

STATE OF NEW YORK

THE EIGHTY-FIRST ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1925



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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-first 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 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 many other States and in foreign countries.

THE PURPOSES
OF
THE PRISON ASSOCIATION OF NEW YORK

1. The protection of society against crime.
2. The prevention of crime, and especially of juvenile delinquency.
3. Protection for those unjustly accused.
4. Parole and probation, when suitable.
5. Improvement in prisons and prison discipline.
6. Employment and other assistance for released or discharged prisoners.
7. Necessary aid for prisoners' families.
8. Supervision for those on probation and parole.
9. Needed legislation.
10. Publicity in prison reform.
11. Research and advice.

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THE PRISON ASSOCIATION OF NEW YORK

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HURD, JAMES, PAVEY, POWELL, SAGE, SCHIFF

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

HON. SEYMOUR LOWMAN,

Lieutenant-Governor of New York:

SIR.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present the Eighty-first 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 EUGENE SMITH, *President.*

GEORGE W. WICKERSHAM, *Chairman, Executive Committee.*

E. R. CASS, *General Secretary.*

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INTRODUCTION

Frequently during the year we have heard explanations for the prevalence of crime. Some say that one condition or another is responsible for all crime, and suggest that if a certain change were made in the law, or if a certain practice were discontinued, there would be a reduction in crime, and even a disappearance of crime. The plain truth is that we cannot single out one thing and say that it is the cause of all crime, and we cannot prescribe a single remedy for all crime.

The problem of crime is complex and always will be. Crime is as old as civilization and has varied through the centuries in quantity and kind. No one expects to extirpate crime—to expel it from the world—that is beyond human power; but man is permitted to do much to either increase or diminish it.

Repeatedly we have heard from some learned and distinguished men, whose words seem to be invested with a certain importance and authority, an address on crime, deploring its increase, quoting statistics, and offering a remedy. These speeches are almost invariably the same; nothing much is ever said in them that has not been said for years, and always and invariably the same cure is proposed—severer punishment. However, that has been tried, and to almost unimaginable extremes—and crime is still with us.

Confusing has been the observation during the year of one group attempting to place the responsibility for the crime situation upon another. Campaigns have been conducted by the public press, and a multitude of utterances have been made by the police, the courts, prosecuting attorneys, probation and parole officers, and others, some in an attitude of self-defence, or in an attempt to definitely place the responsibility. Many of these statements have been misleading, inaccurate, distorted and unfair. Some have disclosed an appalling lack of reliable knowledge or information, and unfamiliarity with procedure, on the part of those who attempt to reliably enlighten the public. Then there have been glaring examples of inconsistencies between speech and practice, that is some of those advocating severity, and who are in a position to put their beliefs into practice, fail for reasons best known to themselves to take advantage of the power given unto them by the law.

In the midst of all this the public mind has been inflamed, with the result that institutional methods and parole procedure have in the main been held responsible for what is called a "crime wave". Our institutions are far from perfect, and one reason for it is that the public has never been particularly interested in them, and likewise our parole system. We are continually reminded of the failures, but of the successes we hear nothing. If a prisoner on parole robs a store, or engages in a hold-up, the columns of the

public press are ablaze; if a prisoner on parole engages steadily in his work, takes good care of his family, and becomes a useful member in the community in which he lives, the public press is not interested.

However, a careful and impartial study would undoubtedly reveal that many of those who have been attempting to place responsibility need to examine their own household, and by that is meant that the official chain which has to do with the administration of the criminal law is long and contains more than one weak link, yes, many, and until these weak links are strengthened there cannot be a satisfactory administration of the criminal law. Instead of the courts and the police and others attempting to place the responsibility for the crime situation in one direction, and probably where it does not belong, close study of the situation will reveal that there is need for a general bracing up and a treatment of the crime problem dispassionately, conscientiously and intelligently.

With a view to the correction of conditions by which crime thrives and multiplies in this country, the American Law Institute appointed a committee of able and distinguished legal experts, which committee has made its preliminary report, under the title of "A Survey and Statement of the Defects in Criminal Justice."

Among the declarations in the report are the following:

"First: *There is more crime in this country in proportion to population than there is in England or Canada.*

"Second: *That a much larger proportion of those who commit crimes are not apprehended in this country as compared with the two countries mentioned. This emphasizes the general inadequacy of our police departments and peace officers.*

"Third: *A larger proportion of those who are prosecuted for crime in this country escape conviction and punishment than in England or in Canada.*"

"More significant than the prevalence of crime, in determining the efficiency of the administration of criminal justice, is the proportion between the number of crimes committed and the number of guilty persons punished for their commission and the speed with which punishment follows commission. Even if the crimes committed in this country were relatively few, yet if a small proportion of those committing them are punished or there is undue delay in this punishment, criminal justice could not be said to be efficiently administered. When we come to statistics bearing on these phases of the problem of law enforcement,—the number of criminals apprehended, the number of those apprehended who are prosecuted, tried, convicted, acquitted, and punished, and the swiftness with which punishment follows the commission of the crime,—the published statistics are more reliable but far less abundant or representative of the whole country. Indeed, they

are very meagre. We therefore sought additional information from prosecuting officers of fifty of the leading cities of the United States, the attorneys-general of those states which provide for reports to that officer from the prosecuting attorneys of counties, from the Attorney-General of the United States, and from statistics as to the prison populations in the various states. From a study of such accurate statistics as exist, combined with the information gleaned from the other sources mentioned, while we are unable to give exact data on these phases of law enforcement, we are convinced that:

"Fourth: *Viewing our situation from our own standpoint and not in comparison with other countries:*

- (1) *There are altogether too many crimes committed by those who are not apprehended.*
- (2) *There are altogether too many offenders who are not indicted.*
- (3) *There are too many indicted who are not tried."*

"While it must not and should not be assumed that all who are indicted and prosecuted are guilty, it is evident:

- (4) *That too many of those who are prosecuted are acquitted and too few are convicted.*

"It is equally clear:

- (5) *That too many of those who are indicted escape prosecution, conviction or punishment, in ways other than by acquittal."*

"In all of these failures the weaknesses and the faults of the officials charged with the enforcement of the criminal law work along with the defects of the law itself to make more difficult the apprehension and punishment of the enemies of society. The true relationship between the number of and seriousness of the crimes committed and an effective or ineffective enforcement of the law is so evident as to need but little argument or discussion. It is not severity of punishment that deters criminals, but promptness, certainty and finality."

* It is gratifying to note that the committee emphasized the "necessity for the establishment of a bureau of criminal statistics in every State of the Union. The importance of such statistics has recently engaged the attention of the Federal Government, and a central bureau for the collection of criminal statistics and for the registration and identification of criminals has been established in the Department of Justice at Washington. *This

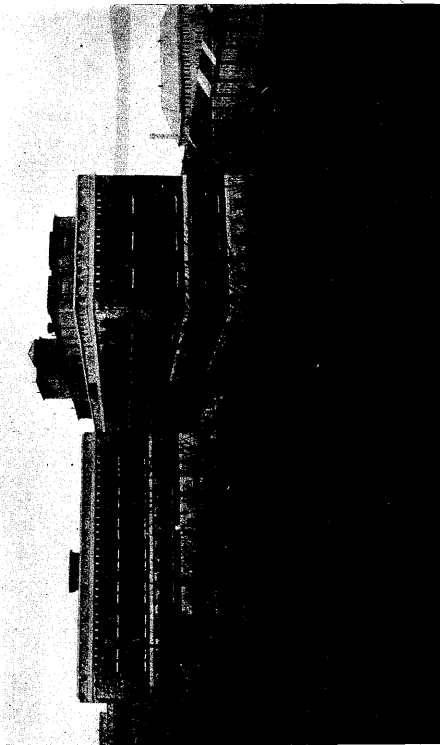
*The Prison Association of New York, the American Prison Association, and others, have long urged a central bureau of criminal identification and information, and have pointed out the need for a uniform method of collecting, tabulating, and reporting such information.

bureau, however, can be of little service on its statistical side until the States adopt a scientific and uniform method of collecting, tabulating and reporting such statistics."

We occupy at present a peculiar position as to criminals and criminal law. We are in a transition state; we have by degrees got rid of many bad and cruel laws and practices; we have come fairly to admit our responsibility in the matter as a nation, and we have apparently come to a hearty determination to discharge it; but we are not agreed as to the result of what has been accomplished, and still less as to what we ought to do for the future.

The task which the country has now before it is arduous and it requires the combined efforts of the national and state legislatures, of the churches and of individuals; singly they cannot succeed, united they may, so far at least as greatly to reduce the number of open professional offenders.

A beginning has been made, that is, the public has been aroused in various ways during the year to the prevalence of crime, and it remains only to improve and extend the various methods now existing to combat crime.



In the foreground to the left is a partial view of the Sing Sing clinic building, which has been completed for nearly three years. See Recommendation II, page 18.

CHAPTER I

RECOMMENDATIONS TO THE LEGISLATURE

1. *Legislation relative to a State Department of Correction, as provided for in the adopted constitutional amendment, should be enacted.*

The impossibility of a systematic, coordinated program of administration for the correctional institutions of the State has been pointed out in our previous reports. A situation still prevails wherein there exists a certain specialization of institutional administration.

The constitutional amendment as adopted probably applies only to state institutions. However, in the future it should be extended to include the various county penal institutions and the departments of correction of the large cities in the State, so that there can be developed a thorough state-wide correctional system.

It is important that, so far as is possible in accordance with the provisions of the constitutional amendment for the reorganization of the State Government, as recently adopted, the interests of impartial investigation and inspection of the penal and correctional institutions of the State be preserved. It is considered a mistake by this Association to have the head of the State Department of Correction, which body is to take the place of the State Commission of Prisons, Chairman of the State Commission of Correction, and it is therefore urged that the powers of the head of the State Department of Correction, as Chairman of the State Commission of Correction, be curtailed. It is considered unsound that he should be the head of the body charged with the inspection and investigation of the institutions under his control.

The State Probation Commission should be made a part of the State Department of Correction, continuing its commissioners of probation and adding to their number the head of the State Department of Correction as an ex-officio member. Probation is a form of correctional treatment of the law-breaker, and therefore should be a part of the correctional system of the State, but in the main the Department of Correction will have to do with the administration of institutions, and it is therefore important that the probation work be developed and supervised by those especially sympathetic and familiar with its possibilities.

The State Parole Board should be continued and should be a part of the State Department of Correction. This subject is dealt with fully in Recommendation No. 5.

2. *Funds should be provided to make for the opening and operation of the clinic at Sing Sing Prison.*

The need for this clinic has been urged in previous reports of the Association and in other writings, and the State definitely committed itself to the idea in legislation passed in 1916.* The plans for the new Sing Sing in their general scope represent unquestionably the greatest advance yet made in any prison in this country, and possibly in the world, for the proper housing and study of prisoners. The clinic building has been completed for three years, but as yet no staff has been provided, nor has there been worked out a definite plan for its operation, not only in the matter of examining into the mental, physical and moral difficulties of prisoners, but in the carrying out of special treatment in the prison proper in an effort to remedy, where possible, the difficulties found as the result of examinations made in the clinic. There are many phases of the whole program centering about the operation of the clinic that need to be worked out and which cannot properly be gotten under way until the clinic begins to function. Therefore it is incumbent upon the State of New York to cease the lagging which has been so evident in this matter for too many years, and which has raised the query, not only in the State of New York, but in other States in the Union, and abroad, to wit, "When will the long-talked-of clinic at Sing Sing begin to operate?"

3. *Provision should be made so that additional construction necessary to the completion of the new Sing Sing Prison can be undertaken.*

As stated above, as a result of legislation passed in 1916, plans for a new Sing Sing were made. Only two buildings have been completed. The new cell building accommodates only 283 prisoners, and in the light of recent changes to the effect that Sing Sing shall not only serve as a reception and clearing house prison, but also as a prison for the permanent detention of certain types of prisoners, necessary construction should not be further delayed.

The following is part of a letter addressed to Governor Alfred E. Smith by an inmate of Sing Sing Prison on October 17, 1925. This letter is worthy of the attention of the members of our Legislature, and of those who are under the impression that Sing Sing abounds in joys and attractions, since too much to this end has been said, especially by those who have never visited the institution.

"I have been in Sing Sing since June, 1917, having spent eighteen months in the death house. On Nov. 28, 1918, my sentence of death was commuted to natural life imprisonment by Governor Whitman. I am entering my ninth year in Sing Sing now.

"In 1920, when you spoke at Sing Sing on the occasion of the laying of the cornerstone which was the initial step in the work of rebuilding Sing

Sing, the promise of a new cell, with at least half-way human attributes, instilled in the heart of myself, and in the hearts of all who were confined at that time, a feeling of gratitude and hope which mere words never could express. At last we were on the threshold of a more healthful place to sleep than was our existing lot.

"The conditions existing in the cell block here at Sing Sing today, and which have existed for scores of years, are deplorable beyond comprehension from a sanitary standpoint. The cell block was condemned as unsanitary and unfit for human habitation more than fifty years ago, but we are occupying the same cells today, and will continue to do so until the new buildings here are completed.

"We are confined in a cell 3 feet 6 inches wide and 6 feet 11 inches long and 7 feet 7 inches high, with a door the lower half of which is solid sheet iron and the upper with cross-bar openings about two inches square.

"The cells are unfit for a dog and have been so described on many occasions by public-spirited citizens of high standing in their communities. They are cold and damp, and the walls and ceilings are actually wet to the dripping point during the Summer months.

"It is a regular thing when getting up in the morning to be confronted with the necessity of putting on clothing almost wringing wet. This condition is easily understandable when one gets a view of the cell. It is of solid stone irregularly built with projecting pieces from the sides and ceiling, and the only ventilation is through the small openings in the top of the doors. There are no windows in these old cells.

"The cells have long since been condemned as breeders of disease, and in my experience of five years as a worker in the hospital at Sing Sing, I have seen many men who were in good physical condition on their arrival, gradually fall in health. They have contracted rheumatism, tubercular conditions, pneumonia, and in many cases I have seen men develop a rheumatic condition of the fingers and toes almost unbelievable.

"It is a common occurrence here to see men transferred to Clinton Prison, in the upper part of the State, on account of broken health, and all because of the conditions of the cells they are forced to occupy.

"The work of completing the new buildings on the hill adjoining the old prison here is progressing slowly, as you know only too well, due to the lack of funds, as I understand it. There are some 300 cells now being used in the new building, but only those who have comparatively short sentences are eligible for their occupancy, due to the fact that the wall around the new buildings is not yet finished.

"There has so much been said about the ease and comfort of those confined in Sing Sing, yet I have never heard of anyone and include members of the bench and bar, citizens of standing in our community, and from other parts of the country, who have any conception of the horrible sleeping conditions afforded us in the living tomb here.

"One look has been sufficient for each and every visitor to shudder; they seen in a haze when they look into the cells, almost trying to convince themselves. It seems, that this is a relic of more barbarous days, not of the twentieth century. It simply does not exist in this enlightened age. But it does exist and we here know it full well.

"I have many times hoped that some of our critics, those who do not understand that it is because of this horrible cell block—and for no other reason—that we are permitted the use of the chapel evenings, for a moving picture or lecture of some kind, could witness the morning turnout.

"I have seen men come out of their cell block mornings, carrying their buckets and fairly staggering into the open from the effects of the stifling, damp, muggy condition of the cell where they spent the previous ten or twelve hours."

* Chapters 1, 11 and 111, 73d Annual Report of the Prison Association.

4. *Legislation intended to improve the county jail system in this State should be enacted.*

The glaring defects and abuses that exist in our county jail system have been described again and again in the reports of the Prison Association of New York. The county jails should be under the control of a 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 a State Department of Correction. The county penitentiaries can be made places of reformation, but so long as they are under county management there is little chance for the development of systematic industry and reformative influences. There will be presented to the Legislature a resolution urging the appointment of a legislative committee to investigate the several county penitentiaries of the State, to determine the feasibility of their being taken over and operated by the State as State industrial farms for misdemeanant prisoners, and the best localities for industrial farms. This resolution will be presented and urged by the committee⁹ which has been at work for several years to develop a jail program for New York State. The resolution has the whole-hearted support of the Prison Association of New York, which organization has had the privilege of participating in the work of the Jail Committee, the chairman of which is Mr. George W. Wickersham, Chairman of the Executive Committee of the Prison Association of New York.

5. *Legislation providing for the full time service of the State Prison Parole Board should be enacted.*

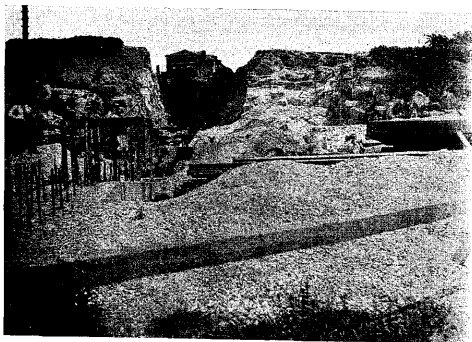
The recommendation of the Prison Association for a number of years that the State Prison Parole Board should be reorganized; the members thereof to give full time service to the work, still holds. Attempts to effect this change through legislation have not as yet been successful. There is need for a parole board to be made up of the best citizens obtainable, who should be selected because of their interest in the work and their willingness to give the necessary time to the important task of determining, in the interests of society, the fitness of the inmate of a State prison for parole. During the 1925 session of the Legislature a bill was introduced by Assemblyman Goodrich at the request of this Association, and it provided, in brief, that there be a board consisting of two paid members, who shall give full time service, and that the director of the Sing Sing clinic, when appointed, serve as an ex-officio member with the Superintendent of Prisons, and that the headquarters of the Board be established at Sing Sing in connection with the reception and classification clinic. It is urged that the bill receive the favorable action of the Legislature during the 1926 session.

⁹ Chapter 111, 79th Annual Report of the Prison Association.

The two chief criticisms of the operation of the indeterminate sentence in this State is that the release of prisoners on parole is too large an extent automatic, and that the Parole Board spends too little time in discharging its responsibilities. The theory of the indeterminate sentence, with minimum and maximum, was not written into the law that prisoners might with great regularity be released at the expiration of the minimum, but that they should be released, if in the judgment of the parole authorities they were fitted, at some time between the expiration of the minimum and the expiration of the maximum sentence. The law in this State expressly provides that "the Parole Board may release." It does not make it mandatory that the Parole Board release at the expiration of the minimum sentence. It lay also in the theory of the indeterminate sentence that great care should be exercised in each individual case in determining all the factors prior to release. This requirement cannot be fulfilled during infrequent and hurried sessions of the Parole Board. The value of full time service of parole commissioners is recognized in the statute creating the New York City Parole Commission. This Commission consists of three salaried members and two ex-officio members, representing the Police Department and the Department of Correction. It also provides that the committing judges may register their opinions. For further reference to the State Prison Parole Board see pages 26, 55 and 56.

6. A resolution should be passed by the Legislature allowing for the appointment of a joint legislative committee to make a study of the criminal law of the State and its administration and execution, including the methods and practices of governmental officers and agencies whereby the criminal law is enforced.
7. Legislation should be enacted amending section 211-b of the Prison Law and section 1942 of the Penal Law, and other sections of either law where necessary, so that a sentence for the term of a prisoner's natural life after a fourth conviction for a felony cannot be interrupted except by commutation or pardon by the Governor of the State.
8. Legislation should be enacted that will provide that one who is indicted as a first offender, but who at the time he or she pleads guilty, or who is found guilty by a jury, is shown to be a second offender, can be sentenced as such, although the indictment does not show the person to be a second offender.
9. Legislation should be enacted that will aid in preventing professional criminals from operating under the advantages of the bail system. The abuse of the privilege of bail too often works to the advantage of those who seem to prefer a career of crime to a law-abiding life, and who thus prove a serious menace to society. (See page 28.)

10. Legislation should be enacted which will eliminate commutation for those serving a definite sentence. Frequently first offenders are made to serve a longer time than second or more offenders. Compensation as a time credit for both willing and efficient performance of duty should be the only means, exclusive of the power allowed the Governor of the State under the Constitution, of reducing the duration of a sentence for both indeterminate and definite sentence prisoners. (See page 54.)



Construction of new wall—inmate labor—Sing Sing Prison.

CHAPTER II

THE PRISON ASSOCIATION IN 1925

Reformation Essential.

In a year full of clamor for the suppression of crime the Association has endeavored to apply itself zealously, calmly and intelligently in the interests of progress. The Association stands first for the protection of society against crime, and in the fulfilment of this purpose aims to improve the machinery of criminal justice to the extent that society will be best protected. Of all methods of reducing crime and preparing prisoners for an industrious law abiding life after imprisonment, reformative methods seem most effective. The problem, therefore, facing an intelligent prison administrator is, what constitutes the best method of securing the reformation of prisoners. The trite phrase that "prisoners are human beings after all," is accepted increasingly by the American public, and the statement manifests their belief that the prisoner is entitled to humane and rehabilitating treatment. This position, however, does not embody the thought that prisoners ought to be coddled, and no one who is attempting to solve the extremely perplexing problem of crime advocates that they should be. In the treatment of any great social problem excessive sentimentality, or excessive hatred, is out of place. The prisoner certainly should not be idolized, nor should he be ostracized. The bulk of law-breakers who go to prison are destined to be returned to society, and it is therefore to the best interests of society that they be dealt with in a way that will make for their better conduct in the community in which they are to live. In the main we employ what might be termed the "mass" treatment of those who go to our penal and correctional institutions—all are treated practically the same—and the outstanding requirement for release is good conduct within the prison. That, however, does not necessarily mean that a prisoner has reformed. Experience has shown that the worst type of offender is usually the best behaved within the prison.

Thorough Knowledge a Factor.

The Prison Association then contends that the basis of a reasonable and constructive treatment of prisoners must be an adequate knowledge of their individual needs. These needs are often not obvious. Frequently they can be discovered only after considerable time and careful study. The laws of the several American states assume in large measure that it is the duty of the State to render the inmate, through imprisonment, better fitted to be a decent citizen and a self-supporting member of the community. The State must therefore dis-

cover what the needs of the individual prisoner are, that such rehabilitation may take place. This is good economic reasoning as well as a sound humanitarian principle. The State aims primarily to reduce crime. However, too large a proportion of inmates of prisons return to crime after their release, for many causes, some of which are industrial incompetency, mental incompetency, physical incompetency, and unstable character. It is clearly advantageous to society then that the prisoner should be released from prison with as few as possible of these incompetencies.

One hundred and twenty-five years ago Franz Joseph Gall wrote: "the measure of culpability and the measure of punishment cannot be determined by a study of the illegal act, but only by a study of the individual committing the act." Yet today, over a century since Gall emphasized the fact that it was the individual and not the crime that must be regarded as the basis of treatment, this doctrine is unacceptable and unappreciated in a large measure. Men are sent to different prisons according as they are felons or misdemeanants, a legal distinction. The murderers are considered as far more vicious and depraved than thieves, and thieves than vagrants, and yet prison administrators will tell you that some of their best prisoners are murderers. The law assumes to be able to differentiate between degrees of crime and sets maximum sentences according to the apparent seriousness of the offense—not according to the apparent mental and physical characteristics of the offender, for the law has seized upon those characteristics that can be observed superficially and are apparent facts.

The Sing Sing Clinic.

Therefore in an effort to put into practice the individual study and treatment of the offender, the Prison Association was most active during the legislative session, and subsequently, in continuing its campaign for the setting into operation of the receiving and classification station at Sing Sing Prison. As has been previously stated, the State of New York committed itself to the idea of the Sing Sing receiving and classification station in legislation passed in 1916, and yet for the past several years for want of an appropriation, the clinic building has remained idle and is giving signs of interior deterioration. This matter is touched upon further in our recommendations to the Legislature (page 18) and in the statement of our legislative activities (page 57).

State Department of Correction.

It is a source of much satisfaction to the Association that the constitutional amendment creating a State Department of Correction was approved at the last election. The Association actively supported this amendment, which is in line with its recommendations for the past twenty-five years. However, that part of the resolution which makes it mandatory that the head of the State Department of Correction shall be head of the State Commission of Correction, was opposed by the

Prison Association, and is viewed with some alarm, since it is felt that there will not prevail the free and independent power of inspection through the State Commission of Correction as provided for in the constitutional amendment, unless subsequent legislation to that end can be enacted. This is doubtful. The amendment as adopted makes the head of the State Department of Correction chairman of the body empowered to inspect and investigate institutions under his control.

The Prison Association has cooperated with the Committee, headed by former Secretary of State, Charles E. Hughes, and the sub-committee of that body, headed by George W. Wickersham, assigned to the task of drafting legislation affecting the State Department of Correction, as provided for in the adopted constitutional amendment.

Probation— Court of General Sessions.

It was gratifying to the Association to actively support legislation having as its purpose the placing under city civil service jurisdiction of the probation work in the Court of General Sessions. As pointed out in previous reports, the Association has had a representative in the Court of General Sessions for eighty years, and the first probation law in the State was drafted and passed, in 1900, through the persistent efforts of Dr. Samuel J. Barrows, then General Secretary of the Prison Association of New York. Since the passage of that law a fair portion of the probation work in the Court of General Sessions has been carried on by the Association's Probation Bureau, but it has always been held by the Association that the work should be done by a city paid staff. Efforts in this direction in the past were unsuccessful. When it was made known to the Association that Cardinal Hayes was willing to support legislation which would place the cost of the probation work on the city treasury, where it belongs, the Association enthusiastically and effectively worked for the passage of the bill. Now that the necessary legislation is on the statute books, it is expected that within a short time the city will assume its long neglected responsibility.

Legislative Year.

The legislative activities of the Association were far reaching and of significant importance, and the reader is earnestly requested to refer to pages 48 to 61.

Penitentiary, Rikers Island

The Report of a Special Committee of the Regular Grand Jury August Term (1924) on conditions in the prisons on Welfare Island, in the preparation of which the staff of the Prison Association gave liberally of its time, experience and knowledge, was formally submitted to the Board of Estimate and Apportionment, and as a result of combined persistent pressure, the Board on October 2, 1925, authorized an appropriation of \$100,000 in tax notes, to meet the cost of preparing detailed plans and specifications for the grading and preparation of the ground for the proposed new penitentiary building on

Rikers Island. This is another beginning. The city has in the past acted similarly in the matter of a new penitentiary, and it is therefore important that the need for the new buildings be kept alive, and the pressure on city authorities constant, in order that the plan be fulfilled. With the completion of the new penitentiary it is expected that the city of New York will not only have an institution fitted for the proper housing of human beings, but that the entire penal and correctional system of the city will be reorganized and that there will be opportunity for the individual treatment, training and employment of those who are given into the custody of the Department of Correction. At the present time the title "Department of Correction" is a misnomer, because the chances are all in favor of the further demoralization of the individuals who go to some of its institutions, rather than their improvement.

In recognition of the Association's efforts to bring about the construction of a new penitentiary, Commissioner of Correction Frederick A. Wallis, writes as follows:

March 4, 1925.

DEAR MR. CASS.—The Prison Association of New York is not only alert, keen and zealous, but it has a big, broad comprehensive vision that is bound to result in the highest good to the greatest number of persons. Work such as you are doing is constructive and fundamental, and should have the generous and enthusiastic support of all law-abiding citizens.

Please express my appreciation to your Executive Committee with the hope that there shall be worked out in this great city a more sane, comprehensive, humanitarian program for our penal and correctional institutions, which shall redound to the glory of our civilization.

With sentiments of high regard, I am,

Sincerely yours,

(Signed) FREDERICK A. WALLIS.

Commissaries.

The private commissaries of the Jefferson Market Prison and the Raymond Street Jail, both institutions under the New York City Department of Correction, have been abolished by order of Commissioner Wallis. This is in line with recommendations made by the Prison Association on numerous occasions. The Commissioner is to be commended on this action.

State Prison Parole Board.

The Association continued its criticism of the State Prison Parole Board. The chief criticism of that body is that the members do not give sufficient time to the discharge of their important responsibilities, and that in the administration of the indeterminate sentence law through the Parole Board, prisoners are too frequently released at the expiration of their minimum sentences. Through the cooperation of Lient-Governor Lowman and Assemblyman Goodrich, effort was made to pass at the last session of the Legislature a bill which would provide for a full time service Parole Board and an adequate staff of State paid parole officers. However, this bill failed of passage, and the parole work was continued during the year 1925 in almost the same ob-

jectionable manner as heretofore, except that during the months of October, November and December there was a slight change, which indicated that the Board had decided to depart from the practice of releasing the majority of those who had completed their minimum sentences. This change is welcomed and there is need for further improvement.

The Prison Association to a measure is responsible for the introduction of the indeterminate sentence law in this State, and it will always believe in it as the best means of determining the eligibility for release of a prisoner. It holds that much of the criticism that has been directed toward the indeterminate sentence, is justified because of the manner of its administration, rather than because of its unsoundness as a theory or a law. The representatives of fifty-six countries, assembled in London, in August, 1925, on the occasion of the Ninth International Prison Congress, registered their whole-hearted approval of the indeterminate sentence. (See page 73.)

Through Assemblyman Goodrich the Association will again introduce a bill for a full time service parole board, and also legislation which will deprive second and third offenders of a certain time credit which is not now available for first offenders. For further details of both bills. (See pages 54 and 55.)

Central Identification Bureau.

The Association again urged the establishment of a central bureau of criminal identification and information in this city. * In October, 1923, a communication from the Association to the Board of Estimate and Apportionment called attention to the lack of coordination in the work of the various bureaus conducted by the city for criminal identification, information, and statistics, and submitted a plan for the consolidating of these activities into one central bureau. In December of the same year Acting Mayor Hulbert appointed a special committee, of which Supreme Court Justice Edward J. McGoldrick was chairman, to consider the establishment of such a central bureau.

However, nothing definite has come out of the agitation which was started by the Association in 1923, except that various city officials, and other organizations, have further emphasized the need. The Association feels that it has contributed a very definite service in arousing officials and organizations to the need of a central bureau. The Prison Association does not claim to be the parent of the idea of a central bureau for criminal information and statistics. That, as pointed out in our 1923 report, is an old idea that has been revived from time to time and no one seems to doubt its importance. However, like many other needs it still remains unsatisfied. A central bureau will undoubtedly aid magistrates and judges in the matter of determining the wisdom of releasing many of those who seek their freedom on bail.

* At this writing the Prison Association has further petitioned the Board of Estimate and Apportionment to establish a central bureau. See Board of Estimate Calendar, January 8, 1926 — Communication No. 64, page 54. See also 79th Annual Report Prison Association of New York, pages 109-133.

Bail Bonds. The Prison Association has long suspected the abuse of the privilege of bail, and has been quietly observing and collecting information regarding this evil. In cases of felonies, except capital cases, bail is discretionary with a magistrate or a judge. This places a very heavy responsibility upon the court. Upon the wise administration of this discretionary power rests to a substantial degree the welfare and safety of law-abiding citizens of the community. Too frequently those who have experience in crime are allowed their freedom on bail and commit another crime.

The Association, holding that the bail bond evil required the undivided attention of an interested body, turned its findings over to the Prison Committee of the Association of Grand Jurors of New York County, and that body made further study and subsequently brought to the notice of the Board of Estimate and Apportionment its belief in the existence of certain evils and suggested remedies. This was followed by considerable publicity in the press, and then, further, Chief Magistrate McAdoo directed a communication to his colleagues, urging more caution in the allowing of bail.

It is earnestly hoped that this recent agitation, which owes its birth to the earlier activities of the Prison Association of New York, will react to public benefit.

Cooperative Service.

As a member of an advisory committee of the Federal Council of the Churches of Christ in America, the General Secretary was able to give to that body the benefit of his experience and knowledge in the making of their study of the contract labor system in prisons. The purpose of the study is to arouse church going people throughout the nation to the evils of the contract system. That system, while still undesirable, is not possessed of as many evils as have been identified with it in the past, but is still a system that is sought by manufacturers because it has advantages for them that do not exist when they are engaging free labor.

Further, as a member of an advisory committee, the General Secretary gave his services to the United States Department of Commerce in its study of the prison industries in the United States, and also to the United States Chamber of Commerce in its study of prison industries and prison problems generally. This form of cooperative service is one which the Association enjoys giving.

The advisory services of the General Secretary were also extended to the Cleveland Chamber of Commerce, and the legislative committees of several States, and also to prison societies throughout the country.

House of Detention for Women.

In our previous annual report it was pointed out that the Prison Association had done all it could in the latter part of 1924 to arouse the public of New York to the undesirability of erecting the new House of Detention for Women on a site in West 30th street, New York City. For a time this effort seemed of no value, but finally through an awakened

combined activity Mayor Hylan accepted the opposition to the 30th street site, and directed that the House of Detention for Women be located elsewhere. In the meantime the appropriation for the building, through the cautiousness of Commissioner Wallis of the Department of Correction, has been held intact and will be available for the fulfillment of the plan when a new site is selected.

Frequently during the year the Association protested the inaction of the city authorities relative to the privately owned property on Hart's Island. The Association has continually urged that the property be acquired by the

city, because in the hands of private ownership it is a menace to the administration of the institutions of the Department of Correction on the other part of the island. Finally the matter was referred to the Corporation Counsel with instructions to begin condemnation proceedings, and it is the hope of the Association that there will be no further delay. The delay so far will prove costly to the city because there was, in recent years, a time when the land could be had for less than will, in all likelihood, be finally paid.

Ludlow Street Jail.

The Association has endeavored in the past to bring about the discontinuance of the sheriff's jail, commonly referred to as the Ludlow Street Jail. It is the Association's contention that there is no good reason for the existence of a separate jail for the sheriff, inasmuch as the city maintains at a large cost a Department of Correction for the care of those awaiting trial, awaiting transfer, held as witnesses, and serving sentence. However, this contention has not been fully accepted, with the result that with the discontinuing of the Ludlow Street Jail the sheriff is to have new quarters in West 37th street. While the removal of the sheriff's jail from Ludlow street gives the much desired space for park purposes in that congested district, and also for additional school facilities, and in this respect it can be claimed that some progress has been made, nevertheless the Association is not enthusiastic about the change, which, it is held, is an unnecessary added cost to the city.

Jail Committee.

The Association continues actively as a member of the Joint Committee to Work Out a Solution of the County Jail Problem in New York State. The full report of the Committee has been published, and it is hoped that efforts again this year to interest the Legislature to carry out the recommendations contained in the report will be successful.

Prison Law.

The last compilation of the Prison Law of the State was made in 1917. Since then there have been numerous changes with the result that those making frequent reference to the prison statutes experienced many difficulties.

The need for an immediate compilation of the Prison Law was evident to the Prison Association, and with the approval of Super-

intendent of Prisons James L. Long, was made by members of his staff, and published at the joint expense of the Prison Association of New York and the Association of Grand Jurors of New York County. Unfortunately there were no State funds available to provide for this useful publication.

Probation — Magistrates' Courts.

The Association joined with others in an effort to obtain more probation officers for the magistrates' courts and an increase of salary for those now in the service. It is held by the Association that if probation is to have a fair chance there should by all means be an adequate staff of probation officers, so that there will not be more than 75 or 100 persons assigned to one officer, whereas at the present time there are about 200 to each. Further in the interests of good probation work there must be a salary that will attract the highest grade of employee. One of the values of probation work, is the bringing into play of the high character of the probation officer, in his relations with the person on probation.

Prison Sunday.

The Association promoted the observance of Prison Sunday, not only among the pastors of this State, but in other States, and in this connection had the helpful cooperation of the Episcopal Social Service Commission of the Diocese of New York, the National Council of Protestant Episcopal Churches, the Federal Council of the Churches of Christ in America, and in addition, prison associations in the States of Louisiana, Pennsylvania, Colorado, Maryland and Connecticut. The idea of Prison Sunday was born in 1884, when over three hundred clergymen of all religious denominations, from all parts of the State, met with officials of the Prison Association with the object of discussing the relations between Christian churches and the criminal. At that meeting a resolution was passed heartily indorsing the work of the Prison Association, and recommending that one Sunday of each year be set aside, and that on that day the churches throughout the State in their services and sermons give prayerful consideration to the duty of Christian people toward the criminal, both those who are in and those who are out of prison. In 1889 the National Prison Association, now the American Prison Association, indorsed this established custom of the Prison Association of New York, and has repeated its indorsement in recent years.

International Prison Congress.

The International Prison Congress, which is of American origin through the efforts of Dr. E. C. Wines, who was Secretary of the American Prison Association at the time of the first Congress in London in 1872, convened in London for its ninth, or quinquennial session, August 3rd to 10th, 1925. The General Secretary of the Prison Association of New York was appointed a delegate from the State of New York by Governor Smith, and was elected a vice-president of the Section on Prevention, one of the three sections of the Congress. For further details see pages 62 to 85.

55th American Prison Congress.

The General Secretary functioned during the year as the General Secretary of the American Prison Association, which is now in its fifty-fifth year, and the origin of which can also be traced to the efforts of Dr. E. C. Wines of the Prison Association of New York. The 55th Annual Congress of the Association was held in Jackson, Mississippi, and was attended by practical workers from forty-six States of the Union, and Mexico. The proceedings of that Congress are in preparation and will be available shortly. The purpose of the American Prison Association is to provide for the annual gathering of all persons in the United States engaged in the study of crime and its treatment, for the purpose of discussing their work with a view to stimulating and improving it. Its activities throughout the year are supervised mainly by the General Secretary of the Prison Association of New York, and while the many duties represent an extra burden, nevertheless it is held that the nation-wide contact which is afforded, together with the opportunity to keep in touch with developments in the various States, redounds to the benefit of the Prison Association of New York.

Bureau of Advice and Information.

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

Bureau Activities.

The work of the Association is divided as follows: educational, supervisory, relief and legislative. The educational activities are discharged through publicity for the improvement of methods of dealing with the law-breaker in the form of specially prepared newspaper and magazine articles, and the frequent guiding of representatives of the press who come for reliable information bearing upon crime and the administration of criminal justice; also through public addresses before city, state and national conferences, clubs and other gatherings.

The Association has been active during the year in arousing business men to the need for their help in dealing with the many problems relating to crime.

The supervisory activities of the Association embody inspection of the penal and correctional institutions of the State, which is possible through legislative authority held by the Association. In this connection inspections have been made of some of the prisons, jails and reformatories in the State, and particularly of the institutions of the New York City Department of Correction. The policy of the Association during the year has been to single out particular needs for improvement and to work co-operatively with the officials directly responsible in an effort toward their fulfillment.

Probation and Parole are included in the supervisory activities of the Association.

The judges of the Court of General Sessions of New York County referred 777 cases to the Probation Bureau of the Association for investigation. The total number on probation in the custody of the Association for the year was 224, of which number only 27 failed to fulfill, to the knowledge of the Association, the requirements of their probation. A total of \$4507.00 was collected by our Probation Bureau for restitution and the support of children abandoned by their fathers. If the men had been sent to prison the children would have become public charges. (See page 34.)

During the year there were in the parole custody of the Association 605 men and women, released from the State prisons of this State and some from the Federal prisons. It is particularly gratifying to report that of the total number in custody only 87 failed to fulfill, to the knowledge of the Association, their parole requirements. (See page 39.)

The relief work of the Association is far reaching, and includes aid for the families of men in prison, persons released on probation and those released on parole from State prisons, or discharged from State prisons. Needed assistance of all kinds is given, rent, food, clothing, cash, employment, medical attention, advice and guidance.

During the year 1,635 ex-prisoners were interviewed. Of that number 1,165 applied for employment and jobs were found for 732. Free meals were provided to the number of 3,075 and free lodging to the number of 855. (See page 45.)

The families of prisoners always reflect the folly of the law-breaker. Hundreds of mothers and children, innocent sufferers, appeal to us to lighten their burden. We were able to give needed assistance to 540 families. At Christmas and Thanksgiving special preparations were made to bring a little cheer to these unhappy people. At Thanksgiving 487 persons were provided with a wholesome dinner and at Christmas 550 persons. Also at Christmas there was a huge Christmas tree, gaily decorated, and surrounded with an abundance of toys, clothing and other gifts for the youngsters and their mothers. To our many friends, who made this treat possible, the Association extends its hearty thanks. (See page 42.)



Prisoners excavating for new administration building—Sing Sing Prison. Cement roadway leading to old prison—constructed by prison labor.

CHAPTER III

PROBATION BUREAU

Probation when wisely applied and administered is superior as a method to a prison term in the treatment of the offender. Like other methods of dealing with delinquents probation suffers sometimes because the applicant for probation has not been carefully chosen, or, that not being so, because while on probation the offender has not been conscientiously supervised.

There has also been considerable criticism of probation during the year, and there is abroad the feeling that probation is a mandatory requirement upon the judges of our courts. That is not so. The public at large should understand that the Statute relating to probation does not make it mandatory for the committing judge to place an offender on probation, but instead gives discretionary power to the judge to use probation if, in his opinion, the offender is deserving of it. To determine the fitness of one for probation considerable preliminary investigation and study is important, but, unfortunately, this is too often lacking.

The Prison Association has long been in sympathy with probation. The first probation law in the State of New York was drafted in the year 1900 by the then General Secretary of the Association, Mr. Samuel T. Barrows, and through his conscientious efforts was passed by the Legislature and became a law.

The Association has been represented in the Court of General Sessions and the City Prison, the Tombs, for more than eighty years. While never relaxing in the performance of its work, the Prison Association during the past fifteen years has held that the probation work in the Court of General Sessions is a definite city responsibility and should be carried on by the city, as is the case in the Children's Court, the Magistrates' Courts, and the Court of Special Sessions. Gratifying to the Association is the existing statute, for the passage of which the Association labored zealously during the 1925 session of the Legislature, which will make this recommendation a reality in the near future.

As stated in our previous reports the City Prison is visited daily by Mr. D. E. Kimball, the General Agent of the Association, who has performed this humanitarian work for forty years. A printed card is posted on every tier of cells in the Tombs, offering free service to prisoners who are without friends and without means, warning them against unscrupulous lawyers and steers, or that class of legal vampires who render no service for fees obtained from friends and relatives of the unfortunate defendants. These cards have been the means of accomplishing

much good outside of the probation work, which takes most of the time of the agent. Long delayed trials are hurried on the court calendars that cases may be disposed of, and prisoners' families who are left penniless are relieved from the Association's funds for that purpose. The best legal advice is obtained, and, in short, its agent is always ready to act as a friend in need to all inmates of the Tombs who call upon him.

The Probation Bureau of the Association is conducted in accordance with the principles generally accepted as serving the best interests of society in the persons it saves to lives of usefulness.

The following cases are typical ones:

A sixteen year old boy, of German parentage, was charged with burglary. He was employed in Washington Market by a produce dealer, who had a habit of hiding his ready cash, to the extent of several hundred dollars, each night in a nook in the cellar. The boy was the only one who knew where his employer secreted this cash, and with youthful frankness he told a fellow worker. This man, who was much older, suggested that they could easily get some of it and divide it. The boy agreed; they stole \$376.00, and the arrest of both speedily followed. The boy made a complete confession and said he had been tempted by the co-defendant, who turned out to be a man with a criminal record. The older man was sent to the penitentiary, while the boy was permitted to go on probation and to make restitution. He has worked steadily since then, has restored all of the money by weekly payments, and is now earning \$25.00 per week. A prison term would not have improved this boy.

A young native of Poland pleaded guilty to petit larceny, largely because he did not understand English or the law. The man who made the complaint against him owed him \$70.00, and entrusted him with a violin. Instead of delivering it when it was entrusted to him, he checked it at a railroad station and made up his mind to keep it until he got the \$70.00. He was placed under arrest, and subsequently the Court, convinced that there was no criminal intent on his part, but a lack of understanding as to how to adjust the matter in a more acceptable way, released him on probation.

He is an experienced butler, and is now in the employ of a prominent citizen who is well pleased with his services.

A young Chinaman, twenty-five years of age, was charged with assault. He had been on bail for a year, and his case had been shifted on the calendar a great many times, although he had an excellent defense.

He was a waiter in a Chinese restaurant, and a customer gave him a \$50.00 bill, in payment of a check of \$2.00. When the young man was passing the stairway, the restaurant being on the second floor, someone snatched the change from the little tray on which he was carrying it. He ran downstairs after

the man who had snatched the money, and found that a fight was going on there, and in the excitement he became involved in it. Two men held him, and the man who complained that he had been assaulted insisted that the young Chinaman was the one who struck him with a tumbler. This he strenuously denied.

Investigation showed that he was very well educated, was married, and had a good reputation. Those who had known him for years stated that he was always honest, industrious and quiet.

He worked during the day for an importing house, selling Chinese merchandise, and during the evenings, because of his superior knowledge of English, taught English to young Chinamen. At other times he acted as a waiter in the restaurant where the trouble took place.

Because of his previous good reputation, and the circumstances of the case, he was placed on probation. There is every evidence that the Court acted wisely.

A young colored man, who had never been in conflict with the law, was tried and convicted of grand larceny. Investigation showed that he had been employed for ten years in one place, and that his record was excellent. The Court suspended sentence.

He lives in the colored section of Harlem and secured employment in a tailor's shop as a presser. He was getting along very well until he was again placed under arrest by a policeman who knew him, and charged him with possessing burglar's tools. The tools consisted of only a brace, such as mechanics use for drilling, and he had no bit or auger to put into it, so that practically all he had was a handle. Therefore when the case was brought into court he was discharged.

After a few weeks he was placed under arrest once more, and charged with robbery. He stated that he was merely making change in the street for a man who asked him to break a five dollar bill. After he had been in the Tombs for two months this charge was dismissed without trial.

He is still on probation, and hopes that the police will not bother him again until they can submit convincing proof of wrong-doing.

STATISTICS FOR PROBATION BUREAU

January 1, 1925, to December 31, 1925

Cases investigated for the judges of the Court of General Sessions	777
Disposition of cases:	
Released on probation	89
Sentence suspended	65
Discharged	23
Fined	6
* Other disposition	12
Sentenced to State Prison	176
Sentenced to Penitentiary	187
Sentenced to Elmira Reformatory	50
Sentenced to City Reformatory	27
Sentenced to City Prison	54
Sentenced to Workhouse	80
Sentenced to House of Refuge	3
Sentenced to Bedford Reformatory	3
Sentenced to Inwood House	1
Adjudged insane	1
	777

Cases investigated for the following judges of the Court of General Sessions and the number released by them on probation:

Judges	Cases Released on	
	Investigated	Probation
Hon. Morris Koenig	167	9
Hon. Alfred J. Talley	57	13
Hon. William Allen	147	21
Hon. Cornelius F. Collins	70	8
Hon. Francis X. Mancuso	145	16
Hon. John F. McIntyre	87	4
Hon. Charles C. Nott	29	4
Hon. Otto A. Rosalsky	70	13
Hon. Joseph F. Mulqueen	65	1
	777	89

* This includes cases where investigation is directed by the Court prior to a plea or a trial by the defendant, and then again where a plea has been withdrawn.

CRIMES OF THOSE RELEASED ON PROBATION

Grand larceny	19
Assault, second degree	5
Burglary	2
Forgery	2
Felony	3
Petit larceny	29
Assault, third degree	10
Unlawful entry	9
Misdemeanor	10
	<hr/>
	89

CRIMES OF PERSONS WHOSE CASES WERE INVESTIGATED BY THE
PROBATION DEPARTMENT

<i>Felonies</i>	
Grand larceny	144
Manslaughter	16
Robbery	74
Assault, second degree	62
Burglary	60
Forgery	25
Felony	34
Bigamy	7
	<hr/>
	777
<i>Misdemeanors</i>	
Assault, third degree	79
Petit larceny	151
Unlawful entry	71
Misdemeanors	54
	<hr/>
	777

Office Work

Number on probation, December 31, 1924	134	
Received on probation to December 31, 1925	89	
	<hr/>	223
Discharged with improvement	82	
Discharged without improvement	20	
Arrested and sentenced	8	
	<hr/>	110
On probation December 31, 1925	113	
Personal reports at office		2,095
Mail or telephone reports		454
	<hr/>	
Money received on account restitution	\$4,222 00	
Money received on account children's support	285 00	
	<hr/>	
Total	\$4,507 00	

CHAPTER IV

PAROLE BUREAU

As mentioned elsewhere in this report, there was considerable criticism during the year of the indeterminate sentence and parole. The public press has featured the failures of those on parole, and nothing has been said of the successes. The number of failures can be reduced by the State fulfilling its obligation and providing an adequate staff of parole officers, and also by requiring that there be a full time service parole board to engage in the important work of determining the fitness for release of those in our prisons.

Parole is a fundamental part of the modern treatment of prisoners. Parole differs from probation in that parole means the period subsequent to the individual's prison life, while probation means the period of supervised liberty allowed to a person instead of the serving of a prison sentence. In short, probation precedes the serving of a prison sentence, while parole follows the serving of a prison sentence.

The theory of parole is based upon at least three suppositions:

1. That the prisoner ordinarily arrives at a period in his imprisonment when further incarceration will be of less service to him and to the State as a reformatory measure than a like period passed in liberty under parole supervision.
2. That, in the determination of the proper time at which to admit the prisoner to parole, an exhaustive and painstaking study will be made of the individual case, in order that both the right of society to be protected, and the right of the prisoner to rehabilitate himself, may be preserved.
3. That the supervision of prisoners while on parole shall be conducted thoroughly, and with efficiency and sympathy.

The parole work includes the general supervision of released prisoners, which means visiting them at their homes, and at their places of employment, when feasible. Whenever needed friendly advice is given, and in many instances our Parole Officer, Mr. A. L. Bohn, has been successful in effecting friendly relations between released men and their families.

The Parole Bureau works in close cooperation with our Employment Bureau. All applicants for relief coming to the Prison Association are interviewed and are aided as the merits of the case may require. No worthy released prisoner has been denied relief when it was possible to verify that he had been an inmate

of a prison. In conjunction with this work a large number of people have been interviewed who are desirous of obtaining information concerning relatives confined in the State and county institutions.

The most important part of the parole work is the guiding of the man released from prison. Supervision in this connection means far more than merely an official duty. It is a friendly controlling of the future steps of the released man, beginning at the prison gate. The released inmate finds upon entering the world new conditions; he needs advice; he is probably on bad terms with his family or relatives owing to his downfall, and the parole officer succeeds many times in re-uniting families. In fact, the parole officer's duties are manifold and can not be limited to mere supervision of men on parole; he is the friend of the prisoner while still confined, he keeps him while still in prison in contact with the outside world, preparing, guiding, and directing his steps at the time of his appearance before the Parole Board, and on his release. In short, the parole officer is the friendly mediator between the law-breaker and society. Good parole work is an important contributing factor in deterring those released from prison from reverting to crime.

The parole work of the Prison Association, which is done without cost to the State, and in which service the Association is a pioneer in this State, is regarded as one of its most important functions, and is closely allied with the Association's activities to protect society from crime.

The following are typical and indicative of the human side of the work of our parole officer:

L. B. upon his release seemed very anxious to make good. A position was secured for him in a hospital, and it was soon learned that he was not only doing his work satisfactorily, but that he was also devoting himself to study at night. Impressed by his earnestness, the Superintendent of the hospital advanced his salary and transferred him to an important job in the X-ray room. Another promotion followed, and in a letter addressed to Mr. Bohn, his parole officer, L. B. states that it was his friendly attitude and help that put him on the right road.

A. J. S. was doing well on parole, but was suddenly removed from his place of employment by the police and held on suspicion. His employer and friends were very much upset because they had been impressed with his earnestness in doing his work. A thorough investigation was made by our parole officer, and it was shown that the police were in error in making the arrest of A. J. S. He was subsequently released and his employer put him to work again. While he was being held on suspicion his wife and young baby — wholly dependent on him — were taken care of by the Association.

I. M. was advanced in years and had no one with whom she could live upon her release on parole. A housekeeper's position was obtained for her, and the warm interest of her employer

was aroused in her behalf. In the meantime our parole officer succeeded in locating a nephew who was a successful business man, and who offered to give her a home and take care of her. I. M. calls at the office each month and has many times expressed her gratitude to Mr. Bohn.

Below are a few of the letters received by our Parole Officer from men who have received their absolute discharge:

DEAR MR. BOHN.—I thank you for your recent letter and take this occasion to express my appreciation for the kindly and helpful consideration which accompanied your treatment of me.

Sincerely yours,
G. H. J.

DEAR MR. BOHN.—I appreciate the kindness you have shown me for the past three years — my parole period. I have learned my lesson and do not intend getting into further trouble. My people have asked me to thank you, and to say that if you are ever up this way to be sure and call on them.

Sincerely yours,
M. W.

DEAR MR. BOHN.—I received your letter in which you sent me the parole discharge papers. I want to thank you very much for all you did for me, and especially for getting me my first job, which is responsible for my present success.

With best wishes to you always,

Sincerely yours,
B. L. R.

PAROLE STATISTICS

January 1, 1925, to December 31, 1925

Total number cared for.....	605
New cases (men).....	236
New cases (women).....	7
Hold over cases (men).....	352
Hold over cases (women).....	10
	605
Number discharged (men).....	164
Number discharged (women).....	7
Delinquents (men).....	72
Delinquents (women).....	0
Total number on parole December 31, 1925.....	362

605

CHAPTER V

THOSE WHO ARE LEFT BEHIND

Men in prison, under good or bad conditions, are certain of shelter, food, and clothing. This is not so in many instances with dependent wives and children left behind.

The deplorable fact is that in most cases the removal of the breadwinner of a family through his prison sentence suddenly and mercilessly throws the family into poverty. Often the pitiful group, composed of mother and several small children, is in bewildered despair, for only too often it is not a family that would under the usual conditions become poverty stricken. When the breadwinner was not yet taken away he was supporting his family. Now, suddenly, all is changed, and the wife comes with her babies to our relief agent, Mrs. Hore, for help. With these stricken people our policy is just as helpful as our funds and our common sense will allow. We emphatically do not believe that the relief of such a family should be used as a disciplinary measure. While in many instances the wife must go to work it is not necessary that she shall learn the lesson that her present plight has come through her own or her husband's idleness, for it has not. Therefore, we have for many years felt that the prisoner's family, left behind, should be so maintained, through their own efforts and ours, that they may maintain, so far as possible, the standard of living they were following when the man was sent away.

The State has not yet developed its industrial system to the extent that the prisoners are paid a wage in excess of a cent and a half a day. This absurdly small amount dismisses at once any consideration of the payment from the earnings of a prisoner of an amount toward the support of his dependents. There is a provision of law, which is in operation in some counties of the State, whereby the children of a citizen, who is serving a sentence of five years or more, can be provided for at the expense of the county. While this to a degree helps those who come within the limitations of the law, it nevertheless does not wholly satisfy the needs of many of these families, and, furthermore, it does not include the bulk of the dependent families, the breadwinners of which are serving a sentence of less than five years. Therefore, the Prison Association is often called upon to supplement the income of families who are receiving an allowance from the county, and invariably it is necessary to provide for those who do not come within the provisions of the Child Welfare statute.

The following are typical cases indicating the distress of those whose loved one has broken the law:

[42]

Mrs. C.'s husband was sent to prison for a long term. She was a very young girl and was left with the care of two children. She lived with her mother, who looked after the little ones while she went to work. The mother died and this added greatly to her burden. Her health was failing and the doctors said she might develop tuberculosis and advised her to go to the country. Mrs. C. did not have the necessary funds to pay board and get proper nourishment. She asked if the Prison Association could do anything to help her. Arrangements were made for her to go to a small boarding house in the mountains, and her board was paid for several weeks. The woman has now returned to the city, is in better physical condition, and is able to resume her daily work.

Mrs. G.'s husband was taken into custody and sent to a city institution as a drug addict. The mother was left penniless with six children. Some friends helped for a time but they could not continue. The rent was due and the landlord threatened to dispossess the family. Some one advised Mrs. G. to get in touch with the Prison Association. An investigation was made and the family found deserving. Part of the rent was paid by the Association, clothing provided for the children, and, in addition, work was obtained for the woman.

Mrs. C.'s husband is a drug addict. There were five children to be cared for and Mrs. C. found it a difficult task to support them. Through a serious illness she lost the sight of both eyes. The rent was overdue, gas and grocery bills were unpaid, and there was very little food in the home. The case came to the attention of a judge of the Federal court, who in turn brought it to the attention of the Prison Association. Investigation showed that the family was deserving. We paid the rent and provided other necessities.

Mrs. L., a young Porto Rican girl, called at the office one day last winter. She was cold and hungry, and said that she and her husband came to this country two years ago. He worked steadily and established a home for his family. Everything went well until he got in with a gang, was arrested, and sent to prison for a long term. Mrs. L. and her children were forced to break up their home and seek shelter from strangers. The Relief Agent arranged to have them placed with a family at a small cost. Proper clothing and nourishment was given, and within a short time the mother was strong enough to go to work. She is now employed in a factory and earns about twelve dollars a week. The Board of Child Welfare gives an allowance each month for both of the children. In this way Mrs. L. is able to manage her home. She states in her imperfect English, that it was the help given her by the Prison Association that made everything turn out bright.

Statistics for Relief Bureau

Total number of families cared for in 1925.....	540
Families under care January 1, 1925.....	128
Families received during 1925.....	392
Old cases reopened in 1925.....	20
<hr/>	
Cases closed during 1925.....	360
Cases on hand December 31, 1925.....	180
<hr/>	
Visits made to families by Mrs. Hore during the twelve months' period.....	540
Number of men interviewed by Mrs. Hore during the twelve months' period, at the penitentiary on Welfare Island, Hart's Island and Sing Sing Prison.....	1022
Women referred to hospitals for general examinations.....	350
Women referred to Bellevue Hospital for treatment.....	14
Women referred to Mt. Sinai Hospital for treatment.....	2
Women referred to Women's Hospital.....	2
Women referred to Post Graduate.....	1
Women and children referred for examination, Eye and Ear Hospital.....	1
Glasses furnished.....	3
Women referred to the Lying-In Hospital.....	2
Women sent to the dentist.....	3
Children referred to Mt. Sinai Hospital for tonsil and adenoid operations.....	3
Persons provided with Thanksgiving dinner.....	480
Persons provided with Christmas dinner.....	550
At Christmas time clothing, shoes and toys were given to children.....	271
Women referred to the Board of Child Welfare, eligible for allowances for their children under the State Law.....	13

CHAPTER VI

EMPLOYMENT BUREAU

The discharged prisoner is most in need of a friend at the time of his release. The \$10 which is given to those released from State Prisons does not go very far, and the cent and a half which they receive for their labor adds little if anything to that amount. The clothing that is furnished by the State is, as a rule, more of a handicap than a help, because of its crude tailoring and the inferior quality of the material. It is true that there has been an improvement in recent years, but the casual observer can easily distinguish between the kind of clothing handled by an outside tailor and that supplied from a prison. Men released from prisons and other institutions want to dispose of the clothing given them as quickly as is possible, and in this respect they cannot be criticized. For those who come to us from institutions of the city of New York, without money and without adequate presentable clothing, there is every need of the assistance which an association such as the Prison Association can give. It is not the aim of the Association through its employment or other bureaus to encourage in the prisoner the thought that he is to get all that he wants in the way of clothing, free lodging, food and money. But it is the aim of the Association to develop in him honorable initiative and self-respect, and to do everything possible through employment and other means to help him to re-establish himself as a law-abiding member of the community. It is in this way that the wise administration of such service acts as a potent factor in the reduction of crime and the protection of society.

The jobless men applying to this society are largely social, industrial, physical or mental misfits, and it is just for this reason that a specialized service such as the Association can give through its trained workers is essential in the performance of this necessary and important public service. The difficulty, however, is not solely in the make-up of the man who applies for help, but also presents itself in the attitude of those whom we approach to ask their cooperation through the giving of employment. This has been particularly marked during the year 1925, when the public press has succeeded well in inflaming the mind of the average citizen as to the existence of a crime wave. The usual indifference and hostility toward the man who has served a sentence has been increased to an extent that sometimes makes a difficult task seem impossible. Some employers are unwilling to receive ex-prisoners on their highly trained and efficient staffs. One employer stated that he would like to give a man a chance, but that his employees

had grown up in the service, and, as he stated, would not stand for an ex-prisoner working with them. Other employers are affronted by the suggestion that an ex-prisoner be introduced into their place of business, their contention being that their employees are hard-working, honorable and reliable, and that therefore under no circumstances would an ex-prisoner get into their employ if they knew of it.

Then there are those who are willing to receive ex-prisoners, but are quickly disposed to lay upon them the blame for anything wrong occurring in the shop or office. For the high type of ex-prisoner there exists an almost insurmountable obstacle in the securing of a bond where such is required. Bonding companies, too frequently willing to bond almost any person or anything, are generally unwilling to take any kind of a chance with the man who comes out of prison.

Against such formidable prejudice and opposition it is necessary to appeal patiently and persistently to the employer's sympathy for these men released from prison — many of whom are deserving of a chance — to ask at least one job as a matter of justice and for the general public good.

Despite what has been a difficult year the Association points with pride to its success in obtaining employment for those who have come for that and other help. The summary below gives some idea of the extent of our efforts:

STATISTICS FOR THE EMPLOYMENT BUREAU
January 1, 1925 to December 31, 1925

Total number of men interviewed	1,635
Total number of men who applied for jobs	1,165
Total number of men placed in jobs	732
Total number of meals provided	3,975
Total number of lodging provided	856
Total number receiving clothing	751



Construction — factory building — by inmate labor, Clinton Prison.

CHAPTER VII

LEGISLATIVE ACTIVITIES

The activities of the Law Committee were considerably broadened in 1925. When the session opened the Committee had available preliminary studies, prepared by it, concerning suspension of sentence, commutation and compensation of sentence, and parole.

On the basis of these studies it was possible to have bills drafted, through the State Bill Drafting Commission, by courtesy of Assemblyman Goodrich. This year the Committee had fewer legislative mimeographed memoranda prepared and distributed. However, a number of its opinions were printed in the bulletins of the Bar Association and these were widely circulated among the State legislators.

The Committee organized a legislative lobby for supporting and opposing bills. This lobby was composed of personal interest exerted consistently throughout the session by Senator Brown, Assemblyman Goodrich, Deputy Attorney-General Henderson, Superintendent Long of State Prisons, Secretary Jones of the Parole Board, Secretary Tremain of the State Commission of Prisons, Chairman Haviland and Secretary Farrington of the State Hospital Commission, Mr. Hague of the State Department of Education, and others, acting at our request upon definite information furnished by us.

The way this lobby operated was that the Albany representative of our Committee, acting under the direction of the General Secretary of the Association, made the rounds of the Committee rooms, talked with the introducers of bills, the Chairman of the various committees and their secretaries, sat in during the meetings of committees and at the sessions of the Legislature, thereby keeping in daily contact with the status of the various bills and resolutions of interest to us. When a particular Senator or Assemblyman was opposed to one of our bills an interview was obtained and the basis of the opposition was determined. If we were unsuccessful in changing the viewpoint of a committee or legislator we requested some of the above officials as well as the representatives of other organizations, to lose no time in using their personal influence to overcome the opposition and also arranged for joint interviews for this purpose. It was a common occurrence during the session for our Albany representative to request the attendance of and then to accompany these and other officials to committee meetings and to joint conferences with legislators. In fact the non-partisanship and good judgment of our Committee seemed to be well recognized this year and there was hardly an instance when we did not get immediate action after requesting it.

The Committee was also able to guide other individuals and organizations in legislative matters, such as: the Commissioner of Correction, New York City, Mr. Robert C. Taylor of the Bar Association, The Committee on Criminal Courts of the Charity Organization Society, the State Charities Aid Association, the New York and Kings County Grand Jurors Association, New York City Parole Commission, Russell Sage Foundation, etc.

From the time the 1924 session adjourned until the opening of the 1925 session special studies were made of cumbersome or defective methods employed in the administration of criminal justice and in devising ways and means of simplifying or improving methods or procedure by administrative or legislative changes.

The practice of suspending a part of a sentence, as an example of an abuse brought to our attention in 1923, was investigated. The Committee directed that a bill be drafted. There was some opposition to the bill, but finally through the Association's persistent efforts it was passed and signed by the Governor, thereby enacting into law a measure which will abolish a serious abuse. This matter was initiated and carried to a successful completion in less than one year.

There were obtained for study a decision of the Appellate Division, sustained by the Court of Appeals, and two conflicting opinions rendered by two Attorney-Generals at different periods on the legality of suspending a part of a sentence. The majority of the opinions expressed seemed to be that the suspension of a part of a sentence, if the final disposition is specified in the original commitment, is legal.

The whole matter seemed to resolve itself into the meaning of suspend "any part" of a sentence, which words occur in about eight places in three sections of the Code of Criminal Procedure and the Penal Law. This conclusion made it possible to brush aside many controversial points involved and to offer the specific remedy of eliminating these two words wherever they occurred. The enactment of chapter 276 of the Laws of 1925 makes the suspension of a part of a judgment illegal and this law represents the solution of this particular problem.

Last year we considered the matter of commutation and compensation of sentence in relation to a bill proposing a general and uniform increase of both. It was found that this bill had been drafted at the instance of an influential man in this city who was a relative of a prisoner in Sing Sing. In other words, the bill, with its broad application, was intended primarily for the benefit of a single prisoner. Inquiry on this subject showed that considerable prison legislation has been introduced, and some enacted into law in years past, which originated with friends or the family of a single prisoner but was so worded that it would not only benefit one prisoner but would incidentally benefit others. Many of the inequalities and bad features of the Prison Laws of today are attributed by competent authorities to such ill-advised, singular legislation in the past.

Whereas we opposed the 1924 bill, the provisions of which would have allowed a general increase in the deductions from sentences, we went on record in favor of a simplification and equalization of the reduction of sentences through commutation and compensation, along lines devised by our General Secretary in 1924.

With this in mind the Law Committee asked Hon. Milan E. Goodrich, Chairman of the Penal Institutions Committee of the Assembly, early in January 1925, to introduce a bill to accomplish the above purpose. Mr. Goodrich agreed, and accompanied our representative to the office of the Bill Drafting Commission where he gave instructions for the drafting of the suspension of sentence and commutation bills.

After this contact was established both the suspension of sentence and commutation matters were submitted personally to Mr. James L. Long, Superintendent of State Prisons, and Mr. George W. Jones, Secretary of the Parole Board. After discussing the proposed bills we were advised to consult with Colonel Henry Henderson, Deputy Attorney-General, who handles legal matters for the Prison Department. Messrs. Long and Jones both strongly approved the proposed bills. Col. Henderson approved the suspension of sentence bill immediately but he was only convinced of the advisability of the commutation bill after a long conference in Superintendent Long's office, attended by Messrs. Goodrich, Long, Jones, Smith and Warden Hunt.

The suspension of sentence bill received unanimous approval and was drafted and introduced within two days after it was first submitted. This was possible as all the supporting data had been collected and prepared previous to the session and the amendments were of the most simple character.

The commutation bill, in contrast to the former, required many long daily discussions and conferences, participated in by Messrs. Henderson, Long, Jones, and Congdon, representing the State Bill Drafting Commission.

The bill in its original form was introduced on February 16th. After it was introduced further consideration made it advisable to have it amended. The bill in its amended form was introduced February 25th and on March 4th passed the Senate.

The bill as first introduced attempted to clarify the language of those parts of section 230 of the Prison Law which would have to remain in force to apply to all prisoners received before the amended law would become effective. However, in view of the extensive litigation which has occurred and the various court decisions already made in reference to the ambiguous language of this law, it was considered wiser to simply add a new subdivision and eliminate from the bill the existing provisions of the law.

This bill, if it had been enacted into law, would have accomplished far reaching constructive changes. It would have abolished commutation of sentence and made compensation the sole basis for deductions from sentences, both for definite and indefinite sentence prisoners, thereby eliminating the need for the present

elaborate mathematical table necessarily employed by judges, district attorneys, court and prison clerks. It would have provided for the calculation of compensation on a monthly instead of a 30 day basis, thereby making the computing of sentences more simple and precise. It would have equalized and made more effective the forfeiture of compensation and commutation of sentence now prescribed for escapes.

Whereas this bill passed the Senate the companion bill in the Assembly was not released from Judiciary Committee. Unfortunately when the Senate bill was transferred to the Assembly it was referred to the same committee which had delayed action on the Assembly bill.

When the bill was transferred from Judiciary to Rules Committee every effort was made to have it reported. At 10 A. M. the last day of the session we learned directly from the Speaker of the Assembly the reason the bill had not been reported from Committee. We then immediately communicated with and aroused to action Deputy Attorney-General Henderson, Senator Brown, Assemblyman Goodrich, and Mr. Jones of the Prison Department. The members of the Rules Committee were personally interviewed and favorable promises were received but the final results were unsuccessful. The fact that the caption of the bill referred to "reduction of sentence" was so misleading that it was largely responsible for the defeat of the bill, but this was a detail of bill printing over which we had no control. The amendment to the bill late in the session and the omission of the first parts of section 230, were also reasons for the defeat of the bill. However, it ought to be a simple matter to meet these obstacles and to have the bill enacted into law next year.

The bill providing for the opening of the Sing Sing Clinic was introduced February 17th. In its original form it provided only \$15,000 and that for salaries, but on February 23rd it was amended so as to provide \$50,000, in addition, for the equipment of the building. No stone was left unturned to have this bill reported, but without success. The members of the Ways and Means Committee showed a good deal of interest in the proposal when the matter was presented to them individually and at a hearing. However all bills carrying appropriations became deeply involved in the political controversy concerning income tax reduction.

The bill providing for restoration of powers to the State Commission of Prisons, requiring prison authorities to consult the Commission on new building plans and the employment of prisoners, was passed, but not before it was amended in such a way as to leave out State prisons which were included previously to 1924.

This bill passed the Senate but was held up in the Judiciary Committee of the Assembly. When the Senate bill was received in the Assembly it was, by good fortune, referred to the Penal Institutions Committee instead of the Judiciary Committee. This gave Mr. Goodrich of the former Committee and the introducer of the Assembly companion bill, the opportunity of reporting the bill

out of committee without delay. The bill was passed before the opposing members of the Judiciary Committee realized it was the companion of the bill they were opposed to. The General Secretary was able to assist materially in the successful promotion of this bill.

The Prison Education bill, which raises the standards of the instructors and improves the school courses in the prison schools by making them meet requirements of the Commissioner of Education, was almost defeated in the Senate Finance Committee. After the Assembly bill was on third reading in the Senate, objection was made to it by Senator Hewitt, resulting in its reference to the Finance Committee for further study. It was kept there 15 days, until the day before the closing of the legislature. After Mr. Tremain of the State Commission of Prisons and Mr. John B. Hague, Chief of the Special School Bureau of the State Department of Education, had practically given up hope of persuading the Chairman of the Finance Committee to withdraw his unwarranted opposition, Senator Brown and Superintendent Long went to see Senator Hewitt, largely as a result of our repeated requests, and prevailed upon him to allow the bill to be passed. This Prison Education bill is of especial importance this year because its enactment lays stress upon scholastic instruction and in this way tends to counteract the overemphasis on prison industries existing since last year.

Whereas we had nothing to do with the drafting and introduction of this bill its passage was in no small way assisted by us, as was recognized by the introducer of the bill, the Department of Education. When the stubborn opposition to the bill became evident we interviewed the Chairman of the Finance Committee and his Secretary to obtain their arguments in opposition to the bill and then informed the staff of the State Department of Education. The matter was then called to the attention of Senator Brown and we prepared a letter for him, which was addressed to the Chairman of the Finance Committee, protesting that the bill had not been favorably acted upon. In other ways and at other times we were responsible for promoting the passage of this bill.

It is said that the unexpected often happens during the closing days of the legislative session. This was true of Senate bill Int. 262, by Senator Higgins, which was suddenly reported from Committee and advanced to final passage three days before the close of the session. This bill would have made permissive, instead of mandatory, the transfer of alleged insane persons from prisons to hospitals in the Greater City. Dependent upon the provisions of this bill, which would change the word "shall" to "may," is a medical-legal patronage system which has existed in Kings county for many years prior to 1924 when this section was amended at our suggestion. The cost of this system, which consists of the appointment of examiners in lunacy, is estimated by competent authorities at \$20,000 a year, which might be saved if alleged insane prisoners are transferred from jails to the psychopathic wards of

city hospitals. We had initiated opposition to the Higgins' bill early in the session by urging Dr. Haviland, Chairman of the State Hospital Commission, Commissioner Wallis of the Department of Correction, and Mr. John F. Tremain, of the State Commission of Prisons, to attend the hearings of the Codes Committee of the Senate, and join with us in opposition to the bill. Chairman Baumes assured us at various times during the session that the bill was dead. As late as March 24th we asked the Chairman of the Committee about this bill and we were given the assurance that no request had come to report the bill. However the Senate Calendar of March 25th showed that the bill had not only been reported but had been advanced to third reading. We then requested the secretaries of the State Hospital Commission and the State Commission of Prisons to write letters in opposition to this bill, after getting the consent of Senator Brown to oppose the bill on the floor of the Senate. We assisted in drafting these letters, delivered them to Senator Brown, and submitted to him data prepared by this Association.

The bill passed the Senate before Senator Brown had a chance to realize what had happened. However he immediately made a motion for a roll call for a reconsideration of the vote. A storm of protest broke forth in the Democratic ranks, but the vote was finally reconsidered and the bill was temporarily laid aside. About an hour and a half was devoted to senatorial abuse of Senator Brown, carried on by Senator Higgins, Schackno, Walker, Johnston, Downing and others. Senator Higgins was so incensed at the opposition that he had to publicly apologize to Senator Brown for his utterances.

Again on the last day of the session considerable time was devoted to a roll call and a discussion of the merits of this bill. A vote was taken and the bill was defeated by two votes. Open discussion brought out the fact that the Republicans and Democrats in Brooklyn had combined in introducing and promoting this bill, in the same way that they had combined last year in successfully but unnecessarily increasing the number of deputy-sheriffs in Kings county from 6 to 12.

The Hackenburgh bill providing for Civil Service probation officers in the Court of General Sessions we not only supported, but our General Secretary was able to substantially assist in its passage. We have for many years been committed to the principle of this bill and therefore overlooked such features of the bill, as the powers granted to the judges of General Sessions permitting them to fix the salaries of the probation officers without consulting with the Board of Estimate and Apportionment, etc. The bill was almost lost a number of times but was finally passed.

The full time parole bill was introduced by Mr. Goodrich on February 16th at the request of the Association. There was also introduced about the same time two different bills to abolish the Parole Board. Parole served as a live topic and was the center of controversy during the legislative session. The full time Parole

Board bill, which was not allowed to come out of committee, served as a means of directing the attention of legislators and the public to the real needs of the parole system and in this way counteracted the proposals of the Governor to abolish the Parole Board. Senator Brown was about to report the bill out of committee when the Senate Majority Leader, Senator Knight, called a halt. With the existing strongly divided opinion concerning parole there is little doubt that the bill if it had been reported would have caused a bitter controversy on the floor of the Senate.

A resolution was introduced by Mr. Goodrich, at the suggestion of the Association, providing for a joint legislative committee to examine the criminal laws and make recommendations to the 1926 Legislature relative to the methods employed by the departments which administer criminal justice in the State. This resolution passed the Assembly but was held up in the Finance Committee of the Senate. In spite of the strong public opinion behind this resolution it was defeated by petty politics. The excuse given for opposing the resolution was that the Baumes resolution, which passed, covered the provisions of the Goodrich resolution, but this was contrary to fact as the former provides exclusively for a codification of the Code of Criminal Procedure and the Penal Law whereas the latter referred especially to an examination of the Prison Laws and a study of the practical methods employed, the results obtained by the police, the courts, probation, prison and parole departments, etc.

The following bills were considered by the Law Committee during the 1925 session of the State Legislature:

Assembly Int. No. 418, Pr. No. 419, by Mr. Goodrich.

To amend the penal law and the Code of Criminal Procedure, in relation to suspension of execution of judgment of conviction.—Passed by Legislature—Signed by Governor. Chapter 276, Laws of 1925.

This bill eliminates the words "any part" wherever they occur. Thereby the Court will no longer be empowered to suspend a part of a judgment, but will retain the power to suspend the entire judgment.

The enactment of this law including the initial study of the matter, the introduction of the bill, and organizing a lobby for it, was due to the efforts of the Prison Association.

Senate Int. No. 744, Pr. No. 1013, by Mr. Brown.

Assembly Int. No. 977, Pr. No. 1031, by Mr. Goodrich.

To amend the prison law, in relation to reduction of sentences of convicts in state prisons and penitentiaries.—Passed Senate. Defeated in Rules Committee of Assembly.

This bill would eliminate commutation of sentence now allowed for good conduct, and make compensation serve for both "willing and efficient performance of duty" and good conduct. It would greatly simplify the computing of sentences in various ways. It would also establish a more equitable forfeiture of time for escapes. This legislation was initiated by the Prison Association.

Senate Int. No. 745, Pr. No. 780, by Mr. Brown.

Assembly Int. No. 996, Pr. No. 1050, by Mr. Goodrich.

To amend the prison law, in relation to the parole board and its officers and to proceedings relating to paroles.—Defeated.

This bill would provide that the two paid members of the Board devote their full time to this work; that the director of Sing Sing Clinic, when appointed, serve as ex-officio member with the Superintendent of Prisons; that the headquarters of the Board be established at Sing Sing in connection with the Clinic; that application for parole be made 60 days instead of 30 days in advance, etc. It would also provide four additional parole officers and a paid secretary, etc. This legislation was initiated by the Prison Association.

The following data, showing the organization and activities of the Parole Board, was prepared in support of the above bill. This data shows the rapidity with which the board holds its meetings and disposes of cases, and points clearly to the need of full time service.

BUDGET RECOMMENDATIONS BY THE BOARD OF ESTIMATE AND CONTROL TO THE 1925 LEGISLATURE

<i>Personal Service</i>	
Member, 2 at \$3,600	\$7,200 00
Parole officer, 2 at \$2,000	4,000 00
Parole officer, 2 at \$1,800	3,600 00
Stenographer	2,000 00
<i>Maintenance and Operation</i>	
Printing and advertising	\$125 00
Equipment, supplies and materials	225 00
Traveling expenses (not more than \$1,900 of which may be used for traveling outside the State)	5,500 00
Communication	300 00
Contingencies	25 00
	* \$22,975 00

MEETINGS OF THE PAROLE BOARD DURING THE YEAR 1924

The following exhibits "A" and "B" are set forth to show the months and the days on which the Parole Board held meetings during the year 1924, and the number of cases presented for disposition by the Board at the time of those meetings. In considering Exhibit "A" it is well to keep in mind the distance between the various prisons, such distance requiring overnight travel or the best part of a day. Also that during the month of November the cases at Clinton and Great Meadow Prisons were dealt with on the same day, and that during the month of August the Parole Board, evidently on vacation, holds no meetings.

* This amount is \$300 less than was provided for the year 1924.

Exhibit "B" indicates the number of cases constituting the business of the Parole Board at each prison. These cases are varied in character and include not only those who are coming up as indeterminate sentence prisoners eligible for release at the expiration of their minimum, but definite sentence prisoners who have earned sufficient good time to make them eligible for release. Then there are cases involving parole violation, reapplication for parole, Governor's special commutation, etc., all of which to be properly dealt with should consume considerable time. It is important to bear in mind that the meetings at the various prisons vary from 2½ to 4 or 5 hours. The meetings at Great Meadow Prison usually consume about 2½ hours, and those at Auburn about 3½ hours, whereas the meetings at Sing Sing consume about 4½ to 5 hours. A comparison of the number of Sing Sing cases with the time actually spent in the consideration and disposition of these cases indicates that the average time spent on each case is less than five minutes.

EXHIBIT "A" (c)

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Auburn.....	21	25	24	21	26	17	19	*	20	24	21	20
Clinton.....	22	25	25	22	27	18	21	*	17	21	19	17
Great Meadow.....	23	27	26	22	28	19	22	*	17-18	22	19	17
Sing Sing.....	24	28	27	24	29	23	24	*	18	22	20	19

Total number of meetings for the year..... 55

EXHIBIT "B"

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sing Sing.....	69	54	65	49	69	76	107	88	82	82	59	42
Great Meadow.....	54	41	42	26	39	44	81	31	27	25	25	53
Clinton.....	19	24	21	23	22	26	49	25	49	1	25	28
Auburn.....	20	27	28	29	32	34	69	7	7	2	26	24

* Meetings during 1925 were held with about the same rapidity.

† Men and women. * No meetings.

Resolution initiated by our Law Committee and introduced by Mr. Milan E. Goodrich.—Passed the Assembly but defeated in the Finance Committee of the Senate.

That a Joint Legislative Committee be created to make a study of the criminal law of the State and of its administration and execution, including the methods and practices of governmental officers and agencies whereby the criminal law is enforced, including an appropriation of \$10,000 for this purpose.

The purpose of this resolution was to create a committee that would make an extensive study of criminal law administration and constructive recommendations to the 1926 Legislature indicating ways and means of modernizing and making more efficient the methods and practices now employed and followed.

BILLS APPROVED BY THE LAW COMMITTEE

Senate Int. No. 393, Pr. No. 1120, by Mr. Brown.—To amend the prison law, in relation to the powers and duties of the State Commission of Prisons.—Passed by Legislature.—Signed by Governor. Chapter 454, Laws of 1925.

This bill restores powers taken from the Commission in 1924 when the Industrial Law was passed. It concerns the plans for new buildings and employment of prisoners, but State prisons were excepted.

Assembly Int. No. 533, Pr. No. 535, by Mr. Goodrich.—To amend the prison law, relating to instruction in State prisons.—Passed by Legislature.—Signed by Governor. Chapter 455, Laws of 1925.

This bill amends Section 150 of the Prison Law by empowering the State Commissioner of Education to cooperate with the Superintendent of State Prisons and wardens in formulating courses of study and supervising instruction. It also provides that every teacher engaged in the future shall have received a valid certificate from the Commissioner of Education and conformed with the general rules concerning elementary public school teachers.

Assembly Int. No. 617, Pr. No. 967, by Mr. Goodrich.—To amend the prison law, in relation to bonds of certain officers of State prisons.—Passed by Legislature.—Signed by Governor. Chapter 170, Laws of 1925.

This bill clarifies Section 119 of the Prison Law by eliminating the kitchen-keeper, hall-keeper and yard-keeper from bonding requirements, and extends bonding provisions to the Deputy Superintendent of Industries and such other employees as the Superintendent of Prisons shall deem necessary.

Assembly Int. No. 434, Pr. No. 436, by Mr. Ambro.—To amend the prison law, in relation to the removal of sick prisoners from jail.—Passed by Legislature.—Signed by Governor. Chapter 456, Laws of 1925.

This law permits the transfer of prisoners confined in jail temporarily to a hospital when in need of immediate medical or surgical treatment. This law in applying to bodily sick prisoners links up closely with the operation of Section 836 of the Code of Criminal Procedure which applies, in its amended form, to all mentally sick prisoners. Both of these laws are of benefit to the individual prisoner and the prison authorities.

Senate Int. No. 469, Pr. No. 466, by Mr. Nicoll.

Assembly Int. No. 716, Pr. No. 734, by Mr. Hofstadter.

To amend the county law, in relation to the method of appointment of deputies and other appointees and employees of sheriffs and permitting sheriffs to require from them security for the faithful performance of their duties.—Defeated.

This bill attempts to place all sheriffs' employees under Civil Service. At the present time only those sheriffs' employees who are assigned exclusively to criminal work come under Civil Service. This bill was drafted to meet the provisions of Article 10, Section 1 of the Constitution and the Court of Appeals decision in the Flaherty v. Nihilken, 193 N. Y. 564, by permitting sheriffs to bond their employees thereby relieving them of responsibility.

Senate Int. No. 755, Pr. No. 790, by Mr. Brown.

Assembly Int. No. 1018, Pr. No. 1246, by Mr. Goodrich.

To provide for the establishing of a clinic for mental diseases in the State Prison at Ossining, and making an appropriation therefor.—Defeated.

This bill provides \$15,000 for salaries and \$50,000 for furnishing the new Sing Sing Clinic, a building which has been completed for almost two years and represents an investment of about \$500,000.

Senate Int. No. 873, Pr. No. 919, by Mr. Nicoll.

Assembly Int. No. 605, Pr. No. 614, by Mr. Hackenbug.

To amend Section 11-a of the Code of Criminal Procedure, in relation to probation, affecting probation in the Court of General Sessions.—Passed by Legislature.—Signed by Governor, Chapter 672, Laws of 1925.

Authorizes judges of General Sessions to appoint a chief and two deputies and as many additional probation officers as are necessary; the judges to fix the salaries of these probation officers and to employ the volunteer probation officers now serving this court, under Civil Service with the approval of the State Civil Service Commission.

Senate Int. No. 895, Pr. No. 1405, by Mr. Gibbs.

Assembly Int. No. 1344, Pr. No. 1900, by Mr. Esmond.

To amend the Code of Criminal Procedure, in relation to wayward minors.—Passed by Legislature.—Signed by Governor, Chapter 389, Laws of 1925.

Senate Int. No. 1418, Pr. No. 1686, by Finance Committee.

To amend the prison law, in relation to compensation of guards in State prisons and reformatories and making an appropriation therefor.—Passed Senate and Assembly.—Vetted by Governor.

Increase of \$100 a year per guard and \$200 each for the captain of the night watch and assistant principal keeper.

Assembly Int. No. 1184, Pr. No. 1263, by Mr. Goodrich.

To amend the prison law, in relation to the compensation of guards in State prisons and reformatories, and making an appropriation therefor.—Passed in the Assembly but substituted in the Senate by the former bill.

Senate Int. No. 942, Pr. No. 1668, by Mr. Bouton.

Amends Section 21, Mental Deficiency Law, by providing guards, store-keeper and instructors at Napanoch institution with the same pay as is allowed to State prison guards.—Passed by Legislature.—Signed by Governor, Chapter 677, Laws of 1925.

Assembly Int. No. 1651, Pr. No. 1968, by Mr. R. B. Smith.

To amend the Code of Criminal Procedure, in relation to criminal statistics, and making an appropriation therefor.—Passed by the Assembly and Senate. Vetted by Governor.

This bill if it had been enacted into law, would have simply transferred the criminal statistics, prepared by the county clerks, from the Secretary of State to the State Commission of Prisons. A clerk and appropriation of \$1,600 were included. No actual change in the methods of collecting these statistics was provided for.

Senate Int. No. 1232, Pr. No. 1344, by Mr. Fearon.

Amends Section 182, Prison Law, relative to disposal in other counties of material for highways, streets and roads, prepared by convict labor in one county.—Passed by Legislature. Signed by Governor, Chapter 467, Laws of 1925.

Resolution approved by the Law Committee of the Prison Association.—Defeated.

The Nicoll resolution, which was introduced on February 3rd, provides that a joint legislative committee be created to investigate the several county penitentiaries of the State, to determine the feasibility of their being taken over and operated by the State as State industrial farms for misdemeanant prisoners, and the possible localities for industrial farms.

* CONSTITUTIONAL AMENDMENT APPROVED BY LAW COMMITTEE OF THE PRISON ASSOCIATION

Senate Int. No. 23, Pr. No. 23, by Mr. Gibbs.

Proposes amendments to Article 5, Section 11 of Article 8, Constitution, eliminating Secretary of State, Treasurer and State Engineer as Elective officers, providing for 20 Civil Departments and making other changes.—Passed by Legislature. To be submitted to people for approval.

This proposed reorganization of State offices and departments calls for the creation of 20 State departments of which the State Department of Correction is fifteenth on the list—this is to be substituted for the present Prison Department.

No additional departments are to be allowed but there is to be no constitutional restriction affecting the creation of commissions. The State Commission of Prisons is to become the State Commission of Correction, and the head of the Department of Correction is also to be the Chairman of the Commission. *This is the one feature we find inadvisable.*

We feel that the head of the Department should not be Chairman of the Commission as his duties are to be composed of prison administration, whereas the Commission is to carry on prison inspections and these functions should be controlled by different officials as at present.

This legislation is of unusual importance because it will, if approved by the people, require a revamping of laws affecting the Prison Department, State Commission of Prisons, and will also undoubtedly affect the law governing the State Parole Board and Probation Commission.

BILLS OPPOSED BY THE LAW COMMITTEE

Assembly, Int. No. 77, Pr. No. 77 by Mr. Berg.

To amend the Code of Criminal Procedure, in relation to proceedings when person in confinement appears to be insane.—Defeated.

This bill attempted to repeal the 1924 amendment to Section 835 of the Code of Criminal Procedure by substituting the identical language which existed prior to amendment.

Senate Int. No. 262, Pr. No. 265, by Mr. Higgins.

To amend Section 836, Criminal Code, by making permissive, instead of mandatory, the transfer in New York City of apparently insane persons from jails to psychopathic wards of City hospitals.—Passed in the Senate but laid aside after reconsideration of vote on motion of Senator Brown. Lost on vote taken last day of session.

Senate Int. No. 265, Pr. No. 1571, by Mr. Higgins.

Amends Section 82, Insanity Law, by providing for trial by jury to determine questions of sanity.—Defeated.

Senate Int. No. 467, Pr. No. 484, by Mr. Higgins.

To amend Section 82, Insanity Law, by providing trial by jury to determine question of sanity.—Defeated.

Senate Int. No. 307, Pr. No. 1357, by Mr. Love.

Assembly Int. No. 393, Pr. No. 394, by Mr. Hart.

To amend the prison Law in relation to the disposition of children born in prison.—Defeated.

This bill makes permissive the return of a child, born in prison, to prison with its mother until it reaches two years of age, etc. At the present time a child born in prison cannot be returned to prison with its mother unless the mother is confined in a reformatory.

* Adopted at General Election November, 1925.

Senate Int. No. 337, Pr. No. 341, by Mr. Gibbs.

Assembly Int. No. 438, Pr. No. 490, by Mr. Cooke.

To amend the penal law, in relation to calculating term of imprisonment.—Defeated.

This bill transfers judicial powers to sheriffs relating to endorsement on commitment paper of time spent in jail before sentence.

Senate Int. No. 466, Pr. No. 468, by Mr. Higgins.

To amend the Greater New York Charter, in relation to the transfer of prisoners by the Commissioner.—Defeated.

This bill would prevent the Commissioner of Correction from transferring a sentenced prisoner from a City or District Prison to the Penitentiary or Workhouse, unless the judge having jurisdiction would give his permission. Likewise it would restrict all inter-departmental transfers between the dozen or more institutions in the Department.

Senate, Int. No. 684, by Mr. Lipewicz.

Assembly Int. No. 867, Pr. No. 892, by Mr. Borkowski.

To amend the prison law, in relation to the employment of prisoners.—Defeated.

This bill would seriously restrict the use of prison labor. It would prohibit the employment of prison labor on new construction or repairs or remodeling of public buildings where free labor is employed at the same time on the same work.

Senate Int. No. 780, Pr. No. 815, by Mr. Higgins.

Assembly Int. No. 1071, Pr. No. 1143, by Mr. Eberhard.

To amend the prison law, in relation to the number of the members of the State Prison Commission, its powers and duties relating to the parole of prisoners, and abolishing the State Probation Commission.—Defeated.

This is the same bill as was introduced in 1924. It would abolish the State Probation Commission and State Parole Board and transfer their powers and functions to the State Commission of Prisons.

Assembly Int. No. 677, Pr. No. 687, by Mr. Reich.

To amend the penal law, in relation to calculating term of imprisonment.—Defeated.

This bill provides a new subdivision to Section 2163 to broaden its application. Jail time spent by a person before conviction and sentence would be credited in all penal institutions.

Senate Int. No. 1079, Pr. No. 1156, by Mr. Love.

Assembly Int. No. 1327, Pr. No. 1435, by Mr. Steingur.

To amend the Prison Law, in relation to the Board of Parole for State Prisons.—Defeated.

This bill would abolish the Parole Board and transfer its functions to a special bureau of the Prison Department. At the present time the Parole Board is operated, for practical purposes, by the Prison Department. This bill simply substitutes a doctor for the two paid members and makes the Superintendent of Prison Industries an ex-officio member together with the Superintendent of State Prisons.

Senate Int. No. 1172, Pr. No. 1270, by Mr. Mastick.
Assembly Int. No. 1316, Pr. No. 1424, by Mr. Dunne.
To amend the Prison Law generally.—Defeated.

This bill would enlarge the powers of the Superintendent of Prison Industries. At the same time it would eliminate the provision for bonding the Superintendent of Prison Industries. It would transfer the constitutional powers of the wardens of State Prisons, to appoint deputy superintendents of industries, to the Superintendent of Prison Industries. It would also give him jurisdiction over buildings used for industries and as power houses.

Senate Int. No. 1336, Pr. No. 1503, by Mr. Byrne.

Assembly Int. No. 846, Pr. No. 871, by Mr. Kammerer.

To amend the Code of Criminal Procedure in relation to probation.—Defeated.

This bill was drafted and introduced at the instance of the State Probation Commission. It would clarify Section 11-a which applied to probation and would provide for one or more paid probation officers in each county of the State.



Prisoners employed in Clinton Prison lumber camp.

CHAPTER VIII

THE INTERNATIONAL PRISON CONGRESS

The Ninth International Prison Congress convened in London, August 3rd, 1925. In the Congress were representatives from fifty-six countries, a remarkable coming together of people, subsequent to a world war, for the discussion of the treatment of a serious social problem.

The U. S. representative on the International Prison Commission, which is the governing body of the International Prison Congress, is Hon. B. Ogden Chisolm, a member of the Executive Committee of the Prison Association of New York, who was appointed by President Calvin Coolidge in December, 1923.

Those appointed by President Coolidge to represent the United States were as follows: Dr. Herman M. Adler, State Criminologist, Chicago, Illinois; Hon. Sanford Bates, Commissioner of Correction, Boston, Massachusetts; Hon. Amos W. Butler, formerly Secretary, State Board of Charities, Indianapolis, Indiana; Dr. Hastings H. Hart, Consultant in Delinquency and Penology, The Russell Sage Foundation, New York City; Mrs. Jessie D. Hodder, Superintendent, State Reformatory for Women, Framingham, Massachusetts; Hon. Charles H. Johnson, Secretary, State Board of Charities, Albany, New York; Dr. Raymond F. C. Kieb, Medical Superintendent, Matteawan State Hospital, Beacon, New York; Warden Lewis E. Lawes, Sing Sing Prison, Ossining, New York; Dr. Frank Moore, Superintendent, State Reformatory, Rahway, New Jersey; William P. Penn, Superintendent, State Training School, Morgantown, Pennsylvania; Dr. R. B. von Klein Smid, President, University of Southern California, and Warden J. J. Sullivan, State Prison, Stillwater, Minnesota.

Those appointed by Governor Smith to represent the State of New York were as follows: Charles M. Baldwin, Executive Committee, Prison Association of New York, New York City; Rev. Carl H. Barnett, Federal Council of the Churches of Christ in America, New York City; Mrs. Maud Ballington Booth, Volunteers of America, New York City; E. E. Cass, General Secretary, The Prison Association of New York and the American Prison Association, New York City; B. Ogden Chisolm, International Prison Commissioner, New York City; Dr. Frank L. Christian, Superintendent, State Reformatory, Elmira, New York; Leon C. Faulkner, Managing Director, The Children's Village, Dobbs Ferry, New York; Dr. Bernard Gneuck, Psychiatrist, New York City; Dr. Hastings H. Hart, Consultant in Delinquency and Penology, New York City; Dr. Charles H. Johnson, Secretary, State Board of Charities, Albany, New York; Dr. R. F. C. Kieb,

Medical Superintendent, Matteawan State Hospital, Beacon, New York; Warden Lewis E. Lawes, Sing Sing Prison, Ossining, New York; Dr. Walter N. Thayer, Jr., Superintendent, State Institution for Defective Delinquents, Napanoch, New York; Rev. Worth M. Tippy, Federal Council of the Churches of Christ in America, New York City; Hobart H. Todd, Superintendent, State Agricultural and Industrial School, Industry, New York, and Hon. George W. Wickersham, former U. S. Attorney General.

In the Congress America was honored by the selection of Dr. Hastings H. Hart as a Vice-president of the Congress; Dr. Amos W. Butler, who was President of the American Prison Association when the International Prison Congress met in Washington, D. C., in 1910, as a Vice-President of the Section on Administration, and Mr. E. K. Cass as a Vice-President of the Section of Prevention.

The first International Prison Congress met in London in 1872. It owed its origin to American influence, notably that of the celebrated Dr. E. C. Wines, then General Secretary of the Prison Association of New York. Shortly afterwards the International Prison Commission was established for the purpose of arranging for quinquennial Prison Congresses. It consists of delegates from the various countries adhering to the Commission, who meet at intervals to make arrangements for the Congresses, with a bureau seated at present at Groningen in Holland. Since 1872, Congresses have been held at Stockholm in 1878, Rome in 1885, St. Petersburg in 1890, Paris in 1895, Brussels in 1900, Budapest in 1905, and Washington in 1910. The British Government did not send a representative until the Paris Congress of 1895. In 1910, when the Congress met at Washington, the British representative, Sir Evelyn Ruggles-Brise, conveyed an invitation from the British Government to hold the next Congress in London in 1915. This was accepted and the Commission met in London in 1914 under the Presidency of Sir Evelyn Ruggles-Brise to prepare for the Congress of 1915, but the outbreak of war necessitated a postponement. In 1922, the Commission assembled in Berne to revive the movement and Sir Evelyn Ruggles-Brise was authorized to repeat the invitation to meet in London in 1925. The Commission again assembled in London in 1924 to make the final arrangements for the Congress of 1925. During the half century that has elapsed since the first Congress, many matters relating to the punishment and prevention of crime and the reform of the offender have been put under review. Many of the conclusions arrived at have been put into force in those older countries whose systems were rooted in a remote past, so that they might march with the times, while they have been a guide and a help to those younger countries who were prepared to start from the point that others had slowly reached after a long passage of years. A study of the many resolutions passed by the various Congresses will reveal the high ideals they have kept before them and the humane and beneficent influence they have had on the

civilized world, in its dealings with the difficult problem of crime and criminals. It is fitting that, after a period of 50 years, the Congress should return to the place of its birth. Times are ever changing and there is still work for the Congress to perform. Developing ideas and outlook find many fresh problems, and the treatment of crime and criminals presents no exception to the rule.

The official reception to delegates and members of the Congress was given by the British Government at Lancaster House on Monday evening, August 3rd. Those present were welcomed with traditional British hospitality by the Home Secretary and Lady Joynson-Hicks, who presented them to their Royal Highnesses, The Prince and Princess Arthur of Connaught.

The official opening of the Congress was on the morning of August 4th, in the large hall of the Imperial Institute, which was appropriately decorated with the flags of all countries. The Home Secretary, the Right Hon. Sir William Joynson-Hicks, the Bureau and the members of the International Penitentiary Commission and its officers, assembled on the platform. The Home Secretary, after welcoming the members of the Congress, gave some details of the prison system prevalent in England, specially since the first International Prison Congress, and gave his views on some pertinent vital questions. The senior member of the International Prison Commission, Mr. Almqvist, warmly thanked the Home Secretary for his eloquent discourse, and proposed to the assembly his election as Honorary President of the Congress, and also that of Sir Evelyn Ruggles-Brise, K. C. B., as President, and Dr. Simon van der Aa as General Secretary. These proposals were enthusiastically adopted.

After thanking the assembly the Home Secretary gave the chair to Sir Evelyn Ruggles-Brise, who then extended a warm welcome to the members, whom he quite visibly rejoiced in seeing in such large numbers, and presented his inaugural address.

INAUGURAL ADDRESS

By Sir Evelyn Ruggles-Brise

Since I was first appointed as British representative on the International Commission thirty years ago, I have always cherished the hope that I might live to see this great Congress meet again on British soil, and as its march around the world in the cause of justice and humanity may be said to date from the London Congress of 1872, so from the same point of departure, and so to speak, with a new lease of life, there should be at quinquennial periods in the different countries of the world for the next fifty years a renewal of the trumpet-call of Prison Reform to awaken nations from time to time to a sense of the real meaning and importance of *la question pénitentiaire*.

What is this question? Its meaning, and its value, and its close relation to progress in civilization is but imperfectly understood even by the cultivated classes. It occupies a background in the great field of the world's activities; in the shade and obscure, but to those who understand fully, it not only embraces all other social questions, but is the *fundamental* question—not how shall men and women be taught to do what is right, but how shall they be prevented from doing what is wrong. That is *la question pénitentiaire*.

Fifty years ago, and that is a short period of time in the span of human things, the significance of this question was not fully appreciated. Public opinion was obsessed then, as I regret to say it is to a large extent today, by the mysterious connotations of the word "Prison." This old Roman word, which simply means to "take" or "hold" a man, had become associated through long centuries of intolerable cruelty and suffering with a most terrible significance. Like the ancient Greek tragedy, it inspired both Pity and Terror, and the story of prisons is one of the great tragedies in the history of civilization. But the cruel part of the tragedy is not so easily perceived—the amazing influence of words or names, when once they have caught hold of the popular imagination, has always constituted one of the great barriers to progress; and thus the word "Prison" has become a part of the ordinary furniture of the human mind, and is generally accepted as the only security against any infraction of law and order in things both great and small.

On an occasion like the present one is allowed to generalize, and to generalize boldly, and I am inclined to affirm from my long experience in the discussion of *la question pénitentiaire* in many countries, that the whole tendency of the international movement since 1872 has been a revolt, and a very strong and determined revolt, not only against the use and abuse of Prisons, as the one and only means of punishing offenses against the law, but against the popular conception of Prisons as gloomy strongholds, in which

it is sufficient* that a man should be looked up for so many weeks, or months, or years—if not literally “branded,” as in old days, yet with a *fétrissure* or mark against his name, which would render almost impossible his reinstatement in honest life. Against such a conception of punishment, and of Prisons, our International Congresses have been a strong and living protest.

Let me draw a rapid inference from the questionnaire, which is submitted for discussion this week. What will you find?

In the 1st Section, you will be asked to suggest alternatives to imprisonment, so that Prison may not be the one and only method of expiation; or, if no other course is possible, that the treatment shall be so devised as not to destroy a man's personality and usefulness; but, if possible to recreate it.

In the 2nd Section, you will be asked to consider whether the causes of crime can be determined by the scientific study of criminals, pathological or psychological. Much has been written, and will be written, on the causes of crime, but in the retrospect of the last fifty years perhaps the outstanding feature in the story of punishment has been the slow and gradual recognition of the part to be played by mental science, which may be able, in early age, to detect symptoms of backwardness and defective cerebral development which, if neglected, is bound to lead to abnormal and even criminal conduct.

The fierce battle between the classical and positivist theories of punishment, which has been waged in the Continental schools of law and criminology since Lombroso first startled the world by the alleged discovery of the *criminal-né* or stigmatic type, has, no doubt, had this great result that, in nearly all civilized countries, it has become more and more recognized that the personality of the offender must enter into the legal conception of the degree of guilt, and of the specific attribution and character of penalty. Great Britain has not taken a very active part in the conflict of these schools, or in all the controversy, legal and philosophical, that centres round the difficult, and thorny, and delicate question of *la responsabilité atténuée*; but the controversy finds its echo in our own Courts where, on more than one occasion in recent years, dispute has arisen as to the rôle to be assigned to the medical, or mental, specialist in the administration of criminal justice.

Courts of justice in this country are most conscientious in the attention given to any allegation of impaired responsibility arising from mental defect; and it is doubtful if more could be done than is now done, even if clinics and laboratories were established as part of the judicial and prison machinery.

There can be no doubt that it is by the direction of early instincts—primarily a parental duty of the first importance—that we shall find in later years the best prophylactic against anti-social conduct. Man can only learn to govern himself when he becomes aware of all his functions and is taught how to control them, and this must be in very early age.

Mental and medical science can help us, but it is, as I say, primarily a parental duty. I do not know that more can be done than is now the case, when persons of mature years come before the Courts, where infancy and adolescence have been neglected, and who have not been taught to govern themselves and to control wayward instincts and appetites. No truth has been more clearly grasped by former Congresses, notably at Paris and Brussels in 1895 and 1900, than that the State which took the best care of its children was likely to be the most free from crime. It has become a commonplace now, and no small credit is due to the passionate pleading for *Venfance coupable et abandonnée*, which was one of the leading characteristics of earlier Congresses. The question does not figure largely on the questionnaire of our Congress today because a great international association has been created to deal with the question, and it is for this reason that *Venfance* no longer occupies a special section in the Penitentiary Congress.

But still, the criminal problem remains, and after many years of evolution is now taking more definite shape. Although it may almost be said that everywhere it is now recognized that wise preventive measures are a fundamental necessity, yet it can hardly be expected that the net of prevention can be so wide that there will be no escape through its meshes; and so, sadly, yet with hope, we must avow that the criminal classes are likely always to be with us in spite of all the efforts of penitentiary science. But this must not discourage, but rather stimulate to new effort. M. Tarde, in his famous work on *la Criminologie Comparée* tells us how since the dawn of history man was always busy inventing new methods of punishment, and how penal invention may almost be said to have preceded all other inventions. This spirit of penal invention is operating actively today. It is not due to restlessness, which makes men always seek some new thing. It is due, I believe, to a growing consciousness that the old methods of punishment have failed, and are not adequately protecting society from the evil-doer. It is certainly not due to any misplaced sympathy with anti-social or hurtful acts. On the contrary, its object is to fortify society by the adoption of more rational and more vigorous measures.

The two principal inventions of the last half century have been (1) conditional conviction—in its two forms, *sursis* on the Continent of Europe, and “probation” in English-speaking countries; (2) the indeterminate sentence, with its double aspect as a measure of reform and as a measure of security.

The first invention owes its origin to two strong impelling forces, viz., the very natural and human desire to give a chance to a first or petty, or occasional offender, and to the realization by public opinion, growing stronger every day, of the futility, and even stupidity, of short sentences automatically applied to every variety of offense (*la dosimétrie pénale*).

The second invention is the indeterminate sentence. Strictly so called, it is of American name and origin, but the idea of "indetermination," as a *mésure de sûreté* has been discussed in Europe for many years, and the phrase has a different meaning in America and Europe. In Europe, it is a *relégation en perpétuité* for the socially unadaptable. In America, it connotes a protest against fixed sentences, against the legal prescription of so much penalty, irrespective of the personality of the offender. It is obvious what a vast gulf separates the two conceptions, and the history of our Congresses will show what a confusion has arisen from a misunderstanding of the phrase.

For our purposes today, and for discussion in Congress, the phrase simply expresses the principle of a *mésure de sûreté* for the socially unadaptable, be it a person who, by repeated acts, causes trouble and nuisance to the community, e. g., the vagrant or drunkard, or a person who, by persistence in grave crime, is a terror and a menace to the State. A study of the Reports submitted will show to what extent the principle of a *mésure de sûreté* as a protection against recidivism, both in grave and in petty crime, is gaining ground, and finds a place in many new draft penal codes in many countries of Europe.

Both these inventions are really an attempt to escape from the old idea of Prison Rules and fixed sentences, as the only protection which the wit of man was able to devise against unlawful acts. If, as seems likely to be the case, the security afforded by safe custody in prison under a definite sentence, is to be replaced on the one hand by a system of placing the first, or trivial, offender on his honor not to offend again, and, on the other, by the internment for an indefinite period of the habitual offender or recidivist, subject to conditional release if a reasonable hope of good behavior exists, the question for the future will be the nature and character of the control to be exercised by the State, or by voluntary patronage, or by both in cooperation, over persons who are allowed to be at liberty under one or the other of these systems.

For this reason, the third question is of great importance, viz., how is this control to be made effective? Unless a system of control can be established under which there is a practical certainty that a person abusing the indulgence given shall be brought up for judgment, social rights will not be adequately protected, and public confidence both in conditional conviction and release will be lost.

There are two matters outside our program to which I desire to call the special attention of the Congress. We are celebrating our Jubilee, and I think this is a fitting occasion on which to submit for your consideration two propositions, both of which, if practicable, would, I believe, greatly increase your opportunities and enhance your usefulness in the future.

The first is with reference to our Permanent Bureau. It is only those who have been in close touch with the labor involved

in carrying on this great international work, year by year, and almost day by day, who can realize the great strain and responsibility of the work which our Secretary-General is called upon to discharge. It is a noble labor of love, and I am convinced that, but for the devotion of our very distinguished Secretary-General, Dr. Simon van der Aa, working quietly and unostentatiously in his bureau at Groningen, we should not have survived the dark and difficult days of the Great War.

I think that it is imperatively necessary, if our great purpose is to be adequately fulfilled during the next fifty years, that all the States who are represented here officially today should arrive at a common agreement to come to the financial rescue of our Central Bureau, and to equip it with sufficient resources to carry on its work with dignity and efficiency. The subsidy raised under the present system is quite inadequate. It is my earnest desire, before laying down the Presidency, to see this matter discussed by a convention of all the States, so that their respective Governments may be approached with the purpose of a more generous subsidy than at present being agreed to, having regard to the great benefit accruing to civilization at large from having in our midst, as the focus and centre of all our work, a central body which shall not only prepare and organize the Congresses of the future, but by collecting all useful materials from all countries, shall be, in due course, a great International Agency for the advancement in all countries of *la science pénitentiaire*.

The other proposition is of less importance, but if our international movement is to have a real influence and interest, I think that it is above all things necessary that we should establish a plan or scheme of International Criminal Statistics. This again requires inter-State agreement and convention. If all states could agree as to a comparatively few classes of crime, which are really typical of social disorder, I think it might be possible to present at each Quinquennial Congress a table of such offenses. I have ventured to prepare a short memorandum on this subject, which can be obtained on application at the Congress Inquiry office. I believe that such an international statistic would greatly stimulate activity in adopting in all States the best penal and preventive measures. The subject has often been discussed by the Commission, but no feasible plan has yet been adopted.

And now I have detained you long enough, and we must proceed with our sectional work. The excellent reports received from all parts of the world will give you ample food for discussion. It has been wisely said that the exchange of international thought was the only possible salvation for the world. By exchanging our ideas on the great question of the punishment of crime, we are carrying into the relations of States a kind of ethical progress, which must be for the public good.

We contribute towards that *Solidarité bienfaisance* which on the ground of penal science it has been the purpose of the great Continental associations to establish, and which we, embracing all Continents, seek still further to promote.

The Congress in its range of discussion was divided into three general sections, namely, Legislation, Administration and Prevention, with a number of specific questions under each. These questions were submitted to outstanding persons in various countries, prior to the Congress, who were thought to be in a position to offer intelligent and expert opinion on them. The replies were then summarized by a "rapporteur," chosen for each question, who added his own comment upon the opinions expressed. It was this final summary of opinion that was presented for discussion in the respective sections, and in turn became crystalized in each section into appropriate resolutions. These resolutions were then presented to the general assembly for final disposition. In addition to these strictly defined deliberations, four addresses were delivered at the general assemblies, as follows: "The Principles of Punishment," by the Right Hon. Earl of Oxford and Asquith, K. G.; "Alternatives to Imprisonment," by the Right Hon. Lord Hewart, Lord Chief Justice of England; "The Indeterminate Sentence," by the Right Hon. Viscount Cave, Lord Chancellor; and "The Meaning of Punishment," by the Right Hon. Viscount Haldane of Cloan, K. T., O. M. These important contributions by four of the most outstanding men of the England of today, should be read in their entirety for a full appreciation of the attitude of England to these problems.

Viscount Haldane's address on "The Meaning of Punishment," particularly deserves the careful attention of everyone interested in prison reform. The philosophical challenge of the idea of the total abolition of punishment which his paper so learnedly presents, constitutes not only a vital contribution to the problem of crime and punishment, but touches upon some of the most fundamental questions raised by the more recent psychological definition of the nature of conscience.

QUESTIONS PRESENTED FOR DISCUSSION AT THE
INTERNATIONAL PRISON CONGRESS AND
RESOLUTIONS SUBSEQUENTLY ADOPTED

SECTION 1

Legislation

FIRST QUESTION

Should the authority charged with the duty of public prosecution have a free discretion whether proceedings should be taken or not in any case?

If so, should such discretion be subject to restraint within certain limits and to control?

Should not the Court also have a discretion whether or not to record a conviction, although the facts are practically proved?

The revival and enlargement of ideas on penal law, and its application, form one of the most remarkable features in the development of penal and penitentiary science during the period that has elapsed since the London Congress of 1872. Notably, the social side of criminal law has been placed in a new light, and the task before it of protecting society has become the object of special interest. In our day, it is recognized more and more that the struggle against crime must employ diverse forms of protection. The penalty is not the only means of dealing with the offense, and the principle that a breach of the law will be followed by punishment has not an absolute value. Thus, in recognition of this fact, conditional conviction has been introduced in nearly all civilized countries.

But the question is whether we cannot go further in this direction. Cannot the prosecution itself be suppressed in certain cases? If it has been undertaken, cannot a conviction be dispensed with in the case of certain offenders? Already there are cases where the legislature has conferred on the prosecuting authority a certain discretion in the execution of this duty, in the same way that it has allowed the judge to abstain from recording a conviction even where the guilt is proved.

The Following Resolution was Adopted by the Congress in General Assembly:

Having regard to the general tendency of the evolution of penal law, a wide application of the principle of opportunity is recommended in all cases where the general interest would be better served by suppressing proceedings.

For offenses against police regulations and offenses committed by minors, the principle of deciding whether proceedings should be suppressed or not for reasons of opportunity ought to be very broadly applied.

The exercise of such discretion should be subject to a control. At the same time, having regard to the diversity of judicial organization in the different countries, it is not possible in an international congress to specify the kind of control which should be exercised, notably by the judicial authorities or by allowing the public to prosecute.

SECOND QUESTION

What measures could be taken, instead of imprisonment, with regard to offenders who have committed a petty offense, or an offense which does not constitute a danger to public security?

The short sentences of imprisonment have been keenly and abundantly criticised for years as well in literature as in congresses. It seems superfluous to point out their defects; they are universally recognized as present.

However, the short imprisonment always plays a considerable, not to say a preponderant part in the dominion of the repression of crime.

In consequence of the introduction in the penal system of nearly all countries of the suspension of execution, the application of the deprivation of liberty has already been reduced to a certain extent. But besides conditional conviction, which cannot be pronounced in every case, we want other means of replacing advantageously short sentences.

The question is conceived in such a way as to invite consideration of the circumstances which would allow such substitution and any suggestion for the adoption of alternative measures.

It is to be expected that the country where the Congress will hold its sessions will furnish a statement of the details and the results of the change in the law effected by the Criminal Justice Administration Act, 1914, which allows the infliction of fines for different offenses and time for payment in order to facilitate, and insure such payment.

The Following Resolution was Adopted by the Congress in General Assembly:

That every endeavor be made to substitute in suitable cases other methods in place of imprisonment; in particular that:

- (1) The system of probation should be extended to the utmost extent.
- (2) The power of Court to impose fines should be extended and the machinery for payment of fines should be developed so as to eliminate as far as possible imprisonment in default of payment.

THIRD QUESTION

Would it be possible, and within what limits, to apply the principle of the indeterminate sentence in the struggle against recidivism, not only as far as grave offenses are concerned, but also for any other case?

Lesser offenses of all kinds, though not rumored abroad, and not exciting public interest, nevertheless are as much a danger to

society as notorious or grave offenses which strike the public imagination.

Though their shock is not so rudely felt, they uneasingly disturb the peaceful life of citizens. A casual glance at statistics of different countries will show to what an extent especially petty offenses grow and perpetually repeat themselves. Hence arises a doubt whether existing methods of dealing with recidivism, in the matter of lesser offenses, are really sufficient; and the question arises whether it would not be possible to adopt more effective measures for dealing with this evil and the harm that results from it?

It has been suggested that a hardened offender who disturbs the public peace by his constant transgressions should be temporarily segregated, and made the subject of appropriate treatment till he appears to be disposed to conform to the rules of social life. In other words, the suggestion is that the principle of the Indeterminate sentence—apart from the question of the different methods for giving effect to it—should be introduced as the instrument for dealing in general with petty crime constantly repeated. But is this principle admissible, not only when serious crimes and notorious criminals are concerned, but also for such offenses and in respect of such offenders as are mentioned here more especially? If so, within what limits should its operation be restrained?

The Following Resolution was Adopted by the Congress in General Assembly:

That the indeterminate sentence is the necessary consequence of the individualization of punishment and one of the most efficacious means of social defense.

The laws of each country should determine whether, and for what cases there should be a maximum duration for the indeterminate sentence. There should, in every case, be guarantees and rules for conditional release with executive adaptations suitable to national conditions.

FOURTH QUESTION

What may be done to forward the judicious application of the principle of individualization of punishment by the judge who assigns the penalty to be inflicted on the offender?

After the modern conception of penal law, the punishment should not merely be administered in proportion to the gravity of the offense and the culpability of the offender, but it ought to be adapted to his personality and his conditions of life. In order to meet this need, it is necessary above all things that the authority judging the offense should be informed, as far as possible, as to the personality and the conditions of life of the offender, and that, moreover, such authority should have full discretion as to the use to be made of such information.

Under the present system, however, it would seem that criminal procedure does not recognize sufficiently such necessity.

The intention of the question is, therefore, to draw attention to this default. "Punishment" and "Penalty" ought to be taken in the broad sense of any measure the judge can inflict.

The Following Resolution was Adopted by the Congress in General Assembly:

That before imposing any sentence or penalty it should be an essential condition in the criminal procedure of all countries that the judge should inform himself of all the material circumstances affecting the character, antecedents, conduct and mode of life of the offender and also any other matters which may be necessary for the purpose of properly determining the appropriate sentence or penalty.

And in practice:

(1) The penal law should give the judge a choice of penalties and similar measures for prevention and security and should not strictly limit his power. It should only lay down general directions and so leave the judge free to apply the principle of individualization.

(2) The Courts should be specialized as far as possible and, in particular, the juvenile courts should be separate from those for adults.

(3) Judicial studies should be supplemented by criminological ones. All who wish to be magistrates should be compelled to attend lectures on psychology, sociology, forensic, psychiatry and penology.

(4) The judges should devote themselves solely and permanently to criminal law and there should be sufficient opportunity for advancement in this branch.

(5) Courses of lectures should be established to complete their knowledge of criminology. They should have a full knowledge of prisons and similar institutions and should visit them frequently.

(6) The judge before determining the penalty should have a full knowledge of the physical and psychic conditions and the social life of the accused and the motives for the crime.

(7) For this purpose, inquiries about all his circumstances should be made before the trial. These inquiries should not be made by the police, but should be those of the magistrate himself or of persons authorized by him for this purpose, whom he should have at his disposal.

(8) Penal law should give the judge the power of obtaining information from everyone who knows anything about the personality of the defendant and his social environment.

(9) If these means give no sufficient idea of the physical and psychic condition of the defendant, the judge should be allowed to have him examined by physicians and psychologists.

(10) The trial ought to be divided into two parts: in the first the examination and decision as to his guilt should take place; in the second one the punishment should be discussed and fixed. From this part the public and the injured party should be excluded.

SECTION II Administration

FIRST QUESTION

If a system of some special form of detention be adopted as a means of repression with respect to certain recidivists, by what authority should such detention be pronounced, and in what manner should it be executed?

The problem of the repression of recidivism is dealt with in this question in a very special and definite way. Its purpose is to examine the value of the systems by which a person guilty of such or such offense, may incur special detention, on account of his previous criminal career, if convicted by the Court of being an habitual criminal, whether the detention is substituted for the penalty for such offense, or whether it follows the penalty as a supplementary measure.

If the principle be admitted, the next question is as to the best method of organizing this special detention. Ought the régime to be less severe than the ordinary one (used for penal servitude, strictly so called) and, if so, in what respects? In what way can a reformatory character be given to the provision; and is it advisable, and, if so, to what extent, to make use of conditional license?

Then the question remains whether it is for the judicial or the administrative authority to determine the application of special detention, in particular when it has the character of a supplementary measure.

The Following Resolution was Adopted by the Congress in General Assembly:

(1) That special detention should be ordered by the judicial authority.

(2) While the object of the detention is primarily preventive, reformatory influences also should be exercised as far as possible.

(3) The conditions of such detention should be less rigorous than those of ordinary penal discipline.

(4) The length of the sentence should be indefinite; there should be a power of conditional discharge vested in a Secretary of State or other competent authority, who should be assisted by an Advisory Committee at each Institution, and who should be obliged to look into the matter periodically.

SECOND QUESTION

Is it desirable that services, e. g., laboratories or clinics, should be installed in prisons for the scientific study of criminals?

Would such a system help both to determine the causes of criminality and to suggest the suitable treatment in the case of the individual offender?

Would it not be advisable to use the same system for the examination before trial of persons suspected of some mental defect?

The scientific study of prisoners essentially involves medical examination from a point of view both physical and psychical, personal and hereditary. It involves also a careful research and tabulation of all the information, of a sociological and criminological nature, which the case affords.

In order to facilitate the progress of study of this sort, is it admissible that prisoners could be made the object, from all these points of view, of regular and systematic inquiry specially undertaken and controlled by means of laboratories, clinics or any such service; and, if so, what method of operation could be suggested?

Is it likely that an institution of this kind would produce results of real and practical value towards the solution of those difficult problems which are concerned in the origin and causes of crime and the rational treatment of prisoners?

If it happens often enough, as it seems, that persons are sentenced to ordinary punishments, although they show mental defects which have not been recognized or taken into consideration sufficiently, the necessity makes itself felt from a humanitarian as well as from a penitentiary point of view, to take measures in order to prevent such sentences. Are not the institutions mentioned above particularly suited for this purpose? Or might it be feared that the official character of such institutions would prejudice their value by the Court and influence the official experts attached to them? And will not these experts be more or less suspect in the eyes of the defendants, who might prefer to turn to other scientific opinion chosen by themselves?

The Following Resolution was Adopted by the Congress in General Assembly:

It is necessary that the accused, as well as convicted prisoners should be physically and mentally examined by specially qualified medical practitioners, and that the necessary services should be installed for this purpose in the Institutions.

Such a system would help to determine the biological and sociological causes of criminality and to suggest the suitable treatment for the individual offender.

THIRD QUESTION

Is it advisable to apply a classification of prisoners, having regard to their character, the gravity of the punishment or the nature of the offense, so as to admit the application of different and appropriate régimes, and in what way should the penal establishments be arranged for this purpose?

The penal establishments receive a great diversity of prisoners varying a great deal and having only little in common. It seems obvious that a single régime which could not be appropriate for all, cannot be sufficient, but that it is necessary to employ various treatments in order that the punishment may produce the desired effect. That necessity is specially felt when one wants to give to

the detention not only an expiatory but also a reformatory character as one does more and more, either in general or for certain groups of criminals.

If so, according to what criteria can a rational classification of the prisoners be operated, and what are the principal characteristics of the different régimes to be applied in connection with that classification?

The penal establishments must suit the application of the systems of which they merely are the instruments. Consequently one has to give regard to the claims of such a classification, implying a certain variety of régimes, construction and arrangement. Is there reason to create a whole series of prisons having each a special object, and, if so, what shall be the organization? Or is it preferable to establish distinct compartments in the same prison, and in this case, what is the organization required?

In consequence of the present economic situation, the financial side of both methods demands special attention. The problem of the classification of prisoners, already very complicate by its nature, becomes, therefore, all the more difficult. But it is not sufficient to trace scientific and theoretic principles, it is surely necessary as well to find a practical and realizable solution.

There lies the purpose of this question.

The Following Resolution was Adopted by the Congress in General Assembly:

(1) That the prevention of the contamination of the less criminal prisoner by those more experienced in crime is one of the first essentials in prison treatment.

(2) That after the necessary divisions according to age and sex have been made, and the mental status of the prisoner has been taken into account, classification should be according to character and ability to be reformed.

(3) That the shorter term prisoners should be treated apart from those with longer sentences in order that a regime or course of training appropriate to the latter, but not possible with the former may be applied.

(4) That the various classifications of prisoners should be located separately and where possible in different buildings, either in the same establishment under the one administrative head or, in certain cases, in special establishments.

(5) That it is difficult to apply the necessary individual treatment of prisoners where the number in any one establishment exceeds 500.

FOURTH QUESTION

What is the best way of organizing the institution of the "pécule" in the case of adult prisoners, and its utilization during and after detention?

How should the control, the management and the use of sums allowed to young offenders, be it as wages or as a gratuity or otherwise, be organized while they are undergoing some sentence?

This question is divided into two parts, which may be treated separately.

The question first concerns adults.

In 1895 the Congress of Paris had been studying the question of wages to be allowed to prisoners and it concluded that the prisoner has no right to wages, but that the State has an interest in granting a gratification. The same Congress considered the dangers resulting from the dissipation of the "pécule," and it advised certain measures to be taken in order to avoid these dangers.

Since that time a quarter of a century has passed. What are the views and the ideas, which have sprung up from the development of penitentiary science and practice during that period with regard to the "pécule" and its employment? All kinds of questions of principle and method are involved.

What is the system to follow in granting wages or a gratification to the prisoner for his labor, and what is the character of the money granted? Is it desirable to grant any other financial remuneration for any reason? Should the money which the prisoner may have with him when he enters the prison be considered as a part of the "pécule," and should it be the same with the money which he may receive from outside during his incarceration?

Should one leave to the prisoner the power of disposing freely of those sums, be it for his own profit, in order to buy victuals, clothing, etc., or to send assistance to his wife, his children, or his family in general, or even for other purposes and to what extent? Should not a distinction be made according to the origin of the money?

If it is advisable to reserve a part of the "pécule" to be remitted on liberation, what must be the proportion of such a part? Should the rest of the "pécule" be delivered to the prisoner on his discharge, or rather a part only, and what part? And in that case should the remainder of the "pécule" be kept in the prison in order to be remitted to the discharged prisoner in proportion to his wants, or should it not rather be placed in a savings bank, for instance, or should an order be handed to him, so that he can touch the money only under certain conditions? Is there reason for distinguishing in this matter between conditional discharge and final liberation? Is it not advisable to retain a portion of the "pécule" on behalf of the State for the payment of the costs of maintenance of the prisoners, judicial expenses, etc., and, if so, how large shall be that portion?

The question concerns young offenders in the second place. If young offenders are placed in an industrial or reformatory school belonging to the State, the problem has to be considered in the same way as for adults. And the solutions to be proposed with regard to these can equally be applied to young offenders. But for such young offenders who are handed over to private institutions, to Aid Societies, to private persons, or even sent back to

their family, the question arises as to the method to be adopted; how should it be organized by the State to insure the management of such money as may be earned while such juveniles are under control?

The Following Resolution was Adopted by the Congress in General Assembly:

(1) Though the State is under no obligation to pay for work compulsorily performed by prisoners, it is desirable that it should encourage them to work well by offering a recompense.

(2) Where this recompense takes the form of pecuniary payment, it should not be liable to seizure, nor (as a rule) should the prisoner be allowed to dispose of it in making outside payments, except, perhaps, in the case of serious illness in his family where no gratuitous aid is procurable, or in the case of poverty of his family. The inviolability of this recompense does not extend to moneys brought in by the prisoner or acquired by him during his sentence from outside sources.

(3) It is desirable that the gratuity (whether augmented by rewards for good work or not) should be utilized, *inter alia*, for the purpose of repaying the liabilities of the prisoner both to the State and to his victims after fair and reasonable provision has been made for the prisoner's wife and family.

(4) The prisoner on discharge should not be at liberty to deal with his gratuity as he chooses. It should be regarded as in the hands of trustees who will expend it for him as seems best in his real interest.

(5) Minors should be able to earn an amount sufficient to constitute a small capital for them on obtaining their majority. The precaution against squandering this should be applied even more strictly than in the case of adults.

SECTION III

Prevention

What would be the most effective way to organize the control by the State, by Associations or private persons, over criminals conditionally convicted or conditionally discharged (on parole or on license)?

Whatever character one may attribute from a theoretical point of view to the measures more and more propagated under different forms in the modern penitentiary systems, which may be designated in general as conditional conviction and conditional license, it seems evident, that from a practical point of view, the state of restrained freedom they imply demands a certain control.

Now the control can be of different forms, and can be practiced in different ways. On one hand, there is the purely repressive control, on the other hand there is the control known under the

name of "Patronage." Besides the official control by the State, there exists the control of special associations, and also of private persons.

The question arises which of those systems should be preferred, both as to the nature of the control and the authority in charge of it. The question also arises whether it is not advisable to apply the different systems according to the cases and the circumstances. But what shall the organization be? Will it be the right and the duty of the State to exercise a kind of supervision over the action of Associations and private persons, having regard to subvention from public funds or even without such subvention?

A special point to give attention to is that the exercise of the control may cause difficulties within a federal State itself or in the relations between different States. A person conditionally convicted or conditionally discharged, might succeed in escaping from all control, simply by transferring his domicile from one county to another. In which way could one obviate these difficulties? Inter-State or International conventions might present, it seems, the proper means to remedy the inconvenience mentioned, and it would be of great value if one could trace the fundamental lines for agreements of that kind. Such agreements might contain the transference of domicile with the consent of the authority charged with the control.

The Following Resolution was Adopted by the Congress in General Assembly:

That the control of persons sentenced or released under conditions should not be exercised by the police. The organization might consist either in private societies financially supported and supervised by the State, or in official or semi-official organizations, or persons paid by the State and placed at the disposal of the Courts (without any connection with the police). For all persons released conditionally, supervision should be obligatory. Submission to supervision should be voluntary, only when the sentence has been completed.

That international agreement should be fostered between the Central Societies of the different countries to provide for released persons who go to a country other than that in which they were sentenced.

SECOND QUESTION

Can more effective arrangements be made between different States in the struggle to protect themselves against international criminals?

More than ever society suffers from the exploits of criminals operating in different countries, and the action of such persons in consequence of its organization, its importance and its proceedings, gives an international character to this question.

Hitherto, measures which have been taken do not seem to have secured a sufficiently effective impression. It is only by a clear

understanding between different States, especially by a better organization of such services, as could assist each other in the struggle against the common enemy, that better success might be obtained.

The question being stated in very general terms embraces all criminals who betake themselves from one country to another for their anti-social exploits, and involves consideration of all the measures by which the action of each State would be facilitated by agreement with others, and by the adoption of a common plan.

The Following Resolution was adopted by the Congress in General Assembly:

That the struggle against the criminal would be facilitated if different States could agree to allow direct inter-communication between the judicial and police authorities of different countries with a view to the speedier arrest of offenders of certain specified classes, or the exchange of information with respect to dangerous criminals. Each State should appoint a Central Police Authority authorized to communicate directly and without needless complications with the corresponding authorities in other States.

The President of the Section said that the Section considered that as to the law of extradition the time has not yet come to attempt the conclusion of a universal Extradition Treaty, but that it is more desirable at present to draw up a draft treaty which might serve as a model for special treaties between individual contracting states. The Section begs the International Commission to accelerate the work of the Sub-Commission which has such a draft treaty under consideration.

THIRD QUESTION

What is the best method to preserve the community, especially youth from the corruptive influence of pictures and in particular from film productions which incite to crime or immorality?

The influence, especially on youth, of pictures or films, inciting either to immorality or crime, is, of course, well known. The abuse and the danger of such pictures and films is denounced in all countries.

It goes without saying that they also exist in literature. If, however, this question does not consider literature, it results from the fact that the evil effect of obscene publications, recognized everywhere, has already provoked an international convention, aiming at the suppression of obscene publications.

At present it is especially the recent growth of cinematographic shows, that is alleged to be exercising a great influence. And that influence is all the more dangerous, because of the unfortunate and indecent choice of subjects. One may observe that the public is more likely to be attracted, under the guise of romantic stories, by scenes which represent the worst criminal exploits, and other sensational and immoral representations of all kind.

Are not they accused with reason of contributing, directly or indirectly by their teaching and by their suggestive power, especially in the cases of young and impressionable persons, to the public demoralization, and to the growth of crime?

The experience and the examination of criminal statistics and other analogous sources may furnish data and throw light on this inquiry, and the information thus collected may prove a useful guide in the search for a rational organization of any method proposed for combating the evil.

Several countries have already introduced a censorship of films, but now it appears that the films refused are simply sent on to the countries where such a censorship does not exist.

It is advisable, therefore, that the examination of the methods for suppressing the evil, by means of international action, should be considered.

The Following Resolution was Adopted by the Congress in General Assembly:

A.—(1) An effective film censorship should be set up in every country with the primary object of protecting the youth. It is necessary to take special measures and inspect cinemas to insure the carrying out of the decisions of the censorship.

(2) The censorship should not be confined to questions of obscenity, but should deal with all matters connected with the cinemas, calculated to injure or deprave the young.

(3) Special exhibitions with special films should be provided for young persons.

(4) The State should subsidize organizations for the production of films, which are of real value for young people and the general public.

(5) The question of the film is of international import and should be dealt with and regulated by international agreement.

Each country should do all that is possible to prevent the exportation of films condemned by its own censorship.

B.—As regards pictures other than films, the case would be substantially met by the strict enforcement of the provisions of the international convention relating to obscene publications of September, 1923.

FOURTH QUESTION

What are the measures to be taken with regard to abnormal adults (persons who are feeble-minded, mentally deficient), showing dangerous tendencies?

Are these measures applicable to young persons of the same category?

Abnormal persons, showing dangerous tendencies, have occupied penal science for years. But until now it has not succeeded in obtaining a consensus of opinion with regard to the measures that should be taken. Some desire to inflict punishment also on abnormal persons, others object to any punishment whatever,

but demand, on the contrary, measures of security. A third conception recommends both punishment and measures of security combined. Here again ideas differ, whether the punishment must be applied before or after the measures of security. Which is the best way to assure public security, having regard at the same time to the nature and the interests of the persons in question?

As to security, different opinions exist through the fact that various propositions are made, concerning the institutions in which the abnormal persons ought to be interned. Should those institutions be the ordinary lunatic asylums or special establishments for dangerous abnormal persons? And would it be advisable to assemble in such special establishments criminals and non-criminals, or is it necessary to provide establishments appropriated for abnormal persons, showing dangerous criminal tendencies only?

Another question is, whether those measures should be adopted by the criminal court or by the administrative power, and what authority should order eventually the conditional or non-conditional release?

Finally it is necessary to consider particularly, whether special measures must be taken into account with regard to young persons, as for instance the boarding-out in reliable families, or whether it should be necessary according to circumstances to apply to them the same measures proposed for adults.

This question considers the practical side of the problem, of which the solution, kept back too long by differences of principle, has become more and more urgent.

The Following Resolution was Adopted by the Congress in General Assembly:

(1) It is desirable that abnormal adults showing dangerous tendencies should be sent by the judicial authorities to non-penal institutions or colonies in which they should be treated and detained until conditionally discharged by the competent authority, who should be assisted by an advisory committee at each institution.

(2) Young persons of the same category should be similarly dealt with, but in separate institutions if prophylactic measures have failed.

(3) Conditional discharge, effective probation and close supervision of abnormal persons who have been liberated from institutions are an absolutely necessary measure.

(4) From the point of view of public welfare it is essential to develop institutions for mental hygiene and prophylaxy which would allow us to discover each case of abnormality and mental defect.

FIFTH QUESTION

In what cases, and according to what rules is it advisable to have recourse to the "boarding-out" system for children summoned before a judge or who have incurred punishment for delinquency?

It is well known that the conditions under which young children are brought up are a determining cause of criminality. Life in slums and in over-populated poor neighborhoods, where promiscuity forbids any sanitary arrangements, is quoted as particularly predisposing to crime. To this must be added living in the company of parents, callous and irresponsible, or incapable of fulfilling their duties towards their children in respect of education, or other matters appertaining to their physical and moral welfare.

Already, as a remedy for this state of things, several countries have introduced laws having for their purpose the rescue of children guilty of some offense from their environment or the influence of their parents, with a view to their being placed either in a family, or some public or private institution. But other countries have not yet arrived at this point, and for this reason there has been an earnest demand to insert this question in the Program of the Congress, so that light may be thrown upon a question, as important from the point of view of principle, as from that of social results, especially so far as the placing in a family, or boarding-out, is concerned.

It is desirable, therefore, to know in what cases this particular action commends itself, and to prescribe rules which are to be observed in its execution; to determine in what cases it should be applied, having regard to the conduct and the disposition of children, whether living under the authority of parents, or during their stay in an institution to which they may have been committed by virtue of some judicial decision, or otherwise; and lastly, to indicate the manner in which the choice of suitable and capable families should be made, as well as the guarantees to be asked for, and the supervision to be exercised.

The Following Resolution was Adopted by the Congress in General Assembly:

(1) Children brought before the Courts and convicted of offenses should be, where possible, boarded out in selected families in all cases where their parents are incapable of providing for their moral education. In boarding out the aim of reforming the children for life should be always kept in view.

(2) This method should only be employed where a complete preliminary examination of the child from the physical, mental, and moral point of view has been made and has not shown it to be desirable that he should be placed in a special school or a reformatory school.

(3) It is desirable in the choice and supervision of foster-parents to make use of the services of either local authorities or of recognized private Societies; moreover, the rights and obligations of the foster-parents should be regulated by a written agreement.

(4) The foster-family should provide for the child a complete education and a training to earn his living. It is right that the family should be paid for the trouble and expense, but as soon as the child is able to earn his living he should receive fair wages for his work.

(5) It is necessary that the foster-family, as well as the intermediary societies, should be under public control.

(6) It would be useful to establish special courses of lectures and conferences dealing with the fundamental principles of the education of delinquent children and in choosing foster parents to give preference to those persons who have attended, with profit, such lectures and conferences.

CHAPTER IX

STATISTICS

During 1925 many statements were made as to the extent of crime and the character of crimes, but most of these were unreliable and made for doubt and confusion.

The Federal Government is best equipped to gather national statistics, and it is gratifying to include herewith, with the permission of Mr. W. M. Steuart, Director, Bureau of the Census, Department of Commerce, Washington, D. C., the preliminary report on the census of prisoners for the year 1923, with comparisons for the year 1910. As stated in the report, additional statistics will be presented in the complete report, but until that volume is ready for distribution this preliminary data will serve to enlighten those who are genuinely interested in the study of crime, and will also be of permanent value to those who will not have knowledge of the fuller report of the Bureau, or easy access to it.

It should be kept in mind that the preliminary report refers only to sentenced prisoners, and omits important groups of prisoners, as is indicated in the opening statement of the report.

DEPARTMENT OF COMMERCE

WASHINGTON

CENSUS OF PRISONERS: 1923 (PRELIMINARY REPORT)

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SUMMARY

This preliminary bulletin summarizes certain of the more important statistics obtained in the census of prisoners taken in 1923. Additional statistics will be presented in the complete report, now in press. The detailed statistics cover the sentenced prisoners (including those imprisoned for non-payment of fine) who were confined in penal and reformatory institutions on January 1, 1923, and those committed or placed in confinement between January 1 and June 30, 1923. Important groups of prisoners, not included in these statistics, are as follows: (1) Military and naval prisoners; (2) insane and mentally defective prisoners in special institutions; and (3) inmates of juvenile reformatories.

The reported prison population of the United States on January 1, 1923, numbered 109,619. This number represents a decrease of 1.7 per cent from the prison population of 111,498 on January 1, 1910. The total number of reported prisoners represented 99.7 per 100,000 general population in 1923, as against 121.2 per 100,000 in 1910, a decrease of 17.7 per cent. Detailed information was secured for only 109,075 of the prisoners present January 1, 1923. Hence the prison population statistics to be shown usually relate to this total.

There were 166,356 reported commitments of prisoners in the United States for the first six months of 1923. On the basis of this total the number of commitments for the entire year 1923 has been estimated as 357,493.¹ This represents a decrease of 25.5 per cent as compared with 479,787 commitments reported for the year 1910. The number of commitments per 100,000 population showed a still greater relative decrease—from 521.7 per 100,000 in 1910 to 325.1 per 100,000 in 1923, a reduction of 37.7 per cent.

The institutions included in the prison census are divided, for census purposes, into two main groups: (1) Federal and State prisons and reformatories, largely used for grave offenders; and (2) jails and workhouses, under which head are included all county and municipal penal institutions and certain State institutions used for prisoners convicted of misdemeanors, or minor offenses. Table 1, following, compares the number and ratio to the general population of the prisoners present January 1, 1923 and 1910, and of the commitments in 1923 and 1910, with separation of the prisons and reformatories from the jails and workhouses.

From the figures in Table 1, it is seen that the population of the prisons and reformatories in the United States on January

¹ Officials of all prisons and reformatories, and of a large group of jails and workhouses (selected as representative in size and location) were asked to report the whole number of commitments during the year 1923. Reports were obtained for nearly all the prisons and reformatories; for the few not reported the commitments during the first six months were doubled. For jails and workhouses, the ratios of commitments during the year to those during the first six months for institutions reported were multiplied by the total number of reported commitments during the first six months.

1 was 20 per cent greater in 1923 than in 1910. The population of the jails and workhouses, on the contrary, decreased more than one-third (35.5 per cent) from 1910 to 1923. There is a still more decided contrast between the two classes of institutions as to the number of commitments, which increased 35.5 per cent for prisons and reformatories while they decreased 29.2 per cent for jails and workhouses.

The figures in the last column of Table 1, show that the number of prisoners confined in prisons and reformatories on January 1, per 100,000 of the general population, increased only four-tenths of 1 per cent between 1910 and 1923. In other words, the growth in population of these institutions about kept pace with the growth of the general population. On the other hand, the ratio of prisoners present January 1 in jails and workhouses, per 100,000 population, showed a decrease of 46 per cent. Likewise, the ratio of commitments per 100,000 population to prisons and reformatories was greater by 13.2 per cent in 1923 than in 1910, while the commitment ratio for jails and workhouses decreased 40.8 per cent.

TABLE 1

CLASS OF INSTITUTION	PRISONERS: 1923 AND 1910						
	NUMBER				RATIO PER 100,000 POPULATION ¹		
	1923	1910	Increase (+) or decrease (-)		1923	1910	Per cent of increase (+) or decrease (-)
			Number	Per cent			
PRISONERS PRESENT JAN. 1							
Total.....	109,619	111,498	-1,879	-1.7	99.7	121.2	-17.7
Prisons and reformatories.....	81,479	67,871	+13,608	+20.0	74.1	73.8	+0.4
Jails and workhouses.....	28,140	48,627	-15,487	-32.5	25.6	47.4	-46.0
COMMITMENTS DURING THE YEAR ²							
Total.....	357,493	479,757	-122,264	-25.5	325.1	521.7	-37.7
Prisons and reformatories.....	37,583	27,732	+9,851	+35.5	34.2	30.2	+13.2
Jails and workhouses.....	319,908	452,025	-132,117	-29.2	290.9	491.5	-40.8

¹ Based upon estimated population Jan. 1, 1923, and enumerated population April 15, 1910.

² Includes 544 in State prisons, for whom no schedules were received.

³ Estimated for the last 6 months of 1923. (See p. 1.)

It must be emphasized that these statistics of sentenced prisoners are not by any means an adequate index of the number of crimes or misdemeanors actually occurring. A large proportion of law-breakers are not apprehended. Of the persons who are arrested, only part are indicted and convicted. Finally, the statistics here-in presented do not include the large number of convicted of-

fenders who receive suspended sentences, nor the still larger number who get off with the payment of fines. Thus, the limited number who are committed to prisons or jails under sentence represent in general only a fraction of the full number of offenders.

Furthermore, the amount of crime in any State or locality is only one of many factors which combine to determine the number of offenders who are sentenced and imprisoned. The local machinery and policies of law enforcement, which also largely influence the number of prisoners, differ widely in various communities. Hence, comparison of the commitment figures for States and sections of the country does not reveal the relative prevalence of crime in general, nor of specific offenses.

In comparing the statistics of prisoners, relating to various dates or periods of time, certain limitations of the figures must be taken into account. In this report, comparisons between the data for 1923 and for 1910 show important changes in the total number of prisoners and in their distribution with respect to offense, sex, age, color or race, and nativity. However, these differences do not represent merely changes in the make-up of the so-called "criminal classes," but, in addition, register the effect of changes in laws and in methods of law enforcement.

For example, during recent decades the courts have been applying the suspended sentence or probation, to an ever-increasing share of convicted offenders, thus tending to decrease the total number of persons punished by imprisonment. Furthermore, this increased use of probation has tended to alter the distribution of prisoners as to offense, sex, age, etc., since probation is more frequently used for some groups of offenders than for others.

In order to compare the commitments in 1923 with those in earlier censuses, with respect to such items as offense, sex, age, and color, the estimated commitments during the whole year 1923 were apportioned to correspond with the distribution of the commitments as reported during the first six months.

OFFENSE

Of outstanding interest is the distribution of prisoners according to the offense or crime of which they had been convicted. In both 1923 and 1910, as shown by Table 2, the commitments for drunkenness outnumbered those for every other offense, decreasing, however, from 170,941 in 1910 to 91,367 in 1923. Disorderly conduct ranked second in numerical importance at both censuses, but decreased from 91,847 in 1910 to 53,359 in 1923. Vagrancy, larceny, and assault, which ranked fourth, fifth, and sixth in the number of commitments in 1923, also showed considerable decreases from the 1910 figures.

TABLE 2

OFFENSE	COMMITMENTS DURING THE YEAR: 1923 AND 1910							
	NUMBER		Per cent distribution		Ratio per 100,000 population ¹		Per cent increase (+) or decrease (-)	
	1923*	1910	1923	1910	1923	1910		
Total.....	357,493	479,787	100.0	100.0	325.1	521.7	-37.7	
Drunkenness.....	91,367	170,941	25.6	35.6	83.1	185.9	-55.3	
Disorderly conduct.....	53,359	91,847	14.9	19.1	48.5	99.9	-51.5	
Violating liquor laws.....	39,340	77,710	11.0	16.2	35.8	84.4	-48.6	
Vagrancy.....	28,030	49,670	7.8	10.4	25.5	54.0	+32.2	
Larceny.....	27,141	39,538	7.6	8.2	24.7	42.8	-42.3	
Assault.....	12,646	25,999	3.5	4.7	11.3	24.5	-53.1	
Violating traffic laws.....	11,493	(²)	3.2	(²)	10.5	(²)	+52.1	
Violating city ordinances.....	10,116	7,098	2.8	1.7	9.2	54.0	-82.1	
Burglary.....	8,574	8,105	2.4	1.7	7.8	8.8	-11.4	
Violating drug laws.....	7,103	314	2.0	0.1	9.2	0.3	+2,066.7	
Carrying concealed weapons.....	5,642	6,460	1.6	1.3	6.5	7.0	-57.1	
Fornication and prostitution.....	5,114	6,029	1.4	1.3	4.7	6.6	-29.8	
Fraud.....	4,792	8,924	1.3	1.9	4.3	9.7	-55.7	
Forgery.....	4,095	2,063	1.1	0.4	3.7	2.2	+68.2	
Gambling.....	4,035	6,393	1.1	1.4	3.7	7.5	-50.7	
Homicide.....	3,906	2,876	1.1	0.6	3.6	3.1	+19.1	
Malicious mischief and trespassing.....	3,703	9,597	1.0	2.1	3.4	10.0	-68.8	
Non-support and neglect of family.....	3,660	2,793	1.0	0.5	3.2	3.0	+10.0	
Robbery.....	3,384	1,657	1.0	0.3	3.3	1.8	+83.3	
Rape.....	2,149	1,466	0.6	0.3	2.0	1.5	+33.3	
All other classified offenses.....	17,193	24,399	4.8	5.1	15.6	29.9	-41.1	
Unclassified or unknown.....	10,519	10,755	2.9	2.2	9.6	11.7	-17.9	

¹ Based upon estimated population Jan. 1, 1923, and enumerated population April 15, 1910.

² Excluded for the last six months of the year. (See P. 1.)

³ Not separately shown in 1910, but included under "Violating city ordinances."

Most persons convicted of drunkenness and other minor offenses are punished by a fine, and imprisoned only in case they fail to pay the fine. For this class of offenders, the commitment figures undoubtedly fall considerably short of the full number of convictions, since the statistics do not include the large number of convicted offenders who paid their fines and thereby avoided imprisonment. As an indication of the relative importance of the commitments due to nonpayment of fine, it should be noted that they formed exceptionally large percentages of the commitments to jails and workhouses in 1923 for the following offenses: Drunkenness (70.9 per cent), disorderly conduct (74.4 per cent), gambling (74.7 per cent), and violating city ordinances (86.5 per cent).

Violating liquor laws, of minor importance in 1910, with only 7,713 commitments, ranked third in 1923, with 39,340 commitments. There was also an extraordinary increase in the number of commitments for violating drug laws—from 314 in 1910 to 7,103 in 1923. The inauguration of the Federal prohibition and anti-drug laws accounts for these increases. Another offense which showed a great increase was "violating traffic laws," for which commitments in 1910 were so few that they were not separately

tabulated, while there were 11,493 commitments for this offense in 1923. "Violating city ordinances," under which heading were included any violations of traffic laws reported in 1910, showed an increase from 5,098 commitments in 1910 to 10,116 in 1923. The figures for 1923 as well as for 1910 may include a considerable number of traffic law violators not definitely so reported.

The number of commitments for homicide (or murder) increased from 2,876 in 1910 to 3,906 in 1923. Commitments for rape increased from 1,406 in 1910 to 2,149 in 1923. The number of commitments for robbery more than doubled, increasing from 1,657 in 1910 to 3,584 in 1923. There were increases also in the number of commitments for burglary and forgery, but decreases for larceny and fraud.

The ratio of commitments per 100,000 population, for 1923, as compared with 1910, increased 326.2 per cent. for violating liquor laws, and 2,066.7 per cent. for violating drug laws. There were also decided increases in the commitment ratios for violating city ordinances (67.3), forgery (68.2 per cent.), homicide (16.1 per cent), robbery (83.3 per cent), nonsupport and neglect of family (10 per cent), and rape (33.3 per cent). For all other important offenses the ratio of commitments to population decreased. The percentage decrease was especially large for malicious mischief and trespassing, fraud, drunkenness, assault, vagrancy, disorderly conduct, and gambling.

SENTENCE

In connection with the prison census, data were collected concerning the general character and length of the sentences imposed on the reported prisoners. The total number of commitments during the year 1923 (estimated in part) was 357,493; of these, 116 were under sentence of death, as compared to 130 committed under death sentences in 1910; 131,702 had been sentenced to imprisonment only; 52,682 were sentenced to both imprisonment and fine; while 169,333 were sentenced only to fine, and were imprisoned for nonpayment of fine.

Table 3, following, shows the distribution by nature of sentence, of commitments to prisons and reformatories, and to jails and workhouses, during the first six months of 1923, and of the total commitments in 1910.

Comparing the reported commitments in 1923 and in 1910, those sentenced to imprisonment only, who made up 32.8 per cent. of the total in 1910, increased to 37.4 per cent. in 1923; while those sentenced to imprisonment and fine increased from 8.8 per cent in 1910 to 14.6 per cent. in 1923. On the other hand, those imprisoned for nonpayment of fine decreased from 58.1 per cent in 1910 to 46.9 per cent in 1923. These changes in the distribution of prisoners, as to kind of sentence, are closely connected with the shift in distribution by offense, described previously. For example, there is an obvious connection between the decrease in the percentage imprisoned for nonpayment of fine and the considerable reductions noted above, in the percentages of com-

TABLE 3

NATURE OF SENTENCE	COMMITMENTS: 1923 and 1910						
	NUMBER			PER CENT DISTRIBUTION			
	Jan. 1 to June 30, 1923			Jan. 1 to June 30, 1923			
	Total	Prisons and reformatories	Jails and work-houses	Total	Prisons and reformatories	Jails and work-houses	During the year 1910
Total.....	166,356	109,080	147,376	479,787	100.0	100.0	100.0
Sentenced to—							
Death.....	57	43	14	130	(9)	(9)	(9)
Imprisonment only.....	62,288	17,783	44,509	157,330	37.4	0.2	(9)
Imprisonment and fine.....	24,367	1,321	23,146	42,006	14.0	6.4	15.7
Payment of fine.....	77,959	33	77,926	278,914	46.0	0.2	52.9
Nature of sentence unknown.....	1,685		1,685	1,501	1.0		1.1

¹ Less than one-tenth of 1 per cent.

mitments for drunkenness and other minor offenses, for which an exceptionally large proportion are imprisoned for nonpayment of fine.

Aside from the general character of the sentence, it is important to consider what proportion of the prisoners were committed under indeterminate sentences. The indeterminate sentence, as it is usually applied, prescribes minimum and maximum terms. The prisoner may be confined until the end of the maximum term, or he may be paroled at any time after completing the minimum term. Most modern penologists favor the wider use of the indeterminate sentence in preference to the so-called "definite term" sentence, formerly in general use, which specified the exact term of imprisonment.

The census figures indicate that the indeterminate sentence is rapidly superseding the definite term sentence among the commitments to prisons and reformatories. For this class of institutions there were, during the first six months of 1923, 10,552 indeterminate commitments. They formed 55.4 per cent of the 19,037 commitments to imprisonments, as compared to 36.9 per cent in 1910.

SEX

Of the prisoners present January 1, 1923, 103,883, or 95.2 per cent, were males, and only 5,192, or 4.8 per cent, were females. Among the commitments between January 1 and June 30, 1923, there were 153,016 males, or 92 per cent, while there were 13,340 females, or 8.8 per cent. There were 610.1 commitments of male prisoners per 100,000 male population in 1923, as against only 55.3 female commitments per 100,000 female population. Comparing the commitments per 100,000 population in 1923 and 1910, there was a relative decrease of 46.7 per cent for females,

as against a reduction of 33.4 per cent for males. Additional data are given in Table 4, which shows, for the prison population and commitments in 1923 and 1910, the distribution by sex, and the decrease in number and in ratio per 100,000 population.

TABLE 4

SEX	PRISONERS: 1923 and 1910						
	NUMBER			Ratio per 100,000 population of same sex ¹			
	1923	1910	Decrease		1923	1910	Per cent decrease
			Number	Per cent			
PRISONERS PRESENT JAN. 1							
Total.....	109,619	111,498	1,870	1.7	99.7	121.2	17.7
Male.....	103,883	105,362	1,479	1.4	192.7	222.6	13.4
Female.....	5,192	6,136	944	13.4	10.0	13.7	27.0
COMMITMENTS DURING THE YEAR							
Total.....	357,493	479,787	122,294	25.5	321.5	621.7	37.7
Male.....	328,820	433,460	104,640	24.1	610.1	915.8	33.4
Female.....	28,673	46,327	17,654	38.1	55.3	163.8	46.7

¹ Ratios for "Total," 1923, based upon estimated population Jan. 1, 1923; other ratios based upon enumerated population Jan. 1, 1920, and April 15, 1910, respectively.

² Includes 544 for whom no schedules were received, not distributed as to sex.

³ Estimated for the last six months of the year. (See p. 1.)

AGE

Most of the prisoners reported in the census belonged to the younger age groups. Thus, as shown by Table 5, 51.6 per cent of those committed during the first six months of 1923, and 64.7 per cent of the prison population of January 1, 1923, were between

TABLE 5

AGE	PRISONERS: 1923					
	PRESENT JAN. 1		COMMITMENTS JAN. 1-JUNE 30			
	Number	Per cent distribution	Total number	Per cent distribution	Male	Female
All ages.....	109,075	100.0	166,356	100.0	153,016	13,340
Under 18 years.....	2,230	2.0	3,990	2.0	2,917	1,073
18 to 20 years.....	11,739	10.8	14,657	8.8	12,715	1,942
21 to 24 years.....	21,489	19.7	24,655	14.8	22,037	2,618
25 to 34 years.....	37,336	34.2	40,095	28.0	42,387	4,012
35 to 44 years.....	20,657	18.9	22,510	22.0	25,150	2,360
45 to 54 years.....	9,493	8.7	20,322	12.3	19,693	622
55 to 64 years.....	3,650	3.4	7,638	4.6	7,418	240
65 years and over.....	1,284	1.2	2,283	1.4	2,200	79
Age unknown.....	1,277	1.2	9,153	5.5	8,336	817

18 and 34 years of age. For both groups of prisoners, those between 25 and 34 years of age formed the largest 10-year age group, with 28 per cent of the commitments and 34.2 per cent of the prison population.

In proportion to population, however, as shown in Table 6, there were more commitments from 21 to 24 years of age, inclusive, than in any other age group, the commitment ratio during the year 1923, for this group, being 703.9 per 100,000 population. The ratio of prisoners to population was progressively lower for each older group above 24 years of age. Comparing the ratios of commitments per 100,000 population in 1923 and 1910, it appears that every age group had fewer commitments, in proportion to population, in 1923 than in 1910. The commitment ratio for those 18 to 20 years old showed the smallest relative decrease—11.1 per cent. Each successive higher age group had a greater percentage decrease, and for those 65 years and over there was a decrease of 48.8 per cent. While the commitment ratio for those under 18 years of age was only 126.5 per 100,000, and showed the large decrease of 43 per cent for 1923, as compared to 1910, these figures give no adequate view of the number of youthful offenders, most of whom are committed to juvenile reformatories, which are not covered in this report. In fact, the large decrease noted was chiefly the result of the establishment between 1910 and 1923 of many additional juvenile institutions, with the result that in 1923 a greatly increased proportion of youthful lawbreakers was committed to the juvenile reformatories.⁴

TABLE 6

AGE	COMMITMENTS DURING THE YEAR: 1923 AND 1910						
	Number		Per cent distribution		Per 100,000 population of same age ¹		
	1923 ²	1910	1923	1910	1923	1910	Per cent decrease
All ages.....	357,493	479,787	100.0	100.0	495.8	768.0	35.4
Under 18 years.....	7,195	11,916	2.0	2.5	126.5	221.8	43.0
18 to 20 years.....	31,086	35,119	8.7	7.3	562.9	638.2	11.1
21 to 24 years.....	32,766	64,212	14.8	13.4	709.9	891.5	21.0
25 to 34 years.....	100,037	129,074	28.0	27.1	882.9	837.8	32.0
35 to 44 years.....	80,829	99,023	22.6	20.6	572.4	849.4	32.6
45 to 64 years.....	60,838	78,638	17.0	16.4	357.2	368.8	39.6
65 years and over.....	4,931	7,718	1.4	1.6	100.0	110.4	48.8
Age unknown.....	19,841	53,267	5.6	11.1	.....	.....	.....

¹ Based upon population 18 years of age and over, Jan. 1, 1920, and April 15, 1910, respectively.

² Estimated for the last six months of the year. (See p. 1.)

³ Ratios based upon population 15 to 17 years of age, inclusive.

⁴ Of the total number of juvenile offenders under 18 years of age committed, 71.9 per cent were committed to juvenile reformatories in 1923, as against 53.3 per cent in 1910. The total number of reported admissions to juvenile reformatories increased from 13,555 in 1910 to 18,649 (partly estimated) in 1923.

COLOR OR RACE AND NATIVITY

Table 7 shows the distribution by color or race, nativity, and sex, of the prisoners present January 1, 1923, and of commitments January 1 to June 30, 1923. Table 8 shows, by color or race and nativity, the number and ratio per 100,000 population of commitments during the years 1923 and 1910.

TABLE 7

COLOR OR RACE AND NATIVITY	PRISONERS: 1923					
	PRESENT JAN. 1			COMMITMENTS JAN. 1-JUNE 30		
	Total	Male	Female	Total	Male	Female
Number.....	109,075	103,883	5,192	166,356	153,016	13,340
White.....	73,549	70,421	3,128	124,172	117,454	6,718
Native.....	58,238	55,657	2,581	90,496	85,466	5,030
Foreign-born.....	15,061	14,343	518	31,084	29,516	1,538
Nativity unknown.....	308	221	87	99	2,622	2,472
Negro.....	34,178	32,149	2,029	38,821	35,422	6,899
Indian.....	443	396	47	835	763	72
Chinese and Japanese.....	368	365	3	441	437	4
Other races.....	41	41	.....	54	52	2
Race unknown.....	329	311	18	2,023	1,888	145
Per cent distribution.....	100.0	100.0	100.0	100.0	100.0	100.0
White.....	67.4	67.8	60.2	74.6	76.8	50.4
Native.....	53.4	53.6	49.7	54.4	55.9	37.7
Foreign-born.....	13.8	14.0	10.0	18.7	19.3	11.5
Nativity unknown.....	0.2	0.2	0.6	1.6	1.6	1.1
Negro.....	31.3	30.9	39.1	23.3	21.2	48.0
Indian.....	0.4	0.4	0.3	0.5	0.5	0.5
Chinese and Japanese.....	()	()	0.1	()	()	()
Other races.....	( )	( )	.....	( )	( )	( )
Race unknown.....	0.5	0.5	0.3	1.2	1.2	1.1

¹ Less than one-tenth of 1 per cent.

TABLE 8

COLOR OR RACE AND NATIVITY	COMMITMENTS DURING THE YEAR: 1923 AND 1910				
	Number		Per 100,000 population of same color or race and nativity ¹		
	1923 ²	1910	1923	1910	Per cent decrease
All classes.....	357,493	479,787	325.1	521.7	37.7
White.....	266,857	370,019	281.4	452.7	37.8
Native.....	194,170	243,053	239.4	355.4	32.6
Foreign-born.....	66,950	98,836	488.5	738.3	33.8
Nativity unknown.....	5,088	28,430	()	()	()
Negro.....	83,309	108,170	797.1	1,080.8	26.2
Other and unknown races.....	7,237	3,968	666.9	872.1	23.5
Indian.....	1,793	1,420	73.5	.....	.....
Chinese and Japanese.....	937	.....	542.7	.....	.....
Other races.....	115	.....	1,212.1	()	()
Race unknown.....	4,382	()	()	()	()

¹ Ratios for "All classes," 1923, based upon estimated population Jan. 1, 1923; other ratios based upon enumerated population, Jan. 1, 1920, and April 15, 1910, respectively.

² Estimated for the last 6 months of the year.

³ Population data not available for computation of ratio.

⁴ Not separately tabulated in the 1910 prison census.

Of the prisoners present January 1, 1923, 58,238 or 53.4 per cent, were native whites; 15,061 or 13.8 per cent were foreign-born whites; and 34,178, or 31.3 per cent were Negroes. Among those committed during the first six months of 1923, there were 90,496 native whites, or 54.4 per cent; 31,054 foreign-born whites, or 18.7 per cent; and 38,821 Negroes, or 23.3 per cent.

The ratio of commitments per 100,000 population during the year 1923 was highest for Negroes—797.1 per 100,000. The Indian, Chinese, Japanese, and other colored races ranked next, with a combined ratio of 668.9 per 100,000. The ratio for foreign-born whites was 488.5 per 100,000. The native whites had the lowest ratio, 239.4 per 100,000. Thus, the foreign-born whites had a ratio more than twice as large as the ratio for the native whites. This difference is due in large part to the fact that the foreign-born population includes a much higher proportion of adult males than the native white population. If the comparison is restricted to adult males 15 years of age and over, the ratio is 878 per 100,000 for the foreign born, as compared with 703.2 per 100,000 for the native.

COUNTRY OF BIRTH

Statistics relative to country of birth, presented in Table 9, relate only to commitments of foreign-born white prisoners during

TABLE 9

COUNTRY OF BIRTH	COMMITMENTS OF FOREIGN-BORN WHITE PRISONERS: JAN. 1-JUNE 30, 1923					
	Number			Per 100,000 population ¹		
	Total	Male	Female	Total	Male	Female
All foreign countries.....	31,054	29,516	1,538	226.5	392.1	24.9
Northwestern Europe:						
England and Wales.....	939	855	84	106.7	185.4	20.1
Scotland.....	294	268	29	233.3	421.8	24.0
Ireland.....	4,209	3,824	385	403.8	832.7	66.2
Norway.....	1,067	1,050	17	282.2	517.5	10.6
Sweden.....	1,799	1,771	28	287.6	513.4	10.0
Denmark.....	192	185	7	191.5	162.2	9.3
Netherlands.....	133	124	9	100.9	164.2	16.0
Belgium.....	116	110	6	183.5	303.3	18.7
Switzerland.....	104	104	3	87.6	148.9	5.9
France.....	167	154	13	109.2	194.1	17.7
Germany.....	1,345	1,273	72	79.8	142.3	9.1
Central Europe:						
Poland.....	3,133	2,967	166	374.8	459.0	33.6
Czechoslovakia.....	239	234	5	65.9	119.2	3.0
Austria.....	1,859	1,751	108	317.7	541.3	30.9
Hungary.....	906	847	59	228.9	390.5	32.7
Yugoslavia.....	303	296	7	178.8	258.0	12.8
Eastern Europe:						
Rusia.....	3,261	3,090	171	232.1	397.9	37.3
Lithuania.....	126	126	16	208.8	321.0	20.3
Finland.....	1,045	1,029	16	697.5	1,206.3	24.8
Rumania.....	153	149	4	148.8	256.3	9.0
Southern Europe:						
Greece.....	351	308	43	296.1	353.8	40.2
Italy.....	3,250	3,124	126	328.0	518.9	34.5
Portugal.....	82	85	7	136.4	215.9	24.9
America:						
Canada—French.....	381	358	23	123.8	229.9	15.3
Canada—Other.....	1,345	1,267	78	195.0	325.2	18.6
Mexico.....	2,932	2,844	88	312.9	1,047.3	42.5
All other countries.....	728	699	29	232.2	336.6	24.2

¹Based upon foreign-born white population, as of Jan. 1, 1920, of same sex and country of birth.

the first six months of 1923. There were 697.5 commitments per 100,000 of the general population born in Finland—a higher ratio than that for any other nationality. The Mexicans ranked second with a ratio of 612.9 commitments per 100,000 population. Natives of Ireland ranked third with 405.8 commitments per 100,000. There were also exceptionally high commitment ratios for natives of Austria, Greece, Norway, Sweden, and Poland. At the other extreme, natives of Czechoslovakia had a commitment ratio of only 65.9 per 100,000 population, the Germans only 79.5 per 100,000, and natives of Switzerland only 87.6 per 100,000. Natives of the Netherlands, Denmark, England and Wales, and France also had exceptionally few commitments in proportion to population, with ratios less than one-half of the commitment ratio for all foreign-born white prisoners—226.5 per 100,000 population.

GEOGRAPHIC DISTRIBUTION

Table 10 shows, by geographic divisions, the change from 1910 to 1923 in the ratio of commitments per 100,000 population to prisons and reformatories and to jails and workhouses. Table 11 shows, by divisions and States, the number of prisoners present January 1, 1923, and the number of commitments in 1923. Table 12 shows, by divisions and States, the change in number and ratio to population of the prisoners present January 1 in all penal institutions, in 1923 and 1910. Table 13 shows a similar comparison for commitments.²

TABLE 10

GEOGRAPHIC DIVISION	RATIO OF COMMITMENTS PER 100,000 POPULATION						Per cent of increase (+) or decrease (—)
	1923		1910				
	Prisons and reformatories	Jails and workhouses	Prisons and reformatories	Jails and workhouses	Prisons and reformatories	Jails and workhouses	
United States.....	31.2	290.9	30.2	491.5	+13.2	—40.8	
New England.....	24.0	266.9	22.3	750.0	—3.8	—67.1	
Middle Atlantic.....	20.5	329.0	26.6	647.8	—23.2	—39.0	
West North Central.....	35.5	313.1	20.9	429.0	+69.9	—49.0	
West South Central.....	31.4	309.0	22.1	415.0	+42.7	—49.7	
South Atlantic.....	37.6	321.4	24.7	511.6	+11.7	—37.2	
East South Central.....	32.7	175.1	46.6	385.4	—39.8	—54.7	
West South Central.....	44.2	195.1	37.2	294.7	+19.8	—26.3	
Mountain.....	47.3	311.3	68.8	775.4	—31.3	—60.0	
Pacific.....	45.1	555.4	41.5	766.3	+4.1	—27.5	
Federal prisons.....	3.4	.....	1.1	.....	+209.1	.....

²Population ratios in Tables 10, 12 and 13 are based upon estimated population January 1, 1923, and enumerated population April 15, 1910. The figures for commitments during the whole year 1923, in Tables 11 and 13, include estimated commitments during the last half of the year. The figures for prisoners present January 1, 1923, in Tables 11 and 12, include 544 in State prisons for whom no schedules were received.

During the year 1923, the Mountain division had the highest ratio of commitments to prisons and reformatories—47.3 per 100,000 population, closely followed by the Pacific division, with a ratio of 43.1, and the West South Central division, which had 44.2 commitments per 100,000. At the other extreme, the Middle Atlantic division had only 20.5, and the New England division only 21 commitments to prisons and reformatories per 100,000 population. The Pacific division had, in 1923, the highest ratio of commitments to jails and workhouses—555.4 per 100,000 population. The contrasting low ratios were, for the East South Central division, only 173.1; West South Central division, only 195.1; and West North Central division, 209 commitments per 100,000 population.

Comparing the commitment ratios for 1923 and 1910, for prisons and reformatories, it appears that five of the nine divisions, as well as the Federal prisons, had higher commitment ratios in 1923 than in 1910. The East North Central division had a higher relative increase than any other division, 60.3 per cent, while, at the other extreme, the Mountain division had a decrease of 31.3 per cent in the prison and reformatory commitments per 100,000 population. The Federal prisons had the extraordinary increase of 209.1 per cent.⁴ The ratio of commitments to jails and workhouses per 100,000 population showed a considerable decrease for every geographic division. New England had the greatest relative decrease—67.1 per cent. The West South Central division had the smallest relative decrease—26.3 per cent, but the decreases were nearly as small for the East North Central and Pacific divisions.

It must be emphasized that these commitment ratios were largely influenced by the widely varying policies and methods of law enforcement in different sections and localities. Also, the census differed somewhat in completeness, as between individual States, and for particular States as between 1923 and 1910. Accordingly, too great stress should not be placed upon the precise ratios, nor upon the exact percentages of change, for particular divisions and States.

⁴ All ratios of prisoners per 100,000 population shown for the Federal prisons are based upon the total population of the United States.

TABLE II.—PRISONERS PRESENT JANUARY 1, 1923, AND COMMITMENTS DURING THE YEAR 1923, BY DIVISIONS AND STATES

DIVISION AND STATE	PRISONERS PRESENT Jan. 1, 1923		COMMITMENTS				
	Prisons and reformatories	Jails and work-houses	Jan. 1-June 30, 1923	Prisons and reformatories	Jails and work-houses	Prisons and reformatories	Jails and work-houses
United States.....	81,479	28,140	19,080	147,276	37,585	319,908	
Geographic divisions:							
New England.....	3,327	2,421	813	8,250	1,610	18,119	
Middle Atlantic.....	12,328	8,180	2,408	32,028	4,744	76,561	
East North Central.....	18,731	5,308	3,696	32,374	7,537	70,351	
West North Central.....	8,566	1,698	2,042	12,833	4,024	28,799	
South Atlantic.....	11,382	5,919	2,074	21,684	4,010	46,748	
East South Central.....	8,498	1,351	1,455	7,355	2,961	18,657	
West South Central.....	8,379	963	2,303	10,537	4,730	30,866	
Mountain.....	2,933	308	854	5,436	1,681	11,061	
Pacific.....	5,353	1,700	1,202	16,019	2,582	53,279	
Federal prisons.....	4,864		2,003		3,703		
New England:							
Maine.....	379	132	124	540	202	1,184	
New Hampshire.....	138	106	13	259	35	689	
Vermont.....	316	41	127	144	277	532	
Massachusetts.....	1,448	1,086	357	5,076	693	11,222	
Rhode Island.....	355	192	27	305	37	730	
Connecticut.....	891	264	163	1,926	346	4,863	
Middle Atlantic:							
New York.....	6,316	4,319	1,408	17,942	2,666	42,662	
New Jersey.....	1,912	682	431	3,483	823	7,614	
Pennsylvania.....	4,288	3,179	669	11,623	1,256	23,952	
East North Central:							
Ohio.....	4,234	1,404	1,148	10,864	2,264	24,027	
Indiana.....	2,932	609	663	3,408	1,338	6,901	
Illinois.....	4,410	1,750	729	9,436	1,387	20,446	
Michigan.....	3,641	1,081	1,734	6,459	1,966	14,833	
Wisconsin.....	1,138	464	229	1,961	532	4,350	
West North Central:							
Minnesota.....	1,634	577	363	3,427	659	7,422	
Iowa.....	1,794	152	363	2,601	733	5,448	
Missouri.....	2,235	521	475	2,747	912	5,562	
North Dakota.....	344	94	62	364	130	778	
South Dakota.....	326	51	103	364	135	551	
Nebraska.....	1,789	143	170	2,152	398	4,000	
Kansas.....	1,674	160	507	1,514	1,001	3,038	
South Atlantic:							
Delaware.....	216	102	95	332	211	705	
Maryland.....	898	968	206	1,866	379	4,333	
District of Columbia.....		473		2,482		3,823	
Virginia.....	1,650	506	362	3,410	608	7,113	
West Virginia.....	1,628	344	414	3,107	772	2,916	
North Carolina.....	1,048	692	184	1,111	368	2,380	
South Carolina.....	737	187	161	1,031	351	3,507	
Georgia.....	3,738	1,884	438	5,145*	876	10,639	
Florida.....	1,968	223	208	2,122	451	4,477	
East South Central:							
Kentucky.....	2,070	405	472	3,116	827	6,499	
Tennessee.....	1,630	356	326	2,863	569	4,934	
Alabama.....	3,169	402	431	1,858	1,057	4,058	
Mississippi.....	1,630	188	248	499	478	1,656	
West South Central:							
Arkansas.....	1,410	145	410	1,633	907	2,185	
Louisiana.....	1,293	347	429	2,911	509	7,745	
Oklahoma.....	1,790	158	884	1,435	1,711	2,718	
Texas.....	3,077	315	691	5,538	1,003	7,318	
Mountain:							
Montana.....	331	74	112	673	243	1,330	
Idaho.....	284	33	64	288	119	591	
Wyoming.....	325	23	35	231	125	474	
Colorado.....	1,135	169	312	2,659	263	5,403	
New Mexico.....	239	23	99	197	164	404	
Arizona.....	235	67	111	659	207	1,259	
Utah.....	200	64	72	496	186	1,018	
Nevada.....	174	35	29	208	75	591	
Pacific:							
Washington.....	1,010	348	382	5,361	760	10,712	
Oregon.....		171	131	1,307	262	3,232	
California.....	3,337	1,271	849	9,391	1,570	30,335	

TABLE 12.—PRISONERS PRESENT JANUARY 1, 1923 AND 1910, AND INCREASE IN NUMBER AND IN PROPORTION TO TOTAL POPULATION, BY DIVISIONS AND STATES.

DIVISION AND STATE	PRISONERS PRESENT JAN. 1					
	NUMBER		PER 100,000 POPULATION			
	1923	1910	1923	1910		
United States.....	109,619	111,498	-1.7	99.7	121.2	-17.7
Geographic divisions:						
New England.....	5,948	10,588	-43.8	77.6	161.6	-82.0
Middle Atlantic.....	20,706	23,678	-12.5	89.4	122.6	-27.1
East North Central.....	21,039	16,230	+30.0	93.6	83.0	+10.6
West North Central.....	10,264	9,329	+10.0	80.0	80.2	-0.2
South Atlantic.....	17,351	17,578	-3.0	118.9	146.6	-28.9
East South Central.....	9,849	11,341	-13.2	108.9	134.9	-19.3
West South Central.....	9,344	9,602	-2.6	87.4	103.3	-20.0
Mountain.....	5,441	4,503	+9.7	86.8	171.0	-43.4
Pacific.....	7,043	6,430	+9.5	117.5	153.4	-23.4
Federal prisons.....	4,664	1,904	+145.0	4.2	2.1	+100.0
New England:						
Maine.....	511	730	-30.0	63.9	98.3	-33.0
New Hampshire.....	244	288	-34.0	54.6	118.0	-53.7
Vermont.....	357	395	-9.6	101.3	111.0	-8.7
Massachusetts.....	3,154	6,707	-53.3	78.3	390.2	-60.7
Rhode Island.....	547	729	-25.0	87.7	134.4	-34.7
Connecticut.....	1,155	1,519	-24.0	97.0	136.3	-42.0
Middle Atlantic:						
New York.....	10,635	12,497	-14.9	98.7	137.1	-28.0
New Jersey.....	2,974	3,901	-33.6	77.5	118.3	-34.5
Pennsylvania.....	7,477	8,173	-8.5	82.7	106.7	-22.5
East North Central:						
Ohio.....	6,638	4,003	+60.8	92.9	84.0	+10.6
Indiana.....	4,911	2,570	+1.4	87.0	106.3	-8.7
Illinois.....	6,166	5,113	+20.6	91.4	92.6	+0.9
Michigan.....	5,222	2,589	+82.4	130.0	92.1	+30.3
Wisconsin.....	1,622	1,403	+16.3	97.1	107.1	-10.1
West North Central:						
Minnesota.....	2,211	1,613	+37.1	89.0	77.7	+14.5
Iowa.....	1,946	1,354	+43.7	79.1	60.9	+29.9
Missouri.....	2,726	3,523	-22.1	79.3	107.0	-25.9
North Dakota.....	338	297	+7.0	50.6	63.4	-20.4
South Dakota.....	3,779	3,379	+21.7	76.7	47.8	+20.7
Nebraska.....	3,632	658	+22.2	122.6	52.6	+68.9
Kansas.....	1,734	1,337	+12.8	96.7	90.9	+6.4
South Atlantic:						
Delaware.....	318	290	+9.7	138.6	143.3	-3.3
Maryland.....	4,866	2,140	+18.0	124.6	165.7	-24.8
District of Columbia.....	473	787	-39.0	100.5	272.7	-77.7
Virginia.....	2,466	3,239	-10.3	127.4	157.1	-34.2
West Virginia.....	1,972	1,172	+67.4	108.0	74.1	+34.1
North Carolina.....	1,738	1,430	+22.4	65.1	64.4	+1.1
South Carolina.....	1,255	1,691	-25.3	72.3	111.6	-35.2
Georgia.....	5,622	4,904	+14.6	188.4	191.4	-1.6
Florida.....	1,591	1,836	-18.3	153.7	243.9	-37.0
East South Central:						
Kentucky.....	2,484	2,729	-9.0	101.1	119.2	-15.2
Tennessee.....	1,386	1,617	-14.3	83.3	129.9	-46.3
Alabama.....	3,371	3,687	-3.1	148.0	172.4	-14.2
Mississippi.....	1,808	2,288	-20.8	101.0	127.0	-20.5
West South Central:						
Arkansas.....	1,555	1,307	+19.0	86.0	83.0	+3.6
Louisiana.....	1,840	1,402	+3.3	105.3	144.3	-27.3
Oklahoma.....	1,957	1,668	+17.3	91.3	100.7	-9.3
Texas.....	5,892	4,227	+37.9	79.4	108.5	-20.8
Mountain:						
Montana.....	406	963	-57.0	67.2	266.1	-73.8
Idaho.....	457	174	+17.4	88.1	17.7	+70.2
Wyoming.....	238	227	+24.7	171.0	196.6	-19.0
Colorado.....	1,184	1,184	0.0	144.3	144.3	0.0
New Mexico.....	262	408	-35.8	70.7	124.4	-43.3
Arizona.....	1,229	645	+34.6	112.8	315.5	-64.3
Utah.....	264	391	-33.0	55.8	105.0	-24.3
Nevada.....	209	289	-27.7	27.0	355.3	-61.3
Pacific:						
Washington.....	1,358	1,652	-17.8	95.4	144.7	-34.1
Oregon.....	607	623	-6.7	62.6	62.6	0.0
California.....	5,108	4,163	+22.9	136.2	174.8	-22.1

TABLE 13.—COMMITMENTS DURING 1923 AND 1910, AND INCREASE IN NUMBER AND IN PROPORTION TO TOTAL POPULATION, BY DIVISIONS AND STATES.

DIVISION AND STATE	COMMITMENTS DURING THE YEAR					
	NUMBER			PER 100,000 POPULATION		
	1923	1910	Per cent inc. (+) dec. (-)	1923	1910	Per cent inc. (+) dec. (-)
United States.....	367,493	479,787	-25.5	325.1	521.7	-37.7
Geographic divisions:						
New England.....	20,529	50,611	-59.4	267.9	772.4	-65.3
Middle Atlantic.....	80,974	110,963	-27.0	349.5	574.5	-39.2
East North Central.....	77,888	62,111	-5.1	346.6	449.9	-23.0
West North Central.....	30,835	29,926	+3.0	289.1	292.0	-3.0
South Atlantic.....	50,528	65,441	-22.4	349.0	536.4	-34.9
East South Central.....	18,618	26,098	-29.0	228.2	325.9	-30.7
West South Central.....	12,742	23,310	-42.9	358.6	847.2	-57.7
Mountain.....	35,893	33,944	+5.9	368.3	801.3	-50.2
Federal prisons.....	3,703	987	+275.2	3.4	1.1	+209.1
New England:						
Maine.....	1,386	5,223	-73.6	178.6	707.5	-74.8
New Hampshire.....	624	1,501	-58.4	139.6	348.0	-60.7
Vermont.....	656	1,567	-58.8	140.2	440.2	-60.8
Massachusetts.....	11,015	31,353	-62.0	297.7	931.3	-68.0
Rhode Island.....	757	1,528	-68.8	128.2	465.3	-73.9
Connecticut.....	5,209	8,413	-38.1	356.0	754.6	-52.8
Middle Atlantic:						
New York.....	45,328	45,761	-0.9	420.6	502.1	-16.2
New Jersey.....	8,439	11,622	-27.4	352.1	458.1	-28.0
Pennsylvania.....	27,208	55,387	-49.9	303.8	699.0	-47.8
East North Central:						
Ohio.....	26,291	13,870	+33.3	423.4	395.8	+9.5
Indiana.....	8,249	13,294	-37.9	274.8	492.2	-44.2
Illinois.....	21,831	27,942	-21.9	325.6	485.6	-34.7
Michigan.....	16,183	12,359	+31.3	417.8	439.8	-6.0
Wisconsin.....	5,082	9,648	-47.3	386.5	413.4	-54.9
West North Central:						
Minnesota.....	8,081	10,356	-22.0	325.4	498.9	-34.8
Iowa.....	6,201	13,027	-53.2	235.1	583.3	-59.9
Missouri.....	6,474	15,368	-58.2	188.2	481.8	-60.9
North Dakota.....	914	942	-3.0	136.7	163.1	-16.5
South Dakota.....	736	1,396	-47.3	112.7	273.3	-58.9
Nebraska.....	4,378	5,756	-23.9	329.5	482.8	-31.8
Kansas.....	4,039	3,395	+19.3	325.3	413.3	-20.9
South Atlantic:						
Delaware.....	916	1,987	-53.9	309.3	682.1	-59.3
Maryland.....	9,760	8,922	+9.4	651.8	688.8	-6.4
District of Columbia.....	3,683	5,047	-27.1	1,127.8	1,705.0	-33.9
Virginia.....	2,992	3,650	-18.3	323.0	602.0	-46.3
West Virginia.....	5,353	6,028	-3.8	239.7	493.6	-51.4
North Carolina.....	2,728	2,709	+0.7	222.2	222.8	-0.3
South Carolina.....	3,838	4,489	-20.7	322.3	362.0	-38.6
Georgia.....	11,806	12,302	-4.5	385.3	473.8	-20.8
Florida.....	4,928	9,837	-49.9	476.1	1,307.2	-63.6
East South Central:						
Kentucky.....	7,736	13,020	-41.4	298.3	607.9	-50.9
Tennessee.....	4,643	9,922	-53.2	194.7	454.1	-57.1
Alabama.....	5,115	8,395	-38.9	239.0	372.8	-35.6
Mississippi.....	1,834	2,637	-31.2	85.7	302.4	-71.7
West South Central:						
Arkansas.....	4,142	4,921	-15.8	229.2	312.6	-26.7
Louisiana.....	8,304	4,739	+75.2	450.7	286.1	+57.6
Oklahoma.....	4,429	6,663	-33.4	296.7	378.8	-28.3
Texas.....	8,721	10,767	-19.0	178.0	276.3	-35.6
Mountain:						
Montana.....	1,573	4,023	-60.9	261.2	1,069.8	-75.6
Idaho.....	710	1,162	-39.9	122.6	386.9	-68.2
Wyoming.....	267	1,745	-84.7	159.9	458.0	-65.8
Colorado.....	5,995	4,874	+22.4	606.8	610.0	-0.3
New Mexico.....	822	1,396	-41.2	126.7	275.0	-53.9
Arizona.....	1,437	6,933	-79.0	389.3	3,892.6	-88.5
Nevada.....	1,204	1,789	-32.4	246.6	374.4	-34.9
Utah.....	1,362	917	+48.1	860.4	1,115.1	-22.8
Pacific:						
Washington.....	11,462	11,019	+4.0	805.5	964.9	-16.5
Oregon.....	2,494	6,431	-61.2	305.1	955.9	-68.1
California.....	21,965	16,414	+33.6	584.0	696.4	-15.4

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

ARTICLE SECOND

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

ARTICLE THIRD

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

ARTICLE FOURTH

The executive committee shall meet once in each month, and keep 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 the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

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

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter

third, part fourth of the Revised Statutes are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

By-Laws

I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of January in each year at half-past three in the afternoon at the office of the association.

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

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

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

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

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

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

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

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

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

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

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

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

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

It shall be the duty of the committee on detentions to inquire as far 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 defence of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

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

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

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

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

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

1. The endowment fund.
2. The reserve fund.
3. The general fund.

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

The Reserve Fund.—The reserve fund shall consist of such sums as may be set aside from the general fund from time to time by the executive committee for investment. Whenever any part of the reserve fund shall be appropriated by the executive committee, such sum shall be immediately transferred to the general fund. The endowment and reserve funds shall be under the immediate direction and control of the committee on finance, and all investments of these funds shall be ordered by the Committee. The treasurer of the association shall be a member and act as the treasurer of the committee on finance, and shall be responsible for the safe-keeping of the securities of the endowment and reserve funds.

Any uninvested balance of the endowment and reserve funds shall be kept each in separate trust companies in the name of the association, subject to check of the treasurer, and shall, whenever possible, bear interest. All income from the endowment and reserve funds may be transferred to the general fund as soon as received.

No part of the reserve fund shall be used for any purpose except by resolution of the executive committee, and whenever any part shall be appropriated by the executive committee, it shall immediately be transferred to the general fund.

The General Fund.—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the

income, except legacies, including donations for general purposes, and income from endowment and reserve funds, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary at once of all transfers of income from the endowment and reserve funds to the general fund.

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

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements. This provision shall not apply to the endowment and reserve funds.

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

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance. Such account shall be separate and distinct from those accounts opened for the uninvested balance of the endowment and reserve funds.

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

The committee on finance shall audit and report upon accounts of the treasurer and of the corresponding secretary.

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

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

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

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

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