

STATE OF NEW YORK

THE EIGHTY-NINTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1933



ALBANY
J. B. LYON COMPANY, PRINTERS
1934

PREFACE

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

Paragraph 6 of Article XI of the Act incorporating the Prison Association of New York provides that "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

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

In Memoriam

CHARLES H. SABIN

October 11th, 1933

“There isn't a boy but wants to grow,
Manly and true at heart,
And every lad would like to know
The secret we impart.
He doesn't desire to slack or shirk—
Oh! haven't you heard him plead?
He will follow a man at play or work,
If only the man will lead.”

Charles H. Sabin was a leader in spirit and practice. He was profoundly interested in boys. As a sponsor of the Boys' Club of New York, and for years its President, he evinced his faith in the boys of this city and a full recognition of the need for an intelligent, diversified recreational program, so that they might develop sound bodies and minds, an understanding of good citizenship, and an appreciation of the value of team work and wholesome association. Crime prevention is urged today more than it has been in decades, but the Boys' Club, standing as a monument of faith and service, exemplifies the earlier vision of men like Charles H. Sabin.

His interest in social welfare was not confined to work among boys. He was deeply interested in the prison problem, and especially the treatment of those who had been in prison. Prior to becoming a member of our Executive Committee he financed the activities of a prison welfare worker. During his eleven years as a member of the committee he showed a live interest in support of the efforts of the Association to conform with its rich traditions for service in the field of prison reform.

As a personality Charles H. Sabin will be remembered always for his kindly, sympathetic manner and the ease with which he could be approached by those in need.

Be it Therefore Resolved, That the Executive Committee of The Prison Association of New York record its profound sorrow at the death of Charles H. Sabin in his 65th year.

THE PRISON ASSOCIATION OF NEW YORK

In the latter part of the year 1844 there appeared in the papers of this city a notice addressed to the public, and signed by the President of the Board of Inspectors* of Sing Sing Prison, inviting "the attention of the benevolent to the destitute condition of discharged prisoners." Soon after the publication of this notice a meeting was held, and that meeting marked the birth of the Prison Association of New York, the first organization of its kind in the State. At the meeting it was decided that the scope of the Association's activities should not be limited solely to the care of the discharged prisoner, but that the Association should concern itself intimately and generally with the treatment of the prisoner, regardless of his place of detention. In other words, at the beginning, the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. By an act of the Legislature the Association was incorporated in 1846 and given authority to visit and inspect the prisons and required to report annually to the Legislature. (See Preface, page 3.)

So the Association has gone on, year after year, unceasingly, and with earnest alertness, combating those things which impede progress in the solution of the crime problem, and initiating and giving utmost support to endeavors that indicated a forward movement. It has been faithful in endeavoring to reform those who have become criminals; in aiding the discharged prisoner and helping him to lead an honest life; guiding and helping destitute mothers, wives and children of men in prison; making prison conditions humane and effective, and securing legislation to improve court procedure and the administration of institutions.

* The managing body of the prison.

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STANDING COMMITTEES FOR 1933

COMMITTEE ON LAW

GRAY, KIRCHWEY, PAVEY, POWELL, WICKERSHAM, O'BRIEN,
BARROWS, ALEXANDER

COMMITTEE ON FINANCE

AUCHINCLOSS, SABIN, SAGE, BLUMENTHAL, PRATT

COMMITTEE ON DETENTIONS

BARROWS, BLUMENTHAL, HADDEN, SWAN, BURDEN, MRS. FIELD,
MRS. CURTIS

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AUCHINCLOSS, BLUMENTHAL, SAGE

COMMITTEE ON PROBATION AND PAROLE

CRUGER, POWELL, MRS. PORTER, HURD, SABIN, CUTTING

COMMITTEE ON PRISON ADMINISTRATION

MOORE, PAVEY, SAGE, SCHIFF, DAVIS, HOCHSCHILD, DOWS

EIGHTY-NINTH ANNUAL REPORT OF THE PRISON
ASSOCIATION OF NEW YORK

January 29, 1934

HON. M. WILLIAM BRAY,

Lieutenant-Governor of New York:

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

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

By EDWIN O. HOLTER, *President.*

E. R. CASS, *General Secretary.*

RECOMMENDATIONS TO THE LEGISLATURE

I

That a commission be appointed to study the Penal Law, the Code of Criminal Procedure, and the Correction Law, with a view not only of simplifying, clarifying, and expediting the administration of criminal justice, but the fixing of a modern, well-rounded policy of crime treatment. The three groups of legislative enactments, as they now stand, represent piecemeal legislation and not a well thought out, clearly defined, and co-ordinated policy.

II

Eliminate from the Correction Law the requirement that the superintendent of a reformatory be a medical doctor. While there is no intention in this recommendation to cast reflection on the medical profession, it is nevertheless felt that the administration of a reformatory requires a person who has had a background of more than medical training and experience. The head of an institution should have business ability and should be able to understand and direct people. In addition he should be of alert and fertile mind, the conceiver of ideas, and the type of person who can with discretion and care conduct experimentation in the administration of an institution. The head of a reformatory should know something about the field of education, or at least be willing to allow, so far as is practicable, for the development of modern educational endeavors. This recommendation is not intended to set up a superman, but is based on the belief that there are others besides medical doctors who should be given opportunity to enter the reformatory institutional field.

III

That the Legislature determine a date subsequent to which it will be forbidden by law to use for the housing of prisoners the stone, vault-like cells situated in the old cell house at Sing Sing Prison. These cells have been publicly condemned for years and were doomed by the Legislature when, in 1916, bills were passed for the rebuilding of Sing Sing Prison. The Prison Association of New York was conspicuous in the final campaign for a new Sing Sing Prison, and therefore deploras the fact that more than five hundred of the old Sing Sing cells are still in use. The use of these cells is not with the approval of the State Department of Correction, but, because of the increase in the prison population, there is no choice. Until there is a specific legislative mandate prohibiting the use of these cells, their availability for use is likely to continue indefinitely. It is paradoxical that at a time when the State of New York rightfully can boast of some of the best

prison construction in the country, and the renovation of the old housing quarters at Auburn and Clinton prisons, it must also admit the use of so large a number of the long complained of cells at Sing Sing.

IV

That an appropriation be made for the use of prison labor on highway construction. It is regretted that an item of \$150,000 for prison camps and cantonments was stricken from the Governor's budget by the 1933 Legislature. This form of labor is universally approved by prison administrators, and, although there is some objection on the part of highway contractors, the extent to which prison labor, in competition with free labor, has been used on highway construction is negligible. Furthermore, the use of prison labor on highways is in accord with the State Use system of employing prisoners, the State Constitution, and the Correction Law. Attempts to repeal provisions of the law permitting the use of prison labor on highways should be defeated.

V

That an appropriation be made for the following positions in the State Department of Correction: (a) a director of foods; (b) a director of classification. A director of foods has been long needed to make for the more scientific and economical feeding of prisoners. A director of classification is greatly needed to establish a central stimulus and co-ordinated functioning of the classification program and personnel of the department.

VI

That funds be provided for an adequate civilian teaching staff to make it possible to continue the educational work at the Elmira Reformatory. A good start has been made at Elmira in the modernizing of the educational activities. However, the uncertain tenure of the civilian teaching staff is a disturbing and serious handicap.

VII

That the distinction between indeterminate and fixed or definite sentences be abolished, and all convicted felons, with the exception of those sentenced for murder, first degree, receive an indeterminate sentence.

VIII

That serious consideration be given to the expansion of the indeterminate sentence and parole, so that *first offender felons*, except those convicted of arson, first or second degree; kidnaping; murder, first or second degree; rape, first degree, upon recommendation of the State Department of Correction, be eligible for

consideration for release by the State Division of Parole after they have served two years of their sentence without compensation or commutation allowance. In our report of last year we urged that first offenders be eligible for consideration for release on parole, with the approval of the court, at the expiration of one year. However, this proposal while winning considerable sympathy with legislators, was considered too liberal, and, therefore, this year we join with the State Department of Correction and others in suggesting a two year minimum for first offenders, without compensation or commutation allowance.

For *second offenders* we suggest that they be eligible for consideration for release on parole at the expiration of *one-half* their sentence; for *third offenders* at the expiration of *two-thirds* of their sentence, and that both second and third offenders receive no compensation or commutation allowance in the determining of the one-half or two-thirds period.

The indeterminate sentence law would then be applicable to first, second and third offenders, with the exception of those convicted of the crimes indicated above. It is not intended that all prisoners be released at the expiration of the minimum period—that would be contrary to the basic thought underlying the indeterminate sentence—but they would at that time become eligible for consideration for release by the Parole Board. It is intended that the Parole Board shall, after serious consideration of the pre-institutional career of each prisoner, his institutional career, and the prospects of his future conduct and other related factors, determine whether or not the prisoner is a worth while risk, and is deserving of the benefit of a trial of freedom under adequate parole supervision. There are two important elements involved. First, the intelligence, thoroughness, courage and independence exercised by the Division of Parole in determining whether or not a prisoner shall be released on parole. Second, the thoroughness with which a prisoner on parole is guided and supervised. The extent to which these elements are translated into practice will largely determine the worthwhileness of a more liberal application of the theory of the indeterminate sentence.

The Prison Association, largely responsible for the introduction of the indeterminate sentence in this State, contributed liberally for decades toward the supervision of inmates on parole, and at the same time urged that the supervision of prisoners on parole was rightly a State function. Years of criticism by the Association of the Parole Board, and the inadequate supervision of prisoners on parole, gradually developed popular sentiment, and finally the present Division of Parole was established. It is unquestionably doing a more intensive work, but is still young in its operations and experimental in some of its activities. If the legislation suggested in this recommendation be enacted it will naturally result in an increase in the number on parole, and therefore provision should be made as quickly as possible for an increase in the supervisory personnel of the Division of Parole.

IX

That consideration be given to the extension of the authority of the Division of Parole to apply to the inmates of the Westfield State Farm (formerly Bedford Reformatory) and the inmates of the State Vocational Institution at Coxsackie (formerly the House of Refuge on Randall's Island). At the former institution it will relieve private agencies of work that is properly a State function. For both institutions it will make for a more uniform system of pre-parole procedure, the determining of fitness for parole, and supervision while on parole.

X

That the law be amended so that the punishment for attempted burglary or robbery will not be greater than that for burglary or robbery, first degree. This anomalous situation was brought about through oversight when the punishment for burglary and robbery, first degree, was lessened by the 1932 Legislature.

XI

Amend the Penal Law relative to punishment for fourth offenders, so as to make the 1932 amendment to the law applicable to those who were sentenced between 1926 and the date of the change in the law in 1932.

XII

That study be given to the need for establishing a system of compensation for prisoners who are injured while employed in the industries or otherwise in the institutions of the State Department of Correction. There are instances where prisoners have been seriously and permanently handicapped through no fault of their own, and yet have not been compensated by the State. There are also instances where prisoners have received large sums of money. It is, therefore, necessary to establish in law a procedure which will make for justice to the taxpayers and the injured prisoner, and at the same time set up safeguards against fraud and exploitation.

XIII

That attention again be given to the need for special care and treatment of tramps and vagrants. The experience of institutions and agencies during recent years shows that the State must take action. The Beekman site in Dutchess county, which was originally purchased by the State for a tramp and vagrant colony,*

*The Prison Association played a prominent part in the campaign in 1910-11-12 which resulted in legislation providing for a tramp and vagrant colony. The annual reports of the Association for those years contain considerable material on not only the State situation, but the treatment of the problem in foreign countries. For a renewed and up-to-date statement of the problem the reader is referred to a study made by the Committee on Farm

but was never used as such, and was transferred to the Department of Mental Hygiene, should be made available for its original purpose.)

XIV

That legislation be enacted to improve the procedure of dealing with those charged with a crime who are suspected of being insane or otherwise mentally ill. The practice of appointing so-called lunacy commissions is costly and questionable. It is held that too many commissions are appointed, and too frequently the personnel of these commissions is not professionally and otherwise qualified to undertake the discharge of an important responsibility.

XV

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

XVI

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

XVII

That a special committee of the Legislature be appointed to investigate the complaints of police brutality, commonly referred

to as the "Tombs" colony. For a renewed and up-to-date statement of the problem the reader is referred to a study made by the Committee on Farm Colony for Vagrant and Maladjusted Homeless Men of the Section on Homeless of the Welfare Council of New York City, appearing on pages 102 to 105 of the 87th Annual Report of the Association (1931). Original and subsequent legislation relating to the farm and industrial colony for tramps and vagrants, and subsequent action relating to the disposition of the site, is also given.

to as the "third degree." The frequent reports of such brutalities and their denial, and at the same time the appearance of prisoners after their contacts with the police, suggest that an investigation would be desirable in order to establish the truth or the falsity of the complaints.

88

OUR EIGHTY-NINTH YEAR

Public interest in prison reform has fluctuated through the years. Enthusiasm has run high at times, and is invariably followed by periods of indifference or quiescence. Yet as one looks back there is indisputable evidence of a glacier-like forward movement. Increasingly in our time there is a growing public realization that the crime problem cannot be treated lightly or avoided, nor can it be dealt with in a "hot and cold" fashion, but, instead, must be handled studiously, persistently, and dispassionately, and abreast with changing social and economic conditions. Crime and criminals have for generations challenged the intelligence, patience and understanding of the people of the world. No country yet has devised a means of dealing with these problems to the extent of being at all satisfied.

It will be noted that some of the recommendations in the foregoing pages have been made in other years. However, it is not at all discouraging to the Association that its recommendations and efforts do not always meet with immediate or full response. A study of its earlier reports will disclose repeated evidence of the alertness and persistency of the Association, which finally resulted in the whole or partial attainment of worth while objectives. For example, it took many years to bring about the establishment of city financed probation in the Court of General Sessions in the city of New York. Likewise a full time State parole board; a new Sing Sing Prison; the psychiatric clinic at Sing Sing and other prisons; the construction of new institutions and the renovation of the housing accommodations at Auburn and Clinton prisons; the improvement of the county jails of the State; the taking of the prisons out of politics through the appointment of wardens from Civil Service and the improvement of the personnel of the prisons generally, and the beginning of an emphasis on education in its broadest sense as a part of the function of a prison. These are some of the accomplishments that have served to stimulate us in the past and give us hope for even greater gains in the future.

During 1933 the Association devoted considerable of its time to legislative work at the State capital, the prison labor situation nationally, matters identified with the city and State Departments of Correction, the giving of advice and counsel, and the rendering of relief to the families of men in prison and men released from prison.

Special attention during the legislative session was directed toward thirty-six bills. These bills had to do with appropriations for renovation or construction in various institutions of the Department of Correction; amendments to the Code of Criminal Procedure relating to the determination of the mental status of those appearing before the courts; the improvement of the administration of probation;

the expansion of the theory and application of the indeterminate sentence and parole; the impairment of the Civil Service theory and law; the restriction of the use of prison labor on highways or on building construction; the setting up of an advisory board on prison industries; the breaking down of the present laws relating to the establishment and organization of the State Division of Parole and the exercising of parole jurisdiction over inmates in the various institutions of the Department of Correction, and the providing of an eight-hour day for the keepers of the New York State Department of Correction.

The Association used its experience and influence to bring about the passage of progressive bills and zealously labored to defeat those considered unwise or reactionary (see page 35 for a summary of the bills referred to above and others).

In connection with the Association's work in Albany the late Dr. Linsly R. Williams, Director of the New York Academy of Medicine, wrote in part as follows:*

"In behalf of the New York Academy of Medicine, I am writing to express our very deep appreciation of the services rendered by Mr. E. R. Cass of the Prison Association during the legislative session in Albany. Mr. Cass was of the greatest assistance to the members of our committee in guiding them through the legislative halls and in advising them in many ways."

The Prison Association of New York, the American Prison Association, and the Osborne Association united during the year in a campaign to oppose programs and legislation intended to restrict the operation of the State Use system of prison labor. There appeared in various states legislation intended as a follow-up of the Federal law known as the Hawes-Cooper Act (passed by Congress in 1929 and effective January, 1934), which would conflict with the theory and generally understood and acceptable application of the State Use system. There also appeared literature issued by the Campaign Committee Against Unfair Competition of Prison-Made Products, co-operating with the National Committee on Prisons and Prison Labor, which in part paralleled the restrictive language of the legislation appearing in some of the states. A strenuous protest was registered against the various bills and also part of the literature of the Campaign Committee Against Unfair Competition of Prison-Made Products. This committee took notice of the protest and revised its literature, declaring at the same time that it was for the unrestricted use of the State Use principle.

In combating the legislation and the literature of the Campaign Committee many letters were sent to governors of states, heads of institutions, members of state boards of administration and control, members of prison commissions, chairmen of legislative committees, civic bodies and women's organizations. The purpose of all this activity was not to prolong or defend the con-

* The Prison Association, the Academy of Medicine, and the Bar Association joined in an effort to pass legislation which would improve the personnel and functioning of so-called lunacy commissions.

tract system, or any form of prison labor detrimental to public interest or for the exploitation of prisoners, but instead to keep alive the need for the employment of prisoners and the adoption of a system of employment which would result in a minimum of competition with free labor.

During this campaign, beginning in March, there was issued by the three organizations a pamphlet entitled "Fundamental Questions Concerning Prison Labor," which answered such pertinent questions as: Does idleness defeat the objects of imprisonment? Why should prisoners work? Is prison employment a vital factor in crime prevention? What are some of the reasons for the prejudice against prison labor? These and many other questions were listed and answered. The pamphlet received wide circulation and resulted in giving many people a broader view and better understanding of the prison labor problem.

Following the above campaign, which served to arouse considerable interest among prison people and others, especially as to the need for throwing reasonable safeguards around prison labor, the waiting was sounded that prison labor would likely be touched upon in the shaping of the various codes under the Federal Industrial Recovery Act. This brought a lively response and there resulted on July 13th, at the office of the Association, a meeting in response to the joint call of the American Prison Association, the Osborne Association, and the Prison Association of New York. At this meeting the following resolution was adopted:

WHEREAS, The employment of prisoners is absolutely essential to the development of a sane prison program for the protection of society and the rehabilitation of the prisoners, and

WHEREAS, The burden of taxes now resting on the people will be considerably relieved by the proper employment of prisoners, and

WHEREAS, In the formulation of the industrial codes proper provision for the employment of prisoners should be adequately considered,

BE IT THEREFORE RESOLVED, That the National Recovery Administration be furnished with a copy of the following principles, and be urged to have the same incorporated in the various industrial codes.

1. Each industry within the prison shall have the same hours of labor and working conditions made applicable to that industry by its particular code.
2. All goods, wares and merchandise manufactured, produced or mined by prisoners shall have charged into the cost of production the same labor burden as applies to the same industry in the section in which the institution is located.
3. Each organized industry operating under a code shall make adequate provision for supplying employment opportunities to the men and women in prison in fair proportion to the number of workers employed in that industry.
4. Goods, wares and merchandise manufactured, mined or produced by prisoners in compliance with the code of its particular industry shall have the same access to markets as similar goods, wares or merchandise manufactured, mined or produced by free labor.

A prohibition of prison made products continued to appear in the industrial codes, notably the Retailers and Textile Codes. Early in September, as a result of a meeting held in Baltimore, a call was issued for a meeting in Washington to consider the formulation of a prison labor code. On September 8th and 9th the representatives of thirty-two states assembled and a tentative code was drafted. The final shaping of this code, and contact with the National Recovery Administration, was left with a committee. The conspicuous service rendered by Mr. Sanford Bates, Director of the U. S. Bureau of Prisons, Colonel John J. Hannan, President of the State Board of Control of Wisconsin, Mr. Harold E. Donnell, Superintendent of Prisons of Maryland, Mr. James V. Bennett, Assistant Director of the U. S. Bureau of Prisons, and others, resulted in the cultivating of a friendly attitude on the part of the National Recovery Administration toward the problems confronting the administrators of state departments and institutions. The code was subsequently submitted to the states for ratification and thirty-six acted favorably. Then it was found that a revision was necessary, and there was a resubmission resulting in what is known as the Prison Labor Compact, which at this writing has been accepted by thirty states, and is in operation with the approval of the President and the National Recovery Administration. An explanatory statement and the compact appear on page 67.

The above activity summarized briefly shows the following: first, a curtailment of legislation and propaganda restricting the operation of the State Use system; second, governors, heads of state departments and institution administrators became more aroused than ever before on the subject of prison labor, and, finally, the formulation of a compact which protects the State Use system, and at the same time allows those states desiring to operate in the open market (where such operation is permitted) to do so in accordance with rules and regulations set forth in the compact.

Educational Program, State Department of Correction

As stated in our previous report, the General Secretary of the Association served as Chairman of the Committee on Education of the Commission to Investigate Prison Administration and Construction, more generally known as the Lewisohn Commission. During the latter part of the Commission's existence it gave considerable attention to the development of an educational experiment at the Elmira Reformatory. In December, 1933, Governor Lehman appointed a Commission for the Study of Educational Problems of Penal Institutions. Its membership is largely drawn from the faculty of Teachers' College, Columbia University, the chairman being Dr. N. L. Engelhardt, Professor of Education at Teachers' College. It will be the function of the commission not only to keep alive and further develop the Elmira experiment, but to explore the whole field of opportunity for education in the institutions of the Department of Correction. The

General Secretary of the Prison Association was made a member of the commission, and it is particularly gratifying to the Association that the seed which he sowed, as a member of the Lewisohn Commission, is bearing fruit in the direction of a permanent and wider interest in education as a part of the treatment of the inmates of institutions.

New York City Department of Correction

Of major concern during the year was the need for the appointment of a commissioner to head the department and the condition of affairs at the penitentiary on Welfare Island. Commissioner Patterson resigned in September, 1932. Mr. Robert L. Tudor, First Deputy Commissioner, was placed in charge. Mr. Joseph F. Fishman, the active Third Deputy Commissioner, was sidetracked, and there began a deterioration and a breaking-down in the department. The Association had no hope of making any headway with Mr. Tudor, and joined with other organizations and individuals in an effort to bring about the appointment of Mr. Fishman as successor to Mr. Patterson. In June, 1933, Mr. William J. Cahill of Bronx county was appointed, solely for political reasons, and very shortly after his appointment the Association advised him of the serious conditions in the department, especially those at the penitentiary on Welfare Island. On August 7th the Association sent him a strong letter of warning (see page 63) and urged action. A copy of this letter was sent to Mayor O'Brien. In October Mr. Cahill resigned for political reasons, and the department was again placed in the hands of First Deputy Commissioner Tudor. Finally, about a month before the end of the year, Mr. Wilbur T. Wright, also from Bronx county, was appointed, but since his term of office was to be so short there was nothing to be gained by approaching him. Therefore, it is easily seen that, following the resignation of Mr. Patterson, the department drifted and there was lacking the desire on the part of incumbents, or sufficient time, to bring it back on an orderly, decent, and progressive course.

In December, 1933, the selection of Mr. Austin H. MacCormick, Assistant Director, U. S. Bureau of Prisons, by the Mayor-elect, Mr. F. H. La Guardia, was announced. The Association quickly made known to Mr. MacCormick its desire to be of service and help to him. On January 2, 1934, the General Secretary verbally advised Mr. MacCormick to give his first attention to the serious state of affairs at the penitentiary on Welfare Island. On January 24th he made a clean-up of the penitentiary, characterized by the press as "the MacCormick raid." Statements by Mayor La Guardia and the quality of newspaper stories in connection with the so-called raid, unintentionally or by inference raised the question as to how long the deplorable state of affairs at the penitentiary had existed. Since the Association in its previous report had given lengthy and detailed praise to the administration of Commissioner Patterson during his five-year term of office, it felt called

upon to make a statement to the public. That statement deals not only with the accomplishments during the Patterson regime, but with attacks directly or by implication upon the Third Deputy Commissioner, Mr. Joseph F. Fishman, and is made a part of this report, beginning on page 41.

Although during the year the Association laid emphasis on the appointment of a commissioner and the checking of deterioration in the department, especially at the penitentiary, it did not overlook or minimize such needs as a new building to displace the Tombs, of the type that could be used as a court house and for detention purposes; slowness in the completion of the new penitentiary on Riker's Island; the unsatisfactory conditions prevailing at the reformatory at New Hampton Farms; the unsatisfactory conditions at the Women's Farm Colony at Greycourt; the absence of a scientific and intelligent classification of prisoners; inadequate employment, and many other needs.

Bronx and Richmond County Jails

Effort was again made to extend the jurisdiction of the New York City Department of Correction to the Bronx and Richmond county jails. There is no good reason for the separate control under the sheriff of these two county jails, especially in view of the fact that the county jails of Manhattan, Queens and Kings have been long under the New York City Department of Correction. During the years that this extension of jurisdiction has been urged by the Association it has been endorsed also by the City Committee on Plan and Survey appointed by Mayor Walker in 1928, the State Crime Commission (Baumes' Commission), the Grand Jurors' Association of New York County, the Russell Sage Foundation, the Jewish Board of Guardians, the Women's Prison Association, and many other organizations, and received favorable attention in the so-called Seabury report, which urged the complete centralization of all the functions of the government of the city of New York. It is expected that the extending of the jurisdiction of the New York City Department of Correction to the Bronx and Richmond county jails will be provided for in the revision of the New York City charter, to be proposed by the new city administration under Mayor La Guardia.

During the year there was something of a scandal in the Richmond county jail, resulting in a grand jury investigation. Judge Thomas F. Cosgrove, in charging the grand jury, pointed out among other things that it had been urged that the Richmond county jail be placed under the jurisdiction of the New York City Department of Correction. The grand jury reported unfavorably on the proposal. This was not at all unexpected, nor is it disturbing to the Association in its stand on the desirability of the change. Grand juries are apt to be influenced by local viewpoints and a desire to continue county government. When the extension of authority of the Department of Correction is proposed in the charter revision the Association will continue its support.

American Prison Association Congress The close relationship with the American Prison Association was continued. The Prison Association of New York was very intimately identified with the establishment of the national body, and for many years the General Secretary of the older organization has served the American Prison Association in the same capacity.

The American Prison Association is the organization legitimately authorized to speak for the prison people of the country. It holds an annual Congress, which is attended by delegates from practically every State in the Union and forms the official medium for the discussion of prison problems and the formulation of penal policies. Its membership is made up of intensely practical people. They must be practical because most of them are administrators of big enterprises which involve the expenditure of large sums of tax-raised money and which also affect the lives of great numbers of people in and out of prisons and reformatories. The obligation which these executives and their co-workers assume toward the protection and peace of society is a very serious one that cannot be satisfactorily met except by forceful and competent people, and it is for this reason that the American Prison Association is looked upon, both in this country and abroad, as an authoritative body in the fields of criminology and penology.

The Sixty-third Annual Congress was held in Atlantic City, New Jersey, and was outstanding because of the character of the subjects discussed, and the large number of able speakers from allied fields. The program was based on the thought that there be less discussion of theory and an abundant discussion of practice. In other words, a frank discussion of administrative problems and their treatment. The various speakers treated such subjects as prison labor; case work treatment in prisons; medical problems; educational programs; criminal statistics; probation; parole, and institutional problems. The Proceedings of the Congress should be read by all who are desirous of having the benefit of widespread experience and observation.

Directory of Correctional Institutions

It is surprising how little is known about the kind, number, and location of correctional institutions throughout the country. To make available brief and pertinent information the Association, in co-operation with the American Prison Association, compiles a directory. For the year 1933 this directory was rearranged and enlarged, so that it contained not only the name and location of the institution, but also such pertinent information as the date of opening, the capacity, the average population, the source of commitments, the kind of prisoners received, the ages and types of sentences, the number of inmates employed, and the systems under which they are employed. This added to the growing demand for the directory, which, through the co-operation of Mr. Harold E. Donnell, Superintendent of Prisons of Maryland, and the Print-

ing Department of the Maryland Penitentiary, was printed without cost to either association.

Crime Prevention The Association continued its interest in and co-operation with the Crime Prevention Bureau of the New York City Police Department, believing firmly that although the bureau was still in an experimental stage, it nevertheless had demonstrated considerable worth while activity and should be supported and encouraged in its efforts. We became alarmed, as did other agencies in the city, when early in the year 1934 there were indications that the new city administration was doubtful about the value of the bureau and was considering its discontinuance. On January 20th the following letter was written to the Police Commissioner:

Hon. JOHN F. O'RYAN, *Commissioner, Police Department, New York City.*

MY DEAR COMMISSIONER O'RYAN.—Regardless of all the suggestions relating to the treatment of the crime problem there is one that cannot be disputed or overlooked, and that is that if we are to make substantial headway in reducing crime we must give special attention to the children in our various communities, and especially those who show tendencies toward delinquency. To this end the Crime Prevention Bureau in your department can do an excellent service for the youth and the citizenry of our city.

Since the bureau has been in operation it has accomplished much good, and it is no serious reflection to say that it has not been perfect in its functioning. It is still a young organization and experimental in some of its activities. The head of the bureau, Miss Henrietta Additon, has the proper viewpoint as to the work to be accomplished, and we are confident that so far as she has been able to proceed with a free hand, and with the right type of personnel, that she has done an excellent work. It has sometimes occurred to us that there is probably not the need for the assignment of so large a number of higher paid police officers to the bureau. It would seem that the bureau should consist of a large number of the younger patrolmen, who, after receiving special training, could function in the discharge of the work of the bureau at a less cost to the city than at present. The expenditure of over \$600,000 a year for the maintenance of the bureau is of course a large sum, but it is not too much for the city to spend in the war on crime, and for the protection and guidance of the youth of the city.

We therefore urge that in your consideration as to whether the bureau should be continued you come quickly to the decision that it should be continued, and that the only substantial change necessary is that it be operated at a less cost, without of course impairing its efficiency, and to this end we suggest that if at all possible the bureau be personelled by fewer members of the force in the higher salary brackets.

Respectfully yours,

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

Information to Students and Others An important service rendered by the Association is that of serving as a clearing house for information. A state director of vocational education in West Virginia asks: Is crime on the increase; is crime increasing among young people? From Oklahoma comes an inquiry as to the number of prisoners in the United States and the number of their inmates. A correspondent

from the state of Washington would like to know the relative cost of parole as compared with the cost of keeping men in prisons and reformatories. The head of the department of education and psychology of a woman's college in Alabama asks for information on the success and operation of parole systems in the United States. From states as widely separated as California and West Virginia come inquiries as to probation. An inquiry on recent legislation or proposed legislation concerning penal institutions and agencies is received from the University of Illinois. A district attorney in Pennsylvania asks for statistics on crime and the crime wave, particularly as it includes those ranging in age from 16 to 25 years. Information on the percentage and type of Jewish crime in the United States is needed by a Hebrew college in the Middle West. A request from the Consulate General in Santiago, Chile, for literature on the administration and organization of a modern American prison. The Director General of Prisons in that country needs the information to guide him in a contemplated reorganization of the prison service. The vice-president of a national organization for women asks for literature on our police and prison systems and problems for a visitor from France who is attending the International Congress for Women. From the superintendent of a penitentiary in Quito, Ecuador, a request for literature, and still another from a barrister-at-law in far away Ceylon. The director of the Readers' Service Bureau of a well-known magazine wants information for his readers on the per capita cost of prisoners and ease work procedure with adult offenders. And so they come to us from near and far in large numbers and wide variety.

To the extent of its ability the Association gives the information, or puts the inquirer in touch with the proper sources.

International Penal and Penitentiary Commission Since the Association was identified so prominently with the beginning of the International Prison Congress and its governing body, the International Prison Commission, it is gratifying to note the closer working relationship between the League of Nations and the International Penal and Penitentiary Commission. Some years ago the suggestion was made that the Council of the League of Nations be urged to include in its agenda a discussion of penal reform with special reference to its international aspects. The Prison Association agreed, but at the same time felt that this probably would be a duplication of the field of operation of the International Penal and Penitentiary Commission, and urged that instead of the League supplanting the commission the two bodies should work together. It is therefore gratifying to note that the Fifth Committee of the League of Nations, reporting on October 5, 1933, considered "that it is not necessary to set up a special organization of the League to deal with penal and penitentiary questions," and indicated the desirability of co-operation with technical

organizations, with the International Penal and Penitentiary Commission as the pivot body. The Assembly of the League concurred by the adoption of the report of the Fifth Committee.

On page 107 there begin the Rules for the Treatment of Prisoners, drawn up in 1929, and revised in 1933 by the International Penal and Penitentiary Commission. Of particular significance is the closing paragraph of the explanatory memorandum relating to the revision:

"Lastly, the International Penal and Penitentiary Commission, appreciating the high value of the support of the League of Nations and attaching the greatest importance to that support, wishes to express the hope that the League, in giving its adhesion to the Rules as submitted, will support the commission in its efforts for the gradual realization throughout the world of a conception which is both humanitarian and rational of the application of penitentiary measures of custody and consequently of the treatment of prisoners."

Foreign Visitors A valuable and pleasing service rendered by the Association is that of introducing and guiding foreign visitors who come for the purpose of studying our courts and institutions. The Association has been long a contact point for such visitors, and it is always gratifying that our many friends in foreign countries are mindful and confident of the kind of service that the Association can and is so willing to give, and refer to us those in whom they are interested. This year we had a number of visitors from Germany and England, and in addition visitors from Switzerland, Cuba, Canada and Japan.

Employment and Relief Bureau The task of this bureau, never an easy one, was greatly added to during the year because of the general economic situation, its attendant unemployment, and the shortage of money. Our position was somewhat paradoxical in that when there was so much idleness we had greater demands on our time, experience, and resources. In other words, we had more requests for aid of one kind or another than it was possible to take care of with the limited funds and opportunities at hand. Nevertheless we earnestly endeavored to keep faith with one of the important purposes for which the Association was established, namely, the aiding of those who have been in prison. Because of conditions we had to be more discriminating in dealing with those who came to us for assistance. Therefore we confined most of our efforts, particularly of a material nature, to those who came to us properly identified and vouched for, that is those referred by the courts, heads of institutions, parole boards, probation bureaus, and family organizations. It was necessary to refuse aid to practically all out of town applicants, for the reason that a very careful analysis of such applicants over a period of months revealed too many impostors.

It required courage and tenacity to search out places of employment for ex-prisoners at a time when hundreds of thousands of persons without criminal records were eagerly seeking work. Yet

our Employment Secretary, Mr. George L. Pafort, kept steadily at work, and, considering the times, registered a substantial number of placements. The kind of service rendered ex-prisoners is as follows:

Securing jobs, temporary or permanent.	Investigation of the disposition of personal belongings, furniture, luggage, etc.
Providing funds to go into the selling field, or to set up a small pushcart business.	Aid in obtaining citizenship papers.

The securing of licenses, badges and uniforms, where these are necessary for present or prospective jobs.

Cash assistance to seek employment, pay railroad fares, or to tide a man over until he receives his first pay.

Food and shelter arranged for, and needed clothing and shoes provided.

Assistance in matters pertaining to the U. S. Veterans' Compensation and the cashing of government checks.

Assistance in matters of Workmen's Compensation or the payment of wages due.

Aid in insurance problems.

The bureau distributed food and clothing tickets supplied by the American Red Cross and the Emergency Work and Relief Administration. This aided many of our families in dire need.

All of the above activities relate to the essentials of life, such as food, shelter, clothing and employment—those needs of man, whether he be one with a clean record or one who has had conflict with the law. In other words, if a man is expected to live decently and law-abidingly in a community he must have these essentials, and when, regardless of his own earnest efforts, he is unable to provide them, he is justified in seeking and receiving the aid of those who are friendly toward him and who understand his needs and problems. To this end the Association, year after year, has endeavored to stand by those men who have been in prison, and who show a desire to conduct themselves satisfactorily out of prison provided they are given a chance. This is a humane, practical public service, having as its objective the restoration of fallen men to a level of decency, thereby protecting society.

Tombs Visits

The practice of visiting the Tombs two or three times a week was continued. The prisoners eagerly avail themselves of the opportunity to talk with a representative of the Association, and this phase of our work is gradually increasing. Splendid co-opera-

tion has been given on every hand by the Voluntary Defenders' Committee in those instances where prisoners asked for legal help and guidance. Special attention was given to complaints of prisoners who felt that they had been held for unnecessarily long periods because of apparent inactivity in the district attorney's office, or at the hands of counsel assigned by the courts. In a few instances it was shown that there was justification for the delay, but in others the machinery of justice was once more set into motion, with the result that the prisoner received an early trial, or was discharged at the suggestion of the district attorney, and with the approval of the court. It is sometimes said that in a large prison men can become lost or forgotten, and the likelihood of this being so is suggested by a few of the above cases which came to the attention of the Association during the year.

STATISTICS OF EMPLOYMENT AND RELIEF BUREAU

January 1, 1933, to December 31, 1933

Interviews	8,124
Different men interviewed	6,206
Men who applied for relief	5,881
Men who applied for employment	5,644
Men placed in employment	5,331
Meals provided	478
Lodgings provided	2,359
Men given clothing	252
Men given cash relief	2,112
Total cash relief	\$3,765 73
Men visited in Tombs prison	782
Visits to other penal institutions	32
Men referred to hospitals and clinics for treatment	387
Visits to courts, probation bureaus and social agencies	427
Total amount spent for relief	\$5,579 61
(Includes meals, lodgings, clothing and cash, as shown above.)	

Bureau for the Relief of Prisoners' Families

Ich dien—I serve, the motto of a prince, with a slight change in phraseology, could well be used as the motto of the Association in its work for the families of men in prison. During the year 1933 the Bureau for the Relief of Prisoners'

Families had under care 598 families, the largest number for a similar period in the history of the Association. In a steady procession, more one day, less another, mothers and children came. A father, husband or son in prison, the mother or wife in despair, suffering perhaps from physical or mental ills, and, usually undernourished children needing skilled attention. Paying rent and gas bills, providing food and clothing, is of course essential. Beyond that, however, and of far more abiding help, is the sympathetic advice and guidance given by trained and understanding workers. There are problems and difficulties with which these people, bewildered by the trouble that has come upon them, are ill fitted to cope. The patience to listen, to unravel the threads which poverty, environment and ill health have tangled; the wise upbuilding of character and courage; the unflinching interest, some-

times over a long period, which encourages and gives an incentive to carry on, and then, the knowledge on the part of these wives and mothers that there is some one who will "stand by" these are the things which cannot be summed up in terms of dollars and cents.

The prevention of juvenile delinquency through a better home environment, the correction of mental and physical defects, education, the proper use of leisure time, the influence of religion, and, in cases where the boy or girl is old enough, the obtaining, if possible, of work to keep mind and body occupied, it is through these influences that the Association—long a proponent of preventive as against punitive or repressive measures—works to keep the children of the families under its care from treading in the footprints, which lead to a prison or reformatory, of the father or older brother. Therefore, in 1933, the Association, through its Relief Secretary, Miss Stella E. Packard, referred one hundred and forty children to clinics—mental hygiene, dental, eye, cardiac, skin, venereal, etc. Other children were sent to hospitals for needed operations. Others were sent to convalescent homes. One hundred and sixty-four children were sent to the country in the summer. Boys and girls were referred to church clubs, and in the case of boys alone to the Boy Scouts, the Boys' Club of New York, the Young Men's Christian Association, the Young Men's Hebrew Association, the Protestant and Catholic Big Brother Associations. For girls, the Camp Fire Girls, the Young Women's Christian Association, the Young Women's Hebrew Association, and the Protestant and Catholic Big Sister Associations, provided similar opportunities for proper training in healthful living and wholesome play.

For mothers and wives, the knowledge that there is some one who not only will listen, but will point the way for uncertain feet, the occasional visit to the home, the interest in the health or education of Rosa or Joseph, the arranging of visits to prenatal, mental hygiene, tuberculosis and other clinics, these and many others are the things which make up the sum of the daily work of the Association's Relief Bureau for Prisoners' Families. The steady and persistent efforts, which result in the keeping of a family together, employment found for a boy or girl, the removal of another boy or girl from unwholesome influences, the instructing and guiding of a wife or mother, and sometimes an aged father, so that child welfare allowances or old age allowances may be obtained, each in turn contributes to the betterment of human beings and the prevention of crime.

The statistical summary below gives some idea of the breadth of the bureau's activities:

STATISTICS OF FAMILY RELIEF BUREAU FOR 1933

Families under care January 1, 1933	316
New applications received	247
Old cases reopened	35

Total number of families under care.....	598
Cash relief given to families.....	\$5,928 33
Thanksgiving and Christmas dinners given.....	888
Children provided with toys at Christmas.....	270
Visits to homes, relatives and social agencies.....	2,279
Office interviews.....	1,843
Children sent to the country in the summer.....	164
Women and children sent to convalescent homes.....	60
Women and children referred to general medical clinics.....	101
Women and children referred to dental clinics.....	40
Women and children referred to eye clinics.....	27
Women and children referred to mental hygiene clinics.....	25
Women referred to prenatal clinics.....	27
Women with babies referred to Baby Health Stations.....	33
Women and children referred to cardiac clinics.....	28
Women referred to asthma clinics.....	7
Women referred to tuberculosis clinics.....	4
Women and children referred to skin clinics.....	40
Women and children referred to orthopedic clinics.....	6
Women and children referred to hospitals for tonsillotomies.....	10
Women and children referred to syphilis clinics.....	4
Women and children referred to the Visiting Nurse Service of Henry Street Settlement.....	9
Women and children referred to the Visiting Nurse Association of Brooklyn.....	5
Women referred to the Family Courts of Manhattan and Brooklyn.....	11
Women referred to the Legal Aid Society.....	7
Women referred to the Voluntary Defenders' Committee.....	8
Boys referred to the Boy Scouts and the Boys' Club of New York.....	78
Girls referred to the Girl Scouts and Camp Fire Girls.....	42
Children referred to settlement clubs and classes.....	70
Mothers with young children referred to day nurseries.....	76
Children referred to summer playschools and church clubs.....	84
Boys referred to the Young Men's Christian Association, and the Young Men's Hebrew Association clubs and classes.....	27
Girls referred to the Young Women's Christian Association, and the Young Women's Hebrew Association clubs and classes.....	15
Boys referred to the Protestant and Catholic Big Brother organizations.....	38
Girls referred to the Protestant and Catholic Big Sister organizations.....	35
Women and girls referred to employment agencies.....	166
Men and boys referred to employment agencies.....	160
Foreign born men and women referred to free evening schools of the New York City Board of Education to learn to read and write English.....	6
Women and men referred to the New York City Department of Public Welfare for old age allowances.....	27
Women referred to the Board of Child Welfare.....	86

LEGISLATION

Once a year the State capital becomes the scene of concrete action in the field of crime treatment. Bills are presented in the Legislature relating to court procedure, probation, parole, and institution administration. Some of these bills are intended to make for a more liberal and intelligent administration of criminal justice, and others are of the so-called "hard boiled" variety, reflecting the theory that crime can be reduced by drastic methods. It should be recalled that the State Crime Commission (Baumes Commission) based its legislative program on this theory and succeeded in passing a number of laws, outstanding among them being the fourth offense felony act, which, with many others of the Baumes laws, has since been repealed or modified. The Association has made it a practice for years to be present during the legislative session, and works unceasingly in the promotion and support of good legislation, and in opposition to measures which are reactionary. The following bills held the Association's attention during the 1933 session:

Bills Approved by the Association

Senate Int. No. 169, Pr. No. 1851; Assembly Int. No. 283, Pr. No. 2548: Amends section 112, Correction Law, so as to provide an eight hour day and at least one day of rest in seven for guards and other employees in uniform service in State prisons and reformatories. Failed of passage.

Senate Int. No. 423, Pr. No. 427; Assembly Int. No. 571; Pr. No. 584: Amends chapter 14, Laws of 1931, by providing of amount appropriated for construction work at Great Meadow Prison, not more than \$10,000 shall be spent for personal service for constructing shop building. Chapter 266, Laws of 1933.

Senate Int. No. 424, Pr. No. 428; Assembly Int. No. 572, Pr. No. 585: Amends chapter 36, Laws of 1932, relative to construction work at Great Meadow Prison by providing for use of part of money appropriated for officers' cottages. Chapter 267, Laws of 1933.

Senate Int. No. 425, Pr. No. 429; Assembly Int. No. 573, Pr. No. 586: Amends chapter 37, Laws of 1932, relative to appropriation for construction work at medium security prison, Walkkill, by authorizing employees' and staff accommodations, instead of twelve cottages. Chapter 129, Laws of 1933.

Senate Int. No. 488, Pr. No. 495; Assembly Int. No. 750, Pr. No. 1430: Amends section 69, General Business Law, by providing no goods or merchandise produced or mined by convicts, except those on parole or probation, shall be sold in this State, except to certain public institutions and political subdivisions. Chapter 26, Laws of 1933.

Senate Int. No. 568, Pr. No. 578: Amends section 827, Criminal Code, by providing warrants in proceedings against fugitives from justice may be issued to Superintendent of State Police as well as to sheriff, and striking out requirement that requisition be accompanied by copy of indictment or information. Chapter 239, Laws of 1933.

Senate Int. No. 603, Pr. No. 1889; Assembly Int. No. 793, Pr. No. 841: Amends sections 483, 910, Criminal Code, relative to certain erroneous references. Chapter 190, Laws of 1933.

Senate Int. No. 604, Pr. No. 619; Assembly Int. No. 780, Pr. No. 828: Amends section 891-a, Criminal Code, by providing persons convicted anywhere in State, instead of in a city, for violating subdivision 4, section 887, which relates to vagrancy, shall be committed to a correctional or penal institution or placed on probation. Failed of passage.

Senate Int. No. 605, Pr. No. 1890; Assembly Int. No. 790, Pr. No. 1420: Amends sections 928, 930, 932, 935, 936, 929, 931, 933, Criminal Code, relative to qualifications and duties of probation officers, conditions and modification of probation, extending jurisdiction of probation officers to all courts of county and in case of felony, fixing period of probation not beyond maximum time of sentence; if probationer is arrested for additional crime, probation period shall be suspended for period of incarceration for such additional crime. Chapter 727, Laws of 1933.

Senate Int. No. 606, Pr. No. 1891: Amends section 2188, Penal Law, by providing court on ordering defendant placed on probation for support of family, may require him to give undertaking for payment of moneys directed to be paid therefor and relative to reports of probation officers. Chapter 193, Laws of 1933.

Senate Int. No. 609, Pr. No. 624; Assembly Int. No. 789, Pr. No. 837: Amends sections 1941, 2189, Penal Law, section 212, Correction Law, by providing a person convicted in any court of felony other than arson, kidnaping, murder, rape or treason and sentenced to State prison except those sentenced under sections 1942 or 1944 shall be sentenced under an indeterminate sentence, and be subject to jurisdiction of parole board after one year in prison. Failed of passage.

Senate Int. No. 610, Pr. No. 1787: Amends section 14, Correction Law, permitting probation director to file charges against probation officers for removal required by Civil Service Law, and recommend removal of such officers, with approval of commissioner. Failed of passage.

Senate Int. No. 621, Assembly Pr. No. 2800: Amends section 308, Criminal Code, by providing for employment of experts not exceeding two, in a criminal case where affirmative presentation

of evidence is incumbent on defendant and prosecution has not indicated any number of experts to be employed. Chapter 591, Laws of 1933.

Senate Int. No. 660, Pr. No. 675; Assembly Int. No. 836, Pr. No. 888: Amends chapter 477, Laws of 1930, by reducing from twenty to ten days the period for advertising in newspapers the \$50,000,000 of emergency bonds for constructing buildings under control of Mental Hygiene and Correction Departments. Chapter 249, Laws of 1933.

Senate Int. No. 765, Pr. No. 791; Assembly Int. No. 951, Pr. No. 1012: Amends chapter 825, Laws of 1930, by extending to June 30, 1933, time for final report of commission investigating prison administration. Failed of passage.

Senate Int. No. 773, Pr. No. 1165; Assembly Int. No. 952, Pr. No. 1575: Amends section 2189, Penal Law, by providing under indeterminate sentences, prisoner at end of minimum sentence shall be eligible for parole and providing such sentences shall not be given to those convicted of arson, first or second degree, kidnaping, rape or treason, as well as murder. Failed of passage.

Senate Int. No. 802, Pr. No. 839: Amends chapter 25, Laws of 1932, for permitting use of money appropriated for sewage disposal system at Matteawan State Hospital for sewage and water lines, roadways, walks, landscapes, fencing, etc. Chapter 268, Laws of 1933.

Senate Int. No. 937, Pr. No. 980; Assembly Int. No. 1048, Pr. No. 1138: Amends sections 19, 270, 271, 280, 298, 450, repeals 302, Correction Law, relative to Albion State Training School. Chapter 151, Laws of 1933.

Senate Int. No. 945, Pr. No. 2220: Amends sections 70, 332, Correction Law, by providing for new State prisons for men at Attica and Walkkill and relative to transfer of New York House of Refuge to jurisdiction of State Department of Correction. Failed of passage.

Senate Int. No. 1073, Pr. No. 1135; Assembly Int. No. 1534, Pr. No. 1669: Adds new section 470-a, Correction Law, by providing basis temporarily for computing retirement benefits of guards or other employees in State prisons and reformatories and Correction Department employees. Chapter 345, Laws of 1933.

Senate Int. No. 1187, Pr. No. 1262; Assembly Int. No. 1575, Pr. No. 1729: Amends section 2, Penal Law, by providing person convicted of fourth or subsequent felony shall be released on parole after serving at least fifteen years of sentence "less compensation." Failed of passage.

Senate Int. No. 1298, Pr. No. 1726; Assembly Int. No. 1781, Pr. No. 2426: Amends sections 375, 383, Correction Law, to permit

transfer of insane inmates in institutions for male defective delinquents to the Dannemora State Hospital. Chapter 150, Laws of 1933.

Senate Int. No. 1332, Pr. No. 1426; Assembly Int. No. 1761, Pr. No. 1948: Reappropriates certain unexpended balances of former appropriations, for State departments (taken from Governor's budget). Chapter 39, Laws of 1933.

Senate Int. No. 1501, Pr. No. 2091; Assembly Int. No. 2007, Pr. No. 2882: Amends State Charities Law generally relative to institutions for juvenile delinquents. Chapter 294, Laws of 1933.

Senate Int. No. 1633, Pr. No. 1837; Assembly Int. No. 2173, Pr. No. 2479: Amends section 230, Correction Law, for release on Parole of prisoners received in State prison prior to March 18, 1932, upon a sentence for first degree burglary or robbery as a first offender, after serving ten years of term. Chapter 510, Laws of 1933.

Senate Int. No. 1648, Pr. No. 2193: Adds new section 187-a, Correction Law, for compensating inmates of any correctional institution for injuries sustained while working in such institution, compensation not to exceed \$2,500 in any one case and to be paid from net earnings of prison industries. Failed of passage.

Senate Int. No. 1682, Pr. No. 1911; Assembly Int. No. 2094, Pr. No. 2581; Senate Int. No. 1715, Pr. No. 1964: Amends section 2188, Penal Law, relative to probation by providing court may extend period of probation to date to be fixed in order, but within longest period for which defendant might have been sentenced upon conviction. Chapter 517, Laws of 1933.

Assembly Int. No. 608, Pr. No. 2640; Senate Int. No. 464, Pr. No. 1976: Creates State debt and appropriates \$7,000,000 for construction of certain State buildings. Chapter 117, Laws of 1933.

Assembly Int. No. 609, Pr. No. 2916; Senate Int. No. 465, Pr. No. 2087: Creates State debt and appropriates \$7,178,050 for construction of certain State buildings and permanent betterments. Chapter 118, Laws of 1933.

Assembly Int. No. 743, Pr. No. 1021; Senate Int. No. 523, Pr. No. 988: Adds new section 483-c, Penal Law, making it misdemeanor to mark body of a child under sixteen by means of tattooing. Chapter 128, Laws of 1933.

Assembly Int. No. 782, Pr. No. 2559; Senate Int. No. 703, Pr. No. 2095: Amends section 836, Criminal Code, relative to proceedings when a person in confinement appears to be insane or a mental defective. Chapter 564, Laws of 1933.

Assembly Int. No. 784, Pr. No. 2674: Adds new section 27, Mental Hygiene Law, for certification of qualified psychiatrists by

a board of examiners in Mental Hygiene Department. Failed of passage.

Assembly Int. No. 785, Pr. No. 2560; Senate Int. No. 622, Pr. No. 2096: Amends sections 658, 659, 661, 662-a, Criminal Code, relative to inquiry into insanity or mental condition of a defendant before or during trial or before sentence. Failed of passage.

Assembly Int. No. 787, Pr. No. 2425; Senate Int. No. 607, Pr. No. 622: Amends section 1944, Penal Law, by making permissive instead of compulsory an increase of penalty for committing felony while armed and permitting the court in cases of first conviction to put offender upon probation. Failed of passage.

Assembly Int. No. 981, Pr. No. 2790: Amends section 1942, Penal Law, for parole of persons sentenced for fourth or subsequent conviction of felony, after serving at least fifteen years. Failed of passage.

Assembly Int. No. 1049, Pr. No. 1139: Amends sections 70, 125, 273, 332, 377, 402, Correction Law, by providing for new State prisons for men at Attica and Wallkill and relative to death of prison inmate while serving sentence and to transfer of New York House of Refuge to jurisdiction of State department, and qualifications of superintendents at Dannemora and Matteawan State Hospitals. Failed of passage.

Assembly Int. No. 1987, Pr. No. 2209; Senate Int. No. 1465, Pr. No. 1598: Appropriates \$30,000 for expenses of Commission to Investigate and Collect Facts Relating to Present Administration of Justice. Chapter 261, Laws of 1933.

Assembly Int. No. 2441, Senate Pr. No. 2397: Appropriates \$545,324.60 for supplemental purposes for support of government. Chapter 583, Laws of 1933.

Assembly Int. No. 214, Pr. No. 2395: Amends section 770, Judiciary Law, permitting courts to deny application to punish for failure to pay alimony and counsel fees in actions for divorce or separation where defendant gives satisfactory evidence that he has no means or property or income. Chapter 688, Laws of 1933.

Bills Opposed by the Association

Senate Int. No. 2, Pr. No. 2; Assembly Int. No. 26, Pr. No. 26: Amends section 3, Civil Service Law, increasing from three to five, number of members of State Civil Service Commission, at least two of whom shall be in the State Civil Service and not more than three to be of same political party, salaries of members other than president being reduced to \$2,000. Failed of passage.

Senate Int. No. 33, Pr. No. 617: Amends Civil Service Law by adding new section 14-b extending term of eligibility of open competitive and promotion eligible lists for not less than one nor more than six years. Failed of passage.

Senate Int. No. 211, Pr. No. 214; Assembly Int. No. 339, Pr. No. 340: Amends section 11, Civil Service Law, by authorizing State commission to amend or rescind any rule of classification or modification thereof, established by a municipal commission. Failed of passage.

Senate Int. No. 301, Pr. No. 304; Assembly Int. No. 37, Pr. No. 37: Amends section 46, Correction Law, by providing State commission to close a jail, police station or lock-up must have an order of the supreme court. Failed of passage.

Senate Int. No. 695, Pr. No. 710; Assembly Int. No. 704, Pr. No. 732: Amends sections 50 to 52, 54, 70, 104, 105, repeals 60, New York City Inferior Criminal Courts Act, by abolishing city magistrates' courts and board of city magistrates and providing for a board of district magistrates consisting of a chief district magistrate and district magistrates elected in 1933, districts to be same as Assembly districts and numbered in like manner, chief magistrate to receive \$9,000 and district magistrates \$8,000. Failed of passage.

Senate Int. No. 816, Pr. No. 855: Amends section 16, State Finance Law, by providing State work or construction, where cost of labor and material required to complete it exceeds \$10,000, shall be done by contract. Failed of passage.

Senate Int. No. 1003, Pr. 1062; Assembly Int. No. 1300, Pr. No. 1399: Adds new section 22, Correction Law, creating a prison industries advisory board in the department. Failed of passage.

Senate Int. No. 1059, Pr. No. 1121; Assembly Int. No. 1409, Pr. No. 1537: Repeals section 70, Highway Law, relating to application by town superintendents for services of prisoners on town highways. Failed of passage.

Senate Int. No. 1060, Pr. No. 1122; Assembly Int. No. 1416, Pr. No. 1544: Repeals section 179, Correction Law, relating to employment of prisoners on highways. Failed of passage.

Assembly Int. No. 139, Pr. No. 139: Adds new section 29-a, Civil Service Law, by providing applicant to be eligible for examination or appointment must have been resident of State for ten years immediately preceding application. Failed of passage.

Assembly Int. No. 2350, Pr. No. 2750: Amends section 195, Correction Law, by providing on July 1, 1933, correction commissioner shall transfer from capital funds of various prisons to State general fund, \$500,000 and on July 1 each year thereafter such amounts as Comptroller deems in excess of what is needed to carry on prison industries. Chapter 357, Laws of 1933.

Assembly Int. No. 2409, Pr. No. 2923: Amends Executive, Correction and Penal Laws and Criminal Code relating to parole, commutations and compensation by providing among other things for transfer of parole division from Executive Department to Correction Department. Failed of passage.

DEPARTMENT OF CORRECTION, NEW YORK CITY*

In our report of 1932 we made the statement that, during the five years in office which Commissioner Richard C. Patterson, Jr., rounded out on August 15, 1932, "the Association found him unusually receptive to suggestions and co-operation, and without hesitancy records him as one of the best commissioners ever identified with the Department of Correction." Commissioner Patterson resigned on September 30, 1932. Since that time suggestions have been made in certain quarters, particularly during recent weeks, that perhaps the Association had been over-enthusiastic or had been deceived concerning his administration. The Association has therefore made a thorough investigation, not only of the work of the Patterson administration, but also of criticisms leveled particularly at his deputy, Mr. Joseph F. Fishman. Let us first restate the accomplishments we listed in our 1932 report, as well as several others in order to see whether or not the Association was over-enthusiastic or deceived.

1. The building of the new House of Detention for Women at 10 Greenwich Avenue. Because of notorious and widely known drawbacks inherent in the old Jefferson Market Prison, efforts had been made during fifteen or sixteen years to replace it with a suitable institution but it was not until the Patterson regime that the much-desired building, after many previous shifts of locale, etc., in previous administrations, was taken right in hand, shilly-shallying stopped, and the place built, completed, opened and occupied. Anyone who thinks we are deceived as to the existence of this institution can simply go take a look at it. As to over-enthusiasm, we feel justified in saying that this institution is one of the best, if not the best, in the world. A small book could be written about the thorough arrangements, down to the smallest detail, which have been provided for the proper handling, classification and complete segregation of prisoners, as well as the enlightened conception of their feeding, clothing, medical care,

* On January 1, 1934, Mr. Austin H. MacCormick became Commissioner of the Department of Correction of the City of New York. On January 22 the General Secretary of the Prison Association, in a telephone conversation with Mr. MacCormick, urged him to give his first attention to the conditions at the penitentiary on Welfare Island. On January 24th Mr. MacCormick conducted an early morning "raid" at the penitentiary. Deploable conditions were found, many of which paralleled those complained about during the year 1933 by the Prison Association of New York, the State Department of Correction, the State Commission of Correction, the July Term of the New York County Grand Jury, and others. Following the raid considerable appeared in the newspapers, some of which, directly or by inference, gave the impression that the conditions had existed for years. It is for this reason that considerable detail is set forth herewith relative to the administration of the Department of Correction under Commissioner R. C. Patterson, Jr., and his associate, Third Deputy Commissioner Fishman.

Special attention is directed to a letter written by the Association under date of August 7, 1933. See page 63. (See also general outline and comment, page 25.)

occupation and recreation. On inquiry, we find according to the records of the architects, one of the leading firms in their field in the city, that throughout they had the constant benefit of Deputy Commissioner Fishman's long years of experience in prison construction and administration and that this combination has resulted in an achievement of which, from the physical and sociological point of view, the city may justly be proud and which will be of use, if needed, indefinitely.

Great credit is due Commissioner Patterson for the appointment of Miss Ruth E. Collins, formerly of the U. S. Bureau of Prisons, as Superintendent of the House of Detention for Women. This was accomplished despite local political maneuvering and other pressure.

2. The Riker's Island Penitentiary. Many of the problems of the penitentiary and the workhouse on Welfare Island cannot be solved without a new and modern plant. This has been a crying and protested need for many, many years. Commissioner Patterson was determined to meet this and at the time that he resigned, September 30, 1932, the new institution was 85 per cent completed. Mr. Fishman, who was chairman of the building committee, was immediately stripped of authority, and since then construction has progressed but 7 or 8 per cent. Again this accomplishment as listed in our 1932 report is visible and undeniable. It is a group of twenty-eight buildings thoroughly practical and utilitarian for the complete custodial care and possible rehabilitation. While during the Patterson administration there was much to contend with in the way of usual delays and difficulties in construction, in the past fifteen months but little action or co-operation could be obtained by the architects and contractors from the Department of Correction. But, even so, while there may be some flaws to be picked out here and there, the fact remains that many points have been ignored in the recent attempt to paint an almost unrecognizable picture of the institution. The most serious charge brought is that cracks have appeared in some of the buildings. On investigation we find that only one building out of the entire twenty-eight, a warehouse, is supposed to have a crack other than those caused by temperature which is a common occurrence in even the finest buildings. So far there is nothing to show that this much-exploited crack is not also a temperature crack. It has also been charged that the floor is sinking. While the impression has been conveyed to the general public that the entire plant is falling, when sifted down, the matter relates only to the floor of this same warehouse. Here, in order to save a great deal of money, a non-structural floor was built, that is, a floor built directly on the ground and not on a made foundation. It is a one-story building, not justifying the expense of a structural floor foundation. The floor settled three-quarters of an inch. The specifications call for the floor to support a load of three hundred pounds to a square

foot. Following this settling, an over-load of three hundred pounds, or six hundred pounds to the square foot, was placed upon the floor and allowed to remain there several months as a test. No further settling has occurred. It is regrettable that stories to the effect that the new penitentiary is sinking into the river should have grown out of such a slight incident concerning one of twenty-eight buildings. Up to the present time it has not been shown that there are any structural cracks or defects in any of the buildings.

As to the bricks not being firmly cemented into the walls, we find it deplorable that such an episode as the following should have given rise to this much publicized misconception. An official visited Riker's Island recently and posed for a newspaper photographer holding a brick in his hand while giving out the statement that the bricks in the new penitentiary were so loose that he could pull them out with his bare hands. The facts are that some time ago the architects in order to ascertain whether this building was settling removed several bricks to observe the markings on the steel column beneath. The bricks have not been cemented back in deliberately and purposely in order that the architects might continue their observations of any possible settling. So far none has been found. It was one of these bricks which have not yet been cemented in which this official picked up and posed with for the purpose of the photograph. We can but deplore that such methods should be used to misrepresent the Riker's Island Penitentiary.

A Speaking Device

Another misrepresentation, serious in its implications, has been started regarding the so-called "Fishman Speakeasy" devices in the Riker's Island Penitentiary. We find that the Southern Steel Company, which had the contract for this work, was unable to live up to the specifications without infringing on the patents for a speaking device owned by the Pauly Jail Building Company. They offered to pay the Pauly Company several thousand dollars royalty for the use of the Pauly Company's device. But the Pauly Company, which had been a competitive bidder on this work, refused to allow their device to be used. The Southern Steel Company then set about to invent their own. After two or three attempts which failed they announced that they were unable to continue with their work on the cells since they had no way to furnish a speaking device which would meet the specifications and not infringe on the Pauly patent. Thereupon Mr. Fishman set about personally to see whether he could develop a device which would enable the work to go on. After weeks of effort, mostly in his own time, he invented a device which met all requirements of the specifications and yet in no way infringed upon the Pauly patent. On the 16th of November, 1932, Mr. Fishman in a written agreement assigned all his Riker's Island rights in this device to the Southern Steel Company without one cent of remuneration.

although legally and morally he was entitled to such. *It is this unique and highly creditable achievement of Mr. Fishman which has been made the subject of public innuendoes in recent weeks.*

In regard to various other construction matters, such as the kind of pipe used, the method of laying the bricks, the change in the wall and so forth, which have become subjects of much public comment lately, we find they were all thoroughly threshed out in the department and decisions were reached after much consideration of many factors not mentioned in the recent public statements, all of which is contained in a voluminous correspondence between the Departments of Correction, of Finance, the architects and the contractors, and in stenographic records of many meetings. It should be pointed out, in addition, that the Department of Correction had nothing whatever to do with the amounts of money allowed for agreed-on substitutions or changes. This was determined entirely by the New York City Department of Finance.

The Association knows of no building, whether penal or otherwise, constructed 100 per cent perfect every inch of the way, and it does not wish to go on record as making any such extreme claim for the new penitentiary on Riker's Island. But the Association does wish to call attention to the fact that relatively unimportant conditions have been distorted into taking the place of the whole picture, while the entire grand achievement itself has been ignored.

The prison is there. We have not been deceived as to the existence of its twenty-eight buildings and our enthusiasm has been echoed by prison people who have seen it. We now make the positive recommendation that, in the best interests of the taxpayers, difficulties which have accumulated since the end of the Patterson regime, when Mr. Fishman was shorn of power, be ironed out, and that instead of carping at minor flaws, no valuable time be lost in completing the remaining 6 or 7 per cent of an institution designed to place New York City in the lead in the handling of its male convicted prisoner problems.

3. The construction of two new cell wings at the Women's Farm Colony at Greycourt, N. Y. At the time these wings were badly needed. Since then, either due to the Seabury vice exposures or for other reasons, the female population has dropped more than half. However, we were correct in our knowledge that the need existed at the time, and justified in recognizing that the need had been met, as anyone with sight can verify.

4. The planning and construction of a sorely needed new housing building, kitchen, mess hall and chapel at the Boys' Reformatory at New Hampton.

5. The above ends the purely building program listed in our 1932 report. Necessary facilities formed but the barest framework of the vital modern, purposeful creation which the Patterson administration deemed it their duty to produce out of the antiquated penal system which had come into their hands. The prob-

lem was viewed as a primarily human one—the prevention and rehabilitation as far as humanly possible of the criminal tendencies of the department's charges. To help materialize this wide and long-range view of its work, a comprehensive policy of enlightening the public as to the significance and necessities of the problem in its midst was adopted with the end in view of enlisting public co-operation in the many angles of the problem to be treated. In this way the department obtained the almost unprecedented friendship and co-operation of all the leading civic and socially-minded groups in the city, as well as a number of individuals, in many new undertakings designed to raise the department to a high standard of efficiency and to make use of all the resources of social and medical science to reduce the number of offenders.

6. An inquiry, on the suggestion of Mr. Patterson, into the then existing method of treating narcotic addicts in the city's penal institutions leading to the justified abandonment of narcoasans, the treatment employed when the Patterson administration assumed office. The report as to the uselessness of this alleged cure was adjudged convincing by the eminent outside physicians who were invited to go into the matter. We have not been led astray in regard to this enterprise as the proof lies in documents seen by us at the time and currently available.

7. The making of a year's study on the invitation of Mr. Patterson, *without one cent of cost to the city*, of a group of about 350 narcotic addicts by seven or eight physicians headed by Dr. Alexander Lambert, one of the leading narcotic experts in the United States, to determine the best medical method of treating these prisoners. Incidentally it should be noted that more narcotic addicts are sent to Welfare Island Penitentiary each year than to all the Federal prisons combined or to any six state prisons. This study led to a detailed report of the physicians' findings and the suggestion for definite treatments by the department both for otherwise well and sick men. We are hardly deceived concerning the occurrence of this study and report as it was not only a matter of first-hand knowledge and of record, but the report is on file in the office of the Association and has been published in part by the *American Medical Journal*.

8. The making, at the request of Mr. Patterson, of an educational survey *also without one cent of expense to the city*. Previous to the Patterson regime education in the New York City prisons had been neglected. In spite of the fact that the city's penal system houses hundreds of young prisoners there was no educational system whatever. The New York City Department of Education was asked to appoint a committee to make a study of the educational needs of the city prison system. This committee recommended that the educational work begin with the New Hampton institution, and suggested that a competent educator and psy-

chologist be obtained and that a thorough study of the inmate group be made. After insistent pressure upon Dr. O'Shea, the head of the school system, the department obtained the services of Dr. Nathan Peyser, head of Public School No. 181 at Brooklyn, who, while still carrying on his school work, made an outstanding psychiatric, psychological, medical, neurological and educational survey of 714 inmates of this institution. The report contained about sixty or seventy specific recommendations for weeding out those boys who did not belong in an institution like New Hampton and gave a complete outline for an educational system for the remainder. Further showing the determination of this administration to put the city's penal system on a modern basis, it might be said that, because the administration was thoroughly dissatisfied with the way in which New Hampton was conducted and thought it a reformatory in name only, in order to arouse public opinion to the pitch necessary to obtain funds with which to carry out all the necessary changes, it insisted on giving publicity to Dr. Peyser's report in the press, although it realized that careless readers would criticize and blame the department for existing conditions which they were thus seeking to remedy. The report was turned over by Dr. Peyser to the Department two days before Commissioner Patterson resigned, and, despite the insistent efforts of Mr. Fishman to the contrary, was pigeonholed, although a large number of the recommendations made can be carried out without the expenditure of a single cent. Again we could hardly be deceived as to the actual performance of this work, how it came about or its purpose, since we had first-hand knowledge of it, and a copy of it is on file in the Association's office.

9. The "Crime Clinic." This is a study of 1,000 "run-of-the-mill" inmates at the penitentiary on Welfare Island for the purpose of completely revising the current system of sending all sorts of miscellaneous offenders to this prison, many of whom should be confined in totally different types of institutions and receive entirely different sentences. This research looks toward the passage of legislation to bring some much-needed sanity into our handling of society's misfits. The point is that for years this penitentiary has been used too generally as a dumping ground for the physically, mentally and emotionally unfit, yet no prior administration had even shown any cognizance of it. In the early part of the second year of the Patterson administration an analysis was made which showed an appalling situation. During the calendar year 1928, which is and had been typical of all years, it was found that, of 10,809 prisoners received in the Welfare Island Penitentiary, 6,245, or approximately 60 per cent were so physically or obviously mentally incapacitated as to be unable to be placed at work at the time of their arrival. A questionnaire which was sent out showed that this was 25 to 30 times as high a ratio as that of any other prison or penal system in the United States. It became obvious on the surface that many of these men

should not have been sent to the penitentiary in the first place. It became equally obvious that, if a thorough study were made, large numbers would be found mentally and emotionally unfit as well. Under date of December 11, 1929, the department called a luncheon of leading social workers and socially minded people of the city, presented this problem to them, and asked their backing for a request to the city for about \$150,000 to make a thorough study of the physical, mental and emotional make-up of these prisoners, in order to carry out a complete program for sending to more suitable institutions those who did not belong in a penitentiary, and for making other provisions for other groups, should it be considered necessary. This request was subsequently pared down to \$80,000. When this request reached the Budget Director's office it was promptly disallowed. Mr. Fishman, after much effort, finally obtained \$10,000 from the New York Foundation for this work. An additional \$5,000 was appropriated by the Inmates' Commissary. In our opinion this is the most important piece of work which has been undertaken by the city prison system in the past fifty years. After Mr. Patterson resigned Mr. Fishman carried this on, despite the constant opposition of those who were opposed to any kind of progress, and when this money was running to the point of exhaustion he obtained money from personal friends and socially-minded citizens to push it through to a conclusion. He obtained about \$800 from Mrs. Lionel Sutro, \$200 from Mrs. Sidney Borg, \$200 from Mrs. Alice Menken, and smaller sums from other sources. The work had been three-quarters completed when the new administration came in. Certainly it cannot be said that this work has not been done, nor that it is not vitally important. We do not think there is a competent criminologist or penologist in America who will do other than commend it.

10. The inauguration by Mr. Patterson of a prison guards' school, the first of its kind in the United States. This was real pioneer work. Since the school was started it has been copied by the United States Bureau of Prisons, Massachusetts, New York State and New Jersey. The curriculum of the school, the weekly reports of the lectures and the examination papers are all on file in the department if anyone doubts this accomplishment. When Commissioner Patterson resigned and Fishman was stripped of all authority, the school was promptly abandoned.

11. The inauguration of a Social Service Bureau to function within the prisons of the department. Here again there was real pioneer work, as this bureau was the first of its kind of any real significance in the United States. New York City's lead in this regard was also followed by the Federal Prison Bureau. This social service division has done excellent work in reuniting estranged girls with their families, obtaining jobs for ex-prisoners, seeing that money due them when they got into trouble was collected, looking after their indigent families, taking care of them upon their release until they had been placed, and otherwise making

the prisoners feel that the department had some interest in them as human beings, and was not primarily interested in seeing that they did not escape. Immediately Commissioner Patterson resigned efforts to destroy the bureau began, and for months it was due to the efforts of Fishman, assisted by one or two *outside* members of the Board of Trustees of the Inmates' Commissary, that the bureau was held together. When one or two of these *outside* members resigned from the board Fishman was out-voted and the Social Service Bureau was promptly dismantled. Today there are just one or two workers.

12. Inauguration of a food committee, to meet once a month, through which the dietary of the department was greatly improved at less cost. The department had no dietitian, so it borrowed one from the Department of Hospitals. The minutes of these meetings are all of record in the department, so it cannot be claimed that the Association was misled in this matter.

13. The establishment by Mr. Patterson of a prison guards' magazine, the first of its kind in the United States. This discussed the problems of the guards and of the department and was distributed free to about 1,500 of the leading citizens of New York City, in order to interest them and stimulate co-operation in the work which the department was doing. Deputy Commissioner Fishman was the real (a guard was the titular) editor of this paper and wrote fully one-half of each issue. The files of this magazine are in the office of the Association and speak for themselves.

14. The inauguration of uniform inspection of keepers. At the time Commissioner Patterson took office some of the uniformed officials of the department were unshaven and were not particularly clean about their own persons, while their clothing was often torn and dirty. The Patterson administration, after a series of inspections during the day and at unexpected hours of the day and night, stopped all of this and "pepped up" the appearance and the morale of the keepers. Personal observation is our proof of this.

15. The inauguration of a firing school to train the uniformed force in marksmanship and the care of firearms.

16. The offering of cash prizes to prison keepers for the best suggestions made for improving the service.

17. The raising of the salaries of prison guards \$200 a year. For years these shamefully underpaid men, with positions far more irksome and hazardous than those of many police and firemen (both higher paid), received only \$1,769 a year. It took months of work on the part of the Patterson administration to secure this increase. This accomplishment of course is also a matter of record.

18. The holding of monthly meetings of warden, deputy wardens, chaplains and physicians. A thing as obviously necessary and advisable as this had never been done by a prior administration. It was found that some of the chaplains and physicians who had been in the department for many years did not even know each other. The minutes of these meetings are on file in the department and are their own evidence that the Association was not deceived concerning this matter.

19. The sending of wardens, deputy wardens and physicians to the annual meetings of the American Prison Association. No representatives of the New York City prison system, one of the largest in the country, had ever attended one of these meetings. This attempt to put the institutional officials in touch with more modern methods of penal administration has been criticised because of the comparatively small expense involved. This will be discussed later on. The written reports of these officials, which they were instructed to make, and the minutes of the following inter-departmental meetings where they discussed what they had seen and heard and made recommendations for the adoption of some of these things by the New York institutions, are all of record in the department. Here again we do not believe it can be said that the Association was misled.

20. The sending of wardens and deputy wardens to other institutions in order that they might see what the "other fellow" was doing. They were compelled to make written reports and to submit them at the next monthly meeting. These are of record in the department. This expense had likewise been criticised. It also will be discussed later.

21. The fitting up of the old workhouse as the medical centre of the department. Out of this 100-year old building the Patterson administration made one of the largest prison hospitals in the world, and one that is excellent considering its physical handicaps. The hospital stands there and speaks for itself, so that the Association certainly has not been deceived concerning it.

22. The inauguration of a system of lectures for prisoners every Sunday at Correction Hospital. There is little work for the prisoners and this was an effort, and in our opinion a very commendable effort, to get their minds on something besides sex and crime. Outstanding celebrities were invited to speak and give an account of their own careers, the underlying idea being that without preaching, criminals might see that interesting, profitable and exciting lives could be lived in various fields without resorting to crime. Prizes were offered for the best essays concerning the lectures. All of this was immediately discontinued when Commissioner Patterson resigned and Fishman was stripped of authority. Records of the lectures are on file in the department, in addition to which they were widely publicized, so that it cannot be contended that they were not given.

23. The reorganization of the Inmates' Commissary, the control of which was placed under a board of trustees, monthly audits of the books being made and all expenditures carefully supervised. With Fishman as secretary of the Inmates' Commissary the profits (which are used for the general good of the prisoners at the discretion of the board) underwent an amazing increase, rising to the highest point in their history. We find that we were not wrong about this. These are matters of record. Our findings in regard to the points of criticism recently aimed at Fishman's relation to the commissary and commissary expenditures will be presented later.

24. A safety survey of the eleven larger institutions of the Department of Correction by Mr. Fishman, through which many leaks and weak spots were eliminated. As a result, demonstrated by a questionnaire, the ratio of escapes from New York City prisons was for two or three years less than that of any prison in the United States. Mr. Fishman's reports of his survey and steps taken to correct defects are on file in the department, so it must be evident again that no one can truthfully say this work was not done, or that the Association is deceived in regard to its accomplishment.

25. The installation of an emergency alarm system in all institutions, this being connected with the police switchboard. In this way help, in the case of trouble, could be summoned immediately. It proved its value at the fight between white and colored prisoners which occurred in the yard of the Welfare Island Prison in 1931. The records of both the Department of Correction and the Police Department show that this was actually done.

26. The reopening and reconditioning of the Tombs Annex, so that the younger prisoners could be kept separated from the others. This building is there and speaks for itself.

27. The writing and distribution of an intelligent annual report. Anyone who compares the reports of the ten or fifteen years previous with those of the five years of the Patterson administration will, we believe, be convinced that this administration was making an intelligent, honest and sincere effort, to make over the prison system along modern lines. The report intelligently analyzes and discusses all the problems of the department and brings to light many conditions, with suggestions for handling them, which had previously been entirely unknown to the general public. The narrative part of each of these reports, written by Fishman, contain about 60,000 words, as many as in an average book. This is no mean undertaking in itself. The reports are on file in the office of the Association and certainly no one can deny that they exist.

28. The designing of a new type of prison van to give better lighting and ventilation, something which has been sadly needed for years. It is not only better in the matter of lighting and ventilation, but it gives greater supervision and safety.

29. The checking over of the libraries in the larger institutions. At the penitentiary, for instance, where there is a large foreign population, there was not a single foreign language text book. Also, there was no encyclopaedia or dictionary in any language. Commissioner Patterson made arrangements with the public library to obtain cast-off and duplicate books. About 10,000 a year have been received and distributed to the various institutions.

30. The making of arrangements with first-class bonding companies for giving bail to prisoners, in order to do away with loan sharks. Notices were posted up for prisoners in the various institutions, and copies of these are available for those critics who contend that we over-rated the accomplishments of the Patterson administration.

31. Obtaining the removal of Federal prisoners from the New York City prisons. In this way the overcrowding of the city prisons was relieved. Previous administrations had for years tried to do this, but had been unsuccessful.

32. The finding of ex-prisoners acting as prison guards, and the inauguration of a policy of fingerprinting of applicants for such jobs, in order to avoid this possibility in the future.

The foregoing constitutes a list merely of the salient achievements of the Patterson administration, with no indication of the vast amount of detail which accompanied each accomplishment. To our knowledge this alone surpasses the record of any three combined prior New York City penal administrations. Nor does this list take any note of the many searches for contraband, the ingenious methods by which twenty-nine persons were tracked down, prosecuted and convicted or are awaiting trial for smuggling narcotics into the Welfare Island Penitentiary, the ferreting out and dismissal of dishonest employees, the many surprise night and day visits by Commissioners Patterson and Fishman to the eleven large prisons in the system, the endless fruitless battles with the Budget Director for everything from personnel to electric bulbs and the multitudinous other matters included in the care of approximately 6,000 persons a day which were regarded in this administration simply as part of the necessary routine. *In the light of these proven facts the charge of former Commissioner of Accounts Higgins that Messrs. Patterson and Fishman spent their time on "junketings and luncheons and conventions" rather than prison affairs is too ridiculous to deserve comment.*

Expenditures from the Inmates' Commissary which have recently been represented in the press as connoting something sinister in this administration have been investigated. They turn out to be comparatively tiny amounts expended to gain public understanding and support in revising completely our handling of prisoners. We find that unfortunately while the complete facts were given to the present city administration, only the accusations but not the replies have been made public. Our findings follow:

Inmates' Commissary

The Inmates' Commissary is an organization which buys and sells to the prisoners articles which are proper for them to have but which the city does not furnish. Keepers may also purchase from it. This aid in humanizing the lives of the prisoners could of course be let as a concession in which case the profits would go to the concessionaire, but the Department of Correction for years and prior to the Patterson administration has preferred to run it in order that the profits may be re-spent for the general welfare of the prisoners in such a manner as the department sees fit. Since the reorganization of the commissary during the Patterson regime, this judgment has been placed in the hands of the board of trustees, which, during the greater part of his tenure of office consisted of the commissioner as chairman; First Deputy Commissioner Tudor, as vice-chairman; Mr. Fishman as secretary (for about three years); Second Deputy Commissioner Goldberg; Warden McCann; Mr. Leipziger, secretary of the department; Warden Brewster; Robert Appleton, President of the Association of Grand Jurors of New York County; Major Charles P. Shinn, President of the Kings County Association of Grand Jurors and Miss E. Mebane Hunt, Executive Secretary of the Women's Prison Association.

In all the lurid insinuations and innuendoes which have been published concerning certain expenditures from the Inmates' Commissary there has been a queer, apparently concerted effort to place the blame on Deputy Commissioner Fishman although we find that Fishman had no more to do with the expenditures than any other of the ten members of the board of trustees, each member having a vote on each expenditure, and no member's vote counting any more than any other member's. When occasionally the necessity for non-routine expenditures arose between meetings it was the practice of the secretary to telephone each member of the board and see if they approved of the proposed expenditure before it was made. The fact that Fishman signed the checks had nothing whatever to do with the decision to issue the checks. This was merely part of his duties as secretary in just the same way that the treasurer or secretary signs the checks of any organization after they have been authorized by the board. The much-criticized expenditures follow, with the reasons for same here published for the first time.

1. That Fishman, while secretary of the commissary was paid out of the profits of the commissary and not out of the taxpayers' money on city payroll. While this has been played up in the press to sound very dark and sinister, few attempts to distort a straight-forward and inevitable business arrangement could be more ludicrous. Mr. Fishman, engaged as Secretary in the Inmates' Commissary, was paid "out of the profits" of the commissary for exactly the same reason that employees of the American Tobacco Company are paid "out of the profits" of the American Tobacco Company or employees of R. H. Macy & Co., are paid

"out of the profits" of R. H. Macy & Co. As said before the city does not supply the things which the inmates of institutions can buy from the commissary nor does it allot any funds for the commissary. The Department of Correction carries this on because it has for a long time believed this to be well worth while for the prisoners, but it must of course, lacking any city funds, be entirely a self-sustaining activity. It buys and sells, hiring a number of employees to do the actual work in each of the larger city prisons. *Every employee hired by the commissary is of course paid by the commissary, and every employee handling money is bonded, while an outside firm of auditors makes regular monthly examinations of the accounts. This attempt to cast discredit on Mr. Fishman, only one of the commissary's employees, because he was paid by the business which employed him, is obviously unjustified.*

Increase in Commissary Profits

2. That Mr. Fishman's salary as manager of the commissary was raised twice within six months. We find this not only true but amply justified by the amazing change wrought in the finances of the commissary during his management. This change for the better progressed rapidly in spite of the oncoming of the depression which was of course reflected in the prisoners' ability to buy. Mr. Fishman accomplished this improvement by painstaking investigations resulting in the detecting and dismissal of dishonest employees, by judicious buying, and by the elimination of expenditures for narcosan, a so-called narcotic cure. Fishman was made manager of the Inmates' Commissary on March 12, 1928. The following shows what then happened, the figures being obtained from the Auditors' statements:

- (a) Raymond St. Jail, Brooklyn. Here Fishman caught almost immediately a dishonest employee. The employee was dismissed. The table shows how the net profits jumped after Fishman assumed charge:

Year	Net Profits
1927	\$8,893 49
1928	12,363 65
1929	13,189 68
1930	15,279 04

or about double in three years, despite business depression.

- (b) Jefferson Market Prison. Here he also caught a dishonest employee. Profits as follows:

Year	Net Profits
1927	\$710 64
1928	1,188 38
1929	2,942 91
1930	2,688 51

or almost four times as much in three years.

- (c) Seventh District Prison, where Fishman changed managers in the latter part of 1928. Profits as follows:

Year	Net Profits
1927	\$630 92
1928	75 73
1929	1,682 87
1930	2,837 01

or nearly five times as much in three years.

- (d) City Prison, Queens. Here they only had the commissary two days a week. Fishman felt that the business justified having it every day. Here are how the sales jumped:

Year	Net Profits
1927	\$4,750 89
1928	5,211 56
1929	7,619 06
1930	13,258 49

or more than three times as much in three years.

The profits at the Tombs where there is a good man in charge continued as usual; the profits at the Penitentiary increased a little.

Commissary Profits Decrease After Fishman's Resignation

It should be pointed out that since Mr. Fishman's resignation as Secretary of the Inmates' Commissary and the appointment of another person to the post, the profits have declined steadily. At no time during Fishman's management were the profits of the Commissary less than \$40,000 a year. One year they rose to more than \$46,000. In 1931, the last year of his management, the profits amounted to \$41,493.61. The profits for 1932 dropped to \$21,308.53, or almost fifty per cent; and for 1933 they dropped still further to \$20,984.91. It cannot be said that the depression was responsible for this drop as the depression had existed in the years of Mr. Fishman's greatest increase in profits. *Today the Commissary owes the banks between \$60,000 and \$70,000 which it has borrowed on the bonds constituting its surplus.* This state of affairs caused Deputy Commissioner Fishman, who remained a member of the Board of Trustees, such concern that on his own initiative he undertook to make a detailed study of the affairs of the Commissary in order to find the cause of this constantly increasing loss. Mr. Patterson was no longer Commissioner, and Deputy Commissioner Fishman submitted his findings in the following letter:

March 2, 1933

Hon. ROBERT L. TUDOR, Chairman, and Members, Board of Trustees, Inmates' Commissary, Department of Correction.

GENERAL:—As a member of the board of trustees I wish to call attention to extravagant and wasteful methods in connection with the purchase of supplies for the commissary as to which the board should be acquainted. I am putting this in writing as I wish to place myself squarely on record concerning this matter and ask that this letter be made a part of the minutes of the commissary. In prior years it has been the practice for Mr. Ryan

and various managers of commissaries to do their own purchasing. When Miss Clemens became secretary at her suggestion the board decided that all the purchasing, with a few minor exceptions, should be done through the secretary. Since that time the majority of the business has been given to three firms; namely, H. P. Day, the Empire Sales, and a firm by the name of Alexander.

I am at a loss to understand why the majority of this business has gone to these concerns, as in almost every instance their prices are higher either than the prevailing market price at the time or the price at which such goods could be obtained from local firms, some of whom formerly supplied the commissary.

The following tables showing the prices we are paying these various concerns and the prices at which the articles could have been obtained in the manner above indicated, tells its own story. I wish to impress upon the members of the board that in every instance the supplies in question, are of the same or a better quality, and in some instances they are of exactly the same brand. Also, the lower prices given are prices asked on a particular day when the higher prices prevailed. In no instances are any prices estimated as in every case they were actually obtained from merchants in business willing and anxious to supply the commissary. I will list the items in the various commissaries, giving two sets of figures, the first the price which we are paying, and the second the price at which the same or better material could have been obtained on that same day.

TOMBS

Article	Price Paid	Price Obtainable
Boiled ham—lb.	\$0 22	\$0 16½
Bacon—lb.	24	14½
Lard—lb.	12½	07½
Jersey pork loins—lb.	22	11
Round steak slices—lb.	30	25
Chopped meat—lb.	32	12
Butter—lb.	25½	22¾
Cheese	18	17
Eggs—grade B—doz.	20	20
Apples—box	2 70	1 90
Oranges—box	5 25	3 25
Potatoes—150 lb. bag	2 78	2 00
Onions—50 lb. bag	1 25	80
Sugar—100 lbs.	4 70	4 55
Evaporated milk—case	2 60	2 55
Campbell's vegetable soup	3 85	3 50
Lifebuoy soap	6 75	5 75

(A similar listing of 40 items for the Raymond Street Jail; 31 for the Second District Prison; 5 for the City Prison, Queens, and 13 for the Penitentiary on Welfare Island, are set forth in Mr. Fishman's letter.)

Concerning some of these items, Mr. Ryan, manager of the commissary, the penitentiary, Welfare Island, makes the following statement:

"Sugar sold at the penitentiary commissary has always been bought direct from the refiners in lots of 10,000 lbs. each. On November 29, 1932, order for 10,000 lbs. was given to wholesale grocer, H. P. Day Company, and charged by them at \$470 net. Refinery price on same day was \$452, with a discount of 2 per cent for cash in seven days, bringing net to \$443, a difference of \$27.

"January 26, 1933 another order for 10,000 lbs. was given to H. P. Day Company, although I had advised Miss Clemens' office of the differ-

ence in price on the November order. Day invoiced the January shipment at \$470 net. Refinery price on same day was \$427, with a discount of 2 per cent for cash in seven days, bringing net to \$418.50, a difference of \$51.50."

Concerning the purchase of union suits, Mr. Ryan makes the following statement:

"All orders for underwear, hosiery, sweaters, shoes and dry goods are being placed with this firm. They do not carry goods in stock and are compelled to place our orders with other firms for shipment. On union suits No. 795 Empire charged us \$5.25 per dozen. Memo bills found with goods showed that Empire was paying Mandel & Cohen \$4.25 per dozen. We could probably get same price on direct buy."

I verified Mr. Ryan's statement and found it correct. I telephoned Mandel & Cohen pretending to be a dealer and found that on lots of ten dozen, as we were buying it, we could get a price of \$4.1245.

I did not have time to go into the purchasing of the Seventh District Prison but have no doubt the same condition prevails.

With regard to the foregoing I submit the following facts. At the Tombs we are paying 24 cents a pound for bacon. The same or better bacon can be purchased from Armour & Co., for 14½ cents. The fact I wish to bring out, however, is that in the Atlantic & Pacific grocery stores they have for months, and are today, selling the very best bacon one can buy for 20 cents a pound, so that we can buy this at retail 4 cents cheaper than we are now getting it wholesale.

Also particular attention is called to the fact that on standard brands where there can be no possible question of quality or difference we are in numerous instances paying more than we can obtain it for. For instance, we are paying \$3.85 for Campbell's soup furnished the Tombs, when we can get it for \$3.50 elsewhere. We are also paying \$6.75 for Lifebuoy soap, a standard brand, when we can get it for \$5.75 elsewhere.

At the Raymond Street Jail we pay 75 cents for Campbell's tomato soup. At the Tombs we can obtain it for 69 cents; and 90 cents for a standard brand, which can be obtained at 81 cents; and 96 cents for vegetable soup, obtainable at 81 cents.

At the Second District Prison we are paying 22 cents a pound for American cheese. I called the Atlantic & Pacific Grocery Company today and found that the price of their cheese is and has been for some time 19 cents a pound. At the Second District also we are paying \$5.25 a dozen for sheer stockings, when the same hose can be bought at retail from A. S. Beck Company, and many other firms around New York at 39 cents a pair, or \$4.68 a dozen, a clear loss of 57 cents on every dozen. On the service hose at the same place we are paying \$5.75 a dozen, when we can buy the same or better quality at the A. S. Beck stores and other places for \$4.68. In other words we are paying \$1.07 more elsewhere than we can secure the same or better product at retail.

Other standard brands for which we are paying more are Karo syrup, costing us \$1.45, which we can get for \$1.30. Magnolia condensed milk, costing \$2.80, which we can get for \$2.70; and Franco-American spaghetti, costing \$3.00 when we can obtain it for \$2.43.

Particular attention is also invited to the matter of oranges, for which we are paying over \$5 per case. The top price anywhere in Manhattan or Brooklyn for the best orange obtainable is not more than \$4 per case.

As stated in the first part of this letter I cannot permit such inefficient and wasteful methods of buying to continue without a protest. Estimating the approximate quantities used each month, we are spending at the Tombs about \$100 a month more than we should for supplies which we purchase, penitentiary or underwear alone we are paying out—about \$250 a year more than we should, while we are losing considerable amounts of money on the purchase of other items. At the other institutions, by this wasteful, extra-

gant and utterly indefensible way in which we are buying, we are spending a considerable amount of money which could be saved by the exercise of ordinary business sense. Undoubtedly, at a conservative estimate, the way in which we are buying is costing the commissary from \$4,000 to \$5,000 a year.

Very truly yours,

(Signed) JOSEPH FULLING FISHERMAN.

At the following meeting Mr. Fishman called the board's attention to the fact that while commodity prices generally, according to the U. S. Department of Commerce, had decreased in the period more than fourteen per cent, the buying showed only a decrease of less than one-half of one per cent in cost, but the board took no action. At the beginning of the present administration, on the morning of January 2nd, Mr. Fishman presented this entire matter to Mr. MacCormick.

The charge made by former Commissioner of Accounts Higgins that cash belonging to prisoners was handled without audit by employees of the Inmates' Commissary we find to be without foundation. For years, all through the Patterson administration and prior, a regular monthly audit of these moneys was made. When Mr. Patterson assumed office these audits were being made by Samuel Ross & Co., of 33 West 42nd Street. This firm continued until the death of Mr. Ross when the work was given to Gibson & Wood, 50 Broad Street, who are still the auditors.

In connection with the above charge Mr. Higgins gave out a statement implying that due to this lack an employee had been short short of \$1,711. The facts of this matter are these: The auditors reported to Mr. Fishman, no longer secretary of the Inmates' Commissary but who was acting commissioner at the time, that the cashier of one of the institutional commissaries was "short" \$500. Mr. Fishman was not satisfied that this was the entire amount of the shortage, so he sent for the cashier and after persistent questioning elicited the information that the shortage was really \$1,711. Fishman, through the man's relatives, collected every cent of this money in cash within less than twenty-four hours and placed it back in the Inmates' Commissary funds. The employee was dismissed. Two years later, when Mr. Higgins was making an investigation of other matters in this institution, this incident was told him for his information.

3. That certain luncheons were paid for out of commissary funds. To clarify these matters it must be remembered that the Department of Correction conducts an Inmates' Commissary both to benefit the prisoners directly by giving them an opportunity to satisfy various needs, and by using the proceeds to minister to the general welfare of inmates according to the judgment of the department. The profits do not belong to the prisoners at all in the sense that they are entitled in any way to share in a division of them as though they were dividends. If the department wished, the commissary could be conducted by a concessionaire as was done some years ago, whereby the profits go entirely to the con-

cessionaire personally. Therefore, the term, prisoners' funds, is entirely misleading. The luncheon mentioned previously as given to socially-minded citizens, social workers and others in order to explain and enlist their support for the study of 1,000 prisoners in Welfare Island Penitentiary was one of these. It was the considered judgment of the officials in the department concerned with this project that a small outlay of some fifty or sixty dollars was well worth the consummation of a plan designed to be of lasting benefit to thousands and thousands of prisoners. As it turned out, this luncheon combined with the various other steps taken by the Patterson administration to obtain public co-operation, such as the much-criticised room at the Tombs, which was equipped for certain of these purposes, not only succeeded in its object (the secretary of the Association can testify to this as he was present on this particular occasion), but when the city absolutely refused funds for this undertaking, friends made by these methods contributed the money and help necessary. In this way, about \$11,500 has been raised in cash alone for the benefit of the prisoners' "Crime Clinic" against the expenditure of a few small amounts, perhaps a hundred dollars, for this particular project. This seems to us an undertaking deserving high praise and the Association can but concur in the administration's judgment in this instance.

Another luncheon under fire is that given for the group of physicians headed by Dr. Lambert, who worked for a solid year without one cent of compensation to find a better method of treating drug addicts in prison. Luncheon for these physicians was paid for but once, and that was the day on which they submitted their findings after a year's work. They preferred to submit it at lunch time since they had to eat lunch anyhow and this would not take too much extra, still free, time off their own work. We cannot agree with critics who apparently ignoring the superbly generous contribution which officials of the Patterson administration obtained from these physicians, would nevertheless have them draw the line at paying once for lunch for these men while still giving their services free to the department, out of the profits of a business conducted by the department, and intended to be used at the department's discretion.

Another luncheon is that given to enable the head of the Social Service Bureau, to meet the representatives of the various welfare agencies, the Welfare Council, the Women's Prison Association, etc., with whom she would henceforward have to work. The Social Service Bureau functions exclusively to be of personal aid to the inmate without a cent of cost to him or her. It concentrates on helping the unfortunate prisoner to get back on the right path by putting him in touch with his family, seeing that he is not defrauded, clearing up errors and misunderstandings, helping to get him employed, etc., and every bit of conversation between social worker and inmate is strictly confidential. No more appropriate use of money for directly and personally helping each prisoner as

an individual could be found. If in the Patterson administration's judgment the small matter of a luncheon to bring together the necessary organizations and persons to carry on this philanthropic work was the most desirable way of launching it, who can say that it was not? Our investigation shows that in spite of much loose talk lately about luncheons given by the Patterson administration, during Commissioner Patterson's over five years in office, these did not average more than one luncheon a year. We see no reason to carp at the obvious wisdom of giving these.

4. That special sums were paid to prisoners. Our findings are as follows:

(a) To Harold G. This man, a young homosexual who had just been released after serving ten days on Welfare Island for disorderly conduct, was sent to Mr. Fishman by Norman Thomas. The boy, who was rather high-class and educated, was extremely bitter, saying he had lost his job through his arrest and that he was utterly penniless and starving. Fishman obtained \$20 for him out of Inmates' Commissary funds. He then got the job for him and sent him to Dr. Israel Strauss for treatment for homosexuality. Dr. Strauss sent him to another psychiatrist, who treated him free. He became greatly improved. The boy has worked steadily for three or four years, is taking courses in one of the city's schools and has become a good citizen. This seems to us excellent crime prevention.

(b) To George Hayes, one Rogers, and two or three other prisoners, sums ranging from \$6 to, in the case of Rogers \$35. All of these, with the exception of some of the money to Rogers, was for indigent prisoners who presented themselves at the department's office and showed that they were in great need. Rogers, in addition, gave invaluable information concerning narcotic traffic at the penitentiary. In all cases these expenditures were approved by the board. They seem to be entirely proper expenditures and to represent the kind of outlay that makes it worth while for the Department of Correction to conduct its own commissary.

5. That items of taxicab and carfare were paid, as well as for gas for department car. In all of these cases, so far as we have been able to ascertain (the total amount is very small, less than \$50 over a period of five years) the traveling was done on commissary business and the expenses should have been paid by the commissary.

6. That on two occasions presents were bought for Colonel Dooley out of commissary funds.

The appropriateness of using money for this and for the expenses of the firing school is a matter of opinion. The city furnishes weapons for wardens and keepers but refuses to tell them how to use them. The Patterson administration found that many, many

keepers hadn't the faintest idea of how to use their guns, and at least one warden who had had a gun for twenty years had no notion of how to handle it. The Patterson administration realized that if it was necessary for the city to appropriate money for the provision of guns it was equally necessary to provide training in what to do with them. Repeated attempts to get the city to fill in this absurd gap failed. As a result of the administration's policy of enlisting the interest and help of public-spirited citizens, Colonel Dooley, who is perhaps the leading firearms expert in the United States, and who is invariably compensated for teaching police and prison personnel the handling of firearms, agreed to teach the personnel of the Department of Correction without pay. The minutes of the Commissary Board's meetings show that there was a great deal of discussion as to whether to use the commissary funds for the firing school. Deputy Commissioner Fishman, who has been individually singled out for criticisms in the press for this use of commissary funds, was consistently opposed to it. As against the obvious necessity of training the personnel in this, a necessary requirement in keeping the institutions safe and thus safeguarding the lives generally of prisoners and personnel, and continuing to ignore this gap, the board's majority opinion that the necessities of the situation were paramount, prevailed, and money was voted, not to pay a teacher but merely to meet the expenses of the firing school. At the end of the first year, and of the second of Colonel Dooley's work, the board authorized that a small present be made to him, both together amounting to about seventy dollars. As to whether the above constituted good judgment on the part of the board of trustees is simply a matter of opinion; however, it is not a matter of opinion but a matter of fact as the minutes considered, sincere and best judgment on the matter. It is our belief that had serious trouble broken out in any of the city's penal institutions during the Patterson regime and the occurrences disclosed that many keepers did not even know how to use their weapons, criticism of Patterson's failure to provide such training would indeed have been bitter and justified.

7. That money was spent for the purchase of typewriter keys. The typewriter was used for commissary business, and the expenditure was a proper one.

8. That \$2.80 was expended for lunch for Lyon Mearson. Mr Mearson who is a New York editor and has been one for years, was at the time giving his services gratis to help launch the keepers' magazine. The lunch came about spontaneously, as a mere routine business expense while Mr. Mearson was spending his own time on the department's affairs. The magazine was intended to develop a much higher sense of their duties in the prison keepers, raise their morale, and interest the public in prisoner problems. This item was approved by the board and is merely a minor matter of judgment.

9. That the expenses of Mr. Fishman were paid to the Prison Congress at Toronto. Fishman was instructed by Commissioner Patterson to confer with wardens and others concerning the method in which they ran their commissaries and with prisoners' aid and similar organizations in order to acquire any new methods which might be applied to the attempt of the department to humanize its work. Here again is a question of judgment. Certainly all important organizations hold and send their employees to such conferences in order to keep them abreast of what is going on.

10. That money was expended in sending members of the uniformed force to prison conferences and to other prisons in the country. The Patterson administration found that various officials in the institutions in its charge had in some cases never been in another prison in their lives, and in other cases had not seen another prison in twenty or more years. To correct this limited vision this regime ordered various members of the force to attend conferences and visit various designated prisons in order to learn other or newer methods of handling inmates. More of the details of this procedure have been given above in the list of accomplishments by the Patterson administration published in our report in 1932, and of which we specifically approved. We consider this an enlightened way to keep executives abreast of their times and wish to point out that as far as the conferences go, they are made up almost without exception of such officials sent by other prison systems all over the country for precisely the same reasons.

11. That money was paid for badges for visiting physicians. This charge furnishes a perfect example of how a bare phrase can be lifted out of its surrounding text of reason and circumstance to make a sensation for people knowing nothing of the situation. We find that for years an eminent staff of specialists, including some of the best-known men in the city, have been giving their services free to the inmates of the city prison system. In private practice these men receive as much as two or three thousand dollars for an operation. They complained much to Deputy Commissioner Fishman that they were often compelled to lose valuable time on the bridge or at the ferries as they had no means of identification and minor officials or guards would simply hold them up, often allowing many ordinary visitors to precede them. To correct this situation, which these men were naturally finding unbearable, the board decided to have metal identification badges made for them. *In view of the hundreds of thousands of dollars worth of work done free for the inmates by these twelve or more visiting specialists, it seems the height of absurdity to find fault with one expenditure of sixty-five dollars altogether to enable them to reach the inmates without loss of time.*

12. That help was extended to people not connected with the commissary. This probably refers to one item of \$50 donated to a Mrs. Hutchens, widow of one the oldest employees of the commissary who had worked for it about fifteen years. Mrs. Hutchens

came to Deputy Commissioner Fishman penniless. After he had tried to get her work and failed he presented the matter to the board, which voted her \$50. We do not believe that any grave criticism attaches to this.

13. That there were expenditures for ground-breaking and other ceremonies. The department made a number of attempts to obtain money for these events from the city, but was unsuccessful. Other city departments had similar occasions for expenditures and on inquiry it was found that the departments used various funds for the purpose. There was no precedent in the Department of Correction regarding this as it had been many, many years since such activities as those which marked the Patterson administration had occurred. This again was a part of the department's policy to publicize its efforts and to interest the public generally. The board finally decided to use the commissary funds for these purposes. This again is a matter of judgment. Some misunderstanding seems to have arisen concerning the proper use of these moneys because they have been mistakenly termed "prisoners' funds." The funds belong to the Department of Correction to be administered by it through its appointed board of trustees for the general benefit of prisoners in accordance only with the department's decision to do so and thus limit too widespread an application of the funds to matters which the taxpayers should fairly pay for; but this decision is a purely departmental one and can be changed by the department at any time.

14. That a room at the Tombs was fitted up out of commissary funds. At the time the Patterson administration with a number of other civic organizations was trying its best to prevail on the city to abandon the First District Prison, known as the Tombs, which is an obsolete prison and is a disgrace to New York, and replace it by a centralized Magistrate's Court and House of Detention for Men. It was the administration's idea that nothing could be so effective in getting the public to realize the necessity for scrapping the Tombs as having people see it with their own eyes. To pin down various important and busy men and women to tours of the prison the device was hit on of inviting them to lunch on the spot after which they could not escape being conducted around, and this was done. A room was fitted up for the purpose and used for various meetings at which the support and co-operation of individuals, groups and organizations for various projects was sought. This application of money is entirely a matter of judgment. In any case it represents the vigorous use of thought, time and effort on the part of members of the Patterson administration to revamp and revise the entire penal system of the city.

Difficulty of Getting Action After Patterson Resigned

Commissioner Patterson resigned from the department September 30, 1932, to become executive vice-president of the National Broadcasting Company. First Deputy Commissioner Robert L.

Tudor, because of seniority as provided in the city charter, automatically became acting commissioner, and Third Deputy Commissioner Fishman was immediately deprived of authority. He was ordered still to remain in the office and not make visits to institutions. Although still nominally chairman of the building committee, he was now excluded from meetings and discussions pertaining to the building of the Riker's Island Penitentiary. The warden of the penitentiary on Welfare Island became seriously ill and shortly stories began reaching Deputy Commissioner Fishman from many sources that things were going wrong at the penitentiary. He paid several secret visits there himself, and urged Mr. Tudor over and over again to take action on many matters which were becoming snarled at Riker's Island, Welfare Island and in other places, but to no avail. At times such interviews with Mr. Tudor were confirmed by Mr. Fishman in written memoranda.

Efforts to Make Fishman Commissioner

From the moment of Mr. Patterson's departure all of the organizations and individuals interested in the city's prison system made vigorous attempts to have Mr. Fishman appointed commissioner. Besides letters and individual appeals, one day a delegation of twenty-one representatives of organizations, including a group from the Association's Executive Committee, called on Mr. Curry to urge the immediate appointment of Fishman. Mr. Curry was non-committal but he did not refuse. From day to day we hoped and expected that Fishman would be given the reins of office and thus immediately straighten out the snarls which were accumulating under Acting Commissioner Tudor's regime, which Fishman understood intimately, and that he would restore various projects which Tudor had destroyed such as the keepers' school, the lectures, etc. Seven months passed thus without a commissioner and William J. Cahill, an attorney from the Bronx, was appointed. Mr. Fishman was prevailed on not to resign but to give his knowledge and service to the new commissioner in rescuing the department from the path down which it was slipping. He set out earnestly to do this. One day he would apparently succeed in convincing Mr. Cahill that action must be taken especially in regard to the situation on Welfare Island and within the next two or three days others would succeed in swerving Mr. Cahill from the road Mr. Fishman pointed out to him. So concerned did this Association become over this state of affairs that in August, 1933, we sent the following letter to Commissioner Cahill to supplement previous verbal urging and warning:

August 7, 1933

Hon. WILLIAM J. CAHILL, Commissioner, Department of Correction, Municipal Building, New York City.

DEAR COMMISSIONER CAHILL:—After the resignation of Commissioner Patterson, and during the days of uncertainty as to who would be his successor, there was a cessation in the progress of the plans for the betterment of the department and a gradual deterioration. Please do not get the impression

that we felt that a state of perfection had been reached under Commissioner Patterson, that was not so at all, but we do believe and can show that definite progress was made.

What followed Commissioner Patterson's resignation was a cause of constant alarm to us, and for that reason we were continuing any active efforts to bring about the appointment of a Commissioner of Correction at the earliest possible date. When you were appointed, and especially after my first contact with you, I was most hopeful that there soon would be an end to the passy-footing in the administration of the affairs of some of our institutions of the department. You will please recall that in my letter to you, commencing your action in the matter of the Raymond Street Jail, I expressed confidence in you. That confidence remains undisturbed, but, frankly, we are of the opinion that similar progress, firm and drastic action is necessary if serious consequences at the penitentiary are to be avoided. There is no let-up in the information that is coming to us with respect to the traffic in drugs and other contraband, the influence of gang rule, the fear on the part of officers in the penitentiary, and the actual absence of a firm control in the administration of the affairs of that institution. Nor is there any change in the stories coming to us about the widespread sex immorality among the inmates, this in some instances being forced, with the result that instead of the penitentiary making any headway in reformation, it is really a contributory factor to the further downfall and degradation of inmates.

There is no question, and the recent report of the New York County Grand Jury parallels the information that was brought to His Honor, the Mayor, shortly prior to your appointment, that the outstanding question with respect to the administration of the penitentiary today is: Shall the penitentiary be administered by the Department of Correction through its commissioner, or shall it be administered according to the dictates and likings of a few so-called "big-shot" inmates. You will recall that I made some reference to this at the time of our first meeting.

Now I believe that you are aware of the dangers at the penitentiary. I think you have been informed as to those dangers from a number of sources, including prison administrators of long experience. Therefore, one who wants to be of help to you, who wants to avoid a public scandal, who believes in your fearlessness and ability, I appeal to you to direct your best efforts and attention toward the penitentiary. I believe that the penitentiary is a veritable arsenal. I believe that if it were not for the courage of two of our present personnel the roof would have been blown off long ago. You might say on reading this letter: I know all about this—and it is quite certain that you do—but what shall I do about it? My answer is: First of all I would have a very thorough search of the penitentiary made—enlisting the co-operation of the Police Department if necessary—so as to remove in so far as is physically possible all weapons and other contraband. Second, I would weed out the so-called leaders and "big shots," and put them in an institution of the department where they will have no opportunity to play their roles. A good place would be in any one of the sections of the Tombs Annex. There certainly would be no public protest if these men were isolated and allowed to go as far as they pleased, provided they are not allowed to do harm to other inmates or the personnel of the department. In this connection I would not allow myself to be concerned too seriously about the health or infirmities of these so-called "big shots." Personally I think it is absurd that a racketeer, shortly after his admission, should be sent to the hospital, and then placed in a cell, and then returned to the hospital. I am certain that Weiner was the only racketeer case in the penitentiary. I think that if the public generally became acquainted with the fact that Weiner was housed in the hospital instead of a cell there would be very strenuous protest. Third, I would have a definite understanding with Warden McCann as to whether or not he feels that he can administer the penitentiary as efficiently as he did in the earlier days of his career, and if he feels that he cannot I would replace him with the right kind of man, even if I had to go outside of the department to get him. The Mayor, if he were acquainted with the situation, I think would support you in this.

Warden Barr could run the penitentiary, but I doubt whether he would take the responsibility. Aside from him you have not another man who could do the job.

The sooner you show that the Department of Correction is going to run the penitentiary, regardless of gang rule or political influence, the better it is going to be in the long run. Whatever delay is tolerated now will simply add to the volume of the final explosion. The situation at the penitentiary today is somewhat similar to that which prevailed at Auburn before the riots. If there had been a firm hand in action prior to the days of the riots they would not have occurred. The administration of Auburn Prison was allowed to get out of control, and that is the exact situation at the penitentiary today.

I hope you will understand that this letter is written with no other desire than to be of help to you. I urge you as strongly as I do above simply to correct what has every appearance of being bad administration, and to avoid what is likely to be a very serious happening. You must always keep in mind that you, as head of the department, will be required to answer for its success or failure.

Sincerely yours,

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

Affairs continued nevertheless to seewaw; there was hope one day of Mr. Cahill's doing something; the next day there wasn't. Mr. Fishman was again on the point of resigning when Mr. Cahill suddenly ordered a number of transfers to take effect in a few days. Two days later Cahill was dismissed and the transfer orders rescinded. Again a strong movement started to have Fishman appointed commissioner. Acting Commissioner Tudor could not be persuaded to take any action, although Fishman continued urging him, and although during this period contractors called off their men and flatly refused to go ahead with work at Riker's Island because they were unable to obtain a yes or a no from the Tudor regime. This vitally important work, with its complete facilities for classification and segregation, which the Patterson administration had pushed so rapidly, now came to a standstill. It seemed that everybody in the city who knew of the deterioration which was taking place in the city's penal system, and many important persons were informed, was now working to have Fishman made commissioner and his appointment seemed inevitable. Criticisms have reached our ears as to why Fishman did not resign under the circumstances, but to those who know the nuances of the situation there was no moment at which, looking out for the best interests of the city, it seemed advisable for Fishman to resign, and we were among those. Mr. Fishman, however, became embroiled with the interim commissioner named Wright, a Bronx contractor, appointed during the last week in November over his (Fishman's) advocacy of the appointment of a penologist and not a politician to head the department, and resigned on December 23, 1933.

Conditions at Welfare Island

There is no doubt about the deterioration of conditions at the penitentiary on Welfare Island during the fifteen months since Commissioner Patterson resigned and Deputy Commissioner Fish-

man was stripped of power. Yet, eager as we are to see these conditions rectified, and hard as we tried during the last year to bring this about, we regret the quality of the newspaper reports on the situation. For instance, bad as any drug traffic is, it is a solemn fact that due to the physical arrangements of this penitentiary it is impossible to keep narcotics out entirely, although they can and should be kept at a minimum. Also it should be noted that in every prison the size of the one on Welfare Island the prisoners make and secrete weapons. Unfailing alertness is the only way to reduce such a condition to a minimum, and during the Patterson administration searches were made as a part of the routine. If this practice had been continued the recent finding of weapons would have been less astonishing.

We find that Mr. Fishman, purely out of his interest in the well-being of the department, quickly responded to a call from Deputy Commissioner Marcus urging him to come down and help them. On January 2nd, the first day in office of the new administration, Fishman spent four hours with Commissioners MacCormick and Marcus advising them of conditions within the department, and subsequently has given, twice, his time and services to Mr. Marcus for the same purpose, in response to calls from the latter.

Mr. Fishman turned over to Commissioners MacCormick and Marcus the first day they were in office a complete and comprehensive program for the Department of Correction. This program consists of a plan for the treatment and disposition of every type of offender, presents a means by which the average daily population of the penitentiary can be reduced from 1,800 to about 1,300, and gives detailed discussion and recommendations concerning every phase of the New York City penal system. A copy of the latter has been in the Association's office for some time.

We believe the above shows conclusively that we were neither deceived nor over-enthusiastic concerning the quality and accomplishments of the Patterson administration. What took place after Mr. Patterson's resignation, and after Mr. Fishman was stripped of all authority, has no identity with the Patterson regime, but is simply the result of a situation whereby former standards and principles were abruptly abandoned and *an institution allowed to get out of control*. With a prison out of control, as has been evidenced in other instances in this and other states, almost anything can happen. Certainly the mayor and the Department of Correction, since the end of the Patterson regime, and especially in 1933, were duly advised and warned of known conditions and hearsay, and must therefore take the full responsibility for the deplorable developments.

The Association has gone thus completely into these matters because it felt that it was its duty to clarify a situation which has become confusing and bewildering to the citizenry.

PRISON LABOR COMPACT

Explanatory Statement

The original prison labor code which thirty-six states signed was presented to the National Recovery Administration on October 6, 1933. The code was presented at that time even though it had not been signed by all of the states because hearings on the retail code had been completed and it was of paramount importance to obtain some sort of modification of the drastic provisions that had been inserted in that code which, in effect, would have prohibited any retailer from acquiring, selling or distributing prison-made goods of any kind. General Johnson, in a personal conference with Mr. Sanford Bates, Director of the Federal Bureau of Prisons, agreed to stay the drastic provisions of the retail code for a period of ninety days to give the prison administrators an opportunity to discuss their code with officials of the Recovery Administration and the various industries affected to the end that any differences might be dissolved. Since that time the committee appointed by the prison administrators has been in almost constant touch with the Recovery Administration and has drafted a number of codes for their consideration.

The principal objection to the code as originally filed by the prison administrators was that it did not assure industry and labor that prison goods would come on to the market on an absolutely fair competitive basis with the goods manufactured by private industries. It was argued that if prison goods bore only the same charges for labor burden per unit of output as applied to like goods made by private industry there was still an opportunity for too great a differential, favoritism and unfair competition. The first suggestion made to remedy this situation was to the effect that prison goods should be sold at not less than the lowest reasonable cost of producing like goods by competing private industries. It was immediately apparent, however, that this was not a practicable criterion because of the inability to determine a reasonable cost of production or establish any exact standards for determining the amounts which should properly be charged into cost of production.

About this time, November 15th, the cotton garment code was nearing approval and it was essential that the matter be solved promptly because that code carried an absolute prohibition against the manufacture and sale of cotton garments made in prison. Consequently, it was suggested that perhaps the fairest standard would be to say that prison products should be sold not lower than the current price prevailing in the market in which the product is customarily sold. Believing that this standard would be acceptable to the prison men, your committee acquiesced in the insertion of a clause to this effect in the executive order which accompanied the code of fair competition for the cotton garment industry and which

set forth in detail the provisions which the prison code or compact should contain to be acceptable to the Recovery Administration. Several drafts of a code containing this essential provision and the other provisions which had previously been approved by the states were presented to the Recovery Administration with the result that the enclosed draft was finally approved by all concerned, including representatives of industry, labor and consumers.

It is important to note in studying the attached code that it differs from the document as originally signed by the states in several important particulars. In the first place, it is now a compact between the several states rather than a code. It was placed in this form because there is substantial agreement that the National Recovery Administration could not enforce a code as against a state government. Moreover, it was manifestly impossible for a prison to comply with the provisions with respect to collective bargaining which are mandatory under section 7-A of the Recovery Act. Another desirable feature sought was a form which would make it possible to extend the life of the agreement beyond the period when the Recovery Act is effective.

You will note that there has been included in the preamble an excerpt from the retail code as well as the other general provisions formerly found in Articles I and IV of the code heretofore approved by the states. Likewise the definitions formerly contained in Article II of the code as originally signed are now included in Article I of the compact. Article II of the new compact is identical in purport and intent to Article V of the original application.

Article III is new matter designed to permit the prison industry to operate its machinery the same number of hours permitted the corresponding private industry.

Article IV is the same as originally appeared in Article X of the original code except that it has been modified to conform in language with the model code promulgated by the Recovery Administration.

The really essential change in the compact appears in Article V which specifies that prison-made goods may not be sold at less than the "fair current price" prevailing in the market in which the goods are customarily sold or distributed. It will be apparent to you that the objective sought by the clause is to eliminate any suspicion or possibility that prison goods can be dumped upon the market or sold in competition with goods produced by industries adhering to the National Industrial Recovery Act in such manner as would depress their wages, standards, or working conditions. It is designed to refute finally any argument that prison goods compete unfairly with goods made by free industry. In reading this section you should note particularly section (d) of Article VII of the compact explains in more detail the term "fair current price." In other words, Article V fixes the conditions under which prison goods may be sold, and section (d) of Article VII prescribes the manner for the prison labor authority to determine such condi-

tions. Section B of Article V is designed to make it impossible for a contractor to receive a concealed advantage and to insure a return to the state or to the prisoner for work or services provided by the prison which will be comparable with the cost of labor and like services necessarily paid by free industry.

As in the original application, the present compact places no restriction whatsoever upon goods made for the use of the state or its subdivisions.

The authority to administer and enforce the compact has been changed from that appearing in the original application. Formerly, the administrative body consisted of seven persons, three to be appointed by the representatives of the states, three by the National Recovery Administration, and one by the President, and there was to be no appeal from the decisions of the administrative authority. In the present compact the prison labor authority is to consist of nine persons, six of whom are to be elected by the representatives of the states signatory to the code, and three to be appointed by the President. There is an appeal to the President from any decision of the administrative body.

The other provisions of the application are self-explanatory but they should be read in connection with the executive order issued on November 17, 1933, in connection with the cotton garment code, a copy of which is also enclosed for your information.

We believe that your state should promptly execute this code because:

- (1) It will stay the drastic provisions of the retail code and the cotton garment code which would otherwise apply to the goods manufactured and sold by your prison industries.
- (2) Your state undoubtedly desires to co-operate with the President in the widest application of the National Industrial Recovery Act.
- (3) Idleness in the prisons of the country will in all probability follow to a much greater extent than heretofore if the states refuse to enter into a compact of this kind and elect to resort to the courts to test the legality of the provisions of the retail or any other code.
- (4) The prisons' administrators and state officials are sincere and earnest in their desires to eliminate any semblance of unfair competition arising from the operation of prison industries and wish to convince not only business and labor but the public as well that they are interested solely in solving the baffling problem of prison labor and are not concerned primarily with profit making.
- (5) The compact is still in conformity with the principles heretofore approved by your state in signing the original application for a code which at the time of formulation was recognized to be tentative.

Will you be good enough to give this matter prompt consideration and have it executed by the proper authorities of your state and approved by the Governor if possible. You will be advised from time to time of the progress made and of the steps taken to give full effect to this compact.

JOHN J. HANNAN (Wisconsin), *Chairman*
C. L. STEBBINS (Michigan)
HAROLD E. DONNELL (Maryland)

J. V. BENNETT, *Secretary*.

**COMPACT OF FAIR COMPETITION FOR THE PRISON INDUSTRIES OF
THE UNITED STATES OF AMERICA**

THIS AGREEMENT made and entered into jointly and severally by and between the several states signatory hereto, as of the date of execution of each of said several states.

WITNESSETH that, whereas, under date of October 21, 1933, the President of the United States approved the Code of Fair Competition for the Retail Trade under the National Industrial Recovery Act, which said Code of Fair Competition contained, among other things, the following:

"Pending the formulation of a compact or code between the several states of the United States to insure the manufacture and sale of prison-made goods on a fair competitive basis with goods not so produced, the following provisions of this Section will be stayed for ninety (90) days, or further at the discretion of the Administrator:

(1) Where any penal, reformatory or correctional institution, either by subscribing to the code or compact hereinbefore referred to, or by a binding agreement of any other nature, satisfies the Administrator that merchandise produced in such institution or by the inmates thereof will not be sold except upon a fair competitive basis with similar merchandise not so produced, the provisions of paragraph (2) hereof shall not apply to any merchandise produced in such manner in the institutions covered by such agreement.

(2) Except as provided in the foregoing paragraph, no retailer shall knowingly buy or contract to buy any merchandise produced in whole or in part in a penal, reformatory or correctional institution. After May 31, 1934, no such retailer shall knowingly sell or offer for sale such merchandise. Nothing in this Section, however, shall affect contracts, which the retailer does not have the option to cancel, made with respect to such merchandise before the approval of this Compact by the President of the United States."

WHEREAS, prior to the presentation of the above described Retail Code to the President of the United States for his approval the several States of the United States had begun to formulate a Compact of Fair Competition for said prison industries, and

WHEREAS, it is the desire of the signatory states to continue the use of the most important instrumentality for the rehabilitation of prisoners—namely, productive labor—and to achieve this purpose in a manner which will comply with the fair methods of competition desired by modern commerce and particularly in accordance with

the National Industrial Recovery Act, and whereas these states desire to apply to the prison labor problem a system of rules, uniform in principle and equitable to all, and

WHEREAS, it is equally the desire of the states signatory hereto that the provisions hereof establishing uniform principles will facilitate the maintenance of fair competition in American industry and will aid in effectuating the administration of the National Industrial Recovery Act.

NOW, THEREFORE, for and in consideration of the premises and of the mutual benefits to be derived herefrom the states signatory hereto, jointly and severally agree as follows:

Article I

As used herein the following terms have the meaning as shown unless the contrary appears:

The term "penal or correctional institution" shall include any prison, penitentiary, reformatory, workhouse, jail or other institution wholly tax-supported and maintained for the incarceration or imprisonment of persons convicted of an offense against the laws of the United States, any state or its political subdivision, but shall not include institutions maintained under the jurisdiction of private, charitable or religious organizations.

The term "prison industry" as used herein shall mean any industry or trade in whatever manner operated for the mining, manufacture, production and/or distribution of products, in which are employed inmates of penal or correctional institutions or other persons who at the time of employment are serving a sentence imposed by a court of the United States or any state: Provided, that no agricultural activities not a part of any trade or industry shall be considered a prison industry as herein defined.

"Products" shall mean all goods, wares, merchandise and minerals manufactured, produced or mined in whole or in part by prison industry for other than state use.

Article II

Hours of Labor. The hours of labor in prison industries shall be not more than those prescribed by the applicable Code adopted under the laws of the United States governing each particular industry, but in no case shall any inmate be required or permitted to work in any prison industry more than forty hours in any one week.

Article III

The hours of operation of productive machinery shall be not more than is prescribed in the code of the competing private domestic industry.

Article IV

Child Labor. No person under the age of sixteen years shall be employed in any prison industry. No person under the age of eighteen years shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

Article V

Section A. Prison products, when sold by the prison or through a contractor, whether sold direct or through any agency, shall be sold not lower than the fair current price prevailing in the market in which the product is customarily sold—to wholesalers, retailers, or consumers as the case may be.

Section B. No penal or correctional institution or agency thereof shall enter into any contract for the labor of prisoners which does not insure a return from the contractor to the state or its political subdivision and/or the prisoner of an amount equal in value to the cost per unit of product for labor and overhead necessarily paid in competing domestic private industry on the comparable product: Provided, that the imposition or collection of such amounts or charges shall not be such as will require the sale of prison products at a higher price than specified in Section A hereof.

Article VI

State Use Products and Public Works. The restrictions in this compact shall not apply to goods, wares or merchandise manufactured, produced or mined by any penal or correctional institution which are solely for the use of tax-supported institutions, agencies, departments, or activities of any state or its political subdivision, nor shall they apply to the construction of public works or ways financed wholly from funds of the state or its political subdivision.

Article VII

Further to effectuate the policies of this compact, a committee (hereinafter called the Prison Labor Authority) is hereby constituted to cooperate with prison industry, private industry, the several states signatory hereto, and the United States in the administration of this Compact.

(1) *Organization and Constitution of the Prison Labor Authority:* The Prison Labor Authority shall consist of nine members, six (6) of whom shall be elected annually by representatives of the states signatory hereto, and three (3) to be appointed by the President to represent labor, industry and consumers, respectively.

(2) The Prison Labor Authority shall have the following duties and powers, subject to the right of the President, on review to disapprove or modify any action taken by the Prison Labor Authority. (The President may delegate any of the functions and powers under this compact to such officers, agents and employees as he may designate or appoint.):

(a) Generally to administer this Compact.

(b) To make rules and regulations for the conduct of business by the Prison Labor Authority, to appoint a secretary and/or any personnel and generally to prescribe such rules, orders and regulations as may be necessary.

(c) To formulate uniform cost-finding systems and require the installation of such system or some system comparable therewith.

(d) To determine, after conferring with the Code Authority of the industry affected and upon request of any person or firm affected, the prices, charges and amounts provided for in Article V, sections A and B hereof; such determination to be subject to appeal to the President of the United States. In establishing fair current prices, charges and amounts, the Prison Labor Authority shall take into consideration all factors necessary to insure the marketing of prison products on a fair competitive basis. It may consider, among other factors, the extent to which monopolistic practices exist in any trade or industry in which the prison industry operates, the degree to which prison products may be discriminated against, the ability of the prison industry to adjust its operations and production to meet changing styles, designs, and/or other conditions beyond its control, and any restrictions placed upon the marketing of prison products. The fair current price may not be such as will effectually prevent the sale of prison products or destroy existing markets, nor shall it permit the sale of prison products at such prices or in such manner or in such quantities as will depress the standards, wages or working conditions of the competing private industry or defeat the purposes sought to be obtained through adherence by a competing private industry to a code of fair competition under the National Industrial Recovery Act.

(e) To require such reports and statistics from states signatory hereto as may be necessary to effectuate the policies of this Compact.

(f) After an investigation, which shall include a consideration of economic, trade, and market conditions, and under such rules as it may prescribe: (1) formulate such regulations as may be consistent with statutory provisions and as may be necessary to assure a diversification of the output of prison industries in fair proportion to the production of the industries affected, (2) prohibit the expansion of any existing prison industry which bears a disproportionate share of competition.

(g) To hear and adjust complaints arising under this Compact made by affected parties: Provided, however, that at the time any such complaint is made the complainant must agree to submit such facts and figures as may be necessary to the determination of the issues involved.

(h) To hear and adjust complaints arising under this Compact made by prison administrators or prison heads, and call to the attention of the President any unfair trade practices designed to discriminate against prison made goods or hamper the objective sought in the preamble of this Compact.

Article VIII

Reports. All states signatory hereto agree to furnish reports to the National Recovery Administration covering data on prison industries which the laws of the United States require from competing private industries under the National Recovery Act.

Article IX

Authority for Execution. The representatives of the states signatory hereto being in some instances restricted in their action by statutes which cannot immediately be modified, enter into this agreement in their own right and subscribe to it in so far as the laws and regulations of the sovereign states they represent will permit, and they further pledge themselves to co-operate to secure the adoption of such changes in the laws and regulations by the properly constituted authorities as may be necessary to permit them to adhere fully to this compact, but nothing in this compact shall affect one way or another any Federal act relating to prison-made products or any state act passed or effective under any such Federal act, if said acts are held constitutional and valid. It is specifically understood that by signing this compact no signatory hereto is thereby estopped from asserting the unconstitutionality or invalidity of any of said acts.

Article X

Due to the impracticability of promptly obtaining the execution by all of the signatory states on one document, it is agreed that the signatory states hereto may execute identical copies of this Compact which execution shall be as effective as though all signatory states executed the same document.

Article XI

The effective date of this Compact shall be January 1, 1934, as to all states which have signed at that time and as to all states signing thereafter it shall take effect as of the date of such signing.

CRIME AND THE LEGISLATION OF 1932

THORSTEN SELLIN

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In the year 1932 nine State Legislatures* and the Federal Congress met in regular sessions, and several other Legislatures met in one or more extraordinary sessions, these being devoted almost exclusively to the consideration of economic legislation. Among the laws enacted a considerable number dealt with crime and its treatment. A search of the session laws was made by the author; the more significant acts digested, and comparisons made with prior statutes in order to determine the nature of the changes introduced by new amendments or re-enactments. The acts excluded from presentation here dealt chiefly with certain technical aspects of procedure or with petty offenses, or merely made verbal changes of no great significance in existing laws.

Criminal Law

I. GENERAL

The Federal Congress (72d, 1st session, Ch. 283) provided for the exclusion from entry into the United States of any native of the Virgin Islands who is a polygamist, prostitute, procurer, or has been convicted of a crime. The act shall not apply to any such alien after June 28, 1934. *Kentucky* (Ch. 35) made the conviction of a felony, or the proof of drug addiction or habitual drunkenness a cause for the revocation of an embalmer's license. *Louisiana* (No. 120) formally abolished the distinction between principals and accessories before the fact, by declaring that any person concerned, directly or indirectly, present or absent, in aiding, abetting, counselling, inducing, etc., commission of a crime is a principal, and "shall be indicted, tried and punished as such." Since 1855, as a matter of fact, accessories before the fact have been given the same kind and extent of punishment as the principal. *Mississippi* (Ch. 272) removed arson of a dwelling at night time from the list of crimes punishable by death. Chapter 280 required the court, in its decree or judgment that a person is an habitual user of alcohol, other intoxicants, opium, cocaine, morphine, or other narcotics, to commit him to a State hospital for the insane for a definite period—not less than 6 months on a first commitment, nor less than 1 year on a second commitment. After second treatment or admittance, such person shall be refused admission to any state

* Kentucky, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina, and Virginia.

† During part of this study valuable assistance was rendered by M. E. Gates, Esq.

hospital—except when a subsequent commitment is necessary for the public safety. Under the previous law, the commitment was "only until [he] be cured of the habit." Chapter 301 punished by death or life imprisonment the forcible seizure and confinement of a person, or his inveigling or kidnaping with intent to confine him against his will, or the kidnaping and secret confinement of a child under 10 years of age against the will of parents or guardians. Chapter 328 also made felonious robbery a capital offense. *New York* (Ch. 234) added to the Civil Rights Law a section (40-a) prohibiting inquiry or report, directly or indirectly, concerning the religion, or the religious affiliations, of any person seeking employment or official position in the public schools of the State. This applies to any agency, bureau, etc., or to any board of education, school trustee or board of education official. Violations were made punishable as follows: (a) the violator is guilty of a misdemeanor; with fine from \$100 to \$500 or 30 to 90 days in jail, or both fine and incarceration. (b) A penalty of from \$100 to \$500 may be recovered by the person aggrieved in a civil suit. Chapter 297 modified section 243 of the Correction Law, regarding the conditions which the Governor annexes to discharges following his reduction of sentences of prisoners not subject to the jurisdiction of the board of parole, etc. Under earlier provisions a prisoner was to be regarded as having violated these expirations if he was convicted of a felony anywhere before the expiration of his maximum term. The provision now reads that if such a prisoner "commit a felony in this state, or commit a crime elsewhere (which would be a felony in this state) and if he shall be convicted of such a crime at any time," he shall be compelled to serve, in addition to the sentence for this new felony, the remainder of his previous sentence without commutation, etc. Chapter 479 added a section to the Penal Law (section 1699) to the effect (a) that a person convicted of a felony as defined by any provision of Article 162 (Penal Law, sections 1690-1698) is punishable by imprisonment for from 1 to 7 years, and (b) that the provisions of sections 1941 (Punishment for Second Offenders) and 1942 (Punishment for Fourth Offenders) do not apply. The felonies referred to in Article 162 are rescuing a prisoner from lawful custody, prisoner escaping, attempting to escape from State prison, aiding a prisoner to escape, suffering or allowing a prisoner to escape, and concealing an escaped prisoner. Chapter 617 made significant changes in the "fourth offender" law (Penal Law, section 1942). While formerly anyone convicted of a fourth or subsequent felony was to be sentenced to life imprisonment, the act substituted for this penalty (except in cases where the fourth felony is treason or first or second degree murder) an indeterminate term with life as the maximum and the minimum not less than 15 years and in the event the maximum term for first offenders convicted of the crime of which the "fourth offender" has been convicted is higher than 15 years, the minimum shall not be less than that maximum. *Rhode Island* (No. 1948) provided that

physicians, dentists, veterinarians, pharmacists, or nurses, who after notice and hearing by the Drug Board are found to be addicts, shall have their licenses suspended by the authority which issued them. The act further provided that any physician, etc., convicted of a violation of any provision of the State or Federal drug laws shall have his license revoked, but that with the Drug Board's approval he may after 1 year apply for its reissue.

II. SPECIFIC OFFENSES

A. *Conduct Injurious to the State and its Administration*

The *Federal Congress* (72d, 1st session, Chapter 306) declared it a crime for any person to manufacture, sell or possess any badge, card, or insignia prescribed by the head of any department or independent office of the U. S. A. for use by any officer or subordinate thereof, except as authorized and regulated by the head of such a department. The punishment for offending against the provisions of the act was fixed at a fine of not over \$250, or imprisonment for not over 6 months, or both. Chapter 423 declared that any person who has served a sentence of imprisonment in the Canal Zone and has been deported therefrom, who voluntarily returns thereafter to the Zone is guilty of a felony and liable to imprisonment in the penitentiary for not over 2 years. Upon completion of the sentence, he shall be removed from the Zone under the deportation laws. But, the Governor of the Panama Canal may grant permits to deportees to return, for a specified time. To remain after this time has expired is a violation of this act. Chapter 464 created two new crimes against the postal service. (1) The mailing from within the U. S. A. of any letter or communication containing a threat either (a) to injure the person, property or reputation of any other person, live or dead, or (b) to kidnap any person, or (c) to accuse any other person of a crime; or containing a demand for a ransom or reward for release of any kidnaped person (such mailing being with intent to extort money or other thing of value) is a crime, with a maximum fine of \$5,000 or imprisonment for not over 20 years, or both. (2) The mailing of any such letter, addressed to anyone within the U. S. A., for delivery in the U. S. A., and the actual delivery thereof in the U. S. A. by the Post Office Establishment, is a crime punishable as in section 1, and may be prosecuted either in the district into which the letter was carried for delivery, or in which it was caused to be delivered to the addressee. *Indiana* (Ch. 69) which in 1931 passed a law (1931, Ch. 85) to prevent lynchings repealed the provisions of that law which (1) allowed any dependents of a person suffering death from lynching to recover damages of from \$5,000 to \$10,000 from the county, city or town, where the lynching occurred; (2) allowed a person lynched but not killed in the process to sue the county for damages up to \$10,000, and (3) allowed the owner of property injured during a lynching to recover damages. *Kentucky* (Ch. 34) made it a misdemeanor

to assist an applicant for a dentist's license in cheating the examining board or to assist or attempt to assist such an applicant in an examination or to assist him in obtaining a license by fraud. *Louisiana* (Ch. 4) passed a Tobacco Tax Law. It was declared a felony punishable by imprisonment in the penitentiary for not less than 1 year nor more than 4 years (a) to forge or counterfeit any revenue stamp, (b) knowingly to use or possess such a stamp. In an act of 1926, repealed in 1928, the sale, use or possession of counterfeit, washed or restored stamps was a misdemeanor punishable by a maximum fine of \$1,000, or a maximum prison term of 2 years, or both. Chapter 5 created a tax on "soft drinks." The penalty for the sale, use or re-use of counterfeit, washed, restored or altered tax stamps or bottle crowns was fixed at a maximum fine of \$1,000, or imprisonment for not over 5 years, or both. Chapter 16 amended the Motor Fuel Tax Law. Under the prior act (No. 8 of 1930) persons who imported or sold motor fuels without paying the tax or furnishing a bond for such payment, or failed to make the required reports to the Supervisor of Public Accounts, were guilty of a misdemeanor, with penalty of a maximum fine of \$1,000, or not over 2 years' imprisonment, or both. The new act extended the same punishment to those who violate any of the provisions of the act. *Massachusetts* (Ch. 289) passed "an act relative to dogs," and in that section of the act compelling the police commissioner of Boston and city and town clerks and treasurers to keep certain records in connection with issue of licenses and the receipt of fees, etc., penalties for violations by these officials were fixed at a fine of from \$50 to \$500, or imprisonment for from 1 month to 1 year, or both fine and imprisonment. *Mississippi* (Ch. 92) repealed the Tobacco Tax Law of 1930 (L. 1930, Ch. 90) and re-enacted a new Tax Law along the same lines. The penalty for counterfeiting revenue stamps (a felony—with imprisonment in the penitentiary for from 1 to 10 years) was not re-enacted. The penalty for re-use of cancelled, washed, restored, altered, or unlawfully obtained stamps (a felony) was increased from a fine of \$1,000 (maximum) or 2 years in county jail (maximum), or both, to provide for a fine, up to \$1,000, or imprisonment in the State penitentiary for from 1 to 10 years, or both. *New Jersey* (Ch. 263) declared it a misdemeanor either to make any false representations or use any fraudulent device to obtain assistance, or to aid in disposing of any property of the petitioner in order to obtain assistance under the new relief act governing state aid to indigent mothers. Chapter 269 provided that all monies paid by the State, or any agency or subdivision thereof, to any person or firm or corporation under any contract for public improvements shall constitute a trust fund in the hands of such person. The use of such monies for any purpose other than the payment of claims for labor or material or other proper charges under the contract is a misdemeanor, subject to a maximum fine of \$1,000 or not more than 1 year's imprisonment, or both. *Rhode Island* (No. 1919) penalized any person refusing to pay,

collect or account for any tax imposed, or to make any return or attempt to evade any tax, etc., under the Unemployment Tax Act by declaring such person guilty of a misdemeanor, punishable, in addition to any other penalties provided by law, by a maximum fine of \$1,000, or not over 1 year's imprisonment, or both. *South Carolina* (No. 646) in fixing the compensation and outlining certain duties of county officials (collection and recording of fees, etc.) provided that violations of the act be deemed misdemeanors punishable by a maximum fine of \$500, or imprisonment up to 12 months, or both, and loss of office. Act No. 680 created a Bond Commission for the city of Aiken, fixed its powers and duties, and punished violations of the act with a fine of from \$25 to \$10,000, or imprisonment, with or without hard labor, for not less than 10 days and not more than 5 years. *Virginia* (Ch. 77) adopted the "Uniform Flag Law." A brief act of 1928, hereby repealed made the defacement or mutilation, etc., of the National or state flags a misdemeanor, punishable by a fine of from \$5 to \$100 and if the court wished, a jail sentence of not over 30 days. The new act prohibits the use of these flags in any known form or copy in connection with any advertisement, picture, decoration, etc., except on documents, stationery or jewelry without accompanying design, wording or advertising. Unlawful exhibition or display was made punishable by a maximum fine of \$100. Mutilations, etc., shall be punished either by such fine, or imprisonment for not over 30 days, or both. Chapter 284 prohibited any and all persons from acting as runners for attorneys-at-law in soliciting or procuring for the latter business from third persons in state prisons, jails, courts, hospitals, institutions, public places, or on private property. A violation was declared a misdemeanor punishable by a fine of from \$100 to \$500, or imprisonment for from 1 to 6 months, or both. If the offender is a public officer, he shall in addition forfeit his office and employment. Chapter 305 vested county boards of supervisors with the power to require monthly financial reports from any officer or office of the county, or any district thereof, and to investigate bills and receipts of any such officer. For these purposes they may subpoena witnesses, administer oaths, require production of records, etc. Failure or refusal to obey any lawful order of the board is a misdemeanor, punishable by a maximum fine of \$500, or a jail sentence of not over 12 months, or both.

B. Conduct Injurious to Private Liberty

The *Federal Congress* (72d, 1st session, Ch. 271) declared that whoever knowingly transports (or abets therein) in interstate or foreign commerce, any person unlawfully seized, confined, kidnapped, abducted, etc., and held for ransom is punishable by penitentiary sentence "for such term of years as the court in its discretion may determine." Two or more persons who enter into an agreement, confederation or conspiracy to violate this act, or who do any overt act under such agreement are liable to the same punishment. *Louisiana* (Ch. 215) declared it a crime, punishable

with imprisonment at hard labor for from 1 to 7 years, to entice, abduct, or kidnap any inmate of an insane asylum, home for feeble-minded, or orphan asylum. Attempts to commit this crime were declared "offenses" with penalty of imprisonment, with or without hard labor, for from 6 months to 2 years or a maximum fine of \$1,000. These penalties were also fixed for the offense of secreting, harboring or detaining any such abducted person. Under an act of 1904, the abduction of a patient from the State Hospital for the Insane was formerly punished by a fine of \$50 to \$500, or a jail sentence of 1 to 6 months, or both fine and imprisonment. Chapter 221 extended the previous laws governing kidnaping of children to cover any person or persons, the penalty of maximum imprisonment at hard labor for 20 years remaining unchanged. *Mississippi* (Ch. 301) declared that anyone guilty of forcible seizure and confinement of another, or of inveigling or kidnaping another with intent to cause confinement against the will, or of kidnaping a child under 10 years of age and secretly confining that child against the will of parents or guardians, shall on conviction suffer death, or life imprisonment, if so fixed by the jury in its verdict. If the jury fails to agree on either death or life imprisonment, the Court shall fix the penalty at not less than 1 year, nor more than 30 years in the penitentiary.

New York (Ch. 578) repealed Penal Law, section 1254, "Removing from the State persons held to service in another state" (under Article 18, "Kidnaping.") This was a felony, punishable by imprisonment not to exceed 10 years, and a penalty of \$500 recoverable in a civil action by the party aggrieved. The offense was defined as follows: "A person claiming that he or another is entitled to the services of a person alleged to be held to labor or service in a state or territory of the United States who (except as authorized by special statute) takes, or removes, or wilfully does any act tending towards removing from this state any such person is guilty of a felony."

Rhode Island (No. 1866) amended section 21, Ch. 395, General Laws, which penalized by imprisonment up to 10 years, or a maximum fine of \$1,000, or both, the forcible removal of any person into another state, without his consent. The revised section reads: "Whoever without lawful authority forcibly or secretly confines or imprisons another person within this state against his will, or forcibly carries or sends another person out of this state, or forcibly seizes or confines or inveigles or kidnaps another person, with intent either to cause him to be secretly confined or imprisoned within this state against his will, or to cause him to be sent out of this state against his will, shall be guilty of a felony," the maximum punishment being 20 years imprisonment. The commission of any of the above offenses with intent to extort money was penalized by imprisonment of from 5 years to life.

C. Conduct Injurious to Life, Limb and Health

The Federal Congress (72d, 1st session, Ch. 465) passed a law governing the District of Columbia "to control the possession, sale, transfer and use of pistols and other dangerous weapons." Pistol (less than 12 inches long), sawed-off shotgun (less than 20 inches long) and machine gun were defined. Committing a crime of violence when armed was made punishable by maximum terms in addition to the punishment for such crime of 5 years for the first offense; 10 years for the second offense; 15 years for the third offense, and 30 years for the fourth offense. Those convicted of a crime in the District, or of a crime of violence elsewhere, were forbidden to own or have a pistol and it was forbidden to carry a concealed weapon (except in one's dwelling or place of business) without a license. Military and naval officers, police, sheriffs, marshals, etc., and makers of and dealers in firearms were excepted. Power to issue licenses for good reason to suitable persons for 1 year was given to the District Superintendent of Police. The sale of pistols to persons of unsound mind, to drug addicts, to convicted persons or to minors under 18, was forbidden. Sales and transfers were regulated; retail dealers must be licensed, and wholesale dealers may sell only to such licensed dealers. Dealers were forbidden to display pistols or placards advertising them. False information in application for a license, and alteration of identification marks on weapons were prohibited. Toy pistols or antique pistols unsuited for use as firearms were excepted from the act. Possession of machine gun, sawed-off shotgun, blackjack, sling shot, sandbag, metal knuckles, firearm silencers or mufflers, etc., was forbidden except that the military police and public officers, etc., as above may possess machine guns, sawed-off shotguns and blackjacks. The penalty for any violation was fixed at a maximum fine of \$1,000 or imprisonment for not over 1 year, or both. Sections 855, 856 and 857 of the Code of the District of Columbia were repealed. The penalty for carrying weapons (with certain officials excepted) was under those sections a fine of \$50-\$5,000 or not over 1 year's imprisonment, or both; permits could be granted by police court judges for one month only, the applicant filing a bond. Dealers were licensed by the commissioners of the District, etc. "Deadly or Dangerous Weapons" was the only term employed to describe the prohibited articles. *Louisiana* (Ch. 21) fixed the following penalties for dangerous operation of motor vehicles. (1) Drunken or narcotic drivers, on conviction, 30 days to 4 months' jail, or fine of \$50 to \$250, or both fine and imprisonment; for second, or later offenses, 90 days to 1 year in jail and a \$1,000 fine. (License to be revoked either temporarily or permanently.) (2) For reckless driving, the maximum (for second or subsequent convictions) is from 10 days to 6 months imprisonment, or \$50 to \$1,000 fine, or both. (3) Hit and run drivers: from 30 days to 1 year in jail, or a fine of from \$100 to \$500, or both, with revocation of license. Chapter 106 made it unlawful to possess, sell, dispose of, transport, deliver, in any form,

the plant Marihuana (or any derivative), and to possess, sell, deliver, dispose of, or manufacture any cigarette, tobacco, or smoking, chewing or snuffing articles, containing this plant in any degree or in any form. The penalty for any violation was fixed at a fine of from \$50 to \$1,000 and parish jail imprisonment of from 30 days to 12 months. The sale, etc., of remedies with not more than one-half grain of solid extract of Cannabis Indica, Cannabis America (sic!), or Marihuana, for external use only, as medicines, "and not to evade the purpose of this act," were exempted. Chapter 80 regulated the sale, possession and transportation of machine guns. Possession was prohibited except by sheriffs, police, etc., by members of military organizations; by persons or organizations owning or exhibiting war relics; and by guards or messengers of common carriers, banks, etc., when handling money, bullion, etc. Manufacturers and merchants were authorized to sell, keep, and possess these weapons, but not to permit possession to pass, except to (1) a manufacturer or merchant, (2) a common carrier for legal shipment, (3) an authorized agent of the U. S. A., or of the state, or (4) a person authorized by the act to purchase such guns. Manufacturers and merchants were also ordered to keep a register giving required data for every sale, open to inspection by sheriffs or police, and to allow such officers to inspect the entire stock of such guns at any time. (1) Penalty for any violation by a manufacturer was fixed at imprisonment in the penitentiary, at hard labor, from 1 to 5 years. (2) Penalty for any violation by any person was fixed at imprisonment, as above, for from 1 to 10 years unless he has been previously convicted of murder, robbery, burglary or felonious assault, in which case the minimum sentence to imprisonment was set at 3 years. Chapter 199 constituted an Explosives Law repealing all conflicting laws. The unlawful sending or delivery of explosives or noxious or dangerous thing with the intent to burn, maim, disfigure or harm a person (and if death does not result); and the carrying or possessing of any bomb, bomb-shell, explosive, foul substance, etc., for unlawful purpose, were declared felonies, punishable with a state prison sentence of not more than 5 years. The placement of explosives in or near buildings or structures where human life might be endangered (although no damage results); aiding, abetting, or conspiring in placing in or near buildings, etc., any explosive, foul, injurious, or offensive substance, with intent to injure or molest another, his property or business, were declared felonies punishable with imprisonment for not over 15 years. The placing of explosives which cause destruction or injury to another's property was made punishable with a maximum prison sentence of 25 years and if injury to persons is caused by the placement of explosives in, upon, or under buildings or structures, the sentence shall be for life. Under laws hereby repealed, the use of explosives in blowing up structures where "human beings are customarily to be found" was punished by death (Act 108, 1908); attempts so to blow up various structures

entailed a hard labor sentence of from 5 to 10 years (Act 107, 1918); unlawful possession of combustibles or explosives was punishable with from 1 to 20 years (Act 89, 1916) and the preparation or placement of combustibles or explosives with intent to blow up certain structures entailed a hard labor sentence of from 5 to 15 years, even though the explosive had not been ignited. *Massachusetts* (Ch. 211) punished the extortion or compulsion of conduct under threat of injury with a maximum state prison sentence of 15 years, or a maximum jail or house of correction term of 2½ years, or a maximum fine of \$5,000, or both fine and imprisonment. *Mississippi* (Ch. 294) exempted from a charge of manslaughter a person who by use of medicine or instruments kills the child of a pregnant woman in order to preserve the life of the mother. Chapter 328 made robbery a capital offense where the taking is felonious, either from the person or from the presence of the person, against the will by violence or in fear of injury by exhibition of a deadly weapon. The punishment was fixed at death, if so determined by the jury. If the jury fails to fix the penalty at death, the Court term not less than 3 years. *New Jersey* (Ch. 61) made some modifications in the procedure for securing or revoking licenses misdemeanors, while under former law they were misdemeanors. *New York* (Ch. 275) changed the punishment of first degree robbery from an indeterminate term not less than 15 years to such a term not less than 10 and not more than 30 years. *Rhode Island* (No. 1857) punished the selling, furnishing or giving away of wood alcohol, or any preparation containing such alcohol, if the person so disposing of it knows that it is to be used for beverage purposes, with imprisonment for any term of years or for life, the seller being declared liable for damages for any personal injuries or death resulting from consumption. Chapter 1921 punished by a maximum fine of \$1,000, or a maximum prison term of 5 years, or both, any person who places in, on or about any theatre, motion picture house, etc., where people are assembled for the purpose of entertainment or instruction, any substance or thing liable to interrupt or disturb them, endanger life or limb, or injure property; or whoever throws, places, or explodes in or upon such place any bomb, torpedo, or explosive or offensive substance, with unlawful intent, etc. Chapter 1943 made certain consolidations in the definition of first degree murder without effecting any change in the scope of that definition. Chapter 1948 amended the Drug Law, added pharmacists to those who may be in lawful possession or control of prohibited narcotic drugs, and provided (1) that such persons must be duly registered if the law so orders; (2) that all original packages of drugs must bear the manufacturer's numbers; (3) that all transactions must be covered by written order, to be preserved for 2 years, and accessible for inspection by those duly authorized. Penalties for violations of these sections were fixed at not over \$1,000 in fines,

or a maximum prison term of 3 years, or both. Persons visiting various resorts for the purpose of using prohibited drugs were declared punishable by a maximum fine of \$300, or 6 months in jail, or both. If such a person is found to be a drug addict, he shall be committed to the State Mental Disease Hospital for 1 year. Chapter 1953 declared as common nuisances any place or vehicle where or wherein milk is produced, handled, sold or transported in violation of the Milk Laws. The penalty for maintaining such a common nuisance was fixed at a fine of from \$100 to \$500, or imprisonment for from 30 days to 1 year, or both fine and imprisonment. *South Carolina* (No. 850) prohibited the sale, etc., of certain poisons (arsenate of lead, calcium arsenate, certain insecticides or fungicides) unless they contain a distinctive warning coloring, made the Commissioner of Agriculture the enforcement officer, and penalized violations with a maximum fine of \$300 or imprisonment up to 6 months. Act No. 882 declared it unlawful for any person to place or throw stink or tear gas bombs, etc., which contain foul odors in or near any place frequented by the public. The penalty was fixed at a maximum prison term of 1 year, or a maximum fine of \$1,000, or both. *Texas* (Ch. 43, 3rd session) of repealed chapter 167 (Laws of 1931), which prohibited the use of stink bombs, etc., (except for military authorities, police, and certain licensed persons) under penalty of a fine from \$100 to \$1,000, or imprisonment in county jail not over 12 months, or both and substituted a new act made necessary because "a considerable number of men, women and children in several cities have sustained considerable personal injury and property damage recently, because of unlawful placing of phosphorous bombs, flare bombs and tear gas bombs in and on others' property and in places of public gathering, and no effective means has been found to cause a cessation of such unlawful conduct." Its provisions are identical with those of the former act, except that licensed physicians, nurses and pharmacists only are exempt, instead of "other persons licensed under the laws of the State." But the offense is made a felony, and the penalty is increased to confinement in the penitentiary for not less than 1 year nor more than 25 years, or a fine of from \$25 to \$5,000, or both fine and imprisonment. *Virginia* (Ch. 123) modified its law governing prize fights, by permitting amateur boxing contests on certain conditions, by redefining those liable to penalty under the old law and by changing those penalties from a maximum penitentiary sentence of 3 years, or a maximum fine of \$500, or both, to a penitentiary sentence of from 1 to 2 years, or a jail sentence of from 6 to 12 months, or a maximum fine of \$500, or both such fine and jail sentence.

D. Conduct Injurious to Family Life and Children

Massachusetts (Ch. 95) provided that "any person who shall be found to have caused, induced, abetted, encouraged or contributed toward the waywardness or delinquency of a child or to have acted in any way tending to cause or induce such waywardness

or delinquency" may be punished with a fine of not more than \$50 or imprisonment for not over 6 months. Formerly only "parent or guardian or person having the custody or control of a wayward or delinquent child" was so punished. Chapter 180 provided that anyone who abandons an infant under 10 years of age shall, if the infant's death results from such abandonment, be punishable with a maximum state prison sentence of 5 years, or with imprisonment in a jail or house of correction for not over 2½ years. Formerly, the state prison sentence had no alternative penalty.

E. Conduct Injurious to Religious Beliefs

New York (Ch. 268) permitted the performance of concert and recital dances on Sunday, after 2 p. m. (with or without admission fee), in any city, town or village, provided (a) an ordinance has been adopted to such effect, and (b) such performances do not include any then current theatrical production and have not been performed more than 3 consecutive times during the preceding 6 days. *Massachusetts* (Ch. 96) relaxed its Sunday "blue laws" to the extent of permitting the delivery of kosher meats during certain hours. Formerly the sale of such meats was authorized, but not its delivery.

F. Conduct Injurious to Private Property Rights

The *Federal Congress* (Ch. 47, 1st session, 72nd Congress) authorized a labor union or association in the District of Columbia to adopt and to file with the Supreme Court of the District a device for a label or brand to designate the products of its labor. Unauthorized use, counterfeiting or imitating, etc., of such label was declared a misdemeanor punishable with a fine of from \$100 to \$500, or imprisonment for from 3 months to 1 year, or both fine and imprisonment. *Louisiana* (Ch. 21) declared the unauthorized use of a motor vehicle to be a misdemeanor, punishable with a maximum fine of \$500 and not over 90 days in jail. The stealing of a car, or the receiving of a stolen car was declared a felony punishable with a penitentiary term, at hard labor, of from 1 to 5 years. Chapter 21 declared the tampering with a motor vehicle or malicious mischief to such a car to be misdemeanors, punishable with a maximum fine of \$500 and a maximum jail term of 90 days. Chapter 140 codified the laws regulating homestead and building and loan associations and added a number of penalties to those provided in prior statutes. The wilful making of false statements as to financial condition, management, assets, etc., of such associations was made a misdemeanor, punishable with a maximum fine of \$1,000, or maximum imprisonment for 1 year, or both. The making of false entries, or the omission of correct entries, etc., was made a felony with a hard labor sentence of from 1 to 5 years. Embezzlement in any form by principal or accessory, was made punishable with imprisonment at hard labor for not over 7 years,

and forgery of any record, certificate, or any kind of written document was made punishable with imprisonment at hard labor for from 2 to 14 years. Chapter 94 modified the penalties for the felony of stealing a hog, sow, boar, sheep, pig, lamb, goat or kid. Heretofore, the punishment was imprisonment, with or without hard labor, for not less than 6 months, nor more than 1 year; without regard to the value of the animal or animals stolen. The new law provides that if this value is \$20 or more, the sentence shall be for not more than 2 years, with or without hard labor, but that if the value is under \$20, the sentence shall be jail imprisonment not to exceed 1 year. *Massachusetts* (Ch. 192) redefined arson and in general imposed milder penalties than those hitherto in force. (1) The wilful burning of a dwelling house, occupied or not, was made punishable with a state prison sentence up to 20 years. (2) The wilful burning of public buildings or certain other structures was penalized by a maximum state prison term of 3 years, regardless of the time of day or night the burning takes place. Formerly the burning of such buildings or structures at night was punishable by life imprisonment or by any term of years; if the burning took place in the day time, the maximum sentence used to be 10 years. (3) The wilful burning of grain, fences, wood, etc., or personal property of any class valued at \$25 or more and belonging to another; or the burning of any boat, or motor vehicle, etc., no matter who owns it, was penalized by not more than 3 years in the state prison or a maximum fine of \$500 and a maximum jail term of 1 year. Formerly the wilful burning of grain, etc., belonging to another was punishable with a maximum state prison term of 5 years or with the other maximum penalties retained in the new act. (4) Attempts to burn anything covered by foregoing sections were defined and penalized with a maximum term of 2½ years in a jail or house of correction or with a maximum fine of \$1,000. (5) Injury to another's land or property by virtue of the setting of wilful fires on such land or on that of the defendant was penalized with a maximum fine of \$500 or a maximum jail term of 1 year. Formerly such an offense carried only a maximum penalty of \$250. (6) Wilful burning of goods, buildings, etc., with intent to defraud the insurer was penalized with a maximum state prison sentence of 5 years or a maximum jail or house of correction sentence of 2½ years. The former penalty was a maximum state prison sentence of 20 years. Chapter 86 added "lodging houses" to the inns and boarding houses already protected against those who fraudulently secure accommodation, etc. The penalty remained the same as for those so defrauding the other places mentioned—a maximum fine of \$200 or a maximum jail term of 1 year. A lodging house was defined as a house where lodgings are let to 5 or more persons not within the second degree of kindred to the person conducting it and not including dormitories of charitable, philanthropic, or educational institutions. Chapter 11 penalized the use, or attempted use, of any trick, device, or slug in any slot or vending machine,

coin-box, or instrument designed to receive lawful coins. The maximum penalties were fixed at a fine of \$100 or 30 days in jail, or both. The manufacturing, sale, etc., of such slugs or devices was made punishable with a maximum fine of \$500, or a maximum term of 1 year in the house of correction, or both such fine and imprisonment. *Mississippi* (Ch. 272) repealed sections 780-786, Code of 1930, relating to arson, defined the crime of arson, and classified it into 4 degrees. First degree: Wilful, etc., burning of his own or any dwelling house (whether occupied or vacant), or any kitchen, shop, etc., that is parcel thereof or adjoining thereto. Sentence: Penitentiary, from 2 to 30 years. Second degree: Burning his own or any building or structure whatsoever not described in preceding section. Sentence: Penitentiary, from 1 to 10 years. Third degree: Burning any personal property whatsoever, if of the value of \$25 and the property of another. Sentence: Penitentiary from 1 to 3 years. Fourth degree: (a) Attempts under any of 3 preceding sections or (b) Placing inflammables or combustibles, etc., with intent to burn constitutes an attempt. Under the old law the penalties ranged from death (unless the jury should fix life imprisonment) for burning a dwelling at night time; not less than 10 years for burning in the day time a dwelling, etc., usually occupied, or for burning at night a shop, out-house, etc., adjoining or part of a dwelling; not more than 10 years for burning an out-house, etc., in daytime, or for burning any other kind of building or structure either by night or by day. The penalty for burning bridges, railroads, railroad cars, goods or chattels of any kind, hay, crops, trees, etc., was formerly a sentence to the penitentiary for from 2 to 7 years or fine with imprisonment in the county jail, at the discretion of the court. Chapter 299 made it a misdemeanor for any person, with intent to defraud, to give, or deliver a check, draft or order on a bank, thereby obtaining money or goods where such person has no funds or insufficient funds to his credit to pay the check, etc. The penalty was fixed at a fine not to exceed \$100 or a county jail sentence of not over 30 days, or both. Proof of no funds, or insufficient funds, on deposit, or subsequent withdrawal of funds, was declared to be prima facie evidence of intent to defraud, if the check is presented in 30 days. Chapter 272 reduced the penalty of burning or attempting to burn any insured real or personal property with the intent to defraud or injure the insurer, from a penitentiary sentence of from 7 to 10 years to such a sentence of from 1 to 5 years. *New Jersey* (Ch. 104) declared that all moneys paid by a mortgagee to a mortgagor for building, altering, repairing, etc., and all funds for building received by a contractor from an owner or mortgagee of lands, leaseholds, etc., or received by a subcontractor for such purposes from owner, mortgagee or contractor constitute trust funds in the hands of the recipient. Payment, application or appropriation of any such funds for any purpose inconsistent with such trust fund theory is made a misdemeanor punishable with a maximum fine of \$1,000 or imprison-

ment, with or without hard labor, for a maximum term of 3 years, or both. Chapter 141 declared that he is guilty of a misdemeanor who, by false representations as to his ability to pay the usual and reasonable cost of medical or surgical treatment secures such treatment from any State, county, municipal or charitable institution, free or at reduced rates. The same penalty was provided for one who obtains, by false representations, "financial or other assistance in any form," from any department of public welfare or the overseer of the poor of any county. Chapter 396 declared guilty of a false statement (oral or written) obtains from any county, municipality, officer, committee, commission, or body of the State, or from any private or charitable organization, any thing of value, "under pretense that he is poor and needy or out of employment." *New York* (Ch. 275) changed the punishment of first degree burglary from an indeterminate term not less than 15 years to such a term not less than 10 and not more than 30 years. Chapter 413 made it a felony (punishable with a state prison sentence not to exceed 3 years) for a person willfully to interfere with, injure, destroy or tamper with (or instigate or further such act) a horse, mule, dog or any other domestic animal used for racing, breeding, or competitive exhibition of skill, breed, or stamina—whether such animal belongs to himself or to another. Chapter 614 declared that when the owner or any other person, with intent to deprive or defraud the mortgagee of real property of the use or benefit thereof, tears down, burns, destroys, or changes the style or character of a building, etc., so as to destroy or depreciate the value thereof, such action shall be deemed a larceny, unless the written consent of the mortgagee was secured. *Rhode Island* (No. 1890) added a new section to the law conserving and protecting certain fisheries, thereby providing a maximum of 2 years imprisonment or a maximum fine of \$1,000, or both for the cutting, removing, displacing, or damaging of any "trap, leader, or holding pound" set by virtue of a license issued by the Harbor Commission. Chapter 1891 prohibited the manufacture, sale, advertising, or giving away of any slug, device or article calculated to be placed or deposited in vending machines, turnstiles, meter, coin-box telephone, register, etc., with intent to cheat or defraud the person entitled to the contents of these machines, etc. Maximum penalties were fixed at \$500 in fine, or imprisonment for 1 year, or both. The use of such articles was subjected to maximum penalties of \$100 in fine or 30 days in jail, or both. *South Carolina* (No. 833) provided that "in all cases of trespass where the alleged violation of law is based upon riding upon a train or car of a common carrier without permission or authority, in no case shall the punishment for such trespass be greater than imprisonment for 5 days in the county jail, or the payment of such trespassers being \$5." The act prohibited the sentencing of such trespassers to service on the chain gang. Formerly the maximum fine was \$50 and the maximum prison term 30 days to be served either in the

jail or on the chain gang. *Texas* (Ch. 25, 3d session) declared it a criminal offense for any lessee, assignee, or holder of an oil or gas lease (or their agents, etc.), without the consent of the person entitled to any part or any proceeds of the oil or gas produced, to convey fraudulently any part or any proceeds thereof to his own use and benefit, with intent to deprive the owner of its value. The punishment shall be as prescribed in the Penal Code for theft, i.e., when the value is \$50 or over, it is a felony theft, with imprisonment in the penitentiary for from 2 to 10 years; when the value is under \$50, the penalty is jail imprisonment for not over 2 years, and fine of not over \$500, or such imprisonment without fine. *Virginia* (Ch. 102) reduced the punishment of an officer or agent of a building and loan association who makes false statements to the State Corporation Commission of the financial condition of such an association. Where formerly this offense was punishable by a fine of from \$100 to \$1,000 and a penitentiary sentence of from 1 to 10 years, the court may now impose either such fine, or imprisonment, or both. The act, furthermore, declared guilty of a misdemeanor anyone who makes or circulates false statements, rumors, etc., derogatory to the solvency of any building and loan association, and fixed the punishment at a maximum fine of \$1,000, or a maximum jail sentence of 1 year, or both. Chapter 293 added to the code a new section (4439-a) providing that if any person, with intent to commit any larceny, break and open, or open any pump, tank, or container used for dispensing or storing kerosene, gasoline, motor oil, etc., he shall upon conviction be confined in the penitentiary for from 1 to 10 years or, in the discretion of court or jury, be confined in jail for not over 12 months and pay a maximum fine of \$500. Chapter 366 made some modifications in the act defining arson, the principal change being an inclusion of the owner of the property burned among those guilty of arson, if he has caused that property to be burned or destroyed, or has counseled, aided, or procured its burning or destruction. Formerly, the owner himself was not in such cases penalized.

G. Conduct Injurious to Public Order and Morals

The Federal Congress (72d, 1st session, Ch. 416) simplified the Panama Canal Zone Gambling Law, by providing that (1) every person who conducts for gain any game of "faro, monte, roulette, lansquenet, rouge-et-noir, rondo, tan, fan-tan, stud-horse poker, poker, seven-and-a-half, twenty-one, hokey-pokey, or any other game for money," etc.; (2) every person who possesses or controls gambling machines or devices, and (3) every person who has or keeps in any room, building, etc., owned, leased, or occupied by him any gambling device or game, is liable to a maximum fine of \$1,000, or a prison term up to 1 year, or both. Formerly persons engaging in gambling were punishable with a maximum fine of \$100, or a jail term up to 30 days or both; proprietors of gambling devices could be fined from \$100 to \$500 or sent to prison up to

1 year, or both, and owners or occupants of private premises where gambling was permitted (as well as keepers of public gambling rooms), were liable to the same fine or imprisonment up to 2 years, or both; "common gamblers" as defined by the law were punishable with a maximum fine of \$1,000 and a jail term of from 1 to 6 months, etc. *Kentucky* (Ch. 47) repealed section 18, L. 1922, Ch. 33, which provided that on a first violation of the State Liquor Law (except for public intoxication, and except where a penitentiary sentence is imposed), the court must require from defendant in addition to the penalty (and "not as a part of the punishment inflicted") a peace bond of from \$1,000 to \$5,000 for good behavior for 1 year, and for non-violation of any state laws relative to liquor. If the bond was not forthcoming, defendant was committed to county jail for a period of 90 days. *Louisiana* (Ch. 21) passed a comprehensive highway traffic act. Any motor traffic violation not expressly penalized by the law shall carry a maximum fine of \$100 or a maximum municipal jail term of 10 days, or both, for a first offense. If a second offense is committed within a year after the first, it shall be punishable by a maximum fine of \$200 or a maximum of 20 days in a municipal or parish jail, or both. A third offense carries penalties of a maximum fine of \$500 or a maximum jail term of 6 months, or both. *Mississippi* (Ch. 258) declared that any motor vehicle used to transport school children on public highways, whether privately owned or furnished by county or school district, must be equipped with dependable brakes, and in addition with an emergency brake such as to insure reasonable and safe control in an emergency. Tests of brakes must be made by a competent mechanic at least twice per month, who must give a certificate of fitness to be filed with the school principal or superintendent. If no mechanic is available, the principal may inspect, and issue certificate. Giving a false or untrue certificate is a violation. The punishment for any violation is a fine of from \$10 to \$200, or a maximum jail term of 1 year, or both. *New York* in 1931 added a new section to its disorderly conduct law to include among those punishable under that law anyone who is "engaged in some illegal occupation or who bears an evil reputation and with an unlawful purpose consorts with thieves and criminals or frequents unlawful resorts," but set the date of expiration of this section at March 1, 1932. Chapter 58 (1932) made this provision permanent. Chapter 580 repealed sections 830, 833 and 834 of the Penal Law. Under section 830 acrobatic exhibitions and balloon ascensions for the purpose of making a descent were misdemeanors, with a fine of \$250 for the first offense and a fine of \$250 and imprisonment from 3 months to 1 year for subsequent offenses. Section 833 prohibited puppet-shows, wire or rope dancing or other idle shows for gain which common showmen, mountebanks, or jugglers usually practice or perform, etc. The penalty was a forfeiture of \$25 to the overseers of the poor of the town. Section 834 prohibited the exhibition, for gain, of any painting, any animal, or natural or

artificial curiosity, etc., without permission from 2 justices of the peace of the town. The penalty was the same as in section 833. *Rhode Island* (No. 1857) repealed the Prohibition Enforcement Law (Gen. Laws, Ch. 127) thereby legalizing all actions it declared to be violations. No. 1858 gave a new classification of "common nuisances" into (a) houses of prostitution, of ill-fame, or of gaming or resorts of disorderly persons, and (b) all buildings, vehicles or vessels used for manufacture, transportation, sale or keeping for sale of intoxicating liquor. The penalties for violations falling under (a) were increased from a maximum fine of \$500 and a maximum term of imprisonment of 1 year, to imprisonment of from 6 months to 3 years in the Providence county jail. Penalties for offenses under (b) were fixed as follows: first and second offense, a fine of from \$100 to \$300; third and subsequent offenses, a maximum fine of \$500, or a maximum jail sentence of 1 year, or both, provided that no person shall be prosecuted for any act for which he has been placed in jeopardy under the National Prohibition Act. No. 1902, the language of which is reminiscent of Elizabethan England, modifies the penalties for vagrancy, etc. One section of the law involved relates to idle persons with no visible means of support; sturdy beggars soliciting alms; persons wandering abroad and lodging in station-houses, out-houses, market-places, uninhabited buildings, or in the open air, and not giving a good account of themselves; common prostitutes, drunkards, and night-walkers; lewd, wanton or lascivious persons, common ralers or brawlers; those who speak or behave in obscene or indecent manner in a public place; persons who neglect all lawful business and misspend their time in houses of ill-fame, gaming houses, or tipping shops; common cheats, vagrants and disorderly persons. All such persons were formerly subject to imprisonment of from 6 months to 3 years in the State Workhouse and House of Correction. The new penalty is fixed at maximum imprisonment of 3 years in the Providence county jail, with a provision that the court may order that sentences under 30 days be served in other county jails. The penalty for being a vagabond was fixed in the same manner, with the exception that the maximum term was set at 12 months, the former penalty having a minimum term of 4 and a maximum of 12 months, served in the State Workhouse and House of Correction. A vagabond was defined as "a person known to be a pick-pocket, thief, or burglar, and having no visible means of support, found prowling around any steamboat landing, railroad depot, bank broker's office, place of amusement, auction room, store, shop, crowded thoroughfare, car or omnibus, or at any public gathering or assembly." No. 1922 punishes with a maximum fine of \$300, or imprisonment for not over 1 year, or both, any person who tattoos a minor under 21 years of age, i. e., marks the skin with indelible patterns by punctures and pigments. *Virginia* (Ch. 78) reduced the penalty for the felony of intermarriage between white and colored persons from a penitentiary sentence of from 2 to 5 years to such a sentence of from 1 to 5 years.

H. Conduct Injurious to Private Enterprise and Professions

Kentucky (Ch. 34) increased penalties for practising dentistry without a license for a first offense, from a fine of \$5 to \$20 to a fine of from \$100 to \$500, each day of practice being regarded as a separate offense. Formerly no distinction was made between first and second offenses; the new act declared the second offense a felony punishable by a fine of from \$100 to \$500 or imprisonment for 6 months, or both. Chapter 139 elevated "barbering" and "beauty culture" to the dignity of professional practice, by creating a "State Board of Barber and Beautician Examiners," along the more or less standard lines for regulating professions and practices. The board consists of 1 master barber, 1 "unorganized" master barber, 1 journeyman barber and 1 beautician, to be appointed by the Governor. The board was authorized to refuse, to grant, to suspend, or to revoke a certificate of registration—(a) For conviction of a felony; (b) For gross malpractice or gross incompetency; (c) For having an infectious or contagious disease; (d) For habitual drunkenness or drug addiction; (e) For using rooms also used for residential or business purposes; (f) For violation of any provision of this act or of rules and regulations prescribed by the board. Violations of the act were declared misdemeanors, but with only a penalty of a fine of from \$25 to \$200. *Louisiana* (No. 140) prohibited any member, officer, or director of a homestead and building and loan association from accepting favors, commissions, gratuities, etc., under penalty of imprisonment at hard labor for from 1 to 3 years and a maximum fine of \$5,000. *Mississippi* (Ch. 279) increased the penalties (fine of \$20 to \$200, or imprisonment up to 30 days) for practising law, medicine, dentistry, and pharmacy without a license, as follows: (1) For a first offense: fine from \$100 to \$200, or county jail sentence from 3 months to 1 year, or both. (2) For second offense: fine, \$200 to \$500, or penitentiary sentence from 1 to 2 years; (3) For subsequent offenses: Punishment in the court's discretion—but not to exceed a fine of \$5,000, or imprisonment for 5 years. *New Jersey* (Ch. 29) repealed a law of 1931, licensing and regulating the business of buying and selling raw furs, hides, or pelts of beaver, otter, muskrat and the like by non-residents of the state. The penalty for violation of the repealed act was a fine of \$100. *New York* (Ch. 112) added a new section (421-b) to the Penal Law and provided that in every designation, description, advertisement, etc., of any real property not situated in the county, the name of the town, village, city, or other political subdivision where the property is located must be given prominence. A violation is punishable as a misdemeanor. Chapter 282 materially amended the Penal Law, section 925-a, in so far as it concerned the definition and the elements of the crime of fraud on hotel guests. The offense remains a misdemeanor as under the original law of 1925 (Ch. 263), which however related only to drivers of vehicles and to public porters. The amendment covers

any person (a) who by false statement diverts any traveler or other person to another hotel, boarding house, etc., and (b) who pays money, etc., to another for diverting patrons from one hotel, etc., to another. There are added presumptions of evidence that the act was committed for purposes of gain, and that prior notice of any such diversion of patronage implies knowledge of false statements, etc. Chapter 469 amended the existing law regulating the practice of architecture, enumerated 5 specific misdemeanors (holding out one's self as entitled to practice, filing the license of another, giving false evidence to the board of examiners, false impersonation, using a revoked license) under the act, "or any other violation," and fixed the penalty at a fine of from \$100 to \$500, or 1 year's imprisonment, or both. *Virginia* (Ch. 283) prohibited the sale of storage batteries unless they are stamped or labeled with the name and address of the manufacturer, the date of manufacture, etc., and, if rebuilt, with a permanent mark to that effect with the name and address of the person who rebuilt it. Violations were declared misdemeanors, with maximum penalties of \$250 in fines, or 6 months in jail, or both.

III. POLICE

Kentucky (Ch. 45) repealed section 17, L. 1922, Ch. 33, which provided that a reward of \$50, payable from county funds, might be allowed by the county fiscal court to any person furnishing information resulting in the arrest and conviction of any defendant for illegally manufacturing intoxicating liquors. *Louisiana* (No. 21) passed a very comprehensive act on traffic regulation on public highways and incidentally created a State Highway Patrol under the control of the State Highway Commission. The patrol consists of 150 patrol men, to be selected by the superintendent, who will carry out the law and regulations on all state roads, but "shall never by anyone or under any circumstances be ordered . . . to perform the duties or functions . . . of the organized militia." Organization, equipment, headquarters, stations, selection and removal of patrol men, and their authority (all powers of peace officers, right to serve legal process, right to carry arms) and a budgeted appropriation are provided for. *Massachusetts* (Chs. 42-43) placed the office of chief of police in the towns of Great Barrington and South Hadley under Civil Service Law, if the annual town meetings by a majority vote accept this provision. *Mississippi* (Ch. 321) authorized the Governor to pay a reward, not exceeding \$50, for the arrest and delivery to proper authorities of any convict who escapes from the state penitentiary, and ordered the secretary of the prison board of trustees to notify the Governor of any such escape. *New Jersey* (Ch. 164) empowered the Governor to offer a reward, not to exceed \$25,000, for the furnishing of information resulting in the apprehension and conviction of anyone guilty of kidnaping a child under 16 years of age. The amount of the reward is in the discretion of the Governor,

and payment is to be made by the treasurer of the state. Chapter 216 directed the Superintendent of State Police to reduce the personnel of his force "to conform to the appropriations made for salaries, maintenance, and expense, or otherwise." In so doing he was authorized to "stagger" the personnel, as far as practicable. He is to keep a register of those "laid off," and if future appropriations warrant an increase of personnel, he may re-employ those so laid off, without further examination. *New York* (Ch. persons so laid off, without further examination. *New York* (Ch. 480) declared that if a person who has obeyed the county or police officer to assist in an arrest is as a result killed or injured or his employer's property damaged, he, his estate, or his employer, as the case may be, shall have a cause of action for damages against the municipal corporation by which the officer is employed. *South Carolina* (No. 628) abolished the rural police system of Richland county, which consisted of eight policemen appointed by the sheriff and subject to his orders. Act No. 662 instead authorized the appointment of 4 deputy sheriffs and prescribed their duties. Act No. 673 abolished the rural police system of Kershaw county. Act No. 690 increased from 3 to 4 the number of rural policemen in York county, increased their salaries and cut in half the compensation to the members of the rural police commission. Act No. 861 abolished the police commissions in counties containing cities of over 60,000 inhabitants. These commissions, consisting of 5 members, heretofore managed the police departments in the cities mentioned.

IV. COURTS AND PROCEDURE

A. General

The *Federal Congress* (72d, 1st session, Ch. 419) provided for extradition of fugitives from justice of the Republic of Panama who seek refuge in the Panama Canal Zone. The Governor of the Panama Canal is at liberty to decline to surrender a citizen of the United States. The procedure is prescribed at some length, as to notice, demand, telegraphic requests for detention, length of detention, delivery of fugitives, custody of papers in fugitive's possession, and expenses of capture, detention and transportation. Chapter 426 authorized the Governor of the Panama Canal to appoint a qualified member of the bar of the Canal Zone as a Public Defender, to represent in the District Court of the Zone any person under a criminal charge unable to employ counsel. The salary is \$1,200 per year, together with certain of the privileges of a Canal Zone employee. Chapter 492 provided that sentences for felonies in the District of Columbia shall be imposed for a maximum time, not to exceed the maximum fixed by law, and for a minimum not to exceed one-fifth of the maximum. *Kentucky* (Ch. 55) further restricted the privilege of a defendant to execute a bail bond on appeal in felony convictions. Formerly, only defendants sentenced to death or life imprisonment were not allowed to execute such bonds. To these are now added those convicted for robbery, burglary or having burglarious tools; bank or

safe robbery; assault with intent to rob; kidnaping and holding for ransom; and voluntary manslaughter, where the sentence exceeds 5 years. *New Jersey* (Ch. 108) made an addition to the Death Penalty Act to the effect that in case the judge who presided at the trial of the sentenced man is absent, or sick, or dead, or has gone out of office, any judge of the Court of Oyer and Terminer in the county where the conviction took place must sign the death warrant directed to the principal keeper of the state prison, etc. Chapter 233 amended the Disorderly Persons Act of 1918 by providing that magistrates are required to file with the county clerk all papers and proceedings in all cases of summary conviction only. Previously this was required in all cases of convictions of disorderly persons. The papers necessary for the record are enumerated. *New York* (Ch. 424) provided that any fugitive from another state, arrested here, may waive the issue of a warrant, and may consent to return to the state where he is charged with a crime, by signing a written waiver before a judge of a court of record who must inform him of his rights in the premises and of his right to a hearing on a *habeas corpus* or on a summary hearing. A copy of the waiver must be filed by the judge in the Executive Office at Albany within 10 days after its execution. *Rhode Island* (No. 1954) provided for further simplification in the form of the indictment. *Virginia* (Ch. 401) increased to 75 cents per day the earlier rate of 50 cents allowed a prisoner committed to the convict road force for non-payment of fine or costs.

B. Juvenile Delinquents

The *Federal Congress* (72nd, 1st session, Ch. 243) passed an act "for the purpose of co-operating with states in the care and custody of juvenile offenders" (under 21). Wherever such an offender shall have been arrested and charged with any crime punishable in a United States Court, he may after investigation by the Department of Justice be released to the proper state authorities, if it appears that he has committed a crime or is a delinquent under the laws of such state and that said state will assume jurisdiction and custody. The U. S. Attorney will in such case be authorized to relinquish prosecution, and the U. S. Marshal will convey the delinquent to such state, etc., upon such indictment or affidavit as is required in cases of extradition between states, if the delinquent signify his willingness to be so returned, etc. *New York* (Ch. 414) provided that when a male 16 years to 19 years old has been adjudicated a juvenile delinquent, or a disorderly person, or a wayward minor, or a vagrant, or has been convicted of a crime (excepting crimes punishable by death or life imprisonment), he may be sentenced to the New York House of Refuge, or the New York State Vocational Institution. If he has been convicted of a felony, the term shall not exceed the maximum prescribed for such felony; for any other offense or misdemeanor, the term shall not exceed 3 years. Chapter 528 added a new article (sections 330-346) to the Correction Law, creating the

State Vocational Institution for Male Offenders, between 16 and 19 years of age, and, until the acquisition of a site and the completion of the buildings, transferring to the Department of Correction the House of Refuge at Randall's Island for the care, treatment, training and education of such offenders guilty of disorderly conduct, waywardness, vagrancy, misdemeanors, or felonies not punishable by life imprisonment or death. When this vocational institution is ready to receive delinquents, those then confined in the House of Refuge shall be transferred thereto. The powers and duties of the superintendent, return of persons improperly committed, parole and discharge, retaking of escaped prisoners, etc., are provided for. The term for a felony in either institution shall not exceed the maximum prescribed; for any other offense or a misdemeanor, it shall not exceed 3 years. Transfers to other institutions may be made (1) if the inmate is over 19 years; (2) if he has been previously convicted of a felony; or (3) if he is incorrigible.

C. Suspended Sentence and Probation of Adults

Louisiana (No. 77) modified a statute of 1902 which made it a misdemeanor to desert or neglect the support of a destitute wife or minor children, and permitted the court, before trial or after conviction, to pass an order directing the defendant to pay a weekly sum for 1 year, and to release him on probation, under recognizance, with or without sureties, to comply with the order and to appear before the court whenever so ordered. The present act no longer requires probation but allows release on recognizance. There is a new provision for contempt proceedings by the district attorney, in case the defendant fails to make his weekly payments. After summary hearing, the court may impose a minimum fine of \$25 or, in default of this fine, a maximum jail term of 30 days. As an alternative, the court may fine the defendant the total sum due, to be paid within a given time, in default of which he may be committed to the parish jail for not over 1 year. No. 106 prohibited courts from suspending sentences of persons convicted under the provision of the act forbidding the possession, sale, disposal, etc., of the Marihuana plant of any derivative. *Rhode Island* (Ch. 1930) created a Bureau of Parole and Criminal Statistics under the direction of the State Public Welfare Commission, the function of the bureau being to supervise all persons placed on probation or on parole and to gather criminal statistics and make them available to various state officers. *South Carolina* (No. 772) empowered the recorder in municipalities with more than 60,000 population to suspend sentences imposed by him, upon terms regarded by him as fit and proper. *Virginia* (Ch. 262) modified section 1944 of the code, referring to the periodical payments through a court or a probation officer of moneys payable by a defendant released under recognizance. Formerly courts in cities over 50,000 in population were allowed to charge the defendant a

5 per cent collection or disbursement fee on the sums ordered paid or disbursed. This authorization is now extended to all courts in the state having jurisdiction.

D. Mental Disorders

Louisiana (No. 136) revised the procedure upon a plea of insanity of the defendant. It amended Art. 267, Code Crim. Proc. (1928) and repealed Arts. 265-273 of that Code. The procedure under the sections repealed was that when a plea of insanity was filed the presiding judge notified the coroner of the parish, and the superintendent of the hospitals for insane at Jackson and Pineville, who formed a commission of lunacy as to the sanity of the accused. (Each superintendent could designate a competent physician to act in his stead.) After investigation and personal examination, their findings were filed. If the accused was found presently insane, or was found to have been insane at the time of his crime, he was committed to the criminal ward of the insane hospital, but if he was regarded sane both presently and at the time of his crime, the Court proceeded with the trial. 1. If upon trial after a plea of present insanity, the judge or the jury found the defendant insane, he was committed to the criminal ward of the hospital, to await trial at such time as his reason was restored. 2. If upon the trial of the plea of insanity as a defense, the defendant was found to have been insane at the time of the crime, he was committed as above until discharged in due course of law. 3. When a defendant so committed was alleged to have regained his reason, a hearing was held before a judge, or a jury of 5, or a jury of 12 (according to the charge in the indictment), and a finding of sanity, or insanity, was made. The original (Art. 267) provided that on a plea of insanity, it must be a separate and special plea filed, tried and disposed of prior to any trial of the plea of not guilty, and no evidence of insanity was admissible upon trial of plea of not guilty. The amended article provided: (1) If before or during the trial, the Court has reasonable ground to believe that the defendant is insane to the extent that he is unable to understand the proceedings, etc., the Court shall fix a time for a hearing as to mental condition, appointing two qualified insanity experts (the qualifications are prescribed) to observe the defendant, and report the findings, in 30 days. Other evidence may be given at the hearing. If the Court finds that the defendant is able to understand the proceedings, etc., the trial shall proceed; if it finds contra, the defendant will be committed to the proper institution, but if an officer of such institution reports later to the Court that the defendant can understand, etc., then a second hearing is held, and the Court decides whether the trial shall proceed, or the defendant be recommitted. (2) Whenever the existence of insanity, at the time of the crime, becomes an issue in the cause, the court may appoint one, two or three qualified alienists to examine the defendant, etc., as in the previous procedure, and to

report within 30 days. The experts shall testify at the trial, and be examined by the Court, the prosecution and the defendant. Other expert witnesses may be called by the prosecution or the defendant. *Massachusetts* (Ch. 85) provided that in cases where the law previously permitted a court to appoint a third physician to give an opinion on the mental condition of an alleged insane person, in addition to the opinions of the two "properly qualified" physicians required by the law, that third physician must be one "who has had practical training in psychiatry, if one is available." *Mississippi* (Ch. 237) repealed sections 1327, 1328, Code of 1930, which provided (a) that insanity was not a defense against an indictment for murder, but that defendant might offer evidence in mitigation of the crime and if the jury found him guilty, but insane at time of crime, they were required to fix the penalty at life imprisonment, etc., (b) that in such case the trial judge might certify to the Governor his opinion that the defendant should not be placed in the penitentiary, and if, after investigation by the superintendent of State Insane Hospital (and any other proper means), the defendant were pronounced insane, the judge must order him transferred to the Asylum for Insane. *Per contra*, the Governor might order a convicted insane person transferred from the asylum to the penitentiary, upon proper proof of his restoration to sanity. The new law reads as follows: "When any person shall be indicted for an offense, and acquitted on the ground of insanity, the jury rendering the verdict shall state therein such ground, and whether the accused has since been restored to his reason, and whether he be dangerous to the community. And if the jury certify that such person is still insane and dangerous, the judge shall order him to be conveyed to and confined in one of the asylums for the insane." *New York* (Ch. 574) added a new section (83-a) to its Mental Hygiene Law as to proceedings for commitment to Matteawan State Hospital of dangerous insane inmates of State hospitals: (1) The superintendent of any State hospital, upon order of the Commissioner of Mental Hygiene, upon ascertaining that any inmate has committed (or is liable to commit) acts which would constitute homicide, or felonious assault, or that his presence is dangerous to the safety of other inmates, or officers, or employees, shall certify such facts to the district attorney of the county. (2) Such district attorney must obtain from the Supreme Court the appointment of a commission to determine the dangerous insanity of the inmate, etc. (3) The commission must make summary examination, the district attorney to be in attendance, and may call and examine witnesses, and the insane inmate is entitled to counsel. The commission must report to the Court the facts with their opinion thereon. (4) If the inmate is found dangerously insane, the Court, if it is in agreement with the report and opinion, must order such inmate committed to Matteawan State Hospital. When his insanity becomes no longer dangerous to safety, he may be transferred to any other hospital in the Mental Hygiene Department. (5) Such a commitment shall

not be deemed as evidence of commission of a crime, nor as punishment for a crime. *Virginia* (Ch. 41) provided that if there is reasonable ground to doubt the sanity of a convict in the penitentiary, the superintendent of that institution shall inform the Governor, who shall order the convict's examination by the State Board of Mental Hygiene. If he is found insane, he shall be transferred to one of the state hospitals. Formerly the Governor sent such a case before the Richmond City Circuit Court, and the fact as to sanity was ascertained by trial before a jury impaneled for that purpose. Chapter 259 modified section 1085 of the Code, which provides that when a person is brought before a court (for any purpose other than an inquiry into his mental condition) the judge, if it appears after an examination by one or more mental experts that he or she is feeble-minded, may order him (or her) detained, or placed under guardianship, or committed to the Department of the Criminal Insane (if charged with a felony) or to the State Colony for Epileptics and Feeble-minded (if charged with a misdemeanor.) Chapter 259 made a change in these provisions in favor of feeble minded "white persons." If such a person is not charged with one of the graver felonies (rape, homicide, highway robbery, etc.) he (or she) may, at the discretion of the superintendent of the State Colony for Epileptics and Feeble-minded and the Commissioner of Public Welfare be committed to that colony. If, after a "suitable period," he is found to be a "moral or social menace" to other inmates or unmanageable, he must be transferred to the criminal insane department of some state hospital or to some other custodial institution designated by the Commissioner of Public Welfare.

V. PENAL TREATMENT

A. State Surveys, Administration and Control

Kentucky (Ch. 41) authorized the Department of Public Welfare to employ and prescribe the duties of licensed and registered chiropractors to treat and care for patients in charitable and penal institutions under its control, the salaries paid to be equal to those of "doctors of other schools of healing" so employed. Chapter 38 replaced the State Board of Charities and Corrections by a Department of Public Welfare of 5 members (instead of 8), to be appointed by the Governor, as previously the Governor designated annually one member as chairman who must reside at Frankfort and give his entire time to the work of the board at a salary of \$5,000, the other members receiving \$2,000. (Former board served gratis.) The chairman succeeds to the powers and duties of the former Commissioner of Institutions. The act repealed section 4 of the act of 1928, which required "strictly non-partisan management" of all institutions, and abstention from any political activity on the part of any officer or employee of the board or of any institution, under penalty of removal from office, and prosecution for a misdemeanor, with punishment of a fine of from \$50

to \$1,000. Section 5 of that act (relating to powers and duties of the former Commissioner of Institutions), and section 6 (requiring a bond of \$25,000 from that commissioner) were also repealed. *Massachusetts* (Resolves, Ch. 8) ordered the Commissioner of Correction, the Commissioner of Mental Diseases, and the chairman of the Commission on Administration and Finance jointly to investigate the matter of hospital accommodations for the criminal insane, and to file a report with the clerk of the House on or before December 1, 1932. Resolves, Ch. 26 instructed the director of accounts to investigate the matter of proper fees and allowances in connection with the service of writs, etc., and the matter of proper allowances to public officers for expenses incurred in transporting prisoners, the report of the investigation to be filed with the Clerk of the Senate before December, 1932. *Mississippi* (Ch. 242) abolished the office of the superintendent of the penitentiary. In his place, the penitentiary board of trustees were authorized to employ a manager (salary of \$3,000 the same as that of the superintendent), with fidelity bond of \$20,000 (formerly \$10,000). The powers of the superintendent were transferred to the board of trustees to be exercised by them directly or through the manager. No one employed by the manager shall be related by blood or by marriage (within the third degree) either to him or to any of the trustees. Chapter 274 continued until 1936 the Research Commission created in 1930 to make a survey of "all phases and activities of the government of the State and of all political subdivisions thereof, as affecting the health, education, employment, progress and prosperity of the people" etc., and ordered the commission to make in the meanwhile full reports with recommendations to the Governor at least 60 days before each regular session of the Legislature. *New York* (Ch. 585) changed the name of the "Institution for Mentally Defective Delinquent Women" (at Albion) to the "Albion State Training School," to take effect July 1, 1932 (instead of on July 1, 1931). *Rhode Island* (No. 1888) ordered its State Public Welfare Commission to appoint psychiatrists as full-time resident physicians of the state institutions under its control. Formerly one of the two assistant physicians had to be a psychiatrist. The act in question also abolished the office of Director of State Institutions. *Virginia* (Ch. 199) directed the State Commission on County Government to make a study of the fee system of compensating public officers and to collect such data on this question from other states as may be helpful in its solution in Virginia. The commission was ordered to report its findings to the Governor a month before the next session of the General Assembly.

B. Penal Institutions

The Federal Congress (72d, 1st session, Ch. 310) clarified certain points of the law relating to the computation of sentences of imprisonment imposed by U. S. Courts, etc. Formerly, a sentence began to run "on the first day of [a prisoner's] arrival at the

penitentiary, prison, or jail." It shall now be computed from the date on which the prisoner is received at the penitentiary, reformatory or jail for service of the sentence, but if committed to some other place of detention to await transportation, the sentence shall begin to run from the date when he is received at such place. "No sentence shall prescribe any other method of computing the term." *Kentucky* (Ch. 130) reduced from \$1 to 75 cents the fee to jailers for keeping and dieting a prisoner in jail, when the offense of that prisoner is not a felony or contempt of court. *Mississippi* (Ch. 246) allowed the crediting of "wages" to a prisoner "during the time he remains in the jail and not at work." (Under section 4065 of the Code, a convict is allowed a credit of \$1 for each required day's work until fines and costs have been paid.) *New York* (Ch. 302) changed the name of the State prison for women at Bedford Hills to Westfield State Farm (formerly State Reformatory for Women). The accounts of the State prison for women and the Westfield State Farm were ordered combined (formerly they were required to be kept separate and distinct—L. 1931, Ch. 434). The provision (L. 1931, Ch. 455) that commitments from the 1st, 2nd, 3rd, and 9th Judicial Districts shall be to Westfield Farm (Bedford Hills), and those from the 4th, 5th, 6th, 7th, and 8th Judicial Districts to Albion State Training School, was struck out. Chapter 388 added a new section to the Inferior Courts Act of New York City as to the commitment of women misdemeanants of over 16 years of age. Such persons may be sent (if not previously an inmate of a State prison or a penitentiary) to (1) Inwood House, New York City, (2) Wayside Home School for Girls, Valley Stream, (3) House of Good Shepherd, Brooklyn, (4) House of Good Shepherd, Peekskill, (5) Protestant Episcopal House of Mercy, Valhalla, "or to any other appropriate institution authorized by law to receive such women." So far as practicable, the religious faith of the offender should be followed. Commitment is for an indefinite term, and for not more than 3 years. Release or parole may be made upon the certificate of the head of the institution, if approved by the board of managers of the institution, but not within 6 months of commitment without the consent of the committing court. The expense of any commitment, care and maintenance is a city charge. Chapter 538 amended the act of 1929 (Ch. 412) establishing the State Training School for Boys for the care and training of juvenile delinquents: (1) The school is placed under control of the Department of Social Welfare, instead of the Department of Charities (the old title of the former). (2) The school is for juvenile delinquents, "properly committed in accordance with existing laws," who are under 16 years of age. Formerly, the law provided for juvenile delinquents properly committed in accordance with laws authorizing commitments to the House of Refuge (on Randall's Island), and the school was to be "deemed" a colony of the House of Refuge. (3) "All commitments with respect to male persons adjudicated to be guilty of

juvenile delinquency, as defined in the State Charities Law," which may be made either to the House of Refuge or the Society for the Reformation of Juvenile Delinquents, shall be made to the House of Refuge, or its successors (i.e., The State Training School). Formerly this read: "all commitments which by law may now be made to such House of Refuge or to such Society," etc. (4) New section indicates the site is Warwick, and provides for commitments there upon completion of the buildings, etc., of "boys" from the 1st, 2nd, 3rd, and 9th Judicial Districts. *Rhode Island* (No. 1910) amended the act (Ch. 1798) of 1931 regarding commitments to the State Reformatory for Men by changing the provisions according to which any male first offender between 16 and 30 years of age may be detained in that reformatory, to 16 and 30 years of age which are provided in that act. *South Carolina* (No. 787) provided that any able-bodied male person confined or hereafter committed to the jails of Clarendon or Sumter counties in default of bond may in writing signify his desire to serve on the county chain gang until the next term of the Court of General Sessions. If his services are needed on the public works of the county, the supervisor may then take him into custody and be responsible for his safe-keeping. The supervisor shall certify to the Court the number of days so served and if the prisoner later pleads guilty or is convicted of the crime charged, the Court shall take into consideration the time served, when sentence is passed. If the prisoner is acquitted or his case dropped by the prosecutor, he shall be entitled to collect from the county 40 cents for each day served on the chain gang. The sheriff shall not be responsible for the prisoner's safe keeping during such period of voluntary service. *Virginia* (Ch. 165) amended section 4953 of the Code regulating the length of time which a prisoner must serve in default of payment of fine, or costs, or both.

Amounts	Time Limits	
	Old	New
Less than \$5	Not over 10 days	Not over 5 days
\$5—\$9.99	11—20 days	6—10 days
\$10—\$24.99	21—30 days	11—15 days
\$25—\$49.99	31—60 days	16—30 days
\$50 plus	61—90 days	31—60 days

Chapter 396 provided that no compensation shall be allowed a hospital for the treatment of a prisoner, unless application was previously made to one of the superintendents of the state penitentiary or the state farm asking for admission of the prisoner to the hospital ward of one of these institutions. If such an application has been refused, or if the wound, disease, or accident to be treated is of an emergency nature, only such amounts shall be allowed the hospital as shall have been incurred before it is practicable to remove the prisoner to the penitentiary or farm hospital.

C. Prison Labor

Massachusetts (Ch. 252) provided that "whoever sells or offers for sale within the commonwealth any goods, wares, or merchandise, knowing or having reasonable cause to believe that the same were manufactured, produced or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, shall be punished by a fine of not more than \$100; provided, that nothing herein shall prevent the sale of goods, wares or merchandise so manufactured, produced or mined, if sold at retail on the premises of the institution where manufactured or produced or if sold to the commonwealth or to any political subdivision thereof, or to any quasi-public hospital." This act shall take effect January 20, 1934. *Virginia* (Ch. 133) repealed a law of 1928 which authorized the penitentiary directors to manufacture at the penitentiary and with prison labor motor vehicle "license plates, road signs and kindred articles" for the use of, or to be sold by, the state. The act, in addition, deals with the employment of certain convicts of the penitentiary not placed in the state convict "road force." These convicts may be used "in the making of shoes, clothes and other necessary articles required by the . . . road force, and other institutions of the State," etc. If they make more of such articles than the road force and the state institutions can consume, the penitentiary board may dispose of such articles "as it may deem best." Chapter 145 added a new Code section (2096-b) as follows: (1) The State Prison Board may establish additional convict camps and contract with counties, towns, cities or departments of the state government to build and maintain roads and streets, and to do other public works; provided nothing thereby shall interfere with convict camps employed on state highway systems. (2) An appropriation was made (biennium ending June 30, 1932). The per diem for each prisoner (in excess of \$2,000) for the operation and maintenance of such camps was fixed at 63 cents. If this is insufficient for the maintenance of such additional camps, any further necessary sums shall be paid out of the funds of the county, city, town, or state department by which such camps are employed. (3) Applications for the location of camps shall be filed with the superintendent of the penitentiary. As far as practicable, they shall be located "as best to relieve the state penal institutions, to improve conditions in the jails, and to expedite the construction and maintenance of roads, etc." (4) The county, town, etc., must "designate the projects," furnish all engineering service, tools, etc., and also necessary foremen, who must be acceptable to the superintendent. The latter has complete control of the prisoners—feeding, guarding, clothing, providing medical attention, etc.

D. Good-Time Commutation and Parole

The Federal Congress (72d, 1st session, Ch. 310) in clarifying the method of computing sentences also declared that deductions

from the term of sentence for good conduct (under U. S. Code, Tit. 18, section 710) shall be computed from the day the sentence begins to run. It was furthermore ordered that prisoners released under the good-time law prior to the expiration of the maximum sentence shall be treated as if on parole until that maximum expires. Chapter 492 established a Board of Indeterminate Sentence and Parole for the District of Columbia, abolishing the existing Parole Board under the act of June 25, 1910. The new Board is to consist of 3 members, appointed by the District Commissioners; one for 3 years, one for 5 years and one for 7 years—terms thereafter to be for 7 years; service is without compensation (except traveling expenses); duties: to examine physical, mental and moral records of prisoners, receive reports of wardens and psychiatrists, recommend treatment towards reformation, and provide for proper time of release and method of rehabilitation. The board may appoint parole officers in such number as approved by Congress, one to act as clerk of the board. They will be subject to the board, and their salaries and expenses will be under the Personnel Classification Act of 1923. Sentences for felonies shall be imposed for a maximum time, not to exceed the maximum fixed by law, and for a minimum, not to exceed one-fifth of the maximum. Parole may follow expiration of minimum term, but on life sentences, not until 15 years have been served. A prisoner may be paroled, in legal custody of the board, and under residential limitations, where he is under an indeterminate sentence, and the board so determines. The act also deals with violations of parole, hearings thereon, new parole, escapes from penal institutions, etc. *Louisiana* (No. 99) liberalized its good-time law. The 1926 act allowed no commutation for good conduct to those previously convicted of any offense. The present act prohibits such commutation of the sentences of those "convicted three times or more of a felony, and sentenced to the penitentiary." No. 199 prohibited the giving of parole to prisoners sentenced to life imprisonment under the new Explosives Law, for causing injury to persons by placing explosives in, upon, or under buildings or structures. *New Jersey* (Ch. 166) passed the following act: "(1) All sentences to the New Jersey State Prison shall hereafter . . . be for a maximum and minimum term, except sentences for life, but the maximum term shall not be in excess of the maximum term prescribed by law for the offense for which the offender was convicted. The minimum term shall not be less than one year. Commutation time, as now provided by law, for good behavior shall be allowed on both the maximum and minimum terms. (2) The board of managers of the New Jersey State Prison are hereby authorized to release upon parole, under rules and regulations, to be prescribed by the State Board of Control of Institutions and Agencies, upon the expiration of the minimum term to which the prisoner is sentenced, any prisoner who, in their judgment, is deemed worthy to be at large. The period of such parole to be measured by the maximum term provided by law for

the offense for which the prisoner is sentenced. (3) This act shall not be deemed to repeal the power of the courts to suspend the imposition or execution of sentence and [to] place the offender on probation." *New York* (Ch. 601) added the following new paragraphs to its Correction Law, section 230: (a) "Every prisoner who was received in a State prison or penitentiary after July 1, 1926 and is confined therein on July 1, 1932, under either definite or indeterminate sentence, may earn an additional allowance of compensation, not to exceed 2½ days for each month of his minimum term (in case of indeterminate sentence), or on the term imposed by the court (in the case of definite sentence)." (b) "Every prisoner received in a State prison or penitentiary on or before July 1, 1932, under either definite or indeterminate sentence, may earn compensation not to exceed 7½ days for each month of his minimum term" (indeterminate minimum or definite sentence). Chapter 457 made several changes in Art. 8 of the Correction Law affecting parole: (1) Section 210, "The Board of Parole in the Division of Parole of the Executive Department" is substituted for the Board of Parole and the Elmira Reformatory may be paroled. (2) Section 211. Reports on investigations of Parole instead of in the Department of Correction. (3) Section 214. As to the requirement for a unanimous vote of the Board of Parole, "in the event of the inability to act of any member . . . the Governor shall appoint some competent informed person to act in his stead during the continuance of such disability." Under prior law, "in the event that one member . . . is temporarily for any cause incapable to act, he must file in the office of the Department of Correction a certificate . . . and the Commissioner of Correction shall designate another person to act, etc." (4) Section 216, Violation of Parole. The parole officer having charge of a paroled prisoner reports any violation to a member of the board (formerly such officer, or any member of the board reported to the Correction Commissioner) and now such member must issue the warrant for retaking the prisoner. (5) Section 221, Records. Finger prints are no longer required, the required records are filed in the central office of the Division of Parole instead of the Bureau of Criminal Identification, Records and Statistics in the office of the Department of Correction, and the Board of Parole (instead of the Commissioner of Correction) makes the rules as to the privacy of these records. Chapter 617 admitted "fourth as to those sentenced prior to the passage of this amendment, provided they shall have served the equivalent of the minimum prescribed for the fourth offense, but in any event at least 15 years of their sentence. *Rhode Island* (No. 1910) provided that any person sentenced to the State Reformatory for Men—or to any county jail for not to exceed 6 months—may after serving at least one-third of his sentence be paroled by the State Public Welfare

Commission. No. 1933 amended the law governing the State Board of Parole. The warden of the state prison and the agent of state charities and correction, formerly *ex officio* members of the board, were dropped, leaving the Governor and the Attorney-General (both *ex officio*) with 3 citizens appointed by the Governor for 2 year terms. The act also introduced compensation for the citizen members at the rate of \$20 a meeting attended, but for no more than two meetings a month. It was further provided that parole permits may be issued by the Governor and two members of the board, instead of three as heretofore. The conditions for receiving parole remain unchanged: half of the sentence, minus good-time allowance, must have been served, habitual criminals must have served 5 years of their 25 year sentence, and life prisoners must have served 20 years and must receive the unanimous vote of the board. *Virginia* (Ch. 136) modified the law (section 5017 of the Code) governing time deductions for good conduct: (1) According to an act of 1928, every convict or jail prisoner "actually in the convict road force" was entitled to an allowance of 10 days per month as credit for good conduct, etc., the records being kept by the superintendent of the penitentiary. This allowance is now increased to 15 days for each convict and jail prisoner under his control "wherever confined." (2) In addition, prisoners in jail after sentence and awaiting removal to the penitentiary or the road force were formerly allowed 4 days per month. This is now increased to 15 days. (3) Where, heretofore, a prisoner had lost his "good time," the superintendent might after 1 year's good behavior restore one-half of such time to his credit; such prisoner may now regain "his time or any part thereof." (4) The act does not apply to anyone convicted of a misdemeanor or a felony whose sentence is not over 1 year; such person is entitled to 10 days per month. Chapter 396 increased the good-time allowance of 4 days a month to 10 days, for prisoners who faithfully observe the jail rules, the allowance to be credited by the jailor, with the consent of the Judge.

RULES FOR THE TREATMENT OF PRISONERS

Drawn Up in 1929 and Revised in 1933

BY THE

INTERNATIONAL PENAL AND PENITENTIARY COMMISSION

Preliminary Observations

The Rules contained in this collection are framed with a practical object. They show the general direction which it is desired should be followed in the application of every penitentiary system, whatever the legal, social and economic conditions.

These Rules do not in their entirety describe a model condition of things, but they serve to indicate the minimum conditions which should be observed in the treatment of prisoners from the humanitarian and social point of view.

If amongst the Rules laid down there are some which cannot be carried out by reason of special circumstances, particularly in very small prisons, it is evidently desirable that the number of such prisons should be reduced to the lowest possible figure. Nevertheless there may be conditions, especially in sparsely populated countries, where the distances are great and the means of communication restricted, which make it necessary to continue the use of such prisons. In these cases the spirit of the fundamental ideas should be maintained and the Rules should be applied as far as possible. Moreover the application of certain rules, especially those relating to the individual treatment of the prisoner will be more difficult when there is a very large number of prisoners in one and the same establishment. It is therefore advisable to avoid prisons of too big a size.

Under the term "prisoners" are included in general all persons deprived of their liberty and put in prison for any reason whatever. The term "prison" is used in the widest sense of the word.

If the premises used for the provisional detention of persons arrested by the police are not included in this term in certain countries, the fundamental ideas underlying the Rules must nevertheless be followed as far as possible.

I. DISTRIBUTION AND SEPARATION

1.

As far as possible the different categories and groups of prisoners should be detained in different prisons. Where this is impossible prisons should be so arranged as to permit of their separation.

In distributing the prisoners, the nature of the offense must be taken into account.

Males and females should always be separated.

Untried prisoners should be kept separate from convicted prisoners. In countries which practice imprisonment for debt and

other imprisonment under order of the court, the persons subject to such measures should be separated from other prisoners.

Young prisoners should always be kept separate from adults. Moreover, prisoners who are still morally uncorrupted should be separated from those of whom, in view of their past life, the nature of their crime or other causes, there is reason to fear that they may exercise a bad influence upon their fellow prisoners.

2.

Usually prisoners should sleep in separate cells.

If this is impossible, it is advisable that they should sleep in dormitories so contrived as to ensure their separation.

When common dormitories are used, special night supervision must be arranged.

II. TREATMENT

3.

General Provisions.

In the treatment of prisoners, account should be taken of the nature of the offense.

Prisoners in the same category should on principle be given identical treatment.

In the application of the treatment the individuality of each prisoner should be considered. For this purpose, in the case of penalties which are not of very short duration, the prisoners must be subject to a physical and mental examination by a specially qualified medical officer.

4.

The principal aim of the treatment of prisoners should be to accustom them to order and work and to strengthen their moral character.

The treatment of young prisoners should be specially inspired by the desire to improve their education and their general character. When they are still at the age of physical development this should equally be the object of special care.

More severe treatment or more lenient treatment should only be admitted according to rules prescribed by the law, or by a decree of competent administrative authorities. Prisoners who have to undergo a sufficiently long period of detention should be induced to interest themselves in their own improvement during their detention. With this object they should gradually be given a certain measure of responsibility and should receive certain privileges resulting from that responsibility, and should be made to take a share in determining their future during detention, during the period of possible conditional liberation and after their final liberation.

As soon as they enter prison, all prisoners should be instructed in the rules for their conduct and duty.

It would appear advisable to create the possibility of temporary liberation when the state of the prisoner's health or other serious reasons demand it.

5.

Special Categories

Untried prisoners and persons imprisoned for debt together with other civil prisoners under order of the court in countries where such measures exist should not be subjected to any greater restriction of liberty or severity than is required by the special nature of the detention and to maintain order.

6.

Deposit of Valuables

All money or valuables brought in by a prisoner should be taken in charge by the governor or other officer appointed by him. After an accurate record of these has been made, they should be kept in a safe place in order to be returned to the prisoner on his liberation, except in so far as money may have been spent by him on authorized payments. Money received from outside during his detention shall be treated in the same way.

7.

Clothing and Bedding

Clothing and bedding should be supplied by the administration, except in such cases as the prisoner is allowed to use his own. They should be suitable for the climate, and for the state of health of the prisoners.

8.

Food

The administration should supply prisoners with food sufficient both in quality and quantity to maintain their ordinary health and strength.

Every prisoner should at any time have a possibility of obtaining drinking water.

The feeding of prisoners should be under the supervision of the medical officer of the establishment.

9.

Work

Prisoners so sentenced as to be bound to work, should always be supplied with work.

Other prisoners should have a possibility of working if they desire it.

10.

As far as possible the work should be instructive and of a nature which may enable prisoners to earn their livelihood after liberation.

In assigning the prisoners to work, attention should be paid as far as possible to their physical and intellectual capacity, to the profession which they exercised before their imprisonment and, under certain circumstances, to their inclination.

The work assigned to young prisoners should be educative in character, and should as far as possible teach them a trade.

11.

The arrangements for work in prisons should be organized as far as possible on the model of free labor.

Of the various forms of organization of prison work, the "régie" system would usually appear to be preferable, especially from the point of view of the occupational training of the prisoner.

The precautions laid down to protect the life and health of free workmen should be equally observed in prisons.

12.

The maximum number of hours for the daily work of prisoners on working days should be fixed. It may vary according to the different categories of prisoners and the kind of work to be done.

The working hours must be fixed in such a manner as always to leave leisure time for the special duties of education and social readaptation.

13.

It is important to give prisoners some remuneration for the work accomplished.

14.

Health Measures

Establishments used for the detention of prisoners should always be in such a condition that they do not involve any danger to the health of the prisoners.

15.

In every prison the lodging of prisoners should be appropriate to the climatic conditions and to the interests of health. In cold weather a certain minimum temperature should always be maintained. The construction and utilization of buildings should always ensure a sufficient quantity of air and space.

16.

The places or cells where prisoners are detained should have the windows sufficiently large to enable them easily to read or work by daylight.

When prisoners have to read or work by artificial light, this should be sufficient to enable them to do so without injury to their eyesight.

17.

All inhabited places or cells, both by day and night, should always be scrupulously clean. All other parts of the establishment should be kept as clean as the circumstances permit.

18.

All rooms or cells where prisoners are detained should be sufficiently ventilated. The windows should be so constructed that they can be opened to allow the entrance of fresh air whether or not there is artificial ventilation.

19.

The administration of the prison should supply every prisoner with water and the necessaries for preserving personal cleanliness.

Such installation should be provided as will permit every prisoner to comply with the needs of nature in such a manner as will not damage his health nor be objectionable to the feelings of other prisoners.

20.

The prison authorities must watch that prisoners, as well as their clothes—where these are not supplied by the administration—are thoroughly clean from the moment they are lodged in prison.

21.

Clothing, both upper and under, furnished to prisoners should always be clean when it is supplied to them. Underclothing worn next the skin should as a rule be washed once a week.

Clean bedding should be supplied at intervals fixed according to the requirements of cleanliness, or according to the instructions given by the medical authorities for the sake of health.

22.

On his arrival at the prison, every prisoner should be examined by the doctor so that every case of physical or mental illness may be discovered and the necessary measures taken.

23.

It is essential to watch over the preservation of the bodily and intellectual health of the prisoners. With this object, the medical officer should see all prisoners at regular intervals. The medical examination should, amongst other matters, determine whether the prisoner is capable of work, and if the regime of isolation is a danger to his health, and also whether he has contagious diseases, in particular tuberculosis and venereal diseases.

24.

As a rule the medical officer should make a daily round to visit all sick prisoners who require it and every prisoner who complains of illness.

The necessary medical treatment and care must be supplied to sick prisoners and pregnant women. Special accommodation should be provided for those whose condition demands it. There should be a sufficient supply of medicines for the medical service.

25.

Every prisoner who is not employed at work out of doors should have at least half-an-hour daily at exercise in the open air, if the weather permits.

A long period at exercise in the open air should be given to young prisoners who are still at the age of physical development and to those for whom the doctor considers such prolongation is necessary on account of the state of their health.

It is advisable to institute gymnastic exercises for prisoners for whom they would appear to be desirable and, in particular, for young prisoners.

26.

The medical officer should inspect the sanitary services of the prison, and report every defect to the governor or warden of the prison in order that it may be remedied.

27.

Moral and Intellectual Reclamation

Every prisoner should regularly have the opportunity of satisfying the needs of his religious life, so far as circumstances permit. Access of a qualified representative of his religion should not be refused to any prisoner.

If the prison contains a sufficient number of prisoners of the same religion, a regular spiritual minister should be appointed for them.

28.

Prisoners undergoing sufficiently long sentences should receive intellectual instruction so far as that instruction appears likely to be useful to them.

All young prisoners should receive instruction appropriate to their age.

29.

Every prison should have a sufficient library of books assigned to the use of prisoners. Books should be specially of an instructive and recreative character, and prisoners should be allowed to read them from the commencement of their sentence.

30.

The administration should furnish prisoners with the means of keeping in touch with the important events which take place in the world. This principle applies especially to prisoners undergoing long periods of detention.

31.

Communications with the Outside World

Prisoners should have the opportunity of communicating with their relations and respectable friends, under necessary supervision. Arrangements should be made to allow this communication at regular intervals, both by receiving visits and by correspondence.

32.

Prisoners belonging to a foreign nation should be authorized to hold communication with the diplomatic and consular representatives of the state to which they belong.

III. DISCIPLINE

33.

Disciplinary Punishment

Disciplinary punishments should never, either by their nature or by their application, depart from the prescriptions of the law or the decrees of competent administrative authorities.

34.

The law or a decree of the competent administrative authority should determine the individual or the authority to whom should belong the right of inflicting disciplinary punishment.

35.

Before a punishment is inflicted, it should be preceded by a thorough examination, and the prisoner should have the opportunity of expressing whatever he wishes to say for his defense.

If the person or the competent authority inflicting punishment does not speak the language of the prisoner, the latter should have the opportunity, before he is punished, of giving his defense through an interpreter.

36.

It is desirable to reach a stage where corporal punishment is no longer included in disciplinary punishments.

If, in certain countries, for exceptional cases, corporal punishment is permitted, the method of its execution should be determined by the law.

If it is allowed, corporal punishment should never be carried out unless the medical officer certifies that the prisoner can bear it. It should never be carried out except by an official and under the personal control of the governor and the medical officer.

37.

It is desirable to reach a stage where disciplinary punishments no longer include the placing of a prisoner in a cell without light. If, in certain countries, for exceptional cases, placing in a dark cell is permitted, the restrictions which govern it should be regulated by the law.

38.

Disciplinary punishments which, by their nature or on account of the condition of the prisoner, may have consequences prejudicial to his health, such as the reduction of food below the ordinary ration, or the reduction or deprivation of open air exercise, should never be applied for more than a strictly limited period and in accordance with the decision of the medical officer. The maximum period for which these punishments can be imposed should be prescribed by law.

39.

Instruments of Restraint

Instruments of restraint, such as handcuffs, chains and strait jacket should never be applied as a punishment but used only for the temporary restraint of violent prisoners and only when they are necessary for preventing them from doing injury to themselves or to others or from continuing to destroy property. They should be removed as soon as circumstances permit, and should not be applied again unless the prisoner recommences his violence.

Instruments of this nature should be constructed according to models approved by the central penal administration.

40.

Chains or other devices which are not intended to deprive the prisoner of the use of his limbs, but only to prevent him from escaping, should always be light and constructed to a model approved by the central penal administration.

When these are employed, the governor or warden and other officers must watch to see that they are so applied as not to cause wounds or bruises.

41.

Requests and Complaints

Every prisoner should have each day the opportunity of making requests or complaints to the governor or warden of the prison, or his deputy.

42.

Every prisoner should have the opportunity of making complaints by the approved channel to the superior authorities outside the prison.

IV. PERSONNEL

43.

The choice of the whole personnel of the prison should be made with the greatest care, not only as regards their capacity but particularly as regards their character.

It is advisable to organize theoretical and practical courses for the personnel, and periodical meetings dealing with prison subjects.

44.

All the officials of the prison should carry out their work in an exemplary manner. Their duty is not only to keep the prisoners in safe custody but, by their own good conduct, to exercise over them an educative influence.

45.

In all large establishments, the governor or warden should live upon the prison premises or in its immediate vicinity, and he should not exercise any other functions.

When several small establishments are under the care of one governor or warden, he should visit all at frequent intervals. Each of these establishments should have at its head a responsible resident official.

46.

The governor or warden should speak the language of the prisoners of the country, so that he can converse with them without the use of an interpreter.

The deputy governor or warden and as far as possible the other officials of the prison, should be able to speak the language of the majority of the prisoners.

Whenever necessary, the services of an interpreter should be employed.

47.

In order to give every prisoner the regular opportunities of worship of his own religion, a minister of his faith should have regular access to the prison and be given, as far as possible, facilities for conducting worship. Moreover, this minister should be allowed regularly to converse in private with every prisoner of his faith.

48.

A medical man should be attached to each prison.

In large establishments he should reside upon the prison premises or in their immediate vicinity. To those that are too small to

justify the employment of a medical man exclusively for the work of the prison, he should pay frequent visits and should reside sufficiently near to be summoned without delay in cases of urgency. Prison medical officers, especially those who give their whole time to the work, should have a special knowledge of psychiatry.

49.

In prisons where the teaching of prisoners can be arranged, qualified persons should be engaged with this object.

In establishments intended for young prisoners, the personnel must include one or more officials with the duty of giving suitable instruction.

Moreover, in establishments where this is possible, it is advisable to have persons for preparing the social readaptation of convicted prisoners.

50.

The supervision of female prisoners should be entrusted, as far as possible without exception, to female officers.

No male officer, whatever his rank, should be allowed to enter the female prisons or sections of prisons, except when he is called by his duties. In this case he should be always accompanied by a female officer, unless in the case of the governor, the medical officer or the chaplain.

51.

Officials should never use their arms nor force against a prisoner except in self-defense, or in cases of attempted escape when this cannot be prevented in any other way. The use of force should always be strictly limited to what is necessary.

52.

Officials, as soon as they have entered the service, should be instructed for sufficient time in the duties and responsibilities of their profession before they are entrusted with the supervision of prisoners.

53.

The authorities should make every effort to awaken and maintain in both the prison officer and the general public the conviction that this service entails heavy responsibilities and that it is of a considerable social importance.

V. ASSISTANCE OF LIBERATED PRISONERS

54.

The assistance given to prisoners for the period after liberation demands most careful attention. This assistance should begin during the period of detention and should be based upon an exact study of the personality of the prisoner, his conditions of life and

those of his relations. Its object should be to give to the discharged prisoner the possibility of leading henceforth a straight and regular life.

55.

It is desirable to encourage as far as possible in each locality where one or more establishments are situated the formation of an Aid Society which will take charge of the assistance of liberated prisoners, especially by visiting them and assisting them to return into society and to find a place amongst honest citizens.

It is desirable that the various local societies should regularly keep in touch with each other in order to co-ordinate their efforts.

EXPLANATORY MEMORANDUM

Relating to the Revision of the

RULES FOR THE TREATMENT OF PRISONERS

Drawn Up by the

International Penal and Penitentiary Commission

1.

Some years ago, in 1929, the International Penal and Penitentiary Commission drew up Rules for the Treatment of Prisoners, which it submitted to the government of states represented on the commission and subsequently published in its Bulletin, New Series, No. 5. The preface of this publication, in giving a brief account of the origin and tendencies of the Rules, expressly points out that they are minimum rules which should govern the treatment of prisoners at the present time but that their general application has hitherto not been ensured, since, even in countries that are the most advanced in this matter there are still backward prisons or organizations which are in some respects incomplete.

The League of Nations, to whom the International Penal and Penitentiary Commission also forwarded its Rules for the Treatment of Prisoners, decided at the Eleventh Assembly, in 1930, to submit them for examination to the governments of the states members and non-members of the League and to certain institutions or commissions attached to the League as well as to certain private organizations dealing with penal and penitentiary law on the international plane. The Twelfth Assembly, in 1931, then adopted a resolution to the effect that the replies and observations thus collected on the subject of the Rules, together with the report and minutes of the Fifth Committee of the Assembly, should be forwarded to the International Penal and Penitentiary Commission with a request to reconsider the Rules in the light of the replies and observations received.

Towards the end of the same year, 1931, the International Penal and Penitentiary Commission received this invitation which

the Secretary-General of the League of Nations had addressed to it in pursuance of the resolution of the Twelfth Assembly. The commission hastened to deal with it at its next session in 1932. Having noted with the greatest satisfaction the interest which the League had shown in the Rules, the International Penal and Penitentiary Commission did not hesitate to concur in the request. Recognizing the value of applying a procedure similar to that which it had previously followed when drawing up the Rules, the commission reappointed the Subcommittee of Study ad hoc and instructed it to prepare a report, if possible for the next annual session of the commission.

In accordance with the above-mentioned resolution of the Twelfth Assembly, the replies and observations received by the League of Nations were subsequently forwarded by the Secretariat of the League to the International Penal and Penitentiary Commission, partly in extenso and partly in extracts. As the commission found it necessary to acquaint itself with the full contents of the documents of which extracts had been sent, in order to estimate their scope, the Secretary-General of the commission, after communicating with the Secretariat of the League of Nations, proceeded to Geneva in the autumn of 1932 in order to examine these documents; the result of this examination was reported to the members of the commission as supplementary information to the above-mentioned communications from the Secretariat of the League of Nations. In addition the commission found it desirable to suggest that the Secretariat should send a reminder to the states which had not yet replied, with the object of inducing them to send their observations at an early date; the Secretary-General of the League of Nations complied with this suggestion and fixed January 1, 1933, as the last date for the forwarding of replies. In this manner several further replies were obtained, though some of them only arrived later, namely during the early months of the present year.

The Subcommittee of Study ad hoc of the International Penal and Penitentiary Commission wished to meet as soon as possible after the expiry of the above-mentioned time limit in order to discuss verbally all the criticisms or suggestions contained in the replies forwarded by the League of Nations and some which had been submitted to the commission from other sources, and for this purpose it held a lengthy session at Brussels in January. After submitting the provisional proposals resulting from its discussions to all the members of the commission and after receiving any observations which the latter wished to make, the subcommittee again met immediately before the commission's session which took place at Baden-Baden at the end of August in order to agree finally on such amendments and additions in the text of the Rules as it considered permissible and desirable. The commission noted the report which had been prepared and, after discussion, finally adopted at its recent session the revised text of the Rules for the Treatment of Prisoners as submitted herewith.

In further explanation, the list of replies obtained and forwarded successively by the League of Nations, as mentioned above, is inserted below.

These replies, grouped according to their origin, have been furnished by the following States, official institutions and private associations:

Germany, Australia, Canada, Chile, Irish Free State, United States of America, Finland, Great Britain, Greece, Hungary, India, Latvia, Lithuania, Norway, Netherlands, Persia, Portugal, Sweden, Yugoslavia, Denmark, Iceland, Dutch East Indies, Surinam, Curaçao, Union of South Africa, Italy, Czechoslovakia, Poland, Austria, Argentina, Switzerland, Uruguay, Belgium, Luxembourg, Venezuela, Spain, Roumania, Turkey, Estonia, China, Siam;

International Labor Office; Economic Committee, Health Committee and Commission for the Protection and Welfare of Children and Young People, attached to the League of Nations; Howard League for Penal Reform, International Association of Criminal Law, International Union of Criminal Law.

All these replies are drawn up in one of the two languages of the League of Nations or in some other generally known language, with the exception of some which were written in Spanish and the examination of which consequently encountered difficulties.

2.

The International Penal and Penitentiary Commission has been glad to state that its Rules for Treatment of Prisoners, drawn up in 1929, have in general been received with sympathy and approval. Moreover the States represented in the commission—that is to say almost all European states and some non-European states—have co-operated through their delegates to the commission in drawing up these Rules, as some have pointed out in their replies. Several of the other states which have not yet adhered to the commission have also declared their agreement with this work.

One state, while noting that its prison system was in agreement on important points with the Rules, has subsequently pointed out that on certain other points new general regulations for prisons have been based on the directions contained in these Rules. Another state has stated that, while the most essential principles of the Rules are already realized, a proposed reform of prison administration will subsequently take account of these Rules. Moreover, various states have reported in their replies that the prison systems or regulations in force correspond in general to the conditions laid down in the Rules, and some have even stated that in general or on particular points their existing regulations already go beyond these principles.

Criticisms and observations are to be found rather in the replies of the institutions and associations committed and in the

above-mentioned documents of the Fifth Committee of the Assembly. They are contained, in particular, in the report of the Health Committee of the League of Nations, the letters of the Howard League for Penal Reform, and especially the reports of the International Labor Office, together with the memoranda of the International Association of Criminal Law and the International Union of Criminal Law.

After studying with all due interest the documents presented to it, the commission proceeded in the first place to fix the principles guiding its examination of the observations submitted and adopted the following rules of procedure. On the one hand it decided to retain the restricted framework and concise text of the Rules, merely to indicate minimum conditions and always to have in view the practical character and useful object of the Rules, in accordance with existing conditions. On the other hand it decided to accept widely all the observations in agreement with the line of conduct adopted, so that the Rules might be supplemented and improved as far as possible.

In following these guiding principles the International Penal and Penitentiary Commission has made, apart from some purely drafting changes, the following changes in and additions to the Rules:

Preliminary observations. At the end of the second sentence of the first paragraph the words "whatever the legal . . . etc." are inserted and serve to bring out the import of the context.

In the third paragraph two sentences are added at the end in order to point out that it is not desirable to construct and operate prisons of a very large size or capacity. The commission has refrained from giving a definite figure as a limit, since such a figure would necessarily depend on local conditions such as the object, arrangement and organization of the prison.

The last paragraph is added in order to make it clear that the rules should also be applied as far as possible to untried prisoners detained in police cells.

Article 1. A fresh paragraph is inserted after the first paragraph, with the object of emphasizing the value of a classification according to the motives under the influence of which the offense was committed.

The text of the fourth paragraph (formerly third paragraph) has been slightly supplemented by the addition of the words "In countries which . . . etc." in order to avoid any incorrect interpretation.

Similarly the text of the last paragraph has been slightly expanded in order to indicate in greater detail the method recommended for the separation of prisoners.

Article 2. In the first paragraph the word "should" is used instead of the expression "it is preferable," and in the second paragraph the expression "it is advisable" is inserted, in order to

make it clearer that the system of isolation should usually be applied during the night.

Article 3. The first paragraph is inserted with the same object as the fresh paragraph 2 in Article 1 and corresponds to the provisions of that paragraph.

In the last paragraph a sentence is added recommending a special examination of prisoners undergoing penalties of fairly long duration. The commission considered that the insertion of this postulate was justified by the possible importance of this examination for the treatment of the prisoners.

Article 4. In the text of the third paragraph some slight drafting changes have been made with the sole object of expressing more clearly the provisions which it contains in respect of the application of the educational principle in the treatment of prisoners.

The rule contained in the new last paragraph allows for the fact that there may be cases where it appears admissible and desirable to grant the prisoner permission temporarily to leave the prison.

Article 5. The slight change in the text corresponds to that made in the text of Article 1, fourth paragraph, mentioned above.

Article 10. The words "and under certain . . . etc," added at the end of the second paragraph, imply that the inclination of the prisoner is a factor which it may be advisable to take into account in the choice of the work to be imposed.

Article 11. The second paragraph is inserted in order to point out that, as far as penitentiary work is concerned, the "régie" system deserves particular attention on account of the advantage which it offers.

Article 12. The words "and the kind . . . etc." inserted at the end of the first paragraph expressly state that, in fixing the minimum working hours, account should also be taken of the kind of work to be done.

A second paragraph is added to the effect that the necessary time should be reserved for the action of factors of education and reclamation which form part of the treatment.

Article 13. The expression "it is important" is substituted for "it is desirable" in order to emphasize the importance of granting prisoners some remuneration for their work.

Article 23. The last phrase "and also whether . . . etc." is added. It appeared desirable to draw special attention to the diseases mentioned.

Article 24. In the second paragraph the words "and pregnant women" are inserted so as to remove any doubt as to whether they

are included under the immediately preceding term "sick prisoners."

Article 25. The second paragraph is supplemented by adding at the end of the sentence the words "and to those for whom . . . etc." thus drawing attention to a judicious application of the health measure referred to in this article, namely exercise in the open air.

The last paragraph, relating to gymnastic exercises, is added with a similar object.

Articles 36 and 37. In each of these two articles a new first paragraph is added which expressly emphasizes the prospect that the development of penitentiary systems will bring about the abolition of such special coercive measures as corporal punishment and the dark cell.

Article 43. The second paragraph is added. It draws attention to particular methods of providing for the professional training of prison personnel.

Article 48. In the last paragraph, the word "special" is inserted before "knowledge" in order to show that what is required is not merely the rudiments of psychiatry which every doctor usually possesses, but that the prison service needs experts with special qualifications in psychiatry.

Article 49. The second and third paragraphs are added. The former points out the necessity of providing young prisoners with training with a view to their re-education.

The latter draws attention to the importance of a service well equipped for preparing for the reclamation of convicted prisoners.

Article 54. The wording has been somewhat improved in order to make the meaning of the article clearer.

Article 55. With the same object the wording of the first paragraph of this article has been somewhat changed. In addition a second paragraph has been added, which is self-explanatory.

The International Penal and Penitentiary Commission is of the opinion that the revised text of its Rules does not require any further comment. But it nevertheless considers it advisable to make a few observations of a more general nature.

It is obvious that the commission does not imagine that it has composed any sort of complete or universal standard regulations. The Rules merely indicate the basic ideas on which it would appear desirable at present to found the prison systems of the civilized world, while the organization of these systems should be adapted to local conditions and should take account of the special circumstances existing in the various countries themselves.

It is also obvious that the commission, in endeavoring to draw up short and simple rules, has counted on their being judiciously interpreted by the experts on the subject. If such interpretation

is applied, it will be easy to understand the correct significance of any expressions which may be susceptible, according to the context, of slightly different meanings.

In order to avoid any misunderstanding in this respect, it should be borne in mind that the Rules, in referring to and dealing with "young prisoners," do so on account of the fact that the progress made in respect of the treatment of misled and delinquent youths has not yet led to the abolition of imprisonment for persons below a certain age. In the commission's opinion, the prison is not a suitable place for lodging such persons, for whom, if there is reason to take them into custody, special institutions with a character of their own should be available. It is obvious that the fixing of an age limit depends on conditions which vary so widely in different countries that it is impossible to indicate a general limit.

The commission has refrained from expressly mentioning political prisoners in view of the great divergence which at present exists in ideas as to political offenses and political offenders and of the great uncertainty as to the meaning of these expressions. But it is obvious that if the legislation of any country considers certain prisoners as political prisoners, they may form a special group to which a special régime in accordance with legislative provisions may be applied. Moreover, the second paragraph of Article 1 and the first paragraph of Article 3, which recommend that the nature of the offense be taken into account, furnish an opportunity of taking into consideration, in the treatment to be applied, the motives which have dictated the acts of the so-called political offender. In short the Rules neither oppose nor call for any special treatment in any particular state of prisoners considered as political offenders.

Several provisions of the Rules bear witness to the importance that should be attached to the social readaptation of convicted persons and emphasize the advisability of preparing for it as far as possible during the term of imprisonment. As a result the public authority charged with the enforcement of the penalty has the duty of dealing with the reclamation of liberated prisoners, and the state must take part in this work which cannot be accomplished to its full extent by private initiative. The relations between official and private bodies and the development of their respective activities depend on all kinds of circumstances which differ from one country to another in such a manner as to preclude the establishment of a general rule. One single factor which is worthy of mention with a view to an adequate organization of the work is however referred to in the last article.

In its work of revision, the International Penal and Penitentiary Commission, in accordance with the line of conduct explained above, gave effect to a number of valuable criticisms and suggestions contained in the various documents submitted to it, either by improving the wording or making the changes mentioned above. If some of these observations have not led to any

change in the text, the reason is either that the idea underlying them was already expressed in a more or less different form in the Rules or that they departed from the spirit of framework of the Rules by entering into too many details or exceeding the limit of "minimum rules" or raising questions of economics or criminal law.

But the commission has not overlooked the fact that some of these observations are of great value, such as those which urge the advisability of research and investigation into criminal biology, the organization of international penal and penitentiary statistics, the consideration of certain international aspects of the problem of assistance to convicted persons. There are also those which urge a general limitation of the duration of the detention of untried prisoners or a prohibition of any extortions of declarations or confessions during the preliminary proceedings; those which suggest that patronage should be made compulsory and should be extended to convicted persons who are definitely released; those which aim at creating a general and international regulation of working conditions in prison, at facilitating the employment of liberated prisoners in free industry by legislative measures and guaranteeing the payment of adequate wages, at instituting methodical co-operation between the representatives of governments, free economic circles and free labor with the object of suppressing the disadvantages of the possible competition of penitentiary labor on the open market. The commission recognizes the great value of these suggestions but is obliged to state that their object does not, at any rate for the moment, lend itself for expression in any provision of the Rules, and it therefore reserves the right to consider subsequently whether and how it could revert to them at the proper moment.

In this connection it should also be noted that some of these questions have already been placed on the agenda of subcommittees appointed by the commission some time ago to deal with the scientific examination of prisoners, the problem of the repatriation of released foreign prisoners and the question of international criminal and penitentiary statistics.

3.

As will be seen from the above statement, the Rules for the Treatment of Prisoners which the International Penal and Penitentiary Commission has the honor to submit to the League of Nations are the result of methodical co-operation between the official delegates of states represented in the commission. Consequently they are assured of the approval of all these states, members and non-members of the League of Nations. The favorable reception accorded to the original text even by states not yet represented in the commission, to whom the League of Nations was good enough to submit it, gives grounds for presuming that those states will also be prepared to approve the revised text.

Under these circumstances the International Penal and Penitentiary Commission ventures to hope that the League of Nations will pronounce in favor of the adoption of the Rules in their present form and will recommend their adoption more particularly to states which have not yet adhered to the commission. The latter does not lose sight of the fact that the economic crisis which is raging everywhere at the present time may make it difficult for all the rules to be carried out in full; but it is of opinion that they may serve as a guide and ventures to express the belief that circumstances will gradually permit of their being more completely applied.

Without entering into the question whether and when it would be desirable to take steps for the conclusion of a general convention between the States on the treatment of prisoners, the commission refers to the opinion expressed in another quarter that the Rules which it has drawn up might constitute a suitable basis for such a convention.

Lastly, the International Penal and Penitentiary Commission, appreciating the high value of the support of the League of Nations and attaching the greatest importance to that support, wishes to express the hope that the League, in giving its adhesion to the Rules as submitted, will support the commission in its efforts for the gradual realization throughout the world of a conception which is both humanitarian and rational of the application of penitentiary measures of custody and consequently of the treatment of prisoners.

CONSTITUTION AND BY-LAWS

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

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

Section 1. All such persons as are now and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that by the third title, of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which the corporation is formed.

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

ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons, whether for cities, counties or states.
3. For the support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

ARTICLE SECOND

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

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ARTICLE THIRD

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

ARTICLE FOURTH

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

ARTICLE FIFTH

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

ARTICLE SIXTH

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

ARTICLE SEVENTH

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

ARTICLE EIGHTH

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

ARTICLE NINTH

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

ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons, as, in their opinion, may be

likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

ARTICLE ELEVENTH

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

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

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

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

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

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

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

BY-LAWS*

I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meetings shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of January in each year at an hour and place to be designated by the executive committee.

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

* As amended by the Executive Committee of the Association at its monthly meeting on Thursday, December 17, 1931.

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

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

1. Election of chairman and secretary.
2. Reading of the minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on work of year.
6. Annual report of the treasurer.

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

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

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

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

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

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

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be at least the following standing committees: executive; finance; law; detention; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the com-

mittee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detention to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.
2. The general fund.

The Endowment Fund.—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

The Endowment and General Funds.—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment fund as are unrestricted, for the general purposes of the Association.

The General Fund.—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of the general fund the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall arrange for annual audits of the accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing the investments and the receipts and disbursements of the endowment fund; he shall make, at the annual meeting of the association, a detailed statement of receipts and disbursements for the fiscal year.

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider ques-

tions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

XII. One or more agents may be appointed by the executive committee to assist the standing committees in their duties.

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

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

THE PRISON ASSOCIATION OF NEW YORK

STATEMENT OF INCOME AND EXPENSES OF THE GENERAL FUND AS PER BOOKS

YEAR ENDED DECEMBER 31, 1933		
INCOME		
Donations		
Special purposes	\$6,714 43	
Unrestricted	11,642 00	\$18,356 43
Endowment Income		
Interest on mortgages	4,032 62	
Interest on bonds	7,395 89	
Interest on bank balances	24 75	
Dividends on stocks	710 00	12,163 26
TOTAL INCOME		\$30,519 69
EXPENSES		
Salaries and wages (General Administration)	\$10,993 14	
Relief — prisoners and families (cash, food, clothing, etc.)	12,368 37	
Relief — administration	3,090 40	
Employment — administration	2,517 32	
Appeal — administration	3,925 70	
Traveling expenses	498 33	
Printing and stationery	469 30	
Postage	505 71	
Telephone and telegraph	316 73	
Annual report	128 37	
Legal and auditing	325 50	
Periodicals, custodian, etc.	302 96	
House maintenance	1,824 13	
TOTAL EXPENSES		\$37,185 96
EXCESS OF EXPENSES OVER INCOME		\$6,666 27

We have audited the books, accounts, minutes, and other records of the Prison Association of New York for the year ended December 31, 1933 and, in our opinion, the above statement of income and expenses correctly states its operations for the year ended that date.

Respectfully submitted,
(Signed) WEBSTER, HORNE, BLANCHARD & TAYLOR,
Certified Public Accountants,
50 Broadway, New York, N. Y.

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CONTRIBUTORS

LIFE PATRONS

By Contributions of \$500 or More at One Time

Auchincloss, Charles C.	Lotta Fund for Aiding Discharged Convicts.
Blumenthal, George.	New York Foundation.
Brewster, Robert S.	Pratt, Herbert L.
Bureau of Social Hygiene Inc.	Rockefeller, John D.
Clark, F. Ambrose.	Rockefeller, John D., Jr.
Drapor, Ruth, Relief Benefit Fund.	Rockefeller, The Laura Spelman Memorial.
Field, Mrs. E. Marshall.	Sagan Holding Co.
Harkness, E. S.	Sage, Dean.
Hochschild, Harold K.	*Tiffany, L. C.
Holter, Mrs. E. O.	Vail, Mrs. Lawrence.
James, Arthur Curtiss.	Woorishoffer, Mrs. Anna.
Lewisohn, The Misses Alice and Irene	

HONORARY LIFE MEMBERS

By Contributions of \$100 at One Time

F. S.	Clarke, Miss Florence M.
C. S. S.	*Clarke, Mrs. Lewis L.
G. W. W.	Clyde, Mrs. William P.
K. V. R. and O. A. V. R. (In Memory of).	Coe William R.
A Friend.	Connor, W. E.
Anonymous.	Coolidge, Mrs. Sherman.
Anson, Mrs. Ernard.	Cooper, James Fenimore.
Association of Grand Jurors, N. Y. County.	*Cooper, Mrs. James Fenimore.
Auchincloss, Mrs. C. C.	Cromwell, James W.
Bachelors, The.	Curtis, Mrs. James F.
Bandler, Maurice E.	Cutting, Fulton.
Baring, Charles.	Davis, Joseph E.
Barksdale, Mrs. H. M.	deBrabant, Mrs. Marius.
Bell, Mrs. Gordon Knox.	de Forest, William F.
*Boettger, Henry W.	Delano, Mrs. Warren.
Bowen, Mrs. Harry S.	Devoe, Miss Harriet E.
Brokaw, George T.	Dick, Mrs. W. K.
Brown, Alexander H.	Dodge, Mrs. Cleveland H.
*Brownell, Miss Matilda A.	Durand, Mrs. Frederic F.
*Bruce, Miss Sarah E.	Dwight, Winthrop E.
Bulkley, Mrs. Jonathan.	Elbert, Mrs. Robert G.
Burlingham, Mrs. Charles.	Evings, William F. C.
Carhart, Mrs. Hamilton.	Frost, Aaron V.
Gary, Miss Kate.	Gabriel, Mrs. E. Vivian.
Chapman, Mrs. John J.	Gardner, Mrs. Robert Folger.
Chisholm, George E.	Gerry, Peter G.
Chisolm, B. Ogden.	*Gould, Edwin.
Clafin, John.	Grace Church.
Clark, Edward Severin.	Hadden, Alexander M.
Clark, Mrs. Stephen C.	Halkett, Mrs. Sarah.
	Hall, Mrs. Bolton.
	Harris, John F.

* Deceased.

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Hawkes, Mrs. Morris.
 Hayden, Charles.
 Hearn, James A., & Son, Inc.
 Herrick, Mrs. Robert F.
 Hoehschild, Walter.
 Hubbard, Miss Anna Weir.
 Hulswit, Frank T.
 Furd, Richard M.
 Hyde, Mrs. Clarence M.
 Jackson, Mrs. Charles H., Jr.
 Jameson, E. C.
 Jennings, Miss Annie B.
 Jinks, The.
 Johnson, Arthur G.
 Johnson, Gilbert H.
 Johnson, James W.
 Kunhardt, W. B.
 LaFarge, Mrs. Oliver H. P.
 Langley, William C.
 Lehman, Mrs. H. H.
 Lewison, Adolph.
 Lewison, Sam A.
 Livingston, Johnston.
 Lorillard, Pierre.
 Low, William G.
 McHarg, Henry K.
 McKinney, Price.
 McLean, Mrs. James.
 *Markle, John.
 Moore, Edward S.
 Moore, Mrs. William H.
 Morgan, John P.
 Morris, Mrs. Lewis R.
 Mutual Welfare League of Sing Sing
 Prison.
 Nichols, W. H.
 Olyphant, Robert M.
 Osborn, William Church.
 Osborn, Mrs. William Church.
 Ostwalt, F. E.
 Perkins, Mrs. George W.
 Pond, Miss Florence L.
 Porter, H. Hobart.
 Porter, Mrs. H. Hobart.

Post, James H.
 Potter, William C.
 Pratt, George D.
 Pratt, Harold I.
 Pratt, Mrs. John T.
 Prentice, Bernson S.
 Rand, George C.
 Reed, Latham G.
 Reid, Fergus.
 Rienssen, Miss Elizabeth.
 Rice, Mr. and Mrs. Alexander H.
 Richardson, Mrs. C. Tiffany.
 Rinckhoff, John P.
 Rionda, Mrs. Manuel.
 Riverside, The Church.
 Sabin, Charles H.
 St. Thomas Church.
 Satterlee, Mrs. Herbert L.
 Scoville, Miss Grace.
 Seligman, J. & W. Co.
 Sexton, Mrs. A. G.
 Shepard, Mrs. Finley J.
 Simpson, Miss Jean Walker.
 Skeel, Mrs. Roswell, Jr.
 Sloan, Samuel.
 Sloane, Mr. and Mrs. George.
 *Smith, J. Hopkins.
 Stillman, Miss Charlotte E.
 Third Panel Sheriff's Jury.
 Thompson, George M.
 Townsend, Edward.
 Train, Mrs. Arthur.
 Trevor, Mrs. John B.
 Untermyer, Samuel.
 Vanderlip, F. A.
 Van Gerbig, Mrs. Barend.
 Van Norden, Warner M.
 Warburg, Felix M.
 Weekes, Harold H.
 Wickersham, George W.
 Wood, William.
 Woodin, William H.
 *Zabriskie, Mrs. George.

LIFE MEMBERS

By Contributions of \$50 at One Time

A. H. (In Memory of).
 A. Z.
 C. S.
 P. H. A.
 A. Friend.
 "From a Friend."
 Aorn.
 Agent.
 Anonymous.
 Adkins, Mrs. Leonard D.
 *Adler, Felix.

* Deceased.

Agnew, Mrs. George B.
 Alexander, William.
 Anderson, J. Cameron.
 Arnold, Edward W. C.
 Baker, Mrs. Walter.
 Baldwin, William M.
 Barrows, Ira.
 Baumert, Frank J.
 Bellak, C. Morton.
 Benecke, Alex.
 Benjamin, William E.

Bennett, Eugene B.
 Biggs, Mrs. H. M.
 Bliss, Cornelius N.
 Bilas, Mrs. Robert W.
 Borden, Albert G.
 Borg, Simon.
 Boynton, Herbert F.
 Brown, Everett L.
 Bryne, Peter Cooper.
 Buckley, Edwin M.
 Bulkeley, Mrs. Edwin M.
 Campbell, Mrs. O. A.
 Carey, S. W., Jr.
 Cary, Mrs. Ellen G.
 Chapin, Charles Merrill, Jr.
 Chapin, Simeon B.
 Christ Church of New Brighton.
 Chesny Brothers.
 Childs, Mrs. Starling W.
 Christian Herald.
 Christie, Robert E.
 Clarkson & Ford Co.
 Cluett, Walter H.
 Comey, John W.
 Cooper, J. H.
 *Coster, Mrs. Charles Henry.
 Coward, Mrs. Thomas R.
 Cromwell, J. H. R.
 Cross, John Walter.
 Cutting, Charles Suydam.
 Davis, Henry J. (In Memory of Mrs.
 Amy Eliza Davis).
 Davis, Thomas E.
 de Florez, Mrs. Pedro R.
 De Lamar, Mrs. Alice A.
 Delano, William Adams.
 de Peyster, Miss Augusta M.
 de Ruyter, Mrs. John L.
 Dwight, Mrs. Edward F.
 Eastman, Mr. and Mrs. Lucia R.
 Etington-Schild Co.
 Ellis, William D.
 Emmet, Mrs. C. Temple.
 Emmet, Miss Lydia F.
 Emmons, Mrs. Arthur B.
 Evans, Hartman K.
 Farrelly, Mrs. Gerald J.
 Field, Mrs. William D. C.
 Flagler, Mrs. Harry H.
 Foster, James, Jr.
 Fox, Mortimer J.
 Friendly Fund, Inc.
 Gabrilowitsch, Mrs. Clara.
 Gage, Mrs. B. W.
 Gallatin, Albert.
 Gallatin, Mrs. Albert.
 Geddes, Donald G.
 Goldman, Julius.
 Guggenheim, Mrs. Simon.
 Hamersley, L. G.
 Hammond, Mrs. John Henry.
 Heifetz, Jascha.

* Deceased.

Hickox, Mrs. Charles V.
 Hird, Miss Martha.
 Hockschild, Miss Gertrude.
 Hos, Mrs. Richard M.
 Hosmer, Mrs. Estelle de Peyster.
 *Huber, Joseph M.
 Hunt, Mr. and Mrs. Thomas.
 Hyde, Mrs. B. Talbot B.
 Hyde, E. Francis.
 Hyde, Frederick E.
 Irvin, Richard.
 Johnson, Mrs. Aymer.
 Jones, Edward.
 Jones, Mrs. Edward H.
 Jones, James J.
 Joost, Martin.
 Joost, Mrs. Martin.
 Jourdan, Edward R.
 Katz, Mrs. Hannah E.
 Kemble, George I.
 Kerr, Mr. and Mrs. Robert C.
 Kidder, Mrs. A. M.
 Kio, Walter S.
 Lamont, Miss Elizabeth K.
 Landauer, James D.
 Landau, Francis G.
 Lathers, Miss Julia.
 Leffingwell, R. C.
 Leon, Maurice.
 *Lester, Miss M. Elizabeth.
 Low, Miss Lois Curtis.
 Magee, Mrs. John.
 Maurice, Miss Marian B.
 McClellan, Mrs. George B.
 Metcalf Brothers & Co.
 Metcalf, Mrs. Manton B., Jr.
 Moore, Benjamin.
 Moore, Henry Booth.
 Moore, Mrs. Paul.
 Moore & Schley.
 Morgan, Miss Caroline L.
 Morris, Mrs. Lewis R.
 O'Brien, Morgan J.
 Parish, Henry.
 Parks, Leighton.
 Peabody, George Foster.
 Pearl, Mrs. Frederick W.
 Peckham, Mrs. Wheeler H.
 Perkins, Mrs. Frederick C.
 Perry, Mrs. H. G.
 Peters, Mrs. Theodore.
 Phipps, Mrs. John S.
 Pierce, Mrs. Theron F.
 Pitkin, Mrs. Albert J.
 Polk, Mrs. William M.
 Pope, Mrs. Charles F.
 Poiter, Howard.
 Powell, Wilson M.
 Pratt, Mrs. Charles M.
 Prospect Helpers, Inc.
 Prosser, Thomas.
 *Putnam, Mrs. B. V.

Randolph, Mrs. Francis F.
 Reed, Lansing P.
 Resor, Mr. and Mrs. Stanley.
 Reynolds, George G.
 Richard, Miss Elvine.
 Riegger, Arnold F.
 Robbins, Mrs. Francis LoB., Jr.
 Rossler, Mrs. Franz.
 Root, Charles T.
 Rothbart, Albert.
 Russell, Miss Marie L.
 Satterlee, Herbert L.
 Scott, Miss Mary Evelyn.
 Scott, Walter.
 See, Alonzo B.
 Sheldon, James C.
 Shepard, Finley J.
 Sieher, Dudley F.
 Simmons, Joseph Ferris.
 Sorchaan, Mrs. Victor.
 Sparks, T. Ashley.
 Speyer, James.
 Stebbins, E. Vail.
 Siele, Charles.
 Stewart, Mrs. P. H.
 Stokes, J. G. Phelps.

Stone, Miss Ellen J.
 Stone, Samuel H.
 Stout, Mrs. Andrew V.
 Straus, S. W. & Co.
 Taylor, Lloyd.
 Thatcher, Thomas D.
 Thompson, Mrs. Joseph T.
 Towne, Mrs. John H.
 Tucker, Allen.
 Tucker, Samuel A.
 Tuckerman, Mr. and Mrs. Paul.
 Twichell, Mrs. Burton P.
 Ulman, Mrs. Morris S.
 Van Vechten, F. R.
 Wade, Mrs. Alfred B.
 Watson, Mrs. James S.
 Wellington, Miss Elizabeth R.
 White, Mrs. Henry.
 White, Miss May W.
 Whitney, Mrs. Caspar.
 Williams, Harrison.
 Wilson, Mrs. Orme.
 Yeatsman, Pope.
 Young, Miss Katharine V.
 Zabriskie, Mrs. Cornelius.

CONTRIBUTORS' LIST

For Fiscal Year January 1, 1933 to December 31, 1933

Designation of Funds

Contributions preceded by name only are for the General Fund, for general purposes. Other contributions are designated as follows: G. R., General Relief (used only for relief); S. R., Special Relief (donations for specially designated instances of need); A. S., Assistant Secretaries' Fund (for salaries and incidental expenses); E. B., Employment Bureau; S., Special Purposes; C. T., Christmas Toys.

Abbe, Miss Harriet C.	\$10 00	Baker, Mrs. Herbert S.	5 00
Aborn, Mrs. J. A.	3 00	Baldwin, Mrs. Arthur J.	10 00
Ackerman, Marion S.	5 00	Baldwin, Miss Theodora	2 00
Adams, Mrs. C. Thayer.	5 00	Ballard, Mrs. Edward	
Adams, Mrs. Hall.S.	1 00	Lathrop.G.R.	10 00
Ades, George Townsend.	10 00	Balla, Miss Marie H.	5 00
Adler, Ernest.	2 00	Banker, Mrs. E. H.	5 00
Adler, Mrs. Morton L. G.R.	5 00	Baring, Charles.	25 00
Aldrich, Mrs. Richard.	15 00	Baring, Charles.S.	10 00
Aldrich, Mrs. Richard.S.	10 00	Barksdale, Mrs. Hamilton M.	25 00
Aldrich, Mrs. Winthrop Wil-		Barnes, Courtlandt D.	20 00
liam.	10 00	Barnes, Mrs. E. W.	5 00
Alexander, Miss Agnes.	10 00	Barnum, Miss Laura C.	10 00
Alexander, Archibald S.S.	20 00	Barnum, William Henry.	10 00
Alexander, Miss Mabel W.	10 00	Barrows, Ira.	25 00
Alexander, William.	50 00	Barstow, Miss Cornelia K.	2 00
*Allen, Frederic W.	10 00	Bartol, Mrs. Henry G.	15 00
Allen, George Marshall.	5 00	Barton, Nothera.	1 00
Allison, Mrs. Ethel E.	2 00	Bass, Frederick W.	5 00
Alsberg, William.	10 00	Bassett, Mrs. Charles F.	
Altschul, Mrs. Charles.	10 00	G.R.	5 00
Altschul, Miss Clara.	5 00	Battie, Miss A. Dorothy.	10 00
Amory, Mrs. Charles Mineot.	25 00	Bawden, Mr. and Mrs. Clar-	
Anderson, Clayton & Flem-		ence C.	2 00
ing.	10 00	Baxter, Mrs. W. J.	1 00
Anderson, Miss Cornelia.	5 00	Beckhard, Martin.	5 00
Anson, Mrs. E. Ernauld.	5 00	Bedford, Mrs. Alfred C.	25 00
Appleby, Mrs. John S.	10 00	Beesbe, Mrs. William H. H.	5 00
Ash, Charles F.	5 00	Beer, Mrs. George L.G.R.	5 00
Auchincloss, Charles C.	105 00	Beer, Mrs. Julius.	5 00
Auchincloss, Mrs. Charles C.	25 00	Behr, Edward.G.R.	2 00
Auchincloss, Mrs. Edgar S.	20 00	Belaiz, Arnold.	2 00
Auchincloss, Gordon.	15 00	Beliz, H.	5 00
Auchincloss, Mrs. Hugh D.	10 00	Beller, William F.	5 00
Auchincloss, Mrs. Reginald		Benedict, Elliot S.	3 00
Le G.	15 00	Benjamin, Miss Alina P.	5 00
Avery, Miss Melanie.G.R.	1 00	Bennett, Eugene B.G.R.	10 00
		Bennett, Miss Josephine.	2 00
		Bentley, The Misses N. R.	
		and Meta E.	5 00
Babbitt, Mrs. Kurnal R.	4 00	Berger, Mrs. Charles F.	5 00
Bacon, Daniel.	15 00	Berkey, Mrs. Charles P.	2 00
Bacon, Mrs. Francis McNeil.	3 00	Bernheim, Henry J.	10 00
Baird, David G.G.R.	1 00	Bernheimer, Miss Cora A.	10 00

* Deceased.

Bernuth, O. M.	20 00	Buchanan, Mrs. S. Edwin	20 00
Bewer, Julius A.	G.R. 5 00	Buchanan, William R.	5 00
Beyer, Fred	G.R. 1 00	Bucknall, Mrs. Henry W. J.	10 00
Biedermann, August	20 00	Buckner, Thomas A., Jr.	
Bill-Rite Baby Carriage Company	G.R. 3 00	G.R.	5 00
Binger, Mrs. Walter	5 00	Bulkeley, Edwin M.	25 00
Birdsall, Miss S. Josephine	1 00	Bulkeley, Mrs. Edwin M.	25 00
Bishop, Eliot	10 00	Bunnell, Mrs. Walter L.	10 00
Blaney, Mrs. Charles P.	3 00	Burard, Miss Anna T.	2 00
Blanke, Miss Alice P.	2 00	Bureau of Social Hygiene, Inc.	500 00
Blanke, Miss Katharine M.	G.R. 2 00	Burlingham, Mrs. Charles	25 00
Bloy, Henri Jacques	1 00	Burr, Mrs. Frederic M.	5 00
Blomeier, H. H.	G.R. 5 00	Burr, Mrs. Louis H.	5 00
Bluen, Mrs. Morris J.	5 00	Butler, The Howard Russell Trust	5 00
Blum, Mrs. R. E.	G.R. 250 00	Butler, Miss Mary M.	5 00
Blumenthal, Mrs. Sol	2 00	Butler, Willard Parker	5 00
Boardman, Henry F.	20 00	Butt, Mrs. McCookry	C.T. 5 00
Bodman, Mrs. George M.	5 00	Butterick, Miss Mary E.	5 00
Boettger, Mrs. Theodore	G.R. 1 00	Butterworth, Mrs. George	
Bolton, Miss Frances H.	G.R. 1 00	Forrest	10 00
Bonbright, Irving W.	10 00	Byrne, Mrs. James	5 00
Bonney, Mrs. Leonard W.	10 00	Callender, J. A.	10 00
Borden, Albert G.	20 00	Cameron, James	G.R. 10 00
Botjer, Miss Bertha Louise	5 00	Campbell, Mrs. Oliver Allen	
Bouvier, M. C.	G.R. 5 00	G.R.	10 00
Bowers, Ogden H.	G.R. 2 00	Capron, Mr. and Mrs. C. A.	10 00
Bowie, W. Russell	10 00	Carlebach, Mrs. Emil	2 00
Bowker, Miss I. Pauline S.	2 00	Carleton, Miss Ida B.	10 00
Bowler, Mrs. Muriel	C.T. 5 00	Carlie, Mrs. Jay F.	G.R. 10 00
Brewster, Miss Josephine (for 1932)	1 00	Carrs, Mrs. Arthur	G.R. 25 00
Brewster, Robert S.	50 00	Carter, Ernest Trow	10 00
Brill, A. A.	5 00	Cary, Miss Kate	25 00
Brouner, Miss Mary L.	1 00	Cary, Mrs. Melbert B.	G.R. 10 00
Brower, Jacob L.	G.R. 1 00	Case, Henry Phelps	10 00
Brower, William L.	5 00	Case, J. Herbert	10 00
Brown, Mrs. Donaldson	10 00	Cerf, Mrs. Louis A.	25 00
Brown, Miss Edith Harman		Chambers, Robert A. P.	5 00
"In Memory of Mr. and Mrs. William Harman Brown"	5 00	Chanler, Mrs. Winthrop	5 00
Brown, Mrs. George L.	3 00	Chapin, Miss Cornelia Van A.	10 00
Browder	3 00	Chapman, Miss Anna M.	25 00
Brown, Lawrason	2 00	Chapman, Miss Mary W.	5 00
Brown, Mrs. Lyman D.	5 00	Chapman, Miss Mary W. S.	2 00
Brown, Mr. and Mrs. Thornton K.	2 00	Chapman, Mrs. William P.	10 00
Brown, William Adams	15 00	Chambers, Robert A. P.	5 00
*Bruce, Miss Sarah E.	100 00	Chase, Miss Jessie H. B.	G.R. 3 00
Brenan, Alexander Jay	G.R. 10 00	Channey, Miss Lucy	5 00
Brundage, Mrs. Madeleine B.	C.T. 5 00	Child, Mrs. Lewis P.	1 50
Brundige, Miss Elisabeth Banks	2 00	Child, Miss Ruth E.	5 00
Brunswick, Mrs. Emanuel	10 00	Chisholm, George E.	100 00
Bryant, Samuel	10 00	Choate, Mrs. Arthur Osgood	15 00
Byce, Miss Mary T.	20 00	Church of the Incarnation	50 00
		Clan, John	50 00
		Clark, Miss Amy E.	G.R. 1 00
		Clark, Mrs. D'Wolf	5 00

* Deceased.

Clark, F. Ambrose	100 00	Davis, Mrs. Joseph E.	10 00
Clark, Miss Maud S.	2 00	Devison, Miss Ella H.	10 00
Clark, Mrs. O. M.	5 00	Davison, Mrs. Henry F.	5 00
Clark, Mrs. Stephen O.	100 00	Dean, Mrs. Bashford	10 00
Clarke, Mrs. Adelle V. N.	2 00	Dearborn, David B.	10 00
Clarke, Mr. and Mrs. Andrew A.	10 00	Decker, Charles A.	10 00
Clarke, Miss Helen MacG.	2 00	de Flores, Mrs. Pedro R. S.	75 00
Claland, Mrs. T. J.	15 00	de Forest, Mrs. Henry W.	10 00
Cluett, Walter H.	10 00	de Forest, Henry W.	25 00
Cochran, George D.	10 00	Delafield, Mrs. Lewis L., Jr.	
Cochran, Mrs. R. L.	G.R. 2 00	de Long, Mrs. Emma	G.R. 5 00
Cochran, Mrs. Mary T.	10 00	Deming, Miss Eleanor	10 00
Cocks, Francis E.	2 00	Dennis, Frederic S.	5 00
Coe, Mrs. George V.	G.R. 10 00	de Peyster, Miss Augusta M.	25 00
Coerr, Mrs. Rutherford L.	G.R. 1 00	de Peyster, Miss Frances G.	10 00
Coggill, Mrs. George	G.R. 1 00	deRham, Mrs. Charles	15 00
Cohen, William N.	G.R. 10 00	Dickey, Mrs. Charles D.	10 00
Cohn, Mrs. Alfred E.	5 00	Dickey, Mrs. Charles D., Jr.	10 00
Coleman, Mrs. Robert J.	C.T. 5 00	Dillingham, Frank	5 00
Collier, Mrs. Robert J.	5 00	Dimock, E. J.	10 00
Colt, Harris D.	5 00	Dimock, Edwin	5 00
Colt, Mrs. Richard C.	10 00	Ditson, Mrs. Charles H.	G.R. 5 00
Condit, Fillmore	5 00	Dodge, Mrs. Cleveland E.	5 00
Cone Export & Commission Company	10 00	Dodge, Mrs. Cleveland H.	25 00
Conley, Louis D., Jr.	G.R. 5 00	Dodge, Mrs. Murray W.	5 00
Conrad, Mrs. Bryan	5 00	Dodson, Mrs. Robert B.	10 00
Conrad, Mrs. H. V.	5 00	Donnerlich, Mrs. Alex L.	10 00
Conway, W. P.	5 00	Dooley, John H.	G.R. 1 00
Cook, James D.	G.R. 5 00	Doolling, John T.	5 00
Crooper, James Fenimore	50 00	Doollittle, Judson A.	2 00
Cornish, Mrs. H. H.	G.T. 2 00	Dorrance, Mrs. Samuel M.	5 00
Crafts, Miss Elisabeth S.	25 00	Dortie, Miss Adele G.	5 00
Crain, Miss Christobelle	5 00	Douglas, Mrs. George William	10 00
Creamer, Mr. and Mrs. Wilham G.	2 00	Douglas, Mrs. Frank Shaefer	5 00
Crofton, Mrs. and Mrs. Wilham G.	10 00	Douglas, Mrs. William P.	10 00
Cromwell, J. William, Jr.	G.R. 5 00	Dowd, Heman	5 00
Cross, Miss Emily R.	10 00	Drakenfield, Mrs. B. F.	G.R. 5 00
Cross, John Walter	50 00	Dreyfus, Mrs. J.	2 00
Cudahy, Miss Clara A.	25 00	Driver, Wilbur	5 00
Cudahy, Miss Mary T.	25 00	Duane, Mrs. James May	5 00
Curtis, Mrs. Anna M.	2 50	Du Bois, Miss Ethel	30 00
Curtis, Mrs. Rochester	2 00	Dubois, Mrs. L. F.	
Curtis, Mrs. Elroy	C.T. 5 00	"In Memory of Leon Barre"	2 00
Cutting, Charles Suydam	50 00	Duffie, Mrs. Antoinette L.	2 00
Cutting, Mrs. William Bayard	25 00	Dugan Bros., Inc.	2 00
		Dugan, Mrs. Peter F.	G.R. 1 00
		Duncan, Mrs. Anna C.T.	2 00
		Duncan, Mrs. Harry L.	1 00
		Durrand, Mrs. Frederic F.	75 00
		Duryea, Joseph R.	10 00
		Duryea, Samuel S.	5 00
		Dutt, Henry M.	5 00
		Dwight, Mrs. Edward Foote	
Dall, Mrs. Charles Whitney	5 00		
Dalness, Henry	1 00		
Dalzell, Hugh	5 00		G.R. 10 00
Dana, Mrs. David T.	5 00		
Darlington, Mrs. Charles F.	10 00	Eastman, Mrs. Lucius R.	25 00
Devenport Home, The	C.T. 5 00	Eastwood, Mrs. John H.	25 00
Davies, Mrs. J. Clarence	G.R. 5 00	Eastwood, Mrs. John H.	
Davis, Joseph E.	50 00	Eaton, Mrs. Frank	C.T. 25 00
		Edelestein, Michael	2 00

* Deceased.

Eder, Mrs. James M.	2 00	G.	
Eder, Mrs. James M.	2 00	Gabriel, Barnett	2 00
Edison, Mr. and Mrs.		Gannett, Mrs. W. C.	10 00
Theodore M. (for 1932 and 1933)	20 00	Gantz, Aaron	5 00
Edmonds, Mrs. John Worth	10 00	Gardner, Mrs. Paul E.	25 00
Edwards, Clarence	3 00	Gardner, Mrs. Robert Folger	5 00
Egan, Mrs. Martha	5 00	Garver, Chauncey B.	5 00
Egbert, James C.	5 00	Geer, Mrs. Edward F.	5 00
Ehrlich, Miss Celia	10 00	Gerrish, Frank E.	5 00
Eldert, Mrs. Cornelius	G.R.	Gernon, Frank Scott	5 00
Eldot, Herman	1 00	Gerstner, Mrs. Christina	G.R.
Elliot, Mrs. Susanna	1 00	Gibson, Mrs. Henry S.	1 00
Ellis, Mrs. Lawrence E.	G.R.	Gilbert, William J.	G.R.
Emerson, Mrs. Juliet W.	10 00	Gimbel, Paul	10 00
Emmons, Mrs. Arthur B.	50 00	Godwin, Miss Elizabeth Love	5 00
Enelow, H. G.	5 00	Goetz, J. Oscar	1 00
Erlanger, Sidney C.	5 00	Goffe, R. H.	10 00
Evans, Hartman K.	50 00	Goldman, Miss Rose	5 00
Everett, Percy R.	G.T.	Goldman, Mrs. Oscar	5 00
		Goldmark, Mrs. Ralph W.	2 00
F.		Goldsmith, Harry B.	5 00
Fairfax, Miss Grace Lindsay	1 00	Goldstrom, Miss Helen	7 00
Fairfax, Mrs. Lindsay	5 00	Goodbody, Mrs. Robert	5 00
Farley, Mrs. Robert E.	1 00	Goodbody, Mrs. Robert S.	10 00
Farrand, Wilson	5 00	Goodman, Augustus & Sons	3 00
Ferdon, H. S.	G.R.	Inc.	10 00
Field, Mrs. William B.	500 00	Goodwin, Mrs. James J.	2 00
		Gorley, Miss Edith F.	S.
Osgood	5 00	Gottlieb, Mrs. Paul	10 00
Field, Mrs. William D. C.	20 00	Gould, Mrs. Edward W.	5 00
Fincke, Mrs. B. C.	3 00	Gould, Philmon D.	5 00
Fincke, Mrs. G. W.	2 00	Grace, Mrs. Joseph P.	G.R.
Findley, Mrs. G. W.	1 00	Grace, Joseph P.	25 00
Fisher, Frederick T.	5 00	Graeme, Mrs. Joseph	G.R.
Fisher, Nathan	1 00		
Flager, Mrs. Harry Harkness	10 00	Gray, Henry G.	10 00
Flexner, Dr. and Mrs. Simon	5 00	Green, Mrs. Edward H.	10 00
Flint, John	5 00	Greene, Carleton	3 00
Flood, Mrs. Ann Mac	1 00	Greenough, Mrs. John	20 00
Flood, Mrs. Annie	5 00	Greenwood, Miss Mary M.	10 00
Floyd, Mrs. Rolfe	15 00		
Floyd-Jones, Mrs. G. Stanton		Griffith, Miss Susan D.	15 00
Floyd-Jones, Mrs. G. Stanton	G.T.	Griggs, Mrs. John W.	5 00
Fobes, Hiram	G.R.	Griswold, D.	5 00
Foster, Mrs. Charles H. W.	5 00	Griswold, Mrs. H.	5 00
Foster, Frank	25 00	Griswold, Miss Minnie B.	5 00
Foster, Giraud	5 00	Grossmann, Mrs. Edward A.	2 00
Francis, Mrs. Lewis W.	2 00	Grunder, Mrs. Max	5 00
Frank, Mrs. Leo E.	2 00	Gruntal, Edwin A.	2 00
"In Memory of Leo E. Frank"	5 00	Guinburg, Miss Lillie	G.R.
Frank, Mrs. Leo E.	G.T.	Guinburg, Richard A.	2 00
Fraser, Arthur C.	2 00	Guttman, Mrs. Louis	G.R.
*Fraser, Miss Jane K.	5 00	Gwynne, Miss Mabel	3 00
Freeman, Mrs. Edward Woodsey	25 00		
Frenkel, Emil	G.R.	H.	
Frothingham, C. Frederick	3 00	Haas, Albert	10 00
Fulton, Mrs. Robert Edison	G.R.	Haas, Miss Edith	G.R.
		Hackett, Miss Irene A.	G.R.

* Deceased.

Hadden, Miss A. E.	G.R.	3 00	Holter, Mrs. Edwin O.	E.B.	25 00
Hague, Miss Eleanor		5 00	Holter, Miss Elizabeth	Sago	
Haines, Mrs. Charles D.		5 00		G.R.	2 50
Hall, Edgar H.	G.T.	5 00	Holzberger, John C.		10 00
Haman, Mrs. William A.		5 00	Hooper, Mrs. Katrina	C.T.	5 00
Hammersley, Louis Gordon	G.R.	50 00	Horn, Miss Sarah L.		10 00
Hammond, John Henry		10 00	Horn, Miss Sarah L.		10 00
Hammond, Mrs. John Henry		1 00	"In Memory of A. L. H."		10 00
Harburger, Mrs. Julius		3 00	Horton, E. P.		5 00
Harriman, E. Roland		25 00	Housman, Miss Louise		2 00
Harris, Mrs. Sidney B.		5 00	Hubbard, Miss Grace		1 00
Harris, Mr. and Mrs. Victor		30 00	Hubbell, Charles Bulkeley	G.H.	3 00
Hartman, Mrs. Edith Cooper		5 00	Hubbs, Charles F. & Com-		3 00
Haskell, Mrs. J. Amory		3 00	pany		
Hayden, Charles		100 00	"Huber, Joseph M."		10 00
Hayman, Mrs. Dora D.		2 00	Hudson, Paul H.		5 00
Haston, W. C.	G.R.	2 00	Hull, Mrs. Cora A.	G.R.	5 00
Hellawell, John A.		1 00	Hull, Mrs. George H., Jr.		5 00
Heller, Mr. and Mrs. Isaac S.	G.R.	10 00	Hunt, Miss Mary F.	G.R.	5 00
Helme, Mrs. George A.		25 00	Hunt, Thomas		25 00
Henderson, Mrs. E. C.		10 00	Hunter, Miss Margaret C.		2 00
Hendricks, Henry S.		5 00	Hurd, Richard M.		10 00
Henning, John G.	G.R.	1 00	Hyde, Mrs. Clarence M.		25 00
Henry, Miss Florence		5 00	Hyde, Frederick E.	G.R.	5 00
Henry, Miss H. Maud		5 00	Hyde, Edwin M.	G.R.	5 00
Hermes, Frank J.		5 00		I.	
Heroy, Miss Anne P.		5 00			
Heroy, Miss Anne P.	C.T.	5 00	Ingalls, Mrs. Will C.		5 00
Herrick, Mrs. W. W.		10 00	Ireland, Mrs. Frederick G.		5 00
Herrman, Henry		10 00			
Hewitt, Mrs. Cooper	S.	25 00	Irvin, Charles H.		10 00
Hewlett, Mrs. Samuel L.	S.	1 00	Irvin, William E.		10 00
Hickox, Mrs. Charles V.		50 00	"In Memory of Payson Merrill"	S.	10 00
Hicks, Mrs. Frederick C.		5 00	Iscelin, Mrs. O'Donnell		10 00
Hicks, Mrs. Joshua T.		1 00	Iscelin, William E.		10 00
Hicks, Walter F.	S.	2 00	Isaeman, Mrs. Percy R.	G.R.	3 00
Hicks, Walter F.	S.	5 00	Israel, Mrs. Albert		10 00
Hill, Mrs. Richard W.		2 00	Itleson, Mrs. Henry	G.R.	10 00
Hillhouse, Miss Sylvia R.		2 00		J.	
Hiltman, Mrs. J. W.		2 00			
Hilts, Mrs. Frederick M.		2 00	Jackson, Mrs. Brinckerhoff	S.	2 00
Hilyard, George D.		10 00	James, Mrs. Bayard		25 00
Hirch, Mrs. Alfred E.		1 50	Jameson, E. C.		10 00
Hird, Miss Martha		50 00	Jay, De Lancey K.		20 00
Hirsch, Mrs. Albert		5 00	Jeffares, James N.		10 00
Hoag, Mrs. J. Edward	G.R.	75 00	Jeltrup, Mrs. Henri		1 00
Hochschild, Miss Gertrude		50 00	Jerman, Miss Maria C.		10 00
Hoffman, Mrs. Margaret M.		5 00	Johnson, Mrs. Aymar	G.R.	5 00
Hoffman, Samuel V.		10 00	Johnson, Bradish G.		5 00
Hogan, Mrs. Jefferson		10 00	Johnson, Mrs. Elmer Har-		20 00
Hogeboom, John L.		5 00	and		
Hogg, Miss Elisabeth M.	G.R.	10 00	Johnson, Miss Helen R.		5 00
Holler, Mrs. Lucca E.	G.R.	1 00	Johnson, Guy E.		2 00
Holstein, Mrs. Gustavus M.		2 00	Johnstone, Miss Margaret A.		5 00
Holt, Maynard F.		5 00	Jones, Miss Abbie E.		5 00
Holt, Mrs. Robert S.		15 00	Jones, Mrs. Adam Leroy		3 00
			Jones, Mrs. De Witt Clinton		3 00

* Deceased.

Jones, Miss Dorothy W.	25 00	Levy, Ephraim B.	5 00
Joost, Mrs. Martin	10 00	Lewis, Mrs. August	10 00
K.			
Kaufman, Mrs. Max	G.R. 1 00	Lewis, Mrs. Richard J.	10 00
Kensley, Robert J. A. Com-pany	5 00	Lewis, Mrs. Richard J. C.T.	2 00
Kelleher, Hugh G. M.	3 00	Lewisohn, Adolph	10 00
Keller, Mrs. D. H.	1 00	Lewisohn, Sam A.	S.R. 25 00
Keller, Mrs. Lilla	1 00	Liebman, Julius	10 00
Kellogg, Mrs. Frederic R.	10 00	Lincoln, Mrs. Frederic W. S.	5 00
Kellogg, Herbert S.	5 00	Lindeman, Oscar	10 00
Kellogg, Morris W.	10 00	Lindley, Miss Alice F.	5 00
Kelly, Mrs. Francis C.	2 00	Lindley, Mrs. Erasmus C.	25 00
Kemaya, Mr. and Mrs. Walter S.	20 00	Lloyd Sabado	5 00
Kendall, Mrs. Edward H.	13 00	Lobenstein, Mrs. William C.	10 00
*Kendall, Miss Georgiana	10 00	Lockwood, Mrs. Ferris	20 00
Kenneth, Miss Ethel	3 00	Loewenstein, Hermann	G.R. 10 00
Kernan, Mrs. Michael J.	5 00	Loines, Mrs. Stephen	10 00
Kerr, Robert C.	25 00	Lotta Fund for Aiding Discharged Convicts	685 00
Kerrison, Philip D.	G.R. 10 00	Low, William G.	20 00
King, E. W.	G.R. 1 00	M.	
Kirkham, Mrs. Edward	2 00	Macdonald, Miss Jean	G.R. 15 00
Kissel, Mrs. Gustav E.	10 00	MacNeil, Herman A.	2 00
Kitching, Miss Belle M.	5 00	Madigan, John H.	S. 5 00
Kittredge, Mr. and Mrs. Samuel Dana	1 00	Magee, S. J.	G.R. 10 00
Knickerbocker Yarn Com-pany	5 00	Mallaby, Miss Theodora F.	G.R. 5 00
Knies, George J. A.	5 00	Manges, Morris	G.R. 5 00
Knight, Mrs. George T.	5 00	Mansfield, Howard	5 00
Kohstamm, Mr. and Mrs. Edward	15 00	Marcus, Mrs. George E.	5 00
Kohstamm, Mr. and Mrs. Joseph	15 00	*Markle, John	100 00
Korn, Mrs. William	10 00	Marquand, Mrs. Allan	10 00
Kress, C. W.	2 00	Marquand, Miss Sarnia	15 00
Kress, Samuel H.	10 00	Marshall, Mrs. Chauncey	10 00
Kuessel, Henry N.	G.R. 3 00	Martin, Mrs. Alfred W.	10 00
L.			
La Farge, Mrs. Bancel	4 00	Martin, Miss Florence C.	10 00
La Farge, Mrs. Helen H. P.	2 00	Martin, William V.	5 00
Lake, Miss Jennie S.	10 00	Mars, Benjamin F.	G.R. 1 00
Lamont, Thomas William	10 00	Mason, Mrs. Eugene Waterman	10 00
Lamont, Mrs. Thomas W.	10 00	Mathews, Mrs. Albert H.	10 00
Lanman, Jonathan T., Jr.	1 00	Mathewson, Douglas	S. 2 50
Lascoff, J. Leon & Son	1 00	Matthiessen, Mrs. Erard A.	5 00
Lathrop, Spencer	G.R. 5 00	Maurice, Miss Marian B.	25 00
Lauterstein, Mrs. Leon	2 00	Maurty, Mrs. Henry Tobin	5 00
Lawrence, Miss Clara Louise	25 00	Maynard, Miss Helen Louise	10 00
Lazarus, Leonard	S. 1 00	McAlpin, Mrs. D. Hunter	10 00
Leaman, Walter E.	2 00	McAlpin, Mrs. William W.	10 00
Lee, Mrs. Burton J., Jr.	5 00	McCall, Mrs. William A.	G.R. 10 00
Leeb, Alfred	10 00	McCarroll, James R. T.	5 00
Lehmater, James M.	10 00	McCarter, Mrs. Robert H.	2 00
Lenz, Maurice	5 00	McCarthy, Thomas F.	G.R. 20 00
Le Roy, Mrs. Katharine M.	5 00	McCallan, Mrs. George B.	5 00
Le Roy, Mrs. Robert	G.R. 10 00	McCreery, Henry Forbes	25 00
Leventhal, Mrs. Abraham S.	1 00	McDowell, Miss Florence (for 1932)	5 00
Levi, George	5 00	McGovern, Miss Eleanor	G.R. 10 00
		McLean, Mrs. James	25 00

* Deceased.

Merriam, Miss Annie L.	G.R. 5 00	Oakley, Alonzo Gore	O. 5 00
Merritt, Miss Helen S.	G.R. 5 00	O'Brien, Morgan J.	25 00
Mercereau, Mrs. Jacob	10 00	Odgen, Charles W.	10 00
Metcalf, Mrs. Mantion B., Jr.	25 00	Olafson, Olaf	1 00
Meyer, Mrs. Charles E.	2 00	Olcott, Miss Mary	5 00
Middletton & Company, Ltd.	1 00	Olcott, Miss Theodora	G.T. 5 00
Milburn, Mrs. Devereux	G.R. 10 00	O'Neill, Miss Annie	G.T. 5 00
Miller, Miss Annie	G.R. 10 00	Openhym, Wilfred A.	S. 5 00
Miller, Mrs. Edgar Grim, Jr.	25 00	Oppenheimer, B. S.	S. 5 00
Miller, Mrs. Henry Wise	5 00	Orne, Henry M.	15 00
Miller, Mrs. Martin	G.R. 5 00	Osborn, Mrs. William Church	S. 10 00
Milkken, Mrs. Gerrish E.	3 00	Otis, F. Burton	S. 2 00
		Owen, Mrs. Walter T.	S. 5 00
P.			
Mills, David B.	G.R. 10 00	Paige, Mrs. Douglas W.	10 00
Minford, Miss Agnes A.	5 00	Palmer, Mrs. J. Culbert	5 00
Minner, E. E.	1 00	Pappenheimer, Mrs. A. M.	10 00
Moeller, Miss Hannah T.	1 00	Parker, Mrs. A. W.	3 00
Mohun, Mrs. R. Dorsey	3 00	Parker, Mrs. William	G.R. 2 00
Moore, Mrs. George C.	1 00	Parsons, Miss Anna H.	G.R. 1 00
Moore, Benjamin J.	10 00	Parsons, William Barclay	5 00
Moore, Edward S.	10 00	Partridge, Theodore Dwight	20 00
Moore, Mrs. Paul	50 00	Paulding, James Kirke	5 00
Moore, Mrs. William H.	25 00	Pavenstedt, Adolf J.	10 00
Morawetz, Mrs. Victor	G.R. 10 00	Pavey, Frank D.	20 00
Morgan, Miss Caroline L.	10 00	Pearce, William G.	25 00
Morgan, Mrs. Edith P.	2 00	Peck, Mrs. Bayard L.	2 00
Morris, Mrs. Irma C.	G.T. 1 00	Peebles, Miss Frances H.	2 00
Morris, Lewis Spencer	10 00	Peierls, Siegfried	5 00
Morris, Richard L.	10 00	Pell, James D.	10 00
Morris, William H.	10 00	Pemoyer, Mrs. Paul Goddes	5 00
Morton, Mrs. Paul	10 00	Perkins, Mrs. Clarence E.	15 00
Mossman, Mrs. Howard Hill	10 00	Perkins, Edward W.	5 00
Mott, Lewis F.	20 00	Perkins, Miss Emily S.	5 00
Mouraille, Miss Mathilde M.	3 00	Perkins, Mrs. George W.	75 00
Mowbray, Miss Mary E.	5 00	Peters, Miss Isabel M.	10 00
Mueller, Jacob P. Company	2 00	Pfeiffer, Alexander	G.R. 5 00
Mueller, Miss Louise M.	5 00	Pfeiffer, Mrs. G. Oscar	1 00
Murphy, Miss Janet B.	5 00	Phelps, Miss Claudia Lea	10 00
Murray, Miss Catherine	2 00	Phillips, Miss Edith M.	20 00
National Welfare League of Sing Sing Prison	S. 230 00	Phillips, Miss Ellen A. G.	S. 5 00
N.			
National Biscuit Company	5 00	Phillips, Mrs. John H.	G.T. 2 00
Neave, Mrs. Charles	5 00	Pierce, Mrs. Theron F.	G.R. 5 00
Neuss, William	10 00	Pierrepont, Miss Julia J.	15 00
Newborg, M.	10 00	Pierrepont, Mrs. B. Stuyvesant	G.R. 5 00
Newhouse, Mrs. Walter Scott	1 00	Pinkerton, Mrs. Robert Allan	5 00
Nichols, Mrs. Acosta	5 00	Pitkin, Mrs. Albert J.	50 00
Nichols, George	10 00	Pitney, Mrs. J. O. H.	10 00
Nichols, Mrs. John W. P.	10 00	Podeta, Luigi	5 00
Nichols, William W.	G.R. 5 00	Polk, Frank L.	5 00
Nicola, Nathaniel	G.R. 5 00	Polk, Mrs. William M.	20 00
Norris, Charles	S. 10 00	Polak, W. G.	10 00
Norris, Miss Fanny	10 00	Pope, Mrs. Charles Frank	40 00
Nourse, Miss Juliet L.	5 00	Porter, Mrs. H. Hobart	S. 10 00
Noxall Waist & Dress Com-pany, Inc.	G.R. 5 00	Porter, H. Hobart	10 00

Post, Abram S.	10 00
Post, Mrs. Carroll J., Jr.	5 00
Post, Miss EdwinS.	5 00
Pratt, Mrs. Charles M.	50 00
Pratt, Harold I.S.	100 00
Pratt, Herbert L.	10 00
Pratt, Mrs. John T.	500 00
Prescott, Miss Mary R.	10 00
Prince, Mrs. Benjamin	10 00
Prizer, Miss Mary C.	5 00
Prospect HelponaS.	25 00
Purrrington, Mrs. William A.	10 00
Purrrington, Mrs. William A.	10 00
Putsam, Mrs. William A.	5 00
Pyne, Mrs. H. Rivington.	5 00
Q	
Quinto, PhilipS.	2 00
R	
Racky, Miss BerthaS.	2 00
Randolph, Mrs. Francis F.	50 00
Rankin, Mrs. HughS.	5 00
Ransom, Mrs. Paul C.	5 00
Raynor, Mrs. Forrest. G.R.	5 00
Redmond, Miss EmilyS.	10 00
Reed, Henry DouglasS.	20 00
Reed, Lassing P.	10 00
Reese, Miss Margaret M.	5 00
Reid, FergusS.	100 00
Reisinger, Carl E.	5 00
Rensen, Miss Margaret S.	10 00
Renton, Stanley H.	10 00
Renwick, Mrs. William G.	50 00
Resor, Mr. and Mrs. Stanley	5 00
Reynolds, Miss Emma C.	5 00
Reynolds, Miss Emma C.	10 00
Reynolds, George G.C.T.	16 00
Richard, Miss ElvinaS.	50 00
Richard, Oscar L.	10 00
Richardson, Mrs. C. Tiffany.	2 50
Richardson, Miss Edith C.	2 50
Richardson, Miss Marion.	5 00
Richardson, Mrs. William J.	2 00
Riggs, KarriekS.	5 00
Riggs, Lawson, Jr.	5 00
Rives, Mrs. Reginald B.	25 00
Robbins, Mrs. Julian W.	5 00
Robbins, Mrs. JuliaG.R.	5 00
Roberts, Mrs. Henriette W.	5 00
Roberts, Miss Josephine L.	5 00
Robinson, Mrs. Eli K.	25 00
Robinson, Mrs. Franklin W.	5 00
Rockwood, Miss Katharine C.	15 00
Rodewald, Miss A. Leontine.	5 00
Rodman, H. B.	2 00
Rogers, Mrs. BenjaminS.	25 00
Root, OrenS.	10 00
Rose, John HenryS.	1 00
Rosenbaum, Sol G.	10 00
Rosenbhn, Mrs. S. J.	10 00
Rosenblat, RudolphS.	2 00
Rosenzweig, Mrs. Joseph.	5 00
Rothbart, AlbertG.R.	10 00
Rothberger, Mrs. Charles.	1 00
Rothschild, Miss Anna J.	5 00
Rothschild, Walter N.	5 00
Rowell, Mrs. Ruth F.G.R.	2 50
Rumery, Ralph R.G.R.	5 00
Russell, Mrs. Howland.	5 00
Russell, Mrs. HowlandS.	5 00
Ryle, ArthurS.	10 00
Ryle, ArthurS.	10 00
S	
*Sabin, Charles H.	50 00
Sage, DeanE.B.	1,275 00
Sage, Mrs. Henry W.G.R.	20 00
Sage, Mrs. William H.	50 00
Sahler, Miss Helen G.G.R.	10 00
Salomon, Mrs. HarryG.R.	5 00
"In Memory of Pauline Schewrin"G.R.	5 00
Sanders, Lawrence H.S.	1 00
Sanger, Mrs. William CaryG.R.	5 00
Satterthwaite, Mrs. Thomas E.	15 00
Sattler, Anton, Inc.	2 00
Saul, Charles R.	5 00
Saunders, Arthur C.	5 00
Sawyer, Miss Charlotte A.	10 00
Sawyer, Mrs. ConwayG.R.	10 00
Sayre, Miss Mary Hall.	2 50
Schaefer, Bernhard K.G.R.	5 00
Schaefer, E. RalphS.	5 00
Schaefer, Mrs. J. LouisG.R.	5 00
Schaefer, Anton H.	5 00
Schlesinger, Miss Anna.G.R.	2 00
Schley, Mrs. Kenneth B.	25 00
Schmidlapp, Carl J.	5 00
Schuchard, Mr. and Mrs. FrederickS.	5 00
Schulte, Mrs. AnthonyS.	2 50
Schultz, Mrs. Joseph M.	5 00
Schultz, Mrs. Albert B.G.R.	5 00
Schwab, Miss EmilyS.	25 00
Schwartz, RobertG.R.	2 00
Scott, Mrs. Richard J.G.R.	2 00
Scott, Mrs. Charles F.	5 00
Scott, Henry L.	10 00
Scott, Miss Mary Evelyn.	50 00
Scoville, Mrs. Joseph M.G.R.	10 00
Scoville, Miss GraceS.	20 00
Seelig, G. A. F.	1 00
Seeman, JosephS.	2 00
Shaw, Mrs. Samuel T.	1 00
Sheldon, Miss Edith.	1 00
Shepard, Finley J.	25 00
Short, Livingston L.G.R.	1 00
Shriver, AlfredS.	5 00

* Deceased.

Sibley, Mrs. Hiram W.	20 00
Sidman, Edgar N.	5 00
Silverman, Miss Estelle L. S.	1 00
Simonds, Samuel S.G.R.	3 00
Simons, IsaacS.	2 00
Simpson, Miss Jean Walker.	25 00
Slade, Francis LouisS.	5 00
Slade, George T.	25 00
Sloan, Mrs. William S.	5 00
Sloane, Mrs. JohnS.	15 00
Sloane, Mrs. WilliamS.	25 00
Smith, Mrs. Eliza W.	10 00
Smith, George C., Jr.	10 00
Smith, Roy C.	5 00
Smithers, Christopher D.	10 00
Solomon, I., Inc.G.R.	5 00
Solomon, Mrs. Stella.G.R.	2 00
Spalding, Mrs. George A.	5 00
Sparks, T. AshleyS.	10 00
Spaulding, S. S.	25 00
Sprague, SethS.	10 00
Spence, Robert M.S.	10 00
Speranza, Mrs. Gino.	25 00
Speyer & CompanyS.	10 00
Spier, Mrs. Louis Dean.	1 00
Starr, Frederick W.G.R.	3 00
Stearns, Guy BeckleyS.	10 00
Steele, CharlesS.	10 00
Stein, Mrs. EmilS.	5 00
Stein, Mrs. Gerda.	10 00
Stetson, Miss EthelS.	2 00
Stener, Mrs. Max D.	3 00
Stevens, Miss Mary Otis.	2 00
Stevens, Mrs. Robert S.	5 00
Stewart, Mrs. Albert A.	5 00
Stewart, Mrs. Albert A.S.	5 00
Stickney, Henry AustinS.	10 00
Stiefel, Mrs. IsaacS.	2 00
Stieglitz, Mrs. AlbertS.	5 00
Stillman, Miss Charlotte R.	50 00
Stillman, Miss Charlotte R.	50 00
Stimson, Henry A.	5 00
Stimson, Henry L.	25 00
Stokes, Harold Phelps.	10 00
Stone, Herbert F.	12 00
Stone, Junius H.	5 00
Stone, Samuel H.	50 00
Stout, Henry P.	10 00
Strasbourg, Mr. and Mrs. IrwinS.	10 00
Stratton, Albert Elbridge.	3 00
Strauss, CharlesS.	25 00
Strauss, JosephG.R.	10 00
Strauss, NathanS.	2 00
Strong, Mrs. J. R.	35 00
Strong, John R.	5 00
Strong, Miss Marion R.	2 00
Sturges, W. W.	5 00
Stuyvesant, A. Van Horne, Jr.	25 00
Stuyvesant, Miss Anne W.	25 00
Styles, Mrs. Frederick E.	3 00
Sullivan, Mrs. JamesS.	1 00
Sullivan, William Mathias.	15 00
Sulzberger, Mrs. Arthur HaysS.	10 00
Summer, Mrs. Ernest L.G.R.	2 00
Sutcliffe, Miss Mary L.G.R.	1 00
Sutton, J. Wilson.	1 00
Swallow, Mrs. A. G.	5 00
Swan, Mrs. Sydney M.G.R.	3 00
Swatland, Donald C.	25 00
Swett, Mrs. Paul F.S.	5 00
Swett, Mrs. Paul F.S.	5 00
T	
Tait, Mrs. Trevor S.	1 00
Taylor, Charles O.G.R.	10 00
Taylor, William AmbroseS.	10 00
Teagle, Walter C.	1 00
Tekulsky, LouisS.	3 00
Tischer, Mrs. Thomas D.	10 00
Thaw, J. C.	15 00
Thiele, E.	10 00
Thomas, Mrs. Allen M.G.R.	5 00
Thomas, Miss Gertrude S.	40 00
Thomen, Mrs. O. J.	5 00
Thompson, Mrs. Lewis S.	5 00
Thomson, John W.	10 00
Thornburn, Miss Clara M.	2 00
Thornburn-artz, Mrs. L. N.	2 00
Thorne, Mrs. SamuelS.	5 00
Thorne, Victor C.G.R.	10 00
Tiffany, Charles L.	10 00
Thompson, Mrs. JamesS.	10 00
Thompson, Miss Margaret C.	25 00
Titus, Miss Mary V.	5 00
Toal, Mrs. J. KennedyS.	5 00
Toland, Mrs. AliceG.R.	1 00
Tompkins, Mrs. William W.G.R.	15 00
Towl, Mrs. Forrest M.	2 00
Townsend, Arthur O.	5 00
Townsend, EdwardS.	100 00
Tredwell, Edgar AlansonG.R.	5 00
Tregoux, Mrs. C.G.R.	5 00
Tropp, LeopoldS.	5 00
Trowbridge, Mrs. James A.	5 00
Truslow, ArthurG.R.	1 00
Tucker, Mrs. GertrudeG.R.	5 00
Turner, Mrs. Henry Chandise.	5 00
Turner, Miss Mary A.	1 00
Tuttle, Mrs. Fredericka S.	25 00
Tyler, Mrs. Walter L.	5 00
U	
Union Towel Supply CompanyS.	10 00
United Retail Grocers' Assn.	10 00