established and supported by private bounty, are as good substitutes as could be desired, but they do not supersede the necessity of such a State establishment.

We have no space for elaborating this topic as we could desire; but a word must be said upon a single head having important relations to the

moral interests of the more delicate class of society: we refer to woman, her reform and elevation.

#### REFORM OF FALLEN WOMEN.

The highest evidence of a wise penal system is found in its treatment of woman for unchastity of character and conduct. The street walker and the harlot are the most troublesome subjects of penal philosophy. The system of Massachusetts is not all that it should be, much as it is in advance of that of most States. It is the repetition of the offence that is severely punished. By a law passed in 1855, when a person is convicted as a common night walker, and it is alleged in the complaint, and proved at the trial, that the defendant has been previously twice convicted for the same offence, such person may be sentenced to the House of Correction, House of Industry, or Workhouse, for a term not exceeding five years. This is to meet hardened cases, demanding decisive and desperate remedies; but low to save the erring, to give useful and honorable employment which shall save from the necessity of a resort to the wages of infamy, this is the great query. Law may do something towards it, but individual and associated benevolent effort *must do the most*. Better such an ounce of cure, than all the punishments which ingenious cruelty can devise for the reform of a woman fallen but not wholly corrupted.

The classes of penal institutions, the machinery by which they are operated, and the influences which guide and govern in the official management of these institutions, are topics worthy of brief notice.

#### THE CLASSES OF PENAL INSTITUTIONS.

There are various classes of prisons in the penal system of Massachusetts, such as the House of Reformation for juvenile offenders, the Reform School for Boys at Westboro', the Naval School for Boys, the Reform School for Girls, the House of Industry, the House of Correction, and lastly, the State Prison at Charlestown. All of these several institutions we cannot discuss in detail, but a few remarks upon two of them will suffice.

#### THE HOUSE OF CORRECTION AND STATE PRISON.

The House of Correction in Suffolk County, and the State Prison at Charlestown, have been said to be the representative institutions of two different systems of prison discipline; the one that of easy, bland and affable treatment, making the prisoner feel that his prison is a home and his keepers but the instruments of making his stay as agreeable as possible, and interested that his future shall in no way be clouded by the mistakes of his past life. The other, in theory and on principle holding that a prison should be a prison, in the literal sense of the term, and the prisoner treated in the criminal rather than the humanitarian temper. What foundation there may be for believing that these two diametrically opposite modes of dealing exist either in theory or in practice, in the two institutions we cannot aver. It is probable that such a distinc-

tion may exist in fancy rather than in fact, or if it exists in fact that it is quite as much accidental as intentional. We have, however, very decided opinions, on principle, in reference to these opposing systems. The path of true discretion is to avoid either extreme of over severity or over leniency; but between these two it may be hard to mediate wisely. Hence the need of that large charity, that natural kindness, that imperturbable good temper, that shrewd diplomacy, that easy dignity, free alike of harsh rebuke or unwholesome familiarity, which some few men only can combine and command. It is better to err on the side of kindness, leniency, and gentleness, than on that of harshness, coldness or rigor. There is little if any danger that a prison will be made so excessively agreeable as to tempt and invite an early return to it. An appeal to the better rather than the worse part of human nature is both safe and prudent.

Comparisons are proverbially odious, and any distinction between the management of the different prisons of the State would be *invidious*. But there is in the State one prison so singularly pre-eminent in its internal economy, its harmonious balance of wholesome discipline and liberal license, by the universal concession of those who live near and at a distance, that we may designate it without offence, as an example worthy all emulation: We refer to the State Prison at Charlestown, under the superintendence of the Honorable Gideon Haines. This prison has been claimed as the model prison of the world. A more extensive acquaintance with penal institutions than we can claim would be desirable for a verification or denial of this high panegyric; but it may be assumed as at least plausible from a process of reasoning not based upon actual experience. The prisons of the United States, taking into the account the tests of treatment, results and reforms, may safely be assumed as in advance of European Prisons; if that is assumed as a reliable postulate, it cannot be wide of the truth to think that those of Massachusetts should fairly rank at the head of the list of the country, and from that, to assume this as the best in the State will hardly be controverted. It may be added that it has a well selected and somewhat extensive library.

#### THE U. S. SYSTEM AND ITS PRISONS.

The number of United States prisoners in Massachusetts is limited, and the provisions for them entirely unworthy a great National Government. Party politics have heretofore prevented due attention to this subject by national legislators, and a time of civil commotion is no period to expect reform of penal institutions: but we may hope that the time will come at no very distant day, when the Federal penal system, both in practice, punishment and discipline will be reformed altogether. It is well known that one of the ablest public men this country has produced, more than thirty years ago, directed his great powers to the formation of a penal code of the United States, and produced a monument

of wisdom worthy to rank beside the code of Justinian, and the code of Napoleon. But the labors of Edward Livingston shared the fate of those too early for their times. He died, having been able only to produce his plan. No successor has yet arisen to carry out or improve that plan.

#### THE BOARD OF STATE CHARITIES.

The entire system of State supervision of correctional institutions, was remodeled by a law of the Legislature, approved 29th April, 1863, entitled "an act in relation to State Charitable and Correctional Institutions." Heretofore such offices devolved upon a multiplicity of agencies, somewhat conflicting in practical operation, and each somewhat impairing the efficiency of the whole, such as the board of Commissioners of alien passengers and State paupers, the Superintendent of alien passengers in the city of Boston, &c. This act consolidated these different boards into one body, with executive power equal to their entire duties. This has produced, with entire success, unity, harmony and efficiency, the three cardinal virtues of every system of criminal superintendency.

By this act the Governor, with the advice and consent of the Council, is authorized to appoint five persons, with two other ex-officio officers, to constitute the Board of State Charities; to hold office, unless sooner removed, respectively for the periods of one, two, three, four and five years. The Governor is also, with the co-operation of the Council, authorized to appoint some suitable person as general agent of State charities, to hold office for three years, who shall be a member ex-officio, of the Board of State Charities, and shall, subject to the control and direction of the Board, oversee and conduct its out-door business, &c. There is also a secretary of the board, whose duties, in addition to the clerical record of the proceedings of the board, devolve upon him the responsible and useful labor of collecting facts and statistics, through the State, to illustrate in his report the causes and best treatment of pauperism, crime, disease and insanity. The duties of the board, are, to investigate and supervise the whole system of the public, charitable and correctional institutions of the Commonwealth, and to recommend such changes and additions as they may deem necessary for their economical and efficient administration. They are to hold monthly meetings on the first Wednesday of each month. They receive no compensation for their services except traveling expenses.

#### PRIVATE BENEVOLENT INSTITUTIONS AND THEIR RELATIONS TO PRISONS AND PRISONERS.

In a State like any of those of the American Union much will always remain for private charity and benevolence. The Federal government has no control save over its own prisoners. The state has no funds for benevolent action in relation to its citizens; its office is to protect the public by punishing those who jeopard its security. It would not be difficult to furnish a plausible demonstration in favor of the theory that

the state quite as safely and much more cheaply secures itself against criminal violence by prevention rather than punishment, and that he who best guards against crime or secures against its repetition, is the best penal statesman.

The charitable and reformatory institutions of a state, therefore, constitute one of the most touching interests to which a benevolent heart can turn its sympathy, or a philosophical mind direct its reflections; and not theoretical reflections alone, but hearty and zealous action. Philanthropy has been too often made a trade by those who have not had sufficient industry and capacity to follow any other or more useful trade; but the help of the needy and the rescue of the fallen is an act so high on the list of moral virtues that the short-comings of the selfish who would make a profit from the work of benevolence should not be allowed to detract materially from the most excellent work of man.

The poor and the criminal we shall always have with us, until society makes it possible for the honest and industrious to earn a good living for the time being, and to lay aside of the superfluity a reasonable provision against the rainy day which ill health, the villainy or the cupidity of others may entail upon the most provident, and the most deserving. Reform is better than punishment of the criminal; indeed, all penal inflictions rise to the true dignity of punitive wisdom only as they subserve the two great purposes of prevention and cure.

The first great step to benevolent and reformatory relief must rest with the private individual who will aid the distressed, cheer the desponding and raise up those who have slipped, by a kind look, a kinder word, a helping hand and a provision against the necessity of a second resort to crime. Count Rumford opened to the King of Prussia a plan by which to put an end to pauperism by establishing one vast public charitable institution where the vagrant should work and be fed at the charge and to the profit of the government: and if, instead of resorting to that provided institution, the poor should be found seeking individual charity, he proposed that they should be arrested as vagrants and treated as criminals. This would be wholly inadmissible in a State like ours. Here public charity and private bounty may well go hand in hand. Let the good cause of charity to the needy and the reform of the criminal be placed upon a basis of justice, security and efficiency, and let all the people lend a warm sympathy and a helping hand, to a cause in which all have a stake, and which for its success must, in the last analysis, be dependent upon them.

#### DISCHARGED PRISONERS, &c.

The most useful service rendered by benevolent action is individual and unostentatious. It consists not in noisy demonstration of good will, or obtrusive advice, or offensive interference with the natural rights and privileges of the vicious and the unfortunate; but in modest, kindly, friendly and unobtrusive individual acts. Over and beyond this, but by no

means answering in its stead, is aid to societies and associations having for their objects the reform of the fallen and the rescue of the lost. Among the most serviceable of these are societies for the aid and relief of discharged prisoners. When the prisoner comes forth from the prison walls is the crisis hour of his future life. If then he is befriended and his former record effaced, there is hope for him and hope of him.

On the discharge of a prisoner from the State Prison, who, in his opinion, by good conduct, deserves aid, the Warden is authorized to furnish him with a sum not exceeding five dollars; or the warden may, in his discretion, pay the same to the agent for discharged convicts, to be by him expended for the convict. No convict is to be discharged from the prison without being furnished with sufficient and decent clothing. The Governor and Council appoint also a State Agent, to reside either in Boston or Charlestown, who shall counsel and advise, and, when and as he deems proper and expedient, furnish with clothing, board and tools, suitable for their employment, such convicts as may seek his aid; and he shall take measures to procure employment for such of them as may desire it. He is to make an Annual Report of his doings. A most important improvement in this respect was also inaugurated by private bounty, in the month of November, 1864, by the establishment of an asylum for discharged female prisoners, located at Dedham, in Norfolk county. A large house, with some twenty-five acres of land, has been purchased for the purpose, and is now open and in healthy operation. Under wise, prudent and discreet management, the benefits of such a house will be incalculable.

#### PARTY POLITICS AND PRISONS.

The prison system of the State is not controlled by party politics, and yet it is not entirely free from the taint of party spirit. Ability, experience and integrity are the primary recommendations of prison officers; to have these qualities, however, ranged on the right side of party politics is a second, but a hardly less essential recommendation. The present Warden of the State Prison has held his post a great many years; and the Superintendent of the House of Correction has grown old in his place.

#### PHILOSOPHY OF PENAL SYSTEMS.

Some topics remain for consideration a little out of the beaten track of such a paper as this; but they are deemed worthy a place where they may challenge the eye of those who, in the large spirit of real progress, would seek the philosophy of a true penal system. The criminal laws of Massachusetts, like those of most States of the Union and of the Federal Government itself, are believed to be behind the average progress of the age. A word in the way of suggestion may not, therefore, be deemed to merit the reproach of seeking new ideas at the expense of useful ones. Some of these more prominent heads may be noted, such as trials, con-

victions and sentences; juries, their rights, powers and duties; and the great question of the right of a prisoner to testify under oath, in his own behalf, if he so desires.

#### TRIALS, CONVICTIONS AND SENTENCES.

If we visit any one of the prisons of the State, we shall find some there convicted because of the arbitrary and unjust principles on which they were brought there, rather than because they were intrinsically guilty; having been convicted perhaps upon the testimony of a pretended accomplice or a malicious prosecutor, having personal aims to accomplish or selfish interests to advance. The guilty man seeking to accomplish the ruin of the prisoner, was heard under oath, while such a privilege was refused to the man upon trial for his highest rights. Again; many of the prisoners for a like offence in every essential particular, are incarcerated for vastly different periods of time. This is the inevitable result of having a legislator fix the minimum and maximum of punishment and allowing a judge to mediate between them, instead of having a jury of his peers pass as well upon the punishment as the guilt. It may be said that a sentence by the jury would produce the same inequality of sentence. But it must be remembered that such a sentence would be the judgment of twelve men, acting upon their impressions of justice, unfettered by arbitrary boundaries and principles, and would therefore be likely to be more uniform and just.\*

The Scotch verdict of "not proven," by which the punishment is removed, though the taint of crime is not removed, might be introduced under some qualifications and restrictions.

The French system of examination of prisoners would not be tolerated in this State in its present latitude in that country, but it might be applied usefully here under certain modifications; and their qualified admission of hearsay evidence has not been found to work that injustice which the idolatrous worshipers of the common law exclusiveness have feared.

#### JURIES, THEIR RIGHTS, POWERS AND DUTIES.

The drawing of jurors, their immunities in the jury box, and the just relations of the court and the jury, in the trial for alleged crimes, are essential considerations in the estimate of merits and defects in a penal system.

The mode of drawing jurors in Massachusetts is essentially defective; and when they are to be empaneled they are subjected to a series of qualifying inquiries, at variance with the rights of the prisoner and the jury, and subversive of public justice.

A statement of the mode of drawing jurors in this State is a sufficient argument against its injustice. The selectmen of each town once in each

\* For an elaborate and interesting discussion of the right of juries to fix the sentence, showing that it is the true doctrine of the English Common Law that a man should be sentenced only by his peers, the reader is referred to chap. III, section iv, p. 91, of "An Essay on the Trial by Jury. By Lyander Spooner, Boston: Bela Marsh, 1852."

year prepare a list of such inhabitants, not absolutely exempt, as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions; which list shall include not less than one for every one hundred inhabitants of the town, and not more than one for every sixty. The list when so prepared may be altered in town meeting by the town, by adding the names of persons liable to serve or striking any names therefrom. The names borne on the list so revised and mutilated are to be written each on a separate ballot and placed in the jury box, from which they may be drafted from time to time. The juror, when presenting himself for the jury box, may be interrogated concerning his convictions or willingness to enforce laws and penalties; and is accepted or rejected as he answers to suit the government.

The trial by jury must be made more effective than it is now, or it must be laid aside as a fancy institution. As at present administered in our courts, it utterly fails of any useful service. This attempt to pick and pack a jury, is against the entire tenor of the progress of the age. The jury trial is nothing if it is not entirely untrammelled and unfettered. To be a body entitled to any confidence or any respect, the jury must be a real and not a fictitious epitome of the body of the people. To answer any useful purpose, it is absolutely essential that the jury should be selected by lot from the entire adult population of the country, regardless of their opinions, their principles, or their convictions; and when assembled for the discharge of their great duties, no judge or other officer should have any right to inquire as to their opinions upon laws or penalties, or to exclude them because of their conscientious scruples against enforcing laws they believe to be oppressive and unjust. Every prisoner upon trial is entitled to such chances of escape as the honest convictions and conscientious scruples of his fellow-citizens may give him. This is a fair vested right in his unequal contest with authority. This and this only is the popular trial in its simplicity, purity and integrity.

There never was any insuperable difficulty in the just trial by jury of all cases by the government against the citizen, where governments have had substantial natural justice on their side. The contrary is true only in cases where the attempt was made to enrich the government by impoverishing the people; to fetter the energies and enterprise of man, and give monopolies to government and government favorites; to trample upon the natural rights of man, under the pretence of making him a wiser, better and more circumspect man than he chooses to be, or than the public security requires him to be; in a word, to make government the guardian and not merely the protector of the citizen. It is true that in such cases the people will generally be found far beyond courts and legislatures in their vindication of right and justice. This constitutes the intrinsic value of the jury; all else is accidental. In all other

respects, a more limited, select, cultivated body, would afford a higher guarantee of truth and justice. The stumbling block of reproach against juries, is alleged to exist in the enforcement of such laws as those against smuggling, government monopoly of the carriage of letters and papers, municipal monopoly of the carriage of house offal, usury acts, private banking, and the entire brood imposing restrictions upon contracts, intrinsically lawful, impairing their natural obligation, or inhibiting man from doing whatever is intrinsically lawful, which he may choose to do, or in which he thinks he can make a profit. And it is just here that arbitrary power needs a check and a balance wheel.

#### WHY SHOULD NOT A PRISONER BE A WITNESS IN HIS OWN BEHALF?

This brings up what every criminal trial cannot fail to suggest to a just mind, where and how originated the denial to a prisoner of the natural right of testifying to facts under oath, if he so desires? Why should the exclusion be longer continued? What would be the probable effect of restoring a natural right so long withheld? The precise origin of the exclusion is not known, but it is probable that it arose from that absurd theory of the degenerate days of the English law, when any, the least interest in a cause, tainted everybody with a contagion of falsehood, so that it was unsafe to allow his lips to be unsealed. In the earliest days of the common law, when it embodied simply the principles of natural justice and natural freedom, no such heresy was thought of; all parties testified for themselves if they so desired. When the change was made is uncertain. But the tendency of the courts of late years has been to relax it as a mistake, interest and infamy going only to the credit of the witness. In civil suits in our State courts, all parties are allowed to testify. Why the right should stop in the higher concerns of criminal justice, it is difficult to understand. The truth is what is wanted, and to close the mouth of the one who ought to know most of the truth, is a sorry way of reaching the truth.

The sophistical arguments, from alleged increase of temptations to perjury; from the seeming hardship that it would really compel a guilty party to give evidence against himself; that the glib and dexterous tongue of the practiced criminal would work his acquittal, while the stammering and confused utterance of the innocent would confound him, will not avail. The law is made to protect the innocent, not to shield the guilty; and to refuse a prisoner the right to be a witness for himself, if he so desires, is to presume him guilty, when that is the very point in issue. And it is surely paying a poor compliment to the discriminating intelligence of jurors to intimate that they would be turned away from justice by the practiced arts of a crafty criminal, while they would make a victim and a sacrifice of modest merit and untutored innocence. This would be a valid argument against listening to any witnesses at all, and condemning without testimony, as the only safe escape from imposition by

witnesses, but it is a very weak one for depriving a prisoner of this natural right. If juries must lay aside their senses and their intelligence when they take their places in the seat of judgment, let the jury be abolished; but let no man, in his unequal contest with authority, be muzzled like a dog and condemned unheard under all the highest sanctions and securities of truth. The language of a great American writer upon jurisprudence in its natural integrity, is not too strong to express the simple truth of this matter:

"In criminal cases, nothing can be more absurd, cruel, or monstrous, nothing more manifestly contrary to all the dictates of humanity, justice and common sense, than to close the mouth of an accused person, and forbid him to offer any explanation or justification of his conduct, or to give any denial to the testimony brought against him, and thus throw him for the protection of his life, liberty and character, upon evidence of such persons as chance may happen to throw in his way. If the principle of shutting the mouth of an accused person, and compelling him to rely for his defence upon such stray evidence as may chance to fall in his way, be a sound one, it should be acted upon always and everywhere. The father should strike but never hear his child. And it should be the same throughout society. A man accused of anything offensive or injurious to others should never be allowed, with his own lips, either to deny the act or justify it. It is manifest that if such a principle were acted upon by society generally, it would lead to universal war. Yet the principle would be no less absurd or monstrous in society at large, than it is in courts of justice. The fear of falsehood, which has led to the adoption of this principle, has no justification in practical life; for a guilty man is much more likely to contravert than to exculpate himself when he attempts to defend himself by falsehood."

It is certain that the guilty, in many cases, would falsify in order to shield their guilt, but in the attempt to shield themselves, their detection would generally be certain. The coincidences of truth are almost as invariable as the laws of the physical world. All truth dovetails together. The mixture of falsehood is easily detected. Such a rule would deter from sham defences; it would compel parties to be tried upon the real merits of their acts, rather than to set up technical and arbitrary defences.

#### SENTENCE BY THE JURY.

The grades and varieties of guilt are almost wholly ignored by our present system of criminal trial and sentence. A legislator, who knows nothing of the precise facts of the guilt of a criminal, possesses a very inadequate standard for fixing his sentence. A judge who has heard little of the testimony, is in a sorry condition to mediate between the capricious minimum and maximum of sentence. Better by far that the entire question of guilt and consequent punishment should be passed upon at once by the jury; or if that cannot be done consistently with the imagined security of public justice, let three experienced judges, educated to the sifting of evidence and applying the law to facts, be substituted in their place. In either case the testimony of the accused party,

if he desired to be heard, would be eagerly sought, if it were not that custom had blunted all our ideas of propriety in the matter.

In recapitulating, we must assert, as essential elements of a just penal system, these:—a jury being an epitome of the entire body of the people, that jury to have the entire case in their hands, being judges of the guilt and its degree, and the necessary amount of punishment; and having the right to hear the testimony of the prisoner, and of every body else they may wish to hear. There will never be a just penal system, until in addition to all this, it is held that there shall be no acts esteemed as crimes, and nobody punished as criminals, excepting for what is intrinsically criminal; thereby, of course, shutting out the entire catalogue of pretended crimes merely because the acts are prohibited.

#### SOCIAL PENAL LEGISLATION.

In social penal legislation the State of Massachusetts has made advance movements of late years, but whether in the right direction may be a question.

Its laws have received an unwholesome taint from the errors of our early prejudices. This has led to stringent sumptuary regulations and arbitrary police laws in regard to vices and excesses, which, if they have not absolutely infringed upon the liberty of the citizen, have so offensively touched his natural rights as to raise his contempt and create an intermittent war between legislation and the courts and the natural guardians of popular rights in the jury box. When this has not been the case, there has been exhibited the scarcely less offensive spectacle of laws resting in dead letter on the statute book and never enforced, although constantly violated; for the reason that the popular sense of justice is superior to the wisdom of our courts and legislators. It is safe to say that no laws should be made which either are not or cannot be enforced. It will be for some liberal legislator hereafter to determine whether such reflections should not materially modify the social penal system of Massachusetts in regard to all the vices and immoralities of men. This may work wise reform in our laws as to drunkenness, wantonness, gambling, vagrancy, and the entire list of mere social disorders as distinguished from crimes.

#### PROGRESS AND PROSPECTS OF REFORMS.

That system of laws which makes criminals who otherwise would remain innocent, is a mistaken system, and when a penal system so outrages the moral sense of justice of a community, it is not a system which should be longer adhered to. The only merit of a judicial system is that it most securely, expeditiously and justly punishes the guilty and shields the innocent. Following the example early adopted by our ancestors, we have repudiated the civil law and rigidly adhered to the common law, when a larger wisdom and a more cosmopolitan logic would have long since seen the propriety of adopting whatever was found ser-

viceable in both, and repudiating all else in either. There are many features of the French Penal Code which might with profit both to the accused and to the interests of public justice be adopted.

We are inconsistent with ourselves in our administration of criminal law. This error results from a blind adherence to the old common law of England. We boast that this ancient code is the source of our rights, the fountain of our laws, and the inheritance of our people. We therefore eagerly adopt or accept it where it is palpably at variance with our political institutions. Instead of prudently using it, we pervert and abuse it. Instead, therefore, of an American system of criminal law, thoroughly suited to the time and the place, we have a heterogeneous mass of patch-work, neither symmetrical, concise, nor logical. The system consists of compromises between the awful dignity of government and the suppliant rights of the individual, instead of a homogeneous system of natural justice. The work of law reform has proceeded just far enough to exhibit the hideous deformity of what remains; without having advanced far enough to furnish any satisfactory substitutes. We have still the absurd intricacies of special pleading as to the manner of exhibiting on the record the charge, with all the senseless verbosity of the old precedents, but destitute of the real information plainly, simply and accurately stated, which a prisoner needs. We have fictitious allegations in all their array, while substantial and essential facts are left to guess. We presume a man innocent, but yet we exclude him from showing it in the only way open to him, by his own word under oath; thereby utterly depriving him of the real benefit of an innocent presumption: *instead thereof assuming guilt and presuming a resort to perjury to evade its consequences.* This is the more absurd and unnatural as in this State in all civil proceedings, we have narrowed the pleadings to essential averments with substantial accuracy and precision, and allow all parties to testify under oath, with trifling and perhaps indispensable exceptions.

By our system of juries we abridge instead of expanding their usefulness; and thus belittle instead of magnifying their office. An impartial jury is the first right of the criminal and the first duty of the government. Instead of placing in the jury box the name of every adult male citizen, we expose ourselves to all the dangers of a packed jury. When that packed jury is obtained, we deprive them of their great right by allowing them to pass only upon the question of guilt or innocence, delegating to the arbitrary caprice of a judge, governed by the arbitrary caprice of capricious legislators, the not less momentous question of the sentence. Many a prisoner, therefore, knows that his sentence is unjust; many a one knows that his fellow prisoner, for a far greater crime is to suffer a far less punishment. This inevitably perverts moral discipline and deteriorates penal economy.

The remedy is obvious, by either extending full trial and sentence to

one or two judges, or else giving to the jury the same authority. Each would have their complement of advantages and disadvantages. This occasion does not require their comparison; it is enough that the topic is mentioned.

These needless reforms in criminal procedure, are believed to be as sure, eventually, to take place, as time is to roll on. When they are accomplished, still others, more in detail, and possibly more radical, are quite certain to be found indispensable.

The questions of the most expeditious number of a jury, and of the propriety of their entire or partial unanimity to work conviction, of a special jury of experts to try issues of insanity, of the instructions of courts to juries, and of the conduct of juries while in deliberation, all these must receive some attention. It will come to be a question, what propriety there is in allowing the prosecution the close in the argument over the prisoner's counsel; and still more, what need and what safety there is in an officer of the government, like a judge, following the plea of the government with an added argument on the facts in the form of a charge, as too often happens. On a trial for crimes, the close belongs to the citizen in his unequal contest with authority. He should also be entitled to process at the expense of the government, for obtaining witnesses. The State might, in the end be reimbursed, by compelling a groundless or malicious prosecutor to repay them, or suffer imprisonment as a penalty, in the event of the prisoner's acquittal. In case of his conviction, the expense of the trial could be taken into consideration in the sentence, which might be both by fine and imprisonment. It is also doubtful whether the State should not furnish an attorney for the defence of poor prisoners unable to retain counsel. We should then see less of that most shameful spectacle, prisoners convicted not by reason of their guilt, but by virtue of their poverty preventing them making good their innocence.

That system of criminal administration must be esteemed best which exhausts the resources of justice to shield the innocent from unjust punishment, and to mete to the guilty deserved punishment, always keeping in view the fundamental objects of punishment, the reformation of the criminal, and the security of society.

(I.)

## MEMORIAL OF MEMBERS OF THE PRISON ASSOCIATION AND OTHER CITIZENS TO THE LEGISLATURE:

*To the Honorable the Senate and Assembly of the State of New York:*

Gentlemen—The memorial of the undersigned, a committee appointed by the Prison Association of New York, to take into consideration the organization of the prisons of the State, and to report a plan for their re-organization, respectfully represents:

That the examination of the prisons of this State, made during the past two years, have revealed such imperfections and defects in them as to convince the Association that a thorough revision of our prison system is needed, and that material reforms ought to be introduced therein. In this view the Association created the present committee, and charged them with the duty named in the preceding paragraph.

The work assigned to the committee is of great breadth and magnitude. Its importance both to the moral and material interests of the State cannot easily be exaggerated. In entering upon it, the committee was met, at the threshold, with the want of light to guide them in their labors. They saw clearly that our prison system, as at present organized, is, in several respects, extremely defective; but they did not so distinctly see how the defects could be remedied, nor the precise nature of the reforms needed. To the end that they might obtain the information deemed, if not essential, at least highly important, to the successful discharge of the duties laid upon them, the committee applied to the Association for authority to send out two commissions, one to the States of our own Union, and the other to Great Britain, and possibly to some of the States of Continental Europe, known to have made the greatest progress in the science of prison discipline, to examine their prisons and prison systems, and make full report of the results of their observations and researches. The authority asked was readily granted by the Executive Committee.

The Executive Committee felt, as the undersigned feel, that light is wanted, and that it should be sought in all quarters where there is hope of obtaining it. They know that several of the States of our Union have prison systems of much merit, and that even in cases where the system, as a whole, is far from perfect, there may be special points of excellence which might be wisely transferred to our own, in seeking to give it an improved organization. They know that the public mind of Europe, and

particularly of England and Ireland, has been, for the past ten or fifteen years, directed with earnestness to questions of prison discipline and prison reform, and that much solid progress has been made in that direction. Doubtless much valuable information as to what has been accomplished, is already within our reach, embodied in prison reports, parliamentary blue books, and publications of various name. But many of the works upon which we must rely for whatever knowledge we may obtain, particularly in reference to the rival systems of England and Ireland, which are the most important for our purpose, are of a controversial and partisan character. The writers have, almost without exception, some special theory or favorite point to maintain, and their discussions are often so warm as to be marred by no little acrimony. This makes it difficult, at times, to arrive at a satisfactory conclusion as to what the truth is, and leaves the inquirer perplexed and doubtful as to the real state of the facts in a given case. Besides, no printed report of any kind, however impartial and trustworthy, gives us either all the information we want, or of just the kind we want. The minute details, the springs and wheels by which the machinery is moved, the anatomy of the system (if we may so say,) in all its ramifications, in short, a thousand things which would throw important light upon the subject, and be of essential service in guiding the Association in framing an improved prison system for New York, are apt to be omitted from the publications referred to, if for no other reason, because of their familiarity to the writers of said publications.

The policy of sending out Commissions for the purpose of making examinations of the kind now proposed, if the occasion be of sufficient magnitude, will not be questioned. Such commissions were familiar to the usage of even a remote antiquity. The wisest and most valuable code of laws known to the ancient world, (always excepting that dictated to Moses by the Deity himself,) was the result of such a commission. We refer to the Roman Laws of the Twelve Tables; a work of which Cicero had so high an appreciation that he declared his preference to it alone over all the writings of the philosophers. But it is in modern times, and since nations have become, to an extent unknown in former ages, intertwined and homogeneous in their interests, their sympathies, and even their institutions and laws, that such commissions have been most common and most fruitful of beneficial results. Commissioners have been sent from the United States and from individual States and cities to Europe, and from the States of Europe to this country, to obtain light and information with reference to industrial pursuits, both agricultural and mechanical; with reference also to military affairs, naval architecture, moral institutions, the best modes of lighting cities with gas and supplying them with effective systems of sewerage, and other subjects almost innumerable. This very interest of prison reform has itself afforded the most signal example of the utility and wisdom of such



agencies. Some thirty years ago, France sent two commissions, and Great Britain and Prussia each one, to this country, to examine the prisons and prison systems of the United States, then esteemed the best and most enlightened in the world. It is to the wise forecast of those nations, in commissioning and sending out some of their most eminent citizens on agencies of this sort, that they are indebted for the improvements since introduced into their penal institutions. There is reason to believe that, as sometimes happens in other things, the pupils have, in some respects, outstripped their teacher, and that, as they formerly came to school to us, so we may now go to school to them to our advantage. At all events, there can be no doubt that our prison system needs material amendment. The Prison Association, deeply convinced of this, has entered upon the vast labor of devising a plan for its reorganization. In this work they need, and they respectfully ask, the co-operation of the Legislature. We claim to be, and truly are, the Empire State of the Union. Our institutions, then, ought to be worthy of our pre-eminence, in all respects a model to the nation and the world; and, certainly, no less a model in our agencies and modes of dealing with criminals, than in the other great interests of a commonwealth.

To enable us to discharge, in the best and most effective manner, the duty assigned us by the Executive Committee, by aiding us to obtain, in the way indicated, the light deemed essential to such a performance of it, the undersigned respectfully ask your honorable bodies to increase your usual appropriation to our treasury to such sum as to your wisdom shall seem proper and necessary.

And your memorialists will ever pray, &c.

THEODORE W. DWIGHT, *Chairman.*

WM. F. ALLEN,  
JOHN T. HOFFMAN,  
FRANCIS LIEBER,  
THOMAS W. CLERKE,  
JOHN OGBORNAUX,

JOHN H. GRISCOM,  
R. N. HAVENS,  
JOHN STANTON GOULD,  
E. C. WINES.

NEW YORK, *January 10th, 1865.*

The undersigned members and friends of the Prison Association concur in the prayer of the Committee as presented in the foregoing memorial:

Daniel Lord,  
Wm. M. Everts,  
A. W. Bradford,  
Edwards Pierrepont,  
David Dudley Field,  
Charles P. Kirkland,

D. P. Ingraham,  
A. Oakey Hall,  
B. W. Bonney,  
F. B. Cutting,  
James Brown,  
A. A. Low,

George Griswold,  
James Boorman,  
Jonathan Sturges,  
John Taylor Johnston,  
Thomas C. Acton,  
John E. Bergen,

Wm. McMurray.

Dated NEW YORK, *Jan. 10th, 1865.*

The undersigned members of the Executive Committee cordially unite in the petition of their special committee, appointed to devise a plan for the reorganization of the prisons of the State:

John David Wolfe,	William T. Booth,	Edward Cooper,
Peter Cooper,	Cephas Brainerd,	James C. Holden,
John J. Owen,	Frank W. Ballard,	A. S. Van Duzer,
Geo. L. Prentiss,	Mark Hoyt,	James H. Titus,
Samuel P. B. Morse,	H. K. Bull,	E. Richardson,
H. S. Terbell,	Samuel Osgood,	Israel Russell,
G. R. Hubbard,	William C. Gilman,	Adam T. Sackett,
S. H. Wales,	Howard Crosby,	Stephen Cutler.

NEW YORK, *Jan. 16th, 1865.*

(J.)

## ANNUAL REPORT OF THE GENERAL AGENT.

OFFICE OF THE NEW YORK PRISON ASSOCIATION, }  
12 CENTRE STREET, Jan. 2d, 1865. }

To the Executive Committee N. Y. Prison Association:

Gentlemen—The undersigned, General Agent, respectfully submits the following report of his labors during the past year, as well among the prisoners detained and awaiting trial or examination as in relation to discharged convicts.

In accordance with long established custom, the following tables (reported by the warden of the City Prison to the Commissioners of Public Charities and Correction), are inserted in this report, as the best accessible data for practical investigation of the history and nature of crime in this city and Brooklyn, and as aiding the committee in forming a just idea of this field of philanthropic labor, found at their very doors, in which, by the providence of Almighty God, they are especially called to labor, and whose crime and misery it is their duty, as it is their pleasure, to seek to lessen by all possible means.

TABLE A.

First District Prison, Halls of Justice.	White males.	White females.	Black males.	Black females.	Total.
Number remaining in prison Jan 1st, 1864.....	132	58	11	1	202
Number received during the year.....	9,804	10,498	353	293	20,948
	9,936	10,556	364	294	21,150
During the year have been discharged.....	9,965	9,061	368	271	10,605
Deceased.....	20	8	.....	.....	28
Killed by an insane man.....	3	.....	.....	.....	3
Sent to Blackwell's Island by police and other courts.....	1,900	1,784	43	17	2,814
Transferred to Blackwell's Island by Commissioners.....	1,674	5,603	.....	.....	7,277
Sent to State prison.....	96	32	5	.....	133
Remaining in prison Dec. 31st, 1864.....	178	98	8	6	290
	9,930	10,555	364	294	21,150
In addition to the number received at First District prison, viz.....	9,804	10,498	353	293	20,948
There were discharged from Second District prison.....	2,264	1,173	45	33	3,515
Sent to Blackwell's Island.....	71	72	3	1	147
Discharged from Third District prison.....	3,336	1,948	31	22	5,336
Sent to Blackwell's Island.....	46	112	.....	1	159
Discharged from Fourth District prison.....	749	324	12	2	1,087
Sent to Blackwell's Island.....	12	26	1	.....	39
	16,281	14,133	445	352	31,211

TABLE B.

Nativity.	Males.	Females.	Total.
Number received who were of native birth.....	5,274	5,372	8,848
do do foreign birth.....	11,455	10,928	22,383
	16,726	14,505	31,231
Number received who were married.....	5,395	6,619	12,010
do do single.....	10,567	4,978	15,445
do do widowed.....	580	2,613	3,193
do do whose social relations were unknown.....	164	491	655
	16,726	14,505	31,231
Number received who were of temperate habits.....	5,617	6,987	12,604
do do intemperate.....	11,109	7,018	18,627
	16,726	14,595	31,221
Number received who could not read.....	2,362	4,528	7,890
do do read only.....	781	6,315	7,096
do do read and write.....	11,652	3,487	15,139
do do who were well educated.....	648	74	724
do do whose degree of education was unknown.....	291	123	414
	16,726	14,595	31,221

TABLE C.

For what offence committed.

First District Prison.

	Males.	Females.	Total.
Abandonment.....	37	.....	37
Abduction.....	2	.....	2
Arson.....	13	.....	13
Abortion.....	.....	4	4
Assault and battery.....	1,071	264	1,335
do do felonious.....	199	28	228
Attempt to commit burglary.....	5	.....	5
do do grand larceny.....	13	.....	13
Burglary.....	113	2	115
Bastardy.....	12	.....	12
Bribery.....	8	.....	8
Being engaged in the slave trade.....	.....	.....	.....
Breaking jail.....	.....	.....	.....
Conspiracy.....	8	.....	8
Counterfeiting coin.....	8	.....	8
Contempt of court.....	.....	.....	.....
Carrying a long shot.....	2	.....	2
Cruelty to seamen.....	.....	.....	.....
Delirium tremens.....	14	.....	14
Deserting seamen.....	32	.....	32
do do soldiers.....	.....	.....	.....
Disorderly conduct.....	2,676	4,016	6,692
do do boys and girls.....	25	7	32
do do idle or suspicious persons.....	16	.....	16
Embezzlement.....	14	.....	14
Felony.....	98	1	99
Fraud.....	6	.....	6
Felonious assault.....	36	.....	36
Fitting out slaves.....	.....	.....	.....
Forgery.....	115	15	130
Furious driving.....	19	.....	19
Fugitives from justice.....	6	.....	6
Gambling.....	22	.....	22
Grand larceny.....	523	242	875
Habitual drunkenness.....	5	10	15
Insult.....	1	.....	1
Illegal voting.....	8	.....	8
Indecent assault.....	7	.....	7
Exposure of person.....	3	.....	3
Inhumanity.....	275	233	508

## First District Prison.

For what offence committed.	First District Prison.		
	Males.	Females.	Total.
1,981	2,070	5,391	
Intoxication	148	46	198
Juvenile delinquents	33	20	62
Keeping disorderly house	4	4	8
Kidnaping	34	32	66
Larceny	15	8	23
" on the high seas	3	5	8
Lodgers	34	34	68
Manslaughter	26	19	45
Mayhem	1	1	2
Maiming	55	6	61
Misdemeanors	59	11	70
Murder	4	4	8
" on the high seas	4	4	8
Mutiny and revolt	45	45	90
Obtaining goods by false pretences	24	4	28
Peit larceny	1,517	978	2,495
Perjury	5	10	15
Pickpockets	45	13	58
Piracy	26	26	52
Receiving stolen goods	104	5	109
Rape	2	2	4
Riot	104	2	106
Robbery	2	2	4
" on the high seas	1	1	2
Seduction	1	1	2
Selling lottery tickets	1	1	2
Sodomy	3	3	6
Surrender by bail	974	1,114	2,088
Violation of Corporation ordinances—	28	28	56
" Enlistment laws	9	9	18
" blockade	167	167	334
" patrol	1	1	2
Without offence being specified	9	1	10
Witnesses in State Courts	4	4	8
" United States Courts	4	4	8
Total	10,157	10,791	20,948

TABLE D.

## Second District Prison.

For what offence committed.	Second District Prison.		
	Males.	Females.	Total.
Abandonment	7	7	14
Assault and battery	170	59	229
Abduction	1	1	2
Arson	3	1	4
Bastardy	12	12	24
Bigamy	1	1	2
Burglary	1,285	536	1,821
Disorderly conduct	30	32	62
Embezzlement	14	1	15
Felonious assault and battery	30	2	32
Forgery	14	1	15
Fraud	4	4	8
Furious driving	3	3	6
Felony	4	4	8
Gambling	49	25	74
Grand larceny	1	1	2
Indecent assault	1	1	2
do exposure of person	500	401	901
Intoxication	5	5	10
Juvenile delinquents	7	9	16
Keeping disorderly house	15	6	21
Larceny	15	6	21

## Second District Prison.

For what offence committed.	Second District Prison.		
	Males.	Females.	Total.
Malevolent mischief	1	1	2
Maiming	3	3	6
Obtaining goods by false pretences	97	31	128
Petit larceny	8	8	16
Picking pockets	1	1	2
Perjury	1	1	2
Riot	1	1	2
Robbery	3	3	6
Rape	2	2	4
Receiving stolen goods	1	2	3
Seduction	1	1	2
Vagrancies	140	1	141
Violation corporation ordinances	12	12	24
" enactment laws	5	5	10
do milk laws	1	1	2
do usury laws	1	1	2
do railroad laws	1	1	2
Witnesses in State courts	4	2	6
Total	2,383	1,470	3,853

TABLE E.

## For what offence committed.

## Third District Prison.

For what offence committed.	Third District Prison.		
	Males.	Females.	Total.
Abandonment	54	54	108
Assault	7	7	14
do and battery	491	207	698
Arson	4	4	8
Bastardy	4	4	8
Bigamy	4	4	8
Burglary	24	24	48
Conspiracy	9	9	18
Contempt of court	1	1	2
Desertion	1,211	368	1,579
Disorderly conduct	6	6	12
Disobedient apprentices	6	6	12
Defrauding city treasury	4	4	8
Embezzlement	26	1	27
Felonious assault and battery	49	9	58
Forgery	3	3	6
Fraud	7	7	14
Felony	157	41	198
Gambling	8	4	12
Grand larceny	5	5	10
Insanity	7	7	14
Indecent assault	2	2	4
do exposure of person	7	7	14
Illegal voting	12	12	24
Intoxication	741	537	1,278
Juvenile delinquents	22	10	32
Keeping disorderly house	32	68	100
Larceny	24	5	29
Misdemeanors	6	6	12
Malevolent mischief	5	1	6
Murder	2	2	4
Obtaining goods by false pretences	17	1	18
Perjury	5	1	6
Petit larceny	284	98	382
Picking pockets	15	2	17
Robbery	19	19	38
Riot	19	19	38
Rape	6	6	12
Receiving stolen goods	15	3	18
Running over a child	1	1	2
Seduction	4	4	8
Suspicious persons	26	13	39
Vagrancy	66	117	183

For what offence committed.	Third District Prison.		
	Males.	Females.	Total.
Violation of city ordinances.....	12	13	25
do enactment law.....	15	18	33
do emigrant law.....	10	8	18
Witnesses in State courts.....	10	8	18
do U. S. courts.....	.....	.....	.....
Total.....	3,412	2,683	6,095

TABLE F.

For what offence committed.	Fourth District Prison.		
	Males.	Females.	Total.
Abandonment.....	5	5	10
Assault.....	8	8	16
do and battery.....	109	23	131
Arson.....	2	2	4
Bastardy.....	1	1	2
Bigamy.....	1	1	2
Bribery.....	4	4	8
Conspiracy.....	1	1	2
Contempt of court.....	1	1	2
Discerity conduct.....	257	123	379
Embezzlement.....	4	4	8
Felonious assault and battery.....	10	1	11
Forgery.....	9	2	11
Grand larceny.....	44	15	57
Indecent exposure of person.....	6	6	12
Insanity.....	5	4	9
Intoxication.....	784	130	914
Illegal tutoring.....	1	1	2
Juvenile delinquents.....	3	3	6
Malignant mischief.....	2	2	4
Misconduct.....	1	1	2
Obtaining goods by false pretences.....	1	1	2
Petit larceny.....	73	26	99
Perjury.....	1	1	2
Robbery.....	3	3	6
Rape.....	6	6	12
Receiving stolen goods.....	1	1	2
Vagrancy.....	22	26	48
Violation corporation ordinances.....	10	10	20
Total.....	774	352	1,126

TABLE G.

Nativity of Persons Committed during the Year 1864.	Total.		
	Males.	Females.	Total.
Ireland.....	3,110	9,638	12,748
United States.....	5,271	3,277	8,548
Germany.....	1,224	636	1,860
England.....	637	348	985
Scotland.....	199	163	362
France.....	118	25	143
Canada.....	97	60	157
Italy.....	59	65	124
West Indies.....	17	2	19
Prussia.....	32	37	69
China.....	5	5	10
Nova Scotia.....	23	24	47
Poland.....	47	2	49
Sweden.....	28	28	56
Norway.....	18	19	37
Switzerland.....	8	1	9
Wales.....	27	9	36
Cuba.....	11	3	14
Spain.....	10	10	20
Denmark.....	14	14	28
Prussia.....	7	7	14
Belgium.....	10	10	20

Nativity of Persons committed during the year 1864.	Total.		
	Males.	Females.	Total.
South America.....	5	7	12
Portugal.....	2	2	4
Mexico.....	2	2	4
Asia.....	5	2	7
Sandwich Islands.....	1	1	2
Bavaria.....	9	9	18
Greece.....	4	4	8
Austria.....	5	1	6
Unknown.....	44	39	83
Total.....	16,726	14,595	31,321

TABLE H.

Classification Table of the Ages of the Male and Female Prisoners received during the year 1864.

Ages	Total.		
	Males.	Females.	Total.
Under 15 years.....	1,965	295	2,260
From 15 to 20 years.....	1,833	2,359	4,192
do 20 to 25 do.....	2,895	2,781	5,676
do 25 to 30 do.....	2,037	3,030	5,067
do 30 to 35 do.....	1,832	1,710	3,542
do 35 to 40 do.....	2,255	2,680	4,935
do 40 to 45 do.....	977	655	1,632
do 45 to 50 do.....	910	619	1,529
do 50 to 55 do.....	418	149	567
do 55 to 60 do.....	330	146	476
do 60 to 65 do.....	137	52	189
do 65 to 70 do.....	81	50	131
Over 70 years.....	56	29	85
Total.....	16,726	14,595	31,321

In connection with the above tables of criminality, it may be proper to state, and will certainly be interesting to the Executive Committee to know, the number of witnesses committed during the year to the House of Detention, under the immediate superintendence of the Police Commissioners, as reported by Mr. Thomas J. Folger, sergeant of police. The House of Detention for witnesses is an admirable institution, honorable alike to the commissioners, by whom it is managed, and to this great metropolis. From Mr. Folger's report it appears that there were remaining in the house, November 1st, 1863, 25, and that there were admitted during the year ensuing 204, making a total of inmates for the year of 229. Of these, 183 were males and 46 females; 98 were natives of the United States, and 131 foreigners; and there were detained, for periods varying from one day to thirty days, 176, and for periods varying from one month to seven months, 53.

The tables, furnished by Mr. Sutton, of the city prison, show, that in the city of New York alone during the past year, there have been 31,321 arrests, of persons of all ages, sexes, nationalities and conditions in life, as criminals or vagrants.

Could our Association increase its expenditures and multiply its agencies tenfold, even then it could not expect to do scarcely an appreciable portion of its duty to this multitude of unfortunates, this crowd of immortal men and women, who are all hastening to death, and the judgment

which follows,—that final retribution, when each will receive according to that he hath done, whether it be good or evil.

To select from this mass of depravity, misfortune, recklessness, blundering and crime, with its intermingled cases of absolute innocence, of diseased physical, mental, or moral nature, or of wild and unreasoning despair, those cases which admit of relief, and which demand his most earnest attention, has been the daily occupation of your agent; an occupation always laborious, always harrowing, and sometimes discouraging and thankless, yet often relieved by instances of conspicuous benefit to the friendless and the unfortunate, which greatly cheer and refresh his spirit, and which encourage and quicken him in the work to which he is devoted.

It is not to be forgotten that the innocent and the guilty are alike entitled to human sympathy and human charity, and whilst your agent has sought to relieve the innocent from the consequences of indiscretion, he has not failed in his efforts to convince the guilty of the enormity of his offences, and to bring the wanderer back to right paths, to a love of God and goodness, and, as a consequent result, a scrupulous and uniform respect for laws, human and divine.

The following is a condensed statement of our labors for the year 1864:

	Number of persons visited in our various detention houses, and in the city, friendly and required advice and counsel.	Number of complaints carefully examined, in which there appeared to be extenuating circumstances.	Number of complaints discontinued on the advice of the General Agents, as frivolous, or the result of passion, prejudice or mistake.	Number of persons discharged from custody on the advice of the General Agents, as being young in years, inexperienced in crime, and evidently either ignorant or penitent.	Number of persons discharged from custody on the advice of the General Agents, as being unable to support themselves, or as being in need of money to leave the city for places remote from their former associations.	Number of discharged convicts and other persons who were employed and situated as laborers, farmers, paupers, slaves, &c.	Number of discharged convicts supplied on their behalf, with clothing, shoes, caps and under garments.
January, (about).....	500	91	237	55	87	13	7
February.....	650	82	250	31	95	12	8
March.....	500	87	251	36	72	22	6
April.....	400	71	226	39	87	24	13
May.....	650	74	227	27	97	21	8
June.....	400	83	231	20	89	14	14
July.....	450	94	235	31	84	20	9
August.....	400	87	40	37	85	24	6
September.....	150	27	12	19	19	7	6
October.....	450	79	34	47	91	25	11
November.....	500	117	38	27	97	21	10
December.....	550	95	29	37	124	25	23
Totals.....	5,200	939	368	375	1,024	251	121

Your general agent, under the direction of the standing committees on detentions and discharged convicts, devotes himself, as you are aware, gentlemen, wholly to labors connected with these two departments of our general work. The following cases, selected out of many hundreds similar in character, and no less interesting, are submitted, as giving a clear exhibition of the nature, importance and utility of the work done by the Association, through its agent, in these departments.

#### REPORT OF CASES IN THE DETENTION DEPARTMENT.

Number 1—Was a green girl from Ireland. Three weeks after her arrival we found her an inmate of a prison, awaiting her examination on a charge of stealing a pocket book containing the pawn ticket of a gold watch, a ring and other property. The said book had been taken, as was alleged, from a drawer in the room of complainant. This girl had been engaged at Castle Garden soon after she had left the ship as help at \$6 per month. Her mistress occupied the floor over that from which the property had been taken.

After conversing with the prisoner, we were irresistibly led to the conclusion that she had not entered such room, and consequently knew nothing of the larceny. We attended the examination before the police justice, and listened attentively for such testimony as would justify her commitment for trial; but none was offered, and for this reason (the pawn book had been found with its contents untouched) she was discharged. We advised her return to her situation and resumption of her duties, if permitted; if not, respectfully to demand her wages and quit. The lady refused to pay, as the month's wages were not yet due her. The girl consented to remain the next three days; after their expiration, the mistress again objected, because she had been absent from her duties full three days, though unjustly imprisoned during that time on her own complaint. Rather than any dissatisfaction should be felt or expressed, she remained another three days, hard at work from early morning to late at night, when she was told that she could leave and call for her month's wages some other time.

This friendless and inexperienced girl was not known to any one person in the country. She was provided with a home by a member of the Association. She made several attempts to collect her wages, but was unsuccessful. At length your agent imperatively demanded her hard earned pittance, when it was reluctantly paid.

The family who had sheltered her soon procured for her a situation, in which she remained for some months, improving daily, and commending herself to the confidence and favorable consideration of her employers.

Number 2—Two persons—a man and a woman—were seen by your agent in the Tombs, charged with grand larceny, stealing two \$50 green-backs from a returned soldier.

We had frequent opportunities of conversing with the accused. We thoroughly investigated the case, and after ascertaining their character and antecedents, we felt that there were grave doubts of their guilt.

The man is a laborer, a widower, having lost his wife about six weeks ago. He has three children. The woman had lived in the same house with him over four years. Since his bereavement, she had superintended his domestic affairs. Although in very indigent circumstances, they both sustained the reputation of being entirely honest. This alleged offence was committed on new year's day.

They were brought up for trial. We submitted the facts, as we understood them, to the district attorney. He replied, "let them be tried; if innocent, they will be acquitted; if guilty, they must be punished." We referred the case to his honor the Recorder. It stood thus: The complainant called at the house of the prisoner on new year's morning; he breakfasted there; they soon after left home to make calls; he (the complainant) had been drinking to excess; about 2 o'clock they returned; he was then almost dead drunk. Instead of sitting down to dinner, he placed three chairs together, stretched his carcass upon them, and went soundly to sleep. There he remained for full three hours, when his oldest child called to ask if her father was there. She was told that he was, and that when he awoke they would send him home. They soon after awakened him; he went home, and soon missed his money. He could not imagine where it was lost. It occurred to him that he would go to his friend, and that probably he should find it there. On his way, he met with a police officer whom he knew, and who offered to accompany him. They entered the apartment, asking, "where is B?" The woman replied, "he is lying down asleep." "I must see him," said the officer; "I want this man's money." She told him that it could be had, if he described it. "I picked up two bills after he had left, and gave them to Mr. B., who told me that it was not his money, it must belong, said he, to —, and I will give it him in the morning, when he becomes sober." The man was awakened; the officer demanded the lost money; when he took out of his vest pocket and handed him the two greenbacks.

This vigilant and faithful officer arrested both persons. A complaint was preferred, and they were committed for trial. These facts were briefly told the Recorder. His honor sent for the complainant. He asked him how long he had known the prisoners? He replied "fifteen years." "Have either of them been in prison before?" "Never." "Do you believe they intended to keep your money, or to rob you?" He replied, "I believe they had no such intention." The papers were ordered on file, and the parties were discharged.

Number 3—Was arrested on the complaint of a small store-keeper for a petit larceny. She solemnly protested her innocence, and assured us that the article alleged to have been stolen she had bought in his store, and that she honestly paid for it. Your agent sent for a friend of hers, who served a subpoena on the young person of whom she had purchased the article in dispute, and to whom she had paid the price asked. Of course, the court before whom the complaint came ordered her dis-

charge. She heartily thanked the Association for saving her from a penitentiary.

Number 4—Aged nine years, was seen in prison. He was committed for examination for drunkenness, and it was not his first offence. Oh! what a destructive business is the liquor traffic! How terrible are the responsibilities of those who manufacture strong drinks, and of those who sell them! If these two classes were sent to our penal institutions, and all others prevented from going into this nefarious business, we might hope soon to witness a moral revolution in all our large cities, which would be felt everywhere, and would make the wilderness like Eden, and the desert to blossom as the rose.

Number 5—Calls at our office and represents that, in consequence of the protracted illness of her husband, who was admitted into one of our hospitals some time since, she was reluctantly driven to place her two children on Randall's Island. It has pleased God in His Providence to remove her husband by death. Her friends have so aided her pecuniarily that she now desires to have her children restored to her, confidently believing that in her case "the Lord will provide."

At her earnest request, we wrote to the Commissioners of Charities and Correction as soon as we ascertained that her story was true, and they promptly ordered the discharge of the children from the institution. This poor woman subsequently called to thank the Association.

Number 6—Aged fourteen years, was charged with stealing money from a till. He was convicted, when the court desired the agent to make some inquiry into his past history and report at the next sitting. We knew him to be a very bad boy, and so informed the court, when he was conveyed to the House of Refuge.

Number 7—On complaint of a degraded, intemperate woman, with a string of *aliases* to her name, was convicted of petit larceny, and remanded for sentence.

We believed the prisoner not guilty. Hence we engaged to investigate the case, and report to the Court on the following day. We visited the wretched dwelling of the complainant, when we discovered the facts to be precisely as we had anticipated. The pawn tickets, now alleged to have been stolen by this poor woman, she had accused another person of stealing 6 weeks ago. The complainant is a notoriously bad woman. The prisoner is very much her superior in moral qualities and character. These representations were made to the Court, when the prisoner was in stantly discharged. She wept with grateful emotion.

Number 8—At the request of the judges, we carefully enquired into the character and antecedents of several prisoners, who stood convicted of crime, and who were to be sentenced in Court in a few days. This work is embarrassing; we labor to perform it faithfully, so as to secure the testimony of a good conscience; we then leave results to providence.

Number 9—Was discharged from the Court of General Sessions.

She had been held on complaint of several bad women, who testified that she had cut them with a knife. This was a trumped up case; we knew it to be entirely false. Your agent introduced her to an excellent situation, where she is doing well. She is happy and thankful.

Number 10—We visit a detention prison, where we find a woman whom we recognise to be a discharged convict. She has despised remonstrance and reproof. Poor creature! she appears to be incapable of living an honest life. She tells us that after being but one week in a new situation, she has stolen \$100 worth of clothing. We felt it our duty to adopt the most effectual means to prevent a repetition of crime in her case. She was tried in the court of general sessions, and is now in her former quarters in one of our penal institutions. We have but little hope of her reformation. Crime has become a second nature to her.

Number 11—We found a young person in prison, awaiting her examination. She had been held nearly a month on a temporary commitment for an alleged petit larceny, stealing a hat, valued at \$7. The complainant subsequently ascertained that the hat had been loaned, and that she had acted prematurely in causing her arrest. It certainly was an aggravation to her conduct, that she neglected to have the prisoner discharged. The justice was waited on, and she was promptly released. She expressed hearty thanks to the Association.

Number 12—Had been an inmate of the city prison 9 weeks for an alleged assault and battery with intent to do some serious bodily harm. No indictment had yet been found by the grand jury. The agent ascertained that the prisoner had a wife and one child, almost starving as the result of his incarceration. The papers were examined; the complaint did not amount to much; the District Attorney was consulted; he admitted that the witness could not be found; and he, therefore, consented to the man's discharge. The Association hastened to alleviate their wants, and their hearts seemed to overflow with genuine thankfulness.

We are encouraged to believe that this man will abstain from strong drink in the future, and that his little home will be more comfortable.

Number 13—Had been in one of our detention prisons for several weeks, on a complaint for larceny. His health had failed him seriously; his accuser could not be found; and the Association deemed it to be only right and humane to procure his discharge. This was accomplished. He was subsequently introduced to Bellevue hospital, where he remained a considerable time. He was at length considered cured, and left the hospital. He visits again our office; we send for his clothes; we had written his friends; he is aided pecuniarily, which enabled him to leave for the country. He appeared to feel very thankful for the attention given him.

Number 14—Was brought up for trial on an indictment for burglary in the 3d degree, having been found in a butcher's store at midnight by a police officer. This man had recently returned from the war

disabled. His friends had welcomed him home. On this festive occasion he had imbibed too freely of intoxicating drink. The officer found him sitting on the butcher's block, stupid and asleep. All these facts were submitted to the District Attorney, and were corroborated by the officer. The man's general reputation was good. He was sentenced for 3 months to the penitentiary. The Association by its interposition probably saved him from the State prison.

Number 15—Was visited in prison, charged with grand larceny. We listened attentively to his story; the papers were carefully examined, and the case thoroughly investigated. We felt strongly inclined to believe this prisoner innocent of the charge preferred against him. He had engaged counsel, but, from some unexplained cause, when the trial was called, his counsel was not in the court to defend him. Another counsel was assigned. The witnesses for the prosecution were called, but failed to appear. The trial was then set down for the following Tuesday. By this time the residence of an important witness for the defence was ascertained, who was introduced to the district attorney. He felt the case must go to trial. On the day named, all the parties concerned having been subpoenaed, the case was called on. The witnesses for the prosecution again failing to be present, the accused was discharged.

The man subsequently called on the agent to return thanks for the timely aid rendered him (a stranger), as he said, in a terrible extremity.

Number 16—Was met with, awaiting trial for an alleged grand larceny. He has a wife and four small children. The facts were as follows: On the 17th of March last, a friend of the prisoner called upon him and urged him to go out and take a drink, after having abstained for several months. He yielded to the temptation, and continued drunk for several days. In this condition, in the company of his friend, he visited a neighbor, on which occasion she lost her money, amounting to \$65. She suspected one of the two men. An officer was sent for, and the whole of said money was found on the prisoner. He was arrested and conveyed to prison. When sober, he could not be induced to believe that he had taken from his old friend her money. The officer had placed (as was his duty) all the cash taken from the prisoner in the hands of the property clerk. The complainant had arranged, some time previously, to leave New York, and could not be detained until the trial. The truth is, she had no desire to appear against him. All these facts were presented to the district attorney, and, on our recommendation, he consented that the amount, \$65, should be returned to the complainant by the prisoner's friends. This was done, and the man was restored to his distracted family. An order was served on the property clerk for the return of the money, which was promptly complied with. This family were unfeignedly grateful to the Association.

Number 17—We visit the city prison and find a poor fellow in the hospital cell, very sick with erysipelas. We obtain from the resi-

dent physician a certificate confirmatory of this fact. We wait on the authorities and procure their consent to his removal, on our promise to produce him in court when he shall be restored to health. We consent, and he is released. A coach is provided and he is conveyed to his home. When convalescent, we notify the clerk; the witnesses appear, but express an unwillingness to press the complaint. The man was accordingly discharged.

Number 18—Was brought into court of general sessions to plead to an indictment for grand larceny. The property not being worth \$25, a plea of petit larceny was accepted. This silly girl represented that she required a watch to ascertain the proper time to rise in the morning. It had been taken by her from a drawer and was missing; she foolishly denied having it. Had she told the truth, there would have been no trouble, and especially as she had not left the house and had no intention of leaving. The complainant expressed an unwillingness to appear against her, as she manifestly had no felonious intent. The blunder and the untruths to which it had led were forgiven, and she was discharged.

Number 19—Two sisters were inmates of one of our city prisons. One was indicted for stealing clothing; the other for receiving said property, knowing it to be stolen. The former confessed her fault with bitter tears, asserting her belief that the articles were cast off and regarded as useless. She fully admits the wrong she has done. The agent very carefully investigated this case and ascertained what had been the habits and reputation of the prisoners. The result justified him in representing to the district attorney that neither of the sisters had ever before been suspected of dishonesty. The families with whom they had lived during the last four years assured us that their conduct had been uniformly correct.

The truth is, the prisoner had taken these articles, believing they were comparatively useless, to her sister, who was living in respectable service, and she unsuspectingly accepted them. The district attorney consented to enter a *nolle prosequi* in the latter case. This girl was discharged. One of the members of the Association employed her in his family, where she has since done exceedingly well. The other girl was sent to the penitentiary for three months. Such was the mental suffering of these young women, and the salutary lessons learned by them, that they will never, we confidently feel, be guilty of a repetition of such wrong.

Number 20—We found this man in the Tombs, on a commitment for disorderly conduct. After conversing with him, we were persuaded that he was neither a rafter nor an old offender. He had, the previous day, drunk too much wine, and he was deceived by it, as Solomon says men who drink it are apt to be. He solemnly vowed to abstain in future. His case was submitted to the committing justice, and he was discharged. He had, somehow, lost his hat. We congratulated him that his head was not in it, when lost. The Association furnished

him with another hat, a clean shirt, a close shave and a cup of coffee. He then started for his home a wiser, and, we hope, a better man. He appeared to feel under some obligation to those who had helped him.

Number 21—A poor colored man had been in prison some twelve weeks on a charge of felonious assault and battery with intent to kill. The facts are: This man and his wife had retired to rest early in the evening. Between 12 and 1 o'clock he awoke, leaped out of bed and tried to get out of the window into the street. His wife, however, prevented him. He ran to the door, and succeeded in getting out. She pulled him into the house, when he seized a knife which was lying on the table, and cut her in several places. She recovered and refused to appear against him, alleging that he was a good husband, and at the time was out of his head. These facts were submitted, and he was discharged.

Number 22—This woman, an inmate of the city prison, was arrested on a charge of grand larceny. She is the mother of four children. The facts of the case are as follows: A sum of money was left in her hands for safe keeping; the package was opened by a son of the woman to whom it was entrusted, and two or three times a few dollars were abstracted. The husband of the trustee having deserted from the army and gone home to Scotland, she resolved (now that she had the means) to visit him there. Leaving a few dollars behind her, she took passage, having a strong hope of making up the amount taken from the package. After the lapse of a few weeks, she returned to New York and to her former residence, accompanied by her husband. They expressed their regret to the woman that the money used by them could not be restored at the present, but said that they were not without hope that they should be able to pay her. She obtained a warrant for their arrest. The husband, on the preliminary examination, was of course discharged. Information was given to the Provost Marshal of his being a deserter. He was arrested and sent to his regiment, and his wife was committed for trial. In the judgment of the agent, from whatever stand point he could take, there was no evidence of a felonious taking of this money. We felt that the conduct of the woman was very reprehensible, and, although there was little or no danger of her conviction and punishment, it was deemed most advisable, because most just and equitable, to make an effort to secure the complainant her money.

The agent, being informed that a gentleman of wealth, a resident of the old country, had shewn this family great sympathy, and is still their friend, wrote him on the subject, submitting all the facts of the case. He replied with commendable promptitude, expressing his regret at the unjustifiable step the woman had taken, but at the same time very kindly transmitting a sum sufficient to make a satisfactory reparation. Without delay this was accomplished, and the prisoner was discharged and restored to her family.



Number 23—Was charged with grand larceny. She had applied for needle work. This she had pledged. We diligently inquired her history and ascertained that she was not addicted to drinking or any other vice, save one—"buying policies." She admits buying various articles on credit and selling them at a sacrifice—borrowing moneys and pledging every portable article from her house to buy "policies," that she seldom won a prize; and that the habit had ruined her in "body, mind and estate." We called on her husband, who confirmed her acknowledgment. He had concluded to discard her. We urged him not to do this, but to co-operate with us in our efforts to save her, and he acquiesced; the property was restored and she was discharged. She has promised to do better. May she keep her word!

Number 24—An unfortunate young creature was committed to the Tombs for disorderly conduct. She appeared to feel very much ashamed and was deeply sensible of her fall and consequent degradation. Under these circumstances we suggested that she be transferred to the care of Mrs. Richmond, or to that of Mrs. Offer, matron of the Magdalen, as, with either of these ladies, appropriate counsel and instructions may induce her to consider her ways, and be instrumental in effecting a permanent reformation of life. She was sent to the Magdalen asylum.

Number 25—When in court this morning, an officer called our attention to the case of \_\_\_\_\_, charged with petit larceny. The complainant was introduced to us. He said he had known the prisoner when he was a respectable merchant in this city. He had failed in business, and of late was addicted to habits of gross intemperance. He declined to appear against him. This, we believed, the first time he had been charged with dishonesty. He begged us to speak in behalf of this poor man and have him discharged. When his name was reached on the calendar, he was not present. His commitment was handed to an officer with a request that he be brought into court. The officer soon returned with the information "he is dead—he died in a fit of *delirium tremens* a few minutes since." Sad issue of the intoxicating bowl! Alas, that it should be so common. O rum! rum! how fearful are thy ravages! How awful the responsibility of those who make and those who vend thee as a beverage! When shall thy conquests cease? When shall thy desolations be repaired?

Number 26—A young girl, aged 16, was indicted for grand larceny. She had, under bad advice, committed this crime; the wife or mistress of the complainant being more in fault than this child. The money was all restored.

The agent ascertained that this juvenile offender had lived at home with her parents, except for the last few weeks. Her departure from home had well nigh broken her mother's heart. Her parents are poor, but of sober, industrious, thrifty habits. The father refuses to see his child, she having brought disgrace upon his name and family.

When brought into court to plead, we submitted all the facts to his honor the Recorder. With his characteristic discrimination, he suggested that a plea of an attempt at grand larceny be accepted. The mother then begged that her daughter be now restored to her. We succeeded in convincing her that to obtain her discharge would probably complete her ruin. We urged her to seek for her daughter, and to persuade her child to seek admission to the Magdalen asylum for one year; in which case we would solicit the Recorder to show her mercy. They both thankfully consented to this proposition. We then waited on the court, representing that, for the interest of this young creature, she should be placed under wholesome restraint, kind treatment, and regular family discipline in one of our benevolent reformatories. At our suggestion, his honor sent her to the Magdalen.

Number 27—Was discovered in custody and awaiting examination on a charge of stealing from Washington market. We investigated the complaint, and found the matter to be an insignificant affair. The girl had, as was alleged, taken potatoes from a sack. She protested her innocence, and claimed that what few she had in her basket, not exceeding ten or twelve in number, she had picked up in the street. We attended the examination at 2 o'clock. On entering the court room, we were told that the complainant had offered to secure her discharge, provided \$10 was paid him, and that several poor German women had contributed each their mite, and had placed that sum in his hands. The case was called. We asked the complainant if he desired to press this complaint? He replied "No." We then informed the court that for these few potatoes he had extorted from a crowd of very poor women \$10, to compromise this alleged larceny. We proposed to prefer a complaint against the man. The justice asked him if it was true that he had taken money from any of these people? He replied: "yes, judge, in payment of the potatoes, and for the loss of my time, I have accepted \$10." He was peremptorily ordered to return the amount. This was done, and the woman was discharged from custody. The complainant was admonished not to repeat this conduct.

Number 28—We visited the Island on Sunday and addressed the inmates in the penitentiary. We were glad to see so many empty benches. Not a fourth of the seats were occupied. We congratulated all present that their numbers had so manifestly decreased. That the company may be still further diminished, we urged every prisoner to unalterably resolve, when discharged, never to commit an offence and find his way back to prison.

In the afternoon, we addressed the women committed to the work-house for intemperance, vagrancy, disorderly conduct, and in default of bonds to keep the peace, numbering probably from 700 to 800. Such a crowd of unfortunates, and a large proportion of them under 18 years of age, is sad and sickening.

Number 29—A boy aged 13 (subject to fits of epilepsy and altogether incapable of taking care of himself), was held in the Tombs, charged with stealing a horse and wagon. We hastened to examine the papers, as we knew not whether the horse was indicted for running away with this nearly demented boy, or the boy for running away with the horse. We lost no time in the solution of this problem; a certificate was obtained from the physician of the family; his name was put on the calendar; the whole case was submitted to the Recorder; and the child was ordered to be discharged and restored to his father, then in court.

Number 30—Was arrested in April last, on charge of grand larceny. He was in delicate health, and thought to be consumptive. In the Tombs he grew worse and worse. At length, we applied to the district attorney (with a certificate from the physician showing his condition) asking him to give an order for his removal to the Island penitentiary. He immediately complied, and the poor man was transferred.

After being there under medical treatment for some months, we ascertained that he was vomiting blood daily, and there was no hope of his recovery. His family reside some 175 miles from this city, and it seemed desirable that he should get home to his wife and children. In relation to the alleged larceny, there were doubts of his guilt. The complainant could not be found. Under these circumstances, the district attorney was again applied to that he might be brought down to the prison. He consented. His name was placed on the calendar, and he was with difficulty conducted to the court. We then applied for his discharge. The district attorney interposed no objection, and the afflicted man, after being in custody seven months, was discharged. The Association provided him with shirts, a suit of clothes, and sufficient money to enable him to reach his home. When he left us, he wept with grateful emotion.

Number 31—A father and son had been arrested; the latter aged 14, on complaint of his employer, that he had stolen an accordion and several other small articles. The father was held as a receiver of stolen goods. The case was brought up for trial before the court of special sessions, when a lawyer, probably to secure a fee, requested that it be sent to the court of general sessions, as the parties elected to be tried by a jury. Hence those two persons had been held for five weeks in prison awaiting trial. The senior prisoner was in bad health when first arrested, but became much worse in prison, and seemed in danger of being almost starved to death, as his stomach rejected the prison diet. We enquired into his character and circumstances. He is a journeyman tailor, a very inferior hand at the business, and miserably slow. He was unable to provide food for his family, a wife and 4 children. The few articles taken home by their boy were converted into money.

When brought into court for trial, a lawyer present submitted the facts to the judge, when the prisoners were discharged. This family were aided by the Association. They are sober and deserving.

The poverty of the poor is their destruction. We seem to understand this, but they know it by sad experience.

Number 32—A finely developed youth, aged 17, was seen in the city prison, weeping convulsively. We delicately enquired the cause of his mental anguish. He replied, "Sir, I am in prison." We asked for what? He said, "I am ashamed to tell you." "And why feel ashamed? are you guilty? and, if so, of what? Do tell me; I may be able to counsel and aid you; and especially if I can be sure you are worthy. Hear me; perhaps you were not aware of doing wrong at the time you perpetrated the act; tell me what it was." He then said, "I am the son of respectable persons. I have been well educated. Much pains have been bestowed on me in every way. I held a situation at a good salary. A short rest of a week was given me. In that week I became acquainted with a young man, who had plenty of money. He induced me to accompany him to New York. There I lost him. Having but little money, and being an entire stranger, I knew not what to do. I engaged board at a respectable dwelling, was taken sick, and remained so for three weeks. On my recovery, I applied at the general post office for letters. From my dear mother I received a letter with money enclosed, which I paid in part for my board in arrear. I then diligently sought employment, and was engaged at \$6 per week. In this situation I remained some three weeks. My employers treated me kindly, increased my wages to \$8 per week, and also invited me to do over work. In truth, I was earning more than ten dollars per week. I received another letter from home, from my dear mother. In it she informed me of my father's illness, and also that my younger brother had met with a serious calamity at school. Whilst he was at his studies, a boy on the opposite side of the room had fired an arrow from his bow, which entered his eye, depriving him soon after of the sight of both. My mother earnestly begged me to return home immediately. I had no means left after paying my board bill and purchasing a few necessary articles, which I much required. Coming out of the office, I saw lying on the desk several amounts of money, placed in envelopes, to be handed to the workmen. The thought, like a flash of lightning, came into my mind, 'I will take this money and return home.' I collected the envelopes, put them into my pocket, and started for my boarding house. I showed the letter received from my mother to the mistress. I wrote a hurried letter to the firm, acknowledging my crime, and craving forgiveness. I told the lady with whom I had boarded that I was off to Boston by the Harlem railroad. I had taken my seat but a few moments, when one of the firm entered with a detective. I approached him, saying, 'Sir, here is your money; I am very sorry that I yielded to such a temptation; I have mailed you a letter; do forgive me; do, pray, forgive me.' I was arrested, and am now awaiting the action of the grand jury." Such was the story of the youth, sad even unto heart sickening. We called on the firm; they all

felt a sympathy for the lad, and some one of them called to see him daily. We have never listened to such heartfelt and piercing expressions of shame, sorrow and penitence, as came from that young man's lips. All these circumstances were properly presented at the proper time. There was no bill found, and this erring, but still noble and promising youth was discharged from custody. He subsequently called at our office to express his gratitude for what had been done for him, and to inform us that the firm had given him an overcoat, under garments, and everything necessary to his warmth and comfort.

The Association procured him a passage to his home at a much reduced fare, the whole of which was contributed by the members of the firm. We doubt not but this youth will turn out well, and will yet make his mark in the world; and the means taken to that end, as above detailed, will in no small degree, give an impetus towards such a result.

#### REPORT OF CASES IN THE DISCHARGED CONVICT DEPARTMENT.

Our brief summary for the year, as given in a previous part of this report, shows that one thousand and twenty-four discharged convicts and other unfortunates, from our various penal institutions, penitentiaries, county jails, work houses, hospitals, courts and city prisons were temporarily furnished with board (in whole or in part) or with pecuniary aid, by which they were enabled to reach their friends distant from the city, and where employment could be more easily procured for them.

Two hundred and thirty-one discharged convicts and others were provided with work and places as far remote from their former associations as possible.

One hundred and twenty-one discharged convicts and other persons from the prisons before designated, who were so clothed as to excite suspicion that they were "prison birds," or miserably clad, "all tattered and torn," were supplied with clothing adapted to their wants and condition.

The following cases, copied from our diary, partially illustrate the nature and character of our daily operations in this very trying field of labor.

Number 1—Left Trenton state prison in September last. He called at our office, telling us his past history. We believed him to be truthful, and that he would live a better life. A trifle of money was loaned him, he having none. In the month of December he called to return that amount, when, as he informed us, he was at work doing well.

He came in again the beginning of the new year, looking very sick. He had been confined to his bed for five weeks with acute rheumatism; all his money was gone, and he half perished with cold and hunger. The Association promptly supplied his wants; food and money were given him; two new shirts, two flannel shirts, two pairs of drawers, a prime overcoat and a pair of thick boots were furnished him. The poor fellow felt nearly cured; he could have danced with joy. He soon recovered

his strength, when a set of tools were purchased for him by the Association, and he diligently applied himself to his craft. We believe him now to be an altered man, respectable and respected.

Number 2—Had been in the penitentiary two months, on conviction of assault and battery.

When discharged, he called at our office and said that he had followed a sea faring life, that he had boxed the compass, weathered the gale with bare poles in the most dangerous latitudes, but that he was never before a wreck on a lee shore without a shot in his locker and immured in a jail. He vowed that he would rather be stowed away in a whale's belly in the mighty deep than be crowded over with cowhide in hand by a land lubber in a lock-up or penitentiary.

He represented that he came on shore in this port after a long cruise; that he visited Water street in this city; that he drank, danced, felt good, got drunk and was robbed of about \$27, and he thought by the lady who really seemed to love him most. He discovered his loss and made a noise about it; was kicked out of doors; a police officer grabbed *not them but him*, and he was sent to prison for two months.

To avoid such troubles in the future, he was urged to drink nothing stronger than water, but by all means and especially to avoid Water street.

Having lost all his clothes, the Association supplied him with necessary shirts, pants, under clothing and a little cash, until he was again shipped.

Number 3—Was committed for disorderly conduct to the Island workhouse in default of bail. The lady with whom she had lived as help sent a friend, asking the Association to procure her discharge, and expressing a willingness to take her again into her service, confidently believing she will behave well in the future. We waited on the committing justice, submitting these facts, when she was discharged. We have since learned that she is doing well.

Number 4—Had spent six months in the penitentiary on conviction of petit larceny. He assures us that he was innocent of the charge; it was perpetrated by a man whom he had met with but a few hours previously; the culprit escaped, and this unfortunate had to meet the consequences. He believes a useful lesson has been taught him, and he hopes to turn it to good account. He expressed an anxiety to reach a distant town, where he was esteemed an honest man, and such he promised to prove himself. His general appearance was much improved by a supply of suitable clothing, and a pass was furnished him to the home of his friends. He was evidently very thankful.

Number 5—Was tried in the court of general sessions in this city on an indictment for grand larceny, and found guilty, and was sentenced by the Recorder for five years to Sing Sing State prison. He calls at our office when discharged, and confesses that he was guilty of this

offence. He represents that he was born in Germany; his father died some years since. His mother having ample means supplied him with money sufficient to enjoy all the pleasures of a giddy life, and he became a fast young man. He came to this country; went to California, made some money; returned to New York; on his passage he gambled and lost every dollar; landed in this city without a cent, and was tempted to steal a large amount of property, for which offence he has served a term of five years. He assures us that this was his first offence, and now that he can earn an honest living, he hopes to avoid a repetition of crime.

The Association was instrumental in procuring him employment; a suit of clothes was furnished him adapted to his work; and we are not without hope that this young man, whose education was so wickedly neglected in his youth, may yet recover himself, and live to be useful and happy.

Number 6—Had served three years and six months in Sing Sing prison; he was discharged full seven years since. He called on us today with expressions of thankfulness for the kindness shown him by the Association since his release. He believed that such treatment had made him a better man. During the last seven years he had had some experiences. He had married, was blest with two children, lost his wife by death, and had encountered many other trials and difficulties; but in the midst of all his troubles, God had been his support and defence. When he first called on us seven years ago, we prevailed on him to promise to avoid the use of intoxicating drink. He has kept his word. His temperance has proved a stepping stone to other and higher attainments. He attends church regularly, preaches temperance, and strives to practise religion. He returned to this city on Friday, called to see us immediately, and with a vivid recollection of the past. He is grateful for mercies vouchsafed to him, and unalterably resolved to manifest his love for goodness by the blamelessness of his life. He thanks the Association for making him, as he expresses it, what he now is, a man of steady, sober habits.

Number 7—Was arrested in Brooklyn, Kings county. He was indicted for an attempt at burglary in the third degree, and, on our advice, plead guilty. He was seen trying to open the street door of a dwelling house: he failed at that one, and subsequently tried another, when he was arrested. He was sentenced to Sing Sing for two years. He says that at the time of his arrest he was nearly crazy—(not from drink)—out of work, out of money, without friends, a stranger in the country, and had not tasted food for two full days. He assures us that he was driven by hunger to make this attempt to steal, he hopes to be forgiven, and that nothing will ever induce him to yield to such a temptation again. The Association supplied him with suitable clothing and a few dollars to pay his way to a distant city, where we introduced him

to a manufacturer who employed him. Some months afterwards we ascertained he was living an industrious, honest life.

Number 8—Calls again at our office. Her husband is now undergoing a sentence of four years and eight months on a conviction of mayhem; herself and five children are in very great distress, the latter having measles; what to do for herself and them she knows not, as their sickness prevents her earning a dollar towards their support.

This poor woman resolved not to seek admission to the workhouse lest her little ones should be separated from her; if they must perish, she determined they should all perish together. The Association cheerfully contributed to their pressing necessities. We are gratified to add that her husband's prosecutor also renders this family some pecuniary aid, while he feels a strong desire to see him pardoned.

Number 9—Calls to thank the Association for the advice given him when brought into court to plead to an indictment for passing one counterfeit bill. But for such advice, he should certainly have been convicted in the second degree, and then sentenced to five years at Sing Sing. He promised never to forget the mercy shown to him by his honor the Recorder. He hopes the twelve months spent in the penitentiary will not be lost on him. He was aided with clothing and a pass to his home.

Number 10—Was convicted of petit larceny, stealing two silver plated spoons and some other little trifles. She was sentenced for three months to the penitentiary. When discharged, she calls at our office and assures us that this was a trumped-up complaint to cajole her out of her legal rights, wages due to her, as well as moneys she had loaned (her mistress) the complainant. She asks our best advice and aid. We meet her at the district court; we ask a summons; it is allowed; we subsequently appear; the case is deferred; subpoenas are served, and all concerned are present. The plaintiff tells her unvarnished tale; this was corroborated by the police officer, who saw the clothing in the possession of the defendant when he arrested this woman for an alleged petit larceny, and which property they engaged to keep carefully for her. The suit now instituted is for the recovery of said clothing. The defence was a denial that such property was left in their care. On the following week the court gave judgment for plaintiff in damages of \$100. We shall next proceed for the recovery of her wages now due, amounting to \$27. It will then become a grave question whether the party ought not to be sued for false imprisonment and damages. In our judgment, she could be convicted of perjury. This poor woman was aided by the Association.

Number 11—Had been in Flatbush penitentiary three months. He called at our office and represented that he had been a physician in good practice, both in the old country and in this. He had been addicted to very intemperate habits during the last 15 months; he had nearly de-

stroyed himself, soul and body, for time and eternity. He now resolves to abstain from all kinds of intoxicating drink, and once more become a man.

His external appearance was much improved; he was also aided pecuniarily and then introduced to a situation as nurse in one of our hospitals. When we last saw him, he was doing well.

Number 12—On his discharge from the penitentiary (12 mos.) says he worked hard for the whole term and received nothing when he left, not a cent. He found it a hard road to travel. The keepers are not all angels, and in the whole concern there is nothing likely to induce the inmates to reform their lives. He hopes, however, never to be found in such a plight again; better for him to die, if prepared, than return to so terrible a companionship. Suitable clothing, good books and pecuniary aid were furnished him.

Number 13—Was tried, convicted and sentenced for grand larceny in the court of general sessions on the 13th Sept. 1859, to 5 years in the State prison, Sing Sing. By his uniform good conduct he had, under the commutation act, saved three months and two weeks. When he left the prison, he had placed in his hand \$8 from the authorities for overwork. He has, through a friend, obtained employment away in the country. The Association furnished him with two hickory shirts, two white shirts, a night shirt, vest and pants, a bible, two other good books, and sufficient funds to pay his passage. He appeared to feel thankful; may he be preserved from evil.

Number 14—A poor, distracted woman, whose husband was sent to Sing Sing about 15 months since, calls at our office and asks, could not the Association induce the Governor to pardon him, he being a very ignorant man, who was induced by two old offenders to accompany them to a neighboring town, and there pass counterfeit bills? The most notorious villain of the three turned State's evidence (a woman who had been often arrested); the two men were convicted and sentenced for five years. The Association wrote the commissioners of public charities in behalf of the poor woman and her starving children. They are since aided by them and the Association.

Number 15—Spent six months in the penitentiary on conviction of petit larceny. He still protests his innocence and asserts that the police officer testified falsely, and he knew it; he hopes he will feel it and repent, before he leaves this world.

He had worked in a city remote from this; there he was regarded as a man upright and honest. The Association improved his external appearance, then furnished him with a pass and pecuniary aid.

Number 16—Represents that he now knows what liberty means. Never will he be found in bad company again. He concedes that he was with a mean chap who stole a coat. A thousand times has he wished the earth had opened and swallowed them up. He reminds us that we

once gave utterance to a living truth, that it does not pay to be a thief, even if a man could steal \$10,000 an hour. He sees it clearly. He hopes the three months spent in prison may not be thrown away.

He was enabled to leave the city decently, and is now at work earning a living.

Number 17—Was arrested, tried and convicted on an indictment for robbery. He was sentenced to Sing Sing prison for 10 years and 3 months, when he was 17 years old. His accomplice was 18 years of age, and he was sentenced 10 years and 6 months.

This poor fellow's history is a sad one. His mother died when he was but an infant. His father was habitually intemperate. He had no one to care for him or look after him. He had no home; no education. His habits were formed in the midst of the most degrading associations. The low theatre, the drinking cellar, the underground hells, were the places in which he was schooled, and he naturally became an expert in crime.

His wretched father, what became of him? He was hanged in the yard of the city prison some few years since, having been convicted of murder. The son, who now calls on us, tells us that he means to live a better life. He may have acquired useful knowledge during the long 10 years he has been a convict in Sing Sing prison. We trust he has, but our hope is not unmixed with fear. To secure better health, we advised a long sea voyage; he promised to adopt the course recommended.

Number 18—Had spent 12 months in the penitentiary for an alleged attempt at grand larceny.

He calls to see us, and says that his health has failed him sadly, and his conscience has whipped him by night and by day. He resolves, if Almighty God will but help him a little, he will never be found in such a terrible dilemma again. We asked him, "Do you not need great help to get the mastery of your inclinations?" He replied, "No, I think if the Lord will but take [me] in hand, it can be done easily." He felt anxious to reach his friends, a distance of 120 miles from N. Y. city.

The Association supplied his wants and sent him home.

Number 19—On conviction of assault and battery, had been sentenced to the penitentiary for one month.

He calls at our office, and represents that he never saw the inside of a prison before, and from the light he has acquired from keen observation and a painful experience, nothing on earth can induce him to alter his opinion that the outside of a prison is the best side; and he has on his knees, with tears of contrition, acknowledged his vices and his faults, earnestly praying for power to resist and overcome them. He hopes never to expose himself to such disgrace and humiliation again.

The Association supplied him with clothing and aid.

Number 20—Was two months in the penitentiary; he had worked hard without pay, and did not dare strike for wages. Worse than this,

he had to mingle with a class of creatures lower than the brute creation, who were terribly degraded by rum and the lowest habits; and worse even than all these, he could not get away from himself. His own conscious guilt made him unutterably wretched; this was more painful than to be governed and coerced by unfeeling keepers.

He appears to be sincere in his determination to live a better life. He was introduced to work, and was aided by the Association.

Number 21—Was encouraged by his keeper on the Island, where he had spent two months, to call and consult us in reference to his family; how he can reach them, and whether it is possible for him to recover the property taken from him when he was arrested by the police officer, which was not his own, but that of his employer.

His questions were satisfactorily answered; the little property was restored; his external appearance improved; pecuniary aid afforded him; and he went home to his family in a better condition of body and mind, with expressions of gratitude to the Association for the timely aid rendered him.

Number 22—Was committed to the Island workhouse in default of bail, and on complaint of her husband, who swore that she was the last few weeks sadly addicted to drinking; she had refused to cook his meals; on his return from labor, he would find her in a helpless condition, lying stupidly drunk on the floor.

He now calls on the Association and informs us that his only child is very sick, aged two years; that he cannot get to his employment; hence want and ruin are coming on him, and he will be crushed.

He has heard from his wife. She solemnly promises to reform, and will take the temperance pledge and keep it. He can believe her, as she is not a mean, untruthful woman, but the committing justice refuses to listen. He prays the Association to aid him in procuring her discharge. We send a friend to visit both husband and wife. We ascertain that she has never before given him trouble. We have confidence in her promise to abstain.

Her discharge was obtained. He subsequently called to thank us for our humane interposition, saying, "Mr. Beal, thank God, she abstains."

Number 23—Was convicted of bigamy and was sentenced to Sing Sing prison for two years.

A few months subsequent to his conviction his lawful wife obtained a decree of divorce, but previous to his discharge she felt anxious to ascertain the state of his health; whispers were sent to and fro on the telegraph wires or by some other mysterious agency; notes were finally transmitted, at length he leaves the prison. It may be asked, what became of the divorces? This deponent saith not. But this we do happen to know, she, the injured one, forgave him his follies; a reconciliation took place; under advice of their friends these two became one; they were remarried, and are now living happily together. He was tem-

porarily aided by the Association. He is now devoting his time and energies to his business, and earning a respectable subsistence.

Number 24—Nineteen degraded women and three indolent, drunken loafers call on the agent from our various jails, penitentiaries, hospitals and workhouses, asking the Association to aid them with clothes and money. A few of the most hopeful were selected and temporarily aided; the rest were sent empty away. It is not possible to help those who refuse to help themselves.

Number 25—Was tried in court of general sessions on an indictment for passing one counterfeit bill and attempting to pass the second. He was convicted and sentenced to Sing Sing prison for a term of five years and six months. He worked in the brass finishing shop, and was discharged in June last, but miserably weak and dilapidated in body, and not much better in mind. He obtained employment and sustained himself until his health completely failed him, and now he calls on the agent and asks despondingly, "Mr. Beal, oh, tell me, what shall I do?" We suggested that he seek admission to one of our hospitals in this city, as he was too sick to travel. An application was made; he was admitted and successfully treated; his health was improved, and he was discharged.

He calls again on the agent; pecuniary aid was afforded for the purchase of those things he most needed. He is now in his former employment, doing well.

Number 26—Calls at our office and prays us to write to the agent and warden of Sing Sing prison to place her unfortunate husband in a shop where he can earn a trifle by overwork, as she and her four helpless little ones are wanting bread. We consented to interpose in their behalf; pecuniary aid was afforded them, for which they felt thankful.

Number 27—Calls on the agent to say that he is now more than ever resolved to be an honest man. He had spent two years and two months in State prison for an alleged grand larceny. He feels certain the offence was committed when he was under the influence of strong drink, or he should never have perpetrated it. After his arrest, when restored to his right senses, he felt overpowered with shame and regret. To avoid a repetition of such a disaster, he proposes to abstain from the use of intoxicating drink. The Association provided him a pass to reach the country, and furnished him with the means of support until he reached home.

Number 28—Had served five years in State prison on a conviction of forgery in the second degree. He had worked in the shoe shop. This was the only offence of his life. He made a small sum by overwork with which he has made his mother more comfortable in her home, besides paying off several obligations which he had contracted.

He now asks the Association to please provide him with employment and tools to work with. We introduced him to several persons; at length he found work. The Association bought him a set of tools and he went to work, encouraged and hopeful.

Number 29—Had spent six months in a penitentiary. Drink was the cause. He calls at our office and vows he will never drink more than two glasses of liquor at one sitting. We showed him a more excellent way to avoid vice, poverty and crime—not to touch, taste or handle the first glass, or the first drop. We handed him a portion of Sargent's Temperance Talcs, and Mrs. S. C. Hall's small work on the First Glass. He saw clearly that the danger is in the first glass; don't take that and all remains well; there is no fear of excess. He was furnished with suitable clothing and left for the country.

Number 30—Calls to explain the cause of his recent arrest. He tells us that he came from the country with a young man who owed him \$65; that the young man had resolved to enlist and then pay him the above sum. He was rejected by the doctor. While waiting the result of other examinations, he had been thrown into bad company. Here he went down hill with terrible velocity. In the country he had never sworn an oath or played a game of cards, dice or such like, and scarcely drank a glass of liquor; but here, in New York, he soon acquired bad habits, and followed pernicious examples. At length he was arrested, charged with stealing a shawl from a member of the gambling fraternity. He protests his innocence. He was, however, convicted and sentenced for two months to the penitentiary. The Association felt strong sympathy for this young man. He was sent home to his anxious parents in the country.

Number 31—This is, in some respects, the most interesting case we have to report in this department of our labors for the past year. "L. M." was, some 4 or 5 years ago, discharged from Blackwell's Island, where she had been for many years an almost constant resident of the penitentiary or workhouse. She came to your agent on her last discharge, and, after counseling and exhorting her, he gave her a letter to the ladies of the Female Home for discharged convicts. She remained there four months, at the end of which time the matron obtained for her a situation in a christian family in the country. In March last we received a letter from her, enclosing one addressed to her former female associates on the Island, appealing to them and urging them, in almost impassioned terms, to forsake their evil courses, and live a better life. This appeal was read to the Executive Committee at their meeting on the 23d of March, and drew tears from many eyes. It is transcribed here just as it was written, except that the spelling (which was very bad) is corrected, and punctuation marks and capitals (of both which there was "a plentiful lack"), are supplied. Here, then, follows the letter, certainly a remarkable production considering the source:

## THE APPEAL.

"O, girls! will you not try, with God's help, when you leave the Island, to leave off all intoxicating drink? I write these few lines to you, hoping that, with God's blessing, they may be the means of inducing some of you to quit the gin. I have been a constant inmate of the Island for many years. I am sure some of you do not forget L. M. Well, every time I left the Island, I made up my mind it should be the last; but after a few months absence, I would be sure to return again to pay my respects to my old friend, Mr. Noopen; and so the time passed until three years ago.

I once more left the Island, but not as before. I put my whole trust and confidence in the blessed Jesus, to guard and guide me. I went to Mr. Beal, and he gave me a few lines to the Home in Tenth avenue, where I remained four months, and Miss Mann procured for me the situation I now hold.

Now, you need not think that I withstood the tempter at the first start-off, for I did not. Twice I took *the one glass*, and at such times the devil will be sure to whisper in your ear that there is no use for you to try any more, for you will never be any better. But do not you believe him, but keep on trying and praying to your blessed Father to enable you to resist the devil and all his works, and be assured that God, in his own good time, will answer your prayer. How far I have succeeded you shall judge for yourselves.

Six years ago I left my three children out in the far west, in the care of my husband's brother, who was pretty well off. For some years past I knew not whether they were dead or alive; for, during the stupefied state of my existence, I had no recollection of the lapse of time. Well, after accumulating sufficient money, my kind mistress gave me leave of absence to visit my friends once more. Now see what the Lord had been doing for me, while I was going headlong to destruction. I found my children alive and well, and not only that, but walking in the straight and narrow path which leads to eternal rest; two of them earning their living as school teachers, and my son in college, studying for the ministry. They never forgot to offer up their prayers for their wretched mother, that, if I was still alive, God, in his mercy, would restore me to them again, and I was blessed Redeemer both heard and answered them. Oh, women! I cannot tell how much rejoicing there was over the prodigal mother's return.

My leave of absence having expired, I returned to my situation, where I received a hearty welcome from all the family. I brought the likenesses of my children along with me, and now one year has passed away since I have seen them; but every week has brought me a paper, and every month a letter, enclosing some small token of their love to me. I have also subscribed for religious and other papers, which I send weekly in return. I have, likewise, spent upwards of twenty dollars in sending birthday gifts, Christmas presents, &c. Now, do you not think I am well repaid for depriving myself of intoxicating liquors and for striving, as far as I can, to retrieve my mis-spent life? I know that many of you have left your friends and homes as well as I. Now, with God's blessing, return to them again, and see for yourselves in what way God may have been working for you in your years of absence.

Now, dear sisters, will you not take courage and try again? Put your whole trust in the blessed Jesus. He will help you if you will let Him. Suppose he should this day appear to you in the form in which he

was once seen by mortals, sweating great drops of blood, accused, insulted, bruised, scourged, racked upon the cross; and suppose he should turn to you with a countenance full of pity, and drenched with blood and tears, and address you in such moving language as this: 'See what I suffer for you. See at what a dear rate I purchase your life. See how I love you. And now I have only this to ask in return, that you would forsake those murderous sins which now torment me, and that you would accept of that salvation which I am now purchasing for you with the blood of my heart. This I ask with all the importunity of my last breath, of bleeding wounds and expiring groans. Grant me this and I am satisfied.'

"Suppose He should address you thus in person, what answer would He receive from this assembly? O! will you not all cry out with one voice, 'Lord Jesus, thou hast overcome us with thy love! Here we consent to thy request.' O! will you not afford him joy this day? Will you not give Him the satisfaction He requires? His eyes are now running through this assembly, waiting for some of you to give Him joy. And will you endeavor to rob Him of it, by refusing to accept Him as your Saviour? O! do not grieve the Holy Spirit away from you. But seek the Lord while He may be found; call upon Him while He is near, for you know, there is joy in heaven over one sinner that repenteth.

"Dear girls, I do not know that I can say anything more to you. But I hope that you will also strive to win and wear the starry crown in a land of bright glory, where sorrow shall be no more, and the weary are at rest.

"I beg that some of my Master's servants will offer up prayer in behalf of these feeble words, that they may be of some service to my unfortunate sisters. Pray also for myself, that God may enable me to love Him more and serve Him better.

"And now, may God bless you all, is the fervent prayer of your sincere friend,

"L. M."

The above cases, taken from hundreds on our record, give but an imperfect view of our operations. Your agent daily finds opportunities of visiting and counseling a large number of prisoners and discharged convicts (many needing only direction and encouragement) to return to the path of virtue and honest industry; all requiring, and entitled to receive, evidences of human interest, and that sympathy which is not accorded from a cold sense of duty, but which springs from an earnest, heart-felt solicitude to restore men to a better life, that they may be rendered useful and happy. And we have found that there is never any mistake in the mind of the convict or criminal in this matter. Heart speaks to heart as distinctly as the voice to the ear. Hence the worst men may be reached by expressions of kindness.

Reformation has ever been our primary object, and encouragement extended to criminals has ever been found an essential means to that end. Our labors have been lightened by the return to rectitude and, we trust, to the fold of Christ, our Lord and Master, of many who seemed to be lost beyond recovery; and our heart has been cheered by the fact that but few of those in whom we have taken a hopeful interest have been met with again in prison, or in a condition similar to that in which we first saw them. With many of these reformed criminals we correspond; have

confidence in their sincerity; and believe the change in them radical and lasting, and we have been delighted to see the evidences of progressive improvement in these fallen but recovered men and women; first the blade, then the ear, and then the full corn in the ear. We are familiar with many who were once a trouble to their families, an expense to the State, and a curse to the community; yet who are now occupying positions of emolument, respectability and usefulness. From this standpoint, we feel that our efforts have not been in vain. Under the divine blessing, we have been instrumental in accomplishing some little good, but oh! how diminutive, comparatively, the amount of our successes! We cannot forget that 31,331 persons have been arrested in our city within the twelve months past, and had every dishonest man his deserts, the number would have been considerably increased. The population of our city has not yet arrived at perfection. Alas, no! There are thousands on their way to crime, to prison, and to ruin for both worlds. Vain, however, is all effort to arrest the course of the torrent, unless it be stayed at its source. While the sources of crime remain untouched, we labor under the greatest difficulties and discouragements.

The causes of crime are subjects which occupy your best attention. Your agent cannot avoid a moment's reference to the figures in the form of the tables presented in a former part of this report. Of the 31,331 persons arrested during the year, there were:

	Males.	Females.	Total.
Of temperate habits.....	5,617	6,987	12,604
" intemperate " .....	11,109	7,518	18,627
	<u>16,726</u>	<u>14,505</u>	<u>31,231</u>

These figures are bad enough; but they are far from revealing the whole truth. Those set down as of temperate habits, are so represented on their own statements. A good many say they are temperate, when they know the reverse. But the ideas of the criminal classes on the subject of temperance are exceedingly crude and defective. Unless they have a drunken frolic every two or three days, they really think they are not intemperate. Hence, one half at least of those who give themselves out temperate, ought in reality to be transferred to the column of intemperate, which would swell the latter class to 24,929, and diminish the former to 6,802. What a vast volume of poverty, ignorance, crime, and wretchedness do these statistics present to us as the direct result of intemperance! How frightful, how appalling to contemplate!

The fearful increase of homicides and of crimes of violence, forces itself especially on our attention as being mainly, if not wholly, due to the use of intoxicating drinks. The traffic is pregnant with perils and woes innumerable, and ought to be suppressed. Cannot the Legislature be induced to withhold licenses from grocers, and then punish with fine and imprisonment every creature who dares to sell in defiance of law? This would strike at the root of a terrible evil at once, and vice and



crime would be wonderfully diminished. Gentlemen, please say to our Legislature, "try it."

We cannot conclude our report without the humiliating acknowledgment that vice and crime are fearfully on the increase, among our female population. Drunkenness, profanity, prostitution and dishonesty abound. There can be no doubt but rum is the cause of all this sea of troubles. Why the moral and intelligent portion of our citizens do not remedy these evils is a problem of difficult solution. Juvenile delinquency and crime, too, are sadly on the increase, and our prisons fail to deter, or influence for good, the two classes above referred to. What can be done to reach and remedy the evil is a grave question, which should engage profoundly the attention of the christian, the philanthropist, and the patriot.

Whilst we feel unfeignedly thankful to a gracious providence for the increased facilities intrusted to our Association, for the aid and relief of discharged prisoners, and the prosecution of our varied operations, the cheerful assistance rendered your agent by our respective criminal courts, district attorneys and their assistants, and the authorities generally, we can but express our thankful appreciation, Gentlemen, of your generous co-operation in our work of mercy and labor of love. We hope to be spared to pursue our accustomed avocation with honest fidelity and with earnest aspiration, that the future may be more distingished for usefulness than the past.

I am, Gentlemen, yours, with respect,

ABRAHAM BEAL.

( K. )

## REPORT ON PENITENTIARIES.

### I. ALBANY COUNTY PENITENTIARY.

This institution has been so fully described in previous reports, that it is only necessary to state such facts as are of interest during the current year.

#### 1. Construction and Condition of the Buildings.

No material change has occurred since the last report, except that a sum exceeding five thousand dollars has been expended in completing the buildings erected the previous year, in painting the outside of the main building, and erecting a brick stable, a carriage house, and sheds. No additional security against the escape of prisoners has been provided since the former report, and the warden, Mr. Pillsbury, still relies for the safety of his prisoners on the strict discipline of the prison, and the unceasing vigilance of his officers. No escape from the interior has occurred since the first occupancy of the prison in 1846.

#### 2. Number of Prisoners, and Employment.

At the date of inspection, the number of prisoners was 367, of whom 277 were males, and 90 were females. The number committed during the year ending October 31, 1864 was 687, (425 males and 262 females) which, added to those in confinement October 31, 1863—419—makes the total number in confinement during the year 1,106. There were left in confinement October 31, 1864, 355, of whom 275 were males, and 80 females.

Of the whole number, 1,106, there were discharged during the year 751, leaving in confinement, as before stated, October 31, 1864, 355.

The causes of discharge were as follows:

Discharge by payment of fines and expiration of sentence.....	879
Pardon by the President of the United States.....	27
Pardon and commutation by the Governor.....	10
Discharged by courts and magistrates.....	24
Death.....	11

Total number discharged during the year..... 751

The monthly average of prisoners in confinement was about 375, viz., 282 males and 93 females.

[Assem. No. 62.]

Of the 687 committed during the year, 194 were sentenced by the courts of the United States, largely for military offences.

The manufacture of shoes continues to be the business carried on at the penitentiary. This work is done under contract with persons in the city of New York, and affords employment to all the able bodied convicts, except the number required for domestic work.

### 3 Revenues and Expenditures.

The earnings of convicts and other incomes during the year ending Oct. 31st, 1864, were as follows:

Net earnings in the male department.....	\$30,150 12
“ “ female “ .....	3,997 30
Receipts from visitors and for fines.....	321 64
Board and care of prisoners from other counties and of United States convicts.....	19,457 38
<b>Total amount of income.....</b>	<b>\$53,926 44</b>

The expenses of the penitentiary for the same period were as follows:

Improvements and repairs.....	\$735 19
Clothing and bedding.....	3,141 32
Furniture.....	700 87
Provisions.....	15,202 07
General expense account.....	13,781 54
Building account.....	5,201 54
<b>Total.....</b>	<b>\$38,762 53</b>

Gain to the penitentiary.....

15,173 19

The salaries paid the officers of the institution are as follows:

Superintendent.....	\$4,000 and board.
Assistant.....	800 “
Clerk.....	600 “
2 Matrons (\$200 each).....	400 “
1 Kitchen matron.....	250 “
5 Overseers of shops (\$360 each).....	1,800 “
4 Watchmen (\$300 each).....	1,200 “
1 Messenger.....	240 “
Physician.....	500
Chaplain.....	300
Hall keeper.....	400

Amount paid for salaries besides board..... \$10,490

The amount of earnings of each prisoner is 20 or 30 cents per day, according to the length of his sentence and the consequent efficiency of his work.

Prisoners sent from other counties are charged per week from \$1.25 to \$1.75.

The net profits of the institution in 1863 were \$17,524.22; in 1864, \$15,173.19; diminution in net profits, \$2,351.03.

### Statistics of Race, Nativity, Crimes, &c.

The principal tables contained in the last report of the Superintendent are condensed.

Total number of prisoners..... 687

TABLE I.

Natives of the United States.....	321
“ Ireland.....	293
“ other European countries.....	73
<b>Total.....</b>	<b>687</b>

TABLE II.

### Crimes against Person.

Assault with intent to kill.....	7
Highway robbery.....	12
Kidnapping.....	1
Manslaughter.....	7
Murder 1st degree.....	3
Murder 2d degree.....	3
Rape.....	3
<b>Total.....</b>	<b>36</b>

### Crimes against Property.

Arson.....	1
Burglary.....	3
Embezzlement.....	1
Forgery.....	5
Forging pension papers.....	1
Larceny, grand.....	85
Larceny, petit.....	74
Obtaining money by fraud.....	4
Passing counterfeit money, coin and currency.....	5

### Offences not Classified.

Misdemeanor.....	418
Military offences of various grades.....	54
<b>Total.....</b>	<b>687</b>

TABLE III.

### Showing the terms of Service.

Less than one year.....	481
1 year or bail.....	20
1 year and \$5,000 fine.....	1
1 year and less than 2.....	79
2 years “.....	3
3 “ “.....	4
4 “ “.....	22
5 “ “.....	6
6 “ “.....	19
6 “ and \$35,000 fine or 6 years more.....	1
7 “ “.....	2
8 “ “.....	2
8 “ “.....	1
8 “ “.....	2

10 years and less than 11 .....	5
18 " " .....	1
20 " " .....	1
During the war .....	13
During life .....	5
<b>Total</b> .....	<b>687</b>

TABLE IV.

*Age when Committed.*

Under 20 .....	124
Between 20 and 30 .....	224
"    30    "    40 .....	161
"    40    "    50 .....	98
Over 50 .....	80
<b>Total</b> .....	<b>687</b>

TABLE V.

*Education.*

Can read and write .....	330
"    only .....	155
Cannot read .....	192
<b>Total</b> .....	<b>687</b>

TABLE VI.

*Habits.*

Admit themselves to be intemperate .....	559
Claim to be temperate .....	128
<b>Total</b> .....	<b>687</b>

TABLE VII.

*Social Relations.*

Married .....	358
Single .....	349
<b>Total</b> .....	<b>687</b>

*b. Health.*

The general health of the convicts was good at the time of inspection. There has been a much smaller number of cases of delirium tremens than usual. Thirty or forty cases have occurred annually, and often of the most aggravated type. Only two such cases have occurred during the past year. The causes in part of this very great decrease are, in the opinion of the physician, the high duty on alcoholic drinks, and the enlistment of intemperate men in the army. A considerable proportion, too, of the prisoners are negroes, and the physician remarks that in a practice of forty-six years, he has never known a negro of pure blood to have delirium tremens.

There have been eleven deaths during the past year from the following diseases: Five of consumption, three of internal congestion, one from psoas abscess, and two from typhus fever. Five of the deaths occurred during the last month of the year.

The hospital arrangements in this institution are defective. The rooms are poorly ventilated, and the air was noticed to be foul at the time of inspection. The evil is in the construction of the building, and cannot be fully remedied by care on the part of the officers of the penitentiary.

*6. General Remarks.*

In respect to other points, it is not necessary to go into detail. Such isolated remarks as occur to us are subjoined.

The diet of the prisoners seemed to be wholesome and substantial, and their appearance indicated that it was sufficient in amount. It is furnished to them in their cells. There is a manifest evil connected with this mode of supplying food. There is no good reason why a prisoner's entire meal should be placed in a small tin vessel, one article of diet resting upon another. The most ordinary sense of decency must be offended, and it can only be endurable when the perceptions have become blunted. It may be a general custom to treat prisoners in this manner, but it is one of those usages "which is more honored in the breach than in the observance." By the exercise of a little ingenuity, a method can be readily devised by which, without a material increase of the prison utensils, the physical wants of the prisoners can be supplied in a more suitable manner. These remarks are not intended to be exclusively applicable to this penitentiary. They are pointed at a prevalent feeling that prisoners have not the sensibilities of other men, and are not to be influenced in the same way as other men. A sternly repressive system is none the less effective, though it yield in some respects to the suggestions of civility and the claims of decency.

The principal criticism which the committee would make upon the management of this institution, is its excessive economy. It has an excellent and faithful superintendent, and abundant means for an eminently successful management in all respects. These means should be used, and not hoarded.

A glance at the pecuniary condition of the prison will justify these remarks. On the 31st day of October, 1864, the institution had on hand in personal property, over and above its debts, \$57,871.83. This sum was composed of the following items:

Furniture, provisions and clothing .....	\$14,388 39
Cash on hand .....	12,108 41
Due from the county of Albany .....	13,142 43
"    "    the United States and others .....	18,237 56
<b>Total</b> .....	<b>\$57,871 83</b>

Of this large sum, fifteen thousand one hundred and seventy-three dollars and ninety-one cents (\$15,173.91) were accumulated during the current year.

Notwithstanding this surplus, the institution has but a small library. The sum of \$250 only has been expended for books during the year. This small expenditure is not due to the fact that there is any want of interest on the part of the convicts. On the contrary, it is stated, in the official report of the institution, "that those who are able to read, gladly avail themselves of the books. They are in constant use, and handled with a carefulness which shows that they are highly appreciated." At the same time, there are many prisoners, especially those confined for military offences, whose education is superior to that of most ordinary criminals. Yet with all these inducements to a liberal appropriation, not one-sixtieth part of the surplus earnings is expended in the purchase of books. Rightly viewed, a liberal expenditure is justified for the mere purpose of discipline, for if prisoners love to read suitable books, what better means could be devised for forming habits of quiet and of repressing a disposition to turbulence?

The same ill-judged economy is visible in the clothing furnished to the prisoners. The male prisoners are not allowed sheets upon their beds, but only blankets, which are washed at considerable intervals of time. This course might be tolerated, if an institution were destitute of means; but in the case of this penitentiary, it is without excuse.

There is another feature of the system, which deserves a passing remark. It relates to the provision for the religious wants of the prisoners. The Rev. Mr. Dyer, city missionary, preaches in the penitentiary twice every Sabbath, once to the men, and once to the women. For this labor he receives the meagre remuneration of \$300. He performs no other service. Now, this important prison surely ought to have the full time and energies of a competent chaplain, who, considering the eminently prosperous condition of its finances, should be liberally rewarded.

We do not believe that it is the true theory of prison discipline to assimilate convict labor to slave labor, and to get as much work as possible from the criminal, and to return as little as possible. On the other hand, it is believed to be the correct doctrine to appropriate the main portion of the surplus earnings of the prisoners to their use; to the purchase of books, if they are willing to read; to the employment of judicious chaplains and teachers, who shall suitably instruct them on the Sabbath, or in their leisure time; and to such ameliorations in their physical condition as an enlightened judgment would dictate.

We do not care to go further into detail. We strongly recommend that this serious fault in the management of this institution should be corrected. It may then become in fact, what some of its friends now claim that it is, a model penitentiary.

The superintendent has deservedly the reputation of an excellent dis-

ciplinarian. We were pleased to hear him say that the results of his long experience were to incline him to less severity than he had formerly practised. While we would not wish any relaxation of a sleepless vigilance, we believe that he is the most successful administrator of public justice who associates inflexible firmness with a cheerful spirit of kindness, and who regards his prisoners as wards, to be influenced as well as governed.

## II. MONROE COUNTY PENITENTIARY.

### 1. Condition and Construction of the Buildings and Grounds.

The Monroe County Penitentiary is situated a short distance from the city of Rochester. Its farm consists of thirty-two acres of fertile and well cultivated land, and is used to supply the institution with necessary vegetables. The management of the farm is creditable to the superintendent, being so conducted as to furnish a considerable source of profit.

The prison consists of a centre building, which is used for offices and the residence of the superintendent, and two wings, one containing cells for males, and the other for females. The arrangements for females are insufficient for the number confined. The mischievous practice is adopted of putting two in the same cell. There are now seventy-two cells for this class of prisoners. It is in contemplation to make such additions to the buildings as will furnish one hundred and twelve cells. There was expended during the year 1862-3, the sum of \$764.18 in necessary repairs, and the sum of \$959.82 in new erections. The last sum was used for the construction of a substantial building for the storage of cooper's stock. These expenditures were made from the earnings of the institution.

The means for supplying water to the institution are very limited. Wells are now relied upon. There should, however, be an abundant supply provided from Genesee river, which is but a short distance from the penitentiary. We were gratified to learn that there is a project on foot for elevating water from the river by hydraulic means to Mount Hope, to a point 20 feet above the top of the penitentiary buildings. It is estimated that this work can be done at a cost of \$10,000. It would not be possible for the authorities to make a better expenditure of money than to carry into effect some feasible plan of this kind. The great want of the institution is increased facilities in its buildings and in its supply of water. The superintendent feels strongly interested in this improvement, and it is to be hoped that the board of supervisors will act with speed and efficiency.

### 2. Number of Prisoners.

As the report of the penitentiary for 1864 has not been received, the results of 1863 can only be given. There were in confinement, October 1st, 1862, two hundred and twenty-one prisoners..... 221  
Received from October 1st, 1862 to October 1, 1863..... 583

Total..... 804

Of the number received during the year, three hundred and eighty-three were males, and two hundred females. Four hundred and six were from the county of Monroe, one hundred and sixty-six from other counties, and eleven from the United States District Court.

There were discharged during the year five hundred and ninety-four, leaving in confinement October 1st., 1863, two hundred and ten.

The causes of discharge were as follows:

Payment of fine and expiration of sentence.....	541
Discharged on bail.....	20
"    by order of court.....	21
Pardoned by Governor.....	5
Death.....	5
Escapes.....	2
<hr/>	
Total.....	594

The largest number of prisoners in confinement during any one month was two hundred and fifty-eight, of whom one hundred and seventy-one were males, and eighty-seven females; the smallest number during any month was two hundred, of whom one hundred and twenty were males, and eighty females.

The prisoners are occupied, as heretofore, in the manufacture of shoes, in cooper's work and in farm labor. The income from the shoe shop during the year 1862-3 was less than usual, owing to the fact that the number of prisoners capable of performing work was reduced.

### 3. Revenues and Expenditures.

The income of the institution for the year in question was \$22,424.17. It was composed of the following items:

Earnings of shoe shop.....	\$7,426 70
Cooper's shop.....	5,201 18
Female work shop.....	1,503 85
Farm.....	2,002 51
Board.....	4,389 50
Fines.....	1,299 86
Balance of interest.....	184 85
Admission fees.....	115 70
	<hr/>
	\$22,424 17

The expenses for the same period were as follows:

Provisions, furniture, clothing.....	\$8,638 30
General expenses.....	5,890 83
Repairs and improvement.....	764 18
Discharged convicts.....	101 97
Insurance.....	226 25
	<hr/>
	\$15,621 53

Gain to the institution..... \$6,802 64

The salary of the superintendent is at the present time \$1,700 together

with the board of himself and family. We have no means of knowing whether there has been any change in the salaries of the other officers since the last report.

Contracts are in force for the reception of prisoners from a number of counties, and from the United States courts, at rates varying from \$1 to \$1.25 per week.

The assets of the institution are \$31,865.23: of this \$24,616.83 is called available, and \$7,248.40 consisting of furniture, machinery, tools, &c., is termed unavailable.

### 4. Statistics of Race, Nativity, Crimes, &c.

#### TABLE No. I.

##### Crimes of which Convicted.

The crimes against the person, of the degree of felony, are very few; a single case of manslaughter is noticed. The crimes against property, of the grade of felony, consist of a few cases of conviction for burglary, forgery, grand larceny, cheating and embezzling letters from the post office. The convictions of this kind did not exceed 25.

Nearly all the convictions to this penitentiary are for minor offences. Of the entire number of 583, there were for

Assault and battery.....	80
Prostitution.....	10
Drunkenness and disorderly conduct.....	348
Petit larceny, vagrancy, &c.....	115
	<hr/>
	553
Add for other offences of higher grade.....	30
	<hr/>
Total.....	583

#### TABLE No. II.

##### Showing the Terms of Sentence.

Less than one year.....	567
One year and less than two.....	6
Two years " " three.....	6
Three " " " seven.....	4
	<hr/>
Total.....	583

#### TABLE No. III.

##### Age when Committed.

Under 20.....	98
From 20 to 30.....	154
"    30 " 40.....	123
"    40 " 50.....	110
50 and over.....	98
	<hr/>
Total.....	583

TABLE No. IV.

## Education.

Read and write.....	329
Read.....	122
Cannot read.....	132
Total.....	<u>583</u>

## Habits.

Intemperate.....	364
Temperate.....	219
Total.....	<u>583</u>

## 5. Health.

The general health of the convicts was good at the time of inspection. There were but few cases in the hospital, and those were of chronic diseases. During the year from October 1st, 1862, to October 1st, 1863, there were six deaths; one from cholera morbus, three from delirium tremens, one from old age and general debility, and one by suicide. Since that date there have been four deaths; two from delirium tremens, one from consumption, and one from abscess of the thigh, caused by venereal disease.

## 6. General Remarks.

The diet of the prisoners is abundant and wholesome, consisting, for breakfast, of meat, hash, bread and water; for dinner, one day pork, beans and bread, four days corned beef, potatoes and bread, one day soup, meat and vegetables, one day fish, potatoes and bread; for supper, mush and molasses. The meals are all eaten in the cells.

The same defect respecting ventilation as was noticed in the last report was observed by your committee. The tubes in the cell walls were found to furnish no adequate draft, and, although the roofs are surmounted with ventilators, there is no proper connection between them and the cell flues.

The punishment is mild in its character. Flogging is sometimes resorted to, but three stripes have been the maximum during the past year. Females are punished by darkening their cells. There is a dungeon which we were glad to hear was but seldom used, for it is situated in a cellar, without the smallest opportunity for ventilation. It is unfit to be used in any case. If that mode of punishment is to be resorted to, a new dungeon should be constructed. Whenever punishment is inflicted, it is the practice of the superintendent to converse with the men, and to give them the reasons for his action. He is convinced that this course has an excellent effect.

Three escapes have occurred during the past year. They were all of men who were employed outside of the prison walls. All were retaken.

The management of this institution is not so difficult as that of the Albany Penitentiary. The prisoners are nearly all committed for trivial offences and for short terms. The superintendent is at once efficient and kind. The institution is conducted in a manner which is adapted to the character of the prisoners and promotes the good of the public. With some expenditures on the part of the supervisors for buildings and water works, the penitentiary will accomplish all that can be reasonably expected concerning short term prisoners.

## III. ERIE COUNTY PENITENTIARY.

## 1. Construction and Condition of the Buildings.

These, in their present condition, were fully described in the last report. There is an immediate necessity for the erection of new buildings for the use of the prisoners. There have been, during the last year, one hundred and fifteen females, who were the inmates of only eighty cells, making but forty-five prisoners in separate confinement, while seventy were placed two in each cell. The condition of the male prison was still worse. There are but seventy cells, and there were confined in them more than one hundred and forty-four prisoners at one time, so that there were in some instances three prisoners in a cell!

The size of these cells, it will be remembered, is four feet by seven. Nothing can be more injurious to the physical condition of the inmates or to their morals than such a course as is necessarily adopted in this penitentiary. To call an institution a *reformatory*, while in such a condition, is an abuse of words and a mockery. Many of the female prisoners are prostitutes of the most hardened and depraved character, diseased in body and debauched in spirit. Many of the male prisoners are old and shameless criminals. These persons are necessarily forced into the company of the ignorant and thoughtless, but not thoroughly vicious, delinquent. The penitentiary thus becomes a seminary of crime; it sows the seeds of vice, which it was designed to eradicate. It is to the credit of the superintendent that he urges in strong terms an immediate improvement, and the Commissioners of the penitentiary warmly second his suggestions. The supervisors should at once take the matter in hand. We can but hope that philanthropic gentlemen in that section of the State will spare no pains to remove from Erie county the disgrace of herding its prisoners in narrow cells, to breed disease and crime.

## 2. Number of Prisoners.

The number of prisoners at the time of inspection was 163, of whom 105 were females and 58 males. The daily average of prisoners for the year ending September 30, 1864 was 158½; of whom 76½ were males, and 82½ were females. The largest number in any month (July) was 196; the smallest number in any month was 141½ (November 1863).

There has been a very great increase of the commitments of females: this, no doubt, is largely due to the defective arrangements for taking

care of them. The superintendent states in his report that nearly *one-half of the inmates of this prison are constant patrons of penal institutions.* What better proof can be afforded of the evil results of the vicious system of furnishing accommodations too scanty for the number of prisoners?

There is one feature peculiar to this institution, which receives strong commendation from the superintendent. By the law authorizing sentences to this penitentiary, the prisoner is credited on the fine imposed upon him, fifty cents for every day's service. The rule operates to discharge prisoners, who otherwise, on account of their poverty, would have no means of gaining their freedom. We believe that it would be advantageous to extend this rule to the other penitentiaries of the State.

The principal work done at the penitentiary is the manufacture of harness and saddlery hardware. Females work steadily at this occupation a full number of hours, and appeared to have attained considerable skill and dexterity. 48 males and 56 females were thus employed at the time of inspection. 15 females were engaged in cane work.

Persons, who are not prisoners, work in the same shops with the convicts. This course is believed to be injudicious. Although the committee cannot make any positive statement on this point, still it is hardly possible that continual association with convicts should not have a degrading effect. No system of surveillance can be so perfect as to prevent communications between the prisoners and their fellow workmen. It is, however, a very natural consequence of the "contract system," upon which the work of this and other penitentiaries is conducted.

#### 8. Revenues and Expenditures.

The income of the penitentiary for the year ending September 30, 1864, was \$25,869.22. It was composed of the following items:

Cash on hand.....	\$195 46	
Received of county treasurer.....	14,444 53	
"    order on county treasurer.....	555 47	
"    received from contractors.....	6,294 23	
Fines and all other sources.....	3,732 40	
Money borrowed.....	657 13	
Total.....		<u>\$25,869 22</u>

The expenditures for the same period were as follows:

Liabilities paid due October 1, 1863.....	\$2,594 53	
Salaries.....	6,107 56	
Incidental expenses.....	5,509 66	
Provisions, clothing and furniture.....	10,102 48	
Improvements and repairs.....	1,561 99	
Total.....		<u>\$25,869 22</u>

Besides \$657.13 borrowed money, the institution owes in salaries \$1,382.50 leaving it in debt, after certain assets due to it are deducted, in the sum of \$1,729.28. Its property is estimated to have increased in

value during the year \$2,225. Its net gain, therefore, for the year is \$495.73.

The expenses of this year exceed those of the previous year in the sum of \$2,004.66.

The estimated appropriation to be made by the county for the coming year over and above the earnings of the institution is \$20,184.

The salaries paid the principal officers of the institution are as follows:

Superintendent.....	\$1,000 00
Deputy.....	600 00
Keeper.....	400 00
Yard man.....	350 00
1 guard.....	250 00
1 gateman.....	200 00
3 commissioners each.....	200 00
1 physician.....	250 00

#### 4. Statistics of Race, Nativity and Crimes.

Under this branch of our report, reference is made to the excellent tables prepared by the superintendent, Mr. Felton, which give a summary of all the statistics upon this subject from the formation of the institution. We would strongly recommend to the wardens of the other penitentiaries in the State the preparation of similar tables, which will prove of great service to the cause of prison discipline. Mr. Felton's tables are subjoined in full:





## 5. Health.

There were no persons seriously ill at the time of inspection. No epidemic disease of a fatal character has prevailed during the year. The number of cases of syphilis is large, and very little is accomplished by way of effecting a cure. It would be desirable to devise some means by which a supervision might continue to be exercised over persons affected by this class of diseases after their sentence has expired.

There has been a considerable number of persons subject to delirium tremens, two of whom died.

There are two insane persons in the institution, one a male and the other a female.

The ventilation of the prison cells is reasonably good. The method by which fresh air is introduced into them is detailed in the last report.

## 6. General Remarks.

This institution deserves high praise for its cleanliness and freedom from vermin. The prison odor, so often observable in institutions of this kind, is not noticed here. Not only are the floors and cells kept in an admirable condition of neatness, but the clothing of the prisoners is disposed of in such a manner as to exhibit excellent housekeeping. Mr. Felton makes the best use of the materials at his disposal, and there is no doubt that if the supervisors would provide him with suitable buildings the institution would be conducted in a manner altogether satisfactory to them and to the friends of prison discipline.

A creditable library has been obtained during the year by the contributions of benevolent individuals and by purchase.

There is no provision for secular instruction, nor for religious teaching, except that the chaplain holds a service on Sunday afternoon. The chaplain, Rev. Mr. Lewis, would be glad to do more for the prisoners than he can do in the limited time afforded him by the demands of the "contract system."

For other remarks concerning the clothing, diet and general care of the prison, reference is made to the report of last year.

## IV. ONONDAGA COUNTY PENITENTIARY.

## 1. The Construction and Condition of the Buildings.

These were fully described in the last report. Since that time a large portion of the penitentiary buildings was destroyed by fire. The main building consumed was 86 by 64 feet. A new building for workshops has been erected at a cost of \$4,500. Its dimensions are 112 by 25 feet. It is constructed of brick and roofed with gravel cement. New buildings are imperatively required for the accommodating of the prisoners. It is now necessary to prepare their meals in the same room in which the cells are placed. The committee do not desire to criticize the appearance of the present buildings, as it is manifestly impossible the superintendent to take that care of them, which would be reason-

ably expected in other cases. The superintendent is a fair and candid man, well fitted for his position, has the interests of the prisoners at heart, and apparently does all for them which it is possible to do in the present state of confusion, incident to the destruction of many of the prison conveniences. This report will be confined to a bare statement of facts concerning the penitentiary during the past year.

## 2. Number of Prisoners.

The number of prisoners in confinement at the date of inspection was very small. There were only thirty-three, sixteen of whom were males, and seventeen females. The number in confinement, October 31, 1862, was 65; the number received during the year was 349; whole number, 414.

There were discharged during the year, 354. These were relieved from custody mainly by the expiration of their sentences and the payment of fines. One was pardoned by the Governor.

The average daily number of prisoners during the year ending October 31, 1863, was 82. This was 22 per day less than the previous year. The commitments from other counties were less than usual. Oswego county, which has previously contributed a considerable number of inmates to this institution, has erected a workshop in connection with its own jail, and employs its own prisoners.

## 3. Revenues and Expenditures.

The revenue of the penitentiary during the year (October 1862-3) was \$7,223.92, consisting of the following items:

Received from various sources, including work in shop and farm work, &c., &c.	\$3,874 52
Received from board of prisoners from other counties, &c.	1,207 15
" " fines.	142 25
" " County treasurer.	2,000 00
Total.	\$7,223 92

The expenditure for the same period was \$7,157.54. This sum was expended in salaries, provisions, materials, &c., except \$76.71, for improvements and repairs.

The amount received for board of prisoners from other counties is much smaller than in previous years.

The salaries of the principal officers are as follows:

Superintendent.	\$700	and support of family.
1 Deputy.	500	and board.
3 Overseers.	425	" "
1 Matron.	250	" "

The prisoners who do not work on the farm are all engaged in the manufacture of cane-seating for chairs. The males and females are

employed in the same shop. The work is done by contract. The average compensation received for their labor is 25 cents per day. The males work 10 hours; the females not so long.

The institution has connected with it a farm of 17 acres of land, cultivated by convict labor. It is well tilled and yields abundantly.

#### 4. Statistics of Crime, &c.

The offences for which the prisoners are committed are mainly of a minor nature. Of the 349 prisoners confined during the year, about 340 were committed for disorderly conduct, vagrancy, petty larceny, assault and battery, prostitution, &c., &c. 229 were males and 120 females. 121 could read and write; 82 could read only, and 86 could neither read nor write; 326 were intemperate and 23 claimed that they were temperate. All, with the exception of 12, were sentenced for not more than six months. The longest sentence was 2½ years.

#### 5. General Remarks.

The health of the prisoners was good at the time of inspection. There were no deaths during the year 1864. The prevalent diseases were of a syphilitic nature.

There were four deaths during the year 1863; one from delirium tremens, one from epileptic fits, one from the venereal disease, and one from typhoid fever.

The diet of the prisoners is wholesome and nutritious. At the time of inspection the regular fare was as follows:

Breakfast, coffee, beef and vegetables, such as beets, carrots and turnips. Dinner, beef, beef soup, thickened with vegetables and bread, potatoes, corn, tomatoes, bread made of flour and corn meal and mash. Supper, mush and molasses.

The punishment is still the same as that described in the last report. The superintendent keeps no record of the punishments inflicted. Chains are placed upon those who attempt to escape. The dungeon is resorted to occasionally. It is badly constructed and unfit to be used.

Some attention is paid to religious and moral instruction. Besides regular preaching on the Sabbath, a Sunday school is held, which is supplied with active and excellent teachers. The Young Men's Christian Association have put forth praiseworthy efforts to establish this school on a permanent basis. Religious books have also been supplied in considerable numbers by the association and by churches in the vicinity.

One hundred and thirty-five volumes were added to the library in the year 1863.

We have to express our thanks to Mr. Baum for his kindness and frankness in giving us every item of information which he possessed, whether favorable or unfavorable. In our unreserved communication with the prisoners, we heard no complaints, but they uniformly expressed themselves as satisfied with their treatment. Mr. Baum has to struggle

with many difficulties, both in the character of his prisoners and the imperfect accommodations supplied to him. We hope that before another inspection takes place, buildings may be provided suitable for the wealthy county in which this institution is placed.

#### V. KINGS COUNTY PENITENTIARY.

In our visit to this institution, we were so unfortunate as to find the superintendent absent. Having no facts at our command except such as are very briefly set forth in the annual report of the board of supervisors, our account of the institution must necessarily be meagre.

#### 1. Condition of the Buildings.

The present condition of the penitentiary buildings is the same as described in the last report. The main building is poorly adapted to the wants of the institution. The rooms are too large and high. They are warmed with difficulty in the winter. In fact they are, though elegant in appearance, so practically uncomfortable that but few of them are used. On account of their size, the expense of furnishing them is so great that the superintendent and his subordinates, who receive but moderate salaries, derive but little advantage from them.

#### 2. Number of the Prisoners.

	Males.	Females.	Total.
The number of prisoners confined in the penitentiary Aug. 1, 1863, was.....	82	113	195
Number of prisoners committed during the year was 553.....	553	876	1,429
Number discharged.....	560	887	1,447
Number of deaths.....	3	2	5
Number of escapes.....	3	0	3
Number on hand, July 31, 1864.....	73	106	179
Average number during the year.....			250
Average number during the preceding year.....			227 <sup>1</sup> / <sub>2</sub>

#### 3. Income, Expenditure and Employment of Prisoners.

The income from all sources during the year was \$2,564 55. This was composed of the following items:

Earnings of male convicts.....	\$1,502 40
" female ".....	936 15
Other sources.....	126 00
<b>Total.....</b>	<b>\$2,564 55</b>

The expenditure during the same period were \$32,303.59. The expenditures for ordinary supplies, food, clothing, fuel, &c \$26,250 08  
Salaries, board of keepers, &c..... 12,053 51

**Total..... \$32,303 59**

The difference between this sum (\$32,303.59) and the earnings (\$2,564.55), amounting to \$29,739.04, was paid from the county treasury.

The expenses were increased over those of last year in the sum of

\$6,367.44. This excess is partly accounted for by the enhanced value of supplies and partly by the large increase of prisoners over the number of the previous year.

The prisoners are employed as in former years. The males labor outside the prison, principally in working for farmers in the neighborhood. The females usually work within the prison at sewing. At the time of inspection they were entirely unemployed and had been for some weeks.

The amount paid for salaries was \$10,301.25. The warden receives \$1200, and seven assistant keepers \$193 each. The physician receives \$400 per year.

#### 4. General Remarks.

Most of the commitments are for crimes of an inferior grade. Numbers of vagrants are sent here who are fit inmates for a juvenile asylum or an alms house. Some were lads of not more than ten years of age; others were blind men who were without visible means of support. One of the inmates, when his sentence expires, is regularly committed at his own request.

Some means ought to be adopted whereby more judgment will be exercised in making commitments, and the almshouses and asylums may receive their appropriate subjects.

The internal management of the penitentiary appeared to be good. The bread is excellent, and the general diet nutritious.

The arrangements for washing and bathing are very defective. The supervisors should erect a building better calculated to subserve the wants of the prisoners.

Heat is supplied by stoves placed in the same room with the cells. The building is but imperfectly warmed. Our visit was in the winter, and though the day was not severely cold, the rooms were chilly and uncomfortable.

There were no persons seriously ill at the time of inspection, except a lad whose lungs were considerably affected, having caught cold since his commitment. There are no conveniences for sick persons at the penitentiary, and the severe out-door labor to which all the male prisoners are subjected, is too harsh for persons of delicate organization.

There was a feature in the female department which is quite novel. The female prisoners are permitted to bring their young children with them. These happened to be collected together at the time of inspection. They were healthy and happy. This permission is said to have an excellent influence upon the mothers, and at the same time preserves the children from many evils.

The punishments in the prison are not believed to be severe.

Flogging with a cowhide is occasionally administered. The prisoner is frequently compelled to wear chains. We are inclined to think that this mode of punishment is resorted to too often. At other times, the prisoner is confined in a close, dark cell, without adequate ventilation

This barbarous punishment is too frequent in all the penitentiaries. No dungeon or dark cell was found which was properly ventilated, except perhaps the cells in Erie county penitentiary. The prisoner is also required, in some instances, by way of punishment, to wear an iron circle about the neck, with long projecting points. This is worn night and day, to his excessive discomfort, as he cannot lie down, but must sleep, if at all, in a standing or sitting posture.

As far as we could learn, nothing of importance is done by way of moral and religious instruction. There is a small collection of books; but no regular library.

This institution, in many respects, falls short of the true idea of a penitentiary. We are at a loss to characterize it. In its practical working, it may be said to be a combination of a jail and an almshouse, with means provided for setting its inmates at work.

#### GENERAL REMARKS UPON THE PENITENTIARY SYSTEM.

A single committee having visited nearly all the penitentiaries of the State, it is deemed proper to make some general observations in respect to them.

I. The penitentiary system of this State cannot be regarded as reformatory in its character. It partakes almost exclusively of the nature of a workhouse. Any reformatory measures which may be adopted are incidental, and of the most meagre character.

II. The tendency of the system is to obtain the greatest amount of work from the prisoner at the smallest possible return. This tendency is most observable at the Albany penitentiary, partly because the system has there the fullest opportunity for its development. Economy is the watchword, and he is the most successful superintendent who makes the largest net gain to the institution. The demands of the prisoner, as an individual, are ignored. He is the victim of a system. By his sentence, he is an outlaw from society; by the system, he tends to become an outlaw from decency.

III. The inevitable tendency of the present organization is to curtail the advantages of the prisoner at those precise points where liberal expenditure is most needed. His physical food cannot be greatly diminished; his supply of books and of secular and religious instruction may be reduced at pleasure. This diminution has no immediate perceptible effect; it only appears in the return of convicts by new sentences to their accustomed haunts. A wise statesmanship looks far into the future, and would establish a system which, not so apparently economical, would in the end save enormous and continual expense by decreasing the number of criminals.

IV. These evils are intensified by the present plan of employing the prisoners through the medium of contractors. It is inevitable that the contractors should, by the laws of trade, endeavor to obtain all the work that is possible from the prisoners. They must work every day and all

day. Convict labor substantially becomes slave labor, with many of its concomitant evils. Its rule is precisely the same: the largest amount of work for the smallest return.

V. There is room for a penitentiary established on the right plan, which, while it exacts task work from the prisoner, gives him opportunity and means for self improvement; which in fact leaves the prisoner somewhat in the same condition as a mechanic in ordinary life, providing a time for work, as well as a time for reading and instruction; a system which tempers firmness with kindness; a system which makes no show of its pecuniary profits, but achieves the high and honorable distinction of sending its prisoners out from its government better citizens and less likely to repeat their crimes.

VI. Each of the existing penitentiaries has characteristics peculiar to itself.

(1.) The Albany Penitentiary is by far the most important, when we consider the number of its prisoners and the character of the offences for which they are committed. In fact, it rises nearly to the dignity of a State prison—it is the State prison of the United States government. The leading characteristic of this institution is that it exacts unswerving obedience to law. The element of power is everywhere observable; kindness may not be absent, but it is at least overshadowed by authority. It is a money making institution; it has a large surplus, and is necessarily popular with the board of supervisors.

(2.) The Monroe county institution is next in importance. Its felons are few; its "short term" prisoners are very numerous. Its buildings are well appointed, although additional structures are needed. It makes a considerable profit above its expenditures. While there is no lack of decision, the superintendent introduces largely into his government the element of kindness. Personal chastisement is seldom inflicted; never without conversation on the part of the superintendent, and an endeavor to convince the convict that correction is necessary.

(3.) The Erie county institution has inferior buildings and appointments. It is sadly deficient in necessary conveniences. Its prisoners are largely of a degraded rather than of a highly criminal class. The superintendent has little faith in the mere exercise of authority, but aims to govern mainly through a kind and considerate treatment of his prisoners. The institution excels in cleanliness and is free from nauseous odors. It makes no money but is a heavy charge on the county. It cannot become what it ought to be until a more liberal expenditure for buildings and other appointments is inaugurated. Should the supervisors put the institution on the right footing in this respect, a high measure of successful administration might be anticipated.

(4.) The characteristics of the Onondaga Penitentiary can not be sufficiently traced, owing to the confusion occasioned in its arrangements by the recent fire.

(5.) The King's county institution reduces the penitentiary system to the last simplicity. Its expenses greatly exceed its earnings. Having no internal arrangements for work or instruction, it assumes partly the character of a jail, and partly of an almshouse. It is but an indifferent almshouse, for it compels its paupers to associate with criminals.

#### TABULAR STATEMENT

Comparing the different penitentiaries in respect to income, expenditure, number of prisoners, &c., &c. The income derived from county appropriations is excluded and appears in expenditures.

	Income, 1864.	Income, 1863.	Expenditure, 1864.	Expenditure, 1863.	No. of prisoners, Monthly average, 1863.	No. of prisoners, Monthly average, 1864.
Albany Penitentiary	\$53,026 44	\$42,048 92	\$38,752 53	\$34,524 60	377	375
Monroe Co. do	Not returned.	22,424 17	.....	15,621 98	221 1/2	.....
Erie Co. do	10,212 09	11,730 74	*25,869 22	16,855 28	153 1/2	158 1/2
Onondaga Co. do	Not returned.	3,225 92	.....	7,157 54	82	.....
Kings Co. do	2,504 55	.....	32,903 59	.....	.....	239

All of which is respectfully submitted.

THEODORE W. DWIGHT,  
JNO. ORDONAU, *Committee.*  
New York, January 2, 1865.

\* This expenditure consists partly of items properly chargeable to 1863.

(L.)

### REPORT ON BLACKWELL'S ISLAND PENITENTIARY.

The undersigned, as a committee from the Prison Association, visited and examined the penitentiary in the month of August. They were cordially received by the Warden and freely conducted through its various departments, all enquiries were frankly and intelligently answered, giving evidence of a desire to communicate any information required.

Heretofore this institution has been frequently visited and reports made on its examination by committees, whose instructive papers, with particulars and statistics, are in print, and constitute parts of former Reports of this Association to the Legislature; therefore the undersigned consider it needless to report such details and particulars, and will confine their report on this occasion, mainly to some general remarks, applicable, not only to this penitentiary, but to all other "public institutions for charity and correction."

The committee, however, will first give a few statistics of the penitentiary for the last year, which are derived from the proof sheets of its "Warden's Report to the Commissioners of Public Charities and Correction," in the city of New York, and for which the committee are indebted to the Commissioners' chief clerk, Mr. Joshua Philips.

The total debit and credit amounts for the last year are as follows, viz: debits \$75,373.04; credits \$43,505.68, leaving balance of nett expenses \$31,867.36.

The convicts received numbered as follows, viz: white males 380, black 41; white females 458, black 43; total 921. There remained December 31, 1863, total 278.

Discharges during the year were as follows, viz: white males 347, black 271; white females 44, black 27. Total 919. Of this number 5 white males were pardoned by the Governor, and 26 white males and 2 white females were discharged by habeas corpus. It appears that no black male or female enjoyed any such favors either from the Governor or the courts. Total of deaths of above number were white males 1, white females 3. Total 4.

Classification of the Ages is as follows, viz:

Ages.	Males.	Females.	Total.
Under 15 years.....	6	10	10
From 15 to 20 years.....	89	43	132
20 to 25 years.....	95	98	193
25 to 30 years.....	13	93	106
30 to 35 years.....	56	74	130
35 to 40 years.....	75	62	137
40 to 45 years.....	41	52	93
45 to 50 years.....	21	34	55
50 to 55 years.....	9	13	15
55 to 60 years.....	12	21	33
60 to 65 years.....	14	0	14
65 to 70 years.....	3	0	3
Over 70 years.....	0	0	0
Total.....	421	500	921

Nativities of the Convicts as follows, viz:

Nativities.	Males.	Females.	Total.
United States.....	83	74	157
England.....	54	25	80
Ireland.....	200	274	474
Scotland.....	12	23	35
Canada.....	6	9	15
France.....	8	10	18
Prussia.....	2	0	2
Germany.....	56	84	140
Total.....	421	500	921

Crimes committed by the Convicts as follows, viz:

Crimes.	Males.	Females.	Total.
Assault.....	2	0	2
" and battery.....	124	87	211
" with intent to steal.....	4	1	5
Disorderly house.....	5	8	13
Grand larceny.....	7	10	17
" attempt at.....	4	6	10
Indecent assault and battery.....	2	0	2
Manlaughter, fourth degree.....	4	0	4
Petit larceny.....	266	388	654
Illegal voting.....	3	0	3
Total.....	421	500	921

*Terms of sentences of the Convicts as follows, viz:*

Term.	Males.	Females.	Total.
1 month	45	48	91
2 "	102	93	195
3 "	114	105	219
4 "	91	132	223
6 "	48	105	153
9 "	1	...	1
1 year	15	11	26
2 "	7	5	12
3 "	...	1	1
Total	421	500	921

*Character of the education of the Convicts as follows, viz:*

Education.	Males.	Females.	Total.
Read and write well	121	154	255
" " imperfectly	146	127	273
" well	12	14	26
" imperfectly	23	56	79
Uneducated	119	169	288
Total	421	500	921

*Social condition of the Convicts as follows, viz:*

Condition.	Males.	Females.	Total.
Single	161	232	393
Married	156	201	357
Widows	...	67	67
Widowers	104	...	104
Total	421	500	921

*The number of times the Convicts have been committed as follows, viz:*

Times committed.	Males.	Females.	Total.
1st time	296	322	618
2d "	56	84	140
3d "	15	40	55
4th "	18	13	31
5th "	12	15	27
6th "	8	7	15
7th "	7	9	16
8th "	5	4	9
9th "	2	3	5
10th " and upwards	2	3	5
Total	421	500	921

*Employment of Male Convicts prior to commitment as follows, viz:*

Occupation.	No.
Bakers	5
Barbers	11
Blacksmiths	14
Butchers	10
Barkeepers	16
Boatmen	13
Carpenters	21
Cooks	10
Clerks	6
Carmen	14
Coopers	3
Doctors	1
Dentists	1
Laborers	178
Masons	8
Peelers	4
Painters	15
Plasterers	2
Sailors	18
Shoemakers	43
Segarmakers	3
Tailors	21
Tinsmiths	4
Total	421

*Employment of Female Convicts prior to Commitment, as follows, viz:*

Occupation.	No.
Cooks	34
Chambermaids	41
Dressmakers	34
Servants	298
Seamstresses	63
Shirtmakers	13
Tailoresses	7
Nurses	15
Total	500

The "Island Hospital" and the Small Pox Hospital, in their domestic concerns, are under charge of the warden of the penitentiary, who conducted the committee through the various wards of the prison, which, with these pitiable inmates, were noticed with melancholy and painful interest; but as that department does not seem to be embraced within the particular purpose of their visit, the committee make no report concerning the same, farther then to express their praise of the warden for his kind and efficient services in that sad and serious part of his duties.

Proper facilities and convenient accommodations are furnished for religious instruction and services; the result of which the warden did

not think to be of much enduring effect on the convicts; at all events, in no corresponding measure with the pious and faithful efforts of many benevolent citizens who specially take interest in that matter. It is truly stony ground whereupon to sow such seed; but it is a satisfaction to know that however unpropitious the soil may be, there are those who are glad to bestow their labor upon it.

It is a great error in public sentiment that prisons are designed only for the confinement and punishment of criminals—that they are simply penal institutions, and ignoring almost entirely the matter of reformation. If this latter purpose was more justly appreciated, and appropriate appliances furnished, with judicious efforts made for its promotion, no doubt lasting benefit would attach to many of the prisoners, and a corresponding relief inure to the public. In this connection we repeat what has been before said by one of the undersigned in a former report: "As the matter now stands, the prevailing opinion with our community as to the duty of society in prison affairs, seems simply to be that offenders against the laws should be caught, condemned, imprisoned and punished at the smallest expense." Improvements in prison discipline, as connected with judicious State policy, and with considerations applicable to the plea of humanity or the precepts of religion, do not appear to enter into the thoughts of most of our citizens.

The committee in their examination of the various departments of the penitentiary found prevailing neatness, order and system; which, to their minds, is satisfactory evidence of the skillful management and faithful attention of the warden and of the "commissioners" under whose authority he acts. It is to be regretted that two of those "commissioners" are about to be superseded by the appointment of two *new* men. This remark must not be received as a reflection on the character of those two respectable citizens who are to take the place of those whose terms of office will shortly expire; but the committee cannot refrain from expressing their regret that the valuable experience of those *two commissioners* is about to be lost—and further, they are constrained to state their fears that, at the expiration of another year, the valuable experience of the other two of the original "Commissioners of Public Charities and Correction" will be lost. The undersigned consider the provision of the law which places at hazard such experience and such valuable services to be of very questionable policy. The frequent change in the administration of our public institutions, whether of a penal or charitable character, has been the principal source of the evils heretofore prevailing in most of them, and especially in the particular institutions now under charge of those "commissioners," when the same were in the control of the politicians of the city—and their possession scrambled for by each of the parties as cribs and stores, out of which the runners and wire-pullers were to be fed and clothed. The undersigned look with jealousy on any line of action which tends to a recurrence of

that state of affairs in those institutions, and which, it is greatly feared, will recur if there is to be a periodical change of administration and the power of determining the change resting with the political party in office at such period of time. It may be that "rotation in office" is a politic and available rule for party purposes; but experience has shown it to be a hazardous and often injurious practice in connection with administrative and ministerial officers known to be skillful, honest and efficient.

All which is respectfully submitted by your committee.

JAMES H. TITUS.  
WM. F. ALLEN.

New York, Jan. 2d, 1865.

(M.)

## REPORT ON THE COUNTY PRISONS.

The undersigned, appointed to visit and examine the common jails in the several counties of the State, having performed, to the best of their ability, the duty assigned them, respectfully submit to the Executive Committee the following

## REPORT.

There are sixty counties in this State, including that of New York, in which the city prison, commonly called the Tombs, answers to the jails of other counties. One of the said sixty counties (that of Albany) has three jails, and a few others have two each; so that the whole number of common jails in the State, and the number actually visited and inspected, is sixty eight. The committee have endeavored to do the work assigned them faithfully and thoroughly; and they feel sure that they are quite within the truth in saying that an amount of labor has been given to this work more than equivalent to the time of one man for an entire year.

Before proceeding to a detail of the results obtained in this exhaustive examination of our common jails, the committee would state that a considerable part of these results are of a nature that admits of their being thrown into tabular form: a form best adapted for study, inference, and practical instruction. They have therefore prepared, at no little cost of time and labor, an extended series of statistical tables, exhibiting a comprehensive view of the condition of the jails in 1863,\* of the criminality of the State, and the administration of penal justice for the same year, and of the causes most active in the production of crime. The said tables will be found, they have the vanity to think, both interesting and useful; as they certainly afford food for thought, and constitute a basis for deductions and generalizations, that may be turned to account, as well by the statesman as the philanthropist, in a variety of ways. As the committee may, and certainly will, have frequent occasion, in the progress of their report, to refer to these tables for argument and illustration, it will be proper, before entering upon the report itself, to give their several titles and a short general view of the extent and nature of the information embodied in each. They may be divided into three classes, comprehending the jails, the administration of criminal justice, and the sources of crime.

\* The committee would remark that their report is made to cover the year 1863, because, as this inspection was commenced early in 1864 and completed before the end of the year, it was simply impossible to obtain the statistics for the latter year.

## I. THE JAILS.

TABLE I—Contains what may be called a census of the jails for 1863, showing, first, the whole number of prisoners committed; second, the greatest number of prisoners in jail at any one time; third, the average daily number; and fourth, the number in prison at the time of inspection.

TABLE II—Presents a general view of the criminality of the State for 1863, as shown in the commitments to the jails during that year, and exhibits the charges on which the said commitments were made.

TABLE III—Exhibits the several ways, as far as they could be ascertained from the jail registers (which are very defective in this respect), in which the prisoners committed to the jails in 1863 were discharged from the same.

TABLE IV—Shows the expenses of the jails for 1863, in the various items of board, turnkey's fees, medical attendance, clothing for prisoners, bedding for ditto, washing for ditto, repairs, furniture, fuel, light, cleaning and whitewashing jail, and miscellaneous expenditures; gives the total expenses of each jail for the year, and the average annual expense per prisoner; and states the price per week for board, and the estimated value of the real estate used for jail purposes in each county.

TABLE V—Shows the social relations of the prisoners in jail at the time of inspection, viz., the number married; the number single; the number widowed; the number having children; and the number who lost both parents, or either, before the age of fifteen.

TABLE VI—Exhibits the educational relations of the prisoners in jail at the time of inspection; showing the whole number interrogated and the number who cannot read, who can read only, who can read and write, and who have a superior education.

TABLE VII—Exhibits the moral and religious relations of the prisoners in jail at the time of inspection; showing, as before, the whole number interrogated; the number claiming to be total abstainers; the number claiming to be moderate drinkers; the number acknowledging themselves to be intemperate; the proportion of commitments due, in the judgment of sheriffs and jailors, to the use of intoxicating liquors; the number who did not attend Sabbath school in youth, or attended only occasionally; the number who claimed to have attended Sabbath school regularly; the number who admitted that they were not in the habit of attending church, and who may, consequently, be presumed to be habitual Sabbath breakers; the number claiming to be attendants at church; the number addicted to lewdness (prostitutes and frequenters of brothels), to tavern haunting, to gambling and to theatre going; and the number belonging, severally, to the Roman Catholic church and to Protestant denominations.

TABLE VIII—Shows the ages of the prisoners in jail at the time of inspection; their race, whether white or colored; their nativity, whether native or foreign; and their industrial relations, that is, whether they had learned or had not learned a trade.



TABLE IX—Shows the number of times the prisoners interrogated had been committed; whether one, two, three, four or five times, or six times and over.

### II. ADMINISTRATION OF CRIMINAL JUSTICE.

TABLE X—Presents a general view of the administration of criminal justice for 1863; showing the indictments, trials, confessions, convictions, acquittals, sentences, average length of sentences, total and average amount of fines imposed, discharges ordered and recognisances forfeited in the various courts throughout the State; together with the amount of fines received by county treasurers in 1863, and the amount received by the same for forfeited bail bonds during the last four years.

### III. SOURCES OF CRIME.

TABLE XI—Gives the population of the several counties of the State in 1860 and their area in acres, as necessary elements in calculating the ratios of crime, and showing the relative criminality of the said counties.

TABLE XII—Exhibits the relative state of education in the several counties, by showing the aggregate number and the percentage of children taught in all the schools of each county, and, in like manner, the aggregate number and the percentage of adults who cannot read in each.

TABLE XIII—Exhibits the statistics of pauperism in the several counties of the State for 1863, showing the number of poor relieved or supported in each, and the expenses thence accruing.

TABLE XIV—Presents the statistics of the retail liquor traffic in the several counties of the State, showing the whole number of retail liquor dealers assessed in each by the United States government, and the number of grog shops licensed by the State authorities, distinguishing between taverns and stores; also the fees from State licences and the amount of taxes paid to the United States.

TABLE XV—Exhibits the number of churches and church sittings in the several counties of the State, the object of which is to show, by a comparison of these with the populations of the said counties, how far lack of ministerial service and church ordinances is a source of crime, and how far an abundant supply of such agencies operates as a preventive thereof.

TABLE XVI—Exhibits the statistics of insanity and idiocy in the several counties.

TABLE XVII—Presents a general view of the sources of crime, showing that the criminality of the State may be, in great part, traced to intemperance, evil association, ignorance, pauperism, prostitution, gambling, tavern haunting, theatre going, want of a trade, lack of ministerial instruction and church ordinances, orphanage and parental neglect, Sabbath breaking and foreign immigration.

Five leading objects were kept in view by the committee in their investigations, viz., the enlightenment of public opinion, the formation of local committees of correspondence in the several county seats, a thorough examination into the state and condition of the jails, as com-

prehensive an inquiry as possible into the sources of crime and a general survey of the administration of criminal justice throughout the State. Their report will be presented under two divisions; the first, general, embracing observations on the prisons and on prison matters and criminal affairs generally; the second, special, giving an account of each jail individually.

### GENERAL DIVISION.

In this part of their report, the committee will treat of the five topics mentioned as prominently engaging their attention, and in the order in which they are named above.

#### I. ENLIGHTENMENT OF PUBLIC OPINION.

The Prison Association has felt that, if anything is ever effected in the way of prison reform in our State, such a result can be accomplished only by going down to what must ever be the sources of public action in all free States, to what indeed constitutes the very fountain of the laws and institutions of such States—the sentiments and convictions of the whole community. To ensure the reforms needed, public opinion must be enlightened, invigorated, and made to act in all its native majesty and vigor. Hence the Association has sought to disseminate its Reports throughout the State as widely as possible. Hence, especially, it has sought to secure, and has to a great extent secured, the powerful co-operation of the press, without distinction of party. Hence, too, in ordering last spring a more thorough and uniform examination of the county jails than has ever, heretofore, been made, one of the points impressed upon the committee charged with that duty, was that they should seek to guide and strengthen public opinion in relation to the matter of prison reform, and thus give to it the direction and efficiency required in the effort to improve the penal institutions and penal system of the State.

This committee has endeavored faithfully to fulfill the injunction thus laid upon them by the higher authority. They have held public meetings in a number of the counties, at which they have addressed as many of the people as could be induced to attend them. They have conversed personally with hundreds of citizens in the different counties. They have called upon editors of newspapers in all parts of the State, and have secured from them the promise of co-operation by printing extracts from our Reports, and by the advocacy of our views, into which many of them seemed to enter heartily and earnestly, in their editorial columns; a promise which has, to our knowledge, been faithfully kept by some, and, for anything we know to the contrary, by all.

In reference to our State prisons, the committee endeavored to set forth as clearly and vividly as they could, and to impress upon the minds of all with whom they came in contact, the evil effects arising

from their subjection to the controlling influence of party politics. These evils are everywhere felt and deplored. The views entertained by the Association on this subject are the views entertained by the leading men of both parties throughout the State. We have yet to meet the first man who dissents from them; who does not, indeed, warmly approve them, and earnestly desire to see them made practically effective. It is due to truth, however, to state that, in some counties we met with a feeling and with expressions of this kind: while politicians of both parties, without exception, agreed upon the desirableness of excluding politics from the administration of our criminal law, and were willing, *per se*, to use their influence with their own party to discourage removals and appointments on party grounds, so far as our prisons are concerned, they were, *nevertheless*, afraid that the other party would not stick to the arrangement, and would thus steal a march upon them. The democrats would have no difficulty, if there was no party but themselves to consult, but they were sure the republicans, when they came into power and got the chance, would sweep every democrat out of office. The republicans, on the other hand, were quite sure that, whatever abstinence they might practise, nothing could save the neck of a prison officer belonging to their party, when the axe of power was wielded by a democrat. It is clear that this mutual distrust, this dread by each party that the other may play false, will prevent any practical reform in this matter, until the provisions of our present Constitution are changed, and the governors of our prisons, instead of being nominated by party conventions and elected by party votes, and so absolutely compelled to obey party behests, shall be appointed by the courts, as in Pennsylvania, or by the Governor and Senate, as in Massachusetts, or until the tenure of office, in whatever way acquired, shall be such as to free it from the domination of party politics. The committee are happy to add, that the politicians of both parties, and in all parts of the State, concurred in the expression of a desire that the Constitution may be changed in this respect, so as to make it more conformable at once to reason and to the true interests of the State.

In reference to the county jails, the committee everywhere labored to convince the people of their almost total unfitness, in all respects, to answer the just ends of such institutions, and of the imperative necessity for radical improvements.

The committee also did what they could to enlighten and form public opinion touching a system of penal districts and penal workhouses, or, as they are called in Massachusetts, houses of correction, as set forth and advocated in the last Annual Report of the Association, as well as in some preceding reports. The plan would be to have the State divided into a number of penal districts, to be composed of two, three, or more counties, as might be found most convenient, with a house of correction in each, erected at the joint expense and managed by the com-

bined wisdom of the counties composing the district, into which all persons, convicted of a violation of law and not sentenced to State prison, should be sent, immediately on their conviction, and put at hard labor.

The beneficial effects to be anticipated from the general adoption of such a system, would, in the judgment of this committee, be manifold and important. It would, in all probability, diminish the inmates of the State prisons by one half; especially if, as in Pennsylvania, the expenses of the State prisons were to be defrayed, as seems most equitable, from the county treasuries, proportionally to the number of their several convicts, instead of being defrayed, as now, from the general treasury of the State. It would convert the county jails into what they ought to be, houses of detention simply and solely; in which case it would be comparatively easy to construct them with reference to the perfect isolation of their inmates. It would diminish the public burdens by requiring all transgressors, convicted by a jury of their peers, to defray, in part at least, by their own labor, the expense of their support, while undergoing the punishment of their crimes. It would save a large number of first-offence criminals, and especially youthful transgressors, from the disgrace of a residence in State prison, and so increase the chances of their reformation. It would impart to multitudes the knowledge of some handicraft, the want of which is a prolific source of crime, and so would tend strongly to save them from a return to evil courses, by giving them the means of earning an honest living, of winning back the respect of their fellow-citizens, and of regaining an honorable position in society. We need not, however, enlarge this detail of benefits, as each reader will, doubtless, by his own reflection, extend the catalogue for himself.

The committee sought still further to inform public opinion in regard to the subject of prison architecture, and particularly in reference to the formation of a board of prison erection, to whom should be referred all plans for new prison buildings, and all alterations of existing prisons, requiring any considerable expenditure of money, and involving modifications of a material character. Boards of supervisors are represented as, in general, exceedingly reluctant to expend money either in building or improving jails. We do not wonder at it. Their experience in this line has not been very encouraging. In Richmond county, a new jail has very recently been erected at an expense of some sixteen thousand dollars; and it is certainly one of the most ill-contrived, ill-ventilated, dark, damp, gloomy and unwholesome receptacles of criminality in the whole State. The prisoners complained bitterly of its discomforts to this committee. Moreover, after the large outlay upon its erection named above, it was found to be so insecure that not less than \$4,000 to \$6,000 have been since expended, from sheer necessity, to increase its safety; and, at this moment, not a board of supervisors in the State, if they had an item of wisdom or humanity, would accept the concern as a gift. In

other cases, it has happened that, immediately after a considerable sum has been expended in increasing the security of some jail, numerous escapes have occurred. Such facts, and they have not been infrequent, have a disheartening effect upon county authorities, and tend to check any rising zeal for reform that may occasionally be felt. One county in 1863, spent \$2000, another \$1000, a third \$150, and a fourth \$124 on special guards for the safe-keeping of the prisoners. Now, all these facts, and others of a like character, point in one and the same direction. They indicate the necessity of some different and improved method both for erecting new jails and for altering and improving old ones. The truth is, prison architecture, like military fortifications, constitutes a special branch of engineering; and those only are competent to direct such erections, whose studies have been particularly devoted to the subject. The gentlemen composing our boards of supervisors do not possess this knowledge; neither, any more, do ordinary mechanics. It is not, therefore, matter of wonder, that building committees and the workmen they have employed have failed to erect prisons either secure against escapes or adapted to answer other just and true ends of such structures. There ought, consequently, in the opinion of this committee, to be constituted a State central board of prison erection, to whom should be submitted all plans for new prison erections and for extensive repairs of old ones; and no new erection nor important alteration of one already existing should be permitted, without their approval of the plan and specifications. If such a board could be created, and composed of not less than three gentlemen possessing the requisite architectural, penological, and hygienic knowledge, it is believed that both the usefulness and the security of our common jails would be greatly increased, and at a less cost than the same advantages could be otherwise obtained. And certainly, few questions can be more vital, in penological science, than that of the proper structure and arrangement of prisons. Howard long ago sought to promote prison reform by improvements in prison construction. Doubtless, it ought to be regarded as a settled principle in penology, that judicious prison construction and sound prison discipline are inseparably connected. Without proper architectural arrangements there can be no salutary discipline. Prison buildings wisely adapted to the just ends of prison discipline, if they do not lie at the very basis of all prison reform, constitute at least an essential element in the problem. This is clear from the fact that the principles and modes of discipline which have been adopted in any given system, have always controlled the construction of the prisons in which that discipline has been carried out.

#### II. LOCAL COMMITTEES OF CORRESPONDENCE.

The charter of the Prison Association provides that "any society, having the same object in view, may become auxiliary to this Association by contributing to its funds and co-operating with it." But one auxiliary society, as far as this committee are informed and believe, has ever

been organized under the above provision, and that had but a short and sickly existence, and died without accomplishing anything. It is not likely that other auxiliaries will be soon formed, and especially to co-operate with us in behalf of county jails. As regards these institutions, the basis and the work are not broad enough to require or to support the machinery of a regularly organized society. If, therefore, any organized local interest and local labor are ever to be brought into play in favor of our common jails, the object must be effected in some other way. It has been resolved, as stated in the last report, to try the experiment of local committees, created by the Executive Board, and directly responsible to that body. This experiment grew out of a state of things revealed by the inspections of 1863, as existing in almost all our common jails. It was found that in hardly any of them was there such a thing known as preaching to the prisoners, and that it was exceedingly rare that any efforts were made for their religious or moral improvement, whether by clergymen or laymen, either in the way of conversation with them, or by distributing religious tracts or books among them, by reading or expounding the scriptures to them, by praying with and for them, by holding Sunday schools or other religious services for their benefit, or by any other agencies or instrumentalities whatsoever. It seemed literally true that no man cared for their souls; that they were shut out from the pale of human sympathies; that they were, indeed, beyond the verge and range of human effort for their amendment and salvation. Again and again have the members of this committee had remarks of this kind addressed to them by the inmates of our jails: "You are the first person that spoke kindly to me since I have been in prison; I thank you for your friendly interest and counsels; your words have done me good; I have wandered from the way of honesty and virtue, but I hope I shall do better when I get out; I mean to try." Remarks like these were not unfrequently made, with tears starting from the eyes and streaming down the cheeks, which revealed at least present emotion and present purpose, however evanescent they might be. But, as rocks are worn by a continual falling of water, drop by drop, so constant efforts, honestly put forth, even on the hardest and least hopeful subjects, may, in the end, issue in their permanent reformation. It was a hope and conviction of this kind that led the Executive Committee to adopt the policy of local committees for the several counties, composed of gentlemen who would agree to take a friendly interest in the jails of their respective counties, and put forth friendly and systematic efforts for the religious and moral improvement of their inmates.

This committee have carried out, as far as they were able, the instructions of the Executive Board, by organizing local committees, where they had not previously been organized; so that, in three-fourths of the counties, and possibly more, organizations of the kind contemplated have been formed. The duties expected from these local organizations, as

far as this committee understands them, are, substantially, these following:

1. To exercise a general moral supervision over the inmates of the jail.

2. To see that the law requiring a bible to be furnished by the county for each room in the prison is enforced.

3. To hold, or to procure to be held, a short religious service every week, or, if not every week, as often as possible, in the jails, either on the Sabbath, or, if more convenient, as the congregation is always present, on some week day. A worthy clergyman in Ann Arbor, Michigan, is known by this committee to hold such service every Monday for the benefit of the prisoners in the jail, as he has neither time nor strength for such a labor on the Lord's day, in addition to the other duties of that day. Doubtless, these local committees could obtain such week day services from many of the clergymen, of different denominations, resident in the various county seats of the State. The service indicated, would, of course, be brief, and would consist of reading the Scripture, a short exhortation and prayer, and, if possible, singing, in which the prisoners themselves should be encouraged to join. After the more formal service, a few words of personal conversation would be desirable, accompanied by the distribution of religious tracts and newspapers.

4. To awaken in the community an interest in and sympathy for the prisoners in the jail, so far at least as to procure from them sufficient contributions to purchase a small library for their use. The books constituting such library should not be considered as belonging to the jail, in which case the prisoners might feel at greater liberty to abuse them; but should be kept by the committee, and loaned to the prisoners as a favor, on the promise of taking care of them, and returning them in good condition. Committees will no doubt know what sort of books to procure and what sort to exclude, in making their selections. All exciting tales and novels will, as a matter of course, be shut out. Interesting histories, travels, biographies, and works on natural history and natural science, with a suitable proportion of good religious and moral works, afford the best reading for this class of persons.\*

\*The committee will venture to suggest a few works, which, in their judgment, would be proper for jail libraries: Artbur's Temperance Tales; Beecher's Lectures on Intemperance; Abbott's Histories; Robt's Travels in Europe; Nelson's Cause and Care of Infidelity; Life of Mary Ware; Weem's Life of Washington; D'Abingne's History of the Reformation; D'Abingne's Life of Cromwell; Milman's History of the Jews; any abridged History of the United States; Miss Edgeworth's Tales; Hugh Miller's Schools and Schoolmasters; Year of Wakefield; Josephus; Plutarch's Lives; Life of General Havelock; Life of Captain Vignar; Prime's Power of Prayer; Power of Religion on the Mind, (a copy for each jail in the State would be furnished gratis by the trustees of the Murray Fund, New York); Robinson Crusoe; Whitaker's Poems; Cummings' Scriptural Readings; Bayard Taylor's Travels; Anecdotes of the Animal Kingdom; Buckland's Curiosities of Natural History; with selections from the publications of the Am. S. S. Union, Am. Tract Society, &c., &c.

5. To give special counsel and aid to any who appear sincerely desirous of reforming their lives, and to help them to procure employment, whereby they can earn an honest livelihood, and to obtain such employment for them with, if possible, persons who will be likely to sympathize with and aid them in their efforts to amend their ways.

6. To acquaint themselves, as far as they may have opportunity, with the most approved style of prison architecture, with special reference to the health and security of the prisoners, so as to qualify themselves to give counsel to committees of supervisors respecting the repairs and alterations of old jails and the erection of new ones.

7. To acquaint themselves with existing laws respecting jails, and, as far as they may be able, to see that said laws are carried into effect.

8. To influence public opinion, as far as that may be possible, in favor of the selection of capable and faithful administrators of criminal law and penal institutions, without regard to party divisions and party affinities.

9. To prepare and submit to the Executive Committee an annual report of what they have done, or caused to be done, in reference to the matters embraced in the above specifications, and transmit the same to the corresponding secretary as early as the month of November. It is not expected that these reports will be an exhibit of the general state and condition of the jail, but simply of its religious, moral, and intellectual aspects and relations. It is desirable that they should state in detail what has been done for the spiritual benefit of the prisoners, and what results, if any, have been accomplished through these efforts, and that any cases or facts of special interest should be fully related.

It should be borne in mind by the gentlemen composing the several local committees, that the Association has no legal authority for exercising the religious supervision set forth in the foregoing detail, and that the said supervision, however desirable in itself, can be exercised only through the courtesy and good will of the prison authorities. But, as the whole object of these labors is to co-operate with and aid the prison officials in the discharge of their duties, and, in effect, to lighten and render easier and more pleasant those duties, no obstacles have heretofore been interposed, nor is it likely that any will hereafter be interposed, if the local committees act with ordinary prudence, courtesy, and circumspection. It may be proper, in this connection, to mention that all pastors of churches, resident in any county seat, have the right, by law, to visit the jail of the county, and to see and converse with the prisoners on the subject of their religious interests. On this account particularly, though preferring laymen for these local committees, yet, when such could not be procured to serve, this committee have not hesitated to nominate clergymen as members, nor has the Executive Committee hesitated to confirm their nominations.

## III. STATE AND CONDITION OF THE JAILS.

*Officers.*—The sheriffs of the several counties, as a body, produced on the minds of the committee an impression favorable to their character as gentlemen of intelligence, humanity, upright intentions, and courteous and kindly manners. In the main (we would not say there were no exceptions), both they and their subordinates appeared to be exerting themselves to do as well by their prisoners as the very unpropitious circumstances and surroundings by which they were beset and hampered, and which will be immediately detailed, would permit. Certainly, the members of this committee were, as a general thing, kindly received and courteously treated by the officials connected with the jails; everything was freely thrown open to their inspection; and every facility was afforded them for the discharge of the duty to which they had been appointed; for all which considerate attentions they desire to return to those gentlemen their cordial acknowledgments.

The sheriff of each county is, *ex officio*, the keeper of the county jail. After what they have said of the present incumbents, the committee have no fear that the remark will be regarded as personally offensive by any of them, when they say that they deem this every way an unwise and faulty arrangement. For, in the first place, sheriffs are not selected with any the least reference to their qualifications as jail-keepers, but altogether in view of other duties. In the second place, those other duties for whose performance they were chosen, necessarily call them away a good deal from the jail and the care of the prisoners. But in the third place, the controlling objection to the system is, that the office of sheriff is not permanent, whereas that of jail-keeper ought to be. No other-wise than as the effect of permanent official tenure, can a prison officer and especially the head of a prison, acquire that experience, wisdom, tact and efficiency, which will render him truly and thoroughly successful in the discharge of his duties. The committee, therefore, regard as every way desirable such a change in the administration of our county jails as will separate the office of sheriff from that of jailor, and render the position of the latter permanent, unless there may be good cause for his removal.

*Jail Records.*—There is no uniformity in the method of keeping the records of the jails throughout the State, except, perhaps, a uniform irregularity. In a few counties, and only a few, the registers are kept in a clear and business-like manner. But in general, nothing can exceed the looseness and want of method with which the statistics of the jails are recorded, if indeed they are made matter of record at all. In several of the counties there are no registers whatever, so that the best the committee could do in seeking to make out the lists of commitments in those counties was, sometimes in one way and sometimes in another, to approximate the truth. For instance, in Herkimer county no book is kept, and so many of the original commitments were either lost or destroyed,

that what remained were worse than useless as a guide in studying the criminality of the county. What to do, in such a case, to get a list of the commitments for the year, with the offences charged? As good luck would have it, there was a complete register of the prisoners, giving the number of days during which each had been imprisoned, as a guide in making out the charges for their board. Fortunately, also, the jailor's family was tolerably large. So he summoned a council, composed of himself, his wife and his two daughters. In this conclude the list was read over; and, as the result of a careful taxing of the four memories and much palaver over the matter, the offence charged against each was recalled and determined to the satisfaction of all, and the commitments to the county jail of Herkimer for the year 1863 were transferred from an immaterial to a material record, and are submitted in the tables herewith presented to the Executive Committee. In Broome county, the sheriff who last went out of office destroyed all the commitments, leaving no trace of them behind. In Allegany county, there is no register of commitments kept in the jail. The jail itself is in Angelica; the office of the county clerk is in Phillipsville; and the original commitments are lodged with the sheriff, who lives in the town of Cuba. A curious illustration of how this triangular jumble works, was afforded while this committee was visiting the jail in Angelica. The friend of a man, imprisoned there at the time for want of security to keep the peace, came from his residence, 30 miles distant, to bail him out. There was no record of his conviction at Angelica, and of course the court could not discharge him. As the railway trains were arranged, his friend could not get either to Phillipsville or Cuba short of ten hours. He was obliged to be at home that night, and could not return again till the following week. So that, in consequence of the want of any authentic record, the judge could not take the proffered bail; the man was subjected to a week's additional imprisonment, and the county was obliged to pay a week's additional expense for his subsistence. Even where jail books are kept, the records are meagre and unsatisfactory, as has been said, giving little beyond the commitment and the offence. The common practice, too, is for the sheriffs to pay for the books themselves, and to regard and treat them as private property, carrying them away as such when their term of office expires, unless their successors purchase the portion which still remains blank.

This committee is of the opinion that there should be a provision of law, requiring the counties to furnish record books for their respective jails, and specifying the items of information which they should contain, as is the case with respect to the State prisons. These books should be prepared by the Secretary of State; should be ruled and have printed headings uniform for all the counties; should be substantially and strongly bound; and should be kept, always in the jail. The sheriff should forfeit the turnkey's fees in the case of every prisoner, in refer-

ence to whom any of the items of information required by law was omitted. The committee have prepared the draft of a bill in accordance with these suggestions, hoping that it will meet the approval of the Executive Board, and by them be submitted to the Legislature, with a recommendation that the same be enacted into a law. It will be seen that several topics are omitted, which are commonly included in prison registers. This has been done purposely, and for the reason, that, where headings are multiplied, jail keepers are apt to get confused, and errors and inaccuracies follow as a consequence. About as many points, we think, have been retained, as are likely to be kept straight.\*

In this connection, it is proper to state that there is much looseness in most of our jails in respect to the discharge of prisoners, and, particularly, in respect to the record, or, to speak more accurately, the want of record, as to how they are discharged. It is generally possible to ascertain how a person got into jail, but it is not so easy, in most cases,

\*The following is the draft of the proposed bill:

**AN ACT TO PRESERVE THE STATISTICS OF COMMON JAILS.**

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

**SECTION 1.** The Secretary of State shall cause to be prepared a sufficient number of jail registers to supply all the county jails in the State, and shall keep a supply of them constantly on hand. Said registers shall be of good, firm paper, plainly ruled, and strongly bound. The Secretary shall also prepare a printed circular, containing instructions to jailors as to the proper method of keeping the registers.

§ 2. It shall be the duty of the sheriff of each county to procure from the Secretary of State, a copy of the jail register thus prepared, paying therefor the actual cost of the same, which shall be a charge upon the county, and shall be paid by the county treasurer on the presentation of the receipted bill of the Secretary of State, out of the contingent fund of the county.

§ 3. The columns of the jail register shall have printed headings as follows: 1st. The number of the commitment (to commence with the first day of January in each year). 2nd. The name of the person committed. 3d. The date of committal. 4th. The offence charged. 5th. The name of the committing magistrate. 6th. The age of the prisoner. 7th. The color. 8th. The sex. 9th. His nationality. 10th. His civil condition, showing whether married, widowed, or single. 11. His parental relations, showing whether both parents died, or whether his father or mother died before he was fifteen years old. 12th. His religious relations, whether Protestant, Catholic, or Jew. 13th. His previous moral habits, whether temperate or intemperate. 14th. His state at the time of committing the offence charged, whether intoxicated or sober. 15th. If the crime is theft or burglary, the value of the property stolen, or if arson, the value of the property destroyed, when these items can be ascertained. 16th. His educational relations, whether he cannot read, can read only, can read and write, or had a superior education. 17th. His sentence, if convicted. 18th. The manner of his discharge. 20th. Remarks.

§ 4. It shall be the duty of the sheriff to cause these items of information to be carefully entered for each prisoner; and if any person is removed from the jail on laborer corps, or on bail, or for examination, or otherwise, and shall afterwards be recommitted on the same offence, the number of his commitment on the first column shall be the same as on his original commitment.

§ 5. In any case wherein the sheriff shall fail to record any of the above items, he shall forfeit the turnkey's fee, to which he would be entitled in such case, or, if there are no turnkey's fees allowed in the county in which he holds office, he shall forfeit seventy-five cents from his board bill for each failure to record the required information; and it shall be the duty of the board of supervisors to examine into this matter, and to see that this provision is carried into effect.

§ 6. The said jail registers shall be the property of the counties in which they are serially kept, and shall be forever preserved by the sheriffs and their successors in office. They shall be open at all times to the inspection of the county judge, the district attorney, any justice of the peace of the county, any member of the board of supervisors, and any committee of the Prison Association duly authorized to inspect and examine county jails.

§ 7. The Secretary of State shall call the attention of all the sheriffs in the State to the provisions of this act by a circular directed to them as soon as the registers shall be ready for distribution.

§ 8. This act shall take effect from the date of its passage.

to discover how he got out. More frequently than otherwise, there is no record of the discharge to be found anywhere, from which its date, mode, or condition can be ascertained. In the table of discharges, appended to this report, the statistics, as given, particularly as regards discharges by justices of the peace, are mere guess work on the part of sheriffs and jailors. The table is of little value, except as showing how utterly defective is the manner of keeping this part of the jail register. We have said that there is great looseness in the matter of discharges from our common jails. The committing magistrate, for example, tells the jailor that he "guesses" he has kept the prisoner about long enough; upon which sage magisterial "guess," the jailor unbolts the door and lets him go; and that ends the matter. There is too much of this usurpation of the pardoning power by inferior officers of the law, which certainly ought to be checked in some way, whatever the preventive agency may be.

*Census of Prisoners.*—The number of persons annually passing through the common jails of our State is, perhaps, the most striking and impressive circumstance connected with these institutions. In this view, the first in the series of tables named above will be found at once to possess a painful interest to every sensitive heart, and to furnish food for thought to every reflecting mind. Nothing can place in a clearer or stronger light the immense importance which attaches to our county jails as penal institutions. The number of human beings—men, women, and children—either guilty or arrested on suspicion of being guilty of crime, and lodged in our jails in 1863, was 62,717. What an astonishing fact! Consider. It is as if the entire population of one of our large cities,—Albany, Rochester, or Buffalo,—became annually inmates of our jails, and were subjected to the influences, for good or for evil, operating therein. Moreover, the average number immured within their walls, and of course constantly operated upon by the influences inhering in them, was 1,284; enough to make a village of respectable size. Let it be still further considered, that if the proportion of first commitments found to exist in the prisoners actually in jail at the time of inspection, as shown in table IX, hold in reference to the whole number imprisoned throughout the year—388, or nearly three-fourths were in prison for the first time; most of whom, if they were innocent, might have been kept so, or, if they were guilty, might have been reclaimed, by a judicious jail system. Surely, it cannot be otherwise than a matter of the very highest moment, what the character of these institutions is—whether it is such that their operation and effect shall be, on the one hand, to increase both the volume and the malignity of this mighty current of criminality; or, on the other, by their reformatory and healing influences, to diminish its magnitude, and to abate, in some degree at least, the intensity of its virus.

*Association.*—In the association of prisoners in our common jails, the

promiscuous intercourse of all classes, all ages, and, to a certain extent, we are sorry to add, of both sexes, we have the giant evil, the very Pandora's box of the system; the fountain head of pernicious influences, not simply to the inmates themselves, but to the whole community as well, in the midst of which the jail happens to be situated. If an institution should be established in every county of the State, with the inscription over the door, "vice and crime taught here," and the processes within corresponded to the announcement without, this committee is impressed with the conviction that the work of manufacturing criminals could scarcely be more effectually done than it is by our jail system, as at present organized and managed. This is strong language, but it is not lightly used. There is, we think, no proposition more true than that "our present jail system is deeply depraving to the prisoner and a positive evil to the community."

There is scarcely a jail in the State in which any classification of prisoners is attempted, or, under existing arrangements, can be attempted, as required by law. The innocent person, without any taint of guilt, who has merely had the misfortune to be the witness of a crime, and is detained to give testimony in the case, the young boy or girl who, in a moment of thoughtlessness, has violated some corporation ordinance, the untried person, and the condemned criminal, hardened in iniquity, are all locked up together, without employment, without books, without industrial or intellectual resources of any kind. What can they do, what will they do, but converse together? Universal experience confirms the scriptural principle that "evil communications corrupt good manners;" and every visit we make to our jails serves only to intensify our conviction both of the truth and the importance of this inspired aphorism. We see and hear so much of the ill effects arising from this promiscuous and most contaminating intercourse, that we can hardly understand how it is that society is so calm and quiet under the pressure of an evil so widely extended and so malignant in its character and influence. As, in the physical world, some of the most poisonous miasms do not betray themselves by their odor, and are manifested only by their deadly assaults on the animal organism, in like manner, there are sources of moral pestilence, so hidden in their nature, and so subtle in their operation, that their existence even remains unsuspected till they have gone through the processes of germination and growth, and is at last revealed only by a frightful harvest of vice and crime. As, in the former case, the source of the evil is not removed by the fact that its existence is unknown and unsuspected, so, in the latter, our inability to perceive the true relation between causes and effects prevents us from adopting those combined and vigorous measures which alone will be effectual for the suppression of the evils of which we complain. It is the mission and work of the Prison Association to apply more scientific modes of analysis to these criminal problems, and thus make manifest to the world the latent

sources of crime, which are undetected by the common vision. We have long been convinced, on the evidence of well attested and indisputable facts, that our common jails, as at present managed, are the centres of a secret and unsuspected moral pollution, which permeates not merely the hovels of the poor and the ignorant, but diffuses its venom in the mansions of the wealthy and the educated as well.

As a general rule, crime and vice are found to flourish most luxuriantly in our county seats, where the jails are situated, and, other things being equal, the towns nearest the county seat have more of crime than those which are more remote. This fact seems to indicate an intimate relation between the jail and the criminality of the county. It is not generally known how much of science, ingenuity and skill are brought into requisition for the successful prosecution of crime. All the most recondite processes of chemistry are known and used by the counterfeiter and forger. He can teach to our most accomplished professors secrets in the science, of which they have scarcely dreamed. Our most ingenious mechanics are surpassed by the burglars in their knowledge of the application of force for the removal of physical obstacles noiselessly and without exciting the suspicion of even special guards and watchmen. A piece of bent wire in their hands will penetrate the most ingenious locks that mechanical science has ever devised for the protection of closets, cabinets, bureaus and jewel-cases. A pewter spoon, or a tin washbasin, in their ingenious and skillful fingers, can easily be converted into a key, which will liberate the prisoner out of any jail in the State. The former article enabled a prisoner to enter the female part of the prison at Newburgh for several successive nights, and the latter enabled five persons to escape from the jail in Westchester county, and two from that of Suffolk county.

No class of persons are so skillful in the application of the laws of physiognomy as our professional criminals. They are rarely deceived in their judgment of character, as indicated by the lineaments and expression of the face. They recognize at a glance the credulous and the incredulous, the miser and the spendthrift, the cautious and the careless, and are thus enabled to use them as the conscious or unconscious instruments of their schemes of evil-doing. They know the exact gauge of each lawyer's capacity within a large circle around their customary haunts. They know whether he is skillful in a horse case, or a murder case; whether he can baffle an honest witness or smooth over the deficiencies of a bungling one; whether he excels in logic, wit, or pathos; whether his political affinities agree or disagree with those of the judge; and whether he has influence with the pardoning power, or has any control over others who possess such influence. He knows the price of every police officer in his district, and can always bring a host of witnesses to prove any point which he wishes to make a jury believe.

When other men possess valuable secrets, they are apt to be reluctant

to reveal them. Not so, however, with our criminal population. On the contrary, they take a pride and a pleasure in communicating their knowledge to others who will make what they, in their vitiated judgment, regard as a good use of it. When they are brought into contact with wild and reckless young persons who are thrown for the first time into a common jail, they laugh at their scruples, portray the pleasures of successful vice in the most engaging and alluring colors, and reveal to them all the arts by which crime can be successfully prosecuted. The young servant girl who, in a moment of sudden temptation, has purloined some trifling article, is thrown into intimate association with courtizans by profession, and learns by degrees to listen with pleasure to their exciting tales and obscene conversation. Her passions are stimulated and she is taught all the unlawful means of obtaining additions to her wardrobe. On her discharge, she, in her turn, rarely fails to become a thief or a prostitute. She communicates her knowledge to her companions, the servant girls of her neighborhood; and they, in like manner, to the sons and daughters of their employers. It is no uncommon thing for the children of persons in the most respectable positions, of both sexes, to manifest a sudden proclivity to the coarser forms of vice. Their friends are lost in amazement, as well as filled with anguish, at the unexpected revelation. They cannot imagine how this sudden corruption has originated. The solution is,—they have been secretly debauched by servants, who have themselves been corrupted in jails. Thus vice is propagated through these institutions in ever-widening circles, and our sons and daughters fall before the moral sirocco that issues from their polluted and polluting corridors.

Thus the association of prisoners, of all ages and of every shade of guilt, some of whom indeed are entirely innocent, in one indiscriminate mass, is the most frightful feature in our system of common jails. This evil is the first in magnitude, and the most pernicious in effect. Every other evil is aggravated by this; and it would be idle to attempt any remedy for the rest, while this most demoralizing intermixture of criminals of all ages and all degrees of guilt is suffered to frustrate the very ends of prison discipline, and to give tenfold intensity to all those mischievous inclinations and passions, on which it is incessantly operating, and which it is the design of criminal justice to discourage and repress. Every device, by which the fences of propriety may be broken down or overlapped, is here not only divulged, but systematically taught. Every fraudulent artifice, every successful trick, every ingenious mode of overreaching the cautious and of plundering the unguarded, every wily expedient for invading the rights and preying upon the property of others, is planned and perfected here, and is communicated to those who had not hitherto been initiated into the mysteries of crime. It is thus that boys and girls, who have been committed, it may be, for some slight misdemeanors, after having been the associates of felons in jail, are

returned upon society, when the periods of their imprisonments are passed, possessed of all the theoretical knowledge, if not skilled in all the practices of the veteran transgressor.

The evil influence, thus exerted upon the inexperienced and youthful offender, is the most deplorable of all the deplorable fruits of prison association. Whether led astray for the moment by vicious companions, or assailed by sudden temptation, or driven by distress of cold or hunger, or trained by unnatural parents to vagabond and thievish practices, and in all cases with a mind unformed by education and uninfluenced by religion—the child of fourteen, of twelve, or even of ten years old, is turned into that common receptacle of felony, the jail corridor, which is tenanted by a score or more of older criminals. Once here, the terrors of a prison soon vanish before the levity and merriment of his new companions. He finds that the great objects of admiration and envy here are the plunderers, who can relate the most attractive histories of daring and successful robberies. Excited and inflamed by these tales, he soon becomes ambitious of imitating the heroes of them. He is instructed in the secrets of the dreadful calling, on which he has entered, by some adept in the craft. Thus a few weeks, sometimes even a few days, of association with old and practised criminals, has sufficed to convert the child into the profligate, prepared and tutored for a career of crime, and, what is still more appalling, determined to run it. There is not the slightest exaggeration in this sketch. Would to Heaven that there were! But, alas every line and every shade is only too true to nature. A hundred histories could be furnished, springing from this crime-producing, death-bearing fountain,—promiscuous intercourse in the common jail.

The sheriffs and jail keepers are not responsible for the existence of this evil, nor for the fruits which it bears. On the contrary, none see and deplore it so much as they; but they are impotent to apply a remedy. The committee conversed on this subject with numbers of these officers, all of whom gave it as their opinion that the promiscuous association of prisoners was, in the highest degree, corrupting, and tended, directly and strongly, to the increase of crime. The keeper of one of the most populous jails in the State, an intelligent and kind hearted gentleman, informed us that he had closely watched the operation of this unrestricted intercourse, and was convinced that its influence was evil, and only evil, continually. He had known, he said, not a few instances, in which young persons, comparatively innocent before their imprisonment, had been seduced, corrupted, and led into a course of open crime, through the influence of jail association. There were in jail at the time of our visit two young girls—sisters of the age, severally, of seventeen and nineteen—who came into the prison, modest and chaste, to all appearance. In a very few days, however, they became wholly changed in their demeanor; and the chances were a hundred to one that, on their discharge, they would betake themselves to evil courses.



In another jail, the committee found a girl of the age of twelve years, imprisoned for petty pilfering. She had for her associates in jail, by night and by day, three abandoned prostitutes, whose whole talk was of the vilest character. When the little creature is released, she will carry with her a knowledge of all the mysteries of womanhood; and her mind will be "a chamber of imagery," of the most polluted kind. Her future may be predicted with certainty. She will be a prostitute and a thief, as surely as she will grow older, unless a miracle of grace supervene to prevent it.

In the same jail of which we are now speaking, two boys were confined, one ten and the other twelve years old, and each was in on his third commitment. Their first imprisonment sealed their doom. It confirmed them in a life of crime, with well nigh the same certainty as the rising of the sun covers the earth with light, and his setting envelops it in darkness. Day after day, and week after week, associating with the depraved, they caught the contagion of crime, as, by physical contact, they would have caught the small pox; and they carry the scars of the former, as they would those of the latter, disease. Along with the appetite for crime, they acquired the arts by which it is successfully practiced; and society, which, by its parsimony or its negligence, caused the seeds of crime to be implanted and to germinate in those youthful bosoms, will receive its (shall we say just?) retribution at their hands. They, and such as they, will, through long years of villainy, levy contributions upon it which, in pecuniary value, will far exceed the cost of such a jail as would safely confine its inmates, and effectually secure them from mutual corruption.

In still another jail, the committee found a boy of eleven years, who was immured with old and hardened offenders. These would be sure to eradicate any germs of good that might exist in his mind; and he will doubtless emerge from the prison far worse than he went in. In yet another, a fine little girl, beloved by her Sabbath school teacher and by all her companions, who had stolen a dollar bill from a butcher in a moment of sudden and overpowering temptation, had been shut up for months with vile women, the pest and the disgrace of society, and compelled to listen to their profane and polluted talk. Does it require the gift of prophecy to foretell her future?

But why enlarge this detail? Enough has been told to rouse to action, if words can accomplish that object; too much, if the only effect is to harrow up the feelings of the humane and the sympathetic, and to cause their hearts to bleed in the contemplation of the crime and wretchedness springing from the pestiferous society of our common jails.

What, now, is the remedy for the enormous evil which we have been unfolding? For, surely, some remedy, and that an effective one, is imperatively demanded; since, apart from higher considerations, sound policy requires that a system whose character and effects are such as we have described our present jail system to be, should be rectified

without needless delay; because, so long as it continues, society is nursing a moral pestilence in its own bosom, and is maintaining an institution in which are forged those weapons that are destined to be employed with fatal dexterity against itself.

Some will say that the remedy is *classification*, the division of the prisoners into various grades and sections. The law already requires this; but the law is a dead letter, owing to the construction of the jails. The jails of the State, with scarcely an exception, are too small to admit of the law, as it now stands, being carried into effect. They would have to be enlarged to double, in many instances to quadruple, their present size, and be built in a very different manner. And, after all, classification would not touch the root of the evil. For, establish your classification upon whatever principle and carry it to whatever extent you will, your classes must, after all, constitute each a *distinct criminal community*. Where this system has been fairly tried, as it has in some of the English prisons, there have been found in some of the subdivisions prisoners who had traversed, in the course of their repeated commitments and convictions, the entire round of all the departments, or classes, in the jail. In a boys' *vagrant yard* of one of these prisons, in which twenty boys of 12 to 16 years old were confined, seven were committed for "sleeping out," and thirteen for "stealing." Of the twenty composing the "class," eight had never been in a jail before; four had been in twice; three, three times; two, four times; one, five times; and two, eight times. What, under this statement, will be thought of the chances for improvement of the eight boys who were imprisoned for the first time, and the four who were in for the second?

Mr. Edward Livingston has treated this question in his usual clear and logical method. He says, in effect, for we do not cite his exact words, that no classification devised by man can be perfect, for the reason that no man can discover the exact degree of moral guilt belonging to any other man. But suppose this difficulty surmounted, and suppose a class of individuals found who had advanced to exactly the same point, not only of criminal action, but of moral depravity, still their association would produce a further progress in both, just as sparks produce a flame, when brought together. It is not in human nature for the mind to be stationary; it must advance in virtue or vice. Nothing promotes this so much as emulation created by society; and the progress will take its direction from the nature of the society. "Whatever classification may be adopted," Mr. Livingston goes on to say, "it will be found that every association of convicts that can be formed will, in a greater or less degree, pervert, *but will never reform*, those of whom it is composed; and we are brought to the irresistible conclusion that, classification once admitted to be useful, it is so in an inverse proportion to the numbers of which each class is composed; and it is not perfect until we come to

the point at which it loses its name in the complete separation of individuals.<sup>7</sup>

The question, then, returns upon us,—what is the remedy for the evil of which we complain and under which the whole community is suffering and that in many ways? The answer to this question really depends upon the answer to be given to another. Is association the seminal evil of our jail system? If it is,—and on this point there can be, we think, no difference of opinion,—then the fundamental corrective is the abolishment of association. In other words, it is *INDIVIDUAL IMPRISONMENT*,—the separate confinement in a cell appropriated exclusively to himself, of each person committed to our common jails. Let neither the timid nor the prejudiced, the nervous nor the misinformed, be startled at this proposition. It is no new doctrine, broached now for the first time. The Prison Association planted itself on this ground, so far as county jails are concerned, long years ago; and it has firmly maintained its position ever since it was first taken.\* This committee do not here express any opinion, *pro* or *con*, touching the system of separation as applied to State prisons and penitentiaries. The Association itself has never taken sides in the controversy concerning the rival systems of prison discipline, known as the separate and congregate systems. It has never declared itself either for or against the one or the other. Very eminent members of the society take different views of that question. The time may come, and that at no very distant day, when the Association will feel called upon to define its position on this great question; but what ground, precisely, it will take, this committee does not know, and will not undertake to predict.

It will not have escaped notice that the committee have spoken of children, and some very young children, as confined in our common jails. The number of persons of a tender age imprisoned in these institutions, we are pained to say, is much greater than we could wish. Of the 827 persons in the jails at the time of inspection, 129 were under twenty years of age, a considerable portion of whom were children from ten to fifteen. The committee have grave doubts whether children under fifteen ought even to be sent to jail. In our opinion, the principle on which juvenile reformatories are founded,—the principle, namely, of corrective industrial education,—ought to be far more widely applied in the treatment of young offenders than it is at present. Institutions of this kind should be established in different sections of the States, for youths of both sexes, combining a discipline sufficiently penal to deter from the commission of crime, while, at the same time, the reformation of the cul-

\* After an experience of twenty years of this system in England, a Committee of the House of Lords on Prison Discipline, speaking of persons of the class now under consideration, in a late report, have said: "They (the committee) consider that the system generally known as the separate system must now be accepted as the foundation of prison discipline, and that its rigid maintenance is a vital principle to the efficiency of county or borough goals."

prit should be the ultimate object. There is a wide field, also, for the formation of preventive institutions, which shall include within the sphere of their action the protection of the destitute, the neglected, and the outcast, who infest our large towns and cities, who are the ready prey of every temptation, and of whom our penal institutions are the constant recipients. In a recent address to the Board of Education of the city of New York by the President of the Board, that officer speaks of the numbers of vagrant children who are roaming about the streets, without any guide or protection from ignorance and crime. It seems that some 50,000 children of the poorest and most exposed class are in this category, from whom the great army of criminals is to be hereafter recruited. The expense of preventive industrial schools, by which these children and others of the same class throughout the State should be trained to virtuous and honorable labor, would be far less to the community than that to which it will be subjected by allowing them to pursue a career of crime, terminating in penal servitude. Preventive and reformatory schools would be the most economical as well as the most merciful arrangement that could be made with reference to those neglected, vagrant and outcast children, who early commence a course of petty transgression, and from whom the ranks of adult crime are mainly and surely recruited.

*Separation of the Sexes*.—This topic comes in naturally at this point. Under the last head, it was stated that there is, to a certain extent, association and intercourse between the two sexes in our common jails. By that statement, we did not mean that men and women are actually in the same apartment, and in bodily contact with each other, though even this was the case in one or two of the jails visited. But in more than half the jails in the State, the two sexes are in such relative positions that they can hold conversation together with the greatest ease, and, in many, they can see one another, being separated, in some cases by grated doors, in others, by a door with a hole in it for the passage of food, and, in others still, by open-work iron floors, the women being over the men. In one jail, the turnkey himself sleeps in the corridor, with only a wooden grating between him and the female prisoners, with his bed not six feet from theirs, with a light burning in the prison, and with the key of their room in his pocket. There is just as much exposure, mutually, of their persons, and just as much facility for conversation or anything else, as if they slept in the same apartment, as indeed they do, to all intents and purposes. This facility for conversing together, as every one will see at a glance, is a highly corrupting and pernicious feature in our common jail system, as at presented conducted. The sheriffs and jail-keepers speak of it as giving birth to the most demoralizing influence with which they have to contend. In several of the counties, it has been presented as a nuisance and an immorality by the grand juries, but without effect. Its evil effects are represented by the prison officers as manifold and never-

ceasing. It keeps the prisoners, both male and female, in a continual ferment of excitement. It stimulates the carnal passions. It begets vile and polluting conversation, and gives facilities for and leads to correspondence of the same character. It provokes masturbation. It is an agency, through which plans for future depredations on society are concocted and arranged. In a word, it forces into a hot-bed activity every low and corrupt propensity, every vile and impure affection of our nature. If we were willing to soil these pages with such recitals, which we are not, we might mention incidents that have occurred within the walls of our jails, which would make the very blood of those who read or heard of them tingle in their veins.

MEANS OF INTELLECTUAL AND RELIGIOUS CULTURE.—The committee have, lying open before them, a very interesting paper by John G. Perry, Esq., Prison Inspector of Great Britain, and corresponding member of the Prison Association of New York. It is the official report by Mr. Perry, of his inspection, in 1863, of the county and borough prisons, forty-two in number, of the Southern District of England. From this report, it appears that there is a statutory obligation resting on the authorities of each county or borough to appoint a chaplain for the county or borough jail, and, we believe, a schoolmaster also; or, at all events, where there is not a special functionary of this latter class, the duty of secular instruction appears to be added to that of religious instruction, and both to be devolved upon the chaplain. The committee have been, they confess, surprised, as well as gratified, at the view afforded by this document of the pains and care bestowed by the British Government on the mental and moral improvement of the prisoners confined in the jails of the several counties, into which its territory is divided. The services of chaplains and schoolmasters are mentioned as regularly in this report as those of wardens and matrons, and are presented as constituting, equally with the latter, an essential part of the routine of prison duties. The chaplains preach to the prisoners on the Lord's day, and hold prayers with them on the week days, and very many of them, as already intimated, combine the function of teacher with that of preacher. Such remarks as the following are common in the report: "The chaplain's department includes that of education, which is very well conducted under his supervision." "No schoolmaster has yet been employed; the chaplain still continues to do that duty." "The chaplain still performs all the duties of instruction, as no schoolmaster or schoolmistress is employed." One chaplain is reported as "occasionally giving the prisoners an easy lecture in meteorology, chemistry, or natural history." Another chaplain is commended for having "introduced an innovation well worthy of imitation in other prisons," that of keeping "a register in which he carefully records all that he can learn of the condition and prospects of prisoners after their discharge from the jail." The same chaplain is further commended for "keeping up occasional correspondence with prisoners under penal servitude, which has satisfied him that

a large number of this class desire to do well after they leave the prison, but that the difficulties they meet with are all but insurmountable." Of a certain schoolmaster Mr. Perry speaks in these terms: "He is employed about nine hours daily in summer, and eight in winter, and is considered very efficient by the chaplain; who observes, 'The school is our strength; when prisoners begin to read, they begin to think!'" Most of the county and borough jails are also represented by Mr. Perry, in a former report, as furnished with well selected libraries for the use of the prisoners.

The committee have entered into this somewhat extended detail, for the purpose of contrasting the liberal and, at the same time, as they verily believe, the wiser and more economical policy which it develops, with the system which they found in actual practice in the county jails of New York. Albany county employs a chaplain to hold a short religious service every Sabbath morning, for which he is paid by the supervisors a salary of \$100 or \$150; and Monroe county, we believe, though we are not sure, expends about the same amount for the same object. The jails of four other counties, and only four, as far as this committee can now recall, enjoy regular preaching on the Sabbath, viz: Rensselaer, Ulster, Orange and New York; but in none of them, are the officiating clergymen remunerated by the counties for the services rendered. In the last two mentioned, the gentlemen who officiate are missionaries employed and paid by benevolent societies, and in the first, the different clergymen of the city of Troy, under the auspices of the Young Men's Christian Association, preach in the jail, in turn, without remuneration. A similar arrangement we believe, obtains in reference to the jail in Ulster county. There is never any preaching in the large jails of the counties of Kings and Erie. In the jail of Westchester county, the Rev. Mr. Rumney, an Episcopal clergyman, much to his own credit, holds a volunteer and gratuitous service every other Sabbath. With the exception of the seven counties mentioned, there is no stated preaching in the jail of any county in the State; nor, as far as we are informed and believe, any occasional preaching, unless at intervals so distant, that one occasion of the sort is forgotten before another occurs. The entire annual cost to the State of the county jails, including the city prison of New York, as this committee has ascertained by careful investigation, does not fall short of \$225,000; and yet of this vast sum, not \$500, all told, is expended with any, even the remotest, view to the religious improvement of the 60,000 or 70,000 immortal beings, who every year pass through these huge reservoirs of crime, these vast and ever busy manufactories of criminals. And for the amelioration of their mental condition, which, in the case of numbers, is one of darkness and degradation, still less is expended. Still less, do we say? Not the millionth part of a farthing is laid out on this object. Not a book is purchased, not a lesson is imparted, not a solitary effort of any sort is

made, to pierce the dense folds of ignorance, and let a modicum of light, be the same ever so small, into the darkened chambers of the soul.

In two or three jails (not more we think), pious benevolence has provided a score or two of volumes for the use of the prisoners; the sheriffs supply them secular newspapers, and their wives and daughters, in some instances, kindly loan from their own store of books; religious tracts and newspapers are occasionally given by some stray philanthropist or christian, who seems to have lost his way; in some instances a full, in more a scant, supply of Bibles is found; and these, with what we have detailed above, constitute almost the sum total of the means, appliances, and efforts, put forth either by public authorities or private citizens for the moral, religious, and intellectual regeneration of the inmates of our county jails. No, we are wrong. A noble christian merchant of New York, Mr. Z. Stiles Ely,—we delight to record his name,—sends, through the Prison Association, more than 1,200 copies of the American Messenger to all of the various prisons of the State. In a few instances, this kindness did not seem to be appreciated by those for whom it was designed; but, in general, the papers were reported to us as received with joy and read with interest. In one case, a sheriff had refused to take them out of the post office, because a supervisor had intimated that his bill for postage would not be allowed. A member of this committee paid the bill for the year; and it is to be presumed that the papers have since been taken from the office, and distributed among the prisoners.

The committee hope for a better state of things in the jails, or at least for greater effort to produce it from the local committees, whose formation has been mentioned in a preceding part of this report. If the gentlemen so appointed are faithful to the duty assumed, certainly much more will be done in the future than has been done in the past for the improvement and reformation of the prisoners. But this agency, however faithfully or efficiently employed, is not enough. The counties themselves have a duty to perform, a work to do. With, perhaps, a few exceptions, where the number of prisoners is small and the jail is frequently empty, they ought to employ a chaplain, and furnish him with suitable tools to work with in the way of tracts, books, and appropriate accommodations for imparting his instructions, whether religious or secular. Nor would such a measure be either difficult or expensive. In most of the county seats, some judicious and faithful pastor, already on the spot, would be glad to increase his scanty means of living by rendering to the community some extra service of the kind indicated. And what would \$200 or \$300, or indeed twice that sum, be to any county in the State, compared with the good which society would be likely to reap from the expenditure? In our opinion, it would be the most economical outlay of money which the counties could possibly make. With the exception of (say) a half dozen of the larger cities of the State, the average cost of the service required, both for religious and secular instruction,

would not exceed \$250 for each jail, or less than \$15,000 in the aggregate. This would be a mere modicum of the quarter of a million now expended in the maintenance of the common jails throughout the State. Who that reflects for a moment can doubt that, through the operation of such an organized and all-pervading moral agency as that now suggested, a much larger sum would be annually saved to the community by a diminished expenditure in the administration of criminal justice on the one hand, and the accumulations of a productive industry on the other, which, but for such an agency, would have been a minus quantity? There can be no doubt that the expenses now incurred by the repeated commitments and trials of our criminal population greatly exceed any outlay that would be incurred in the best devised and most comprehensive attempt to accomplish an effectual reformation.

*Destruction of Jail Property by Prisoners.*—It was reported to this committee by sheriffs and other officers of our jails, that there exists in many prisons a disposition wantonly to destroy sheets, blankets, towels, and other jail furniture, or to carry such things off with them when they leave the prison. The law requires that a Bible shall be kept in each room or cell of every prison; but it is found almost impossible to comply with the requisition in consequence of this habit. Roman Catholic prisoners are reported by the prison officers as very generally guilty in this respect. They are represented as taking a pleasure in thus mutilating and destroying the sacred volume. Possibly this hostility may be entertained only towards the Protestant Bible, and if so, this committee cannot hesitate to recommend that copies of the Douai Bible, the Romish version, be procured for their use. Much discontent and difficulty have arisen in English jails from the same source; and they have been obviated, or at all events lessened, by the course here suggested. But the wanton destruction of jail property by the prisoners, of whatever kind it may be, whether Bibles or bedclothes, ought not to be permitted; and effectual means should be adopted to prevent it. If prisoners thus offending could be punished summarily by a prolongation of their imprisonment for a certain number of days, this might possibly cure the evil. It is for the interest of the prisoners themselves, every way, that this malicious destruction of property should be stopped. Their physical as well as moral well-being would be promoted by the stoppage. There is a growing indisposition, quite natural under the circumstances, on the part of supervisors and sheriffs, to furnish articles for the comfort of the prisoners of a kind that may easily be destroyed. Again and again has this committee been told that sheets and pillow-cases were formerly provided for the inmates of such and such jails, but that they have been since withheld because of their frequent destruction by the very persons for whose comfort they had been furnished. It is thus clear, and ought to be so seen and regarded by the prisoners, that they would receive from the county officers many more conveniences, promotive both of health

and comfort, if better care were taken of those which they already have.

*Discipline.*—This topic has an obvious connection with that just treated, and falls in naturally, therefore, at this place. As there are no libraries, or next to none, in the jails, many *sheriffs*, or members of their families, loan books to such prisoners as express a desire for them. In the majority of such cases the testimony is to the effect that books lent to prisoners are not carefully used, and often come back soiled, defaced, and even mutilated. In quite a number of cases, however, a different and better account is given. The prisoners are represented as taking good care of the books loaned them, and as returning the volumes without injury in a single instance. Now, this can hardly be owing to an original and inherent difference of character in the inmates of different jails, but must be due, in great measure, no doubt, to a difference in the discipline employed, and to a superior power of government possessed by some men and inhering in some systems, over that belonging to other men and other systems. As a general thing, moral agencies will be found most successful as a means of government and discipline in our common jails; but, unfortunately, these are precisely the agencies that are most lacking in them; the instrumentalities that are least employed in an organized and systematic form. It has been seen, already, how very deficient, how almost totally wanting indeed, is provision for the religious instruction and improvement of the prisoners. Moral means, in a way of talking and giving good advice, are, to a limited extent, resorted to by some jail officers; but nowhere is there anything like a wisely planned and earnestly applied system of moral influences adopted and enforced in our common jails. Very little punishment is ever administered in them; very little, indeed, is required. What necessity can there be for disciplinary or punitive processes, where the whole multitude are tumbled in together, and permitted to gossip and amuse themselves pretty much as they please? We do not blame the officers for this. They cannot help it. It is the system that is in fault. It is they who framed the system that are responsible. When punishments do become necessary, for they cannot be wholly avoided even under a system where all are for the most part left to do what is "right in their own eyes," those employed are—chained to the floor, shackling with handcuffs and ankle irons, and confinement in a cell, darkened or otherwise, but rarely with any abridgment of the customary food. The committee nowhere found in use the buck, the yoke, the shower bath, or the iron cap, the three latter of which punishments are the common recourse of our State prisons.

*Employment.*—This subject has a natural affinity to the two foregoing topics, and may, therefore, very properly be considered in connexion with them. In one county, the prisoners dug a sewer for the jail (within the jail premises), worth \$200; in another, they were employed in road making (outside) to the value of \$30; and in a third, we believe, about

as much more was earned by their labor in some way (outside also), which the county received in cash. In a good many jails, the prisoners scrub, whitewash, saw wood, assist at housework, and do other chores about the prison. In many others, they are never employed even in these light occupations. So that, on the whole, the committee have to report—*no employment for the prisoners in any jail in the State.* As some 1,800 constitute the average daily number in the jails, that is the number of persons who are constantly maintained by the State in total idleness, as it respects any useful occupation; but who are as constantly busy in the work of mutual corruption, and of training up a generation to succeed them, tutored and prepared to prey upon society, skilled in all the cunning arts of the practised criminal, and valiant in all the wicked daring of the desperate villain. Last year, it was reported that a workhouse had been erected, and the prisoners put at hard labor, in the large jail in Oswego county. Everything promised well, and the experiment was a success. So at least testified to this committee very intelligent citizens of Oswego, on our visit to that jail last autumn. But the contractor who had put up the workhouse, somehow became dissatisfied, and, through some *hocus-pocus*, which we do not well understand, and which it would hardly be worth while to relate if we did, the attempt to work the prisoners of our jails upon a productive plan was abandoned, the shop was torn down, and the whole scheme ended in abortion. This failure is, every way, much to be regretted, and the more so, because, as this committee were informed, there was no necessity for it; but, on the contrary, every encouragement to hope for complete success by perseverance in the undertaking, of which so fair a beginning had been made. The old adage that "an idle brain is the devil's workshop," is verified by daily experience outside as well as inside the walls of our prisons; and there cannot be a doubt that both the moral and physical well-being of the prisoners would be promoted by steady employment. The committee are under the impression that the law does not permit any employment of the prisoners outside of a jail, except that of making and repairing roads. There was a great scarcity of labor at many of the county seats at the time we were making our inspections. The prisoners might have had full employment in digging cellars, facing brick, and such like occupations, which they might do under the supervision of a turnkey, without, probably, much danger of escaping. A change of the law, permitting the employment of the prisoners on works of this kind, where it could be done without exposure to the peril of escape, seems worthy of the serious consideration of the Legislature. The women, confined in our jails, it seems to us, might be always kept busy, knitting, sewing, &c. Possibly some employment might also be found for the men within the prison premises, if it were only picking oakum, breaking stone for roads, or something else, that would keep them occu-

pied, and help to defray, in ever so small a proportion, the expense of their imprisonment.

*Dietaries.*—In nothing do the jails of the State differ more than in their several bills of fare for the prisoners. The allowance per week for the prisoners by supervisors varies from \$1.75 to \$4.00; and the dietaries have quite as wide a range; though an increased allowance is not always followed by a corresponding increase in the comforts of living. In very many jails, only two meals a day are given; but in the larger number three meals are served. The manner of taking their meals is also exceedingly variant. In some jails the inmates eat in their cells; in others, at a common table in the corridor; but in the major part, they take their kid, or plate, or porringer, or whatever the dish may be, and eat their portion wherever they can find the most convenient spot. There is no system, and but little comfort. Everything almost, in the mere style of serving the meals, is repulsive, and tends to coarseness rather than refinement. In a few of the jails, the food of the prisoners struck the committee as inferior in quality and scant in quantity, and particularly objectionable from the total absence of vegetables, not even a potato being furnished from one month's end to another. In one case, the prisoners complained that they were fed on bean soup, without a bean in it. The health of prisoners, long kept upon a diet, from which vegetables, and especially potatoes are excluded, must necessarily deteriorate. Fortunately, the few jails where we found the fare of so poor a character and so meagre in quantity, are mostly mere houses of detention, and their inmates usually remain but a few days; not long enough to feel those evil consequences to their health, which a long residence would be sure to entail. But the cases just named are exceptions to a general rule. The provisions furnished in most of our jails are abundant and good; in some too good for prisoners, if reliance is to be placed on statements made to us; the jailors supplying butter, cake, pudding, and other luxuries. The committee felt called upon, sometimes, to rebuke in rather sharp terms, so close an approximation to hotel fare. Prisoners awaiting trial are always allowed to have extra fare, if they pay for it themselves.

*Expenses of the Jails.*—This matter is set forth, in all its details, in Table IV., to which reference is made for satisfaction touching the same. As regards the subsistence of the prisoners, the usual plan is for boards of supervisors to make a certain allowance per week for each prisoner, for which the sheriff provides rations at his own discretion; a discretion which will of course lead him to make all the money he can out of the operation. There is but one exception to this rule,—that, namely, of the City Prison in New York. Here the keeper has nothing to do with providing the prisoners' rations. This is done by the Commissioners of Public Charities and Correction, and no profit is made by anybody. As a consequence, the prisoners were subsisted in 1863 at a weekly expense

each of fifty two cents. In the other county jails, the weekly allowance for board varies from \$1.75 to \$4.00, a very wide range. Where the number of prisoners is large, even at the lowest rate of boarding, a very considerable profit must be made, as may readily be seen from the cost of subsistence in the New York City Prison. The committee are free to express their disapproval of this method of furnishing supplies to prisoners. "Such a trade seems abhorrent to the best feelings of humanity.\*" Let proper supplies be provided for the prisoners, and let the county pay the actual cost and nothing more. This would take away all temptation to reduce either the quality or quantity of the food furnished, so as to make the merchandise of it profitable to the keepers of the prisons.

*Sanitary Condition.*—All the known principles of hygiene and physical well-being are systematically outraged in the construction of our common jails;—the ventilation imperfect, the sunlight in many not admitted in sufficient quantity, the cells close, the air always foul, often damp, the odor offensive, and so on to the end of the chapter. Yet the health of the prisoners is, in general, reported as good. Few die in jail, and few diseases originate there. The forms of disease most prevalent are *deltium tremens*, venereal affections, rheumatism, colds, and disordered bowels. The details will be given in reports of particular jails.

*Cleanliness.*—Very great diversity obtains in regard to the cleanliness of the different jails, of their bedding, and of the clothes and persons of their inmates. Some jails are scrubbed two or three times a week, and the cells whitewashed every fortnight or every month; others look as if they were not scrubbed once a month, and the whitewash brush seems almost unknown. In some, the prisoners are not allowed to spit upon the floors, and the rule is enforced to a surprising degree; in others, the floors or flaggings are disgustingly filthy in this respect. In some, the bed blankets (for sheets are furnished in but few), are washed every two or three weeks; in others, only two or three times a year. In some, the prisoners' personal clothing is washed weekly; in others, they either get their washing done out, or do it themselves, sometimes having only cold water furnished, and sometimes being provided with hot. In some jails, prisoners are required to wash their hands and face daily; in others, it is optional to cleanse themselves or go dirty. In some, soap, towels, and combs are provided for the use of the inmates; in others, neither; in others, still, soap, minus towels and combs; and in yet others, soap and towels, minus the combs. In some, razors are provided for shaving, and shears for hair-cutting; and in others, not. But in one particular, a uniformity as absolute as it is remarkable prevails throughout the entire circle and system of these institutions. In none of them

\* Notice of the Co. Prisons of Penna. by the Prison Discipline Society of Philadelphia.

is there a bath tub, or plunge bath, or any means of washing the whole person, except a bucket; and that method is not often used, though we are happy to record that some sheriffs exact its use of their prisoners as often as once a week, or once in two weeks. A few sheriffs require a thorough ablation of the entire person from every prisoner on his entrance into the jail.

Vermin abound in many of the jails, while some, by vigilance and care, are kept in a good degree free from them.

It has been stated that in few of the jails are the prisoners' beds provided with sheets or pillow-cases. The committee regret this lack, and would recommend the use of these articles in all cases. They believe that such a measure would be found as conducive to economy, as it certainly would be to cleanliness and health. If prisoners destroy them, sheriffs and jailors should find means to prevent it. If they cannot, they must surely be lacking in those resources of government, which are essential to their position and office.

**Security.**—A few of the jails of the State may be pronounced secure, so far as walls and bars and bolts and general structure and arrangements can accomplish such a result. The catalogue of this sort, however, would not be long. They could be counted on the fingers, without exhausting the number. In general, our jails are anything but secure. Most of them could be sawed, or dug, or pried, or in some way broken through, in the course of a few hours, by any expert rogue. The safe keeping of the prisoners in them, therefore, so far as it is attained (and it is generally attained), is a result due to the care and vigilance of the officers, and not to the prison itself. For the details illustrating these positions, reference is made to the special reports of individual jails.\*

\* As sheriffs, unfortunately, we think, are not in this State constitutionally re-eligible, on the expiration of their term of office; as, consequently, there must, of necessity, be frequent changes in the officers of our jails; as the new incumbents are, as a matter of course, generally inexperienced; as, and especially, most of them would gladly receive some hints as to the proper number of discharging that part of their official duty, which relates to the care, government and discipline of the jails severally committed to them; as, more particularly, in the course of the inspection made during the past year, we encountered no inconsiderable amount of ignorance on a number of important points of jail economy; as, sometimes at least, the *fugator* receives little written instruction and aid from the *outgoing*, and as a consequence he suffers, and the jail-keepers, for a long time from his ignorance of many things; as there is, so far as we are aware, no published manual of the duties of a jailor; and as, finally, the present report will be likely to fall into the hands of most of the sheriffs and jail-keepers of the State—this committee have thought it expedient, without attempting anything like an exhaustive exhibition of the subject, to draw out and set forth a few general maxims touching the economy and management of jails, which, they hope, may be of some service to persons entering upon the government and care of such institutions, with little or no experience of the duties which will devolve upon them in their new relations. A detail of this sort would not fitly fall into the text of the committee's report. They, therefore, know of no better way of saying what they wish to say on this subject, than that of embodying it in a note, and introducing it at this point, under the heading of

#### SUGGESTIONS TO SHERIFFS AND JAILORS OF THE MANAGEMENT AND ECONOMY OF COMMON JAILS.

As it regards some of the positions in this paper, the jail officers will not, probably, be able to carry them into effect without the co-operation of their boards of supervisors. Nevertheless, the committee incorporate these with the others, which can require no co-ope-

#### IV. SOURCES OF CRIME.

The attention of the committee was earnestly directed to an inquiry into the causes which operate most actively in leading men to the commission of crime. Is this a legitimate mode of exertion on the part of

tive aid in their execution. They do this in the hope that the said jail officers, by drawing to these hints the attention of the county authorities, and urging the importance of the improvements indicated, may be able, in some cases at least, to secure the needed co-operation, and so accomplish a good work of reform.

I. On receiving a new prisoner into the jail, the first duty of the keeper, or, at any rate, his wisest course, is to have a free conversation with him; to state to him distinctly the rules of the institution, which should be few, simple, clear, and, above all, reasonable; to supervise him, if possible, that he is a friend, who has his best good at heart; and to assure him kindly but firmly that, at the same time and indeed for that very reason, he must insist upon implicit obedience to the regulations of the place.

II. If there were a bath in the jail, the next thing would be to put the prisoner into it, and give his whole person a thorough cleansing; but as no jail in the State has that convenience, the next best thing to be done is to take him, as some jailors always do, to the bare, or some other private place, and give him a good wash by the help of a bucket or tub.

III. It might not be left optional with prisoners, as is the case in many jails, but should be positively required of them, to wash their hands and face daily; and, often, if necessary, and the whole person with a bucket as often as once a fortnight, or, better still, once a week.

IV. An abundant supply of water should be provided, not only for drinking, but for purposes of ablution as well; and not only soap, but coarse towels and combs, should be furnished for the use of the prisoners.

V. The bed-clothes of the jail and the under clothes of the prisoners ought to be washed often enough to keep them clean; and this should never be left to be done by them, especially in cold water and without soap.

VI. Prisoners ought not to be allowed to litter up the jail, but should be encouraged and required to keep every part of it neat and tidy; spittoons should be provided, in which they should be required to void their saliva, and particularly all tobacco juice.

VII. Games of cards should be prohibited, and the rule of prohibition rigidly enforced.

VIII. Every facility should be afforded to clergymen and benevolent laymen to visit, converse with, and counsel the prisoners; to hold Bible classes or other religious services for their benefit; and to distribute religious books, tracts, and newspapers among them. In the very few jails where such efforts have been systematically made, they have been found, by the admission of the keepers, to exert a softening, soothing influence on the prisoners, and to help the discipline of the prison. A basis for reading, and encouragement to inmates, and, as far as possible, gratified by supplying them with suitable books. If there is no library in the prison, there are doubtless kind-hearted persons in the neighborhood, who would be willing to loan good books to the prisoners; if not, they may be bought at the volumes would be taken care of and returned in good condition.

IX. The proper dietary of a prison is a matter of considerable importance. The conditions to be sought in such a dietary are economy in the expenditure of public money and the promotion of health in the prisoners. Some hints on the subject of prison fare and a few recipes for the preparation of a food well adapted to the purposes, and which may be very profitable as a guide to those whose attention has not been turned to such matters.

1. The food of prisoners should be plain and cheap, but wholesome; certainly it should not be so characterized as to pauper the appetite, nor superior to that commonly enjoyed by honest laborers outside.

2. While these points are kept in view, it ought also to be considered that some variety is essential to health. The prison dietaries, as they came under the notice of the committee throughout the State, show that an abundance of food is given in all, or nearly all, our jails. In some of them the fare is too good, and takes a residence in the prison during the winter too attractive, to be unwholesome. Yet in many, perhaps in most, a little more variety in the bills of fare is required for the health of prisoners who are in a long period.

3. Our jail dietaries would be improved by giving small codfish in place of meat once a week; also by giving a small amount of vegetables and a diminished quantity of animal food.

4. When salt meat is chiefly fed, a ration of vinegar should be allowed more frequently than is now the case.

5. Diarrhea is often brought on among prisoners by feeding mush to them. When this result follows, it is caused by the use of insufficient cooking. When Indian meal is soaked for two hours in cold water, and afterwards boiled steadily for three hours, it will not produce any injurious effect on the bowels. Beans also produce ill effects, when improperly cooked. They are always wholesome, if they are first soaked in cold water, and then boiled until they are thoroughly soft.

6. Soap is very much more nutritious, when the meat is passed through a chopping machine, and soaked in cold water two hours before boiling.

the Prison Association? On a superficial view of the duties of the Society, it might be thought that such an inquiry forms no part of these duties. But a deeper consideration of the matter will show that this is erroneous, because too narrow a conception of the scope and range of the Society's

7. Constipation sometimes prevails in jails. This may be corrected by substituting rye and Lidian bread for the ordinary wheat and rye bread. The following is the receipt used by the Massachusetts State Prison: Mix four handfuls of rye flour with four handfuls of Indian meal by sifting them together in alternate layers. This is to be done in a large tub, and made up into this sponge with three quarts of water. After the sponge has risen sufficiently, wet the mixture and incorporate the sponge with it. The dough, without waiting for any farther rise, is put into sheet iron pans one foot in diameter and four inches deep. The loaves are baked for six or seven hours, at the end of which time they are swollen to about six inches in thickness. The size of the bakery dishes is of some importance, since, if they are smaller than those described, the loaf is too much baked to be palatable; and if larger, the middle of the loaf is not sufficiently done. Any housewife will know how to preserve the above proportions, in diminishing the quantity.

8. Corn bread is much relished by most prisoners. It is made as follows in the same prison, and the proportions can be properly reduced, as before: Three bushels of meal are soaked in the morning, and left to soak until 3 P. M. A quart of fine salt is then added, and well stirred into the mass. It is then put into pans about one inch and a half thick, and baked. A very little practice will show the proper heat of the oven.

9. Potatoes are sometimes too scarce and dear to be used in jails, and they are sometimes too poor and watery to be wholesome. In these cases, rice hash is an excellent substitute. Soak the rice in cold water for three hours, then boil it until it is nearly done, add minced meat and boil the mixture for half an hour.

10. The following receipts will give a cheap and very desirable variety to jail fare: *Fish pudding for ten persons.*—Twenty lb. of potatoes, five lbs. salt fish, three and a half ounces of lard or dripping. Stew and boil the fish as long as the saltiness and size of the article to be used requires; take out the bones; boil the potatoes in a separate vessel; and beat the whole together. Pepper to the taste. Where a chopping machine can be had, it is better to pass the fish through it. *A dressed hash of Alegh's draughts for ten persons.*—Twenty lbs. potatoes, three lbs. eight ounces sheep's draughts, eight ounces onions, pepper and salt in the necessary quantities. Boil the lights for an hour, preserving the water. Wash the lights, livers and heart together, with Indian meal, pepper, salt, and onions; then stew the whole for one hour, using the water in which the lights were boiled. The boiling and stewing should be done by a slow fire. *A mixture of one's hash for ten persons.*—Twenty pounds of potatoes, two pounds eight ounces of heart, and eight ounces of onions. Cut up and wash the heart well. Mix in very small, using onions, flour, pepper and salt. Stew the whole over a slow fire for two hours.

X. The security of a prison is, of course, a matter of prime consideration. We offer the following hints on this point:

1. Jailors should understand, from the start, that the safe keeping of their prisoners depends more upon their own vigilance, than it does on locks and bars and stone walls and iron facings. The most expert jail breaker can be kept safely in a weak jail, if the eye of the keeper is constantly on the watch, and he is most careful not, ever, to tamper in a prisoner's cell from the strongest jail, if he has the time and tools to effect it, and is left free from observation, while working out the problem.

2. Every jail should be supplied with tunnel-shaped tubes of cast iron, so inserted in the wall that the corridors of the prison can be distinctly seen from the opposite side of the wall. The diameter of the tube on the inside should be about two feet; on the outside about a quarter of an inch. There should be a movable covering on the small aperture, like the guard over the keyhole of a padlock. A single kerosene lamp, or gaslight where that method of lighting is employed, should be kept burning all night in each corridor. Where this arrangement exists the jailor can see what is going on at all times, without being himself seen, and the prisoner soon tires of laying plans for escape, and gives up the business.

3. When prisoners are to escape, it is not an uncommon thing for them to connect themselves behind the contiguous to the entrance door, and knock down the jailor just as he enters. Very many escapes have been made in this way, and many jailors have been seriously injured. To prevent this, the entrance door, or the interior one where there are two, should be hung flush with the face of the inner wall, and hemispherical iron grating, large enough to admit the head, should be strongly fastened to the inside of the door. The jailor can thus see both sides of the inner wall before he opens the door. We have never seen this arrangement in any jail, notwithstanding its obvious utility; but it may be seen at the Albany Penitentiary; and the tunnel-formed tube, above mentioned, may be seen at the Chauntauque jail. Even in all the State should on such ones have these important and useful contrivances supplied.

4. At the time of locking up, the jailor should inspect minutely every article of furniture, the water pails, tin pans, drinking cups, lamps, &c., &c. If any one of these articles is

work. One object of the Association, as declared in the charter, is the improvement of prison discipline; an object, certainly, of not less dignity and importance than that which aims at the good of the detained and the discharged prisoner. But prison discipline has to do with persons

missing, he may be quite sure that mischief is brewing, and he should not rest until he finds the missing articles. He should be especially careful that no wire has been abstracted from the tin vessel. If there has been, it is a clear sign that false keys are in process of making. 5. Every prisoner should be searched on entering the jail. Watch spring saws are generally concealed in the lining of soles of the boots, or in the lining of the hat, though sometimes they are secreted in the handle of a tooth brush. 6. Prisoners should be allowed to keep a key for opening the door to receive for eating and razors for shaving should be removed as soon as they have one using them.

7. Jailors should be particularly on their guard against red pepper and chloroform. The former is often thrown into their eyes to blind them, which it does very effectually; and the latter is employed to produce sleep, which answers the same end. Many escapes are effected in both these ways.

8. The most common hiding places are underneath the privy seat, where there is a privy; the night tub; the ash heap; if there is one; the bed; and the stove. If permitted to remain in the corridor during the summer. All these places should be often examined. Very curious things, and very curiously stowed away, are sometimes found in them. The ash heap should be raked over every night. The bed should be probed daily. The bedstead should be drawn out with every revolution of the sun; or, if it is a swing bedstead, both sides of it should be examined. If it is of iron, it should be shaken to see that no part of it has been detached. Stove pipes should be invariably taken down, and removed out of the jail, as soon as free stoves to be needed.

9. When iron bars or shackles have been partially sawed off, bread is rubbed up with water, stained by soot, and carefully filled into the sawed parts. This can be detected by a blow on the iron with a hammer, which should be given at least daily.

10. On coming into the jail in the morning, the appearance of the flooring should be carefully observed. Particles of earth or sand should always lead to still more minute observation. They have a significance that should not be overlooked.

11. The larger and heavier the flag stones of the floor are, the safer is the jail. The security of a prison is also greatly increased by covering side walls as high as fifteen feet with boiler iron or one equal to it.

12. Outside windows should always be secured by double gratings; the outer grating being of tough soft iron, the inner of chilled iron.

13. Where there are any stairs which should be perforated in every part, so that any one standing on them can be seen from the back side. All stair and gallery platforms should be protected by strong balustrades, at least three and a half feet high. Some of the jails are unprotected with balustrades, and whatever this is the case, the keeper is wholly at the mercy of the prisoner.

14. In addition to a lock for each cell door, it is desirable, as contributing to the security of the jail, that the outer door should have a double fastening, on the Sing Sing plan, by a continuous bolt, which fastens all by a single thrust. This bolt should never be fastened within the jail, but outside of the corridor.

15. The padlocks commonly used in the jails are utterly worthless, when exposed to the skill of an old jail-breaker. Most of them can be opened with a wire, and where that cannot be done, the plate can be very easily pried off, made in Philadelphia in Philadelphia (the name of the maker has escaped us), which locks at the bottom, and which is really reliable. This lock has never, we believe, been picked or broken. It should be introduced into all our jails, and used in the same manner.

16. The outer door of a jail should be made self fastening, as is the case in the jail of Chauntauque and in those of two or three other counties. The temptation to knock down the jailor is very much diminished when the prisoners know that the possession of his key will not aid them to escape. Of course, in this case, the jailor cannot get out without knocking; and it will be well for him always to have some pronounced private signal with those outside, by which they may know when they desire to come out.

17. Ventilating holes (which, by the way, ought to be four times as large on the top as they are usually) should be protected by gratings as strong as those on the outside windows. 18. All the money on a prisoner's person should be removed therefrom on his entrance into the jail, and credited to him on the books of the institution. This is necessary on many accounts. If prisoners have no money, they cannot gamble in jail; nor can they purchase liquor, or tools, or other contraband articles from outside. If a prisoner has money, the most careful and vigilant jailor can hardly prevent traffic with outsiders.

19. No female friends of a prisoner should be permitted to enter the jail, or, if the interview sought cannot be so avoided, it should take place in the corridor, the parties not being allowed to approach nearer than within six feet of each other, and the jailor standing between them, or in very close proximity. The hooded skirts of such visitors afford abundant



morally diseased. How can we deal successfully with these diseases, unless we know the causes that produced them? The character of the diagnosis will determine the character of the treatment. If one class of prisoners has fallen into crime from ignorance; another from never hav-

room for the concealment of contraband articles, and, if they should be searched, such articles would be, in almost every case, found scattered within the ample folds of the attire. Not long ago, a woman took out her husband, or a man whom she claimed as such, from Herkimer county jail, under her crimoline, and the rascal has never been retaken, nor so much as heard from since, although this dodge has been practiced. A woman came to the prison in the latter part of the afternoon. She wishes to leave in the next train. Just as dusk she hears the whistle of the engine. She presses the keeper to make haste and let her out. She is in such a hurry, that she is thrown completely off her guard. There is a brief season of bustle and confusion. Something, apparently of the feminine gender, passes the door, emerges into the street, and hastens in good earnest for the train. After a while, the turnkey is dumfounded to find that his man is gone, and that he has an extra woman on his hands. Jailors should beware!

XIII. Store pipe holes between the men's and women's prisons should be watched very narrowly. Toile and liquor often pass through these apertures. Women are admitted to visit the female prisoners without suspicion, and they bring in many contraband articles to the men, which are passed to them through this channel.

XIV. Financed blankets form the best and cheapest bedding for jails. Quilts contract unpleasant odors, harbor vermin, and are undesirable in every way. Cotton sheets and pillow cases promote cleanliness, are true economy, and should be used in all jails. Mattan shavings make the best filling. Bugs cannot live among them.

XV. Swinging iron bedsteads are much superior to any others, provided the hinges are so fastened into the wall that the prisoners cannot draw them out; which they are very apt to do, if they can.

XVI. Where swinging bedsteads are used, the beds and bedding should be brought out of the cells as often as once a week and hung on the balustrades of the galleries to be aired, and once a week they should be carried out of doors, and exposed to the sunlight.

XVII. Where ties get into the bed clothes, they can be effectually cleared of these vermin by soaking them in hot alum water.

XVIII. Benzole is the best, or at least an excellent, remedy for bed bugs. They are surely exterminated, wherever that can be introduced. But where the cells are made of oak plank, it is a difficult matter to get it into the cracks. Cell-sawing always to be constructed of brick or stone, and all the holes carefully cemented.

XIX. Where the body clothes are infested with lice, those made of cotton should be soaked in hot alum water, and conscientiously well rubbed in under the axils of the woollen fabrics. Some jailors have supposed that these creatures would fatten on this content. But this is a mistake. The article they have used has been too weak. When prepared properly, it is a sure exterminator of the pest.

XX. Until more systematic means are used in the interest of the souls as well as the bodies of the prisoners, of their moral as well as their physical well-being, either by the public authorities (as in the case of the army, or through the system of local committees as now attempted by the Prison Association, sheriffs and jail keepers have, and should feel that they have, a solemn responsibility resting upon them, in this regard, both to society in general, and to the unhappy prisoners, women, and children—who are imprisoned under their care. Under this conviction, the committee desire to offer, for their consideration and practical adoption, a few thoughts touching the moral discipline which it is desirable that they exercise over these unfortunate—unfortunates we say, for they are such in every respect, whether they are innocents of the offences charged against them and so are wrongfully imprisoned, or have fallen into crime under the power of temptation and of a depraved and unpermitted will, and so are justly suffering the effects of their own misconduct. In the first specification in the present paper on the obligations of jailors, we recommended a frank and friendly talk with each prisoner on his entrance; so, in the last, we suggest the propriety and, we venture to add, the duty of frequently renewing these conversations with the imprisoned during the whole period of their incarceration. The spirit in which interviews with prisoners, at first recommended, should be conducted, shall be exemplified by St. Paul, when he says: "If a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness, considering thyself, lest thou also be tempted." Jail officers should ever bear in mind that the prime object of punishing an offending fellow-being to discipline is his restoration to moral health. Not mere punishment, not even the determent of others from crime by the infliction of exemplary suffering, is the purpose in view. Far from it. The higher end, and representing the man of restoring him to himself and to society, is always to be included in the scope of our efforts. Reformation is, indeed, the right of the criminal; and the first duty of those who have the charge of him, as a transgressor, is to put forth all practicable exertions to that end. Sympathize, then, we entreat you,

ing learned a trade; a third from the dominion of ungovernable passions; a fourth from frequenting grog shops, and the love of strong drink; a fifth from associating with loose and corrupting company; and a sixth from the excessive love of money;—It is evident that these several classes who have fallen from causes so widely variant, will require that different motives and influences be brought to bear upon them. The ignorant will need to be instructed. The man without the ability to earn a living, will need to have that ability imparted. He who is dominated by passion, will need to be trained to a mastery of himself. The prisoner whom strong drink has led into crime, will need a special cure for that malady. He whom evil associates have corrupted, will need to be weaned from his fondness for such association. While he whom avarice has caused to invade the rights of his neighbor by fraud and violence, will need a discipline and a treatment suited to that form of moral disease. From these premises, it is clear that a wide knowledge of the sources of crime is essential, if not to the improvement, at least to the perfection, of prison discipline; and that all attempts at such improvement and perfection will be comparatively useless without it. But how much more necessary will such knowledge be to all successful endeavors to nip crime in the bud, and prevent it from ripening into actual transgression? And this, after all, is the most hopeful, as it is certainly a most legitimate, part of our work. How much better, as well as easier, to arrest and repress proclivities to crime, than to arrest and repress the crimes which have been produced by those proclivities! How much wiser to

gentlemen in charge of our jails, with your prisoners. Converse with them as friends. Speak tenderly to them. Counsel them kindly. Show them the evil of their doings. Try to convince them in the error of their ways. Supply them with notices to a better life. Encourage in them and seek to cultivate a taste for reading, especially for good and useful reading. Read to them sometimes yourselves; you will find many accidents, if for such a purpose, in your annual reports of our general agent, published in this volume; particularly the appeal to the women on Blackwell's Island, by a former inmate of the penitentiary there. Take special pains to instruct your prisoners, individually, in reference to the particular temptations whereby they have been led astray; temptations which will surely be renewed when they are liberated, and which, unless better understood and better guarded against, will just as surely assert their power anew, and make those victims again to their strong inducements. It is so general lessons and efforts, however important and imperative these are, that we have recommended; but special exertions to bring home to the bosom and thought of each the special danger to which he is exposed, to increase his knowledge of the nature whereby he may escape them, and to persuade him to the diligent and effectual use of those means, to his own salvation. If avarice has urged him to the commission of forgery or theft, teach him the necessity, the necessity, the methods, and the motives for curbing such passions, and bringing them under the control of reason and principle. If drunkenness or lust has led him to a violation of the laws of the land, let the special cure of each be pointed out and urged upon him, and let special effort be made to root it out. This is the kind of instruction which will most interest the prisoner; and this, next to the renewing and sanctifying power of God's special grace, will probably be the most successful in saving him, when he is again surrounded by the temptations which first occasioned his fall. Labor, then, diligently and earnestly, by that prisoner entrusted to your care may, if his residence with you shall have been long enough for the useful training, go forth, not only with better principles, better habits, better health, and better resources generally for an honest livelihood, but with better information how to avoid in the future the perils which have caused his shipwreck in the past, and so be doubly armed to resist and conquer the enemies that beset his path.

apply a preventive that will ward off disease, than to allow the disease to send its infection coursing through the system, and then put forth efforts to cure it! Doubtless we should do no less but rather more than we now do, to heal the diseases of society; still, our richest and best trophies will be found in the field of prevention. As in physics, the philosophy of hygiene is better understood and more readily applied, than that of therapeutics, so in the moral world, it is always easier to prevent an evil than to remove it. But nothing can be clearer or more certain, nothing more of the nature of an axiom, than that the entire science of the prevention of crime is, and must be, based upon a comprehensive and accurate knowledge of the causes which produce it.

Inquiries of this nature are by no means an innovation in the practice of the Association. Three extended papers on this subject have been already published in the Society's annual reports:—the first in 1849; the second in 1855; and the third, which is, in good part, a summary of the other two, in 1864. The investigations into the causes of crime, carried on by this committee during the past year, have strengthened the positions assumed in the essays to which reference is here made. We propose, in as brief a manner as possible, to develop the evidence gained in these investigations, confirmatory of the conclusions reached by our former researches.

*Want of Parental Care and Government a Source of Crime.*—It is commonly thought that intemperance, evil association, and licentiousness, are the three most active causes leading to the practice of crime; and so undoubtedly they are, if the proximate causes alone be taken into the account. But back of all these, underlying all and giving potency to all, is the want of early parental restraint and discipline. Of this the committee, from the researches made by them, do not feel the slightest doubt; and their conviction on this point is but the echo of the inspired *dictum*, "Train up a child in the way he should go; and when he is old, he will not depart from it." It will be seen by inspecting Table V, that 50 per cent. of the prisoners interrogated were either orphans or half orphans. The committee know of no statistics, showing the proportion of persons in the whole community who lose one or both parents before the age of fifteen. On a rough estimate by members of the committee of the cases within their own knowledge, they cannot make out that more than one-sixth belong to this category. But supposing the proportion to be one-fourth throughout the State, it would follow that one half of the crime is committed by one fourth of the people; in other words, the chances that an orphan will commit crime are three times greater than that those will who grew up without losing their parents. What a sad inheritance is thus bequeathed to the poor child, whom Providence has deprived of the guidance and protection of father and mother! How eloquently does this fact appeal to the benevolent in behalf of these bereaved and friendless little ones, whom God has thus thrown upon their kindness!

But the greater part of the criminal population, not actually bereaved of their parents before fifteen, are orphans to all intents and purposes, through parental neglect. Of this the committee satisfied themselves from the conversations held by them with the prisoners. Most of these, on being interrogated relative to the parental care they had received in childhood and youth, replied that their parents had taken good care of them. But when further questioned whether their parents had sent them to school, and whether they had required them to attend church and sabbath school, they almost as uniformly answered in the negative. On being still further questioned whether their parents rebuked them for swearing in their presence, or for lying, or for running out at night, they still answered in the negative. Many of them, who averred that they had had good care in youth, admitted that their parents had actually forced them to steal and to lie, when their interests would be, as they imagined, subserved by such acts. Strange as it may appear, the prisoners mostly had an idea that their parents took good care of them when they whipped them well, and the usual reply, when they were pressed with the inconsistency of their statements, was: "Oh sir, if you had seen how hard they whaled me, you would have thought they took good care of me." The committee further interrogated the prisoners concerning their own habits of obedience in early life. At first they generally said that they had been obedient; but it was quite clear, on cross questioning them, that they had rendered little or no obedience, except from the fear of a "thrashing," and that when they could disobey without the risk of detection, they rarely hesitated to do so. Let us offer an illustration: In one jail, thirteen persons asserted that they had received good care from their parents in youth, and twelve that they had been obedient children. But from their answers to other questions, put to test the truth of their statements, it was clear that not more than two of them could truthfully make either assertion. Two of those who claimed that they had had good parental care, admitted that their fathers were intoxicated more than half the time; and seven declared that their parents had never sent them to school. Upon the whole, nothing could be clearer, in the apprehension of the committee, as the result of their examinations, than that the prisoners seen and conversed with by them, had, with scarcely an exception, suffered for want of judicious parental restraint and care in childhood, and that this was one most prolific source of their wrong doing.

*Grog-Shops a Source of Crime.*—There can be no doubt that, of all the proximate sources of crime, the use of intoxicating liquors is the most prolific and the most deadly. Of other causes, it may be said that they slay their thousands; of this it must be acknowledged that it slays its tens of thousands. The committee asked for the opinion of the jail officers in nearly every county in the State as to the proportion of commitments due either directly or indirectly to strong drink. The judg-

ment of these gentlemen varied from two-thirds, as the lowest estimate, to nine-tenths, as the highest; and, on reducing the several proportions to an average, seven-eighths is the result obtained. This enormous and astounding proportion of all the commitments to the common jails throughout the State is to be ascribed to run, in the opinion of gentlemen most conversant with the subject, and most competent, therefore, to form a correct judgment thereupon. Of the 568 prisoners interrogated, only ten avowed themselves to be total abstemious; while 207, a little over one-third, claimed to be moderate drinkers; and 351, or nearly two-thirds, acknowledged themselves to be of intemperate habits. Very many of those who claimed moderation in their drinking habits owned that they occasionally drank to intoxication, and some that they were often drunk. From their conversation with these persons, and their knowledge of others asserting a like claim, the committee believe that fully two-thirds of the moderate drinkers, so claiming, ought to be classed among the intemperate, which would give nearly five-sixths of all who violate the laws of the land as habitually using intoxicating liquors to excess. Thirty eight out of every hundred in jail at the time of our visits acknowledged that they were habitual tavern-baunters. No less than 23,145 persons, of whom nearly one-half were females, were committed to jail during the year for intoxication alone.

Table XIV, which exhibits the statistics of the liquor traffic in the State more fully as well as more accurately, we think, than the subject has ever been presented before, offers some singular, and at the same time, most instructive results. The whole number of retail liquor dealers, that is, of grog-shops, assessed by the U. S. Government, is 21,242, or one to every 183 inhabitants; while the whole number of churches, as will be seen by an inspection of Table XVII, is but 4,134, or one to every 938 inhabitants. It will be further apparent, from an examination of the same Table, that the counties where crime most abounds are precisely the counties where the ratio of grog-shops to the population is greatest. For example, in the county of Richmond there is a grog-shop to every 58 inhabitants; in Erie, one to every 90; in New York, to every 104; in Queens, to every 105; in Albany, to every 108; in Kings, to every 130; and so on. On the other hand, in those counties where crime is most rare, the ratio of grog-shops to population is least. In Delaware county there is a grog-shop to every 867 inhabitants; in Madison, to every 718; in Warren, to every 712; in Jefferson, to every 698, &c. The amount paid to the United States, at the rate of \$20 to each assessment for the privilege of making criminals and of producing woes and sorrows that no arithmetic can calculate and no words declare, is \$424,840;\* and that paid to the State for the same privilege is \$195,734; making together

\* This is probably somewhat in excess of the amount actually paid, as a few dealers were assessed for only part of a year.

er an aggregate of \$620,840. The number of persons or firms selling without State license is 14,877½. It will be observed that in Hamilton county the number of licenses is given as 3½. This struck the committee strangely. They did not believe there was, or could be legally, any half license, or a license to sell for half the year. On inquiring of the Attorney General, they were confirmed in this view by the decision of that officer. No board of excise has any legal authority to grant a license to sell liquor at retail for a single day at less than \$30. The following is the text of the Attorney-General's opinion, addressed to a member of the Committee:

"The statute of the State prescribes the use of a license, the time during which it may be exerted, and the compensation for which it is, upon certain conditions, to be granted. The statute is an entirety, and cannot be apportioned at the pleasure of the commissioners, either in time, or compensatory amount, or in any other manner. Such is my opinion.

Respectfully Yours,  
JOHN COCHRANE, Attorney-General."

*Licentiousness a source of Crime.*—This is, next perhaps to intemperance, the most active producer of crime. Of the 5,467 women set down in Table I, as committed to our common jails for disorderly conduct, a very large proportion were prostitutes,—disorderly conduct being, in the nomenclature of jail officers a euphemism for prostitution. In fact, the female wards of all our prisons are swarming with these fallen and degraded women, as the male wards are with men and boys who patronize them. Of the 568 persons in jail at the time of inspection, and interrogated by the committee, 257, or nearly one-half, admitted that they were of licentious habits; and this statement is very far from giving the real proportion of this class, for numbers of women claimed to be virtuous, and are so recorded in the tables (for their own answers were always put down), who were known to be prostitutes by the jail officers, and whom the committee, even without such authority, would have felt no hesitation in assigning to that class. Nearly or quite three-fourths of the male prisoners confessed themselves to be more or less in the habit of frequenting brothels; and the committee have no doubt that an equal proportion of the female prisoners had wandered from the path of virtue.

It is painful to the committee to record, as it will be painful to the moral and religious portion of the community to hear, that prostitution is, almost everywhere throughout the State, in the rural districts as well as in the cities and towns, rapidly and alarmingly on the increase; and that under a variety of new and insidious forms. The subject of prostitution is not one that is pleasant to contemplate or to write about; yet, painful as the theme is, the committee feel it to be their duty to make certain statements relating thereto, that the public attention may be turned to it, and, if possible, some remedy devised. In inquiries conducted in previous years, this class of women have generally attributed

their fall from virtue to seduction under promise of marriage; in other words, they have attributed their ruin to the male sex. During the examinations of the past year, a new and surprising state of facts has met us. Let us offer, as an illustration of what we mean, the statements of the first 26 women with whom we conversed that acknowledged themselves to be prostitutes. *Every one of them expressly denied that they had been seduced by men.* Eighteen of them said that they had been induced by the persuasions of other women to follow prostitution as a business. We were surprised at this statement, and doubted its truth. But, on making inquiries of police officers and others likely to be informed in such matters, we could not resist the conviction that an organized system of procuresses, long known to exist in large cities, has now embraced the rural districts in its hellish grasp; that brothels are recruited through their efforts; and that private lust seeks and obtains its objects through the same unholy agency. When questioned as to the arts and arguments which were used by these procuresses to induce them to enter upon a life of shame, it appears that they were various, and skillfully adapted to the different moral idiosyncracies of the victims. Fifteen of the women said they were induced by promises of rich clothing and jewelry; the passion for personal decoration was in their case the one which was primarily appealed to. Five of them said their husbands were soldiers, who had gone to the war without making any provision for their support, and that they were prostitutes simply to procure money and a comfortable subsistence. Three of them were also soldiers' wives who addicted themselves to this course of life without any such motive, but from mere wantonness. One said she had not been induced by any one, either male or female, to enter upon the career she was pursuing; that she began it and continued it because she preferred it; and that she meant to continue it as long as she lived. On inquiring of the sheriff into her previous history, we found that hers was a case of hereditary proclivity; both her mother and grandmother having been loose women. One woman said that she had been prevented from marrying the man she loved, and had been almost forced into marrying a man whom she disliked. She acknowledged that he was very kind to her, but she loathed him in spite of herself; her life was miserable. She despised herself, and, as she profanely said, "wanted to go to hell headforemost." She professed to abhor the life she was leading, but declared that she was driven on to it, and could not help herself. Another said that she embraced that life as a hygienic measure, that she had been advised to do it by several physicians, and that she found her health very much improved by it. This seemed a very improbable story, but one of the physicians of the place informed the committee that she had two years before told him the same story, and had asked him whether his opinion coincided with that expressed by other physicians in the case. Strange as the story seems, it may possibly have some foundation in truth, and

if so, it casts a curious side light upon the morbid notions, which are the sources of human conduct.

The declarations of women of this character are always to be taken with caution, and it may be that their real motives are not truly disclosed in the above statements; but it is, nevertheless, interesting to know the causes which they desire should be believed as actuating them, even if they are not the real ones.

It will be observed that much the larger part of the women assigned a love of costume and jewelry as the initial motive to the steps which led to their degradation. We cannot doubt that this was, to a great extent, the real truth. When they spoke of this inducement, there was an animation of manner and a sparkle of the eye, which left no doubt upon the mind that they would do almost anything to acquire the much coveted decorations.

It may seem impossible either by legislation or by any other form of repression to arrest this evil which, as before stated, according to the unanimous opinion of the judicial and administrative officers, is growing rapidly in almost every county; yet it seems desirable that the facts should be known to the community, as an indispensable preliminary to the discovery and application of remedial measures. It is believed that much of the success which has attended the efforts of the procuresses to obtain victims, has arisen from the utter ignorance of those upon whom they exercise their arts. Parents never warn their children of these dangers. The pulpit, the press, and the Sabbath-school teacher are silent; and when the sly and subtle temptress has sounded the mental and moral peculiarities of the victim and fixed upon the most vulnerable part of her nature as the point of attack, she is successful, chiefly it may be, because her prey is un instructed and unwarmed. There is, indeed, danger even in the teaching which warns against the hidden perils that beset female virtue; but if mothers knew the vital importance of the work, their woman's tact, guided by Christian feeling, might devise the means to guard their daughters against the hidden danger, without implanting any taint of impurity. And the teachers of our Sabbath-schools, while they are faithful as ever in their doctrinal teachings, might apply them more practically than they have heretofore done to the illustration of the practical duties of every-day life. They might, at least, impress upon the minds of their pupils the dangers arising from an inordinate love of dress; the duty of a faithful and dutiful obedience to parents, as those who must give an account; the sinfulness of avarice and an inordinate love of acquisition; the necessity and obligation of perfect and absolute truth in their intercourse with the world; and the imperative duty of doing good to every one, as they have opportunity.

In this connection, allusion may be made to another but kindred topic. There can be no doubt that the vice of which we are treating, as well as

female crime in general, are increased by a class of women, who, under the character of physicians skilled in female complaints, go through the country procuring abortions. Many of these women for a fee teach the art of poisoning. Many of them also, like the processesses before spoken of, are brokers of female charms, in the employment of the brothels and of men of pleasure in our large cities. The increase of poisoning, which has been going on for a few years past, is due to this cause; and doubtless also the alarming increase of prostitution, to which reference has already been made and which is attested by witnesses in every part of the State, may be, in part at least, accounted for in the same way.

*Ignorance a Source of Crime.*—The connection of ignorance with crime will be patent to all on an examination of the tables herewith submitted. Of the 568 prisoners interrogated, 179 (31 per cent.) could not read; 118 (21 per cent.) could read only; 265 (46 per cent.) could read and write; while only 8 had received a superior education. Now in the whole State of New York only two and seven-tenths per cent. of the adult population are unable to read, while 31 per cent. of those who commit crime do not possess that ability. Hence we learn that nearly one-third of the crime in this State is committed by a little more than two-hundredths of the population. What a striking proof of the effect of ignorance in producing crime! But even this statement is far from showing the full influence of ignorance in that direction. Those who are put down as able to read only, and even the larger proportion of those who are on the record as able to read and write, possess that accomplishment in a very limited degree. At least this is the case with a vast majority of them; they have no such mastery of the art of reading as enables them to use it either, first, as a means of recreation, whereby they are prevented from resorting to the grog-shop, the gaming saloon, or other improper places of amusement; or secondly, to help them to get a living, and so take away the temptation to resort to crime for that purpose; or thirdly, by reading the Bible and other good books, to learn the pathway to holiness, and so become purified in heart as well as life. The committee tested scores of the prisoners, who claimed the ability to read, and found hardly any of them in possession of it to that degree which would render it available for the avoidance of crime in either of the three ways named in the preceding sentence; or indeed, for any really practical advantage. They read with so much labor; and so little intelligence, that they can never resort to it either for wisdom or recreation. There is no magical efficacy in the power to spell out words. To be useful, the art of reading must be acquired to such a degree as to make it available as a source of pleasure and instruction; but those who are recorded as able to read do not, generally, possess it to that extent. Not one-fourth of those who were asked to do so, could spell the words "read" and "write" correctly; and a majority of the prisoners who were tried, were obliged to spell at least a fourth of the words, before they could pro-

nounce them. We generally tried them on the first verse of the second chapter of Luke. Very few, apparently, got any intelligible idea of the meaning. Scarcely one could tell what "decree" or "taxed" meant. One said that he had no idea what Cæsar Augustus meant, and on being asked whether it was a man, or a beast, or an article of merchandise, he said he could not tell. Another said that a "decree" signified a very large candle. A third thought that the word "taxed," meant to charge, as to tax a man with stealing. A fourth said that if anybody had told him the word, he should think it meant making folks pay money, but as it was in the Bible, he didn't know what it meant. Many other answers were given quite as wide of the mark as these. It is perfectly clear to this committee that the great mass of our prison population have no mastering, no available knowledge, of the art of reading. They cannot resort to it as a means of recreation; they cannot employ it as an aid in procuring a livelihood; they cannot use it as a means of holiness by reading the Bible and works on religion. The truth is, nine-tenths of the inmates of our jails and penitentiaries are ignorant men, who, although enrolled on the prison registers as able to read, are nevertheless incapable of doing so to any useful purpose. It follows that a very large proportion of the crime in our State, as indeed everywhere else, is perpetrated by a very small proportion of the population. Ignorance has been called the mother of crime, and, it would appear, with no little justice.

The tables afford another test, by which the same thing is made apparent. If the counties are divided into groups of twelve to fifteen according to the proportion of adults in them who cannot read, as seen in table XII, it will be found, by turning to tables II and VII, which presents a view of the criminality of the State both absolute and relative, that the groups which offer the greatest proportion of adult population unable to read are precisely the counties where crime most abounds.

*Gambling a source of crime.*—Very nearly one-sixth of the prisoners with whom the committee conversed confessed themselves to be addicted more or less to gambling. As nothing like this proportion of the whole adult population of the State can be supposed to be guilty of this vice, it will follow that one-sixth of the crime is committed by much less than one-sixth of the population, and hence that gambling must be reckoned among the active causes of crime.

It is remarkable that, while prostitution is everywhere on the increase, gambling is, almost as uniformly, diminishing. This is probably to be accounted for on the hypothesis that a large part of the professional gamblers have gone to ply their nefarious business in the camp; and on the same principle that "where there is no wood, the fire goeth out," where there are no sharpers, there are no victims; and the diminution of the former is, of necessity, the decrease of the latter.

*Theatres a source of crime.*—Of the whole number of prisoners interrogated by the committee, nearly one-half owned themselves to be theatre-goers. This statement sufficiently indicates the connexion between habitual attendance upon this fascinating but demoralizing amusement and the perpetration of crime. But we have other proof of the same thing. In most of the counties there are no permanent theatres; but in almost all, *strolling players, traveling shows, circuses, negro minstrels, and the like, are more or less common.* The testimony of officers connected with the arrest, trial, and punishment of criminals is quite uniform to the effect that these exhibitions rarely pass through a county without making their influence felt in stimulating crime and adding to the tenantry of the jail. Petty thefts, especially, mark their track through the State, and a very considerable increase of commitments follows. Boys and servants are very anxious to go to them, and that they may be able to gratify their desire, they steal old iron and brass, clothes-lines, mats, &c., articles which are most exposed and least likely to lead to their detection. One man is now in Clinton prison for life, who murdered his wife because she refused to give him a quarter of a dollar to attend a circus, which was exhibiting in the town of Kinderhook.

*Want of early religious training a source of crime.*—More than one-half of the prisoners seen by the committee—313 out of 568—had either never attended Sunday school in their youth, or had attended so irregularly as to amount to nothing. This fact speaks for itself, and clearly evinces the truth of the proposition under consideration.

*Sabbath-breaking a source of crime.*—This point is more emphatically established than the foregoing, inasmuch as the proportion of Sabbath-breakers to the whole number interrogated exceeds four-fifths, being 84 in every 100. We say such is the proportion of Sabbath-breakers, simply because so many acknowledged that they never went to church, or went very rarely, which is equivalent to not going at all.

*Lack of Ministerial instruction a source of crime.*—A careful study of our 17th table will prove this very conclusively. Divide the counties into groups of fifteen, and it will be found that the ratio of churches to population in these groups will measure the relative criminality of the county with almost the same precision as the rise and fall of the mercury in the thermometer measures the degree of cold or heat in the atmosphere.

*Want of a trade a source of crime.*—More than two-thirds of the prisoners interrogated (69 per cent.) had never learned a trade at all; and of the remaining third probably one-half had done so very imperfectly.

*Immigration a source of crime.*—Fifty-one per cent. of the crime in 1863 was committed by foreigners; but only twenty-six per cent. of the population of the State are of foreign birth; therefore, in round numbers, half the crime of the State is committed by a quarter of the population.

The chance, then, that a foreigner will commit crime is just two to one that an American-born citizen will.

*Thoroughfares of trade and travel a source of crime.*—Two proofs of this proposition are at hand. In the first place, it is found that counties traversed by rivers, canals and railways, and more particularly those which include the terminal, are the counties most conspicuous for their criminality, as Erie, Monroe, Schenectady, Albany, Rensselaer, Saratoga, New York, Kings, and other counties generally, which border on the Hudson river. In the second place, in any given county, the towns on the line of these thoroughfares furnish, almost invariably, the greatest number of prisoners to the jails.

*Pauperism a source of crime.*—The general proofs of this position are abundant; but, unhappily, not so clear as we could wish from our own tables, which have been constructed chiefly from those published by the Secretary of State. There is very great need of improvement in these tables. The methods of keeping the accounts and registering the statistics of pauperism in the different counties are so variant and in many apparently so loose, as to be of little use for purposes of comparison. The tables on this subject may be of some interest and may possibly yield some instruction to those who examine them, but they do not appear to this committee to furnish a reliable basis for deductions and generalizations of any great value or trustworthiness.

*The common jails themselves a source of crime.*—This point has been sufficiently handled already in treating of the association of prisoners in a former part of the present report.

*Density of population a source of crime.*—Let any one examine carefully our 17th table, and he will soon satisfy himself that crime prevails in different communities in ratios corresponding to the greater or less number of inhabitants as compared with the areas in acres.

#### V. ADMINISTRATION OF CRIMINAL JUSTICE.

An inquiry into the administration of penal law throughout the State is deemed scarcely less important than the examination of penal institutions, since the mode of criminal administration casts light on many questions of prison discipline, which, without such light, are quite anomalous. This inquiry has been pursued by the undersigned as widely and as carefully as time and opportunity would permit, and the results will be briefly set forth in the immediately ensuing pages. The committee feel that it is but an act of justice to record, in the outset, their cordial thanks for the courtesies uniformly extended to them and the aid promptly given to facilitate their labors by gentlemen connected with this department of the public administration, including judges, district attorneys, county clerks, county treasurers, sheriffs, and police officers of every grade.

The first thing that will strike a person who scans table X, which exhibits a general view of the administration of criminal justice through-

out the State, will be the disproportion between the indictments found and the trials had in our courts of record. There were indicted in 1863, in forty-four counties, 3,624 persons; of whom 755—just one-fifth—were brought to trial. Of the tried, 511 were convicted; 203 were acquitted; and in the case of the remaining 41, the jury were unable to agree and were discharged. But in certain counties the disproportion between the indicted and the tried was much greater. In Albany county, for example, ninety-six persons were indicted, and only five were tried, being an insignificant fraction over one-twentieth. In Orange county, seventy-five were indicted, and five tried, about one-seventeenth. In New York and Rensselaer, the ratio of the tried to the indicted was nine to a hundred, or a little more than one-tenth. But of all the counties in the State, the proportion of the tried to the indicted is the smallest in Putnam, being only three in the hundred, or one-thirty-third. On the other hand St. Lawrence is the county in which the administration of criminal justice is most efficient, 26 persons having been indicted, of whom 21 were brought to trial, or a fraction over four-fifths. In Erie county, also, penal law is administered with no little vigor; since of 364 persons indicted, 189 (a little more than one-half) were tried. Of the 3,624 persons indicted, as above stated, 1,635, or 45 per cent., pleaded guilty, and so were convicted on confession; but in almost all cases their confessions were of lower crimes than those with which they stood charged; and in nearly all cases, likewise, those who confessed were persons on trial for their first offence, the old criminals invariably preferring the chances of escape afforded by trial. The cases disposed of by trial or confession were 2,390, or about two-thirds of the whole number indicted in the 44 counties, from which we have reports. The remaining one-third were discharged on *nolle prosequi*, and straw bail, enlistment into the army, &c., &c.

Of 236 persons committed to prison on the charge of homicide, only 35, or about one-tenth were convicted and punished; of whom but six were sentenced to the death penalty. And here we may remark, in general, that it is in relation to crimes of the higher grades that the disproportions between the convictions and the arrests is so enormous; a disproportion, indeed, which is truly alarming. Moreover, not only are the most serious crimes rarely punished, but even in cases where a conviction is obtained, it is apt to be so long after the offence, that its moral effect, whether upon the culprit or the public, is almost wholly lost. More commonly, however, in crimes of the character now under consideration, the transgressor, somehow, by hook or by crook, manages in the end to escape. Let us give an illustration: A case of arson occurred in the town of New Lebanon, Columbia county, which excited intense public indignation, and could not therefore be slurred over as easily as less atrocious and more obscure cases often are. Two of the party turned State's evidence, and were kept in jail at the expense of the

county for eighteen months. The case was postponed on one frivolous pretext or another for several terms; but at length it came off, and the prisoner was convicted. A motion for arrest of judgment was then made, and, while the writ of error was in the supreme court, the prisoner was admitted to bail. His bondsmen were men notoriously insolvent, executions against them having been repeatedly returned *nulla bona*. It is but a waste of paper to add, that nothing more was ever seen of the prisoner. The county had been put to an expense of about \$3,000, and the result was as here stated; and this history, *mutatis mutandis*, is repeated in scores of instances every year in our administration of criminal law. One cause of the delay and final miscarriage of criminal trials is the practice of sending cases from one court to another. The court of oyer and terminer sends the indictments to the court of general sessions, the sessions send them back to the oyer and terminer; and thus they pass back and forth, driven like a shuttle-cock from court to court, until the judges are weary of the game; when a *nolle prosequi* is entered, or the prisoners are discharged on sham bail; and that is an end of the matter. The records in the offices of the county clerks show some very curious readings on these points.

All this would be different, if the district attorneys received a fee for each conviction, instead of fixed annual salaries. This method of remuneration affords, moreover, in our opinion, a solution of the problem, why so small a per centage of the persons who are arrested and committed to jail, are ever brought to trial. The payment of salaries in lieu of fees, by a necessary, or at least a natural, law, works and must ever work badly. Many definitions have been given by philosophers of man, and many disputes have arisen as to the correctness of these definitions; but there is one definition, which will unite all suffrages, viz: that "man is intrinsically a lazy animal." Now, under the present system, the district attorneys get just as much for doing nothing as for doing something; and, while human nature remains such as it is, this fact cannot but exert a paralyzing influence, if not on all, yet on nearly all, of these functionaries.

But whatever may be the sources of "the law's delay," and whatever the causes operating to prevent convictions in trials for the commission of the higher grades of crime, it is certain that our criminal population, that is, those who pursue crime as a means of obtaining a livelihood, have well nigh ceased to fear the law. They know just how to elude its meshes, and they laugh to scorn its impotent menaces. At least, the chances which a felon always has to escape the just punishment of his crimes are so numerous, that these desperate men hesitate at nothing, are appalled by nothing, in seeking to effect their nefarious purposes. We cease to be startled at the frightful record of violence and blood presented in the daily papers, when we see that criminals seldom receive the punishment due to their misdeeds, but are turned loose to tell

their comrades in crime how easy it is to elude the vigilance of law and escape the awards of justice.

We have already alluded to the fact that criminals often plead to a lower crime than that committed, which plea is accepted by the court, and a mitigated punishment awarded. We are far from saying or believing that such a procedure is always wrong, or that there may not be cases where it is eminently proper. But we cannot help thinking that the practice is becoming too common for an effective administration of the law. It is, as lately noticed by one of our daily journals, a growing custom with district attorneys to accept a plea of guilty of a minor offence from a party indicted for a high crime. For instance, a man is indicted for murder in the first degree, the penalty for which, on conviction, is death. His counsel informs the prosecuting officer that the prisoner is willing to plead guilty to manslaughter in the fourth degree, the punishment for which is a few months, or, at the very utmost, two years, imprisonment; and that official, ostensibly to save the time of court and jury, accepts the plea. The murderer undergoes a brief confinement for his homicide, and is then released to shoot or dirk the next man that crosses his path. It is this pernicious practice that holds out to the assassin and the robber the almost certain chance of escape from the full meed of punishment; and until this, among other abuses, is stopped, the utmost vigilance and alacrity of police officers and constables cannot prevent the increase of crime.

"The increase of crime." Is crime increasing? There are circumstances, which seem to indicate rather that it is diminishing, even in these troublous times. The years 1861, 1862, and 1863, during which the war raged, show 4931 convictions in courts of record against 5404 convictions for the three immediately preceding years, which were years of peace; that is, 473 in favor of the war period. So (the committee are informed) the forth-coming annual report on criminal statistics of the Secretary of State, will show 214 less convictions in courts of record for 1864 than 1863, which would seem to point to a continued decrease of crime. But the committee are inclined to think that these appearances are fallacious. A considerable number of the criminal population have no doubt voluntarily enlisted and gone to the front, that they may ply their business in the army, and so have simply changed their field of operations. Not a few also, as we know, have been discharged without trial on the promise that they would enlist; and these were probably all guilty, since, if they had not been, they would have expected on their trial to be able to vindicate their innocence, and so would have refused to enter the army. To such an extent has this discharging of prisoners on the promise of enlistment been carried, that one sheriff remarked to the committee at the time of their visit to his jail, that the penalty of crime in these days was to enlist and receive a high bounty. If all who have enlisted to escape the State prison or the

penitentiary, had stood their trial, we are apt to believe that the tables of convictions would be reversed, and that the war period would show a decided advance on the previous years of peace. And what confirms us in this opinion is, that convictions for minor offences in courts of special sessions have greatly increased in the later years. For instance, as will be seen by the Secretary of State's report, when published, 1864 shows the enormous advance on 1863 in justices' convictions of 9,409. That female crime is increasing there can be no doubt. In the county of New York, the proportion of female crime in 1857 was 39 per cent.; in 1858, 40 per cent.; while, in 1863, it had risen to 50 per cent., a very rapid advance. In other parts of the State a similar though not equal increase has taken place.

The column in Table X, headed "Amount received by county treasurers for forfeited bail during the last four years," reveals a very remarkable feature in the administration of justice in our State. Inquiry was made on this point in fifty-three counties, in only four of which has a dollar of revenue been received from this source within the four years last past;—New York, \$16,868; Niagara, \$2,150; Franklin, \$620; and Genesee, \$400;—making an aggregate of \$20,038. The committee ascertained the number of forfeited recognizances for 1863 in only fourteen counties, which amounted to 438; which number, taken as the annual average, would give 1752, as the total number for four years. In these fourteen counties, there was received, during the last four years, from forfeitures of this kind, the sum of \$2,550. All this shows that the system of recognizances, as practically managed in this State, is little better than a sham and a mockery. If the prisoner appears, when called on for trial, it is well; if not, it is just the same; his bondsmen are not held to the responsibilities they assumed in taking that position.

In the matter of justices' fines, there is great looseness and want of responsibility. There is no system of checks in this business; no accountability; no means of knowing how much fine money the justices receive, nor what proportion of it, if any, they pay over to the county treasurers. As a consequence, an abuse has sprung up and spread itself through all, or nearly all, the counties in the State: that of appropriating by the justices to their own private use without legal right, either a part or the whole of the money received from the fines imposed by them. Let us give a few illustrations, out of the scores almost that came to our knowledge in the course of our investigations.

In one county, on applying to the county treasurer for the amount of fines received by him from justices of the peace for the previous year, his reply was in these words: "I have received nothing; the fines collected are all stolen by the justices."

In another county, in response to a similar application, the treasurer gave \$475 as the amount received for fines during the preceding year.



When asked whether that was the whole amount of fines imposed and collected, he said he did not know whether it was the whole, or half, or fourth, or indeed what proportion it was, of the total amount levied and paid.

In a third county, one justice was reported as known to have received \$400 in fines, no fraction of which was ever paid over to the county treasurer.

In still another, a certain justice was reported to us as having received a number of fines, the amount not being stated, of which no part was ever received by the treasurer.

In a fifth, the committee were informed by the county treasurer that a large number of fines had been paid to the police justices of one of the flourishing towns of central New York, not a dollar of which had been handed over to him.

In another county, the committee received the following history of the abuse under consideration, as far as it related to that county. Several years ago a suspicion arose that the amount of fines received by the treasurer from justices of the peace was less than the amount justly due from them. Accordingly, the board of supervisors appointed a committee to investigate the matter. The justices were summoned before the committee, and examined under oath; by which examination it appeared that some of them had forgotten to pay over a portion of the fine money received by them. They were required to pay up the fines which they had appropriated, running back in some instances three or four years. Since then, the supervisors have required an annual report from the county clerk, stating the number of convictions filed and the fines imposed by each justice, which being compared with the treasurer's report of fine moneys paid to him, shows whether any, and if any, what amount of fines have been kept back by justices. The result is a correction of the abuse formerly existing. No fines are now retained by justices.

In another large county, on examining the records of convictions by justices of the peace in the county clerk's office, we did not find one which certified, as the law requires, that any fines had been received by the justice. That fines had been received was clear from the fact that the county treasurer had credited \$1,132 to justices on this account. The belief was expressed by the county officers that at least three times that amount had been actually received by these magistrates, which never found its way into the treasury.

In another county still, the following singular history was related to the committee. A man who had quarreled with one of the defaulting justices, who, it seems, are more common than they should be, found, on inquiry, that he had levied several fines, without either filing a record of conviction or paying over the money to the county treasurer. He complained of this to the district attorney, who commenced a prosecution against the justice. On the trial, the court held that in a case of this kind there ought to be a record, and that, as no record was produced, oral testimo-

ry could not be admitted. The committee cannot believe that this is good law, since it would throw open too wide a door for the practice of abuses of a very serious character. But as the doctrine has been held by a court, some explanatory legislation seems necessary.

Now in some counties, especially those in which intoxication is sharply prosecuted, these fines amount to a considerable sum, which is thus wrongfully withheld from the public treasury. It is not, however, the pecuniary loss, whatever it may be, which alone or mainly makes the practice objectionable. Not that the injury done to the public morals, the demoralization and debauchery of the public conscience, the insult and degradation of the majesty of the law,—it is these things which render it most deplorable, and which call aloud for legislative redress. If the justices were required to certify their accounts under oath or affirmation, if the county clerks were required to report to the boards of supervisors the names of all justices receiving fines and the amounts severally received by them, if the county treasurers were required to report the amounts received and the justices from whom received, and if such reports were published in full in the proceedings of said boards, it is believed that a great reform would be effected, that public morality would be improved, and that a considerable enlargement would accrue to the assets in the county treasuries.

The inquiries and examinations made by the committee have satisfied them that our policemen and constables are not all angels or even saints. There is a jewel robber and forger (for he unites both professions) now in Clinton prison, or was not long since, who, when at large, realized from his nefarious business \$30,000 a year; but he had no more at the end of the year than at the beginning. Why? First, because he was obliged to dress in the highest style of fashion, to travel constantly, and to live at the most expensive hotels; and, secondly and chiefly, because fully \$20,000 of his income had to be expended upon the police. It is no uncommon thing for policemen to put dies and counterfeit money into the pockets of drunken men, and then arrest them, letting the real coiners and forgers go free for a consideration. A committee of the board of supervisors for the county of Albany affirm, and it is so published in the proceedings of the board, that the constables or policemen of the villages of West Troy and Cohoes are actually in the habit of treating men and inducing them to drink to intoxication, that they may arrest them to get the fee therefor (\$2), and that prisoners are sent to the penitentiary for ten days from fifteen to twenty-five times in a year, instead of six months, as they ought to be; and, furthermore, that this procedure is prompted by a desire to increase the fees. Nor is it policemen alone, but sometimes prison-keepers as well, who enter into corrupt collusion with criminals for a consideration in money. A case came to the knowledge of the committee of a prisoner who induced a keeper by

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the promise of a reward to take him outside of the prison walls, and let him escape. The man was not retaken for a year and a half. He was never punished for his escape; nor, indeed, could he be. He had not broken jail, but was taken out by one having lawful authority. What legislation may be necessary, or what would be capable of reaching and removing evils of the kind referred to in the present paragraph, this committee know not; but they think it right that the public should be informed of their existence, and hope that the collective wisdom of the State may be able to devise some remedy.

There have been imprisoned during the year, as witnesses, in the common jails, including the house of detention for witnesses in New York, 287 persons, for periods varying from one day to seven months. This imprisonment of witnesses, whatever may be said of its necessity, is certainly a very great hardship; and, if it cannot be obviated by taking the depositions of the parties at once, then we are clear in the conviction that it is the duty of the State to remunerate the persons so detained for the loss of time suffered by them during their confinement, and to give them decent and comfortable maintenance in apartments entirely separated from those in which criminals are confined. The State detains them for her own purposes, not theirs; and it is as derogatory to her honor, as it is contrary to justice, to receive a benefit and make no return for it. They have committed no crime, but the State commits the crime of robbery, by compelling them to lose their time and making no compensation for it. The United States Government pursues a different policy, inasmuch as it pays a *per diem* to all persons whom it detains to testify in its behalf.

In the course of their inquiries into the criminal condition of the different counties of the State, the committee have observed much in the relations of insanity to crime, which, in their judgment, deserves the serious and profound consideration of those who are called to make, as well as those who are called to administer, laws. We make no apology, therefore, for a somewhat extended presentation of this subject; especially as it is a subject in which all ought to feel a general interest from motives of sympathy with their suffering fellow-creatures, and in which, moreover, all alike are liable to have, at some time or other, a personal interest, as melancholy as it is touching.

At the time of our visit to the jail of Tompkins county, a woman was confined there on a charge of murder, who will be defended from the charge on the plea of insanity. We will, therefore, take the history of this case as the text of the general remarks, which we propose to submit on the subject under consideration.

The woman in question poisoned two of her daughters with arsenic, one after another, and made a serious attempt to poison her husband also; but the dose was too large, and he threw it off his stomach, and thus escaped. With the daughters she proceeded more warily. She

gave the first a very small dose, and when the characteristic effects manifested themselves, she sent at once for the doctor, and evinced much apparent alarm and anxiety. Finding a good deal of heat and nausea, the doctor prescribed cooling and mucilaginous drinks. While administering these, the mother slipped in small doses of the arsenic into every draught, and thus accomplished her purpose. The same course was pursued in poisoning the second daughter, who was represented as a very intelligent and beautiful girl, gentle and unoffending in her manner, and one of whom any mother might be justly proud. She had purchased the arsenic under pretence of destroying rats, and had been very minute in her inquiries into its properties and effects. Among other things, she inquired of the druggist if arsenic was soluble in cold water, and was told that it was. After a few days, she returned and told him that she had tried to dissolve it in cold water, and had failed to effect a solution, and asked, further, if something could be added to the water to make it dissolve the arsenic, as soda when added to water would make it dissolve oil.

These facts, we were told, are all capable of judicial proof, and they would seem to indicate a cold-blooded, deliberate murder, with *malice prepense*.

We asked her what motive she had for this wholesale slaughter of her family. She replied that she did not feel any compunction for it; that she was crazy, and did not know what she was about. She said that no woman had ever had a better husband or a better home than she, and that she had loved her daughters as tenderly as any mother could love her offspring. She said she could give no account whatever of her motives; she was conscious that she had done the deed, but quite unconscious of the motives that prompted her to do it.

Her pulse at the time was slightly more rapid than natural, and moved with a somewhat irregular and jerky feeling under the finger. Her tongue was slightly coated. She said that she did not sleep well, that she often woke with a start, and that she was troubled with frightful dreams.

She was at the period of life's change, and had been so for about eight months. On the other hand, her eye had no unnatural appearance, but was calm and intelligent in its aspect. She exhibited no hallucinations; she was shrewd, intelligent, and cautious in her replies to our questions. And as the result of a careful and protracted examination, we came to the conclusion that she was not insane.

On prosecuting our inquiries outside, we learned a series of facts, which cast a somewhat different light upon the matter.

She was the daughter of a christian minister, had been carefully educated in christian doctrines and practices, had been a regular attendant on the Sabbath school until she became a young woman, and then had continued in it as a teacher. She was a member of the church, was in

very comfortable circumstances, had married the man of her choice in early life, and her husband was a deacon in the church, and was kind and indulgent to her in all respects. Her children were dutiful and obedient, and used every effort to make her happy and contented. Her father, about eleven months before her birth, had given unmistakable evidences of mental alienation. He had ceased to provide for or to take an interest in his family. His notions were changed on religious subjects; he was wild, flighty and incoherent; and, in various ways, manifested an unsound mind. This woman, and a sister of hers born after her, were always noticed by the neighbors and friends of the family to be entirely different from the children born previously to the change in the father's mind. They were both moody, irascible, suspicious, uncertain in their temper, prone to bear malice, made furiously angry by the merest trifles, and restored to good humor by equal trifles. After her maternity commenced, and especially when her children grew large enough to manifest a will of their own, she became ungovernably excited at the least symptom of opposition to her will, and punished them severely for the slightest fault. If their father purchased toys or clothing for them, she would become enraged, and would take the articles away and destroy them. When her daughters left home on a journey or a visit, she would express the fendish wish that they might have their skulls smashed on the railroad, or that some other terrible fate might befall them. Her cruelty at length became so persistent, that one of the daughters was compelled to leave home, and take up her residence with a relative.

Now, the question must be settled by a jury whether this woman had received a transmitted taint of the insanity which manifested itself in her father prior to her birth, and was thus rendered morally irresponsible, or whether she shall be deprived of the benefit of the plea and condemned to death as a corrupt and a willful murderer.

The point which requires legislative attention is this: There is nothing in the law or in the practice of the courts to guide the judgment of juries in cases of this character.

The settlement of the momentous question of the continued life or the ignominious death of a woman, a wife, a mother, and the member of a christian society, is made to depend on a decision that is hardly better than the drawing of a lottery.

Submit the above stated facts to one jury, and they will, without hesitation, pronounce her guilty; while another jury will, with as little hesitation, pronounce her not guilty on the ground of insanity. The one, uninstructed in the subtle taints and obscure developments of insanity, and guided only by the apparent coolness, forethought and deliberation, with which the murder was effected, would decide upon the question of guilt; and her previous irascibility and ill temper, so far from being to them proof of hereditary insanity, would only confirm them in the con-

viction that her heart was intrinsically bad, that her moral nature had been willfully depraved, and that death was but the just penalty of her transgression.

The other jury, instructed in the hidden power and wayward freaks of insanity, would observe the entire absence of motive for the murder. They would consider that her exhibitions of temper were unprovoked by any external occurrence. They would take into the account the difference of character between the children born before the father's insanity and those born after it. They would weigh the circumstance that these evidences of ill temper manifested themselves from the cradle, and before reason and observation were able to modify the conduct. They would remember the almost innumerable cases upon record, where men had been condemned to death, who were afterwards proved, with indubitable clearness, to have been insane. They would call to mind the case of the negro who murdered the Van Nest family at Auburn, and who was so heroically and persistently defended by Gov. Seward. A jury, it will be recollected, were empaneled to pass upon the question of his sanity, and without hesitation they pronounced him sane. Another jury, empaneled to pass upon the question of his guilt, had no scruple in pronouncing him guilty. Pending an argument on arrest of judgment, the negro died; and, on a post-mortem examination, a large mass of brain, in the neighborhood of the left ear, was found absolutely rotten; it was evident there had been active disease in the substance of the brain for years. After this the multitude who had thirsted for his blood, rejoiced that their revengeful instincts had not been gratified; and the two juries that had passed upon his case learned a fearful lesson on the fallibility of human judgment.

The law, as expounded by courts for the guidance of juries, respecting the responsibility or irresponsibility of criminals in consequence of insanity, is singularly variant, contradictory, and unsatisfactory.

For example, Lord Erskine laid down the law on the authority of Lord Coke as follows: "To protect a man from criminal responsibility, there must be a total privation of memory and understanding."

In 1723, Mr. Justice Tracy stated the law for ascertaining the responsibility of the insane as follows: "It must be a man that is totally deprived of his understanding and his memory and doth not know what he is doing, no more than an infant, than a brute, or a wild beast; such an one is never the object of punishment."

We shall be fully borne out by every man who was ever officially connected with a lunatic asylum, or who has, in any other way, acquired a practical acquaintance with insanity, in saying, that such a person was never brought before a court of justice, and never will be, till the end of time. Insanity does not thus act; it never causes a "total privation of memory and understanding."

Sir Vicary Gibbs, Attorney General of England in 1810 stated the law

of the case in the following terms: "I say this upon the authority of the first sages in this country, and upon the authority of the established law in all times, which law has never been questioned, that, although a man be incapable of conducting his own affairs, he may still be answerable for his criminal acts, if he possess a mind capable of distinguishing right from wrong." This test of Sir Vicary's was endorsed by Lord Mansfield in a charge to a jury in these words: "There is a third species of insanity, in which the patient fancies the existence of injury, and seeks an opportunity of gratifying revenge by some hostile act. If such a person is capable, in other respects, of distinguishing right from wrong, there is no excuse for any act of atrocity, which he may commit under this description of derangement."

At the request of a member of this committee, the late Dr. Brigham, of the State Asylum at Utica, examined every patient in the asylum with reference to the application of this test of Lord Mansfield, and he assured him that there was not a single man or woman in the asylum, who, if he or she committed a homicidal act, could be saved from execution under such a ruling. It wholly overlooks the material fact, well known to all who have studied the subject, that the vagaries of insanity do not arise from inability to distinguish between right and wrong, but from erroneous applications of right principles to particular cases. The recorded charges of the judges of the State of New York, under similar circumstances, vary *to celo* in their principles and in their statement of the law applicable to insanity. The great majority, however, while differing in the terms of their statement, adopt the exceedingly erroneous doctrine of Lord Mansfield as the basis of their judgment, while another and a smaller class have discarded its errors and mitigated its ferocity. Of this class, Judge Edmonds is by far the ablest. His charge to the jury in the famous case of Klein, tried at the New York oyer and terminer in 1846, is one of the most humane, and most fully imbued with a knowledge of the various phases of insanity, that has ever emanated from the bench; yet in that charge, he acknowledges his inability to lay down accurate rules, by which the jury may clearly distinguish between responsibility and irresponsibility. He gives the following maxims as the best approximation to the truth that he was able to discover: "If the accused have not intelligence and capacity enough to have a criminal intent and purpose, and if his moral or intellectual powers are either so deficient that he has not sufficient will, conscience or controlling mental power, or if, through the overruling violence of mental disease, his intellectual power is for the time obliterated, he is not a responsible moral agent, and is not punishable for criminal acts."

Not long after this charge, Judge Harris gave one in the celebrated case of Mrs. Robinson, of Troy, popularly known as the "veiled murderer," which was quite opposite in its character, and agreeing substantially with the doctrine of Lord Mansfield.

It is very obvious that both of these distinguished judges could not be right in their statement of the law, and in the rules which they laid down for the guidance of the jury. If one of them gave sound law, the other gave unsound law. If the jury decided righteously under the one ruling, they must have decided unrighteously under the other. How terrible is the thought of an unrighteous and erroneous judgment in a question of life and death!

The wisest, the noblest, the purest and the most learned men of the land are as liable to attacks of insanity; and, under such assaults, to commit a homicidal act, as the poorest, the meanest, and the most ignorant of men. Is it not a fearful thought that estimable citizens should be subjected thus to the chances of a felon's death, and that their families should thereby be subjected to ignominy and disgrace, without any clear and well defined rule, by which the guilt or innocence of the parties can be determined? Is human life to be suspended upon the caprice of a judge and a jury, who are ignorant of some of the elementary principles belonging to the case under trial?

Few persons are aware of the extreme subtlety of that wonderful organ which we call the mind. Few know how easily some of its faculties are disarranged, while others are in a perfectly normal condition. There is a man now living in Cortland county, who is a quiet, reasonable being under ordinary circumstances. His mode of doing business and his intercourse with society would not be remarked by any one as different from those of his neighbors; yet he is made perfectly insane and frantic whenever a pig squeals. Another, sane enough at other times, is crazed by looking through blue glass. And another still, whose case is minutely detailed by Dr. Nichols, of the Government asylum at Washington, is insane on the subject of women's shoes.

Rabells, who was tried for murder at Litchfield, Conn., and acquitted on the ground of insanity, was chiefly excited to madness by some one treading on his toes, and even by looking at or commenting on his feet.

But enough. The books are full of similar cases; but, unfortunately, these books are such as seldom fall in the way of judges or juries; and they therefore fail to awaken public attention, or to guide the action of legislators.

We have hitherto spoken exclusively of the relations of insanity to the crime of murder. We are bound to state as the result of our examinations of prisoners during the present year, as well as in preceding years, and of the researches of other inquirers who have recorded their opinions, that insanity, though less suspected, operates as extensively in other departments of crime, as it does in the case of murder. We have met with persons under confinement for the crime of arson who, though sane on all other subjects, are utterly insane upon this; they have the well known mental disease, called technically, "pyromania."

Other insane persons exhibit their mental alienation in the special form of backbiting and slander. Again, monomania often shows itself in disturbing religious meetings. Many a police officer has his own private cases to tell of respectable persons of both sexes, who are placed under his surveillance on account of their irresistible propensity to pilfer, but who are saved from the courts by their friends, who at once pay for their stolen property. Doubtless, some of the poorer classes are subject to the same uncontrollable impulse, who have no friends to pay for their thefts, and who are therefore committed to jail on the charge of petit larceny.

Facts like those detailed above would seem to show that our criminal laws ought to undergo a revision in order to make them conformable to the demands of reason and justice. On the one hand, society must be protected from the depredations of the insane, but, on the other, it is entitled to nothing further than protection; it may not inflict ignominy and shame for acts which are performed without the intelligent volition of the actor.

It appears to the committee that a commission composed of our ablest mental pathologists and jurists should be formed and charged with the collection and comparison of all the recorded facts bearing on the subject and the principles thereto *appertaining*, and with devising some rule, which would enable juries to decide on criminal cases involving the question of insanity with some approach to uniformity. They should, moreover, be required to suggest such provisions as would be likely to protect society against danger from those persons who are known to be the subjects of insane impulses. The rule devised and the provisions suggested, approving themselves to wise men, should then be enacted into law, and made obligatory on all officers, judicial or otherwise, on whom it should depend to see them carried into effect.

#### VI. STATISTICAL TABLES.

At this point will fitly come in the series of tables, which were briefly described in the beginning of our report, and which have been so often referred to in its progress. They will be found to possess, the committee believe, no little of interest and value to all who desire to study the criminality of our State, the condition and working of our system of common jails, the sources of crime, and the administration of criminal justice in our commonwealth.

TABLE I.—*Census of Prisoners in the County Jails for 1863.*

COUNTIES.	WHOLE NUMBER OF CONVICTIONS.			GREATEST NO. AT ANY ONE TIME.			AVERAGE DAILY NUMBER.			NO. AT TIME OF INSPECTION.		
	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.
Albany	3,021	876	3,897	150	37	187	56	17	73	24	15	39
Albany	112	13	125	10	5	15	5	2	7	10	3	13
Broom	202	23	225	10	5	15	5	2	7	10	3	13
Cattaraugus	410	4	414	12	0	12	4	0	4	5	3	8
Cayuga	126	178	304	20	2	22	11	3	14	20	3	23
Chautauque	112	13	125	27	10	37	15	9	24	18	19	37
Chemung	70	84	154	40	19	59	10	4	14	14	21	35
Chemung	254	2	256	12	2	14	6	1	7	6	1	7
Clinton	228	24	252	22	5	27	7	1	8	7	2	9
Columbia	610	283	893	17	12	29	13	18	31	16	3	19
Cortland	43	3	46	0	1	1	3	0	3	2	0	2
Delaware	28	3	31	7	1	8	3	2	5	4	4	8
Franklin	317	95	412	30	10	40	9	5	14	7	1	8
Erie	2,687	516	3,203	128	28	156	49	12	61	41	5	46
Essex	23	6	29	8	1	9	2	0	2	3	2	5
Franklin	62	24	86	7	8	15	3	3	6	4	1	5
Fulton	48	1	49	7	0	7	3	0	3	3	1	4
Genesee	154	8	162	8	1	9	5	1	6	4	0	4
Greene	80	10	90	9	3	12	5	1	6	0	1	1
*Hamilton												
Herkimer	82	17	99	10	2	12	3	8	20	1	1	2
Jefferson	141	37	178	7	12	19	5	2	7	1	3	4
Kings	3,495	2,432	5,927	150	180	330	144	100	244	65	56	121
Lewis	23	2	25	3	0	3	1	0	1	0	0	0
Livingston	120	27	147	10	4	14	9	2	11	2	3	5
Madison	72	21	93	12	11	23	8	4	12	2	1	3
Monroe	627	22	649	70	6	76	23	2	25	12	3	15
Montgomery	125	23	148	10	2	12	7	1	8	1	1	2
New York	16,640	16,522	33,162	300	150	450	112	90	302	145	73	218
Niagara	40	15	55	4	2	6	2	1	3	2	1	3
Oneida	724	171	895	41	21	62	16	5	21	10	3	13
Onondaga	148	8	156	15	5	20	7	1	8	5	1	6
Ontario	224	37	261	23	20	43	6	1	7	4	1	5
Orange	384	191	575	42	15	57	17	9	26	14	14	28
Orleans	31	5	36	2	2	4	2	0	2	4	0	4
Oswego	324	6	330	4	0	4	2	0	2	3	0	3
Otsego	37	7	44	6	1	7	3	1	4	3	0	3
Putnam	14	4	18	3	1	4	1	0	1	0	0	0
Queens	172	40	212	12	4	16	6	2	8	2	1	3
Rensselaer	5,008	1,708	6,716	80	40	120	60	20	80	18	13	31
Richmond	431	56	487	36	6	42	13	6	19	9	4	13
Rockland	148	16	164	8	6	14	7	4	11	0	0	0
S. Lawrence	102	28	130	26	8	34	11	4	15	7	4	11
Saratoga	207	27	234	33	10	43	8	1	9	6	1	7
Schenectady	228	41	269	10	12	22	4	1	5	0	1	1
Schoharie	50	14	64	4	4	8	3	1	4	2	0	2
Schoyler	66	9	75	9	2	11	4	2	6	2	0	2
Seneca	356	54	410	15	0	15	6	1	7	6	1	7
Steuben	96	19	115	17	1	18	4	1	5	3	0	3
Suffolk	54	6	60	8	4	12	7	1	8	6	0	6
Sullivan	29	6	35	10	1	11	3	0	3	4	0	4
Tioga	140	11	151	14	1	15	5	1	6	4	1	5
Tompkins	101	8	109	6	4	10	4	1	5	1	0	1
Ulster	207	87	294	20	6	26	10	2	12	8	1	9
Warren	8	6	14	7	0	7	1	0	1	2	0	2
Washington	84	4	88	9	13	22	8	2	10	3	0	3
Wayne	120	32	152	8	8	16	4	1	5	0	0	0
Westchester	195	64	259	32	20	52	12	14	26	14	17	31
Wyoming	27	4	31	1	1	2	0	0	1	0	0	0
Yates	106	15	121	7	2	9	4	1	5	2	0	2
<b>Aggregates</b>	<b>58,593</b>	<b>24,124</b>	<b>82,717</b>	<b>1,768</b>	<b>674</b>	<b>2,442</b>	<b>931</b>	<b>353</b>	<b>1,284</b>	<b>556</b>	<b>271</b>	<b>827</b>

\* No prisoners during the year.

TABLE 2. Showing the Commitments in the County jails for 1863.

	Assault with knives.		Arson.		Bastardy.		Body excep- tion.		Breach of peace.		Burglary.		Disorderly combe- t.		Elixes pro- mises.									
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.								
Albany.....	586	91	477	43	0	43	0	0	3	271	149	117	83	9	88	77	115	123	1	37				
Allegany.....	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cattaraugus.....	18	1	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cayuga.....	13	4	17	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chemung.....	46	1	47	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chester.....	16	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia.....	88	25	114	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cortland.....	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Delaware.....	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dutchess.....	35	8	43	1	1	2	0	2	1	1	7	12	6	0	0	0	0	0	0	0	0	0	0	0
Erie.....	78	30	108	8	5	11	1	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin.....	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fulton.....	16	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Greene.....	12	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamilton.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Madison.....	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Madison.....	230	61	291	26	0	26	6	24	0	24	24	24	0	0	0	0	0	0	0	0	0	0	0	0
Madison.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lewis.....	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Madison.....	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monroe.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Assault with knives.		Arson.		Bastardy.		Body excep- tion.		Breach of peace.		Burglary.		Disorderly combe- t.		Elixes pro- mises.												
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.											
Montgomery.....	0	0	0	0	0	0	0	0	1	12	0	1	0	1	10	2	12	10	2	104							
New York.....	1,946	222	2,168	0	0	0	0	0	0	0	0	171	1,172	33,532	4,726	8,779	102	2	1								
Orleans.....	43	5	48	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Oneida.....	10	0	10	13	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Orangetown.....	53	15	68	11	4	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Orleans.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Orange.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Oriskany.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Oswego.....	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Peterborough.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Revsbacher.....	235	75	310	86	4	84	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Richmond.....	142	22	164	4	0	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Saratoga.....	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Schenectady.....	50	3	53	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Schoharie.....	17	4	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Schoharie.....	14	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Schoharie.....	35	1	36	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Suffolk.....	5	1	6	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Sullivan.....	10	1	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Tioga.....	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Tompkins.....	6	6	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Ulster.....	15	1	16	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Washington.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Wayne.....	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Westchester.....	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Wyoming.....	8	10	18	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Yates.....	10	0	10	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Aggregate.....	2,993	912	4,905	268	17	288	88	17	108	122	0	122	107	4	171	162	189	691	897	56	193	4,686	5,487	10,175	261	24	225

\* No report.

† No prisoners.

TABLE 2—Continued.

	Fugity.		Grand larceny.		Intoxication.		Keeping disorderly house.		Making or counterfeiting money.		Mishandling.		Murder or manslaughter.		Total.
	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	
Alabama.....	25	0	25	37	110	65	637	60	18	30	330	107	17	1	13
Allegany.....	0	0	0	1	7	0	103	0	0	0	0	0	0	0	0
Anderson.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ashtabula.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuyuga.....	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Canton.....	5	0	5	6	31	4	38	7	4	0	1	1	0	0	0
Chemung.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chenango.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clinton.....	0	0	0	0	15	0	21	16	25	0	1	0	0	0	0
Columbia.....	0	0	0	0	10	6	16	0	0	0	0	0	0	0	0
Covadilla.....	0	0	0	0	2	10	8	10	16	0	0	0	0	0	0
Delaware.....	0	0	0	0	1	4	5	32	13	17	0	0	0	0	0
Dorchester.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Edin.....	85	12	97	105	302	47	245	43	215	0	3	3	0	1	0
Franklin.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fulton.....	0	0	0	0	2	5	5	35	6	0	0	0	0	0	0
Genesee.....	1	0	1	3	0	0	0	0	0	0	0	0	0	0	0
Herk Co.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamilton.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Livingston.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Madison.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Montgomery.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Nassau.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orangetown.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Richmond.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seneca.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
St. Lawrence.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ulster.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Warren.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Washington.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Westchester.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
York.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total.....</b>	<b>305</b>	<b>27</b>	<b>332</b>	<b>595</b>	<b>40</b>	<b>933</b>	<b>1,600</b>	<b>863</b>	<b>2,182</b>	<b>12,783</b>	<b>10,533</b>	<b>23,145</b>	<b>86</b>	<b>110</b>	<b>205</b>
<b>Total.....</b>	<b>305</b>	<b>27</b>	<b>332</b>	<b>595</b>	<b>40</b>	<b>933</b>	<b>1,600</b>	<b>863</b>	<b>2,182</b>	<b>12,783</b>	<b>10,533</b>	<b>23,145</b>	<b>86</b>	<b>110</b>	<b>205</b>

\* No report.

† No prisoners.

Montgomery.....	0	0	0	0	2	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nassau.....	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Niagara.....	37	0	37	0	0	4	202	7,421	12,364	23	36	71	21	0	0	0	0	0	0	0	0
Oswego.....	11	0	11	0	0	23	23	424	513	12	0	0	0	0	0	0	0	0	0	0	0
Ontario.....	2	0	2	0	0	2	11	13	10	0	6	5	0	0	0	0	0	0	0	0	0
Orangetown.....	3	0	3	0	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0
Orange.....	3	0	3	0	0	6	33	35	114	31	145	7	7	4	1	5	3	8	4	0	0
Oswego.....	5	0	5	0	0	0	0	0	37	0	0	0	0	0	0	0	0	0	0	0	0
Otsego.....	0	0	0	0	0	0	131	3	174	0	0	0	0	0	0	0	0	0	0	0	0
Putnam.....	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rensselaer.....	15	0	15	58	0	217	32	249	2,053	3,082	5	7	3	0	0	0	0	0	0	0	0
Richmond.....	1	0	1	0	0	2	17	221	40	261	0	0	0	0	0	0	0	0	0	0	0
Saratoga.....	0	0	0	0	0	15	2	13	6	10	0	0	0	0	0	0	0	0	0	0	0
St. Lawrence.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Schenectady.....	0	0	0	0	0	6	1	7	120	14	134	0	0	0	0	0	0	0	0	0	0
Schoharie.....	0	0	0	0	0	5	0	5	10	30	0	0	0	0	0	0	0	0	0	0	0
Schoylen.....	3	0	3	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0
Seneca.....	1	0	1	0	0	0	0	0	24	4	28	0	0	0	0	0	0	0	0	0	0
Stark.....	0	0	0	0	0	0	0	0	29	215	0	0	0	0	0	0	0	0	0	0	0
Suffolk.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sullivan.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tioga.....	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Town.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Townsend.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Townshend.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ulster.....	0	0	0	0	0	14	0	14	0	31	0	0	0	0	0	0	0	0	0	0	0
Washington.....	0	0	0	0	0	0	0	0	10	30	1	2	3	1	0	0	0	0	0	0	0
Westchester.....	3	0	3	0	1	7	1	8	36	10	46	2	0	0	0	0	0	0	0	0	0
Warren.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Washington.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Westchester.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
York.....	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total.....</b>	<b>305</b>	<b>27</b>	<b>332</b>	<b>595</b>	<b>40</b>	<b>933</b>	<b>1,600</b>	<b>863</b>	<b>2,182</b>	<b>12,783</b>	<b>10,533</b>	<b>23,145</b>	<b>86</b>	<b>110</b>	<b>205</b>	<b>131</b>	<b>3,754</b>	<b>508</b>	<b>110</b>	<b>127</b>	<b>137</b>
<b>Total.....</b>	<b>305</b>	<b>27</b>	<b>332</b>	<b>595</b>	<b>40</b>	<b>933</b>	<b>1,600</b>	<b>863</b>	<b>2,182</b>	<b>12,783</b>	<b>10,533</b>	<b>23,145</b>	<b>86</b>	<b>110</b>	<b>205</b>	<b>131</b>	<b>3,754</b>	<b>508</b>	<b>110</b>	<b>127</b>	<b>137</b>





TABLE 3.  
Showing the discharges from the jails in 1863.

County	Whole number committed	Discharged on expiration of sentence.	Discharged by court.	Discharged by paying bail.	Discharged by payment of fine.	Discharged by death.	Discharged by jail-breath.	Discharged by pardon.	Discharged by acquittal.	Discharged by sending to State prison.	Discharged by sending to the penitentiary.	Discharged by sending to the House of Refuge.	Discharged by sending to the insane asylum.	Discharged by payment of execution.	Discharged by military.	Discharged by noble pros. pith.	Discharged by sending to other counties for trial.	Discharged by Debers.	Discharged by Justices or in ways not stated.
Albany	3,487	1	459	151	62	1	1		48	796	69	12			29	1	10	2,784	
Albany	289																		
Broome	225																		
Cattaraugus	50	2		20															
Chemung	175	4		56	20														
Clinton	125	70	15	16	10														
Columbia	718	30	100	100					13	40	5	1							
Columbia	598	74	200	205	169				5	25	1								
Delaware	31	6	1	10	6														
Dutchess	412																		
Dutchess	20	20	13	3	5														
Franklin	96																		
Franklin	142	20	8	14	5														
Greene	90	29	31	10															
Herkimer	99																		
Herkimer	108																		
Jefferson	188																		
Jefferson	10																		
Lewis	21																		

\* No record kept.

† No report.

‡ No prisoners during the year.

THE COUNTY PRISONS.

Livingston	128	38		22	4				10	28									37
Madison	393	31	11	0															64
Madison	149																		69
Montgomery	32,248	12,656		38					143	1,555									134
New York	863	557	8	85	19				24	45	23								339
Ontario	136	68	2	24															171
Orange	531	153	23	13					10										324
Orleans	39	15	2	5															47
Orleans	44	16	2	5															41
Orleans	15	12	3																11
Putnam	15	12	3																11
Putnam	6,174	571		75	75					105	15								5,859
Rensselaer	617	117	5	27															365
Rensselaer	228	38		5															133
St. Lawrence	228	38		5															133
Saratoga	234																		360
Schenectady	62	23																	4
Schoharie	75	19	24	13	7														4
Schoharie	311	20	16	11															284
Schoharie	40	10	9																4
Schoharie	40	10	9																4
Schoharie	135	125		11															6
Schoharie	109	58	11	7															4
Warren	297																		297
Washington	152	47	33	4															57
Wayne	30	30																	0
Westchester	31	10	4																17
Westchester	121	50	14	20	13														59
Westchester	121	50	14	20	13														59
Yates																			

[Assem. No. 62.]

TABLE 4.  
Showing the expenses of the county jails for 1863.

COUNTIES.	Prisoners' board.	Turkey's fees or salaries.	Medicines and medical attendance.	Clothing for prisoners.	Bedding for prisoners.	Washing for prisoners.	Repairs and furnitures.	Jail.	Light.	Cleaning jail.	Miscellaneous items.	Total expenses.	Average cost per prisoner.	Days allowed per week.	Estimated value of year's estate.
Albany.....	\$9,745	\$2,388	\$47	\$183	\$480	\$465	\$467	\$288	\$328	\$588	\$608	\$4,712	\$280	\$2 00	\$10,000
Albany.....	2,144	188	54	22	18	117	180	150	26	\$35	1,759	236	9 97	16,500	
Brown.....	1,677	188	54	22	18	117	180	150	26	\$35	1,759	236	9 97	16,500	
Cattaraugus.....	210	157	30	35	57	77	39	72	35	.....	.....	1,922	185	5 00	5,600
Chemung.....	2,314	83	60	105	18	146	180	150	25	65	25	2,829	174	6 00	15,000
Chenango.....	2,610	290	30	3	55	168	24	169	.....	.....	.....	2,718	189	7 75	5,600
Columbia.....	1,248	1,450	20	15	80	119	300	100	.....	.....	.....	1,217	235	4 50	5,000
Columbia.....	2,890	1,450	50	.....	65	.....	120	.....	.....	.....	.....	4,611	250	7 75	5,000
Delaware.....	531	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	55	.....	.....	.....
Delaware.....	3,000	320	100	250	180	125	75	250	30	50	75	4,455	210	7 75	20,000
Dutchess.....	1,675	.....	.....	.....	330	149	11	700	150	50	100	9,613	138	1 75	20,000
Essex.....	496	25	.....	.....	29	.....	.....	.....	.....	.....	.....	80	.....	.....	.....
Franklin.....	550	71	.....	.....	5	45	17	39	75	5	20	8	.....	.....	.....
Franklin.....	1,373	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	839	259	5 00	15,000
Greene.....	1,048	74	21	52	75	194	186	209	68	.....	.....	1,722	248	5 00	4,000
Greene.....	1,275	71	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Herkimer.....	1,252	150	100	31	45	58	230	450	25	0	.....	5,324	326	9 00	5,000
Herkimer.....	2,273	5,988	527	602	1,118	444	1,788	138	425	329	91	52,991	159	1 75	100,000
Lewis.....	1,341	163	19	30	40	135	39	120	1	.....	.....	1,682	152	5 25	5,000
Livingston.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

REPORT ON

THE COUNTY PRISONS.

Madison.....	75	60	100	79	25	222	6	10	56	.....	.....	2,266	188	2 28	8,000	
Madison.....	2,675	702	.....	.....	.....	.....	.....	.....	.....	.....	.....	5,426	375	5 00	25,000	
Madison.....	1,120	114	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,516	142	5 00	25,000	
New York.....	11,841	1,262	.....	.....	2,619	.....	.....	.....	.....	.....	.....	36,616	115	5 00	600,000	
Niagara.....	1,520	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,053	207	2 00	11,000	
Niagara.....	1,547	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,053	207	2 00	11,000	
Ontario.....	940	208	25	15	130	130	10	350	40	120	250	1,828	150	5 40	25,000	
Ontario.....	6,520	53	59	10	254	.....	.....	.....	.....	.....	.....	8,668	217	5 50	5,000	
Oswego.....	4,214	410	50	61	130	130	55	600	60	222	193	6,110	184	4 25	.....	
Oswego.....	2,212	83	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,814	258	5 00	5,000	
Putnam.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Queens.....	3,672	170	45	368	185	68	2	120	100	.....	.....	4,671	187	9 08	8,500	
Queens.....	3,655	431	30	150	100	12	339	300	.....	.....	.....	4,157	219	5 40	16,000	
Rockland.....	1,653	416	40	52	48	50	.....	.....	.....	.....	.....	2,759	345	2 63	6,000	
St. Lawrence.....	1,538	181	.....	.....	14	25	14	69	59	.....	.....	1,997	277	3 00	.....	
Schenectady.....	1,002	360	25	5	100	30	36	60	60	.....	.....	1,697	247	3 00	4,000	
Schenectady.....	924	120	60	15	15	100	100	.....	.....	.....	.....	1,841	238	3 06	.....	
Schenectady.....	940	300	51	65	63	92	14	150	.....	.....	.....	1,816	279	2 75	.....	
Schenectady.....	774	32	25	32	36	123	.....	.....	.....	.....	.....	1,232	225	4 00	.....	
Sullivan.....	671	252	20	38	37	37	45	59	59	.....	.....	1,060	245	3 00	2,000	
Tioga.....	922	165	16	30	70	110	100	.....	.....	.....	.....	1,193	298	2 75	5,000	
Ulster.....	2,530	330	200	872	85	85	59	.....	.....	.....	.....	3,525	228	4 00	25,000	
Warren.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Washington.....	655	105	24	8	10	65	2	24	.....	.....	.....	1,095	219	2 25	10,000	
Washington.....	6,388	215	298	63	130	.....	.....	.....	.....	.....	.....	68	769	165	2 75	10,000
Westchester.....	908	192	30	30	8	25	12	135	15	.....	.....	1,624	203	2 75	5,000	
Westchester.....	908	192	30	30	8	25	12	135	15	.....	.....	1,624	203	2 75	5,000	

Aggregates.....\$125,688 \$27,219 \$5,352 \$3,396 \$7,104 \$5,860 \$5,339 \$12,827 \$905 \$1,473 \$16,817 \$274,677 \$192 \$2 02 \$1,095,869

\* This information could not be obtained. † No prisoners during the year. ‡ The expenses of the penitentiary and jail are not kept separate. ‡ No report.  
§ Exclusive of New York.

TABLE 5,

Showing the social relations of the prisoners in jail at the time of inspection.

	Whole number in- terrogated.	Married.	Widowed.	Single.	Had children.	Lost both parents before fifteen.	Lost father before fifteen.	Lost mother be- fore fifteen.
Albany	32	13	3	16	11	7	4	3
Allegany	4	2	0	2	2	1	1	1
Broome	13	6	1	6	3	1	1	0
Cattaraugus	2	1	0	1	1	1	1	0
Cayuga	6	1	2	3	2	1	3	1
Chautauque	17	10	1	6	5	0	0	0
Chemung	28	11	3	14	7	5	11	3
Chemung	1	1	0	0	0	0	0	0
*Clinton	11	5	1	5	2	1	1	0
Columbia	4	2	0	2	1	1	1	1
Delaware	4	2	0	2	1	1	1	1
Dutchess	4	2	0	2	1	1	1	1
Erie	22	3	1	18	11	1	1	0
Essex	4	4	0	0	1	1	1	0
Fulton	4	4	0	0	2	1	0	0
Genesee	2	0	1	1	1	0	1	0
Greene	3	3	0	0	1	0	1	0
Herkimer	2	0	1	1	1	0	1	0
King	27	14	2	11	8	6	7	2
Livingston	5	2	1	2	0	0	2	0
Madison	3	3	0	0	0	0	0	0
Monroe	13	6	1	6	3	1	6	0
Montgomery	1	0	1	0	0	0	0	0
New York	155	80	13	62	49	25	35	22
Niagara	18	2	4	12	5	4	4	0
Oneida	15	9	4	2	2	2	4	3
Ontonago	5	3	0	2	3	0	3	0
Ontario	19	3	2	14	3	0	3	0
Orange	28	16	4	8	14	10	5	4
Oswego	13	5	1	7	3	1	0	1
Owego	3	0	1	2	0	0	0	1
Queens	15	8	1	6	9	1	6	1
Rensselaer	28	13	1	10	13	2	1	2
Richmond	13	8	1	4	7	2	2	0
Rockland	5	2	0	3	1	0	0	0
Schenectady	5	2	0	3	2	0	0	0
Schoharie	2	1	1	0	1	0	0	0
Schuyler	5	3	0	2	2	0	0	0
Seneca	2	1	0	1	1	0	1	1
Steuken	3	1	2	0	1	0	1	0
Suffolk	3	3	2	1	1	1	1	0
Tioga	3	1	1	1	1	1	1	0
Tompkins	3	2	1	0	2	1	0	0
Warren	2	3	0	0	0	0	1	0
Wayne	1	1	0	0	0	0	0	0
Westchester	20	13	0	7	12	2	6	4
Wyoming	3	1	0	2	0	0	0	0
Yates	2	2	0	0	2	0	0	0
Aggregates	568	292	58	258	224	91	122	64

Clinton, Franklin, Jefferson, St. Lawrence, Saratoga, Ulster and Washington, prisoners not interrogated.  
Cortland, Hamilton, Lewis, Orleans, Putnam and Sullivan, no prisoners.

TABLE 6, Showing the educational relations of the prisoners in jail at the time of inspection.

	Whole num- ber inter- rogated.	Cannot read.	Can read only	Can read and write.	Superior edu- cation.
Albany	32	12	10	10	0
Allegany	4	3	0	1	0
Broome	13	4	3	6	1
Cattaraugus	2	1	0	1	0
Cayuga	6	4	2	0	0
Chautauque	17	5	4	8	0
Chemung	28	14	1	13	0
Chemung	1	1	0	0	0
*Clinton	11	5	1	5	0
Columbia	4	2	1	1	0
Delaware	4	2	2	0	0
Dutchess	4	2	1	1	0
Erie	22	10	6	6	0
Essex	4	1	1	2	0
*Franklin	4	2	1	1	0
Fulton	4	0	0	4	0
Genesee	2	0	0	2	0
Greene	3	0	0	3	0
Herkimer	2	0	1	1	0
Hamilton	0	0	0	0	0
Herkimer	2	0	1	1	0
*Jefferson	27	7	11	8	1
King	5	0	0	5	0
King	27	8	11	8	0
*Lewis	3	1	0	2	0
Livingston	5	1	0	4	0
Madison	3	2	0	1	0
Monroe	13	3	3	7	0
Montgomery	1	0	0	1	0
New York	155	45	23	86	1
Niagara	18	3	1	14	0
Oneida	15	3	1	11	0
Ontonago	5	1	1	3	0
Ontario	16	3	1	12	0
Oswego	6	0	0	6	0
Oswego	28	10	10	7	1
Orleans	13	6	6	1	0
Oswego	3	2	0	3	0
Putnam	1	0	0	1	0
Queens	15	7	4	4	0
Rensselaer	26	9	8	8	1
Richmond	13	7	3	3	0
Rockland	5	3	0	2	0
*St. Lawrence	3	0	0	3	0
*Saratoga	5	1	2	2	0
Schenectady	5	2	0	3	0
Schoharie	2	1	0	1	0
Schuyler	5	2	0	3	0
Seneca	2	0	0	2	0
Steuken	3	3	0	0	0
Suffolk	3	0	1	2	0
Sullivan	0	0	0	0	0
Tioga	3	3	0	0	0
Tompkins	3	0	0	3	0
*Ulster	3	0	0	3	0
Warren	2	1	0	1	0
*Washington	2	0	0	2	0
Wayne	2	0	0	2	0
Westchester	20	7	10	3	0
Wyoming	3	1	0	2	0
Yates	2	1	0	1	0
Aggregates	568	179	118	265	8

\* Prisoners not interrogated. † No prisoners.

TABLE 7,  
Showing the moral and religious relations of the prisoners in jail at the time of inspection.

COUNTIES.	Wrote number interrogated.	REPORT ON													
		Total arrests—so charged.	Morale—drinking—so charged.	Intemperate by their own admission.	Proprietors of saloons—incapable due to use of intoxicating liquors.	Did not attend Sunday school in youth.	Claimed to have attended Sunday school.	Not in the habit of attending church.	Claimed to be absent from church.	Added to taverns.	Tavern-haunters.	Added to gambling.	Added to theaters—going.	Roman Catholics.	Protestants.
Allen	22			5	27	7-8	14	18	4	20	15	0	14	10	13
Allegany	15			0	1	2-4	2	2					4		
Armstrong	13			0	2	2-3	11						4		
Berks	10			0	1	2	1						3		
Catawagus	23			0	3	4-5	2	4					5		
Chautauquin	17			0	3	4-5	2	4					3		
Chemung	25			11	17	4-5	13	15	2	20	14	6	6	0	11
Clinton	1			0	1	8-10							1		
Columbia	11			2	9	4-5	4						1		
Dalhousie	4			0	1	2	1						0		
Delaware	4			1	1	2-3	3						1		
Dorchester	22			1	10	12	8-9	14	20	20	10	10	13	10	13
Franklin	23			0	2	3	1						1		
Garrison	23			2	2	2-10	4						1		
Greene	23			1	2	2	0						1		
Hamilton	2			1	1	2	0						1		
Hancock	2			1	1	2-10	1						1		
Jefferson	27			12	15	7-8	10	11	21	0	13	13	0	9	0
Kings	2			0	0	0	0						0		
Letcher	6			1	3	2-10	1						1		

## THE COUNTY PRISONS.

Madison	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Marion	15	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Montgomery	13	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Morgan	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nichols	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Onondaga	15	1	4	10	4-8	7	0	12	0	1	4	4	4	4	11
Orangethorpe	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange	28	4	24	24	22	6	0	0	0	0	0	0	0	0	0
Oregon	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Owsen	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pratt	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Putnam	25	4	22	24	15	11	20	6	10	15	1	10	13	12	12
Randolph	13	4	9	4	0	1	0	4	0	4	0	1	5	9	4
Richmond	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rockwell	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
*St. Lawrence	0														
*Santiago	0														
Schuyler	0														
Schoharie	0														
Saratoga	0														
Schenandoah	0														
Seneca	0														
Stewart	0														
Sullivan	0														
Taylorsville	0														
Tompkins	0														
Townsend	0														
Vanderburgh	0														
Warren	0														
Wayne	0														
Westchester	0														
Wright	0														
Yates	0														
Aggregates	458	10	207	301	7-8	313	255	477	91	257	315	37	247	250	318

\* Prisons not interrogated.

TABLE 8,

Showing the race, nativity, industrial relations, and ages of prisoners in jail at the time of inspection.

	Whole number inter-rogated.		RACE.		NATIVITY.		IND. RELATIONS.		AGES.										
	White.	Black.	White.	Black.	Foreign-born.	Had naturalized.	Had not naturalized.	AGES.											
								Under 20 years.	Between 20 and 30 years.	Between 30 and 40 years.	Between 40 and 50 years.	50 years and over.	Between 20 and 30 years.	Between 30 and 40 years.	Between 40 and 50 years.	50 years and over.			
Albany.....	32	30	2	15	17	22	10	7	12	9	1	2	1	0	0	0	0	0	1
Allegany.....	4	4	0	4	0	4	0	3	3	0	0	0	0	0	0	0	0	0	0
Broomfield.....	13	13	0	9	4	6	0	3	3	0	1	0	1	0	0	0	0	0	0
Cattaraugus.....	2	2	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Cayuga.....	6	6	0	2	4	6	0	3	3	0	0	0	0	0	0	0	0	0	0
Chemung.....	17	17	0	9	8	8	0	3	5	0	0	0	0	0	0	0	0	0	0
Chemung.....	23	27	1	23	5	22	6	12	11	0	0	0	0	0	0	0	0	0	0
Chemung.....	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia.....	11	11	0	6	5	5	0	2	3	4	10	0	0	0	0	0	0	0	0
Delaware.....	4	4	0	1	1	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Dutchess.....	4	4	0	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0
Essex.....	22	22	0	17	23	4	6	10	0	0	0	0	0	0	0	0	0	0	0
Essex.....	2	2	0	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Fulton.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Genesee.....	4	4	0	3	1	1	1	1	0	1	1	1	0	0	0	0	0	0	0
Genesee.....	2	2	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Greene.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Greene.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Herkimer.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kings.....	27	24	0	17	23	4	6	10	2	0	0	0	0	0	0	0	0	0	0
Livingston.....	5	5	0	2	3	4	1	1	3	0	0	0	0	0	0	0	0	0	0
Madison.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monroe.....	15	15	0	10	10	2	3	2	2	0	1	0	0	0	0	0	0	0	0
Montgomery.....	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New York.....	134	145	7	64	91	102	8	55	58	86	16	13	11	0	0	0	0	0	0
Niagara.....	13	13	0	7	4	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Ontario.....	15	12	3	9	6	6	0	5	3	3	3	3	0	0	0	0	0	0	0
Ontario.....	13	6	0	4	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Orange.....	10	10	0	5	5	5	0	2	3	5	5	0	0	0	0	0	0	0	0
Oranget.....	28	23	5	14	14	24	4	5	5	5	5	2	4	4	2	3	3	3	3
Oswego.....	13	6	0	3	11	1	1	1	2	0	0	0	0	0	0	0	0	0	0
Oswego.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Queens.....	12	5	4	13	14	14	2	2	3	3	3	4	4	2	1	0	0	0	0
Rensselaer.....	29	24	5	4	9	19	2	1	2	2	0	0	0	0	0	0	0	0	0
Richmond.....	13	13	0	12	12	11	1	4	3	3	3	0	0	0	0	0	0	0	0
Rockland.....	5	5	0	4	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0
Schenectady.....	2	2	0	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Schoharie.....	2	2	0	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Schoharie.....	3	3	0	4	1	1	1	0	0	0	1	0	1	0	1	0	0	0	0
Schenoy.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seneca.....	5	5	0	4	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Suffolk.....	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stauben.....	3	3	0	2	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Stauben.....	3	3	0	2	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Tioga.....	5	3	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tompkins.....	3	3	0	1	2	1	1	2	0	0	0	1	1	2	0	0	0	0	0
Warren.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wayne.....	23	23	0	8	15	18	5	11	2	5	9	3	0	0	0	0	0	0	0
Westchester.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wyoming.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yates.....	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggregates.....	568	537	51	232	298	408	160	120	234	90	70	33	22	0	0	0	0	0	0

Clinton, Franklin, Jefferson, St. Lawrence, Saratoga, Ulster, Washington, not interrogated. Cortland, Hamilton, Lewis, Orleans, Putnam, Sullivan, no prisoners.

TABLE 9,

Showing the number of times the prisoners in jail at the time of inspection had been committed.

	Whole number interrogated.	Committed once.		Committed twice.		Committed three times.		Committed four times.		Committed five times.		Committed six times or more.	
		Committed once.	Committed twice.	Committed three times.	Committed four times.	Committed five times.	Committed six times or more.						
Albany.....	32	16	7	7	1	0	1	0	0	0	0	0	0
Allegany.....	4	4	0	0	0	0	0	0	0	0	0	0	0
Broomfield.....	13	7	2	2	2	0	0	0	0	0	0	0	0
Cattaraugus.....	6	6	0	0	0	0	0	0	0	0	0	0	0
Cayuga.....	17	8	5	1	1	1	1	0	0	0	0	0	0
Chemung.....	23	10	5	2	1	1	0	0	0	0	0	0	0
Chemung.....	1	1	0	0	0	0	0	0	0	0	0	0	0
Columbia.....	11	4	4	0	1	0	1	2	0	0	0	0	0
Delaware.....	4	3	0	0	0	0	0	0	0	0	0	0	0
Dutchess.....	4	2	0	0	0	0	0	0	0	0	0	0	0
Essex.....	22	16	4	0	0	0	0	0	0	0	0	0	0
Fulton.....	4	3	0	0	0	0	0	0	0	0	0	0	0
Genesee.....	2	1	0	0	0	0	0	0	0	0	0	0	0
Genesee.....	3	1	0	0	0	0	0	0	0	0	0	0	0
Greene.....	2	2	0	0	0	0	0	0	0	0	0	0	0
Herkimer.....	3	1	0	0	0	0	0	0	0	0	0	0	0
Livingston.....	27	15	5	1	0	0	0	0	0	0	0	0	0
Madison.....	3	1	0	0	0	0	0	0	0	0	0	0	0
Monroe.....	15	11	4	0	0	0	0	0	0	0	0	0	0
Montgomery.....	1	1	0	0	0	0	0	0	0	0	0	0	0
New York.....	155	120	22	0	1	0	0	0	0	0	0	0	0
Niagara.....	13	11	0	0	0	0	0	0	0	0	0	0	0
Ontario.....	15	7	0	1	0	0	0	0	0	0	0	0	0
Orange.....	28	16	8	2	1	1	1	1	1	1	0	0	0
Oranget.....	18	10	2	1	0	0	0	0	0	0	0	0	0
Oswego.....	3	0	0	0	0	0	0	0	0	0	0	0	0
Queens.....	15	8	2	0	0	1	1	3	0	0	0	0	0
Rensselaer.....	26	12	5	0	0	0	0	0	0	0	0	0	0
Richmond.....	13	7	4	0	0	0	0	0	0	0	0	0	0
Rockland.....	5	4	0	0	0	0	0	0	0	0	0	0	0
Schenectady.....	3	2	0	0	0	0	0	0	0	0	0	0	0
Schoharie.....	2	1	0	0	0	0	0	0	0	0	0	0	0
Schenoy.....	5	3	1	0	0	0	0	0	0	0	0	0	0
Seneca.....	3	2	1	0	0	0	0	0	0	0	0	0	0
Suffolk.....	3	2	0	0	0	0	0	0	0	0	0	0	0
Stauben.....	3	2	0	0	0	0	0	0	0	0	0	0	0
Stauben.....	3	2	1	0	0	0	0	0	0	0	0	0	0
Warren.....	3	2	1	0	0	0	0	0	0	0	0	0	0
Wayne.....	20	16	4	0	0	0	0	0	0	0	0	0	0
Westchester.....	2	2	0	0	0	0	0	0	0	0	0	0	0
Wyoming.....	2	0	0	0	0	0	0	0	0	0	0	0	0
Yates.....	2	0	0	0	0	0	0	0	0	0	0	0	0
Aggregates.....	568	382	118	23	15	9	21	0	0	0	0	0	0

Clinton, Franklin, Jefferson, St. Lawrence, Saratoga, Ulster and Washington, prisoners not interrogated. Cortland, Hamilton, Lewis, Orleans, Putnam and Sullivan, no prisoners.

TABLE 10.

General view of the administration of criminal justice, in which are exhibited the indictments, convictions, acquittals, sentences, &c., &c., by the various courts throughout the State, for the year 1883.

	No. of persons indicted.	Convicted on trial.	Acquitted on trial.	Jury disagreed.	Convicted on confession.	Mails presented entered.	Admitted to bail.	Fined.	Amount of fines im- posed.	Average of fines.	Remitted to State prison.	Sentenced to penitentiary.	Remitted to House of Refuge.	Sentenced to county jail.	Wks. No.	Average sentences to State prison.
Albany.....	64	3	103	2	25	19	1	\$25	\$25	34	0	5	5	4	4	
Allegany.....	31	3	13	2	0	10	3	25	31	54	4	0	0	3	4	
Bronx.....	73	3	2	2	6	3	10	185	18	14	0	0	0	0	0	
Cayuga.....	50	3	4	2	6	3	18	15	18	7	4	0	0	0	0	
Chautauque.....	10	0	1	1	1	14	7	43	21	4	0	0	0	0	0	
Chemung.....	29	28	5	1	1	29	355	18	21	1	0	0	0	0	0	
Columbia.....	35	5	0	0	31	1	0	0	0	0	0	0	0	0	0	
Columbia.....	33	3	0	0	5	1	58	3	10	10	5	0	0	0	0	
Columbia.....	27	3	1	0	4	0	5	8	17	1	0	0	0	0	0	
Delaware.....	19	3	1	1	4	0	5	40	20	1	0	0	0	0	0	
Dutchess.....	21	1	0	0	1	0	0	0	0	0	0	0	0	0	0	
Essex.....	19	51	9	64	32	133	32	1,815	35	87	65	18	1	2	4	
Fulton.....	16	6	0	0	10	5	3	150	54	0	0	0	0	0	0	
Fulton.....	21	1	3	0	7	0	0	3	100	35	0	0	0	0	0	
Greene.....	6	3	2	2	5	0	159	301	29	1	1	0	0	0	0	
Herkonia.....	4	1	1	0	0	1	1	5	5	3	0	0	0	0	0	
Herkonia.....	4	1	1	0	0	1	28	1	280	25	3	2	0	0	0	
Jefferson.....	13	11	0	0	2	1	1	50	50	34	0	0	0	0	0	

King.....	42	17	0	0	140	0	0	580	33	59	40	0	24	2	0
Livingston.....	20	11	4	2	15	6	35	23	3	0	6	2	6	6	0
Madison.....	27	3	1	0	0	1	0	622	27	0	0	0	0	0	0
Madison.....	12	1	0	1	8	0	6	250	157	13	5	1	0	0	0
Manhattan.....	13	7	1	0	0	3	21	113	115	14	0	0	0	0	0
Montgomery.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New York.....	1,600	103	45	360	1	0	38	502	24	134	102	23	25	2	11
New York.....	39	1	0	1	19	86	40	513	51	13	0	0	0	0	0
Oswego.....	97	9	3	1	27	44	30	2,330	131	13	23	0	2	1	20
Oswego.....	114	20	6	0	21	25	8	100	29	17	19	0	0	0	0
Orleans.....	21	5	3	2	21	0	1	3	12	1	0	0	0	0	0
Orleans.....	5	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Oswego.....	27	6	1	1	10	16	20	6	150	26	10	0	0	0	0
Putnam.....	33	1	1	0	1	0	0	10	10	0	0	0	0	0	0
Putnam.....	45	5	1	2	23	0	0	180	17	25	0	0	0	0	0
Richmond.....	22	6	2	2	3	5	6	35	12	6	3	0	0	0	0
Rochester.....	26	3	2	0	0	0	0	18	16	0	0	0	0	0	0
Saratoga.....	9	0	0	0	0	0	0	4	4	0	0	0	0	0	0
Saratoga.....	5	3	2	0	8	0	0	45	22	7	0	0	0	0	0
Schenectady.....	14	11	1	1	11	1	2	57	29	12	1	0	0	0	0
Schenectady.....	21	3	0	0	3	0	3	65	22	1	0	0	0	0	0
Schoharie.....	10	1	1	1	1	0	9	140	15	1	1	0	0	0	0
Schoharie.....	21	5	3	3	0	0	8	45	11	0	0	0	0	0	0
Schoharie.....	10	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Schoharie.....	18	4	3	1	10	0	0	0	0	0	0	0	0	0	0
Sullivan.....	23	5	4	1	4	0	0	22	6	6	0	0	0	0	0
Tioga.....	5	0	1	0	1	0	0	150	32	0	0	0	0	0	0
Tioga.....	44	4	1	0	33	6	7	180	32	6	4	1	3	2	0
Ulster.....	7	3	0	0	6	0	5	80	16	4	0	0	0	0	0
Ulster.....	11	1	1	1	4	0	2	27	13	0	0	0	0	0	0
Warren.....	30	7	3	11	6	2	6	125	21	3	0	0	0	0	0
Wayne.....	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Westchester.....	12	1	0	0	0	0	0	10	10	0	0	0	0	0	0
Westchester.....	23	4	1	3	15	3	42	13	465	39	0	0	0	0	0
Yates.....	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yates.....	2	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggregates.....	5,624	644	245	45	1,450	279	630	675	39,840	617	207	88	131	20	0



TABLE 11,

Showing the population of the State in 1860 and the area in acres.

	POPULATION.			Area in acres.
	White.	Colored.	Total.	
Albany	112,978	958	113,936	325,995
Albany.....	41,017	264	41,281	758,380
Bronx.....	156,444	464	156,908	429,426
Cattaraugus.....	43,735	151	43,886	1,016,201
Cayuga.....	55,316	61	55,377	828,523
Chautauque.....	58,213	296	58,509	608,539
Chemung.....	25,545	572	26,117	245,211
Chenango.....	40,671	263	40,934	545,279
Clinton.....	45,967	128	46,095	383,690
Columbia.....	45,192	1,389	46,581	399,580
Cortland.....	26,375	16	26,391	220,000
Delaware.....	42,279	186	42,465	639,320
Dutchess.....	62,890	2,031	64,921	689,709
Eric.....	141,063	878	141,941	814,471
Essex.....	34,091	123	34,214	1,138,500
Franklin.....	39,818	19	39,837	677,033
Fulton.....	23,977	325	24,302	239,580
Genesee.....	82,165	84	82,249	215,557
Greene.....	11,111	819	11,930	282,178
Hamilton.....	3,919	3	3,922	772,840
Herkimer.....	40,309	251	40,560	877,400
Jefferson.....	69,611	309	69,920	733,125
Kings.....	274,132	4,999	279,131	48,000
Levy.....	28,541	59	28,600	745,560
Livingston.....	39,362	184	39,546	378,992
Madison.....	43,169	396	43,565	359,648
Monroe.....	100,931	507	101,438	391,628
Montgomery.....	30,569	257	30,826	228,000
New York.....	374,888	12,573	387,461	15,025,600
Niagara.....	49,822	517	50,339	213,469
Oneida.....	104,563	638	105,201	736,164
Ontario.....	131,549	1,513	133,062	491,149
Oranage.....	43,924	639	44,563	305,107
Oswego.....	61,760	1,112	62,872	486,560
Orleans.....	75,386	181	75,567	267,429
Oswego.....	75,623	325	75,948	565,294
Ontago.....	49,590	297	49,887	399,168
Putnam.....	13,819	183	14,002	188,909
Queens.....	44,064	5,387	49,451	253,109
Rensselaer.....	58,257	1,659	59,916	400,700
Richmond.....	24,823	669	25,492	45,800
Rockland.....	21,943	549	22,492	110,550
St. Lawrence.....	83,628	59	83,687	738,560
Saratoga.....	31,038	691	31,729	81,000
Schenectady.....	19,738	241	19,979	123,000
Schoharie.....	25,293	84	25,377	398,283
Schuyler.....	749	100	849	230,551
Seneca.....	57,225	213	57,438	197,014
Stamford.....	21,214	473	21,687	206,550
Sullivan.....	41,461	1,798	43,259	328,000
Sullivan.....	32,391	94	32,485	592,379
Tioga.....	28,499	48	28,547	308,580
Tompkins.....	31,112	297	31,409	292,897
Ulster.....	74,772	1,699	76,471	901,500
Warren.....	21,376	88	21,464	86,500
Washington.....	45,643	259	45,902	116,500
Wayne.....	47,489	270	47,759	375,076
Westchester.....	97,797	2,270	99,967	296,527
Wyoming.....	18,124	82	18,206	885,000
Yates.....	10,138	157	10,295	207,454
Aggregates.....	3,831,466	48,815	3,880,281	28,966,109

THE COUNTY PRISONS.

County	Wholesale population.	Percent of adult male population.	Adults in prison.	Cost per capita.	Total cost of public works per annum.	Percent of children in the whole popula.	Whole number of children in the whole population.	Number of pupils in the same.	No. of scholars.	No. of scholars to whom reading taught.	Number of pupils in the same.	No. of scholars to whom reading taught.	Children in the proportion to the whole population.	Children in the proportion to the whole population.
Albany	112,978	958	113,936	325,995	38	58	1,583	29,224	37,141	27	141	20,224	37,141	27
Albany.....	41,017	264	41,281	758,380	16	16	280	11,685	11,685	16	16	280	11,685	16
Bronx.....	156,444	464	156,908	429,426	11	11	1,685	1,685	1,685	11	11	1,685	1,685	11
Cattaraugus.....	43,735	151	43,886	1,016,201	1	1	280	280	280	1	1	280	280	1
Cayuga.....	55,316	61	55,377	828,523	1	1	280	280	280	1	1	280	280	1
Chautauque.....	58,213	296	58,509	608,539	1	1	280	280	280	1	1	280	280	1
Chemung.....	25,545	572	26,117	245,211	1	1	280	280	280	1	1	280	280	1
Chenango.....	40,671	263	40,934	545,279	1	1	280	280	280	1	1	280	280	1
Clinton.....	45,967	128	46,095	383,690	1	1	280	280	280	1	1	280	280	1
Columbia.....	45,192	1,389	46,581	399,580	1	1	280	280	280	1	1	280	280	1
Cortland.....	26,375	16	26,391	220,000	1	1	280	280	280	1	1	280	280	1
Delaware.....	42,279	186	42,465	639,320	1	1	280	280	280	1	1	280	280	1
Dutchess.....	62,890	2,031	64,921	689,709	1	1	280	280	280	1	1	280	280	1
Eric.....	141,063	878	141,941	814,471	1	1	280	280	280	1	1	280	280	1
Essex.....	34,091	123	34,214	1,138,500	1	1	280	280	280	1	1	280	280	1
Franklin.....	39,818	19	39,837	677,033	1	1	280	280	280	1	1	280	280	1
Fulton.....	23,977	325	24,302	239,580	1	1	280	280	280	1	1	280	280	1
Genesee.....	82,165	84	82,249	215,557	1	1	280	280	280	1	1	280	280	1
Greene.....	11,111	819	11,930	282,178	1	1	280	280	280	1	1	280	280	1
Hamilton.....	3,919	3	3,922	772,840	1	1	280	280	280	1	1	280	280	1
Herkimer.....	40,309	251	40,560	877,400	1	1	280	280	280	1	1	280	280	1
Jefferson.....	69,611	309	69,920	733,125	1	1	280	280	280	1	1	280	280	1
Kings.....	274,132	4,999	279,131	48,000	1	1	280	280	280	1	1	280	280	1
Levy.....	28,541	59	28,600	745,560	1	1	280	280	280	1	1	280	280	1
Livingston.....	39,362	184	39,546	378,992	1	1	280	280	280	1	1	280	280	1
Madison.....	43,169	396	43,565	359,648	1	1	280	280	280	1	1	280	280	1
Monroe.....	100,931	507	101,438	391,628	1	1	280	280	280	1	1	280	280	1
Montgomery.....	30,569	257	30,826	228,000	1	1	280	280	280	1	1	280	280	1
New York.....	374,888	12,573	387,461	15,025,600	1	1	280	280	280	1	1	280	280	1
Niagara.....	49,822	517	50,339	213,469	1	1	280	280	280	1	1	280	280	1
Oneida.....	104,563	638	105,201	736,164	1	1	280	280	280	1	1	280	280	1
Ontario.....	131,549	1,513	133,062	491,149	1	1	280	280	280	1	1	280	280	1
Oranage.....	43,924	639	44,563	305,107	1	1	280	280	280	1	1	280	280	1
Oswego.....	61,760	1,112	62,872	486,560	1	1	280	280	280	1	1	280	280	1
Orleans.....	75,386	181	75,567	267,429	1	1	280	280	280	1	1	280	280	1
Oswego.....	75,623	325	75,948	565,294	1	1	280	280	280	1	1	280	280	1
Ontago.....	49,590	297	49,887	399,168	1	1	280	280	280	1	1	280	280	1
Putnam.....	13,819	183	14,002	188,909	1	1	280	280	280	1	1	280	280	1
Queens.....	44,064	5,387	49,451	253,109	1	1	280	280	280	1	1	280	280	1
Rensselaer.....	58,257	1,659	59,916	400,700	1	1	280	280	280	1	1	280	280	1
Richmond.....	24,823	669	25,492	45,800	1	1	280	280	280	1	1	280	280	1
Rockland.....	21,943	549	22,492	110,550	1	1	280	280	280	1	1	280	280	1
St. Lawrence.....	83,628	59	83,687	738,560	1	1	280	280	280	1	1	280	280	1
Saratoga.....	31,038	691	31,729	81,000	1	1	280	280	280	1	1	280	280	1
Schenectady.....	19,738	241	19,979	123,000	1	1	280	280	280	1	1	280	280	1
Schoharie.....	25,293	84	25,377	398,283	1	1	280	280	280	1	1	280	280	1
Schuyler.....	749	100	849	230,551	1	1	280	280	280	1	1	280	280	1
Seneca.....	57,225	213	57,438	197,014	1	1	280	280	280	1	1	280	280	1
Stamford.....	21,214	473	21,687	206,550	1	1	280	280	280	1	1	280	280	1
Sullivan.....	41,461	1,798	43,259	328,000	1	1	280	280	280	1	1	280	280	1
Sullivan.....	32,391	94	32,485	592,379	1	1	280	280	280	1	1	280	280	1
Tioga.....	28,499	48	28,547	308,580	1	1	280	280	280	1	1	280	280	1
Tompkins.....	31,112	297	31,409	292,897	1	1	280	280	280	1	1	280	280	1
Ulster.....	74,772	1,699	76,471	901,500	1	1	280	280	280	1	1	280	280	1
Warren.....	21,376	88	21,464	86,500	1	1	280	280	280	1	1	280	280	1
Washington.....	45,643	259	45,902	116,500	1	1	280	280	280	1	1	280	280	1
Wayne.....	47,489	270	47,759	375,076	1	1	280	280	280	1	1	280	280	1
Westchester.....	97,797	2,270	99,967	296,527	1	1	280	280	280	1	1	280	280	1
Wyoming.....	18,124	82	18,206	885,000	1	1	280	280	280	1	1	280	280	1
Yates.....	10,138	157	10,295	207,454	1	1	280	280	280	1	1	280	280	1
Aggregates.....	3,831,466	48,815	3,880,281	28,966,109	1	1	280	280	280	1	1	280	280	1

TABLE 12.—Showing the relative state of education in the several counties, in the year 1865.

COUNTIES.

Albany	112,978	958	113,936	325,995	38	58	1,583	29,224	37,141	27	141	20,224	37,141	27
Albany.....	41,017	264	41,281	758,380	16	16	280	11,685	11,685	16	16	280	11,685	16
Bronx.....	156,444	464	156,908	429,426	11	11	1,685	1,685	1,685	11	11	1,685	1,685	11
Cattaraugus.....	43,735	151	43,886	1,016,201	1	1	280	280	280					





TABLE 14.—Exhibiting the statistics of the liquor traffic for 1863.

	Wholesale and retail	Wholesale	Number of salu- taries to each licensee	Per cent licensees who have been Sovereigns by the State.	Liquor dealers not licensed.	Whole number of State licensees.	Free paid for same.	They paid to U. S. Government.	Total paid for each legislative year.
Albany	1,045	108	400	79	566	539	\$16,280	\$30,900	\$47,180
Allegany	65	439	453	29	65	65	1,920	1,700	3,620
Bronx	79	172	251	20	46	1	1,520	5,000	6,520
Cattaraugus	99	443	46	21	32	67	2,044	1,990	4,034
Cayuga	116	477	45	14	57	89	1,512	2,420	3,932
Cleburne	123	493	26	18	35	59	1,770	1,840	3,610
Chemung	150	175	58	12	80	70	2,848	3,090	5,938
Chemung	150	175	58	12	80	70	2,848	3,090	5,938
Clinton	91	501	46	32	13	78	2,548	1,820	4,368
Columbia	236	186	53	71	112	124	5,720	4,720	10,440
Cortland	39	673	14	2	23	16	740	760	1,500
Delaware	70	867	51	15	4	66	981	1,408	2,389
Dutchess	252	233	157	46	77	205	710	5,640	10,350
Erle	1,568	90	12	10	1,545	22	625	31,360	31,985
Essex	65	432	20	21	24	41	1,230	1,300	2,530
Franklin	60	513	23	18	22	28	1,080	1,200	2,280
Fulton	58	411	26	29	13	46	1,389	1,100	2,489
Genesee	78	422	39	23	9	67	2,040	1,520	3,560
Greene	66	332	60	25	11	85	2,580	1,920	4,470
Herkimer	53	436	39	23	31	62	1,860	1,860	3,720
Jefferson	100	698	59	40	89	99	4,060	2,000	6,060
Kings	2,180	130	10	1	1,989	152	9,560	43,320	52,880
Levy	68	621	1	1	1	1	920	920	1,840
Livingston	165	375	69	30	15	90	2,960	2,100	5,060
Madison	539	119	190	3	5	1,951	1,260	3,131	4,391
Monroe	539	179	190	129	220	319	9,580	10,730	20,310
Montgomery	190	220	20	3	111	3	1,330	2,550	3,880
New York	7,380	104	227	98	7,461	325	12,450	155,720	168,170
Niagara	230	212	34	15	181	49	2,590	4,600	7,190
Ontario	365	260	200	30	330	9,000	7,300	10,300	17,600
Oneida	423	213	180	101	142	291	8,430	8,480	16,910
Ontario	65	665	30	22	14	52	1,850	1,820	3,670
Orange	352	176	134	66	168	222	6,080	7,040	13,120
Orleans	87	330	31	19	37	50	2,053	1,740	3,793
Oswego	200	375	107	60	35	107	6,220	4,000	10,220
Otsego	135	187	17	38	49	35	2,580	2,600	5,180
Putnam	45	307	18	12	13	39	900	900	1,800
Queens	416	105	11	24	381	55	1,050	8,320	9,370
Rensselaer	569	138	130	241	180	274	3,060	11,200	14,260
Richmond	424	68	1	0	423	1	39	8,480	8,510
Rochland	101	217	30	12	59	42	1,260	2,020	3,280
St. Lawrence	189	308	138	34	8	172	5,160	3,690	8,760
Saratoga	126	156	65	42	22	104	3,720	2,520	6,240
Schenectady	58	489	40	4	49	74	2,220	1,630	3,850
Schuyler	61	366	23	2	24	27	5	1,020	1,020
Seneca	88	324	28	2	24	27	5	1,020	1,020
Saratoga	160	414	43	34	73	87	2,030	3,200	5,230
Suffolk	113	307	13	10	88	25	730	2,340	3,070
Sullivan	69	326	43	21	13	88	2,010	1,650	3,660
Tioga	69	413	31	14	24	45	1,320	1,380	2,700
Tompkins	64	496	30	10	24	49	1,260	1,280	2,540
Ulster	320	199	65	4	216	166	4,980	7,640	12,620
Warren	34	712	20	10	4	39	2,050	690	2,740
Washington	165	339	30	25	30	75	4,480	2,160	6,640
Wayne	89	496	45	32	13	88	2,210	1,280	3,490
Westchester	447	218	152	193	254	8,700	8,940	17,600	
Worming	89	339	36	13	50	39	1,170	1,780	2,950
Yates	55	306	0	0	55	0	1,100	1,100	2,200
Aggregates	21,242	183	3,641	1,871	14,872	5,947	\$195,734	\$424,640	\$620,374

TABLE 15,

Exhibiting the statistics of the churches according to census of 1850.

	Number of churches.	Number of church sittings.	Value of church property.
Albany	107	69,960	\$743,538
Allegany	43	14,025	86,400
Bronx	58	26,480	92,150
Cattaraugus	46	15,380	46,330
Cayuga	88	38,555	280,100
Chautauque	86	39,420	102,225
Chemung	30	13,905	87,300
Chemung	103	40,460	172,900
Clinton	74	14,214	121,400
Columbia	67	27,176	221,130
Cortland	44	20,675	79,950
Delaware	77	27,660	135,000
Dutchess	124	45,872	485,300
Erle	121	68,570	682,000
Essex	43	15,200	56,600
Franklin	20	8,630	43,400
Fulton	27	11,550	80,300
Genesee	49	25,900	197,300
Greene	67	25,906	133,650
Hamilton	4	590	1,500
Herkimer	54	26,126	192,650
Jefferson	106	43,342	230,300
Kings	88	39,255	1,486,800
Lewis	38	16,850	95,150
Livingston	79	29,640	199,900
Madison	84	25,252	157,150
Monroe	97	50,382	474,600
Montgomery	61	29,560	144,000
New York	808	214,998	9,661,700
Niagara	60	21,400	71,430
Ontario	151	64,642	329,000
Onondaga	104	42,550	425,700
Ontario	76	47,778	266,600
Orange	69	42,665	334,500
Orleans	45	16,750	105,300
Oswego	72	27,795	145,440
Osage	113	43,285	192,700
Putnam	29	9,100	62,750
Queens	60	22,425	235,650
Rensselaer	63	28,209	156,450
Richmond	24	12,500	136,500
Rochland	35	10,900	77,800
St. Lawrence	94	45,270	191,000
Saratoga	67	34,550	213,500
Schenectady	28	16,300	141,500
Scholarie	80	34,500	113,700
Schuyler	46	20,470	115,620
Seneca	91	32,800	131,120
Suffolk	30	16,350	201,850
Sullivan	38	15,920	44,850
Tioga	31	14,450	71,418
Tompkins	77	28,655	197,300
Ulster	82	37,288	244,200
Warren	39	8,430	45,000
Washington	84	24,740	135,150
Wayne	68	28,890	195,500
Westchester	122	36,095	444,350
Worming	69	33,470	139,410
Yates	44	20,690	98,500
Aggregates	4,134	1,913,554	\$21,134,207

\* Set off from Chemung, Cayuga and Tioga since 1850.

TABLE 16.—*Exhibiting the statistics of insanity and idiocy, according to the census of 1850.*

	INSANITY.			IDIOCY.		
	Men.	Women.	Total.	Men.	Women.	Total.
Albany.....	17	29	46	28	18	46
Allegany.....	4	16	20	20	32	52
Broom's.....	14	18	32	13	22	35
Cattaraugus.....	15	10	25	18	8	26
Cayuga.....	13	24	37	20	22	42
Chautauque.....	10	11	21	21	17	38
Chemung.....	3	6	9	8	3	11
Chemung.....	12	22	34	24	22	46
Clinton.....	8	11	19	16	12	28
Columbia.....	9	29	38	17	11	28
Cortland.....	12	13	25	17	17	34
Delaware.....	22	17	39	14	11	25
Dutchess.....	12	21	33	9	8	17
Essex.....	21	35	56	27	16	43
Erie.....	7	8	15	13	8	21
Franklin.....	7	10	17	10	10	20
Fulton.....	7	13	20	8	12	20
Genesee.....	13	17	30	17	18	35
Hamilton.....	14	13	27	14	13	27
Herkimer.....	1	18	19	17	19	36
Jefferson.....	24	38	62	33	28	61
Kings.....	6	10	16	14	13	27
Lewis.....	8	13	21	21	15	36
Livingston.....	7	7	14	7	6	13
Madison.....	19	24	43	32	19	51
Monroe.....	20	36	56	17	13	30
Montgomery.....	9	8	17	14	9	23
New York.....	294	371	665	27	20	47
Niagara.....	8	17	25	10	14	24
Oswego.....	26	25	51	29	19	48
Otsego.....	5	17	22	29	11	40
Ontario.....	12	14	26	16	16	32
Orange.....	9	17	26	19	16	35
Orleans.....	1	9	10	4	7	11
Oswego.....	15	26	41	47	15	62
Potsdam.....	20	24	44	31	29	60
Rensselaer.....	3	5	8	5	5	10
Richmond.....	23	23	46	5	3	8
Rochester.....	19	24	43	18	13	31
Rockland.....	7	5	12	1	1	2
St. Lawrence.....	4	3	7	6	10	16
Saratoga.....	15	24	39	25	31	56
Schenectady.....	16	19	35	24	19	43
Schoharie.....	4	4	8	10	3	13
Schoharie.....	5	7	12	7	6	13
Schuyler.....	4	6	10	14	10	24
Seneca.....	7	12	19	13	5	18
Seneca.....	7	21	28	17	12	29
Suffolk.....	10	16	26	9	4	13
Sullivan.....	4	7	11	4	0	4
Tioga.....	3	13	16	10	3	13
Tompkins.....	11	17	28	24	19	43
Ulster.....	6	17	23	11	17	28
Warren.....	7	3	10	8	4	12
Washington.....	25	19	44	25	19	44
Wayne.....	12	10	22	22	14	36
Weaver.....	31	25	56	23	18	41
Wyoming.....	5	16	21	18	12	30
Yates.....	6	7	13	11	11	22
Aggregates.....	1,215	1,527	2,742	1,002	810	1,812

TABLE 17.  
*Exhibiting a general view of the sources of crime, and showing that the criminality of the State may, in great measure, be traced to intemperance, pauperism, ignorance, prostitution, gambling, tavern-haunting, theatre-going, density of population, thoroughfare, want of a trade, lack of ministerial instruction, orphanage, want of parental government, Sabbath-breaking, lack of early religious training, and foreign immigration.*

COUNTY.	Population of the counties.	Area in acres.	Ratio of acres to population: 1 Number of acres to each inhabitant.	Number of Free Shops.	Ratio of Free Shops to population: 1 Number of Free Shops to each inhabitant.	Whole number of children taught in the ratio being to the whole population.	Percentage of the children taught in the ratio being to the whole population.	Number of adults who cannot read.	Percentage of adults who cannot read.	Total cost of imprisonment.	Cost of pauperism per capita.	Average number of paupers supported in pauperages.	Ratio of paupers to population: number of inhabitants to each pauper.	White number of convicts by courts of Record and Special Sessions.	1,861
Albany.....	112,811	253,558	2.3	1,044	368	32,287	28	2,184	\$22,170	19	1,000	1	1,000	1,861	
Allegany.....	43,866	429,878	11.9	75	47	11,625	27	2,610	100.0	10	133	133	133	43	
Broom's.....	81,281	15,795	.2	56	44	1,827	29	1,992	104.3	10	51	51	51	62	
Cattaraugus.....	45,818	658,621	14.4	131	45	15,437	33	1,632	35.6	10	10	10	10	41	
Chemung.....	28,471	245,071	8.6	158	173	8,717	29	232	80.0	10	433	433	433	100	
Chemung.....	45,753	622,894	13.6	91	51	15,631	33	6,454	144.3	10	60	60	60	136	
Clinton.....	47,112	309,468	6.6	226	188	11,244	24	26,076	55.4	10	9	9	9	154	
Columbia.....	62,461	269,776	4.3	202	152	7,912	12	2,344	37.0	10	102	102	102	117	
Dutchess.....	45,841	669,776	14.6	362	222	14,923	26	2,433	53.1	10	257	257	257	117	
Erie.....	161,971	674,171	4.2	1,366	94	35,010	22	4,070	25.1	10	443	443	443	1,237	

TABLE IV—Continued.

COUNTRIES.	Population of the countries.				Area in acres.				Ratio of area to population: number of acres to each inhabitant.				Number of grog shops to population: number of inhabitants to each grog shop.				Percentage of children taught in schools of every grade.				Percentage of the whole population being to the whole population.				Number of adults who cannot read.				Percentage of adults who cannot read.				Total cost of pauperism.				Cost of pauperism per capita.				Average number of paupers supported in pauperism.				Ratio of paupers to population: number of inhabitants to each pauper.				Whole number of convictions by courts of record and Special Sessions.			
	Pop.	Area	Ratio	No. shops	Ratio	% taught	% pop.	No. adults	% cannot read	Total cost	Cost per capita	Avg. no. sup.	Ratio	Whole no. conv.																																						
East	24,519	1,378,559	56.2	59	637	26.8	1,378	40	86	2,432	30	303	33																																							
Franklin	30,577	297,652	32.3	69	415	9.12	28	3	3,988	131	65	302	86																																							
Fulton	24,169	239,526	12.3	58	411	6.26	19	2	4,327	10	55	319	39																																							
Hamilton	31,608	357,778	12.1	90	332	8.55	27	3	4,769	151	259	35	35																																							
Greene	2,620	778,840	315.0	5	663	10.71	52	126	8,336	31	137	217	1																																							
King	49,629	733,156	10.6	1,141	139	9.36	69	1,577	62	210	147	1,602	1,602																																							
Jefferson	279,122	45,826	0.21	2,451	699	19.57	57	9,244	33	36	48	475	103																																							
Madison	39,446	338,648	8.6	69	718	19.75	56	8,665	23	145	112	338	338																																							
Livingston	28,540	379,929	9.6	105	275	10.47	39	11,925	10	10,487	84	378	68																																							
Montgomery	30,666	234,060	7.4	121	251	8.38	47	5,761	8	10,212	32	308	314																																							
New York	312,622	31,926	0.07	7,789	134	1.95	55	19,897	32	10,878	264	1,132	254																																							
Oswego	50,668	481,456	5.1	427	213	25.68	42	3,274	32	44,549	31	447	452																																							
Otsego	45,812	488,460	7.6	824	174	12.91	34	7,911	11	19,514	24	153	145																																							
Otsego	28,717	358,154	9.9	87	326	7.93	25	268	40	7,629	21	59	222																																							

COUNTIES.	Population of the counties.				Area in acres.				Ratio of area to population: number of acres to each inhabitant.				Number of grog shops to population: number of inhabitants to each grog shop.				Percentage of children taught in schools of every grade.				Percentage of adults who cannot read.				Total cost of pauperism.				Cost of pauperism per capita.				Average number of paupers supported in pauperism.				Ratio of paupers to population: number of inhabitants to each pauper.				Whole number of convictions by courts of record and Special Sessions.			
	Pop.	Area	Ratio	No. shops	Ratio	% taught	% pop.	No. adults	% cannot read	Total cost	Cost per capita	Avg. no. sup.	Ratio	Whole no. conv.																														
Albany	71,626	625,284	7.5	138	571	13.62	53	2,685	28	47,051	66	66	52																															
Ontario	146,157	605,984	12.1	334	375	13.62	24	2,750	35	8,141	116	117	467																															
Pulaski	14,022	138,300	9.9	44	297	3.46	24	1,831	5	2,710	19	11	12																															
Rensselaer	26,725	400,700	4.5	606	152	23.07	20	2,814	32	46,159	47	243	181																															
Richmond	25,422	45,290	1.7	424	58	5.62	22	3,348	3	19,176	52	53	93																															
Saratoga	85,867	1,734,696	20.3	267	727	22	3,979	42	4	311	107	107	107																															
St. Lawrence	91,729	611,000	9.0	130	260	13.45	20	1,688	32	7,838	13	85	85																															
Schenectady	24,469	285,200	11.6	85	409	9.82	28	624	10	6,876	26	208	43																															
Schoharie	18,840	200,451	10.7	41	266	5.15	27	219	1	4,330	23	34	24																															
Schoharie	66,689	853,024	12.5	196	414	26.26	17	1,886	10	32,450	71	309	59																															
Suffolk	43,259	629,000	14.4	113	267	11.97	25	652	6	9,531	15	67	124																															
Tioga	28,547	315,616	10.9	90	415	7.92	20	291	1	15,264	53	579	194																															
Tompkins	25,469	292,891	9.3	64	458	7.92	24	299	0	4,850	15	50	60																															
Warren	20,423	185,600	9.2	324	112	14.01	20	2,936	0	2,765	11	130	42																															
Washington	45,623	619,400	17.2	105	539	11.55	27	844	1	8,614	19	52	35																															
Westchester	97,167	208,676	2.9	467	194	12.98	27	1,894	0	32,500	95	227	57																															
Windsor	20,282	297,454	10.2	51	366	5.76	26	268	0	3,196	10	146	27																															
Aggregates	2,589,251	28,066,100	7.5	21,242	183,783	6.05	48	116,018	30	1,463,225	108	1,463	12,965																															



The report on county jails, as announced by the committee at the outset, was to consist of two parts; the one general, covering what is common to all, and the other special, being devoted to a detail of what is peculiar to each. We now come to the second, or

#### SPECIAL DIVISION.

Both the labor of the committee and the patience of the reader will be, in no slight degree, relieved in this department of the report by the statements and details presented in the preceding division. Everything may be omitted here relating to the census of prisoners; the commitments; the expenses of the jails; the social, educational, moral, religious, and industrial relations of the inmates; their nativity, ages, and number of times committed; the steps taken for the formation of local committees; the sources of crime; and the administration of criminal justice. All these points are sufficiently elucidated, either in the text or the tables embraced in and constituting the first or general division of the report, and each may be readily ascertained by referring to the appropriate table or section. This will enable us greatly to compress and shorten our statements relative to individual jails, and will save the time and relieve the patience of the reader, as well as abridge the labor of the committee. In presenting our report, we shall not pursue the chronological order in which the jails were visited, but adopt, as more convenient for reference, the alphabetical arrangement of the counties.

#### 1. ALBANY COUNTY.

*Structure and Condition of the Building at Albany.*—These remain the same as described in the last report, except that the stable mentioned therein as only three feet from the jail wall and windows has been removed, which greatly improves the light, air, comfort and security of the prison. The ventilation, however, is wretched. The odor of the night tubs is disagreeably perceptible in the cells at all times; and when, as is sometimes the case, three men are locked up in one of these cramped apartments, the stench in the morning is horrible.

*The Jail Buildings at Cohoes and West Troy.*—That at Cohoes is of brick, built in 1855. It is 13 feet by 39, and has three cells 4½ by 10 feet, with a height of 8 feet. The cells are merely cribs made of joist, with spaces of about three inches between them. There is a jail office in front, and a large common room in the rear. The West Troy jail is also a brick structure, erected in 1860, and is 24 feet by 96. It has seven cells, which are but cribs like those of Cohoes, 6 feet square and 7 feet high. There are, besides, two large cells, each 14 feet square. It has a jailor's office in front, and a large common room, or hall, in the rear, where both sexes herd together indiscriminately.

*Security.*—There have been no escapes from the Albany jail since the present sheriff has been in office; but for this the county is indebted to

the vigilance of the jailor, and not to the security of the building. The large exterior windows are protected by only a single grating of soft iron, which could be easily cut in an hour; and the exterior wall could be dug through in two hours. Owing to the facility with which this could be effected, the eight cells adjoining the north wall were not used until the present year. This north wall is now protected by boiler iron, which greatly increases its security. There are openings in the jailor's office through which the prison can be inspected from the outside at any moment either day or night, and a watchman remains all night in the corridor. It is this fact, in connection with the facility of inspection afforded by the peep holes, which enables the authorities to keep their prisoners within the walls of the jail. In the absence of these sources of security, an expert burglar would experience few more obstacles to his escape than he would find in a common barn. The jailor himself would be much more secure if a grated hemisphere were inserted in the entrance door, so that he could command a full view on either side before opening it; and also if the door were provided with a self-fastening arrangement.

Two persons broke through the Cohoes jail during the past year, both of whom were retaken. They cut through the ceiling of the jail into a mason's lodge room adjoining, and let themselves down to the ground by the tin waterspouts. There is nothing in the construction of this jail, or that at West Troy, to restrain any prisoner who desired to escape.

*Employment.*—The prisoners have no regular employment, but they do the cleaning and other chores about the jail.

*Means of Intellectual Culture.*—There is no library belonging to the jail, nor are the prisoners ever furnished with books or papers. No secular instruction of any kind is ever imparted to them.

*Means of Religious Culture.*—The American Messengers, sent by the Association, are received at the Albany jail and distributed, the sheriff said, to the prisoners; but none of the prisoners who were interrogated by us, had ever seen any of them, and the chaplain informed us that he had never seen a single copy in the jail. The jail at Albany has been supplied with a Bible for each cell, but we found only two copies at the time of our visit, which were much worn and mutilated. We saw no Bibles in the jails, either at Cohoes or West Troy. The Rev. John Miles, under an appointment by the board of supervisors, holds the position of chaplain at the Albany jail. He preaches to the male prisoners, every Sabbath morning, in the corridor of the prison; but cannot assemble the women for want of suitable accommodations.

Frequently, between the last prayer and the benediction, Mr. Miles puts some questions to the prisoners. For instance, at a service which occurred during the progress of our examinations, he said to them: "Boys, be honest; how many of you ever attended Sunday School?" Twelve raised their hands affirmatively, the whole number present being

twenty-five. He then said: "Be honest again; how many of you have never drunk rum?" But two raised their hands, one a young lad, the other a man. The man afterwards said that he replied truly to the question in the form in which it was put. He had never drunk rum, but was in the constant habit of using whiskey. Next he asked: "How many of you have been church members?" Four responded affirmatively; two of them wept. The prison population is very fluctuating. About two-thirds of the audience are new every Sabbath. The court of special sessions is held every Tuesday, when those who are imprisoned for minor offenses are disposed of in some way, so that they do not return to jail again, being either bailed, discharged, or sent to the Penitentiary. In consequence of these frequent changes, the results of the spiritual labors of the chaplain cannot readily be traced. He, however, says that he is often hailed by men in the streets, who come up to him and thank him for the good advice he has given them, and express the hope that they will behave better in future, and never get back into jail again. The general behavior of the prisoners during service is quiet and respectful; but sometimes a man will whistle or try to interrupt by talking or other noise. This, however, does not often happen, and is against the public feeling in the jail. Most of the prisoners appear to enjoy the religious service. There is no religious instruction of any kind given at the jail in Cohoes or West Troy. There are no laymen in Albany, who are in the habit of visiting the jail to aid or supplement the labors of the chaplain. If a few pious ladies could be induced to visit the women confined in the jail every Sunday, much good might be effected.

*The Prison Dietary.*—The prisoners are allowed but two meals a day, viz., breakfast at half past 7 o'clock, and dinner at 12 o'clock, which are always eaten while locked up in their cells. The breakfast consists of bread and rye coffee; the dinner of bread and fresh meat made into soup. The population of the jail changes so rapidly that no evil effect of this diet is observed, but the few who remain for longer periods must, we think, suffer during the long interval between 12 at noon and half past 7 in the morning, and especially for want of vegetables, which are never given here. A regular prison diet should not be less than 1 lb. of bread,  $\frac{1}{2}$  lb. of meat, and 1 lb. of vegetables, which should be varied with salt fish occasionally and a change of vegetables. The diet of this jail would be improved by a supper of mush and molasses at 6 o'clock. Some of these changes were suggested to the sheriff, who was not unwilling to make them, but said that the county had never provided any convenience for cookery, and that the weekly allowance for board was so small that he could hardly save himself.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. But one death had occurred during the year, which was caused by *delirium tremens*, and took place within an hour after the

prisoner entered the jail. This frightful malady and the several forms of venereal disease are almost the only serious ailments which prevail in the jail, and both of these are very common. There are occasional diseases of the digestive organs, but they are infrequent, slight, and yield readily to treatment.

*Cleanliness.*—An abundant supply of water is introduced into the Albany jail from the city water works for drinking, washing, and cleaning purposes. The tub through which the contents of the night tubs are conveyed is washed by a stream of water, which runs night and day. There are large square basins under the cocks from the hydrant pipes for washing the person, and a hose for cleansing the floor. The prisoners, however, are left entirely to their own option about washing; if they are not inclined to do so, there is no compulsion. Soap is furnished; but neither towels nor razors are provided, nor are there any appliances for bathing. The night tubs are emptied daily, and the interior of the jail is kept in an admirably clean condition. The prisoners generally remain so short a time in the jail that their clothes are not washed at all. Those who have friends outside, and who remain for any length of time, have their clothes washed by them; others have their clothes washed in the jail, but at irregular intervals. The bed clothes, which consist only of blankets, were reported to us as washed weekly. Prisoners can have other bed clothes, if they or their friends furnish them. Similar statements may be made respecting the jail at West Troy and Cohoes, except that there the prisoners' clothes are never washed, in place of being rarely washed as at Albany. Neither of the minor jails is kept in as clean a state as the principal one of the county.

*Lighting.*—In neither of the jails is there any deficiency of sunlight in the daytime; and all are furnished with gas, which is kept burning throughout the night at Albany and West Troy, but at Cohoes only when a timid woman or boy is confined there alone.

*Heating.*—The Albany jail is heated by two large coal stoves; the other two by one each, which the committee would judge to be insufficient to keep the prisoners warm in very cold weather.

*Discipline.*—No punishments of any kind are ever inflicted at Cohoes. Locking in the cells and chaining are resorted to at Albany and West Troy for refractory prisoners; the latter mode of punishment being seldom employed, as the former is, in most cases, found sufficient.

*Sudden Illness.*—A watchman remains in the jail during the night at Albany. At West Troy, the turnkey sleeps in a room separated from the jail only by a wooden grating. At Cohoes, the turnkey, when he lodges at the jail, can hear the call of any prisoner needing his aid; but he does not always sleep there, and whenever he does not, there is no one who is within sound of the prisoners who could bring relief in case a man was taken suddenly ill. A man might die before help could be obtained.

*Separation of the Sexes.*—The sexes are perfectly separated at the Albany jail; but at Cohoes and West Troy they are mixed together indiscriminately, without any pretense of separation. This is so obvious an impropriety, and so disgraceful to the county, that no comment is required.

*Classification of the Prisoners.*—At Albany, debtors are confined in a separate room; in other respects there is no classification attempted, nor could any be made with the present architectural arrangements. In the other jails there is not the shadow of classification.

*Insanity.*—Four cases of insane vagrants have been sent to the Albany jail during the year, which were transferred to the county insane asylum. One insane person was lodged in the jail for safe keeping, who was in like manner transferred to the county asylum. One at West Troy, also committed for safe keeping, was transferred to the asylum at Brattleboro, Vt. No cases of insanity have arisen within the jail.

*General Remarks.*—It is the opinion of this committee that the jail system of Albany is susceptible of great improvement. It can hardly be necessary that there should be two jails in one and the same town, as is now the case in the town of Watervliet, the villages of West Troy and Cohoes being in easy communication by way of the horse railroad, on which the cars run every half hour. One substantial jail in either place would be sufficient for the necessities of both. The existing jails are both inadequate for the safe confinement of prisoners. Neither of them is under the control of the sheriff. The keepers are appointed by the trustees of the respective villages, and not by the sheriff. In point of fact, the jailors seem to have little responsibility to anybody. These jails are established under a special act, and it seems to the committee that the wisest thing the Legislature could do would be either to annul the said law, or to enact very material amendments.

The jail is quite inadequate to the purposes for which it was intended. The accommodations for the jailor are altogether insufficient, consisting only of two small rooms, and one dark bedroom; and these so situated relatively to the prisoners' ward, that his family cannot avoid hearing much foul and disgusting conversation. The prison itself is much too contracted in its dimensions for the proper confinement of prisoners; nor is it well situated. The citizens of Albany owe it to themselves to provide a new and improved jail with as little delay as possible. We are further of the opinion that a deputy jailor is necessary for the proper care and safe keeping of the prisoners confined in this jail.

## 2. ALLEGANY COUNTY.

This is a half-shire county, having a court-house and jail at Angelica and Phillipsville. There is a new jail at the latter place, but no prisoners are ever kept in it. Why this is so, this committee were unable to learn.

*Prison Building.*—Erected in 1849. It is of wood, two stories high. The walls are of oak timber, lined with plank, and are 23 inches in thickness. The floor is of solid timber. There are six cells in the lower story, each four feet by seven, and nine feet high. In the second story there are four cells of somewhat larger dimensions. The bedsteads are of wood, with a straw bed and hair mattress. The doors of the cells are fastened by padlocks. The yard is surrounded by a fence 14 feet high.

*Security.*—There have been no escapes during the past year, but they have been frequent in times past, by cutting through the wall. The padlocks may also be very easily picked.

*Employment.*—The prisoners have none whatever, and in the absence of it, they amuse themselves by playing cards.

*Intellectual Culture.*—There is no library in the prison. The jailor's mother, who seemed kindly disposed, and willing to exert herself for the comfort and reformation of the prisoners, has frequently loaned them her own books, but they have often been returned to her in a marred and disfigured condition. The county papers are supplied to the inmates by the sheriff. No secular instruction is imparted to them.

*Religious Instruction.*—The minister of the Presbyterian church has heretofore supplied the prison with Bibles; but has now gone away, and his successor has not yet assumed the labor. Little or nothing, beyond providing Bibles, seems to have been done for the religious instruction and improvement of the prisoners.

*The Prison Dietary.*—Three meals a day in summer. Breakfast, wheat bread and butter, and pea coffee. Dinner, meat and potatoes, with bread and butter. Supper, mush and milk. In winter the third meal is omitted.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. The location of the prison is healthy. There is a total want of ventilation. In 1856, several cases of typhoid fever were developed within the jail, when it did not prevail outside. No death occurred during the year, and only one case of delirium tremens. Several cases of venereal disease were treated, which is more common here than any other. There is an occasional case of disordered bowels; but, on the whole, the prison is very healthy, the prisoners being, it is said, in a better state of health when discharged than they are when committed.

*Cleanliness.*—Water for drinking and washing is carried into the jail in pails. There are no conveniences for washing. Prisoners are required to wash their faces and hands daily. Soap and towels are furnished, but not combs. There are no means of bathing. The clothes of the prisoners are washed once a week, the bedding once a fortnight, the ticks and quilts once a year. The cells are not whitewashed as often as they should be. Bed-bugs abound, the cracks between the planks affording them a secure harbor.

*Lighting.*—There are three outside windows in each corridor, six feet by two feet. Kerosene lamps are kept burning until nine o'clock, P.M.



*Heating.*—There are four rooms in the prison, and one wood stove is placed in each.

*Discipline.*—Locking in these cells is the only punishment used; no moral means are employed to secure discipline.

*Sudden Illness at Night.*—The keeper sleeps contiguous to the prison, and can hear any noise in the jail readily.

*Separation of the Sexes.*—They cannot see each other, but can converse as much as they please.

*Classification of Prisoners.*—None is attempted.

### 3. BROOME COUNTY.

*Prison Building.*—Erected in 1858—stone structure—very substantial. Besides the jail proper, there is a good and convenient house for the jailor. It has a transverse corridor, which is separated from the two side corridors by strong grated iron doors, so that there are in fact two prisons. Each of these corridors contains two tiers of five cells each. There are, therefore, twenty cells in all,  $4\frac{1}{2}$  feet by  $7\frac{1}{2}$  feet, and  $7\frac{1}{2}$  feet high. Each cell is furnished with an iron swing bedstead, and has a ring and chain fastened to the wall, where unruly prisoners can be secured. There is a covered night tub in each cell, which is emptied daily.

*Security.*—This prison is, on the whole, very secure. There have been no escapes this year, nor have there been any heretofore, except from the carelessness of the turnkey. The floor and ceiling are of very heavy flagging stones. The cell doors are each fastened with a strong bolt secured by a padlock, and in addition the cells are all fastened by a bolt shot from the outside on the Sing Sing plan. The gratings of the exterior windows are of thick cast iron and very solid. Each side corridor has a strong grated door, and the main corridor has two, the inner one being of grated iron secured by three padlocks, the outer of boiler iron secured by a bolt and one padlock. One attempt has been made to break jail the past year. The prisoners crowded around the jailor when he went to lock up for the night, and threw cayenne pepper into his eyes, but they did not fully succeed in blinding him, and as he was armed with a dirk and a revolver, he finally succeeded in fastening them into the cells, and no one escaped.

*Employment.*—None whatever, of any kind.

*Intellectual Culture.*—There is no library attached to the prison, and no secular instruction is given. The sheriff gives the prisoners the newspapers from his office, when he is done with them. These they read with avidity, and it is all the mental pabulum with which they are provided.

*Religious Instruction.*—The county supplies a Bible to each cell, and none of them have ever been either stolen or torn. There is no preach-

ing. Benevolent individuals have called twice during the year and given tracts to the prisoners.

*The Dietary.*—Breakfast: bread and butter, with meat and potatoes. Dinner: same as breakfast. Supper: bread and butter with the addition, sometimes, of cake or rice or Indian pudding. If the prisoners furnish tea or coffee, the jailor prepares it for them.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. The diseases most common are the venereal and delirium tremens. There have been no deaths in the prison for five years. The physician informed us that he had never known any disease to be developed within the prison, which is not equally prevalent outside. Prisoners generally gain flesh, and come out in a better condition of health than they went in. There is no ventilation in the cells; the yard is surrounded by a board fence 18 feet high; and there is an open vault in the same where the ordure of the prison is emptied. The gratings are very thick on the exterior windows, and hence, little sunlight enters. The confined air of the yard, the emanations from the cess-pool, the want of sunlight and the absence of ventilation in the cells, would seem to be circumstances theoretically adverse to health; but the facts, as reported to us, are as above stated.

*Cleanliness.*—Water is carried into the jail, in pails, three times a day. There are no conveniences for washing. If prisoners come in infested with vermin, they are thoroughly washed; but afterwards, they are allowed to wash, or not, as they please. The sheriff provides soap, at his own expense, but not combs. The county furnishes towels. There are no means of bathing. A razor is furnished to the prisoners, and they shave each other. The prisoners' personal clothing is washed once a week; also, their sheets and pillow cases; their blankets, once in four weeks. The cells are not whitewashed as often as they should be to keep them sweet. This should be done by the prisoners, at least, once in four weeks, and all the interior walls as often as four times a year.

*Lighting.*—There are two windows in each side corridor, but they are covered with very thick cast iron gratings, which exclude the light, and the corridors are wrapped in a sort of twilight even at noonday. The prisoners can hardly read in the cells. No light is ever allowed at night within the jail.

*Heating.*—Each corridor is furnished with a coal stove, and there is a stove in each of the three rooms devoted to females.

*Discipline.*—No punishments whatever are used. No moral means are employed to preserve order.

*Sudden Illness.*—The jailor always leaves the door of one cell unlocked at night, the inmate of which can easily communicate with him in case any of the men are taken sick. Whenever this has occurred, prompt relief has always been afforded.

*Separation of the Sexes.*—This is preserved here most admirably. The cells for the women are in the jailor's house; hence they can never see, or communicate with the male prisoners, in any way. The cells in the female ward are clean and in excellent order.

*Classification.*—When male witnesses are committed, they are kept in one of the rooms appropriated to the women, though entirely separated from them. Sentenced men are confined in one corridor, and those untried in the other; but this classification is quite insufficient; the hardened offender is still in contact with the neophyte in crime, and the prison is thus uncommenced without hindrance from the one to the other.

*Insanity.*—An insane soldier, a deserter from the army, was committed to this jail during the year. He still remains in a state of mental alienation, but has been removed from the prison.

#### 4. CATTARAUGUS COUNTY.

*Prison Building.*—Erected in 1829. It is of stone, but much dilapidated, and needs to be replaced with a new one. It is 40 feet square, exclusive of the jailor's residence, which is in front. There are eight cells; one, of a large size, for debtors, sixteen feet by eight; the others, seven feet square and eight feet high. The cell doors are of oak, four inches thick, with an iron grating in the upper half. They are fastened with heavy bolts, secured by padlocks. There is a window opening on the outside in each cell, two feet by one and a half, double grated. The corridor is thirty-six feet long by seven wide.

*Security.*—There is a massiveness and much apparent strength about the jail, but it is quite illusory. The floor is a mass of solid timber, the walls are of stone two and a half feet in thickness, and the doors are very ponderous. But prisoners have repeatedly dug out under the foundation. The windows in their cells make it easy for them to procure any kind of tools from confederates outside, and the soft iron gratings can be easily cut by any old jail bird. No escapes have occurred during the past year.

*Employment.*—The prisoners saw wood for the jail, and clean and whitewash it, but have no other employment.

*Means of Intellectual Culture.*—There is no library. One weekly paper is handed to the prisoners by the sheriff after he has done with it. No secular instruction is imparted.

*Means of Religious Culture.*—There is one Dutch bible in the prison, but none in English. There is no preaching, and no individual effort for the welfare of the prisoners.

*Prison Dietary.*—Breakfast, pork or beef, and potatoes, white bread, butter and coffee; dinner, same as breakfast; supper, bread and milk. In winter, only two meals a day are given.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. The jail is old, ill-constructed for ventilation and cleanliness, and almost impossible to keep clean; yet it is said by the prisoners

and jailor to be free from vermin. Typhoid fever formerly was rife in this jail, which evidently arose from the vault; but since that has been cleaned and repaired, there has been no return of it. There has been no cases of delirium tremens here for several years. The venereal disease is very common; indeed, the physician says he is rarely called to treat any other.

*Cleanliness.*—This jail has a dirty look, and such is its dilapidated condition that it cannot well be kept otherwise. A new jail is greatly needed. Water is carried into this jail in pails, and the prisoners are required to wash daily. No soap, or combs, or razors are provided for the prisoners, but they are supplied with coarse towels. No means for bathing. The prisoners' clothes and bedding are washed once a week.

*Lighting.*—One window in the corridor and one in each cell. One lamp is kept burning in the prison until nine o'clock P. M.

*Heating.*—The prison is warmed by one wood stove.

*Discipline.*—Locking in the cells and shackles on the legs are the only punishments inflicted. No moral means used.

*Sudden Illness at Night.*—The jailor's room is contiguous to the jail, and he can readily hear any alarm at night.

*Separation of the Sexes.*—The sexes cannot see each other, but can converse together freely.

*Classification.*—None whatever.

#### 5. CAYUGA COUNTY.

*Prison Building.*—This was fully described in the last report, and no alterations have been made since.

*Employment.*—The prisoners saw wood for the jail, and do the white-washing; besides this they have no employment.

*Means of Intellectual Culture.*—There is a library of about fifty volumes belonging to the jail, the gift of one of the churches of Auburn. The books are of a miscellaneous character, but the religious element, as is meet, predominates. They are loaned to such prisoners as desire to read them. Considerable use is made of the library. Generally, fair care may be said to be taken of the books loaned. The sheriff is in the habit of lending his newspapers to the prisoners. No secular instruction is given.

*Means of Religious Instruction.*—The jail is supplied with Bibles, but whether by the county, or the benevolence of individuals, the committee did not learn. There is usually a religious service in the jail on Sabbath morning, conducted by the students of the theological seminary. The venerable James S. Seymour, president of the Auburn Bank, has been for many years in the habit of visiting the prison every Sabbath, and laboring to promote the spiritual interests of the inmates. His visits have been less frequent of late, owing to the increasing infirmities of age. The committee cannot too strongly commend this noble example of laborious self-denial in a cause which, however important, has few

attractions; nor can they with too great earnestness urge upon others, to whom God may give the opportunity, the exhortation to "go and do likewise."

*The Prison Dietary.*—Two meals a day are furnished to the prisoners. Breakfast usually consists of meat (for the most part salt), potatoes, wheat or corn bread, and pea coffee, sweetened with molasses and flavored with milk. Supper is at 3 P. M., and consists of fresh meat and potatoes or baked beans, with bread *ad libitum*. Beef soup is usually furnished twice a week, made with cabbage, onions, and other vegetables. About once a week, the second meal is mush and milk, or mush and molasses, if preferred. The prison fare is abundant and good.

*Sanitary Condition.*—The health of the prisoners was good at the time of inspection. Few diseases originate in the jail. Tremens and venereal are the most common. No death occurred last year.

*Ventilation and Cleanliness.*—There is no ventilation except through the windows. Water for drinking is carried into the jail in tin buckets. Rain water for washing is kept in a cask over a sink. The cask has a faucet, and the prisoners can wash whenever they please. They are required to wash every morning. Bar soap, combs, and towels are provided for the prisoners; but there is no bath tub nor means for washing the entire person. A razor is provided for them, with which they shave themselves once a week, or oftener if they desire; also shears, for hair-cutting. Their underclothes are washed weekly.

*Lighting and Heating.*—An abundance of sunlight enters through the windows in the daytime; but no light, except in case of sickness, is usually allowed the prisoners at night. Sometimes it is permitted in the women's ward; especially as an occasional reward for good behavior.

The prison is heated by coal stoves, except the debtor's ward, where wood is used. We were told that it is made comfortable in the coldest weather.

*Discipline.*—Sheriff Mead treats the prisoners kindly, and reasons with and counsels them, before proceeding to sterner measures. Mrs. Mead takes much interest in the female prisoners, often talks to them, and seeks, by kindness and friendly advice, to draw them to a better life.

*Separation of the Sexes.*—The female ward is directly over that of the males; but the entrance to the former is not through the latter. The separation here is more complete than is usual in our jails. Nevertheless, the women last winter burnt a hole through the floor, and passed notes down to the men. The hole was soon discovered and closed up.

*Classification.*—There is none, other than that of the sexes.

*Insanity.*—There was but one insane person committed to the jail last year. This was a man supposed, at the time of his arrest, to be drunk. When found to be insane, he was sent to the asylum at Utica.

*Sudden Illness at Night.*—The turnkey's lodging room is so near to

the cells that a rap on the wall can be readily heard by him. A prisoner, taken sick in the night, has no difficulty in making it known.

*Security of the Jail.*—In this respect, it is about up to the average of prisons of its class. No escapes have been effected during the past year, except by a deserter from the army. He accomplished his escape by means of a saw furnished him by his wife. He was not retaken. Other attempts were made, but were thwarted by the vigilance and energy of the sheriff and his turnkey.

## 6. CHAUTAUGUA COUNTY.

*Prison Building.*—Erected in 1836. It is of brick, 30 feet by 60. The jailor's residence is in the front part of the building. The jail has twelve stone cells, eight below and four above.

*Security.*—No escapes during the last year. Former escapes have been accomplished by digging through the floor. This jail is an uncommonly secure one. A strong iron tube, in the form of an ordinary tunnel, is inserted through the wall of the jailor's house, which commands a perfect view of each corridor, so that the jailor can see the premises and every movement that they make without being seen himself. The tube also collects the sound, so that by applying the ear to it the conversation of prisoners, even when carried on in a low tone, can be distinctly heard. This arrangement, introduced into all of the jails of the State, would add greatly to their security.

*Employment.*—The prisoners earned thirty dollars last year by working on the road. They saw the wood, and clean and whitewash the jail. No regular employment.

*Intellectual Culture.*—There is no library in the prison. Newspapers are given them, which are read with much interest. No secular instruction is imparted.

*Religious Culture.*—The prisons are supplied with Bibles. Formerly they were much inclined to mutilate them, but lately the jailor has attended to the matter and prevented it. There is no preaching, and no individual efforts are put forth for their religious improvement.

*Prison Dietary.*—Breakfast: Meat, potatoes, bread and gravy; dinner: the same, with the addition of other vegetables, and on Sundays pork and beans; supper: bread and cake.

*Sanitary Condition.*—The jail has an airy and healthy exposure; but the cells are so deficient in ventilation that a prisoner cannot be confined in them for twenty-four hours consecutively without getting a headache. The arrangements for emptying the night tubs are excellent, and no odor from them is perceptible. One person died in the prison during the year of delirium tremens. His death happened soon after his committal. Venereal diseases are the most common complaints.

*Cleanliness.*—Water for drinking is carried into the jail in pails. There is a pump in the corridor, which brings in an abundant supply for wash-

ing and cleaning. There is a sink with tubs and wash basins, giving ample conveniences for washing. The addition of a bathing tub would make the arrangements for ablation complete. Soap, combs, towels and razors are provided by the county. The prisoners shave themselves, or one shaves another. The prisoners' clothes are washed once a week, as are also their sheets and pillow cases. The other bedding is washed once in three months. The jail is kept as clean as it well can be under existing circumstances; but a change in its arrangements would allow it to be kept cleaner with less labor than is now bestowed upon it. There are no bed-bugs down stairs, but there are some in the upper prison. It is believed to be free from other vermin.

*Lighting.*—Each corridor is lighted with three windows, secured by a single iron grating. The prisoners are not allowed lights at night.

*Heating.*—By two wood stoves in the lower prison, and two in the upper.

*Discipline.*—The punishments are locking in cells and half rations. There are but few jails in the State where privation of food is used as a means of prison discipline. We would recommend all jailors to adopt this as well as privation of bedding. Each jail ought also to have a well ventilated dark cell, in which to confine refractory prisoners. No moral means are used to promote good discipline.

*Sudden Illness at night.*—The jailor sleeps within sound of the prisoners, and can be easily aroused if they are sick.

*Separation of the Sexes.*—They cannot see each other, but can converse together without hindrance. It is a sad mistake in our jails that the isolation of the sexes is not complete.

*Classification.*—The sentenced persons are kept upon one side of the jail, and the unsentenced on the other. Debtors and witnesses are kept up stairs. But this is quite insufficient. One boy of eleven years old was confined with old and hardened offenders, who would be sure to eradicate any germs of good, which might exist in his mind.

*General Remarks.*—The Board of Supervisors of Chautauqua county appear to take a greater interest in their jail than most of their brethren in other counties. They appoint a committee annually to make a thorough inspection of it. The committee appointed by the last board speak of it in the following terms:

"The Committee appointed to visit and examine the jail and the various apartments, report:

"That they have discharged the duty assigned them, and that they find it very cleanly and well ventilated, and much improved, both as regards the comforts and health of its inmates, as well as many improvements for comfort and convenience, together with the many safeguards to prevent further escapes, and that the improvements made seem to be of a thorough and important character.

"Your committee would further state, that the prisoners seem happy and healthy and well cared for, by being provided with the comforts of a clean bed, and good, healthy, hearty food, which your committee can-

not too highly speak in praise of; and we point with pride to our jail, with its improvements for ventilation, security and conveniences, together with its uniform cleanliness and its habitual manner of feeding and lodging its inmates, and that it will compare *high* with like institutions, and rank among the best in our country, and that too much praise cannot be awarded to its gentlemanly keeper and his lady, for the faithful, kind and humane manner in which they have discharged the trust confided to them. Nov. 10, 1863."

We think the committee speak rather more strongly than the jail will warrant respecting the excellence of the ventilation, and the security of the jail. An interior set of chilled iron bars for the windows, and heavy stone flagging for the floors would still increase the strength of it. In other respects we concur in their commendations.

#### 7. CHEMUNG COUNTY.

*Employment of Prisoners.*—They have no employment except sawing wood for the prison, and whitewashing and cleaning it. By resolution of the Board of Supervisors, all prisoners sentenced for over 90 days are sent to the Penitentiary at Rochester, where they are kept at hard labor.

*Means of Intellectual Culture.*—There is no library in the prison. The sheriff takes three daily papers, which he gives to the prisoners after he has done with them. No secular instruction is imparted.

*Means of Religious Culture.*—There are three Bibles in the prison. There have been more, but the prisoners often destroy them, when they can do so without being discovered. Mr. Truman Facett, a Baptist layman, has preached to the prisoners during the year until within the last three months, when his health failed. His services were generally short, consisting of singing, a short prayer, the reading of a portion of scripture, and a plain familiar exposition of the same. The portion is selected with reference to the enforcement of the practical duties of daily life. Much good has been effected by his labors among them. The Baptist minister of the place, whose name we regret to find that we have omitted to record, visits the jail occasionally, converses with the prisoners, and supplies them with tracts. No other persons visit the jail with reference to the spiritual interests of the inmates.

*Prison Dietary.*—Two meals. Breakfast: Fresh meat or salt pork, bread, vegetables and coffee. Supper: Mush and milk, or mush and molasses. Sufficient rations are given in the morning for breakfast and for lunch at noon.

*Sanitary Condition.*—The jail physician informed us that delirium tremens and the venereal are the most prevalent diseases. One case of measles occurred here during the past year, but it did not spread any further. Like all other jails, this is very deficient in ventilation. There was a disagreeable odor in it, of course, but there was less of this than in most jails, on account of the great cleanliness which prevails here.

No deaths have occurred during the past year, nor any diseases, except occasional instances of bowel complaints, which have yielded readily to treatment. The prisoners are uniformly in better condition when they are discharged than when they are committed.

*Cleanliness.*—The jail is a model one in this respect. The floors, the walls, and the persons of the prisoners are very clean. The interior walls are all whitewashed thrice a year, and the cells about once in two months. This work is performed by the prisoners readily and cheerfully. There is a hydrant within the jail, from which an unstinted supply of water is obtained. It can be heated readily when hot water is wanted. The prisoners are thoroughly washed from head to foot in the presence of the jailor when first admitted, and if they are subsequently found to neglect their ablutions, they are compelled to perform them. Soap, combs, and crash towels, are provided in abundance by the county. There are no conveniences for bathing. Razors are furnished, and the prisoners either shave themselves or one another. The prisoners' clothes are washed once a week; their blankets once a fortnight; and their beds ticks three times a year.

*Lighting and Heating.*—The corridors are lighted by four windows, two on each side. The inmates are allowed one candle in each cell, until 9 o'clock P. M. There are also kerosene lamps in the corridor. The prison is heated by one large coal stove.

*Discipline.*—No punishments are inflicted here. A willing obedience is generally rendered to the rules, which in fact are framed in the interest of the prisoners, and not in the spirit of arbitrary restraint.

*Sudden Illness at Night.*—The jailor sleeps within hearing of the prisoners, and can be easily aroused by any noise in the cells.

*Separation of the Sexes.*—This is perfect. They can neither see nor converse with each other. The female ward is in the house occupied by the jailor, and not in the prison proper.

*Classification.*—There is none; all are herded together.

*Insanity.*—There have been three insane prisoners in this jail during the past year. One of them was sent to the State Lunatic Asylum, and the other two to their homes. They were in an unsound state of mind at the time of their commitment.

*Prison Building.*—It was erected in 1851; is of stone; and is 40 feet long and 30 feet wide. There is a corridor 12 feet wide. There are 8 cells, each 9 feet square, arranged in two tiers (4 in each), which are entirely surrounded by passage ways. The walls are 2½ feet in thickness, and they are lined with boiler iron for twelve feet above the floor. There is a privy in the rear passage connected with a flue, and the prisoners are furnished in addition with night tubs in their cells. The defects of the jail are—1st. There are no proper openings through which an inspection of the jail can be had without being seen by the prisoners. 2d. The locks are insecure, or at least they may all be

picked or broken by an expert burglar. 3d. Though the exterior windows are double grated, both sets of grates are of soft iron. One of them (the inner) should be of chilled iron. 4th. It is very deficient in ventilation. 5th. Communication can be too easily had with the outside, without the knowledge of the jailor. There is reason to believe that cards, dice, and liquor are thus smuggled into the jail without the jailor's knowledge. 6th. It is quite too small. Fifty persons are sometimes crowded into ten cells, than which nothing can be more demoralizing.

The female prison consists of two rooms each 18 feet square, in the part of the prison occupied by the jailor. Like the male prison, it is kept in very neat order; but like it, too, there is reason to believe that liquor is sometimes smuggled in from without.

*Security.*—This prison may be classed among the most secure in the State; yet several points of weakness have been alluded to above. It is entered by a dark ally. Should a prisoner, by means of false keys, cutting, or otherwise, obtain access to it, the jailor might be blinded by cayenne pepper,\* or stifled by chloroform, or knocked down with a club, or stabbed with a knife, without being aware of the prisoner's presence. Prisons should be so constructed that a jailor can always see all who are on either side of the door before he enters it; but this cannot be done here. They should be so constructed that the prisoners can be seen at all times by the jailor without being visible himself; yet it is impossible to exercise such supervision of this jail. The expenditure of two hundred dollars would make it complete in all these respects, and it is to be hoped that the Board of Supervisors will convert what is now nearly a first class jail into one which is completely so. There has been one escape during the past year. A prisoner was taken out to shake a carpet, and while the turkey's back was turned he absconded.

#### 8. CHENANGO COUNTY.

*Prison Building.*—Of stone, erected in 1834. This jail, as to its arrangements and security, was described in last year's report, and is the same now as then.

*Employment.*—None, except some little work about the jail.

*Means of Intellectual Culture.*—No library. Sheriff loans papers, and occasionally books. No secular instruction is given.

*Religious Instruction.*—Each ward has a Bible, provided by the county. No preaching. No individual effort expended on the jail last year; but the previous year two gentlemen were in the habit of coming often on the Lord's day to converse with the prisoners. The American Messenger is received and distributed among the inmates.

*Dietary.*—Three meals. Breakfast: meat, wheat bread, potatoes and beans, with coffee or tea; dinner: the same, except the coffee; supper: mush and milk.

\* This, we have been informed, has actually occurred since our visit, and several prisoners escaped.

*Sanitary Condition.*—The health of the prisoners is usually good. Physician not called more than once or twice a year. No deaths for the last three years.

*Cleanliness.*—Water brought into the jail in pails; supply abundant from well and cistern. The only conveniences for washing are tin wash basins, with pails for receiving slops. There is no bath tub; but prisoners brought in very dirty are taken into the basement of the court house and made to wash themselves thoroughly. Soap, combs and towels are provided by the county; also, a razor. The prisoners' clothes, sheets and pillow cases are washed weekly; their comfortables and bed-ticks twice a year. The beds are filled with fresh straw twice yearly.

*Lighting.*—Very poorly lighted, there being three heavy gratings in each of the two windows. No lights are furnished the prisoners at night, but they are permitted to provide themselves with light, which many of them do.

*Heating.*—By three wood stoves.

*Discipline.*—No punishments have been inflicted during the incumbency of the present sheriff. None have been found necessary. Moral means have proved sufficient.

*Sudden Illness at Night.*—The sheriff sleeps so near the cells as readily to bear any unusual noise made in them.

*Separation of the Sexes.*—Not very effectual. The men and women in the upper ward can converse freely with each other through the door.

*Insanity.*—One insane prisoner was admitted last year, but was sent to the asylum at Utica.

### 9. CLINTON COUNTY.

The imperfection of arrangements, insecurity, darkness, dampness, ill-ventilation and other defects of this prison were set forth in last year's report, and the committee is obliged this year to report no improvement; on the contrary, matters would seem to have grown worse by lapse of time. Although a room is provided for females in the second story, where they can be effectually isolated from the males, the committee was surprised to find in one of the cells immediately connected with and opening into the male hall, a garrulous, noisy and semi-idiotic woman, between whom and the men the only separation was an ordinary grated window, permitting unrestricted communication by tongue and eye. The only excuse given for the detention of the woman in this place, was the difficulty of restraining her violence in the apartment devoted to females above.

In its general condition the jail presents a very unsightly appearance, the building being in wretched order, with large crevices in the flagging of the floor, and having altogether a very gloomy aspect. The hall of the ground floor is thirty-three by nine feet, and is insufficiently lighted by a window at each end.

At night, half a candle is allowed to each cell, to be extinguished at nine o'clock. There is no library attached to the prison, but the "Messenger" is regularly supplied, and occasionally other papers. Last year secular and religious instruction was supplied by a clergyman, Rev. Mr. Hall, but this is now abandoned for some unexplained cause. There is not a Bible in the prison.

The present jail and court house were erected in 1836, and are said to have cost about \$8,000. The sheriff seems fully aware of the evils and difficulties attendant upon the vicious arrangements of the prison, and disposed to do all in his power to keep things in order and in a cleanly condition, but the state of the walls, floors, &c., renders nearly all efforts futile.

The resident committee of the Association are fully cognizant of the defects and inconveniences of this jail, and are very desirous that the supervisors shall assume the responsibility of a new and improved edifice, to which end they expressed a determination to labor assiduously.

Being a border county, it receives large accessions of vicious people of both sexes from the Canadas, and besides, there appears to be much laxity on the part of the justices of the peace, in consigning juvenile criminals to punishment, a circumstance which was beginning to arouse the attention of the community, as shown by articles in the daily papers.

The subsistence of the prisoners is said to cost three dollars a week. There is no salaried physician connected with the jail, the actual bills for medicine and medical attendance covering all expenses of this character. As in many other jails, the law relating to criminal records is totally unobserved. One prisoner escaped during the year through the wood shed.

### 10. COLUMBIA COUNTY.

*Prison Building.*—The jail was erected in 1830. It is of stone, the front wall being faced with marble. The cells are of brick, and surrounded on all sides with a corridor. The jail measures 34 feet by 42 feet, and includes a residence for the jailor. It has twelve cells, 7 feet by 4 feet and 7 feet high in the main prison. There are three tiers of cells, but the lower tier is not used on account of dampness. In addition to these, there are two cells on the south part of the prison, 12 feet by 10 feet, used for female prisoners. A part of the entry has recently been partitioned off, which is also used for the confinement of women. There is a large, strong room in the second story, which can be used when desirable as an hospital.

*Security.*—There have been no escapes from this prison during the year, and this is the first year of its history, in which escapes have not been effected. Attempts have been made the past year, but they were prevented by the vigilance of the sheriff, not by the security of the building. Escapes from this prison have generally been made by dig-

ging through the wall, which may be done at any time in two hours. The expenditure of fifty dollars, the amount generally offered for the return of escaped prisoners, would add very greatly to the facilities of inspection. The entrance door is so situated that the prisoners can readily conceal themselves in the immediate vicinity of it, and they might easily kill the jailor, while his back is turned in the act of locking the door behind him. A self fastening arrangement attached to the door would obviate that difficulty, and would not cost over thirty dollars. But the supervisors owe it to themselves and the people they represent to build a new jail, which, in point of size and security, shall be commensurate with the wants of the county. There are, as we have seen, only ten available cells in the jail, while there are, upon an average, twenty prisoners.

*Employment.*—The male prisoners clean and whitewash the jail, and the women sometimes work in the kitchen, and sometimes mend the prisoners' clothes. When they work, they have an allowance of tobacco, which they prize very highly. When sentenced to be confined at hard labor, they are sent to the Albany penitentiary, under an arrangement with the board of supervisors of that county.

*Means of Intellectual Culture.*—There is no library belonging to the prison, but the sheriff supplies the inmates with books and papers from his own stores. His testimony, unlike that of most jailors, is that the prisoners take good care of the books. They prefer Harper's magazine to anything else that is given them. No secular instruction is imparted.

*Means of Religious Culture.*—There is one Bible in the main prison, and one in each of the other rooms. There is no preaching, and scarcely any individual effort for the improvement of the prisoners.

*The Prison Dietary.*—Three meals a day. Breakfast: mush and milk, or bread and milk. Dinner: beef and vegetables three times a week, pork and beans twice a week, and fish twice a week. Supper: same as breakfast. In winter only two meals a day are given, but if any prisoner is hungry in the evening, he is supplied with food on asking for it.

*Sanitary Condition.*—There is a great want of ventilation in the cells, so much so that men cannot be locked up in them for any length of time without producing headache and sickness. The lower tier is too damp, but nevertheless the health of the prisoners is good. One man, who has been confined more than a year waiting trial, seemed in as good health as when he went in. There have been no deaths during the past year, and no diseases have originated within the prison. The principal diseases are venereal, delirium tremens, and complaints arising from previous intoxication.

*Cleanliness.*—There is a tank in the jail, which is supplied from the roof, and furnishes an abundant supply of water for the water-closet and for washing. The water-closet has no unpleasant odor, and the jail was

clean and well whitewashed. There are covered night tubs in each cell. Boys are required to wash themselves, but there is no compulsion on the men. Soap, combs, towels and razors are provided by the county. There are no provisions for bathing. The prisoners shave themselves, or one shaves another. The prisoners' clothes are washed once a week, and their bedding as often as is required, without adhering to any regular rule. Sheets and pillow cases are only allowed in case of sickness. There are no bedsteads of any kind, the beds being placed on the floor. This practice has obtained in consequence of the overcrowded state of the jail, the number of prisoners generally exceeding the number of cells. The county ought to build a new jail with a sufficient number of cells furnished with swinging iron bedsteads. Pillow cases ought to be supplied as a measure of economy and cleanliness.

*Lighting.*—There are eight large front windows in the corridor, and two smaller ones in the end. The light is ample. The jail is lighted with lamps in the men's prison in winter until eight o'clock P. M. It is not lighted in summer. The women are allowed a light in their ward until eight o'clock, both in summer and winter.

*Discipline.*—The men are locked in their cells at eight o'clock P. M., and unlocked at seven A. M. When refractory, they are sometimes deprived of food, or shut in the dark cells, or ironed. But few punishments are inflicted, as they seldom manifest a disposition to be unruly. No special moral means are used to preserve order.

*Insanity.*—One man was committed during the past year for an assault and battery with intent to kill. His insanity was perfectly manifest, and he was sent to the State lunatic asylum.

*Sudden Illness at Night.*—The keeper sleeps where he can be easily awakened.

*Separation of the Sexes.*—This is perfectly secured; they can neither see nor hear each other.

*Classification.*—There is none whatever, except that the sexes are separated, and the want of it was painfully apparent during this visit, as well as in former ones.

## 11. CORTLAND COUNTY.

*Prison Building.*—Erected in 1860. It is of granite, 36 feet square. There are ten cells in the lower story, eight feet by four and a half, and seven and a half high; and six in the upper story, fifteen feet square.

*Security.*—Five prisoners escaped last year, only two of whom were retaken. The five broke jail in two companies; but all effected their escape in the same way, by sawing off the cylindrical bars which secured the windows. The lower windows have since been strengthened by adding cast iron gratings nearly two inches thick.

*Employment of Prisoners.*—None whatever of any kind.

*Means of Intellectual Culture.*—There is no library belonging to the

prison, and no secular instruction is given to the prisoners. The sheriff, however, gives them his papers, and occasionally lends them books.

*Religious Instruction.*—There are but two Bibles in the jail, one for each story. The "American Messenger," sent through the Association, is received and read with interest. There is no preaching, and no systematic efforts for the religious welfare of the prisoners; but visits are occasionally made by ministers and others, and tracts distributed.

*The Prison Dietary.*—Breakfast: meat, potatoes and wheat bread, with water for drink. Dinner: same as breakfast, with the addition, sometimes, of other vegetables. Supper: bread and butter, with occasionally, pie, baked apples or cake.

*Sanitary Condition.*—The health of the prison is generally good; no death for the last three years. No regular physician to the jail is employed, but different physicians are called in, according to the wishes of the prisoners.

*Cleanliness.*—Water is introduced into the jail by pails; well water for drinking, and cistern water for washing. As the prison is of solid blocks of granite, it has never been whitewashed. It is swept daily, and scrubbed when necessary. It has a clean and tidy appearance. The conveniences for washing are a bench with tin wash-basins. Prisoners are required to wash their hands and face every morning. Soap, combs, towels and looking glasses are provided. Also razors for shaving, and shears for hair cutting. There are no means for bathing. The prisoners' clothes, sheets and pillow-cases are washed once a fortnight. The comfortables and beds are aired in the sun several times in the year. Fresh straw is put in when necessary.

*Lighting.*—The lower story is dark and gloomy; the upper story sufficiently light. In winter the prisoners in the lower story are allowed a candle until 7 o'clock. Those in the upper story have one candle for three nights, and can divide the use of it as they please.

*Heating.*—One coal stove in each corridor below, and one for each room above.

*Discipline.*—The only punishment employed is locking up in the cells. Moral means are, for the most part, found sufficient for the government of the prisoners.

*Sudden Illness at Night.*—The sheriff sleeps near enough to hear any unusual noise made by the prisoners in their cells.

*Separation of the Sexes.*—They are not so separated as to prevent their talking with one another. The prison hall is shared by them alternately.

## 12. DELAWARE COUNTY.

*Prison Building.*—The jail is a wooden structure, 26 feet long by 17 wide, immediately in the rear of the jailor's residence. It has two stories, in each of which are two cells, 11 by 13 feet, and 8 feet high. The cells are of oak plank, lined with sheet iron.

*Security.*—There have been no escapes from this jail during the present year, but in former years they have been frequent. The doors have been generally forced open by bars, which were furnished to the prisoners from the outside. This can be done at any time, as the windows of the cells open into a yard, which can be easily entered by confederates without the knowledge of the jailor. The gratings of the cell windows, which are only single, are of soft iron, which can be easily sawed. In fact, several of the bars are already sawed across, and are in a very weak condition. The cell doors are fastened by a diagonal iron bar, closed by a common padlock, which can be picked or broken with perfect ease. The gratings of the windows of the corridors are very weak and ill secured. The floor of one of the cells is of flag stone; of the other, of plank. The jail offers almost no impediment to the escape of an expert jail breaker.

*Employment of Prisoners.*—None whatever; not even so much as cleaning the jail.

*Intellectual Culture.*—There is no library in the prison. The sheriff lends his own books to those who desire to read; and when loaned, they have never been injured. He also lets them have the newspapers that he takes after he is done with them. No secular instruction is given.

*Religious Culture.*—Bibles are supplied for each cell by the County Bible Society. The American Messenger is received and read. There is never any preaching, nor any individual effort for the religious or moral improvement of the prisoners.

*Prison Dietary.*—The prisoners are fed from the sheriff's own table. There is no regular bill of fare. The prisoners did not complain of their living, but admitted that it was abundant.

*Sanitary Condition.*—There have been no deaths in the prison during the past year, and with the exception of one case of venereal disease and one of delirium tremens, there have been no cases of sickness. The lower cells are damp, and the air in them is very offensive. There are no bedsteads in the prison; all the prisoners sleep on the floor.

*Cleanliness.*—The prison is not clean, nor whitewashed. The prisoners might be advantageously employed in doing this work. Water is carried into the jail in pails three times a day, and the night tubs are emptied daily. The prisoners are supplied with tin basins, coarse towels, razors, soap and combs; but there is no bathing tub for cleaning the whole person. The prisoners' clothes are washed once a week, and one of their sheets is washed weekly. The blankets are reported washed as often as necessary.

*Lighting.*—There is one window in each cell, 14 inches by 4 feet 6 inches, secured by a single iron grating. There is a window at each end of the upper corridor, and doors at each end of the lower one. The prisoners are not allowed any light at night.

*Heating.*—There is a furnace in the lower part of the building, from



which hot air is distributed to the cells, but this does not make the lower cells as comfortable as they ought to be in cold weather.

*Discipline.*—The only punishments resorted to are chaining to the floor and privation of food. These punishments have only been resorted to once in this year.

*Sudden Illness at Night.*—The keeper sleeps contiguous to the prison, and can easily hear any call from the jail.

*Separation of the Sexes.*—They can talk together, but cannot see each other.

*Insanity.*—There was one person committed for an assault with intent to kill, who was found to be insane at the time, and is now in the State Asylum.

### 13. DUTCHESS COUNTY.

*Employment.*—No employment for the men, except cleaning the prison. The women are employed in cooking and washing.

*Means of Intellectual Culture.*—No library; no education; no books or papers supplied, except such as the prisoners purchase themselves.

*Means of Religious Culture.*—Each cell was furnished with a Bible, but the prisoners soon destroyed them. Those desiring to read it are always supplied. The "American Messengers," supplied by the Prison Association, are received and read with interest. Some ministers of the Society of Friends have preached in the jail occasionally, and Mr. Perkins, a Baptist layman, sometimes supplies them with tracts, and converses with them.

*The Prison Dietary.*—Breakfast: White bread, meat and potatoes. Dinner: The same. Any that are hungry at night are furnished with bread. The only beverage is water. The meat is either pork or beef. One fish dinner in the week would be a change for the better, and mush and molasses for supper would also be an improvement.

*Sanitary Condition.*—The prison is airy and well ventilated when there is a wind blowing, but in calm weather the ventilation is very deficient. There are five large ventilating cowls upon the top of the building, and ventilators four inches by eight are inserted in each cell. The site is dry, and the cells are larger than usual. No deaths have occurred during the year, nor have any diseases originated within the prison. Venereal diseases are by far the most common. A few cases of delirium tremens have occurred, and some injuries received before committal have been treated. The doctor had not been called upon to treat any case for three months previous to the date of inspection.

*Cleanliness.*—The prison was neat and in good condition throughout. Good water is procured in abundance by a pump within the jail, and every needed convenience for washing is provided, except bathing tubs. The prisoners are supplied with soap, combs and coarse towels, and also with razors when necessary. And when they neglect to keep clean,

they are compelled to wash themselves. The bedsteads are objectionable, being of wood and very low; they should be replaced by iron swing bedsteads. The women have sheets and pillow cases; the men, nothing but blankets. A supply of pillow cases and sheets would secure greater cleanliness and be more economical. The prisoners' clothes are washed once a week, and the ticks and blankets twice a year. The jail is free from vermin.

*Lighting.*—There is a window opposite each cell, and there are four windows in the transverse corridor, making 28 windows in all. No lights allowed in the evening.

*Heating.*—This is effected by ample steam radiators in the corridors, which warm the air effectually during the coldest days in winter.

*Discipline.*—The worst cases are put in the dark cell, but this is rarely necessary. No one has been confined there during the year. Locking in the ordinary cells is generally found sufficient for the purposes of preserving order. No special moral means of discipline is employed.

*Sudden Illness at Night.*—The jailer sleeps contiguous to the prison and easily hears any noise; he can therefore give immediate relief in case of sickness.

*Separation of the Sexes.*—There is an open, grated floor between the men and women, which enables them to see and hear each other as easily as though they were in the same room. This is the greatest blemish to the jail; a source of corruption which should be at once removed, especially as there are other rooms, which are entirely isolated, that might be used for the purpose.

*Insanity.*—Three insane persons have been put in here for safe keeping over night, but there have been no insane criminals committed during the year.

*Prison Building.*—This was fully described in the last two reports, both in respect to structure and security. No changes have taken place since, and it is hardly worth while to repeat what has been already so amply reported.

### 14. ERIE COUNTY.

For their report on the jail of Erie county, the committee will simply append a presentation of said jail made by the grand jury in December, 1863. They concur in the opinions expressed by the grand inquest, and earnestly second their suggestions.

"The grand jury summoned and sworn at a court of oyer and terminer held in and for the county of Erie, on the first Monday of December, in the year 1863, present the following facts relative to the condition of the Erie county jail, and urge upon the board of State prison inspectors and the supervisors of said county such action on their part as may be proper and necessary in the premises:

[Assen. No. 62.]

"We find that the building is entirely insufficient in size to answer its intended object.

"It contains but thirty-eight serviceable cells. It has five small rooms in the female department, and four rooms for debtors.

"It appears from the testimony of the jailor that the average number confined in the jail during the past year was sixty-seven, and that the largest number confined there at any one time during said term was one hundred and forty-six. In our opinion, the said jail will properly accommodate but fifty persons.

"We find, too, that the said jail is improperly constructed.

"No arrangements whatever seem to have been made for the ventilation of the building. Consequently, in its frequently crowded state, the air becomes foul and impure, and the appearance of prisoners after a short incarceration there fully proves the unhealthiness of the place.

"The passages and stairways are entirely too narrow and contracted, and all the internal arrangements of the building are awkward and inconvenient in the extreme.

"The said jail is built of improper materials, and this, in connection with the fact that it has been in use for more than thirty years, renders it, in our opinion, very insecure as a prison. Prisoners have frequently made their escape through the outer walls with comparative ease, and nothing but the most vigilant watch now prevents the recurrence of such escapes.

"There is no hospital department connected with the building. It generally becomes necessary to keep sick prisoners in rooms occupied by other persons, where they must breathe the foul and unwholesome atmosphere which pervades the whole place, which renders their prospect of returning health very remote.

"There are no proper arrangements for the separate confinement of those charged with crime and committed for trial, and these awaiting examination or held as witnesses. And these latter, confined from the necessities of the case and not accused of any crime, and those awaiting examination, are obliged to mingle, to a certain extent, with the worst of criminals, while females merely suspected of crime are obliged to be in daily contact with the lowest of their sex.

"We find too that, owing to its age and dilapidation, it is impossible with the utmost endeavor to keep the said jail as neat and cleanly as it should be; and that in spite of every effort to prevent it, vermin infest the place in immense quantities.

"We are of the opinion that the said jail is not, and that no repairs can make it, a proper place for the confinement of prisoners, and that humanity and a due regard for the public good demand that its place should be filled by a building proper and adequate to answer the purposes of a jail in a county where so many prisoners are obliged to be confined; and we do not hesitate to say that the Erie county jail is a

disgrace to our community and falls but little short of being a public nuisance.

Dec. 12, 1863.

ALPHEUS PRINCE, Foreman.

J. M. PARSE, Clerk.

S. F. Barnum,	Thomas Lawless,	Marvin Seaman,
Jacob Williams,	James Fraley,	W. B. Hart,
John Georges,	Samuel Eley,	J. B. Hunter,
Thomas Dunbar,	W. D. Choate,	J. H. McMillen,
George Gaetz,	M. L. Conger,	Jacob Durrenberger,
	Felix Bielger,	Wm. D. Bowie."

### 15. ESSEX COUNTY.

*Employment of Prisoners.*—None whatever.

*Means of Education.*—There is no library, and no secular instruction is given. The inmates are supplied by the sheriff with papers, and sometimes with books; but these have generally been returned both soiled and torn.

*Means of Religious Instruction.*—There are no Bibles in the jail. No preaching is ever had by the prisoners, and no individual efforts are made for their moral or spiritual improvement.

*Prison Dietary.*—They are fed from the sheriff's table, and of course fare much as he does. There is no regular bill of fare.

*Sanitary Condition.*—The location of the prison is very good, being swept on all sides by healthful mountain breezes. The windows of the cells are large; but the odor is, nevertheless, disagreeable and stifling. Still, the jail is exempt from disease. None have died within its walls for many years. The only cases treated were one of slight bowel complaint, and one of asthma. The latter originated outside the walls. It is very remarkable that there have been no cases of venereal disease or delirium tremens there for many years.

*Cleanliness.*—Water is carried into the jail in pails. Each cell is furnished with wash basins and towels. Razors, soap, and combs are furnished by the sheriff at his own expense. The prisoners are compelled to wash themselves, if they do not do it voluntarily. There is no convenience for bathing. Most of the prisoners have creepers when they come in, and there are generally more or less bed bugs in the wooden bedsteads, with which the jail is supplied. The prisoners' clothes and bedding are washed once a week. They are supplied with sheets, pillow cases and quilts.

*Lighting.*—Each cell is lighted with a window 4 feet 9 inches by 2 feet. The women's cells have two windows in each. They are occasionally supplied with a candle in the evening, but never later than 9 o'clock P. M.

*Heating.*—There is a wood stove in each room.

*Sudden Illness.*—There is a family living in the jail, who can be easily aroused by noises made by the prisoners in the night.

*Separation of the Sexes.*—The women are kept in the upper story, which is entered by the outside stairway. They may possibly communicate through the open windows, but the separation is on the whole pretty effectual.

*Classification of the Prisoners.*—The untried prisoners are kept separate from the tried ones, when their numbers will admit of the separation; but this is often impracticable for want of room.

*Prison Building.*—Erected in 1826, in place of one that had been burned. The part used as a jail for men is of stone; the part used by the family and as a jail for women is of brick. The jail part is 27 feet long and 18½ feet wide. One of the men's rooms is 14 feet square, the other is 14 feet by 10 feet. One of the women's rooms on the second story is 15 feet by 18½ feet, the other 12 feet by 13½ feet, and both 9 feet high. There are four apartments in all.

*Security.*—Two prisoners escaped, but were retaken. They did not break out, but knocked down the jailor as he entered the cell, and went through the door before it could be secured. The lower cells have stone floors and stone coverings. The doors are of heavy oak, and the fastenings are inaccessible from the inside. One of the cells is double grated and the other single grated, which is the weakest point we saw. It would be possible to dig through the wall; but not easily, if the jailor exercised suitable vigilance.

#### 16. FRANKLIN COUNTY.

The jail of this county, situated in the town of Malone, was so fully described in the reports of 1853, 1854 and 1864, that no further account of its architectural arrangements need be given here. At the period of this year's inspection there were but four inmates, all males, on the following charges respectively: desertion, arson, threats of violence, and bastardy. The last was between 20 and 25 years of age, and has a wife and four children. The third case above alluded to was a boy of 13, committed for threatening to shoot a woman with a gun. He acknowledges an attempt to frighten the complainant, but positively declares that the gun was not loaded, having been fired off at a bird a few minutes before. Yet he was committed unhesitatingly by the justice of the peace in the town of Dunne, on what appeared to the committee insufficient evidence, and it was suggested to the local committee of the Association that an effort should be made to procure his release.

The sheriff of the county, who also acts as jailor, occupies with his family the front part of the jail, which is fitted up for the purpose. There are three censurable particulars in the arrangement of this prison.

*First.* The statute requiring entries of a particular kind to be made in the books of the prison, of all the prisoners delivered to the charge of the keeper, and of every discharge, is in this prison wholly disregarded. The law alluded to is as follows:

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

The only book here kept is one containing the account of the board of prisoners, and the turnkey's charges, for the purpose of making out the money accounts against the supervisors.

*Second.* The absence of ventilation of the cells is such that the prisoners' beds have often to be brought out into the hall, and on a recent occasion a man fainted at night from the foul air.

*Third.* The floor of the main hall was found in a most disgustingly filthy condition, owing to the imperfect construction and bad management of the water-closet in one corner, notwithstanding a bountiful supply of aqueduct water.

The credit awarded in last year's report to the citizens of Franklin county for their enterprise and taste in the erection of such a handsome and appropriate building was certainly well deserved, and it needs only the attention of the proper authorities to the foregoing criticisms to render it one of the handsomest and best conducted prisons in the State. These are, however, serious defects, and must, as long as they are allowed to continue, detract from an otherwise creditable management.

#### 17. FULTON COUNTY.

*Prison Building.*—This jail is of stone, and was erected in 1766, by Sir William Johnson, ten years before the Declaration of Independence. Its dimensions are 50 feet by 40. The lower story is used as a residence by the sheriff. The upper story is appropriated to the purposes of the jail. A spacious hall runs through this part of the structure, on each side of which are the cells. There are altogether eight cells, of unequal sizes, two of which are dark, the others well lighted.

*Security.*—One escape occurred last year. The prisoner was brought out to saw wood, when he gave the authorities the slip and absconded. He was retaken and restored to the army, from which he was a deserter. This jail, as mentioned in the last report, is very unsafe. The stones may be easily pecked out, and the gratings are of soft iron, which may be readily cut through. We concur in the opinion expressed last year, that "Fulton county greatly needs a new jail."

*Employment.*—The prisoners have no regular occupation. They are sometimes employed to do little jobs about the jail, such as cleaning, whitewashing, sawing wood, etc., but that is all.

*Means of Intellectual Culture.*—There is no library, and no secular instruction of the inmates. The sheriff gives them his papers, and sometimes loans them books.

*Means of Religious Culture.*—There is a Bible in every cell, supplied by the county. The "American Messenger" is received, and read with interest by some. Occasionally ministers call to see and talk with the prisoners, but not often.

*The Dietary.*—Breakfast: salt meat, potatoes, bread (wheat or corn,) and tea with milk. Dinner: meat, potatoes, bread, and occasionally soup. Different vegetables are supplied according to the season. Supper: mush and milk, with tea, or bread and cold meat.

*Sanitary Condition.*—The health of the prisoners was good at the time of inspection. There was some sickness in the winter. It is said that no deaths ever occurred in the jail. How this can be known with a history running back a hundred years, it is difficult to conceive.

*Cleanliness.*—Water is introduced into the jail by pails twice a day always, and in summer oftener. The prisoners are required to wash themselves daily. Soap, combs and towels are furnished by the county. There are no provisions for bathing. The prisoners' clothes are washed weekly. The bed-covers are woolen blankets, and are washed about every three weeks. The straw is changed, and the ticks washed four times a year. Vermin abound in the jail. The prisoners are required to scald and wash their bunks once a week. The jail is whitewashed four times a year, and the floors are scrubbed once a week.

*Lighting.*—The prison is well lighted in the day time. No lights are furnished at night. Prisoners considered safe are allowed to have light, if they furnish it themselves.

*Heating.*—There is a wood stove in each of the three large rooms.

*Discipline.*—But little punishment is found necessary. The only one used is confinement in a dark cell. Kindness and friendly advice prove the most effective.

*Sudden Illness at Night.*—By making a noise the prisoners can be readily heard by the family.

*Classification.*—There seems to be a slight attempt at classification here. Criminals are kept in a room by themselves; also debtors and witnesses; and in like manner, boys. But all associate a good deal in the common hall, and the attempt at classification may be set down as a failure.

*Insanity.*—Three insane prisoners have been confined in the jail during the year. One was put in for safe keeping, who after ten days was sent to the Asylum at Utica. The other two were committed for slight offences, and were released on bail after a short imprisonment.

## 18. GENESSEE COUNTY.

*Prison Building.*—Erected in 1861. The material is brick, with walls 18 inches thick. Its dimensions are 34 by 40 feet. There are 16 cells, 8 feet by 5, and 8 feet high. Four of them are appropriated to the women.

*Security.*—The prison is tolerably secure. No escapes have occurred for the last three years.

*Employment.*—None, except scrubbing the jail.

*Means of Education.*—No library, and no secular instruction. The sheriff supplies the prisoners with a daily paper, and sometimes lends them books.

*Religious Instruction.*—No preaching, and no individual effort. There are two Bibles, one for the men, the other for the women. The American Messenger is received and distributed monthly.

*The Dietary.*—Two meals. Breakfast: Corned beef or pork with bread, potatoes, and water. Supper: Mush and milk, or bread and milk.

*Sanitary Condition.*—The location of the prison is pleasant and healthy, being on the bank of a stream. The general health was reported to us good. No death for the last four years. Venereal complaints and those arising from intemperance are here, as in most other jails, the prevalent ones.

*Cleanliness.*—Water is brought into the jail in pails. There are no conveniences for abluition, except one brass wash dish, with no drain to carry off the waste water. The prisoners are required to wash every morning. Soap, combs, towels, and razor are provided by the county. The prisoners' clothes are washed weekly. A clean pillow case and one clean shirt are given every week. The blankets are washed twice a year. The jail is scrubbed weekly, and whitewashed twice a year.

*Heating.*—By three wood stoves, which are said to make the prison perfectly comfortable.

*Discipline.*—The present sheriff says that he has no occasion to punish prisoners; that moral means are found all-sufficient. He believes kind treatment and friendly admonition and counsel more effectual than severity.

*Sudden Illness at Night.*—Prisoners under such circumstances cannot readily communicate with the keeper, and might suffer much before relief could be obtained.

*Separation of the Sexes.*—Without seeing, they can yet talk with each other freely.

*Classification.*—The drunken are kept separate from the sober, which is all that is attempted.

*Insanity.*—One woman, who had escaped from the county insane asylum, was lodged in jail for safe keeping, but was returned to the asylum.

## 19. GREENE COUNTY.

*Employment of the Prisoners.*—They saw the wood used in the jail, and do the cleaning and whitewashing; with these exceptions, they do no work.

*Intellectual Culture.*—There is no library belonging to the prison, and no secular books or papers are supplied to them. No secular instruction is imparted.

*Religious Instruction.*—The jail is supplied with Bibles, but they are often torn and defaced. *The American Messenger* is distributed monthly. There is never any preaching. Mr. Wilson visits the jail two or three times a year, and reads a chapter to them; with this exception, there is no individual effort for their reformation.

*Prison Dietary.*—Breakfast: Boiled or fried pork, potatoes, rye bread and coffee. Dinner: Boiled meat, beef or pork, and potatoes. Supper: Bread and molasses or mush and molasses.

*Sanitary Condition.*—The jail is situated in an elevated, airy position, and it is usually healthy. There have been no deaths during the year, and very little sickness. No disease has arisen within the walls of the jail.

*Cleanliness.*—The jailor keeps the prison as clean as its condition will allow. But there are broad cracks in the plank lining of the rooms; the floor and the ceiling have been cut again and again, and mended with iron bars and iron plates, until the whole is a mosaic such that it cannot be kept in anything like decent order. It is well whitewashed, and this is about all that can be done. The night tubs can only be emptied by conveying them out through the jailor's hall. The bedsteads are of iron; the beds of straw. Cotton sheets are used, with woolen blankets. Each room is provided with a wash-basin and towels, with soap. The prisoners are required to keep themselves clean. Combs and razors are also supplied when necessary. There are no means of bathing. Water for drinking purposes is taken in in stone jugs; water for washing in pails. The prisoners' clothes are washed once a week. The sheets are also washed weekly, and the blankets as often as they need it. The prisoners said they were not troubled with vermin.

*Lighting.*—There are two windows to each room about three feet square, secured by three iron gratings. No lights are allowed them at night, but the prisoners sometimes supply themselves with one by saving their pork and using that for a light.

*Heating.*—There is a coal stove in each room.

*Discipline.*—The prisoners are sometimes shackled and chained to the floor; no other punishment is ever adopted.

*Sudden Illness.*—The keeper can readily hear any alarm in case of sickness.

*Separation of the Sexes.*—They cannot see each other, but can converse

together. They abuse this opportunity by holding corrupting conversation. There is no attempt at classification. The jailor is compelled daily to violate the law by confining debtors and witnesses with criminals for want of suitable rooms.

*Insanity.*—Three insane persons were lodged in the jail for safe keeping, but were transferred to the county house. They had not been guilty of any criminal offence.

*Prison Building.*—Erected in 1813. It is of brick, 38 feet by 38 feet. It has four rooms, besides the jailor's apartments. They are each 12 by 16 feet, and eight feet high. The entrance doors are of oaken plank, secured by three broad iron hasps, and fastened by padlocks. The hole through which the food is passed can be closed by an iron door, which is also secured with a padlock. There is an area in front of the prisoners' rooms formed by upright wooden joists. A hall runs through the building, on the eastern side of which the prison rooms are situated, and on the western are the jailor's apartments.

*Security.*—There is no security whatever, that is not obtained by the vigilance of the jailor. The plank linings of the rooms have been cut through with a jack knife again and again. While this is being done, lime is plastered over the cuttings when the jailor is expected to make his appearance. The chips are burned in the stove. When the planks are cut it is not more than an hour's work to dig through the brick wall. The padlocks can be forced in five minutes by any one who knows how to perform that feat. The jail is in all respects a disgrace to the county, but efforts are being made to induce the supervisors to build a new one next year, which, it is to be hoped, will be successful. There were two escapes this year made by digging through the wall. One of the prisoners was retaken; the other not.

## 20. HAMILTON COUNTY.

There were no prisoners in the jail of this county in 1863, and only one in 1864 up to the day of inspection, which was September 19th. He was committed on body execution, and was discharged at the end of four months on affidavit. For the first month, as there was no keeper, and the sheriff resided some dozen or fifteen miles distant, he was his own jailor. He kept the keys of the jail, locked himself in, went abroad whenever he pleased, and boarded with Mr. Holmes, who keeps a first class hotel at Lake Pleasant, for wealthy citizens who are in pursuit of recreation and health during the summer months. It is hardly worth while to spend time or consume paper in any very minute description of a jail for which there is so little use. Suffice it to say that the accommodations are ample for all the demands likely to be made upon them; and there will be little danger of jail breach if prisoners are permitted to board at Mr. Holmes' hotel, and carry the keys in their own pockets.

## 21. HERRIKER COUNTY.

*Prison Building.*—It was erected about thirty years ago. It stands on the main street of Herriker village; is of hewn stone, strongly constructed. We need not, however, go into a minute description, as the prison was fully described in the last report in respect to structure, dimensions, security, arrangement of cells, &c. &c.

*Means of Intellectual Culture.*—There is no library belonging to the prison, and no secular instruction imparted to the prisoners. The jailor lends them newspapers, and occasionally a book; but we imagine the supply to be very limited.

*Means of Religious Culture.*—There is no preaching to the prisoners, and very little effort—none regular and systematic—made by either ministers or laymen for their spiritual improvement. Their religious interests, as is the case with respect to the inmates of most other jails in our State, seem sadly neglected. It is to be hoped that success may crown the effort now making by our Association, to introduce a reform in this particular by the appointment of local committees of corresponding members in each county seat, to take a friendly oversight of the religious condition and welfare of the prisoners. One Bible only was found in the prison, and that was supplied at the jailor's expense.

*The Prison Dietary.*—Three meals per day are furnished to the prisoners. For breakfast: meat, potatoes, wheat bread and coffee; for dinner: bread and milk; for supper: cold meat, potatoes, bread and butter, and frequently gingerbread or pie is added. There is no fault to be found with this fare, except that it is too generous for the inmates of a prison. Many honest people would be thankful for such living.

*Sanitary Condition.*—No deaths have occurred during the year. The general health of the prison was reported to us as good, the principal diseases treated—venereal and tremens—being brought in by the prisoners when they came.

*Ventilation and Cleanliness.*—There is no ventilation, except through the windows. The air of the cells was found to be impure, and the odor of the prison not pleasant. Water is introduced into the jail in pails. The prisoners have tin basins for washing the hands and face, but no means for bathing. Soap, combs and towels are provided, and they are required to wash every morning. The county provides a razor and shears, and the prisoners do their own shaving and hair cutting at such times and in such style as they please. The prisoners' clothing is washed weekly. Neither pillow cases nor sheets are used. The blankets were reported to us as being washed five or six times a year. Last year they were reported as washed every fortnight. Yet the same keeper was in charge both years. Either, therefore, there has been a great deterioration since the former report, or statements have been made rather loosely on this subject. The jail is said to be whitewashed every month. How often it is scrubbed we were not informed, but the floors were far from having a clean look.

*Lighting and Heating.*—This jail is badly lighted in the daytime, and no lights are allowed at night. It is heated by a hot air furnace, which the jailor assured us made it comfortable in the coldest weather.

*Discipline.*—Moral means are found, in the main, sufficient for the maintenance of good order. Refractory prisoners are sometimes locked in their cells; or, if very unruly, put in irons.

*Sudden Illness at Night.*—The jailor sleeps near enough to the prisoners to hear a call or any noise made by them.

*Classification.*—There is none attempted, other than the separation of the sexes. Even this was not secured at the time of our visit, the women being locked up in one of the cells of the male ward.

## 22. JEFFERSON COUNTY.

The necessity for improvements and additions in the structure and arrangement of the building, alluded to in former reports, still exist, even the continued frequency of escapes having failed to arouse the county authorities to the duty of making it more secure. Six escaped last November by sawing through a wooden door, and some time since one cut through the main wall three or four feet from the ground in one hour, the instruments used being only the handle of a spoon and a billet of wood. The same thing was partially effected by a boy, who only failed in his purpose by being discovered in the act in time to prevent it. No further evidence is needed of the insufficiency of the structure and the need of an entirely new building. The walls are of stone, but very loosely put together.

Here, as in other jails, it is impossible to obtain the desired statistics of the social, educational, moral or industrial relations of those incarcerated, because of the neglect of the law prescribing a particular form of recording each admission and discharge.

The jailor, who is appointed by the sheriff, receives from him a salary of \$200 and his board. The subsistence of the prisoners costs about two dollars a week each, and about twenty-five dollars per annum is spent for clothing.

There are six books, constituting the library, and twelve copies of the American Messenger are regularly sent for the use of the prisoners, but no secular instruction is imparted, and no preaching by either public or individual effort. The sanitary condition is fair, there being no sickness and no apparent cause for any, except that the beds are all upon the floors of the cells, there being no bedsteads, and the bedding having a very uncleanly and disordered appearance. The prisoners' clothes are washed weekly, but the bed blankets (the only coverings) as an occasion may require, which is evidently deemed to be very seldom. There are no means of bathing, though the prisoners are required to wash themselves regularly, soap, towels, combs, &c., being provided. Lights at night are allowed only in exceptional cases, as of debtors, &c. The means of warming is by stoves, very imperfect and defective. The dun-

geon is the only punishment employed. The county contains 67,000 inhabitants, and the township 10,900.

The crime of prostitution is alleged to be unusually prevalent, some houses devoted to the purpose being in the immediate vicinity of the prison, and all the three female inmates are of that class. There are no theatres, other than transient shows. No gambling houses are known to the sheriff, though rooms are known to have been rented for that purpose. The general character of the county with respect to the observance of the Sabbath is said to be good. There does not appear to be any unusual proportion of grog-shops, and the railroad that traverses the county is not believed to increase the amount of crime.

### 23. KINGS COUNTY.

*Employment.*—There is none, except in cleaning and whitewashing the jail.

*Means of Intellectual Culture.*—There is no library. The prisoners are furnished with no books or papers by the prison authorities, but they may procure both with their own money, if they choose. No secular instruction is imparted.

*Religious Instruction.*—The inmates are not supplied with Bibles. There is no preaching on the Sabbath, but ministers of different denominations call there frequently and talk with the prisoners. No laymen exert themselves for their benefit.

*The Prison Dietary.*—The prisoners are fed three times a day. For breakfast they have bread and rye coffee. On Sundays and Thursdays they have meat, potatoes, and bread for dinner; on Mondays and Saturdays, soup and bread; on Tuesdays, corn beef and bread, with potatoes; on Wednesdays, bean soup with bread; on Friday they have fish, bread and potatoes. For supper they have rye coffee and bread every day.

*Sanitary Condition.*—We did not see the physician to the prison, but have reason, from other inquiries, to believe that not much disease is engendered there. A prisoner who has been confined there three years looked well and hearty. The cells on the lower floor are never used. Like all other prisons, the ventilation is deficient, and when the orifice in the cell door is closed, the odor becomes stifling and offensive.

*Cleanliness.*—The water from the Redwood reservoir is introduced within the jail. Each cell is furnished with a wash basin and soap; but no towels, combs, or razors are furnished. The prisoners wash their own clothes or hire their washing; the county never does it for them. The bed clothes are washed, when dirty. The visitors of the Association complained last year of the dirtiness of the beds. We think this has been reformed. We did not observe anything to complain of in this respect when we visited the jail. The whole aspect of the prison was decidedly neat and clean. There are no means provided for bathing the whole person.

*Lighting.*—The corridors are sufficiently lighted, but the cells are somewhat dark. The prison is lighted with gas all night.

*Heating.*—By radiator from steam pipes.

*Discipline.*—There are no punishments used, except confinement in a dark cell. There were only three of these punishments during the year.

*Sudden Illness at Night.*—A keeper is on duty in the corridors all night.

*Separation of the Sexes.*—Is quite perfect.

*Classification.*—There would seem to be very little attempt at classification. Those accused of high crimes are confined in one gallery, while those accused of minor offences are confined in another. As many as four or five persons are sometimes confined in one cell, which is of course demoralizing. In the women's prison, they all herd together in the corridor during the day, and have the most ample opportunities for mutual corruption.

*Prison Building.*—The main building is of brown stone, facing on Raymond street. It is 125 feet front by 55 feet in depth. From this two wings extend, at right angles with the main building. One is of granite, 135 feet long by 50 feet in width, and contains 42 cells for males. It is traversed by a corridor through its whole length on the left hand, having the cells on the right. There are three tiers of cells one above another, having fourteen cells each. The lower tier never being used on account of dampness, there remain but twenty-eight cells for use. The wing for females is of brick, 135 feet long and 25 feet wide. It contains fifty-four cells, twenty of which are not used, leaving only thirty-four in actual use.

*Security.*—There has been only one escape during the past year. This prisoner managed to get out with some prisoners who were taken out for examination, and slipped away. It is more secure than most prisons.

### 24. LEWIS COUNTY.

*Prison Building.*—This was fully described, both in respect to arrangement and security, in last report. No change has occurred since. The county has determined to remove the jail to Lowville; but a delay has occurred in erecting the new building, owing to the high prices of materials.

*Employment of Prisoners.*—None of any kind.

*Intellectual Culture.*—No library and no secular instruction. The sheriff loans the prisoners books occasionally, and gives them his papers when he is done with them.

*Religious Instruction.*—No Bibles, no preaching, no individual effort for the religious benefit of the prisoners. They are glad to receive the Messenger.

*Prison Dietary.*—Three meals a day. Good fare. Meat, vegetables, bread, butter, &c. No drink but water.

*Sanitary Condition.*—The physician not called in at all last year.

*Cleanliness.*—Water is carried into the jail in a picher. No conveniences for washing but a tin wash dish, and it is left optional with the prisoners to wash themselves or not. No means of bathing. Prisoners' clothes washed weekly; bed blankets once a month. No sheets are provided for the beds, but calico pillow cases, which are washed weekly. Soap, combs, and towels are furnished; also a razor.

*Lighting.*—The prison is wretchedly lighted, there being but one window, consisting of four small panes, to each of the two apartments appropriated to the use of prisoners. A candle is allowed at night till bed time.

*Heating.*—A wood stove in each room.

*Discipline.*—Punishment has been necessary in but one instance, when the prisoner was chained to the floor to prevent his breaking jail, which he had attempted to do. The sheriff informed us that he often talks with the prisoners, and endeavors to supply them with motives to a better life.

*Sudden Illness at Night.*—Prisoners can communicate with the keeper by rapping on the wall.

*Separation of the Sexes.*—They are in adjoining rooms, and can converse to some extent, but not without speaking quite loud.

*Classification.*—None is or can be attempted.

*Security.*—One prisoner escaped during the year by sawing off the iron pin on which the door plays, and walking out in open day. He has not been retaken.

#### 25. LIVINGSTON COUNTY.

*Prison Building.*—Erected in 1820. It is a frame structure, 36 feet by 40. The ground on which it stands is the gift of the Wadsworth family. The site is elevated, and commands an extensive and charming prospect. The building stands in the midst of a beautiful grove, but is itself in a somewhat dilapidated condition. There are 18 cells altogether, contracted, close and uncomfortable. A new jail is greatly needed.

*Security.*—This prison is very insecure. There were three escapes during the year. These were all effected at one time, by digging through the floor in a place where the timbers had been cut in a case of fire, and not replaced. The timbers under the floor, which form a solid pavement some ten or twelve inches thick, have become quite rotten.

*Employment.*—None, except cleaning the jail.

*Means of Education.*—There is no library, and the prisoners receive no secular lessons. The sheriff loans them a daily paper; also the weekly papers of the county; and occasionally books.

*Religion.*—There is a Bible in each corridor (four), provided by the county, and one Hymn Book. The American Messenger is received, and

interests some of the inmates. There is never any preaching. The clergymen of the village occasionally come in and talk and pray with the prisoners, but not systematically; laymen never.

*Prison Dietary.*—The prisoners are fed twice a day. In the morning, they are supplied from the sheriff's own table, except that they do not receive either butter or coffee. They get enough for a midday lunch. For supper they have bread and milk, or mush and milk.

*Sanitary Condition.*—The health of the prisoners was good at the time of inspection. There is but little sickness. The prisoners are said generally to improve in health. One man has been in the prison three years, and has not had a sick day. No death has occurred during the incumbency of the present sheriff, that is, for nearly three years.

*Cleanliness.*—A good supply of well and cistern water. Carried in by pails. All are required to wash. Soap, combs, and towels are furnished by the county. The sheriff lends the prisoners a razor and shears for shaving and hair-cutting. Their clothes are washed weekly; sheets and pillow cases the same; bed ticks and blankets twice a year. Vermin abound. Sheriff has to fight them continually with corrosive sublimate, cedar oil, &c. Jail scrubbed once a week, sometimes twice; whitewashed twice a year.

*Lighting.*—The jail is so poorly lighted that the inmates cannot see to read in the cells; they can barely do so in the corridors. No light is provided at night, except in cases of sickness; but the prisoners can have light at their own expense.

*Heating.*—Four coal stoves; jail comfortable in cold weather.

*Discipline.*—No punishment except locking in cell. This seldom necessary. Moral means usually found sufficient.

*Sudden Illness at Night.*—The sheriff sleeps near enough to hear the prisoners if they make a noise.

*Separation of the Sexes.*—It is perfect.

*Classification.* Debtors are kept by themselves; also men under sentence.

#### 26. MADISON COUNTY.

*Prison Building.*—Erected in 1817—a frame structure. It has six rooms, two in lower story, four in upper, 15 by 15 feet. Some have three beds, and some two in them. The windows of the lower story have three gratings; those above two.

*Security.*—The two lower rooms are very secure; no one ever escaped from either of them. There was no escape during the year from the jail; but one man escaped from an officer while being conducted to prison.

*Employment of Prisoners.*—None.

*Means of Intellectual Culture.*—There is no library in the prison, and no secular instruction is given. The sheriff loans the prisoners papers and books.



*Religion.*—A Bible is provided for each cell by the county; but there is no preaching, and no individual effort.

*The Prison Dietary.*—Three meals. Breakfast: meat, wheat bread and potatoes, or other vegetables in their season, and coffee on Sunday. Dinner: same as breakfast, with soup occasionally. Supper: mush and milk.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection, as it had been through the year. One death occurred as the result of the softening of the brain.

*Cleanliness.*—Supply of water abundant; introduced by pails. The conveniences for ablu-tion are wash basins and a sink. All are required to wash. Soap, combs and towels provided. There is no bath-tub; but water is brought into the prison yard by a leaden pipe from a spring. There is a large trough in which the prisoners can wash the whole person. They are led into the yard for an hour or so at least twice a week, and sometimes oftener. Many are said to avail themselves of the opportunity thus afforded them. The clothes, sheets and pillow cases are washed weekly; the comfortables twice a year, or oftener if there is a needs-be. The jail is whitewashed twice a year, and scrubbed weekly. There is a good deal of annoyance from vermin.

*Lighting.*—Rather dimly lighted by day; not at all at night, unless in case of sickness. Prisoners, however, may furnish their own lights, and it is quite common for them to do so.

*Heating.*—Wood stoves in each room.

*Discipline.*—No punishments are used; none are found necessary; moral influences are sufficient.

*Sudden Illness.*—The sheriff sleeps near enough to hear any noise made in the cells.

*Classification.*—None attempted.

*Insanity.*—One case. The man became insane, and then idiotic. Died in prison.

## 27. MONROE COUNTY.

*Prison Building.*—Date of erection could not be ascertained. The material is stone. There is a main building three stories high, 45 feet by 45, and a wing two stories high, 60 feet by 42. The first two stories of the main structure are occupied as a residence by the keeper. The third story is used partly as a female prison and partly as a place of confinement for debtors and witnesses. The male prison occupies the whole of the wing. The cells are arranged in two tiers, with corridors encircling them. There are 36 cells altogether, nine feet by four, and seven feet high, arched. There is no ventilation whatever, except by the windows, which, as mentioned in last year's report, are guarded by heavy gratings that greatly obstruct the free admission of air. The windows are taken out entirely in summer.

*Security.*—The jail was thoroughly repaired last year, and the windows of the men's ward double barred. It may now be considered as tolerably secure against attempts to escape. There is a stone wall round the wing three feet thick and 18 feet high, which, however, does not add materially to the security of the prison. There have been no attempts to break jail during the past year, nor have any previous attempts made during the incumbency of the present sheriff proved successful.

*Employment of Prisoners.*—They sometimes assist in cleaning, whitewashing and doing housework; that is all.

*Means of Intellectual Culture.*—None, either in the form of a library or special instruction. The newspapers of the day are loaned by the keeper, and occasionally books.

*Religious Instruction.*—This jail has a chaplain, who holds a service every Sabbath; but the committee did not see him, and are unable to give any account of the results of his labors. There is a full supply of Bibles, provided by the supervisors, with the words "Monroe County Jail" stamped on the covers. Christian people, male and female, often visit the jail to converse with the prisoners and distribute tracts, both on the Sabbath and week days. The Sisters of Charity frequently labor in this way for the benefit of the Catholic prisoners. The "Messenger" is distributed monthly, and is read with a good deal of interest.

*The Dietary.*—Two meals. Breakfast: corned beef, bread, potatoes or other vegetables three times a week; the other four days bean soup or vegetable soup. The soup is always made from good sweet beef bones. The only drink furnished is water. Supper: mush and milk in summer, and mush and molasses in winter. The bread used is made of wheat flour and corn meal, in the proportion of two-thirds flour and one-third meal. If it ever happens to be sour, it is thrown invariably to the pigs, and bakers' bread furnished instead. The jailor keeps his own cows, and the milk is given to them with the cream in. The prisoners have all they want of everything provided.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. There is little sickness, other than venereal complaints and delirium tremens, which are quite common. One case of small pox occurred last year, and two of dysentery, which latter disease prevailed extensively in the community as an epidemic. There has been no death in the prison for five years.

*Cleanliness.*—The water supplied to the prison is well water—a little hard. It is pumped directly into the jail. The prisoners have access to it during the day, and a supply is placed in the cells at night. There is a vat eight feet long and two or three feet wide, into which the water is pumped for purposes of ablu-tion. This is all the apparatus there is for bathing. There is a kettle in which, in the winter time, water can be

heated by the prisoners for washing. Soap is provided, but neither towels nor combs. A razor and strap are furnished, and shears for hair cutting. The prisoners' clothes are washed weekly, and the bed blankets and tickings every three months. The men's ward is scrubbed daily; the women's, three times a week. The walls and cells of the former are whitewashed every fortnight; of the latter, when they look as if they needed it. There is much annoyance from vermin.

*Lighting.*—The prison is sufficiently light in the daytime; but no lights are allowed at night, except in sickness.

*Heating.*—There is a coal stove in each corridor of the male prison, and a wood stove in the female department.

*Discipline.*—The only punishment employed is putting the refractory in irons, which is not often necessary. Kind words, the keeper informed us, are found more effective than a club.

*Sudden Illness at Night.*—The jailer sleeps near the prisoners, and usually has some trusty prisoner whose cell door is left open, so that he can come out and rap on the outer door of the prison. In winter, the keeper always goes into the male ward at midnight, to regulate the fires and see that all is right.

*Separation of the Sexes.*—It is perfect and complete here.

*Classification.*—None at all, except that the debtors have apartments by themselves. We found a man here imprisoned as a witness in the case of two men by whom he had been robbed. He had been in jail some three months, while the culprits were at large on bail. He was confined in the same ward with the criminals.

*Insanity.*—Two insane persons were in the jail last year. One was committed on a criminal charge, but was acquitted on the ground of insanity and sent to the asylum at Utica; the other was put in for safe keeping, and sent to the same place.

## 28. MONTGOMERY COUNTY.

*Prison Building.*—This was described in the last report as to structure, arrangements and security. It is one of the least secure of our jails. A man can dig out with a jack-knife. The locks are miserable. One escaped during the year through the door, either accidentally left open, or with the key in it.

*Employment.*—None, except to assist in cleaning the jail.

*Means of Intellectual Culture.*—No library, and no secular instruction. The keeper loans newspapers and books.

*Religious Instruction.*—Bibles are supplied by a local society. The "Messenger" is received and read with interest. There is never any preaching to the prisoners. We were told that formerly a good deal of interest was taken in the religious welfare of the prisoners by Christian laymen; but that latterly such efforts had become more rare.

*Dietary.*—Three meals. Breakfast: Pork or beef, bread and potatoes, with water for drink. Dinner: pork and beans, or salt beef, with bread.

Supper: bread and milk, or bread and butter, or bread and molasses, or mush and molasses.

*Sanitary Condition.*—No death, and no case of sickness of any account during the year.

*Cleanliness.*—Water is carried into the jail in pails regularly twice a day, and oftener if necessary. The conveniences for washing are tin basins, and a sink to carry off the wash water. No means of bathing. It is optional with the prisoners to wash or let it alone. They are provided with soap, combs and towels. The keeper leaves them a razor, and his wife cuts their hair. The jail is whitewashed as often as once in two months. If there are many prisoners, the floors are scrubbed weekly; not so often when there are few. Their underclothes are washed weekly; the blankets and ticks twice a year; and oftener when thought necessary.

*Lighting.*—The prison is well lighted by day, but no light is allowed at night.

*Heating.*—Two coal stoves in the men's ward; one wood stove in the women's.

*Discipline.*—The punishments are locking in the cells and putting on shackles. As a general thing the prisoners behave with propriety, and little coercion is needed.

*Sudden Illness at Night.*—If prisoners knock on the walls or doors of their cells, they can be heard and receive immediate attention.

*Separation of the Sexes.*—They are separated only by a door, with a diamond-shaped hole in it for passing food, through which of course they can see each other, and hold conversation together just as freely as if they were in the same room.

*Classification.*—None whatever is attempted.

*Insanity.*—One man was committed for burglary, who was not sound in mind. No bill was found. He simply broke into a house, and stole some cake.

## 29. NEW YORK COUNTY.

There is properly no county jail in this county; but the city prison, commonly called the "Tombs," is, in effect, such a prison.

*Employment of Prisoners.*—None, except in cleaning the jail.

*Means of Intellectual Culture.*—There is a library of — volumes, but there is no secular instruction given to the prisoners. Many of the prisoners read the books. The greater number draw novels, but many works on history and biography are read also. Books of a religious character are rarely looked at.

*Means of Religious Culture.*—We saw no Bibles in the cells. There is regular preaching every Sabbath.

*The Dietary.*—The prisoners are fed twice a day. For breakfast they have bread and molasses. For dinner they have soup, meat, and bread three times a week; codfish once a week; and at other times mush and

molasses. Prisoners who can afford it are allowed to purchase their meals outside. The hours of eating are 8 A. M. and 3 P. M.

*Sanitary Condition.*—In some of the cells there was a foul odor from the soil pipes. There is water under the prison, which stands there constantly. There is a scow beneath it, in which workmen float round for the purpose of repairing the prison pipes. The physician, however, expressly assured us that but two cases of disease had originated within the prison in four years. All others had originated outside the walls. The average number of prescriptions is about ten daily. The prevailing diseases treated are delirium tremens, venereal, rheumatism, and gastric derangements. There were 38 deaths during the year from the following causes:

Exhaustion, 15; injury, 1; hydrothorax, 1; convulsions, 3; epilepsy, 1; phthisis pulmonalis, 1; general debility, 5; compression of the brain, 1; congestion of the liver, 1; premature birth, 1; congestion of the brain, 1; apoplexy, 1; delirium tremens, 5; chronic diarrhoea, 1.

Of the above, 26 were white males; 10 were white females; 1 black male, and one black female. The affairs of the prison are under the direction of the commissioners of public charities and correction, who appear to discharge their duties with great fidelity and intelligence.

*Cleanliness.*—There is not much to complain of in the men's jail, though, owing to original faults of construction, it cannot be kept as clean as is desirable with such a population. The women's prison is in a very clean condition.

Abundance of water is introduced into the jail from the Croton. The prisoners have wash basins in each cell, but are not furnished with towels or soap. They are not compelled to wash daily, but it is left to their own option whether they will do so or not. There are no means of bathing. Prisoners furnish their own razors, or go without shaving. They pay for their own washing, or do it themselves. The bedding, which is only blankets without sheets or pillow cases, is washed as often as it becomes dirty. Whenever a dirty prisoner goes out, his blankets are washed before another person sleeps in them.

*Lighting.*—Each cell has a narrow opening to the exterior light; the central hall is lighted from the roof. Gas lights burn all night in the hall.

*Heating.*—There are two large stoves for burning coal in the hall, and a supplementary furnace is placed in the corner of each block of cells, to be used in case of necessity. The prison is by these means kept comfortably warm at all times.

*Discipline.*—No punishment is used in the Tombs, except confinement in dark cells, and this is not resorted to on an average more than three times a year. The violations of prison rules are very rare.

*Sudden illness.*—A keeper is on duty in the hall all night, in readiness to attend to any cases of sickness which may occur.

*Separation of the Sexes.*—This is perfect, and leaves nothing to be desired.

*Classification.*—The boys are all kept by themselves, and the different grades of crime are confined in separate ranges of cells.

*Insanity.*—There were three insane persons in prison at the time of our visit. Many such have been confined there during the year. They are mostly sent to the Insane Asylum on Blackwell's Island. 256 insane males and 205 females were committed in 1863, making a total during that year of 461.

*Security.*—The prison is very secure. Only one escape occurred in 1863. The prisoner removed the irons by sawing, and forced himself through an aperture 6½ inches by 29½ inches. He was soon retaken.

*General Remarks.*—This prison is altogether unworthy of the great metropolis of New York. It will not bear a moment's comparison with the corresponding prisons either in Philadelphia or Boston. New York owes it alike to her interest, her reputation, and the cause of humanity, to erect a new city prison, with as little delay as possible, in a locality where greater space and more fresh air can be secured.

### 30. NIAGARA COUNTY.

*Prison Building.*—This was very fully and correctly described in last year's report. No alterations have since been made, except that the wall of the prison yard has been raised seven feet, which somewhat increases its security. Seven escaped last year; five at one time, by locking the keeper in a cell.

*Employment.*—None, other than scrubbing and sawing wood.

*Means of Intellectual Culture.*—As usual, there is neither library nor instruction. No reading is supplied, except newspapers.

*Means of Religious Instruction.*—No preaching, no individual effort, and no Bibles, except such as are supplied by the sheriff, on the special request of prisoners.

*Dietary.*—Two meals. Breakfast: beef or pork (sometimes salt, sometimes fresh), potatoes or beans, and bread, with water for drink. Supper: same as breakfast, with the occasional addition of soup; sometimes mush and molasses are substituted.

*Sanitary Condition.*—The health of the prisoners was good at the time of inspection. Delirium tremens and venereal are the prevalent diseases. There is little sickness in the jail. Prisoners who are able are obliged to pay their own doctor's bill.

*Cleanliness.*—Water, both well and cistern, is introduced in pails. Conveniences for ablution are wash bowls and a sink. All are compelled to wash. Soap and towels are furnished, but not combs. No means of bathing. Clothes washed weekly; blankets monthly. Straw put in beds twice a year. The prison walls are whitewashed twice and the cells four times yearly.

*Lighting.*—There are eight windows, which afford ample light during the day; no lights allowed at night.

*Heating.*—Four wood stoves.

*Discipline.*—The only punishments are the dungeon and irons.

*Sudden Illness at Night.*—There is communication with the turnkey in an adjoining apartment. Any sudden attack of sickness can readily be made known.

*Separation of the Sexes.*—They can converse together, when the men are in the hall; but these are commonly locked in their cells throughout the day.

*Classification.*—None whatever.

*Insanity.*—Three cases during the year. Two were sent to Utica asylum.

### 31. ONEIDA COUNTY.

#### a. Jail at Utica.

*Prison Building.*—Erected in 1852. The dimensions, material, number and arrangement of cells, security, &c., of this jail were fully described in last year's report.

*Employment of Prisoners.*—No occupation but sawing wood and cleaning and whitewashing jail.

*Education.*—There is no library, nor is any secular instruction given. The keeper lends the inmates his daily paper, and occasionally books.

*Religion.*—There is not a Bible belonging to the prison, but the jailor lends Bibles to the prisoners whenever they desire it. There is no preaching; but occasionally some minister or layman calls to talk and pray with them.

*Prison Dietary.*—Two meals. Breakfast: salt beef, potatoes, and bread (wheat or Indian), with water for drink. Enough is given for a lunch at noon. Supper: mush and milk, or mush and molasses. Prisoners awaiting trial are allowed extras, if they provide them with their own money. Few do so.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. Principal diseases same as in other jails. Health of the prison generally good. Physician frequently not called in for several weeks. Two deaths during the year; one from old age, the other from an accidental fall. The prisoner fell from the upper corridor, which was without a railing.

*Cleanliness.*—An abundant supply of water, carried in in pails. Washing is optional with the inmates. Soap, combs, and towels are furnished, but not razors. There is no bath tub, but if prisoners are filthy when committed, the first thing required of them is to scour the whole person. They often desire to wash the whole person, and are then always provided with a bucket of water for the purpose. Clothes washed once a week; blankets once a fortnight or once a month, according to circumstances. Ventilation wretched.

*Lighting.*—The prison is sufficiently lighted in the daytime from the windows, but no light is allowed at night, except when sickness requires it.

*Heating.*—Each room has a wood stove in it.

*Discipline.*—Refractory prisoners are either locked in their own cells, or, if thought necessary, in a darkened cell. But one person has been put in irons for three years. Moral agencies are constantly employed by Mr. Barnes and his wife, the latter often talking to the female prisoners. Friendly counsel, kind treatment, and sympathy are generally found effective in securing good conduct.

*Sudden Illness.*—Any noise made by prisoners in their cells can be heard by the keeper in his bed room.

*Separation of the Sexes.*—Cannot see each other, but can hold communication together.

*Classification.*—Drunkards and vagrants are kept in one room; criminals in another; debtors and witnesses in a third; and the women in a fourth. Witnesses, if respectable, are allowed to take their meals with the keeper's family.

*Insanity.*—Only one case during the year. He was committed for robbing a hen-roost, but was either insane or feigned insanity so skillfully as to be sent to the asylum, from which he effected his escape.

#### b. Jail at Rome.

*Prison Building.*—Erected in 1849. Described in last report, and no change since.

*Employment of Prisoners.*—None except cleaning and whitewashing jail.

*Means of Intellectual Culture.*—No library and no instruction. The keeper often lends books to the prisoners, and allows them the use of the papers taken by himself.

*Religious Instruction.*—There are no Bibles belonging to the prison, but the jailor lends them Bibles whenever called for. A benevolent christian lady who has now left the place, has heretofore been in the habit of visiting the jail every Sabbath afternoon, and holding a religious service with the prisoners, consisting of reading the scriptures, exhortation, prayer, and singing; after which she conversed with them personally. She remained altogether about an hour in the jail. Her influence was most happy upon the prisoners, who spoke of her to the committee with much respect.

*Dietary.*—Two meals a day, at 8 A. M. and 4 P. M. Breakfast: pork or beef, and bread, with water for drink, and occasionally vegetables. Supper: mush and milk in summer and mush and molasses in winter. Fresh meat once a week.

*Sanitary Condition.*—The health of the prisoners was good on the day of inspection, as it is for the most part at other times. Venereal affec-

tions and tremens are the most common diseases. One prisoner died of the latter during the year.

*Cleanliness*.—A good supply of water by pails. Prisoners required to wash. Soap, combs, and towels provided. No means of bathing. Prisoners' clothes washed weekly; bedding once a fortnight. Vermin were reported as abounding last year; this year, we were told, there was none. Jail whitewashed several times during the year.

*Lighting*.—Sufficiently light in the daytime from the windows; lighted at night by one gas burner for about an hour.

*Heating*.—Wood stoves.

*Discipline*.—Locking in their own cells or in a darkened cell and putting on irons are the only punishments; and these are not often necessary. The labors of the lady before referred to are said to have had an excellent effect upon the discipline.

*Sudden Illness at Night*.—The jailor sleeps so near as to readily hear any noise made in the cells.

*Separation of the Sexes*.—It is complete, they being confined in different buildings.

*Classification*.—None attempted.

*Insanity*.—Eleven insane persons were committed for safe keeping by officers, and sent to the almshouse.

### 32. ONONDAGA COUNTY.

The jail of this county, as mentioned in the report of last year, is kept in the same building, and is under the same government as the penitentiary. The committee do not, therefore, propose an extended report. The jail is simply a house of detention, and none are ever confined in this department who are undergoing a sentence on conviction. No work is required of the jail prisoners, but such as *choose* to work with the penitentiary prisoners are permitted to do so. About one-third elect to work, in which case they have to be subject to all the rules and regulations of the penitentiary.

### 33. ONTARIO COUNTY.

*Prison Building*.—Erected in 1816; material, stone. Dimensions, 50 feet by 50 feet. It has 16 cells, eight feet by three and a half, and seven feet high. It cannot be regarded as very secure. Three escapes were effected during the year by sawing off the iron gratings of the windows.

*Employment*.—No regular occupation. Persons do little jobs about the jail, as sawing wood, cleaning and whitewashing jail, etc.

*Means of Education*.—No library at present. There was a library, but the prisoners used the books in lighting fires, and destroyed them in other ways. The sheriff lends the prisoners newspapers, and sometimes books. One prisoner read the whole four volumes of the documentary

history of New York, and at the date of our visit was engaged in reading Shakspeare. No secular instruction is imparted.

*Religious Instruction*.—A Bible is kept in each cell, which is supplied by the county. Sheriff Munson says that, as the law requires this, he provides the Bibles when necessary, and presents the bill to the supervisors, and they pay it. The "Messengers" are received and distributed, and by some read with great interest. The sheriff himself, assisted by his brethren in the Methodist church, held a prayer-meeting of the prisoners every Sabbath during the summer of 1862. His wife and daughters take much interest in the prisoners, and often talk and pray with them. A Christian lady held a Sabbath-school in the jail for about four months. We did not learn why it was discontinued.

*Dietary*.—Two meals. Breakfast: salt beef and bread, with soup and coffee, and sometimes potatoes; enough is given for two meals. Supper: Bread and milk, or mush and milk; one about as often as the other.

*Sanitary Condition*.—No sickness at the date of inspection. Health generally good. No fevers. As usual venereal and tremens most common complaints.

*Cleanliness*.—Water is brought into the jail in pails. There is a good supply of this element in the prison yard, which might be readily introduced by a pump. This is an improvement which ought to be made. The prisoners are required to wash every morning. Soap, combs and towels are provided; also a razor. There is no bath-tub; but the men can wash the whole person if they choose, and many do so. A barrel of cistern water is carried into the prison every morning, and there is a large tub, which can be used for ablution. The prisoners wash their own clothes weekly. They have facilities for heating water. Soap and flat irons are provided by the county. The bed clothes are often taken outside and aired, and are washed (so it was reported to us) "whenever they get dirty." The floors are scrubbed once a week or oftener. The cells are whitewashed monthly; the prison walls three or four times a year. There is a good deal of trouble from bed bugs. Sulphur fumes are used to fight them.

*Lighting*.—Well lighted from the windows in the day time. No light furnished by the county at night. The prisoners are allowed to provide themselves with light, and often use the privilege.

*Heating*.—The jail is heated by three coal stoves, which are said to keep it sufficiently warm in winter.

*Discipline*.—Moral means are used almost exclusively. The only punishment employed is confinement within cells. This soon brings prisoners to submission.

*Sudden Illness at Night*.—A trusty prisoner is left in the hall at night. He can hear any call from the cells and convey it to the keeper, who sleeps near by.

*Separation of the Sexes.*—Very imperfect, as in many other jails. Without seeing one another, they can converse together to any extent they please. This is the worst and most demoralizing feature in the jail; so testifies sheriff Munson.

*Classification.*—None.

*Insanity.*—Two insane persons were committed for safe keeping till suitable provision could be made for them elsewhere. One was sent to Utica, and the other taken by his friends.

#### 34. ORANGE COUNTY.

*Employment of Prisoners.*—They have no employment, but their time is spent in idleness. Sometimes they are set to work to clean and whitewash the jail, and the female prisoners assist in cooking and washing the bedding and clothes.

*Means of Intellectual Culture.*—There is no library in either prison, but the sheriff occasionally gives them the secular papers to read. This privilege is highly valued by them. No secular instruction is ever imparted to any of them.

*Means of Religious Culture.*—There is a Bible supplied by the county, for each cell, at Newburgh. The jail at Goshen was formerly supplied with one in each cell, but they have been destroyed or carried away by the prisoners until the stock is reduced to a single Testament. Rev. Mr. Murray preaches to the prisoners in the Newburgh jail on the morning of every Sabbath. The prisoners spoke of him with affection. They really seem to enjoy his ministrations, and a few cases of permanent good appear to have resulted from his labors. In addition to preaching, he holds frequent private conversations with them, and distributes tracts nearly every Sabbath. We were much cheered by the persevering and self-denying labors of this excellent man, and we hope his example may be followed by one or more of the clergymen in every county in the State. With the exception of Mr. Murray, very few of the religious people of Newburgh ever visit the jail or take any interest in its inmates.

*Prison Dietary.*—Three meals. Breakfast, at Newburgh jail: rye bread and meat; dinner: bread and soup, and vegetables occasionally; supper: mush and molasses. At Goshen the fare is the same, except that on two days in the week bread and molasses is substituted for mush and molasses.

*Sanitary Condition.*—The condition of the Newburgh jail is in most respects very bad. It is in the basement of the court house and wholly beneath the general surface of the ground, although an area six feet wide is excavated on the north side, which removes it from direct contact with the ground. The windows or gratings are on the north side, so that the direct rays of the sun can never enter the cells. The air in the jail is always damp and the odor very disagreeable. We have never been in any jail where the smell was more repulsive. There is a water closet in each cell. A gas light is kept burning day and night, and a

coal stove is always burning, in summer as well as winter. Without this it would scarcely be habitable. At the time of our visit, eight men were confined all day and night in a cell containing sixteen hundred cubic feet of air. This cell has two windows 25 inches by 19 inches, double grated, which open into the area containing a hen coop. This is all the ventilation it has. Each of the other cells has one window of the same size. Two women, and sometimes three, sleep in these cells, which contain 510 cubic feet of air. In our opinion, these cells are utterly unfit for the habitation of human beings; especially when they are so much over-crowded as they commonly are. This is the more to be regretted, as the jail at Goshen is larger and much better ventilated, and we can see no obstacle to the transfer of most of the prisoners to that jail.

Although almost every law of hygiene is violated in the structure of the jail, it is proper to say that the sheriff, the turnkey and the physician all testify that the health of the prisoners is good. No diseases originate there, and those who are discharged are better in health than when they came in. The physician says that the complaints principally treated are delirium tremens and the venereal disease. Sometimes when prisoners are brought there they have fasted for a long time, and then they eat voraciously, which causes derangement of the bowels; this yields very easily to treatment, and is about all that calls for the intervention of a physician.

The jail at Goshen is dry, well ventilated, and, if properly managed, would be very healthy. The privies empty into a sink, which sometimes diffuses an impure odor; but this could be easily remedied by conducting the rain water falling on the roof into a tank in the attic, which would always keep it sweet and clean. The physician of this jail testifies to the same state of facts as the physician at Newburgh. The same diseases prevail here as there, and the jail enjoys the same exemption from fevers, rheumatism, and pulmonary diseases. Every cell is lighted and ventilated by a window 19 inches by 27 inches. The two corner cells have two of these windows, and it is so arranged that the air circulates freely in every part of the building.

*Cleanliness.*—Water is introduced into the Newburgh jail by pipes from the outside, and can be obtained at pleasure by turning a cock in the corridor. The women are admitted into the corridor during half the day, and the men the other half. Each cell is supplied with pails, in which they can carry in water when they are locked into their cells. There is a sink in the corridor, where they can wash when they desire it. There is no imperative rule which requires the prisoners to wash at stated times; but if any one appears dirty, the jailor requires him to wash, and stands over him until he is thoroughly clean. No water can be procured at the Goshen jail except what is brought in pails from the outside. In other respects it is the same as the Newburgh jail. Soap, towels, and razors are provided by the county at both jails.

There is generally some prisoner in the jail who knows how to shave, who shaves those who cannot shave themselves. They generally have combs of their own, but when they have not, the sheriff provides them. There are no means of bathing at either jail, and great inconvenience is caused by the deficiency. It is to be hoped that the next board of supervisors will consent to make an appropriation for bathing tubs. The prisoners wash their own clothes once a week, and the bed clothes are washed once in three weeks in summer, and in winter once in six weeks; they appeared clean at the time of our visit.

*Lighting.*—The jail at Newburgh is very imperfectly lighted. There is a window in each cell, two in the common room, all facing the north, and one in the corridor facing the west; but owing to the thickness of the walls very little light penetrates through them. It is difficult to see to read even in bright weather, and almost impossible in a cloudy day. It is necessary to burn a gas light all day in the corridor. This light is also kept burning all night, and is the only one in the prison.

*Heating.*—The Newburgh prison is heated by one coal stove in the corridor; but we deem it insufficient in cold winter weather to heat the large cell where the men are confined. There are two coal stoves in the Goshen prison, which we should suppose amply sufficient to make it comfortable.

*Discipline of the Prisons.*—Locking in cells and privation of food are the only punishments resorted to. There is no dark cell in either jail. No moral means, as far as we were informed, are used to secure good conduct.

*Sudden Illness.*—There is no difficulty at Newburgh in arousing the jailor in case of sudden illness at night, as he sleeps in the same building; but we think that at the Goshen jail, where the jailor sleeps in a different building, much suffering and even death might ensue before assistance could be obtained; especially when all the prisoners are locked in their cells, which is sometimes the case. Some more certain means of communication seems demanded by humanity.

*Separation of the Sexes.*—They are separated sufficiently to prevent their coming into personal contact, but they can see each other and converse together at any time. The effect of this is exceedingly demoralizing. Complete isolation might be very easily secured, and measures ought to be instituted without delay to carry into practice this much needed reform.

*Classification.*—There is really no classification whatever among prisoners of the same sex, and the want of it makes our common jails schools of vice instead of reformatory agencies.

### 35. ORLEANS COUNTY.

*Prison Building.*—Erected in 1838. The material is stone, and the dimensions 36 feet by 36. There are 16 cells for male prisoners, ar-

ranged in two lines, eight feet by four feet, and one large room for the women. The prison is not a secure one. Many escapes have been made in former years, but none for the last two or three.

*Employment.*—None, except little jobs about the prison.

*Means of Education.*—There is no library attached to the prison, and no secular instruction is given. Mrs. Bodwell, wife of the sheriff, loans the prisoners books, a number of which she keeps expressly for the purpose. Papers are supplied by the sheriff.

*Religious Instruction.*—There is no preaching, and no efforts made by private Christians. A single Bible is supplied to the prison by the sheriff, at his own expense.

*The Prison Dietary.*—Two meals a day. Breakfast: Meat or fish, potatoes, and wheat bread, with water for drink. Supper: Mush and milk in summer; at other times, pork and beans, soup, etc. When there are but one or two in jail, they receive their meals from the sheriff's table.

*Sanitary Condition.*—There were no prisoners in jail at the time of our visit. The physician was called in but twice last year. No death occurred.

*Cleanliness.*—Drinking water is introduced in pails; cistern water by a pump. The prisoners are required to wash, and are provided with soap, combs and towels; also a razor. No means of bathing. Clothing washed weekly; blankets and ticking three or four times a year, and the beds refilled with straw as often. The jail is scrubbed every week, and whitewashed spring and fall.

*Lighting and Heating.*—Well lighted in the day time, and candles allowed till 7 P. M. Heated by three wood stoves.

*Discipline.*—Good advice and kindness are generally found effective; in only one or two instances has a prisoner been locked in his cell for a short time.

*Sudden Illness at Night.*—There is no means of communicating with the jailor in such a case.

*Separation of the Sexes.*—It is entire and complete here.

*Classification.*—There is none.

*Insanity.*—One insane person was committed by a justice; he stayed but a short time, and was sent to an insane asylum.

### 35. OTSEGO COUNTY.

*Prison Building.*—Erected in 1841. It is of stone, and is 44 feet by 36, including the residence of the keeper. There are two wards; one containing three cells, each eight feet by nine; and the other five, each eight feet by four and a half. Two of the latter are partitioned off for the women. The jail is a wretched one.

*Employment.*—None.

*Means of Education.*—No library and no instruction. The jailor lends the prisoners newspapers, and occasionally books.

*Religious Instruction.*—There is a Bible in each ward provided by the county. No preaching. One gentleman called during the year, talked and prayed with the inmates, and distributed tracts; that is all. The "Messenger" is received and read.

*Prison Dietary.*—Three meals a day. Breakfast: meat, potatoes, bread, and tea with milk; sometimes butter is added. Dinner: the same, minus the tea. Supper: mush and milk, or bread and butter, with tea.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. One man during the year had a sickness lasting some six weeks, caused by intemperance. All other times the health of the prison has been good.

*Cleanliness.*—There is an abundant supply of spring water, introduced by a hydrant. The conveniences for washing are tin wash basins, and a drain to carry off the waste water. All are required to wash. Soap, combs, and towels are provided; also a razor. There are no means of bathing. The prisoners' clothes, also their sheets and pillow cases are washed weekly; the comfortables and ticking twice a year; and the straw in the beds changed as often. The jail is whitewashed twice a year, and scrubbed as often as once a fortnight. Not much trouble from vermin.

*Lighting.*—Prisoners can read in the halls during the day, but not in their cells. They are allowed a candle at night till they are locked in their cells, which is generally about 9 o'clock.

*Heating.*—The jail is warmed by three wood stoves.

*Discipline.*—But one prisoner was punished during the year. He was locked in his cell one day, and then ironed at his own request. Kind treatment is found sufficient.

*Sudden Illness at Night.*—Prisoners taken ill at night could not easily communicate with the keeper.

*Separation of the Sexes.*—They can converse together without restraint.

*Classification.*—None, except that debtors are confined by themselves. A boy was also shut up alone.

### 37. OSWEGO COUNTY.

[The committee submit the following paper of the local committee as their report for this county:]

We, the undersigned, local committee for the county of Oswego of the New York Prison Association, report as follows:

The county of Oswego is divided into two shires, involving the existence of two court houses and two jails. The city of Oswego and the village of Pulaski are the points where they are respectively situated.

Oswego being a lake and canal port and a large town, most of the criminal business of the county centers there. The rural parts of the county are measurably free from crime. But, even in the city, the amount of criminal business is not large. Very few misdemeanors of magnitude come under the cognizance of the courts, while most of the convictions are for disorderly conduct or minor offences demanding, on the average, a penalty of not more than three months imprisonment in the county jail.

The jail at Oswego is situated on the east side of the river, in the northern part of the town, on an elevation which overlooks the harbor and the lake. The position is especially a healthy one. The jail, a stone building of moderate dimensions, is about fifteen years old. It faces directly upon the street, and is defended on the north side by a high wall. On the rear and on the south side is a small yard, which is now used for a garden and domestic purposes. Part of the jail is very comfortably fitted up and is occupied by the deputy sheriff of the county, who thus, with one assistant, is enabled to take charge of the prisoners.

The jail is in good order, and is as well kept as circumstances will permit; for the building itself is an indifferent one, poorly arranged and badly ventilated. The first floor contains twelve single cells, which are occupied exclusively by males. The second floor has six double cells, and is devoted to the use of females. All the cells are furnished with iron-grated doors, amply secured by bolt, bar, and lock. The cells are frequently whitewashed, as are other parts of the building, and everything is kept neat and clean. The usual want of privacy arrangements is observable, buckets being almost entirely used; the prisoners being required to carry out their buckets once a day, clean and return them to the cells, with lime.

As the doors of the cells face upon windows across the halls, the cells are sufficiently light during the day. At night lamps are kept burning in the halls, and the prisoners are sometimes permitted to have candles in the cells in order that they may read; but the latter is not the custom; it is rather a favor extended to prisoners as a reward for good conduct. The building throughout is warmed, when necessary, by coal stoves, and is made quite comfortable.

The prisoners use their own clothing, and if that be not sufficient, enough ordinary clothing is supplied. Cleanliness is exacted; complete bathing of the person and change of inside dress being required once a week.

The food is good and abundant. Bread (one-third Indian and two-thirds wheat), meat, and coffee are furnished for breakfast; bread, meat, and vegetables for dinner; and bread and meat, or pudding and milk for supper. No fault is ever found with regard to quantity or quality of food. Meals are taken in the halls.

The prisoners are locked up about dark, and are let out early in the



morning into the halls, where they clean themselves and indeed pass most of their time.

Very little work is now done by prisoners. Formerly they were employed in bottoming chairs under the contract system, but the contractor having withdrawn, the men are only employed at times in cleaning the streets or in doing servile work within the jail limits.

The general behavior of prisoners here is said to be good. Very little punishment is needed. The dark cell for an hour or two, or the yoke for a very short time are employed, but at long intervals. The women are sometimes locked up in their cells and thus disciplined. They are more troublesome to manage than the men.

Visitors are ordinarily permitted to see the prisoners in the presence of an officer. Letters under inspection are permitted to be written and received.

One of the physicians of the city is attached to the jail and renders necessary medical attendance. The health of the prisoners is said to be generally good, except that the syphilis prevails to some extent, especially among the women, most of whom are detained for prostitution.

Records of the prison are kept, but no account is taken of the antecedents of prisoners.

No Sunday services are held inside the jail, and no oral instruction is given. The Bible, the American Messenger, and books from some of the Sunday school libraries of the city are furnished to the prisoners and are freely read by them. They are also allowed the use of such ordinary newspapers as are taken by the deputy sheriff.

There are usually in the jail deserters from the army, temporarily held there until they can be sent forward to the points indicated by the proper officer. At present the number of prisoners proper is seven males and twelve females.

Good order prevails, and the jail seems to be kept in a proper state, indeed in a better state than might be expected in view of the bad ventilation which can only be partially corrected. The jail, however, is on too limited a scale, and the terms of imprisonment are generally too short—the offences being ordinarily of a minor character—to allow much to be done towards ameliorating the characters or amending the morals of those confined.

The jail at Pulaski, we are informed by the deputy sheriff, has no prisoners at present, and is only used as a place of temporary detention. It is inferior to the jail at Oswego.

July, 1864.

Geo. C. McWhorter,  
Gilbert Mollison,  
A. P. Grant.

### 38. PUTNAM COUNTY.

*Employment of the Prisoners.*—None whatever; they are not even employed in cleaning the jail.

*Means of Intellectual Culture.*—There is no library in the prison, but the sheriff lends the prisoners the county papers and books from his own library. They never tear or injure them in any way, and they esteem the loan a very great privilege. No secular instruction is given.

*Religious Instruction.*—There was a supply of one Bible to each cell, but two Catholic prisoners destroyed them all. There is now one Bible in the men's prison and one in the women's, supplied by the sheriff at his own expense. No clergyman ever preaches to the prisoners or visits them, nor do any laymen visit the jail for the purpose of communicating instruction or comfort.

*Prison Dietary.*—There is no rule in relation to this matter. The sheriff supplies them from his own table and they have just the same as he does, receiving as much as they ask for.

*Sanitary Condition.*—No deaths have occurred during the past year, and no diseases have appeared in the prison requiring the services of a physician, except venereal diseases contracted before their entrance into the prison. The ventilators in the cells communicate with a chimney and draw well; if they were larger, the ventilation would be sufficient; as it is, it is far superior to most jails. There is no dampness; the corridors are well lighted; and the building is probably much better calculated for the preservation of health than are most of the private houses in the village of Carmel. There is a water closet in each cell, supplied by a rain water tank in the upper part of the building. No offensive odor was perceptible.

*Cleanliness.*—The sheriff deserves great credit for the neatness and order which reign within the prison. There has never been any trouble from bedbugs, cockroaches or lice, and the whole appearance of the jail is as neat as private houses usually are. The sheets and pillow cases were perfectly white, and the other bedclothes were clean and sweet. The beds are of straw; the bedsteads are of iron and swing on the wall. There is a wash-basin in the corridor, which is supplied with water by simply turning a cock. The prisoners are compelled to wash themselves, if they do not do it voluntarily. They mostly do it without compulsion, the only exception being boys. Soap, combs, coarse towels and razors are supplied by the county. There is no bathing tub in the prison, but in all other respects there are abundant facilities for washing and the preservation of cleanliness. The prisoners' clothes are washed weekly and the bedclothes once in two weeks.

*Lighting.*—The corridors of the prison are well lighted and are sufficiently airy. The men's prison has six windows, 28 inches by 19 inches. The women's rooms have one window of the same size in each. They are allowed candles until 9 o'clock.

*Heating.*—There is one coal stove in the men's ward and one in each of the women's rooms, which are said to be sufficient to keep the whole jail comfortably warm in the coldest weather.

[Assem., No. 62.]

*Discipline.*—No punishments are ever inflicted except locking in the cells, and this has only been done to one man. The cell doors are locked at 9 o'clock P. M. and unlocked at 7 A. M. When the prisoners are in for trivial offences, they are not locked in their cells at all.

*Sudden Illness at Night.*—There are acoustic tubes leading from each cell to the jailor's sleeping room; he can therefore hear their conversation distinctly. If a man is taken sick, he can communicate with the jailor as easily as though he slept in the same room with him.

*Separation of the Sexes.*—There are gratings on the doors which separate the men from the women, kept open for purposes of ventilation. Although they cannot see each other, they can readily converse together.

*Classification.*—There is none attempted; all associate together.

*Prison Building.*—Erected in the year 1860. The old jail of Putnam county is well remembered by some of the members of this committee. It was detached from the jailor's residence, so that if a prisoner was taken sick at night there was no way of communicating with him. Confederates could communicate with prisoners at night at pleasure, and supply them with liquor or tools just as they pleased. It was dirty, ill ventilated, and as bad in all respects as a jail could be. The supervisors of Putnam county deserve great credit for the really excellent jail with which, at a considerable expense, they have replaced the old one. The arrangements of the new building are unique and, in most respects, admirable. It is connected with the court house, in which the jailor resides. It is 30 feet by 40 feet, and is eight feet nine inches high between the floor and ceiling. The walls are two and a half feet in thickness, and built up with very large stones. There are two rooms on the eastern side, walled off for the use of the women, one of which is eight feet by ten feet, the other ten feet square. In the center of the remaining space is an octagon 20 feet in diameter, made of heavy boiler iron. Within this are eight triangular cells, eight feet long at the base; the sides are nine feet long and eight feet nine inches high. The water closet is placed in the apex of the triangle. The bed is of iron and swings on one side. The door of the cell communicating with the corridor is, of course, situated at the base, and opposite to the bed. Each cell has a shelf, and a ventilator near the top, which communicates with a chimney. The draft is so strong that the flame of a match is instantly extinguished and the smoke drawn strongly inward. It is of insufficient size, but in other respects it works well. The cells are lined with three boards, secured by hoop iron, bolted through the boiler iron. The floor consists of broken stone, five inches thick, covered with a smooth coat of cement. Large flags would have been better, and in the long run cheaper. The ceiling is formed of solid timber, bolted together and faced with lath and plaster. The cell doors are secured at the top and bottom with two heavy iron hooks; in the center they are secured by hasps and brass padlocks, which also prevent the hooks from being

moved. The outer door is of grated iron, and there is a thick wooden door outside of this.

It would be well for counties intending to build new jails to study the construction of this. The octagon arrangement might be extended so as to have four tiers, which would be large enough for most of the counties in the State.

*Security.*—In the main, this is a very strong jail. Its walls would, we think, bid defiance to the utmost efforts of jail-breakers, nor could they, with anything like vigilance on the part of the jailor, dig through the floor or ceiling. They can only get out of the cells by cutting the rivets which secure the boiler plates together. If this was attempted with a cold chisel, it would make noise enough to alarm all the village. If attempted with a watch spring saw, the noise would be distinctly audible by means of the acoustic tubes in the jailor's sleeping room. But it has some weak points, which might be amended by the expenditure of a comparatively small sum. The padlocks used can be easily picked, or the outer plates pried off. The padlocks made in Philadelphia and used in the Westchester prison, should be substituted for these. The gratings on the exterior windows are very thin and weak. Heavy gratings of chilled iron should be put on in addition. We suspect that escapes could be made through the water closet drain; but we could not see the place, and the sheriff did not understand the arrangement. The entrance door is dangerous for the jailor, as the prisoners can conceal themselves within a yard of it without his knowledge. There has been one escape during the past year. One very dark and stormy night, the jailor went in to lock the cells. One of the prisoners secreted himself in a dark corner, and while the jailor was locking the cells, he slipped out of the front door. He was pursued; but, owing to the storm and the darkness, he eluded pursuit and was never re-taken.

### 39. QUEENS COUNTY.

*Employment of Prisoners.*—There is no compulsory occupation. Sometimes they saw wood, clean the jail, and do other little work about the prison.

*Means of Education.*—There is no library, and no secular lessons are imparted. The sheriff furnishes the prisoners occasionally with newspapers.

*Means of Religious Culture.*—There are no Bibles in the jail. One gentleman from Brushville has visited the prisoners and had religious conversation with them twice during the year. With this exception, they have had no religious instruction whatever.

*Dietary.*—Two meals. Breakfast: Bread and gravy, with coffee. Dinner: Pork or beef, with potatoes or some other vegetable, and bread. On Fridays fish is substituted for the above. In summer, mush and molasses is given for supper.

*Sanitary Condition.*—The jail is situated upon a sandy soil, with good drainage, and is open on all sides to the air. The corridors and larger

cells can be well ventilated by opening the windows, but the cells have no ventilation whatever. The prevailing diseases treated are, as in most jails, the venereal and delirium tremens. We could not learn that any case of disease had originated within the walls of the jail during the past year.

*Cleanliness.*—The water required for drinking and washing is carried in in pails daily. Tin basins and soap for ablution are provided, but no towels. The prisoners are required to keep themselves clean. There are no means of bathing. Razors are furnished when needed. They wash their own clothes as often as they choose to do so. Their blankets and bedticks are washed twice a year, at the expense of the county. They are not allowed either sheets or pillow cases. The prison is infested with bedbugs. The cells and corridors are kept clean, and the night tubs were in good condition.

*Lighting.*—There are two windows in the upper, and two in the lower corridor of the prison in rear of the court-house building, and one window in each of the large rooms of the prison in the main building. They are not allowed to have any light at night, except in case of sickness.

*Heating.*—The lower corridor of the addition is heated by one coal stove. The pipe passes into the upper one, and this is the only mode of warming it, which must surely be insufficient. The large rooms of the main building are each heated by a coal stove.

*Discipline.*—In one case a prisoner was restricted to bread and water, and in two cases prisoners were chained to the floor; these are the only cases of discipline during the past year.

*Sudden Illness at Night.*—The keeper can be aroused at any time by beating on the cell doors.

*Separation of the Sexes.*—The female prisoners can see and converse with the male prisoners confined in the cells in the main building. Two cells have recently been built in the garret of the main building for females, where they are completely isolated from the men; but these are never used except when the prison is very much overcrowded.

*Classification of Prisoners.*—In the report last year it is stated that there were some attempts at classification in this prison. There was nothing of the kind this year. Whites and negroes, tried and untried, young and old were indiscriminately thrown together.

*Insanity.*—One insane man was committed on a charge of assault and battery, who was cured of his insanity in the jail, and served out his sentence. One insane woman was confined for want of bail to keep the peace, who set her cell on fire, and nearly burned down the building. She recovered her sanity, and was discharged by the court.

*Prison Building.*—Erected in 1778. It is built of wood, 60 feet long, and 55 feet deep. The rear building consists of an upper and lower corridor, with four cells in each, nine feet by six feet, each having a double bedstead. There are five cells in the second story of the main building.

One of these is fifteen feet by nine feet; one twelve feet square; one ten feet square, and two seven and a half feet by nine feet.

*Security.*—There have been no escapes from the prison during the past year, but they have been frequent in former years. The locks are poor, and can be easily reached from within the cells and opened by false keys. The gratings are single and of soft iron, which can be easily pried or sawed off. No prisoner that really intended to escape could be confined in the building, unless he was constantly watched. The isolated portion of the jail makes it easy for confederates on the outside to release their friends, and it is in constant danger of being burned down.

*Remarks.*—The county clerk's office is at Jamaica, the county treasurer's at Hempstead, and the jail—North Hempstead, three miles from any town or village. This county has really no county seat. It would be desirable for both citizens and strangers to have all the county buildings in one place—either at Jamaica or Hempstead. We did not find, and we failed to awaken much interest in the criminal affairs of the county. Those whom we conversed with seemed to regard the matter as not worth attention; at least, not of theirs.

#### 40. RENSSELAER COUNTY.

*Prison Building.*—The jail of Rensselaer county is of brick, three stories high, and was erected in 1826. It has a front of 60 feet on Ferry street, and 45 on Fifth street. The first floor and basement are appropriated to the use of the sheriff for a residence and office. The two upper stories are used for the confinement of prisoners. The first of these—second story—has three large rooms, and eight cells, one of the rooms being appropriated to female prisoners. The third story has four large rooms, and four single cells, one of the rooms, as on the floor below, being devoted to the women. The jail is a wretched concern, quite unworthy of the large and wealthy county for which it affords all the prison accommodations the said county possesses; even children, arrested for vagrancy, begging, and other minor offences, being, of necessity, confined there with felons of the most degraded and desperate character. It is ill-arranged, ill-ventilated, insecure, cramped, affords abundant facilities for communication by the inmates with the outside world, but none for the proper classification of the prisoners, and has no suitable room for the holding of religious services. The present sheriff, Mr. J. F. Battershall, we believe, does the best he can to keep the jail clean and in good condition, and his *regime* is a great improvement on former times; but he lacks the proper materials to work with. We cannot too earnestly urge upon the citizens of Rensselaer county the importance of taking immediate steps towards the erection of a new and improved jail. Justice, humanity, religion, and sound policy alike dictate an early attention to this subject.

*Employment.*—The prisoners have no employment, except occasion-

ally in sawing wood for the jail, or in whitewashing the walls and ceilings.

*Means of Intellectual Culture.*—There is no library, and no provision for secular instruction of the prisoners.

*Means of Religious Culture.*—The religious interests of the inmates of this jail have been, for several years past, under the care of the Young Men's Christian Association of the city of Troy, by whom meetings have been regularly held every Sabbath morning in the upper hall of the prison. There is preaching at these services by the different pastors of the city, or by the city missionary employed by the Association. Members of the several church choirs, especially christian ladies, have often been present and sang at these meetings, a service which has added greatly to the interest and impressiveness of the exercises. Christian merchants, bankers, lawyers, and mechanics have testified their interest in these benevolent labors by their presence upon various occasions. The young men, in their printed reports, say: "As the words of divine tenderness, or the songs of christian worship, have resounded through that prison hall, rough hearts have been touched, and strange tears, coursing down crime-moulded features, have been eloquent of remembered innocence and sincere contrition. At the conclusion of the services, religious tracts and papers have been regularly distributed to the prisoners. The Association are under many obligations to the families who have kindly preserved and furnished these periodicals, which may be as bread returning, though cast upon turbid waters."

It is much to be regretted that the effect of services, so well intended and so assiduously performed, is marred if not thwarted by the subsequent promiscuous association of the prisoners. The committee were assured by the officers of the prison that scarcely have the gentlemen, engaged in this work and labor of love, left the hall and descended the stairs, before the evil disposed among the prisoners begin to jeer, and scoff, and make sport of what has been said or done. Good impressions are often made, as is proved by the preceding extract from the Society's reports, as well as by other statements contained in them; but they can hardly fail to be speedily effaced amid such scenes of ribald blasphemy.

Bibles are supplied for the use of the prison inmates by the Rensselaer County Bible Society. The ten copies of the American Messenger, sent by Mr. Z. Stiles Ely, through the Prison Association, are received and distributed monthly, and are read with interest by the prisoners.

*The Prison Dietary.*—Two meals a day are provided. For breakfast: meat (fresh or salt), wheat bread, potatoes, and coffee sweetened with molasses. For supper the provision varies. On Sunday, it is the same as breakfast; on Tuesdays and Fridays, bean soup (made of beef shank) and bread; on the other days, mush and molasses.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection. A physician is employed by the county, at a salary of

\$350, for which he provides the necessary medicines, as well as renders his own services, whenever sent for. Diseases very rarely originate in the prison, except colds and diarrhoea. Delirium tremens and venereal are the most common complaints.

*Ventilation and Cleanliness.*—There is no ventilation except through the windows and latticed doors, and of course little or no circulation of air through the cells. Of course, also, the air of the prison, and particularly of the cells, is foul, and the odor anything but agreeable.

The whole prison, we are told, is whitewashed and thoroughly cleaned once a month; but there is more or less whitewashing done every week. The reform, effected in this respect by sheriff Battershall, is no less marked than it is commendable.

The jail is supplied with water from the city water works. There is a hydrant in the hall of the second story, and water is carried to the prisoners, whenever called for, by a man stationed in the hall, himself an inmate of the jail. Tin basins are furnished for washing, but it is left optional with the prisoners to wash themselves or not; though if a man should be found very dirty, he would, we were informed, be compelled to perform the operation.

Soap is provided; also towels (used in common), but no combs. There are no means provided for bathing the whole person, nor is this ever done.

Prisoners are furnished by the county with a razor for shaving, which operation they must perform for and upon themselves, unless they hire a barber to come to the jail and do it for them; which, indeed, is often done.

All the prisoners who desire it (sic) have their underclothes washed every Monday. Neither sheets nor pillow cases are provided for the beds; only blankets; and these are washed but two or three times a year, not enough for health or cleanliness.

*Lighting and Heating.*—The prison is well lighted, during the day, through the windows. It is lighted by gas at night, one burner being kept full head on throughout the whole night.

The two female wards are heated by wood stoves; the rest of the jail by a furnace. It is made comfortable, so the officers assure us, in the coldest weather.

*Discipline.*—Moral means are said to be employed (good advice being freely given) to keep the prisoners in order. No punishments are used, except confinement in a dark cell on a short allowance of food, and irons when prisoners are found to be very unruly.

*Separation of the Sexes.*—This is more effectually secured here than in many other of our county jails, though not perfect.

*Sudden Illness at Night.*—A trusty prisoner is selected for each story, who sleeps in the hall, and can hear any noise that is made. These men can communicate with the turnkey.

*Classification of Prisoners.*—This jail, though very imperfect in this respect, is nevertheless better constructed than the majority of our county prisons for purposes of classification. There are two wards for the women, in one of which are placed the more depraved and abandoned; in the other those who have not fallen quite so far. The men are arranged in three divisions. The drunken and filthy are kept in a ward by themselves; of the others, the worst are confined in the second story, the better disposed in the third.

*Insanity.*—Twelve insane persons have been confined in the jail during the past year. For the most part, they were brought in simply for safe keeping, and were almost immediately sent to the Marshall Infirmary.

#### 41. RICHMOND COUNTY.

*Prison Building.*—This was fully described last year; the description need not be repeated. It is a new jail, having been built in 1860, and yet it is, every way, one of the poorest and least suited to its purposes in the State.

*Employment of Prisoners.*—None, except to assist in sawing wood, cleaning jail, and doing other little jobs about the prison.

*Means of Education.*—No library, and no instruction. The sheriff lends them newspapers, and this is all their mental pabulum.

*Religious Instruction.*—No Bibles; no preaching; no individual effort for the religious welfare of the prisoners.

*Prison Dietary.*—Breakfast: Bread and butter, with coffee. Dinner: Meat, potatoes or other vegetables, and bread. Sometimes soup or clam chowder.

*Sanitary Condition.*—The health of the prisoners was good at the date of inspection, as it is said generally to be. Prevalent diseases, as elsewhere, delirium tremens and venereal. Fever and ague sometimes prevails, as it does in the surrounding country. No deaths last year.

*Cleanliness.*—There is a pump in the jail, by which the prisoners can at any time pump water from an excellent well. There is also a large cistern in the jail, from which an abundant supply of water can be drawn by a faucet. The prisoners are required to wash themselves every morning. Soap is provided, but no towels, nor combs, nor razors. There is a bath tub in the prison, but none are required to use it, unless when a prisoner comes in very filthy condition into the jail. The prisoners wash their own clothes when they please, and sometimes, if too dirty, they are compelled to wash them when they don't please. Friends often take their clothing out of the jail to wash. The only bed coverings are blankets. Sheriff Alston told us that, when he came into office, he provided sheets for all the beds; but he found it impossible to keep them, and gave it up. The blankets are washed only about twice a year, which is far too little, considering by what class of persons they are used, and how often new prisoners come in to sleep under them.

The jail is whitewashed about four times a year, and scrubbed every two or three weeks. It had a dirty appearance at the time of our visit. Bedbugs are troublesome.

*Lighting.*—The windows are exceedingly narrow, which makes the jail dark and gloomy by day, and at night no lights are furnished, except in case of sickness.

*Heating.*—The prison is warmed by four coal stoves, three in the men's ward and one in the women's.

*Discipline.*—The only punishment used is locking in their own cells darkened, or in a dungeon in the old jail, which is still standing.

*Sudden Illness at Night.*—The turnkeys sleep in the jail, and can hear any rattling on the doors or walls of the cells.

*Classification.*—None attempted.

#### 42. ROCKLAND COUNTY.

*Employment of the Prisoners.*—They have none, except cleaning the jail and assisting in the washing of their clothes.

*Means of Intellectual Culture.*—There is no library in the prison. The sheriff gives them his newspapers to read after he is done with them. No secular instruction is imparted.

*Religious Culture.*—Each cell has a Bible supplied by the County Bible Society, but the prisoners wantonly destroy many of them. There was preaching in the jail twice last year. No individual effort has been devoted to their instruction and assistance.

*Dietary.*—Breakfast: Potatoes, salt beef, rye coffee, and rye bread. Dinner: Salt pork, potatoes, and rye bread. Supper: Mush and molasses, and bread. They are allowed to have as much of this as they want.

*Sanitary Condition.*—Delirium tremens is the most common complaint in the jail. Venereal diseases rare. Bowel complaints sometimes arise within the jail, but they yield easily to treatment. No deaths have occurred for several years. The external situation of the jail is good, and is open on all sides to the fresh air, but pure air seems excluded from the interior of the prison. There is one window in the corridor between the cells, which, when opened, admits air from the outside; but when it is closed, there is no communication with the external air. It is exceedingly deficient in ventilation, and in view of the privation of air and light suffered by the prisoners, it is wonderful that it is as healthy as it is. There is a water closet in each cell, supplied by a rain water tank in the upper part of the building. We could detect no unpleasant odor.

*Cleanliness.*—The jail was dirty when visited, but we were informed that they intended to whitewash it the next day. It is whitewashed four times a year, but the cells ought to be whitewashed once a month. The water for drinking and washing is supplied once a day, being carried in in pails. Prisoners are required to wash. Soap, combs, and

towels are provided by the county. There are no means for bathing. They shave themselves, the sheriff supplying a razor. Their clothes are washed weekly in summer, and once in two weeks in winter. The bedding is washed once a fortnight in summer, and once in four weeks in winter. The prisoners said the beds were free from bugs, and that at present they were free from lice, but when many deserters are in the jail, it is almost impossible to keep free from them.

*Lighting.*—There is one grated window, 3½ feet by 2 feet, which admits light into the corridor. The only light in the cells is what enters them through the grated doors from the corridor. Except in those next to the window it is almost impossible to see to read in the cells in cloudy weather. There were originally windows communicating with the air from each cell, but they are now closed with sheet iron. The jailor gives them no lights, but they sometimes make a light for themselves with pork fat and an old rag.

*Heating.*—There is a furnace beneath the prison, which throws hot air into the corridor through four registers. There are no registers in the cells. We were told by a prisoner who was in all last winter, that this arrangement makes the cells sufficiently warm in cold weather.

*Discipline.*—No punishments are employed. The jailor says none are ever needed. The prisoners obey the rules cheerfully.

*Sudden Illness at Night.*—The keeper sleeps in a room adjoining the jail, and can readily hear any noise in the jail. No difficulty has ever been experienced in rousing him, when any prisoner was taken sick in the night.

*Separation of the Sexes.*—Women are kept locked in cells on the same corridor as the men, where they can see each other and talk together as much as they please. There are two rooms for a female prisoner in the court house, which the board of supervisors have directed to be fitted up for their use, but they are still kept in the men's prison. This is a great abuse, which much needs correction.

*Classification.*—There is none whatever. All classes are huddled together to pollute and demoralize each other.

*Insanity.*—One insane man, confined here for shooting another, was sent last year to the asylum at Utica.

*Prison Building.*—Erected in 1856. It is of brick and is 86 feet long by 25 feet wide. It has eight cells, 7 feet 2 inches square, and 9½ feet high. They open on a central hall six feet wide. In addition to the lock on each door, they are all fastened at once on the outside, on the Sing Sing plan.

*Security.*—Two prisoners escaped by cutting through the floor into a flue which leads from the oven to the chimney. The doors are made of very thin soft iron, which can be easily sawed through. In fact, the jail presents no obstacle, which an ingenious thief cannot easily overcome. This insecurity was so glaring that the courts last year ordered

a guard to be maintained at the jail, the expense of which was one thousand dollars. A few pecuniary lessons like this will convince the tax payers that it will be better to erect a new building or, so modify the old one that it shall be really burglar proof.

#### 43. ST. LAWRENCE COUNTY.

The jail of this county, in the town of Canton, was examined Aug. 14, 1864, and it is with unfeigned satisfaction that your committee is enabled to speak of its management in both moral and sanitary respects as entitled to commendation. So far as could be judged from the brief personal interview had with the keeper of the prison, Mr. Nicholas James, he seemed in both heart and mind to be admirably adapted to fulfill the duties of his position, in which he is evidently well aided by the sheriff, Lorenzo Chamberlain, though circumstances prevented an interview with the latter. The building, which was erected in 1860, is in an eminently salubrious and convenient position, but the details of its arrangements, having been published in last year's report, are here omitted.

The same neglect of the statute relative to the mode of recording the antecedents of the persons committed was observed here, as in nearly all the other prisons of the State; hence it was impossible to obtain any information of the social, educational, moral and industrial relations of the prisoners. There is no tabulation of the records whatever, and the statistics before given were only obtained by a laborious examination of the ordinary blank entry book.

The jail possesses no library, but it was gratifying to notice a large number of weekly and daily journals in the hands of the prisoners, which are humanely supplied by the sheriff and jailor.

There is one Bible in each hall. Religious instruction, in the form of preaching, was formerly regularly supplied by voluntary effort; but about three months prior to the inspection it was suspended, without any other reason being assigned than the removal of the preacher from the place, and no substitute having yet been found.

The sanitary condition appears good; the prisoners are required to wash themselves regularly, soap, combs, and linen towels being supplied them. There is, however, no means for bathing. Shaving and hair-cutting are practiced once a week. The clothing of the men is washed once a week, the women's every fortnight, and the bedding once in two or three months.

The light by windows in the day time is abundant, and in each hall a lamp is allowed every night until 8 o'clock. The two lower halls, occupied by men, are warmed by a hot air furnace, the halls for females by stoves.

The only punishment inflicted is the removal of the beds, and requiring them to sleep on the floor. Knocking on the door of the cell is the

only mode whereby a prisoner can communicate with the keeper, in case of necessity at night.

The sexes are completely isolated from each other in separate halls.

#### 44. SARATOGA COUNTY.

The jail of this county, situated in the village of Ballston, was carefully inspected on the 10th of August. For insecurity of arrangements, for deficiency of sanitary care, for foulness of internal atmosphere, for neglect of moral supervision, for broken walls and ceilings, for insufficiency of water supply, for expensiveness of warming, for facilities and frequency of escapes, for facility of communication with the outside, for defect of classification, for the neglect of the county officials, and a positive disbelief on the part of the jailor in the value or utility of any efforts or attempts at reformation of those submitted to his custody, this jail probably surpasses any in the State.

A few facts will show on what this opinion is based. The number of inmates at the time of inspection was 17, of whom 11 were males and six females (three colored and eight white,) one of the latter having an illegitimate infant five months old. There are ten cells on two floors. One of these was occupied by one man confined on civil process, but the other 16 prisoners were confined in four cells, leaving the other five cells entirely vacant, the only attempt at classification being the separation of the sexes, and the colored females from the white.

The worst feature of this part of the management, however, is the indiscriminate mixture of ages. Thus in cell No. 2 were four males, aged respectively 11, 14, 19, 25. In cell No. 3 were five males, of the ages of 9, 10, 22, 23, 48. The impropriety of thus mingling the infant with the adult, especially before trial, when suspicion only can attach, was here, in one instance at least, most painfully exhibited. One of the youths in the last-named company burst into tears at my approach to him, and positively declared his innocence of the petit larceny with which he was charged, asserting that the other boy had put it upon him as a means of his own escape. But he was incarcerated for weeks, and perhaps for months, (for justice is well known to be often very slow,) without a friend or a book, a decent bed, unwashed, unkempt, and in total idleness, uninstructed in anything but the depraved thoughts and language of his older and more vicious room-mates, to whom he was compelled to listen as to a teacher in school.

Even supposing this lad to be guilty of the crime alleged, there was not only no possibility of his improvement in morals under such circumstances, but the lessons he would there learn could not but increase his vicious propensities; while if, as he strenuously asserted, he is the innocent victim of another's villainy, he will most likely carry with him on his exit from the jail a species of knowledge to which he was before a stranger, and which will probably create in him a desire for evil courses;

in other words, the State will have made a criminal, when it ought to have preserved a good citizen.

But a sadder feature still of this jail was the sentiment entertained by the jailor on this subject. Upon remonstrating with him against the practice of confining the old and young together, he denied that any harm could arise from it, or if so, he asserted the belief that the injury would be to the older prisoners, for the younger ones were in his judgment the most expert and vicious. He did not believe that prisons could be made places of reform, and, to quote his own words, "theories are not so good as practice, they always fail."

Vicious as the moral government of this jail is thus seen to be, its material arrangement and condition are no better. The yard of the jail having no enclosure except a lorn picket fence, which a child may leap over, communication through the windows is unlimited and unrestricted. The windows are treble barred with iron, but the bars are set in wood, and by a common knife they may be easily loosened from their fastenings, and an accomplice may supply the necessary tools, even in broad day light. But escapes by that method would be unnecessarily troublesome, as has been proved on more than one occasion. A former sheriff informed us that during his sheriffalty he lost eight prisoners in three weeks, by their dropping down through the water closet and working their way through the wall of the privy vanit, which is on a level with the adjacent yard. By the same process two more escaped in September, 1862, and again, on the 26th of July in the present year, 4 more achieved their freedom through the same aperture. These facts require no comment to show the inefficiency of the arrangement and management.

The only employments furnished the inmates are wood-sawing, white-washing, &c., in which of course the smallest fraction of their time is engaged, the residue being given to total idleness. The wood-sawing, however, must, in this jail, occupy a comparatively large portion of the prisoners' time, if we are to judge from the manner in which the cells are warmed. A more expensive and dangerous arrangement has not fallen under observation in any other institution. A box stove is placed in each of the 10 rooms or cells, and of these the prisoners themselves have the care, with the fire at immediate command, to consume little or much as they please. This is certainly the very reverse of economy, while the opportunity for accidental or intentional conflagration is of course decupled. The cells are about 12 feet square.

In the means of moral and intellectual culture this prison is as deficient as in the other particulars mentioned, there being no library, no secular instruction even of the young, no preaching either by official or voluntary effort. The same negative condition pertains to its sanitary management. The odor of the cells was very foul, owing to the night tubs being retained in them all the time, and oft times uncovered. The

arrangements for ablation amount to almost nothing, a large boiler being pointed out as the only means of bathing, and we were informed that there was not a towel in the jail. No attention is given to shaving and hair cutting, except on first admission if vermin require it, and there is no system about washing the prisoners' clothes or bedding. No other means of ventilation exist than by the cell windows. No lights are allowed at night, the jailor himself preferring darkness, as, according to his own statement, it facilitates his watching. The dungeon and chain are the only punishments, and these only used in cases of boisterous intoxication.

The only means by which a prisoner taken suddenly ill at night can communicate with the keeper is by rattling with a tin cup, a movement which it was stated is often done deceptively.

From the foregoing account it will be very readily inferred that this is not a modern structure, the principles observed in its arrangements, both external and internal, belonging more to the past century than to the present. It was, in fact, erected about 50 years ago, and considering the comparative wealth and population of the county, it is to be regarded as anything but creditable to its public and philanthropic spirit.

Deficient as it may be in structural and economic arrangements, circumstances due chiefly to the want of knowledge on these points at the period of its erection, there can be no excuse for the defects of management which are so apparent. So greatly are the interests of the inmates neglected by the officials in charge, that even the regularly appointed physician makes no regular visits, and sometimes when called refuses to come, and the jailor often prescribes for the ailments of the prisoners according to his own crude and wholly uneducated ideas of medical practice, procures the medicines at the apothecary's, and charges it to the county. The expenses of medicine and medical attendance annually are about \$45.

It is due to justice to say that the condition of this institution has engaged the attention of some intelligent people in the county, and a change in its location, which would of course involve the necessity of a new edifice, is strongly advocated by a number. That the present building is utterly unfit for its original purpose is manifest, and were it even possible, which it probably is not, by any alteration to adapt it properly to the demands of modern enlightenment, the cost of so doing would undoubtedly be equal to an entire new structure.

It is to be hoped that the humanity and patriotism of the people of Saratoga county, to say nothing of their self-respect, will soon stimulate them to the determination to rectify this gross violation of propriety and justice, by appropriating the present jail to some other purpose and erecting one more in accordance with the lights of modern advancement, believing, as we do, that a saving both of money and crime will result therefrom.

It is the opinion of many of the most intelligent inhabitants of the county, that the location of the prison should be changed from Ballston to Saratoga Springs, as far more convenient for its business, equally accessible from the distant parts of the county, more likely to secure the official, moral and sanitary supervision of which it now stands so much in need, and that it could there be conducted with much greater economy, both of money and the time of those having business relations with its inmates. The village of Ballston, once the great center of attraction for its health-giving waters, has in the course of time yielded to the superior claims of the village of Saratoga Springs, and though still retaining its nominal title as the capital of the county, it is far outstripped by its rival in extent of population and business. If we take the census returns of these places as the basis of a judgment on the question of removal, it will be seen to be nearly three to one in its favor, the population of Ballston being about 2,500, and of Saratoga Springs 7,000. It is also stated that the number of criminals sent from Saratoga Springs equals those from all the rest of the county besides. The saving of transportation alone would therefore seem to be a conclusive financial reason for the change.

#### 45. SCHENECTADY COUNTY.

*Prison Building.*—This, both in respect to arrangements and security, or rather want of security, was fully described in last year's report, and no change has taken place since. A new jail is greatly needed.

*Employment of Prisoners.*—There is none but cleaning and white-washing.

*Means of Intellectual Culture.*—No library belongs to the prison, and no instruction is given to the prisoners. The sheriff lends his papers to them, and has often loaned them books, but they abuse them so much that he "has got sick of it."

*Religious Instruction.*—There is but one Bible in the jail. No preaching, and no individual effort. The American Messenger, sent through the Association, is received.

*The Dietary.*—The prisoners have three meals a day in summer, and two in winter. They are supplied from the sheriff's own table.

*Sanitary Condition.*—The health of the prison was reported to us as generally excellent. One death occurred, but it was from suicide. There was also one case of dysentery. The diseases most prevalent here as elsewhere are tremens and venereal.

*Cleanliness.*—Water is carried in every morning, and, if necessary, at other times. It is optional with the prisoners to wash or not. Soap and towels are provided, but not combs. No means of bathing. The prisoners' clothing is washed weekly. No regular time for washing the blankets. This, we were told, is done "when they look dirty." The jail is whitewashed twice a year.



*Lighting and Heating.*—Sufficiently lighted by the sun during the day, but no light furnished at night. The male ward by a coal stove, the female by a wood stove.

*Discipline.*—Locking the prisoners in their cells and chaining them, if they attempt to break out, are the only punishments.

*Sudden Illness at Night.*—A noise in the jail can readily be heard by the sheriff, who sleeps with his own door open.

*Separation of the Sexes.*—They are separated by a thick wall, and cannot easily converse together.

*Classification.*—None.

*Insanity.*—Two insane persons committed for safe keeping. One of them was sent to the county house, and the other was given into the care of friends.

#### 46. SCHOHARIE COUNTY.

*Employment of the Prisoners.*—They have none, except to clean the jail.

*Means of Education.*—No library, no instruction. The sheriff supplies the prisoners with his newspapers.

*Means of Religious Instruction.*—There is a Bible in each corridor. They are seldom read, but they are not torn or defaced as they often are in other jails. There is never any preaching in the jail, nor is there any individual effort for the reformation of the criminals.

*The Prison Dietary.*—There is no regular bill of fare; the prisoners are fed from the sheriff's table; whatever he has, they have. They have three meals a day the year round.

*Sanitary Condition of the Prison.*—There have been no cases of sickness except one of venereal disease and one of fever, both of which were contracted before entering the prison. One woman of weak intellect caught a fever by sleeping on the floor of the jail, of which she died. One man died of inflammation of the lungs. He was a horse thief, and had frozen his feet and contracted the disease before entering the prison; in fact, he was in the last stages of disease when committed. The prison is damp, ill-ventilated, and unhealthy, but no actual disease appears to have been engendered by it.

*Cleanliness.*—The jail is not clean, nor has it been whitewashed this year. The sheriff intends to new cell the interior, after which, he says, he will whitewash it. Water is carried into it both for drinking and washing in pails. The prisoners are supplied with tin basins to wash in, and they are compelled to wash when they neglect to do so themselves. Soap, combs, razors and coarse towels, are provided by the county. There are no facilities for bathing the whole person. The prisoners' clothes are washed once a week. Their sheets and pillow cases are also washed once a week, and their blankets as often as they require it.

*Lighting.*—There are windows in both the large cells, 23 inches by 27 inches; the two smaller ones have none. There are also four windows in each corridor. They are not allowed to have any light at night.

*Heating.*—There is one wood stove in each hall.

*Discipline.*—The jail has one dark cell, but it is never used as a punishment. No punishment has ever been inflicted by the present sheriff, and none has been required.

*Sudden Illness at Night.*—The jail is separate from the jailor's residence, and in case of sudden sickness occurring in the night, no help could be obtained.

*Separation of the Sexes.*—This is effectually secured, so that no intercourse can be had.

*Classification.*—There is none attempted, except that the most dangerous prisoners are put into the lower corridor, and the least dangerous in the upper.

*Prison Building.*—Erected in 1859. It is built of stone, and is 42 feet long, and 32 feet wide. It is divided into two stories, which have no communication on the inside; the upper one being entered from a stairway on the outside. It has six cells fitted with wooden bedsteads below, and iron swing bedsteads up stairs. The corridors above and below are six feet wide.

*Security of the Prison.*—There have been no escapes during the past year, but previously there have been many. The lock on the outer door of the upper hall only shoots about one-eighth of an inch into the catch. One evening as the jailor's wife went out, a prisoner put a piece of wood into the catch when her back was turned, and she supposed she had locked the doors; he pulled it open, knocked her down, and ran off. Other escapes have been made by sawing the bars of the exterior gratings. The locks of this jail are all very imperfect, and may be easily picked.

#### 47. SCHUYLER COUNTY.

*Employment of the Prisoners.*—They saw wood, and whitewash and clean the jail. They are not compelled to do so, but do it voluntarily.

*Means of Intellectual Culture.*—There is no library. The sheriff supplies them with papers, and the "American Messenger" is regularly received. No secular instruction is imparted.

*Means of Religious Culture.*—There was but one Bible in the jail. There is no preaching, and no individual effort for the religious welfare of the prisoners.

*Prison Dietary.*—Breakfast: Corn bread, meat and potatoes. Tea is allowed once a week to prisoners that are well, and every day to the sick. Dinner: wheat bread, with meat and potatoes, and such vegetables as are in season.

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*Sanitary Condition.*—There have been no deaths in the prison this year, and no sickness requiring the services of a physician. The only ventilation in the cells is a three-inch hole in each; the odor is unpleasant, but it seems to produce no ill effects upon the health of the prisoners.

*Cleanliness.*—There is a well and cistern in the yard, from which the prisoners are supplied with washing and drinking water in pails. It might be introduced within the jail with very little trouble or expense. Tin basins, soap, towels, and razors are provided. The prisoners are compelled to wash daily. No arrangements for bathing the whole person. The jailor does not wash for the prisoners; they depend wholly on their friends for clean clothes. The sheets and pillow cases are washed once in two weeks. The jail is kept clean.

*Lighting.*—There are four large windows upon each side of the prison. The prisoners are allowed lights if they pay for them themselves, but no lights are furnished by the county.

*Heating.*—One of the corridors is furnished with a wood stove and one with a coal stove.

*Discipline.*—The prisoners are locked in their cells, and sometimes chained to the floor, when disorderly. These punishments are very seldom resorted to.

*Sudden Illness at Night.*—The jailor can easily hear any knocking on the cell door at night.

*Separation of the Sexes.*—They can converse together, but cannot see each other.

*Classification.*—There is no classification whatever.

*Prison Building.*—The jail was erected in 1854, and is 50 feet by 60 feet. It is built of brick and appears to be a very substantial structure. It was intended for two tiers of cells, but only one is yet built. There are now eight cells, four on each side; each cell is eight feet by four and a half feet, and nine feet high. The jailor's residence is in the front part of the building.

*Security.*—Four persons broke jail during the past year. During the preceding year some prisoners had taken up the stones under their cell doors, and thus obtained access into the room below, from which they easily effected an egress. These four men followed in their track before the repairs were finished. It is now securely repaired, and it is believed that no more escapes will be made in that direction. On one of the corridors, a new ceiling of boiler iron has been put up during the present year, which makes it very secure. The ceiling of the other corridor is of three hemlock boards, which could be very easily penetrated by any woman that chose to attempt an escape. The gratings to the outside windows are single, and this is the weakest point in the jail.

## 48. SENECA COUNTY.

For information touching the two jails in this county, one of which is at Waterloo and the other at Ovid, reference is made to the report of last year. There is nothing of special interest to add to the statements made in that report. Both jails are miserable concerns, totally unfit by their arrangements and want of security for the purposes of prisons, and ought to be immediately replaced by new ones. The honor and interest of the county demand this; and so do humanity, civilization, and religion.

## 49. STEUBEN COUNTY.

*Employment of Prisoners.*—None, except whitewashing and cleaning the jail.

*Means of Education.*—No library, and no secular instruction. The sheriff gives the prisoners the newspaper which he takes when he is done with it, and this is all the reading matter that they have access to.

*Religious Culture.*—The jail is not supplied with Bibles, not a single copy being found in it. There is no preaching, and no religious or benevolent individual ever visits it.

*Prison Dietary.*—Breakfast: Fried pork and potatoes, or boiled beef and potatoes, (principally pork in summer and beef in winter,) with bread and coffee or milk. Dinner: Same as breakfast, except that there is no coffee or milk. Supper: Mush and milk or molasses. This is in summer; only two meals are given in winter.

*Sanitary Condition.*—No deaths have occurred during the past year. There have been no cases of delirium tremens, and but two of venereal disease. There have been a few cases of bowel complaints, but it has been quite as healthy within the prison as it has without. The location of the jail is healthy with respect to soil and position, but it is surrounded by a high fence, which prevents access of air to the lower part. There is no provision internally for ventilation; the flagging is laid directly upon the soil, and is damp. There is a privy in each corridor, and night tubs are kept in each cell. No unpleasant odor was detected. The health of the prisoners is much better than would be supposed from the arrangements.

*Cleanliness.*—The jail requires to be wholly rebuilt in order to fit it for the purposes for which it was designed. It is kept in as clean a condition as perhaps it can be, as now situated. The sheriff and jailor both are efficient and humane men, but they cannot with all zeal keep such a jail as that is in the condition that it ought to be. Water is pumped through the grating into a barrel in the jail, which is always kept full. If the prisoners are very filthy on being committed, they are required to wash themselves, but after this it is left optional with them whether to wash or not. Soap and coarse towels are provided for them, but combs are not. There are no means for bathing, shaving or hair

cutting provided. The prisoners' clothes are washed once a week, and the bedding once in two weeks.

*Lighting.*—There are two external windows in each corridor, making four in all, 4 feet by 2 feet. There are two additional windows opening into an adjoining lean-to, which admit air but not light. The only light in the cells comes from the corridors through the grated doors. No lights are allowed at night.

*Heating.*—There is one large stove in the prison below; one above in the women's prison, and one in the debtor's prison.

*Discipline.*—No punishments are used, except confinement to the cell, and sometimes they are shackled and chained. No moral means are used to secure good order.

*Sudden Illness.*—The jailor can easily hear any knocking on the cell doors at night. No case of sudden illness has occurred in which he has not promptly heard the alarm.

*Separation of Sexes.*—They cannot see each other, but the women's prison is directly over the men's, and they can converse through the stove-pipe hole. Their conversation is described as being exceedingly improper and corrupting, but there is no way to prevent it as the prison is now arranged.

*Classification.*—None is attempted, except that debtors and witnesses are kept in a room by themselves up stairs. The tried and untried, the young and old are all kept together in the lower prison.

*Insanity.*—One man, who was undoubtedly insane and charged with murder, was committed to this prison during the past year. He is now in the State lunatic asylum.

*Prison Building.*—Erected about the year 1844. It is of wood, and is 37 feet by 29 feet, exclusive of the jailor's house, which is in front. It has two stories, each story having two corridors. There are four cells in each corridor of the lower prison, each seven by three feet six inches, and seven feet eight inches high. Each corridor has a privy connected with it. The upper prison is divided into two corridors, each having two cells eight feet by nine feet and seven feet high. The exterior corridor is used as a prison for debtors and witnesses, and the interior for women, who cannot be brought in or out without passing through the men's apartment.

*Security.*—Two prisoners have escaped during the past year by digging through the privy. Several persons had previously escaped in the same way; but it is now secured by very heavy flag stones, and it is believed that this mode of escape is now completely blocked up. Others have escaped by digging under the foundation, and others have cut through the wall, which is of timber. The doors are fastened with padlocks, which can be easily picked or broken. The jail is very insecure in all respects, and would offer no obstacle to the efforts of an expert burglar. Nothing but great vigilance on the part of the officers could

retain even the ineffectual inmates from escaping. The bedsteads are of iron and swing on the cell wall. The supervisors ought to build a new jail on the modern plan at once.

#### 50. SUFFOLK COUNTY.

*Employment of Prisoners.*—No occupation whatever is provided for them. They whitewash the prison twice a year, and sometimes saw a little wood.

*Means of Intellectual Culture.*—There is no prison library, and no secular instruction is ever imparted to them. The sheriff sometimes supplies them with newspapers.

*Means of Religious Culture.*—There are no Bibles in the prison. There is no preaching, and no personal efforts are made for the religious improvement of the prisoners.

*The Prison Dietary.*—There is no regular bill of fare. The most usual breakfast is salt fish and potatoes, with rye bread. Dinner: salt meat, potatoes and other vegetables. Supper: bread and molasses or mash and milk. They give three meals a day, except Sunday, when only two meals are given.

*Sanitary Condition.*—The interior is very damp, and the cells are dark. The cause of this dampness is very well explained in last year's report. The prisoners suffer a good deal from dyspepsia and more from rheumatism. There has been no case of fever in the jail for seventeen years, and but one case of consumption originating within its walls. With the above named exceptions, there is very little disease in the jail.

*Cleanliness.*—The water for drinking and ablution is carried in in pails. Tin pans are provided to wash in. They are, however, allowed to do as they please about using them. Soap and razors are furnished, but no towels. There are no means of bathing the whole person. Their clothes are washed as often as the prisoners desire, but the bedclothes are never washed. The jailor says that the prisoners tear them up before they get dirty. Nothing but blankets are given to them. The bedsteads are of iron of very poor quality, and are frequently torn to pieces by the prisoners.\*

#### 51. SULLIVAN COUNTY.

*Intellectual Culture.*—There is no library belonging to the prison, and no secular instruction is ever given to the inmates. The sheriff sometimes lends them his own books, but many prisoners tear and otherwise injure them. He also lends them his newspapers after he is done with them. They read these with avidity, and rarely harm them.

*Religious Instruction.*—There are no Bibles in the jail. There is never any preaching, nor any individual effort for the reformation of the pris-

\* The report on this county is incomplete, owing to the loss of a page of copy in the hands of the printer.

oners. They are almost as far removed from every species of christian influence, while they are in the jail, as though they were in the center of the kingdom of Dahomey.

*Prison Dietary.*—The jailor's wife informed us that the prisoners have no regular prison diet, but that they are fed from her own table; that they always have butter with their bread, and pies and cakes as often as the family have them. There were no prisoners in the jail that we could examine with respect to their diet; but we were told by others in Monticello that the food of the prisoners was inferior in quality and insufficient in quantity. On further questioning them, none of them asserted that they knew these facts of their own knowledge, but only by hearsay. Such evidence is of course not sufficient to invalidate the direct testimony of the sheriff's wife. We only notice the rumors, that public attention may be called to the matter, and that next year the community may be prepared either to exculpate the jailor or to prove distinctly any dereliction of duty of which he may be guilty.

*Sanitary Condition.*—We have seen many bad, unwholesome jails in this State, but we think that this is decidedly the worst of all. If the architect had deliberately planned a building with the express purpose of violating every hygienic law, he could not have been more successful than he has been. The cells are without ventilation, dark, damp and small. The corridor is narrow, and the floor is about four feet below the surface of the ground. Yet, notwithstanding all this, and although the prisoners lose flesh rapidly, while in confinement, there have been only three cases of sickness during the year. Two of these were venereal cases, and one was a mild intermittent fever, which had been contracted before his committal. There has not been a single case of delirium tremens during the year.

*Cleanliness.*—The jail is not kept as clean as it should be; it has not been whitewashed the present year. It is said to be free from bed bugs. The water for drinking and washing is carried in in tin pails. Tin hand basins, coarse towels, and razors are furnished, but soap and combs are included in the jailor's bill for board, and are not directly paid for by the county. The prisoners' clothes are washed once a week. The sheets every other week, and the quilts when dirty. No pillow cases are allowed. There are no bedsteads in the five lower cells; the beds lie on the damp floor.

*Lighting.*—There are two large windows in the corridor, 7 feet by  $\frac{3}{4}$  feet, and two smaller ones 12 inches by 14 inches, secured by single gratings of soft iron. No light is allowed at night except as a special indulgence, when candles are given at the expense of the sheriff, as stated by his wife.

*Heating.*—The corridor of the lower cells has one wood stove, which we should not suppose would make the prisoners in the lower cells comfortable in cold weather. There is also a wood stove in the large double upper cell, which appears to be adequate.

*Discipline.*—When the prisoners are refractory, they are hand-cuffed and shackled. This has been done twice during the past year. No moral means are used to secure good order.

*Sudden Illness.*—The prisoners can easily make the jailor aware, if they are taken sick at night.

*Separation of the Sexes.*—They are isolated when the men are confined to their cells, but when they are in the corridor, they can see each other and converse together.

*Insanity.*—One insane man was committed to the jail for safe keeping. The jailor's wife said that the man's friends put him there in the hope that it would cure his malady, and because it was cheaper than sending him to an asylum. She said there was no committal by a magistrate nor any form of process whatever. This man hung himself in his cell. Another insane person was also lodged there in the same way, and, strange to say, he actually got well and was discharged cured. We called the attention of the district attorney to these cases, but he thought (though he was not sure) that both of these men had been regularly committed by a magistrate. If the jailor's wife is correct, the confinement was censurable.

*Prison Building.*—Erected in 1844, the old one having been destroyed by fire. It is built of stone, and is 38 feet by 14. It occupies one side of the basement of the court house. The lower part has five dismal cells, 5 feet 8 inches by 8 feet, and 7 feet high; each door is made of hoop iron and secured by a padlock with a thin hasp. There are two cells above these, one of which is of the same size as the lower ones; the other is 14 feet square, but divided by a board partition. There is a wooden bedstead in each of these apartments, and a table in one of them.

*Security of the Prison.*—There is really nothing secure about it; any expert jail-breaker could go out of it in two hours. The cell doors are so thin that a very short crow-bar would break them, or a case-knife would cut them. Two have escaped during the past year, and a year has rarely passed since it was built, that more or less have not broken through and absconded. Some have dug through the walls, others have broken the locks, and others have sawed through the bars. Four escaped as the jailor was entering the door, and in fact almost every kind of jail-breach known has been successfully effected. Last year the board of supervisors were obliged to pay a bill of one hundred and twenty-four dollars for watchmen to keep the prisoners in. The county, for its own credit, ought to erect a new jail at once, where its prisoners can be lodged without injury to their health, and with perfect security.

## 52. TOGA COUNTY.

*Employment of Prisoners.*—None except to sweep and scrub the floors, and make their beds.

*Means of Intellectual Culture.*—There is no library in the prison. The

sheriff gives them his old newspapers, which they read with great interest. No secular instruction is imparted.

*Means of Religious Culture.*—Bibles are supplied for each cell by the county Bible Society, but the prisoners tear and mutilate them very often. There is never any preaching. Mr. H. D. Pinney, a benevolent layman, sometimes visits the prison, talks with the prisoners, and gives them tracts, which are generally read. The "Messenger" received.

*Prison Dietary.*—Breakfast: pork, potatoes and bread. Dinner: Pork and beans or salt beef, or fresh beef made into soup, with potatoes. Supper: mush and milk, or bread and milk.

*Sanitary Condition.*—The officers testify that the jail is healthy, and that there is very little disease in it, except venereal and delirium tremens. Men are generally better in health when they are discharged than when they are received. Yet the fence around the prison yard overtops the windows of the prison. The direct rays of the sun can enter it but for a very small part of the day. There is no ventilation, and the odor is bad. Such conditions usually induce disease, but why they fail to do so in this jail is more than we can tell.

*Cleanliness.*—There is a pump and sink in the main corridor, which is used for ablution, but drinking water is carried in in pails. The cells are made of oak planks, the cracks of which furnish a secure harbor for vermin. We should suppose it impossible to exclude them, yet the prisoners say they are not incommoded by them. Plenty of wash-basins and towels are provided by the county, and the prisoners are compelled to wash themselves. A razor is furnished them, and they are obliged to shave once a week. There are no conveniences for bathing. The prisoners' clothes are washed once a week, and also their sheets and pillow-cases. Their quilts are washed twice a year. In this, and two or three adjoining counties, quilts are provided for the prisoners instead of blankets. They absorb odors, are difficult to wash, and are not as economical as blankets. They ought never to be used; and those in use here should be replaced by woollen blankets as fast as they wear out.

*Lighting.*—There are three large windows on each side of the corridors, secured by iron gratings; and on the inside there is a solid shutter of boiler iron. Between the inner shutter and the outer grating there is a glass window.

*Heating.*—The jail is warmed by one stove in the outer corridor. This seemed to us insufficient.

*Discipline.*—The only punishment administered is locking prisoners in their cells, and sometimes chaining them. No moral means are used to preserve order.

*Sudden Illness.*—The jailor can hear the prisoners very easily, when they knock on their cell doors.

*Separation of the Sexes.*—The men are locked in one corridor and the women in the other; but the former occupy the transverse corridor in the day time, and can see and converse with the women as much as they please through the grated door.

*Classification.*—There is none whatever; all sorts herd together, and as the prison is too small, they are often put two in a cell.

*Prison Building.*—Erected in 1851. It is of wood, and is 40 feet square, with a house for the jailor in front. The prison has a transverse corridor 12 feet wide, which is used by the men as a day room. There are two corridors opening out of this, in one of which the women are kept, and the men are locked at night in the other. The side corridors are separated from the transverse corridor by iron grated doors. There are 4 cells and a privy in each corridor; the odor of the latter was not offensive. The cells are 9 feet by 10 feet, and 8 feet high. They are made of 3 inch oak plank, lined with boiler iron, and are furnished with iron bedsteads.

*Security.*—The jail is, in our judgment, very insecure. No expert burglar would require more than three hours of darkness to work out of it. The locks might be picked without the least difficulty. There are no banisters to the stairs leading into the second tier of cells, and the railing round the upper gallery is very low. These are both traps for the jailor, which some day may cost him his life. There have been no escapes during the past year, but this exemption must either be obtained by the extra vigilance of the jailor or the disinclination of the prisoners to escape. The jail has been repeatedly broken out of by digging through the wall. It is not whitewashed as often as it ought to be, nor is its condition as clean as is desirable; nor indeed can it well be kept clean under existing circumstances. The only remedy is to build a new edifice, which that wealthy county ought to do at once.

### 53. TOMPKINS COUNTY.

*Employment of the Prisoners.*—They do the necessary cleaning to the jail, and saw the wood used for fuel; besides this they have no employment.

*Means of Intellectual Culture.*—There is no library in the prison. The sheriff supplies the prisoners occasionally with papers, and with books when they desire them. There is no secular instruction imparted.

*Means of Religious Culture.*—The county supplies the prisoners with Bibles, but they often tear them. At the time of our visit the jailor could find but one, and that was mutilated. They have no preaching. Once or twice a benevolent individual has been there to talk with the prisoners. They received him with much civility.

*Prison Dietary.*—For breakfast and dinner, the men have fresh and sometimes salt meat, with wheat bread. The women have coffee in addition. For supper they have mush and molasses or mush and milk. At every meal they have as much as they desire.

*Sanitary Condition.*—There have been no deaths, and no diseases have originated within the prison. The cells, like almost all prison cells, are very badly ventilated; prisoners could hardly be kept in them for any great length of time without being made sick. The only provision for ventilation is a tube about four inches in diameter, which communicates with two cells; and the cells in the upper story are ventilated with a two inch auger hole. In other respects, the sanitary condition of the prison is passable.

*Cleanliness.*—Water for cleaning and drinking is carried in pails, though it might be easily introduced by pipes from the outside. Tin basins are supplied for washing, as are soap, combs, towels and razors. The prisoners are compelled to wash daily. Their clothes are washed once a week, their sheets and pillow cases once a week, and their quilts twice a year. The jail is not whitewashed as often as is desirable, nor is it kept as clean as it ought to be. The night tubs are emptied daily, but the conveniences for cleaning them are not sufficient.

*Lighting.*—The corridors are well lighted by large windows. One gas burner is kept lighted in each outside hall, and candles are allowed till 8 o'clock in the evening.

*Heating.*—There are four stoves for burning wood; one in each hall.

*Discipline.*—When prisoners misbehave, they are locked up in their cells, and in extreme cases they are shackled. Neither of these punishments is often inflicted.

*Sudden Illness at Night.*—The jailor can hear a rapping on the door of the cell at any time of the night.

*Separation of the Sexes.*—The men and women can converse together, but cannot see each other.

*Classification.*—This jail is divided into four compartments, and would thus admit of a classification of the prisoners, but none is ever made.

*Insanity.*—One man was committed for safe keeping, and sent to the asylum at Utica. Another man was committed for murder, who was proved to be insane. He was also sent to Utica asylum. One woman, who was confined for murder at the time of our visit, claims to have been insane when she committed the deed. Her case is given in detail in a former part of this report.

*Prison Building.*—Erected in 1852. It is built of blue stone, and the exterior has quite an imposing appearance of strength; but, on examination, the appearance is found to be illusory. The total dimensions of the whole building are 66 feet by 45 feet. The jailor's house is in the front part, the prison proper in the rear. There are two transverse corridors—one above, the other below. A lateral corridor opens into either end of the transverse corridor, making, as it were, four jails. There are five cells in each of the lower lateral corridors. Each of the cells is arched, and the partitions between them are of timber. Some of them are fitted with iron swing beds, others have none. There are eighteen night cells.

*Security.*—There have been no escapes during the year. The doors are of cast iron and very strong, but the hinges are secured by long wrought iron bolts which can be sawed through very easily. When this is done, the door can be at once forced open. This very weak point should be immediately remedied. Only one of the lateral corridors is supplied with double gratings, and in this one both are of soft iron, one of which should be replaced by chilled iron. The locks are very good ones. The exterior walls are so poorly built that they require to be lined with boiler iron to make them secure. The transverse corridors have railings so low at either end that a jailor might readily be thrown over them before he could defend himself. There should also be a sewer, into which the night tubs could be emptied without going out of the jail. These means of security should be at once adopted at any cost that may be required.

#### 54. ULSTER COUNTY.

The jail of this county, situated at Kingston, was inspected on the 9th of August. It received 540 persons during the year ending October 1, 1863. The average daily number of inmates is 20, though as many as 40 have been incarcerated at one time, compelling a duplication for each cell, the whole number of cells being 20. At the time of inspection there were in the prison eight males and one female, the latter eleven years of age, a witness in a murder case. Of the former, two were there on the charge of murder—one for trial and the other a case which, though having been under conviction for capital punishment, has excited no inconsiderable amount of sympathy in the minds of many of the best people of the town, from their belief in his irresponsibility on account of insanity. A new trial in his case has been ordered, which he awaits in the apparent conviction of his own innocence of guilt, though confessing to the act of homicide.

Of the 540 admitted during the year, 62 were females—named on the books—though the actual number of *individuals* is not easy to ascertain, as several instances of repeated admissions occur, which are undistinguished from the others, thus giving the population of the county an unnecessarily bad character.

The book of entries of admissions is in this, as in many other places, though somewhat better than some, very imperfect, not only affording no means of ascertaining many items of great interest in relation to the prisoners, but also in direct violation of the statute law upon the subject.

Of the social, educational, moral, and industrial relations of the prisoners, or of the number of times of their arrest, there is, as before stated, no record whatever. The only employment for them is the transient cleaning of the apartments and halls, and except for the little reading supplied by the jailor in the form of newspapers, and to a

moderate extent by books, continued idleness is the unhappy lot of all who enter here; nor is there any degree of secular instruction imparted to them; though it affords the undersigned great gratification to be able to state that, through the benevolent and voluntary exertions of two of the inhabitants of Kingston, religious instruction has been for several months, and is still, imparted to the inmates in a regular and systematic manner.

The Rev. Mr. Waters and Henry H. Reynolds, Esq., gentlemen entirely without official connection with the prison or the local government, instigated solely by a sense of duty to their fellow-creatures, and their responsibility to their Maker, have assumed the Christian work of weekly visits to the jail, and of holding religious services in the hall, which all the inmates are allowed to attend. The time appointed for this purpose is Wednesday afternoon, and by the concurrent testimony of various persons, these exercises are attended with undoubted benefit.

Respecting the sanitary condition of the prison no particular fault is to be found. The cells, which are 20 in number, 10 on each of two floors, and 5 on each side of the halls, with the doors opposite each other, are more than ordinarily capacious, and each one is ventilated and lighted by a large window, double-harred and high. The doors of the cells are grated, and being on this account always open to the ingress and egress of air, the atmosphere has free course through the house.

Water is introduced by a pump, which supplies a tank, from which a flow is always at hand, supplying conveniences for washing in the hall, which the prisoners are all required to attend to daily, basins, soap, and towels being provided for the purpose. There are, however, no means for general bathing. The clothes and bedding of the prisoners are washed once a week.

No lights are allowed at night, except in case of sickness.

The dietary consists, in the morning, of fish, potatoes, and coffee, and sometimes meat, and for dinner fresh beef, or pork, and potatoes. Two meals only are given daily.

The means for warming the prison are excellent, being by a furnace in the basement, which supplies a current of warmed air through registers in the floors of the halls. This method is economical and wholesome, the latter adjective needing qualification only in reference to the source whence the air is obtained, it being directly from the cellar, and is apt to be charged with the dust of the coal and ashes which are deposited there. A cold air duct, connecting the chamber of the furnace directly with the outer air, would greatly improve the arrangement, at a very trifling expense.

The punishments employed are chains, privation of food, and a noisome dungeon under ground, the latter very seldom resorted to, which, in the opinion of the undersigned, it would be very unsafe to do for many hours at a time.

Prisoners taken sick at night can only obtain assistance by calling through the windows to the keeper, who sleeps near.

Separate cells are the only means of separation of the sexes, but these being on opposite sides of the same halls, with the doors immediately opposite each other, oral and visual communications may be uninterrupted.

No insane persons have been admitted, except temporarily in transitu to other places. About one a month is sent to the Asylum at Utica from this county. Eight have been sent this year, besides others to private institutions.

The present building was erected in 1855, is built of stone, immediately adjoining the Court House, and is about 30 by 40 feet in dimensions.

The number of escapes under the present sheriff have been five, three by digging under the wall, and two by throwing a bed quilt over the turnkey, and boldly seizing the key. Two of them were recovered.

The special incitements to crime here are the great number of larger beer saloons and its locality as the terminus of the Delaware & Hudson Canal.

#### 55. WARREN COUNTY.

*Employment of Prisoners.*—They have none, except cleaning and whitewashing the jail.

*Means of Intellectual Culture.*—There is no library belonging to the prison. The jailor lends them books and newspapers, which they generally use with care. No secular instruction is imparted.

*Means of Religious Culture.*—There are no Bibles in the prison, nor any preaching or individual efforts for the religious instruction of the prisoners. They are as effectually cut off from all Christian culture as though they were in a heathen land. There is no one to reprove, rebuke, admonish, or console them; no one to lend them a helping hand if they desire to reform, or to procure them places or countenance if they wish to acquire an honest living.

*Prison Dietary.*—The prisoners are fed from the deputy sheriff's own table, and live just as he does. There is no regular bill of fare.

*Sanitary Condition.*—The prison is in the basement of the court-house, and is partly under ground. It is very damp, and quite unfit to be the abode of human beings. One of the prisoners alluded to in the report of last year is still in confinement, and has become a cripple in consequence of the unhealthiness of his cell. Another, who has been confined a much shorter time, is suffering from inflammatory rheumatism, caused by the dampness and vitiated air of his cell. There have been no deaths in the prison the past year.

*Cleanliness.*—The water for washing and drinking is carried into the jail in pails from the outside. Washing their persons is not made ob-

ligatory on the prisoners, but they generally do it voluntarily. They are supplied with tin basins and towels, but soap and combs are supplied by the sheriff out of his own pocket; the county allows nothing for these items. The sheriff also furnishes razors at his own expense. There are no means of bathing. The prisoners' clothes and bedding are washed once a week. They are supplied with cotton sheets and pillow-cases, and woolen blankets. The jail is free from vermin, but is not kept as well whitewashed nor as clean as it might and ought to be. The night tubs are emptied daily, but an unpleasant effluvium from them is very apparent.

*Lighting.*—There is a window opening outside, and accessible at all times, in each cell, 14 inches by 18 inches. There is no regular rule about furnishing lights at night; sometimes the sheriff allows them, and at other times refuses them; sometimes they are required to extinguish them at 9 o'clock P.M., and sometimes they are left all night in the cells.

*Heating.*—Each cell has a wood stove in it. Fires are necessarily kept up in them during the greater part of the year.

*Discipline.*—No punishments, either moral or physical, are ever resorted to in this jail.

*Sudden Illness.*—The keeper sleeps in the basement on the side of the corridor opposite to the door of the cell, and can easily hear a prisoner's call, if he becomes ill in the night.

*Separation of the Sexes.*—The women's cell is contiguous to that of the men's, so that they can converse without difficulty, although they cannot see each other. The jailor says that they do converse constantly, and their conversation is generally of the most corrupting character.

*Classification.*—None whatever is attempted.

*Insanity.*—One woman in a state of pregnancy was committed last year, who procured abortion within the jail. This was followed by several weeks of violent mania, but she recovered her sanity while she remained. It is supposed that the means of procuring the abortion were supplied by a confederate through the outer windows.

*Prison Building.*—Erected in 1835. As before stated, it occupies a portion of the basement of the court-house, and the portion occupied as a jail measures 25 feet by 13 feet. The rest of the basement is occupied by the jailor's family. There are two strong cells for men, and one weaker one in which women are confined. The cells are ten and a half feet by seven feet, and seven and a half feet high to the top of the arched roof. They are furnished with wooden bunk.

*Security.*—The walls are of stone, two and a half feet thick, but the mason work is not good, and many small stones were used in its construction, so that it might be dug through by a prisoner supplied with the requisite tools. The cell doors are of oak plank, with iron gratings nailed on. The window of one of the cells has double gratings; the others have only single gratings of soft iron. There have been no

escapes during the past year, but during the previous one two prisoners dug through the wall of their cell into the cell used for women, which was unlocked, and thus effected their escape. The wooden bunks furnish them with the means of procuring very dangerous levers, though we did not learn that they had even been used for that purpose.

#### 56. WASHINGTON COUNTY.

In some important particulars, this prison presents a striking and favorable contrast with most others visited by the undersigned. The jail register is in printed form, and the fullness of the record shows great faithfulness on the part of the sheriff, Mr. Benjamin F. McNett, and of his son, Charles E. McNett, who is the immediate keeper, and also deputy sheriff.

The bills of expenses of the jail include some interesting facts. In the first place there are no salaries, except for the physician, and that is but \$12 per annum, and even at that moderate rate the office is a sinecure, there having been up to the present time this year no call for the physician's services. A few years since \$200 a year was paid for medical services. The office was subsequently let by contract at \$50 per annum; in the second year at \$15, and now at \$12. The clothing for prisoners the last year cost \$46; the bedding, \$50; repairs, \$10; prisoners' washing, \$50. For cleaning and whitewashing, \$10 a month is allowed; and for heating, lime, chloride of lime, and other miscellaneous items, about \$160 were expended.

The present estimated value of the real estate is \$6,000. The prison has no library of its own, but the sheriff generously supplies those desirous of reading with magazines and papers of his own. There is neither secular nor religious instruction given, but there is a sufficient supply of Bibles.

With a single exception, the sanitary management is well conducted, the exception being a water closet, enclosed in a box with a door, situated in one corner of the corridor, which is very offensive, for want of sufficient water to keep it free, though it is washed out daily.

The prison is well lighted in the day time by windows, and at night the very unusual and humane privilege of light is allowed the prisoners in each cell of those desiring it, by which to read as long as they please. A member of the committee visited the jail at 10 P. M., and found the only prisoner who could read enjoying this privilege, with gratitude to the sheriff therefor. They, however, furnish their own candles.

The present sheriff, though now in his third year of service, has had but one occasion to punish a prisoner, and that was by chaining him down.

The sexes, though females are very rarely found there, are separated by being placed in different stories of the building. No escapes are reported since last year.



Under its present management this prison presents a highly commendable aspect, and the committee cordially endorses the concluding paragraph of last year's report upon it, viz: that it "has the appearance of careful and judicious attention from the keeper and the sheriff, who also seems to take a personal interest in the present comfort and future welfare of the prisoners."

#### 57. WAYNE COUNTY.

*Prison Building.*—Described in last report, and no change since. Erected in 1854.

*Employment.*—None except cleaning jail, &c.

*Means of Intellectual Culture.*—None, no books, no instruction. The sheriff loans his own books occasionally, and supplies daily papers.

*Religious Instruction.*—The jail is supplied with Bibles by the County Bible Society. The number of copies at the time of our visit was three for the men and one for the women. Copies of the New York Evangelist as well as of the American Messenger are supplied. More individual effort seems to be expended upon the prisoners here than in most of our jails. Two clergymen and some pious laymen have called repeatedly during the year, and labored for their spiritual benefit, with what results we are not able to state.

*The Dietary.*—Two meals. The number of prisoners being small, they are for the most part supplied from the sheriff's own table. They have genuine coffee in the morning, flavored with sugar and milk. They have also buckwheat cakes once a day in winter, and meat with potatoes and beans twice a day; rather too good living for prisoners.

*Sanitary Condition.*—The physician of the jail has been called in but twice during the year. No death has occurred.

*Cleanliness.*—The jail is supplied with water regularly twice a day, and in summer three times, or more frequently if called for. There is a wash bowl in each apartment. Prisoners are required to wash themselves daily. Soap, combs, and towels are provided, each prisoner having a towel to himself. There are no means of bathing, but a pail full of warm water is furnished for each room on Sabbath morning. The clothing is washed weekly, and the bed blankets every two months. The straw in the beds is changed once a year, and the ticks washed at the same time. The floors are scrubbed usually once a week, and the walls whitewashed once in two months. No bedbugs have ever been seen in the jail.

*Lighting.*—The prison is abundantly lighted through the windows by day; but no lights are furnished at night. Prisoners may provide themselves with light, which in point of fact they commonly do.

*Heating.*—By a furnace; but it is difficult to make the jail sufficiently warm in very cold weather.

*Discipline.*—The only punishment used is locking in the cells. This,

however, has been used but three times in as many years. The government is by moral agencies, kind treatment and friendly counsel.

*Sudden Illness at Night.*—The sheriff sleeps so near that he can readily hear prisoners when they speak. His bed room door and the outer door of the prison are left open at night.

*Separation of the Sexes.*—The criminal department of the male prison is so situated that no intercourse with the female prisoners can take place. The debtor's room adjoins that of the women, from which it is separated only by a lath and plaster partition. Conversation can be readily held, to facilitate which, however, a hole is sometimes made through the wall.

*Classification.*—In summer, the boys are generally kept by themselves; in the winter, no attempt at classifying is made.

*Insanity.*—One insane pauper from Seneca county was committed for safe keeping, and returned to the same for support. A man, committed for murder, turned out to be insane, and was sent to the State asylum at Utica.

#### 58. WESTCHESTER COUNTY.

*Employment of Prisoners.*—They have no profitable occupation. They are sometimes employed in cleaning and whitewashing. Two men, on an average, are employed in the kitchen. The women are occupied part of the time in washing. The cells are whitewashed every fortnight; the prison walls twice a year. The floors are scrubbed twice a week. Last year the prisoners dug a sewer on the prison grounds worth \$200.

*Means of Intellectual Culture.*—Twenty-five or thirty volumes have been contributed by benevolent individuals in the neighborhood, of an historical and religious character. A few read these works with interest, but the greater number care nothing for them. The sheriff supplies them with newspapers, which are read with avidity. No secular instruction whatever is imparted.

*Religious Instruction.*—One Bible for each cell is furnished by the County Bible Society, but they are often destroyed in mere wantonness. Rev. Mr. Runney, of the Episcopal denomination, preaches every alternate Sabbath to the prisoners with much acceptance. There is no systematic effort by laymen for the benefit of the prisoners, but ladies occasionally distribute tracts to them.

*The Prison Dietary.*—Breakfast: Bread and molasses *ad libitum* with tea. Dinner: Boiled fresh beef, with soup and potatoes. Pork is sometimes substituted for beef. Supper: Mash and molasses. The bread is of rye and the mash of Indian meal. About once a fortnight they give salt codfish for dinner.

*Sanitary Condition.*—The building is situated in an open place, where it is exposed to currents of perfectly pure, fresh air. The soil is dry, and easily draws off the water that falls on the surface. The only ven-

tilation provided in the cells is through a circular aperture six inches in diameter, about four feet from the floor. On holding a flame before them, no current whatever was perceptible, except in the central cells of the middle tier. One black man died in the prison last year in consequence of self-inflicted starvation. Dr. H. E. Schmid, the very intelligent physician of the jail, assured us that although theoretically the prison was very deficient, especially in light and fresh air in the cells, yet practically the men almost always went out better than they came in, that little or no disease was engendered within its walls, and that the prevailing diseases that he is called upon to treat are the venereal and delirium tremens, both of which are of course contracted outside of the prison. The sheriff and jailor confirmed this report of the physician, and the prisoners themselves said they were quite well.

**Cleanliness.**—The jail was thoroughly clean; the garments of the prisoners and their bedding were also clean. There is a force pump within the jail, by which the prisoners may raise from the well any amount of water they require, or by turning a cock they may obtain rain water from a cistern in the yard. There is a sink in the corridor, where those not confined to their cells can wash as much as they please; those who are locked in their cells have water carried to them in pails. If the prisoners seem dirty when they come in they are stripped and thoroughly washed; if observed to neglect their ablutions afterwards they are compelled to wash. Soap is furnished by the county, but prisoners almost invariably bring their own combs with them. Towels are also furnished by the county, but many of the prisoners seem to take a malicious pleasure in destroying them, and some steal them when going out. No tubs or other appliances for bathing are found in the jail; one or two bathing tubs are very much needed. A brush and razor for shaving are provided for those who have none; the prisoners shave each other. The prisoners' clothes are washed once a week, or oftener if they desire it; the bed blankets are washed once in three weeks in summer, and once in four weeks in winter.

**Lighting.**—There are four long and narrow windows on each side of the prison, but the cells are insufficiently lighted. There are three gas burners, which burn until 9 o'clock P. M. Two of them are then turned off; the other burns all night.

**Heating.**—Two coal stoves, one in each corridor, keep the prison (it is said) sufficiently warm in winter.

**Discipline.**—There are no punishments employed, except that, when disorderly, prisoners are locked in their cells in the day time; and sometimes, when very obstreperous, they are chained. The moral means employed are very slight.

**Sudden Illness.**—The jail is separated by a considerable distance from the court house, where the jailor sleeps. We were informed that he has always been aroused when his presence has been rendered necessary by

illness in the night, but it seemed to us that some better means of communication ought to be provided. We can readily conceive that serious cases might occur, where it would be impossible to arouse the keeper in time, especially when the wind is blowing violently during our winter storms.

**Separation of the Sexes.**—The women are confined in the upper tier of cells, and a strong iron door prevents the men from coming upon their gallery; but the men and women can see each other and converse together as much as they please. The demoralizing influence of this intercourse is very apparent, and calls loudly for a remedy.

**Classification.**—No classification whatever is maintained. There can be little improvement in our common jails until the prisoners are entirely isolated and rigidly kept in separate cells.

**Prison Building.**—The building was commenced in 1855 and finished in 1857. It is of large blocks of stone; the wall is 24 inches thick and can hardly be forced. There are three tiers of cells. There are 12 cells in the lower and middle tiers severally, and 10 in the upper tier. The cells are of two sizes, the smaller being five feet by ten and a half, and eight feet high; the larger, eight feet three inches wide by ten feet six inches, and eight feet high. In the large cells there are two swing beds. The jail is much too small for the number of prisoners confined there; the demoralization arising from association during the day is greatly aggravated by association at night. Twenty new cells ought to be added to the prison at once, and a wall erected through the middle of the corridor, so as to divide it into at least two apartments entirely separate from each other. Should any contagious fever ever break out, the want of such separation will become fearfully apparent.

**Security of the Prison.**—The walls are sufficiently strong; we think no one will ever attempt to escape through them. The gratings of the external windows are of soft iron. The interior bars ought to be made of steel, so as to resist the watch spring saw, which is the most powerful instrument of the burglar, and which can be easily concealed in the boots or other parts of the dress. The locks are situated about sixteen inches from the jambs of the door, but they have been picked by prisoners within the cells by means of false keys made from the tin obtained from a japanned lamp tied to a piece of board. Five prisoners escaped in this way last year. After getting out of their cells, they cut through the roof and let themselves down to the ground by their bedding. The only means of escape from this jail are, sawing through the iron gratings, the use of false keys, or attacking the keeper while within the jail and taking his keys from him. Openings might be easily and usefully made through the wall between the inner and outer corridors, so that the keeper could see what was going on at any time without being seen himself. The entrance door should be hung flush with the inner face of the corridor wall, and a hemispherical grating inserted in it so that the

jailor can see who is each side of the door before he opens it. With these improvements, the jail would be very secure.

#### 59. WYOMING COUNTY.

*Prison Building.*—Erected in 1841. Material wood. Dimensions 26 feet by 32 feet. Number of cells eight, four feet by nine, and nine feet high. There is a double bed in each cell. There are also four rooms of a larger size.

*Employment.*—None.

*Means of Education.*—No library, and no secular instruction. The sheriff supplies the inmates with newspapers, and loans them books from his own library.

*Religious Instruction.*—Each room is supplied with a Bible at the expense of the county. The Rev. Mr. Harwood, the Episcopal minister of the place, comes frequently on the Sabbath and spends half an hour, holding a service, when there are prisoners enough.

*Prison Dietary.*—The prisoners are supplied from the sheriff's table.

*Sanitary Condition.*—Most of the prisoners are said to improve in health while in jail. No death has occurred in the last three years.

*Cleanliness.*—The jail is supplied with well water for drinking, and cistern water for washing, which is introduced in pails. The prisoners are required to wash. Soap, combs and towels are furnished. No means for bathing. Prisoners' clothes washed weekly always, sometimes oftener. Sheets and pillow-cases are used, which are also washed weekly. A new prisoner is always provided with clean sheets. Vermin abounded when the present sheriff came into office; he has succeeded in fighting them all away. Only once during the past year have any been discovered. The jail is scrubbed usually once a week. The whole prison is whitewashed every spring; the cells much oftener.

*Lighting.*—Well lighted by day; lights not provided at night, but allowed if furnished by the prisoners, which is quite commonly done.

*Heating.*—Three wood stoves.

*Discipline.*—Punishments are almost unknown. In one or two instances prisoners have been locked for a short time in their cells. The sheriff treats the prisoners kindly, and they feel kindly towards him. No profanity is allowed.

*Sudden Illness at Night.*—The sheriff sleeps so near that any noise made by a prisoner can be heard.

*Classification.*—None attempted.

*Insanity.*—One case; he was taken to the insane asylum at Bethany.

#### 60. YATES COUNTY.

*Prison Building.*—Erected in 1860. Fully described last year, and no alterations since.

*Employment of Prisoners.*—None, except little jobs about the jail.

*Means of Intellectual Culture.*—No library and no instruction. The sheriff lends the prisoners papers, also books when desired.

*Means of Religious Culture.*—The prisoners have two Bibles, and take good care of them. There is no preaching. Christian laymen occasionally come in to talk with them, but not systematically nor frequently.

*Prison Dietary.*—Three meals a day. See last report.

*Sanitary Condition.*—Health of the prisoners usually good. Few diseases except venereal and tremens. No death has occurred in the jail for the last three years.

*Cleanliness.*—A good supply of well and cistern water, brought in in pails. There is a good sink in the jail. The prisoners are required to wash. Soap, combs, and towels are furnished. No means for bathing. Clothing washed weekly; sheets and pillow cases the same; quilts once a month. Beds filled and ticks washed once in two months. Jail scrubbed by prisoners generally once a week, sometimes twice.

*Lighting.*—The prison is well lighted in the daytime; and at night the prisoners are allowed a candle till 7 o'clock.

*Heating.*—Three wood stoves.

*Discipline.*—Locking in cells is the only punishment used. Only one man has received this discipline; women often.

*Sudden Illness at Night.*—The under-sheriff sleeps in an adjoining apartment. A trusty prisoner is also always left in the hall.

*Separation of the Sexes.*—They can converse together freely.

*Classification.*—None attempted.

*Insanity.*—One insane person was committed for safe-keeping; he was sent to the insane asylum at Canandaigua.

Respectfully submitted,

E. C. WINES,  
JOHN STANTON GOULD, } *Committee.*  
JOHN H. GRISCOM,

New York, Jan. 2, 1865.

(N.)

## CHARTER AND CONSTITUTION.

AN ACT TO INCORPORATE THE PRISON ASSOCIATION OF NEW YORK.

Passed May 9, 1846, by a two-third vote.

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

§ 1. All such persons as now are and hereafter shall become members to the said Association, pursuant to the constitution thereof, shall be and hereby are 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 real estate, real or personal, for the use of said corporation: *Provided* such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any purpose other than those for which this corporation is founded.

## ARTICLE I.

The object of the Association shall be:

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

## 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 to be 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 may 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 shall, during such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars an honorary member of the executive committee for life; and a contribution of twenty-five dollars shall constitute a member of the Association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

## ARTICLE 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 meeting.

## ARTICLE XI.

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

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

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

§ 3. The said executive committee shall have power to establish a work-house in the county of New York, and in their discretion to receive and take into the work-house all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the alms-house may deem proper objects; and the said executive committee shall have the same 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 work-house, not contrary to law, as they may deem proper; and may appoint such officers, agents, and servants as they may deem necessary to transact the business of the said Association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature, and to the corporation of the city of New York, of the number of persons received by them into said work-house, the disposition which shall be made of them, by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said Association.

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

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect, and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section of title first, chapter third, part fourth of the revised statutes, are vested in the inspectors of county prisons; and the duties of the keepers of each prison that they may examine shall be the same in relation to them as, in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; *provided*, that no such examination or inspection of any prison shall be made until an order for that purpose,

to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situated, shall first have been had and obtained; which order shall specify the name of the prison to be examined, the names of the persons, members of the said Association, 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. }

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

*Resolved*, That the bill do pass.

By order of the Senate.

A. GARDINER, *President*.

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

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

*Resolved*, That the bill do pass.

By order of the Assembly.

Approved this 9th day of May, 1846.

WM. C. CRAIN, *Speaker*.

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 thereof, and of the whole of said original.

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

ARCH'D CAMPBELL, *Dep. Sec. of State*.

REVISED STATUTES.—Part IV, Chapter 3, Title 1.

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

(O.)

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

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

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

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

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of the treasurer.
3. Reports from standing committees.
4. Report from the corresponding secretary.
5. Report from the general agent.
6. Reports from special committees.
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 detentions,
- A committee on discharged convicts, and
- A committee on prison discipline.

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

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

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

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

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

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

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons and houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge, or providing for the defence, 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 discharge convicts:

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

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

3. To procure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences—taking care not to have more than one in a place, where it can be avoided.

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

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

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

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

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 the purpose, and to give due notice of all meetings of the committee.

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

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

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

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

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