

THIRTY-THIRD ANNUAL REPORT

OF THE

EXECUTIVE COMMITTEE

OF THE

Prison Association of New York,

WITH

ACCOMPANYING DOCUMENTS,

FOR THE YEAR 1877.

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TRANSMITTED TO THE LEGISLATURE FEBRUARY 21, 1878.

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ALBANY, N. Y.:  
CHARLES VAN BENTHUYSEN & SONS,  
1878.

STATE OF NEW YORK.

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No. 27.

IN SENATE,

FEBRUARY 27, 1878.

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THIRTY-THIRD ANNUAL REPORT <sup>for 1877</sup>  
OF THE PRISON ASSOCIATION OF NEW YORK.

HON. WILLIAM DORSHEIMER,

*Lieutenant-Governor and President of the Senate:*

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

Yours, respectfully,

THEODORE W. DWIGHT,

*President.*

SINCLAIR TOUSEY,

*Chairman of Exec. Committee.*

ELISHA HARRIS,

*Corresponding Secretary.*

NEW YORK, February 20, 1878.

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## OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1878.

**PRESIDENT.**  
THEODORE W. DWIGHT.

### VICE-PRESIDENTS.

JOHN T. HOFFMAN,  
WILLIAM F. ALLEN,\*  
WILLIAM LAW LEARNED,

CHARLES J. FOLGER,  
DORMAN E. EASTON,  
LUCIUS ROBINSON.

### CORRESPONDING SECRETARY.

ELISHA HARRIS, M. D.

### RECORDING SECRETARY.

CEPHAS BRAINERD.

### TREASURER.

THEODORE H. MEAD.

### ELECTED MEMBERS OF EXECUTIVE COMMITTEE.

SINCLAIR TOUSEY, Chairman,  
THOMAS C. ACFTON,  
WILLIAM F. ALLEN,\*  
WILLIAM T. BOOTH,  
JOHN D. CRIMMINS,  
STEPHEN CUTTER,  
REV. GEORGE WM. DOUGLASS,  
RICHARD L. DUGDALE,  
Z. STILES ELY,  
JOEL B. ERHARDT,  
DUDLEY FIELD,  
—AUSTIN FLINT, M. D.,  
ANDREW H. GREEN,  
GAYLORD B. HUBBELL,

CHARLES H. KITCHEN,  
WILLIAM P. LETCHWORTH,  
THEODORE W. MORRIS,  
FRED LAW OLMSTED,  
SAMUEL OSGOOD, D. D.,  
GEORGE D. PHELPS, JR.,  
J. B. PUTNAM,  
STEPHEN SMITH, M. D.,  
EUGENE SMITH,  
JAMES H. TITUS,  
MAURICE E. VIELE,  
SALLEN H. WALES,  
BEVERLY ROBINSON, M. D.,  
JOSEPH S. LOWERY.

### GENERAL AGENT.

STEPHEN CUTTER, 66 Bible House.

\* Deceased.

## LIFE PATRONS, CORRESPONDING AND HONORARY MEMBERS.

### I. LIFE PATRONS.

*By the contribution of \$500 or more at one time.*

JOHN DAVID WOLFE.\*  
Miss C. L. WOLFE.  
MRS. A. T. STEWART.

### II. CORRESPONDING MEMBERS.

M. Charles H. Lucas, Member of the Institute of France, Chateau à la Rongère, près le Bourges, France.  
M. Auguste Frederic Demetz, Director of Mettray, 22 Rue de la Victoire, Paris, France.\*  
John Stuart Mill, Esq., Blackheath Park, Kent, England.\*  
M. A. Corne, Douai (Nord), France.\*  
Sir John Bowring, Charenton, Eseter, England.\*  
Count W. Snilaub, Ministry of Justice, St. Petersburg, Russia.  
Matthew Davenport Hill, Esq., Bristol, England.\*  
Frederic Hill, Esq., 27 Thurlow Road, Hampstead, London, England..  
Rt. Hon. Sir Walter Crofton, C. E., "The Close," Winchester, England.  
W. L. Sargant, Birmingham, England.  
Hon. Francis Lieber, LL. D., Prof. Political Science, Columbia College Law School, New York, and Corresponding Member of the Institute of France.\*  
Alfred Aspland, F. R. C. S., Dukensfield, Ashton-under-Lyne, England.  
Hon. Geo. W. Hastings, LL. B., Worcester, England.  
Samuel G. Howe, M. D., Principal of the Institution of the Blind, Boston, Mass.\*  
Dr. G. Varrantrapp, Frankfurt-on-the-Main.  
Mary Carpenter, Red Lodge Reformatory, Bristol, England.\*  
Miss Dorothea L. Dix, Boston, Mass.  
Hon. Charles Sumner, Boston, Mass.\*  
F. B. Sanborn, Concord, Mass.  
Z. R. Brockway, Elmira, N. Y.  
Rev. Fred. H. Wines, Springfield, Ill.  
Hon. Andrew Shuman, Chicago, Ill.  
John G. Lytle, Philadelphia, Penn.  
Gridley J. F. Bryant, Boston, Mass.  
Baron Franz Von Holtzendorff, Prof. Law in the Royal University, Munich, Bavaria.  
Mons. Bonneville de Marsangy, Counselor of the Imperial Court of Paris, No. 7 Rue Penthièvre, Paris, France.  
Signor Martino Beltrani-Scalia, Inspector-General of Prisons in the Kingdom of Italy, Rome, Italy.  
J. J. Henley, Esq., Local Gov. Board Inspector, New Government Offices, Westminster, London, England.  
Major E. F. Du Cane, Chairman of Directors of Convict Prisons, 44 Parliament street, London, England.

\* Deceased.

## LIFE PATRONS, CORRESPONDING AND HONORARY MEMBERS. vii

Mons. Robin (pasteur), 21 Rue Piat, Belleville, Paris, France.  
Dr. Prosper Despine, 12 Rue du Loisir, Marseilles, France.  
Dr. Guillaume, Director of Penitentiary, Neuchâtel, Switzerland.  
Richard Petersen, Director of Penitentiary, Christiansia, Norway.  
E. A. Meredith, Esq., Ottawa, Dom. of Canada.  
Hermann Adam, LL. D., Bremen.  
Alfred Field, President Chamber of Commerce, Birmingham, England.  
Rev. Sidney Turner, Inspector of Reformatories, 15 Parliament street, London, England.  
Florence Hill, Bristol, and 55 Wimpole street, London, England.  
Joanna Margaret Hill, Bristol, England.  
F. R. Brunn, Director of Prisons, Denmark.  
Lt. Col. G. Hutchinson, C. S. I., Inspector-General of Police in the Punjab, India.  
A. M. Dallas, M. D., Inspector-General of Prisons in the Punjab, India.  
Florence Nightingale, South street, London, England.  
Edwin Hill, Esq., 1 St. Mark's square, Regent's Park, London, England.  
A. Angus Croft, Esq., Roehampton, England.  
Fr. Ad. Roepstegk, Extra Assistant Superintendent of the Penal Settlement, Port Blair, India.  
William Tallack, Secretary Howard Association, 5 Bishopsgate street without, London, England.  
Hon. W. Soldatenkoff, Prison Commissioner, St. Petersburg, Russia.  
Prof. Henry Hartshorne, Union Springs, New York.

### III. HONORARY MEMBERS.

#### 1. By Election.

Hon. John W. Edmunds*.....	New York.
Rensselaer N. Havens.....	do
Peter Cooper.....	do

#### 2. By Contribution of \$100 at one time.

George B. Archer.....	New York.
William H. Aspinwall*.....	do
William B. Astor*.....	do
J. J. Astor, Jr.....	do
William T. Booth.....	do
Alex. Hargraves Brown, M. P.....	Liverpool, Eng.
Janus Brown*.....	New York.
H. K. Bull.....	do
John Caswell.....	do
Samuel B. Cadwell.....	do
Edward Cooper.....	do
A. B. Conger.....	do
William B. Crosby*.....	do
H. K. Corning*.....	do
William E. Dodge.....	do
William Butler Duncan.....	do
Winthrop S. Gilman.....	do
William C. Gilman.....	do
Horace Gray.....	do
Meredith Howland.....	do

\* Deceased.

viii LIFE PATRONS, CORRESPONDING AND HONORARY MEMBERS.

Mark Hoyt .....	New York.
M. K. Jessup .....	do
John Taylor Johnson .....	do
James Lenox .....	do
Miss Lenox .....	do
Peter Lorillard .....	do
Allan McLane .....	do
Samuel F. B. Morse * .....	do
George D. Morgan .....	do
Adam Norrie .....	do
R. M. Olyphant .....	do
Daniel Parish .....	do
George D. Phelps * .....	do
John A. Pullen .....	do
W. C. Rhinelander .....	do
C. R. Robert .....	do
C. V. S. Roosevelt * .....	do
Theo. Roosevelt * .....	do
Adam T. Sackett .....	do
Joseph Sampson * .....	do
J. F. Sheafe .....	do
Mrs. Mary Sheafe .....	do
C. H. Shipman * .....	do
Henry M. Schieffelin .....	do
R. L. Stuart .....	do
Alexander Stuart .....	do
James Stokes .....	do
Jonathan Sturges * .....	do
Mrs. Catharine L. Spencer .....	do
H. S. Terbell .....	do
Alex. Van Rensselaer .....	do
George C. Ward .....	do
Salem H. Wales .....	do
R. W. Weston .....	do
Samuel Willets .....	do
Rev. E. C. Wines .....	do
John David Wolfe * .....	do
J. Walker Wood .....	do
William Wood .....	do
Dr. Elisha Harris .....	Auburn, N. Y.
James S. Seymour .....	Mattawan, N. Y.
Joseph Howland .....	do
Mrs. Joseph Howland .....	Troy, N. Y.
Rev. N. S. Beman, D. D. * .....	Albany, N. Y.
Rev. Dr. Darling .....	do
Thomas W. Olcott .....	do
Erastus Corning .....	do
Mrs. C. L. McLanahan .....	New York.
Sinclair Tousey .....	do
Francis George Shaw .....	West New Brighton, S. Isl.
George D. Phelps .....	New York.

\* Deceased.

1877

68 BIBLE HOUSE ASTOR PLACE,  
NEW YORK, February 20, 1878. }

The accompanying list of committees for co-operation in the work of this Association in the several counties and cities of the State, is placed in your hands for the purpose of facilitating the correspondence which may be desirable between the various committees and with the Association. Please notify this Association of any changes in your committee by *death, removal* or *addition*.

LOCAL COMMITTEES FOR CO-OPERATION AND CORRESPONDENCE.

Albany county: Residence, Albany — MAURICE E. VIELE, WILLIAM LAW LEARNED, Rev. RUFUS W. CLARK, EDWARD SAVAGE, Rev. CHARLES REYNOLDS, *Secretary*.  
 Allegany county: Residence, Angelica — J. S. GREEN, Dr. WM. M. SMITH; residence, Friendship — Hon. ABRAHAM J. WELLMAN.  
 Broome county: Residence, Binghamton — S. C. HITCHCOCK, Dr. JOHN G. OSTON, MARCUS W. SCOTT, SAM'L MCKINNEY, B. N. LOOMIS, E. M. NOYES, Rev. ROBERT N. PARKE, E. K. CLARK, SSSAN J. TAHER.  
 Cattaraugus county: Residence, Little Valley — ARTHUR H. HOWE, Dr. L. TWOMLEY.  
 Cayuga county: Residence, Auburn — MILES PERRY, Dr. S. WILLARD, BYRON C. SMITH, JOHN H. OSBORNE, DENNIS R. ALWARD, Mrs. MILES PERRY, Mrs. D. R. ALWARD, Rev. WILLIS J. BRECHER, Dr. D., WM. G. WISE, CHARLES P. FORD; residence, Fair Haven — Hon. GEORGE L. POST.  
 Chautauque county: Residence, Mayville — J. H. MILLER, WILLIAM CHACE; residence, Fredonia; M. S. MOORE; residence, Westfield — ALFRED PATTERSON; residence, Jamestown — Hon. J. C. PRESTON.  
 Chemung county: Residence, Elmira — Dr. W. C. WEY, Z. R. BROCKWAY, J. D. F. SLEE, Rev. Dr. KNOX, Rev. G. H. MCKNIGHT, Dr. T. H. SQUIRE, Dr. IRA T. HART, Dr. ATWATER, FREDERICK HALL, Rev. F. C. HOSKINS.  
 Chenango county: Residence, Norwich — ISAAC NEWTON, Dr. H. K. BELLOWES, Dr. H. H. BRECHER, Rev. S. SCOVILLE.  
 Clinton county: Residence, Plattsburgh — Hon. WM. P. MOORE, HENRY ORVIS, Rev. F. B. HALL; residence, Keeseville — Hon. HENRY KINGSLAND, 2d.  
 Columbia county: Residence, Hudson — A. S. PREET, A. B. SCOTT, JOEL T. SIMPSON, C. W. GEBHARD, J. SHULTZ, G. W. TOMLINSON.  
 Cortland county: Residence, Cortlandville — Hon. HORATIO BALLARD, FRANK PLACE, Dr. FREDERICK HYDE, LEWIS BOUGHTON; residence, Homer — Hon. G. W. BRADFORD, Dr. CALLE GREEN, THOS. S. RANNEY.  
 Delaware county: Residence, Delhi — Dr. FERRIS JACOBS, Rev. E. B. RUSSELL, Dr. D. H. MANN, T. W. BROWN, GER. FERRIS JACOBS, Dr. O. S. PENFIELD, Mrs. W. H. GINSWOLD, Mrs. F. JACOBS, Jr., Mrs. W. YOUNGANS.  
 Dutchess county: Residence, Poughkeepsie — H. LOOMIS, Jr., JOHN J. PLATT, Dr. EDWARD H. PARKER, EDMUND PLATT.  
 Erie county: Residence, Buffalo — HUGH WEBSTER, JAMES LYONS, P. J. FERRIS, Dr. JOHN D. HILL, GEORGE LETCHWORTH, DAVID P. PAGE, Mrs. A. McPHERSON.

- Essex county: Residence, Elizabethtown—Dr. S. E. HALE, Rev. Mr. BARROWS, RICHARD ANJHAR PERRY, ROBERT W. LIVINGSTON.
- Franklin county: Residence, Malone—Dr. S. P. BATES, Hon. W. A. WHEELER, F. T. HEATH, Hon. JOHN J. GILBERT, J. P. BAGGER.
- Fulton county: Residence, Johnstown—HORACE E. SMITH, JACOB BENTON; residence, Gloversville—JOHN FERGUSON, Dr. EUGENE BEACH.
- Genesee county: Residence, Batavia—Dr. L. B. COATES, Prof. G. FULLER, C. T. BEXTON.
- Greene county: Residence, Catskill—GEORGE H. PENFIELD, HENRY G. HADDEN, SAMUEL HARRIS, Mrs. M. B. SELICK.
- Hamilton county: Residence, Wells—G. B. MORRISON; residence, Sageville—WM. H. FRY.
- Herkimer county: Residence, Herkimer—DAVID M. DAVENPORT; residence, Hion—E. RHIMINGTON, CHARLES P. MOSS.
- Jefferson county: Residence, Watertown—JOHN P. KNOWLTON, RICHARD G. KEYS, JESSE M. ADAMS, JOHN F. MOFFATT, JOSIAH B. MOULTON.
- Kings county: Residence, Brooklyn—Rev. JOB G. BASS, EUGENE D. BERRI, Rev. MICHAEL J. HICKIE, W. B. WADSWORTH, WILLIAM C. MCKINNEY, JAMES M. SHANNAN, THOMAS E. PEARSALL, N. T. BEERS, JR., WILLIAM HADDEN, ROBERT MAJUM, ANDREW A. SMITH, J. H. HOBART BURGE, M. D.
- Lewis county: Residence, Lowville—Dr. F. B. HOUGH, Rev. G. L. ROOF, AMOS RICE, CARROLL HOUSE, DAVID R. WATSON; residence, Croghan—Hon. WILLIAM W. RICE.
- Livingston county: Residence, Genesee—Dr. W. E. LAUDERDALE, F. DE WITT WARD, D. H. BISSELL, Prof. MILNE, G. N. SPRAGUE.
- Madison county: Residence, Morrisville—D. D. CHASE, H. P. MEADE, LUCIUS P. CLARK; residence, Oneida—W. R. WILLIAMS.
- Montgomery county: Residence, Fonda—WILLIAM N. JOHNSTON, Rev. W. FROTHINGHAM.
- Monroe county: Residence, Rochester—Hon. HENRY R. SELDEN, Dr. W. L. ELY, Dr. E. V. SPODDART, GER. J. W. MARTINDALE, P. BARRY, JAMES T. STEWART, L. S. FULTON, QUINCY VAN VOORHIS, THEODORE BACON, EZRA JONES, Mrs. VICK, ROBERT L. UNDERHILL, *Secretary*.
- NEW YORK: THE ASSOCIATION'S COMMITTEES ON DEPORTATIONS AND DISCHARGED PRISONERS.
- Niagara county: Residence, Lockport—CHARLES T. KILBORNE, Dr. A. W. TRYON, LEWIS HARMONY, JAMES COCHRAN, M. H. WEBBER, Dr. J. B. HARTWELL, HENRY THORNTON, Mrs. Wm. KNOWLES, Mrs. L. Z. BARRITT, Mrs. ROBERT NORTON.
- Oneida county: Residence, Utica—Col. THOS. P. COOK, Hon. WM. BACON, JOHN F. SETYMER, Dr. EDWIN HUTCHINSON, CHAS. H. WARREN, EDWIN HUNT; residence, Rome—SIXON G. FISCHER, Mr. CONVERSE.
- Onondaga county: Residence, Syracuse—Hon. P. BURNS, Rev. OVID MINER, Dr. H. B. WILBER, Rev. M. BAIRD, Mrs. Dr. DUNLAP, Dr. R. W. PEASE, Hon. W. H. H. GERE, THOMAS HOUGH, M. W. HANCHETT, TIMOTHY R. PORTER, J. C. WILLIAMS, HENRY BARBOCK, Dr. E. E. VAN DE WALKER, JAS. A. SKINNER, G. L. BONTA.
- Ontario county: Residence, Canandaigua—DARWIN CHERNY, Dr. HARVEY JEWETT, CYRUS W. DIXSON, Mrs. Dr. H. JEWETT, Prof. EDWARD TYLER, Hon. JAMES C. SMITH, LEVI B. GAYLORD; residence, Geneva—Z. C. MAXWELL, Z. T. CASE.

- Orange county: Residence, Goshen—Dr. J. H. THOMPSON, Rev. FLOYD A. CRANE; residence, Newburgh—Dr. H. V. R. MONTFORT, GRANT EDGAR, WILLIAM MCCREA; residence, Middletown—Hon. J. D. FRIEND, Hon. J. G. WILKIN.
- Orleans county: Residence, Albion—EDWIN R. REYNOLDS, DANIEL W. FRYE, U. C. ROGERS.
- Oswego county: Residence, Oswego—Hon. O. J. HARMON, G. C. MCWHORTER, Hon. J. A. PLACE, Dr. A. S. COG, G. MOLLISON; residence, Pulaski—Dr. A. S. LOW.
- Otsego county: Residence, Cooperstown—ELIHU PHINNEY, Dr. H. LATHROP, S. M. SHAW, G. P. KRESS, MISS SUSAN COOPER, Dr. W. T. BASSETT.
- Pulham county: Residence, Canfield—Hon. W. S. CLAPP, J. D. LITTLE, Dr. A. ELY.
- Queens county: Residence, Manhasset—C. F. HOMANS, W. H. ONDERDONK; residence, Hempstead—Rev. WM. H. MOORE, D. D., Dr. JOHN M. DAVIDSON; residence, Westbury—OLIVER TITUS, HENRIETTA TITUS—residence, Glen Cove—EDWIN A. HOPKINS; residence, Astoria—Rev. WASHINGTON RODMAN, Miss E. H. RODMAN, Dr. J. D. FRASK; residence, Long Island City—Dr. Z. D. DENLER.
- Rensselaer county: Residence, Troy—AMASA R. MOORE, H. W. HOUGHTON, Dr. H. B. WHITON, Rev. N. B. REMICK, Rev. WM. LUTIN, SAMUEL FOSTER.
- Richmond county: Residence, West Brighton—EDWARD B. MERRILL, NICOLL FLOYD, Mrs. J. S. LOWELL, Mrs. NICOLL FLOYD; residence, Richmond C. H.—EPHRAIM CLARK, Dr. L. L. MILSPAUGH, STEPHEN STEPHENS, Miss H. MOORE, Miss MUNDY.
- Rockland county: Residence, Stony Point—Dr. W. M. GOVAN; residence, Haverstraw—ALONZO WHEELER; residence, New City—CYRUS M. CROM, SPENCER WOOD; residence, Nyack—SETH COLE; residence, Tomkins Cove—WALTER T. SEAHING, Mrs. LAURA WOOD.
- Saratoga county: Residence, Ballston Spa—J. W. HORTON, Dr. MORGAN LEWIS; residence, Saratoga Springs—Prof. HIRAM A. WILSON, SAM. E. BUSHNELL, Dr. L. E. WHITING, OSCAR F. STILES.
- Seneca county: Residence, Waterloo—Hon. S. G. HADLEY, Dr. O. S. WELLS, Rev. S. H. GAIDLEY; residence, Ovid—Hon. GEORGE FRANKLIN, Dr. JOHN B. CHAPIN, Dr. A. BOLTER; residence, Seneca Falls—Dr. HEATH.
- Schoharie county: Residence, Schoharie—Rev. JACOB HECK, THOMAS W. ZEH, Jr.
- Schenectady county: Residence, Schenectady—Dr. B. A. MYNDERS, Hon. W. T. L. SANDERS, S. B. HOWE.
- Schuyler county: Residence, Watkins—Dr. M. L. BENNETT, CHARLES T. ANDREWS, FREDERICK DAVIS; residence, Burdett—Dr. NELSON NIVISON.
- St. Lawrence county: Residence, Canton—Geo. ROBINSON, Rev. JAMES GARDNER, H. H. JUDD, Dr. J. C. CHERSON; residence, Ogdensburg—Dr. B. F. SHERMAN, Prof. R. G. PETTIBONE.
- Steuben county: Residence, Bath—GUY MCMASTER, Z. L. PARKER, Rev. O. K. HOWARD, Rev. JAMES M. PLATT, Dr. A. H. CRITTENDEN; residence, Corning—Dr. H. C. MAY, F. A. WILLIAMS.
- Suffolk county: Residence, Riverhead—N. W. FOSTER, Dr. R. H. BENJAMIN, THOMAS COOK, G. O. WELLS.
- Sullivan county: Residence, Monticello—CHARLES F. CANEDY; residence, Grahamville—Dr. J. M. LA MORRE.
- Tioga county: Residence, Owego—Rev. J. A. OSTRANDER, A. ABEL, V. N. RUSSELL, Hon. T. I. CHAFFIELD, G. B. GOODRICH, A. COBURN, H. D. PINNEY, J. W. LAMOREAUX.
- Tompkins county: Residence, Ithaca—Prof. WM. CHANNING RUSSELL, Prof. JAMES LAW, Prof. WILLIAM D. WILSON, Rev. Rufus STEPHENS, W. E. JOHNSON.

Ulster county: Residence, Kingston—HON. JAMES G. LINDSLEY, MRS. MARY W. REYNOLDS; residence, New Paltz—Dr. C. W. DEYO; residence, Whiteport—EDMUND DOREMUS.

Warren county: Residence, Lake George—SAMUEL R. ARCHIBALD, FRANCIS G. CROSBY, ELIAS S. HARRIS.

Washington county: Residence, Salem—R. G. ATWOOD, JAMES BLASHFIELD, E. P. SPRAGUE, C. R. HAWLEY.

Wayne county: Residence, Lyons—Dr. H. D. VOSEBURG, JOHN L. COLE, WM. VAN MASTER, CHARLES ENNIS; residence, Palmyra—ISAAC BRONSON, L. LYONS, MRS. PLYN SIXTON, CHARLES McLOUTH; residence, Walworth—Hon. LUCIEN T. YOMANS.

Westchester county: Residence, White Plains—Dr. H. E. SCHMID, MRS. J. O. DYCKMAN, M. PRUDHOMME, Rev. F. B. VAN KLECK; residence, Sing Sing—Dr. G. J. FISHER, MRS. CATHERINE E. VAN CORTLANDT, L. G. BOSTWICK, S. G. HOWE, Miss E. ROE.

Wyoming county: Residence, Warsaw—Hon. AUGUSTUS FRANK, C. P. BUXTON, Rev. J. E. NASSAU, Rev. J. V. STRYKER.

Yates county: Residence, Penn Yan—MYRON HAMLIN, Hon. D. A. OGDEN, JOSEPH F. CROSBY.

1877

## CHARTER AND CONSTITUTION

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

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

## ARTICLE 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 five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life; and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

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

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

§ 3. The said executive committee shall have power to establish a work-house in the city of New York, and, in their discretion, to receive and take into the said

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work-house all such persons as shall be taken up and committed as vagrants or disorderly persons in said city, as the court of general sessions of the peace, or the court of special sessions, or the court of oyer and terminer, in said county, or any justice magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

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

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said work-house, to bind out the said persons so being minors as aforesaid, as apprentices or servants, with their consent, during their minority, to such persons and at such places, to learn such proper trades and employments as, in their judgment, 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 vested in the inspectors of county prisons; and the duties of the keepers of each prison that they may examine shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. *Provided*, That no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the chancellor of this State, or one of the judges of the supreme court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be 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 8th, 1847 }

This 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.



STATE OF NEW YORK, }  
IN ASSEMBLY, April 24th, 1846. }

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

*Resolved*, That the bill do pass.

By order of the Assembly.

Approved this 9th day of May, 1846.

SILAS WRIGHT.

WM. C. CRAIN,  
*Speaker.*

STATE OF NEW YORK, }  
SECRETARY'S OFFICE. }

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

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

ARCH'D CAMPBELL,  
*Deputy Secretary of State.*

(Revised Statutes, Part IV, Chap. 3, Title 1.)

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

#### BY-LAWS OF THE PRISON ASSOCIATION OF NEW YORK.

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

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

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

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

\* Section 20 in the last revision.

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7. Miscellaneous business.

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

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

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

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

VII. It shall be the duty of the finance committee:

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.
2. To audit all bills against the association; and no bills shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.
3. To audit and report upon the treasurer's accounts annually.
4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

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

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge, or providing for the defense, of such as shall appear to be entitled thereto.
2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

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

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.
2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.
3. To procure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences, taking care not to have more than one in a place, where it can be avoided.
4. To see that the prisoners are provided with suitable clothing, of a kind that will not attract particular attention.

X. It shall be the duty of the committee on prison discipline:

To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: Health, reformation, convict labor, administration and internal police, comparison of different

prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

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

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

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

XIV. The treasurer shall receive and safely keep all moneys belonging to the association; shall pay over the same as directed by the finance committee; shall report at each stated meeting of the executive committee, and shall give such security for the faithful discharge of his duty as that committee shall require.

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

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

THIRTY-THIRD ANNUAL REPORT  
OF THE  
EXECUTIVE COMMITTEE.

The emancipation of State prison government from the rule of partisan dictation and interference, has proved that the people of New York can respond to the demand for radical reforms in the management of penal institutions and the treatment of offenders. The failure of the prisons, and of the heavy penal sentences to deter from crime, was confessed by jurists and prison officers, while the people saw thousands of released prisoners returning to ranks of common life, more mature in vice and crime than when they entered the prisons and penal institutions.

REPRESSION OF CRIME BY IMPROVED PENAL DISCIPLINE.

For the first time in thirty years, a decided change in the State prisons may now be reported, and, notwithstanding all prisons and penitentiaries are excessively crowded, and all the prison industries are at minimum prices in the labor market, the improvement in discipline and finances has exceeded even the great expectations of the people in regard to the immediate value of the reformed government of the State prisons. The 530,226 citizens who cast their ballots for the Constitutional Amendment by which the administration of the prisons was to be centralized in one competent superintendent, expressed a popular conviction which happily has not been disappointed. In a brief note on this subject, the chairman of this committee has expressed the essential facts concerning the improvement already visible in the great prisons at Sing Sing and Auburn. The investigations by the Commission of Inquiry, of which he was chairman, in 1876, enable him to speak as he does, in very positive terms, concerning the changes wrought out by the new administration. The Prison Association, through its various committees, in all parts of the State, is observing the results of penal treatment in regard to deterring from crime, and there is good reason to believe that the firm discipline under the improved system will produce beneficial effects upon many beginners in crime; while "habitual criminals," who have become more and more wanton and numerous in the State for several years past, may find less security, and justly begin to dread the penalties of deprivation in this State.

THE PEOPLE INTERESTED IN RESULTS—LOCAL COMMITTEES.

It has never been more important than now that the stern and repressing discipline of the State prisons and penitentiaries should be attended with an increased concern for the sources and prevention of crime. This

view of duty has animated public-spirited citizens throughout the State to unite in the efforts of local committees of the Prison Association, in visiting the county jails and police prisons, the neglected classes of the ignorant and poor, and the police and sessions courts, for the purpose of discovering what more should be done to reach and prevent the causes of crime from such fatal operation as now, in each succeeding year, sends thousands down to the ranks of felon convicts in this State, and adds other thousands to the ranks of vagabondage and pauperism. These local committees in each county have been organized, and become more and more efficient and influential for good work since 1871; and, as auxiliaries in such a work, their local efforts not only produce direct local improvement, which no other agency of the Association can produce, but they constitute an indispensable body of advisers and co-workers. The reports from a few of these committees, which will be found appended herewith, present most important facts relating to local sources of criminal and disorderly life, together with such details of the enormous evils of the jail system, and the delays and faults of the local magistracy in particular instances, that this testimony must be heard.

#### DUTY TO DISCHARGED PRISONERS.

The activity and special intelligence of members of the auxiliary committees warranted the executive board in recommending that the Superintendent of State Prisons should be authorized, by law, to appoint an agent for the guidance and aid of discharged prisoners, the local committees being already available for the kind of information and prudent assistance, which are all important for any truly beneficial efforts to help those who may need in worthy efforts to lead useful lives on liberation from prison. The law for this purpose (chapter 424, Laws of 1877), is now quietly in operation under the appointment made by the Superintendent of Prisons. All of the facilities that were already organized under the Prison Association and its local committees, were made available for the objects of that agency. The Superintendent of Prisons authorized the agent to employ all reasonable measures for diverting discharged convicts away from the great cities, and with the central office of the agency established at Auburn, and an official visit every month to each of the State prisons, the agent offers to worthy prisoners about to be released whatever guidance and aid can be given, before as well as at the time of discharge. Thus, the system which was organized by this Association in 1872, is now being carried into full effect under the sanction of law; and, although the agency has six stations at which its services are offered, the members of the sixty county committees are in such accord with this duty, that they, too, are constantly accessible for such aid as they feel justified in offering to released convicts when they return to the counties whence they went to their imprisonment.

#### THE PRISON POPULATION.

The number of prisoners in the State prisons at the end of the year (December 31, 1877), was about 4,000, including those in the State Reformatory, Elmira, and in the Asylum for Criminal Insane.

The census of the State prisons, at the close of the year 1876, showed that they contained 3,621 inmates, 153 being females. The removal of all the female State prisoners from the prison of Sing Sing to the penitentiary of Kings county during the last autumn, leaves the three State

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prisons and the Elmira Reformatory occupied exclusively by male prisoners, and, fortunately, the whole subject of a suitable prison and reformatory refuge for female felon convicts is now inviting the wisest councils that can be had in regard to the subject. The Prison Association sustains, and would respectfully refer again to, the suggestions which were made in its last year's report.

#### THE LOCAL PENITENTIARIES.

The six local penitentiaries contained, on the 31st of December, 1877, no less than 4,146 prisoners, and of this number there were 1,204 convicts, whose sentences were for terms of one year and upwards. Most of the latter were convicts for felonious crimes. Thus the total number of felon convicts in the penal institutions in the State, at the close of 1877, was, in round terms, about five thousand.

The abstract of the statistics of State prisons and of the six penitentiaries for the past year are given upon the two succeeding pages. The columns of facts are sufficiently explained by their respective headings, and by comparing the statements on the successive lines. The predominance of youthful ages, the great number unable to read or write, and the excessive proportion of prisoners who confess intemperate habits, are obviously important facts in these bare enumerations. Thorough inquiry into the real significance of these facts would not fail to reveal the neglected and deep sources of crime and vices which have now become objects of concern in all parts of the State.



oners who crowd the common jails, though the industries and discipline of the penitentiaries and State prisons saves their convicts from some of the most pernicious influences of common-jail life.

The penitentiary statistics, as presented in preceding pages, show; that more than five times as many convicts are consigned to the penitentiaries than to the State prisons during the year;

that the total number in the six former institutions, at any one time, is a little more than one-third the total number admitted in the year; hence, that the average length of imprisonment for each convict is four months or more, though the individual sentences of the convicts varies from ten days to ten years;\*

that of the 4,082 prisoners in these six institutions at the end of the last fiscal year, there were 1,204 who were under sentence for the term of one year and upwards, and whose crimes, with few exceptions, are ranked as felonies;

that the 2,019 who are under twenty years of age (over eighteen per cent of all admitted last year), show how important the questions of most suitable discipline of young offenders must be in the penitentiaries;

that the 2,014 who confessed themselves unable to read and write when admitted, obviously needed the common-school instruction which has been introduced into these institutions by the local authorities, as recommended by the Prison Association;

that as 99.88 per cent of all the prisoners admitted to five of the penitentiaries the past year, confessed habits of intemperance, such intimate and dangerous relationship of inebriety and crime, demands public attention, and the effectual efforts of the people to check the vice which is thus closely associated with crime; and finally, that the 6,700 native-born—or nearly 61 per cent—among the 11,164 prisoners admitted to the six penitentiaries the past year, show that the foreign-born inhabitants are no longer chargeable with the great excess of common crimes which is sometimes attributed to them in this State, and that whatever was the percentage of a majority of common offenders who are under sentence for crime, every community has occasion to seek for the causes, and the means of prevention of crime in its own native-born population, no less than in the foreign-born.

#### DOES CRIME INCREASE?

The increase in crime is shown by the census of the penal institutions to be assuming very serious aspects; and, as this increase cannot be correctly understood without the aid of complete and truthful records from the courts and jails, there exists such a public necessity for official abstracts of the judicial and police records respecting crime, that there should be no further delay on the part of the State to provide for and enforce the obtaining and official returning of the records of crime, and of offenders by the sheriffs' magistrates and courts. Practical suggestions upon this subject will be found in a statement appended to this report.

#### TRAMPS AND OTHER VAGABONDS.

A statistical summary of the returns from courts of record in the year 1877, shows the important fact there has been an increase of the classes of crime against property, accompanied with violence. Significant as this one

\* Some of the female convicts transferred from State prisons are under life-sentences.

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fact is, when considered in its natural relations to the great increase of vagrancy and of unemployed persons who wander as tramps, among whom are many abandoned and desperate criminals, to whom such nomadic life offers all the security, as well as opportunity, they may desire while pursuing a career of depredations and debauchery. The increase of crime and of the depredating classes would seem to be inevitable, so long as vagabonds and tramps are allowed to roam at large throughout the State without interference or custodial measures which should identify and separate the thieves and wantonly vicious and adequately provide for their discipline, while correctional measures shall be applied to the vagrants who grow into a loathsome humanity as criminals or paupers, while wandering as mendicant tramps. This source of increase of crime, and of the propagation of most depraved and vicious progeny in crime life, has now been brought under the searching observation of the local committees of this Association, and many other educated people in the State of New York, and, indeed, throughout our country. In regard to this great evil, we are constrained to apply the remarks which were made in our last year's report to the Legislature: "The pity and charity which have thus far delayed the applications of much-needed judicial and correctional treatment of vagrants and tramps in this State, are not worthily bestowed by the people. The Legislature will be compelled to take action concerning these nomadic offenders." Important evidence, relating to this subject, will be found appended to this report. The most horribly wanton of murders in the State the past year was perpetrated by a tramp, who, at midnight, in a quiet farm-house, near Malone, Franklin county, stealthily entered the cottage of a kind old farmer, and shot both the man and wife in bed, that he might steal the few dollars he had seen in their hands a few days before, when they were feeding the tramp and giving him money. The import of this brutal tragedy becomes all the more significant, now that the records of that murderer's previous crime and sentences are shown in each of our three State prisons, and in at least two of the prisons of Europe.

#### REFORMS NOW URGENTLY NEEDED.

The vexed questions of State prison administration and penal discipline have been much discussed in our own country and Europe the past ten years, and even for the entire century, and yet the essential points in prison government, and in the reformatory and deterrent discipline of criminals, are the same now as when JOHN HOWARD, the thoughtful sheriff of Bedfordshire, was aroused to the duty of reforming the common jails and bridge-wells of England, and the felon prisons of all Europe; and if HOWARD, the philanthropist, succeeded single-handed in the humane mission of ameliorating the woes of prisons, shall not the organized intelligence of these later times, and more carefully studied experience in the treatment of the social, educational, and moral problems of crime and penal discipline, produce more permanent results than those merely merciful reforms which followed JOHN HOWARD's labors? The various and deeply seated causes and accessories of criminal acts, habits, and character must necessarily be comprehended and treated in the very bosom of society, as well as in the reformatories and prisons; and it is this aspect of the present tendency of public inquiry and effort that seems to warrant the hope that the presence and influence of popular intelligence, both in the educational and social affairs of communities,

and in judicial and legislative duties, will, before long, strike down many of the preventable causes of crime. Some of the most-needed reforms for this purpose may and should be speedy, and very thorough when once begun. The first of these will unquestionably transform the common jails or county prisons in this State into simple, secure, and morally, as well as structurally, safe houses of detention; while the full value and effect of industrial discipline and of instruction must be applied to all who merit any degree of punishment by imprisonment. The reasonable classification and moral tuition of all kinds of offenders under imprisonment, as well as of juvenile delinquents in reformatories, is already publicly confessed and recognized as a duty that must not be much longer deferred; and it cannot be doubted that the firm discipline of the State prisons will react advantageously upon the primary and intermediate prisons and houses of correction, if they become organized. Certainly the necessity for the complete recasting of the jail and penitentiary system has become apparent, and the reform of the State prison government ought greatly to strengthen and facilitate the reforms now projected for the primary and intermediate penal institutions.

#### EVIDENCE OF THE NECESSITY FOR THE PROPOSED REFORMS.

The facts which are set forth in the statement by the chairman of the prison committee of Oneida county, as appended to this report, serve to define, in a graphic manner, the nature and bearings of the questions now under discussion concerning jail reform and correctional measures. Justly does Mr. Seymour, the chairman at Utica, say: "As a matter of economy, as well as of mercy, an immediate change ought to be made in the construction of our jails and in the treatment of prisoners. \* \* \* When these things are done, your jails will no longer be schools of vice."

The report submitted from the local committee of Richmond county, and the special report by the corresponding secretary, relating to jails and correctional discipline, contain important statements and suggestions on this subject, and in the several papers from the hand of the chairman of this executive committee, appended hereto, the fact clearly appears that the juvenile delinquents who begin their disciplinary experience in the lockups and common jails may not be expected to feel much fear of prisons, nor to be rescued from a career of infamy, with any degree of certainty, by the temporary refuges which may intervene between the jails, with such destructive influences, and the felon prisons.

The acts passed by the Legislature in May and June, 1875, by which the duty of boards of supervisors to provide for the separate and morally safe detention of all children and women (chapters 464 and 482, Laws of 1875), are permissive rather than obligatory, and consequently, like all such statutes which merely authorize good service by public officials, this voluntary improvement has been carried out to only a very limited extent. The local committee of this Association for the county of Oneida succeeded in obtaining the action of the board of supervisors in that county, by which, under authority of this legislation, several good and secure apartments, with the necessary sanitary accessories, were fitted up in a public building, in Utica, for the purposes specified in chapter 464, in regard to separate detentions. The entire cost of fitting and furnishing those detention rooms was less than the usual expense incurred in re-arresting a person escaped from jail. The apartments are kept by an official of the premises who has been commissioned as a

deputy sheriff. The results of the first two years' experience under this arrangement are said to be entirely satisfactory, and the district attorney of that county has informed the corresponding secretary that he is unwilling that any accused person or witness shall be allowed to be imprisoned or detained otherwise than separately, before their appearance at trial, so liable are the interests of public justice to be embarrassed by the tampering and perverting of persons detained and congregated in a promiscuous manner in the common jail.

The difficulty in procuring and fitting up a separate building for the detention purposes, as defined in the act of May, 1875, has led to the use of certain separate quarters pertaining to the jail and accessory structures in some counties, as in Cayuga county, where an upper floor has been fitted up, with some twelve or fifteen separate dormitories, and divided into three distinctive departments.

Thus far the experience, under the permission laws of 1875, shows that the sooner the county jails are occupied exclusively as places of detention, and are suitably prepared with the requisite facilities for classification, and the moral and physical safety of detained persons, the better it will be for them and the interest of public justice; and as such an improvement in the county jails cannot readily be effected without first providing all who are held under penal sentences, there will be an urgent necessity for carrying into practical operation such correctional discipline as the common-jail convicts should receive.

#### WHAT SHALL THE CORRECTIONAL BRANCH OF THE JAIL BE?

Each one of the six local penitentiaries serves as the correctional branch of the jail in the county in which it is located, but they are also occupied as felon prisons, and were they to be set apart exclusively as intermediate prisons for the lighter grades of felonious crimes and the gravest misdemeanors, the short-term prisoners at present embarrassed by the penitentiary discipline, and industries would be classified with the convicts in common jails. The interest of economy and penal discipline will require this change, and will lead to the maintenance of the present incorporated penitentiaries as intermediate prisons between local correctional institutions and the central or State prisons.

The penal discipline of the prisons and penitentiaries necessarily employs expensive supervision and police, and depends mainly upon well-organized and skilled trade industries. But not so the best correctional methods for convicts who can properly be treated to shorter terms of discipline, and to such correctional training as shall establish chiefly the habits of obedience, early government, and diligent labor.

As no civil disabilities and no urgent temptations to break away from the penalties of the sentence of correctional discipline are suffered by this class of prisoners, the methods of restraint and safe-keeping of them, and the places, official plans for the employment and correctional disciplining of them may well be as inexpensive as can be, consistently with the best results of discipline and reformatory training.

The question whether it is practicable to introduce any unskilled handicraft into the existing county jails, which will be self-sustaining, and in any degree useful to the convicts and the public, is continually repeated, notwithstanding it has been as continually proved by experience that the practical difficulty in conducting any trade employment in the common jail do completely answer this question in the negative. Even the

experiments in rude cooerage-work and in stone-breaking in the jail yards, have been given up after brief experiments by public-spirited county officers. Skilled trades cannot be made available, nor can the manacled prisoners be worked on public highways and grounds, as the old statutes permit. The reasons for all this are obvious. The necessity for devising and effectually organizing the methods of employment which will best discipline and most completely support the jail convicts, is equally obvious. "For in work," as JOHN HOWARD said, "they ought most certainly to be employed. This is an indispensable requisite. Not one who is not sick should be idle. \* \* \* The keeper should be a master of some manufacture, a man of activity and prudence; and he should keep the prisoners at work ten hours a day." The fact that the very first condition for providing ways and means for such correctional labor and training, will require more and even quite different grounds than are at present attached to the jail premises, will have important influence in shaping the final determination of places and methods of correctional industry.

The significant motto which the renowned M. DEMITZ placed over the entrance to the grounds of the agricultural colony or correctional farm, at Metzray, in France:

"The earth for man, and man for the earth,"

may well be adopted in the correctional establishments now required in the State of New York. Ample areas of cheap land, capable of rich return for improvements and culture, plain and cheaply secured structures for the safe-keeping and yard or shop employment of prisoners in rude and most useful work, would comprise the essential parts of the preparation for the correctional treatment of the convicts who now crowd the county jails and burden the six great penitentiaries.

The introduction of machinery and mechanical aids for nearly every kind of fabrication, the sensitive claims of honest and badly compensated trade industries, and—most important of all considerations—the practical training of nearly all who are sentenced as minor offenders in such kinds of labor and to such habits of obedience and duty as are most correctional, will require that the commonest industries shall be provided for in the work-shops, the yards, and on the land of the proposed "Houses of Correction." The practical difficulties in providing for the safe custody of the committed persons, and in securing a full quota of hand-work from each one who is able, should not be exaggerated; for, as has been shown in previous reports of this Association, prudent sheriffs have taken their vagabond jail prisoners into fields and worked with them day after day, and keepers of one of the penitentiaries have in successive seasons taken trained companies of short-term prisoners to the farms and public works in the region of the establishments, and worked them with excellent results, and with the profit of good wages for the county treasury.

In concluding this review of the reasons and requirements for the separation of the correctional from the detention branch and place of the county jail, it is unnecessary to enter more minutely into the details of the subject, or to array all the evidence which is at hand concerning the deplorable vices and wrongs of the existing jails, which have become the common schools of crime, from which young offenders pass quickly onward to State prison, and the ranks of habitual criminals. The statements, which will be found appended to this report, from the local con-

mittees of Oneida, Richmond, Delaware and Dutchess counties, set forth some of the specific points in evidence of the necessity for the jail reforms on which the people of the State are making up their verdict against the present jails as dens of criminal infamy, and the nurseries of worse evils than those which they are supposed to punish.

#### IS THE PUBLIC MIND PREPARED FOR THE PROPOSED REFORMS?

There has been a steady growth of definite knowledge and of public opinion throughout the State during the past ten or fifteen years, which now warrants the conclusion that further delay in providing for the complete separation of the correctional and penal from the merely detentional purposes of jails or county prisons, will deepen the popular belief that even the jails and their inmates are made subservient to unworthy purposes to which such institutions and the public expenditures therein may be perverted, and made tributary to the very worst causes of crime. The statement by John F. Seymour, Esq., before the board of supervisors of Oneida, and the appeal from Richmond county, which will be found appended to this report, evince the intelligence and determined purposes of the people concerning the improvement of the whole system of jail-keeping and correctional discipline. The enlightened support of the people in whatever effort is necessary for this reform, is already well assured.

The total number of the minor criminals and offenders punishable in county prisons, for terms less than one year, is not so great as to prevent the speedy reformation of the common-jail system. The local penitentiaries contain less than 4,000, and the jails less than 2,000 constantly of these classes of prisoners under sentence. The enforcement of correctional labor and the best discipline for all of them, though the average period of commitments were suitably increased, would quite certainly have the effect, which improved discipline in penal institutions has always had, to diminish the total number who can at any one time be found in correctional establishments. Whatever legislation is actually necessary, and whatever preliminary provisions may be expedients in reducing the number of nomadic vagabonds and voluntary jail inmates, the first effect of true correctional discipline must not fail to prevent the jails and places of correction from being asylums and convenient centres of congregation of able-bodied people, as the jails, as well as almshouses, now are. Experience will eventually prove that the rude and common kinds of labor at which the poor can best earn their subsistence in free life, be best adapted for the self-support and correctional discipline of those who now lounge in these receptacles of the thriftless and vicious.

#### POLICE COURTS AND SUMMARY PROCEEDINGS.

The importance of the summary proceedings by which, in the twenty-six cities of the State, many thousands of accused persons, under arrest, are summarily convicted and sentenced, or released, without a formal record of the evidence, or of the social and legal relations of the offenders, has manifestly been under-estimated. Though these are not "courts of record," it is obvious that public justice and personal rights require that accurate and brief records should be preserved, completely identifying every person under arrest and examination, and referring to the proofs adduced and the grounds of decision in every case. The serious import of all proceedings against crime would thus be recognized in the

accuracy and solemnity of them, while the persons and circumstances entered in the records of these courts would be subjects of accurate study, and of just public treatment. This matter is of greatest practical importance in regard to children when before the courts, but it applies to all classes of persons in jails or penitentiaries. The suggestion of those judges, magistrates and sheriffs who have conferred with the Corresponding Secretary of this Board, is, that every "mittimus" or commitment warrant shall have all essential facts for identification of the accused person indorsed and certified thereon; also, that the justices, on court registers, shall correctly specify the evidence offered in the proceedings. The former will secure all the requisite particulars for the jail and house of correction records, because those statements of the commitment papers go with the individual, like the descriptive-roll with the soldier; while the latter, or court registry, as a concise transcript of whatever is essential in the accusation, evidence and decisions in the cases, will, like the former, become useful as a basis of study and improved practice in the movements of public justice.

#### HARMFUL DELAY IN CRIMINAL CASES.

In frequent instances the court proceedings in criminal cases are postponed again and again to give place to civil suits, though no imprisoned or detained persons may be concerned in the latter. The prompt and reasonably speedy proceedings of public justice against crime, would greatly enhance the popular respect for the proceedings themselves, and at the same time would prevent, in numerous jails, the accumulation and crowding of friendless persons awaiting trial. The promiscuous congregation of the criminal cases, with all others uncommon jails, is an evil too perilous to be permitted, and it must be prevented by the most speedy disposal which justice will permit for the criminal classes, and by maintaining a system of separation of the detained persons of all classes. As the experience in this matter now stands, in nearly all the counties, the delays and postponements in criminal cases so increase the congregated evils which the idle convicts and all other classes in the jails are ever enduring and breeding, that the necessity has, at last, become very urgent for expediting the proceedings of criminal justice, as well as for promptly separating all classes of convicts from the detention prisons. The importance of this matter must be apparent to every observing citizen who frequently visits the county jails, and no details of evidence in regard to it could be more convincing than the fact stated by the keeper of one of the Oneida county jails, that during the four years in which he has had charge of the jail in Utica, twenty-two (22) boys have gone from it to State prison, twelve (12) this last year, and that *all of them came into the jail, in the first instance, for petty offenses*. The testimony and argument of Mr. Seymour, the Chairman of the Prison Association Committee, in Utica, given in full in subsequent pages, states that on the 23d of September last, he "found 48 prisoners in that jail—18 more than it could properly accommodate—and 16 awaiting trial under charge of crime of all grades, from highway robbery down to petit larceny. Boys from 15 to 17 years of age, men from middle age up to 72, huddled together like cattle, the inexperience and the hardened in the same ward, and in constant intercourse with one another." This mere glance at the daily scenes and deplorable wrongs in the jails admits of no softening by any ministry of pity and charity.

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The people are wronged, and the State is injured by these evils which rankle and gain headway in the jails. The remedies and preventive measures are to be sought for in the ways indicated in this report.

#### CONCLUSIONS AND SUGGESTIONS.

##### I.

The divorce of the State prison administration from politics, and its introduction within the realm of wholesome economy and sound disciplinary agencies, has prepared the people to comprehend and support the measures now required for remedying the evils of the common jails, and reforming the methods of correctional justice in this State.

##### II.

The conditions under which the needed reforms of the jail and correctional system can be brought about most effectively, will secure, as far as practicable, the separate detention and prompt examination and trial of accused persons; a separate and truly reformatory treatment of all classes of juvenile delinquents, and a complete separation of all convicted persons for correctional discipline. Whatever else may be desirable or necessary, these reforms are of the highest importance, and they ought not to await the changes in judicial administration and in the prescribed functions of sheriffs and of local government in counties which will depend on amendments of the State Constitution and the Revised Statutes.

##### III.

The fact that, with few exceptions, the enforced labor for correctional discipline and self-support of jail convicts and other vagabond classes, cannot be advantageously expended upon any skilled industries, should at once determine the employment of these classes in such common labor as will best train them in habits of diligence and ability in the kind of work at which such persons may best earn an honest living when at liberty. With this purpose and policy governing the plans for correctional treatment of common offenders in local institutions, no costly structures nor expensive official methods will be permissible.

##### IV.

The existing local penitentiaries, being six in number, and accommodating upwards of four thousand (4,000) inmates, seem to be nearly adequate in capacity and in their geographical distribution to accommodate the necessities of the State for what may be termed *intermediate prisons*. Every county in the State has full permission to consign to them any *felon convicts* the courts can legally sentence to a penitentiary. Therefore, it may be inexpedient to multiply this expensive and transitional class of penal institutions. Indeed, this class of prisons will inevitably be brought under the central government of State prisons in due time. The necessities of penal discipline and of State authority in the control of felon prisoners will properly determine such a change. But under existing provisions for local government in the counties, it may be that



the jails and the correctional institutions for crimes of lower grades than felonies may not readily be governed and provided for by a central State authority; if not, then the counties must undertake to do whatever is most practicable in maintaining correctional institutions under the laws for local government. Feasible as the present jail system is, it may be more practicable to reconstruct and thoroughly reform it under well-devised laws for local government in the counties than to substitute in its place central authority, which will require constitutional amendments and delays, which will be attended by greatly augmented numbers to be provided for. Theoretical perfection of a system of central control of this class of institutions would seem to be less important than the practical efficiency and local popular support of the correctional measures and the faithful administration of public justice in all sections of the State. But to attain these latter most important ends, the laws for removing all convicted prisoners from the county jails where there are unconvicted persons detained, and for enforcing suitable correctional industry and discipline, will need to be mandatory, and also subject to official judgment to secure their faithful administration. Merely permissive statutes will not secure the needed reforms.

## V.

The practical effect of sound correctional treatment of all convicted offenders, conjoined with the necessary reforms in detention jails, will be witnessed in a steady reduction in the numbers who will merit such discipline. The correctional establishments themselves should, therefore, be in some degree temporary, or subject to decreasing rates of public cost, and whether these be controlled by local or by central authority, there will need to be a safeguard against wasteful expenditure upon the structure and administration of these institutions; any extravagance and waste in penal institutions is not only wrong in principle, but tends very decidedly to impair the effect of reformatory and penal treatment.

## VI.

The conditions under which youthful offenders commit crimes and become inmates of felon prisons, should be carefully studied with reference both to the prevention of the causes and the destructive influences of crime and criminal associations, as well as to the operation of such reformatory agencies as shall, if possible, at an early period, prepare such young offenders to be safely restored to the useful classes of society. The reformation of no small proportion of young criminals is acknowledged to be possible, and to be a solemn obligation of the State. But young offenders are usually made criminals for life, becoming a perpetual menace and burden to society, by unreasonable and excessive sentences. The State prisons are at the present time over-crowded with young criminals by reason of excessive terms, and the ranks of habitual criminals are steadily reinforced by the discharged convicts who have suffered the pernicious effects of like sentences. Even in one of the local penitentiaries, on a certain day, there were counted 331 boys and girls (prisoners under twenty years of age), and among them there were eleven under sixteen years of age, whose terms of sentence ranged from one year up to ten years. In the State prisons these cases of excessive sentences of certain young offenders, have already received the attention of the Superiu-

tendent of Prisons, as well as the merited rebuke of the Governor of the State, who has, in his recent message, urged the whole subject upon the attention of the criminal courts.

## VII.

The presence and obvious increase of habitual criminals in this State and the augmented number of their depredations throughout the country, require that they should be recognized and treated as a separate class of criminals, meriting and receiving severer penalties than other offenders. The arrest and secure imprisonment of such offenders need to be certain and speedy, and a registry of them should be accurate and complete. They are, virtually, the most wanton jail-brakers and highway-men, and if the "habitual criminals' act" is not to remain a dead letter, the vigilance of police authorities and the promptness of the prosecuting officers should be everywhere redoubled. While this is so necessary for the public safety, it will still remain true that in the prisons and jails these depraved and dangerous men can be so managed that they will, like the convicts of similar character *under the best prison masters*, be either reformed or effectually deterred from making their reprisals upon our communities. The causes which have produced these "habitual criminals" are now ripe and require vigilant attention.

In closing this report, the undersigned would repeat the statement made last year to the Legislature: that it is a significant feature in the history of improved prison discipline in this State, that while citizens were so awake to their duty as to demand this improvement, they are increasing the reformatory means by which the ranks of crime shall be diminished. The same purpose which inspires the reforms in prison discipline, and prompts friendly counsel and temporary aid to penitent and well-disposed convicts, on release from imprisonment, also induces the most comprehensive and patient efforts to prevent the operation of the chief causes of crime.

Leaving all questions relating to the State prisons to the authority which now governs them, the Prison Association and its auxiliary committees throughout the State, would invoke the attention of the Legislature to the reasons urged in these pages, for the recasting and improvement of the county-jail system, and would ask for deliberate action to provide for the secure and proper detentions and the penal correction which are the prescribed uses of jails as county prisons; and that, either by definite provisions of the local government in the counties, or by a judicious adaptation of central authority of the State itself, the proper methods of correctional labor and discipline shall be offered in suitable places throughout the several judicial districts; that such correctional discipline and labor shall be entirely separate and apart from the detention premises of the jails, while all places of custody for accused and detained persons shall be kept in strict accordance with the laws, and prevented from becoming schools of crime. To this end, whatever may be the method of organization of the correctional and detention branches of this custodial service in the counties, there will be need of a responsible official inspection of all these local institutions, at frequent inter-

vals, under authority of the State, for the purpose of maintaining a faithful observance of the laws relating to them, and practically studying the experience and promoting the efficiency and welfare of all of them.

THEODORE W. DWIGHT,  
*President.*  
SINCLAIR TOUSEY,  
*Chairman of Ex. Com.*  
ELISHA HARRIS,  
*Corresponding Sec'y.*  
THEODORE H. MEAD,  
*Treasurer.*

## APPENDED STATEMENTS.

### COUNTY PRISONS—LOCK-UPS—INSPECTIONS.

(Note by the Corresponding Secretary.)

The Corresponding Secretary has visited the principal county prisons during the year, and reports that failure of sheriffs to observe the requirements of the statutes respecting jail-keeping and jail-records, that it will be useless to labor for the enforcement of those laws. The county prison is a partisan perpetuity, which, for the term of three years—the length of a sheriff's official life—is sure to be used in one way and another to yield all the pecuniary profits which can be extracted from it. Even in some of the smallest jails, the Corresponding Secretary found friendless young persons detained after indictment, month after month, and term after term of the courts, under one excuse or another, but practically to become the permanent boarders of the county prison. In like manner great numbers of able-bodied indolent vagabonds are found in nearly all the jails, re-committed again and again during the year, and allowed to remain in idleness. In some instances, more than in the year has been thus spent in jail by able-bodied persons for petty offenses. In the city of Oswego, in the first ward or common cell, was found to contain seven prisoners, idly lounging at cards at the time of the visit, and the strongest and most competent man of that group was found to have spent 292 days during the year in that jail, under the meaningless sentences "to the county prison or a fine," repeated nearly every month. He was a competent workman, and yet, as he confessed, he preferred the jail to free life and labor. In Oneida county both of the county prisons were found over-crowded with jail convicts, some of whom had served several terms in the penitentiary, and most of whom had often been sentenced to the jail. In another county, with less than 50,000 inhabitants, and with no great pressure of criminal cases in its courts, most of the inmates of the jail, at the end of the year, had been detained many months waiting trial under circumstances which seem unworthy of the people, but which may not be officially corrected or prevented except by the aid of a central department of public justice. The postponement of important criminal cases, from court to court, when the prisoners thus detained were sinking into hopeless apathy and fixed habits of indolence, is a source of great evil.

In another jail there has been from 100 to 150 prisoners continually during the past year, in a county of only about 100,000 inhabitants, many of the vagabond and able-bodied prisoners being sentenced for just a few days, again and again, to secure their confinement and boarding in the county jail; by this method avoiding a commitment to the penitentiary. The sentence for sixty days and upwards in that county, consigns to the latter institution at much less cost per week than in the jail. In that jail the prisoners are lodged in one long narrow block of cells, three tiers high, and opening upon a common gallery, with no other separation of the two sexes than a chance to be partially enforced by locking the grated doors of the wooden cells. The burden of penitentiary cost produced by the crowding of that jail, though enormous, is a less evil than that which is witnessed in the breeding and fostering of criminal thought and associations among the jail inmates. The deplorable wrongs witnessed in the administration of penal justice and in the jail managements in the twenty-six cities and towns common in many of the less populous counties, while in the twenty-six cities of the State some of these evils are witnessed continually.

That these and nearly all the other evils which pertain to the common jails are the results of an essentially faulty system of the penal administration and the methods of jail-keeping, will not be denied, but the sources of them lie far back of these faults; for no man who loves his neighbor as himself will be kind and considerate even in the ignorance and depravity nor will he forget to guard and advise the young and the tempted against dangers and wrongs into which they are falling. Society at large is responsible for the abuses, neglects and evils for which sheriffs and other local officials are more or less justly accused by persons who are sent to them in the jails, lock-ups and courts. But whatever other charges are wrought in the administration of penal or judicial methods affecting the inmates of jails and correctional institutions, there is an urgent necessity for the supervision and internal administration of them wholly under the control of officials who shall devote themselves with the greatest skill and conscientious care to the moral welfare and improved habits and circumstances of the prisoners themselves. This lies due alike to the State and to the individual offenders. In carrying out the whole ground upon which the reforms of penal justice and of jail and correctional administration must be urged in the counties and in a popular way among the people, that the defects, informalities and faults in the primary proceedings before magistrates and police justices' courts, especially in their summary proceedings, must be regarded as a perpetual source of some of the worst evils that are witnessed in the lock-ups and county prisons. The tax remedy for all these associated evils must be applied by citizens who dare be bold and

just in the interests of the State and of humanity, to wrest the control of the methods and movements of public justice and the management of jails from irresponsible and indifferent hands, and place them under authorities who will be held to a strict accountability, and be permitted to keep an open and faithful record of all official acts, as well as of all arrested persons.

The following statements from certain local committees, and from the Chairman of the Executive Committee, are adapted to throw some light upon this subject:

#### ONEIDA COUNTY.

The local committee at Utica suggest the practical adoption of the law for the separate and decent detention of women and children of sixteen years and under, apart from the common jail, but the limited accommodations available, which were lately destroyed by a wing of the county hospital, did not prevent the jail from becoming over-crowded.

John P. Seymour, Esq., as chairman of the committee, made the following statement to the board of supervisors, on the 21st of December, 1877, an argument for the necessity of reorganizing the common-jail system:

#### Our Jails—A Plea for the Better Classification of Our Prisoners.

The Prison Association of New York has, for many years, been trying to ameliorate our State laws in relation to public offences and public offenders, and to improve our jails and prisons.

To aid this Association in their efforts, annual appropriations have been made to it by our State Legislature, and in other ways its services have received recognition and approval.

This Association appoints committees in every county in the State, who visit the jails in their respective counties and report upon their condition.

In the county of Oneida, William J. Bacon, Dr. Edwin Hutchinson, Theodore P. Cook, Edwin Hunt and myself have been appointed, and in behalf of this committee, I report to you what I have seen and felt during the past year. I have seen the jails and the first in making improvements, which, I believe, are as much needed in other counties as in our own. That our views may not be deemed new or considered unreasonable by you, I will quote the language used by the philanthropist, John Howard, just one hundred years ago, when he was describing the evils which then existed in the jails of England, and which he pronounced pernicious to the morals of prisoners.—"That is, the confining all sorts of prisoners together; debtors and felons, the young together and the old together—and first, in some counties, such as are guilty of misdemeanor only; thus the petty offender is committed for instruction to the most profligate. In some gaols you see (and who can see it without sorrow), beams of twelve or fourteen eagerly listening to the stories told by the experienced criminals of their own adventures, successes, stratagems and escapes." \* \* \* "The general prevalence and spread of wickedness in prisons and abroad by the discharged prisoners, will now be as easily accounted for as the popular delusion of the 'prison cure.' I am sure that I may add that a prison needs no morals. Sir John Fielding observes that 'an criminal discharged, generally by the next sessions after the execution of his courages, becomes the head of a gang of thieves, and is employed in all by the county and kept there long. And petty offenders who are committed to bridewell for a year or two, and spend that time, not in hard work, but in idleness and wicked company, or are sent to county gaols, generally grow desperate and are the worst persons of the county.' The robbery committed in and about London are planned in the prisons by that dreadful assemblage of criminals, and the number of idle people who visit them."

How contrary, this, to the intention of our laws with regard to petty offenders, which, certainly, is to correct and reform them—instead of which their confinement hath notoriously promote and increase the very vices it was designed to suppress. "Mindless of young criminals committed for some trifling offence, who are usually confined in gaols not for their own sake, but for the wish and aim of the magistrates to effect the destruction—present and future—of every delinquent, they could not devise a more effectual method than to confine them among our prisoners—those who are sentenced for their crimes, and who have been very properly called) of wisdom and every vice."

How few advocates work by prisoners, saying:—"For in work they ought most certainly to be employed; that is, industry, and commerce, and one should be idle that is not sick;"\* he also pleads for the separation of prisoners in these words:—"Solitude and silence are favorable to reflection, and may possibly lead them to repentance; and he goes on to say, speaking from a corrected author, "that solitary confinement is good for their evil; they are filled with every sort of corruption that poverty and wickedness can generate; with all the shames and profligate courtesies that can be produced by the impudency of ignorance; with rage and want, and the malignity of despair; in a prison the object of the public eye is removed; and the power of the law is spent. There are few fears. There are no blunders. The law inflame the more modest. The undisciplined harden the timid. Every one fortifies himself against his own remaining sensibility; endeavoring to prevent an offence by the nuts that are practiced on himself; and to gain the applause of his worst associates by outwitting their manners."

I close these quotations from JOHN HOWARD'S book on prisoners, by the following:—"These gentlemen who, when they are told of the misery which our prisoners suffer, content themselves with saying, *let them take care to keep out.*" \* \* \* "Forget the vicissitudes of human affairs, the unexpected changes to which all men are liable; and, as criminals, it is possible that a man who has often shuddered at hearing the account of a murder may, on a sudden temptation, commit that very crime."

"Let him that thinketh he standeth like heed lest he fall, and commiserate those that are fallen."

As the jail in Utica is well kept by Mr. Berry, a kind-hearted jailer, you will hardly credit me when I tell you that the description of the evils of a British jail published by JOHN HOWARD, in 1776, applies in 1878 to the jails of Oneida county.

The present temperance movement in our city has largely diminished the number of inmates of the jail, so that only one hundred and three have been crowded into it, but in July last, I found three boys from 15 to 17 years old, charged with slight offences, imprisoned with men charged with grand larceny and attempts to murder. This jail can accommodate properly, at the most, 20 prisoners, and on the 23d of August, 1877, there were 100 in confinement. There were sleeping cells, intended for nine prisoners, were forced 27, and the jailer was compelled to put the criminals among debtors contrary to law.

September 25th, 1877, there were 100 in that jail; 18 more than it could properly accommodate; 16 were awaiting trial under charge of crimes of all grades, from highway robbery down to petit larceny. Boys from 15 to 17 years of age, men from middle age up to 72, huddled together in the same cells, the inexperienced and lawless in the same cells with the experienced and law-abiding one another. On that day there were in the women's ward eight prisoners; young girls from 15 years of age upward placed among hardened older women; about five of them were looked for by individuals; the others as prostitutes. Of how many were placed there as victims of intemperance, who dare say, or you imagine they went out no worse than they came?

The cells in this jail are designed for sleeping only; they all open into wards where, during the day, the prisoners congregate and pass the time in telling of their criminal exploits, and educating the young and inexperienced in vice and crime, singing songs and playing cards, as if it was a place of amusement.

The jailer informs me that some of the prisoners, upon their first arrival, are filled with shame and remorse, and, if they could be kept separated from the others, might be saved; but their companions rubbick their repentance and drive away their shame, so that, in a short time, they appear as hardened as the worst.

Your district attorney tells me that if he wishes to get a true statement from young criminals, he must get it before they go into our jails. Who is responsible for these conditions of vice? In July, I found a party of 13 confined among criminals for having committed a crime. In September, I found the same boy among the criminals, held there for want of bail in a civil action for the same offence, and he wanted to stay among the criminals rather than go into the debtor's ward. An application to Judge Merwin, I had him removed to the comfortable detention rooms provided by you in the City Hospital; but it was solitary confinement, without any amusement, and he begged to be allowed to go back into jail unless he could be released. At a subsequent visit to the jail I was told that a party of 10 were confined in the same cell, and were disorderly conduct only.

The classification and separation of criminals is impossible in this jail without additional rooms. There are 25 cells, but only 10 are used for a purpose, and in those wards are men who are old and young, tried and untried—the petty offender and the dangerous criminal.

Mr. Berry informs me that during the four years in which he has had charge of the Utica jail, he has had 25 men here to State prison, and 12 of that number this last year; and that all of them came into the jail, in the first instances, for petty offences. It is his opinion that if they had been confined in separate cells or rooms for their first offences they might have been saved.

The House Jail I have not examined, but I am told it is conducted upon the same plan as the Utica; many, many, wade into which the cells open, and where the prisoners congregate in the day, and separate by their classification as to the degree of crime, and those who have been tried mingling with those who are awaiting trial.

The evils which I have mentioned most necessarily result from such arrangements of our jails. Mr. Dwyer, the chief of his city police, stationed in the City Hospital, has been arrested for burglary in thirteen months, and of 103 since June, 1874, and our newspapers state that the Oneida County Penitentiary is filled to overflowing with prisoners, and to such an extent that large numbers of criminals who have been sent to the penitentiary from the Police Court of Syracuse have been discharged before their sentences have expired to make room for fresh arrivals. That most of these criminals are manufactured in our county jails, is evident from the facts which I have mentioned to you.

As a matter of economy, as well as of mercy, an immediate change should be made in the construction of our jails, and in the treatment of prisoners. Those of both sexes, who are now sent to jail for minor offences, and who are not dangerous criminals, could be placed in houses of detention and subjected to solitary confinement, or made to work during their terms of imprisonment. Our jails should be so constructed that the prisoners may be classified and kept separate from one another, and that those who are awaiting trial should not mix with those who are tried and condemned, and those who are condemned should be made to work. When these things are done, your jails will no longer be schools of vice, and will no longer be sought by those who now commit some offense that they may be sheltered, warmed and fed, during the winter months at the expense of the county.

On the 15th day ago, a party of six or eight vagrants were before the recorder of the city of Utica, and when asked what they wished to do to the term of their confinement in jail, they were replied in behalf of the party, that a term of four months would carry them over to the time of the opening navigation next spring.

The recorder was more careful of county expenses, and sentenced them for only half the time they wished.



themselves. It is rarely the case that there is not some one of the prisoners who may be debarred by such conversation, and if not educated in crime, yet advanced to more proficiency, profanity and sensuality. During the past year, I have repeatedly seen boys occupying the same corridors with older offenders, and sometimes coming to the gates of the corridors to clasp the other prisoners or visitors. To shut up a boy locked to mischief or annoyance with expert hands in the same line, is almost inevitably to insure for him a more complete and rapid education in iniquity. So long as the law officers find it necessary to commit juvenile offenders to this institution for punishment, and so long as it is necessary to detain juveniles charged with committing crimes, whether great or small, till the proper courts meet to take action upon them; so long it is the duty of this board to defend them from further contamination; certainly to protect them from further contamination.

Second. Akin to this subject is the making proper provision for those charged with crime, who are of the respectable class. The jail, in the main, simply a place of detention for a time, not for incarceration as a punishment. Every good lawyer should endeavor to secure those under suspicion, and are arrested and imprisoned for crimes of which they are not guilty. It would seem to me that there should be some provision made for the decent accommodation of such persons. So far as I have been able to discover, it is now simply impossible. It is to be remembered that the tramp who is shut up in jail himself would be comfortable than he is outside of it, while he brings with himself ordinarily a multitude of vermin abundantly able to cope with those of the institution. But to take from a decent home a man or woman accused indeed, but not convicted of crime, and compel him or her to inhabit the cell and to see the bed from which the tramp has just gone out to resume his wanderings, is as cruel as it is unjust.

Third. There is need of more careful attention to the cleanliness of the whole establishment. The officer mainly in charge does the best possible, under the circumstances. But provision should be made by more funds, or by additional help, to keep the whole place clean—to reduce the offensive odors, and to make the inmates as comfortable as more decent. By the location of the urinals and privies of the court-house in close proximity to the jail, some of your predecessors in office have increased this evil of bad odors. It is to be remembered that what is not offensive in December may be highly so in July, so that inspection to-day will give no idea of the extent of this evil.

Fourth. There should be a more strict enforcement of the rules forbidding others than those having professional or official relations to the prisoners entering the jail; and if no such rules exist, they should be made without delay. The empty curiosity which induces people to put themselves to inconvenience to see a noted murderer or burglar, or petty thief, is only not worse than that which makes men wish to talk with some female prisoners, lonely with their courses, or hoping that she will gratify their prejudice with greater information. There is need of reform, in this respect, in the jail which is under the control of this board.

Respectfully submitted,  
(Signed) B. H. PARKER, M. D.

"POUGHKEEPSIE, Dec. 19, 1877."

#### RICHMOND COUNTY.

After great efforts to organize methods of employment for the convicts who crowd the Richmond jail, the local committee has found that the interests of the public in correcting the indolence and disorderly conduct of the prisoners are disregarded by the sheriff and other authorities, who have allowed the inmates of the jail to re-engage into their wonted vices by suspending the labor.

The committee reports as follows:

"About four years since the appointment of this committee, during the whole of which time the jail of the county has been visited by its members, and efforts persistently made to better the wretched administration of affairs found there.

"The results of the reports made by the committee are as follows: Sunday services have been established, and to each difficulty kept up; work for the prisoners in breaking stone has, after considerable trouble, been introduced; a small library has been purchased, and by the prisoners until the books were worn out; a brick wall with an iron door has been built, to take the place of the wooden partition full of holes and cracks, which was formerly the only separation between the male and female prisoners; some few individuals have been helped to find homes and work on their departure from jail, and a little comfort has been given to the sick.

"Such are the trivial results of the conscientious labors of your committee, falling far short of the work they sought to accomplish; and, in reviewing the many hopes, plans, and disappointments of the past four years, we feel that their only positive gain is their sad experience, and their right derived triumph to declare that the present county-jail system is hopelessly and irremediably bad.

"A paper by P. H. Wiess, Secretary of the Illinois Board of State Charities, entitled "The County Jail System—An Argument and Appeal for its Abolition," contains an excellent description of the evils discovered by this committee, that they cannot refrain from quoting from it. Mr. Wiess says: "In New York, the Committee on Prisons of the Constitutional Convention of 1867, reported that there is no one of the sources of crime which is more operative in the multiplication of thieves and burglars than the common jails of the State, as at present organized." The New York Association has repeatedly referred to the deplorable condition of things in New York prisons. The reports of different States, so far as heard

from, might be exchanged for each other and no injustice done to anybody. . . . The most unwholesome atmosphere that arises from the foul, filthy, and uncleanly conditions, together with moral contagion. The contact of the inmates with each other is painfully close, their intercourse unrestricted; their conversation abominable. In the very nature of things there can be little or no discipline exercised, except to prevent escapes, enforce certain rules of order, and repress the tendency to make more noise than can be borne.

"In the smaller counties the sheriff has no occasion to employ a jailer; he himself is in his office in the court-house, and the prisoners are left to themselves for the principal part of the day.

"Where a jailer is employed, he is often a man of the lowest instincts, habits and tastes, but little better than those of the inmates under his charge. But whatever his character or capacity, he sits in the cell, and is not allowed to get out of the cell to exercise, to have any employment; they do nothing but sit in the cell, separate from the jail proper. The prisoners naturally get sick, and are not allowed to get out of the cell to see a doctor, to have themselves visited, or to see any one. Much time is spent in playing cards—in gambling, if any of the parties disposed to do so; or they take upon the issue of the game; or else a sparring or wrestling match is resorted to; or they draw pictures on the wall; or they sing camp-meeting hymns; or some one dares a dog dance; or they pond on the plates of which their cells are constructed—anything to pass the weary hours and drive serious thought away. Books they have none, newspapers occasionally.

"As to reformatory influence, or any attempt at it, it rarely happens that one thinks of it. In some places, religious services are regularly held every Sunday in the jail by some kind of voluntary workers in this department of Christian labor, but this is an unusual occurrence. The Illinois Commissioners of Public Charities in their report for 1872, say: "This association in fitness, which is the curse and condemnation of our present jail system."

"The effect of association is to increase the number of criminals, and to develop their criminality. The innocent and the comparatively innocent are corrupted by the example, the conversation and the direct teaching of more experienced transgressors; the lessons taught in the jail are written on the minds of the human race; hostility to law and its officers; the delights of vicious indulgence; the duty of revenge upon society for imaginary wrongs; the necessity of violence, of daring, and of sudden submission to punishment; the hopelessness of self effort to avoid punishment; the only method of success in criminal undertakings. Past evil deeds are here recounted; future deeds of darkness are planned. The history and character of noted criminals, and of well-known officials are discussed. Every jail is a school of vice.

"Can no other prison system be devised, which will equally secure the satisfaction of justice, without shocking so terribly the best instincts of human nature, and involving such a train of evils of criminality in our country at large? For we must not overlook the fact that in jails all the seeds of criminality in any prisoner's constitution are developed and transformed into the ripe fruits of transgression by a soil artificially heated, and this by not a single imprisonment, but by repeated incarcerations. If one of the ends of punishment is the prevention of crime by deterring men from committing it through fear of the consequences, the jails almost wholly fail to accomplish the desired result. Strange as it may appear, there are millions of depraved natives to whom the polluted moral atmosphere of the county prison is so congenial, and who are so prone to homesickness, that they will voluntarily submit their souls to obtain from the courts, especially in the winter season, a brief jail sentence. They are relieved from all occasion to exert themselves for their own support, and are ready, when the winter is most severe, to leave their families and friends, and live by crime or beggary, as opportunity and inclination may suggest. . . .

"There is not a single statement in the foregoing which has not been verified by the experience of your committee, and their opinion is hopeless to expect any improvement while the present system of dealing with petty criminals exists.

"The main evils of this system are:—  
"1. The short terms of confinement of the prisoners, which prevent any industrial or other training.

"2. The fact that the sheriffs who have the control of the jails are elected for party reasons without regard to their fitness for the duties of the position.

"3. The absurd terms of imprisonment, and the fact that their compensation is based on the number of persons boarded in the jails, so that it is for their interest to keep the jails full."

(Signed), EDWARD B. MERRILL,  
LEWIS LAW LOWELL,  
NICOLS FLOYD,  
CORNELIA FLOYD,

STATEN ISLAND, N. Y., January 30, 1878.

Committee.

#### THE CITY PRISONS AND LOCK-UPS OF THE CITY OF NEW YORK.

To the Executive Committee of the Prison Association.

I respectfully submit the following communication, being a copy of a letter recently addressed to his Honor the Mayor of New York, concerning the prisons of this county. This will show the condition of these institutions on the date of said letter.

"I was written the school at the penitentiary, on Blackwell's Island, has been successfully commenced, and the attention for witnesses furnished within the day or two thus, so far as that house is concerned, that unjust practice, compelling witnesses to perform a very disagreeable menial service is ended.

"There is a prospect here being an end to that wretched concern, the Kings County jail, in

Raymond street, Brooklyn, as steps have been taken to erect a new jail that will not be a disgrace to civilization.

The system of employing citizens to work with convicts, as practiced in the Kings County Penitentiary, is objectionable, as interfering with discipline, which, in that institution, is far from perfect.

The State prisons at Sing Sing and Auburn are in excellent condition. Chaos has been driven out by order, disciplined industry has superseded disorderly idleness, economy and frugality have banished extravagance and criminal neglect. Expenses have been reduced and earnings increased.

I refer only to the two above named, because I have not visited Clinton Prison since it was placed under the present management, but I have good reason to believe that it has not been neglected, but will show a greatly improved financial condition.

The people of the State have great reason to hope that all their State prisons will soon cease to be a burden on the public treasury.

New York, Dec. 27, 1877.

(Signed) SINCLAIR TOUSEY,  
Chairman Ex. Com.

Hon. SMITH ELY, JR., Mayor of New York:

Sir:—As a member of the New York Prison Association, I have recently visited most of our police-detention prisons, the house of detention for witnesses, the district prisons, the penitentiary and the county jail.

It affords me pleasure to state that I found the police prisons in as cleanly a condition as might be expected.

Those that have been erected especially for police purposes are properly constructed, well supplied with light, air and water; while many of those that have been altered from buildings originally intended for other purposes are improperly constructed, insufficiently supplied with light and air, and are unfit for public service as to justify their abandonment or entire reconstruction.

The city seems several of this class, and should not delay putting them in proper condition.

Society has not performed its whole duty to the law-breaker when it has placed him behind prison bars. He is entitled to wholesome air, light and ventilation. These are not found in the places objected to—places that are not intended for the punishment of convicted criminals, but only for the detention of those accused of crime.

I respectfully ask your influence in favor of making these places what they should be.

#### HOUSE OF DETENTION FOR WITNESSES.

This institution is also under the care of the Police Commissioners, and is kept in a cleanly condition.

All that portion of the building occupied by the male witnesses, above the ground floor, is unprovided with water-closets, a very grave oversight. This omission compelled the use of the ordinary prison night-buckets, and these the inmates are required to empty, carrying them down several flights of stairs, for that purpose.

This piece of injustice towards a class of innocent persons who are deprived of their liberty in the interest of public justice, persons not even accused of crime, is very largely to state, is immediately discontinued; the police board having ordered the introduction of water-closets where needed.

Other improvements in this and other buildings under control of the police department, requiring but little expense, have, on the suggestion of the Prison Association, been promptly made.

The district prisons under the care of the Department of Charities and Corrections, are generally kept in good order. Occasionally lectures become negligent, but are promptly called to account, and required to discharge their duties in a proper manner.

The prison known as the Tombs, though over-crowded, is kept in good order, great improvements have been made during the past year, the most important additional cells in the upper part of the north wing on Centre street, by increased light and ventilation in the two main prison buildings, by giving better sleeping accommodations to the class known as "drunk and disorderly."

Formerly these men slept on the ground floor of the central building, under the court-room of the court of special sessions.

"Bummers' Hall," a stone building with but one large barn-like room, has been divided between floor and roof, giving a decent up-stairs room for lodgings. An exercising yard has also been provided for this class of prisoners, between the main prison and the westerly wall of the prison ground. These improvements are much needed.

Notwithstanding the penitentiary on Blackwell's Island is usually so crowded as to make more prison room absolutely necessary, it is kept in fair condition; the night buckets used by prisoners in their cells are provided with covers—a simple act of decency that was for many years omitted.

The present board have introduced another important work of decency not practiced by their predecessors, so far as I have learned, viz., washing and mending the clothing worn by prisoners on their arrival at the prisons, and on their discharge returning to the owners in proper condition. This work was laid aside unawakened, to be given to the outgoing prisoner in the same dirty condition.

Penitentiary prisoners do more work than formerly, and, though prohibited by law from doing anything that might produce a direct pecuniary benefit, they do very much of that kind that night, under different management, be left undone; or if done, increased by law from four

porting the prison. Clothing, shoes, wagons, wheelbarrows, vans for the transportation of papers, criminals, etc., trucks, tools, and other articles used by the department, are made by the prisoners; and, in addition, work-shops, pavilion and other hospitals, and other buildings, have been erected; stone has been quarried, sponges grounds filled in, and other work has been done by prison labor.

The able-bodied inmates of the Work-house are also required to work; an innovation that has, notwithstanding the great depression in the labor market, reduced this class of tax-eaters about twenty per cent within the past year.

A night school is being organized at the penitentiary for the benefit of prisoners; a step that will be productive of good. The number of convicts—persons who visit a prison as they would a menagerie—has been greatly restricted; a rule that should have been enforced long since. Pardon-seeking visitors greatly interfere with the proper discipline of prisons.

The classification of prisoners according to criminal character is being introduced—a measure long needed—by means of food coupons for heavy misdemeanors having been worked out and together, with nothing to distinguish one class from the other except dress. They are now to be kept in separate companies.

The Commissioners contemplate the erection of another prison building on Blackwell's Island. It is respectfully submitted that it will be much better to remove all prisons to a more distant location, not so easy of access, and appropriate that beautiful island for the use of hospitals, insane-houses, asylums and other benevolent purposes, instead of retaining it as a pleasant home for criminals, the number of whom are increasing from year to year, and will eventually need so many prison buildings as to crowd out there more worthy of such a charming spot.

London Street jail, as the county jail is usually called, was erected several years ago, when less attention was paid to prison buildings than at present. It is imperfect in its arrangements, the cells being intended for two or more persons (a most improper plan for any prison), and, above the ground floor, have a narrow, close, rooming-out.

This omission compels the use of night buckets (without covers), and these the inmates are required to empty, a menial service that ought never to be exacted of persons not convicted of crime.

There is a large yard attached to this jail which ought to be utilized as an exercising ground for the prisoners; but, owing to an insufficient fence on the easterly side, is not, for fear of escape.

An iron picket fence on top of the easterly wall would, with the presence of a keeper, make this yard perfectly secure, and its cost could not be but little. This would enable the sores of men in the jail to have exercise in the open air, instead of walking about the jail corridors involving the atmosphere of a prison.

The national government has from five to ten prisoners, or thereabouts, confined in this jail. For the medical care of these a physician is employed who visits the jail twice a week.

The cost of the medical care of the New York Prison Association, Mr. Tousey, gave testimony in the form of a statement and suggestions to the committee. He called attention to some of the points mentioned by him on his previous examination, and particularly to that in reference to the classification of the inmates of our prisons. He wished to impress upon the committee the absolute necessity of making such classification mandatory, and of recommending to the Legislature, at its coming session, the passage of a law providing for such classification. Another point made by him was the matter of properly instructing prisoners in whatever mechanical avocation they were engaged in, and thoroughly teaching them all branches of any given trade, as far as possible. The practice of putting one man at one branch, and another at another, was all wrong, and deprived the convict of the advantage of the knowledge he had gained by becoming a free man again, and thereby lessened his chances of obtaining an honest livelihood. However proficients a man might become in driving pegs, or in hanging or doing any one part of a work of any kind, he was not a craftsman, such knowledge or proficiency would never be as much service to him as a firm grasp of the work able to make whole boot or a whole coat; because he would not be able to find employment at any special branch of a trade, and therefore the chances would be that he would be much more likely to drift back and so into prison.

He referred to the matter of vagrants and tramps, and the proper enforcement of the laws already on the statute books in regard to them. The flood of vagrants and tramps which was at present overrunning the country, was becoming a great nuisance, and he was Mr. Tousey's opinion that these classes have a tendency to increase the amount of crime in this city, and

New York, November, 1877.

SINCLAIR TOUSEY,  
Chairman, etc.

#### MR. TOUSEY'S EVIDENCE CONCERNING THE TRAMP AND VAGRANT NUISANCE.—GOVERNMENT OF PRISONS.

By request of the Assembly Committee on the Increase of Crime in the State, the Chairman of the Executive Committee of the New York Prison Association, Mr. Tousey, gave testimony in the form of a statement and suggestions to the committee. He called attention to some of the points mentioned by him on his previous examination, and particularly to that in reference to the classification of the inmates of our prisons. He wished to impress upon the committee the absolute necessity of making such classification mandatory, and of recommending to the Legislature, at its coming session, the passage of a law providing for such classification. Another point made by him was the matter of properly instructing prisoners in whatever mechanical avocation they were engaged in, and thoroughly teaching them all branches of any given trade, as far as possible. The practice of putting one man at one branch, and another at another, was all wrong, and deprived the convict of the advantage of the knowledge he had gained by becoming a free man again, and thereby lessened his chances of obtaining an honest livelihood. However proficients a man might become in driving pegs, or in hanging or doing any one part of a work of any kind, he was not a craftsman, such knowledge or proficiency would never be as much service to him as a firm grasp of the work able to make whole boot or a whole coat; because he would not be able to find employment at any special branch of a trade, and therefore the chances would be that he would be much more likely to drift back and so into prison.

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the system of indiscriminate charity so prevalent here, has had a tendency to bring the idle and the lazy into New York, where they seem to imagine that they stand a better chance of getting a living by appealing to the sympathies of the charitable institution, than they do in the more sparsely settled portions of the country. Many, perhaps the majority, of these men will not, possibly, become criminals so long as they are able to obtain a living by the easier and safer method of begging; but when that fails, their transition from beggars to criminals is easy and natural.

In an illustration of this point, Mr. Tousey instanced two cases which had come under his personal observation, and which are but samples of what may be met with at any time in the week in any part of the city. "The first case he mentioned occurred in a fair-ground, through which he happened to be passing on one occasion, when he noticed two stalwart, bold-looking men, seated beneath the shade of a friendly tree, conversing between themselves. As he passed, one of the fellows approached him, and, touching his hat, asked, in the usual parlance of the profligate of his class, if Mr. Tousey had any money to lay out. He, being asked what he wanted, he replied that he wanted money "to buy bread." Mr. Tousey said he had lived in New York too long to be misled in that way, and so he made bold to inform the applicant that he had made a mistake, and that he did not have any money to lay out, but wisely and sure enough, when he came to search the man's pockets he found in one of them a five-ounce phial, around which lingered the suspicious aroma of the article mentioned. "That," said Mr. Tousey, "is the class of men who become thieves when they fail to obtain what they want in the manner they endeavored to get it from me." The other case mentioned by Mr. Tousey occurred in another fashionable and frequented portion of the city up town. He was approached in nearly the same way, and saluted in the same old phrase as in the former case, when he replied, rather abruptly, "I have nothing to give you." The fellow turned upon him with the vilest abuse, and after informing him, in language not to be repeated, that he need not put on airs and refuse him what he had not asked for, consigned him to another and wiser locality. "If you are in the class of men who do not know how to behave highway robbers, had he met me in some dark and unfrequented spot, he would have forced from me that which I charitable to give him for the simple asking." In reply to a question, Mr. Tousey said that he would like the system of the contractors to be continued, was one of the great mistakes of a reformatory persons in this city. The result of the practice was to support the parents at home in drunkenness and idleness, and also to demoralize the children, if not to ruin and degrade them.

In regard to the charitable institutions existing in the city for the care of the poor and the needy, Mr. Tousey was asked if he thought there were enough of them, and he replied that there were too many of them, and that they did harm by encouraging idleness, when otherwise there might be an inducement to try and earn a living by honest labor. He did not wish to be looked upon as uncharitable, or wanting in sympathy with the misfortunes of his fellow-citizens. If people are sick, put them in a proper place, and take care of them; but the trouble arises when patients that it would be best to send to the Fifth Avenue Hotel. At the risk of incurring the ill-will of those who might, perhaps, differ from him on the point, he would have every man, woman and child, as well as the street Arabs, who do not know how to behave before the proper authorities, and asked why there were beggars. If they had no home, he would have them furnished with work, and given, as a remuneration, enough to eat and to wear, and a few cents they in addition, to be used for the purchase of clothing and other necessary articles. If such persons were sick, send them to the hospital and take care of them. In a city like New York, where there is such ample opportunity for the profitable employment of all the surplus labor at one of our great manufacturing establishments, it would be one of the great mistakes of any part of any portion of its population. It was the duty of the city to give such persons proper employment.

Mr. Tousey alluded to considerable length the suggestions made on Wednesday to the committee, in regard to his idea, that a vast proportion of the crime in this city came from the over-crowded portions of the city, known as the tenement-house districts. A large percentage of crime in this city, Mr. Tousey remarked, was committed by the young men and women, twenty years of age. All these classes, men of this state of things was undoubtedly attributable to the lack of home comforts and home amusements. Preach against amusements as much as you please, you cannot prevent the idle from then out of the American people, and the young men and women, who are idle, and who are without any amusement at home, seek it elsewhere. Hence, he would have the State establish and maintain places of rational amusement for the benefit of the classes under consideration. He would not recommend the theatres, nor concert-rooms, nor, perhaps, reading-rooms, in their exclusive sense, as they now exist, but places where boys could go in and find innocent games to amuse themselves as checkers, and chess, and backgammon, and the like. He would have three places open free, the only one of which he would have to be closed at all times, and which would derive their benefits being cleanliness of habits and decency of conversation. There might be books and magazines for the use of such as might desire them, provided any one should see fit to furnish them; but the great object of the place would be to give the boys and young men, during their evenings, instead of spending their long idle hours around street corners, or loafing in liquor saloons, where they were sure to form bad associations, and contract vicious habits, and were very likely to die in prison, two or three such places, in all the different wards, and in the densely populated localities of the city, would diminish the number of arrests, and have the effect of greatly reducing the aggregate of crime in the city. In answer to a question, Mr. Tousey said that he would not have any objection to the State taking the initiative to the question if he did not think it would be advisable for the churches to take the initiative in establishing these places of amusement, and that he would emphatically that he did

not. He would not have a word said about theology in connection with the subject. That was one great trouble with our asylums now. You could not reach that class of people in that way. He would simply have a piece where the boys could come in and read, and play checkers, and dominoes, and all that sort of thing, the only restriction to be placed upon them being that they must not spit on the floor and use profane and obscene language, or otherwise act like loafers. Another point made by Mr. Tousey was in reference to the police force of the city, which he thought might be more efficient in discipline, and thereby tend to greatly diminish the amount of crime in the city. He pronounced the force as wanting in discipline, as evidenced by a universal flinching and want of energy, and a general lack of any adequate idea, on the part of its members, of the responsibility imposed upon them. Policemen were too fond of hanging on a corner and loitering around area steps, talking with whoever might be there; of meeting in squads among themselves and passing their time in conversation, or of talking with any passing citizen on ordinary topics, and much longer than was necessary to answer any reasonable number of questions. They were like soldiers, who were not drilled, and who were not very vigilant, and ever watchful; never loitering around areas and talking with servant girls, or going into lager-beer saloons with their uniform on. If they were known to be such, the criminal could be made afraid of their presence at present they do not seem to care anything more for a policeman than for anybody else.

In regard to the police supervision of criminals returning to this city after the expiration of term of imprisonment, Mr. Tousey said that it was a difficult task indeed, in a city like this. The great trouble was that every detective in New York was so well known to the originals as the originals were to the detectives, and in order to secure a proper police supervision of discharged criminals, it would be necessary to make an entire change in the present detective force of the department. The detectives should be so known as such a change would effect the heads of the department. Another great mistake, in his opinion, was the publicity given by the newspapers of the doings of the police in important criminal cases. The moment a great crime is committed, the papers come out and flaring accounts of what has been done, and what wonderful feat has been performed by detective Smith or Brown. The *modus operandi* by which detectives work, or propose to work, should never be published, and detectives should never be known in any way to the doings of the department, which employs them. His reason for this was not so much on account of any demoralizing influence such publication might have on the force, perhaps, but because it puts other criminals and notifies them not to get caught in the same manner as their companions did.

In the regard to identity he was very emphatic; expression of his opinion was given that it should be as thorough and as perfect as possible, and be fortified by the photograph of the criminal. If a criminal comes out of State prison and proposes to behave himself, nobody has reason to care where he is; but if he does not propose to behave himself, it is a matter of the utmost importance to everybody where he is. Therefore, there should be the utmost caution taken to prevent such a person from deceiving people by assuming a disguise or a false name. The treatment of the police force of the department, after a man has been released from prison, and wishing to reform his mode of life, and start some business of his own in some part of the city. The policeman on his post recognizes him, and, shrugging his shoulders, remarks to some crowd passing by, "Here that man, the corner is better than he was before he went to Sing Sing." The world gets whirled about, the man finds it necessary to change his location, and finally, driven from one locality to another, brings up in prison again.

Mr. Tousey said that the question of the prison guard was a hard matter to settle, and that the present system was very objectionable. There was favoritism shown to certain prisoners and undue severity exercised toward others. There was no reason why there should not be as good discipline at Blackwell's Island as there is at Sing Sing, after a man has been released from prison. Blackwell's Island does not pay its own way because it was prevented by law. Other penitentiaries, like Kings County, worked their inmates, and therefore were self-sustaining. It might be well to have a similar system at Sing Sing. Perhaps this discipline would be better if it was free to admit that prisons should be places for punishment and not reformation.

#### WHAT SHALL BE DONE WITH THIS BOY?

Mr. Tousey, in the Social Science Association at Saratoga Springs, August, 1877, in the discussion of "Delinquency," said:

"There is a class of children, not yet referred to, that may be numbered by the thousand, who are not idiots, trunks, or criminals. I refer to the *weglected ones*. They are not orphans; they have something that answers to the name of home, though in a very minute degree, so far as home comforts are concerned. I wish to call your attention to an occurrence which took place in this building yesterday, showing one type of this neglected class. About four o'clock I went out into the streets, and saw a boy of this class, who was sitting on a miserable, plainly ventilated and poorly lighted. When the windows are closed in winter, the air, I am told, becomes so foul from the drunk and disorderly inmates congregated there, that animal life is sustained by gas and difficulty. By an accident, I saw a mother, who had a very young child, by a foot-board, about seven or eight years old. I asked the father: 'What is this boy here for?' He replied: 'For pilfering fruit.' Then, turning to the boy, I said: 'What is your name?'

"Answer—'My name is Freddy.'"  
 Q. "Have you a father?" "Yes."  
 Q. "Does he know you are here?" "A. 'I don't know whether he does or not."  
 Q. "What does he do for a living?" A. "I don't do anything."  
 Q. "Do you ever go to Sunday-school?" "No, I never get any clothes."

Turning to the jailer, I said: "What do you know about this boy?" He replied: "He is a bad boy, and is connected with a gang of young vagabonds who have been stealing fruit all the summer."

Q. "What do you know about his father?" A. "His father is known as 'Patsy, the dog,' because he is a miserable, drunken scamp, who goes walking round the streets, and if he sees a stray dog anywhere, he picks him up, keeps him a day or two, and then sets him free for whisky, upon which he and his wife get drunk. They visit this police court very often. I am afraid this boy is steering in the same way."

Now, this thing will go on for a while. By and by, when some of this conference are visiting the State prisons, they will find that they have a confirmed, habitual criminal. Just as sure as society does not interfere will that boy become so familiar with iron bars and jail life, that the State prison will be his home, and he will, at length, be arriving at maturity, he will, like Margaret, the mother of criminals, leave children to follow in his downward career in crime, and burden the State. All our county jails are contributing to this dreadful result. What is to be done under these circumstances? The gentleman from Michigan told us that the State assumed a superiority over the parent in its control and care of the child. This is the only correct principle. Parental rights are all very well, but the State has a right over the parent; and it should come in, by its superior power, and take hold of the child. "Patsy, the dog," and remove him from the influences that surround him. We have no organization for such children. The nearest to it is that known as "The Society for the Prevention of Cruelty to Children." It has powers and duties, however, are not of a class to embrace the boy I have described, and we still need a provision for such children as the son of "Patsy, the dog." Society must rescue these neglected ones from their surroundings, or its burdens of crime and misery will become greater than can be borne.

## ANNUAL REPORT OF THE GENERAL AGENT, STEPHEN CUTLER.

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

As Chairman of the Committee for Discharged Prisoners, and as General Agent, the undersigned has the honor to report that the various duties assigned to the agent have been conducted without any interruption, under the able and efficient superintendence of the services of this committee, and maintaining one office for the business of the Association.

This change, dating from May last, is producing good results. System and promptness in the duties are promoted by this concentration, so that, for the present, the daily duties in prisons and courts, and the attention needed by released prisoners, are conveniently attended to at the general office of the Association.

The duties of the agent are, practically, the executive part of the duties of the Committee on Detentions and the Committee on Discharged Prisoners, so that, in making this report, these two kinds of service will be separately referred to, as follows:

#### DETAINED PRISONERS IN CITY PRISONS OF THE CITY OF NEW YORK.

The Tombs and the Jail in Muldoon street are the county prisons of this city and county, while in a recent judicial decision, the penitentiary on Blackwell's Island has been held to be a branch also, or department of the New York county prison.

In these three institutions, as maintained as branches of the county prison or jail, the average total number daily in confinement ranging from 1,400 to 1,600 persons. But the number of detained persons awaiting trial, or other judicial movements, averages from 350 to 500, consisting in confinement in the Muldoon Street jail and the Tombs.

To such of these detained persons as the Association owes any duty, the General Agent must go, and the Committee on Detentions, through his representations and aid, may act. This duty is quite different from the ordinary duties, and it requires careful discrimination for the avoidance of all interference with the legitimate movements of public justice. This branch of service chiefly relates to:

- The necessities of friendsless, innocent, or wantonly wronged persons.
- The wants of numerous children under arrest and before the courts.
- The interests of persons who have unwittingly been enticed into wrong acts by designing accomplices, and the promotion of public justice by the arraignment of such accomplices and contrivers of crime.

The welfare of relations and families of the accused persons detained in city prisons.

#### DISCHARGED PRISONERS.

The number of prisoners discharged from the two penitentiaries in New York and Brooklyn, during the year 1877, was nearly 4,000, including the 20 who were paroled. Over 800 of these were under 20 years of age, and over 1,300 of them were between 20 and 30 years of age. All of these two classes are so young, and in some of them so capable of acquiring and leading useful

lives, that the agent of this Association is dutifully bound to examine into the wants and capabilities of any of them to whom he has access.

It will be seen by the annexed abstract, that during the year over 200 discharged prisoners from the New York Penitentiary, Blackwell's Island, and from the Kings County Penitentiary, Brooklyn, were in this manner aided and sent to employment.

The number of discharged convicts from the several prisons, who called upon this Association for advice and aid was about 500 during the year. The abstract shows that while the local penitentiaries have sent 92 per cent of all who applied at the agent's office, the State prisons were represented among the applicants as follows:

Albany Prison.....	35
Sing Sing Prison.....	187
Prison at Poughkeepsie.....	12
Prisons of other States.....	12
From the local penitentiaries.....	266

In all attempts to render useful encouragement and aid to persons on their discharge from prisons or jails, it is important to avoid the unpardonable effect of doleful out money or other pecuniary gifts. Labor of the hands or the brain, in some useful employment, is the first duty of the discharged prisoner. To prepare the way for such employment, and to aid those who must be helped to reach suitable employers in a proper condition to go at once to work, is the daily study of the agent.

The food, the clothing, food, and transportation furnished to discharged prisoners, has this as the immediate object in view.

As the establishment of the State agency for discharged prisoners, with a central office at Albany, for felon convicts, has, under the new statute (Chapter 424, Laws of 1877), opened and enlarged the whole plan for encouraging and assisting all felon convicts who need assistance on their release from imprisonment, the facilities which the Association had made available for this service, during the past few years, were at once available for the State agency.

Thus the efforts of this Association and that agency become co-ordinate and doubly effective. The following cases serve to illustrate the practical results of the daily service of the Association for discharged prisoners:

No. 1.—This boy was surrounded with bad associates, committed a theft, and was sent to Blackwell's Island Penitentiary for one month. He was released in August, 1877; came to this office. His father dead; his mother a drunkard. The boy, bright and intelligent, said he wanted to get away from the city—away from evil influences. He proposed to enlist in the U. S. army. We secured him the promise of a place in the band on Governor's Island, as he was only 19 years of age, we became his guardian by letter from the surrogate, who made them for him, and directed him to go to the island, and there to be employed as a band musician, and the boy happy in his new position; and bidding me good-bye, promised I should have a good record of him. We have since received a letter from him, which encourages us to hope he is doing well. He says he is happy in his work, and thanks us for our kindness.

No. 2.—Spent six months in the penitentiary for theft; is over 40 years of age; during the war made over \$100,000, but lost it all, and was in want, and through poverty got into trouble. He is full of business ability and energy, and seems determined to make his way honestly to the front and reach a standing in society. His friends are ready to help him, but God has heard his cry in his great distress.

He called upon us to assist him to start again. He needs assistance to help his wife and children from being turned into the street, and he needs the tools. We furnished him with what he needed, and we hope and expect a good report from him.

No. 3.—Only 19 years old, came from Blackwell's Island Penitentiary to this office in a very destitute condition. We secured him temporary assistance in the way of clothing, and advised him what to do to obtain employment.

He has since called upon us to report progress; sometimes just barely earning his bread, but he is again employed, and he came here to-day.

No. 4.—This lad, only 19 years of age, was arrested for larceny and sent to the penitentiary for five months. He has a matured appearance, and has been a very bad boy. He left his home at an early age, and has since been in and out of the penitentiary several times, and under instruction to "Simple Joe," a notorious thief, and graduated a thief; has lived in that line of business since, and has been in prison several times.

My first interest in him was induced by his being sent to the penitentiary for stealing, and only came to this office because his funds were low. I altered my mind, as I found by degrees he appeared to yield to advice, and promised to strive to live honestly in the future. We obtained a place for him with a father in the country. We love to have a good account of his fate.

No. 1.—Was a waiter in a hotel, and was sentenced to a term of larceny from his room. After bearing his story we did not think he was a thief, and took interest enough in him to call at the hotel. The proprietors expressed their belief in his innocence, and offered to give him a character for that time, which he had been with them, which was over a year. The guest was unable to give bail for his appearance in court, and was placed in the House of Detention. We attended at the court, and the waiter was honorably acquitted and went home to his family, and he is again employed at the same hotel.

No. 2.—This young man was found in the Tombs under arrest for larceny. He lives with his parents, and is their main support. He says a man came along and said he was one of the thieves, and he had the goods he had stolen, but he had no money to buy the goods to eat, and he gave the striker his breakfast, and then was told by him that he would pay him a commis-