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SIXTIETH ANNUAL REPORT

OF THE

Prison Association of New York

For the Year 1904.

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

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TRANSMITTED TO THE LEGISLATURE APRIL 28, 1905.

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No. 41.

IN SENATE,

APRIL 28, 1905.

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OF THE  
PRISON ASSOCIATION OF NEW YORK  
FOR THE YEAR 1904.

THE PRISON ASSOCIATION OF NEW YORK,  
135 EAST FIFTEENTH STREET,  
NEW YORK, April 28, 1905.

HON. MATHEW LINN BRUCE, *Lieutenant-Governor, New York:*

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

Respectfully yours,

EUGENE SMITH,  
*President.*

S. J. BARROWS,  
*Corresponding Secretary.*

1704

## TABLE OF CONTENTS.

	PAGE
Letter of Transmittal.....	3
List of Officers, 1905.....	9
Standing Committees, 1905.....	10
Preface.....	11
Report of Executive Committee.....	13
Report of Corresponding Committee.....	35
Moral Classification of Prisoners.....	69
Tuberculosis in State Penal Institutions.....	86
Bahama Islands, Jail at Nassau.....	101
Indeterminate Sentence for Crime.....	103
Inhumanity as a Cure for Crime.....	111
Probation Work.....	123
Relief Department.....	126
Memorial Minute, Late Bishop Huntington.....	126
Treasurer's Report.....	128
County Committees.....	130
Honorary Corresponding Members.....	132
Life Patrons.....	135
Honorary Members.....	136
Life Members.....	138
Contributions, 1904.....	140
Donations—Clothing, Reading Matter, Etc.....	162
Appendix.....	164
Charter of the Prison Association.....	164
By-laws of Prison Association.....	169
Index.....	175

704

LIST OF ILLUSTRATIONS.

ELMIRA REFORMATORY..... 64

- |                               |                               |
|-------------------------------|-------------------------------|
| 1 1/2 Front View of Building. | 9 Carpentry Class.            |
| 2 Group of Officers.          | 10 New Trade School Building. |
| 3 Cell Block.                 | 11 Book Bindery.              |
| 4 Gymnasium.                  | 12 Iron Forging.              |
| 5 Armory.                     | 13 Machine Shop.              |
| 6 Company Hall.               | 14 Drawing Room.              |
| 7 Setting-Up Exercises.       | 15 School Room.               |
| 8 Tailor Shop.                | 16 Domestic Building.         |

BEDFORD REFORMATORY..... 96

- |                       |                               |
|-----------------------|-------------------------------|
| 1 Main Building.      | 7 Laundry.                    |
| 2 Reception Room.     | 8 Field Work.                 |
| 3 Prisoner's Bedroom. | 9 Out-Door Work.              |
| 4Dormitory.           | 10 Out-Door Work.             |
| 6 Dining Room.        | 11 Miss Davis and the Babies. |

1924

OFFICERS FOR 1905.

*President.*

EUGENE SMITH.

*Vice-Presidents.*

WILLIAM P. LETCHWORTH, REV. WENDELL PRIME, D. D.,  
FELIX ADLER, ROBERT W. DE FOREST.

*Secretary.*

SAMUEL MACAULEY JACKSON.

*Corresponding Secretary.*

SAMUEL J. BARROWS.

*Treasurer.*

J. SEELY WARD, JR., 135 East Fifteenth Street, New York City.

*Executive Committee.*

Eugene Smith,

W. W. Battershall,	Richard A. McCurdy,
F. P. Bellamy,	James McKeen,
B. Ogden Chisolm.	Edward B. Merrill,
J. Fenimore Cooper,	Frank D. Pavey,
Austin Flint. M. D.	Engene A. Philbin,
Cornelius B. Gold,	Dean Sage,
J. W. S. Gouley, M. D.,	Decatur M. Sawyer,
Wm. H. Gratwick,	William J. Schieffelin,
Henry E. Gregory,	Gino C. Speranza,
Alexander M. Hadden,	J. G. Phelps Stokes, M. D.,
John W. Hutchinson,	Evert Jansen Wendell,
Samuel Macauley Jackson,	Mornay Williams,
	James Wood.

STANDING COMMITTEES FOR 1905.

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*Law.*

Messrs. McKeen, Philbin, Speranza, Pavey, Merrill and Wood.

*Discharged Convicts.*

Messrs. Hadden, Schieffelin, Gregory and Sawyer.

*Library.*

Messrs. Jackson, Chisolm and Wendell.

*Detentions.*

Messrs. Stokes, Williams, Sage, Gregory and Philbin.

*House.*

Messrs. Hutchinson, Bellamy and Flint

*Finance.*

Messrs. Schieffelin, Jackson, McKeen, Stokes, Gold and Ward

1904

PREFACE.

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The sixtieth annual report of the Prison Association of New York covers the calendar year for 1904. The donations reported are limited to that year. Contributions made since January 1, 1905, will be acknowledged in the next annual report.

In view of the fact that the development of the reformatory system in the State of New York is the most notable achievement in the last sixty years, the matter descriptive of penal institutions in this report is devoted especially to an illustration of the method and working of the reformatory system, both for men and women in the State of New York. To make space for these articles, reports of inspections of jails and other institutions which have been described in the two previous years, are omitted in this report.

1714

## REPORT OF THE EXECUTIVE COMMITTEE

*To the Honorable the Legislature of New York:*

For the sixtieth time in its history the executive committee of the Prison Association of New York has the honor to present its annual report. The fact that for three score years it has been the privilege and duty of the officers of this association to lay before your honorable body information and suggestions concerning the penal system of the State invests this report with a certain historic interest. A brief retrospect of this significant period in the history of the association and the history of the State seems appropriate.

The formation of this association was due to the humane initiative of a prominent New York judge, Hon. John W. Edmonds. Not satisfied with the routine of court work, he personally visited the penal institutions. He was made president of the board of inspectors of the State prison at Sing Sing. Impressed with the need of doing something to aid convicts after their discharge, he caused to be inserted on the 3d of December, 1844, a card in the papers of New York city calling attention to their destitute condition, and appealing for aid in the formation of a Prison Association. The notice, signed by "John W. Edmonds, president board of inspectors," was dated November 23, 1844. It was accompanied by a call for a public meeting to be held at the Apollo rooms, 410 Broadway, on Friday evening, December 6. This call was signed by sixty-two gentlemen, many of them prominent in social, commercial, and civic life. Among the signers were Theodore Frelinghusen, W. T. McCoun, Eleazer Parmlly Gardiner Spring, John Jay, William Cullen Bryant, Robert B

Minturn, Henry Grinnell, Henry W. Bellows, Orville Dewey, Henry Anthon, James Harper, Daniel Lord, Jr., Isaac T. Hopper, Wm. Henry Channing, Horace Greeley, John A. Dix.

In response to this call a large meeting of prominent citizens was held on the 6th of December at the Apollo rooms. The meeting was organized by the appointment of Hon. Wm. T. McCoun, vice-chancellor, president; Rev. Dr. Gardiner Spring, and Gen. Prosper M. Wetmore, vice-presidents, John L. O'Sullivan and John Jay, secretaries.

At this meeting Judge Edmonds gave an extended address showing the need of forming a prison association. A resolution offered by him to that effect was seconded and supported by Rev. Wm. H. Channing. A valuable paper on prison discipline was read by Professor Telkampf. Isaac T. Hopper related his experiences with discharged convicts.

As the result of these preliminary efforts the Prison Association of New York was formed. An auxiliary association called "The Female Branch of the Prison Association of New York" was also formed which subsequently became an independent association and is still actively engaged not only in aiding women prisoners but in securing necessary legislative and administrative reforms in our prison system.

As finally organized in 1844 the principal officers of the Prison Association were: President, Hon. Wm. T. McCoun, vice-chancellor; vice-presidents, Theo. Frelinghusen, Abraham Van Nest, Benjamin F. Butler, John W. Edmonds; treasurer, G. A. Worth, president of the City Bank; recording secretary, William C. Russell; corresponding secretary, William H. Channing.

The objects of this association as set forth in this constitution were as follows:

"1. The amelioration of the condition of the 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."

In 1846 the association was incorporated by an act passed May 9, 1846, by a two-thirds vote of the Legislature. By its charter the executive committee were empowered "to establish a workhouse in the county of New York, and in their discretion to receive into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city, as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects; and the said executive committee shall have the same power to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city."

The association, did not, however, avail itself of this authority to maintain a public workhouse, a function which would have carried with it the responsibility of penal administration.

Another section of the charter devolved upon the executive committee and such committee as they should from time to time appoint, the duty of visiting and examining all prisons in the State, and annually reporting 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; with the provision that such examination or inspection should



be made under an order for that purpose to be granted by the chancellor of the State or one of the judges of the Supreme Court or by other judges designated.

Such was in brief the origin and purpose of the Prison Association of New York. The association began when the population of the city of New York was but 500,000, and the population of the State but 2,604,495. The city was confined to narrow limits with a business and resident portion hardly extending above Fourteenth street. Of twenty-four ladies whose addresses as members of the executive committee of the female department were given in 1845, but one lived as remotely "up town" as Twenty-second street; all the rest lived south of Tenth street. From the standpoint of population and its distribution the field of work of the Association was but limited at that time compared with its present broad field of work.

#### EARLY CONDITIONS.

A review of the conditions and motives which led to the formation of this Association shows that its founders had a strong grasp of principles which to-day have come to be recognized as fundamental in all penological work. One object of the Association as explained by Rev. William Henry Channing at its first meeting was to "insure the *permanent* establishment of a reformatory system in our penitentiary and to produce a spirit of humanity and justice in the community." Indifference and neglect were characteristic of the prison system of the time; positive cruelty in the administration of punishments was of frequent occurrence. In the year previous to the organization of the Prison Association nearly 3,000 lashes a month were inflicted on male prisoners at Sing Sing. The introduction of a milder method of administration began under the influence of

1909

Judge Edmonds and the committee on prison discipline of this association.

Judge Edmonds advocated better classification and a system which aimed "not at the infliction of retributive pain upon the prisoner, but at his reformation, which seeks not to convert his prison house into a den of despair, on whose gates shall be inscribed the injunction to leave all hope behind, but to make it a penitentiary, where the lost may be saved, and where to the penitent offender hope may still dawn with its cheering light."

Already at that time there was an old spirit and an old system on the one hand, and a new system and a new spirit on the other. It was possible in 1844 still to look back to a time when prisons were regarded as places of torment. It had already begun to be recognized that the true object of a penitentiary system was to reform offenders. Judge Edmonds in his address at the meeting for the organization of the association spoke of the active contest that was going on here and in other countries between the Auburn and the Pennsylvania plans, then distinguished as the silent system and the separate system; and he pointed out that the contest was not as to which should be most successful in inflicting suffering, but which should be most triumphant in leading back the prisoner to "the path of virtue and reform." Two prison societies then existed in the United States; one, the Boston Discipline Society, which had then issued its nineteenth annual report, and the Philadelphia Prison Society which had existed, with a brief intermission during the revolutionary war, since 1776. The Boston society has since ceased to exist, but its good work has been carried on by the Massachusetts Prison Association and the Society for Aiding Discharged Convicts.

The contest between the two prison systems referred to has

long since been closed in this country. The eastern penitentiary at Philadelphia remains now the only example in the United States of the separate system. At the meetings of the international prison congresses the discussion still survives; for several countries in Europe, notably Belgium and Holland, and to some degree France, have adopted the separate system.

It is interesting to note that one of these systems "the Auburn system," was developed in this State and that its name is still used in Europe to designate the congregate system.

Meanwhile, however, another system has also been established and developed in this State which has furnished the model for other states and countries, namely, the reformatory system for adults, or the Elmira system as it is called abroad.

#### IMPORTANT CHANGES IN SIXTY YEARS.

In the period of three score years, covered by the history of the Prison Association of New York important changes have been made in the prison system of this State. Some of these changes may be directly traced to the initiative and activity of this association; others are due to the same intelligent and humane spirit that led to its formation, and which is continually finding expression in the spirit of our age. Without attempting to name them in chronological order or to give the history of their introduction some of the most important changes in our penal system which deserve to be mentioned are the following:

1. The establishment of the Elmira reformatory, the pioneer reformatory institution for adult felons.
2. The incorporation of the indeterminate sentence and the parole law into our legal system.
3. The separation in general of juvenile and older offenders.

4. The establishment of reformatories for women, with women as officers.
5. The establishment of hospitals for insane criminals.
6. The abolition of cruel and extreme punishments in prisons.
7. The adoption of the suspended sentence and the probation system.
8. The appointment of police matrons.
9. The establishment of children's courts.
10. The abolition of the lockstep, and in part of striped suits in State prisons.
11. A general improvement in jail construction.
12. The substitution of death by electricity for hanging in capital cases.
13. The abolition of public executions.
14. The establishment of prison schools.
15. The establishment of a hospital for prisoners affected with tuberculosis.
16. The extension of the civil service system to the State prisons.
17. The introduction of a system of identification of prisoners.

Of these changes the establishment of the Elmira reformatory and the adoption in connection with it of a grading and marking system and the indeterminate sentence is the most conspicuous and far-reaching event. It was largely through the efforts of this association that this institution was founded. When in 1876 Mr. Z. R. Brockway went before the judiciary committee of the Senate urging the passage of the indeterminate sentence law, the chairman remarked: "This measure will not be opposed in the Legislature; public sentiment is ready for it, made so by the influence of the reports and the discussions of the Prison Association of New York."

The prophecy was fulfilled. The foresight and exertion of the association were rewarded not only by the passage of the act but by the distinguished success of the institution thus founded. This success was chiefly due to the personality of the man to whom the work of developing the reformatory was entrusted. Utilizing the grading and marking system and free from the limitations of the definite sentence, with a remarkable grasp of the fundamental principles of the new penology and with great resource in their application to the individual offender, Mr. Z. R. Brockway succeeded in developing an institution which became a model of its kind for the whole world. Its success in this State has led to the founding of similar institutions in Massachusetts, Pennsylvania, Illinois, Indiana, New Jersey, Minnesota, and Wisconsin, and steps have been taken for establishing them in other states.

The successful application of the principle to the reformation of men and the establishment in Massachusetts in 1877 of the State prison for women at Sherborn, which for many years was conducted under the leadership of the late Mrs. Ellen C. Johnson, led to the establishment of three reformatories for women in this State, in addition to the State prison for women at Auburn. These institutions are at Albion, Hudson, and Bedford. The institution at Hudson has recently been reorganized so as to be classed with the institutions for juvenile female offenders.

Upon no advance in their penal system may the people of New York look with more satisfaction than upon the establishment of the reformatory system. Its total cost is relatively small compared with what it has saved the State morally and financially. The results obtained in this quarter of a century are now as certain as any other class of sociological facts. It can be said in a broad way that 80 per cent. of those committed to Elmira who

704

are really first offenders and are not youthful repeaters from other institutions, become industrious and law-abiding citizens.

The institution has passed through vicissitudes of legislation and administration. It is a source of great satisfaction to the board of managers, that in calling to the superintendency Joseph F. Scott, who for many years was superintendent of the Massachusetts State Reformatory, they have secured a worthy successor to Mr. Brockway. At this writing Mr. Scott has been in charge a year and a half, and the effect of his firm, corrective discipline and the force of his commanding personality are seen in the moral reinvigoration of the institution after the serious decadence in tone which followed the resignation of Mr. Brockway. Important reconstruction is going on in the buildings which will greatly improve the physical condition of the plant.

The population of the State has greatly increased since the establishment of the Elmira reformatory. It was early seen that additional accommodations would be necessary to relieve it from overcrowding. To this end the State undertook the building of another State reformatory. It was established at Napanoch, N. Y., and called the eastern reformatory. The history of this institution has been traced in the fifty-seventh report of this association. While its conception was a credit to the State, the manner in which the plan has been carried out is extremely unsatisfactory. One element in the success of the Elmira Reformatory has been its freedom from political dictation. Napanoch on the other hand owes its failure to the large extent to which partisan politics has entered into its fortunes. Had this institution been retained under the board of managers of the Elmira Reformatory, or under the charge of a board of managers equally unpartisan; had the Legislature voted a sufficient sum of money

to complete the institution and equip it with shops, trade schools, and a competent staff of instructors, under a competent superintendent, there is no reason why Napanoch should not have been as successful as Elmira. The institution is lacking, however, in every important requisite necessary for the efficient training and discipline of a reformatory. At present it is but a reformatory in name.

An essential feature of the reformatory system is the indeterminate sentence law. It is gratifying to be able to say that this law has become so firmly embedded in the legal system of the State that all attempts to dislodge it on technical or unconstitutional grounds have failed. The success of the law as applied to Elmira has led to its extension within certain limits to prisoners committed to other State prisons. The extension was rather timidly made and it is to be hoped that the Legislature will at the present session remove the limitation as to five-year prisoners and apply it to those whose maximum penalty may be twenty years or less.

The advantages of extending the parole law, which is an essential part of the indeterminate sentence, were set forth in detail accompanied by a large amount of evidence in the last report of this association. It is to be regretted that opposition to the indeterminate sentence and parole law still comes from the bench. Certain judges are unwilling to relinquish their traditional privilege of fixing the exact duration of the detention of the prisoner. While under a system purely punitive there may be logic in measuring off to a day the amount of punishment to be inflicted, there is no reason or logic, under a system which is curative and reformatory, in fixing definitely the duration of the sentence. The interests of the prisoner as well as the interests of the State

1704

are much better considered and secured under the indeterminate sentence than under the arbitrary and capricious imposition of a definite sentence. It is very hard for many judges to abandon the merely punitive idea. Those who have done so and who consider the main object of a penal system to be the protection of society and the reformation of the prisoner become ardent advocates of the indeterminate sentence. This reform has already been introduced in other states and has been recognized by some of the most prominent European jurists as a fundamental principle of the new penology.

The influence of the humane spirit has greatly modified in many directions the treatment of criminals in the State of New York. Positive cruelty as seen in merciless flogging sixty years ago and in the brutality of prison wardens and keepers has disappeared. Wherever it crops out as it occasionally may it is the rare exception, not the rule. Our prison officials are humane men and though a brutal guard may now and then be guilty of cruelty the protections thrown around the prisoner are such that under the State prison system such a guard would promptly be dismissed. Such abuses are much more likely to occur under the variable county system, than under State control.

But while positive cruelty once sanctioned and encouraged by law has been abolished, another form of cruelty still exists. It is that which comes from neglect and indifference. It is not so much a neglect in the administration as neglect in providing properly constructed jails and prisons, so that men may be removed from society and placed under a corrective discipline without breaking down their health. The responsibility for bad jails does not rest upon the sheriff or warden, but upon the community which fails to provide proper institutions. Many of our

counties have not become fully alive to their social and ethical obligations in this direction. They recognize the responsibility of the prisoner to society, but not the responsibility of society to the prisoner.

The abolition of the lockstep and of striped suits is in the direction of removing prescriptions which break down the self-respect of the prisoner. In a reformatory system it is important to preserve and develop the self-respect which the older system aimed to destroy. Different suits to represent different grades in prison and to distinguish the prisoner from citizens at large may be very necessary; but there seems to be no necessity for making the prisoner look like a tailor-made zebra. We have stopped the practice of inflicting stripes upon the prisoner's body; it is no longer necessary to inflict them on his clothes, except as badges of honor and merit.

The substitution of death by electricity for capital crimes marks an advance in two directions. Execution by electricity is instantaneous and therefore more humane, but it also means the abolition of public executions. One reason why the gallows was so long retained was because the whole apparatus favored publicity and the deterrent effect which was supposed to attend it. New York has not yet become willing to follow the example of several other states in abolishing capital punishment altogether.

On the whole subject of the treatment of juvenile offenders marked advance has been made in these sixty years. We have just now entered upon the new era of the children's court, which marks a change in our judicial system of great importance. We cannot say yet that we have reached perfect methods in its administration. The most brilliant success achieved under this system has been in Colorado under the administration of Judge

R. B. Lindsey. This is due not so much to better laws as to the devotion and enthusiasm of the judge and the public support accorded him, and the cooperation of parents, teachers, and the police.

In the treatment of juvenile offenders, committed to institutions, we are now in a transition period from the congregate type of the older institutions to the segregate or cottage system. The whole weight of experience and judgment now favors the development of the cottage home system, and the New York Juvenile Asylum has decided to adopt it, and has erected fifteen cottages and two principal buildings near Dobbs Ferry on the Hudson river. The Rochester Industrial School and the institution at Randall's island are about to enter upon new experiments in this direction.

The probation law is another legal feature which has now become a fixed part of our penal system. The Legislature was prompt to pass the law and has been equally prompt in improving it by amendments, when attention has been called to this necessity. The law must be regarded as one of the most beneficent and most important that has ever been enacted. Its moral and economic results are beyond question. Its limited application is largely due to the lack of paid officers. It is evident that this work cannot be done as it should be without paid probation officers, and that for such payment we must rely upon public funds rather than upon support by private individuals or charitable societies.

The work done by such societies or individuals has already sufficiently demonstrated the advantages of the probation system. The next step ought to be in the direction of securing a large number of paid probation officers chosen and trained especially

for this work. An important step in this direction was taken by the Legislature last year in authorizing the payment of salaries to women probation officers and the city of New York availing itself of this authority has already appointed and salaried twelve women probation officers in the different boroughs constituting Greater New York.

The time seems ripe for further expansion, development, and coordination of our probation system. Should the Legislature approve the proposition now before it to appoint a commission to investigate the operation of the probation system in this and other states valuable data will undoubtedly be obtained for such a reorganization.

#### BACKWARD STEPS.

The record of sixty years of progress in New York State is gratifying. But advocates of progress have not only had to contend with the inertia of a conservatism which prefers to keep things as they are, but have had to contend with a reactionary spirit which, if not checked, would undo the good work already accomplished. The reactionary spirit is far less common among those who administer prisons and know something of conditions and needs than it is among those who have had no practical experience with the problem and little education concerning the principles of penology. This reactionary spirit is sometimes found among legislators, sometimes among judges who hark back to ancient traditions, and it is sometimes taken up by a reactionary press. A part of the work of the Prison Association in these sixty years has been to exercise vigilant watchcare lest good laws should be repealed and a good system overthrown. From year to year many propositions are brought before the Legis-

lature which, if adopted, would seriously interfere with the successful working of our prison system. The respectful and patient hearing given by legislative committees to representatives of this association in opposition to such measures, has happily resulted in a great majority of these cases in preventing serious mischief.

In some instances, however, it has not been possible to prevent the passage of measures which have been a great hindrance to the administration and development of our prison system. The most important of these reactionary measures has grown out of the labor agitation of the last twenty-five years. A somewhat hysterical alarm as to the supposed effect of the competition of prison labor with free labor led to the passage of the Yates law in 1888, which interdicted productive labor in prisons except only the manufacture of articles needed in the public institutions of the State. The disastrous effect of this law was set forth in the fiftieth annual report of this association. "It abolished labor in the prisons, and the convicts, confined in their cells, and debarred from employment, made piteous appeals to the authorities to be allowed to go to work; as the idleness continued the prisoners constantly deteriorated morally and physically; they became more and more restive and mutinous, until the prisoners were seriously threatened with outbreak and riot."

This law was so bad and its evils were so strikingly manifested that it was repealed the following year. To remove any just cause of complaint from free workmen engaged in any special trade from the competition of prison labor, a codification of the prison laws was adopted, known as the Fassett law, of which the fiftieth annual report of this association said that it had "received universal commendation as the most enlightened and scientific system of prison law ever enacted in the United States."

This association, in the course of its history has taken ground from time to time against abuses resulting from the contract labor system. It has protested against using prisoners merely as a source of income for the State; it has been opposed to any artificial manipulation of prices or any organization or prison labor which would bear harshly or unjustly upon free labor. The Fasset law adequately protected the interests of free labor and left no ground for further complaint. Agitation, however, did not cease. The more extreme of the labor agitators were not content until they had forced the larger part of the prison population of this State into compulsory idleness. The responsibility for this extreme reactionary measure rests not upon the Legislature, but upon the constitutional convention of 1894. The insertion in the constitution of a prohibition as to the sale of prison-made goods in the open market was a backward step the serious nature of which was fully recognized by the officers of this association. Prompt and earnest protest was made against it. It was pointed out that productive industry is an indispensable instrumentality for the reformation of the convict: that idleness is ruinous to the prisoner, and that the proposed amendment would add an enormous burden of taxation to those previously borne by the people of the State.

The protest was not heeded. Overlooking the economic and humane aspects of the problem, the labor leaders sought a solution in a provision, the effect of which has been to lay a heavier burden upon the working man of the State than the hypothetical burden it was intended to relieve.

Sixty years ago, in the second report of this association in 1845, the question was asked "Why should not the able-bodied inmate of a prison who can with ease earn his seventy-five cents or a

dollar a day outside as easily earn inside the thirty or forty cents that it costs to support him there?" Precisely the same question is pertinent to-day, and the answer is that the prisoner can earn his support unless by law prevented from doing so. In certain states of the Union prisoners are a source of pecuniary profit to the states; in others they work enough to pay all the expenses of their maintenance. In New York State the vast majority of prisoners are maintained in idleness, and the burden of supporting them falls upon the industrious people of the State. It is clear that the constitutional amendment created a heavy burden for the taxpayer, the weight of which is not limited to the cost of boarding idle prisoners. A more serious result is that prisoners in jails and penitentiaries are trained in habits of idleness which swell the ranks of mendicants and vagrants.

In the State prisons the evil effects of the constitutional amendment have been partially remedied by the establishment and development of different industries; but the population of the State prisons forms but a small proportion of the total number of prisoners annually confined in the State. Attention is respectfully called to the fifty-ninth annual report of the association, that for last year, in which it is shown that the only way to reduce still further the evils growing out of compulsory idleness in jails and penitentiaries is to place all sentenced prisoners under State control with a proper assignment of industries and the marketing of the product by the State.

#### THINGS THAT NEED TO BE DONE.

This association has from the beginning moved on practical and economical lines. It has not advanced revolutionary or chimerical measures. It has not expected that progress could

be attained by violent leaps. It has sought to move forward step by step. An important part of its work is in educating public sentiment throughout the State in the direction of intelligent and humane progress.

Gratifying as is the progress that has been made in the last sixty years in the State there are still many things to be done to improve conditions and to make our penal system and penal administration what they ought to be. We therefore submit to your honorable body the following suggestions:

1. All persons convicted of violating State laws whether the violation be a felony or misdemeanor, should be committed to the custody of the State.

2. The State should assume control of all penal institutions, to which persons under sentence are committed. It is altogether illogical that prisoners convicted of felony should be committed to the care of the State and those convicted of misdemeanors to the care of the counties. The penitentiaries in the State are well situated to serve as district prisons or houses of correction for misdemeanants, and might be acquired by the State and used for this purpose. County jails would then not have to deal with the problems of prison labor, discipline, or reformation; they should simply be reserved for those awaiting trial.

3. The prison administration should be entirely freed from partisan politics. In the last sixty years much progress has been made in this direction. A civil service system has been developed which to a large extent protects the State prisons from the ravages of the spoilsman. The provision of the Constitution forbidding a sheriff to succeed himself makes it difficult to apply the civil service system to the county jails where the advent of a

new sheriff means usually the advent of a new jailor. But the committal of all persons to State institutions would greatly simplify the function of the jailor, who, as already indicated, would then have in his custody only persons awaiting trial.

4. Persons accused of crime are presumed under the law to be innocent until proved guilty. The maintenance of jails simply for accused persons and not for those under sentence would render it much easier to maintain the separation of these two classes of prisoners required by law. In some jails the quarters to which accused persons are committed are worse than those for convicted prisoners; and in some jails the laws as to separation are entirely unheeded.

5. An excellent probation law is now on the statute book. Its possibilities have already been demonstrated. Its success depends largely upon the magistrates and upon the officers they appoint. With the extension of civil service rules to the probation system probation officers should be paid by the State and a sufficient number appointed to do thoroughly the work of investigation and surveillance, which can only be done imperfectly by private organizations.

6. Imbeciles and feeble-minded persons should no longer be punished as if they were responsible. Those committing acts defined as criminal should be sent for custodial treatment to an institution, or some department thereof, especially provided for such unfortunates.

7. Confirmed inebriates should be committed to inebriate hospitals under State control. The present legal treatment of drunkenness is inadequate both from the standpoint of society and that of the victim.



8. The indeterminate sentence should be made applicable to all classes of prisoners, whether misdemeanants or felons.

9. Until the indeterminate sentence becomes general the parole system should be extended so as to apply to long-term prisoners. Attention is called to the brief on this subject containing much testimony as to the experience of other states submitted in our last annual report.

10. The reformatory system should be extended. The prison at Napanoch should be equipped with trade schools and whatever else is necessary to thoroughly furnish it for its work as a reformatory. It should have at its head a man trained in this special department of prison work. Buildings and an official title do not constitute a reformatory.

11. Elmira and Napanoch, when properly organized, manned, and equipped, can accommodate offenders convicted of felony who are susceptible of reformatory treatment; but there is urgent need of a State reformatory for misdemeanants, covering the same period of age as is covered by Elmira.

12. Professional criminals and recidivists should be permanently removed from society, submitted to a firm, but humane discipline, and utilized by the State.

13. The scandal and disgrace of such a prison at Sing Sing should no longer be permitted. It is a breeding place for tuberculosis; a menace not only to the health of prisoners, but to the health of the community. It has been repeatedly condemned by this association, by the State Commission of Prisons, and the Superintendent of Prisons. Attention is called to the report of the eminent specialist in tuberculosis, Dr. S. A. Knopf, in regard to its condition, which confirm investigations previously made on this subject.

Auburn though not as bad as Sing Sing is an antiquated and outgrown prison. Both of these institutions should be replaced by prisons erected on modern principles as to health and sanitation.

14. County jails condemned as antiquated and unsanitary should be rebuilt in accordance with the requirements of the State laws and of penological science. No prisoner should be condemned to unhealthy quarters or deprived of sunshine and exercise in the open air, under proper restrictions.

15. The antique system, abolished in most civilized countries, of paying sheriffs so much a day for each prisoner they keep, still prevails in one-third the counties of New York State. It is a method liable to the greatest abuse, for it is to the interest of the sheriff to have as many prisoners as possible for the sake of increasing the expenses of the county. It should be abolished throughout the State and give place to a salary system.

16. The enforced idleness of prisoners sentenced to county jails and to some of the penitentiaries is lamentable and unpardonable. Daily labor is necessary for the physical and moral welfare of prisoners. The law of the State which says: "*Such keeper shall cause each prisoner committed to his jail for imprisonment under sentence, to be constantly employed at hard labor when practicable, during every day except Sunday,*" is totally disregarded in three-fourths of the counties of the State. We have already pointed out that the only adequate relief for this condition of affairs is to be found in State control; but so long as the county system is maintained, supervisors should provide sheriffs with the means of employing prisoners, and sheriffs should be held to a strict observance of the law.

17. The law of the State requiring the separation of prisoners in county jails should be enforced. It is habitually disregarded in most county jails. First offenders are thrown promiscuously together with the old rounders, and under such circumstances the jail becomes a school of vice maintained at a sad cost to the State.

EUGENE SMITH,

*President.*

SAMUEL J. BARROWS,

*Corresponding Secretary.*

## REPORT OF THE CORRESPONDING SECRETARY.

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Starting as a local organization sixty years ago the Prison Association of New York not only has a field of activity co-extensive with the State, but as its correspondence shows is brought into affiliation with representatives of penological reform in all parts of the country and in Europe. During the last year, the corresponding secretary has answered letters coming from thirty-five states of the United States in regard to different phases of the work of this association or concerning matters of legislation. He has also corresponded with persons in England, Scotland, France, Switzerland, Italy, Belgium, Germany, Hungary, Norway, Holland, Capetown, South Africa, Sidney, New South Wales, and Tasmania. It is interesting to receive letters from remote quarters of the globe asking for information in regard to our probation system, children's courts or the reformatory system in the United States. The library of the association and its other resources are freely placed at the disposition of such inquirers. The fact that the corresponding secretary represents the United States on the International Prison Commission enables him on the one hand to use the documents prepared for it in answering many inquiries coming directly to this association, while it is of great advantage to be able to use the library of the Prison Association in answering questions sent to the commissioner for the United States.

In addition to extensive correspondence, several persons from abroad have come to the United States to pursue inquiries in

regard to our penal system. Such persons are always welcomed at our office and furnished with every facility that we can command. Among the visitors who honored us in this way during the last year was Dr. Paul Herr of Leipsig, Dr. A. Hartman of Berlin, Mr. Edward Grubb, secretary of the Howard Association of London, and Mr. Inani of Japan.

The Interparliamentary Union, composed of members of the different parliaments of the world, held its twelfth meeting in September at St. Louis. The members to the number of 230 were the guests of the government of the United States and at its invitation, made a tour of 4,500 miles in the United States. As a member of the committee of entertainment and reception, appointed by the secretary of the treasury, it was my privilege to welcome the foreign delegates at our office. It is a great satisfaction to find that many of the members of the Union, still in active service in the parliaments of their respective countries, are greatly interested in various aspects of penology. Some of them took occasion to visit the children's courts and penal and charitable institutions.

Our correspondence shows that members of charitable organizations are coming into closer relation in their work. Librarians and legislators figure largely among our correspondents. The subject on which greatest interest is exhibited at the present time in this country, is the children's courts.

To meet the constant demand for such information I have prepared a report for the International Prison Commission made up largely of papers prepared by judges of children's courts in all the cities in which the court has yet been established. This report (Fifty-eighth Congress, second session, H. R. Document No. 701) has been widely distributed and is still in constant

demand. Applications for it sent to me will receive prompt attention. It is distributed, like all documents of the International Prison Commission through the Department of State.

The corresponding secretary has been called upon as usual to represent the association in various public gatherings and has availed himself of opportunities to give addresses and lectures concerning different aspects of our work.

June 15-21, I attended the meeting of the National Conference of Charities and Correction at Portland, Maine. The meetings in the section on the treatment of the criminal, under the chairmanship of Dr. F. H. Wines, were replete with interest. Impressive and inspiring was a meeting in which an address prepared by our late lamented president, Charlton T. Lewis, was read by Dr. Wines, who paid a tender tribute to his memory. While the treatment of delinquents forms but a small part of the general proceedings of this conference, yet it is of great importance to study this subject in relation to problems growing out of the dependent and defective classes. It is of the utmost value also to meet workers in these closely allied fields and to exchange views and experience.

On August 16, 1904, I gave an address before the Friends' General Conference, held at held at Toronto, Canada, on "Inhumanity as a Cure for Crime."

August 17, I visited the jail at Whitby, Ontario, and was pleased to note the opportunity which Canadian jail prisoners have for working in the jail yard in the open air. This feature of outdoor exercise is constantly neglected in a great number of American jails.

The session of the National Prison Association was held October 15-20 at Quincy, Illinois. It brought together a good

attendance, especially from the Central West, and its sessions were full of interest and profit. A varied program brought out both the practical and theoretical side of the congress. The practical men are largely represented in the wardens' association, the men who have to deal directly with the prisoner and with the problems of prison administration. But it would be a mistake to suppose that the vision of these men is limited only by the narrow detail and routine of their occupation; some of the noblest prophets of the "New Penology" are to be found among the superintendents of our prisons and reformatories. Our wardens' association represents not merely the repressive, but the reformatory spirit. Discussions are held on a higher plane than they were twenty-five years ago.

The Prison Association of New York was represented at the meeting of the National Prison Association by its president, Mr. Eugene Smith, who read a paper on "Is Crime Increasing in the United States?" and also by the corresponding secretary.

The corresponding secretary attended and addressed a meeting held at Orange, N. J., December 6th, in regard to discharged prisoners. Rev. A. M. Fish, chaplain of the State Prison, of Trenton, N. J., who is chairman of the committee on discharged prisoners of the National Prison Association, is deeply interested in developing some effective organization for such work in New Jersey. Prison chaplains know the value of public sentiment and wise cooperation in this work.

#### THE ELMIRA REFORMATORY.

In the report of the executive committee attention has been called to the most important changes effected in the penal system of New York State in the last sixty years. Emphasis has justly

been laid upon the establishment of the Elmira Reformatory, the pioneer reformatory institution for offenders convicted of felony between the ages of 18 and 30 years, and the adoption in connection with it of a grading and marking system and the indeterminate sentence as a most conspicuous and far-reaching event in the period of threescore years. It seems especially appropriate therefore in this report to call attention to the present condition of the reformatory.

The necessity of a prison established on reformatory principles for offenders above the age of legal minority, but not beyond the age of corrigibility, was early felt by leading members of the New York Prison Association. Judge Edmunds, Professor Theodore Dwight, Dr. E. C. Wines and John Stanton Gould were prominent in the agitation for such an institution. A law was passed in 1886 providing for the building of a reformatory prison at Elmira. The work went on very slowly, and it was not until 1876, and after \$700,000 had been spent, that the institution was ready to receive a small number of prisoners.

But as yet it was merely the shell of a reformatory and even in a physical sense incomplete. The men interested in its establishment knew that, after all, the building is only an instrument for a reformatory; and that to get the right man to establish and develop the right system was more important than anything else.

A new board of managers was appointed. An important responsibility rested upon them, that of finding the man who should take charge of and develop the new institution. The superintendent of the House of Correction of Detroit had already become conspicuous among the members of his profession in this country on account of his progressive ideas and methods. Mr. Z. R. Brockway not only possessed a practical knowledge of all the

details of prison administration combined with capacity to handle men, but also possessed a philosophical and ethical spirit which made him deeply interested in the larger theoretical aspects of penological problems. He was born in Lyme, Connecticut. His father was director of the Connecticut State Prison. He was early brought into contact with General Pillsbury then at the head of the Albany penitentiary, who invited him to become his assistant. Subsequently he had charge of the Albany almshouse for two years and supervised the building of the first county insane asylum. The Monroe county penitentiary at Rochester was in the course of erection, and Mr. Brockway was called to that institution and was there seven years. He was then appointed superintendent of the Detroit House for Correction and was there for thirteen years.

Mr. Brockway had thus served nearly twenty-five years as a prison officer before being called to Elmira. He not only knew the whole routine of prison work on its practical and financial sides, but in addition to reading extensively on the subject of penology, had done a good deal of private thinking. Six years before he was called to Elmira, Mr. Brockway presented in October, 1870, to the first National Prison Congress a report which created a marked sensation. In that report Mr. Brockway said:

"The central aim of a true prison system is the protection of society against crime, not the punishment of the criminal.

The causes of crime are primarily in the person; secondarily, in the circumstances that surround him.

The change sought in the character of criminals (called reformation) is of a practical nature, and has to do with daily life in ordinary social relations.

The reformatory should contain dormitories, affording to each prisoner a separate room, such as a respectable citizen might occupy; a dining hall upon the plan of a well-regulated restaurant

for work people; a library building and public hall, suitable for reading rooms, religious services, scientific, and other intellectual exercises of a public nature; suitable industrial apartments for the branches of mechanical business carried on; the whole to be organized substantially upon the cooperative plan.

Sentences should be indeterminate; all persons convicted of crimes to be committed to custody until they may be returned to society with ordinary safety.

The true basis of classification for prisoners is *character*, not *conduct*; good conduct may be assumed, but good character never.

Intellectual education must take a more prominent place. Education occupies the time and affords society in solitude, whose tendency otherwise is always deteriorating."

The statement of "principles of penitentiary and reformatory discipline made by the National Conference at Cincinnati, shows as does Mr. Brockway's paper, that the prison reform movement in the United States had finally become based on a *foundation* of enduring principles. One can not fail to recognize in this statement of principles the influence of Maconochie of England, whose ideas were far in advance of his power or opportunity to realize them. Sir Walter Crofton with more practical success had developed the marking system in Ireland and contributed a paper on "The Irish System of Prison Discipline" to the same National Prison Congress of 1870.

In calling Mr. Brockway to the charge of the Elmira Reformatory in 1876, the State of New York secured a man who had served his apprenticeship in this state and who was to take ideas and principles of Maconochie and Crofton and give them new and fruitful illustration. Furthermore, Mr. Brockway, an independent thinker, was glad of an opportunity to work out his independent ideas.

In 1876 he found at Elmira incomplete buildings and an incomplete law. He drafted in 1877 the indeterminate sentence law, embodying the vital principles upon which the reformatory has

since been developed in this and other states. A somewhat similar law, passed by Michigan in 1872, was declared unconstitutional in that state, and it is only within two years that an amendment to the constitution of Michigan has enabled the Legislature to re-enact such law. In New York State, repeated efforts have been made to overthrow by legal decisions the indeterminate sentence law; but its constitutionality has been maintained and it still remains the impregnable legal foundation of the institution.

But no legal basis, however firm, would have been sufficient for a superstructure without the experience, sagacity, administrative ability and personal force of the superintendent. In such a work nothing can take the place of personality. The success of the institution is mainly due to the fact that the board of managers gave to Mr. Brockway all the liberty that was needed for a man of his power and genius. The institution developed along rational and ethical lines; it was an economic and industrial success.

The history of the reformatory movement in no longer simply the history of Elmira Reformatory; that institution has been the model for institutions in other states, and to form some idea of the breadth of the movement and its larger results, in this country we refer our readers to a report on the Reformatory System in the United States (56th Congress, H. R. Doc. No. 459). This volume, in addition to a general introduction by Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, contains an article on the reformatory system by Z. R. Brockway, a detailed history of the Elmira Reformatory by Frank B. Sanborn, an account of the Massachusetts Reformatory by Joseph F. Scott, then its superintendent, an article on the

24  
 Massachusetts Reformatory prison for women by Isabel C. Barrows, and several other articles describing reformatories in other states.

Mr. Brockway remained for twenty-five years superintendent of the Elmira Reformatory. Though no longer in the active work of his profession, he continues to contribute valuable theoretical and philosophical discussions of prison problems. We print in this report his paper prepared for the Seventh International Prison Commission on "The Moral Classification of Prisoners." This paper describes the principle and method of classification established by Mr. Brockway during his superintendence of Elmira.

Mr. Brockway retired in 1900 and was succeeded by Dr. Frank W. Robertson, at the time of his appointment physician of the institution, who held the superintendency until December, 1903, when he was succeeded by Mr. Joseph F. Scott, superintendent of the Massachusetts State Reformatory.

Mr. Scott's call to this office and his acceptance of the same is a fine illustration of how non-partisan methods of appeal, on the one hand, may unite with professional pride and a sense of public duty on the other. The board of managers of Elmira discarding altogether the political tradition of "Home rule," determined to secure the best man in the country for this institution, at a critical and reactionary period in its history. The institution demanded the services of some one capable of maintaining it at the high level of discipline and efficiency established by Mr. Brockway. Such a man was found in the person of Mr. Joseph F. Scott. Trained under Colonel Gardiner Tufts of Massachusetts, and for many years his successor as superintendent of the Massachusetts State Reformatory, Mr. Scott in addition to long experi-

ence, had developed independent and original capacity for this work. With an assured position, an independent income and enjoying the confidence of the Prison Commission and the citizens of Massachusetts, Mr. Scott may well have hesitated to take such a difficult position as the superintendency of the Elmira Reformatory; but he accepted it in the same spirit that a general who has successfully led one brigade takes, from professional pride and love of the service, another brigade sadly needing a leader.

The foresight and confidence of the board of managers have been more than justified in the year and a half in which Mr. Scott has been at Elmira in the improved tone, and the better discipline, which now prevade the institution.

May 19, 1905, Mr. Decatur M. Sawyer, a member of the executive committee, accompanied by the corresponding secretary, made an inspection of the reformatory and cheerfully testified to the excellent results which Mr. Scott has achieved in so short a time. This can be attributed, not merely to his ample experience, and administrative ability, but most of all to his magnetic personality, which is felt throughout the entire institution.

The marking and grading system since the advent of Mr. Scott has not been changed in its essentials, but has been modified in various particulars, and the organization of the reformatory has been changed in some respects. The general regime of the institution is as follows:

Men are brought to Elmira from different courts by officers of the reformatory, and at the present time about 100 prisoners a month are received. They are taken at once to the bath, they are shaved and cleaned. A new suit of clothes and a "kit" or outfit is given them, consisting of the following articles: bedding, sheets, pillow slips and blankets, wash-basin, drinking cup, hair brush,

blackening brush, tooth brush, mirror, box of blackening and broom; they also receive later a military outfit of belts and accoutrements.

The new prisoner is examined by the superintendent or his assistant; usually both are present. A stenographer makes a record of answers to questions which cover his personal and family history. Then he is turned over to the physician who makes an extended physical examination and notes any peculiarities or indications of disease. The prisoner is assigned to such exercise in the gymnasium as his physical condition requires, for much stress is laid upon his proper physical development. Periodical examinations are made during this gymnasium work where the training is carried on under a competent physical director. A system of bathing supplements the exercise with apparatus.

When the prisoner has been sized up and classified physically, he is next taken by the director of the trade schools, who makes a thorough examination with reference to the mental and physical adaptation of the newcomer to any one of the thirty-one trades taught in the institution. Trade instruction is given three hours each day. Some of these who are capable are also employed a part of each day in working at trades necessary for the erection of the new buildings in process of construction, where they have an opportunity to apply the knowledge acquired in the trade schools.

One day in the week the three hours devoted to trade instruction are given to drawing for all trades in which drawing is essential. Each man receives individual instruction, and is given so many hours in which to make his outline; he must pass an examination upon it before going to the next outline. He is marked upon these examinations.

Here it may be said that at Elmira, instead of a system of merely alphabetical or numerical marking such as prevails in schools and colleges, there is a system of rewards and fines based upon a purely monetary scale and expressed in dollars and cents. Thus men are credited with so much a day, out of which they must pay for their clothes and utensils, for hospital and medical supplies, for the service of the doctor if they require it.

Excepting the first outfit of clothes which are given to him, the prisoner must pay for each new article of clothing he buys in the institution. Thus if he needs a new pair of trousers he goes to the storekeeper and is credited with the old ones and charged with the new. His earnings can not be increased beyond a certain amount, which varies with his grade in the institution and his military rank, but his income may be decreased by the imposition of fines for offences or shortcomings. Thus he is fined in the trade school and also in the school of letters if he fails on his examinations. He is also fined for misconduct. The force of the economic as well as the ethical motive is thus brought to bear upon the man who finds that all his actions, his success and his failures, are capable of being counted in terms of profit and loss; and that these have a very definite bearing upon a question which is to him of supreme importance, the obtaining of his liberty.

Since coming to Elmira, Mr. Scott has consolidated into two classes the reports formerly of four classes which may be made against a prisoner. The first class reports represent more serious offences such as require investigation. In such cases a hearing is granted and witnesses are summoned, and a conclusion reached on the evidence and a heavy fine imposed. In the case of second class reports, a small fine is imposed. In the case of examina-

1914.

tions based upon school work, if a man has 75% on the examination, he passes; if between 50 and 75% he is fined \$1.00; between 25 and 50% he is fined \$2.00 and below 25% he is fined \$3.00.

In the school of letters the prisoner spends an hour and a half a day for four days in the week, and the same length of time Sunday afternoon. The school is divided into three general divisions and the prisoner is classified according to his previous educational attainments and natural capability.

In addition to this the Protestant chaplain conducts for the highest division courses in history, ethics and literature with incidental instruction in economics and sociology. Instruction is given in the other divisions by other teachers.

All men who are physically able are entered into the military organization and kept in the awkward squad for one or two months, drilling in the forenoon, and then enter the regular regiment which has regimental and battalion drill four days in the week in the afternoon. Wednesday and Saturday afternoons at the time given on other days to the school of letters there is dress parade. Men who are ruptured, or crippled or otherwise defective from a military standpoint, are excused from military drill and assigned to other work.

Of a population of 1,300, 800 are in the regiment and 200 in the awkward squad. The average time served in the squad is about six weeks or two months.

On Sunday there are religious services for the Catholics, the Protestants and the Jews. The Protestant chaplain is Rev. William H. Chaplin; the Jewish chaplain Rabbi Jacob Marcus.

The program of school and work is so arranged that men are out of their cells from 6 in the morning till 6 at night. The cells are well lighted so that they can study or read in them



at night until 9.30 p. m. There is a good library of between four and five thousand volumes for reference and for general reading. Men in certain classes are entitled to choose their own books; in the lower classes the books are selected for them.

There is a choir and a regimental band of a very good standard.

Included in the Elmira plant is a farm of 280 acres of which 17 acres are devoted to the garden, and about 80 acres to other crops. Four hundred hogs were raised last year, supplying sufficient pork for the institution. About 80 men work on the farm; they are those who are ready for parole, and whose conditional liberation is so near that they have no temptation to escape.

In order to be eligible for parole, a man must have reached the first grade which takes him six months; then he must make six perfect months in the first grade. If he drop into the third grade, when he leaves it he is just where he was when he came into the prison; he must work his way to the first grade and maintain a perfect record of six months.

Superintendent Scott has changed the marking system so that it does not bear so hard on the dullards who were often detained a good while because they could not come up to the requirements of the school of letters, though they might be trying just as hard or harder than men of greater capacity. More emphasis is laid upon demeanor, though school record is not slighted.

The reformatory is divided into first, second and third grades; the latter representing the lowest grade. An important change made by Superintendent Scott is the separation of the third grade from the rest of the population. They live by themselves in separate cells in a different quarter of the prison, and work by themselves, and must make a month of perfect record before being

released. Men are now seldom in the third grade more than two months.

Another important change made by Superintendent Scott is the rearrangement of the routine so as to reduce the hours of the officers from 14 to 12 hours a day, and this has been done without reducing the time of instruction or work for the inmates.

The greatest change has been made in the matter of discipline. In the fifty-sixth annual report of this association for the year 1900, attention was called to the practice of handcuffing prisoners to the bars of the isolation cells and the fear was expressed that prolonged punishment of this kind might result in physical or mental injury. It is a satisfaction to be able to report that this practice has been discontinued, and that so far from discipline deteriorating under the change it has vastly improved. Indeed one would hardly believe that so great a change could be effected in so short a time.

It would create a totally false impression to convey the idea that discipline had improved solely by reason of abandoning the practice of tying men up in their cells. Changes in the whole psychological atmosphere of an institution are not brought about merely by negative means; moral and personal forces are necessary. In the report referred to above much stress was laid upon the importance of having a competent executive head for an institution like Elmira. The bearing of personality upon discipline, not merely considered as a force to restrain, but also as a force which impels is seen whenever a magnetic man is placed in a position where his power over men may be exerted. The discipline was never better at Elmira than it is to-day, and it is secured not by dark cells or by "cuffing up"; but by the operation

of those forces which impel a man to obedience and industry, which awaken ambition, hope, and endeavor.

On the 28th of March, 1905, a fire broke out about midnight and destroyed the laundry, bath-house, storeroom, two tailor shops and the engineer's workroom. A number of the more trusted and competent inmates were called upon to help the officers and with the aid of the city fire department the damage was limited to the buildings named. No one was hurt and indeed there were many prisoners in some of the cell blocks who did not know that the fire had taken place.

Superintendent Scott had an inventory made the next day and plans were at once submitted to Governor Higgins; a special message was sent to the Legislature, and \$85,000 was appropriated for the buildings burned and \$30,000 to reimburse the institution for the stores destroyed. The prompt action of the Legislature is a gratifying proof of the confidence which the reformatory has inspired in the executive and legislative departments.

Another large building whose need was evident before the fire began, a domestic building, is also in process of construction. The lower floor will be used as a kitchen, bakery, storehouse and refrigerator, the second floor as a dining-room, the third floor for officer's restaurant and the fourth for officers' quarters. The dining-room will seat 1,600.

At the time of our visit the men were obliged to eat in relays in a corridor of the cell block. In spite of the debris incident to tearing down and building up, it was interesting and gratifying to see the men who had been trained in the trade schools engaged in the practical work of erecting this building. Bricklayers, carpenters, plumbers, and nearly all the trades required in the

work of construction are supplied from the mechanical force of the institution. The appropriation for the building is \$110,000.

Under the law that nothing can be sold out of the institution, some of the trades, such as moulding, are not turned much to productive purposes but serve to educate men to productive work when they go out.

The painting class includes in its instruction house painting, frescoing, and lettering. Small model houses are used which can be painted inside and out. In the blacksmith shop, hoofs of dead horses are used for practice. Blacksmithing is one of the best trades for a certain class of boys who have the requisite physical force. About seventy-five are in this class.

In the school of letters a normal class is conducted by Mr. Upham who teaches his assistants how to teach.

There is also a class in barbering. The pupils have a chance to practice upon the fellow prisoners, all of whom are required to be shaved once a week and to have their hair cut once a month.

One of the best things which boys learn in Elmira under the system of bookkeeping, is how to save their money. This confession has been made by not a few who have earned their parole and their absolute discharge.

A reformatory exists for the reformation of the corrigible. One of the purposes it serves is to show who are corrigible and those on the other hand who do not respond to such treatment. A certain number of men defective physically and mentally and others who are far beyond the age fixed by law for commitment to the institution, are constantly sent to Elmira. They do not fit into the scheme nor respond to the influences to which they are subjected. The only thing to do is to transfer them to Auburn or to

Napanoch. Mr. Scott has weeded out a good many such men who belong to the recidivist class or to the defectives.

The military organization is commanded by a colonel and lieutenant-colonel, the first of whom is military instructor and the second assistant instructor. There are four majors selected from the chief guards and the captains are likewise taken from the guards. Subordinate positions are filled by the prisoners. There are sixty guards in all and eight chief guards.

During the past three years 190 changes have taken place in the personnel of the officers of the institution. During the present year, however, changes will be comparatively few owing to the establishment of a graded scale of promotion and compensation.

Colonel V. M. Marten, the military instructor, may well be congratulated upon the good appearance and the excellent drill of his command. The general appearance of the regiment has been much improved by taking the third grade men in their red suits out of the regiment; and also by substituting for the black, blue and red uniforms heretofore used, uniforms of a similar color. The difference in grade is now shown by a simple device on the collar.

Military officers are now relieved from the duties of disciplinary officers. Inmate officers who can reach the rank of lieutenant can no longer issue offense report against their fellow prisoners, but are obliged to report them to citizen officers who after investigation issue offense reports if in their judgment it is deemed necessary.

Complaints have been made in regard to prisoners in this and other states that men who have money can buy their way through prison and enjoy many special privileges denied to their poorer fellow prisoners. At Elmira Reformatory, however, the

only aristocracy is the aristocracy of intellect and character and this alone secures privileges. The institution is absolutely democratic. No matter what a man has stood for before he came to the reformatory, when he is on the inside, he stands simply for what he achieves there. The son of a millionaire is treated like anyone else; his parole and discharge depend upon himself.

#### NEW YORK STATE REFORMATORY FOR WOMEN.

The New York State Reformatory for Women at Bedford, Westchester county, receives women from the southwestern part of the State, including the city of New York, so that it draws its inmates from a dense population. Last year 101 were committed and added to the 198 inmates already in the institution. During the same time one infant was admitted with its mother and two were born in the reformatory. The largest population on any one day was 330, the average for the year a fraction over 211. Of this number 57 were paroled, 3 discharged on expiration of sentence, 6 were transferred to other institutions and 2 died. The average age of these women is 21, as it has been from the opening of the reformatory four years ago. The average weekly cost of support is \$4.41; the estimated value of farm products \$1,187.87.

More than half the girls and women come from domestic service; more than a third as many come from factory life. The following figures show the need of special training as a means of preventing crime, for it is true here, as well as in prisons for men, that the skilled person is the exception in such a population. Of the 101 committed the past year, of those who could lay claim to even the slightest preparation for doing good work in any industry, there were dressmakers 2, ladies' tailor 1, laundress 1, milliner 1, vestmaker 1, telephone operator 1. Yet, with thor-

ough training these women are capable of doing excellent work in many directions, as has been thoroughly proved.

Coming chiefly from New York, which has so large a foreign population, it is striking that but 31 were foreign born, while 70 were natives of the United States, 35 of them colored, most of whom perhaps had been attracted to the city by intelligence offices, as 26 out of 27 had been in domestic service. Of the foreign population Germany sent 5, England and Ireland 4 each, while Italy sent but 3 and Russia, with her hordes of women, probably more in proportion to men than any of the other immigrating populations, has but 1 Russian woman in the reformatory. Bohemia has 1, and a very useful one she is, being a skilled weaver and acting as teacher in that craft to superintendent and inmates alike.

In religion the division is remarkably even, 44 protestants, of six sects, to 48 Roman Catholics. There are but 9 of the Hebrew faith. Catholic and Protestant services are held regularly and the Jewish women have instruction in their faith every Saturday, given by Miss Rossetta Stone of New York city. Of the 101 admitted last year 64 are single and 37 married, though 19 have separated from their husbands and 6 have husbands in prison. Thirty of the 101 have been in institutions before.

The parole statistics are as follows:

On parole at beginning of the year.....	30
Paroled during the year.....	57
Discharged from parole.....	15
Returned to reformatory.....	6
Broke parole and whereabouts unknown.....	7
Died.....	1

It is interesting to note that of those breaking parole the larger number are intemperate women, older than the average.

Their stay in the institution had not been long enough to cure them of this evil habit. One of those who broke her parole "married and went west and failed to report."

With half of these women coming from domestic service, where they had given little satisfaction, on account of ignorance and incapacity, it was natural to give them instruction in the same department and place them again in families, so 30 of the 57 paroled have gone out as domestics, well equipped this time to render excellent service. Indeed there is no possibility of meeting the demands of the public in this direction. In addition to these, 12 are living at home and doing the same sort of work. One young woman, who had the distinction of being the only high school graduate in the reformatory, was trained there as a stenographer and is doing that work. Several who could live at home have gone back to factory work. Two or three have become clerks in families where the parents or relatives were storekeepers. No girls are paroled to the city. The advantage of having a reformatory in a beautiful country place is that the inmates grow to love the natural surroundings of the home where they have learned to get away from their bitter past and are far more ready to take homes in the country than they would have been early in life, when the big, bustling city and the noisy, exciting, pavement life had such fascinations for them. In country homes, wisely selected and with the exact system of reports, the wayward girl has the best chance for recovery, mental, moral and physical. The only drawback seems to be that the maximum sentence of three years drops the paroled woman when perhaps she is not yet strong enough to be left wholly to herself. A truly indeterminate sentence would prevent this. Those who were strong would be gradually released from control and those who needed it would be held

in the wise leading strings of the board of managers, till they could safely and strongly walk without guidance. There is absolutely no danger of their being retained in the institution a day after they are fit to go out, nor is there any danger of their being recalled to it at any time unless necessary. The physical capacity of the reformatory, which is now taxed beyond what is right or proper, would alone prevent that, if the moral influence of the officers and managers were not enough to prevent any injustice to the women. The immediate erection of two new cottages, from the last appropriation of the Legislature, will give more room, but many women and girls must be sentenced to other places, losing such help as the reformatory could give them, partly because after all there will be too little room, until they have a separate industrial building, and partly because those who commit girls and young women have not all learned to send them where they may be reformed as well as imprisoned.

The official report of the Bedford Reformatory, which may be had for the asking, will give to those interested a deal of minute information on all the points referred to in this abstract. It may be asked what are the main things relied on to fit these young women for probation, for probation is the goal. Not much is said about "reformation." The wise officer rarely uses that word. The shining ideal is for the girl to work for probation, freedom under guidance, a chance to test her powers to lead a better life. No method was ever devised which so surely develops self-respect and self-confidence as this partial freedom while still under the custody of the law, a freedom acquired solely through the girl's own endeavor. No power from without can aid her one whit. No application from friends, lawyers or courts, can free her. And the decision as to her ability to be intrusted with a measure

of freedom does not reside with the superintendent alone, as many are apt to think, who ask testily "How can a superintendent be so much wiser than the judge who sends a woman to a reformatory?" The board of managers has entire discretion to determine this in accordance with its best judgment in each individual case. Magistrates and judges making commitments to the reformatory are by law authorized to act as members of the board of managers when it meets as a board of parole to consider the cases of women committed by such judges or magistrates, but no magistrate has yet availed himself of this opportunity to see the working of this board, or to stand by his original pronouncement. This would seem to argue that the judges and magistrates have full faith in the board of managers, as well they may have. If the judges have confidence in the managers, the latter have confidence in their superintendent. They say: "It is the merest justice to say that these results are due, first of all, to Miss Davis, superintendent from the beginning, whose conspicuous ability, untiring energy, infinite patience, and complete devotion to the success of the work, have made her highly appreciated by all who know what she has accomplished. She has inspired the officers about her with confidence and hope; she has won the love and admiration of the inmates universally, and to her technical knowledge and wise judgment the members are constantly indebted." Miss Davis, on her part, also commends "the faithfulness of the officers" of the institution, whose loyalty to the principles followed is beyond all praise.

Classification is the first thing that strikes the visitor. This will be even better with the new cottages, but at present it is admirable, the reception house and the four cottages serving to separate the different classes and types of inmates. The grading

once established the girls may go up, or down, as in other reformatories, according to the behavior and efforts of each individual. In whatever place she is she has the best helps toward helping herself. Her bodily health is wisely looked after by Dr. Halleck, the resident physician, a most accomplished and skilled woman. She and the superintendent have studied the best dietary for institutions, and, in conjunction with the clever matrons of the cottages, this dietary has been worked out into a pamphlet cook book, which has 112 rules for preparing good and attractive food, amply suited to meet varying tastes and the needs of the human system, at the most reasonable rates.

The cottages are models of cleanliness. They are the outward manifestation of what is expected everywhere, cleanness within and without, one symbolizing the other, the two necessarily going together. It would be an impossibility to send out well trained girls from a cottage carried on in a slipshod way. One who has visited many prisons and jails, knows very well that in the dirty jail you need never look for the even partial reform of any man committed to its hideous embrace. Once having crossed the unfinished and untidy entrance, for which the State, not the institution, is responsible, the girl who enters Bedford sees in every spot a mark of her high calling. Such spotlessness she has probably never before encountered and to that she must live up physically and morally.

Naturally all the inmates sooner or later learn the domestic mysteries of cooking, dining-room work, laundry work and sewing. Some of them even learn simple, practical embroidery, such as working initials on table linen and underwear. But it is of the wider field of work that one naturally speaks in telling of what Bedford is doing—or what Miss Davis is doing—in developing the young women under her charge.

With no industrial building these young women are taught in different rooms, here and there, three most interesting things: to make soft, pliable, palm-leaf hats, every process of which is by hand, requiring dexterity and skill; to make baskets, which they design and decorate themselves, of reeds and raffia, which are marvels of accuracy and beauty. They dye their own colors and the result is charming. Great patience, exactness, neatness and industry are required for this branch and no girl can develop these in basket making—and they love this work which they have for an hour a day—without having an extra stock of such virtues left over for other things. The third unusual occupation is weaving. The Bohemian woman warps the Berea loom and teaches the inexperienced how to cut and sew the rags, how to throw the shuttle and how to plan the rug which falls from the loom a thing of real beauty as well as use. The scraps from the blue gingham dresses, worked up with white warp, make nice washable rugs; mixed with darker colors serviceable rugs are woven for rooms needing stronger carpeting. These industries are educational, for as according to the laws of New York the products of the work of persons while under sentence are not allowed to be sold they can not be commercially useful. Indeed private funds from friends of the institution furnish the materials for much of this work, so little awake yet is the State to the duty of educating its wards.

The lowest grade girls in the reformatory are, as a rule, the fullest of what might be called brute force. They have animal spirit that will work itself off in bad ways unless it can be harnessed and put to useful work. Miss Davis has proved herself an admirable charioteer in this emergency. She has enlisted this strength and is using it for beautifying the grounds

as well as for developing the character of these wayward girls. After they have wheeled a barrow, or shoveled loam, or filled in trenches for a few hours a day they go to sleep as soon as their heads touch the white pillow and wake only when the morning sun calls them to a new day. The ten heavy cells, with one-foot-thick brick walls, which have been put up to meet the needs of the institution, where in the lowest grade corridors a screaming girl may keep a hundred girls awake at night, may lack tenants after all if Miss Davis finds work enough outdoors for her inmates.

Great care is exercised in choosing those who shall do this outdoor work, in the number of hours, and the intervals for rest during those hours. The girls like it and are proud of their accomplishments. When for instance the appropriation for grading (\$1,500), was vetoed, and the girls did all the grading and the State paid only for the grass seed, it was a matter of pride for all concerned. When an acre of desolation was converted into a spot that bloomed not as a rose, but as a vegetable garden, the girls not only had joy in what appealed to the eye but in what it brought to the sense of touch and of taste. It may not be out of place to show what in one season that hitherto unproductive acre yielded, wholly under the hands of the different grades of girls. Here is the official list, which even farmers who may not care much about penological matters will appreciate.

Watermelons 208.

Muskmelons 534.

Cabbages 530.

Tomatoes 22 bushels.

Endives 70 heads.

Peppers 105.

Corn 528 ears.

Lima beans 7 bushels.

String beans 23 bushels.

Onions 22 bushels.

Green onions 4,428.

Cucumbers 13,630.

Green peas 6 bushels.

Lettuce 355 heads.

Radishes 7,104.

Summer squashes 560.

Egg plants 6.

The State should furnish a strong, short, suitable dress to be worn for this outdoor work. It would be wise economy. The employment itself is invaluable and everything in connection with it should be in keeping.

The lawns, walks, and driveways are all beautifully cared for by the girls. They also harvested the ice for the institution with a little aid. One of them drove the horse, some sawed the blocks and others floated them to the runway. They have done a good deal of cement work, under the guidance of an expert mason, and in painting and decorating, have showed themselves skilful and artistic.

In the hospital the presiding trained nurse has always in training two inmates, who become proficient in nursing and in cooking for the sick. Here as elsewhere there is rotation, so that many have the same training.

Schools are maintained five days in the week, fifty weeks in the year. Besides reading, writing, arithmetic, algebra and history there is a class in physiology taught by the resident physician. The mothers among the inmates are taught how best

to care for their babies. There is admirable instruction in Swedish freehand gymnastics, undoubtedly the best system for such a place. Gymnastic games, basket ball, and dancing give recreation at certain hours. The accomplished superintendent gives instruction in singing.

At the St. Louis Exposition the Bedford Reformatory exhibited baskets, hats, rugs, paper boxes, book covers, graded models of sewing, paper dolls dressed as models to show the everyday and Sunday clothes of the inmates at Bedford, samples of decorating and painting, school work and photographs, most varied and creditable work for an institution then but three years old.

"What is the result of all this?" That is the question most frequently asked. It is too soon to reply for Bedford, but similar methods in the Reformatory for Women, and in the Industrial School for Girls, in Massachusetts, have been of untold benefit. As Bedford has adopted industrial features which Massachusetts has not undertaken, and as the schools in the New York reformatory are admirably systematized, better results may be expected in New York than have been seen anywhere else. As yet only 15 paroled women have reached the maximum of their sentences and received full discharge. Nine remained in domestic service during the entire time of parole, one of them being more than two years in the same place.

The methods adopted at Bedford to fit the girls and women for honest and industrious life outside are exactly the methods which should have been adopted to keep them from ever entering such an institution. It is undoubtedly true that had such influences and opportunities been given to them from childhood the most of them would never have fallen into evil ways. The lesson

that the Reformatory for Women offers is that children should have hand and head both educated and that religious and moral influences should surround them all the way in life.

ISABEL C. BARROWS.

#### THE HART'S ISLAND REFORMATORY.

The undersigned, members of the executive committee of the Prison Association of New York, were appointed a special committee to inspect the resources, equipment, and present conditions of Hart's island with a view to the establishment and development of a reformatory for misdemeanants, in accordance with the law passed at the last session of the Legislature.

They, therefore visited Hart's island on Saturday, December 3, 1904, and were given every facility by the commissioner of correction and by Mr. Kane the warden of the present institution.

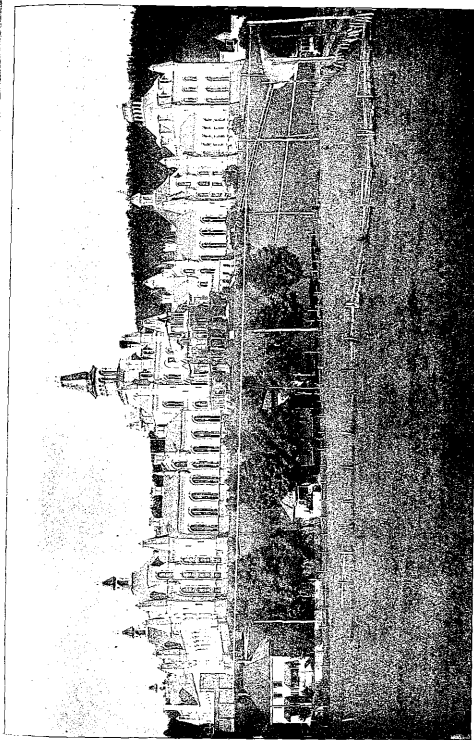
The establishment of a reformatory such as is contemplated by the law is in its practical aspects in no sense an experiment. For twenty-seven years there has existed in the State of New York a reformatory at Elmira which has fulfilled in a remarkable way the purpose for which it was founded, and which has been a model for the establishment of similar reformatories in several states of the Union. The Prison Association is in a position to speak with confidence as to the results of this work, since for more than twenty years, it has been, and still is the legal custodian of prisoners released on parole from that institution who come to the city of New York. The only necessary difference between the Elmira Reformatory and such a reformatory as is possible under the new law is that the Elmira Reformatory is a State institution for those committed for felony, while the new law authorizes a city institution for misdemeanants. The age limits prescribed are essentially the same, the maximum



in both cases being 30 years; the minimum age at Elmira being 18 and for the new institution 16. The distinction between misdemeanants and felons within the range of the ages given is almost entirely a legal technicality and does not affect the question of corrigibility. The same general principles and methods which apply to an institution for one class should apply to the other.

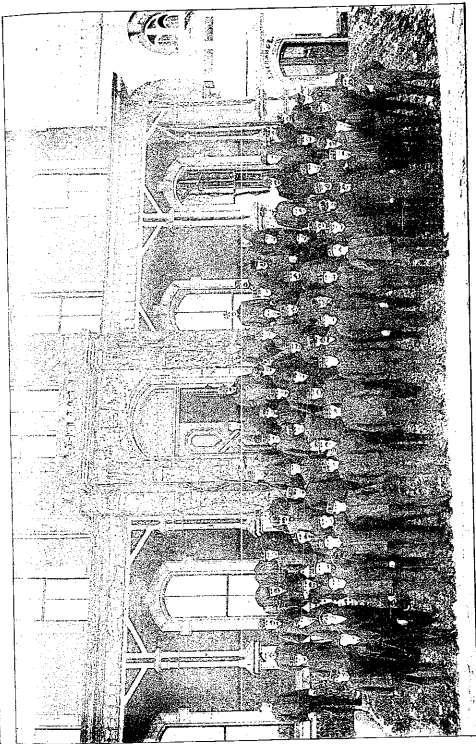
With several reformatories covering this period of age already in successful operation in New York, Massachusetts, New Jersey, Pennsylvania, Ohio, Illinois, Indiana, and Minnesota, those who are charged with the official responsibility of developing the new reformatory at Hart's island, may find illustrated, with some variety of method, the same general principles, upon which such a reformatory may be successfully conducted.

The ideal reformatory would be one in which the largest amount of classification based upon character and the largest and most effective accumulation of forces for developing character, can be secured. To attain these involves an equipment in the way of buildings, workshops, schools and apparatus of a varied character, far surpassing anything at present attainable at Hart's island, and indeed, the compass of the island itself is scarcely great enough to insure a development adequate to the probable needs of the institution. But the importance of obtaining a corps of teachers and officers of the highest character and efficiency exceeds even that of material and equipment. Detached cottages affording means of promotion on the lines of character, development, and improved workshops will be found useful, if not essential, but beyond and above all the appliances of education must be the informing spirit, the moral influence of well-developed character upon character unformed or at best in process of formation.



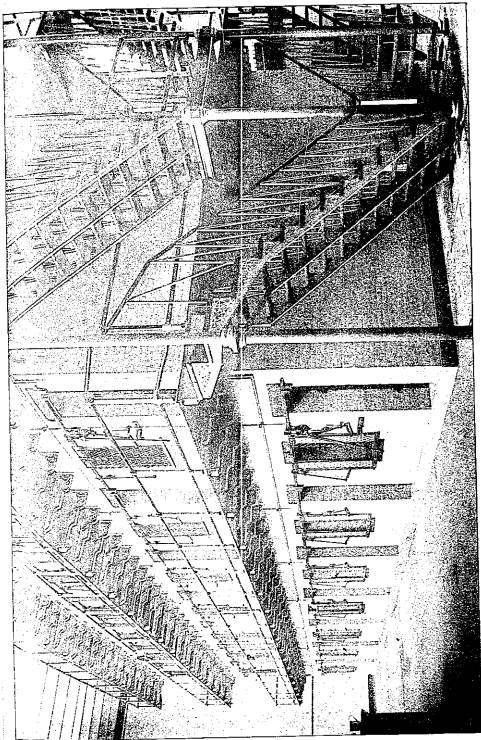
FLOOR VIEW OF BELLEVILLE ELMIIRA REFORMATORY.

1904

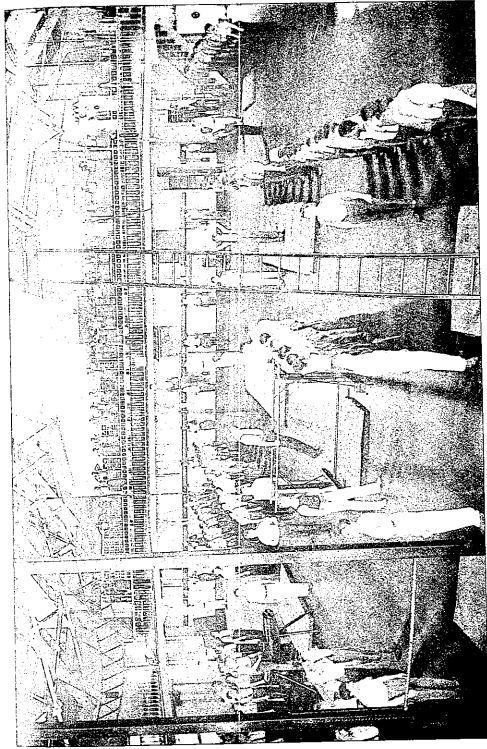


GROUP OF OFFICERS, ELAMA, HIRONSAROVAT.

1904

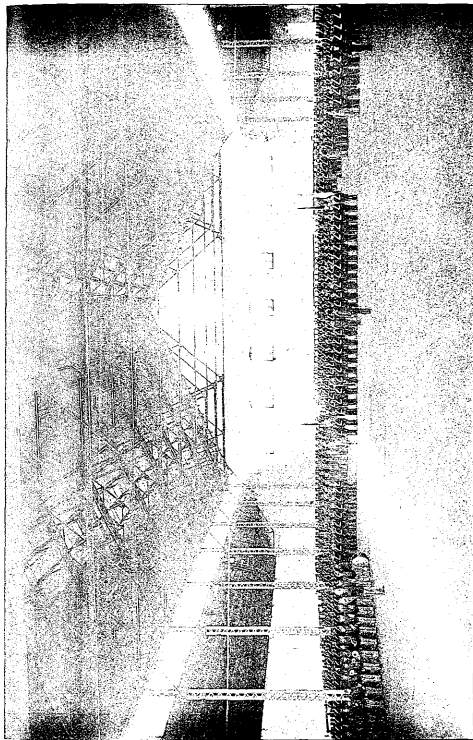


Сул. Блок, Еманя Еростаронт.

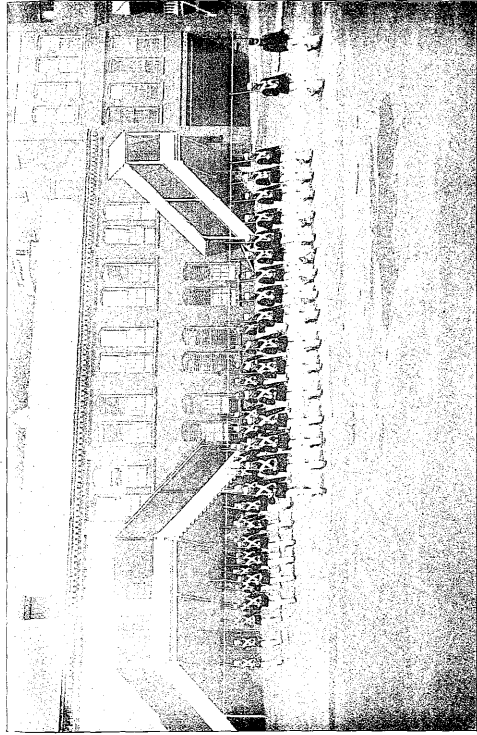


СЪЗДАНИЕ, ЕЛНИ, РЕКОМАНДИ.

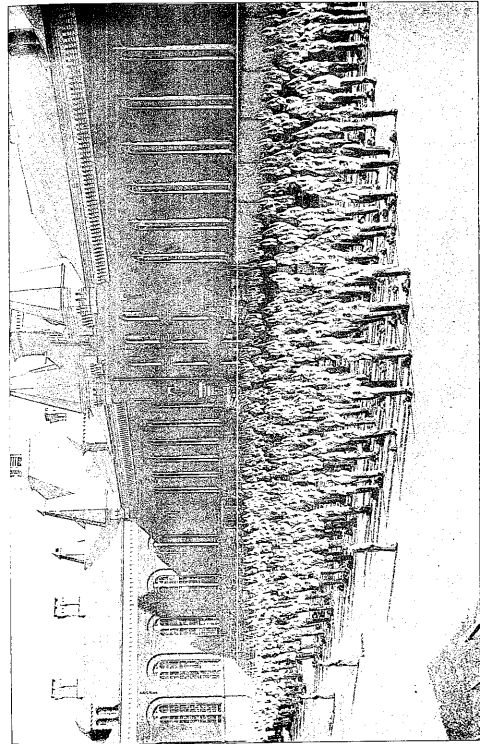
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Амуръ. Енисей. Иркутскъ.

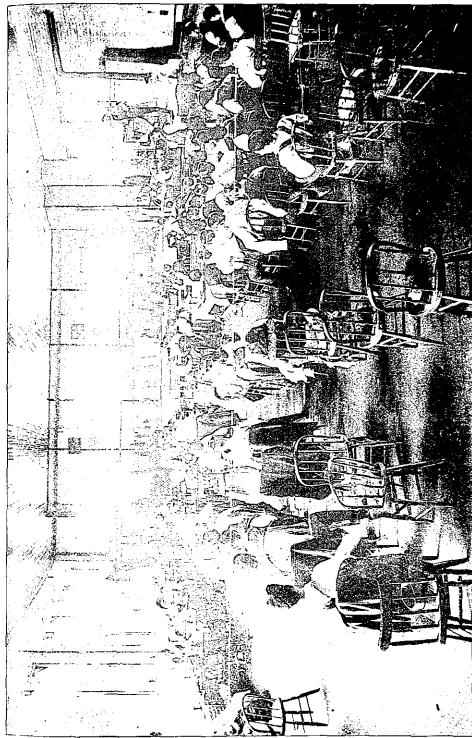


COMPANY BUILDING, EASTMAN, VERMONT



Станция-отъездная, Елизаветинская, Николаевская

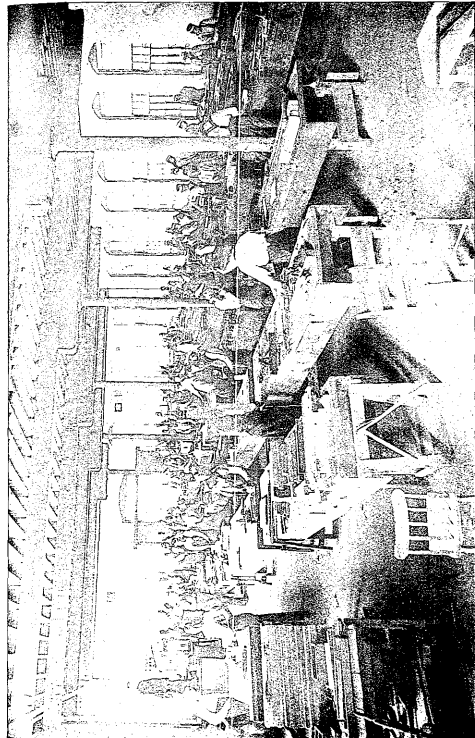
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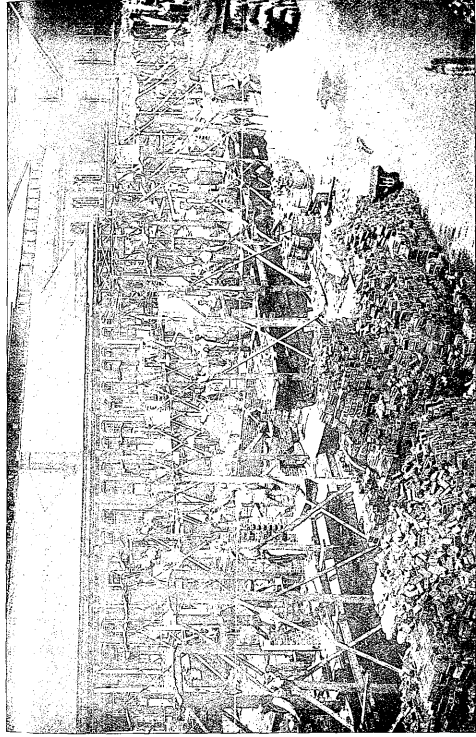
TAMON SUGI, KHAMA, HIGONOMATONY



1764

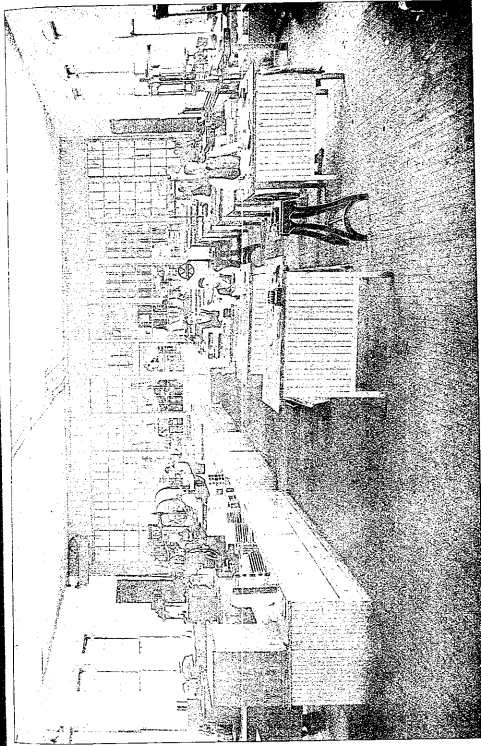


CAULDRON CLASS, EARLY REFORMATION.



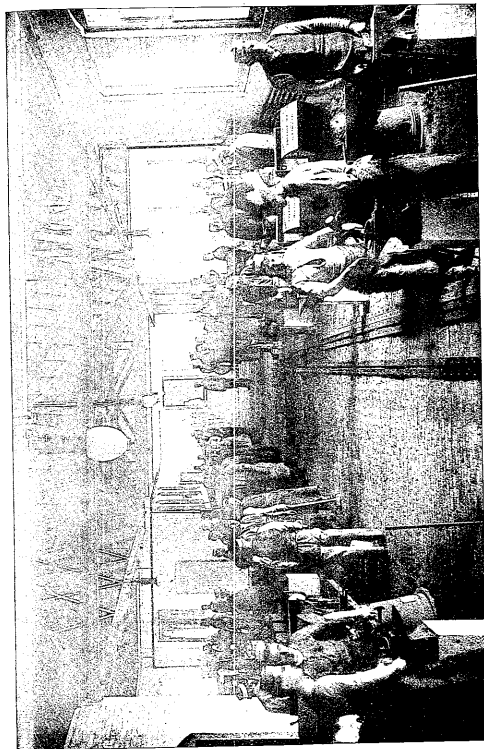
БАНКА ПОДМАШКОУ: НОВА ТАШУ ШКОЛА. БУДОВАЊЕ У ПРОЦЕСУ КОНСТРУКЦИЈЕ.

1934

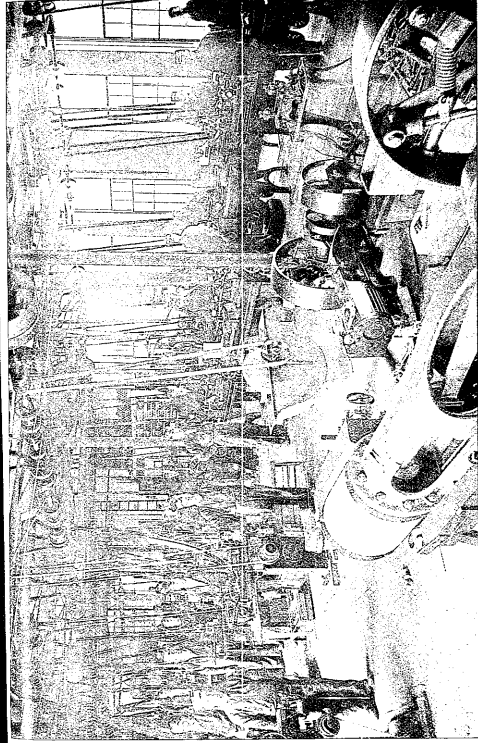


Воск. Ивонит, Елена Рагомытлоу.

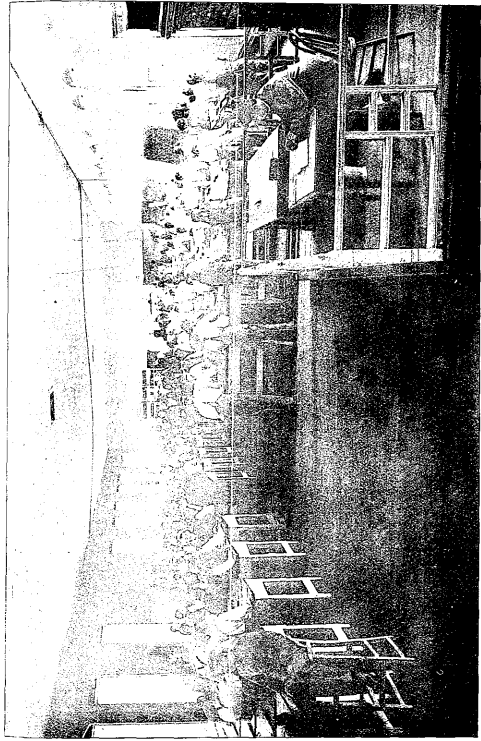
1924



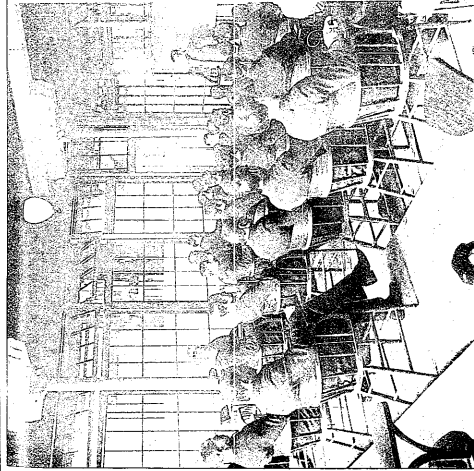
ИОНЪ ПОРШИНЪ, КЛАНА РЕФОРМАТОРЪ.



Машинный отдел, Ленинградский завод

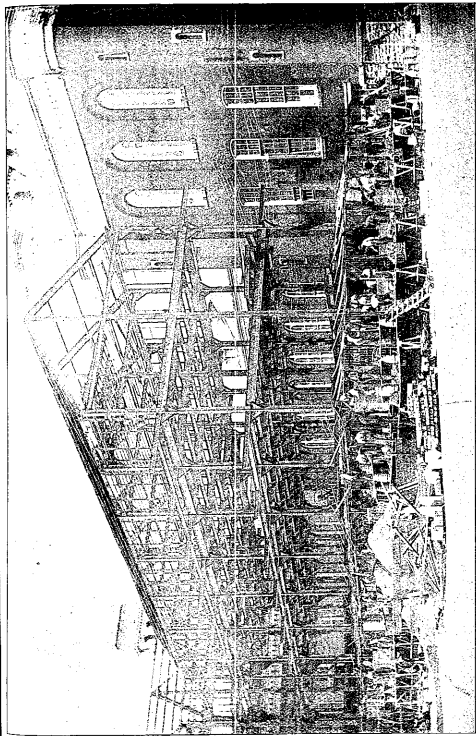


Детские школы. Елиза, Петропавловск.



А Бомъ въ Кюмоу, Бланка Вегимандову.

1904



DOMESTIC BUILDING IN PROCESS OF CONSTRUCTION. ELANA, BIRGOMATROK.



The problem before the department of correction is two-fold. First, to provide immediately for the reception, housing, instruction, and discipline of the offenders who will be committed to it under the new law from the first of January.

Secondly, the department has before it the problem of building both in a physical and moral sense the reformatory of the future which shall be abreast of the best institutions of its kind and a credit to the city of New York.

To meet the immediate exigency there are a number of buildings on Hart's island, originally erected for a different purpose and not adapted in size, form, or equipment to this work. With reference to these and their use the committee respectfully submit the following suggestions:

1. The work of classification and instruction should begin immediately. For this purpose the existing buildings, though not fire-proof, and inadequate for permanent work, can be adapted for temporary use. It is the intention, we understand, to remove the women from Hart's island at an early date. A large, well-lighted building will then be available, and might profitably be used for the accommodation and grading of the older offenders, say above twenty years; and if so used, should be subdivided into separate sleeping-rooms.

2. The men who at present, to the number of 270, are on the island should be removed likewise, as soon as possible. Some of these men are old offenders well known to prison officials; others are more or less disabled. As they are not skilled workmen, and are not subjects for instruction, the shelter and restraint which they require can be provided elsewhere, either at Riker's island or in existing institutions for adults to which youthful

offenders are now sent. It will be difficult to keep the boys from contact with these men, without restricting too much the liberty of the boys themselves. We therefore recommend the removal of the men, except a small gang necessary for work in the potter's field.

3. The boys from 16 to 20 may be housed in the building at present occupied by them, although we consider it very inadequate.

4. The building occupied by the men might be used for an "overflow" and also a gymnasium for physical instruction, as well as for additional schoolrooms.

5. The large, adjacent building at present unoccupied can be fitted up for shops and trade schools.

6. We recommend that the trades chosen for instruction be such as will fit the inmates for useful occupation outside; and that to this end instructors be furnished in carpentering, bricklaying, blacksmithing, stonemasonry, glazing, painting, plastering and tin-smithing.

None of these trades require expensive machinery; the necessary tools can be bought for a comparatively small amount; and they would all be useful in the work of erecting the necessary buildings for the permanent equipment of the reformatory. Instruction should also be furnished in gardening and farming. About 18 or 20 acres are already available for this purpose.

New roads will be needed on the island, which can be built by the boys, who could also build and repair wagons and shoe horses.

7. The number of teachers for the school of letters should be increased.

8. Adequate moral instruction should be provided.

9. We recommend that the separate room system be used instead of the dormitory system; and, until this can be secured by remodeling the buildings, that an officer be detailed to act as watchman in each dormitory at night.

10. In considering the permanent equipment of the reformatory we suggest that buildings to be erected shall not be of conventional prison type, but shall conform to modern views as to sanitation, air and sunlight. Further that they be erected also with some reference to the grading of inmates in accordance with the marking system. We trust that the mistake will not be made which has so often been committed in jail construction, of copying some conventional building instead of designing something which fulfills modern requirements.

11. In erecting the new buildings, and as far as possible in the preliminary work of remodeling the buildings, we recommend most earnestly that all this labor be carried on by the inmates themselves under competent instructors. Excellent examples of what may be done by this class of prisoners under such instructors may be seen at the Concord Reformatory in Massachusetts, at the Ohio State Reformatory at Mansfield, as well as at Elmira, where the new buildings now in course of erection are being put up by the inmates.

12. It is easy to see that before long the population of the island will be at least a thousand boys. For the purposes of the reformatory, the physical training, the farming, gardening, and military training if it shall be introduced, the area of Hart's Island, 177 acres, is none too large. We therefore suggest the advisability of securing some other place for the potter's field. As the cemetery will continue to grow as well as the reformatory, they will eventually too nearly approach each other, and it is

not advisable to have a public cemetery in the immediate vicinity of a reformatory.

13. We respectfully suggest that those who have the personal and official responsibility of developing the new reformatory, will find it to their advantage to visit Elmira and other institutions, and we recommend that such inspections may be authorized.

In conclusion, we return thanks for courtesies extended by Commissioner Lantry and Mr. Kane, and we cheerfully add that Mr. Kane seems to be doing the best he can with the boys now under his care and with the limited resources at his command.

All of which is respectfully submitted.

MORNAY WILLIAMS, *Chairman,*

J. SEELY WARD, JR.,

EVERT JANSEN WENDELL,

J. G. PHELPS STOKES,

S. J. BARROWS.

## THE MORAL CLASSIFICATION OF PRISONERS.

By Z. R. BROCKWAY.

[A question proposed for discussion at the seventh international congress at Budapest was:

*"What are the best means of securing the moral classification of prisoners, and what are the different consequences to be attached to such classification?"*

In answer to this question Mr. Brockway prepared the following paper which was submitted to the International Prison Commission and translated into French as a basis of discussion in the Congress.]

The moral classification of prisoners need not be definitely directed for precise justice and transcendent morality, for there is a more practical and realizable purpose which includes what is attainable of both.

Fortunately we live at a time when publicists and governments incline to public protection as the basis of criminal laws and use of penalties. We know that laws, court practice, prison administration and nescious public opinion still retain vestiges of vindictive, vindictory, and retributive sentiment, but, more intelligent current opinion now sanctions the changed and changing statutes and prison treatment which, in the language of the late Charlton T. Lewis, scholar, philanthropist, and jurist, "is destined radically to change men's habits of thought concerning crime, and the attitude of society towards criminals, to re-write from end to end every penal code in Christendom and to modify and ennoble the fundamental law of every State."

Accepting this basic principle of public protection and benefit as the true end of imprisonment, the immediate inference is inevitable that every prisoner when he is properly committed to prison should be held continuously under needed restraint until his improved character justifies a conditional or absolute release. And, since interminable imprisonments are not desirable, reformation of prisoners becomes the proper central aim of prison management. This, then, is the present compromised end of impris-

onment which it is believed good classification of prisoners may be made to conserve.

Such a view diminishes any demand to consider, in the usual use of terms the justice and injustice of imprisonments for a longer or shorter period. The rigor or lenity of prison regime, the comfortable or uncomfortable experiences of the prisoner, all merge into the before-mentioned supreme purpose and central aim. There is a nobler, and doubtless more correct, conception of the supreme ruler than administering justice; for injustice, either potential or actual, must needs be manifest and attributed before the concept of justice can appear. Inequalities in nature constitute a law of life and growth; there equilibrium would mean death; before equilibrium is reached it is disturbed by nature's inherent forces, the life maintained. Who would think of transferring our term justice to nature's operations?

As in nature, so in human nature. Activity is the same in essence and similar in movement and effects. We observe, among men, unequal distribution of capacity and opportunity; merit and misfortune; health and demand for effort; virtue and honor; the innocent often suffer whilst the guilty go unwhipped. The world is astir with rivalries, competitions, contentions, conflict of arms, with horrible cruelties and carnage; pestilence stalketh; calamities of fire, flood, the tornado overwhelm. Who so bold as to judge our human life and circumstances by the plumb of human justice? Abstract judgment is but a figment of the imagination. One has said justice is an elusive sunbeam chased by children and courts of law, but never grasped. The better thought of supreme rule; of nature's process; of our troublous human life, is not judicial function working justice by means of penalties, but a powerful inward law accomplishing with certainty and beneficence some transcendent good which also connotes human welfare. The foundation of prison science should be laid wider and surer than a mere aim at justice—it should be purposed for the public good which must include the prisoner's real welfare. The futile aim at just retribution diverts the greater good. Statutes are crowded with ineffectual, often harmful, categories of criminal penalties; the solemn courtly farce of meting out, with shift measurement, unlearned pains to pay for public injuries dims the dignity of a court proceeding; the punishments are

sometimes attended with needless severity, or damaging indulgence; prison governors are degraded to the level of the public punisher; prison systems are bogged in a maze of contradictions until the penitentiary substitute for erstwhile sanguinary penalties is, by thoughtful observers, voted well nigh an egregious failure. Unavailing indeed, then must be an attempt to prescribe a system of moral classification of prisoners with the view to reach a just distribution of equal pains to unequal offenders. Therefore, we may exclude from direct aims of classification the entangling problem of justice, confident that whatever of natural justice anywhere exists will find the best fulfillment in a scheme devised for the larger, nobler end.

As with justice, so with morals. It is always difficult to discriminate between variant, intrinsic individual morality. Similar facts are differently interpreted according to different canons of judgment, and each empire must needs discern through the lens of his own personality. Our moral judgments of others are but reflections of ourselves. This may be the truest introspection, but faulty for outward observation. The very assumption of our inward moral superiority should suggest defective vision. True vision sees no good and evil but only good. Even in the unregenerate and earthly soul there is development of a spiritual nature though limited and perverted. It must be that in man as in the world the divine purpose will be fulfilled. It may be that the refinements of an orderly life serve only to disguise or hold in the leash of silence the same humane selfishness which, when grossly manifested, we name crime. Probably "the history of every man is, in some sense, of his own making, but, not made of his own accord or under chosen conditions, but under given and transmitted conditions. The tradition of all dead generations weighs like a mountain on the brain of the living." No one can know the infinite mode and ultimate moral standard; therefore, none should assume to judge the essential quality of a moral character: only accidental quality. Indeed, the question may here be broached, if not discussed, whether the truest possible conception of creator and creature, of supreme sovereignty, conjoint relations of divine and human spirit does not altogether exclude an ethic datum. At least we may from any scheme of classifying prisoners cast aside, together with all vain attempt at

justice, the purpose, so *inutile* of fitting the soul's relation to requirements of the maker and thus securing an ultimate salvation. More adapted to our common human judgment is the statement of Professor Tarde relating to morality: "He who is habitually actuated by the customary sense of pity and probity, without too conscious doubtful conflict of opposing tendencies, should be classified as one of average moral character. Others, if possessed of conscious sense and impulse the same in kind, but often overcome with evil, must be classed immoral. While they who have no vestige of the virtues named, best constitute the class immoral."

It may be said in passing that of 10,000 prisoners I myself examined and recorded, judged by Tarde's formula, 28.8% were non-moral without discovered moral sense; 43.1% immoral, that is to say below the average which is the line of safe inhabitation; 22.6% were normal; 5.5% were ill-balanced or abnormal.

Summing up the non-moral, immoral and abnormal, we have 77.4% of the 10,000 who are adjudged anti-social.

#### THE ECONOMIC STANDARD.

But, there is to be found a simpler and more workable standard by which to determine the social-moral state of prisoners, hence their fitness for any class and change of class, also their fitness for conditional or complete release from custody. It is the test of their present or prospective importance, at the time, as political factors—their economic use and value. The real basis of our civic life is economic. To economic cause must be traced, in last analysis, the conditions and movement of conditions of society which create and regulate social classes and the various manifestations of social life. To live wisely and well is to be a true economist and so a useful factor. A true economist improves his own and the lot of his fellowmen; such an inhabitant is socially moral, never really criminous and such are rarely found in prison. The criminals we have in mind to classify are adults, able-bodied, who are indisposed to work or disqualified in moral faculty, in mental habitude and out of opportunity as out of practice for the necessary competitions of good industrial service. It is pre-supposed that we deal with real criminals. The courts with wise discretion will have otherwise disposed of insane,

half insane and imbecile offenders consigning them to other institutions for care and cure or necessary supervision; the merely accidental criminal placed on probation, paroled, or a while secluded in some common jail; those deformed, diseased, the hopelessly dependent,—colonized or alms-housed for reclusion and support. The purpose of imprisonment and of treatment is to prepare such for industry, to train and transfer them from economic worthlessness to worthfulness. This aim and process involves a change of character; it develops virtues, incidentally, which when sought directly and by usual exhortation are difficult and impossible to produce. Assuming now this economic attitude, the means best suited to secure a moral classification of prisoners will readily appear.

#### ASSOCIATION.

It should be noted that classification of human beings presumes somewhat association, a principle that equally applies to human beings incarcerated for crime. Not isolation of each individual, but gathering into groups on a basis of perceived likeness in or unlikeness for specific ends, rather than the basis of individual differences in a general similarity. The latter principle if accompanied with separate cellular confinement, subverts true classification and supplies a condition of imprisonment which contravenes the primal law of civic circumstance, obstructs development of citizenship. Separate confinement seems only suitable for the incorrigible or temporarily, for rest and discipline. Separation of different categories of prisoners into separate institutions as males from females, felons from misdemeanants, adults from children—the crude system so generally adopted—is convenient, and to some extent is serviceable, but division of prisoners in any given prison into culture groups need not contemplate a complete separation of group from group; for, if possible it is undesirable and quite impracticable as prisons are now conducted and arranged. Also free association—unregulated communication—of groups or members of a group, is inconsistent with our aim in classifying in that it denies the established lines of difference; retards the group development, and tends to level up and down until all distinctions become obliterated. Both individual separation and free association are incompatible with

good classification intended as an aid to reformations. But there is a proper mean of intercommunication which is most desirable, and, as demonstrated by past experience is attainable. Such a grouping of prisoners with limited and strictly regulated communication facilitates disciplinary training; promotes manual, technical and scholastical education; contributes to manliness and morality; cultivates habitual, therefore instinctive, quick and accurate self-adjustment to orderly civic behavior.

#### PRELIMINARY PROCEDURE.

Each prisoner, on his admission to prison for his reformation will be immediately examined to discover the reasons that have placed him out of alignment with the world of orderly industrious inhabitants. Intelligently discovered, such reasons will practically determine what shall be his initial classification; will, in connection with his discovered progress under culture process suggest from time to time useful changes of classification; and, finally, will make known the prisoner's qualifications for release and rehabilitation.

Scientific physiological examination will reveal any possible need of physical training in order to improve organic functioning to the end that effort once painful or reluctant will become painless or pleasurable; it will reveal fitness or unfitness for vocations for which the prison should be prepared, it will suggest the group of the physical culture class to which the prisoner properly belongs, and when he shall graduate from that class; and will naturally, indeed inevitably lead on to psycho-physical investigation making full demand on the science of psycho-physics for remedial prescription and direct mental training. The rational subjective reformative process is always a dual process and reciprocal as between mind and body. Scientific physical culture and skillfully directed mental impressions when conjoined and brought to bear are irresistible for changing molecular conditions. New vital-current channels may be formed and reformed until habits, tastes and capabilities are developed into accord with the orderly life of the times and community. Such a diagnosis or examination of every prisoner is an essential prerequisite of any system of moral classification of prisoners for the purpose intended.

#### LIMITATION OF LEGISLATION.

Legislation may well regulate the principles of any scheme of classification but methods of procedure should not be too stiffly prescribed by statute. Some scope should be given to those who administer penal institutions, for their invention of methods, liberty for initiative and opportunity for ingenuity in administering classification. The New York law of 1877 organizing the Elmira Reformatory is an example of good legislation in this respect. Section 10 of that act directs that "The discipline to be observed shall be reformatory and that the managers shall have power to use such means of reformation, consistent with improvement of the inmates, as they may deem expedient." Section 13 commands that full records be kept of the examination of each prisoner on his admission to prison, forecast of plan of treatment for each, method and alteration of method of treatment employed, circumstances of final release and subsequent history. Section 14 requires that under a system of marks or otherwise the managers shall fix upon a uniform plan under which they shall determine each prisoner's progress and provides that any system adopted shall be subject to revision from time to time. The liberality of the law—the large powers it confers upon the governors of the reformatory—weighed them with very serious obligations and offered incentive to unusual efforts to devise and execute effective methods to reclaim the culprits committed to their charge. A more restrictive statute conveying diminished responsibility and so less of incentive would possibly have prevented the administrative experiments and progress made at Elmira and now usefully if more or less imperfectly applied in many American reformatories and prisons.

Mere materials and brute animals may be classified, for study and for utility, by means of stereotyped formula, but man is so spiritual a being that fixed rules and set forms are less applicable to him. Every circumstance and materialistic influence brought to bear upon him reaches to a spiritual realm beyond our ken or control and affects forces that react and derange the best-made human plans for his regulation and development. "The spirit moveth where it listeth;" effects are perceived and observed which

are a product of mystical agencies noumenal and unknown, whose eventual trend we cannot foretell.

Prison governors are required who know these things or will acquire this kind of knowledge; men profoundly interested in the science of character culture, and such governors should have a proper marginal discretionary authority to make and modify methods of classifying and administering the classifications.

#### RECORDS AND CONTROL.

Classification of prisoners for moral ends is so closely correlated with prison discipline that control should be mentioned among the means of securing it. Minute and comprehensive records are essential to complete control. Such records as they were kept at the Elmira Reformatory, in the period of its greatest stress, revealed at a glance the varied moods and movements of each prisoner at any moment and throughout his whole career; and, together with records of all the current affairs, occupied the time, that could be devoted to that duty, of more than thirty clerks, mostly prisoners, but under direction and close supervision of civilians. This is the best known example of perfected prison records. But, more than the best records is required for effective discipline and classification. Very vitalized direction of methods and procedure is necessary. This is a requirement that demands and largely depends upon the dominating personality of the head of each penal establishment. The warden and governor, by his personality, gives tone and quality to the institutional public sentiment which always is a most potent moral influence. From this source will emanate whatever of enthusiasm and administrative thoroughness, earnestness and effort at any time exists.

Complete control and administrative thoroughness cannot be too greatly emphasized for the most serious menace of modern prison reform as it is exemplified in American reformatory prisons, is superficialism accompanied not infrequently with hurtful leniency. Sentimentalism should not supplant science in prison administration. Military martinism even is preferable to laxity of mushy philanthropy; but there is an attainable disciplinary mediety devoid of hurtful extremes, a blending of exactness and lenity, two contrary qualities which may mutually contribute

1904

to each other and, jointly, to the moral end in view. Proper adherence to system must be maintained or the widest classification of prisoners will fail to achieve the desired consequences.

#### MEANS AND CONSEQUENCES—MARKING SYSTEM.

An immediate item of means of securing good classification of prisoners intended for social and moral ends through economic education and training is a marking system expressed in monetary terms. Merit and demerit marks noted as pounds and pence resolves each prisoner's life and progress into economic elements and terms he easily comprehends, terms by which, when he regains his freedom, he will measure himself and be measured by others; it also supplies a convenient and sufficiently accurate standard measure for use by the prison management in estimating prisoners. Healthy economic life lived by an individual or the State involves practice of probity enough for safe inhabitation. Intelligent, self-seeking, by way of good economies, builds unconsciously a moral character and constructs a hopeful future. Plumed morality, either the seeking or alleged possession of it is less trustworthy than is unconscious moral growth and worthiness. Men properly engaged in common affairs are by that means placed and kept in best accord with the essential aspect of life. Economic conditions are made and compact of human will and the human will is woven of life's economies.

The monetary marking system operates, after the prisoner's first assign, naturally and almost automatically to distribute, redistribute, retard or advance in the grades or classes according to the truest test of progress and of fitness for free collective residence. At the same time it makes effective the powerful motive of the indeterminate or conditional sentence system by securing the prisoner's cooperation, when that is possible, in efforts for his advancement. Such a marking system widely applied for such a purpose will produce three grades, sometimes named moral grades, within the prison, analogous to higher, lower and middle classes of a free community; will withdraw and send to reclusion some assimilable prisoners of lowest grade, and, will create a "star grade" (as known in England) composed of selected prisoners of the highest grade, who, as moni-

tors, teachers and military subalterns may render valuable service. The classified population of a reformatory prison community should resemble the natural and actual classifications which exist in free society, a product of current activities and economics. The prison is a specialized community of prospective free dwellers, temporarily segregated because of infirmities and placed under treatment for their care and restoration: it may be considered as a social mechanism and instrument for socializing the anti-social by their practice of behavior that conditions good citizenship to be practiced under compulsion, if need be; under firm grasp gradually relaxed as culture proceeds; practiced under scientific direction until the social habitude shall have replaced the anti-social, been duly tested and found confirmed.

Not only should the standard of behavior required fairly represent good citizenship, but also the means and methods should correspond to the agencies and influences abroad in the free community, and, particularly where the released prisoner will or should abide.

#### GRADE DISTINCTIONS AND EFFECTS.

Mindful of common social distinctions and referring to my own experience in classifying and maintaining the classification more than twenty years with a prison population, approximately fifteen hundred: Three grades were distinguished from each other by means of clothing of different color, cut and quality; differences of comfort, conveniences and furnishings of their respective grade quarters; differing dietaries as relates to variety, cookery, tableware and service; by common or select situation and seats in the auditorium on public occasions; restricted or freer privilege of visits and correspondence with relatives and approved friends; diminished or increased allowance of conversation among themselves; and, more or less of opportunity to earn and expend, all made contributory to the rate of progress towards conditional and absolute release.

The differentiated prison community now became a community of castes with attendant justifiable pride and prejudice of the enlightened responsive class; and on the part of the ignorant and irresponsible prisoners, together with their feebler ambition,

1904

some evidences of depression, indifference, and occasional antagonism appeared. But, contrary to general conditions in a free community the lower class was not left to propagate ignorance and error, but they were plied with special incitements to action and efforts for advancement to the extent, even, with some individuals of the lowest class, of use of mental or physical shock. Some friction occurred between the members of the lower and higher grades, a healthful if not peaceful indication fully compensated by increase of mutuality among the several members of the same grade. This mutuality was particularly prominent in the highest grade. The effect upon the relations between the prisoners and authoritative government of the prison was an increase of general sensitiveness of relation; more intimacy; and, as a whole, the prison community was transformed from moping stolidity to intense activity. The social divisions are, at once, the means and product of each prisoner's performance in various spheres of activity, the chief and central of which is the industrial assignment and classification.

#### INDUSTRIAL CLASSIFICATION.

In the vocational assignment of prisoners the following named considerations were constantly in use and found sufficient for satisfactory distribution:

(1) Knowledge of what industries are carried on at the place where the prisoner should live after his release; (2) occupations of living respectable relatives of the prisoner; or, of any person who might, probably, become interested in the prisoner and provide him with employment; (3) his natural adaptability for any calling.

The aim was and should be to begin at once, when the prisoner is received into prison custody, his preparation for the particular occupation which, from his previous local habitation, his connections actual or possible, and his capabilities, he ought to have followed, and if faithfully followed might have saved him from crime and imprisonment. Neither the prisoner's unintelligent preference nor class vacancies and limitation of existing facilities for trade instruction should be allowed a dominating influence. The prison should supply facilities and instructions so as



to meet the requirements of assignments made on the above named trial basis, should not attempt to fit the prisoner's trade instruction to the convenience of the accidental present prison situation. At the Elmira prison, where this trade classification was carried to good degree of perfection, there were taught thirty-three trades and branches of trades.

During the hours devoted to industrial training the appearance was presented of a great technological institute. This industrial and the to be mentioned educational classification of prisoners revealed a most interesting if rather discouraging fact: 500 out of the 1,500 were found to be in need of special preparatory treatment before they could enter, promisingly, the regular trades classes. Discovery of this fact led to the formation of a large group of exceptionally defective prisoners possessing three variant grades or phases of defectiveness. Some were pre-eminently pathologically defective and for that reason were incapable of sustained application and effort in any given direction; others were backward, mentally feeble, their mental processes normal, but slow; they were dullards; and still others who were nearer normal as to bodily and mental conditions but were notably deficient in power for any good self-centered normal control. Each of the sub-groups of defectives was again divided into twenty-five small minor groups for the purpose of more exact adaptation of educational means. The total 500 composed a division devoted to manual training as the main feature of special treatment but connected with special physical and stimulating mental exercises. No professional formula of manual training was prescribed or followed but exercises were varied to meet, first, the needs of each of the three subdivisions, then the particular want of each of the twenty-five minor groups of the subdivisions. Some of the pupils were, aside from the tool processes and manipulative work of manual training, subjected to competitive mental arithmetic exercise; to gymnasium and field athletics; and, a small class of the most intractable were fed with foods whose nutrient quality was scientifically readjusted.

The consequence of withdrawal and formation of this manual training group may be summed up as follows: The regular classes throughout the prison were relieved of a troublesome incubus, and made, consequently better progress; closer scrutiny was in-

sured for the least tractable of the prison population, and, special means for their improvement was brought to bear; a favorable field was thus provided for use of selected prisoners from the highest grades to serve as monitors and assistant instructors by which use the best of the prisoners were arrayed and engaged, in cooperation with the prison governors, seeking improvement of the apparently worst of them; accomplishing thus, as by other items of classification, the most desirable and difficult problem of internal condition, goodness operating to overcome what is recognized as evil. There were abundant evidences of usefulness, of both trade and manual instruction shown in remarkable individual restorations to which the limits of this paper prevent particular reference.

#### THE SCHOOL OF LETTERS.

If, as we aver, wise pursuit of economic prosperity incidentally secures both mental development and desirable social moral relations, it is also true that these effects are multiplied and reproduced by combination with each other. Therefore, direct effort for the intellectual and moral education of prisoners is not inconsistent with the purpose of their economic rehabilitation. The School of Letters at Elmira constitutes an educational classification equivalent to a great graded school organized for oral instruction, thus dispensing with the usual school books. There are three large divisions for lecture purposes and twenty-four smaller classes for common school instruction. The whole range reaches from a special adaptation of kindergarten methods, through the ordinary grammar school course to, and including the studies usual in high school or academy. During school hours the prisoners are under educative control of a competent school director aided by nonresident lecturers and by prisoner pupil teachers from among the prisoners carefully trained by the director in a normal school class.

The first and highest of the large divisions contains about three hundred men subdivided in two classes which meet severally and conjointly, from time to time, for lectures on history and literature and for instructions with discussions upon practical questions which involve ethical principles. The second—the intermediate of large divisions—numbers, say, four hundred and fifty

men who pursue nature study by the lecture system, and, for occasional arithmetic and language study, are subdivided into four classes. The third large division—four hundred and fifty men—comprising the most illiterate of the prisoners, have lectures in elementary American history, and are, for their common school and kindergarten work, distributed in five of the other school classes. Moreover, as has been stated already, the defectives of the manual training division are given extra hours of school work, and, the most advanced and intelligent of the best and highest division, many of whom are employed as teachers, are classed for normal training and yet again, these are instructed in a special hour class when the principles of political economy engage their attention; besides, these upper class men are privileged to read in the library, current good magazines and standard works helpful to their course of higher study by lectures.

The consequence of such a school classification of prisoners, as demonstrated by actual experiment, are briefly stated:

Since school progress, proven by monthly written examinations, is a condition of progress towards release from imprisonment, the school classification greatly stimulates mental activity and holds the mind of prisoners in healthfully directed occupation. So sure is this that at any time, ten minutes after going to their cells, ninety per cent. or so of the two upper divisions, and many of the third division will be found engaged in reading or study. The school thus supplies a connecting link in the chain of prescribed means intended to completely absorb the total energies of every prisoner throughout all the waking hours, and without relaxant interruption or harmful diversion.

Utilitarian considerations are so paramount in the whole school work including the lecture courses that the school renders important aid to the preparation of prisoners both in knowledge and impulsion, for a rational and enjoyable free life. Industry is ennobled in their estimation; books become more attractive; new and improved civic notions are imparted; new tastes are formed; and the reason and judgment are much improved. Specially serviceable is the division of the school known as the "ethics class." While it is not intended to educate prisoners in the formulas of moral precepts, nor is it expected that any system of ethical principles may be so inculcated that mere theoretical knowledge

of sound ethical principles shall always prevail over perverse propensities, yet it is certain that the discourse and debates held in this class, on the ethical aspects of conduct, in familiar practical human relations does create, what is new with most criminals, namely: an instinctive perception of moral difference and adds wisdom for self-direction. It is believed to be true, as Lord Bacon says: that "there is no man doeth a wrong for the wrong's sake but thereby he purchase profit, pleasure or honor or the like;" and with Plato that: "The sole and only hope of respite and remedy for human ills is the power and wisdom derived which shall elevate virtue to mastery of vice." Undoubtedly the ethics division of the school classification makes a valuable contribution to such wisdom, and together with the entire institutional regime, contributes to self-mastery. But, for the latter important element of orderly behavior, the military classification is especially serviceable.

#### THE MILITARY GROUPING.

All the able-bodied prisoners at Elmira were grouped in a military organization comprising a regiment numbering about twelve hundred men, divided into sixteen military companies, forming four battalions. The regimental officers are from the regular civilian employees, down to and including the rank of the company captains. The commander-in-chief is military instructor, ranking, in institutional parlance, as colonel; the citizen detailed as assistant military instructor ranks as lieutenant-colonel; four of the citizen officers rank as major; and others, of same rank as captains; the company officers below the rank of captain, are selected from the best of the prisoners. Certain days or half days are directed to military drill of companies, battalions and regiment, and every day, except Sundays, at the hour of closing, regimental dress parade occurs with the usual accompaniments of bands of music, discharge of a field piece for evening gun and salute of national colors. All observation and testimony agree that military classification of prisoners, with the habitual mental attention and coordinate muscular responsiveness which military exercises exact, aids in acquiring desirable self-control; and, demonstratively, at Elmira, aids in good general prison discipline. It greatly adds to safety and efficiency

when, as should be in a reformatory prison, the best of the prisoners are utilized for educational and industrial service. There is no good ground for the fear, sometimes expressed, that such military education of reformatory prisoners endangers the republic by increasing thus the offensive organizing power of turbulent individuals and classes in the general community. It was contrarily demonstrated during our late Spanish brief war that discharged prisoners, from the reformatory, who were there made familiar with military matters, were very ready to enlist as government troops; and, it is known in time of peace that they often seek membership in standing military organizations fostered by the State for the public security. Among the thousands of such prisoners, discharged from the reformatory there is no known instance of participation by any one of them, in any organized riotous disturbance. And it is ascertained that the sentiments of prisoners approaching their release on parole, regarding labor strikes and opposition to police control are, substantially, those of the law-abiding general population. Moreover, a reformatory prison system which is so inefficient as to discharge prisoners whose sentiments are hostile to the government and the laws is itself at fault, either in slovenliness of reformatory prison administration or in the laws and sentences under which such improper discharge may become unavoidable.

#### CONCLUSION.

Classification is a principle so universal in every intelligent investigation and conduct of affairs that it is surprising no better use of the principle has been made in prison systems and prison management.

Whatever of classification already exists in this connection is, mainly, very imperfect and quite inadequate for any prison treatment of convicts that shall afford to the public a reasonable amount of protection from crimes, even protection from crimes likely to be committed by prisoners discharged from prisons. It is difficult to conceive of a rational reformatory system of prison treatment in absence of analytical process and very thorough classification. In the prison to which I have already ventured to refer and now make final reference, so complete and workable was it there, that by order from the general office, there

could be assembled, separately, in a few minutes of time, any of the following classifications: Either of the three social divisions and their two subdivisions; any one of the trades classes, the manual training class or any of the three general divisions, or any one of the twenty-five minor subdivisions; one or more of the three schools of letters, divisions or combinations of them, and any of the twenty-four classes or combinations of school classes; either of the military formations, battalions or companies comprising them and the regiment; the prisoners of the same religious bias or previous religious circumstances, such as Protestants, Catholics, Jews. With kaleidoscopic variety and facility, at will and according to programme, transformations of appearance could and did occur throughout the entire establishment. Seen at night time when the prisoners were locked in their cells it was a veritable prison and only then: in the great auditorium the whole population gathered for entertainment or popular address, it was a popular assembly of mixed classes of inhabitants: when the prisoners were distributed to lecture rooms for abtruse and technical discourse the appearance was that of an academy: on regular class evenings it was a graded common school; when, in the open courts and corridors, military movements were afoot it was a garrisoned military fortress.

The foregoing outlined scheme of moral classification of prisoners, with mention of means and consequences, is not a product of mere theory unsupported by facts, nor of pure empiricism, but a combination of theory and experience.

It is presented for whatever it is worth as a contribution towards more scientific management of prisons when in laws and prison practice neither the sentiment of retaliation or sentimental indulgence shall have place: when the purpose of reformation, for public protection, shall prevail, sought and wrought by scientific means and methods among which the principle of classification must be rated to be of fundamental importance.

lowing "Statistical Table on Tuberculosis in United States and Canadian Prisons:"

TUBERCULOSIS IN STATE PENAL INSTITUTIONS.\*

By S. A. KNOPF, M. D., NEW YORK.

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Last December, upon the invitation of the Prison Association, I visited the great prison of Sing Sing on the Hudson, in company with the Rev. Samuel J. Barrows, the corresponding secretary of the association, Mr. Samuel McCauley Jackson and Mr. J. G. Phelps Stokes, members of the executive committee. I have been asked by them to write down my impressions of that visit and to make any suggestions which might lead to an amelioration of the tuberculosis situation, not only in Sing Sing, but also in many prisons throughout the United States, which are confronted more or less with the same problem.

This, for example, is true of the Ohio State prison, which I visited in March, 1905. Upon special invitation of Dr. Charles O. Probst, I inspected the State prison at Columbus, likewise with the view that my testimony might perhaps be helpful in bringing about the establishment of a new State prison, and the speedy carrying out of suggestions for an immediate amelioration of certain unsanitary conditions. The Prison Association wishes to incorporate such suggestions in its appeal to the Legislature.

Statistics are always of value and, as an introduction to my communication, I therefore reproduce the latest published statistics on tuberculosis in prisons that I could obtain. In a highly interesting and instructive article on "Tuberculosis and Cellular Confinement" † by Dr. O. J. Bennet, prison physician to the Western Pennsylvania Penitentiary, there appears the fol-

PRISON.	States.	Years (inclusive).	Total deaths from all causes.	Deaths from tuberculosis.	Death rate from tuberculosis.
Auburn.....	New York.....	1891-1902	208	133	44.5
Sing Sing.....	New York.....	1891-1902	221	116	52
Columbus.....	Ohio.....	1898-1902	163	73	37.8
Jefferson City.....	Missouri.....	1892-1902	201	124	47.8
Toledo.....	Ohio.....	91-95-98-99	272	179	64
Richmond.....	Virginia.....	1891-1902	262	88	30
Zachary.....	Pennsylvania.....	1891-1902	167	105	62.8
Western.....	Pennsylvania.....	1891-1902	131	52	39.6
Wethersfield.....	Connecticut.....	1891-1902	118	48	38.9
Charlestown.....	Massachusetts.....	1891-1902	49	19	38.7
Monmouth.....	West Virginia.....	1891-1902	165	116	58.9
Lansing.....	Michigan.....	1891-1902	168	41	29
Fort Madison.....	Iowa.....	1891-1902	32	9	28
Central.....	Toronto, Canada.....	1895-1902	20	1	5
State and county prisons.....	Alabama.....	1893-1902	1,399	592	42
Stillwater.....	Minnesota.....	1891-1902	47	24	51

The subject of tuberculosis in prisons is a vast one and it would require a deep sociological, statistical, and perhaps also geographical study to account for the frequency of this disease in some penal institutions and its relative rarity in others. An excellent report on this topic, prepared for the International Prison Commission and published as a congressional document (House Doc. 142, 58th Congress), has recently been made by Dr. J. B. Ransom, the physician of the Clinton Prison at Dannemora. In the present short report of my visit to Sing Sing I shall only refer to issues which strike me as particularly important and deserving general consideration.

Before a prisoner is sent to Sing Sing, he has been detained for weeks, sometimes months, in city jails. As far as I can learn, prisoners who are simply held for trial or are waiting to be removed to Sing Sing, or any other State prison, are never examined by any physician unless they are ill and in actual need of medical attention. It must be evident that in this way a latent tuberculosis has a chance to develop, for even in the better city prisons the usual overcrowding will render the atmosphere vitiated, particularly in winter. If we add to this the lack of exercise and the depressing psychical influence of confinement,

\* Reprinted from the Medical Record of May 13, 1905. Special reference is made in the report to the state prisons at Sing Sing, N. Y. and Columbus, Ohio.  
† Bulletin of the Iowa State Institutions, October, 1904.

† The statistics of some prisons are misleading, as many prisoners are pardoned when it becomes evident that they will die from tuberculosis.

nostalgia and worry, we can not wonder that prisoners arriving at Sing Sing are often found to be tuberculous, some even with very active lesions, while they may have entered the prison of detention seemingly in good health. Again, some may have been a little below par, underfed or weakened by exposure, and as a result have contracted tuberculosis from consumptive fellow prisoners while in jail.

It would thus seem that the first step toward the prevention of tuberculosis in penal institutions should be a most careful examination of all individuals and the weeding out and isolating of all tuberculous prisoners detained in jails. Only by a thorough physical examination, aided by bacteriology, and perhaps also by radiography, of every individual detained in jail, and the immediate isolation of true and suspected cases, will the authorities be able to prevent the infection of other prisoners and the unnecessary aggravation of the cases already existing. The tuberculous prisoner should remain isolated in the detention prison as well as in the penal institution, and he should be given the benefit of hygienic and dietetic treatment from the first moment he becomes a ward of the State or city.

When the time for his transfer comes, the history card of his disease and the recommendation of the physician should be transmitted with the other papers of the prisoner to the penal institution. After his arrival at the prison, in which he is to stay for some length of time, the physician will decide whether he is able to work or not, and what kind of work might be most conducive to his recovery. The occupations in Sing Sing, for example, are varied. Those which more or less involve the inhalation of dust will invariably render the tuberculous individual more ill, while they may not hurt the vigorous prisoner. The majority of the working rooms in Sing Sing are bright, well ventilated, and well kept. In some I thought the temperature too high. The installation of thermometers and the more frequent opening of windows, ordered by the guard on duty, would easily do away with overheating. The temperature in workshops should certainly never be higher than 65° F. in winter, and when the work requires much physical movement 60° to 62° suffices.

In the workshops of the Columbus prison there is a total absence of dust consumers. This absence of such an important

sanitary device is explained by the sad fact that the contracts with the present men who control prison labor in Ohio, were made before it was possible to compel them to use dust consumers. In the cigar shops conditions are simply terrible. The shops are fearfully overcrowded. Tobacco workers under the best conditions, are prone to tuberculosis; how much more so must they be here where there is hardly elbow room, and the air is constantly vitiated. Since it is a very common practice for cigarmakers to paste the final leaf with saliva, it must be evident that no prisoner even slightly afflicted with tuberculosis should be permitted to make cigars, leaving aside the fact that such conditions are sure to aggravate his disease.

The old Ohio cell house, built in 1834, and the new one, built in 1861, are both antiquated in every respect. The cells at Columbus are not any better, and if anything, worse, as far as lack of light, air and ventilation is concerned, than at Sing Sing. As in the latter, the antiquated bucket system for the disposing of the excreta, adds to the terrible odor to which the badly housed prisoners and employees are constantly subjected.

Since it is, alas! too true that a goodly number of the young prisoners, who for their first offense are placed in reformatories, will relapse into a career of crime and often land in a penitentiary, I think it equally important that the young tuberculous offender, when arriving at the reformatory, should be given the same opportunity of recovering his health as the inmate of the prison. I am inclined to believe that the outdoor occupation, which should be given to this young offender, might even change his character for the better and diminish the tendency to crime which may have been fostered by unsanitary environment and lack of light and air in the overcrowded city tenements.

Leaving aside for a moment the sanitary construction of prisons, let us see what other measures can be taken to prevent the spread of tuberculosis in a prison. Not only should there be a careful examination of every prisoner for tuberculosis when he enters the prison of detention or the penal institution, but his chest should be reexamined periodically, at least once every three months. With this periodic examination a very incipient case, which might have escaped detection during the "entrance" ex-

amination, is sure to be discovered before the disease has progressed to any considerable extent.

Expectorating, except in proper receptacles, placed for that purpose in cells, workshops, chapels, schools and on the grounds, should be punished by severe disciplinary measures. That there may never be an excuse for violating this rule, I would go further. I would not only provide a sufficient number of fixed, elevated, self-flushing cuspidors, such as, or similar to, the ones illustrated here (Figs. 1 and 2), but I would see that every prisoner has some sort of a pocket flask, made of metal, similar to those used in sanatoria for consumptives, of which I also give illustrations (Figs. 3, 4, 5, 6).

A prison is perhaps the only place in the world where spitting regulations can be rigorously enforced, and it is but fair, if we say to an individual "don't spit here and don't spit there," that we should give him a chance to spit somewhere when he has an excess of saliva, a cold, etc. I am firmly convinced that with such a measure, not only would tuberculosis diminish in prisons, but epidemics of pneumonia and grippé would be less to be feared and more easily controlled. I should even like to recommend as a regulation that every prisoner must hold his hand before his mouth when coughing, whether this coughing spell is followed by expectorating or not. Thus, drop infection, that is to say, the expulsion of bacilli with droplets of saliva, will be avoided, and since the coccus of pneumonia is so very prevalent, even in the mouths of healthy individuals, this precaution may perhaps also tend to the diminution of pneumonia. As an additional measure to prevent drop infection, it might be well never to put prisoners too close together at the work tables. Whenever practicable, there should be a distance of at least three feet between them. It has been demonstrated that at that distance the droplets expelled by coughing fall to the ground. It goes without saying that the personal and bed linen of the tuberculosis prisoner as well as his clothing should be regularly subjected to disinfection. The handkerchiefs of this class of prisoners should consist of squares of cheap muslin which should be burned after use.

To judge from the appearance of the various kinds of blankets, comforters, and quilts which were lying on the cots in the prisoners' cells, it seemed to me that these coverings might become

the means of spreading infection, not only in tuberculosis, but in a good many other communicable and contagious diseases. The blankets and comforters are, as a rule, the private property of the prison inmate. He brings these articles with him, or they are given to him by visiting friends or by fellow prisoners who have been discharged. In most prisons these coverings, as well as the clothing which the prisoner wears on entering the penal institution are carefully disinfected. This precaution does not however, suffice to prevent the bed covering from becoming thoroughly infected afterwards, particularly with the germs of tuberculosis. Pulmonary tuberculosis is so insidious in the early stages, that the prisoner may have infected his bed clothing long before his disease has been discovered by the prison physician, unless, of course, frequent and thorough physical examinations of all prisoners are in vogue. To guard against infection which may arise from blankets, comforters, etc., having been soiled by tuberculous sputum or other infectious material, I would suggest that after thoroughly disinfecting these articles when they are brought to the prison, they be incased in a covering of light-colored washable material (not necessarily white), as one places a pillow in a pillowcase. By basting the blanket in its "blanket-case" it can be manipulated with as much ease as if not covered. With comforters and quilts the same method should be pursued. There should be two sets of cases so that the blankets need not remain uncovered while one case is being washed, thus the blankets never come in direct contact with the prisoner's body. I am convinced that with such a system and with the injunction that this washing must be done regularly, a factor of transmitting tuberculosis and other infections from prisoner to prisoner will be done away with.

Even the prisoner who is only suspected of tuberculosis should have his own cell, and as far as possible, the placing of two prisoners in one cell should be avoided. The bucket system for receiving the dejecta of the prisoners during the night, and during the day when confined to their cells, is most deplorable. It is unsanitary in general, and as far as it permits the emanation of odors and gases, it is deleterious to the health of the inmate. The individual cell water closet, with a perfect trap and cover, such as are used in the better class of European prisons, is certainly to be recommended in place of the bucket system.

All prisoners should be given a chance to exercise several times during the day in the open air, even if it is only for a short time, and during that time they must not only be permitted, but should be enjoined, to take deep inhalations, or better yet, take regular respiratory exercises. The exercise in the open air should, however, not be limited to week days. According to the prison regulations now in vogue in most penal institutions, prisoners are confined to their cells not only from the hour of 5 in the afternoon to 6 in the morning, but also during almost the entire twenty-four hours of Sundays and holidays, and when a holiday follows a Sunday, or vice versa, the prisoners are necessarily locked up in their cells for two successive days. That such close confinement in a small, ill-ventilated cell for twenty-four, and at times for forty-eight hours, must be harmful, is self-evident.

In all well-conducted prisons, prisoners are required to bathe regularly and their skin is usually in good condition. To the prisoner predisposed to tuberculosis, or one whose case is so incipient that constant medical supervision is not necessary, permission for daily cold douches should be given. To these classes of prisoners, predisposed or incipient, it seems to me also that it would pay the State to give food containing a little more of the nitrogenous substances and the carbohydrates than the regular prison fare now represents.

One predisposing factor to tuberculosis in prisons, which seems to have been overlooked in most of the reports on the subject, is overworking the prisoner. While it is true that in the majority of prisons the hours of work are rarely more than those of the average free labor, we must not forget that the free man, laboring 8 to 10 hours a day, has a relatively better quality of food, the exhilarating influence of freedom of action, and naturally a superior hygiene. I do not wish to make this statement in the spirit of criticism, but simply to point out the great likelihood of a predisposed individual developing tuberculosis more rapidly under such conditions than when in normal environments.

Whenever it is possible—and it would seem to me that it should be possible everywhere—the prisoners predisposed to tuberculosis and those in the earlier stages of the disease, should be assigned to agricultural work. The experience in Texas has shown that the inauguration of agricultural prison colonies is not only a

benefit to the tuberculous prisoners, but also can become a benefit to the State financially. The history of the Texas tuberculosis agricultural colony, known as the Wynne State Farm, although dating back only a few years, is so interesting and instructive that I know it will be an inspiration to all interested in the tuberculosis problem to read a letter written some time ago by Dr. Fowler,\* the distinguished prison physician, who inaugurated this system:

"After investigating the history of the institution, I found that about 50 per cent. of the deaths of both Texas prisons, at Huntsville and at Rusk, were due to tuberculosis, which seemed to be increasing every year with no precautionary means toward stamping it out. The patients were all treated in the same ward, and under such circumstances I could see no chance for improvement. I felt that something must be done to decrease this fatality. After giving the subject most careful consideration, I came to the conclusion that the best plan to pursue was to establish a tuberculosis farm or colony, where the patients would have the advantage of outdoor life, fresh air and plenty of sunshine, and those not infected would be protected by the separation. I accordingly laid my plans before the prison officials, by whom I received a hearty endorsement and co-operation which brought about the establishment of the present Wynne State Farm in December, 1899. The location is a high, dry elevation, two miles from Huntsville, with no timbered lands near the prison buildings. This farm was formerly owned by the State and has been cultivated by convict labor for a number of years. The old prison building was converted into a hospital. I have everything on the place kept in a thoroughly sanitary condition. The inmates are not allowed to expectorate on the floor or around the buildings.

They are supplied with small wooden boxes filled with sawdust and calcium chloride to expectorate in, and these boxes are emptied every day and the contents burned. I also have the building disinfected. As to the kind of work the men do, it consists of light farming, gardening, poultry and stock raising. The garden products include vegetables of all kinds, and are used to supply the prisoners within the walls. All over this amount is placed on the market. The net proceeds of the farm for the past two years are as follows, viz.: stock sold, \$6,519.60; vegetables, \$4,057.70. The men are all required to do some kind of work if they are able to be out of bed. I find the exercise is very beneficial to them in developing muscle and strength. It also causes deeper breathing,

\*Reprinted in the Bulletin of Iowa State Institutions, October, 1904, in the article of Dr. O. J. Bennett, above referred to.

which helps to retain the normal elasticity of the lung tissue, and thereby supplies a greater quantity of oxygen to the system, increases the appetite and aids digestion. I believe, after watching results for three years, that a certain amount of physical exercise in the open air and sunshine is absolutely essential in the treatment of tuberculosis. I find that all the men who get out and take exercise improve with few exceptions, while those who remain in the building die without exception. In fact, there is more to be gained from the open air and sunshine treatment than from medicine, though I have them take the hypophosphites with cod liver oil and creosote, and treat symptoms, such as pain, cough, fever and night sweats when necessary. I insist on forced feeding, as it is beneficial in most cases, and I allow them to eat any wholesome diet."

The statistics of four years' working of this farm are as follows:

Total number treated.....	180	
Total number discharged.....		34
Total number pardoned.....		30
Total number transferred.....		37
Total number died.....		46
Total number on hand.....		33
	<hr/>	
	180	180
	<hr/>	<hr/>

At the conclusion of Dr. Fowler's interesting letter he comments on the statistics as follows: "I will say that the thirty-seven men transferred are virtually cured, and at least one-half of those pardoned and discharged were in a good physical condition, and the majority on hand are improving. The labor of the 180 men was practically of no value anywhere else in the prison, as most of them had reached an advanced stage of tuberculosis before their reception at the Wynne Farm. The farm is more than self-sustaining, if the expense of guarding them is deducted. The men all occupy the same building, as they have to be guarded day and night."

From this report it is evident that tuberculosis has been on the decrease in that prison, and there is no doubt in my mind that the tuberculosis prisoner, cured through healthful, invigorating and natural agricultural pursuits, will, after the expiration of his sentence, be returned to society many times a better member of it than he was before.

The more advanced cases of tuberculosis, particularly those in which there is disintegration and correspondingly abundant expectoration of bacilli, should be treated in special wards and in summer perhaps in the special tents of the prison hospital.

In view of the character of the inmates of the hospital, I would insist, for the purpose of preventing drop infection, that all patients in the more advanced stage must wear a mouth mask. Patients in a number of European hospitals for consumptives are told to make use of such masks in order to protect themselves as well as the other patients. In a former article on "Tuberculosis in Prisons and Reformatories"\* I gave an illustration of this instrument, which I reproduce here (Fig. 7). It is known as Professor Fränkel's mouth mask. I really think it is a valuable means to prevent drop infection which, with the advanced cases among consumptives, is quite a serious factor in the propagation of the disease.

By impregnating the gauze, which is held in place by the metallic frame of the mask, with some medicinal substance, the tuberculous prisoners could be made to believe that the instrument was worn for their own personal benefit instead of for the benefit and protection of others, or, as they might think, as a means of designating them as individuals suffering from a contagious disease. Thus, even the humane arguments for not using such a mask would have no foundation. Where these masks have been used, bacilli have been found almost constantly on the gauze. Fränkel's and Moszkowski's experiments have demonstrated the great value of these protective masks, which can be easily disinfected. The gauze should, of course, be changed at least once a day and immediately be burned after removal.

Whether the practice of pardoning far-advanced tuberculous cases and restoring them to the homes of their often poor families is always a wise one I venture to question. It is often sad enough that persons who have contracted tuberculosis in prison, or whose tuberculosis has been aggravated through prison life, are discharged upon the community at the expiration of their sentences without any regard to where they will go or what they will do. They will invariably constitute a source of infection, unless they have been practically trained and are willing not to be such.

\* Medical Record, March 2, 1901, and Report of the Prison Association of 1900.



Prisoners, virtually dying from tuberculosis should not be pardoned and sent home, unless the authorities are sure that the unfortunate sufferer will not become a burden to his family, nor a source of infection.

A prison should be constructed so that there is plenty of light, air, and ventilation, on soil that is dry and porous. These conditions do not exist in our Sing Sing prison. The reason why there are not now so many tuberculous prisoners is that the watchful prison physician, Dr. Robert T. Irvine, sees to it that the majority of those discovered to be tuberculous are transferred to Dannamora, which seems to be better fitted to cope with the problem. Since Warden Johnson had some large windows put in, the cell house is better lighted than in former years, but the structure in itself is, to my mind, thoroughly unhygienic. The soil on which the prison is built is constantly moist, and the stone walls retain the moisture to an alarming degree, so that the lower tier of the cell building is certainly thoroughly unfit for any human being to live in. The upper tiers are somewhat better, but they too are moist enough to foster tuberculosis.

The degree of moisture on the walls of the cell house of the Sing Sing prison is really something hard to believe, unless seen with one's own eyes. I might be accused of exaggeration, and instead of giving my own observations, I will give those of Mr. J. G. Phelps Stokes, who is a trained medical man and well known for his philanthropic and social work, particularly in regard to prison reform movements. Here is his recent letter:

" 184 ELDRIDGE ST., NEW YORK,

" February 6, 1905.

" MY DEAR DR. KNOPP:—

" In reply to your kind favor of the 30th ult., I am glad to testify as to the prevailing dampness in the cell building at Sing Sing prison. At times I have seen the moisture there so excessive as to be visible in myriads of drops covering large portions of the barred doors and the iron fittings of the cells. On one occasion I have seen such drops coalesce and run down the bars. Conditions have been mitigated considerably of late by the enlargement of some of the windows of the cell building, but I have recently been told by the warden that even the extreme conditions above



THE MAIN BUILDING, HARVARD REFORMATORY.



IN THE RECEPTION ROOM, BERGHOFF RESTAURANT.

1904



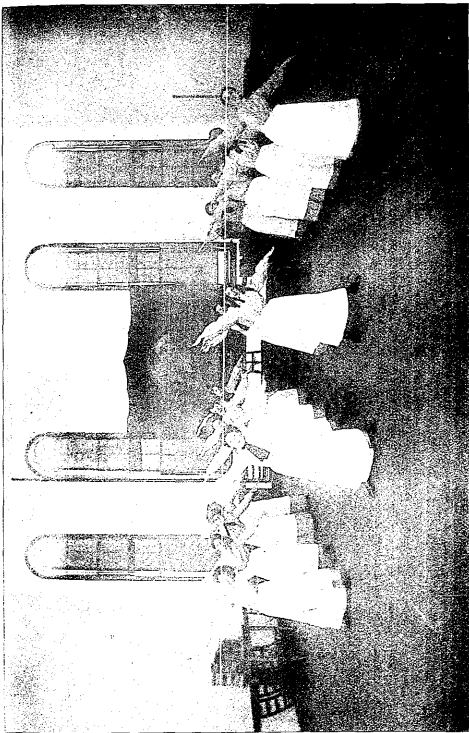
A PINEOAK'S BANQUET, BUREAU REFORMATORY

1904



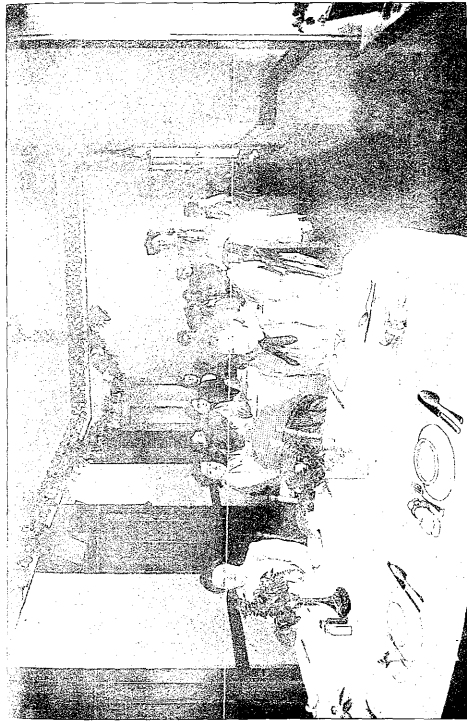
А. ДОНИКОСЪ, ВЕРХОЕ КАРМАНАУА.

1904



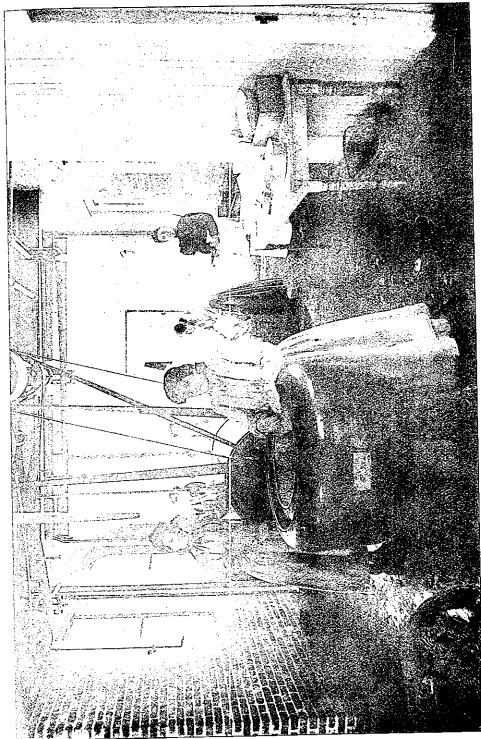
A CLASS IN GRASSLETS, BARON DE ROUENNETTE

1904



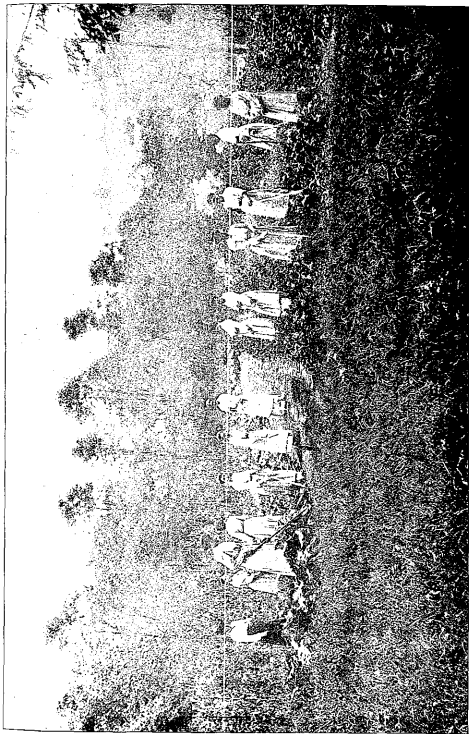
The Refectory Dining-Room, Bishop's Refectory.

1904



The Hermitage Library, Russian Empire.

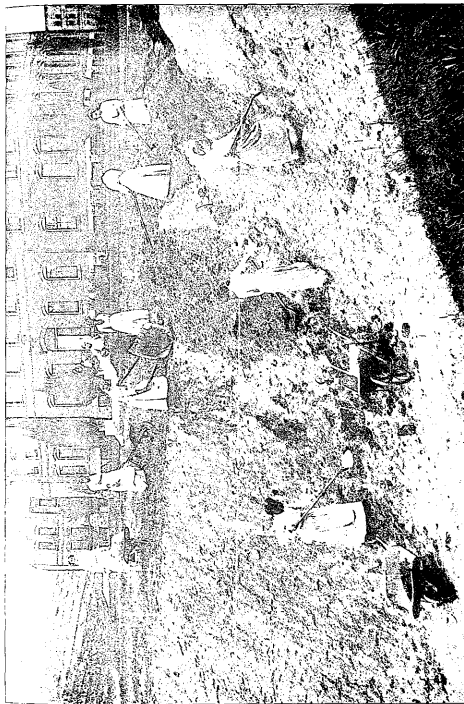
1904



FIELD-WORK, BEYOND REFORMATORY.



1904



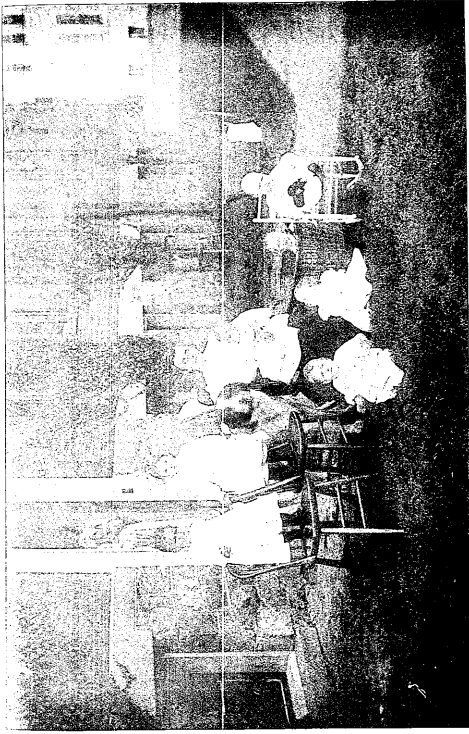
OUTDOOR WORK, BEARSON REPREMARTORY

1904



Onion Works, Burrows, Berronaxmit.

1904



MISS DAVIS AND THE BARTS, BEFORE REFORMATION.

described are frequently observed still, notwithstanding the enlargement of the windows. The walls of the lower tier of cells are nearly always damp to the touch. The annual report of the Prison Association for 1900 contains much evidence bearing upon the defective sanitation of the prison.

“Very sincerely yours,

“J. G. PHELPS STOKES.”

The cells I examined at Sing Sing, while clean, whitewashed and well kept, had that characteristic odor of badly housed humanity. The architect who built Sing Sing hoped to avoid the effect of bad ventilation and overcrowding by placing a ventilation hole in each cell, but he did not take into consideration the class of occupants he had to deal with. I entered a number of these cells and found the ventilation holes stopped up with rags and clothing and over that a coat of whitewash.

Since dried whitewash, by its scaling process, will almost constantly produce a certain amount of dust in a small room like a cell, this becomes irritating to a sensitive lung, it is not unlikely that it may be an aggravating factor with prisoners who enter the penal institution only slightly tuberculous. Furthermore, a tuberculous prisoner may infect the walls of his cell either by directly expectorating thereon or by drop infection. The succeeding occupant, if at all debilitated, physically, or mentally depressed, is strongly exposed to contracting tuberculosis in such environments, although the cell may have been whitewashed anew. The scales of the new coat of whitewash, gradually disintegrating into fine dust, uniting with the underlying tuberculous dust, make an infection by inhalation *par excellence*.

The method of inhaling tuberculosis germs from infected walls has been demonstrated again and again, not only inside of prisons but in the tenement houses of the poor and even in the apartments of the rich.\* Dr. Ransom, in his admirable report on “Tuberculosis in Penal Institutions,” above referred to, expresses himself in regard to the delusion that whitewash is a cleaning and disinfecting agent, as follows: “Observation and experiment show that whitewash really promotes the spread of tuberculous

\*Flick: “The contagiousness of Phtisis,” Philadelphia 1888.

Ringer: “The Action of the Health Department in Relation to Tuberculosis,” 1897.

Knapp: “Twentieth Century Practice of Medicine,” Vol. 2, p. 211.

disease, or it may do so. The fine scales and floating particles that emanate from the dry whitewash, when disturbed, not only irritate the bronchial mucous membranes, but they are also carriers of infection to the point irritated. This has been demonstrated to my entire satisfaction as the result of cell scraping." Dr. Ransom, in connection with this interesting observation, makes the following statement: "Certain experiments with lime burners also go to show that lime dust is favorable to the production of pulmonary tuberculosis."

To remedy the danger arising from whitewashing in small cells, I would suggest that the whitewash be replaced by oil paint which can be washed off with strong disinfecting fluids. The cells should, of course, never be smaller than 500 to 600 cubic feet, well ventilated, well lighted by natural light in daytime and by electric light at night (gas illumination absorbing too much oxygen).

In the Ohio State institution prisoners have the privilege of having their walls painted instead of whitewashed, if they wish to pay for it. The injustice of such a rule is evident. I am glad to report that upon my suggestion the painting of all the cells will be undertaken at the Columbus prison ere long.

The perpetual moisture of the stone walls of the Sing Sing prison, which is greatly increased at high tide, adds in my opinion very considerably to the unsanitary condition of the cells and of this prison in general, and the sooner another locality is found with dry and porous soil, whereupon the State should erect a modern prison, where modern prison methods will be in vogue, the better will it be for the State and its people.

The most gloomy building at Sing Sing, by reason of lack of light, and perhaps also the most unsanitary, is the present "death house." It is the place where the prisoners condemned to death await their doom, but, owing to legal technicalities, they are often detained there for months and even years.\* The site for a new one has already been selected, and, I understand, work on it has commenced by this time. The new building will be larger and no doubt will have all the improvements in vogue in modern prisons.

At Columbus the worst portion of the prison is the portion assigned to the women which is constantly overcrowded, and only

\*It must be remembered that not only the convicts, but the men who guard them are subjected to these unsanitary and often fatal surroundings.

a few cells receive direct light and air. Governor Herrick, most of the legislators, the medical profession, and the State Board of Health are strongly in favor of a new prison on a different site, and built with all modern sanitary improvements. In the meantime, according to the latest reports, a thorough cleaning has begun, and it is hoped that conditions will at least be made bearable until the new prison can be occupied. After the example of Sing Sing, larger windows will be made in the outer walls to admit the greatest amount of light and air in the cell houses, and the lower tiers will, if possible be suppressed entirely.

That a careful prophylaxis is well calculated to reduce the mortality from tuberculosis in penal institutions has been demonstrated by carefully gathered statistics from the prisons in Prussia. Before the era of prevention (1875 to 1878), there was a mortality from tuberculosis in these prisons of 118.0 per 10,000, while with the inauguration of preventive measures (1892 to 1894), the mortality rate was reduced to 81.0 per 100,000. (Cornet, "Tuberkulose," Wien, 1899.)

It is our right and duty for the good of society to confine the criminal and punish him, according to the gravity of his offense, by years of seclusion. But, however great the crime he has committed may be, we have no right to sentence him to contract tuberculosis. But, leaving aside all altruistic considerations, for reasons of protection and self-preservation, it is our imperative duty to do everything in our power to isolate all tuberculous prisoners, to treat every prison inmate afflicted with tuberculosis, and to give each and all the best possible chance of cure. By adhering to this policy there will be fewer tuberculous prisoners discharged upon the community and consequently a diminution of centers of infection.

During my visit to Sing Sing I had occasion to appreciate the courtesy and helpfulness of Warden Johnson, and noted with pleasure the kindness and consideration he manifested toward his unfortunate wards. What he needs, to my mind, to still improve the efficacy of the institution, besides the sanitary improvements suggested, is more helpers, better helpers, and better paid helpers. If I were a New York statesman, I would think it wise to spend just enough money to render the cell building at Sing Sing temporarily sanitary; I should insist upon the filling up of

the lower tier of cells with some concrete substance, and build, in addition, a system of drainage whereby the rest of the building might be kept at least relatively dry.

The legislature should, as soon as possible, appropriate enough money to build a model prison on a suitable site. The State of New York should not be behind in prison reform, and this new prison should do away with the old system of high walls and dark cell punishment, and resort to the more modern and humane method, paying less attention to the construction of walls and punitive measures and more to reformatory methods, such as are exemplified by the institution at Mansfield, Ohio. By the system of gradation, which awards the prisoner for good conduct, not only by diminution of time of imprisonment, but also by increased comfort and consideration for his personal well-being there are observed less infractions against prison rules, less tuberculosis and less disease in general, fewer attempts to escape, fewer repeaters in crime, and more reformation. It would seem that the modern and more humane method of treating the prisoner in our penal institution as a fellow-being morally diseased to whom the most humane methods should be applied, is, after all, the most profitable one, not only to individual, but also to society at large.

104

### THE JAIL AT NASSAU, BAHAMA ISLANDS.

By MORNAY WILLIAMS,

Member of the Executive Committee of the Prison Association of New York.

I visited the jail at Nassau, in the Bahama Islands, on January 31 of this year, and was shown over it by the jailer. At the time of my visit there were 55 male prisoners and 13 female prisoners in the jail. The jail itself was erected in 1864; it is therefore by no means new, and is remarkably satisfactory, considering its age; and, indeed, in many respects it is superior to many modern prisons. It is stone and very substantially built. All of the cells are large, having direct light and ventilation, opening off large and well-lighted corridors.

The prisoners, of course, have their meals in their cells and they are furnished with beds, stools and other utensils sufficient in quantity and good in quality.

They have a marking system by which each prisoner is entitled to six marks per day, for the term of his sentence; if his conduct is perfect, two additional marks a day are given for each day of good conduct, and by this system, if he receives two marks per day additional, he will reduce his sentence one-fourth and entitle himself to a discharge earlier. That is to say, suppose the sentence was for 100 days, the prisoner would be entitled to 600 marks, if in seventy-five days he had received eight marks a day, he would have worked out his 600 marks in that number of days, and would be discharged at the expiration of seventy-five days.

A further provision that was new to me, was a change of the diet proportioned to the term of sentence; that is to say, short term prisoners are put on low diet, after six months the diet is increased at stated intervals, up to two years, when the full dietary is given.

The prisoners work chiefly out of doors in gardening, road making, etc. The prisoners' garb is parti-colored. The punishments are the crank, the dark cell, and, in very rare cases, the cat; the latter is only used in cases where prisoners strike their wardens, and is said to have been only once inflicted during the year. No

punishments can be inflicted except by order of the Inspector of Prisons, who visits the prison once a day, and his right to inflict punishment is limited to three days in a cell; severer punishments can only be inflicted by order of the Commissioners of Prisons, after a trial of the prisoner.

The great majority of the prisoners are colored. At the time I visited the prison one white prisoner, a sailor, was there, and there was only one long term prisoner, a man sentenced (for a serious offence) for twenty years. There has been no execution in the island for nineteen years.

The chief criticism of the prison that occurred to me, was the fact that the smallness of the island, from motives of economy, has induced the making of the single jail a detention prison as well as a sentence prison; that all persons, whether under eighteen years of age or above, are sent to the same prison, though an effort is made to separate within the prison those under eighteen years of age from those of greater age.

As a whole, the prison was most satisfactory. A padded cell was provided for persons becoming violent, and, if after observation, a violent prisoner proves to be insane, he is transferred to the asylum for the insane.

## THE INDETERMINATE SENTENCE FOR CRIME.

BY EUGENE SMITH,

President of the Prison Association of New York.

Until within recent years the criminal law has undergone no essential change during many ages. Penal statutes and codes, from time immemorial, have consisted of definitions of prohibited acts and have prescribed in each case a definite penalty. As the crimes and misdemeanors so defined differ in gravity, the aim of the codes has always been to so adjust the punishment to the estimated enormity of the offense that the graver the crime the heavier shall be the punishment. To preserve this equilibrium in the apportionment of punishment to offense has always been the underlying principle in the development of the criminal law. Exact retribution has been accepted as the ideal of justice and is the basis on which has rested the entire penal system for the treatment of crime.

The attempt to realize this ideal has been far from successful, the widest variance has resulted in gauging the relation of penalty to offense. Thus, for example, the highest penalty for the very common crime of larceny is imprisonment for two years in Louisiana and for twenty years in Connecticut; for perjury it is five years in New Hampshire, imprisonment for life in Maine, death in Missouri, while in Delaware perjury is punishable only by a fine of \$500 to \$2,000, without any imprisonment at all. The severest punishment for forgery in Delaware is three years' imprisonment and imprisonment for life in New York. The average sentences for arson range from two years in Arkansas to seventeen and a half years in Rhode Island; for burglary, from one year and six months in New Mexico to eight years and four months in Georgia; for robbery, from one year and nine months in Delaware to twenty-two years in Alabama.\* This diversity of penalties for the same offense extends through the entire catalogue of crimes; it shows that the theory of retributive punishment is not a practicable theory, but is one that effects unequal

\* See "Possible and Actual Penalties for Crime," by F. H. Wines.

and grossly unjust results and thus seriously weakens the moral force of the criminal law.

The attempt to adjust the penalty for a defined crime to the guilt of the offender is not merely difficult; it is absolutely impossible of accomplishment. The crime is doubtless susceptible of exact definition, and such definitions are essential in every penal code but the degree of guilt in the person committing the crime is not susceptible of definition or of human admeasurement. There are a thousand facts and circumstances, relating to the degree of provocation or temptation, the habits and natural temperament of the offender, the motives that controlled him, the environment of his past life, the extent of his intelligence, his inherited qualities, and countless individual incidents, every one of which goes to aggravate or to palliate the guilt of that particular crime. The problem, from the very nature of the case, is insoluble; it is beyond the compass of human intelligence.

The absolute necessity of providing for the differences of individual cases demanded some elasticity in the retributive system. To prescribe a fixed and uniform penalty of eight years' imprisonment for assault with intent to kill, for instance, applicable alike to every case coming within the definition of that crime, regardless of the provocation or lack of provocation attending the assault, would be too revolting to common instincts of justice. The device was long since adopted of softening the rigidity of a uniform sentence by enacting a minimum and a maximum term of imprisonment for each crime punishable by imprisonment—"not more than ten nor less than five years," "not more than one year," "not more than three years and not less than six months." Expressions like these are found in almost every penal statute. They are designed to cast upon the judge conducting the trial the duty of measuring the prisoner's guilt and of pronouncing a just sentence, the duration of which, the law decrees, must lie within the limits named. This imposes upon the judge a cruel responsibility. He is required to form an estimate of guilt which involves a probing of the prisoner's motives, character, training, temperament, opportunities—that lie open to omniscience alone—and that, too, on the most slender and inadequate data, for on a criminal trial these determinative facts and circumstances are not (and can not be, except in the most superficial way) the subject

of judicial investigation. And so the most conscientious judge is compelled to make a haphazard guess, based upon the appearance and bearing of the prisoner and the scanty facts established by the testimony, and so pronounces sentence—five years, or, it may be, twenty years.

Besides this inherent difficulty of making bricks without straw, the commitment of the length of sentence to the discretion of the judge introduces another personal equation into the case. The judge has a temperament as well as the prisoner. He may be constitutionally inclined to mercy, or, on the other hand, he may be habitually severe and even harsh in his judgments of men; his sympathies may be easily moved, or he may have an irritable, moody, stern temper. A prisoner arraigned before one judge may receive a sentence of two years, when it is certain that if tried before another judge he would have been condemned for twenty years. All these inequalities and uncertainties effect injustice; they cast discredit on the law and greatly impair its efficiency.

It is the logical consequence of the retributive theory that when a convict has duly served his sentence he is said to have atoned for his offense; so far as the State is concerned he is purged of his crime and is entitled to regain his freedom as if he had never violated the law. This right to a discharge is an absolute one and wholly irrespective of the convict's character or purposes. It may be morally certain that he will immediately return to a life of crime; he may even avow openly his plans and intention to do so; still, the law has no provision for his further detention and, by the expiration of the term of his sentence, he becomes *ipso facto* a free man. This is practically the most dangerous feature of the retributive system. Discharged convicts now constitute by far the most hardened and desperate class of criminals; they are the experts, the instigators, the skilled leaders in criminal enterprises. And whenever a crime of unusual enormity shocks the public, investigation is generally sure to prove that the crime was planned and executed by ex-convicts. Not less than ten thousand felon convicts are discharged from the prisons of the United States every year. By this vast army the retributive penal system is constantly replenishing the criminal class, renewing its strength, stimulating its energy and supplying it with experienced leaders.



The defects in our penal system thus passed in review are the logical results of the retributive theory of punishment. Let the theory be subjected to a closer analysis: When a criminal is found guilty, *why* does the State condemn him to imprisonment? What justifies such imprisonment and what is the object to be attained by it? The State confines a convicted criminal in prison, according to the theory of retributive punishment, in order to make him suffer: the suffering is the penalty of his crime, and when it has been prolonged to a degree commensurate with his guilt the prisoner is held to have paid the penalty and to be purged of the crime. Justice is then said to be satisfied and the incident is closed. The State, on the other hand, is held to have discharged its full duty when it has thus forced the prisoner to make atonement for his crime.

This is a very narrow view of the relation of the State to crime, and a very false view of the ends of government by law. The State is justified in imprisoning a convict on precisely the same ground that it is justified in confining in an asylum a lunatic who is suffering from violent mania, or in forcibly placing in a hospital a smallpox patient who is at large. The reason for the enforced restraint in all such cases is the same; it is not safe for the community that these persons should have their freedom. The motive properly governing the action of the State, the end to be attained, are in each case the same, namely: *the protection of the public*. Not retributive punishment, but public protection, is the legitimate aim and the sole end of government in the treatment of crime and of criminals.

The acceptance of this substitution in the fundamental aim of the whole criminal law involves a revolutionary upheaval of its entire structure relating to penalties. The question is no longer one about penalties, whether the prisoner shall suffer, how much or how long he shall suffer, when and how he shall atone for his crime. The only practical question is, What method of treating the convict will best serve the protection and well-being of the community?

To sentence a burglar at the time of his conviction to imprisonment for the term of five years is as irrational as it would be to send the lunatic to an asylum for the pre-ordained time of five years, or the smallpox patient to a hospital for exactly three

weeks. The lunatic and the person afflicted with contagious disease must be confined until they are cured—until it is safe for the public that they be discharged. The same course is the only rational one to adopt for the criminal. To grant liberty to a convict without any reasonable ground of assurance that he will lead a law-abiding life is an act of suicidal folly; it is itself a crime committed by the State against all its citizens.

The indeterminate sentence has been devised in recognition of the principle of public protection as opposed to that of retribution. By this sentence a person convicted of crime is sentenced to imprisonment—not for any fixed or definite term—but to imprisonment simply. The imprisonment is to continue until the prisoner shall have undergone such a change in his character, habits and purposes as to render it safe, in the judgment of a competent tribunal, to restore him to freedom.

Of course, the indispensable concomitant of the indeterminate sentence is a reformatory system of prison treatment. Confinement in prison affords protection to the public only while it lasts. Effectual and permanent protection can be secured in but two ways: either the prisoner must never be restored to freedom, or else he must be so reformed that he can, with safety to the public, be set at liberty. The latter alternative is not only the more humane; it is also the more economical, and on both grounds the protection and well-being of the public demand the reformation, as much as they demand the imprisonment, of the criminal. There is hardly any other branch of science in which such useful and demonstrable results have been accomplished within the last thirty years as have been achieved in the science that deals with the administration of prisons. It has been fairly demonstrated that a large percentage, much more than a majority, of all convicts can be so transformed, through prison discipline and training, that they can safely be intrusted with freedom and that they will abstain from crime and lead industrious and honest lives. What these reformatory methods are in detail, how they are applied and how they effect their end constitute a most interesting study. It is possible within the limits of the present article only to refer to one feature of them which closely bears upon the indeterminate sentence:

A cardinal principle of the reformatory system is the individual treatment of prisoners. Every effort is made to gain and to

record all available information regarding the past life of each prisoner. His life while in prison passes under close scrutiny, and the results of such observation are minutely recorded. Every convict is subjected to special treatment adapted to his capacity and having reference to his points of strength and of weakness; in numberless ways he is subjected to tests, and his successes and his failures are carefully noted in his record. By these methods the inmost character and purposes of the prisoner become unfolded to the prison officers; the system is so searching that shams and deceit are unavailing and are well-nigh impossible. Moral, industrial and educational agencies are constantly employed in the effort to develop in the prisoner habits of industry and thrift, principles of honesty, worthy aspirations and correct views of life. When it comes to the question of his fitness or unfitness for freedom the record of his life in the prison yields ample data upon which to found a judgment regarding his capacity, his power of self-control, the strength of his moral purposes—in a word, regarding his intention and his ability to lead an honest life. The decision can safely be intrusted to a board of experienced men acting in cooperation with the officers of the prison, and the judgment arrived at can be formed with as much confidence in its correctness as, for example, in the decision of a body of physicians that an insane patient has recovered his sanity.

It is the vital principle of the indeterminate sentence that no convict should be discharged until he is fit for freedom. This principle is of inestimable value and is beneficent in the protection it gives not only to the public but to the convict himself. However degraded or desperate, the criminal is still a weak human being; he needs restraint and uplifting influence from without; if left to himself he is sure to sink deeper in degradation and vice until he accomplishes his destruction. The worst fate that can befall such a being is to be turned adrift to wallow in the mire.

The indeterminate sentence reverses the attitude of the State toward the criminal. Under the retributive theory the State presents itself to the wrongdoer as an avenging fury, pursuing him in order to inflict suffering upon him and, when it has wreaked its vengeance, casting him forth with nothing but threatenings for the future. This view of the State—and is it not

justified?—serves to embitter the criminal; he regards society and all government embodied in the State as his worst enemy to be defied and defeated. By the indeterminate sentence, on the other hand the State presents itself to the criminal as a beneficent power, seeking his amelioration and aiming to rehabilitate him and restore him to manhood.

In another way the indeterminate sentence is a most potent instrumentality toward the reformation of the convict: Under this system the duration of the convict's imprisonment is dependent upon the convict himself. None of the reformative agencies can be effective without his active cooperation. The instinctive love of freedom, the longing for release, constitute the strongest motive that animates the prisoner. And when he is made to realize that he has to work out his own salvation and that the length of his imprisonment depends on his own exertions, the strongest possible stimulus is applied to him to surrender himself to the reformative influences that surround him.

The indeterminate sentence is not properly applicable to every offense. Capital crimes, which incur the sentence of death or imprisonment for life, ought to be excepted from its operation. Such crimes import so frightful a danger to the community that the risk of their repetition by persons once convicted of them can not safely be incurred. If peculiar circumstances can in any case justify the release even of a convict guilty of a capital crime, the power to pardon vested in the Governor is plenary. It is also a question how far this form of sentence can be successfully applied to petty misdemeanors. But for the great body of crime lying between the extremes at each end of the scale the indeterminate sentence is the most effective measure of public protection and the most useful instrumentality toward the convict's reformation that has ever been devised.

The indeterminate sentence is no longer a mere doctrinaire's theory. It has now become firmly imbedded in American criminal jurisprudence. In modified forms, all of which, however, embody its vital principle, it has been incorporated in the statutes of various states of the Union, notably New York, Massachusetts, Connecticut, New Jersey, Ohio, Illinois, Indiana, Minnesota and Colorado. In most of these states the indeterminate sentence is agglutinated to the old penal codes by the provision that the term

of imprisonment under it shall not be less than the shortest, and shall not exceed the longest, term prescribed by the codes for the offense committed. Such limitation between a minimum and a maximum term is not logically defensible, but until the system of reformatory treatment (which is the necessary complement of this sentence) shall have become more fully matured and universally adopted the limitation is probably a prudent one.

Another essential concomitant of the indeterminate sentence is the feature of conditional release on parole. When a convict is deemed fit for release a situation where he can have employment is procured for him through the efforts of his friends or through the agency of the State and he is sent there on probation. He remains for a term (generally six months) a ward of the State, still under sentence and under official supervision. If he falls into evil ways and seems to be gravitating back toward crime, he is rearrested and returned to prison for further treatment. If he passes the probationary period leading an honest life and demonstrating his intention and ability to abstain from crime, he obtains a final and absolute discharge.

The indeterminate sentence is distinctively an American institution. The State of New York has the honor of first incorporating this form of sentence in effective legislation. In the New York State Reformatory at Elmira Z. R. Brockway developed the system and exhibited to the world a demonstration of its value. Among the states that have since adopted it are those which stand foremost in power and influence, and there is reason to believe that the indeterminate sentence will ultimately become a fundamental element in the criminal jurisprudence of all the states and of the Federal government.

In the universal adoption of the indeterminate sentence, with all that it logically involves, rests the strongest hope for final victory in the contest, which has hitherto been a losing contest, for the suppression of crime.—*From the Independent.*

1904

## INHUMANITY AS A CURE FOR CRIME.\*

By SAMUEL J. BARROWS.

To the audience which I have the honor of addressing the title of my paper involves a moral paradox. It is not evident to the clear insight of this body of friends how inhumanity can be a cure for anything. The very statement is a contradiction, which contains its own refutation. It is gratifying also to think that we are reaching a time when this proposition, considered as a statement of theory or a principle would not be accepted by a large number of people who claim to be civilized. If it were universally rejected both as a principle and in practice, I should not come here merely to read a joyful obituary. If it were grandly true, that in the progress of truth and light, we had reached a point on this continent and on the others where intelligent, wise, merciful discipline, and due forethought in prevention had taken the place of inhumanity and cruelty in the treatment of crime, you would forgive me if I should burst out into the doxology: "From all that dwell below the skies," and I should join with you in a profound and eloquent ascription of grateful silence.

Unfortunately, however, though the humane sentiment has scored its bloodless victories and extended the area of its domain, we have not yet reached a point in the history of the world, when we can say that the kingdoms of the world have become the kingdoms of our God. We have abandoned many of the old weapons of cruelty of the past, but unfortunately other weapons have taken their place. And what is of more fundamental importance we have not eradicated the spirit of cruelty and retaliation, and the appeal to brute force which marked the treatment of crime in the past. It is still lurking in our codes and sentences, still reveals its ferocity in fearful reprisals in lawless communities, and shows its claws and its teeth in a system of punishment which undertakes to do by repression what can only be done by prevention and reformation.

\*A paper delivered before the annual meeting of the Society of Friends, Toronto, Canada, August 16, 1904.

It is my purpose to-day to present these two methods in contrast; the method of brutality over against the method of humanity; the method of repression with the method of prevention; the method of retaliation with the method of reformation.

On this subject, we are not talking wildly, we are not dealing in guesses. If we can appeal to the moral illumination of great leaders and prophets, we can also appeal to a great body of experience which forms part of the history of the world. If we blindly ignore the teachings of those who have had the inner light and have sought to illumine our darkness, we can not ignore the accumulated results of human experience confirming as it does the vision of the seers. Human experience from its dark and bloody record says with sad and penitent authority that we can not accomplish with the weapons of darkness what can only be accomplished with the powers of light; that we can not refine, protect, and develop society and eliminate crime and social disorder, by adopting the brutality and the standards of ethics which make crime possible.

The history of punishments shows that inhumanity as a cure for crime has been a failure. And this is one reason why the world has been gradually discarding it. Some of you have visited the old tower of Nuremberg, and seen the collection of instruments of torture with which it is filled. It is a terrible array of every form of machinery which human ingenuity could devise to inflict pain. It is worth while to keep these fearful relics of vengeance and torture in a museum as a part of the memory of the race so that we shall not forget the lesson they teach. These instruments were not discarded because they did not work mechanically speaking; in this sense they worked too well. They were discarded because they were not a success morally. They did not accomplish what was expected of them. They could inflict pain; they could terrorize; they could maim and destroy; but they could not reanimate, inspire, instruct, elevate, reconcile, purify or reform. They were instruments of vengeance and hate, not of light and love. They could not reform the criminal, nor could they reform society. Their use was a parody on the name of justice, and a blasphemy on the name of religion which sometimes invoked them.

So in England we may still see the remains of the stocks and pillories, and the gibbets, the ducking stools and whipping posts which were a part of the paraphernalia of social vengeance; and we know that England is not worse, but that she is a great deal better to-day than when she attempted to enforce justice and establish social order by such means.

It stands out clear in black and red on the page of history—black with shame and sorrow and red with the blood of the victims that *man can not be made better by punitive machinery.*

A study of laws and statutes tells the same story; that the work of reformation and prevention can not be done by repression. Drastic laws have reacted on the communities which imposed them. It was assumed by law-makers that the most efficacious way to prevent crime was to adopt deterrent penalties. And it was logically assumed that the severer the penalty imposed, the more certainly would the offence be prevented. Hence, we find terrible penalties imposed for the most trifling offences. In the year 1279 "not fewer than 280 Jews were hanged for clipping coin." Here the crime committed by the law was vastly greater than that committed by the offender. In 1285 at Exeter, England, the mayor of the town and the porter were both executed because of neglect of duty in omitting to fasten the city gate at night, the result being that a murderer had escaped. Here the law in its blindness committed two murders to avenge one, and sacrificed a good citizen who had been chosen mayor eight times because of the failure of a subordinate to close a gate.

In the 37 years of the reign of Henry VIII it is recorded that 37,000 criminals were executed.

But we need not go so far back to see the small value placed on human life by the law and the large value ascribed to a small amount of property. Charles Dickens in the preface to Barnaby Rudge relates the story of a young woman whose husband had been torn from her by the press gang. In a time of sore distress with her babe in her arms she was caught stealing a shilling's worth of lace from a shop in Ludgate Hill, London, found guilty of the offence and put to death on the gallows.

It was about the year 1818 that George Cruikshank, the famous designer and artist, passing the Old Bailey, saw several persons hanging on the gibbet opposite Newgate prison, two of whom were

women. He found that they had all been hung for passing forged one-pound notes. Here was a wholesale destruction of life for the offence of obtaining a few shillings by fraud. Cruikshank made a cartoon which caused such public protest against this wholesale judicial murder, that hanging as a penalty for this offence was abolished, and eventually as the result of further agitation it was abolished for minor offences.

Society learns by experience, and one of the things it is gradually learning is that deterrent penalties do not deter, and that repression does not repress.

To illustrate this let us take the history of capital punishment. This form of punishment has been invoked as a corrective for nearly every form of crime, from the most trivial to the most serious. John Bright, looking back a hundred years, pointed to the fact that nearly 200 offences had been punishable with death. In the year 1785 not less than 97 persons were hanged in London in one year, although the population at that time was scarcely one-fourth what it is now. But not a single improvement in English society can be traced to this severity. Respect for law and order are developed not through the motive of fear, but through a sense of social and individual responsibility. Century after century the motive of fear has been invoked to check the progress of the world, and Socrates has been given the cup of hemlock, and Jesus has been led to the cross, and Servetus to be burned, and some of your fathers in the faith to be scourged and banished; but the sentiment of fear has not prevented men from doing right and obeying the dictates of their conscience; neither has it prevented them from doing wrong and taking the consequences of their acts.

On this point let me give some evidence that is recent and very strong. There has grown up in some of the states of the United States a terrible practice called lynching. It is the putting to death of persons accused of offences without the process of law. It is a method of vengeance directed almost exclusively against offenders of the colored race, by members of a race which formerly held them in servitude. It is a method of retaliation marked by the most frightful tortures. Not only hanging, but burning to death—a form of capital punishment abolished in every civilized county—is employed. It is a terrible blot upon

the good name of a country like the United States that offenders should be subject to the most barbarous treatment without judicial process. An excuse is sometimes offered by weak apologists for this form of crime who say that it is necessary for the repression of crime. That is to say, we must commit crime to reduce crime, a method which is illogical in principle and futile in practice.

Now, as to the effect which lynching has had in reducing crime, read the official judgment of a southern man who looks at this matter wholly without sectional prejudice and from the standpoint of a high official position. I refer to Governor Jencks of Alabama, who gave his opinion in unmistakable terms in his annual message to the Legislature, January 14, 1903. He says:

"The excuse urged for lynching for crimes which are common in the south is no excuse at all. The man who criminally assaults a woman in this State, if allowed to be tried, will certainly get his just deserts at the hands of the law. \* \* \* Other classes of citizens for other crimes escape the just penalty for the violation of the law, but the negro, and for the gravest of all crimes, never escapes. \* \* \* There have been quite a number of lynchings since you met here. In the last year and a half, or during my official incumbency of this office, I recall five such crimes. One of these lynchings was for the crime of criminal assault. So easy was it for the mob spirit to get away from the original cause for provoking that spirit that three of the latest of these crimes were for other offences and two for no offence at all. In one county near the capital city, a lot of self-constituted guardians of the peace and honor of their homes, in an attempt to mob a negro who had committed an offence, which, under the law, could not have called for a sentence of more than two years, took his brother, innocent of any offence at all, and hanged him. I am glad to be able to say to you that there was a just judge and a sufficient number of law-abiding citizens to give these men, or some of them, a term in the penitentiary. I believe these are the first like offenders to serve the State since the great war. No man had heretofore gone to the penitentiary for lynching a negro. It is our shame! Now that the law has begun to act, let law-abiding citizens and just judges see to it that other murderers go not unwhipped of justice hereafter. Following this case, a mob in Pike county took a negro away from a constable—I know not with what difficulty—and lynched him. His offence was probably swearing contrary to one of his white neighbors in a justice trial as a proof of character. This was a cold-blooded murder and without excuse at all. \* \* \* The murderers go about. None

of them will be hanged as they should be. Another case grew out of an assault to murder; and still another, in a hunt for a rapist, the murderous mob found the wrong man. The man the outlaws killed in this last case had never seen the rapist's victim or heard of her. Human life is about as cheap in Alabama as it is anywhere. One or two southern states vie with us and may overreach us in the low price we put on it, but we are shamefully near the bad eminence. And sheriffs can prevent this lawlessness in most cases.<sup>7</sup>

Here we find unbiased and reliable evidence from the Governor of Alabama that lynching instead of furnishing any social protection actually becomes a great moral danger; for it leads to the taking of life of the innocent people. When a mob becomes indifferent to the innocence or guilt of a prisoner but murders him because he is the brother of a man who had committed a minor offence, we see how all the safe-guards of society are relaxed and what a terrible spectacle of cruelty and unrighteousness the lynchers present when they masquerade in the name of the law they have themselves broken. Crime is never more dangerous than when it is invoked to avenge crime. Judicial judgment is blinded by unrestrained fury, and the scourge of its unmeasured penalty falls on the innocent as on the guilty.

The testimony of the Governor of Alabama is confirmed by that of Governor Aycock of North Carolina, who, writing independently and delivering his message a week before, January 7, 1903, says:

"During the past two years there have been eight lynchings in the State: three for murder, one for attempting to poison, three for rape, and one for assault with attempt to rape. \* \* \* In newly settled districts, sparsely populated, largely filled with lawless men, committees of vigilance sometimes become a necessity for the preservation of the safety of the citizens; but in a State with an established government, having courts in full operation, there is no justification for resorting to lynch lawlessness. For this is the correct characterization of every lynching. The resort to this practice is neither justified by reason nor do the results attained by it show its efficacy. The crimes for which this summary punishment is meted out do not decrease. The safety of every citizen is better guaranteed by the orderly execution of the laws of the land. \* \* \* I can not too strongly urge on your honorable body the duty of devising some means for the efficient, certain and speedy trial of crimes, and at the same time

to make such provision as will protect every citizen however humble, however vicious, however guilty, against trial by the mob."

If capital punishment does not act as a deterrent when it is used lawlessly as this testimony shows, neither does it act as a deterrent when it is used under the sanctions of law. In the history of this punishment, great efforts have been made to give it a deterrent character by making it as public as possible. It was the practice in England until the last century not only to hang criminals publicly, but to expose their bodies on the gibbet for weeks after their death. This was part of the terrible warning. But the supposed terror eventually turned to disgust. It excited hostility to law instead of respect; and with greater refinement of public feeling the demand came that public executions should cease. The public refused longer to gratify its curiosity or a desire for vengeance by such spectacles. Such a scene too may either dull the sensibilities of the spectator or awaken a sentiment of compassion not contemplated by the law.

Twice in my life as a young man, a member of the New York press, I was called upon to witness and describe an execution. One was the hanging of a negro man and the other the hanging of a white woman. Both of them occurred in the State of New Jersey. In a state of religious exaltation the colored man went to the gallows with a splendid heroism and a contempt of death which gave to the tragedy the only moral quality it had. What were the feelings which this spectacle awakened in more than one bystander? A feeling of compassion and of admiration for the man, and a feeling of revolt at the implacability of the law. The crime of the man was unpremeditated; it was committed in a moment of sudden passion, of which he had sincerely repented; the crime of the law was cold, premeditated, unrelenting retaliation. The transient brutality of the man did not seem so unpardonable as the sustained brutality of the law. After the man was hung, with a view to exert a deterrent effect, the jail yard was opened, and the great crowd outside, men, women and children, passed in to sate their curiosity, and to receive the supposed warning. Nothing was more disgusting and terrible in the scene, than the sight of two little children about five years of age hand in hand in the procession, halting before the gallows

to have this scene photographed on their young and tender minds. From a psychological and a moral view how absurd to begin by hardening and brutalizing the sentiments which need to be nurtured in tenderness and delicacy, pity and love. Filled with moral indignation, we reporters wrote up that scene as a terrible indictment of the State of New Jersey and the sheriff of New Brunswick; and the next execution was held in relative privacy because it was no longer deemed a good thing for the public to witness such a scene. Most of the Northern states that retain capital punishment now provide for private executions. Governor Chamberlain of Oregon, in his message of 1903, regrets the existence in that State of public executions, and declares that "they should take place within the walls of the penitentiary, out of hearing and out of sight of all except officials."

When we have reached a point in the administration of a law that we feel that it is a bad thing for the public to see it, that it degrades and brutalizes, it is time to ask ourselves whether a practice which has ceased to be beneficial ought not to be abandoned.

This is the view taken by Governor Savage of Nebraska in his message for 1903:

"Some years ago Nebraska, in pursuance of a policy adopted by organized society in several other states, enacted a law authorizing the imposition of the death penalty on conviction of murder in the first degree. \* \* \* In this, our day of boastful enlightenment, we find employed in the administration of justice, instruments which in the darkest ages represented the most vicious form of punishment human savagery and barbarism were able to conceive. \* \* \* Capital offenses are committed as frequently in the states where capital punishment is in vogue as where it is not. I would recommend that your honorable body place Nebraska among states representing the highest type of civilization and the teachings of the meek and lowly Nazarene."

These extracts from the messages of governors of American states show that in their view, excessive punishment still exists and that it has not been a cure for crime. Within a few weeks a southern judge, Judge Spier of Georgia, has pronounced a strong condemnation of the chain-gang system in that state. He describes its barbarous character and shows that it is imposed for

the most trifling offenses. Last year that angel of mercy in the south, Miss Julia Tutweiler, of Alabama, called attention to the terrible condition of southern jails; and the State Prison Commission of Alabama with great courage has likewise written a bold indictment of the jails of that State. That similar arraignment of the prison systems of other states have not been made, is not because evil conditions do not exist, but because they have not been discovered and proclaimed with equal fidelity and courage.

There is hardly a state in the United States in which there are not relics of the system of repression either in law or in practice. Capital punishment still exists in the majority of states. In Delaware we have the barbarity of the whipping post. The warden of the prison of that state has testified to its ineffectiveness as well as to its cruelty.

Another form of inhumanity is still more common. It does not consist in inflicting positive pain, but in depriving prisoners of things which are essential to their life and health. So we still have jails and prisons in which men are deprived of fresh air and light and this form of inhumanity exists in some of the most enlightened states. Take the State of New York. We have had for more than 75 years at Sing Sing one of the worst prisons in the country. Again and again it has been proclaimed as a "disgrace to civilization" by our superintendent of State prisons, by the members of the State commission of prisons and by the Prison Association of New York. Its cells, into which for 75 years no direct ray of sunlight ever entered, are more like niches in a tomb than places for living human beings. It is only within the last two years, as the result of repeated agitation, that we have succeeded in getting large windows put in the outer walls. As the result of dampness and darkness many a man sentenced to Sing Sing for larceny has been sentenced to death. This sentence has not been pronounced in the court, and the judge did not know he was inflicting it; but in many cases tuberculosis has followed as certainly as commitment has followed sentence. Enlightened humane sentiment demands that prisoners should not be robbed of their health any more than of their life. Good health is an essential basis for industrial success which is one element in moral recovery.

It used to be thought before the therapeutic value of work was recognized that a sentence of a prisoner to hard labor was an augmentation of the punishment. We are coming to see more clearly that a sentence to idleness is vastly more cruel than a sentence to a reasonable amount of productive and educative labor. Yet this sentence to idleness under which thousands of prisoners are deprived of one of the most important of all moral influences is nowhere more deplorable than in the State of New York. In the penitentiary at Rochester you may see 100 men in one room and 75 in another sitting in absolute idleness under the watchcare of a keeper; and this absurd punishment is inflicted under the assumption so unfortunately embodied in our State Constitution that these men if they labored in prison might compete with free labor outside. In our jails the conditions are even worse; not only are prisoners deprived of work, but they are deprived of physical exercise in the open air and are exposed to another form of cruelty, the cruelty of moral contamination. This is the inevitable result of promiscuous intercourse. If to compel a prisoner to contract tuberculosis by shutting him up in a small cell with a man who has the disease, is an indefensible form of cruelty, it is equally indefensible and cruel to expose a young offender to moral contamination by shutting him up with a hardened offender.

These and other practices still common and still deplorable show that inhumanity has not yet been eradicated from our penal system.

The incontestable verdict of history, whether ancient or modern, is that inhumanity is not and can not be a cure for crime. All the way down the corridors of time for more than twenty centuries are resounding voices which say unto us: "and yet I show unto thee a more excellent way." It is the way of prevention; the way of reformation.

In the new penology of our day the most important of all efforts is the effort we are making to enlarge the area of prevention. Jesus said "suffer little children to come unto me." His disciples did not seem to think children of very much importance. It is only in recent years that we are beginning to see that children are of immense importance. One of the most remarkable judicial movements that has ever taken place in the

104

United States, a movement which has been set in motion in the last four years, is a recognition of this fact. I refer to the movement for the establishment of children's courts. Already some thirteen states have projected laws. This movement is immensely significant. It means that society is entering into a new epoch of consciousness. Hitherto we have held that the child was or was not responsible for a certain act and the court has had to determine the fact. But now we are learning that antecedent to the question of the responsibility of the child is the question of the responsibility of society. We are learning that it is useless to invent laws or machinery to repress crime so long as society perpetuates conditions which create crime. We are coming to see the inter-relation of our efforts to improve social welfare. The restriction of child labor, the multiplication of public parks, children's gardens, vacation schools, recreation piers and yards, boys clubs, manual training schools, kindergartens, and all the work of the settlements have a direct and important bearing on the reduction of crime. With the multiplication of these agencies fewer children come under the grasp of the law, and when they do, the juvenile court is another instrumentality for increasing the area of prevention. The essential and supreme object of the juvenile court is to *save the child*. In saving the child there can be no doubt that we are saving society.

The most potent instrumentality in the salvation of the child who has come under the grasp of the law is the probation officer and the probation system. The resources of the judge are not inclined to committing an offender to prison or even to a juvenile reformatory. With the right kind of a probation officer, a large percentage of such cases can be corrected without withdrawal from society at all.

Save the children is the cry of the children's courts.

We have found too, that if probation may be applied to children under sixteen, it may be applied advantageously to those who are over that age; to offenders from sixteen to twenty and from twenty to thirty years of age. Indeed no absolute line can be drawn at any age. Of several hundred cases of persons convicted of committing felony, and placed on probation under the custody of the Prison Association of New York, 90% are doing well. The average age of these offenders is about 24 years.



Thus, better results were obtained from putting them on probation than from sending them to prison, a clear proof that imprisonment would be a worse method to use in such cases. Probation work is thus partially preventive and partially corrective. It corrects the first mistake of the offender and prevents him from falling into habits which lead to crime. It prevents him too, from being sentenced to jails and prisons where criminals are manufactured.

Where preventive means and probation do not succeed, and it is necessary to withdraw the offender from society, we are learning that correction is better than punishment. The discipline may be hard but it must be a discipline that corrects not one that destroys; it must be animated with hope, permeated with mercy, and administered in love. Every year more than 400 cases from the Elmira Reformatory are placed on parole in the custody of the Prison Association of New York. More than 80% of those cases turn out well. Results are secured which could not be obtained by ordinary prison methods.

It is marvelous how the resources of society against crime are increased when we abandon the theory and practice of retribution and repression, and substitute the forces of prevention and correction. Then all the resources of education, all the incentives of industry, the inspirations of hope, the sense of obligation, and the strength of affection are brought to bear upon the prisoner with magic effect. We have not yet half realized what an enormous force is at our command for the redemption of society. We are now discovering that the great sentiments which are sometimes treated as if they were elements of weakness, are, after all, the strongest forces of the universe. We can apply now the most rigid scientific tests to these sentiments as to other moral forces and can show that as light is more potent than darkness, so the warmth of the great humane sentiments is more vivifying than the coldness of moral neglect or the destructive forces of cruelty and hate. Love is still the greatest thing in the world and no victories wrought on human battlefields can equal those victories of peace which have been won in its name.

At the beginning of the last century a quiet little woman in a plain dress came to be a great force in the history of benevolence. Beginning to work in a neglected English prison the influ-

ence of her life and spirit soon radiated beyond the prison walls. It passed across the channel, it kindled a new spirit on the continent and at last this consecrated Quaker woman was summoned by kings and queens to bring to them her message of love and redemption. It is a striking illustration of the great force that may be exerted by a single personality. When I hear people saying that the work of the Society of Friends is done, I think of the work of Elizabeth Fry and how much she would find to do if she were still here. That life was fruitful and beneficent. She helped to teach the world that cruelty and hate can not do the work of love and devotion. Her mission is not yet wholly accomplished and will not be until the spirit of retribution and hate and cruelty are banished and the spirit of justice, mercy, hope, faith and love reign in its place.

#### PROBATION WORK.

No work of the Association is more important than its probation work at the Court of General Sessions. Our general agent Mr. Kimball, assisted for part of the time by Mr. A. E. Bullard, has continued the work which he has well conducted for many years.

His report shows that 456 investigations were made last year in cases of felony. Sentence was suspended in 185. Forty-two persons were acquitted on trial through the aid of the association.

#### WORK, NOT PUNISHMENT, THE REMEDY.

Frank Browning, a boy 17 years of age, lost his parents through death, and having no living relatives, was left alone in the world. For a time he had work and managed to support himself, but business dropped off; the boy was discharged and he soon found himself in a condition bordering on starvation. His boy friends helped him for a while, but he was soon without food or lodging. He slept in stalls and barns in the Bronx, and picked up food wherever he could, occasionally making a few cents by doing odd jobs. At last he became desperate and tried to break into a tool box in the street to get something that he could sell or pawn. A policeman saw him and took him to the station

house. He was held for the grand jury in the Magistrate's Court and when brought before the judge in Court of General Sessions, having no friends or lawyer to intercede for him, he pleaded guilty to the charge as stated. The officer recited the facts to the judge and because no property was actually lost, Frank was released on a suspended sentence; simply thrown back on the world and into the same position he was before. Three days later he walked into court and actually asked to be sent to prison where he would at least have a place to eat and sleep.

The judge sent for the general agent of the Association and turned the boy over to the care of the Prison Association, remarking that there must be some good in the boy, who preferred to go to prison rather than commit another crime.

Employment was found for him in one day, and Frank has started on what we hope will be a career of usefulness.

#### IGNORANT BUT HONEST.

The attention of the general agent was brought to a man who had by advice of counsel plead guilty to the crime of burglary, because some clothing—the proceeds of such a crime—were found on him. He proved to be a poor ignorant tailor and had been in this country but two years. By the hardest kind of work he was barely able to support his wife and five children. He had worked in one place only and was temporarily without employment. During this dull spell he was supporting the family by picking up such odd jobs as he could. He met a man who offered him 25 cents to carry a bundle of coats, and he accepted the offer. Before he reached the place where the man was to receive the goods, the bundle came loose. He stopped to get it into shape again and was engaged in refolding the rumpled garments, when a policeman arrested him. He protested his innocence in vain and was locked up. Investigation convinced the agent that his previous reputation was very good, and the policeman in the case admitted that a thief would hardly be so reckless as to expose stolen property in such a manner in the open street.

The judge suspended sentence and allowed the poor fellow to return to his family, who had been cared for by the Association while the bread-winner was in prison.

#### AN IMAGINARY MURDER.

A very small boy of seventeen was accused of assault in the first degree, a crime involving ten years imprisonment. He was said to have wilfully and maliciously shot at another boy, wounding him in the head. Investigation showed that the diminutive prisoner was employed as a "super" in a cheap theatre on the East side. During the progress of a melodrama having to do with the oppression of the Jews in Russia, the boy was to discharge a revolver. The complainant was watching the play through a hole in the wall of an adjoining house, behind the scenes. Unluckily he popped his head out of the hole just as the revolver was fired, and was struck, not by a bullet, but by the wad of the blank cartridge. With a cry of "I'm murdered," he fell out of his hiding place. The imaginary victim was not actually hurt and the prisoner was released on our recommendation.

#### A CASE OF RESTITUTION.

Two little girls in spotless white dresses were noticed by the agent walking round and round the marble halls of the criminal courts building. When asked why they were there, they led him to their mother, a sad faced middle-aged woman who was in despair because her husband was on trial for forgery. The woman was without means to employ a lawyer. The man was interrogated at the Tombs and his explanation of the case reduced to writing. He said he was a machinist 51 years of age, the father of six children, and had never been arrested before. He acknowledged having passed two checks on a saloon keeper whom he had known as a friend for sixteen years, but claimed to have received them in good faith in payment of a debt. He made no attempt to leave the neighborhood, though he had three days in which he might have done so, and part of the money was found on him when he was arrested. Three business men were found who were willing to certify that he had been a good mechanic and an honest man for twenty-five years. The complainant asked the court to be merciful and arrangements were made to have the money restored by instalments.

On the recommendation of the Association, sentence was suspended, and the happy man left the court with one little girl in white on each side, while his wife, weeping tears of joy, came on behind.

#### RELIEF DEPARTMENT.

##### SUMMARY, 1904.

Discharged prisoners registered.....	1,321
Furnished tools to.....	73
Furnished transportation to.....	56
Number of days work given in building.....	940
Steady work obtained by.....	580
Garments given.....	1,340
Lodgings given.....	2,315
Meals.....	8,952
Books and magazines sent to prisoners.....	4,200

#### THE LATE BISHOP HUNTINGTON.

At a regular meeting of the executive committee of the Prison Association of New York, held March 16, 1905, the following resolution was unanimously adopted, and it was voted to communicate the same to the family of the late Bishop Huntington:

Right Reverend Frederick D. Huntington, born May 28, 1819, died July 11, 1904.

With grateful appreciation of his distinguished services in the cause of education and philanthropy, we, the members of the executive committee of the Prison Association of New York, wish to record our deep sense of loss in the death of the Rt. Rev. Frederick D. Huntington, who for twenty-one years was a vice-president of this association. Though his residence at Syracuse prevented him from sharing in the councils of this board, he found opportunities which he gladly embraced to show his interest in our work throughout the State. His distinguished name commanded public confidence, but he was not disposed to give to the Association merely the prestige of a well-earned reputation: from time to time voice and pen were freely given in its service.

His command of pure and forcible expression showed how deeply he had drunk from the "well of English undefiled." His sincerity of conviction and the moral weight of his character gave a great impetus to his personal or public appeal.

Bishop Huntington took a deep interest, not only in the welfare of the individual prisoner during his imprisonment and after his discharge, but in establishing our laws and institutions upon sound principles and infusing into them a just and humane spirit. His death was in the order of Providence the natural fulfillment of his rich and fruitful life. He was taken like a shock of corn fully ripe. But the same Providence which made so long and rich a life possible likewise provides for the continuance of its influence.

The records of this Association for more than 20 years will remain an unbroken memorial of his name and influence.

## TREASURER'S REPORT.

FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1904.

### CURRENT FUND.

Balance in Mechanic National Bank, January 1, 1904.....	\$3,387 25	
In corresponding secretary's hands...	17 79	
		\$3,405 04
 Income:		
Donations received, twelve months....	\$11,640 02	
New York State Reformatory, twelve months .....	1,200 00	
Rents (135 East 15th street), twelve months .....	656 00	
		13,496 02
		\$16,901 06
 Expenditures:		
Expenses of agency in New York city for discharged convicts, persons un- der arrest and on probation in the care of the Association.....	\$9,663 10	
Expenses of State organization, prison and jail inspection and county work, .	2,984 42	
		\$12,647 52
 Balance on hand December 31, 1904:		
In Mechanic National Bank.....	\$4,212 97	
In corresponding secretary's hands...	40 57	
		4,253 54
		\$16,901 06
		\$16,901 06

## ANNUAL REPORT OF THE PRISON ASSOCIATION OF NEW YORK. 129

### STATEMENT OF THE RESERVE FUND.

Balance on hand at January 1, 1904.....	\$2,570 42	
Interest received thereon from the New York Life Insurance and Trust Co. to December 31, 1904..	78 75	
		\$2,649 17
Balance at credit of reserve fund, December 31, 1904,		\$2,649 17
		\$2,649 17

J. SEELY WARD, JR.,  
*Treasurer.*

We hereby certify that we have examined the books, accounts and vouchers of the Prison Association of New York for the fiscal year ending December 31, 1904, and that the above statement is correct in all respects.

TOWNSEND & DIX.

## COUNTY COMMITTEES.

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

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

Cattaraugus county.—Residence, Portville, Hon. W. B. Merse-  
reau.

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

Chenung county.—Residence, Elmira, Z. R. Brockway, Rev. William T. Henry, W. C. Peckles, Mrs. J. H. Pierce, Hon. Charles R. Pratt, Thereon H. Wales, M. D.

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

Clinton county.—Residence, Plattsburg, James Eckersley, W. C. Pike.

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

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

Essex county.—Residence, Keene Centre, John Martin, Mrs. John Martin, Horace Nye, Mrs. Lillian Winch.

Genesee county.—Residence, Batavia, H. J. Burkhart.

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

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

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

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

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

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

Oneida county.—Residence, Clinton, Rev. E. P. Powell.

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

Ontario county.—Residence, Canandaigua, Dr. C. T. Mitchell; residence, Seneca Castle, Levi Page.

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

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

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

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

## HONORARY CORRESPONDING MEMBERS.

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- Alabama.—R. H. Dawson, Montgomery; Miss Julia S. Tutwiler, Livingston; Mrs. R. D. Johnston, Birmingham.
- California.—Brainard F. Smith, Reppesa, Sacramento, Cal.
- Colorado.—William F. Stocum, Colorado Springs.
- Connecticut.—John C. Taylor, Hartford.
- Florida.—L. B. Wombwell, Tallahassee.
- Illinois.—Prof. C. R. Henderson, Rev. H. H. Hart, Chicago.
- Indiana.—Thos. E. Ellison, Fort Wayne; Alvin T. Hert, Jefferson.
- Kansas.—John D. Milliken, McPherson; R. W. McClaughry, Fort Leavenworth.
- Louisiana.—Michel Heymann, Clarence F. Low, New Orleans.
- Maine.—William Sawyer, Portland.
- Massachusetts.—W. F. Spalding, Boston; F. B. Sanborn, Concord.
- Michigan.—Levi L. Barbour, Detroit; L. C. Storrs, Lansing.
- Minnesota.—Samuel G. Smith, St. Paul; Austin H. Young, Minneapolis.
- Missouri.—Thos. P. Haley, Kansas City.
- New Jersey.—E. J. Anderson, Trenton.
- New York.—Z. R. Brockway, Elmira.
- North Carolina.—Col. W. F. Beasley, Plymouth.
- North Dakota.—N. F. Boucher, Bismark.
- Ohio.—Gen. R. Brinkerhoff, Mansfield.
- Oregon.—Earl M. Wilbur, Portland.
- Pennsylvania.—I. J. Wistar, Philadelphia.
- Tennessee.—Rev. P. L. Cobb, Rev. A. L. Phillips, Mrs. Z. N. Williams, Nashville.
- Texas.—John N. Henderson, Dallas; L. A. Whatley, Huntsville.
- Vermont.—L. D. Hazen, St. Johnsbury.
- Virginia.—Robert Stiles, Richmond.

Wisconsin.—Clarence Snyder, Hon. James E. Heg, A. O. Wright, Madison.

Washington.—John B. Catron, Walla Walla; Hon. Ernst Sister, Tacoma.

### 'FOREIGN COUNTRIES.

#### BERMUDA.

J. H. T. Jackson, Hamilton.

#### FRANCE.

A. Rivière, Secretary Société Générale des Prisons, 14 Place Dauphine, Paris; Mons. Robin (pasteur), 21 Rue Piatt, Belleville, Paris; Mons. Bonneville de Marsangy, No. 7 Rue Penthièvre, Paris; Dr. Paul Ballière, 128 Boulevard Haussman, Paris; R. Bérenger, Vice President du Senat, 11 Rue Portalis, Paris.

#### GERMANY.

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124 ANNUAL REPORT OF THE PRISON ASSOCIATION OF NEW YORK.

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704  
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Nestell, Edward V.	5 00
Nicholls, Seth	10 00
Norris, Mrs. Jos. P.	10 00
North, Dr. N. L., Jr.	10 00
North, Thos. M.	10 00

\*Deceased.



O'Connor, Miss Katharine.....	\$5 00
O'Connor, Thomas H.....	25 00
O'Donohue, Mrs. Jos. J.....	5 00
Offerman, John.....	10 00
Ogden, Mrs. Chas. W.....	10 00
Ogden & Wallace.....	10 00
Ogilvie, Mrs. John S.....	5 00
Olcott, Dudley.....	25 00
Olcott, Geo. M.....	25 00
Olmsted, Mrs. Charles T.....	10 00
Olyphant, Mrs. A. E.....	5 00
Olyphant, J. Kensett.....	10 00
Olyphant, Robert M.....	10 00
O'Neill, Mrs. H.....	10 00
Opdycke, Mrs. Emerson.....	10 00
Opdycke, Mrs. W. S.....	5 00
Openhym, Mrs. Adolphe.....	5 00
Openhym, Wm. & Sons.....	10 00
Oppenheimer, Dr. Henry S.....	5 00
Ormsbee, A. I.....	5 00
Ortgies, John.....	5 00
Osborn, Wm. Church.....	25 00
Otterson, Miss Lucy.....	5 00
Ovington, Theodore T.....	10 00
Parish, Henry.....	50 00
Parish, Miss Susan D.....	25 00
Parker & McIntyre.....	3 00
Parsell, Mrs. H. V.....	10 00
Parsons, Mrs. Edwin.....	10 00
Parsons, John E.....	10 00
Partridge, Mrs. E. L.....	5 00
Pavenstedt, Adolf.....	20 00
Payne, Miss S. K.....	2 00
Peabody, Mrs. Charles A.....	2 00
Peabody, George Foster.....	50 00
Pearsall, J. W.....	5 00
Pedersen, Dr. James.....	1 00
Pentfold, Miss Josephine.....	10 00
Pentlarge, F.....	2 50

1904

Perkins, Goodwin & Co.....	\$5 00
Pettigrew, R. H.....	2 00
Pfizer, Miss Alice M. H.....	10 00
Pfizer, Chas.....	25 00
Phipps, Miss Sarah M.....	15 00
Pillot, Miss Clara.....	15 00
Pinchot, Amos R. E.....	5 00
Pinkerton, Robert A.....	10 00
Planton, John R.....	10 00
Plant, Albert.....	10 00
Plunkitt, Hon. Geo. W.....	10 00
Polk, Mrs. Wm. M.....	5 00
Pope, Miss Elizabeth A.....	3 00
Post, A. S.....	10 00
Post, James H.....	25 00
Potter, Martha.....	20 00
Potter, Mrs. R. Burnside.....	5 00
Pouch, F. E.....	5 00
Powers, Mrs. Jennie Turner.....	5 00
Prime, Miss Mary R.....	10 00
Putnam's, G. P. Sons.....	10 00
Quattlander, Rev. Paul.....	2 00
Rand, Rev. Wm. W.....	2 00
Raymond, Charles H.....	25 00
Raymond, R. W.....	10 00
Record, Nelson B.....	10 00
Rhineland, Miss Serena.....	200 00
Rhoades, Miss J. H.....	5 00
Richard, Auguste.....	50 00
Righter, J. H.....	10 00
Riker, Samuel.....	10 00
Ripley, Mrs. Louis A.....	10 00
Rives, Geo. L.....	20 00
Robb, Hon. J. Hampden.....	15 00
Robbins, Mrs. Milton.....	50 00
Robbins, Mrs. W. H.....	5 00
Roberts, John E.....	10 00
Roberts, Mrs. M. L.....	5 00
Robinson, Mrs. Thomas D.....	5 00

Rockwell, Miss Hannah M.....	\$5 00
Roessler & Hesslerer Chemical Co.....	10 00
Rogers, Francis.....	10 00
Root, Charles T.....	5 00
Ross, W. A. & Bro.....	10 00
Rossbach, Jacob.....	5 00
Rothschild Bros. & Co.....	5 00
Rowland, Thomas F.....	50 00
Rumpf, Mrs. Charles.....	5 00
Rushmore, J. D., M. D.....	2 00
Russell, Miss Josephine.....	10 00
Russell, J. W.....	2 00
Sachs, Louis.....	5 00
Sachs, Mrs. Samuel.....	10 00
Sackett, Henry W.....	5 00
Sage, Mrs. Dean.....	50 00
Sage, Dean.....	100 00
Saint Gaudens, Augustus.....	10 00
Sellinger, Edward.....	5 00
Sanger, Col. Wm. C.....	5 00
Sard, Grange.....	5 00
Satterlee, Col. and Mrs. Herbert L.....	25 00
Sawyer, Mrs. Philip C.....	2 00
Sayre, Miss Mary Hall.....	10 00
Schenck, Mrs. Julia M.....	5 00
Schenck, Miss A. H.....	10 00
Schieffelin & Co.....	10 00
Schieffelin, Mrs. Wm. Jay.....	10 00
Schieffelin, William Jay.....	20 00
Schieren, Mrs. Charles A.....	5 00
Schiff, Jacob H.....	25 00
Scholle, Mrs. Albert W.....	10 00
Schott, Charles M., Jr.....	10 00
Schroeder, Mrs. Francis.....	10 00
Schuyler, Miss L. L.....	5 00
Schuyler, Philip.....	15 00
Schwanwedel, Henry.....	10 00
Schwarz, Henry F.....	10 00
Scott, Miss Louise B.....	10 00

1904

Scott, William.....	\$5 00
Scribner, Mrs. J. Blair.....	20 00
Seccomb, Miss Bertha H.....	5 00
See, A. B., Electric Elevator Co.....	15 00
Seeley, Mrs. Nathan.....	5 00
Seligman, George W.....	10 00
Seligman, Isaac N.....	10 00
Seligman, Mrs. Jesse.....	5 00
Seligman, J. W. & Co.....	25 00
Sellew, T. G.....	10 00
Sexton, Mrs. William Lord.....	5 00
Sheldon, James O.....	10 00
Shepard, Dr. A. Warner.....	5 00
Shepard, Mrs. Elliott F.....	25 00
Shepard, Edward M.....	10 00
Sherman, Mrs. Charles E.....	10 00
Sherman, Frederick T.....	5 00
Sherman, W. A.....	5 00
Sherwood, Mrs. A. M.....	10 00
Sidenberg, Mrs. G.....	5 00
Silliman, H. B.....	25 00
Skiddy, Mrs. W. W.....	10 00
Slade, Francis Louis.....	5 00
Slade, Miss Mabel.....	10 00
Slattery, J. R.....	10 00
Slicer, Mrs. Thomas R.....	5 00
Smith, Dr. A. H.....	5 00
Smith, George C.....	10 00
Smith, James Rufus.....	10 00
Smith, William Alexander.....	30 00
Smith, W. Wheeler.....	10 00
Smith, W. Stebbins.....	10 00
Smithers, Mr. and Mrs. F. S.....	25 00
Speers, James M.....	10 00
Steyer & Co.....	10 00
Spool Cotton Company.....	25 00
Spring, Miss Anna E.....	5 00
Stamford Mfg. Co.....	20 00
Starr, Theodore B.....	10 00

Start, Miss Mary.....	\$5 00
Steele, Charles.....	10 00
Stein, A.....	10 00
Stein, Miss Helen A.....	5 00
Steindler, Edward.....	25 00
Steinway, Mrs. Frederick T.....	5 00
Stern, Benjamin.....	10 00
Stetson, Mrs. F. L.....	25 00
Stettheimer, Miss Etta.....	1 00
Stevens, Mrs. Byam K.....	10 00
Stevens, Miss J. L.....	5 00
Stewart, Hon. W. R.....	10 00
Stewart, Wm. W.....	10 00
Stillman, Miss Charlotte R.....	100 00
Stimson, Mrs. H. C.....	5 00
Stine, J. R. & Co.....	10 00
Stires, Rev. Ernest M., D. D.....	10 00
Stoiber, Louis.....	10 00
Stokes, Anson Phelps.....	10 00
Stokes, James B.....	10 00
Stokes, J. G. Phelps.....	50 00
Stone, Miss Annie.....	10 00
Stone, Mason A.....	5 00
Stuyvesant, Rutherford.....	10 00
Sullivan, Isabella.....	10 00
Sumner, Miss Sarah F.....	5 00
Suzarte & Whitney.....	10 00
Tappin, J. C.....	10 00
Tatlock, John.....	5 00
Taylor, Rev. Matthew A.....	10 00
Thacher, Thomas.....	10 00
Thaw, Edward.....	20 00
Thomas, Mrs. T. G.....	5 00
Thompson, Mrs. Fred'k F.....	25 00
Thomson, John W.....	10 00
Thorne, Edwin.....	10 00
Thorne, Jonathan.....	25 00
Thorne, Samuel.....	10 00
Thorne, W. V. S.....	5 00

Tiemann, D. F. & Co.....	\$10 00
Tiffany & Co.....	20 00
Timpson, Mrs. James M.....	10 00
Todd, Mrs. Henry A.....	3 00
Tomkins, Calvin.....	5 00
Tompkins, Mrs. M. W.....	25 00
Trotter, William.....	10 00
Trowbridge, Miss Julia A.....	5 00
Tuckerman, Alfred.....	10 00
Turnball, Mrs. Ramsey.....	5 00
Turton, Geo. L.....	5 00
Twitchell, Herbert K.....	2 00
Ughetta, Henry L.....	5 00
Uhlmann, Frederick.....	10 00
Ullman, E. S.....	10 00
Ulman, Ludwig.....	5 00
Unity Congregational Society.....	20 00
Unz & Co.....	5 00
Upham, Mrs. Elizabeth K.....	10 00
Van Beuren, Frederick T.....	15 00
Vanderbilt, John L.....	3 00
Vanderpoel, Mrs. John A.....	5 00
Vanderveer, Miss E. F.....	3 00
Van Ingen, Mrs. E. H.....	10 00
Van Rensselaer, Killian.....	5 00
Van Santvoord, Miss A. T.....	10 00
Van Sinderen, Wm. L.....	10 00
Van Winkle, Miss M. D.....	50 00
Van Winkle, A.....	5 00
Vernilve & Co.....	10 00
Vernon, Harold.....	1 00
Villard, Mrs. Henry.....	25 00
Villard, Oswald Garrison.....	10 00
W. K. H.....	10 00
Wadsworth, C. S.....	10 00
Waller, Miss Anna.....	2 00
Wanamaker, John.....	10 00
Warburg, F. M.....	25 00
Warburg, Paul M.....	25 00

Ward, Miss M. M.	\$10 00
Ward, John Seely, Jr.	50 00
Wardwell, W. T.	10 00
Washburn, Wm. Ives.	5 00
Waterman, F. N.	15 00
Watrous, Mrs. Chas.	5 00
Watson, Rev. J. H.	10 00
Welling, W. B.	5 00
Wells, Henry C.	5 00
Wells, Miss Julia Chester.	10 00
Weston, Edward	50 00
Wetmore, Dr. J. McE.	10 00
Wheeler, Miss Emily M.	10 00
Wheeler, F. Merriam.	5 00
Wheeler, Miss Marianna	5 00
Wheelock, Adeline C.	1 00
Wheelock, Dr. Geo. G.	10 00
Whitcomb, P. R.	10 00
White, Alfred T.	10 00
White, Miss Caroline.	10 00
White, Mrs. Joseph M.	100 00
White, Miss Mary.	2 00
White, Violetta S.	25 00
White, William A.	10 00
Whitehead, A. Pennington.	5 00
Whitehouse, Mrs. J. H.	10 00
Whitlock, Mrs. D. B.	10 00
Wicke, William	10 00
Wiggins, T. C., M. D.	10 00
Wilkinson Bros. & Co.	5 00
Willcox, William G.	5 00
Willetts, John T.	15 00
Williams, Frank D.	5 00
Williams, Mrs. Georgianna P.	5 00
Williamson, Mrs. D. D.	5 00
Willis, W. P. & Co.	25 00
Willis, Chas. T.	5 00
Winkhaus, Mrs. A. C.	5 00
Winthrop, Egerton L.	25 00

Winthrop, Mrs. Grenville.	\$25 00
Winthrop, Miss Marie.	25 00
Wintringham, Sidney	25 00
Wisner, Charles	10 00
Wisner, Miss Josephine.	10 00
Witherbee, Mrs. F. S.	15 00
Witherell, Mrs. Nathaniel.	25 00
Woerishofer, Mrs. Anna.	25 00
Wolf, Lewis S.	10 00
Wood, Orrin S.	10 00
Woodford, Franklin E.	2 00
Wormser, Mrs. Isidor.	10 00
Wray, Miss Julia.	10 00
Wurzburger, Adolph	5 00
Yeaman, George H.	5 00
Young, Mrs. E. S.	2 00
Zimmerman, Mrs. M. E.	10 00

## DONATIONS OF CLOTHING READING MATTER, ETC.

Armstrong, Mrs.  
 Atterbury, Rev. W. W.  
 Barnes, Herbert S.  
 Barry, Mrs.  
 Bayne, Miss S. L.  
 Blackwood, I. A.  
 Bogert, E. C.  
 Bogert, Mrs. S. G.  
 Bondy, Miss.  
 Bowers, Mr.  
 Bristol, Dr. E. L. M.  
 Brown, Mrs. Harmon.  
 Brownold, C., Jr.  
 Byers, Mrs. Joseph J.  
 Cady, Mrs. J. C.  
 Cockcroft, Miss Mary T.  
 Coggill, Mrs. H.  
 Collier, P. F.  
 Dean, Mrs. B.  
 Draper, Mrs. Henry.  
 Dreyfoos, Mrs. J. F.  
 Dudley, J. L.  
 Duncan, F. M.  
 East Side Fruit & Flower Mis-  
 sion.  
 Elgen, A.  
 Emerson, J. H., M. D.  
 Emery, Mrs. John J.  
 Fessenden, Miss E. C.  
 Frank, Mrs. L. E.  
 Fuller, Mrs. G. A.  
 Gardner, Mrs. A. W.  
 Gerrish, Mrs. M. L.  
 Gilbert, George N.  
 Glendenning, J.  
 Goan, Mrs. Orrin S.  
 Gordon, F. P.  
 Gorse, Mrs. James C.  
 Greenough, Mrs. John B.  
 Grindell, A. B.  
 Gruening, P.  
 Hadden, Mrs. H. F.  
 Hathaway, James R.  
 Hays, Mrs. G. D.  
 Heckscher, John G.  
 Henle, Mrs. John.  
 Hershheim, Mrs. Joseph.  
 Hirschbach, William.  
 Horton, Mrs. C. E.  
 Hospital, Book and Newspaper  
 Society.  
 Howell, William P.  
 Howes, Dr.  
 Howson, Mrs.  
 Ilgen, E.  
 Jackson, Mrs. George T.  
 Jacobi, Mrs. F.  
 Jacobs, Mrs. E.  
 Jacquelin, Mrs. John H.  
 Kahn, Herbert C.  
 Keugh, Mrs. M. T.  
 King, A. E.  
 Klein, Mrs. W. M.  
 Korn, W.  
 Kramer, Joseph.  
 Kroeber, Mrs. F.  
 Kunhardt, W. B.  
 Kurzman, S. P.  
 Lawson, Mrs. R.  
 LeBoutillier, Thos.  
 LeBoutillier, Dr. W. G.  
 Lefferts, F. R.  
 Leland, Mr.  
 Levin, Wilhelm, M. D.  
 Lewis, W. B.  
 Liebman, J.  
 Lillenthal, Mrs. Albert.  
 Lillie, George M.  
 Livingston, W. H.

Lockwood, Mrs. I. F.  
 Looser, Mrs. G.  
 Loines, Mrs. Mary H.  
 Lydig, David.  
 McKibbin, Gilbert H.  
 Merrill, Edward B.  
 Meyer, Chas. B.  
 Miller, Mrs. A.  
 Morris, Mrs. S. F.  
 Needlework Guild of America.  
 Neu, Mr.  
 Opdyke, Mrs. Emerson.  
 Oppenheimer, Mrs.  
 Pies, Williams.  
 Pegram, Mrs.  
 Peyser, Eugene P.  
 Polk, Mrs. F. L.  
 Post, H. S.  
 Prentice, Mrs. Henry.  
 Rogers, Peet & Co.  
 Rowland, T. A.  
 Saxler, A. F.  
 Saxton, B. F.  
 Schaefer, Mr.  
 Sergeant, Mrs. J. E.  
 Serre, J. E.  
 Sperry, Mrs. H. M.  
 Sterrett, M. G.  
 Stix, Mrs. S. L.  
 Strowbridge, Mrs. G. E.  
 Sturgis, Mrs. Frederic R.  
 Sugden, Eben.  
 Thompson, Mrs. M. K.  
 Tousey, E. A.  
 Tuck, Dr. Henry.  
 Van Name, W. E.  
 Van Ness, Mrs. Mary L.  
 Vogel, William & Son.  
 Waldeck, Mrs. H.  
 Wilson, George H.  
 Wolf, Mrs. A.  
 Women's Alliance of the Lenox  
 Avenue Unitarian Church.  
 Worcester, Mrs. Edwin D.  
 Wyckoff, C. P.  
 Zabriskie, Andrew C.

## APPENDIX.

### CHARTER OF THE PRISON ASSOCIATION OF NEW YORK.

AN ACT to incorporate the Prison Association of New York.  
Passed, May 9, 1846, by a two-thirds vote.

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

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

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

#### ARTICLE I.

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisoners, whether for cities, counties or States.

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

#### ARTICLE II.

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

#### ARTICLE III.

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

#### ARTICLE IV.

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

#### ARTICLE V.

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

#### ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of \$500 shall constitute a

life patron; a contribution of \$100 shall constitute an honorary member of the association for life; and a contribution of \$50 shall constitute a member of the association for life. Honorary and corresponding members may, from time to time be appointed by the executive committee.

#### ARTICLE VII.

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

#### ARTICLE VIII.

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

#### ARTICLE IX.

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

#### ARTICLE X.

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

#### ARTICLE XI.

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

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

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

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

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

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

§ 6. The said executive committee, by such committees as they

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

STATE OF NEW YORK:

IN SENATE, May 8, 1846.

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

Resolved, That the bill do pass.

By order of the Senate,

A. GARDINER,

*President.*

\*See section 24

BY-LAWS

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

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

III. The order of business at 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. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

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

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 the 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 six standing committees, namely, on finance, detentions, discharged convicts, law, house, and library.

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

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

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

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

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

Any uninvested balance of the endowment and reserve funds shall be kept each in separate trust companies in the name of the association, subject to check of the treasurer, and shall, when-

ever 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 detention:

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

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

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

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

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners and applying therefor as seems best

adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

3. To secure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences, taking care not to have more than one in a place, where it can be avoided.

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

5. To consider the internal organization of the management of prisons, and the physical and moral influences to be exerted on the prisoners during their confinement; to report upon their health, reformation, upon convict labor, administration and internal police, on the comparative merits of different prison systems and on the visitation of prisons and houses of reformation.

XIII. 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.

XIV. It shall be the duty of the committee on house to care for the maintenance of the real estate of the association.

XV. It shall be the duty of the committee on library to see that it is properly housed and catalogued and to take steps for its increase.

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

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

XVIII. 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.