

TWENTY FIRST ANNUAL REPORT

8-851

P 93

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(for 1865)

OF THE

EXECUTIVE COMMITTEE

OF THE

PRISON ASSOCIATION OF NEW YORK.

TRANSMITTED TO THE LEGISLATURE JANUARY 22, 1866.



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1866.

State of New York.

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No. 50.

IN ASSEMBLY,

January 22, 1866.

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TWENTY-FIRST ANNUAL REPORT for 1865  
OF THE EXECUTIVE COMMITTEE OF THE PRISON ASSOCIATION  
OF NEW YORK.

HON. LYMAN TREMAIN,

*Speaker of the Assembly:*

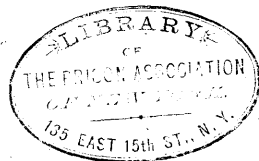
Sir—I have the honor to hand you herewith, agreeably to a requisition of law, the Twenty-first Annual Report of the Prison Association of New York, with a request that you will lay the same before the Legislature.

Very respectfully,

Your obedient servant,

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

OFFICE OF THE PRISON ASSOCIATION,  
38 BIBLE HOUSE, NEW YORK, Jan. 20, 1866.



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# OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1866.

PRESIDENT,  
JOHN DAVID WOLFE, 13 Madison Avenue.

VICE-PRESIDENTS,  
FRANCIS LIEBER, LL.D., 48 East 24th. THEO. W. DWIGHT, LL.D., 37 Lafayette  
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JOHN H. GRISCOM, 42 East 23d. J. STANTON GOULD, Hudson, Col. county.

CORRESPONDING SECRETARY,  
E. C. WINES, D.D., LL.D., 38 Bible House.

RECORDING SECRETARY,  
FRANK W. BALLARD, 100 Broadway.

TREASURER,  
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EXECUTIVE COMMITTEE.  
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ton avenue. JOHN ORDRONAU, M. D., Roslyn, L. I.  
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EDWARD COOPER, 17 Darling Slip. EDWARD COOPER, D.D., 13 East 24th.  
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RENSELAER N. HAVENS, 15 Nassau. ARCHIBALD S. VAN DUZER, 170 B'way.  
SALEM H. WALES, 37 Park Row.

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MARK HOYT,  
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*Ex-officio*.  
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JOHN H. KEYSER,  
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ISRAEL RUSSELL,  
ADAM T. SACKETT,  
A. S. VAN DUZER.

*Ex-officio*.  
JOHN D. WOLFE, THEO. W. DWIGHT, E. C. WINES.

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FRANCIS LIEBER, JOHN T. HOFFMAN,  
WILLIAM F. ALLEN, G. B. HUBBELL,  
JOHN H. ANTHONY, SAMUEL OSGOOD,  
JOHN A. BRYAN, JOHN J. OWEN,  
EDMUND COFFIN, JAMES H. TITUS,  
JOHN STANTON GOULD, S. TOUSEY,  
JOHN H. GRISOM.

*Ex-officio*.

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

## GENERAL AGENT,

ABRAHAM BEAL: Office No. 12 Centre street.

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**Cayuga:** residence, Auburn—Dr. R. STEELE, JAMES S. SKYMOUR, Dr. WILLARD.  
**Chemung:** residence, Elmira—E. S. PALMER, TRUMAN FASSETT, Rev. ISAAC CLARK.  
**Clinton:** residence, Plattsburgh—M. K. PLATT, L. STETSON, P. S. PALMER.  
**Cortland:** residence, Cortland—Rev. IRVING L. BEMAN.  
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**Fulton:** residence, Johnstown—GEORGE DAVIDSON.  
**Franklin:** residence, Malone—W. A. WHEELER, F. T. HEATH, W. P. CANTWELL.  
**Genesee:** residence, Batavia—Rev. C. S. MURPHY, C. F. BUNXTON.  
**Greene:** residence, Catskill—JOHN A. LANSING, D.D., E. B. COLLINS, CHARLES WILSON, GEORGE PENFIELD.  
**Herkimer:** residence, Herkimer—JOHN LITTLE, ZENAS GREEN.  
**Jefferson:** residence, Watertown—F. V. HUBBARD, Dr. W. V. ROBA, A. H. SAWYER.  
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**Monroe:** residence, Rochester—CHARLES H. WEBB.  
**Montgomery:** residence, Fonda—Rev. Mr. FROTHINGHAM.  
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**Oranget:** residence, Goshen—Rev. T. M. CURRY, C. W. REEVES, H. A. SINSBAUGH.  
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**Oswego:** residence, Oswego—G. C. MCWHORTER, A. P. GRANT, G. MOLLISON.  
**Queens:** residence, Waterford—Rev. W. H. MOORE, W. M. SHAW.  
**Rensselaer:** residence, Troy—AMASA R. MOORE, WM. SHAW.  
**Richmond:** residence, Richmond, S. I.—Rev. JACOB FEHRMAN, JAMES STEPHENS, W. J. EDWARDS.  
**Rockland:** residence, New City—JOHN E. HOGENCAMP, Dr. ISAAC HARING.  
**St. Lawrence:** residence, Canton—JOS. BARNES, L. B. STORRS, THEO. CALDWELL.  
**Saratoga:** residence, Ballston—F. M. MITCHELL, J. W. HORTON, Rev. D. L. TULLY.  
**Schenectady:** residence, Waterford—Rev. S. H. GRUBB, D. D.  
**Seneca:** residence, Oriskany—Rev. WILLIS J. BEECHER.  
**Steuben:** residence, Bath—A. B. HAND.  
**Suffolk:** residence, Riverhead—Rev. C. HOOPER, Dr. BENJAMIN S. GRIPPING, NATHANIEL W. FOSTER.  
**Sullivan:** residence, Monticello—Rev. SAMUEL B. DODD.  
**Tioga:** residence, Owego—A. C. WINTHROP, F. W. LAMOREUX, JOHN HOOKER, T. MOORE, G. B. WOODRICH.  
**Tompkins:** residence, Ithaca—Rev. F. N. ZABRISKIE, Rev. Dr. WISNER, Rev. WM. SEARLES, Rev. THOMAS HARROW, Rev. J. N. FOLWELL, DANIEL TO WOOD, CHAUNCEY L. GRANT, Jr.  
**Ulster:** residence, Kingston—H. H. REYNOLDS, ANDREW NEAR, JAMES O. MERRITT, PETER VAN VLECK, Rev. GEORGE WATERS.

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Warren: residence, Caldwell—Dr. CROMWELL, Mr. ARCHIBALD.  
Washington: residence, Salem—Dr. C. B. ALLEN, JOHN KING, JOHN WILLIAMS.  
Wayne: residence, Lyons—Rev. L. HINSDALE, SHERWOOD.  
Westchester: residence, White Plains—Rev. THEO. S. BUNNEY, Dr. H. E. SCHMID, Rev. GIDEON DRAPER, JOS. BEGGS.  
Wyoming: residence, Warsaw—Rev. ROBERT HORWOOD.  
Yates: residence, Penn Yan—Rev. FREDRICK STARR.

## HONORARY, CORRESPONDING AND LIFE MEMBERS.

## I. HONORARY MEMBERS.

Oscar I. King of Sweden and Norway.  
\*Hon. B. F. BUTLER, ..... New York.  
\*Hon. John Duer, ..... do  
Hon. John W. Edmonds, ..... do  
Rensselaer N. Havens, ..... do  
Abraham Van Nest, ..... do  
Peter Cooper, ..... do

N. B. The physician, warden, and chaplain of every State Prison in the country are, *ex-officio*, corresponding members of the association.

## II. CORRESPONDING MEMBERS.

\*M. ANJERS De TOOGSVILLE,  
M. G. De Brouwer,  
M. C. H. Lucas,  
Members of the Institute of France.  
C. J. A. Mettermater, Professor of Law, Heidelberg, Prussia.  
M. Demetz, Membre du Conseil General du Departement du Seine et Oise, etc., Paris.  
M. G. Blonet, Architect du Gouvernement, Paris.  
John G. Porry, Esq., Inspector of Prisons of Great Britain.  
\*Gen. Jebb, Surveyor General of the Prisons and Director of the Convict Prisons of Great Britain.  
Hon. Matthew Davenport Hill, Bristol, England.  
Edwin Clavick, Esq., London.  
Dr. Verdeli, Member of the Great Council, Vice-President of the Council of Health, Lausanne, Switzerland.  
Dr. Gosse, Geneva, Switzerland.  
Jacob Post, Esq., London.  
\*Rev. Louis Dwight, Secretary of the Prison Discipline Society, Boston, Mass.  
Francis Lieber, LL.D., Prof. Political Science, Columbia College, New York, and Corresponding Member of the Institute of France.  
Wm. Parker Foulke, Esq., Philadelphia, Pa.  
Stephen Caldwell, Philadelphia, Pa.  
M. Moreau Christophe, Chevalier of the Legion of Honor, France.  
Alfred Aspland, Esq., F.R.C.S. Dukenfield, Ashton-under-Lyme, England.  
J. P. Litchfield, M. D., Med. Supt. Rockwood Lunatic Asylum, Kingston, C. W.  
Samuel G. Howe, M. D., Principal of the Institution of the Blind, Boston, Mass.  
Dr. Varantrapp, Frankfurt-on-the-Maine.  
J. M. Ward, M. D., Newark, N. J.  
Miss Mary Carpenter, Bristol, England.  
Miss Dorothea L. Dix, Boston, Mass.  
Prof. Nathan David, Copenhagen, Denmark.  
Hon. Charles Sumner, Boston, Mass.  
Prof. I. L. Teikamp, Berlin, Prussia.  
\*John Hayland, Prison Architect, Philadelphia, Penn.  
\*George Sumner, Esq., Boston, Mass.

John G. Lytle, Philadelphia, Pa.  
George W. Searle, Esq., Boston, Mass.  
Griddley, F. F. Byra, Boston, Mass.

## III. LIFE PATRONS, BY THE PAYMENT OF FIVE HUNDRED DOLLARS AT ONE TIME.

## IV. HONORARY LIFE MEMBERS OF THE EXECUTIVE COMMITTEE, BY THE PAYMENT OF ONE HUNDRED DOLLARS AT ONE TIME.

John A. Archer, ..... New York.  
Wm. H. Aspinwall, ..... do  
J. J. Astor, Jr., ..... do  
\*James Boardman, ..... do  
Wm. T. Booth, ..... do  
James Brown, ..... do  
H. K. Bull, ..... do  
John Caswell, ..... do  
Samuel B. Caldwell, ..... do  
Edward Cooper, ..... do  
A. B. Conger, ..... do  
Wm. B. Crosby, ..... do  
H. R. Conner, ..... do  
James Warren Delano, ..... do  
Wm. Deane, Jr., ..... do  
Wm. B. Dodge, ..... do  
\*George Douglass, ..... do  
\*Wm. Douglas, ..... do  
Winthrop S. Gilman, ..... do  
Wm. C. Gilman, ..... do  
Meredit Howland, ..... do  
Mark Hoyt, ..... do  
John Taylor Johnston, ..... do  
James Lenox, ..... do  
Miss Lenox, ..... do  
John A. Linton, ..... do  
Peter Leillard, ..... do  
\*Robert B. Minturn, ..... do  
Samuel F. B. Morse, ..... do  
George D. Mott, ..... do  
Adam Norris, ..... do  
R. M. Olyphant, ..... do  
Daniel P. O'Connell, ..... do  
Charles Parker, ..... do  
George D. Phelps, ..... do  
John A. Fallon, ..... do  
C. H. Roberts, ..... do  
C. V. S. Roosevelt, ..... do  
Adam T. Sackett, ..... do  
Joseph Searles, ..... do  
J. F. Sheafe, ..... do  
Mrs. Mary Sheafe, ..... do  
G. H. Shinn, ..... do  
Henry M. Schieffelin, ..... do

\* Deceased.

R. L. Stuart.....	New York.
Alexander Stuart.....	do
James Stokes.....	do
Jonathan Sturges.....	do
Mrs. Catharine L. Spencer.....	do
H. S. Terbell.....	do
Alex. Van Rensselaer.....	do
Joseph Walker.....	do
George C. Ward.....	do
Salmon H. Wales.....	do
Samuel Willets.....	do
Rev. E. G. Wines.....	do
John David Wolf.....	do
J. Walter Wood.....	do
William Wood.....	do
Joseph Howland.....	Maltesawan, N. Y.
Mrs. Jos. Howland.....	do
Rev. N. S. S. Beman, D.D.....	Troy, do
Rev. H. G. Ludlow.....	Gewego do
Rev. Dr. Darling.....	Albany do
Rev. G. W. Perkins.....	Meriden, Ct.
Wm. Andrews, Esq.....	do
Thomas W. Olcott.....	Albany, N. Y.
Erastus Corning.....	do

V. LIFE MEMBERS OF THE ASSOCIATION, BY THE PAYMENT OF TWENTY-FIVE DOLLARS AT ONE TIME.

J. W. Alsop.....	New York.
John H. Anthon.....	do
Mrs. John J. Astor.....	do
Wm. B. Astor.....	do
*David Austin.....	do
*Anthony Barclay.....	do
*Henry Barclay.....	do
*John Bard.....	do
Thomas Barron.....	do
C. Bartlett.....	do
Edwin Bartlett.....	do
Samuel J. Beebe.....	do
August Belmont.....	do
James G. Bennett.....	do
E. L. Benson.....	do
Bartholomew Bianco.....	do
*Henry Bevoort.....	do
J. Carson Bevoort.....	do
Louis K. Bridge.....	do
Mrs. Arthur Bronner.....	do
Sydney Brooks.....	do
S. Broom.....	do
Stewart Brown.....	do
James M. Brown.....	do
George Bruce.....	do
Orasmus Bushnell.....	do
Mrs. Burr.....	do
*Benj. F. Butler.....	do
Ira Bliss.....	do
*Mrs. Maria Bunker.....	do
*Henry Chauncey.....	do
Edmund Coffin.....	do
Benj. G. Clarke.....	do
Wm. T. Coleman.....	do
E. K. Collins.....	do
Israel Corse.....	do
F. Cottinet.....	do
Cyrus Curtiss.....	do
Stephen Cutler.....	do
Wm. F. Gary.....	do
Henry C. De Rham.....	do
Abraham Denike.....	do
*John Duer.....	do

Lucey H. Eddy.....	Elizabethtown, N. J.
*Thomas Eddy.....	do
J. W. Edmond.....	New York.
J. Stillie Ely.....	do
P. W. Engle.....	do
B. H. Field.....	do
H. W. Field.....	do
Hamilton Fish.....	do
James Foster, Jr.....	do
James Freeland.....	do
Wm. P. Furniss.....	do
F. Garner.....	do
James W. Gerard.....	do
*John Gilbon.....	do
Arthur Gilman.....	do
*William C. Gilman.....	do
J. B. Graham.....	do
E. Boonen Graves.....	do
John G. Green.....	do
Henry Grubb.....	do
*Seth Grosvenor.....	do
*Jasper Grosvenor.....	do
Eliza P. Gerney.....	Burlington, N. J.
Ogden Haggerty.....	New York.
Valentine G. Hall.....	do
Mrs. Valentine G. Hall.....	do
*Wm. M. Halsted.....	do
L. P. Hawes.....	do
Th. H. Hedges.....	do
J. Heckscher.....	do
E. Herrick.....	do
Silas C. Herring.....	do
D. Hoadley.....	do
James Horn.....	do
B. W. Howe.....	do
Edgar M. Howland.....	do
*G. C. Howland.....	do
*S. S. Howland.....	do
James C. Holden.....	do
Thomas Hunt.....	do
George F. Hussey.....	do
Richard Irvin.....	do
John Jay.....	do
H. L. Janeway.....	do
*Miss Ann Jay.....	do
*S. S. Jaffray.....	do
*J. R. Jaffray.....	do
Solomon Jenner.....	do
James J. Jones.....	do
Walter E. Jones.....	do
Alexander S. Johnson.....	do
J. F. Joy.....	do
William Kemble.....	do
William L. King.....	do
J. Kissam.....	do
Charles P. Kirkland.....	do
Josiah Lane.....	do
Mrs. Langdon.....	do
Samuel Leeds.....	do
Jaob Le Roy.....	do
Jaaco R. Le Roy.....	do
*C. M. Leup.....	do
*H. B. Livingston.....	do
Daniel Lord.....	do
Rufus L. Lord.....	do
*Cornelius Low.....	do
Nicholas Low.....	do
N. Ludlum.....	do
A. A. Low.....	do
Abijah Mann.....	do
Edward H. Miller.....	do
J. Matthews.....	do

\* Deceased.

James McBride.....	New York.
Allan McLane.....	do
Wm. F. McCoun.....	do
C. A. Meigs.....	do
Thomas D. Middleton.....	do
W. H. H. Moore.....	do
E. D. Morgan.....	do
*Matthew Morgan.....	do
H. D. Morgan.....	do
Wm. F. Moitt.....	do
*Ludley Murray.....	do
*R. H. Nevins.....	do
Clayton Newbold.....	do
Wm. Newell.....	do
Wm. Niblo.....	do
*Wm. Curtis Noyes.....	do
Charles O'Connor.....	do
D. W. C. Olyphant.....	do
Wm. Outbont.....	do
Thomas Owen.....	do
*John J. Palmer.....	do
E. Paruly.....	do
F. Pell.....	do
J. Phalon.....	do
Howard Potter.....	do
Thomas Prosser.....	do
P. R. Pyne.....	do
Robert Ray.....	do
Freeman Rawdon.....	do
Wm. C. Rhinlander.....	do
George S. Robbins.....	do
Samuel B. Ruggles.....	do
Israel Russell.....	do
*David Sands.....	do
James L. Schieffelin.....	do
*Peter Schermshorn.....	do
Dudley Seiden.....	do
Austin Sherman.....	do
B. B. Sherman.....	do

Cornelius Smith.....	New York.
A. T. Stewart.....	do
T. B. Stillman.....	do
*Gerard Stuyvesant.....	do
Mrs. Helen Stuyvesant.....	do
L. L. Suarez.....	do
Olis D. Swan.....	do
Charles N. Talbot.....	do
Moses Taylor.....	do
J. T. Terry.....	do
James H. Titus.....	do
S. P. Townsend.....	do
George F. Trimble.....	do
Archibald S. Van Duser.....	do
Abraham Van Nest.....	do
James Van Nostrand.....	do
P. S. Van Rensselaer.....	do
John G. Vose.....	do
R. H. Vose.....	do
A. Ward.....	do
*Robert D. Weeks.....	do
Prosper M. Wetmore.....	do
Samuel Wetmore.....	do
Eli White.....	do
James R. Whiting.....	do
*Stephen Whitney.....	do
William E. Wilmerding.....	do
B. R. Winthrop.....	do
*R. H. Wisliew.....	do
E. J. Woolsey.....	Astoria, N. Y.
Henry Young.....	New York.
*Wm. S. Zacker.....	Brooklyn, N. Y.
Matthew Zassar.....	Poughkeepsie, do
H. Durrell.....	Salisbury, do
Rev. J. S. Clark.....	Waterbury, Ct.
Rev. Mr. Elliott.....	do
Rev. Mr. Sears.....	Meriden, Ct.
S. D. Gregory.....	Jersey City, N. J.

\* Deceased.

CHARTER AND CONSTITUTION  
OF THE  
NEW YORK PRISON ASSOCIATION.

AN ACT TO INCORPORATE THE PRISON ASSOCIATION OF NEW YORK, PASSED MAY 9, 1846, BY A TWO-THIRD VOTE.

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

§ 1. All such persons as now are or hereafter shall become members to the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation. Provided, that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this 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 prisons, whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

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CHARTER AND CONSTITUTION.

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ARTICLE II.

The officers of the society shall be a president, four vice presidents, a recording secretary, a corresponding secretary and a treasurer, and there shall be the following standing committees, viz: a finance committee, a committee on detention, a committee on discipline, a committee on discharged convicts, and an executive committee.\*

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

The society shall meet annually in the city of New York, at such time and place as the executive committee 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, shall, during such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars an honorary member of the executive committee for life; and a contribution of twenty-five dollars shall constitute a member of the association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

ARTICLE VII.

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

ARTICLE VIII.

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

\* Amended, agreeably to Article XI, to read thus: the officers of the society shall be a president, vice-presidents, a corresponding secretary, a recording secretary, a treasurer and an executive committee.

## ARTICLE IX.

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and cooperating 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 workhouse in the county of New York, and in their discretion to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

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

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out

the said persons, so being minors as aforesaid, as apprentices or servants, with their consent, during their minority, to such persons and at such places, to learn such proper trades and employments as, in their judgment, will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine all the prisons in the State and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And, to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are 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, 1846. }

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,

WM. C. CRAIN, *Speaker*.

Approved this 9th day of May, 1846,

SILAS WRIGHT.

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

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and of 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 other facility in their power to enable them to discharge the duties above prescribed. And, for the purpose of obtaining the necessary information to enable them to make such report as is above required, the said inspectors shall have power to examine, on oath, to be administered by either of the said inspectors, any of the officers of the said 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.
7. Miscellaneous business.

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

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

V. The chairman shall decide all questions of order, subject to an

appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.

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

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

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.

2. To audit all bills against the association; and no bill shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.

3. To audit and report upon the treasurer's accounts annually.

4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

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

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons 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 influence—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, adminis-



tration and internal police, comparison of different prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

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

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

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

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

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

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

1865

## TWENTY-FIRST ANNUAL REPORT.

It is with pleasure, and not without a degree of what they trust will be regarded as at least pardonable self-gratulation, that the Executive Committee of the Prison Association of New York submits to the Legislature, as required by law, its report for the year now just at its close. The Association has reached and passed the twenty-first year of its existence, having been organized on the sixth day of December, 1844. It may, therefore, to borrow the language of civil life, be said to have obtained its majority; and in doing so it has, we think we may say with truth, developed a vigorous and healthy manhood. Certainly, in no previous year of its history, has it exhibited a vitality so high, an energy so intense; in none have its labors covered so wide a field, or been characterized by such earnestness, both of purpose and of action; and in none have its exertions yielded fruits so abundant. Although in law and original design, it is only a State organization, yet its work has, during the past year, assumed a scope and importance which may, without exaggeration, be said to be national.

### OBJECTS OF THE PRISON ASSOCIATION.

The Executive Committee deems it proper to make, in each of its reports, a statement of the objects which the Association has in view, as these are defined by the law creating it.

The first has reference to persons arrested and held in prison on a suspicion or charge of having violated the laws. The aim of this department is to secure to the friendless and the destitute strict justice in their cases, and to protect them from the depredations of rapacious and unprincipled persons, with whom they may come in contact.

The second is to aid discharged prisoners in their efforts to reform and lead an honest life. The disposal of released criminals is one of the most perplexing and difficult problems of our work. Aside from the temptations to which these poor creatures are subjected by the evil associations into which they are often forced by

sheer want, they suffer, beyond expression, the blighting effect of a feeling of despair, and the depressing influence of a conviction, in their own minds, that no man cares for them, that no man will trust them. Very many of this class are driven to return to a course of crime by their inability to procure employment and the consequent goadings of hunger. To guard against such a result is plainly a matter of interest to all our citizens. To accomplish this end, we find work for the discharged prisoner; and until we can do so, if he is without money, we pay the expense of his board in some respectable household, where he will be surrounded with good influences. If work is found for him at a distance, his traveling expenses in going to it are defrayed. Sometimes tools are furnished to a released convict, that he may start a little business for himself; but in all cases the sums advanced are regarded as loans, to be repaid, without interest, out of the proceeds of their labor. The tendency of this arrangement is not only to encourage them in habits of industry and economy, but also to incite them to increased exertion, under the certainty that by every dollar they return they are contributing their aid to others in a like condition, since thereby the Association is enabled to use the same sums many times. But the foregoing statement does not exhibit the whole function of our society in relation to discharged prisoners. Our object is to protect society, as well as to aid the fallen who wish to reform. Unfortunately, all are not animated by such a desire. As to this class of persons, since they afford little or no hope of reformation, it is our habit to report their names to the police, that so they may be closely watched, and, if possible, caught and again brought to justice on the very first repetition of their crimes.

The third and last object we have in view is to give attention to the general subject of prison discipline, including therein the organization, arrangement, police and government of State, county and city prisons; to collect, digest and tabulate the statistics of crime; and more especially to multiply and invigorate the reformatory influences of our prison system.

What has been accomplished the past year in these three great departments of our work will be made apparent as we advance in this report.

#### FINANCIAL CONDITION OF THE SOCIETY.

The finances of the Association are exhibited in detail in the treasurer's annual statement, which will be found in the appendix. The good which the society has done and is doing is so manifest

to our citizens, and, as a consequence, it has become so firmly established in their confidence, that whatever pecuniary means, additional to those granted by the State and the city, are needed for its work, are cheerfully contributed.

#### OUR WORK IN THE DETENTION AND DISCHARGED CONVICT DEPARTMENTS.

We place under one head the labors of these two departments, because, besides being closely related, they are not a little blended together, in consequence of being chiefly carried on by the general agent of the Association, Mr. Abraham Beal. This gentleman has, during the past year, discharged the duties of his position with a zeal which knows no flagging, and with a sympathy for the fallen and the unfortunate unchilled by long years of incessant contact with crime. The details of his work will be set forth in his own annual statement, printed in the appendix. The following summary will suffice for this more general report: Besides constant attendance on the criminal courts, where his services are brought into requisition in a variety of ways, he has visited 6,400 poor and friendless persons confined in our various detention prisons; has examined 1,081 complaints; has procured the abandonment of 303 of the above complaints as frivolous, or grounded on mistake, prejudice or passion; has secured the release from custody of 324 persons, either innocent of the charges against them, or of tender years, or manifestly penitent and resolved to "sin no more;" has aided pecuniarily 1,305 discharged prisoners; has furnished 173 with articles of clothing; and has procured for 171 discharged convicts situations where they could earn the bread of honest industry. Here, then, we have a total of 9,757 persons aided by the Prison Association during the last year to a greater or less extent, either materially or morally, or both. Doubtless many of these will have derived little benefit from our benefactions beyond the temporary relief of their suffering; but, on the other hand, it is no less certain that not a few, through the friendly sympathy and timely assistance thus rendered, have been prevented from commencing a career of crime, or turned back after having commenced it, and so have been saved to themselves and to society. Who would grudge the moderate expenditure necessary to secure so beneficent a result? Who can regret his own contribution towards an end so fraught with blessing to man and glory to God?

RESULTS OBTAINED IN THESE TWO DEPARTMENTS THROUGH THE  
LABORS OF TWENTY-ONE YEARS.

These results may be stated thus:

72,564 persons visited in prison.

21,928 complaints examined.

5,930 complaints abandoned at our instance.

6,692 prisoners discharged from custody through our interposition.

11,281 discharged prisoners aided in various ways.

3,302 discharged convicts provided with situations.

This gives a grand total of 121,697 cases, in which relief of some kind and to some extent was extended to the sufferers. Such are the results, as far as they can be declared by figures, of these 21 years of anxious toil. But no genius can compute, no arithmetic can exhibit, the sum total of tears that have been dried, of sorrows that have been soothed, of suffering that has been alleviated, of good purposes that have been fostered, of virtue that has been restored, of crime that has been prevented, of manhood that has been given back, of the happiness that has revisited desolated and aching hearts, of the respect and confidence that have been regained, and of the money that has been saved to society by these benevolent and self-denying labors. This is a revelation which eternity alone will open to the view; but it is a revelation which, if we could but anticipate the disclosures of the last day, would, even to our blinded and selfish apprehension, repay a thousand fold all the treasure and all the toil that have been expended in securing the glorious consummation.

## LOCAL COMMITTEES OF CORRESPONDENCE.

Very early in the history of this Association, it became a cherished object with it, as well as a matter of constitutional provision, to establish auxiliary societies in different parts of the State, and enlist their co-operation in its humane objects and operations. As long ago as 1846, public meetings were held in the cities of Albany and Troy for the purpose of waking up a sufficient interest to prompt the formation of such societies. These meetings were addressed by some of the leading members and officers of the Association, such as Benjamin F. Butler, Theodore Sedgwick, and Isaac Hopper, now gone to their reward, and the Hon. J. W. Edmonds, who still remains with us as a fellow worker. Nothing effectual, however, was accomplished by the effort to form auxil-

ary societies, so that this plan of securing local assistance in our work proved a failure.

Nothing further appears to have been done to enlist local co-operation till 1863. At the stated monthly meeting in November of that year, the following resolution was adopted:

*Resolved*, That the policy of local committees of corresponding members in the several counties of the State, to supervise the jails of said counties, is approved by the Executive Committee; and that such local committee be appointed in each county, whenever there is a prospect of advantageous results from the same.

In 1864, agreeably to the terms of the above resolution, local committees, varying in the number of their members from one to half a dozen, were organized in forty-four counties. Time enough has not yet elapsed to judge definitely of this system; but from the results already developed, the best hopes are entertained. Reports from twenty committees have been received; several of them are of a cheering character, showing religious services steadily held and religious efforts systematically put forth in jails where, heretofore, a total lack of all such agencies has been reported. It is a pleasing circumstance, and we feel a special gratification in reporting, that our committees are everywhere welcomed by the sheriffs and other officers of the jails (who attest the usefulness of their labors), and that their efforts are, almost uniformly, well received by the prisoners. We do not propose to embody the details of this work in our general report, as a special paper on the subject, giving extracts from the reports of the local committees, will be inserted in the appendix. We cannot, however, forbear, even here, to mention the zeal and activity of the committee of Erie county, which has its field of labor in the jail and penitentiary of the city of Buffalo. This committee, lately increased on its own motion to nine members, holds regular monthly meetings; visits the jail every Sabbath by a sub-committee of two, conversing with the inmates and supplying them with religious papers and other suitable reading; makes occasional calls at the penitentiary, where, however, because that prison enjoys the stated ministrations of a chaplain, there is less need of systematic visitation on their part; and makes frequent use of the public press, both secular and religious, to form a wholesome public sentiment on the subject of prison discipline, and to enlighten the community in reference to the aims and labors of the Prison Association. Under the auspices of this committee, a public union meeting of several of the churches of Buffalo was held on Sabbath evening, Dec.

17th, 1865, which was largely attended by the citizens, and very acceptably addressed by our general agent, Mr. Beal. The committee,—*board* would be almost the proper designation—propose to raise several hundred dollars a year for their local operations, and to do much the same work for Buffalo, as is done by this Association for the cities of New York and Brooklyn.

To convey needed information to new committees and refresh the memory of old ones, a brief re-statement of the service desired and expected of them may be, in this connection, neither out of place nor unnecessary. The duties, then, of these local organizations may be stated as, in substance, the following:

1. To exercise a general supervision over the moral and religious interests of the inmates of the jails.

2. To hold, or procure to be held, a short religious service every week, or, if not every week, as often as possible, in the jails, either on the Sabbath, or, if more convenient, on some week day.

3. To converse with, counsel and encourage individual prisoners, as time permits, opportunity offers, or occasion requires.

4. To distribute, among the inmates of the jails, as far as means may be had to procure them, religious newspapers, tracts, and other suitable reading for the Lord's day.

5. To see that the law requiring a Bible to be furnished by the county for each room in the prison is enforced; or, failing in that, then to provide for this supply in some other way.

6. To seek to awaken in the community an interest in and sympathy for the prisoners in the jails, so far at least that they will be willing to contribute means sufficient to procure moderate libraries for their use. Interesting histories, travels, biographies, works on natural history, natural science and the mechanic arts, fictions of a suitable character (excluding, of course, all tales and novels of the sensational order), together with a due proportion of good moral and religious works, afford the most useful and therefore the best reading for this class of persons.

7. To give special counsel, encouragement and aid, to prisoners who appear desirous of reforming their lives; more particularly, to help them to procure work whereby they may earn an honest living, and, wherever it is possible, to obtain such employment for them with persons who will be likely to sympathize with and aid them in their efforts to mend their ways and their doings.

8. To acquaint themselves, as far as they have opportunity, with the most approved style of prison architecture, so as to be able to

give counsel in regard to alterations in old jails and the erection of new ones.

9. To familiarize themselves with existing laws respecting jails, and, as far as they may be able, to see that said laws are carried into effect.

10. To give such aid to prisoners on their trials, especially those whom they have reason to think innocent, as circumstances may permit; and to visit, as they may be able, the families of prisoners who may be in need, affording them such counsel and relief as the occasion may seem to call for, and their means enable them to extend.

11. To prepare and submit to the Executive Committee an annual report of what they have done, or caused to be done, in reference to the matters embraced in the foregoing specifications, and to transmit the same to the corresponding secretary as early as the month of December.

It is, we think, proper to repeat here a remark made last year, to the effect that the Association has no *legal* authority to exercise the moral supervision set forth above, and that such supervision, however desirable and important, can be had only through the good will of the officers of the jails. But, as the intention of these labors is to co-operate with the prison authorities and aid them in their duties, no obstacles have heretofore been interposed, nor is it likely that any will hereafter be interposed, if the local committees act with ordinary prudence, courtesy, and circumspection.

#### INSPECTION OF PRISONS.

The duty of visiting, inspecting, and examining the various prisons of the State has been performed, during the past year, by competent committees. The details of this work will be found unusually interesting, as they are embodied in the special reports of the committees, which reports are inserted in their usual place in the appendix.

#### STATE PRISONS.

The committee appointed to inspect the State prisons have performed the work of actual visitation and examination only at Sing Sing. But they have done what is, perhaps, better. They have gathered up and presented the lessons of *former inspections*, in a paper of much interest. Its teachings are set forth under thirteen different heads.

1. The increase and diminution of convicts in our State prisons. The influence of war on crime is here clearly shown.

2. The nativity of our convicts, and the effect of city and country life on crime. Here is shown, no less clearly, how much our criminal population is increased by foreign immigration, and how much more crime abounds in cities than in rural districts.

3. The ages of prisoners. More than two-thirds of our convicts are under thirty years of age.

4. Re-commitments. The reformatory influence of our convict prisons is argued from the fact that twenty years ago three out of ten discharged convicts were re-committed; now only a little more than one out of ten.

5. Over-work. This means work done by the prisoners for their own benefit, after having finished their daily tasks. Last year the amount thus earned by the convicts in our State prisons was \$23,970.89; and the amount paid to discharged convicts was \$18,718.36, varying in sums to each from 46 cents to \$617.40.

6. Commutation. The operation of this law is good. The element of hope is greatly stimulated by it. Large numbers of prisoners have earned a diminution of their terms of sentence.

7. Juvenile convicts. The report complains here that quite a number of criminals, under 17, are sent to State prison and kept there, contrary to the benevolent intention of the law, which allows courts to send all convicted criminals under 16 years of age to our houses for the reformation of juvenile delinquents, and allows the officers of our State prisons to send to these institutions all under the age of 17.

8. Remunerative labor and intellectual and moral instruction. It is claimed that our convicts now earn, over and above the cost of their living, some \$60,000 a year, which goes to pay, in part, officers' salaries; and it is insisted that, after earning their living, the residue of their time should be devoted to improvement in education.

9. The prison libraries. There are now libraries in all our State prisons. Besides 2,500 volumes given by the Association, the State has expended \$15,000 for this purpose. The library at Sing Sing has over 4,000 volumes, and more than 700 are out at a time.

10. Appointment of officers. The pernicious effect of connecting the administration of our prisons with party politics is here

animadverted upon with just severity, and illustrated by some striking instances.

11. Lunatic asylum for insane convicts. This was established in 1859, and has had as inmates 142 convicts. They were mostly aliens in the prime of life, unmarried, and insane when convicted. The greater part were convicted of crimes of violence.

12. General treatment of prisoners. No one kind of treatment will serve for all. The individual qualities and habits of the prisoners must be studied, and the treatment of each must, as far as possible, be made to correspond thereto.

13. Advance of sound principles. Under this head, a highly interesting picture is given of the progress of prison discipline since the origin of this Association. 1. The law of 1847, which was the work of the Association, was itself an immense advance. 2. Libraries have been introduced into all the State prisons. 3. Teachers have been introduced into all. 4. The lash is prohibited. Formerly 6,000 blows were struck per month; now not one. 5. The food of the convicts has been much improved. 6. Prisoners can earn something for themselves now; formerly nothing. 7. Formerly, punishment was the sole governing power; now the element of reward and of hope comes in—too feebly, it is true—yet it is admitted. 8. Formerly the convict, on his discharge, had only money enough given him to get away; now, besides his own earnings by overwork, he has enough to support him till he can find work. 9. The practice of requiring the convict always to look down, and never so much as to glance at a visitor, is rapidly sinking into the tomb of the barbaric past. 10. Formerly every child born in prison died from the effect of bad air and food; now this is all remedied. 11. The workhouse on Blackwell's Island is the offspring of this Society. 12. All terms of sentence must now terminate in the warm months. 13. The physicians are now prison officers, devoting their whole time to the convicts; formerly they were employed from outside. 14. The establishment of a lunatic asylum for insane convicts is a great advance. 15. The withdrawal of the whole penitentiary system of the city of New York from all connection with party politics was the result of the action of this Association. 16. Formerly the one convict prison in the State was a festering school of vice; since then we have devised and inaugurated a system of prison discipline that has obtained the admiration and imitation of many other peoples. On the whole,

we have every reason to be glad, to be of good cheer, and to persevere in the work we have begun, seeking to go on even unto perfection.

#### PENITENTIARIES.

The committee on the penitentiaries in the counties of Albany, Onondaga, Monroe, Erie and Kings, have performed the duty assigned them. Their report is printed in its customary place in the appendix.

The smallness of the library in the Albany penitentiary, and the want of liberality in regard to its replenishments on the part of the governing board, are criticised with a just severity. On one point only would this Board dissent from their examining committee in this part of their report, and that is their call upon the public for benevolent contributions to increase the library. An institution which boasts of an annual surplus from the earnings of its inmates, approaching \$20,000, ought at once to increase its library to the utmost desirable extent, without asking or even accepting any private benefactions. High praise is awarded to Gen. Pilsbury for the excellence of his discipline and the vigilance with which he guards against escapes.

No progress has been made in erecting buildings for the Onondaga county penitentiary in place of those which were destroyed by fire nearly two years ago. It is the worst possible policy, and so the report of the committee represents it, both economically and morally, to delay this work. In consequence of such delay, the men and women have to be confined in the same ward; and the women are under the sole care of male keepers in the workshops and cells, this supervision covering also the night as well as the day. This is truly shocking, and cannot be regarded otherwise than as a disgrace to the county.

Monroe county penitentiary is also suffering inconvenience, though in a less degree, from the destruction of a portion of its buildings by fire. Besides this, it is greatly incommodated at present, and reformatory agencies much impeded, by overcrowding, especially in the female ward. In almost every cell the women have to be duplicated. The scarcity of water and the difficulty and expense of obtaining it constitute another sore evil here, which might be, and ought to be, speedily remedied. In other respects the prison is reported in a good and sound condition, and its management everything that could be desired. Its enlightened superintendent, Mr. Fulton, is a firm believer in the

power of kindness and other moral agencies in influencing and controlling human beings; and the application of his principles to the government of this institution has been attended with much success.

In the penitentiary of Erie county, overcrowding has been carried to its utmost stretch, and we are happy to say, has at last resulted in a resolution by the board of supervisors to remedy the evil by extensive additions to the present buildings. When these improvements shall have been completed on the plan proposed, the Erie county penitentiary will be one of the most beautiful and perfect prisons of its class in the country. The change for the better in the condition of this prison, within the past few years, is a signal example of what may be effected by the genius and energy of one man. Mr. Felton, its able head, has brought it from a state of almost utter inefficiency to an organization and a working, which are all that they well can be, in the face of the formidable impediments, against which he has been obliged to struggle.

Kings county penitentiary affords a striking specimen of the sharpest and most painful contrasts. Beautiful grounds, an elegant prison building, and spacious, well arranged and neatly kept apartments, are here sadly marred, and their effect well nigh obliterated and lost, by being brought into juxtaposition with an internal organization, which is deformed and rendered abortive by an almost total lack of all proper industrial, moral and reformatory appliances. The many deficiencies of this (shall we say?) mongrel institution, and even the outrages upon justice of which it is made the instrument (not through the fault of the officials, but of the public authorities) are clearly exhibited in the report of the committee. It is to be hoped that this prison will be reorganized upon a better basis.

The act now in force in this State, under which prisoners may earn commutation of sentence for good conduct, works material injustice to such convicts in our county prisons as are most worthy of clemency.

Chapter 415 of Laws of 1863, section 2, reads: "Every convict confined in any State prison in this State, and every convict confined in any penitentiary in this State, under sentence on conviction for a felony, may earn for himself a commutation," &c.

Chapter 321 of Laws of 1864, is an amendment to the above act, but it does not change the class of convicts who are entitled to the provisions of the said act.

The Revised Statutes define a *felon* as "a person convicted of a crime for which he may be imprisoned in a *State prison*," &c.

Many persons are sent to our county penitentiaries, under sentence of one year, who have been convicted of *misdemeanors* only, and not of *felonies*, while others are sent for felonies.

By the act of last winter, also, under which prisoners were transferred from Sing Sing to the Erie and Monroe county prisons, the courts were directed to, hereafter, sentence all female convicts, not guilty of murder, arson, &c., in the 7th and 8th judicial districts, to said penitentiaries, and not to the State prison. Are such females felons under the Revised Statutes? If not, they too are excluded from the commutation allowance.

To say the least, the laws should, we think, be so amended as to grant commutation allowance for good conduct to all persons convicted and under sentence of one or more years, and not for life, in our State prisons, and in county or district penitentiaries, whether convicted of felonies or misdemeanors.

#### COUNTY JAILS.

The committee appointed to visit and inspect the county jails have discharged that duty. Just complaint is made therein of the difficulty and in many instances impossibility of collecting the statistics of the jails, arising partly from the fact that the records are carried off by the sheriffs at the expiration of their terms of office, and partly from the extreme defectiveness of those records, and even in some cases the want of all records. The internal condition of the jails remains much the same as reported in former years, except an increase of turbulence on the part of the prisoners, and a greater number of assaults upon jailors. Crime is increasing in the State, particularly among women, and the offenses committed are, unhappily, many of them, of the more violent and aggravated forms. That part of the committee's report, which relates to the administration of criminal justice in the State, discloses numerous imperfections and abuses, and suggests the appropriate legislation for their correction. These disclosures and suggestions ought to arrest the attention of the Legislature and the community. They afford food for painful reflection, and should stimulate to immediate action with a view to their removal.

In regard to the measures to be adopted for the repression of crime, a number of practical suggestions are offered: 1. A reconsideration of that old and venerable maxim of the law, wise and

humane at the time of its inception, but, as it is insisted, of questionable propriety and utility in the present altered conditions of society, that "every man is to be considered innocent till he is proved to be guilty." 2. More appropriate and stringent legislation for the punishment of the class of persons known as "receivers of stolen goods." 3. A more strict and conscientious regard to that provision of law which requires that none but persons of unquestionable integrity should be licensed as pawn-brokers, and to this end the transfer, in the city of New York, of the licensing power from the Mayor to the Commissioners of Police. 4. Prohibitory legislation in regard to the wearing of concealed weapons. 5. Stringent and radical legislation for the suppression of brothels, assignation houses and concert saloons—legislation which would deal summary and terrific blows at the owners of such property. 6. Proper and effective restrictions thrown around lodging and tenant houses, whereby what are now too commonly dens of filth and crime might become decent, moral and healthy abodes.

Touching the sources of crime, the report reiterates the conclusions announced last year, confirming them by new facts of a like character, and by added arguments in the same direction.

It is a pleasure to the Executive Committee to be able to add that the report shows, in reference to many of the jails, gratifying progress in a newly awakened interest on the part of the public in their inmates, and in increased efforts for their moral improvement; also a growing desire, in some localities, for the erection of new and improved jail buildings, and in others a ripened purpose to have such buildings without further delay.

#### THE COMMISSION TO VISIT AND EXAMINE PRISONS BEYOND THE LIMITS OF OUR OWN STATE.

It is known to the Legislature that the exhaustive examinations recently made of all the prisons in the State of every class and grade, has resulted in a conviction on the part of this Association that our whole prison system needs a careful and judicious revision. Under this conviction a committee, consisting of Theodore W. Dwight, Francis Lieber, Wm. F. Allen, John T. Hoffman, J. W. Edmonds, R. N. Havens, Jno. H. Griscom, Jno. Stanton Gould, Jno. Ordronaux and E. C. Wines, was appointed to prepare a plan for an improved prison system. This committee, on meeting and conferring together, saw clearly enough the defects and imperfections of our present system, but not so clearly the fitting and effective

remedies. They felt the want of light, of information gathered from all quarters, of the broadest possible induction of facts, bearing upon their labors. Such aid they regarded as essential to the wisest and best discharge of the duty laid upon them. With a view of obtaining it, they proposed to the Executive Committee two commissions, one to visit prisons in this country and the other abroad. The Executive Committee concurred in the judgment of their special committee and authorized the proposed commissions, provided the necessary funds could be obtained without trenching upon means required for the ordinary purposes of the Association. An application to the Legislature for a special grant of money to this end failed. An application to the citizens of New York for the same object was more successful. Consequently, on the nomination of the committee on reorganization, the Executive Board designated, as commissioners, their own chairman and the corresponding secretary, and it was judged best, for a beginning, to limit this work to our own country.

The commissioners so appointed have fulfilled the duty assigned them. There was no limit in the terms of their commission, except to the territories of the United States. There was, however, a practical limit, resulting from three considerations—lack of time, need for economy, and a prudent discretion. The States actually visited, and whose prisons and prison systems were made the subject of examination, were the following: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Kentucky, Missouri, Michigan, Ohio, Indiana, Illinois and Wisconsin—seventeen States in all. The commissioners also extended their inquiries to the prisons of Canada. Everywhere they sought occasion to converse with leading men, Governors, Ex-Governors, Attorneys General, and eminent private citizens, upon the objects of their mission. Everywhere they were warmly welcomed, and a lively interest was expressed in the results of their inquiries. Everywhere these inquiries were regarded as having not simply a local but a national bearing, and as likely to result in good to the country at large as well as to the State of New York. The report of the commissioners will be found to embody much interesting information in reference to the organization, condition and working of the penal institutions and penal systems of the country, and will, without doubt, afford material assistance to the committee on the reorganization of our own prisons in the labor which they have in hand.

## PARDONING POWER.

A committee of correspondence on the pardoning power was appointed last spring, of which Dr. F. Lieber was made chairman. The object was to elicit from former Governors of the different States their views on the nature, exercise, and proper limitation of this power. The committee have not proceeded far enough in their labors to present a full report; but in the answers to their interrogatories, thus far received, there is a general concurrence in the opinion that the prerogative of dispensing pardon, while wisely vested in the Executive, should yet be guarded by restrictions more numerous and more effective than is at present the case.

## LIBRARY OF THE PRISON ASSOCIATION.

This is the first time the present topic has been noticed in our annual report, and for the sufficient reason that never, until now, have we had what could, with any propriety, be called a library. We are happy, however, to be able to say that, at length, we have at least the foundation of a library of prison literature, and to announce the purpose to add to this collection, from time to time, in coming years, till no work shall be wanting on our shelves, necessary to the investigation of any and every topic comprehended in the science of penology.

## ENLIGHTENMENT OF PUBLIC OPINION.

The Prison Association is engaged in a great work. While providing for the relief of individual sufferers confined, whether justly or unjustly, in our various prisons, and seeking the reformation of individual transgressors, it looks to and labors for the higher end of advancing the science of penology; of solving problems connected with prison discipline as a practical art, which hitherto have remained unsolved; and of effecting material reforms in our penal institutions. All social reforms are of slow growth, particularly in a country like ours, where public opinion is the controlling power. Such reforms can be effected only by going down to the source of all public action, viz.: to that public opinion which is all but omnipotent in a free state. Therefore, before anything of value in the direction indicated can be accomplished by our Society, the public sentiment of the State must be enlightened, invigorated, and made to act with a living and prevailing force. This can be done only, or at least it must be done mainly, through the public press. Means, at once more certain and more widely operative than any heretofore put in requisition, will in



future be employed to make our Association better known throughout the State; to bring our work into closer contact with the public judgment and heart; and to inform and actuate public opinion in reference to the questions connected with the organization and management of prisons, the reformation of prisoners, and the administration of criminal law. Brief reports of the proceedings of our stated monthly meetings have been heretofore published in most of the city papers; but it is proposed hereafter to furnish these reports to as many papers in all parts of the State as are willing to insert them. This proposition has been made to several papers in each county, and favorable answers have been received from a large number of their editors. It is not doubted that a hundred or more newspapers outside of the city of New York will thus, every month, bring the Prison Association, with its thoughts and its doings, before their readers. In this way, a powerful agency will be in ceaseless operation to stir up and keep alive the interest of our citizens in prison reform, and to inform and strengthen public opinion on this subject, against the time that it will be needed to exert its force on a more important theatre. It is believed also that much may be done in the same direction in the larger cities of the State, by holding public meetings, to be addressed by officers of this Association, after the model of the union meeting mentioned in a former part of this report as having been, to such good purpose, held in the city of Buffalo, under the auspices of the local committee resident therein.

#### INFORMATION SOUGHT BY DISTINGUISHED FOREIGNERS.

Some months ago the Marquis Martino Beltrami Scalia, inspector of prisons in the kingdom of Italy, having been instructed to prepare a *projet de loi* for an improved prison system in that kingdom, addressed a letter, accompanied by a series of interrogatories, to His Excellency, Gov. Fenton, asking information touching the prison system of New York. His communication was referred by the Governor to the Prison Association for a reply. This was prepared by the corresponding secretary and transmitted to Gov. Fenton, who expressed his approval of the document, and has forwarded it to its destination in Italy.

About the same time an interesting letter was received from our corresponding member, the Hon. M. D. Hill, the eminent Recorder of Birmingham, England, and one of the brightest ornaments of the criminal bench of England, expressing his high appreciation of the labors of this Association, and asking information in regard

to our judicial system and our administration of criminal justice. This communication has also been replied to at length, and the answer transmitted to Mr. Hill.

The correspondence, in each of the above cases, will appear in the appendix.

#### THE WOMEN'S PRISON ASSOCIATION.

Contemporaneously with the organization of the Prison Association of New York, and in accordance with a provision of its constitution and charter, there was engrafted upon it a female department. For nine years the male and female branches carried on their work conjointly, when a separation took place, and the following year, on the 8th of June, 1854, the female branch, under a general law of the State, became a distinct organization, under the name and title of "The Women's Prison Association and Home." The ladies composing this society have, both before and since the separation, worked bravely and effectively, under the animating power of faith and love, in a field of Christian effort, hard and unpromising in itself, which has yet, under their earnest and kindly culture, been made to yield much precious fruit.

Their 20th annual report, that for 1864, is the last that has been published. From it we gather the following cheering facts: A "Home" for women who have been discharged from prison, but who yet have some yearnings and purposes towards a better life, was established in June, 1845. The whole number received as inmates is 2,691; and the average yearly number has been 30. Of the women received, some were found incorrigible; and 480 were either discharged as unworthy, or left without permission. Of the remainder, 2,011, a portion were sent to other institutions, hospitals, almshouses, &c.; a considerable number left to seek situations for themselves, of whom good hopes were entertained; and for 1,083, situations were found by the society, concerning nearly all of whom satisfactory assurances of their reformation have been received. For the ten years immediately succeeding the separate organization of the Women's Association, the total expense of maintaining the "Home," including rent and salaries, was \$27,440.67, being an average of \$19.38 for each of the inmates received during that time. The average cost per year for each inmate was \$91.33, or \$1.75 per week. This shows an economical administration, and is highly creditable to the financial ability and business tact of the managers. It should be further mentioned, in this connection, that about one-fourth of the total expenses of the

Home is defrayed from the earnings of the inmates, which sum would be increased at least fifty per cent, if any thing like fair wages were paid for the work done. With just pride, the managers speak of the small cost, at which so many erring women have been rescued from destruction, and sent forth into the world with every prospect of reformation and of virtuous and useful lives in the future. We cannot forbear a single extract from the last printed report. The ladies say:

"Ours is no refuge for the idle; those who are found to be incorrigibly so are sent away. Ours is no hospital for the sick; those who are incurably so are transferred to and cared for in other institutions. Ours is no shelter for the vicious; to them the air of industry and propriety of thought and action, which pervades all our chambers, becomes most repulsive, and either causes their speedy voluntary flight, or so brings to light their evil propensities that they are soon sent away. Ours is no almshouse for the mere physically infirm; for among their refuge is found. Ours is, emphatically, a Home for fallen woman, when the spirit of remorse has been awakened within her, and repentance begins to make its redeeming voice heard; when the green spot, which the Almighty Father has planted in every human heart, however degraded may have been its past, shows signs of a coming spring; and when, to the torn and contrite spirit, encouragement and hope may profitably be spoken."

#### TWO WELCOME CO-LABORERS.

By statutory enactment, the work of the Prison Association is limited to the State of New York; practically, our labors, in their operation and effect, have a much wider scope. The detail of facts and the discussion of principles, embodied in the twenty annual reports already published, have made themselves felt far beyond the limits of New York. There is no State of our Union, and no country in Europe, into which our reports have not penetrated; and there are few of either, from which we do not, from time to time, receive applications therefor, either by the Government or by private citizens. Our work, therefore, however technically or legally restricted, is, in a true and important sense, cosmopolitan; and wherever any organization springs up, whose design and effect is to enlighten public opinion on penal subjects, to reclaim and reform the transgressors of law, and to improve prison systems and prison management, we cannot but welcome it as a coadjutor, and greet it with a hearty "God speed."

Two such organizations offer themselves to our view, as having

started into being within the last two years—the Massachusetts Board of State Charities and the American Association for the Promotion of Social Science. The Board had its birth two years ago, in an act of the Legislature, and the Association last October, through the agency of the Board.

The Boston Prison Discipline Society, which was a voluntary organization, drawing its means of usefulness from private benevolence, was dissolved some years ago. The Board of Charities, which is a State institution, drawing its supplies from the public treasury, seems to have come, in part at least, in the place of its once famous but now defunct predecessor. At any rate, the functions of the two organizations, though certainly not wholly, are, nevertheless, to a considerable extent analogous. The Board is wide awake, and under the wise and efficient direction of its Secretary, F. B. Sanborn, Esq., promises to do a good work in the field of prison reform for Massachusetts directly, and indirectly for the whole country.

The Social Science Association has but just launched its bark, and cannot yet be said to have reached "the full tide of successful experiment." It has an illustrious prototype and model on the other side of the water, and by following its footprints it may, not many years hence, reach a manhood of like vigor and usefulness. With a true and broad nationality stamped upon it, such a result may be confidently anticipated.

Let the master minds in all parts of our again re-united and henceforth indivisible and ever glorious republic, contribute the results of their maturest studies, their broadest researches and their best thinking, in papers covering every department of social science, and particularly upon questions of penal law, the punishment and repression of crime, the reformation of criminals, the treatment of juvenile delinquents, and the improvement of prison discipline, questions in which the material as well as moral interests of society are vitally involved and it needs no gift of prophecy to forecast for the Social Science Association a career whose brilliancy will be equaled only by its beneficence.

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

JOHN DAVID WOLFE, *President.*  
THEODORE W. DWIGHT, *Chairman Ex. Com.*  
E. C. WINES, *Corresponding Secretary.*

OFFICE OF THE PRISON ASSOCIATION OF NEW YORK,  
88 BIBLE HOUSE, NEW YORK, Dec. 30th, 1865. }

1865

## APPENDIX.

(A.)

## ANNUAL REPORT OF TREASURER.

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

1865.

Dr.

Dec. To cash paid for expenses of prison visitation and inspection and salaries.....	\$8,043 17
Relief of discharged prisoners and their families.....	2,324 88
Rent (less rent received).....	815 50
Fuel, stationery, postage and miscellaneous expenses,.....	498 87
Printing, public meeting and annual report.....	501 13
Library.....	36 37
Balance, to new account, on deposit in bank.....	1,031 04
	<u>\$13,250 96</u>

1865.

Cr.

Jan. By balance on hand from old account.....	\$983 43
Donations received during the year, as per schedule annexed.....	6,245 00
Amount returned by discharged prisoners, through the general agent, A. Beal.....	28 00
Appropriation from the State Legislature.....	3,000 00
Appropriation from the city of New York.....	2,500 00
Interest.....	494 53
	<u>\$13,250 96</u>

1866.

Jan. 16. By balance on hand from old account..... \$1,031 04

WM. C. GILMAN,

E. E.

Treasurer.

New York, January 16, 1866.

(B.)

DONATIONS TO THE PRISON ASSOCIATION OF  
NEW YORK, 1865.

Geo. B. Archer.....	\$100	Lucy H. Eddy.....	\$25
J. H. Abeel.....	20	Wm. M. Everts.....	10
J. T. Adams.....	5	French Consul General.....	5
E. M. Archibald.....	5	Winthrop S. Gilman.....	100
J. W. Alsop.....	10	R. R. Graves.....	10
Wm. H. Aspinwall.....	100	James W. Gerard.....	25
Arnold, Constable & Co.....	10	Wm. C. Gilman.....	50
W. Harman Brown.....	20	Arthur Gilman.....	25
Jas. Boorman.....	100	C. H. IIand.....	5
Jas. Brown.....	100	Meredith Howland.....	100
Jas. M. Brown.....	25	Jas. Hunter.....	20
Wm. A. Booth.....	20	Hendricks, Brothers.....	10
B. Blanco.....	15	Jos. Howland.....	50
Wm. Allen Butler.....	10	R. Hoe & Co.....	10
Wm. T. Booth.....	100	Mark Hoyt.....	100
Robt. Bowne.....	5	Wilson G. Hunt.....	10
H. Boker & Co.....	10	C. B. Hart.....	10
H. K. Bull.....	100	D. Hoadley.....	50
Jacob Badger.....	5	Loring P. Hawes.....	10
Cephas H. Brainerd.....	10	Harper & Co.....	5
Stewart Brown.....	25	Wm. Hegeman.....	10
T. Cambreling.....	10	Richard Irvin.....	20
Jas. Cassidy.....	10	A. Iselin.....	10
H. Clark.....	10	Allan Hay.....	10
Jno. Caswell.....	25	J. F. Joy.....	25
H. K. Corning.....	100	Jno. Taylor Johnston.....	100
Robert Carter.....	20	M. K. Jesup.....	50
Columbian Marine Ins. Co.....	200	H. L. Janeway.....	25
Wm. F. Gary.....	25	W. R. P. Jones.....	5
Jas. Calkinsbank.....	5	Lake & McGreery.....	25
Jos. B. Collins.....	10	Nicholas Ludlum.....	25
Caldwell & Morris.....	50	A. A. Low & Brothers.....	50
Edmund Coffin.....	25	Jas. Lenox.....	200
S. B. Collins.....	10	Misses Lenox.....	200
Benj. G. Clarke.....	50	Peter Lorillard.....	50
Erastus Corning.....	100	The Murray Fund.....	50
Edward Cooper.....	100	Henry T. Morgan.....	50
Duncan, Sherman & Co.....	25	Wm. H. H. Moore.....	25
Robert Dillon.....	10	O. D. Munn.....	10
Dennistoun & Co.....	25	Jas. Milhau.....	5
Wm. E. Dodge.....	100	S. F. B. Morse.....	20
Wm. E. Dodge, Jr.....	10	T. & H. Messinger.....	10
J. M. Doubleday.....	5	Henry Morgan.....	10
Theo. W. Dwight.....	10	T. D. Middleton.....	10

1865

Wm. F. Mott, Jr.....	\$5	Wm. F. Mott.....	\$15
R. B. Minturn.....	100	C. H. Shipman.....	100
Jas. Marsh.....	5	J. Batsen Schuyler.....	15
Metropolitan Ins. Co.....	25	H. M. Schieffelin.....	25
Mercantile Mutual Ins. Co.....	25	Stamford Manufacturing Co.....	5
Cleayton Newbold.....	25	Mr. & Mrs. J. F. Sheafe.....	100
Charles Newcomb.....	5	Tapscott, Brothers & Co.....	5
Naylor & Co.....	25	Geo. T. Trimble.....	15
Adam Norrie.....	100	Jas. H. Titus.....	10
Wm. Othout.....	20	H. S. Terbell.....	50
Thos. Owen.....	25	J. T. Terry.....	25
Geo. Opdyke.....	10	Wm. Tracy.....	5
Thomas W. Olcott.....	100	Charles M. Talbot.....	25
Oelricks & Co.....	5	Nelson J. Tappan.....	5
Howard Potter.....	25	Wm. Tucker.....	5
L. Perkins.....	10	W. H. Talbot.....	10
Poppenhausen & Koenig.....	10	Selden Usher.....	10
T. J. Powers.....	10	Alex. Van Rensselaer.....	100
R. Palanca.....	10	R. H. Vose.....	25
J. E. Parsons.....	5	Miss A. M. C. Van Horne.....	5
E. Pavenstedt & Co.....	10	F. Viotor Achelis.....	5
Wm. Post.....	10	A. S. Van Duzer.....	10
T. Prosser & Son.....	25	J. D. Wolfe.....	200
Pierson & Co.....	5	Geo. C. Ward.....	100
Passavant & Co.....	5	Weston & Gray.....	100
D. Perkins & Co.....	5	E. J. Woolsey.....	50
Pacific Mutual Ins. Co.....	25	A. R. Walsh.....	10
Paton & Co.....	25	Misses Isabella and Mary Wallace.....	25
E. Platt.....	10	J. C. Wilson.....	5
Guy Richards.....	20	A. Rusch & Co.....	25
A. Rusch & Co.....	5	Angustus Wiggins.....	10
A. Rodewald.....	5	Saml. Wetmore.....	25
Recknagel & Co.....	5	Wilmerding, Houguet & Co.....	10
W. C. Rhinelande.....	50	B. F. Wheelright.....	10
C. H. Rogers.....	5	E. C. Wines.....	10
C. V. S. Roosevelt.....	5	Saml. Williston.....	20
E. T. Ryder.....	5	Salem H. Wales.....	50
Jonathan Sturges.....	100	Saml. Willets.....	100
Jas. Stokes.....	20	Henry Young.....	25
T. B. Schieffelin.....	10	Anonymous.....	100
B. L. Solomon & Son.....	10	Cash.....	5
P. Schieffelin.....	10	Returned by discharged con- victs through Abm. Beal:	
H. H. Schieffelin.....	5	G.....	5
E. W. Stoughton.....	10	B.....	1
Adam T. Sackett.....	50	Curious Stranger.....	2
U. J. Smith.....	10	P. W. G.....	11
Sun Mutual Ins. Co.....	100	O. D. Swan.....	8
O. D. Swan.....	10	S. S. Skidmore.....	10
J. S. Skidmore.....	10	Sas. Sampson.....	100
Mrs. A. B. Sands.....	10	James L. Schieffelin.....	25

\$6,273

WM. C. GILMAN,  
Treasurer.

(C.)

## REPORT ON STATE PRISONS.

The committee, in making their report, deem it advisable, instead of repeating or adding to our collection of statistics to gather together those already collected, and draw from them the conclusions which are necessary in order to enable this Association to carry out the principles which have ever governed its action. They have, therefore, confined their attention to a few topics which involve the moral and physical welfare of prisoners in our State prisons.

## I. THE NUMBERS IN CONFINEMENT AND THEIR INCREASE OR DIMINUTION.

It had been observed that the number of prisoners had sensibly diminished during the Mexican war, and after its close had increased again even beyond its former limits, and that their crimes had changed from those of fraud to those of violence.

To ascertain whether this was accidental or a natural result of a state of war, and its effects on the people, inquiries were made having reference to the late war, with the following results:

## Average number of males at Sing Sing:

In the year 1861.....	1,280
do 1862.....	1,147
do 1863.....	890
do 1864.....	796
do 1865.....	689

During the same time the number of females had increased as follows:

## Average number of females:

For the year 1861.....	143
do 1862.....	130
do 1863.....	124
do 1864.....	147
do 1865.....	188

including 29 sent from this prison to others.

The number of commitments to the prison at Sing Sing, during seven months in two different years, was as follows:

1864. April.....	34
May.....	25
June.....	27
July.....	10
August.....	10
September.....	22
October.....	15
Total.....	<u>143</u>

1865. April.....	29
May.....	42
June.....	82
July.....	83
August.....	48
September.....	45
October.....	84
Total.....	<u>412</u>

The number of arrests in the city of New York had increased from 54,751, in 1864, to 68,873 in 1865.

The number in the Sing Sing prison on the 30th September, 1864, was 683 males, and 158 females.

On the 14th November, 1865, (when we made our examination,) the number of males was 864, and of females 163, besides 29 females sent to other prisons during the year; showing an increase in this prison, during 13 months and a half, of 181 males, while during the previous 12 months, &c., for the year ending 30th September, 1864, the number of males had decreased 257.

We had no opportunity of examining the records of the Auburn and Clinton prisons for 1865, so that in respect to them we learned nothing as to the increase since the peace. But during the war the diminution in those prisons was as follows:

## Average number at Auburn,

For the year 1861.....	865
do 1862.....	860
do 1863.....	772
do 1864.....	652

## Average number at Clinton,

For the year 1861.....	483
do 1862.....	497
do 1863.....	434
do 1864.....	370

During four years the total average number of males, in all the prisons, was as follows:

For the year 1861.....	2,619
do 1862.....	2,504
do 1863.....	2,096
do 1864.....	1,818

On the 30th September, 1864, the whole number was as low as 1,751.

Prior to 1861, the number of prisoners in all the prisons had been gradually increasing. For four years they were as follows:

	Males.	Females.
For the year 1857.....	1,952	84
do 1858.....	1,998	97
do 1859.....	2,250	123
do 1860.....	2,477	137

So that for four years prior to the war, the number of males increased from 1,952 to 2,477, and of females from 84 to 137; and for four years

during the war, the number of males decreased from 2,619 to 1,731, and the number of females increased from 142 to 147.

And so, too, it would seem, if we may take the commitments to the Sing Sing prison, and the arrests in New York as a criterion; that immediately on the closing of the late war the number of prisoners began to increase, and increased so rapidly that in six months the number of commitments was three times as great as the number had been during the same months in the previous year.

We have taken pains to inquire into the convictions in the city of New York, for State prison offenses, so as thereby to test the accuracy of our view. These convictions were as follows:

1864. April .....	12
May .....	8
June .....	9
July .....	6
August .....	3
September .....	9
October .....	6
Total .....	53
<hr/>	
1865. April .....	16
May .....	31
June .....	46
July .....	48
August .....	40
September .....	48
October .....	51
Total .....	280

These considerations are of importance, as showing the effect of a state of war upon the commission of crime, by those not in the service. But even the foregoing statements do not show the whole of the diminution of domestic criminals, because of the numbers who were sent by the General Government from the army and navy during the war and are included in the aggregate numbers.

Thus, on 30th September, 1864, there were 33 United States prisoners at Sing Sing, and at Clinton there were 16 United States prisoners, committed during the year. We did not inquire into this matter any further, for here was enough to show all that was necessary on this subject in order to illustrate the idea of a diminution during the war and an increase after it.

So, too, it was found that now, as well as after the Mexican war, the character of the crimes committed had changed. They have become more marked with violence. Full information on this topic was not within the reach of the committee. One fact, however, which they obtained, is significant. The convictions in the city of New York for crimes of violence were 624 in 1864, and 995 in 1865, showing an increase of 50 per cent.

## II. NATIVITY OF THE PRISONERS, AND THE EFFECT OF COUNTRY OR CITY LIFE ON CRIME.

### SING SING.—Male Prison.

Of the 683 in the prison on 30th September, 1864, 372 were native born; 311 were of foreign birth.

Of the native born, 287 were born in the State of New York.

Of the foreign born, 130 were Irish, 80 German, 61 English, 10 British American.

Of the whole number 626 were white, 57 were negroes, or about one in 12.

### Female Prison.

Of the whole number 158, 66 were natives, 92 were foreigners.

Of the native born, 53 were born in the State of New York.

Of the foreign born, 55 were Irish, 15 German, 14 British American, 5 English.

Of the whole number 148 were white, 10 were negroes, or about one in 16.

### AUBURN PRISON.

Of the number in prison on the 30th September, 1864, to wit, 550, 370 were native born, 180 were of foreign birth.

Of the native born, 288 were born in the State of New York.

Of the foreign born, 81 were Irish, 29 British American, 27 English, 22 German.

Of the whole number 550, 511 were whites, 39 were negroes, or about one in 14.

### CLINTON PRISON.

Of the whole number in prison 30th September, 1864, viz., 340, 219 were native born, 121 were of foreign birth.

Of the native born, 171 were born in the State of New York.

Of the foreign born, 61 were Irish, 19 British American, 7 English, 13 German.

Of the whole number 340, 307 were white, two were Indians, 31 were negroes, or about one in nine.

It must be recollected that the male prison at Sing Sing embraces those convicted in a limited district only, not extending beyond the counties of Columbia and Greene, while the female prison includes the convicts of the whole State. Each of the other prisons embraces also only certain portions of the State.

The places whence the female convicts come is significant. They come mostly from the large cities; few from the agricultural districts.

Thus the city of New York sent .....	49
do Buffalo do .....	26
do Brooklyn do .....	12
do Albany do .....	10
do Rochester do .....	7
do Troy do .....	6

Thus the village of Ogdensburgh sent .....	5
The residue, 58 counties of the State .....	43
	<u>158</u>

The tale thus told is, so far at least as the women are concerned, that most of them are foreigners, who linger around the large cities.

Strike out of the prisons the foreign element, and the whole number of males at Sing Sing would have been 372 instead of 683; at Auburn 370 instead of 550, and at Clinton 219 instead of 340:

The number in the female prison would have been 62 instead of 158, and the whole number in all the prisons would have been 1,027 instead of 1,731.

### III. AGES OF PRISONERS.

So, too, it is an interesting inquiry—at what ages were the prisoners when convicted? As this will enable us to ascertain at what age of man temptation is the strongest with him, and how far habits of vice are so fixed and ineradicable as to weaken, if not destroy, hopes of reformation.

	Under 20.	Under 30.	Over 30.	Total.
Sing Sing .....	122	378	203	841
Auburn .....	78	323	227	550
Clinton .....	19	192	148	340
Totals .....	<u>219</u>	<u>1,093</u>	<u>638</u>	<u>1,731</u>

In the Auburn and Sing Sing prisons one-seventh are under 20, and at Clinton one-eighteenth.

In all the prisons more than one-half, indeed almost two-thirds, are under 30.

It is probable that in the Sing Sing and Auburn districts the proportion of the younger convicts is so much greater than in the Clinton district, because there are so many more large cities in the former than in the latter.

Of the female prisoners 29 were under 20, 12 were under 30, and 46 were over 30. Two were over 60, but none over 70. Of the males at Sing Sing, three were over 60 and two over 70. At Auburn there were five between 60 and 70, and five over 70. At Clinton there were 12 between 60 and 70, and five over 70.

Hence it would seem that districts of country, where there are large cities, are most prolific of youthful offenders, while in agricultural districts more of the mature and the aged indulge in crime.

The ages here given are those when the prisoners were convicted.

Although in 1845 there were nine in the prison at Sing Sing committed for life, there are none in that prison now who were there 20 years ago, except one or two on second convictions.

### IV. RECOMMITMENTS.

It is a very common error to suppose that the most of those who have been in prison sin again, and are again imprisoned. This idea was put

forth in the convention which framed our constitution in 1846, and was productive of much mischief, because it induced that body in great measure to overlook the reformatory character of our prisons and throw them into the political arena. This is a great mistake, and cannot but be mischievous wherever it obtains.

Our third report contains a minute account of our examinations of all the prisons on this subject some 20 years ago, and it announces the result that at least seven-tenths of all the male convicts were not recommitted, and it was reasonable to suppose that they led honest lives after their discharge.

The mass of evidence that could be collected on this topic would swell this report beyond all due bounds. It must therefore now suffice to say, that an examination for the past year not only confirms the statement of twenty years ago, but shows an advance in that respect.

It appears from the annual report of the State Prison Inspectors, for 1864, that at Sing Sing one out of six of the males are recommitted, and one out of 16 of the females. At Auburn one out of six are recommitted. At Clinton one out of three are so.\*

So that, while the general idea in the public mind is that our prisons have very little reformatory effect, the fact is, that in our two largest prisons 86 out of every 100 males, and 94 out of every 100 females, are not again convicted and returned to prison.

But it is a fact still more gratifying that while 20 years ago the proportion of reformation was seven-tenths, it is now nearly nine-tenths.

Such is the effect of an enlightened humanity; for greatly have our prisons in that time advanced in the character of their discipline.

Why the difference from this state of things should be so great in the Clinton prison, we have not had the opportunity to inquire. There, it would seem, that one-third are recommitted, or 33 out of every 100, more than twice as great a proportion as at the other prisons. Is it because the improvements which have been introduced in the other prisons have not all reached there? It may be so, for it seems that while 480 convicts on contracts at Auburn earn an "overstent" of \$16,991.12, at Clinton, 250 on contracts earn only \$469.32.\*

There is one prisoner who has been eight times in State prison.

### V. OVERTENT.

It has long been a subject of discussion among people who take an interest in prison discipline, whether the convicts should be allowed to earn anything for themselves? In the English system this is called "overtent."

On one side it is objected, 1. That it gives the officers a good deal of additional trouble in so supervising it, as to make it work beneficially. 2. That it gives the contractors and their clerks—and this is particularly

\* The reformatory influences at Clinton are certainly not inferior to those at Auburn and Sing Sing. The difference as stated by the committee is very remarkable. Is it not possible that there may be some error in the figures? [Con. Sec.]

applicable to our contract system—an undue influence over the convict, and enables them to sacrifice his welfare to their desire for gain. 3. That working for nothing is a part of their punishment, and confinement in the State prison would be shorn of much of its deterring power, if the prisoner should feel that his labor can still be made available to him. And it is argued that with those who have families dependent upon them, this consideration is of great force, as removing some of the suffering they would otherwise bring on their innocent offspring.

On the other side, it has been insisted, that, though the law condemns the prisoner to hard labor, it does not declare that it shall be gratuitous; that it is cruel thus to add to the punishment which the law inflicts; cruel to visit it upon the innocent, whose suffering must be hard at best, and still more cruel to visit the culprit with enduring despondency, while depriving him of all cheering encouragement; and that the great blessing of the system is in aiding the convict on his discharge, and helping him to lead a better life.

All that the State allows to a prisoner on his release is a suit of clothes worth ten dollars, and money not to exceed ten dollars, together with three cents a mile to the place where he was convicted. Twenty years ago it was only three dollars and the clothes, and the mileage was not allowed. That was added through the instrumentality of this Association. Still, the allowance is inadequate if the discharged convict is delayed for any length of time in his efforts to find employment. Overstent, when allowed, will remedy this. And when it is remembered, that far the greatest portion of the prisoners lead honest lives after their discharge, it would be hard to deny to them the advantage, lest some few of a hardened class should abuse the privilege.

But the great argument in its favor is, that it is introducing into our penitentiary system, the idea of rewards as well as punishments, an idea, years ago advocated by this Association, and then received with disfavor, but at length taking root and beginning to grow.

Some twenty years ago, overstent was permitted a little in the Sing Sing prison; rarely, however, and only in a few exceptional cases. Now it has become quite general at all our prisons.

The amount of overstent paid into the warden's hands, during the year 1864, was as follows:

At Sing Sing .....	\$8,510 45
At Auburn.....	16,991 12
At Clinton.....	469 32
Total.....	<u>\$25,970 89</u>

At the first organization of this Association, and for several of the first years of its existence, the most of its resources were devoted to the relief of discharged convicts; but now, owing to the prevalence of over-

stent, and the increase of the State allowance, not more than one-tenth or one-twelfth of its annual revenue is required for that purpose.\*

This system of overstent has grown up in this State, without any positive enactment of law, but has sprung from the benevolence and wisdom of the prison officers. It has been some twenty-five years growing to its present dimensions, and as it has progressed, experience has suggested various improvements in the mode of conducting it.

At one time, it was left to be matter of arrangement between the prisoner and contractor, for whom he worked, as to the amount and time of payment. But it is now more under the direction of the officers of the prisons. They determine who may earn overstent; they supervise the amount allowed, and so afford protection against the oppression of avarice; they keep account of it, and it is once a month carried to the credit of the prisoner, on the books of the prison. The amount is paid to the agent or warden, and by him deposited in the State treasury, whence it is drawn and paid to the prisoner on his release from prison.

The stent or day's work of each prisoner is regulated by the prison officers, and most generally the overwork is what he does beyond that

\* In these statements the committee have fallen into some inaccuracies; and the effect is, certainly without any such design, to convey an erroneous impression. It would naturally be inferred that the revenues of the Society, except some enlargement by increased State grants, had remained ever about the same. But the fact is quite otherwise. The total revenue of the 18 years preceding 1863 was \$43,790; while that of the last three years alone was \$36,862. The whole expenditure for discharged convicts during the former period was \$6,733; during the latter, \$4,335; more than two-thirds as much in these three years as in the prior 18 years. If, now, we take the proportion of the expenditures on account of discharged convicts to the expenditures for all other purposes, the comparison will stand thus: Whole income for 18 years, \$43,790; whole expenditure for discharged convicts, \$6,733; a little more than one-sixth. Whole income of last three years (minus \$8,500 interest), \$28,362; whole expenditure for discharged convicts, \$4,335; a little more than one-sixth; in other words, the proportion is exactly the same in the two periods. If we subdivide the 18 years into two unequal periods of six years and twelve years severally, the comparison will stand as follows: Whole income for first six years, \$18,520; whole expenditure for discharged convicts, \$3,500; proportion a little more than one-fifth. Whole income for 12 years, \$25,270; whole expenditure for discharged convicts, \$3,235; proportion nearly one-eighth. It is, hence, seen to be true, that the proportion is somewhat greater for the first six years than it is for the subsequent twelve years; but the reason is, not that discharged convicts needed less, but that there was no more in the treasury to give them. The revenue for the first six years of the Society's existence was, as has been stated, \$18,520, or nearly \$3,087 per annum; for the twelve succeeding years it was \$25,270, or nearly \$2,106. The average yearly revenue for the whole 18 years, prior to 1863, was \$2,410; for the last three years the average annual income has been \$12,287. That the needs of discharged prisoners, taken as a class, are not diminishing, is proved by the rapid annual increase of expenditures (now that the Society has a full treasury) on their account. Thus, for the year 1863, the expenditure for the relief of this class was \$731; for 1864, \$1,279; and for 1865, \$2,324. The committee speak of an "increase" of State allowance. There has never been any increase. The State never made an appropriation to the Prison Association till 1865. That year the Legislature appropriated to its use \$8,000, and has since annually renewed the grant. This was to enable the Society to discharge a duty required of it by law, that, namely, of "visiting, inspecting and examining" all the prisons in the State every year; a duty which the Society neither did nor could perform without the aid thus rendered, but which it has since discharged fully and faithfully.—[COR. SECRETARY.]



stent. But it very frequently happens that the prisoner is so employed that he cannot have a stent. In such cases it is the practice to allow him to earn a certain sum per month.

There is, however, one class of prisoners who can have no benefit from the system, as the law now stands, and that embraces all those who are employed in what is called "State work." For instance, in the Sing Sing prison, out of 683 inmates in the year 1864, 203 were of this character, and cannot receive any overstent, unless it is paid by the State. There is no contractor in such cases to pay, and some legislation will be necessary to enable these persons to share in the wise and beneficent arrangement.

Thus far the judicious conduct of the officers of the prisons is solving the question of allowing overstent, and prompted as it is by true humanity, is demonstrating that the advantage flowing from it far outweighs the objections to it.

Abroad as well as in this country the propriety of allowing overstent was a matter of a good deal of discussion some years ago; and one of the most serious objections then made to it was that it enabled prisoners, on their discharge, to carry out schemes of evil which they had devised while in prison. The introduction of the plan of separating the prisoners, however, obviated that objection, by showing it to have been caused rather by freedom of intercourse among the prisoners than by any earnings of theirs.

Now, however, in Germany, France and Great Britain, where separation prevails, overstent has obtained quite a foothold, has been gradually growing into general use, and there, as well as in America, is in the full tide of practical experiment.\*

The following tables will show the operations of these measures as to the convicts discharged during the year ending September 30, 1864:

SING SING.	No. discharged.	Overstent earned.	Overstent paid out.	State pay.
1863, October.....	24	\$995 74	\$345 42	\$92 95
November.....	5	788 73	217 98	25 24
December.....	9	838 86	157 08	35 99
1864, January.....	13	750 87	107 20	59 75
February.....	21	467 31	354 78	82 06
March.....	46	835 36	518 45	194 67
April.....	43	789 91	491 52	202 39
May.....	98	1,007 18	1,624 44	428 77
June.....	40	526 06	633 40	173 41
July.....	11	282 81	233 54	69 41
August.....	28	508 76	612 15	114 09
September.....	22	508 85	601 68	100 75
	350	\$8,510 45	\$8,158 70	\$1,578 47

\* How the case may be in Germany and France I know not; but the committee are certainly in error as to there being at present anything like overstent in Great Britain. The contract system has been abolished in that country, of which overstent is properly an offshoot or appendage. Gratuities are allowed to convicts for industry and obedience, but no pay for work done over and above what is exacted of them.—[*Con. Ser.*]

The pay and mileage from the State averaged \$4.46 for each one. The overstent averaged \$17.40 for each one.

It is to be regretted that the report of the inspectors does not afford the materials for extending our tables to the Auburn and Clinton prisons with the same detail that we have in the Sing Sing prison. We can, however, give the greater part at Auburn.

AUBURN.	No. discharged.	Overstent earned.	Overstent paid out.	State pay.
1863, October.....	.....	\$947 63	\$504 36	\$126 88
November.....	.....	1,774 16	484 72	106 25
December.....	.....	622 25	729 87	57 09
1864, January.....	.....	831 87	329 77	71 07
February.....	.....	2,073 94	730 19	287 63
March.....	.....	1,309 69	1,159 72	284 10
April.....	.....	1,209 36	2,475 43	438 10
May.....	.....	2,194 32	2,368 33	590 13
June.....	.....	1,428 85	899 57	125 06
July.....	.....	2,199 69	574 33	86 26
August.....	.....	1,955 32	1,120 63	142 12
September.....	.....	537 13	621 36	61 92
	319	\$17,071 32	\$11,968 78	\$2,377 30

It will be observed that the pay and mileage from the State averaged \$7.45 for each, and the overstent averaged \$36.26.

So that while the average sum with which each convict left Sing Sing was \$21.86, the sum at Auburn was \$43.71. This can be accounted for partly by the increased mileage of the prisoners in a rural district; partly by the fact that the visitors' fund, which is appropriated to this purpose, is \$1,612.63 at Auburn, and \$442 at Sing Sing, and partly by the fact that the prisoners at Auburn are the most robust, and hence do the most work.

The highest amount of overstent paid at this prison to any one convict was \$614.70, and the lowest sum was 46 cents.

It ought to be remarked that the overstent earned in this prison is stated in the agent's general account at \$16,971.12, but the details given in the monthly accounts make the amount \$17,071.32, so that the balance in his hands is \$100.20 more than he states it to be.

## CLINTON.

It is hardly worth while to be as minute in regard to this prison, because the amounts are so inconsiderable.

The whole number of all the prisoners was 340, and the number discharged was 143.

The overstent paid out during the year was \$590 88, which, divided among those who were discharged, would yield \$4.13 to each, and the amount received from visitors, \$199, would yield 76 cents to each. The

convicts discharged received an average of \$10.01 each, besides the over-stent.

To sum it up, then, it seems that the discharged convicts received on an average each:

At Clinton .....	\$14 14
At Sing Sing .....	21 86
At Auburn .....	43 71

Whereas, 20 years ago they received each an average of \$3.00.

Here, again, we have to lament a defect in the report of the inspectors.

Thus, at Auburn, the agent's account nowhere states what was received from visitors. It is stated by the inspectors, "from visitors, \$1,812.63." The agent's general account says, "miscellaneous, \$1,612.63;" yet the clerk's report of the monthly accounts contains no such entry as "miscellaneous" receipts.

So at Clinton, the agent reports as paid to "discharged convicts, \$1,450.02," without saying anything about the over-stent; yet in the clerk's report of monthly accounts the over-stent and State pay to convicts are kept distinct, as they are in all the other prisons. Why they should not be kept distinct in the agent's account it is difficult to tell. He has a distinct item of \$1,450.02 paid to discharged convicts, and a distinct item of convict deposits, \$469.52, but no account of the over-stent paid out to convicts, unless it is included in the item "miscellaneous, \$4,695.16;" yet on examining the clerk's monthly accounts it appears that he paid out \$590.88 of over-stent to 143 discharged convicts.

One prisoner in this prison received as high a sum as \$109.10 for over-stent.

The adoption of some system to regulate the whole matter of over-stent ought to be a subject of serious consideration for this society and the Legislature, for the balance in favor of the convicts in the State treasury is increasing every year, and may tempt to a confiscation of it. In all the prisons in four years the amount earned exceeded the amount paid, \$16,251.43, which is now in the State treasury.

If our Legislature can, as it has done, confiscate the money of parties in our courts of justice, it would not be a difficult matter to persuade it to serve unfriended convicts in the same manner.

#### VI. COMMUTATION.

Another measure, springing from the same enlightened humanity, and in like manner showing an advance in public sentiment, is what is known in prison parlance as "commutation."

This has been owing to the active exertions of Governor Seymour, who saw in the frequent applications to him for pardons how much stress was laid upon good conduct in prison, and how exemplary was the deportment of many of the prisoners. In one case, where a man had been sentenced for life for killing his father, it was certified to him that during

the 19 years the prisoner had been in confinement, his conduct had been so praiseworthy that everybody loved him, and he had never even been reprimanded. The Governor saw how he could give effect to such a consideration when a pardon was applied for, but he also saw how many cases there must be, where no such application was made, when good conduct was barren of visible advantages. And so he used his influence with the Legislature and obtained, in the years 1862, 1863 and 1864, the passage of laws which allowed prisoners by good conduct to earn a commutation of their sentences.

The law now is, that every prisoner who shall diligently work the prescribed number of hours, obey the rules of the prison and submit to its discipline, may earn a diminution of his sentence—of one month, for each of the first two years; of two months, for each of the following two years; of three months, for each of the following five years; and of four months for each of the years after that.

This law is made known to each convict on his entrance into the prison, is posted up in each workshop; and thus, becoming known to the prisoners, is producing most salutary effects.

The operation of the law—though it has hardly yet had time to take full effect—has been as follows:

For the year ending 30th September, 1864, at Sing Sing, the number who had been discharged by reason of commutation was 19. The number who had earned commutation was 261.\*

What the condition was of the Auburn and Clinton prisons in this respect, does not appear in the annual report of the Inspectors.

The effect of the law is, that a man who is sentenced for two years, may reduce his time to one year and ten months; one sentenced for four years, may reduce it to three years and six months; one sentenced for 10 years, may reduce it to eight years and three months; and on a sentence for a longer time, may reduce it four months for each succeeding year; so that one sentenced for 20 years, may reduce his sentence to 14 years and eight months.

Thus, through the introduction of "over-stent" and "commutation," has been engrafted in our penitentiary system the principle of reward as well as punishment; and the old idea, that our prisons were designed merely for punishment, has vanished before the advancing light of humanity; and this Association, which has ever advocated this principle, may at length ask to have inscribed on the entrance of our prisons the

\* It is not easy to understand the agent's report on this subject. In his report itself he says: "From May 24 to September 30 inclusive (1864), we have discharged under this law 124 males and 20 females." In a table annexed to his report are these entries:

Discharged during each month:	
By commutation granted (for the year) .....	19
By commutation earned .....	261

What the difference is between "granted" and "earned," is what we do not understand in this connection.

cheering words: "Leave not Hope behind," for repentance and reformation have their reward even there.

Our prisons have at length become, in some degree, what they were designed to be, reformatory institutions, and the aspirations of the fallen one toward a higher and better life begin to receive from man that encouragement which once fell from the lips of the Holy One, when He said, "Go and sin no more."

Our task, however, in this direction is not yet finished. Much remains to be done to perfect the measures thus initiated. Time will unfold the imperfections yet lingering around them, and experience will develop the remedy. Let us be patient, and remember that the seed which we planted 21 years ago has taken root and sprung up as the young and vigorous plant, under whose shade many a broken and contrite heart finds protection, and we have but to wait for the development of the full grown tree.

In many of the prisons in Europe, and in other States of the Union, this plan of commutation has been introduced with great benefit.

#### VII. JUVENILE CONVICTS.

Our law allows courts to send all convicted criminals under sixteen years of age to our Houses for the Reformation of Juvenile Delinquents, and allows the officers of our State prisons to send to such places all under the age of seventeen.

The latter part of this law, which like the former part, was intended to protect the young offender from the contamination of intercourse with more aged and hardened offenders, seems to have been little regarded by the officers of our prisons.

At the close of the year ending on the 30th September, 1864, there were in the Clinton prison 19 between the ages of 16 and 20 years, some of whom were probably under 17 years of age, though how that is, or how many are so, the annual report of the inspectors does not show.

In the Auburn prison there was one of 15 years, four of 16, and 20 of 17.

In the Sing Sing prison there was one of 14 years, two of 15, and 109 between 16 and 20, though here, again, the report fails to show how many were under 17.

It is to be regretted that so beneficent a provision should not be more fully acted upon, though perchance this provision of the law may be unknown to the officers. It would certainly seem so, for the agent at Sing Sing, in his report for 1864, laments "the practice of sending boys to State prisons," and says: "This certainly deserves the consideration of our Legislature, and I sincerely trust they will, at their next session, give it their earnest attention." Yet he has in his prison at least three and perhaps more "boys," upon whom the law, as it now stands, could be executed and they removed from what he terms "a poor school to improve the morals of the young." Let the wagoner put his shoulder to the wheel before he appeals for help to Hercules.

#### VIII. REMUNERATIVE LABOR AND INTELLECTUAL AND MORAL INSTRUCTION.

It has been, from an early day, in our present State prison system, an earnest strife of the several prisons to earn each year enough to pay all its expenses. This idea has been prominent in our legislation, and has been fostered into activity by a rivalry between the prisons. Auburn has been almost, if not quite always, successful in attaining that end. Clinton has never attained it, and Sing Sing rarely if ever.

It would be foreign to the present purpose to inquire into the causes of this difference, financially, among the prisons. The object is now to call attention to the principle which has given birth to this idea, and show what is its operation, that we may inquire whether it is wise any longer to keep it alive and active.

Let us first see how the matter stands in any one fiscal year, say that ending September 30th, 1864.

The expenses of all the prisons, exclusive of officers' salaries, were as follows:

Sing Sing.....	\$89,343 94
Auburn.....	67,738 13
Clinton.....	40,018 86
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	\$197,100 93

The earnings of all were:

Sing Sing.....	\$98,272 52
Auburn.....	119,312 74
Clinton.....	38,256 58
	<hr/>
	255,841 84
	<hr/>
Excess of earnings over expenditures.....	\$58,740 91

The question is often asked in this connection—and it often influences legislation—"why cannot 2,000 men, all but a very few of them over 17 years of age, and most of them able-bodied, earn their own living?"

The answer is, they do and \$58,740.91 besides; but they are required to do more, and to earn the support and pay of the officers of the prisons, which, in 1864,

Amounted in Sing Sing to.....	\$50,326 90
Auburn.....	35,140 57
Clinton.....	30,157 72

Making a total of..... \$116,625 19

To see how this thing works, take the condition of an individual convict, and include the salaries paid to the officers in the expenses:

At Sing Sing he costs per year.....	\$175 59
he earns.....	123 45
	<hr/>
He falls short.....	\$52 14

At Auburn he costs .....	\$159 84
he earns .....	177 59
He earns an excess of.....	<u>\$17 75</u>
At Clinton he costs.....	\$185 64
he earns .....	104 64
He falls short.....	<u>\$81 00</u>
On the other hand, take his condition, when we exclude the pay of officers from the expenses:	
At Sing Sing he would cost .....	\$112 24
he earns .....	128 45
He would earn an excess of .....	<u>\$11 21</u>
At Auburn he would cost.....	\$103 88
he earns .....	177 59
He would earn an excess of.....	<u>\$73 71</u>
At Clinton he would cost.....	\$108 15
he earns .....	104 64
He would fall short.....	<u>\$3 49</u>
This deficiency in the Clinton prison, on 370 convicts, would amount to	\$1,291 30
The foregoing is exclusive of the female prison where the deficiency is.....	12,866 64
Total .....	<u>\$14,157 94</u>

So that the convicts did that year actually earn, on the principle of excluding pay of officers from expenses, enough to pay all the expenses of all the prisoners, and \$44,582.94 besides, and so every year they would earn a large excess.

This is enough to enable us to know under what circumstances it is that the question is asked. Is it wise to require the prisoners to do more than that, or even as much?

The question is asked in no captious spirit—in no outbreak of sickly humanity—in no false sympathy because of suffering—but in a calm and deliberate mood, after long consideration, and is addressed to the wise and the good among us. To them and to their representatives in the legislative and executive departments of our government, it is presented in simply this form: "Cannot the time of the prisoners be put to a better use for the community, than in earning the pay of their officers?"

There are two respects in which this question may be answered affirmatively. One is, in enabling them to earn something for them-

selves, so that when they return to the world they may not be driven back to crime by destitution; and the other is, that they may be so improved in their intellectual and moral condition as to be deterred from crime by the same power which withholds all law-abiding citizens.

Of the former of these topics we have had occasion to speak in another place. Now we confine ourselves to the latter.

There are three objects to be aimed at in our State prison system. One is, to prevent the convicted felon, for a time at least, from preying upon the community. Another, to deter others by the example of his punishment from following his example of crime; and another, to so reform his moral nature that he shall be able to resist temptation and lead an honest life.

Every right-minded man must, it seems to us, regard the latter as the most important of all; yet unhappily, from the very inauguration of our existing prison system, almost if not quite down to the present time, it has been treated as if it was the least important.\*

The idea obtained early among our prison officers that the convicted were sent there to be punished, and to that end they must be made to suffer in every form which the law did not expressly forbid, and which a mistaken sense of duty or the distorted ingenuity of cruelty or cowardice could devise.

Hence arose the idea, among others of a cognate character, that their labor must be unavailing to them—they must work for nothing, so far as they and their families were concerned. The law nowhere said this. It was not made any part of the officers' duty, yet they assumed it and acted upon it. After a while it was found that this labor might be made productive of profit. Then the contract system was invented, to the increase of those profits and greatly to the relief of the officers from anxiety and toil. Then the hope was entertained and its realization aimed at that the prisons might be made to pay all they cost, and the State be relieved from any expense for the punishment of criminal offenders against its laws, and finally that it might be carried so far as actually to be a source of net profit to the State.

Those ideas, born in the beginning of our system, have lived till this day, and during the long interval there has been no voice raised in behalf of the convict thus buried, like the dead of the patriarch of old, out of the sight of the living, to ask the question, "What has become of your promised moral reform? What has become of your boasted remedy for the leprosy of the soul, that has sent so many accountable beings to this living grave?"

\*For instance, in that useful work, The American Cyclopaedia, the article on Prisons has much to say of the cost of various prisons, and some are pronounced to be failures because too expensive; but not one word is said of the reformatory influence, and yet that is intrinsically of more value than the dollars and cents. We spend millions to educate the children class; shall we do little or nothing to enlighten the minds and purify the morals of the criminal class?

Time alone can answer. Time present does answer. Time future will answer yet more, if we are wise in season, and lag not behind until eternity overtakes us.

Out of these ideas of the officers and the interest of the contractors grow the habit of devoting all available time to labor, and very little if any to instruction.

Twenty years ago all the instruction allowed to the convicts, except one sermon a week and occasional conversations with the chaplain, was a Sunday-school, taught in Auburn by persons from a Theological seminary; in Sing Sing, by convicts in the male prison, and by the matrons in the female prison.

About that time libraries were introduced, but without much effect at first, because, there being no money appropriated by the State for buying books, the prisons were dependent for their supply on voluntary contributions, and because their dormitories were so badly lighted that reading was difficult. Since that time there has been great improvement in both respects.

In 1846 the Legislature granted \$100 a year to each prison for buying books, which grant has continued ever since. That sum, with occasional additional grants from the State and individual donations, have, together, formed libraries in all the prisons.

In the male prison at Sing Sing, books are given out once every three weeks, and the facilities for reading them are greatly increased by the introduction of gas for lighting the dormitory, and by permission—now granted but formerly denied—of reading in the workshops at times when not employed on work. Seven hundred books are out at a time among the prisoners under this arrangement, and it often occurs that a knot of them will gather together and some one will read to the party—all this under the immediate supervision of a keeper.

In the female prison the practice is to issue books every fortnight, but that is by no means frequent enough. A book is often read through in a week, and while the consumption of time in the distribution of books among the great number of male convicts may forbid a more frequent distribution, no such consideration can affect the female prison.

In addition, there is at Sing Sing service once a day on Sunday in the chapel, occasional interviews with the chaplain, and instruction from the teachers, two of whom are employed in the male prison, and one in the female. The former teach 150 prisoners, and the latter 60.

In Auburn the number of teachers is three, and the number taught 292. In Clinton the number of teachers is two, and the number taught 230.

In the prison at Auburn there is a Sunday school, taught by the students of the Theological seminary; one at Clinton, taught by the officers; and one in the female prison at Sing Sing, taught by the matrons.

There is, unhappily, none in the male prison at Sing Sing, although the population of the town is about 7,000, and there are several churches in it.

Funeral services are allowed at the Clinton prison, but none are practiced at Auburn or Sing Sing. The reason for the omission is supposed to be that it conflicts with the interest of the contractors, who would not be willing to lose a half hour or so upon each one of their laborers.

Those services were introduced into Sing Sing some 20 years ago with a most salutary effect. Their first introduction was attended by scenes wonderfully touching, and followed by results greatly to the benefit of prisoners and officers.

This statement, it is believed, embraces all the instruction now imparted to the inmates of our State prisons. And while there is manifestly a great improvement over the state of things as it was at the organization of our Society, yet it is equally manifest, to us at least, that very much more might and ought to be done in this respect.

*In the first place*, no one ought to leave the prisons without being able to read and write.

About one-third of the prisoners cannot write, and about one-seventh cannot read, when they enter.

It is inconceivable to those not well acquainted with the prisons how great is the ignorance of some of the prisoners. One of them, with entire simplicity, once asked, "Who was Jesus Christ; of whom we hear so much here?" Another, who had been turned adrift in early boyhood, and been buffeted about the world for years, with no one even to teach him, was once complaining of some physical discomfort, and on being asked "why he did not have better thoughts?" answered in words which told a terrible tale, "Better thoughts! Where shall I get them?"

The difficulties in the way of removing this lamentable ignorance not formidable. One is frequently the shortness of the sentence; another is the smallness of the pay of the teachers, which will not warrant in keeping a day school; and a third is, the mania of the prison management to make as many 40 or 50 cents a day as possible. The question is simply between financial interest and moral reform; a question, when fairly presented to our people, will not be out a proper solution.

*In the next place*, more time than is now spared ought to be devoted to the cause of instruction generally among them all. It is now a short time in the evening. There is no effort to do more than a little reading, writing and arithmetic. Nor are all those who cannot read, write and cypher, attempted to be taught. Here again a conflict towards the reform and elevation of the convict would come in contact with the interest of the contractor; a conflict which the State could easily dispose of, by assuming to itself, as would be just, the pecuniary loss of the time consumed in education. Would it not be far wiser to use that time in their mental and moral improvement than in earning their officers' salaries?

*And in the third place*, funeral services ought always to be performed

at whatever cost of time they might demand. Their humanizing influences, amid the monotony of prison life, can hardly be exaggerated.

These three measures would necessarily consume time, which is now through the labors of the convicts productive of pecuniary profit to the State. And if the State could be induced to content itself with the prisoners earning their own living and pay the officers out of the public treasury, those measures could be adopted, greatly to the advantage of the moral and intellectual condition of the prisoners, and equally to the advantage of the community among whom they are again to mingle.

#### IX. THE PRISON LIBRARIES.

It would be well in this connexion to say a word more of the libraries. The provision in the law of 1846, appropriating \$100 a year to each prison, was made permanent by the law of 1847. That law was drawn up by members of this Association, among whom were two judges of our supreme court and two of the revisers of our statutes (one of whom had been attorney general of the United States, and the other when he died was a judge of the superior court), and is now chapter 3 of part 4th of our Revised Statutes, and is entitled "Of the government and discipline of county and State prisons, and of the conduct and treatment of prisoners therein."

The expenditure of that \$100 is subject to the control of the inspectors.

The Legislature have been in the habit for several years past of appropriating an additional sum, "for the purchase of books for the use of the chaplains," "to be expended under the direction of the respective chaplains."

The sum mentioned is to be drawn by the agent and warden, the agent and chaplains.

The law of 1847 also requires the agents to append to their annual reports a catalogue of the prison libraries. That duty not being very difficult to say how these sums are expended; though the idea may be formed from an opinion expressed by one of us in the Annual Report for 1864, that "such secular periodicals as the Magazine and the Atlantic Monthly, would do no harm." In Sing Sing prison there is no catalogue even in the library, and the convicts go to select their books, each is obliged, at much loss of time, to run his eye over all the books on all the shelves in order to find what is there. A catalogue, printed as it would be if appended to the agent's report, as the law requires, would enable this work to be done in a one-tenth part of the time. The management of the libraries and the distribution of books, instead of being a tedious, tiresome task, ought to be a labor of love, promptly and easily done, and so it might be. The library in that prison consists of 4,070 volumes for the males, and about 200 for the females. At the Auburn prison the library contains about 4,000 volumes. What is the state of things in this respect

at Clinton we do not know, for we have obtained no answer to our request for the information.

The law requiring the agents annually to report a catalogue seems to have slumbered unregarded for some 18 years. This is much to be regretted, for here is an important element of reform, in respect to which too much cannot be known, and surely as worthy of being known as the dollars and cents, of which such minute details are given.

The provident munificence and enlightened humanity of our Legislature have, in this respect, been greater than is generally supposed.

The provision of the law of 1846, giving \$100 a year to each prison, made perpetual by the law of 1847, has produced in the 20 years \$6,000.

In 1850 the Legislature began the system of making annual appropriations in addition, and have continued the practice every year since, except in 1854. These additional annual appropriations have been from time to time increased. In the first two years they were \$300 a year. In the following nine years (except 1854), they were \$500 a year. In the next two years they were \$650 a year. In the next two years they were \$900 a year, and in 1865 they were \$950.

All these additional appropriations are paid to and expended by the chaplains. They do not seem to enter into the agent's accounts, or the inspector's reports at all. The chaplains make no report either to the inspectors or to the Legislature as to how they expend the money. They do not even give either to the inspectors or the Legislature any catalogue either of the books they buy or of those they have on hand. The books may be religious or secular—sectarian or catholic—pagan or Christian—who knows?

The expenditure of so large a sum, appropriated so wisely and well, ought to be subjected to some supervision somewhere. Somebody ought to see how the wise and humane intention of the Legislature is carried out.

#### X. APPOINTMENT OF OFFICERS.

This is a subject of deep interest, and one that is calculated to retard the improvement of our penitentiary system.

Three inspectors (as they are improperly called, for they are in fact governors\*) have the charge of all our State prisons and appoint all the officers. They hold office for three years, and one of them is chosen and one goes out every year. The election is by popular vote. Thus our prisons are thrown into the political arena, and the mischief is, not so much that improper men may be chosen inspectors, but that coming into office as politicians, they have political friends to reward, or political opponents to eject; and this process, based on political considerations wholly, and not at all on the ground of qualification, occurs every year.

A man, to be a proper officer of a prison, must be a peculiar person. He must be possessed of great firmness and equanimity of temper, and

\* There is no inspection strictly speaking, except what this Association performs, and is bound by law to perform.

must have a competent knowledge of human nature. Yet even these qualities will not suffice. There must be superadded experience as a prison officer, and a knowledge of the business which nothing but practice can give. When such a man is once obtained, he ought to be cherished and retained as long as his usefulness may last and he is willing to stay. But under our system, no matter how perfect or valuable an officer may be, he is liable every year to be discharged to make room for some active politician, who may claim a reward far party services.

We can best illuminate the evils of this unfortunate thrusting of the prisons into the political arena by referring to one or two well authenticated instances.

One of the chaplains was on one occasion required by an inspector to go, for the purchase of his books, to a city in the interior, at least 200 miles from the prison, when he was within 35 miles of our great commercial emporium, where there were millions of books to choose from. The question will force itself upon us, why was this? Was the country bookseller a particular friend or political partisan of the inspector? And was the chaplain able to choose such books as his judgment told him were best for the prisoners, or was he obliged to take the refuse stuff of a country book store?

On another occasion a new inspector, on coming into office, insisted on having one-third of the appointments to office; and this privilege was accorded to him, because it was conformable to the established practice of the inspectors. That made it necessary to remove some then in office; and the principle adopted was to displace those who had been longest in office, because they had longest enjoyed the patronage of the State; thus depriving the prisons of that experience which is absolutely indispensable to making a good officer.

Other States suffer in the same way, but few as much as New York. In Pennsylvania the inspectors are appointed by the judges of the supreme court, and retain their positions for years, untouched by party changes. In England, Maj. Gen. Jebb was an inspector for more than 20 years. From Prussia we have this account: "The management of all the prisons of the country has been confided, since 1850, to Dr. Wichern, who, as inspector general with full powers, has improved the discipline, and placed over each a warden or director, and subordinate officers, trained for the purpose and selected with great caution and discrimination, in the belief that more depends upon the personal character and adaptation to their work of the keepers of prisons than upon systems of discipline, forms of buildings, and all other arrangements together. The results which have followed these changes are said to be in the highest degree satisfactory."

In Massachusetts, in a report made in 1857 to the House of Representatives by a committee appointed "to inquire what change, if any, is necessary in the discipline at the State prison," are these wise and timely remarks: "Your committee early became impressed with the idea

that the secret of a successful prison discipline resolved itself into a question of *men* rather than *laws*, and every step in their investigation has confirmed that impression. They are strong in the conviction that much, very much more depends upon the character and adaptation of the warden and officers to their positions than on any laws that have been or may be made for the government of the prisons. An ex-inspector remarks to the committee that it requires a class of men hard to get and harder to describe. Let the warden and officers be men of firm and decided character, yet calm, just and prudent—men who recognize in every man a human soul worth saving, and are willing to make some exertion to prove that recognition to the convict."

In a report to the New York Legislature it was said: "It requires peculiar talents; men who are in the constant habit of self-government at all times and under all circumstances; men of enlarged philanthropy, of firmness and of settled convictions of the power of the great law of kindness over the human mind."

Nothing can be more true than the remarks contained in the above extracts as to the character and qualification of prison officers. In our prisons we have been acting for many years on an opposite principle; and unfortunately we can have no improvement in this matter until our constitution shall be altered. For that event, which is probably near at hand, we must prepare in due season.

#### XL LUNATIC ASYLUM FOR INSANE CONVICTS.

The lunatic asylum for insane convicts was opened at Auburn for the reception of patients in February, 1859.

During the ensuing 20 months it received 69 prisoners—29 from Sing Sing, 28 from Auburn, and 12 from Clinton.

During the next year (ending on the 30th September, 1861,) 30 were received—nine from Sing Sing, four from Auburn, one from Clinton and 16 insane convicts transferred from the State asylum at Utica.

During the next year (1862) 27 were received—12 from Sing Sing, 10 from Auburn and five from Clinton.

During the next year (1863) 10 were received—five from Auburn, four from Sing Sing and one from Clinton.

During the next year (1864) six were received—three from Auburn, and three from Sing Sing.

So that during a period of five years and eight months the asylum received 142 insane convicts.

Of that number seven have died, three have escaped, and 61 have been discharged, most of them well or improved.

They have been of all ages, from 16 to 80, but most under 40 years.

The crimes of which they were convicted were mostly those of violence.

Thus in 1864, of 85 all but 12 were such; in 1863, of 91 all but 16; in 1862, of 96 all but 22; in 1861, of 85 all but 20; in 1860, of 65 all but 19.

Among the sane prisoners crimes committed with violence do not amount to one in five, while among the insane they amount to four in five.

Their social relations were as follows, taking the numbers in the asylum at the time of making the reports :

	Married.	Single.	Unknown.
1860 .....	9	48	8
1861 .....	21	60	4
1862 .....	26	64	6
1863 .....	29	55	7
1864 .....	21	56	8
	<hr/>	<hr/>	<hr/>
	106	295	33
	<hr/>	<hr/>	<hr/>

Thus it appears that they are mostly in the prime of life, unmarried, and were insane when convicted. The latter is shown by the nature of their offenses, having a tendency rather to force than fraud, and the superintendent remarks that frequently they come to him from the other prisons with the report, "in the same condition when committed."

There is a strange and strong prejudice in the public mind against the defense of insanity in criminal cases, produced probably by the idea that the temptation to simulate insanity is so strong. But these facts show how erroneous and unjust is the prejudice, and would lead to the idea—often expressed by those who are familiar with the administration of criminal justice—that far more insane persons are convicted than persons feigning insanity get clear.

To detect feigned insanity is an easy thing with those acquainted with the disease. It is far more difficult in its incipient stages to tell where sanity ends and insanity begins.

Of the insane convicts nearly one-half are of foreign birth, and of the foreigners more than one-half are Irish.

Out of these facts arises the thought, how wise and beneficent has been the action of the government in this respect! We cannot fully realize the thought without recollecting that it is only within the last ten years that the institution has been established; and then casting our thoughts back, reflect how many years man in his cruelty or his ignorance had condemned to the felon's fate those whom God had afflicted with the disease of mental darkness, a fate worse than death itself.

And justice must be done to the officers of our prisons by saying that the measure has been owing mainly to their oft-repeated appeals, in their official reports, to the justice and humanity of the people and their representatives in the Legislature.

#### XII. GENERAL TREATMENT OF PRISONERS.

No improvement can be made in our penitentiary system, until the public mind is instructed as to what it is and what are its requirements. It is a general habit among those unacquainted with the system to look upon all the prisoners as alike in moral degradation, as they are in their condition of imprisonment. This is a great and a very hurtful mistake.

No two prisoners are alike in mental or moral condition. There is as much variety in this respect among them as in the world outside.

Take again the statistics of 1864—of the whole number in all the prisons about one-tenth are negroes and Indians. One-half are intemperate; one-third are moderate drinkers, and one-sixth are temperate. One-half are married. Their ages vary from 14 to 80 years. They are of almost every variety of occupation, from lawyers, doctors and preachers, to clowns, jig-dancers and delvers of every name. Their offenses are of every known form of crime against the person or property. And the terms of their imprisonment vary from one year to life; there being in all the prisons 71 sentenced for life.

The statistical tables appended to the annual report of the Inspectors are so imperfect, that we have to take one prison as an exemplar of the whole in respect to education, viz., Auburn:

Had classical education .....	7
academic .....	14
common school .....	287
Could read and write .....	200
read only .....	52
No education .....	40
	<hr/>
	550
	<hr/>

When to these things we add the infinite variety there must be in moral condition and emotional nature—that some have offended under sudden and overpowering impulse, and others from long confirmed habit—that some have sinned with reluctance and under the force of circumstances, and others with alacrity and from choice—that from 80 to 90 per cent of them never return to prison—that some of them are innocent of the crimes imputed to them—that some conduct themselves so well as never to draw down upon them even reproof, while others are forever transgressing, even in their prison house—when all these things are considered, we can readily see how erroneous is the idea that regards prisoners as all alike. And all this further shows us how unequally the punishment must bear upon the prisoners.

There is but one complete remedy for this, and that is classification; but as classification involves an education of the public mind up to the point, and very great alterations in our prison structures, it may be a long time before that will be adopted. In the meantime, however, these considerations are to be borne in mind in any judgment which we may attempt to form as to the administration of our prisons, and will justify the officers in abandoning, at once and forever, the habit so long prevailing of inflicting upon the prisoners any suffering which the law does not specifically require, or delinquency in the prison inmates demand.

The nearest approach to classification that we know of is in Ireland, where its beneficial influence is daily shown.



## XIII. ADVANCE OF SOUND PRINCIPLES.

Before closing this report it will not be inappropriate to cast our eye back to the organization of our Society, and see what advances have been made since that time toward the ideas it has ever advocated.

1. The law of 1847, originating as has been said with this Society, and now forming a part of our Revised Statutes, made great and most beneficial improvements in the conduct and discipline of our county and State prisons.

2. Libraries have been introduced into all the prisons, and within the time mentioned, the State has expended some \$15,000 for books for the convicts, and the facilities for using them have been gradually on the increase.

3. Teachers have been introduced into all our State prisons, and hundreds have been taught to read and write, thus opening to them an outlet from that ignorance which was their fate, not their fault, and of whose depressing darkness we who are educated can have no adequate conception.

4. Formerly the prisoners' food was of the coarsest kind, and their meat being principally salt beef and pork, they were often afflicted with the scurvy. Now they have fresh meat twice a week and fish once. Formerly they had as vegetables potatoes only; now they have several kinds of an anti-scorbutic character, and scurvy is unknown among them. Formerly, at Sing Sing, they took their meals to their rooms in their piggins, and if the vessel which fell to the lot of any one did not happen to contain enough for him, the deficiency was not supplied; now they eat in a common room, under the eyes of the officers, and all deficiencies are supplied.

5. Formerly the lash was the universal punishment, and with such severity was it used, that in one prison alone 6,000 blows were struck per month. The atrocity of this mode of government can be appreciated only when it is known that each blow was with four lashes, so that the aggregate in that one prison was nearly 300,000 strokes a year. Now the use of the lash is prohibited by law.

6. Formerly, though the law which condemned the convict to hard labor did not declare that it should not be available to him, yet the prison government superadded to the law the punishment that it should be entirely gratuitous, on the idea that it was, or at least should be, a part of their punishment; now that idea is rapidly vanishing, and the example of the German prisons is being followed with us, so that when the convict has earned the expense of his living, he may earn something for himself.

7. Formerly punishment was the exclusive rule of the prison, and rewards were repudiated, so that repentance and a desire for atonement in the prison were unavailing there. Now that idea is passing away, and convicts can earn, even within their prison walls, in the shape of overtest and commutation of sentence, a reward for good conduct; and

thus be encouraged to begin there that reformation which (and such is the primary object of our penal code,) should accompany their mingling again with the world.

8. Formerly the convict on his discharge received only money enough to carry him away, and he was thrown upon the world, with self-confidence lost, with a tainted reputation, and in the way of all the temptations which want and destitution would throw around him. Now, even though he earn nothing for himself, he receives enough not merely to carry him home, but something to support him until he finds means of obtaining a livelihood.

9. Formerly it was a rule—not indeed a law of the State but of the prison officers—that the convicts should always look down, and they were punished if caught looking at a visitor, even though—as in one case—that visitor was a poor old mother, who had traveled hundreds of miles on foot to have yet one more glimpse of her felon and fallen son before she died. There was no possible excuse for the rule but to inflict additional suffering, and enable the officers to boast of the perfection of their discipline. That practice too is rapidly sinking into the tomb of the barbaric past. Few officers enforce it now, and none with the severity of former times. It is to be hoped that it will soon entirely cease, for to every right mind it is a matter of shame and not of boast to the officers.

10. Formerly every child born in prison died there from the effects of bad food and air. Now that is remedied, and when the children born in prison become old enough to be removed from their mothers, they are suitably provided for.

11. Our act of incorporation gives our Society the power to establish a workhouse for the imprisonment of offenders for less than State prison offenses. We made application to the city authorities for means to carry out that law. Instead of that, those authorities proceeded to build one under the superintendence of a man of large experience whom we recommended. The workhouse now on Blackwell's Island is the result.

12. A law was passed directing the sentence of prisoners to be so regulated as to bring the discharge in the summer and not in the winter months.

13. Formerly the physicians to the prisons were paid so small a compensation that they were taken from those practising outside in the community. Now they are prison officers, and devote their whole time to the convicts.

14. The establishment of a lunatic asylum for convicts within the same period, is another evidence of the advance of enlightenment. It is not infrequent that the convict was insane when convicted, and formerly it was a long time before he could be treated as such. Now the treatment is promptly resorted to with happy results.

15. Another measure of reform, that, namely, of withdrawing the whole penitentiary system of this city from all connection with party politics, [Assem. No. 50.]

was owing to the action of this Association. In Senate Document No. 43, for 1850, and in our second and third reports, will be found an account of its action, out of which grew our present organization of the pauper and criminal departments of the city.

And lastly, when casting our view back behind the time of our organization, we reflect that 50 years ago there was but one State prison in the State—that located in the city of New York—where the prisoners were huddled together, spending their time in idleness and free communion with each other; where the old and the hardened had full opportunity to corrupt the young and the novice, and the prison itself was a festering school of vice, sending forth its trained pupils to prey upon the public; when we remember this and reflect that now we have three prisons for males and one for females, and an asylum for insane criminals; that we have devised and matured a system which has obtained the admiration and imitation of many other peoples, and that our confidence in its reformatory influence is founded on the fact that nearly nine-tenths of our convicts never return to their prisons, we shall find that we have every reason to be glad of the past, to be of good cheer, and to persevere in the work we have begun.

Such are some of the improvements which a few years have produced or inaugurated. There is one, however, toward which no steps in this State seem yet to have been taken. It is also one in which the officers have overstepped the law and inflicted a punishment beyond what it prescribes.

The law says the convicts shall be supplied with clothing of a coarse material. To that the officers have added that it shall be clumsily made, distinguished by stripes of white and black, and be odious to the view and degrading in character.

The chief object of introducing this practice undoubtedly was to humiliate the convicts, and it is eminently successful in attaining that end. But it spares none; it operates upon all, the innocent and the guilty, the penitent and the hardened, the obedient and the disorderly; and it is founded on that idea (pregnant with mischief), that all are to be treated alike, no matter what differences there may be in their physical, mental, or moral condition. God does not treat his creatures so. Man does not often treat his fellows so. And if there is another place besides our prisons where man is so treated always, it is neither in the heavens nor on the earth.

Now, however, that the idea on which the practice is founded is fading away, we may hope to see pass away with it a regulation which inflicts many an unnecessary pang, and degrades only those who ought to be aided to rise.

Let it not be imputed to us, when we say these things, that we have sympathy only for the criminal and none for those who suffer by his vices, and that we are governed by a mawkish sensibility. May not a judge pronounce the sentence of death with an aching heart and a

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trembling voice? May not a mother chastise her erring child with a tearful eye? It is not such things that we condemn. However painful, they may be necessary for the reformation of the offender and the protection of others. But when the judge, like Jeffries, in pronouncing sentence of death upon Algernon Sidney, shall add insult and contumely to his sentence—when the parent shall, in an outbreak of passion, bruise and maim her offspring, then it is that we would come to the rescue, and have a voice ready to speak condemnation.

Fortunately we have little to condemn now in comparison with the past. Fortunately the advancement of enlightenment and education among our people has greatly ameliorated and improved our penitentiary system. A few years have already done marvelous things, and the near future will complete what the long past began. We must wait with patience. Encouraged by the success which has attended our past efforts, we can afford to wait and "bide our time."

J. W. EDMONDS,  
G. B. HUBBELL,  
FRANCIS LIEBER.

NEW YORK, Dec. 25th, 1865.

(D.)

### SPECIAL REPORT ON AN ALLEGED CASE OF HOMICIDE IN THE SING SING STATE PRISON.

[In the month of October, 1865, a written communication was laid before the executive committee, charging that the recent death of a convict in Sing Sing prison had been caused by the maltreatment he had received from the officers of the prison. The charge was without signature, but was represented to be from a reliable source. It was referred to the committee on the inspection of State prisons, consisting of Judge Edmonds, Dr. Lieber, Professor Ordroneaux and Mr. G. B. Hubbell, formerly warden of that prison, and of Messrs. Bryan and Coffin for Sing Sing prison only. The investigation was conducted by the chairman alone, the other members being unable to attend. In November the following report on the subject was made to the executive committee. This report shows that while one of the benign functions of the Prison Association is to stand as a shield between the oppressed and the oppressor, another scarcely less important one is to guard the fair fame of our prison authorities against groundless and slanderous assaults, made in the dark by disaffected and unprincipled convicts. In a word, it is the duty, as it is the pleasure, of the Prison Association to see that equal and exact justice is meted out to all who come within the sphere of its legal supervision.]

As chairman of the special committee, to whom it was referred by the executive committee of the New York Prison Association, to inquire into the cause of the death of George Evans, a convict in the State prison at Sing Sing, alleged to have been produced by cruelty and harsh treatment, the undersigned respectfully reports:

The charge being made to the Association anonymously, the committee was unwilling to enter into its investigation. But after it had been announced in the newspapers that it had been referred to the committee, the agent and warden of the prison wrote to me, as chairman, demanding an investigation, and I at once entered upon it, under the benign influence of that characteristic of our Association which enables us to stand as a shield between the oppressed and the oppressor.

I made several visits to the prison. I examined all the officers who were likely to know anything about the case, including herein the agent and warden, the principal keeper, the chaplain, the physician, the superintendent of the hospital, the hall keeper, who would see the convict every day, and under whose care are the dark cells, the yard keeper, who would also daily see every one who frequented the yard, the contractor, in whose shop Evans had worked, and all the convicts who I

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could learn knew anything about the case; and it is very clear that the charge is without foundation, and that the death of Evans was not the result of the treatment he received in the prison.

The officers and contractor knew nothing of the charge until they saw it in the newspapers. But I found there was current among the convicts a story of the same character with that contained in the charge. None of them, however, could mention any fact to support it (except in one instance, of which I shall speak by and by); it was mere rumor, passing from one to the other. I traced that rumor back to what I believed was its source, and that was the stories told by the man himself to his fellow convicts; when, owing to the excessive humanity of the officers, he was permitted for the last four weeks of his life to wander at pleasure about the prison; from which stories they inferred that his death, which was sudden, was owing to what he had told was the treatment he had received. He had a kind of insane idea of making a hero of himself by telling how much he suffered, how bravely he endured his suffering, and how impossible it was to conquer him.

Having thus mentioned the general result at which I arrived, I proceed to detail the several points of the charge and the evidence bearing on them.

First. *It is charged that in February last a new keeper was appointed by the name of Charles Sprague, who had "been a character," "a drinking man and a rough," who prided himself "on his abilities as a fighting man."*

The evidence was that Sprague was both a temperate and a "temperance" man; that he was a member of the Baptist church, in Garmel, Putnam county; that he had never had a fight in his life; and that his general character was that of a worthy and exemplary man.

Second. *That Sprague "took a dislike to Evans; would not allow him the same privileges as the other prisoners; and would talk to him in an overbearing manner for the purpose of irritating him. About the 1st of March he said to Evans, he was able to whip half a dozen such men," &c.*

The evidence was that Sprague did allow Evans the same privileges as the other prisoners. But he did boast to Evans of his pugilistic powers and exaggerate them.

Evans was a peculiar man—obstinate, and of a most ungovernable temper. Sprague was not harsh, but kind and jovial; and being a novice in the duties of a keeper, he supposed that in order to govern Evans, he must make him afraid of him. Some of the convicts who heard his remarks to Evans thought he was joking.

Sprague, however, erred in treating Evans in the manner he did; and, instead of inspiring him, as he hoped, with a sentiment of fear, he only awakened his combativeness.

Third. *"Evans made an answer in return, which Mr. Sprague construed as insolence, and locked him up in the dark cell."*

This is true. Sprague having descended to the level of the convict's

condition by talking to him as he did, Evans accepted the invitation and answered insolently.

From this moment Sprague's control of the case ceased, and it fell into the hands of his superior officers.

But Evans' evil passions had become excited, and he was outrageously angry at Sprague.

Fourth. "When the keeper who had charge of the dark cells unlocked the cell door of Evans, for the purpose of putting in bread or water, or something else, Evans rushed out of the dark cell and ran over to the cabinet shop, rushed up to his keeper, Mr. Sprague, struck him in the face and knocked him down. Mr. Sprague arose, seized a heavy cane and made an effort to knock Evans down with it. Evans picked up a bed-post which was near and knocked Mr. Sprague down. Mr. Sprague got up and was allowed to leave the shop."

The evidence shows this state of things: When Evans was locked up in the dark cell, he was outrageously angry and refused to eat. The principal keeper thought he would take him to his office and see if he could not reason him into obedience. On their way to the office, Evans broke away and ran into the shop where Sprague was in charge. The keepers in their shops sit on elevated platforms, from which they can oversee the whole of their men. Evans approached Sprague with an intimation that he wanted to speak to him. Sprague, unconscious of any bad feeling, leaned forward to speak to him. Evans, without any previous warning, struck Sprague four or five blows in the face, whence the blood flowed freely. Sprague, as soon as he recovered from the surprise, seized his cane (which all the keepers carry) and expelled him from the platform, and descended himself in order to reduce Evans to subjection. Thereupon, Evans caught up a bed-post and struck several blows at Sprague, any one of which would have killed him, if he had not warded off the blows with his cane. While Evans was thus assailing Sprague, the principal keeper and his assistant entered the shop, secured Evans, and led him back to his dark cell. On his way Evans said he had meant to kill Sprague; he was sorry he had not done it, and intended to do it yet.

It was not true, however, that Sprague was knocked down at all, though he was grievously wounded.

Fifth. "The yard keeper and the principal keeper came into the shop with drawn revolvers."

This is not true.

Sixth. "They forced Evans into a dark cell. The only injury that Mr. Sprague received was a bruise on his forehead and two black eyes. He was only absent from duty a day or two. When Mr. Sprague returned to duty, he took Evans out of the dark cell, and had a ball and chain weighing about 40 pounds fastened to his leg."

It is true that Evans was returned to a dark cell, and that a ball and chain were fastened to his leg. But all this was done by the principal

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keeper, not by Sprague. It was done immediately, and not deferred for a day or two, until Sprague returned to duty. The ball weighed some 12 or 15 pounds, and not 40 as alleged, and was put on him to prevent him from making another rush past his keepers.

Seventh. "He" (Sprague) "showered him till he was insensible, and then had him dragged to the dark cell and thrown into it, day after day, for about two weeks. Evans was taken out of the dark cell and showered, or crucified, or bucked, until he became insensible, and then was again dragged to the dark cell and thrown in. Evans' health was poor, and his frame was of slight build. He grew weaker and weaker with every punishment which he received, until he became unable to walk, and all the time he was only allowed four ounces of bread and water a day. He was showered six times, crucified three times, bucked, kicked, clubbed and stamped upon."

The evidence is: 1. That he was never "bucked, kicked, clubbed, or stamped upon" at all; that he was showered only three times, and "crucified" or "yoked," only once, and that within 10 or 12 days after the 21st of February.

2. That the punishment he did receive was not inflicted by Sprague, but by the principal keeper.

3. That his health was not poor and his frame slight, but he was at the time of his punishment in vigorous health, and of strong and compact frame.

4. That he was never insensible after his punishments, but walked to and from his cell without any aid.

5. That he was never "unable to walk" until his last sickness, which was about four weeks after his last punishment.

6. That he was not stinted in food. The usual prison food was carried at the usual meal times to his cell. But he refused to eat until the ball and chain were removed. Upon his promise to behave himself, they were removed; yet he still refused to eat. After persisting in this refusal for two or three days, he was let out of his dark cell, and allowed to take his meals in the hospital, where the food is much better than that ordinarily afforded to the mass of the prisoners. And so he continued to take his meals in the hospital for three or four weeks, until his last illness. He was never confined to "four ounces of bread and water a day."

Eighth. "That the principal keeper had "a strong, able-bodied convict in his office, for the purpose of helping to inflict punishment on the other prisoners, by the name of Shenis." "On one occasion, when Evans was undergoing the punishment of the crucifix, his keeper, not thinking the crucifix heavy enough, added heavy sand bags to each end of it. Evans became insensible and fell on the floor. While lying, Evans was kicked by his keeper; he was kicked, stamped and jumped upon by the convict, Shenis, who said that Evans was only shamming, and that he would bring him to his senses."

The evidence shows that it was true that sand bags were added to the weight of the "crucifix," but that it was not true that Evans became insensible and fell on the floor; or that while lying there, or at any time,

he was kicked by his keeper, or that he was kicked, or stamped, or jumped upon by the convict, Shenis. All that is sheer fabrication.

Ninth. "When Evans was unable to walk from the dark cell to the shower bath, I seen two keepers take him, one under each arm, and his keeper, Mr. Sprague, walking behind, holding his loaded cane up to Evans' head. They punished him, and he was then dragged back to his cell by two convicts in an insensible state."

The evidence shows that all this is untrue, except the single fact that the convict was punished by the shower-bath.

Tenth. "After Evans had been punished in the manner above stated for about ten days, he tore a stick off his bunk, and tried to stab himself with it to the heart. He only succeeded in giving himself a slight wound. This wound began to mortify, and the doctor neglected to dress it. He was kept in the dark cell for about a month. His wound began to stink, and he became very sick. They took him out and put him in another cell. He now told me all about his case, and said he thought he was going to die; that he thought his breast bone was broken, and that he could not recover. He procured religious books, read them, and prayed constantly. He said that he had been a bad man, and he wished God to forgive him. He got so weak that he could not leave his bed. The flesh over his chest began to turn black. On the 1st of April, as the doctor was going home, the keeper of the hall stopped him and told him that Evans was very bad and sick, and asked him to stop at his cell and see him. The doctor stopped at Evans' cell door, but did not go in the cell. He asked Evans what was the matter with him. Evans told him that he was scarcely able to breathe, and he thought he was dying. The doctor said he would be better in the morning, and ordered a cup of tea and a piece of bread to be brought to him. About two hours after the doctor had gone home, or about ten P. M., Evans was taken so ill that he was taken to the hospital and died a few hours after. An hour or two after his death his neck turned black, also his breast and side, where he had been kicked. There was no inquest held on his body at the prison. The doctor said he died of consumption. He was coffined and taken away from the prison within eight hours after his death. He died on the second of April. This case was so well known by the prisoners that these facts will be vouched for by almost any prisoner who was in the prison when they occurred."

I could find no evidence to support this story, but on the other hand, the evidence was clear that it was almost wholly untrue.

The attendant in the hospital, who had heard the story of the wound with the stick, when he laid out the body and put on the grave clothes, examined it carefully for the marks, and could find no discoloration whatever.

Early in the morning, after Evans died, a dispatch was sent to his brother, a physician in Brooklyn, who came to the prison and took the body away with him, after it had been remaining in the prison some 36 hours, awaiting his motions.

Such are the details of the charges referred to the committee for investigation and the evidence bearing upon them.

The case as it actually was may be stated thus:

Sprague, the keeper who had charge of the cabinet shop, had been in office only a short time, and, though well meaning and not harsh, he was not fitted by experience to take charge of a gang of some 50 men, many of them sent from the lowest walks of city life, where indulgence in every evil passion is uncontrolled.

Among the men he had in charge was Evans, a strong, compact-built man, whose past life had been so evil that his brother, when he came for his remains, said he had expected he would be shot in the prison. He was a man of uncontrollable passions, subject to paroxysms of rage, during which he was violent and self-willed.

Evans was reported to the keeper as amusing himself with making fancy articles, instead of doing his regular work on the contract.

As was his duty, Sprague searched his work bench, and finding nothing, he watched Evans very closely. The search and the espial were conducted in such a manner that Evans became very angry, and in his rage answered the keeper insolently. The yard keeper was sent for, who removed Evans from the shop and shut him up in a dark cell. The case was reported to the principal keeper, who went to the cell to take Evans to his office. On his way thither it was that Evans broke away, ran to the shop, and made the assault on Sprague.

This occurred on the 21st February, and during the ensuing ten days he was showered three times, "crucified" once, had a ball and chain on his leg a part of the time, and was all the time in a dark cell.

This punishment of force seemed to have no effect upon him but to increase his anger and obduracy. He expressed his regrets that he had not killed Sprague, and swore he would yet do it. He refused to eat, and attempted to commit suicide by cutting his arm with some iron torn from his night pail, and sharpened by him for the purpose on the stone floor of his cell. He bled profusely, but the wounds he thus gave himself were not fatal. As soon as this was discovered, his hurts were dressed, and during the dressing, he said he would succeed better next time, pointing to the region of the heart.

After ten days had elapsed, the officers seeing the result of this treatment of force, altered their mode of dealing with him. They took from him a promise to do no violence to himself or any one else, and they let him out of the dark cell. This was within the first four or five days of March.

From that time until he was taken sick on the 2d of April, he received no punishment whatever. He took his meals in the hospital, and during the day time was allowed to go where he pleased about the prison yard.

The effect of this treatment was salutary. He committed no more open violations of discipline, and toward the latter part of the time he expressed to some of his comrades among the convicts his regret at

having assaulted Sprague; he said he "did not know why he did it, for Sprague had always used him well." In the meantime, he had abundant opportunity to tell anything he pleased to the convicts, and it was during this time that he did tell the story which has been communicated to us.

On the 2d of April he was admitted to the hospital, and the entries were that he was a white, native-born male of the age of 21, by occupation a butcher, and of intemperate habits.

On the morning of that day, which was Sunday, he complained to the physician of a pain in his breast and a difficulty of breathing. The doctor examined his case, and prescribed a mustard *peutlice* and carbonate of ammonia. During the day he was walking about as usual. At about two o'clock in the afternoon he suddenly became very sick. He was at once removed to the hospital, where he died about three o'clock on the morning of the 3d of April.

The physician of the prison did not see him after the forenoon of the 2d until after his death on the morning of the 3d. His idea was that it was a case of congestion of the lungs, for which his prescription was proper, and which might result in such sudden death. But an eminent physician whom I have consulted thinks it was a case of inflammation of the heart, which great mental perturbation would aggravate and sometimes produce. All the symptoms and the result would indicate this.

I cannot resist the conviction that there was incipient insanity in the case, aggravated perhaps by onanism—a vice greatly and lamentably prevalent in our prisons. The suddenness and violence of the paroxysms of passion—the complete subsidence of those paroxysms—the unconsciousness afterwards of the patient of the motives which prompted his action, and the inadequacy of the provocation to the violence of the excitement, all look that way.

There was no post-mortem examination in this case—though much desired by the physician—because his rule is, never to make such examination when the surviving relatives remove the remains, unless they desire it.

Evans was not punished in any way, except by confinement in the dark cell, after the 27th of February. His attempt to commit suicide by cutting his arm was on the 5th of March. He drew no books from the library after the 1st of January, though by the regulations he could go every three weeks and draw such book as he chose.

After my examination at the prison, I sought out the author of the charge, who was a convict in the prison at the time. All his charge was founded on statements made to him by Evans, or on rumors current among the convicts, except a few facts of which he professed to have personal knowledge, and as to all of them he was contradicted by the evidence. When I informed him of this, and showed him that some things he professed to know he could not possibly know, he merely remarked, "Well, I suppose then that I was mistaken!"

There is one consideration growing out of my examination of this case, and my general inspection of this prison, which I am bound in justice to present to the executive committee.

I am sufficiently acquainted, from past experience with our State prisons, to be able to know—what I may term, in the hope that it will be understood—their moral atmosphere. I have seen a prison in a state of insurrection—in a state of great excitement when order prevailed—in a condition when unrelenting harshness and cruelty ruled—in a condition when careless laxness prevailed, and again when humanity and firmness were the order of the day, and I am persuaded I can tell, from a general view of the prisoners, what is the character of the government which prevails at the time. I examined this prison critically for this purpose and this was the result: The great body of the prisoners had confidence in the justice and humanity of the government, and they were cheerful and contented; but there were some who thought the government was weak, and they were watching to take advantage of it.

Upon looking further, I found the agent and warden, who is the principal officer, to be very humane, impulsive, and enthusiastic in the idea that moral suasion was the true rule of government. His energy and determination of character had sent his notions throughout the whole prison.

The principal keeper, whose speciality it is to direct the prison discipline, was imbued with the same ideas, but was calm, cool and resolute. The physician was single-minded, all heart and sympathy, and ready to make any sacrifice to the welfare of his patients.

And the chaplain, who has been there near thirty years, is very properly imbued with the idea that the salvation of souls is more important than aught else.

The sentiments which thus characterize the chief officers run all through among the subordinate officers, and produce this danger—that there may be too much lenity. Take as an instance this case of Evans. It was rather a hazardous experiment to trust to go at large, on his mere promise to behave himself, a man like Evans, who was subject to uncontrollable fits of insane passion—who had attempted his own life and the life of one of the officers—who had sworn that he would take his own life and that of the officer, and who found all around him implements that could readily be converted into instruments of deadly attack.

This was carrying the doctrine of lenity among desperate men a good ways, and experience will probably suggest some modifications of the policy.

But this "moral atmosphere," which I have mentioned, showed me that the government was not one of harshness and cruelty, but was on the other hand so lenient and humane that the rogues were ready to take advantage and did take advantage of it.

Too much leniency will naturally cause outbreaks of violence among the prisoners, and create the necessity of resorting to greater violence

to subdue it; for the more desperate among these men will not rest long without trying some experiment on what they deem to be weakness in the government.

The perversions of men and their evil passions, in or out of a prison, will sometimes produce a rebellion which will require a great deal of force to overcome, and which might be prevented by the proper use of power at the right time.

J. W. EDMONDS,

*Chairman of Committee on State Prison Visitation.*

NEW YORK, Oct. 22, 1865.

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### REPORT ON PENITENTIARIES.

The undersigned, appointed by the executive committee of the Prison Association to "visit, inspect and examine," the penitentiaries in the counties of Albany, Onondaga, Monroe, Erie and Kings, having performed, to the best of their ability, the duty assigned them, beg leave to submit the following report:

#### ALBANY COUNTY PENITENTIARY.

By an arrangement entered into in September, 1862, the Albany penitentiary was recognized by the General Government of the United States as the "United States Penitentiary for the District of Columbia," and has thus for more than three years been made the place of confinement of many men who have graduated with dishonor from various courts-martial and federal district courts, most of them however having come from Washington city with the unwelcome "approval" of the President and the Secretary of War. The Albany County Penitentiary has, however, for many years enjoyed the highest reputation as a model among the penal institutions of the country in the matter of discipline; and the generally successful economy of its management, added to the wide-spread notoriety of its more recent use as a very snug harbor for miscreants of rebellious proclivities, and for military prisoners of more patriotic pretensions, have caused it to become more than ever before a center of interest.

#### *Situation.*

The penitentiary is situated about half a mile from the capitol, amid surroundings far more sightly than those to which convicts are usually accustomed. Twelve acres of grounds, beautifully grassed, with here and there a brilliant plot of flowers or a charming garden spot, furnish the frontispiece of this illustrative book of human depravity and its swift following punishment. An amphitheatrical undulation of the ground in front, as symmetrical and regular as though formed by the forced pressure of an immense bowl, is a remarkable addition to the landscape, and, with the smooth and closely cut grass everywhere covering the slope, cannot fail to impress all visitors (whether voluntary or compulsory) with a great admiration of the external beauty of the prison's location. The building itself is of the castellated order, three hundred and fifty feet long and seventy-five feet in depth, including the wings, which latter contain the cells, the center being occupied for business and domestic purposes by the superintendent. There are few, if any, prisons

or penitentiaries in the State, whose outward appearance is so imposing and attractive.

#### Government.

The government of the prison is in the hands of a joint board composed of the supervisors of Albany county, and the mayor and recorder of the city of Albany. Its immediate control is left with General Amos Pilsbury, whose name has become famous as suggestive of all that makes up the successful prison officer, and whom an experience of forty years, joined to a natural fitness for such a mission, has placed at the head of his class of officials, as an accomplished disciplinarian, an economical manager, and a most shrewd, intelligent, faithful, and withal kind-hearted prison keeper. For almost twenty years (excepting only the year spent in New York as chief of police) General Pilsbury has had charge of this institution, having been seven times in succession unanimously appointed its superintendent; and, by the success of his long term of service, he has certainly shown how worthy he was of the confidence reposed in him by the joint board, under whose scarcely more than nominal supervision he acts.

A single circumstance may be adduced as irrefragable evidence of the fitness of this officer for his position, and the fidelity of his devotion to the peculiar duties devolved upon him, and this is the fact that, although no house of detention of its class in this State is so destitute of the means of preventing escapes, it is almost if not quite an unheard of thing that a prisoner gets away from the Albany penitentiary. And this is due entirely to the perfection of the system of discipline both among prisoners and sub-keepers. In the absence of those stone walls that do a prison make, a moral wall appears to surround this institution, over which no convict cares to clamber, and under which none has the skill to mine. No prison in the country has so honorable a record as respects the complete security of its inmates.

#### Discipline.

The discipline of the institution is strict and rigid, but qualified with a proper admixture of kindness. The punishments are few and far from severe. The dark cell and the firm but friendly exhortations of the superintendent, are generally sufficient to reduce the disobedient or refractory to submission; while, in the most extreme cases, the administration of a shower-bath, "more in sorrow than in anger," fulfills its mission, and in a natural sense, washes away the sin and contumacy of the convict. Unlike the shower-bath of the other prisons, where the poor victim is seated so as to receive a barrel or more of water directly upon his forehead and face, and this is all but strangled, the punishment is here visited upon the upright (?) prisoner, who stands and takes it, and who has only to say "I will behave myself," to be released at once. This is the limit set to all punishment here. No matter what the infraction of rules, if the man acknowledges his error and expresses the repen-

tance which regrets and discontinues his evil courses, the shower ceases, the cell opens, and the pardon is pronounced.

There are few cases of the obstreperous sort in the penitentiary, and those few get heartily sick of playing the male by the time the superintendent is done with them. Infinite showerings, dark cells *ad libitum*, and an immensity of good advice, await the contumacious convict; yet he finally is forced to submit, and generally does it with a good grace. There is not a chain on the premises, nor a twenty-five pound ball (that barbarous but latterly common "lock on the human understanding,") nor any other such cruel contrivance for crushing out humanity and metamorphosing sinners into saints. The law of kindness, superadded to a careful look out, keeps all within the bounds, and secures admirable order and good behavior.

#### The Inmates.

The class of prisoners now here is higher in the scale of intelligence, culture and social condition, than has been heretofore the case. Of course many of the five hundred inmates are fellows of the baser sort, and many are capable of almost any deeds of darkness—for of such are bounty jumpers, highwaymen, deserters and burglars; but there are also ex-officers of our army and several rebel prisoners, whose position before their incarceration presupposes some sort of social respectability. More than half of the convicts, at the time of our visit, were military prisoners, and they were found disposed to be quiet, submissive and obedient. Among them was one whose term of imprisonment, commuted from a death sentence, was "during the war," but being implicated in the Andersonville barbarities, he was detained to await the further developments of the Wirz trial at Washington. Another, a union paymaster, who is a son-in-law of a well known and estimable regular army officer, was serving out his sentence of "six years' imprisonment and five thousand dollars fine," for pretending, while in New Orleans, that fifty thousand dollars had been stolen from his safe, and then being privy to a plot to compel a negro to confess having taken it, so that the informer could get a reward of five thousand dollars which had been offered for the thief. The poor negro was whipped brutally before he could be made to confess a crime he had not committed, and subsequently died of his injuries. The court-martial convened upon the case sifted the matter thoroughly, and the result was the conviction of this scoundrelly paymaster, who really seems to have deserved hanging instead of the punishment meted out to him, which may almost be said to be but nominal, when the baseness as well as the enormity of his crime are considered.

There is another case of a different character, in which a union officer, formerly in the quartermaster's department, and engaged in transporting or transshipping soldiers, was accused of a deficiency of \$3,000 in his accounts. Tried and found guilty, he was condemned to incarceration in



the penitentiary for ten years, and is now serving out his sentence with exemplary resignation and submissiveness. And yet there are some grounds for believing that at this moment the government owes this very man \$30,000, instead of his being a defaulter as accused.

One of the worst classes of prisoners to deal with are the bounty jumpers, who, having fearlessly run the guard and risked the bullet as deserters many a time, at last here find themselves enlisted under a general who is proof against all those blandishing arts so successfully tried by them on army officers. One would think that one of these men who had jumped *thirteen* bounties, would at least attempt to get away from an unwallied prison like this, but thus far he has not made the endeavor. Still General Pilsbury bates not a jot of care or caution, for he knows not how soon some of these wretches may concoct a conspiracy for their own escape and his destruction.

Of the 500 prisoners confined at the time of inspection, 94 were women and 406 were men. Perhaps one-third of each sex were of the "contraband" race and color; many of them being so degraded an order of intelligence as to be not far removed from the plane occupied by Barnum's "What-is-it?" An unusual number of these creatures were here confined at the date of our visit, most of them having been sent hither from Washington for theft and similar offenses. They were of a low order of negroes, and in their case it would seem that ignorance had been the mother of crime.

Reference has already been made to the remarkably good discipline of this prison. An instance in point may be given. The rules, as in most prisons, forbid all communication between prisoners. Elsewhere the rule is so much of a dead letter practically, that at Auburn, we have been assured, the convicts are as soon and as fully familiar with news stirring in the outside world as are the keepers themselves; and the same is true of other prisons. But here the rule is not only a law, but it is obeyed to the letter. The prisoners do not and dare not talk with each other; and when, on the 19th of April last, the chaplain discoursed on the death of the President, he made the first announcement that had reached his audience respecting the event which by that time had saddened the entire country, but which it seems had not become known to a certain company of 500 men and women not ten hours distant from the great empire city and at the capital of the empire State. Discipline at once so marked and so perfect as this, deserves some other characterization than mere prison keeping; it is more than a mere keeper can attain to, and partakes largely of the character of genius.

#### Library.

The convicts have a library of between 700 and 800 volumes, mostly of religious and historical works. There ought to be at least five times as many books placed within reach of the kind of men now confined here, many of whom incline to read as opportunity offers, and to whom a fit

book might at such a time come as an angel of light, and become a means of permanent good. The paltry sum of \$263 was expended last year in the replenishment of this small library, and it is expected that an equal amount will be similarly expended this year. But there is abundant opportunity for the exercise of that benevolence which desires to "do good and to communicate," and which might manifest itself most fitly in the gift of a thousand properly selected volumes, as the foundation of a library to which it would be a pleasure to others to contribute in coming years. Surely there is no better or more reforming agency than is found in a good book placed in the hands of a man whose past is fruitful only of remorse, and whose future is alike destitute of ambition and hope.

It should be stated here that the prisoners are allowed to receive books from their friends under such restrictions only as the superintendent's censorship implies. Every cell has a Bible, the gift of the Bible Society of Albany. There is preaching every Sabbath, but no other effort to morally impress the prisoners than such as is put forth by the chaplain and prison officers. No representatives of the religious associations in Albany have access to the prison, or, so far as we learned, covet it as a mission field.

A few statistics extracted from the last report of the superintendent will fitly close this record of our inspection.

It will be found from the superintendent's report that the gross earnings of the penitentiary for the year have been . . . . .	\$67,648 32
And its ordinary expenditures . . . . .	46,268 28

Leaving a gain of . . . . .	<u>\$21,380 04</u>
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The sum of \$12,859.44 has been expended from this balance, under authority heretofore given by the joint board, in building a two story brick shop, a bathing house, extensions of the yard walls, &c., which sum has been charged to profit and loss. Deducting the amount thus expended from the balance of earnings above given, leaves a profit for the year of . . . . .

	<u>\$8,520 60</u>
--	-------------------

The number of prisoners received during the year has been . . .	892
Which added to those on hand October 31, 1864 . . . . .	355

Makes a total in confinement for the year of . . . . .	1,247
Discharged by expiration of sentence . . . . .	500
Pardoned and discharged by the president . . . . .	79
Discharged by order of Secretary of War . . . . .	93
Discharged by order of Secretary of the Navy . . . . .	15
Pardoned by the Governor . . . . .	9
Discharged by the county court . . . . .	4
Discharged by magistrates . . . . .	7
Discharged by certiorari . . . . .	2
Discharged by payment of fines to justices or here . . . . .	18

Transferred to lunatic asylum.....	1
Died.....	13
Total number discharged during the year.....	<u>741</u>
Leaving in confinement October 31, 1865.....	506
Viz., males.....	406
females.....	100
	<u>506</u>
Of the above number received during the year, there were	
males.....	643
females.....	249
	<u>892</u>
Total.....	892

Of the whole number above given, 345 were committed for "misdemeanor," which we suspect to be in most of the cases a delicate phrase for the offense once known as "public intoxication."

196 were sent from the city of Albany.

104 from the town of Watervliet.

2 from the town of Bethlehem.

6 being one from each of the towns of Guilderland, Rensselaerville, Berne, Coeymans, Westerlo and New Scotland.

21 from the United States court for the northern district of New York,

3 from the United States court for the eastern district of New York.

153 from courts of the city of Washington.

281 from courts martial, and 176 from other counties for whose keeping those counties pay.

892 total.

372 were sentenced for terms less than six months.

81 for six months each.

129 for terms from seven months to one year.

16 for one year or until bailed.

2 for one year and fines respectively of \$250 and \$1,000.

92 for terms above one year and not exceeding two years.

2 for two years and fines severally of \$200 and \$1,000.

95 for terms over two years and not exceeding three.

2 for three years and fines severally of \$5,000 and \$25,000.

6 for terms above three years and not exceeding four.

35 for terms over four years and not exceeding five.

2 for five years and fines respectively of \$5,000 and \$15,000.

31 for terms from six to ten years.

4 for terms above ten years and not over fifteen.

17 during the war.

5 for life, and

1 upon a fine of \$13,910, or to stand committed until such fine be paid.

892 total.

187 were under twenty years of age.

394 were between twenty and thirty years.

182 were between thirty and forty years.

71 were between forty and fifty years.

58 were above the age of fifty.

892 total.

The number of commitments to the penitentiary during the year was 205 greater than for the year ending October 31st, 1864.

Excepting the number required for making and repairing clothing, for baking, cooking, washing and ironing, and for the necessary work about the buildings and grounds, all the able bodied convicts are employed in the manufacture of shoes for contractors in the city of New York.

#### RECAPITULATION OF ITEMS OF INCOME AND EXPENSES.

INCOME.		
Shoe shop No. 1.....	\$9,572 65	
Shoe shop No. 2.....	9,929 11	
Shoe shop No. 3.....	9,148 57	
Shoe shop No. 4.....	9,582 84	
Female department.....	3,331 86	
Received from visitors and for fines.....	524 65	
Board account.....	25,558 64	
	<u>867,648 32</u>	
EXPENDITURES.		
Improvement and repairs.....	\$878 32	
Furniture.....	739 65	
Clothing and bedding.....	4,310 58	
Provisions.....	22,232 89	
Expenses.....	18,047 44	
Building account.....	12,859 44	
	<u>\$59,127 72</u>	
Gain over amount expended in building.....		<u>\$8,520 60</u>

#### STATEMENT OF PROPERTY ON HAND.

October 31st, 1864.		
Furniture.....	\$5,041 32	
Expenses.....	2,667 98	
Provisions.....	3,895 56	
Clothing and bedding.....	2,783 53	
	<u>\$14,388 39</u>	
October 31st, 1865.		
Furniture.....	\$5,946 43	
Expenses.....	3,319 56	
Provisions.....	4,955 51	
Clothing and bedding.....	2,922 90	
	<u>17,044 40</u>	
Increase of property on hand.....		<u>\$2,656 01</u>

## STATEMENT OF CASH, PROPERTY AND DEBTS.

Cash on hand October 31st, 1864.....	\$12,103 51	
Cash on hand October 31st, 1865.....	18,152 23	
Increase of cash.....		\$6,048 72
Property on hand October 31st, 1864.....	\$14,888 39	
Property on hand October 31st, 1865.....	17,044 40	
Increase of property on hand.....		2,656 01
Increase of cash and property.....		<u>\$8,704 73</u>
Due on books, October 31, 1864,		
from the county of Albany.....	\$13,142 48	
From other counties, the United		
States' contractors, and others.....	18,237 55	
	<u>\$31,380 03</u>	
Due on books, October 31, 1865,		
from the county of Albany, as		
above.....	\$13,142 48	
From the United States, other		
counties, contractors, &c.....	18,053 42	
	<u>31,195 90</u>	
Decrease of debts due.....		184 13
Gains, besides amount expended in building.....		<u><u>\$8,520 60</u></u>

## EXTRACT FROM THE PHYSICIAN'S REPORT.

"We have had no epidemic or contagious disease to contend with. Bowel complaints, rheumatism and affections of the lungs, have been the principal disorders requiring treatment. The cases of the latter have been more numerous this year than heretofore, and have proved more fatal. I have to report thirteen deaths during the year:

"Two from chronic diarrhoea, one from old age, two from debility and eight from pulmonary disease. In three of the cases last mentioned, the convicts were in a hopeless state when they arrived at the institution, and all we could do was to make them as comfortable as their condition would permit.

"The deaths in the penitentiary for the past year have been less than two per cent of its inmates. This proportion, though above that of former years, is not large when we take into account that a numerous class of our prisoners have been in armies serving in the southern States, and came to us for the most part enfeebled by disease and intemperance.

"The clothing and food of the prisoners have been as heretofore, abundant and of good quality, and every attention has been given to the wants of the sick and infirm. The wholesome discipline for which the penitentiary has always been eminent, has been mildly but firmly maintained, and the general order, neatness and ventilation of the buildings, have been at all times thoroughly attended to."

## ONONDAGA COUNTY PENITENTIARY.

The concluding sentence of last year's report upon this prison was as follows: "We hope that before another inspection takes place, buildings may be provided suitable for the wealthy county in which the institution is placed." Your committee of this year regret to have to report the utter disappointment of this most reasonable hope. The ravages of the conflagration early in the year 1864 have been no further repaired than was noticed last year, and the same difficulties, arising from imperfect accommodations for the prisoners, remain to annoy the superintendent, although a year has transpired. The imperfect arrangements greatly interfere with the management, a condition apparently due to a false economy which seems to rule the views of the board of supervisors, although \$2,500 has been expended on the reconstruction of the buildings.

The number of prisoners at the time of inspection, August 16, was 73, 46 males and 27 females, including 11 jail prisoners, the institution being a compound of jail and penitentiary. Since November 1, 1864, up to the present time, the number of admissions was 216. The daily average this year is about 60.

An effort is stated to have been recently made to remove the prison, from its present salubrious and isolated site, into the heart of the city of Syracuse. This was undoubtedly instigated by personal pecuniary motives, advantage being taken of the recent conflagration to urge the change, but it is believed that the idea has been abandoned, as the restoration of some of the buildings would indicate.

The officers of the institution and their salaries remain the same as last year, though since the conflagration the female section has been deprived of the advantages of a matron, in consequence of there being no place for one to reside inside the prison grounds. The wife of the superintendent, however, devotes a considerable part of her time to overseeing the needs of the female prisoners; though being obliged to reside at some distance from the prison, she cannot give all the supervision required.

The cells for the male and female prisoners are necessarily in the same hall, there being but one. They occupy the opposite corridors, however, communication between the sexes being prevented by constant observation of the keepers. The male keepers having under these circumstances full opportunity, and in fact being required, to observe not only the cells and movements of the male prisoners, but also of the females, by night as well as by day, their virtuous dispositions are under a constant and severe test.

This arrangement is of course due to the fact of the destruction of that part of the prison which was appropriated to the females, and though excusable for the present, there can be no justification for the continuance of the present deficiencies beyond the time required for the erection of a new hall.

But even this excuse cannot be rendered for the practice of requiring

all the prisoners of both sexes to occupy the same workshop, where they are all day in full view of each other, without even a board partition between them, and under the supervision of one keeper and that a male. The workshop alluded to was erected last year in the place of one destroyed, is 112 by 25 feet, and two stories high. The lower story is occupied as described, all the prisoners being engaged in making cane seats of chairs. The upper story is empty, and its use as a work room by one or the other of the sexes, whereby they would be entirely separate from each other, was suggested not only as essential to common decency and discipline, but for the protection of the individuals of both sexes against each other's observation and knowledge. The only reply to this suggestion of the occupation of the room, now wholly unused, by one class or other of the convicts, was, that there was no one to act as overseer, the supervisors refusing an appropriation for the purpose.

Only one of the prisoners was sick at the time of our visit, and he in his cell, the hospital having been destroyed.

A portion of the library was also lost, and no books have been added to it since 1863.

Two men succeeded in making their escape recently; they were at work on the farm, and were recaptured. One attempted to scale the temporary wall of brick, but was prevented and placed in irons. There are no other guards than the keepers, and there seemed to your committee not only great facility but temptation offered, for a general uprising and exit from the buildings and grounds of the whole company.

The institution is stated to have never been self-supporting, although the labor performed by the convicts yields about 25 cents a day, and the board of many of them is paid by the other counties from which they are sent. One principal reason for this deficiency as alleged, is, that the jail expenses are too great. A separate institution for that purpose would doubtless cost much more.

#### MONROE COUNTY PENITENTIARY.

Next in order to the penitentiary at Syracuse, as one travels westward, comes the Monroe County Penitentiary, located at Rochester, and in most respects furnishing a refreshing contrast for the relief of those who have looked in at the last described institution on their way. This prison is situated in the open country, about a mile from the city of Rochester, and near the Mount Hope Cemetery—a burying-place whose beauties, natural and artificial, throw as it were an ornamental wreath around death itself. Connected with the prison is a fertile farm of 32 acres, which is for the most part cultivated by the convicts, and is thus made to supply all the vegetables necessary for their support.

#### Buildings.

The prison buildings are substantial brick structures, consisting of a center building, occupied for offices and the superintendent's residence,

and two wings—one for the accommodation of male prisoners, and the other for females. There are in these wings 192 cells for men, and 72 for women. This arrangement bears hard upon the females, who patronize the institution to such an extent that the doubling-up system has to be put in practice at night and at meal times, there being 121 women in occupancy of the 72 cells of the female prison at the time of our visit. This lack of accommodations is the main defect of this penitentiary, and while in no degree chargeable upon the officials, who acknowledge and realize its baleful effects, it certainly demands the attention of the county supervisors, and should be remedied at once by the enlargement of the buildings and an increase in the number of cells in the female prison. Such is the character of the female population of the institution—abandoned women in every sense of the term—that their comfort, decency, and possible reformation, depend entirely upon individual isolation, and utter inability to exert the least influence upon one another.

Unlike the Onondaga County Penitentiary, this does not admit of the commingling of the two sexes; their workshops as well as cells being as separate and distinct as though they were in different parts of Rochester. If, then, it were possible to keep each female convict from communication with her sisters in infamy, there would be little left to criticize or regret in the management of this institution. Let us hope that the supervisors who have its interests in their keeping will soon obviate this difficulty and remove this reproach.

#### Workshops.

The labor of the male prisoners is contracted out to parties who utilize it in the manufacture of boots and shoes, and barrels for flour and fruit. The women work at chair-seating (rush and cane), and in making the clothing needed in the institution. The latter do their work in rooms connected with their own prison, while the men are marched to a long workshop in the rear of their cell building, where they spend the day, excepting an hour at dinner time passed in their cells. At the time of our visit the facilities for conveniently working were not much to boast of, a fire last January having swept away the cooper shop, a building 168 feet long, and the engine-house and store room, a building 100 feet long by 55 feet in depth, leaving nothing but the lower part of the wall of the cooper shop, which has since been roofed over and made to serve the purposes of a temporary hive for the industries of the establishment.

Besides the buildings, there were destroyed large quantities of vegetables, which were laid in to supply the winter's wants, and whose loss entailed great inconvenience as well as expense. The damage done by the fire is estimated at \$20,000, on which there was only \$7,000 insurance. The patching up of the walls of the old shop and the purchase of new machinery involved an expense of \$15,000. If the suggestions of the superintendent, respecting supplying the prison with water, had been carried out a year ago, no such disaster could have occurred, as he feels

sure that if he had been able to obtain water promptly and in quantity, he could have extinguished this fire in fifteen minutes, and with but little damage. And this leads to the remark that the "water privileges" of the penitentiary are by no means creditable or economical. To supply the daily wants of the prison, water must be brought in tanks placed on carts from a long distance, and even then is almost unfit for use. This one-horse system, moreover, can easily and cheaply be superseded by conveying the water in a rational way, by means of pipes from a reservoir which might be located on high ground in the neighboring cemetery. There ought to be no further delay in putting the project into effect.

#### *Cells and Ventilation.*

The cells of this penitentiary have for their floor a solid stone, which defies all attempts to undermine or dig out, and we believe the history of the institution contains no record of an escape from within the walls. Several prisoners have been unable to resist the temptation while at work on the farm, and two or three every year thus succumb to the superior attractions of the goddess of liberty, and wend their way towards their old haunts in Rochester. But this cannot be prevented except by an increase of the force of keepers, which would add largely to the cost of the potatoes, etc., raised on the farm, a circumstance which supervisors cannot contemplate without a chronic aversion.

The sanitary location and condition of the penitentiary could scarcely be improved. The ventilation of the cells is of a bad sort, and perhaps cannot now be perfected; but the general salubrity and abundance of the air within and around the buildings secures the health of all the inmates and sends them back to society, at the end of their terms, in as good a bodily condition as an *unsound* mind and depraved heart will permit them to have. At the time of our visit only three men were in hospital, one with palsy, another with rheumatism, and the third a case of casualty, abundant evidence of the healthfulness of a prison containing 141 men and 121 women, whose previous life had not been such as to defy disease or insure health.

#### *Punishment.*

Very little punishment is administered in the prison, and even that little is more than the kind-hearted superintendent, Mr. Levi S. Fulton, cares to speak of. It is his wish to govern the inmates by moral suasion and kind treatment, rather than by the brute force which many other keepers delight to display; and it is his characteristic remark, that he would not only like to get along without inflicting punishment, but he thought he could do so if he could give his personal attention to every instance of insubordination. Disobedience is visited with reprimands, the dungeon, and as a last resort, with corporeal punishment, inflicted with a leather strap about three inches wide, and slitted at what the

1865

prisoner must consider the wrong end. But this last named punishment is quite seldom used.

#### *Library.*

The library of the prison is not a very good one, there being few additions to it by purchase and none by contribution. The only paper regularly accessible to the inmates is a religious journal, which is forwarded monthly in packages from the office of the Prison Association. This attention is keenly appreciated by the prisoners. There is no instruction, either secular or religious, attempted to be imparted to the convicts, except through the medium of a single sermon on the Sabbath, and such conversation as the chaplain may hold with individuals on that day. Every cell has a Bible and hymn book as a part of its furniture, but we were unable to discover that they were used much.

Mr. Fulton, the superintendent, is a good manager, and worthily fills his place. His discipline is effective without being severe, and his kindness of heart makes him the friend of those placed under his care. Reformation, however, is not we fear one of the results of confinement; but where to place the burden of this responsibility, your committee cannot decide.

On account of their inability to procure the statistics of this institution for 1865, at the time of the presentation of this report, your committee are compelled to omit them.

#### ERIE COUNTY PENITENTIARY.

\* It is with regret that the committee for 1865 are compelled to state that the very serious defects of this institution alluded to in the report of last year, in terms supposed to be sufficiently strong to attract immediate attention, and induce prompt action on the part of the county authorities, remain thus far entirely unremedied. It is gratifying, however, to know that there is a prospect of an improvement in the particulars mentioned, the commissioners and superintendent all appearing to appreciate the necessity for the extension of the prisoners' accommodations; so that the *serious evils arising from the necessary confinement* of two, and sometimes three, in a single cell, may be avoided. Could the supervisors be brought to comprehend fully the evil effects of this overcrowding, we cannot doubt that the simple remedy would be at once applied; for, to use the language of the superintendent in his report for present year, "The congregating of prisoners in the manner we have been compelled to do the past two years, renders almost nugatory our efforts at the reform of offenders; has a tendency and does destroy much of the intended effect of punishment, and is often a source of an early return to the walls of the prison, rather than the imprisonment being followed by a return to the paths of honesty and virtue."

Were it possible to calculate the pecuniary loss which the county suffers (to say nothing of the moral loss) from the evils thus entailed, it

is not unreasonable to suppose that it would more than equal the interest of the capital required to remove them by the erection of additional cells. The great and numerous objections to the incarceration of two or more evil disposed persons in one cell, whereby interchange of thoughts and feelings is perfectly unrestrained, have been so often and so strenuously set forth, it is deemed unnecessary to more than allude to them here, and not only the prisoners themselves but society in general are sufferers therefrom.

The whole number of prisoners admitted during the year ending September 30th was 1,045, of whom 486 were males and 559 were females. The number at the time of inspection was 108 males and 115 females, a total of 223, with only 150 cells. On one occasion 151 female prisoners were compelled to occupy the eighty cells in that department. This unusual proportion of females is partly due to the fact that at the last session of the Legislature of the State a law was passed transferring all females from the State prison at Sing Sing, who were convicted in the eighth judicial district, to this institution; and directing that thereafter all female convicts not convicted by crimes punishable by death or life imprisonment, in said district, be sentenced to this institution.

The sanitary condition of the prison is maintained as indicated in former reports, a fact due not to any arrangement of cells, to enlarged space, or to natural or artificial ventilation, but to the strict attention given to the purification of the whole establishment by frequent ablutions and whitewashing. Out of a daily average of 175½, not a prisoner has died during the last 16 months.

Respecting its financial position, the annual report of the commissioners (a committee of the board of supervisors) speaks favorably as compared with previous years. The total expense to the county for the year ending September 30, 1865, was \$11,324.38.

A few attempts at escape have been made, but in every case followed by recapture. One of these, a female, declared that she scaled the wall (from 12 to 16 feet high) by a board, but no trace of such a movement could be found.

The contracts for the labor of the prisoners and the nature of the work have undergone no change since the last inspection by the Association, whilst the prices of all articles of consumption have increased enormously, without any corresponding advance in the prices of prison labor. Thus the public, through this institution as in other similar ones, has to suffer for the benefit of the contractors. Some increased revenue is anticipated from the care of United States and State prisoners (probably not less than \$3,000 and their labor) during the coming year. The price paid by the State for the care of its convicts is \$1.50 per week.

During the past year the superintendent has established a Sabbath school, from which it is believed that a very beneficial result has been derived—its effect upon the discipline of the prison being marked. In all matters pertaining to the moral instruction and reformation of the

convicts, your committee were highly gratified to observe the cordial and effective aid rendered by a lady attached to the institution in the capacity of an assistant matron. With a heart warm in the cause of religion and moral reform, and with an intelligence and tact admirably adapted thereto, her influence with the female portion of the convicts, not only in the Sabbath exercises but in her daily intercourse with them, is most happy and useful, for the exercise of which many a one will hereafter "rise and call her blessed." Erie county in this particular, as in many other matters concerning its prisons, sets before the State an example well worthy of imitation.

Your committee would again invite attention, as did our immediate predecessors, to the admirable tables of statistics prepared by the superintendent, Mr. John Felton, which were published in full in last year's report, embracing the whole period from the construction of the prison in 1848 to the present date, and earnestly recommend to every other prison of the State the preparation of similar tables.

The whole number of prisoners admitted during the year ending September 30th, 1865, was

Males.....	486
Females.....	559
Total.....	1,045
Daily average.....	175½

#### KINGS COUNTY PENITENTIARY.

Most beautifully and healthfully situated on an elevated tract of land, and built in a style of architecture of impressive elegance. This institution, on its external view, holds out the promise of internal arrangements of corresponding spaciousness and convenience, and equivalent moral, financial and reformatory government. On entering, the first of these anticipations is fully confirmed by the large halls, the spacious offices, the ample corridors and the well arranged cells, all kept in a manner demonstrative of the appreciation on the part of the superintendent and his subordinates, of the value of neatness, cleanliness and good order. But with the moral and financial management—as much more important than the architectural form and style as its living subjects are more variable and valuable than the walls of the building—we regret to be unable to render an equally favorable opinion, a result however due, not to the want of disposition or ability of its immediate managers, but rather to defects and improper administration of the laws, and the indifference or imbecility of the public authorities under whose control it is. A manifest contrast exists in the important particulars alluded to between this and the other similar institutions which your committee have inspected, which are best made known by the details of the several reports.

While the undersigned are of opinion that the strenuous and successful efforts made by the managers of nearly every other penitentiary of the State to make their institutions self-supporting through the labors of the inmates, should not be the principal object—regarding the moral improvement and reformation of the inmates as the first thing to be considered—yet it cannot be denied that steady occupation, habits of industry and firm discipline, by which alone these institutions can be made to support themselves, are also essential to the moral reform and the future well-being of those committed to their care. Neither can their financial prosperity be always considered a criterion of their moral advancement or success in the formation of the evil dispositions or habits of the inmates; nevertheless, idleness has been truly said to be the mother of vice, and industry, even though it be compulsory, is at least a preventive, and often proves a destroyer of evil thoughts and passions.

The whole number of prisoners at the time of inspection was 117, divided into males 102, and females 115. The number committed during the year ending August 1st, was 673. By reference to the reports of the last two years, it will be seen that most of the commitments are for crimes of inferior grade, and in fact a majority of them are for *no crime at all*, but mere "vagrancy," which is in most cases synonymous with *poverty*, and inability to earn a living. In a legal point of view a vagrant is one who has *no visible means of support*, a definition which the magistrates of Kings county apply in the most literal sense, even to the commitment to this penitentiary of several unfortunates whose inability to earn a living arises from *blindness alone*. A grosser perversion of justice and humanity cannot be conceived than the incarceration in a penal institution of one innocent of all crime or criminal intent, and for no other reason than disease of the eyes, resulting in loss of sight, a depth of misfortune entitling the sufferer to the care of christian benevolence in an ophthalmic hospital, or at the worst in an almshouse. Individuals thus situated were observed by the committee of last year, as well as by ourselves, proving this violation of the rule of right and charity to be here a confirmed practice. The same considerations apply to a number of the inmates whose infantile years entitle them to the less degrading and more beneficial discipline and instruction of the House of Refuge, an institution created and supported for the especial charge of such.

Another striking deficiency of this institution is the absence of any mural enclosure, except a light fence within a few feet of the house, the grounds beyond which, comprising an area of 38 acres, are wholly free and open to the surrounding country. About 200 feet distant from the main building is an open shed, under which the male prisoners are employed through the day in breaking stone for macadamizing roads, the only occupation supplied them, except that for about three months in the year two gangs of eight men each are hired out to neighboring farmers, at a remuneration of seven dollars a day for every gang and a keeper.

It is thus seen that all the work afforded the male prisoners is entirely beyond the inclosed precincts of the prison, and the only protection against escapes besides the stamped clothing is the supervision of a few keepers, of whom there are only eight in the whole establishment, one or more of whom are engaged inside, leaving the others as the only guardians of the outside laborers. The temptation to escape so patent and inviting was yielded to during the past year by six of the prisoners (four of whom were recovered), and the wonder is that by a general revolt nearly every man and boy does not depart.

Another serious defect is the want of a *workhouse*, in which, as in every other similar institution in the State, the inmates might find steady and useful employment, whereby habits of industry might be imparted, and many of them be taught a trade conducive to their future livelihood, besides contributing to the support of the institution, which now draws largely upon the county treasury, in fact for almost the whole of its income. There can be no reasonable doubt that the capital required for the erection of a suitable workhouse (the appropriation of which we were informed is the chief objection made to such an addition) would soon yield both a financial and moral benefit.

In the 19th report of our Association it is stated that "no portion of the building is appropriated to hospital purposes;" a still existing fact, which was made painfully manifest to us by seeing in one of the ordinary cells a sick and apparently dying "freedman," who, recently relieved from the bonds of slavery, was committed to this prison four days ago as a "vagrant," his disability doubtless arising from his sickness and his peculiar position in life. Our attention was also called by the superintendent to two other persons just received—one white, the other colored—who, like the dying freedman and the blind woman above described, are not only improper subjects for a prison, neither having committed any crime whatever, but for whom, by every humane consideration, the care of a civic hospital was requisite, but of which this institution is wholly destitute. Nor is this absence of hospital accommodation for the sick attributable to want of room, there being vacant apartments in the center building well adapted to this purpose.

Several infants, from six months to four or five years of age, children of convict mothers, were observed in the prison. On inquiring of the superintendent by what authority they were there, we were told it was by commitment of the magistrates, the children needing their mother's care.

During the past summer the newspapers gave notice of several charges of improper conduct towards the prisoners, and of official malfeasance on the part of the superintendent, such as flogging women with a cowhide, appropriating to private use the proceeds of the sales of manure, deficiency of food for the prisoners, &c., &c. These charges underwent an investigation by a committee of the supervisors, and the report of a majority exculpated the officer, while a minority report stated that some,

if not all, of the complaints were correct. The superintendent was re-appointed (his term of office expiring at that time), a fact indicative of his justification by the board, it being alleged that the motive for the charges was a desire on the part of the individual making them to obtain the situation. It not being in the power of your committee to obtain the attendance of outside witnesses, nothing like a full investigation of the circumstances could be made; but, so far as we were enabled to judge from an examination of the inmates, the subordinate officers, and the superintendent himself, the charges appeared to be without foundation.

The number admitted during the year ending July 31st, 1865, was as follows:

Crime charged.	Males.	Females.	Total.
Vagrancy .....	201	286	487
Petit larceny .....	72	88	160
Assault and battery .....	28	7	35
Intoxication .....	31	3	34
Grand larceny .....	2	2	4
Larceny .....	1	0	1
Seduction .....	1	0	1
Burglary .....	2	1	3
Manslaughter .....	0	1	1
Forgery .....	0	1	1
Malicious mischief .....	1	1	2
.....	.....	.....	729

All which is respectfully submitted.

JOHN H. GRISCOM,  
FRANK W. BALLARD,  
H. K. BULL (for Kings  
county only),  
*Committee.*

NEW YORK, Dec. 31, 1865.

( F. )

## ANNUAL REPORT OF THE GENERAL AGENT.

OFFICE PRISON ASSOCIATION, 12 CENTRE STREET,  
NEW YORK, January 2, 1866.

To the Executive Committee:

Gentlemen—In connection with the report of your agent it has been customary to insert the tables of criminal statistics, furnished by the warden of the city prison to the Commissioners of Public Charities and Correction. Said tables are accordingly herewith presented, but in a somewhat condensed form for economy of space. They will afford some idea of the breadth of your agent's work, and of the number of complaints which he is called upon to investigate.

TABLE A.

Total number of commitments during the year 1865 .....	White	White	Black	Black	Total.
	Males.	Females.	Males.	Females.	
.....	23,748	14,928	581	359	39,616

TABLE B.

Number received who were of native birth.....	Nativity.		Total.		
	Males.	Females.			
do do foreign birth.....	8,111	4,199	12,310		
.....	16,218	11,088	27,306		
.....	24,329	15,287	39,616		
Number received who were married.....	Social Relations.		Total.		
	Males.	Females.			
	do do single.....	10,412		6,526	16,938
	do do widowed.....	12,882		8,496	21,378
	do do whose social relations were unknown,	873		2,084	2,957
.....	162	161	323		
.....	24,329	15,287	39,616		
Number received who were of temperate habits.....	Habits of Life.		Total.		
	Males.	Females.			
	do do intemperate.....	7,654		5,019	12,673
.....	16,675	10,268	26,943		
.....	24,329	15,287	39,616		
Number received who could not read.....	Education.		Total.		
	Males.	Females.			
	do do read only.....	1,973		1,387	3,360
	do do read and write.....	2,698		6,973	11,671
	do do were well educated.....	15,869		4,638	20,507
.....	623	94	717		
.....	166	195	361		
.....	24,329	15,287	39,616		



TABLE C.

For what offense committed.	Males.	Females.	Total.
Abandonment.....	98	2	100
Abduction.....	2	3	5
Abortion.....	2	5	7
Arson.....	32	3	35
Assault.....	230	20	250
do Assault and battery.....	2,564	461	3,025
do do.....	434	35	469
Attempt to commit burglary.....	65	6	71
do do grand larceny.....	133	35	150
Bastardy.....	49	3	48
Bigamy.....	15	7	22
Burglary.....	305	4	309
Carrying slung shot.....	9	9	18
Conspiracy.....	11	4	15
Contempt.....	16	5	21
Cruelty to steams.....	3	3	6
Delirium tremens.....	32	6	38
Disorderly conduct.....	6,181	6,325	12,506
do do boys and girls.....	179	116	295
do do idle or suspicious persons.....	95	31	126
Embezzlement.....	66	5	71
Escaped convicts.....	16	2	18
Felony.....	292	40	332
Forgery.....	171	25	195
Fraud.....	20	2	22
Felonious assault.....	33	3	32
Fugitive from justice.....	4	1	5
Gambling.....	67	..	67
Grand larceny.....	1,540	616	2,156
Habitual drunkenness.....	23	12	35
Illegal voting.....	23	..	23
Indecent assault.....	23	5	28
do do exposure.....	14	..	14
Incest.....	1	..	1
Insanity.....	234	201	435
Intoxication.....	6,133	4,573	10,706
Juvenile delinquency.....	323	42	365
Keeping disorderly house.....	69	88	157
Kidnaping.....	4	4	8
Larceny.....	40	12	52
do do from the person.....	140	41	181
Lodgers.....	63	63	126
Malevolent mischief.....	23	10	33
Manslaughter.....	2	..	2
Misdemeanor.....	137	5	142
Murder.....	55	5	60
Mayhem.....	3	..	3
Obtaining goods on false pretences.....	77	16	93
Petit larceny.....	2,847	977	3,824
Perjury.....	7	..	7
Rape.....	38	..	38
Receiving stolen goods.....	56	9	64
Riot.....	18	..	18
Robbery.....	228	6	234
Seduction.....	4	..	4
Sodomy.....	6	..	6
Vagrancy.....	1,350	1,393	2,743
Violation corporation ordinances.....	157	9	166
Witnesses.....	11	..	11
Total.....	24,329	15,287	39,616

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TABLE D.

Nativity of Persons Committed during the Year 1865.	Males.	Females.	Total.
Ireland.....	10,638	8,998	19,636
United States.....	8,111	4,199	12,310
Germany.....	3,195	1,210	4,405
England.....	1,076	560	1,636
Scotland.....	369	171	540
Canada.....	251	99	350
France.....	268	35	303
Italy.....	113	6	119
Prussia.....	49	..	49
Poland.....	49	..	49
Sweden.....	42	..	42
Switzerland.....	29	1	30
Denmark.....	23	..	23
Wales.....	24	4	28
Cuba.....	24	1	25
Spain.....	22	2	24
Austria.....	20	..	20
Russia.....	14	1	15
Norway.....	14	..	14
Portugal.....	8	..	8
China.....	6	..	6
Greece.....	6	..	6
Mexico.....	3	..	3
Total.....	24,329	15,287	39,616

TABLE E.

Classification Table of the Ages of the Male and Female Prisoners received during the year 1865.

Ages.	Males.	Females.	Total.
Under 15 years.....	1,934	275	2,209
From 15 to 20 years.....	2,697	1,726	4,423
do 20 to 25 do.....	5,067	3,246	8,313
do 25 to 30 do.....	3,463	2,463	5,926
do 30 to 35 do.....	3,342	2,384	5,726
do 35 to 40 do.....	1,973	1,615	3,588
do 40 to 45 do.....	1,567	848	2,415
do 45 to 50 do.....	1,515	763	2,278
do 50 to 55 do.....	835	374	1,209
do 55 to 60 do.....	611	305	916
do 60 to 65 do.....	373	132	505
do 65 to 70 do.....	151	105	256
Over 70 years.....	109	51	160
Total.....	24,329	15,287	39,616

We have here reported 39,616 arrests, men, women and children, charged with vagrancy and crime. This multitude includes, as usual, individuals of almost all ages and nationalities. Among them persons were found absolutely innocent of the offences imputed—new victims of misfortune, or of their own heedless and stupid ignorance—who had, so to speak, blundered into difficulty and a prison; many others, torn from their families for very frivolous causes; and others who were, on their own confession, guilty of the crimes alleged against them, first offenses, committed often under circumstances of sudden and almost irresistible temptation, or of great and peculiar provocation. These classes are generally very poor, and without means to employ counsel. The labors

of your agent among them during the past year are shown by the following table:

*Condensed statement of Agent's labor for the year 1865.*

	Number of persons visited in our various detention prisons, who were poor and friendless, and required advice and counsel.	Number of complaints circumstantially examined in which there appeared to be circumstances of extension worthy of consideration.	Number of complaints discontinued on the advice of the General Agent, they being frivolous or the result of prejudice or mistake.	Number of persons discharged from custody on the recommendation of the Agent, such persons being young, penitents or innocent.	Number of discharged convicts and others provided with board, or aided with money to leave their former associations.	Number of discharged prisoners provided with work and situations at home or abroad.	Number of discharged convicts supplied with clothing on their release, adapted to their circumstances.
January (about) .....	605	100	41	27	95	13	11
February do .....	500	90	29	33	90	13	12
March do .....	600	89	23	37	90	14	16
April do .....	550	93	21	29	130	13	10
May do .....	500	87	23	31	100	13	14
June do .....	600	97	28	26	103	14	13
July do .....	550	112	37	29	97	15	19
August do .....	500	84	27	23	114	17	15
September do .....	650	97	27	27	119	11	17
October do .....	450	89	19	21	123	14	19
November do .....	500	86	22	28	109	17	13
December do .....	450	77	21	24	98	16	13
Totals .....	6,400	1,081	303	325	1,304	171	173

The exertions of your agent have been unceasing, and, in very many instances, attended with encouraging success. The good accomplished is mostly among the poor, the degraded, the friendless. The following cases are annexed to illustrate the daily work of your agent in the

*DEVENTION DEPARTMENT.*

Number 1—Was placed on trial for carrying a slung-shot, with intent to use the same. He had neither counsel nor witnesses. Your agent asked that the trial be deferred. The court assigned counsel, and it was arranged that the accused should be tried the latter part of the day. I ascertained the names and residences of his witnesses, and had them subpoenaed. The result was the acquittal of the accused, as not guilty of the charge alleged.

Number 2—I visited Kings county jail, and spent some hours with its inmates. There were several persons awaiting trial who had evidently blundered into crime, and whom I should feel justified in aiding when

brought up for trial; but the inflexible rule laid down by the county judge, not to accept a compromise plea, nor one less than that charged in the indictment, is a barrier to such interposition. I cannot but regret that this rule, doubtless good and salutary as a general principle, is made so unbending, as there are many cases in which features of extenuation in behalf of the accused ought otherwise be submitted to the court, that would operate to their advantage, while nevertheless justice would be satisfied, the law vindicated, and the unfortunate prisoner led to live a better life in the future.

Number 3—Was a person connected with the African M. E. Church, whom your agent was partially instrumental in getting discharged some months since from the Tombs, to which he had been committed on a complaint preferred against him for false pretences. He now called to say that his wife, who was recently confined in child-birth, died on Tuesday last, and that he had not the means to bury her. He brought a few lines from a clergyman, representing such to be the case. Having a balance in hand from the appropriation given for this sacred purpose at New Years, I very cheerfully advanced him five dollars. He was profuse in his thanks. I believed him to be sincere and honest.

Number 4—Stood charged with stealing a sheet and two or three other articles from the family with whom she had lived. On conversing with her, your agent believed her innocent. The complaint was seen, and became convinced that some one else was the guilty party, and therefore hurried down to the court to have the complaint withdrawn, and this young girl of 14 years of age discharged. Having left his store locked up, he was not able to remain. I therefore felt it my duty to submit the facts to the judge, and to ask her discharge. This was promptly granted, and she returned to her home thankful and rejoicing.

Number 5—Was indicted for burglary and grand larceny. She was guilty, and she felt and acknowledged it. She had lived in a neighboring city for the last six years, and for the last three years on the same floor with the complainant, and the consequence was they were very friendly and intimate. Her husband sustained a severe injury from a fall, and has since been in declining health, earning nothing for the last eighteen months. At length his mind gave way and his friends advised his removal to the Lunatic Asylum. He had been an inmate for six months, and his wife frequently visited him, always contributing to his wants and comforts. He improved so rapidly that the doctor informed his wife that on the following week, if the weather proved clear and fine, he should discharge him. The wife felt anxious to make her home more than ever cheerful and her husband happy, but she had no means. She thought of the abundance of clothing her neighbor possessed, and that some articles could be spared for a short time, probably without detection; and if she should be detected before she could redeem them, her friend would excuse her. She devised means to enter, and conveyed to the pawn brokers two parcels of clothing, upon which she realized

nine dollars; she made some purchases for the house, redeemed a coat for her husband, and then started for the asylum for the purpose of fetching him to her home. But on her arrival there, the physician told her that he had left a few hours before, that he was well and happy, and that she must keep him so. On her return home the larceny had been discovered, and the property found at the pawnbroker's; it had been pledged in her own name, and where she was well and favorably known. An officer was waiting and she was taxed with the crime; she had destroyed the duplicate. The complainant gave her into the custody of the officer, but promised to forgive her if all the property was recovered. The husband went to his friends, and they advanced funds to redeem the property. It was returned and also a hat paid for, which had been taken. I carefully examined into this case and all its surroundings. The woman had sustained the reputation of being a sober, industrious, honest person; her state of mind was truly distressing, her greatest fear was that her husband would relapse, and she would be the cause of all his future misery. I submitted all these facts to the district attorney; he could not consent to any compromise, and again referred me to the county judge, who would not yield a tittle. Counsel having been assigned, a plea of guilty of grand larceny was put in by him, and she was remanded for sentence until Saturday. I felt very unhappy at her condition. On Friday evening I endeavored to find the district attorney, but failed; on Saturday morning I wrote him and asked him to concede that she could not be convicted of burglary, and then, was it not very doubtful whether she could be convicted of anything more than petit larceny? If so, I urged him to consent to the withdrawal of the plea put in by her counsel, and then permit it to be substituted by one of petit larceny. My proposition met with favor; its suggestions were adopted, and the prisoner, instead of ignominy in the State Prison, was sent to the Penitentiary for three months.

The woman is now in a situation at work, but her mind is ill at ease, as her husband has not been heard of since her imprisonment.

Number 6—Thirteen poor, fallen women called at my office to-day, all wanting aid. Eight were selected, advised, exhorted, assisted and sent, some to the Home, some to the Magdalen, and others to situations procured through the influence of a clergyman and another gentleman, both of whom often help your agent in this way.

Number 7—Was seen in the tombs. He was charged with three several petit larcenies. His brother, a very respectable young man, in business for himself, entreated me to save him from a prison, it being his first offense, and he promising never to commit another. I was instrumental in having him bailed out, and his brother paid the parties for their loss of time, and restored to them their property. They gratefully acknowledged your agent's services.

Number 8—I attended the court of general sessions. The attention of the district attorney was called to the case of two girls now in the

tombs on the complaint of a woman who has, since their imprisonment, been indicted for grand larceny. The greater rogue is out on bail while these two girls are arrested for the first time, and there seems to be no evidence to corroborate the testimony of the notorious woman who makes the complaint. The indictment was examined by the district attorney at my request, and complainant identified as the one indicted and now out on bail. The district attorney informed the court he would not try the prisoners on her testimony, when their discharge was ordered.

Number 9—A member of an eminent firm in this city called upon me with a request that I would visit a youth, aged seventeen years, now in the tombs, charged upon his complaint with embezzling various sums of money whilst in their employ as collecting clerk. He felt anxious I should see him, and then advise what should be done. The next morning I repaired to the prison and had the youth brought from his cell, when he made the following statement: That he lived and boarded with his widowed mother and sisters in a neighboring city, where also he had a married brother. He was a member of the same church with them, and connected with the Sabbath school. For the last two years he had taken an active part in all their religious meetings and enterprises. He thinks he experienced a great moral change when first he became a member, and until of late had made religious duties his greatest delight. He had regarded his family as one of the happiest that could be found. Some seven or eight months since he was introduced to the firm referred to, and they engaged his services, agreeing to give him five dollars per week. He was soon appreciated by his employers, and they advanced his salary to seven dollars a week, out of which he paid his mother for board five dollars, and one dollar for his weekly fare on the railroad. This left him but one dollar for his own use. He soon became acquainted with other collecting clerks, with whom he took lunch, first a sandwich and cup of coffee, and then dinners and dessert. *In this way the money of his employers disappeared.* He could not charge himself with any one special act of extravagance. He felt, he said, ashamed of himself, and deeply pained before God, and wondered that he could not see and feel before that he has sinned grievously. I now urged him to conceal nothing, but tell the truth and nothing but the truth, and to pause and consider before he answered the next question I should put to him, as it was a very serious one. "How long would it take to induce him, with solemn purpose of heart, to resolve, unalterably resolve, never to be guilty of a repetition of crime, never to spend a cent belonging to another?" The penalty for his offense was from one year to five in a State prison. I then begged him to inform me how I should approach his honor the judge, before whom he must be brought if prosecuted. Should I ask the court to show him mercy and send him but for two years? or would it require a longer sentence to effect a permanent change in his life? He wept distressingly and said: "Oh, save me from such a fate, if not for mine for my mother's sake. Beg and pray

of the firm to show me mercy, and I will be careful and honest for the future." One of the gentlemen called upon me and inquired if I had seen this youth. I replied that I had. "Then what do you advise?" I asked if it was known in the house that the lad was a defaulter. "To none but my partner," he replied. Then, said I, the best advice I am capable of giving is, *forgive him, ask the court to discharge him, and take him back again into your office.* I am happy to say that my advice was adopted. The youth was discharged, forgiven and taken back again into the house, and is now performing his duties with alacrity, very grateful to the Association, and more especially to the firm for their noble conduct in this matter. That young man has no doubt been saved from a career of crime.

Number 10—Visited the poor house and Blackwell's Island penitentiary. Addressed the prisoners in the chapel, and subsequently visited several men in their cells. At a later hour I paid a visit to the Truant Home, in Brooklyn, and felt much pleasure in addressing 150 to 200 boys and girls. They were very attentive, and had evidently improved. They were asked to tell what had been told them when I last paid them a visit some eight months ago, to prevent a repetition of what had then been said to them. This seemed no difficult task. "Their tongues were like the pens of ready writers." I felt much gratified, and told them so in words of commendation.

Number 11—Had been in the city prison for the last two months, charged with an attempt at burglary. The facts are, that the youth belonged to a war vessel lying in another harbor; he obtained leave of absence for eight days; on his arrival here he walked into a liquor saloon, and asked if he could have a bed; the bar-tender replied that he could; he then threw himself on a wooden bench, and went fast asleep, and did not awake until three o'clock, when he was roused by a police officer. The bar-tender had laid himself down in the bar (drunk.) About three o'clock he was awaked, as he alleged, by bottles and bricks being thrown at him, probably a hallucination in a fit of delirium tremers. He gave the alarm, whereupon the police officer was called in, and seeing the young sailor asleep, the officer awoke him with his club, being weak enough to believe he was feigning to sleep, and intended to rob the house. The charge of an attempt to commit burglary was preferred against him, and he was fully committed for trial. After the lapse of several weeks I called the attention of the clerk to this youth's case. The papers were sent to the grand jury, no bill was found, and he was discharged. He subsequently called at my office to thank me for the interest I had taken in the matter. When asked what he now intended to do, he replied that before he returned to his ship he should prefer visiting his guardian, who resides a few miles from here, and he would write to his captain to protect his interests there. He appeared incapable of doing wrong. Being out of money, a sufficient sum was loaned him to reach his friend; he subsequently called and paid back

what had been advanced him; he was very grateful for the aid rendered.

Number 12—Was seen in the county jail; he was arrested on complaint of a liquor dealer, who charged him with stealing a quantity of clothing from his house; the crime was designated burglary. Your agent believed, after a careful investigation, that this young man was innocent of the offense imputed to him; hence I waited on the district attorney and begged him to hasten the trial. No papers could be found; the committing justice was spoken to; he had him brought up and discharged. The youth called on me in great poverty. He was aided. I called on his former employer and explained the affair, when he expressed his willingness to take him back, at least for a time. He was much gratified at this intelligence, and expressed his cordial thanks for what had been done in his behalf.

Number 13—Called on me with a letter from his counsel, commending him to favorable consideration. He states that he had defended him on trial for passing counterfeit bills; that the guilty knowledge was not proven, and consequently he was acquitted. I had often seen this man while in the jail, and had spoken with him. I confided in his truthfulness, and believed him not guilty. I felt glad that the jury had pronounced him innocent of the charge. He was aided until a situation was provided, and he seemed grateful.

Number 14—A very poor, distressed woman, called on me to say that her husband had been arrested and was then in the toms, on the complaint of a young man (living no one knew where), that he had stolen his watch from his pocket. The watch was found near where her husband stood, but he had always been an honest man and was never arrested before. She had known him seven years, and had been married to him for six years. She said that he was an industrious, honest man; that he had only been in this city since last summer, but she could refer me to several persons who had known him in another large city, and who could speak favorably of him. Since his arrest, a fire originating in a stable at the rear of her apartments had consumed part of the house she lived in, and she and her two children had been driven into the street, and several of the articles of her furniture had been wantonly destroyed in the effort to put out the fire. On the day following her call, she was taken sick and delivered of twins, and but for the neighbors must have perished with hunger and suffering. I waited on the district attorney, making known all these facts to him, and also that the complainant could not be found. I therefore felt encouraged to ask for this unfortunate man's discharge. The district attorney kindly acquiesced, and I conveyed the discharge to the prison, and then handed him a few dollars, wishing him a happy new year. The man and his wife could not give expression to their gratitude for the aid the Association had rendered them.

Number 15—Three men were found in the county jail by me, held on a complaint of garrotting. They were charged with knocking down and

robbing a marine, and stealing from him a silver watch and thirty dollars in money. After conversing with these men individually, I arrived at the conclusion that they were not guilty of this offense. I immediately inquired into their character and past history. The result confirmed me in my impression, and convinced me that probably, if the investigation was pushed farther, I should find that the marine had been drinking, and, under the influence of the liquor, had sworn falsely. I then waited on the commandant of the marine barracks, who promptly investigated the case, after which he handed me the subjoined certificate:

"MARINE BARRACKS.

"This is to certify that the private who preferred the charge against the three men now in custody, has deserted the U. S. marine corps; and, further, there appears to be great doubt as to the said private having suffered in the loss of either watch or money, which, from the fact of the man's desertion, I am inclined to believe to be true."

*Signed by the Commandant.*

This was handed to the district attorney and county judge. An application was then made that the bail be reduced, and these men (who were evidently innocent of the crime imputed to them) be permitted to resume their labors for the support of themselves and their families; but it was deemed best by the authorities to leave the case for the disposition of the grand jury. These unfortunate men were held some weeks after the presumptive discovery that they were not guilty, when the grand jury found no bill, and they were discharged. They felt very grateful to the agent for the interest he had taken in their behalf.

The above cases, taken from hundreds on your agent's record in the detention department, demonstrate that among the thousands of our unfortunate fellow men thrown into prison, there are very many who require intelligent and kindly assistance, precisely such as this Association contemplates.

The following cases will show the nature and benefit of our exertions in the

DISCHARGED CONVICT DEPARTMENT.

Number 1—Convicted of petit larceny before the police court, and at the request of your agent, sentenced to the penitentiary for three months only. On her discharge, she called to see me and to express her thanks for past kindness. She promised never to be guilty of such an offense again, and could she but succeed in procuring a situation with a respectable family, she would never disgrace herself or incur the displeasure of her friends. She being a stranger in the city, our matron invited her to her house and home. A situation was soon obtained for her, where she is doing well.

Number 2—A seaman, was tried by court-martial and sentenced to the State prison for five years. He has been recently pardoned by the President, and now wants to reach a distant port, but has no money. I procured a free pass to Philadelphia for him, and advanced him a suffi-

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cient amount to pay his fare to his destination from thence. He seemed grateful, and has since written a letter of thanks.

Number 3—Was convicted of assault and battery in the court of special sessions, and was sentenced for three months to the penitentiary. He worked in the carpenter's shop, and says such a three months he never spent before. He ventures to think, that if a man has a particle of self-respect left, no amount of money he could steal would compensate for the miseries he must endure with those degraded, filthy and obscene creatures confined in the penitentiary. To work, to eat, to almost sleep with them, is purgatory. From such a place in the future, he sincerely prays, "God Lord deliver me." He was aided by the agent in procuring a place.

Number 4—Was convicted of petit larceny and was sentenced to the penitentiary for six months. He represents that he is a waiter and has lived with several good families in this neighborhood. His fall was occasioned by an indulgent employer, who drank himself, and who so often gave him strong drink that he soon became worse than his master. At length, under the influence of liquor, he purloined several small articles, was detected and severely punished. He thinks that since his character is gone in the city, he had better remove to a distant one, where he feels certain of procuring employment. He was furnished with black pants, white jacket and a pair of thin shoes, adapted to his occupation. A small sum was loaned him.

Number 5—Confined three months in the penitentiary. On his discharge he begged the agent to render him some little pecuniary aid, so that he may reach his home. I could not but feel a degree of sympathy for this young man, believing that, even if guilty, his offense was more the result of circumstances than the effect of innate depravity. Your agent cheerfully afforded him relief by way of loan. He left for a distant place. I am confident that he will never be found again in a prison. He appeared grateful for the aid extended to him, and pledged himself never to trouble the Association again.

Number 6—Again calls on the agent to show that he is not only in better health and condition generally, but to express his unfeigned thanks for past favors. He had by experience found the Association to be a friend indeed. In his greatest extremities of poverty and physical suffering he had applied for aid and had not been refused. The last time he was driven to this retreat and refuge I had loaned him a dollar and bought him an overcoat. He now called to express his sincere thanks, and to beg the Association to accept of ten dollars for the clothing, saying that at that time it was to him medicine, health and life. At first the money was refused, but he insisted on returning it. He was glad to inform us that he is able and willing to work hard and constantly, and he can afford to pay this trifle for so great a benefit.

Number 7—Two months in the penitentiary. Calls and asks, could I procure him a passage to a distant State. I reply, I cannot; but as he

is an expert with sewing machines, being able to operate on all of them, I would introduce him to a shoe manufactory, where he could save money and then go to his friends. I saw I was right, cheerfully acquiesced, and is now at work.

Number 8—Convicted of petit larceny and sent to the penitentiary for six months. From what was said by the minister who addressed the prisoners on Sunday last, he felt encouraged to call on your agent. This man is a farm hand, and having solemnly promised never again to be dishonest, no matter what befalls him, I introduced him by letter to a physician in another State, asking him to procure him work. I believe he succeeded, as the doctor called on us recently and said he would be willing almost at any time to take any of our discharged men or youths to work on his farm. This poor German was aided with what garments he required, and a small amount of money was loaned him.

Number 9—Having spent three months in the penitentiary calls to ask, could I secure him a clerkship in the navy yard. This I informed him was beyond my ability. After improving his external appearance by some new clothing, a free pass was procured for him to visit his friends in a neighboring State, where he felt certain of being relieved from his present abject condition and of obtaining employment. He appeared sincere in his expression of thankfulness.

Number 10—Discharged after four months incarceration in the penitentiary; calls at the office of the Association and assures me he never felt before as he feels to-day, utterly ashamed of himself. He says this was the first time he ever set his foot inside of prison walls. Many and many times has he wished he had never been born. His friends reside at a village not far distant. His mother he dreads to meet, as he must disclose to her the truth. He is twenty-six years of age, and could solemnly swear that he never told her an untruth, and will not begin now to deceive her, although to tell her the truth now will make her very unhappy, and he is afraid she will cease to have confidence in him. He was advised to tell her the whole truth, as by that course he would secure her sympathy. He was aided with clothing and a small sum of money, for which he was very thankful.

Number 11—Was convicted on his own confession and sentenced to one year in the penitentiary, and during that time has worked in the quarry. He says he was used pretty roughly, but probably he deserved such extreme severities, and hence he does not complain. He cannot, however, help thinking that men of a higher moral standard should be engaged to watch and look after such unfortunates, and cannot conceive how it can be expected that such persons will reform their habits and lives. Various articles of clothing were furnished him and a little money. He left, expressing his thanks to the Association.

In the discharged convict department Providence has smiled on the efforts of your agent. He has succeeded in procuring employment for numbers of them away from their former associations: The good done

them is shown in their reformed lives and their steady industry in honest callings. Many letters of thanks are received, and favorable reports come from all quarters. Very few are re-arrested on a charge or suspicion of crime. A friendly correspondence is kept up with them, which they greatly prize, and which is productive of permanent benefit.

I cannot close this, my annual statement, without expressing my sense of obligation to the gentlemen connected with the administration of the criminal law in the cities of New York and Brooklyn for the courtesy and kindness uniformly shown me in the discharge of my duties as the agent of the Prison Association.

To you, gentlemen of the Executive Committee, I would return my sincere thanks for the sympathy and aid extended to me in my labors. Nor would I omit to express my unfeigned and heartfelt gratitude to the Sovereign Disposer of events for the measure of success which he has vouchsafed to my feeble efforts during another year of industrious toil.

And, in conclusion, I would renew the expression of my earnest desire and solemn purpose to serve the cause of humanity in humble but persevering efforts to turn the hearts of the disobedient to the wisdom of the just, and so to promote, as far as I may be able, the high and noble purposes of the Association.

All of which is respectfully submitted.

ABRAHAM BEAL, *General Agent.*

( G. )

## REPORTS OF LOCAL COMMITTEES ON JAILS.

## 1. REPORT OF THE COMMITTEE OF ERIE COUNTY.

BUFFALO, Nov. 30, 1865.

Rev. E. C. WINES, D. D., *Cor. Secretary:*

Dear Sir—The Buffalo committee organized in the early part of the year. Our plan of operation was to visit the penitentiary and jail frequently, supply them as far as possible with reading matter—books and papers—and to enlighten the community, through the press, with reference to the objects of the Prison Association.

Accordingly we have met monthly for consultation, and the more we consult and labor, the grander and more needful the work becomes in our estimation.

We have been to the penitentiary on several occasions, and were present on the Sabbath at its chapel exercises; have spoken to the convicts of the interest your Association takes in their welfare, and endeavored by kind words to point them to a purer life.

Two of us every Sabbath visit our jail, and give to each inmate a copy of the Buffalo Christian Advocate. The papers are eagerly received, and we believe, thoroughly read. If the jail had a suitable room, by permission of the keeper, we should institute a Sabbath service. We have more or less conversation with the prisoners, especially the children.

We have published articles in our daily papers, explaining the design and operation of the Prison Association, and urging our citizens to a greater appreciation of and sympathy with its work.

Both the keepers of the penitentiary and jail offered us every facility in their power. Our work has been seed sowing; of the fruits we cannot speak.

We have not yet been able to supply the penitentiary with papers, but we hope in time to execute fully our original plan. We are happy to say that Mr. Felton has been reappointed. Under him we think our penitentiary is a model.

F. P. WOOD, *Chairman.*

## 2. REPORT OF THE COMMITTEE OF OSWEGO COUNTY.

The local committee of the New York Prison Association, for the county of Oswego, report as follows:

Since last year nothing has occurred to vary the aspect of the jails in this county. The one in the eastern shire we have not visited, as it is

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used mainly as a place of temporary detention. The jail in the city of Oswego we inspected some time last June. We found no change in the premises. The number of prisoners was precisely the same as it was last year, and there was no variation in their characteristics, except that there were no deserters from the army among them. The jail is clean, in good order, and is as well kept as its capabilities will allow. It is under the care of the under sheriff, an efficient officer, who is kind to the prisoners, but firm in his treatment. We made arrangements with the clergy of the city to hold weekly religious services in the jail. This they have done with apparently good results, and we propose to continue the arrangement for the coming year. The prisoners listen to the teaching with respect and attention, and some of them seem to have been affected by the services and by the interest manifested in their welfare. Whatever good can be effected in this way we shall endeavor to further. With regard to the particulars of the jail we can add nothing of importance to our report of last year. We would have transmitted this paper at an earlier date but for the absence of some of the committee.

Respectfully submitted,

GEO. C. McWHORTER,  
A. P. GRANT,  
GILBERT MOLLISON.

Oswego, Nov. 24th, 1865.

## 3. REPORT OF THE COMMITTEE OF CHEMUNG COUNTY.

ELMIRA, Dec. 23d, 1865.

Rev. E. C. WINES, D. D., *Cor. Secretary:*

Dear Sir—On behalf of the Young Men's Christian Association of Elmira, I have visited the county jail weekly for the past six or eight months. It has proved an interesting field of labor, and I can truly say that I have there had many interesting seasons. In the male department I have always been cordially received, and in the regular services (prayer and remarks) I have always had some interested listeners, and generally orderly and attentive hearers. I have found the prisoners as approachable upon religious subjects as most persons, and very frequently meet individuals who respond frankly and apparently sincerely to the claims of the Gospel of Christ. I have several warm friends among the prisoners, and have been cordially recognized and saluted on the street by persons whose acquaintance I have made in the jail. On Thanksgiving day myself and wife visited the jail for the purpose of treating the prisoners to a few apples as a token of our good will, when, after passing them around and circulating tracts (our usual custom), and when about ready to depart, the prisoners gathered before us, and one of their number made a speech in behalf of himself and associates, thanking us for our kindness and words of counsel and advice, suggesting that those words might, at least some of them, be remembered and heeded when they should be at large in the world again.

In the female department the inmates have been of the usual outcast character, and yet when I have appealed to their better nature, and pressed the truths of God's word upon their consciences, I have witnessed tears of contrition, and evidences of penitence and sorrow for sin, deep and pungent. At one time, I remember particularly, all present—some six or eight—were in tears, some of whom were sobbing aloud. No doubt God's Spirit was at work in their hearts, and there have been cases of a hopeful work of grace. I have repeatedly had those poor abandoned ones bow with me in prayer, and at one time they had seasons of prayer conducted by one of their number in their room. My experience among these poor unfortunate and guilty ones has afforded me many lessons which I hope to profit by. My ideas of charity, as set forth in 2d Cor. 13th chap., have been greatly enlarged, and I feel now as I never felt before, that "there are none so bad but that there may be something good about them, and none so good but that there may be something bad about them."

In haste, yours truly,

E. S. PALMER.

#### 4. REPORT OF THE COMMITTEE OF TIOGA COUNTY.

OWEGO, Dec. 26, 1865.

Rev. E. C. WINES, D. D., *Cor. Secretary:*

Dear Sir—I am very sorry I was not at home this morning when you called. I should have been pleased to see you, and to converse with you on the subject with reference to which you came.

Now with regard to facts and statistics, we have very few to give. We organized our committee fourteen months since, in October, 1864. The course of action decided upon was very simple; each committee man was to take in charge for one month the superintending of the visiting of the jail. He might visit it himself and take others with him, or he might procure some person or persons for the service. These persons it was understood would be select men from the church to which the committee man belonged, but I do not think this was considered indispensable. It was expected that the jail would be visited at least once a week, on the Sabbath or at any other time that might be more convenient. On the whole, the visiting has been regularly attended to, though in two or three instances there has been neglect through forgetfulness or absence, but I doubt whether there has been more than two weeks omission. It has been my duty as chairman, to remind the committees as their turns came round.

There have been from time to time, since our committee was organized, from two to ten prisoners in jail; a small proportion of these have been boys, some young men, some middle aged, a few elderly men, and perhaps in all from four to six women.

The course pursued has been to converse seriously and kindly with

them, read the scriptures and pray, and furnish them with a few religious tracts and papers, though I doubt whether the last has been an invariable practice. I shall endeavor to have it so in future. In a few instances we have taken the prisoners a few apples for their comfort. By the way, do you not think that this is desirable? In several instances the prisoners have seemed to listen with considerable interest to what was said to them, but whether any permanent good has resulted, will be known only at the great day of account; we are permitted at least to hope for such results.

Our jail has been in a sad condition as to cleanliness and comfort, a disgrace to the county; but the attention of the community has been called to the matter, and it is now undergoing renovation. The walls were dirty, the air was impure, and there was not sufficient ventilation. I trust that all this negligence has been rectified, though I cannot speak with certainty, as I have not been within the building for a month or more.

Mr. Warner has just mentioned to me that it is considered part of our duty to look after the welfare of the prisoners after they are discharged, as far as practicable; this has been done in a few instances.

I am sorry, my dear sir, that I have nothing of more interest to communicate, but hope that this will not be entirely without interest. The Rev. Mr. Keyes, predecessor to the present Methodist minister in this place, was in the practice of visiting the prisoners while he resided here, but not to my knowledge has it been done since he left us. I should have been glad to visit the jail with you this morning, provided we had met. If, in the Providence of God you should come again, myself or some one else will, I trust, be able to accompany you. I shall be glad to hear from you again, and thank you now for the reports you have promised to send.

With many prayers for God's blessing on your labors,

I remain, dear sir, yours very truly,

C. A. WINTHROP,

*Chairman.*

#### 5. REPORT OF THE COMMITTEE OF BROOME COUNTY.

BINGHAMTON, BROOME COUNTY, N. Y., Dec. 14, 1865.

Dr. E. C. WINES, N. Y. *Prison Association:*

Dear Sir—Having no blank forms or abstracts designated for items of information, I would present to you some general statements of benevolent measures employed in this county for the improvement of the persons in its jail. I have myself made repeated visits to the jail, and have been cheerfully facilitated in all plans for the religious benefit of the prisoners by our worthy sheriff. I have twice held full service on Sunday within the jail, the prisoners enlisting heartily in it, and greeting all such recognitions of their self respect. The Presbyterian min-



ister has also held a service during the last month. I understand that the jail was also visited by a preacher who was for a little time conducting a protracted meeting in the town.

But the credit of most effective faithful and opportune services is due to a few ladies, who have interested themselves in systematic efforts to alleviate the gloom and instruct the conscience of those confined in our county jail. The women there imprisoned have hailed with delight these tokens of sympathy, and their kind intentions and salutary counsels have uniformly been received with respect and attention by the men who were the inmates of our jail. My experience convinces me that Sunday services in our county jails are of great benefit. It would be well if all our county prisons could have occasional visits, not of curiosity, not of officious inquiry, but for faithful and kindly admonition, from those recognized as teachers in sacred things. There is a deficiency in the ventilation of our county prison, which might be easily remedied. It is a source of frequent and not unreasonable complaint from those immured within its cells.

With respect, yours truly,

C. H. PLATT.

#### 6. REPORT OF THE COMMITTEE OF RENSSELAER COUNTY.

Our efficient police keep the jail filled with the worst and most desperate characters, and did our citizens know of the danger of almost any young man who might fall into an indiscretion, and thus make himself liable to the attention of the police, and the consequent company of the vilest in the community, they would not tolerate the present condition of things.

The Young Men's Christian Association have continued to hold religious meetings every other Sabbath morning, and the different clergymen of the city, as well as the city missionary, have in turn conducted the services. Members from the different choirs have sung at these meetings. Thus the gospel is brought to a class that if left to carry out their criminal desires, would keep themselves beyond the possible influence of its restraining and constraining power. Owing to the abuse a prisoner made of those meetings in escaping by passing out after service with the members of the Association, no meetings have been held since July last. We hope to be able to obtain sufficient guard from the police force to warrant the sheriff in permitting these meetings to be resumed.

About 2,500 pages of tracts and 1,250 religious papers have been distributed in the cells.

Yours truly,

AMASA R. MOORE.

TROY, RENSSELAER CO., N. Y., Dec. 5, 1865.

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#### 7. REPORT OF THE COMMITTEE OF TOMPKINS COUNTY.

*To the New York Prison Association:*

I have, as chairman of the committee of correspondence for Tompkins county, but little to report this year. My official notification of appointment was not received until just before I started out upon my summer vacation, if I recollect rightly, and the machinery has hardly got fairly into operation.

The jail has been visited with more or less regularity and fidelity (the design being that each member of the committee should be responsible for its visitation one week in year.) Conversation and prayer have been had with the inmates, and in some instances good has apparently been done. Inquiries and investigations have also been instituted, in reference to the condition and management of the jail. There has been an average of 4 or 5 prisoners at a time, mostly for petty offenses. Everything seems conducted in a cleanly and commendable manner. The sheriff and his family are very respectable people, and are kind to the prisoners, in some instances allowing them access to their part of the building, and the cells are supplied with books and papers. I subjoin one or two specimen reports and extracts.

Yours truly,

F. N. ZABRISKIE.

ITHACA, Dec. 9, 1865.

ITHACA, 22d Nov., 1865.

My health has been so poor that I have been able to make but one visit to the prison, which was in July. There were then but two persons confined there, one for murder and the other for theft. The first—Mrs. Hager—denied her guilt, and professed much piety. The other, a young man, confessed his bad conduct, and seemed truly penitent. I conversed and prayed with them. The prison appeared to be in good condition, and was well ventilated and clean.

Yours,

WM. WISNER.

ITHACA, N. Y., Nov. 15, 1865.

Rev. Mr. ZABRISKIE:

Dear Bro. I have tried to visit the prison according to promise. One week I did not see the prisoners because it was court week. The prison seemed to be well kept, prisoners properly cared for, and keepers courteous. There were but few prisoners. Conversated and prayed with them. One young man, charged with passing counterfeit money, said he knew not the nature of his crime at the time of committing it, and was betrayed into it, and if he ever got out of this scrape, he would never be found in such another. He promised me he would read his Bible, and pray and seek the Lord, and he seemed to be sincere.

Yours fraternally,

J. N. FOLWELL.

P. S.—It was warm weather when I saw this young man, and he told me that he heard me preach every Sunday by getting up to his cell window and listening, and that through our open window, he could catch distinctly almost all I said. So he had the gospel preached unto him, and took some pains to hear it.  
J. N. F.

#### 8. REPORT OF THE COMMITTEE OF WESTCHESTER COUNTY.

WHITE PLAINS, N. Y., Jan. 8, 1866.

Rev. Dr. WINES, *Cor. Secretary*:

Dear Sir—I have not intentionally delayed my response to your request, but other duties have so pressed upon me, that the time has passed without my fulfilling this obligation. I hope it may not be too late to serve your purpose.

I have visited the jail during the past year, as frequently as my other duties would allow, holding services from time to time during the week, and on other occasions distributing tracts, &c., to the inmates, and conversing with them relative to their former life, and the causes which led them to their present unhappy condition. The majority of commitments have been occasioned by intemperance, an evil which cannot be remedied so long as licenses are so easily obtained, and whether legal or not, the sale of poison is permitted upon every corner and turn of the streets. There is a wrong in this somewhere which ought to be rectified.

From some of the inmates I have several times received the most solemn pledges to abstain from drink, but have afterwards had no intimation from them that they had been faithful to the obligation, notwithstanding their assurances that I should hear from them. The number of females and young boys who have been imprisoned is lamentable; and it is very desirable, nay imperative, that an apartment be specially provided for these, that the evils may at least be mitigated which have been almost unavoidable under the circumstances from too great freedom of contact between the sexes, and from the imbibing of more profanity and wickedness by lads who may be then first brought into such intimate relation with the worst characters.

Your committee, at the last meeting of the board of supervisors for Westchester county, made an application for an enlargement of the jail to accomplish this object, and at the same time provide a suitable place for an infirmary; as the present arrangement and limited quarters, with an overcrowded prison, have during the past year operated unfavorably in several cases of sickness among the inmates. The board considered the matter favorably, and have under advisement the erection of an addition to the main building, which shall meet the necessity. The number has at times exceeded the proper capacity of the jail, so that it has been necessary occasionally to put more than two in a cell, which really for such close confinement ought not to have more than one occupant.

I have been gratified with the cleanliness of the prison, and believe

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that those who have it in charge endeavor, as far as possible, to insure the necessary comforts to those in confinement.

Very truly yours,

THEODORE S. RUMNEY,  
*for the Committee.*

#### 9. REPORT OF THE COMMITTEE OF WAYNE COUNTY.

LYONS, N. Y., Nov. 6, 1865.

Rev. Dr. E. C. WINES, *Cor. Secretary*:

Dear Sir—During the past year I have officiated a good portion of the Sabbaths at the county jail in this village, in the capacity as it were of "chaplain" to the prisoners, conversing with them in relation to their circumstances, wants, &c.; informing myself pretty satisfactorily, in most instances, with their leading traits of character; providing them with religious reading matter, in addition to the liberal use of the sheriff's private library, and religious and secular papers already accorded by him and his estimable family; imparting orally such instructions and exhortations as seemed adapted to their individual capacities and circumstances, and calculated to impress upon them proper views and impressions of moral accountability and of the system of evangelical truth; appealing, not seldom with a gratifying measure of success, to the better feelings and manhood, which, even in those who have fallen into flagrant acts of vice, are still prompting them to struggle against the tyranny of sinful habits and associations, and capable of being powerfully strengthened by genuine sympathy and christian kindness. Prayers, in which the prisoners have never refused to unite, and frequently with deep apparent interest, have usually closed the interviews. The sheriff has not only treated the prisoners with uniform kindness, but has been very successful in stimulating their self-respect and sense of honor, by trusting them, where he was warranted in doing so, with opportunities for exercise and recreation, such as conducted greatly to their health and comfort, and he has cordially received and cooperated with any suggestions your correspondent has had it in his power to make for their benefit. I have yet to learn that his kindness or confidence have been in any instance misplaced or abused. It is to be regretted that the jail is not so constructed as to admit of being thoroughly warmed and secured against dampness.

I have the honor to be yours respectfully and cordially,

L. HINSDALE SHERWOOD.

#### 10. REPORT OF THE COMMITTEE OF GREENE COUNTY.

CATSKILL, Dec. 5th, 1865.

Rev. E. C. WINES, D. D.:

Dear Sir—I beg you will pardon my delay in not forwarding to you at an earlier day the annual report of what has been done during the past year for "the moral and spiritual interests of the inmates of the jail" in Greene county. I failed in calling to see the parties for

I expected the desired information, and want of promptness in handing in the report to me is my only apology for not writing you sooner.

I am happy to be able to report that our committee have had very little to do, as our jail for a large part of the past year has had in it very few prisoners, much of the time having been vacant. You fondly hope in your letter to me that "our statement will be such as to form an encouraging feature in your forthcoming report." I think "an empty jail," as ours has been for several weeks in succession, is "an encouraging feature." We have at present only two inmates, and it is very rarely, I am told by the jailer, that more than one female is imprisoned at a time.

The committee have visited the prisoners as their spiritual advisers from time to time; but the fact that so few inmates are usually found in the jail—very rarely more than one or two—has led them probably to be somewhat remiss at times in their attention. They are kindly received by the prisoners, and are willing to do whatever is felt to be necessary for their highest good. I trust the number of inmates will continue to grow "beautifully less" from year to year, until the office of the jailer shall become literally a sinecure.

Very truly yours,  
JOHN A. LANSING.

### 11. REPORT OF THE COMMITTEE OF ALLEGANY COUNTY.

ANGELICA, N. Y., Nov. 10th, 1865.

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

Rev. and dear Sir—Your favor, calling for a report, reached me last evening. It was the first intimation that I was honored with so important an office in so worthy, humane and christian an enterprise.

It is an unspeakable pleasure that I am able to report that your cause has not been neglected in this place. I have occasionally visited the jail, prayed with its inmates, and supplied each room with a Bible. One of my most faithful tract distributors visits the jail regularly each month, and distributes her tracts, and converses with the prisoners, and her report is always most cheering. Wednesday of this week she made her usual call; found eight men, rough and wicked, yet treating her with respect, and thanking her for her visit and her tracts. Changes are frequent, so that she has new cases of interest always to report. I find no library in the building. I am quite sure that something more should be done to furnish reading for those poor and often dejected inmates. Please suggest a classification of books which we may get for them. Thanking you for the privilege of serving the cause of humanity, as the representative of Christ, in visiting the truly needy and the outcast, I am myself your obedient servant in the Lord,

R. L. BOING.

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### 12. REPORT OF THE COMMITTEE OF ONEIDA COUNTY FOR THE WESTERN SHIRE.

ROME, N. Y., Nov. 23, 1865.

Rev. Dr. WINES:

Dear Sir—The spiritual interests of the Rome jail have been carefully attended to for the past year by Mr. O. J. Williams of this village. He has provided the prisoners with religious reading, and given them instruction from Sabbath to Sabbath, and with favorable results. Although many of the inmates are desperate characters, they have learned to respect religion and religious teachers, and in conversation they are ready to concede that their past course has not been what it should be, and the most of them promise reformation. Mr. W. is well adapted to the work; is a plain man, a mechanic, and in a quiet, pleasant manner wins their confidence and secures their attention. He has done a good work, and will be sustained by the citizens who will provide books, tracts, papers, etc., for the work.

Yours, &c.,  
S. G. VISSCHER.

### 13. REPORT OF THE COMMITTEE OF MONTGOMERY COUNTY.

Fonda, December 7, 1865.

Rev. Dr. WINES:

In reply to your circular I would say that our jail has been visited by myself and wife. Its inmates have been few in number, and it is well kept as regards cleanliness and order. We supply it with religious newspapers, and a copy of the Bible is kept there. The most pleasing and important event connected with prison life is that we found a boy locked up as a vagrant, and have clothed him, taken him to our own home, and will find a place for him. He is only eleven, and we hope to make something of him. We remember your visit with much pleasure, and hope to see you again.

With my best wishes for your success in your present work,  
I remain, yours,  
W. FROTHINGHAM.

### 14. REPORT OF THE COMMITTEE OF DELAWARE COUNTY.

DELHI, DELAWARE COUNTY, N. Y.

E. C. WINES, D. D., *Corresponding Sec'y Prison Association:*

Dear Sir—As chairman of the committee of correspondence of Delaware county, I can only say that during the past year, as in former years, no religious services have been held for the benefit of the inmates of our jail. This is owing to the following facts: 1. During a considerable part of the past year there have been no prisoners here. 2. Those who have been prisoners have been held only a short period of time; and 3. The inconveniences of the jail itself are such that a regular service in the presence of all is not practicable; so private personal conversation and prayers with and for the prisoners is all that can be well done.

Bibles and other religious reading matter have been furnished. The present sheriff, John Calhoun, M. D., is a christian man, and always ready to do anything that will be conducive to the best interests of the prisoners. The jail itself remains as stated in the last annual report.

Very truly yours,

MILTON S. TERRY.

#### 15. REPORT OF THE COMMITTEE OF SARATOGA COUNTY.

BALLSTON SPA, December 15, 1865.

Rev. E. C. WINES, D. D.:

Dear Sir—Your committee of correspondence on Saratoga county jail would respectfully report that the jail has been supplied with a Bible in each room, and religious papers of various kinds have been circulated from time to time among the inmates. Moral and religious advice has been given as opportunity has offered.

Yours respectfully,

TITUS M. MITCHELL,  
DAVID TULLY,  
JAMES W. HORTON.

#### 16. REPORT OF THE COMMITTEE OF CORTLAND COUNTY.

CORTLAND, N. Y., November 14, 1865.

E. C. WINES, D. D., *Corresponding Secretary*:

Dear Sir—In reply to your circular asking a report of operations for moral and spiritual interests of inmates of our jail, I would say that my report is meagre, because the number of persons incarcerated and the terms of their confinement have been limited exceedingly.

Inebriation has been the prevalent cause of arrest, and ten days the longest sentence, so that upon actual jail inmates little could be effected. The work most needed is a grand *temperance demonstration*.

A few persons have been held over one night on sheriff's arrest for criminal offenses and then discharged or sent to other counties, where they legally belonged.

Permit me to say that the return of soldiers has not increased crime in our county a particle. These men are exemplary citizens.

Other particulars remain precisely as reported last year, page 285 of twentieth annual report. Hoping the within report, though limited, will yet be satisfactory to you because it evinces a high moral tone in Cortland county,

I remain, &c.,

IRVING P. BEMAN, *Com.*

#### 17. REPORT OF THE COMMITTEE OF ORANGE COUNTY, AT NEWBURGH.

NEWBURGH, N. Y., November 17, 1865.

Rev. E. C. WINES, D. D.:

Dear Sir—Your circular of the first instant has been received. Our town missionary has regularly visited the jail, preached every Sabbath

to the inmates, and distributed tracts, &c. Beyond this no special efforts, that I am aware of, have been made for their moral and spiritual interests.

Yours respectfully,

G. HENRY MANDEVILLE, *Chairman*.

#### 18. REPORT OF THE COMMITTEE OF QUEENS COUNTY.

ST. GEORGE'S RECTORY, HEMPSTEAD,  
QUEENS CO., N. Y., Dec. 1, 1865. }

Dear Sir—In respect to what has been done for the moral and spiritual interests of the inmates of our jail, I report that the attention of the supervisors has been called to the lack of Bibles in the jail, and they have been asked to supply it. Tracts and religious periodicals have also been distributed among the prisoners. There is monthly a religious service at the court house, but the sheriff deems it inconsistent with the safety of the prisoners that they should be brought where they can participate in it, and the construction of the jail does not admit such service in it, the prisoners being separated in different parts of the building. It should be stated further that Bibles have been repeatedly given to the use of the jail, but the inmates have speedily destroyed them. The very great part of the prisoners are there for but from thirty to ninety days, and therefore feel little care to have reading matter.

Trusting that this report may meet the points on which you desire information, and with the expression of my readiness to receive any suggestions which may be for the benefit of this sad class of our fellow men, I subscribe myself,

Very respectfully yours,

Rev. Dr. WINES.

W. H. MOORE.

(H.)

## SKETCH OF THE PRISON SYSTEM OF NEW YORK.

(THE FOLLOWING CORRESPONDENCE WILL EXPLAIN ITSELF.)

## I. LETTER FROM THE MARQUIS MARTINO BELTRANI SCALIA, TO HIS EXCELLENCY, GOVERNOR FENTON.

(Translation.)

EXCELLENCY:—"Your excellency will no doubt be not a little surprised at receiving from so great a distance, a letter whose signature will be wholly unknown to you. But the idea of addressing you, from which I have hitherto shrunk, yields at length to the assurance which I have received from the Legation of the United States at Turin, and before the confidence with which I am inspired by every one occupying an exalted position.

Being about to publish a memorandum on a *projet of law* concerning the reform of prisons in Italy, I shall have need of some information touching the manner in which this service is performed in New York, and also of late statistical documents.

Although far distant, the American nation is always the first to present itself, at least when the penitentiary question is involved, and that which is said by writers throws one into such a confusion, such a labyrinth, that it is well nigh impossible to emerge from it with ideas clear and practical ("*des idées concrètes et sûres.*")

I take leave, therefore, to send you, herewith, a brief series of interrogatories,\* to the end that your excellency may the more readily cause the replies to be made.

I take pleasure in the hope that your excellency will favorably receive my request, and that you will kindly accept the sentiments of my liveliest gratitude and of my highest consideration.

Your excellency's devoted servant,

MARTINO BELTRANI SCALIA,

*Inspector of Prisons in the Kingdom of Italy.*

TURIN, 13th March, 1865.

\* It is not necessary to print these separately, as they are embodied in the response.

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## 2. REPLY BY THE CORRESPONDING SECRETARY.

His Excellency, Governor FENTON, *Albany, N. Y.:*

Dear Sir.—I much regret that absence from the city, during the entire summer and autumn, on an extended tour of prison inspection, in association with Professor Theodore W. Dwight, LL. D., throughout the several states of our Union, has, till now, prevented me from replying to a communication to your excellency, under date of March 13, 1865, from the Marquis Martino Beltrani Scalia, inspector of prisons of the kingdom of Italy, which communication your excellency did me the honor to refer to me for an answer. In the said communication, Mr. Scalia says that, being about to prepare a *projet of law* relating to the reform of the prisons of Italy, he would be glad to have some information touching the manner in which this service is performed in New York, and also to receive the latest statistical documents on the subject. Mr. Scalia appends to his request a brief series of interrogatories, to the end, as he says, that your excellency may the more easily comply with his desire. These interrogatories I will now, agreeably to your excellency's request, proceed to answer to the best of my ability, though with less fullness than I could wish, if I had more time at my command.

*Question 1.*—"Is the service of the prisons entrusted to a special body of public officers—a central committee, or central inspectorship?"

*Answer.*—There are four classes of prisons in the State of New York, if we include correctional institutions, as well as those which are more strictly penal, viz: 1. State prisons; 2. Penitentiaries; 3. Common jails; 4. Reformatories.

There is no central board, committee, inspectorship, or authority of any kind, which has a *controlling power* over the entire prison system of the State. The Prison Association of New York possesses, by authority of law, general supervisory powers, but no power of control. This organization is not only authorized but required, by statute, to visit, inspect, and examine all the prisons in the State, and annually to report their state and condition to the Legislature, and all such other things in regard to them, as may enable the Legislature to perfect their government and discipline. It will be seen from this statement, that the Prison Association has simply a right of examination and suggestion, but no power of action. The want of some central power of direction, as well as supervision, is greatly lamented by the enlightened friends of prison reform. They regard this want as fatal to any thing like unity and homogeneity in the prison system of the State, and as being the source of numerous and manifold evils in our penal administration.

I have already said that the prison system of New York embraces four classes of penal and correctional institutions. Having also stated that there is no *central authority*, that has the control and direction of the whole series of institutions, I ought now, for the information and

satisfaction of Mr. Scalia, to add a statement explanatory of the several authorities by which these various classes of institutions are governed.

1. *The State Prisons.*—There are, in effect, four of these in the State—three for males and one for females, with an average aggregate number of inmates bordering on 2,000. These prisons are governed by a board of inspectors, who are elected by popular vote. They hold their offices for three years, one being elected each year, and one of course going out of office at the same time. These inspectors appoint all the officers, from the warden, or governor, to the guard. They also make all the rules and regulations for the internal government of the prisons. The powers and duties of the inspectors are more fully set forth in the nineteenth annual report of the Prison Association, pp. 100 and 101, which I herewith forward for transmission to Mr. Scalia. The evils connected with the mode of appointing our prison officers and with the dominating power of party politics over the executive administration of our prisoners are detailed in the same report, pp. 104–108.

2. *The Penitentiaries.*—Six counties (there are altogether sixty in the State) have been authorized by special acts of the Legislature to establish penal institutions of their own, under the name of penitentiaries or work-houses. These institutions occupy a position in the penal system of the State, intermediate between the State prisons and the common jails. These prisons are used as places of punishment for persons guilty of minor offenses, who are sentenced for terms varying from thirty days to one year, and in a few cases for periods longer than that last named. The penitentiaries are under the control of the counties in which they are situated, but contiguous counties are authorized to send their prisoners to them, on making a contract to that effect with the counties to which the prisoners belong. These prisoners are governed by boards called "inspectors of the penitentiary," who receive their appointment from the board of supervisors of the county. The "supervisors," Mr. Scalia should understand, are representatives of the several townships embraced in the county, and constitute a sort of local legislature. They are chosen annually by popular vote. The origin, organization, and working of the prisons of this class, Mr. Scalia will see fully exhibited in the nineteenth annual report of the Prison Association, pp. 40–42 and 194–224; also in the twentieth report, pp. 145–173.

3. *Common jails.*—These prisons are erected, maintained and managed by the several counties. Each county has one jail, and a very few have two. The jails are used chiefly as places of detention for persons arrested and held for examination or trial. They are also, to a certain extent, used as places of punishment for minor offenses, particularly those of drunkenness and vagrancy. The sheriff of each county is the legal custodian of the prisoners confined in the jail or jails of said county. He is by law the jail-keeper, and often acts in that capacity, but oftener perhaps appoints a keeper to act under him. He remains, however, always the responsible person, and is personally accountable for the safe

keeping of the prisoners. But the supreme authority for the government of the jail is the board of supervisors. They examine and pass upon its accounts, order important alterations to be made or new buildings to be erected, and supervise and manage its affairs generally.

Mr. Scalia will find the condition and working of this department of our penal system very fully set forth, though I am sorry to add, in a way not much to its credit, in the 19th report of the Prison Association, pp. 30–39; and much more at large in the 20th report, pp. 174–232.

4. *Juvenile reformatories.*—This class of institutions embraces the following:

(1.) A House of Refuge on Randall's Island, in the city of New York. To this, juvenile delinquents are sentenced during minority by the courts and magistrates of the city and county of New York, and also by those of the counties in a considerable circuit about New York. When the delinquents are considered sufficiently reformed, they are indentured to farmers or mechanics, to continue to their majority (boys to 21 and girls to 18); but they are still subject to the control of the Refuge, which stands to them, in the view of the law, *in loco parentis*. This institution is under the care of a society or corporation created by law, which chooses from its members a governing board. A large proportion of its *élèves* are reformed and become good citizens.

(2.) A House of Refuge in the city of Rochester and county of Monroe (Western New York). This is a State institution, and is managed by the State through a board of directors. No girls are received into this institution; in other respects its management and results are very much the same as the other. As the judges and magistrates in the eastern part of the State send juvenile offenders to the refuge in New York, so those in the western part send the same class to the refuge in Rochester.

(3.) The Juvenile Asylum in the city of New York. This institution is, in all essential particulars, very similar to the two previously described under the name of refuges. It is under the care of a society of benevolent gentlemen, who appoint annually a board of directors to manage its affairs. It is a well managed and useful institution. Both boys and girls are received, and their terms of sentence are, as in the case of the houses of refuge, during minority.

(4.) A similar institution under the care of "The Society for the Protection of Destitute Roman Catholic Children." The character and objects of this institution are, as the name of the society in charge of it imports, strictly denominational. As it has been but recently established, I have never visited it, and am not sufficiently acquainted with its administration and results to venture any statement in regard to them.

(5.) The Rochester Truant Home. This is an institution in the city of Rochester for the reception and reformation of a class of very young transgressors; chiefly indeed, as its name suggests, truant children.

Mr. Scalia will find an account of this excellent reformatory in the 19th

report of the Prison Association, pp. 226-30, together with an analysis of the admirable statute under which it has been organized.

(6.) The Brooklyn Truant Home, an institution organized under the same law as the preceding.

**Question 2**—"What branch of government is entrusted with the administration of the convict prisons?"

**Answer**—The convict prisons, strictly speaking, are the several State prisons, mentioned in the foregoing answer. In a lower sense the penitentiaries may also be regarded as convict prisons, since none are admitted into them but persons convicted of some offense against the laws. The administration of the former is in the hands of a board of State Inspectors, and of the latter in those of local boards, as already explained.

**Question 3**—"Is the inspection of the prisons, in its various parts, committed to the care of central inspectors? and if so, what is their number and authority?"

**Answer**—There is no central board of inspection other than the Prison Association. This society was organized in 1844, and chartered by the Legislature in 1846. Its duty is to make an annual inspection of all the prisons in the State, of whatever class or grade; its powers are to visit every part of the prisons, to examine all their books and papers, to converse with the prisoners separate and apart from the officers, and to examine, under oath if they think proper, all the officers and employes of the prisons. The results of these examinations must be annually reported to the Legislature. This is all the general supervision provided by the laws; all, that is, which embraces the whole system of prisons.

**Question 4**—"Is the internal discipline of the convict prisons always that known as the Auburn system? Are the convicts now permitted to go out of their establishments accompanied by their guardians?"

**Answer**—What is called the Auburn or congregate system of discipline—that is, associated but silent labor by day and solitary cells by night—obtains in all the State prisons, penitentiaries and houses of refuge in the State. The prisoners, under this system, are now and always have been allowed to go outside of the walls of the prisons, accompanied by a guard, whenever such egress may be, or may have been, found necessary.

**Question 5**—"In the graduation of chastisement, how far stretches the maximum?"

**Answer**—If this question refers to the punishments inflicted by the courts for a violation of law, the answer would be, criminals are sentenced to the State prisons from one year to their whole life, according to the nature and aggravation of their offenses. But I presume the question is intended to apply simply to punishments inflicted within the prison walls for breaches of prison rules. If this be the meaning of the question, I reply, that the whipping of prisoners, formerly so much used, is now prohibited by law in this State. The principal punishments are confinement to the dark cell, privation of bed, diminution of food and the shower-bath.

For more ample information on this point, Mr. Scalia is referred to the 19th report of the Prison Association, pp. 111-117. I will simply add here that moral agencies are far more used now, and are found more efficient than the severity formerly practised.

**Question 6**—"Is there any scheme of reform for the system of convict prisons? On whom devolves the task of originating such reform? What innovations or changes, if any, are in contemplation?"

**Answer**—No officer or department of the government is charged by law with the duty of devising schemes of reform in prison discipline. The worst evil growing out of the present system, and the fruitful source of many others—instability in the executive administration of the prisons—is the direct result of a provision of the Constitution; I refer to that provision which makes the Inspectors elective by the people, and clothes them with the power of appointing all prison officers—a provision which makes the administration of the prisons the mere foot ball of party politics, and would deprive the best system that could be devised of all chance of working out its normal results. Of course, no fundamental reform can be effected until the obnoxious provision is replaced by one which is better. This can be done only by a convention, whenever the people shall see fit to order one, to revise and amend the Constitution of the State. It is generally supposed that such a convention may and probably will be ordered for the year 1867. In anticipation of such convention, the Prison Association is engaged, through a committee composed of several of the best jurists and penologists of the State, in devising and preparing a comprehensive scheme of prison reform, which, it is hoped, will sweep away existing abuses, and inaugurate a system more enlightened, more benign, more truly reformatory—in one word, more in harmony with an advanced and high christian civilization.

**Question 7**—"Is manual labor employed in all the prisons? Who profits by it? Do the products of prison labor run the chances of public sale, or are they held at the disposal of the government?"

**Answer**—In the common jails no labor is exacted. In the juvenile reformatories the time is about equally divided between work and school. In the other two classes of penal institutions, State prisons and penitentiaries, all the prisoners are sentenced to hard labor. To answer satisfactorily that part of the question which calls for information as to who profits by the labor of the convicts, a brief preliminary explanation will be necessary. In the State of New York the labor of the prisons is organized upon what is called the contract system. The contractors are manufacturers—hatters, shoemakers, iron founders, cabinet makers and the like. Each contractor hires the labor of a given number of convicts at a given sum per day, generally at a very low figure as compared with what is paid outside. As a general rule, also, a given amount of labor constitutes a day's work, and when that is done the convict's time for the remainder of the day belongs to himself. Very many of the prisoners can do more than the assigned task. In such cases the contractor, espe-

cially if there is a demand for his wares, will allow them to do what is called overwork, and pay them for it. The money thus earned, however, is not paid directly to the convict but to the State, which credits him with the amount so received, and pays it over to him, with whatever interest has accrued, on the expiration of his imprisonment. When the prisoner has a family and desires that they should have the benefit of his extra labor, the State pays over the avails to them as often as they may apply for it. From this statement Mr. Scalia will, perhaps, be able to form a probable conjecture as to who profits most from the labor of the convicts. Beyond all question the lion's share goes to the contractors, many of whom grow rich on the profits of convict labor. Next comes the State, following, however, at an humble distance. Last of all comes the poor convict himself, if he is smart enough to do his day's work in less than a day, and the contractor is willing to allow him a pittance for what he can do in the remnant that is left. Under this system the government, it will be seen, if it makes small profit, has at least the advantage of assuming no risk. Whatever hazard attaches to the sale of the manufactured articles belongs wholly to the contractor.

Mr. Scalia inquires, finally, whether the annual reports of the inspectors, managers, &c., are published, containing the statistical details for the year; whether he can be furnished with the last four of said reports; whether the later reports of the Prison Association can be procured for him; and also whether he can be provided with the proceedings of the convention of managers and superintendents of houses of refuge, and the internal statistics (rules and regulations) of the prisons.

Your excellency can readily obtain at the capital the last four reports of the inspectors, and a number of the later reports of the Albany penitentiary. By writing to the wardens of the State prisons your private secretary could at once procure copies of the rules and regulations of those institutions. Accompanying this communication I send you the last two reports of the Prison Association, which is as far back as I can go; and I will procure and forward to you immediately the proceedings of the two conventions of managers and superintendents of juvenile reformatories held in New York in the years 1857 and 1858. These are all the documents asked by Mr. Scalia, but I think it would be well for you to add a copy of the law passed, I believe, in 1847, creating the present prison system of New York. It is quite important that he should possess that statute.

The several documents proffered by Mr. Scalia, and any others that may be at his disposal relating to the matter of prison discipline and prison reform, will be very acceptable to the Prison Association, as no doubt they will be equally acceptable to your excellency for deposit in the State library. Perhaps, therefore, if you so request, he will send two sets of the same, one for the State and one for the Prison Association.

Your excellency is aware that a commission of the Prison Association has been engaged during the past season in examining the prisons and

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prison systems of the several States of our country. When their report is published, which will be probably the ensuing winter or spring, I shall take pleasure in furnishing you a copy for transmission to Mr. Scalia.

I have the honor to be, with great respect,

Your Excellency's most obedient servant,

E. C. WINES, *Corresponding Secretary*

*Prison Association of New York.*

38 BIBLE HOUSE, NEW YORK, Nov. 25, 1865.



(I.)  
CRIMINAL SYSTEM AND ADMINISTRATION OF  
NEW YORK.

1. LETTER FROM THE HON. MATTHEW DAVENPORT HILL, RECORDER  
OF BIRMINGHAM, ENGLAND.

HEATH HOUSE, STAPLETON, BRISTOL, }  
June 28th, 1865. }

My Dear Sir—Our correspondence has been long interrupted. Of late years my health, always precarious, has been subjected to severe trials, and my avocations have been interrupted by long periods of sickness and debility. Under the latter of these evils I am yet suffering.

Your book and letter, both of which I received through the kindness of my friend, Mr. Perry, the Prison Inspector, have greatly interested me, and I thank you for them.

Your book is a mine of instructive facts. Your report on the county prisons is a monument of useful toil on a repulsive task. The perseverance of your Association is a striking example of devotedness; for, considering that the present report is your twentieth annual exposure of public duties neglected by the people of your State, your indomitable persistence well deserves to be styled heroic. In each nation evils have to be encountered from which other nations are free. Probably both England and the United States may over-estimate defects with which they are not respectively chargeable. And this may account for my estimation of your misfortune in the absence of permanent governors of your jails being so high as it is. But it seems to me to present, so long as it remains, an insuperable bar to improvement. Another defect which strikes me forcibly is the loose practice which it obtains in the administration of justice—the pardoning power exercised by inferior officers, and the quasi pardoning power exercised by your district attorneys, who act, I presume, as public prosecutors,—for to commute the offense for which a prisoner is committed to a lesser one upon which, on a permitted plea of guilty, he receives a sentence, would seem to be a most dangerous power, and one which calls for much restriction. From the report, I do not quite collect whether these powers are legally exercised or whether they are usurped. But I have observed, or think I have observed, throughout the administration of justice in the United States, a degree of laxity very startling to those whose habits of thinking have been formed on the conduct of legal affairs on this side the water, where we fall into the opposite error, (or rather until late years have fallen,) of a pedantry alien to reason and justice.

I am the more surprised at the state of things disclosed in your report, because you have had in the State of New York the inestimable advantage of minds of a very high order to revise your laws, and because such revision has been too recent to be unsuited to your present state of society. One of your members I see is my distinguished friend, Mr. David Dudley Field, whose services to our "Society for the Amendment of the Law," we gratefully remember. They gave us ample opportunity for appreciating his great merits as a legislative jurist, and how a State, which numbers him among its compatriots could exhibit such a picture as you, not its maligners but its patriotic children, have held up to the view of the world, does, I confess, fill me with astonishment.

I feel confident that you will take no offense at my frankness. I have never spared the laws of my own country whom I thought they deserved animadversion, and I have been equally plain spoken as regards the legislature who fabricate the laws, and the administrators, high and low, whose duty it is to reduce them to practice; and I am sure I shall receive any strictures on our own short-comings from your pen or those of your friends in a docile spirit.

Can you refer me to any concise work, setting forth the *praxis* of the criminal law in your State? as I wish to compare it with our own. I am almost led to suppose that in the examinations which precede commitments, the depositions are either not reduced to writing, or not recorded with a permanent officer like our clerk of the peace. Am I correct in this notion?

You justly deplore the small number of reformatories in your State, Is New York less endowed with these admirable establishments than its sister States? I have had the pleasure of an interview with the Rev. Charles L. Brace, who, if I remember right, comes from New York. He proposes to make examinations of our Reformatories and to obtain a set of the reports which have, for some years, been annually published by the Rev. Sydney Turner, our Inspector of Reformatory and Industrial Schools. These publications now form a most instructive series.

Your proposal of a commission to visit this country with a view to personal acquaintance with our theory and practice of the treatment of criminals will, I trust, be promptly adopted. I hardly need to say how glad I shall be to furnish the gentlemen who compose it with any assistance in my power. Although they will come to learn, they will, I am persuaded, be also able to teach, and I trust we shall all of us be amenable to intelligent and well meant criticism. We owe much to American suggestions already, and have no objection to increase our indebtedness. Apologizing for this very long and, as I fear, somewhat presumptuous epistle,

I remain, my dear Sir,

Your friend and servant,

E. C. WINES, D. D., LL. D.  
[Assem. No. 50.]

M. D. HILL

## 2. REPLY BY THE CORRESPONDING SECRETARY.

OFFICE OF THE PRISON ASSOCIATION OF NEW YORK,  
38 BIBLE HOUSE, NEW YORK, January 30, 1866. }

My Dear Sir—Your highly esteemed favor of the 18th June was duly received, and I thank you sincerely for it. It was in my heart to give it an earlier answer, but such has been the pressure of official duty that until now I have not been able to command time necessary for the purpose.

I appreciate highly, and so does the Association, your words of kindness and cheer. In such approval we find at once encouragement and reward. You refer to the want of stability in the executive administration of our prisons. You cannot be more profoundly impressed than we are with our misfortune in this respect. It is a great but, happily, not an insuperable bar to improvement. You will pardon me for adding that your astonishment at this feature in our prison system cannot be greater than mine at the condition of your English convict prisons, as shown in Miss Carpenter's late work, "Our Convicts." If the disclosures of that book are reliable, and I believe they have your indorsement, our State prisons, despite the frequent change of governors, are both better managed and more reformatory than the same class of prisons in England.

As to the plan of a commission to visit England and other countries of Europe, with a view to a personal acquaintance with the European theory and practice of the treatment of criminals, it was judged best to postpone it for the present. I have little doubt that the idea of such a commission will be carried out either next summer or the summer following; only the latter. In the mean time what has been done in this direction in our own country and Canada you will learn from our annual Report soon to be issued.

I enclose your letter to your friend, David Dudley Field, Esq., who recently informed me that he had sent to you, through Mr. George, four volumes containing, as I understood him, much of the information of which you are in pursuit.

Understanding this, I will endeavor to convey to you such facts as to the criminal system and administration of our State as may form some official connection with it, though not of the legal profession, supposed to know.

The State of New York is divided into sixty counties, which are again subdivided into townships, commonly called towns, amounting in all to nearly or quite a thousand. Each of these divisions, the county and the town, has courts peculiar to itself, which will be described in a subsequent part of this letter.

The highest general court called the supreme court, consisting of thirty-three judges, of whom only one meets occasionally with the judges of each of the other counties in convention, for the purpose of framing rules. The organization and practical working of this court are somewhat peculiar. The State is divided into eight judicial districts. There are four

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supreme court judges in each district except the first (city and county of New York), in which there are five. The supreme court has general jurisdiction both in civil and criminal cases. It has all the jurisdiction of the Queen's bench combined with that of the Lord Chancellor. Issues of fact in law cases are tried by a single judge with a jury, who is said to hold a circuit. Equity cases are tried by a single judge, who is said to hold a special term. Demurrers are argued before the same court. Criminal cases may be removed into the supreme court from the county and terminer and the courts of sessions, which are tried at the circuit. Judgments entered at these several courts may be tried on appeal to three or four judges, who are said to hold a general term of the supreme court. The general term is usually composed of the judges elected in the district where it is held; although, as the court is a unit, judges may be called in from other districts. This, in point of fact, continually takes place in the district embracing the city and county of New York, on account of the great amount of business centering there. The general term is strictly an appellate court, both for civil and criminal causes.

Above the supreme court is the court of appeals, having only appellate jurisdiction. The constitution of this court will be stated hereafter.

Several of the larger cities have special courts, provided for either by their respective charters or by special acts of the Legislature. Of these New York has a considerable number.

Four officers, called justices of the peace, are chosen by the people of each town, who hold their offices for four years. One of them is elected, and one goes out of office, every year. When any offense against the laws is committed, the person known or suspected to have done it is brought before one of the above named officers for examination. If on such examination it appears that there is probable cause to believe the accused guilty, the magistrate either commits him to jail for trial, or holds him on sufficient bail to appear and answer, giving the district attorney for his county a copy of his proceedings. In some minor offenses, including petit larceny, the prisoner, instead of having the case go through the ordinary forms of indictment and trial, may elect to be tried by a court held by a justice of the peace with a jury, called a court of special sessions. No offense can be tried by this court which is punishable by a fine greater in amount than fifty dollars, or by imprisonment for a longer period than six months. A conviction before this court may be reviewed on *certiorari* by the court of sessions, to be hereafter described.

Such are the criminal courts of lowest grade in the rural districts. In the principal cities there are officers called police justices, who perform in their respective localities the duties which are performed in the country by justices of the peace. When a sentence is pronounced by a court of special sessions, a record of the conviction must be filed by the justice in the office of the county clerk.

An officer called the county judge is elected by the qualified voters of

each county, and holds his office for the term of four years. Two associates to sit with him, called "justices of sessions," are chosen annually by the electors of the county. The persons so chosen must hold the office of justice of the peace for the time being. Each elector can vote for only one justice, and the two persons having the highest number of votes are justices of sessions for the year. In case of the death or disability of any justice of the sessions, the county judge may designate any justice of the peace to fill the vacancy; but such appointment does not extend beyond the term of the court for which it is made. The county judge and his associates hold what is called the court of sessions. This court has a grand and petit jury, and may try all cases not punishable with death or imprisonment in the State prison for life. It may also award upon *certiorari* all convictions had in the courts of special sessions. The court of sessions is a court of record; that of special sessions

of the counties three terms of the court of sessions are held annually, but in some of the more populous counties terms are held more frequently. In the city and county of New York there is no court of sessions, but in its place there is a court of general sessions. It is the court of the recorder of the city and of the city judge to hold this court during the month by month. Its jurisdiction extends to all crimes committed in the city. Its convictions for capital crimes, as well as those punishable with a term of imprisonment, by imprisonment for life, may be brought by writ of error with a stay of proceedings, as a matter of right, before the court of oyer and terminer, or court of appeals. A new trial may be ordered by the court of oyer and terminer, or court of appeals, or by the court of the State court, when satisfied that the verdict was against the weight of the evidence, or against law, or that justice requires a new trial. The State of New York, as already mentioned, is divided into eight judicial districts. Each of these districts has within it a branch of the court of the recorder of the city and county of New York, and a branch of the supreme court, consisting of four judges. The judges are elected by the qualified voters of the district, and hold their offices for eight years. They are so classified that one goes out of office in each district every two years.

Each of the justices of the supreme court, with the county judge and the justices of sessions, holds the court of oyer and terminer for the county. In general, three terms of this court are held annually in each county, though in some of the smaller counties the terms are less, and in some of the larger ones more, numerous. The court of oyer and terminer can try all criminal cases whatsoever that are presented by its grand jury. In practice, however, it is quite usual for this court to remit to the court of sessions, or of general sessions in the city and county of New York, most cases in which the latter has concurrent jurisdiction with itself.

Convictions in the courts of oyer and terminer, of sessions and of general sessions, may be reviewed upon writs of error or of *certiorari*.

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as the case may be, in the supreme court of their judicial district sitting in bank.

The highest tribunal in the State is the court of appeals. It is composed of eight judges. Four of them are elected by the qualified voters of the whole State, and hold office eight years. They are so classified that one of them goes out of office every two years. The other four judges of the court of appeals are selected from the justices of the supreme court who have the shortest time to serve. Questions of law arising out of the administration of criminal justice may be reviewed in this court on writ of error, except that when the case is tried in the general sessions of the city and county of New York the rules previously mentioned are observed. When such questions are decided in the court of last resort, the cases out of which they have grown are remitted for final judgment to the court from which they came.

Every town in the State elects annually one supervisor. The supervisors of each county form a sort of county legislature, called the board of supervisors. It is the duty of this board to select annually 300 good and approved persons, to serve on grand juries. This list must be certified by the clerk of the board, and filed in the office of the county clerk. The county clerk writes each name, thus certified, on a separate slip of paper, which is so rolled or folded as to conceal the name. The names are then deposited in a box. Before courts are held, the county clerk, in the presence of the sheriff and county judge, draws twenty-four names to serve as grand jurors. A list of these names is made out, certified by the county clerk, and delivered to the sheriff. This officer is bound to give personal notice to each juror, so drawn, at least six days prior to the sitting of the court. Not less than sixteen nor more than twenty-three persons, can be sworn as grand jurors for the term. The court appoints the foreman of the grand jury; but the body itself appoints its clerk, who must be one of its own members. The powers and duties of grand jurors in New York are identical, or nearly so, with those of the grand inquest in England.

The supervisor, town clerk, and assessor of the several towns constitute a board, in each, to select persons to serve as petit jurors. Such persons must be residents of the town for which they are chosen, and must be not less than twenty-one nor more than sixty years of age. They must be assessed for personal property to the value of \$250, or of real estate in their own right, or in right of their wives, to the value of \$150. They must be in possession of their natural faculties, not infirm or decrepit, and of good information and fair character. Duplicate lists of the persons so selected must be made, one of which is to be delivered to the town clerk and the other to the county clerk, both verified by the signatures of the town board. The county clerk writes on separate slips of paper the names thus furnished him from every town in the county; each particular slip, as in the case of grand jurors, being rolled or folded in such a way as to conceal the name within it.

Two weeks previous to the sitting of any criminal court, the names of thirty-six petit jurors to attend such court, must be drawn. Six days' notice of the drawing must be given by the county clerk, either by publication in a newspaper, or by posting the fact in some public place. The sheriff and county judge must be present at the drawing, and the jurors drawn must be notified in the same way as grand jurors. The petit jurors select their own foreman.

A district attorney (public prosecutor) is elected by the qualified voters of each county, and holds office for three years. He must, as a matter of course, be a counselor of the supreme court. This officer is the main agent for putting the whole machinery of the criminal law in operation. If he follows up the case of parties accused of crime, with vigor and skill, the guilty are convicted and punished. If he is lax or unskillful in his efforts, they go free. If he is easy or indifferent, the worst of criminals give straw bail, and escape punishment. If he does not carefully gather up the scattered threads of truth, and skillfully weave them into a web of demonstration, juries either acquit or fail to agree. In a word, our criminal system is good or bad, effective in bringing criminals to justice or otherwise, just in proportion as this officer is alert, energetic and faithful, or drowsy, sluggish, and negligent.

The district attorney has access to the grand jury at all times. He draws their bills of indictment, solves their legal doubts, and subpoenas the witnesses whom they wish to examine. If the grand jury does not indict, and no one appears to prosecute after proclamation made in open court, he moves for the discharge of the prisoner from custody. If he is satisfied that there is not evidence enough to convict, he moves for a *nolle prosequi*, and sometimes on grounds other than that stated above. This motion is necessary in our courts, owing to a statutory provision that a *nolle prosequi* cannot be entered without the leave of the court, recorded in its minutes. Our practice is thus seen to differ from that of the English courts, where if I mistake not, the public prosecutor can enter a *nolle prosequi* of his own motion, and without permission from the court. The motion for leave to enter a *nolle prosequi* is granted by courts almost invariably, their assent being well nigh a matter of form. In respect to bail, the district attorney is, practically, the sole judge, though nominally bail is accepted by the court. Courts are governed, almost wholly, by his judgment, with regard both to its amount and its sufficiency.

In important criminal cases the Governor of the State may send the Attorney General to manage the same in any county. In such cases the Attorney General acts as the senior counsel, and the district attorney as the junior counsel. In all criminal trials, the prosecuting attorney has heretofore made, and still makes, the closing argument. There is, however, now pending before the Legislature, a bill giving the closing argument to the counsel for the prisoner. What the probabilities are as to

this bill becoming a law, I have no means of knowing. For myself, I am inclined to think that the principle of the bill is right.

A sheriff is elected in each county by the people of the county, and holds his office for three years. He is not immediately re-eligible. The powers and duties of sheriffs in New York are so similar to those of the same officers in England, that it is hardly worth while to enumerate them. In each of our towns four, and in some of the larger ones more than four constables are elected by the qualified voters.

Four coroners are chosen in each county to serve for four years. They are so classified that one goes out of office every year. Their powers and duties are, in general, the same as those of coroners in England; but their powers differ in this, that they can summon a jury and take testimony in the case of a person dangerously wounded and not yet dead.

Any offense in New York punishable by death, or imprisonment in a State prison, is, in law, a felony; any offense less than a felony is a misdemeanor.

The boards of supervisors in each county build the jails, keep them in repair, regulate their expenses and maintain a general supervision over them. The expense of the jails is a charge upon the county. The sheriff is the legal custodian of all prisoners confined in them.

Five of the counties have, under authority conferred by special acts of the Legislature, erected prisons called workhouses or penitentiaries. These are governed by local boards. In two of the judicial districts, females convicted of felonies receive their punishment in these prisons; with this exception, only persons convicted of misdemeanors are imprisoned in them under State authority. I say "under State authority," for in one of them—the Albany County Penitentiary—numerous United States prisoners, of every degree of criminality, by special agreement of the Government with the local authorities, are undergoing their sentences of punishment.

All persons, restrained of their liberty, may sue out a writ of *habeas corpus*, except persons detained under process by the courts of the United States, or those detained by the final judgment of some competent tribunal. Should a judge or court refuse to grant this writ, when legally applied for, the judge and every member of the court, so refusing, would severally forfeit to the party aggrieved \$1,000.

You refer to what you call the "quasi pardoning power" exercised by our public prosecutors in commuting the offense for which a prisoner has been committed to a lesser offense for which, on a permitted plea of guilty, he receives a sentence; and you inquire whether this power is legally exercised or usurped. Perhaps there was some want of clearness in the statements of the annual report on this subject. In strictness, it is the court, and not the public prosecutor, that exercises this power. The attorney says, in substance, to the court: "In the case of the prisoner to be tried, it is doubtful whether the proof is sufficient to convict him of the crime charged, but he is willing to plead to a lower

degree of the same offense." The court responds by authorizing the acceptance of the plea. This is a power with which the court is clothed by the law, and is not a usurpation. But courts generally act upon the representation of the district attorney; though there are courts which utterly refuse to accept a plea for any offense less than that for which the party stands indicted.

You further say: "I am almost led to suppose that in the examinations which precede commitments, the depositions are either not reduced to writing or not recorded with a permanent officer, like our clerk of the peace. Am I correct in this notion?" The examinations referred to are made by justices of the peace in the towns and by police justices in the cities. The depositions are reduced to writing and signed by the witnesses respectively. All such depositions are required to be certified by the magistrate taking them to the court at which the witnesses are bound to appear. On refusal or neglect by the magistrate to comply with this requirement, he may be compelled to do so by rule of court, which, if he disobeys, he may be committed for contempt. Such is the law. As you will perceive, it is sufficiently stringent, but there is too much laxity in its administration.

You refer to the complaint made in our annual report of the small number of reformatories in our State, and ask whether New York is less endowed with such institutions than her sister States. She is as well supplied with them as other States, better than most others, except Massachusetts.

I pray you to be assured that candid and friendly criticisms, which, I am sure, are the only ones you are capable of making, will never give offense to the Prison Association of New York. On the contrary, we invite such criticisms and are thankful for them.

Apologizing for the length of this communication, and still more for its imperfections,

I have the honor to be, my dear sir,

Always, respectfully, faithfully,

Your friend and servant,

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

*N. Y. Prison Association.*

HON. MATTHEW DAVENPORT HILL,  
HEATH HOUSE, STAPLETON, BRISTOL, ENGLAND. }

P. S.—I ought to add that I submitted the draft of this letter to my friend, Theodore W. Dwight, Esq., LL. D., Chairman of our Executive Committee, and head of the Law Department of Columbia College, to whom I am indebted for the correction of some errors into which I had, perhaps not unaturally, fallen, as not being a member of the legal profession. Dr. D. bids me say that if you should desire further information in reference to the administration of criminal justice in New York, he will take pleasure in meeting your wishes as far as he may be able.

E. C. W.

(J.)

## REPORT ON COMMON JAILS AND THE ADMINISTRATION OF CRIMINAL JUSTICE.

[The Executive Committee, without committing themselves to every position taken in the following report of their special committee, have no hesitation in commending it to the Legislature and the public as a paper of more than common interest, and as containing disclosures and recommendations worthy of their earnest attention and study.]

The undersigned, a committee appointed to visit common jails and inquire into the administration of criminal justice in our State, ask leave respectfully to report:

### I. OBSTACLES TO THE COLLECTION OF INFORMATION.

It is the general practice in the counties of this State for the jailor to purchase with his own money the book used for keeping the jail records. It is, therefore, his private property, and he is accustomed to carry it away with him on the expiration of his official term. As a very considerable number of these officers commenced their terms of service on the 1st of January last, we could find no records prior to that time. Although in all cases where it was practicable we sought the ex-sheriffs, we could rarely obtain a sight of the record. It had usually been lost or destroyed, or converted into a scrap book by his children, or had disappeared in some way. In several jails there are no records whatever kept, and in such cases the commitments are commonly destroyed at the end of the year. In others, the names of the offenders are registered, but their crimes are not stated, nor is any record kept of the mode of their discharge. In the county of Monroe, for instance, 691 commitments purport to be for "further examination." These cases embraced a great variety of crimes, but as the committing magistrate did not specify the crime for which he was held, the jailor had no official knowledge of it, and therefore could not or did not spread it upon the record.

It seems very desirable that exact and reliable information of the commitments to our jails and their causes should be annually laid before the Legislature and the people. It is only by a clear understanding of the tendencies of crime from year to year, as disclosed by these reports, that the Legislature can make adequate provision for checking it, or the people be warned to exercise those measures of precaution which are best calculated to baffle the arts of the criminal population.

If, therefore, our tabulated records are imperfect, it is from no want of time, expense or effort on our part to secure a different result, but

because the desired information was impossible to be obtained. The draught of a bill is herewith submitted to the Legislature, which, if it meet their approval and is enacted into a law, will enable us to preserve accurate statements respecting crimes and their punishments in our future reports.

## II. COMPARISON OF CRIME WITH FORMER YEARS.

Owing to the causes above mentioned we have the statistics of twenty jails less than were given last year. Deducting the number of commitments to these twenty jails from the aggregate of last year, it would appear that the number of committals is about 4,000 less in 1864 than in 1863. This apparent diminution is, however, accounted for by the diminished number of persons committed for desertion from the army and for intoxication, leaving still a very considerable increase of committals for serious crimes. The diminished number committed for intoxication does not indicate any decrease of that vice in the community. The reverse of this is, unhappily, the truth. All the county authorities assert that intemperance is increasing. The diminished number of committals for intoxication is owing to the fact that those who have money to pay are now fined without imprisonment, while those who cannot pay a fine are rarely molested, since their imprisonment increases the burthens of the tax-payers, without any perceptible advantage either to the drunkard or the community.

The increase of female crime within the past twenty years is one of the most noticeable and alarming facts in our criminal history. Twenty years ago the ratio of females to males was as 1 to 12; in 1863 the rate was 1 to 2.59; in 1864 as 1 to 2.55. In the city of New York the number of commitments of females to the tombs (first district prison) exceed the males by 1,609. We refrain from all comment on those facts. The bare statement of them ought to be sufficient to awaken the most serious thoughts in the minds of all reflecting persons.

## III. DISCHARGES.

It will be observed that our tables of discharges are singularly incomplete; they show the final disposition of the committed persons in but very few cases. In many cases, where the record of commitments is correctly kept, the mode of discharge is not noted upon the books; even where the jailer desired to give the information, it has not been in his power to do so. Great numbers of prisoners are committed to jail for further examination, and are so entered upon the books. When a police officer comes for them, they are given up to him by the jailer. This is done in many cases without any written order, and simply on his own verbal demand; and this is the last the jailer hears of the prisoner. In Albany 723 prisoners are recorded as having been discharged by justices, and in ways not stated; in Buffalo, 2,104; in Rochester, 806; and in Troy, 3,855. In these four counties 7,488 persons were thus discharged. It is clear that this is too loose and irregular a method to be

tolerated in communities where personal liberty and the strict administration of justice are held in respect. Whenever a prisoner is discharged by a magistrate, the magistrate should make a return to the jailer, showing the fact and the reason for it, which should be duly entered on the jail books. By the present system, it is in the power of police officers to set persons at liberty without the authority or even the knowledge of the justice or the jailer. We would not, without ample proof, bring charges against a body of men who in general are so deserving and so worthy of confidence as the police officers of our cities. We have no proper evidence that any of these officers have suffered these men to depart out of custody illegally; but we ought not to conceal the fact that such charges have been made. We have been told, again and again, by prisoners that, after having been taken to a justice for examination and been by him remanded to jail, they have been allowed to go free between the police office and the jail, on the payment of a fee to the officer.

Whether this acceptance of money for malfeasance in office is true or not, it is plain that the usual practice offers great facilities for it and great temptation to it, which should be removed by a change in the law.

## IV. INTERNAL CONDITION OF THE JAILS.

### *Increased Turbulence of the Prisoners.*

The past year has been characterised by greater turbulence among the prisoners and by more violent assaults upon jailers than perhaps any that has ever preceded it. The jailer of Columbia county was severely assaulted and left for dead by some escaping prisoners, but he has since recovered. The jailer at Rome, in Oneida county, was also severely injured by a blow upon the head, inflicted by a prisoner. A very dangerous conspiracy was formed in the jail of Genesee, Livingston county, last summer, to murder the jailer and his family. There were nineteen prisoners in confinement at the time, nine of whom were charged with serious crimes. They ascertained that the sheriff was going to take a prisoner to the penitentiary at Rochester on a certain day. A man named Wilson, a desperate burglar and murderer, who has since been executed, had managed to procure a razor, which he secreted in the lining of his boots. Whenever the sheriff is absent his son is accustomed to lock up the prisoners in the evening. The mother always locks the outer door behind him, and when he has finished his task he raps upon the door and puts his finger, on which he wears a signet ring, through an opening in the door. When she sees the finger she infers that all is right, and unlocks the door. The prisoners, under the leadership of Wilson, intended to rush simultaneously upon the young man and kill him. They would then carry his body to the door and thrust the finger through the opening. When his mother would open, they would rush out in a body, and either kill the mother and daughter, or lock them up in the jail, as might be found most convenient at the time. They calcu-

lated that this plan would give them several hours start before the escape was discovered. The scheme was fortunately frustrated by the disclosure of one of the prisoners, who revealed it to the sheriff.

Forty-seven prisoners escaped from seventeen jails last year. There are few jails where escapes were not attempted, and assaults were committed on jailers in more than one-half the jails of the State.

This increased turbulence of the prisoners is perhaps partly attributable to the unusual number of bounty jumpers in confinement, who are well known to be a most dangerous and unprincipled class of men; but this will not account for all of it. We cannot doubt that there is a real increase of malignity among criminals, which calls for such architectural alterations in the jails as will afford additional protection to jailers and increased security against the attempts of criminals to escape.

#### *Employment.*

We have nothing to change from the report of last year respecting the employment of prisoners. In no one of the jails is any regular, profitable employment provided for them. Their whole time is still passed in idleness, and all the evil consequences continue to flow from it which were described in last year's report.

#### *Moral and Religious Culture.*

Few of the jails are supplied with a Bible for each cell, as required by law. There are one or more Bibles in about half the jails; in the remainder none are to be found. It is indeed difficult to keep up the supply, as the prisoners tear and otherwise mutilate or destroy them. The American Bible Society instructed its agents throughout the State to look somewhat into the need of Bibles in the jails, for which our gratitude is due and very sincerely given to that noble and most useful society. There are some libraries in three of the jails of the State which have been furnished by private benevolence. There is no provision of this kind in any of the others. The counties of Albany and Monroe still provide chaplains for their jails. In Rensselaer county, where they have hitherto had preaching, it has now been discontinued. Rev. W. Waters, assisted by H. H. Reynolds, one of our local committee, still continue to hold a weekly service in the jail of Ulster county. Their labors are wholly without compensation, and are believed to have accomplished much good.

There has been a decided and most gratifying increase of individual effort for the improvement of the prisoners during the past year. Many of our local committees have exerted themselves very earnestly and steadily for the instruction and encouragement of the tenants of the jails; and several instances of apparent good, especially among those who were committed for the first time, have been reported to us. Several young persons have also, through the agency of these committees, been provided with employment, and thus have been delivered from the evil

influence of their former companions. We feel greatly encouraged by these drawings of success which have attended the labors of our associates in the several counties, and sincerely hope that it is but the harbinger of still greater good.

Mr. Z. Stiles Ely, of New York, still sends a supply of the *American Messenger* to all the county jails, as well as all other prisons in the State. These papers are almost everywhere welcomed by the prisoners, are eagerly read, and no doubt do much good.

We know of instances in the State where the food is insufficient in amount or inferior in quality. In a few counties we have thought that it was too good, and that the tendency of this was to make a residence in the jail rather desirable than otherwise during the winter months. It is contrary to the true policy of the State to make the living in jails better than that which can be obtained by the virtuous and laboring poor. The practice is increasing of giving to each prisoner a raw onion every other day. This is found to improve the health of the prisoners. Every year we find more and more of the jailers adopting this practice, and we have no doubt that it will soon become general, if not universal.

#### *Sanitary Condition.*

Forty-six deaths have occurred in the jails of the State. One of these was by suicide, and one from the effects of wounds received from an officer who was violently resisted by him. The rest were mostly old persons, who died of diseases contracted before entering the jail. We could not find, after careful examination, that any death had occurred from diseases contracted within the jail walls. There has been very little disease of any kind. When fevers have prevailed, the cases have been fewer within the jail than without. The most common diseases have been venereal, delirium tremens, rheumatism, dysentery and diarrhoea.

This exemption from disease and death is really wonderful, in view of the total want of ventilation, which disgraces the great majority of our jails. In some of the more crowded jails, the odor in the cells is almost intolerable. In Albany, for example, where the cells contain only one hundred and ninety-six cubic feet of air, two, and sometimes three prisoners, are confined night and day. In several counties the jails are wholly or partially under ground, as in Warren, Jefferson and Orange. In nearly all, night tubs diffuse a nauseous odor through the cells, and in others the imperfect drainage causes a disagreeable smell to fill the whole air. Many of the jails are damp and otherwise unpropitious to health. Under these circumstances, we can only attribute the general exemption from disease, enjoyed by the jails, to the fact that most of the prisoners live, ordinarily, in such filth and in such a poisonous atmosphere, that the jail, bad as it is, is so much better than what they have been accustomed to, that it is relatively healthful, and they improve rather than deteriorate under its influence. The increasing tendency to

violence among prisoners will naturally lead to their more rigorous confinement to their cells; in this case increased ventilation will become a measure of absolute necessity. We would recommend to the authorities of such counties as are convinced of the necessity of better ventilation, to examine some of the station houses of the city of New York, which have been effectually purified under adverse circumstances, by Mr. J. H. Keyser. We visited them in the evening, when filled with lodgers, and found them far superior to any jails in the rural districts. The mode of ventilation introduced by Mr. Keyser, besides being effectual, has the merit of being cheap and easily managed by unskilled attendants.

#### *Cleanliness.*

There is much difference among the jails of the State in respect to cleanliness. Those, for example, of Albany, Onondaga and Chemung, are kept with the most scrupulous neatness; others are less cleanly; but we did not see one that was offensively dirty; not one that was in this regard, deserving of severe censure. All of them are better than the dwellings of a majority of the prisoners. We believe the only jails that are provided with baths for washing the whole person, are those of Albany and Erie. In the former, this convenience has been added during the past year.

#### *Discipline.*

Very little of what can be properly called discipline, is exerted in any of our jails. Their keepers, as a general rule, are quite satisfied that they have done their duty, if they keep safely the bodies of the persons committed to their custody. When prisoners are unusually noisy or quarrelsome, they are chained to the floor, or locked in their cells or in a dungeon. We do not remember a single instance of the deprivation of food or bedding. In one case a bad boy was whipped. Of these forms of punishment, the first named—chaining—is by far the most common. But instances of punishment are very rare in any of the jails; and in more than one half of them there are no punishments inflicted. We have often, in these reports, expressed the opinion that much good might be done by wisely directed means of instruction. But this presupposes, not only that the jailer shall have a genuine sympathy with the prisoner, but that he be acquainted with the methods of making that sympathy operate intelligently for the reformation of the prisoner. We will not say that there are none, but we are certainly correct in saying there are very few of the keepers of our jails who possess this knowledge. Probably no sheriff in the State ever thought of such a qualification in making the appointment of a turnkey. If ever a real discipline is introduced, the right men must be conscientiously sought for, and when found, permanently continued in office.

#### *Separation of Sexes.*

We refer to our report of last year, for a portraiture of the condition of our jails in respect to the relations of the sexes in them. We have

only to repeat, as we do with unfeigned pleasure, that the jail of Montgomery county has been so altered during the past year, that no intercourse between the sexes is now possible. The other jails remain in this respect, the same as they were last year.

#### *Classification.*

We have already stated, that owing to the turbulence of prisoners, and their frequent assaults on their keepers, many of the jailers have resorted to the practice, which has heretofore been very unusual in this State, of locking the prisoners in the cells both day and night. We think that a real good has thus come out of evil. This Association has always held the doctrine, that for common jails, where the term of imprisonment is usually short, complete isolation of the prisoners is imperatively demanded by every consideration of justice and humanity. Only in this way can the corrupting intercourse of the jail be avoided. Jailers have been led to adopt the course with a view to their own safety, and not from any theoretical ideas of reform, but we trust that its good effects will be so apparent that they will be induced to continue the practice, even after the necessity for it shall have passed away.

#### *Security.*

Forty-six prisoners have escaped from the jails during the past year; of these, four escaped through the privy; one through the ventilator of the privy; one through the ventilator of the corridor; one by connivance of officer; thirteen by carelessness of the turnkey; eight by sawing through the gratings of the windows; nine by knocking down the jailer on entering the outer door; three by climbing wall of jail yard; two by burning through the jail wall with a hot iron; five by false keys; one by sawing through the bars of doors; one by breaking outer door with a saw. All these escapes would have been prevented, if the advice given to jailers in our last report had been observed. The most important of these alterations can be made at so small an expense, that it is really wonderful they have not been adopted.

We recommend to the Association that it take measures to procure the engraving of a series of plans for jails, which shall exhibit the most approved methods of ventilation, lighting and warming, and also the means of attaining the utmost possible security. There should also be drawn up clear and explicit instructions to jailers with respect to their duties and obligations. Such a volume in a convenient form would be of the greatest possible advantage, if distributed to every jail in the State and kept there as a part of its permanent library.

#### V. CRIMINAL ADMINISTRATION.

In our report for last year we called the attention of the Association and of the Legislature, to the laxity of the criminal administration in this State, as evinced by the large number of persons indicted who were



never tried, many of them being discharged on bail and not appearing when summoned for trial. In most cases the bail is never collected, and instances are known where the same person has repeated criminal acts, running through successive years, without having been in jail two hours at a time during the whole course of his transgressions.

An inspection of the tables, forming part of this report, will show that there has been little improvement in this respect during the past year. Thus, 102 indictments were found in the county of Albany; of these only 11 were tried and five convicted; 20 confessed their guilt; the remainder of the persons indicted were allowed to go out on bail. One hundred and three bail bonds were estreated, amounting to \$30,000; but not a dollar of this amount has been collected; nor, indeed, has an item of forfeited bail been paid into the county treasury in ten years. In the county of Erie the criminal administration is more stringent; there were 312 indictments; 114 were tried; and 100 confessed their guilt. Sixty-two persons forfeited their recognizances, amounting to \$18,600; but no part of the forfeiture was collected. One hundred and twenty-six indictments were found in Rensselaer county; 20 of these cases were tried; 10 were convicted; 26 confessed their guilt; 54 forfeited their recognizances, amounting to \$43,200; none of which were collected. In Saratoga county 67 persons were indicted; seven were tried; and eight confessed their guilt; 32 forfeited their bail, amounting to \$7,000; and none of the money was collected.

The results in these counties are fair samples of the course of criminal procedure in the whole State. It will be seen that only 25 per cent of those who were indicted were tried; 18 per cent were convicted on trial; 25 per cent confessed their guilt; 41 per cent forfeited their recognizances, amounting in the aggregate to \$98,800; not one penny of which was recovered.

The alarming result of last year's examinations induced us to institute still closer investigations the present year, with a view of ascertaining the effect of the system upon the security of society, as well as on the character and habits of criminals.

The result of these examinations leaves no room to doubt that the increase of crime in the State, of which we have spoken under another head, is, in no small degree, due to this cause.

The criminal population of the State fully understand that there are loop holes in the administration of the law, through which they can escape from the penalties of their crimes. This knowledge emboldens them to multiply their depredations upon society, and constantly swell their ranks with new recruits.

A survey of the State this year shows that there is a strong and increasing tendency of crime to crystalize, if we may so say, into aggregates and masses. Men, more rarely now than formerly, commit robberies and burglaries alone. They operate extensively in groups. Some gangs are confined to single towns; others extend their operations over

a whole county; others, still, embrace several counties; while the tendency is for individual gangs to affiliate with and reciprocally assist and receive assistance from all the others in the State. This tendency to aggregation is apparent in our larger cities as well as in the rural districts. Through the agency of these affiliated societies of thieves, property once stolen is passed rapidly from hand to hand, until it becomes almost impossible to trace it, or, if it is discovered, the original deprecators cannot be ascertained, and therefore go unwhipped of justice. If this tendency to aggregation and organization continues to increase for the future as it has done for a few years past, we shall soon have organized bands of associated deprecators in all the counties of the State, whose members will be known to each other by secret grips, passwords and other signs, who will mutually assist each other in disposing of their plunder, in baffling arrest, in escaping from jail, or in procuring bail which will effect their release from custody.

We had, from more than one quarter, proof offered to us which, though it might not perhaps be deemed sufficient in a court of justice, was quite enough to convince our minds of the entire truth of this statement. The great importance of this subject makes it proper that we should illustrate it somewhat more in detail.

There is a family residing in Oneida county who, according to common fame, have followed the profession of thieving for nearly twenty years. They have grown rich by their unlawful practices. Their children are educated in the best and most expensive seminaries. They dress genteelly, their manners are somewhat polished, and they appear tolerably well in society. Their operations are carried on through the counties of Oneida, Oswego, Otsego, Madison, Chenango, Schoharie, Delaware and Sullivan. They have numerous well trained confederates in all those counties, who are ready by day or by night, at a moment's warning, to ride off in any direction for the sake of plunder, or for the concealment or protection of associates who are in danger of falling into the meshes of the law. These men have been indicted times without number in the above mentioned counties, but none of them have ever been convicted, nor have any of them ever been in jail for a longer time than was sufficient for a bondsman to arrive at the prison. It is generally believed that there are farmers, apparently respectable, who belong to the gang and share in its profits. Whether this be so or not, it is certain that whenever bail is needed, any required number of substantial farmers will come forward and sign their bonds, without regard to the amount of the penalty. These men, as might be supposed, exert a great political influence, and it is well understood that they are always ready to reward their friends and punish their enemies, both in primary conventions and at the polls. Although, as we have said, they have been repeatedly indicted, yet the number of their indictments bears but a small ratio to the number of their depredations. It usually happens that

any one who is particularly active in bringing any of the gang to justice has his barn or dwelling soon after burned, or his horses are missing from the stable, or his sheep or cattle from the pasture. These things have happened so often that people are careful how they intermeddle in the matter of seeking to bring them to justice. If a person so intermeddling happens to have a mortgage on his property, it is apt to be very soon foreclosed. If he has political aspirations, thousands of unseen obstacles interpose to prevent the fulfillment of his hopes. If he is a trader his custom falls off. If he is a physician, malpractice is imputed to him, or other malicious stories are circulated to his discredit; and at length matters come to such a pass that his only recourse is to leave the county. All who make themselves conspicuous as their opponents, are in some way made to feel the effect of a thousand blighting and malign influences, which paralyze their energies and blast their hopes of success. Although the law has been powerless when exerted against the gang, they have been in the habit of using its energies with great effect against those who stood in their path. We were told, with great circumstantiality, by men worthy of all confidence, of numerous instances where the forms of law were used to punish innocence and shield robbery under their skillful manipulations. We content ourselves with a single example, which may be taken as a specimen of the rest, and which we select from the mass, because some of the facts belonging to it came under our personal observation.

We found in the jail at Pulaski, the half-shire town of Oswego county, a man and his wife who had been confined there for eighteen months, on a charge of grand larceny. The man was evidently a quite inoffensive person, a member of the Methodist church, and a class leader in it. He was in good repute among his neighbors, and no one of them gave any credence to the story of his guilt. The wife was a more energetic person, and although there is no proof that she was ever actually connected with the gang, yet it is believed that she was quite willing to conceal their secrets, so far as they might have been entrusted to her. Some time before her arrest, one of the gang ran off with her daughter, and neither he nor his associates would let her know where her child was concealed. This greatly enraged her, and she began to let out the secrets of the organization, and to threaten vengeance against them. She was repeatedly warned to desist, and menaced with punishment if she continued to operate against them; but she paid no attention to their threats, and continued her hostile action. One evening, just at dusk, a Jew peddler came in with his pack and requested her to let him stay all night. She assented, proposing to him to leave his pack in the front room, while they went into a rear apartment to get supper. They sat in the room until bed time, and the peddler, in his affidavit, distinctly declares that she was never once out of his sight. When he was ready to retire, she lighted a candle for him, but before going to bed, he went into the front room to look at his pack, when, to his consternation, he

found that it was gone. The next morning he entered a complaint before a justice, who was himself generally believed to be connected with the gang, against the couple at whose house he had lodged; and, although the complainant swore that the woman was never out of his sight from the time he left the pack in the front room until he discovered that it was lost, and the husband proved, or offered to prove, that he was at a Methodist meeting during the whole time that the peddler was in his house, yet the justice committed them for trial. A respectable farmer now came forward and offered to be their bail, and was accepted by the magistrate. He told the woman, at the same time, that if she would say no more about the gang and their affairs, she would hear no more about the larceny charge. But she was smarting so severely about the loss of her daughter that she could not restrain her propensity to talk, and frequently gave information which was adverse to the interests of the parties who she believed were keeping her daughter in concealment. When the bondsman found that she would not keep quiet, he surrendered both her and her husband, and they were then committed to jail, where they had remained up to the time of our visit. Their cases had been put over from court to court on account, it was alleged, of the absence of material witnesses for the prosecution. It was generally believed in the neighborhood that they would be kept there, on one pretense or another, just as long as it suited the interests of their prosecutors.

Last summer, one of the constables of Madison county had been very active in tracing out their operations, and they determined to give him a lesson. They procured a warrant from a justice, supposed to be devoted to their interests, who deputed two of the gang to convey him to jail, as special constables. It was not convenient for them, (such at least was the pretense) to convey him to the prison immediately; so they were taking him to their own home, to be kept there until it should suit their purpose to carry him to the jail. Their route lay through the village of Hamilton, where the constable was well known, and when the citizens saw him in the custody of two members of the rogues' gang, instead of their being in his, it awakened a very lively curiosity in their minds. On being interrogated, they produced the warrant, which appeared regular on its face, and the citizens did not attempt to resist it; but they insisted that the prisoner should be taken directly to the jail, or otherwise they would forcibly release him. Finding that they were in earnest, the special constables finally yielded the point, and carried him to the jail. Five citizens of Hamilton made themselves especially conspicuous in the matter. Before a month had elapsed, the barns of all of them were burned, and two of them lost valuable horses, which were stolen in the night. This last outrage roused the people of the vicinity into action. They knew, from long experience, that they could obtain no redress through the tardy processes of the law, against the men who had for so long a time successfully resisted its action, and they resolved to take the law into their own hands, and administer

punishment to the offenders. Disguising themselves effectually, they went at night to the house of the ringleaders; set fire to the barn; killed one of them outright; wounded another severely; and finally, set fire to the dwelling house, which, however, was extinguished before any serious damage had been done.

The facts here narrated, have not, it is true, been judicially verified; but we were visiting the county of Madison at the time when this instance of retributive vengeance occurred, and inquired minutely into all the circumstances, of the county officers and of the principal inhabitants, and we entertain no doubt that they are substantially true, as above stated. If there is any doubt about the matter, it will be easy for the Legislature to establish their truth or falsity by a commission or committee of their own body, duly authorized to investigate them.

We do not suppose that any of the gangs of thieves and robbers in other counties are as well organized or as successful as this; but the defects in our criminal administration are tending to this result. The tendency to operate in bands is greater than ever before, and there is reason to fear that each year will add to the perfection of their organization, and consequently to the success of their schemes of depredation.

What can we expect throughout the State, when such organizations shall have been everywhere formed and perfected? Since like causes produce like effects, can we doubt that the inhabitants of other counties will resort to the same remedy of private vengeance which we have seen in Oneida and Madison? The very foundation of society will be broken up, law will be despised, and, as with the Ishmaelites of old, "Every man's hand will be against his neighbor."

The increase of crime, and the tendency to unite and to organize, among the criminal classes, has arisen, in part at least, from the abuse of the bailing system. If they can give acceptable bail, thieves know that they will enjoy a practical immunity from punishment; but this must of course be paid for. Now, it is cheaper for several thieves to unite in the payment of one good bondsman than it is for each thief to pay the whole expense. This, of itself, is a powerful inducement to form themselves into bands, which, while it increases the danger to the community, multiplies their own chances of escape.

Now the question is, how can this tendency be broken up? From what has been said, the answer is plain—the bail bonds must be rigidly enforced. But these bonds will not enforce themselves; nor is it the duty of any one to institute proceedings for their collection, except the district attorney. The reason why he does not enforce them is, that he is paid as much for not collecting them as he would be for collecting them. If he were to receive twenty or thirty per cent of the avails, there is no fear that he would not enforce them. This simple change in the law would revolutionize our whole bail system at once. Crime would be diminished; the tendency to aggregation would be weakened; and

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a wholesome vigor would be infused into our criminal administration, which has been lacking for the last twenty years.

We have already stated that only eighteen per cent of the prisoners indicted, were convicted on trial. This fact, on its very face, shows that there is gross negligence on the part of prosecuting officers.

The average number of convictions in England, from 1846 to 1850, inclusive, was 75 per cent of the commitments for trial, and from 1851 to 1855, inclusive, it was 78 per cent. We have now before us the criminal returns for England and Wales for 1863, from which it appears that, of 20,818 persons committed for trial, 15,179 were convicted and punished, which is about the same proportion as above. Now, it would certainly seem that the great difference of nearly sixty per cent could not exist by any difference of circumstances, and can be accounted for only on the supposition of negligence on the part of those who are charged with the administration of the law. At every term of a criminal court, an order is made putting over a large number of cases to the next term. As explained in our last report, the oyer and terminer sends down its cases to the sessions; and the sessions, in turn, sends its cases back to the oyer and terminer. After this process has gone on for a while, the witnesses are dispersed, and either a *nolle prosequi* is entered, or the prisoners are discharged by order of court. Thus between those who are bailed and run away, and those who are discharged in consequence of the dispersion of the witnesses who might convict them, more than half of our most dangerous criminals elude the arm of justice, and are suffered to run their career without restraint and without punishment.

We do not doubt that the remedy recommended for the cure of the abuse of bail would be equally efficient in this case also, viz, the payment of the district attorney for every conviction he procures, instead of paying him a stated salary as at present. At present, where the district attorney has private practice in the court, for which he is paid, it is natural that he should attend to that in preference to the criminal business for which he is not paid otherwise than by salary. If one class of business must be neglected, the criminal business is sure to be passed over. In view of the danger to persons and property and to the public morality, which is entailed upon us by the present system, we cannot too strongly or too persistently urge upon those who are interested in the matter to effect a change in the law, so that the law officer of the county shall be adequately paid for what he really does, and for nothing else.

Under the existing laws the district attorney, and no one else, is charged with the duty of putting the machinery of the law in operation. It is in his power to wink at offenses, and notwithstanding the indictments of grand juries, the complaints of sufferers, and the urgencies of communities, if he desires to shield an offender, he can do so with impunity, and no one can tell how it was effected. The most acute law-

yers with the most upright intentions often make such errors in drawing indictments, that they are quashed on demurrer; if the district attorney voluntarily makes such an error, who can tell whether it was intentional or not? Who can successfully fasten the charge of corrupt intent upon him? How easy it is for him to leave some latent point unproved, which, when detected by the lynx-eyed counsel for the defendant, is fatal to conviction! He can state that in his opinion the evidence in a given case is insufficient to procure conviction; there is no one to call the statement in question, and the court will, without hesitation, direct a *nolle prosequi* to be entered in the case. He may cause proclamation to be made for prosecutors in open court at the very time when he knows them to be temporarily absent, and the court will not hesitate to order their discharge. It is obvious, since he is clothed with powers so great, that the safety of the law-abiding community depends, not only upon his legal ability, but upon his personal integrity also. The predatory classes know perfectly well that they are in more danger from a stroke of lightning than they are from a conviction, when the district attorney is not resolutely and heartily working to effect it; and they would not hesitate, when closely cornered, to give him a large share or even the whole of their plunder, if they could thereby secure even his indifference to their conviction.

The district attorney is also generally a politician. He has been indebted for his election to the exertions of many individuals who are not enrolled among the saints. He, in most cases, looks forward to future political preferment, and hence he naturally desires to remain on good terms with his old friends, which frame of mind is not altogether propitious to the stern and impartial administration of justice.

We have often heard it asserted by men of veracity that candidates for this office have pledged themselves, in advance, to deal lightly with certain classes of offenses, especially those against the excise laws; and their conduct after election has been exactly what it would have been, if the charge were true. We have also been assured that active politicians have usually been dealt with far more leniently than those who were friendless and without influence. In fact, it is asserted by many observing men, that a really active and influential politician cannot be convicted in some counties of any crime, by any amount of proof that can be adduced.

From all that we have been able to observe for several years past, we are clearly of opinion that if the district attorney received his appointment from the supreme court of the judicial district in which his functions are to be exercised, the law would be administered with much more vigor and purity than it is at present; that more than twice 18 per cent of those who are indicted would be tried and convicted, and that less than 25 per cent would be allowed to plead guilty to crimes of a lesser grade than those with which they were charged in the indictment. We hope that the convention to revise the constitution, which

will probably be ordered next fall, will, on due and calm deliberation, see fit to change the present mode of designating this class of officers.

Before leaving this topic, we desire to guard against an erroneous impression that might arise in some minds. We disclaim all intention of assailing district attorneys as a class. It is the system, and the system alone, that we assail. We know that among our public prosecutors are men as pure, honorable and faithful, as any to be found in the community. All that we allege—and this we do and will insist upon—is, that under the existing organization of this branch of the public service, not only are the facilities for corrupt practices very great, but that, what is far worse, the temptation to connivance at crime, and still more to neglect of official duty, is stronger than any man ought to be subjected to; and hence we plead for such a change in the system as will be likely to diminish the dangers under which our criminal administration is at present laboring.

We called the attention of the Legislature and of the Association last year to the loose way in which the justices of the peace conduct their business. Many of them do not file their records of conviction in the county clerk's office, as they are required to do by law; nor are the fines which they levy and collect paid into the county treasury. There has been no improvement in this respect during the past year, and we again allude to the subject with a view of suggesting some changes in the law relative to these officers, which we believe would be found to work well in practice, and would be likely to remedy many of the evils of which complaint has been made.

Each town has four justices of the peace, which gives between three and four thousand of these officers for the whole State. Formerly the office was coveted by men of standing and position, and was supposed to confer dignity and social elevation upon those who held it. This has long since ceased to be the case. The office is not now sought for, but rather repelled, by men of character and standing. The consequence naturally is that justices of the peace, as a class—undoubtedly with many honorable exceptions—are inferior in character, ability and social rank, to the men who formerly served the community in this capacity. It is even alleged in regard to some, that they seek to promote litigation for the profits which it yields, and that a man's cause is just or otherwise in proportion as he treats them with generosity or the reverse.

We believe it would be an improvement if only one justice were elected in each town. He should be provided with a convenient office, with suitable furniture, to be located at some central point in his jurisdiction. He should be provided with a clerk, and his court should be a court of record. Being the sole magistrate, doing all the business, and receiving all the fees in his town, it would be an object for a better class of men to take the office. A justice would then acquire a better knowledge of the law, and would gain more expertness in the detection of crime;

in a word, he would, we believe, in all respects, become more useful to the community.

There are certain classes of offenses, which are punishable more severely on a second conviction, than they are for the first. Thus, petit larceny, on the second conviction, is punished the same as grand larceny; but there is an almost universal complaint among district attorneys that they cannot prove a second conviction, even when they *know* that the offender has been convicted of petit larceny a dozen times. We have already said that justices in many cases fail to file their records of convictions as required by law, and the absence of such a record is of course an absense of proof. But even when the record is filed, it is so imperfectly drawn that it cannot be used as evidence, and the criminal thus escapes the infliction of the severer punishment due to his perseverance in crime.

If justices' courts were held as above recommended, the clerk might be required to file transcripts of all convictions had before the court on the first day of every month in the county clerk's office, stating in every case whether or not the fine imposed had been paid to the justice. If this information did not appear upon the face of the record, it should be held as *conclusive evidence* that the fine had been paid, and the justice should then be held responsible for it. The fines thus received should be paid over on the first of each month to the county treasurer. At the annual meeting of the board of supervisors, the county treasurer should present a detailed report of all the fines received by him during the year, with the name of the officer from whom he received them, and the names of the parties upon whom they were levied; which report should be published in full in the proceedings of the board. All those who have paid fines could thus see whether they had been duly reported and paid; and any embezzlements would be infallibly detected.

It would seem to be one of the first duties of organized societies to take efficient measures for their own protection. Whenever their peace or the peace of any of their members is interrupted, it ought to be the duty of *some one* to take immediate and efficient measures for the detection and punishment of the disturbers. Such officer should have the control of all the detective forces of the community, and should not relax his efforts until the disturber of the peace is detected and punished.

Unhappily, as we think, there is no provision for this purpose in the laws of the State of New York. If a robbery, or a burglary, or a murder has been committed, it is the business of no particular person to hunt up the offender. If a farmer, on a skenning in the morning, finds a pair of valuable horses or a number of sheep driven off by thieves, he has no one to apply to for aid, unless he purchases it with his own money. It is generally supposed that the sheriff of the county, or the constable of the town, or the nearest magistrate, is bound to seek for the offender. But this is a mistake; it is not so. None of these officers has any more duty to discharge in the matter, than the barber or the

bell-ringer. Neither the sheriff nor the constable can legally move, until he is set in motion by a warrant. The magistrate cannot issue a warrant until complaint is made, and probable cause is shown, that the person complained of is really the offender. But it is the duty of no public officer to institute the inquiries upon which the issue of the warrant must be based, and which really requires the most skill and the greatest expenditure of money of any part of the process.

When the farmer, above alluded to, discovers his loss, he simply sees that the doors of his stable have been forced open, that his horses are gone, and that other property remains. This is all. There is nothing in the appearance of things, which gives him the slightest clue to the discovery of the thief, or the recovery of the property, though there may be much that would afford such clue to an *expert detective*. He probably rides on the most public road to the nearest town, diligently inquiring of every one he meets with for tidings of the missing property. *Disappointed here, he rides round at random, prosecuting his inquiries;* but as these are not intelligently directed, they are, in all probability, fruitless. He soon returns in despair, and gives up his search as useless. If, now, he could at once obtain the services of some official, skilled by natural sagacity and long experience in such investigations, it would, most probably, result in a different issue. Appearances which had no significance for the farmer would be pregnant with meaning to the expert. He would determine, with almost absolute certainty, whether the mischief had been done by skilled or unskilled workmen; whether it had been done hurriedly or leisurely; whether the horses had been ridden or driven away; and many other circumstances would be ascertained and scanned, which would enable him to form a theory of the robbery, and of the direction the thieves had taken. Measures would then be *intelligently set on foot*, which would lead, almost infallibly, to the capture of the thieves, or at least to the recovery of the property.

A single case, which came under our own observation, will illustrate the value of skill and knowledge in the detection of crime. While sitting in the station house of the 4th police precinct, in New York, a man came in from Staten Island, whose house had been robbed. The thief had been pursued without effect, but while running, he was observed to drop a chisel, and to tear up a piece of paper, which he also threw away. Captain Thorne, and a detective who was present, carefully examined the man respecting the mode by which the entrance had been effected, the marks left by the tools, the kind of property taken, and the action and bearing of the thief while running away. After eliciting all the facts that they could obtain, they both agreed that it had been done by a certain gang. When this had been ascertained to their satisfaction, the next thing to be done was to identify the individual or individuals belonging to the said gang, who had committed the robbery. Captain Thorne proceeded to gum over a piece of paper, on which he fitted together the small bits of paper which the thief had thrown away.

This at once disclosed the name of the robber, who was well known to the police as a member of the gang which Captain Thorne and the detective had, from the indications afforded, judged to be the *depredators*. The detective then said that the thief would certainly be found at one of three places which he named. Three policemen were accordingly sent after him, one to each of the places named; and the captain assured us that the sun was not more certain to rise the next morning than that the man would be at the station house. Now, how were the police enabled to fix so readily on the depredators in this case? Simply by their intimate knowledge of their style of working. They knew their marks just as a man knows the handwriting of his correspondent. When they had fixed upon the man who committed the robbery, their knowledge of all his habits enabled them to predict with certainty where he would be found, and to give such exact descriptions of his person as would enable any one who had never seen him to recognize him at a glance.

If this robbery had taken place in the county of Lewis, or Warren, or Wyoming, or indeed any of the rural counties, no detection would have followed, because they have there no men who have made it their business to interpret the phenomena of robbery. There would be no one who had that thorough knowledge of the habits of the criminal population, which would enable him to form a probable opinion as to what disposition the thief would make of the plunder, and to what haunts he would probably resort, so as to give a clue to the recovery of the property, and secure the arrest of the thief.

If, therefore, a man who is robbed in one of the rural counties desires to recover his property, or to have the thief arrested and punished, he can only do so by hiring some expert from a distant city and paying all his expenses. This would amount to a sum perhaps equal to if not greater than his loss. It is, therefore, better for him, in a commercial view, to make no effort in the matter, but to pocket his loss quietly. If a farmer loses a flock of sheep, who is the most interested in the detection of the thief? Is it he who has lost his sheep, or he who has sheep still to lose? Clearly the latter. The farmer has already lost all he can lose; the latter is in constant danger, while the thief is at large; his safety is assured only when he is captured.

We think that the expense of detecting crime should be borne, that justice requires it to be borne, by the whole community, and not by the already impoverished victims. The arrest of a robber is a boon to the whole community, and the community should pay the cost of such arrest. Last fall there was a robbery every night in Lewis county for a month. A universal sense of danger and insecurity settled, like a heavy cloud, over the whole community. At length, four men were arrested, two of whom, being in jail at the time of our visit, we recognized as expert New York thieves, whom we had seen before in the Tombs and on Blackwell's Island. From the moment of the arrest of the depredators, the robberies ceased, and the people felt secure once more. Now we

put it to the common sense of men whether those whose houses had not been yet broken into were not as much interested in their arrest as those on whom their deprecations had already been committed? and if so, whether they should not be made to bear an equal share in the expense of detection?

We think it would be a great improvement in the law, if the sheriff were charged with the duty of detecting the authors of all the crimes committed in the county. When any man suffers from burglars, robbers, or assassins, his only duty should be to enter a complaint to the sheriff, who should then be obliged to resort to all proper and lawful means for the discovery and arrest of offenders. If he is guilty of clear and palpable neglect, and if the thief escapes with his plunder in consequence of such negligence, he should be liable to removal from office by the Governor, and to civil suit by the law.

The sheriff only holds his office for three years. It is not probable that this tenure of office would enable him personally to acquire any very great skill in the detection of crime, or any complete knowledge of the persons, the habits and the haunts of the criminal population. If, however, he is subjected to the strict responsibility suggested above, he will keep always an experienced deputy, who will enable him to avoid the penalties annexed to official misconduct. Such deputy will naturally be retained in office by successive sheriffs, notwithstanding the mutations of parties, just as we see the deputies in the departments at Albany and the heads of bureaus at Washington are retained through many successive administrations of diverse politics, on account of their thorough knowledge and ripe experience.

It cannot be denied that this plan will cause a slight increase of taxation. The necessary expenses of the detection of crime are often considerable. Information must be obtained, even if it has to be paid for liberally. Officers must be in concealment for weeks, and sometimes for months. Long journeys must not unfrequently be made; and in a hundred ways large expenditures will be called for. We were told of a case where a treasury note of the government was counterfeited with consummate skill, and it became a matter of vital importance to obtain the plate from which the counterfeit was printed. One of the most successful detectives was employed to work up the case, who soon found that the cost of securing it would be so great that there was little probability that the treasury would audit his accounts. He therefore told the government that the cost would be so great that he declined to undertake it; but the possession of the plate and the information that its capture would give were so exceedingly important that the detective was authorized to go on with it. He did so; the plate was obtained; all the information sought for was procured, and the counterfeiters and their abettors were captured. But it cost the government one hundred and twenty thousand dollars to accomplish this result. There were regular vouchers for every payment, and each was carefully scrutinized and

verified. There was no doubt whatever that all the expenditures had been made in good faith and with the utmost economy. Doubtless the government felt that the possession of that plate and the knowledge gained were worth all they had cost.

It will be seen, however, that if the taxes are augmented, the actual payments for detective purposes in any county will not probably be increased. On the contrary, if directed by skilled and experienced persons, they will be much less than when they are made by persons who have no professional intelligence to direct them in making the expenditures. The effect of the change will be to throw the burthen from the shoulders of individual sufferers on to the whole body of the community, who are equally interested in the detection of the criminal with the sufferers themselves.

It is certainly possible to conceive that a dishonest sheriff may be elected, who might use this power to embezzle large sums of the public money for his own benefit. In order to guard as much as possible against this contingency, a board might be created by law, consisting of the county judge, the county clerk and the district attorney, whose sanction should be required for all extraordinary expenditures. With this safeguard, it is believed that the proposed measure would add greatly to the security of society. It would diminish the temptations to crime, and in the long run would greatly enrich the community.

If the measure we have proposed is a wise one, it cannot be adopted too soon. We think we do not exaggerate when we say that property in the rural districts was never, in the whole history of the State, so insecure as it is at the present moment.

While we were inspecting the jail at Orleans county, a gentleman left a horse and buggy worth \$800 tied to a post in the village of Albion. When he came out of the bank, they were gone, and no one could tell him where they were. He sent off messengers in several directions, but their search was made without any theory to guide them, and was, of course, unsuccessful. After the lapse of a week, a farmer in the county called upon the loser and advised him to offer a large reward for the recovery of the property. He acceded to the proposal, and as soon as the hand-bills could be printed, they were dispersed in all directions, offering the reward. The next day the farmer who had given him the advice brought the horse and buggy and claimed the reward. He said that a stranger had left it with him to keep, promising to call for it in a few days. The feelings of the loser, when the demand was made and this story was told, were such that, though imagination may conceive, language cannot give them utterance.

During the fall of the present year several very daring burglaries and robberies were committed in Poughkeepsie and other parts of Dutchess county. The policemen of Poughkeepsie bestirred themselves vigorously to find the guilty parties, and incurred considerable expense in making the necessary investigations. When the board of supervisors

met they presented their bills, which were rejected. The board refused to pay them a solitary cent for their services, or even to reimburse them for their actual expenses. On the night preceding our inspection of the jail, the houses of Judges Emott and Barnard were broken open in a very daring manner, and completely stripped of all the gold and silver ware and jewelry that were contained in them. We asked the police what progress had been made in ferreting out the offenders. They said they had made no efforts to learn who the offenders were, nor for the recovery of the property.

A very dangerous counterfeit appeared some time since upon one of the Troy banks. The sheriff received certain information where the plate could be procured. He offered to procure it if the board of supervisors would promise to reimburse his actual expenses in doing so, but they refused.

A most daring burglary had been committed in Troy. The same sheriff ascertained that one of the men engaged in it was hidden in Buffalo. He went there to arrest him, but unfortunately, one of the gang happened to see him in the cars at Rochester, and telegraphed from thence to his confederate in Buffalo. When the sheriff arrived, the bird had flown; no trace of him could be discovered, and the sheriff was compelled to return empty handed. The board of supervisors refused to allow the bill of his actual disbursement, although the journey had been undertaken in perfect good faith, on reliable information, and the capture of the thief would have been made, had it not been for a contingency that no human sagacity could foresee, and for which the sheriff was not responsible.

These facts are cited as specimens of the dealings of boards of supervisors with police officers throughout the State. We can state, from careful inquiries in all the counties of the State, that the boards of supervisors are, as a general rule, inclined to deal with active and enterprising criminal officers in a spirit of such unwise parsimony, that unless there is a speedy change in the system, there will be no effort whatever made by these officers to protect the lives and the property of the people.

The amount of stolen property, recovered by the police of New York and restored to the owners, was verbally stated to us by the property clerk, at the police headquarters, in round numbers, at two millions. We cannot suppose that more than half the property stolen in that city is recovered. If we assume this basis, we shall have four millions of dollars as the amount stolen in New York city in a year. If we suppose that the amount stolen in all the rest of the State is equal to that stolen in New York, we shall have eight millions as the amount of annual loss accruing to the citizens of the State in this way. This is doubtless much under-estimated, but it is sufficiently large to stimulate the Legislature to arrest, in every possible way, so heavy a drain upon the industry and the wealth of the honest portion of the people.

We have already commented at some length upon the want of due

legal responsibility on the part of district attorneys, and shown that much of the increase of crime in the State is traceable to their neglect.

Very few are aware how little these officers are under any sort of effectual oversight and control. It is not made the business of any one to know what they do or leave undone, or why they do anything, or why they leave anything undone.

It is believed that it would be of the greatest advantage to the State if these officers were all subjected to an efficient central supervision and control. The Attorney General of the State should, in our judgment, be charged with and made responsible for the general criminal administration of the State. It certainly seems strange to us, that a State like New York, whose interests are so vast, should have left the great work of securing life and property without any responsible and general supervision. We can all see that crime increases, that criminals are not punished, that life and property are becoming less and less secure; but the public does not know where the fault lies, nor who to blame for this state of things. Let us devolve this duty upon the Attorney General, clothe him with ample powers, give him sufficient means, and make it his duty to remedy all defects in the administration of the law; and then if the evils complained of are not remedied, he alone will be answerable therefor at the bar of public opinion, as well as before the law. The names, offenses, and such other information respecting every person committed for trial, as the Attorney General may require, may be transmitted to his office, at stated periods, by every committing magistrate in the State. A copy of the record of each term of every criminal court in the State should be sent to him within ten days after the close of the term. He should have power to require the reasons, under oath, for the action of a district attorney in any case, when he may deem such inquiries necessary, and should also have access to any papers which, in his opinion, are necessary to enable him to arrive at a correct decision. We think that this plan would greatly diminish the number of *nolle prosequis* and the number of discharges without trial; and that it would very much accelerate the trial of those who are charged with crime. This would not only further the ends of justice, but would relieve the counties from a great expense in the board of the accused while awaiting trial.

## VI. THE REGRESSION OF CRIME.

1. Our first suggestion on this subject relates to some modification of that time-honored maxim of the law, that "every man is to be deemed innocent till he is proved guilty."

It is well known to all whose callings have brought them into contact with criminals, that there exists in every county a certain class whose ordinary and, for the most part, sole occupation is crime. They employ no other means of subsistence than depredations upon the property of their more industrious fellow citizens. These men and women are not

led astray by any sudden temptation or temporary excitement of their passions, but they follow crime as a business and a profession. All the talents they have are directed to the invention of plans for diminishing the vigilance of the owners of property, or for breaking through the securities employed for its protection. When a robbery, a burglary, or a murder, is committed in any county, the officers of justice can, with absolute certainty, give the names of every inhabitant who did not commit it; the actual offenders are sure to be among the residuum who are not thus enumerated. The inhabitants of every county are therefore divided into two classes—the non-criminal and the criminal. Most of the crimes committed are perpetrated by the latter class. The sneak-thief, the pickpocket and the burglar, have certain habits, attitudes, haunts; they act in certain ways when placed in certain positions, which reveal them and their occupation to a practiced eye with almost as much certainty as the form and aspect of a sedge or a grass reveals its genus and species to the eye of a practiced botanist. A skilled detective will stand at the corner of a street, in a strange city that he has never entered before, and will pick out, almost unerringly, the passers-by who belong to this criminal class. He will say: "This is a sneak thief," "this is a pickpocket," "this man has just been released from State prison," "this one is a gambler, stool pigeon," &c., &c., being guided in his judgment by certain indications which the criminal involuntarily displays by the sheer force of habit.

Now it is the pride and boast of our law that "every man is to be deemed innocent until he is proved to be guilty." This has been a maxim of the law so long that the memory of man runneth not to the contrary. We have repeated it so often that we look upon it as an unimpeachable truth. It has become well nigh a part of our religion. It is received as an axiom in law so clear and indisputable that it requires no proof. The very statement of it is supposed to carry its own demonstration as much as any of the axioms of geometry.

Knowing all this, we still venture to inquire whether the state of the times and the security of persons and property do not demand some modification of the maxim, time-honored as it is?

When we know, as we certainly do know, that society is divided into two classes, differentiated from each other by signs almost as distinctly marked as those which distinguish the African, the Indian, and the Caucasian races; when we know, as we do know, that as a general thing all the crimes are committed by one class, and none of the crimes are committed by the other,—is there either common sense or justice in placing these two classes on the same level? Does the law speak wisely, when it says, that the officer shall not arrest the one any more than the other, unless he actually saw him do the deed, or some one else who saw it will swear to the fact?

Suppose a lady in an omnibus discovers that she has lost her purse, which she is certain was in her possession when she entered the stage.



A well dressed gentleman sits by her side, whose arms are quietly crossed before him, and his fingers, encased in spotless kid gloves, are intertwined in his lap in plain sight of all the passengers, who are sure that he has not moved them since he has been in the stage. On the discovery of the robbery, the nearest policeman is summoned into the vehicle. At the first glance, he sees that the arms of the spruce looking gentleman sitting beside the lady, and which have been so conspicuously folded during the ride, are false, his real arms being all the time free to move with entire liberty beneath the wings of his talma. The officer knows, and every one else knows, as soon as this discovery is announced that he, and none but he, is the thief. Why should he wear false arms if not for this, very purpose? Here, then, we have a robbery actually committed; a person ingeniously fitted to effect such robbery without exciting suspicion. He is in a position best suited to accomplish it; and if, in addition to all this, he is known to have previously perpetrated a dozen just such acts; nay, if he has been, again and again, convicted thereof before a competent tribunal after a fair trial; would not plain people be apt to say that the proof of his guilt was complete, and that no further evidence of it was required? But if, at the instant of committing the deed, he has tossed the purse that he had taken to a confederate, whom he has espied in the street, so that at the time of the discovery he has it not on his person, he cannot be convicted of the crime. "He must be held to be innocent until he is proved to be guilty."

As often happens in large cities, a crowd will rush into an omnibus or a street car. An officer sees a well known pickpocket obstructing the entrance; another pickpocket is abusing him in the sharpest terms for doing so, while at the same time he is eagerly assisting a respectable gentleman or a well dressed lady to pass the obstruction; one or two other pickpockets stand near. All this is as intelligible to a police officer as the letters on a street sign. He knows that the man who is assisting the respectable gentleman or the well dressed lady is picking his or her pocket; he knows that the man who obstructs the entrance is his confederate; he knows that the others, who are hanging about, will receive the contents of the pocket as soon as their principal has abstracted the same; but if he does not see the act itself so distinctly that he can swear to it, he dare not arrest the culprit; he is liable to suit for damages if he does so. The man must be "presumed to be innocent until he is proved to be guilty."

A sneak-thief passes along with that rapid, rolling glance of the eyes, which characterizes the tribe; now he checks himself in his career; it is but for an instant; no professional eye directed towards him would notice it; but the sudden pause would speak volumes to an experienced police officer. He knows that the thief's eye has caught the sight of silver lying exposed in the basement. In an hour after, he hears that that basement has been entered, and the silver in it carried off. He knows who has taken it as well as if he had seen the man take it with his own eyes;

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but if the thief has had time to run to the nearest receiver's den, the silver is already in the melting pot, beyond the reach of identification; the officer must not arrest him, for the law presumes him to be "innocent until he is proved to be guilty."

A servant girl is seen standing in the area, towards evening, with a broom in her hand; by her side is a man who is conversing earnestly with her; the policeman, as he passes along, recognizes him as a notorious burglar. That night the house is broken open and robbed, and perhaps some of the family murdered. The officer knows perfectly well who did it; but if none of the stolen property is traced to his possession, and no blood is found upon his person, he cannot be punished; the law holds him "innocent until he is proved guilty."

With all due respect for the venerable maxim bequeathed to us by the wisdom of our ancestors, we are inclined to think that in all these cases the men referred to should be held to be guilty until they proved themselves to be innocent. The burden of proof should be cast upon them instead of upon the public prosecutor.

The maxim which we have been considering, like most other legal maxims of a high antiquity, had its origin in sound reason and enlightened humanity. The judges of the courts were landlords of power and wealth. The accused persons brought before them for judgment were their serfs, we might almost say their slaves. The judge had no fellow feeling or sympathy with the accused. He did not believe that the serf had any rights that a noble was bound to respect. He was, therefore, indisposed to look too curiously into the nature of the proof that was brought against the plebeian offender; and in practice an accusation against a man of "low degree" was equivalent to his conviction. To remedy this crying injustice this maxim was devised and enforced by the judges of the higher courts of the King, to regulate the practice of the earls, barons and lords of the manor, who, by the custom of the times, exercised judicial functions over life and limb within their respective lordships.

But this maxim, so essential to the safety of the people, and so entirely accordant with justice as well as humanity, in those early times and under the circumstances which then existed, has, in our times and under our circumstances, become, so at least it appears to us, inconsistent with the security of society and with the dictates of true justice, when administered with all its ancient rigor.

We can see that the change suggested would, to some extent, open a door to the exercise of oppression in individual cases; but we think such safeguards could be introduced into the details of the law, as would leave a large balance in favor of the best interests of society.

We would have no one accounted to belong to the criminal class who had not either been convicted of some crime, or who had not been expressly found to belong to that class by the verdict of a jury. When

those who have thus been ascertained to belong to the criminal class have no visible means of subsistence, and are found to place themselves habitually in such positions as are best fitted for the exercise of their dishonest vocations, then, when a robbery is known to have occurred in the places they frequent, it should be the presumption of law that they were the guilty parties, unless such presumption is refuted by clear proofs of their innocence. Since one of the chief incentives to crime is the facility of evading conviction and the penalties which follow in its wake; since we feel assured, from a careful survey of crime throughout the whole State, that this measure would be more effective in preventing such evasions than any other that could be devised, and since our views are sanctioned by many of the best criminal experts in the State, we feel warranted in urging their consideration upon the Association and the Legislature, believing that the advantages to society, resulting from the changes under consideration, would immediately over-balance the individual hardships which might possibly arise from its application.

2. More stringent legislation is required in reference to the receivers of stolen goods.

We have shown that the crimes which affect society are committed by a well marked class. If this class were removed by death, by imprisonment, or by the presentation of motives sufficiently strong to induce those who belong to it to refrain from criminal acts of their own accord, an almost entire suppression of crime would ensue. It follows that whatever tends to lessen the temptations to crime, or diminishes its rewards and the facilities for its commission, will diminish crime itself in an equal proportion. Now, there is a class of men spread throughout the length and breadth of the State, and possessing a certain amount of capital, as clearly marked and defined as the criminal class itself. This class does not participate directly in criminal acts. Its members commit no burglaries, pick no pockets, forge no notes, burn no houses, are guiltless of assaults, and horses, cattle, sheep and grain are quite safe from their direct depredations. Yet their whole business consists in trafficking with the criminal class; they harbor them while lying in wait for their prey; they conceal them when they are hiding from justice; they purchase their plunder when they have obtained any; they procure counsel for them when they are arrested; they advance money to them when their schemes require more capital than they possess; and they aid and abet them in various other ways. These persons are known as "fences" among the criminal class, and as "receivers of stolen goods" in the nomenclature of our courts.

Nothing is more certain than that if this class of men were abolished, the trade of the thief would either be abandoned or would be confined to very narrow limits; indeed nothing but money would be stolen, because nothing else could be advantageously disposed of.

When a burglar has successfully entered a store, and carried off a large amount of property, in the form of fine goods, this property itself

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is of no more use to him than the dust of the street. He does not want to wear lace or jewelry. He does not need watches or pencil cases. He cannot eat cameos or vases. He therefore, at once takes his plunder to his "fence," and receives from him in money such a price as is mutually agreed upon. It is very difficult to ascertain with any degree of exactness, what proportion of the value of the plunder is realized on the average by the thief; but from the best information we could obtain, we feel confident it does not exceed one-sixth, taking the whole State into view.

A man whom we met in one of the jails, told us that he was unsuccessful at first, because he had received no instructions in the art. We asked him what he deemed the most important information to be obtained by a tyro in the business. He answered promptly, "To know the names and characters of all the 'fences' within a circle of thirty miles." He could do little or nothing without this knowledge.

Housekeepers suffer depredations throughout the State, which in their aggregate is enormous, by the petty pilferings of their servants. Butter, sugar, spices, lard, meal, flour, dresses and undergarments are flowing in perennial streams from almost every household in the State where hired help is employed. A large part of these petty pilferings go at once into the hands of the "fences." If their business could be stopped these fearful household leakages would cease at once and forever.

We have dwelt much in this and in former reports, on the contaminating influence of our jails in consequence of the indiscriminate communication allowed among the prisoners. This evil influence arises from several causes; but none is more productive of mischief than the information which young prisoners are sure to obtain from the old and hardened criminals, respecting the neighboring "fences." Hitherto they have not yielded to the temptation to steal, because they did not know how to make the fruits of their thefts available; henceforth they know how to accomplish that object, and this potent safeguard to their integrity is removed.

In the rural districts, these receivers of stolen goods are quite unknown, except among the thieves themselves, unless some unusually active deputy sheriff makes the discovery; but in the cities, especially in New York and Brooklyn, they are as well known to the police officers as the city halls of those places. These officers are sure that everything they have in their warehouses is stolen; they are acquainted with their ways of doing business; and they know what thieves resort to each, and where they dispose of their ill-gotten property. Yet this knowledge avails but little in promoting the ends of justice. It is but rarely that any of this class are convicted of their offenses. The reason is that strict legal proof of their guilt can very seldom be procured.

The study of the means of rapidly and effectually removing the marks by which the property in their hands can be identified, is the main business of their lives, and they acquire a degree of skill and dexterity

in altering or effacing these marks, which is truly surprising. A melting pot is always over the fire, to which all silver ware is consigned the instant it is received. The marks on linen, towels and handkerchiefs are removed, sometimes by chemicals, sometimes by fine scissors made expressly for the purpose. Jewelry is at once removed from its settings, and the gold is either melted or the engraving is burnished out, so as in either case to make identification impossible. Rich velvet and silk garments are transmogrified by the removal and re-arrangement of the buttons and trimmings. Pointed edges are rounded, and rounded edges are pointed, entirely changing the whole aspect of the garment, with such celerity that the lady who had worn the dress in the morning would not have the slightest suspicion that it was the same in the evening. Cotton, wool, rags and old ropes, require no manipulation. When once thrown upon the heap, they defy the closest scrutiny of the owners. There is scarcely an article which can be the subject of theft, which the resources of these men do not enable them, in a very short time, to disguise beyond the power of recognition. Their premises are skillfully arranged for concealment. They are abundantly provided with secret doors and sliding panels, communicating with dark recesses. Apertures are cut in the partitions, so that a person coming in from the front can be distinctly seen before he enters the apartment. The "fence" is as well skilled as any lawyer in the nature of evidence. He knows the difference between probability and proof as well as Sir William Hamilton himself. He does not trouble himself about any amount of probabilities that the detective may accumulate against him; but the said detective must be remarkably acute if he is ever able to get anything against him which will amount to strictly legal proof.

Now, since we know all this; since it is plain that the removal of this class would very nearly put an end to theft, and that their conviction is rendered exceedingly difficult by their ingenuity; and since it is clear that the meshes of the law, as it now stands, are so large as to permit them to run through its net with impunity, do not the voices of common sense, of justice, and of right reason, join with one accord in calling on us to alter the law, so that its full power of repression may be secured? What sound principle would be violated, if the law should enact that the simple possession, by persons whose business did not require or warrant the possession, of a melting pot, or of any of the well known tools and chemicals for removing the marks of identity from property, should be taken to be conclusive evidence that they actually had been used for that purpose, except in cases where it could be indubitably shown that they had not? We firmly believe, from our inquiries and observations, that such a law is imperatively demanded by the best interests of society, and we do not hesitate to recommend its passage. Persons found guilty of having these things in their possession should be subject to the same punishment as they would receive if they had been convicted of receiving feloniously property that had been stolen.

Such a law would not be unprecedented. The possession of machinery and materials for coining is now deemed absolute proof of the guilt of the parties in whose possession they are found. Before the passage of this law, it was almost impossible to find proof that was strong enough to convict the coiner, and therefore the trade flourished. Since the new law has been in operation, conviction is easy, and crimes of this character have greatly diminished. All the results of experience in the working of this law in relation to coining are favorable to the extension of its principle to the case of receivers of stolen goods.

While we believe that the passage of such a law would be a severe blow to the business of receivers of stolen goods, and through them to the business of thieving generally, yet it will be seen, from what we have said of the nature of the business, that it requires to be supplemented by other provisions in order to make it really effectual. Thus the business of receiving stolen wool, cotton, flax, rags, feathers, and very many other articles of a similar character, could be carried on without any special tools or machinery. Even watches from the same maker could not be identified after the number had been obliterated with the point of a common jack-knife.

To meet these cases it should be enacted that, when any person has been once convicted of receiving stolen goods, any one who has lost property by theft and finds similar property in the possession of such convicted person, may demand and receive the same, unless such person shall clearly prove that it was not stolen property. If such stolen property is kept in a place which is arranged with special and obvious reference to the sudden concealment of exposed property, or to the escape of inmates, this circumstance should be taken as evidence of guilt, and should subject the occupant to conviction and punishment as a receiver of stolen goods. At present, a convicted receiver of stolen goods can return to his business without let or hindrance from the police, but the proposed change in the law would pretty effectually prevent him from again resorting to his old trade, as it would be too dangerous to be profitable.

### 3. The licensing of pawnbrokers needs to be more carefully guard

Although the main bulk of the property stolen from the community goes into the hands of receivers, yet a portion not inconsiderable in amount finds its way into the hands of the licensed pawnbrokers. We could not ascertain the ratio of the property stolen to the total amount received by them, but the average of the opinions of those to whom we applied for information, and who, as we supposed, were most likely to be well informed in the matter, gave the proportion of stolen property upon which advances were made by pawnbrokers as about one-fifth of the whole trade. The receivers of stolen goods usually unite with this business that of selling old junk, and it furnishes a very convenient cover for their illegitimate trade.

The law, from time immemorial, while it has recognized the utility and

even the necessity of pawnbroking and junk-dealing, has, at the same time, been fully aware of the dangers incident to the traffic, and, in order to interpose a safeguard in behalf of the community, has required that none but men of integrity and good principles should exercise those callings. To secure this integrity, it has prohibited all persons, who are not approved and licensed for the purpose, from carrying them on. In the city of New York, the mayor is the officer charged with the duty of examination and approval of such, and he alone has power to grant licenses and revoke them. But mayors of all cliques and parties have exercised this power with, apparently, little sense of the responsibility which rests upon them. They have not, ordinarily at least, required clear proof of the integrity of the applicants; but have usually licensed every applicant possessed of political influence. There is scarcely any instance where they have revoked a license thus granted, even when they have been furnished with proofs of the dishonesty of the holders. The reason of this laxity is quite apparent. Mayors of cities are politicians, and, as such, they desire to multiply the number of their friends and extend their influence in order to insure success when they shall desire a re-election or an advancement to a higher sphere of dignity and emolument. They do not, therefore, study how to discharge their duty as licensers in the best manner for the welfare of society. On the contrary, it is too often the case that their anxiety is how *not* to do it, lest they should thereby stir up powerful enemies, who, being organized and wealthy, will be likely to leave no stone unturned to prevent damage to their fraternity.

There could no better step be taken for the repression of crime than the transfer of the licensing power from the mayor to the commissioners of the Metropolitan police. The members of this body are independent, from the mode of their appointment; they have no motive for acting improperly; and their information respecting the characters of applicants, and of instances of misconduct on the part of the recipients of licenses, is greater than that of any other body of men. Numerous cases were brought to our notice, which show the necessity for this change. A basket of watches was found in the possession of a pawnbroker, which bore indubitable marks of having been stolen directly from the importer and which he must have known to have been stolen. They were worth some eight thousand dollars, but he had only advanced on them about two hundred dollars. A mulatto girl pawned a valuable jewel worth seven hundred dollars for two dollars and a half. There could not have been a doubt in the mind of the pawnbroker that this was stolen property. But in neither case did he give the least notice of the facts to the police, or take any other steps for the restoration of the property. If the change which we have suggested is made, all this will be altered. Knowing that they will lose their licenses, if they do not report all suspicious cases, they will be sure to do so; and thus one of the most powerful incentives to robbery will be removed. Not a moment should

be lost by the Legislature in altering the law in relation to licenses in the way that we have suggested.

4. The carrying of concealed weapons must be prohibited by law. It would tend very much to the suppression of crime if a law were passed prohibiting the carrying of concealed weapons on the person. It is possible that it may be necessary to except pistols from the operation of such a law; but if so, the right to wear them should be conferred by license, granted in places where a police organization exists, similar to that of the metropolitan police in New York, by the commissioners of police, and in rural districts by the justices of the county court. We can perceive no objection to the absolute prohibition of steel knuckles, dirks and other dangerous weapons; and we are sure that the safety of society would be greatly promoted by it. Every person who has been once convicted of burglary, highway robbery, manslaughter or assault with intent to kill, should, in addition, be prohibited from having these weapons in his possession, and, if convicted thereof, should suffer the same punishment as if he had actually used them.

Any person who will visit our large jails and converse freely with the prisoners, will learn that such a law would operate powerfully to deter them from crime. Whoever will spend an hour in conversation with a knot of policemen, and listen to a recital of the dangers which they have narrowly escaped, and of the severe wounds they have received from men who habitually carry these weapons, will need no further proof of the wisdom and even the necessity of some such legislation as that here proposed.

5. Brothels, concert saloons and dance houses must be suppressed by stringent laws and summary proceedings under them.

In another part of this report we shall have occasion to speak of prostitution as not only a cause of injury to the public morals, but also as a prolific source of crime. There is a very general impression in the public mind that, while this evil is to be deeply lamented, it is quite beyond the reach of any remedies which can be supplied by legislation. It must be confessed that, if the question is to suppress all illicit intercourse, the resources of legislation are inadequate to the task. But if the Legislature and the public really desire to suppress that department of such intercourse, which is by far the most fertile in the production of crime, disease and personal degradation, we mean that which is carried on in brothels and initiated in concert saloons and dance houses, we feel very sure that there are means by which such intention can be effectually accomplished.

If the brothel is owned by the occupant, let the house be forfeited to the State and sold, one-half of the net proceeds being paid to the informer. If the house is leased by the occupant, let the lease be terminated instantly. If, after three days notice, the owner does not remove the tenant, a fine of five thousand dollars should be at once levied on the house, which, if not immediately paid by the owner, should be sold at

public auction, one-half of the net proceeds being paid to the informer. A similar law in relation to dance houses and concert saloons would effectually apply the axe to the very root of the evil. When complaint is made under oath that there is good reason to believe that any house is used as a brothel, the county judge, or in the city of New York the city judge or the recorder, should be required, within forty-eight hours after the complaint is filed, to impanel a jury, which, after hearing the proofs, should determine whether the allegation is true or false. If the owner of the house should appeal from the decision of the jury, he should be required to give bonds, with good sureties, for the payment of such costs as may be incurred; and if it is finally determined that he had no just cause for his appeal, he should be compelled to pay treble costs.

6. Lodging and tenant houses must be brought under proper police regulations and supervision, as in Great Britain.

The commissioners of police of the city of New York kindly permitted us to see their manuscript report to the Legislature before they submitted it to that body. The statistics of lodging and tenant houses, with the filth and the sickness incident to their crowded condition, are given with great minuteness of detail, and do not need to be repeated here.

We, as an Association, have no direct interest in the sanitary aspects of these houses; but, as we shall have occasion to allude in our remarks upon the sources of crime to this subject, and shall show that a very considerable share of crime in the State is due to causes growing out of the condition of these houses, we think it our duty to say that judicious legislation may entirely change the character of these houses, making them engines for the promotion of good rather than of evil.

The attention of that increasing band, who devote themselves to social studies in Europe, has long been directed to this subject, and their efforts for reform have been, to a certain extent, seconded by the public authorities. The experiment has been tried, and, although it has been made in an imperfect and fragmentary manner, the results, as far as they have reached us, have been of the most satisfactory character. A full citation of the evidence before us would swell the dimensions of this report to too great a bulk. We will, therefore, content ourselves with one or two examples, which will give a fair idea of the whole.

Dr. Southwood Smith, who, by the general consent of Europe, stands in the front rank of authorities on this subject, makes this statement:

"From the following examples, selected from a great number of similar statements, contained in a return recently presented to Parliament, it will be seen that the common lodging house act, by enforcing certain conditions of cleanliness, and by preventing overcrowding, has extended to vagrants and others, forming the very lowest portion of the population, the like immunity from disease, which the improved dwellings have secured to the industrious laborer and artisan.

"In the town of Wigan, for example, there are 24 lodging houses, through which have passed during the last year 29,655 lodgers. The

superintendent of police reports: 'There has not been a single case of fever in any one of these houses since the act has been in force.'

"The town of Wolverhampton affords a still more striking instance. In this town there are 200 lodging houses, through which (*are said to*) have passed during the year the incredible number of 511,000 lodgers. The superintendent of police reports: 'There has not been a single case of fever in these houses since the lodging house act has been in force in July, 1852.' Statements to the same effect have been made from Morpeth and Carlisle.

"From a return made to the Secretary of State for the Home Department, by Capt. Hay, one of the Metropolitan Police Commissioners, who has been entrusted with the execution of this act in the metropolis, it appears that in the week ending 23d of October, 1853, there were reported within the metropolitan police district 7,353 lodging houses. At that time the keepers of these houses had all been served with notices to register in conformity with the act. Of this number 1,308 had permanently registered, and were under efficient regulation. In the houses thus reported, the lodgers numbered at least 25,000. During the quarter ending the 23d of October, there had not occurred a case of fever in any one of these houses; yet before they were under regulation, 20 cases of fever had been received into the London fever hospital from a single house, in the course of a few weeks. In the whole of the improved dwellings the exemption from cholera has been as complete as from typhus. During the entire course of the epidemic in 1848 and 1849, no case of cholera occurred in any one of these dwellings, though the pestilence raged in all the districts in which they were situated, and there were instances of two, and even of four, deaths in single houses close to their very walls. Since the reappearance of the pestilence this autumn, it has numbered as many as twenty victims in one street in the metropolis, and six even in one house; but as yet no case of the disease has occurred in any of the improved dwellings."

We have introduced the statement given above, from Dr. Smith, as an introduction to the extract which follows, which bears more immediately upon the repression of crime, and which we earnestly commend to the serious consideration of the Association and the Legislature.

"Moral pestilence has at the same time been checked. The intemperate have become sober, and the disorderly well conducted, since taking up their abode in these healthful and peaceful dwellings. No charge of crime, no complaint even of disturbance, has been lodged at any police station against a resident in these dwellings since their first occupancy.

"On the classes resorting to common lodging houses, the change effected is still more striking. 'Their whole conduct,' says one of the magistrates of Birmingham, 'is far better since the act came into operation. Before that time their manner towards the police and magistrates was sullen and coarse, but now it is respectful, candid and open; they seem satisfied that they are doing right!'

"Since they have been under regulation," says another highly competent witness, "neither the houses nor the inhabitants could be recognized as the same; the lodgers take an active part in assisting the police in enforcing the regulations; the value of the improvement effected to society generally, and to the parties immediately concerned is incalculable."

"The superintendent of police at Carlisle says: 'Vice and immorality are much less; crime has decreased to a great extent.'"

"The inspector of common lodging houses in Wolverhampton bears the same testimony.

"The clerk of the local board of health of Morpeth says: "Since inspection under the act, crime has very much diminished. Since the act was applied, there has not been one case of felony or misdemeanor in the borough; an exemption from crime which I never knew before."

We will not swell the dimensions of this report by the citation of further testimony. We are quite willing to rest our case upon the strength of the testimony already offered, since it establishes with sufficient clearness, that overcrowded, dirty, ill ventilated and undrained tenements are the very hotbeds of crime as well as of disease; and that when, by judicious application of well known scientific arrangements, these evils are removed, crime as well as sickness takes to itself wings and flees away.

We cannot but cherish the hope that the conscience of the Legislature will be touched by these facts, and that they will at once take measures for the improvement of these dens of moral and physical filth, which already are so numerous in our cities, and which are rapidly becoming more numerous year by year, in a ratio which far outstrips the general growth of our population.

We close our remarks upon the repression of crime, not for the want of interesting facts to record, nor for lack of important suggestions to offer, but lest the multiplicity of matters which crowd upon us should weaken the force of those upon which we have already spoken, and we should thus distract the minds, which we desire to convince, by the number of the objects to which their attention is directed.

#### VII. SOURCES OF CRIME.

This branch of our subject was discussed very fully in last year's report. Our tables of the present year amply confirm the conclusions which were then drawn from the facts presented. We do not propose to travel over the same ground again, but simply to present to the Association such new facts and circumstances as we have collected during the present year, with the inferences drawn from them, and such practical suggestions as have occurred to us.

##### *Prostitution.*

We instituted inquiries respecting prostitution in every county, and in all quarters whence we thought we might derive authentic information.

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We sought it from judges of criminal courts, from sheriffs and their deputies, from county clerks, from district attorneys, from physicians, from police justices and police officers, from ministers, contractors, manufacturers and canal boatmen; in short, we left no source of information untried, which would enable us to take the gauge and measure of this alarming evil.

In the county of Cortland, the evil appears, from all that we could learn, rather to have diminished than increased. In the counties of Greene and Schoharie, it remains, according to the testimony furnished us, about stationary. But in all the other counties of the State visited, we cannot resist the conviction that it is increasing. It was greater in 1864 than it was in 1863, and still greater in 1865 than in 1864. The proofs of this statement were too full and explicit to allow us to entertain any doubt whatever of its truth. We are deeply pained to say that this increase is not confined to the cities and villages, but, with the single exception of the eastern part of Oswego county, it extends into the most secluded portions of our rural districts. We endeavored to ascertain the number of prostitutes in the State, but we found it impossible to obtain even a remote approximation thereto.

We were informed by the commissioners of police, in the city of New York, that there are in that city 599 houses of prostitution that were known to the police, though there are doubtless many others not known to them. There are 112 houses of assignation, and 72 concert saloons of a disreputable character. The number of girls who reside in the houses of ill-fame, known to the police, is 2,123. The number of women who frequent the houses of assignation is altogether unknown. Including these with the public prostitutes, the waiter girls at concert saloons, and other classes of loose women, the most experienced members of the police agree in estimating the number at about 12,000. They also estimate that these persons, on the average, associate with five different individuals in a week, making the number of cases illicit intercourse to amount to sixty thousand per week, or 3,120,000 per year.

In the city of Troy there are 87 brothels, which shelter 119 prostitutes. It is estimated that there are between six and seven hundred loose women in that city, including many children between 10 and 15 years of age. This statement, we are aware, will seem incredible to many; but there can be no doubt that it is true, not only of Troy, but in all other large cities and villages.

We did not learn the number of brothels in Utica, but the number of prostitutes residing in them was stated to be about 175. In Syracuse there are 15 brothels and 300 prostitutes. These were the only places where we could obtain numerical statements. It is believed that there is not a single house of ill-fame in the city of Oswego. The result is due to the active exertions of Recorder Harmon, who endeavored to learn how to do it, instead of how *not* to do it, as is too often the case with officers in his position. His success shows pretty clearly that the

existence of brothels might be effectually rooted out in every city, even under our present laws, if those who administer them would use their powers with energy and perseverance. It is not pretended that prostitution is not practised in Oswego, for it is to a considerable extent; but it is not carried on in brothels, which is a great improvement, as it withdraws a powerful temptation from the paths of young men, which not a few would otherwise be too ready to go in. We found, on personally conversing with the women, in the common jails of the State, at the time of our visit, that nearly or quite seven-eighths of them were prostitutes. This fact alone will show the intimate connection between prostitution and crime. Most of them declared, in tones too sincere to be doubted, that their life was a wretched one; that their earnings were very precarious; that most of them went to the keepers of the houses where they boarded; and that they often wanted food and clothing sufficient for their comfort. Sometimes they have a *strike*, as they call it, when they recompense themselves for the period of penury through which they have passed, by luxurious living and a replenished wardrobe; but their seasons of plenty are of very brief duration, and they soon relapse again into poverty, when they feel as if they are compelled to resort to larceny to keep themselves in food and raiment.

When asked why they do not abandon their bad habits, and resort to honest means to obtain a livelihood, they almost uniformly reply that it is impossible, that no one will employ girls of their character. When asked why they do not go to places where they are not known, they say that concealment is impossible; that if they go to a factory or a tailor's shop, it will be discovered in a week by some of the workwomen; and that they will be driven out in disgrace. They seem to have a sort of instinctive sense that a mark, like that set upon Cain, is upon them, and that every one that sees them will slay them. We have no doubt, from the uniformity of their answers, in places widely asunder, and from their evident sincerity, that many of them really do abhor the life they lead. But few return to a virtuous life, even when they have received all the aid which Christian benevolence could bestow. Exceptional cases of permanent reformation do sometimes occur, enough to quicken and encourage efforts in that direction; but experience seems to teach that, when once a woman fairly embarks in that course of life, her reformation is well nigh hopeless, and she may be expected to prey upon society until the day of her death. How carefully should parents guard the virtue of their daughters!

#### *Abortions.*

Our attention having been incidentally called to this subject by the physician of one of the first jails visited by us the past year, we were led to make further inquiries in reference to it through the State, not only of the physicians attached to the jails, but of all others with whom we conversed; and we sought opportunity to converse with as many as

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possible. From the uniform testimony of these medical men, there is, in our minds, no doubt that the crime of destroying the lives of infants *in utero* is greatly, and even alarmingly, on the increase in every part of the State. Nor is this crime confined to the ignorant and vicious classes, but, in sadness and sorrow we say it, has invaded the higher and more respectable ranks of life. This condition of things accounts in part for the fact stated in another part of this report, viz: That female crime has been of late on the increase.

Is this statement doubted? Let a single well authenticated fact be mentioned in confirmation. In a single township of one of the rural counties, three women lay dead at one time, during the past year, in consequence of abortions produced by instruments.

The question very naturally arises—and it is a serious and important one—whence has arisen the tendency noticed in the preceding paragraph, as well as the increased stimulus to the vice of prostitution? We know not whether we can answer this question adequately or satisfactorily; but we venture to offer the following suggestions, as at least a partial solution:

1. The increase of female practitioners has increased the facilities for, and as a consequence the temptation to, the crime of abortion. Women feel much freer, and are therefore more ready, to confide a matter of this sort to one of their own sex than to persons of the opposite sex.

2. Something of this tendency to abortion is probably traceable to the war. Wives, whose husbands had gone to the army, were left unprotected and exposed to the arts of the designing and the vicious of the other sex. Some of them—we are glad to believe they are the exception—have lapsed from *virtus*, and naturally desire to obliterate the evidence of their guilt.

3. A still more active cause of the increase of this crime as well as prostitution is, we are inclined to think, the great increase of luxurious living and the augmented expenditures consequent thereupon. There is a growing love of display in dress and personal decorations, in furniture and equipages, and in the general style of living. The class below presses, with an almost frantic eagerness, to equal or to surpass the class above; and, as the rearing of children is expensive and interferes with this darling passion for display, women refuse to perform the offices of maternity. Dr. Hough, the head of the State Census Bureau, informs us that the number of children born of American mothers is not sufficient to replace the losses of population caused by death, and that all the excess of births above deaths in this State is due to women of foreign birth.

4. The tendency of extravagance in living to increase prostitution shows itself in other directions. The expenses incident to housekeeping are now so great, that young men are deterred from assuming the responsibilities of marriage, and a state of celibacy is, as all experience teaches, unfavorable to the preservation of chastity.

5. The high price of board has driven young men and women, engaged in various avocations in our cities and larger villages, to hiring and occupying single rooms, where they sleep and cook by themselves, or take their meals at restaurants. This secret mode of living, which withdraws them from the oversight of society, furnishes at once temptation and facilities for illicit intercourse.

6. Many of the larcenies of clerks, and the embezzlements of bankers and other financiers, have their origin in the expenses incurred in the keeping of mistresses. They abstract funds at first to meet temporary difficulties and deficiencies, with the full intention of replacing them. But this is found to be impossible, while they keep up the same habits of life. On the contrary, they feel themselves obliged to borrow still larger sums. They are now at the mercy of the mistress, and, as is most usually the case, of her paramour also. They are compelled, by their dread of discovery, to supply all the demands made upon them by these persons, until at length concealment becomes impossible, and the victim of sensuality stands revealed to the world as a convicted felon. In that part of our report which treats of the repression of crime, we have spoken of all the legal remedies which we deem advisable. But it is evident that any extensive and effective remedy for these evils and for the crimes to which they lead, must be found in the bosom of social life; and the most important of these will be a return to the more simple and frugal habits of our fathers. Ladies of wealth and acknowledged position in society could do more to bring about this result by setting examples of simplicity and frugality in their own persons and houses, than they could by any amount of pecuniary contributions or the greatest personal effort in any other direction.

#### *Intemperance.*

As our inquiries show that prostitution has increased, so the proof is equally clear of an increase of intemperance, during the year 1865, in all the counties without exception. Notwithstanding the high price of liquor, it is indulged in to a greater extent than ever, and that even by the poorest classes. Though the consumption of distilled liquors has not augmented, that of ale and other fermented drinks has increased very greatly. The result of this indulgence shows itself most fearfully among the higher classes, in domestic discord, in disease, in the neglect of children, in rashness in speculation, in inattention to business, and finally in bankruptcy and ruin. The applications for divorce, which have been numerous beyond all precedent during the year, have in most cases their root in the habitual use of intoxicating drinks. Among the lower classes, the habit stimulates turbulence and riots, the neglect of children's education, the abuse of wives, idleness, loss of health, dishonesty, robbery and murder.

The working of the license law is very unsatisfactory over the whole State, and fails to accomplish the objects which it was framed to pro-

note. A very large number of places sell liquor openly without license. Thus in the county of Queens there are 445 places for the retail trade in liquor, while there are only 108 dealers who have taken out a State license. Of 506 retailers in Rensselaer county, but 382 have State licenses. In St. Lawrence county there are 207 retail stores, and only 126 licenses. In Steuben county there are 162 retailers and 98 licenses. In Ulster, 346 dealers and 195 licenses. These counties may be taken as fair samples of the neglect of excise commissioners throughout the State. It will be observed that in these five counties only 52 per cent of the whole number of retailers take out licenses, or help in any way to replenish the county treasury. The remedy for this evil would be to compensate the commissioners by a per centage out of the fines actually paid by them into the county treasury, and any willful neglect on their part should be punished as a misdemeanor.

In very few of the counties in the State do the commissioners pretend to exercise the slightest discrimination in the granting of licenses. They sell them as a fish dealer would sell clams, asking no questions, if the customer has the money in his pocket. The law contemplates certain specified qualifications on the part of an applicant for a license, and full proof that he possesses those qualifications before he can receive such license. In most counties this proof is neither asked for nor required; the licenses are given indiscriminately to all who will pay for them, and the requirements of the law are entirely set at naught. The remedy for this abuse is to select men who will honestly enforce the law. Such can be found in every county, if they are sought for; but, unfortunately, such men, we greatly fear, could not be appointed, even if they themselves sought the position. The practical influence of the rum sellers' association is very great, and is unsparingly exercised in opposition to all who would really exert themselves to restrain the traffic by confining it to the hands of upright and conscientious men. It is the object of the appointing power to learn "how not to do it;" and it must be acknowledged that they are very apt scholars, and very successful in their lesson. If they would honestly try to learn how to do it, the cause of temperance would be greatly promoted, and the causes of crime would be proportionally diminished.

A very large proportion of the commitments to our common jails are of persons who are committed for intoxication. They are usually sentenced, alternately, to pay a fine of ten dollars or to be imprisoned ten days. It is not an unrequent occurrence for one person to be committed in this way ten or twelve times a year. The payment of ten dollars is a real punishment, and no doubt deters a great many young men and women from going into the streets in a state of intoxication; but we can see no possible use in this ten days imprisonment, nor has any one that we have met with been more fortunate in this respect than ourselves. These "revolvers," as they are termed, feel no sense of disgrace in consequence of their imprisonment; they are better fed and better



lodged than when they are in the streets, and they care nothing for the so-called punishment whatever. Their board during this time costs the county five dollars; the turnkey's fees amount to one dollar and a quarter, and other expenses of the commitment are some two dollars more, making the whole expense about eight dollars and a quarter. We cannot perceive that society is benefited in the slightest degree by the expenditure, and think that it is about time that the tax payers should be released from the burthen.

The only effect of this imprisonment is to stimulate the appetite of these miserable drunkards by a ten days fast, so that they are sure to rush from the jail to the next grog shop, and get thoroughly drunk in the shortest possible time. The expense which society incurs of eighty or ninety dollars a year for every one of these revolvers, who is committed, as many of them are, ten or twelve times, does not have the least tendency to prevent drunkenness, but, on the contrary, it rather stimulates and increases it. The only way to accomplish any good in these cases is to send them, for the first offense, to the penitentiary at hard labor for a month. This is a punishment which they really dread, and which also gives them some chance to subdue their appetite for liquor. Should they be guilty of a second offense, they should be sent for three months; and if they are sent for a third time, the sentence should be for a year. If this course is faithfully followed up, there would be a great diminution of drunkenness in a very short time.

#### *Gambling.*

We were enabled last year to report that gambling had remarkably diminished throughout the State. We regret to say that there has been an increase of it this year in some of the counties. This has been especially the case in the city of Syracuse, where the saloons have increased in number and in the splendor of their decorations. There would be no real difficulty in breaking up these establishments under our present laws, by an honest and earnest endeavor to that end. In reply to our inquiries of police officers, we were told that they dare not enforce the law on account of the wealth and influence of the frequenters of those places.

#### *Theatres.*

It will be seen, by an inspection of our tables, that the conclusions stated in last year's report are amply confirmed. We made many inquiries respecting the influence of circuses and other traveling shows on the morals of the community, but the evidence was too contradictory to found any general conclusions upon it. We were told in many counties that their influence was very strong in producing truancy, and that their advent was always marked by the increase of petty thefts, which boys would resort to in order to obtain funds to pay their entrance to them; but in many others no such effect had been observed; possibly, however, from the want of any close attention to the matter. The natural tendency is in the direction indicated by the other class of observers

#### *Influence of Great Thoroughfares.*

We found, invariably, that the towns situated on railroads and on canals sent more prisoners to the jails than any others. It is a curious fact, that crime along the canals has considerably diminished since the introduction of the larger and better boats, which have followed the enlargement of the canal. On inquiring into the cause of this, we were told that, when the size of the canal boats was small and inconvenient, a woman was hired as a cook, who, if she was not a prostitute, soon became one, and exercised a corrupt influence over all the crew. Now, since the boats have become large and more convenient, the captain's wife and family generally go in his boat, occupying it like a house, and this has introduced order and decorum into all its arrangements, and banished much of the crime which was formerly so rife in and about them. The consequences of this change are very interesting, and the result gives an important hint which may be advantageously employed in other directions.

#### *Want of Parental Restraint in Childhood.*

Beyond a doubt this is one of the most prolific sources of crime, a *causa causans*. Hundreds of persons were conversed with. Most of them alleged that they had been well and carefully brought up; a somewhat smaller number professed to have been obedient to their parents. But it was evident, on examining them closely, that they had not been subjected to any effectual parental control. They had been allowed to select their own associates without supervision or restraint. They were allowed to go out in the evening without question, and to go to school or not at their pleasure. Nearly all admitted that they had formed the habit of profane swearing, very early in life, and had indulged it in the presence of their parents without rebuke. *Not one of them had been in the habit of reading the Bible.* Of those who professed to have attended Sabbath schools, less than half could remember the names of their teachers, or the books they had studied. Not one in ten had attended church regularly since childhood, and it was exceedingly rare to find one among the Protestants who had been a church member.

#### *The Jails Themselves.*

That our common jails are great producers of crime was fully set forth and illustrated in last year's report. The most active police magistrate in Albany, Mr. Cole, assured us that the deleterious influence of the jail on the criminal population of the county is very apparent. The association of prisoners and the absence of employment, cause the tyros in crime to grow rapidly to the full criminal stature, increasing their appetite for crime, and enlarging their facilities for committing it. He dismisses many juvenile offenders brought before him, believing that it is less injurious to the community to do so than it would be to send them to learn the lessons in rogery which they would be sure to acquire from the old thieves and bur-

glars in the jail. A proper juvenile prison and reform school is much needed in the capital police district embraced in the counties of Albany and Rensselaer.

*Insanity.*

During the year 35 persons have been removed from the common jails visited to insane asylums, and about 12 more who were insane, have been returned directly to the community. Several of these cases have been remarkable for the sudden accession and cessation of the insane paroxysms. While we were at Canandaigua, a man was committed as insane, and was soon after transferred to the poorhouse. He had not been there three hours before he killed one of the inmates, and was brought back to the jail. While we were at Rochester, a respectable farmer, who had served three years during the war from a sense of duty, came to the city from his farm, in a state of perfect mania. He drew \$1,500, which he had deposited in the bank at Rochester. With this he purchased a load of potatoes, which he found in the street, and requested a bystander to distribute them to the poor. He continued to give out his money in the most reckless manner, until, when he was arrested by the police officers, he had got rid of all but \$500. When he was taken to the jail he was put into a room and locked in; but in a very short time he had, with almost superhuman strength and violence, broken down the door. He tore his own clothes and the bed clothes into ribands, and in all respects exhibited the greatest amount of maniacal violence that we ever saw.

On the following morning he was perfectly calm; all his illusions were gone; and he retained no recollection of either his violent conduct or his lavish expenditure of money the day before.

We record these cases as samples of many others of a similar character which we think lend additional emphasis to the conclusions given in our report of last year. We have no doubt that every consideration of policy, justice and humanity, demands that our laws, relating to this subject, undergo a thorough revision, with a view to placing them in harmony with the conclusions of science, drawn from modern investigation into the structure and functions of the mind. We are not actuated in our desire for a readjustment of the law, by any morbid feeling of sympathy for the criminal; we have shown in many of the recommendations contained in this report, that we desire to increase the security of society, by taking away the shields and defenses which have been the refuge of the criminal, and which have been but too often successfully interposed between him and the penalty due to his crime. We ask only that the laws shall be framed in the spirit of justice, and are as anxious that the offender shall be surely and adequately punished as we are that the innocent shall be protected from unjust condemnation and suffering. Modern science recognizes the incorruptible integrity of mind, that is, that the mind itself, in its own proper nature, is never insane. What is called insanity is, in all cases, a consequence of the disease or the congenital maladjustment of the organs

through which its manifestations are revealed to our consciousness. If a person takes a given amount of opium, it is well known that a great mental as well as physical change is produced by it. He sees gorgeous processions, brilliant colors, and graceful forms. He hears exquisite music. The sound of a passing cart, or the ring of an anvil, struck by the hammer of a neighboring blacksmith, is transmuted by the talismanic influence of the potent drug, into the most melodious tones, moving in the sweetest rhythm. He smells odors of overpowering sweetness, like zephyrs laden with incense from the gardens of paradise. He feeds upon ambrosial food, and feels the touch of fairy fingers. Every sense is so completely cheated by illusions, that he has no doubt of its reality, and his actions are in accordance with his convictions. In other conditions, the illusions are reversed. He sees "Gorgons, hydras and chimeras dire." Horrid shapes flit before his eyes; the direst discords stun his ears with hideous clamors; and, in his terror, he strikes and fights his imaginary foe with superhuman strength and fury. In the delirium of drunkenness, similar illusions are observed, though manifested with less intensity. All this is known to universal experience, and precisely because it is so well known, its acts in this condition are punishable. The law, while it acknowledges that his volitions, when engaged in the perpetration of criminal acts, are not under his control, and that the illusions which cause them are complete, holds him amenable to punishment, because, although he knew that these drugs would produce such effects, he yet voluntarily partook of them. The criminality lies, not in the homicide which he commits, but in voluntarily using the drug, which he knows is liable to cause it.

These illusions, and the criminal acts which flow from them, are the results of a pathological condition of one or more of the bodily organs, which the hallucination produces. The people do not yet understand that, if a similar pathological condition is gradually produced (as it often is) by the slow and progressive approaches of disease, precisely the same mental results will follow. In point of fact, every conceivable form of bodily disease produces its appropriate effect upon the mind. Some diseases cause irascibility; others deep mental depression; others, infirmity of will; others fill the mind with uncontrollable jealousy and suspicion; some cause a strong propensity to suicide; others, to homicide; some stimulate the faculty of acquisitiveness; others dispose the patient to the most lavish and reckless expenditure. In all these cases the propensities are irresistible so long as the pathological condition remains, which gives birth to them; and when this is congenital or organic, it is utterly incurable. Now it is obviously unjust to treat criminal acts, produced by unavoidable disease, with the same measure of punishment which we award to crimes committed by persons in health with the full consent of their wills. On the other hand, such persons are as truly dangerous to society as those who are morally depraved; and society requires as much protection against the deeds of the former as of the latter class. For the interests of all parties, the law ought to make a deeper inquiry into the motives of

criminals than has hitherto been the case. Where the crime is voluntary, let the punishment be as severe and as protracted as the strictest justice may require; but if the criminal act is caused by disease, let it withhold punishment, but inflict restraint, combined with remedial measures, sufficient to insure the security of society.

We have for years had our attention directed, during our prison visitations, to a well defined class of criminals, who seem quite unable to distinguish the difference between vice and virtue. They really cannot comprehend why people should make such a fuss about a burglary or a murder. They can see no more cause for emotion in these cases than they do in a horse trade or a sheep shearing. These men and women all have a peculiar cast of physiognomy; they appear stolid and indifferent; their features do not respond to their mental impressions, but maintain a dead immobility.

Wilson, who was lately executed at Geneseo, belonged to this class. He seemed to us as one who was looking through a mask. We could form no idea from the expression of his face, whether he was telling us truth or falsehood. He assured us that he made up his mind to follow the profession of a burglar after full deliberation. He said he could see no difference between this and any other profession. The lawyer, he said, did all that he could to succeed, and had no hesitation in depressing his rivals in order to secure his own elevation. So it was with the physician, the merchant, and the steamboat captain; and no one found fault with them. He averred that he did not see why he might not do the same. He would kill no one, he said, if he could rob without it; but he saw no harm in murder, if it was necessary to secure his success.

Towards the latter part of our visitation, the past year, we learned that several of this class had been subject to fits in childhood. Our discovery of this fact was too late to enable us to verify it sufficiently to satisfy our minds on the question whether it reveals a general law, or whether the cases coming under our observation were exceptional; but we learned enough to interest us in the inquiry, and we hope that future committees of the Association will follow it up until the supposition of a general law is verified or disproved.

In view of what has been said, we earnestly repeat the recommendation of a commission to revise our laws on the relations of insanity to crime, contained in our report submitted last year.

#### *Sabbath-breaking.*

The testimony in the several counties is, that the Sabbath is much less observed as a day of worship than it was formerly. It is increasingly devoted to recreation and amusement. The horses in the livery stables are almost invariably engaged a week or two ahead, to be used on that day; and, in the country, a great deal of hunting and fishing is done. We did not hear that there was any increase of manual labor; on the contrary, it would appear that there is rather less of this than formerly. As a general

thing, the churches are better supplied with ministers than in any former year.

#### VIII. SUGGESTIONS AND ADVICE TO JAILERS AND SHERIFFS.

In our last report we offered such counsels to sheriffs and jailers as were suggested by our observation and experience, and such as we supposed were needed by these officers on their first entrance upon their duties. The following additional suggestions contain the result of our observations during the present year:

1. When the committee entered one jail, the jailer, on putting the key into the lock, felt that something rested it. The key, on being removed, was found to be blackened. A closer examination showed that the lock had been filled with powder, which one of the prisoners intended to blow off as soon as he had an opportunity. This plan, having been once tried, will probably be tried again. All locks, therefore, which are accessible to prisoners, should be probed with a wire at least once a day. Great caution should be used in admitting visitors from the outside, and the utmost pains taken to prevent articles from being smuggled into the jails through the outside windows.

2. The best method of preventing the introduction of articles from without is to cover the windows communicating with the outside with woven wire similar to that which is used for fanning mills. The life of the sheriff of Schoharie county was probably saved by such a covering this year. The windows had by our advice been so protected the year before. On our visit this year, we were told by the sheriff that a few weeks before, he noticed that the wire meshes had been forced apart. This led him to search carefully, when he found a crow-bar, a saw, and a dirk hidden in the straw of a prisoner's bed.

3. In the fifth subdivision of the tenth article of our suggestions to sheriffs, in last year's report, we recommended great caution in searching the clothes of prisoners. We have had two cases this year, where small saws were concealed in the *suspenders*, which are by most jailers overlooked in searching.

4. A strong iron door was battered down in one jail by a ram made of a long bench, which was propelled by the united strength of twelve men. Since benches can be used for such a purpose, they should not be allowed to stand in the corridors, but stools should be used in place of them.

5. Most of the assaults made upon jailers during the present year have been with the leg of the stove, which is easily detached, as stoves are usually made. It would be well to look to this matter.

6. Where jails are surrounded by a yard secured by high walls, prisoners have frequently escaped by using the transverse bars of the window gratings as a ladder, by which access has been gained to the roof of the jail. This shows that the upper part of the windows should be protected by a broad protection with a cutting edge.

7. Dark closets and closed doors to privies should be avoided. Whenever there is a door to the privy, it should have a glass window in it, so that the prisoner can be seen.

8. No ladders should be kept unguarded in the immediate vicinity of the jail, and especially should none be allowed to stand erect upon any part of the jail wall. We should not have supposed that this caution was necessary, if we had not seen ladders standing up against the sides of no less than three jails during the present year.

9. We have been informed that files and saws have been introduced into several jails this year in the following manner: A woman comes to the jail with a large hole in the toe of her shoe. She has a file and saw wrapped in woolen yarn in her shoe. When she comes to the cell, she begins to stamp and cry vehemently; but as soon as the jailer's eye is turned away, she kicks out the implements through the hole in her shoe under the door of the cell, which, being wrapped in woolen, makes no noise in falling.

10. A safe should be provided in each jail for the safe keeping of the keys.

11. A poker, heated in the stove, was used to burn off the planks which lined the rooms of the Greene county jail, and the prisoners thereby escaped. Let sheriffs take notice.

12. Several escapes have occurred during the past year while the prisoners were emptying their night tubs. There should be at least one water closet in every jail, to obviate the necessity of the prisoners going outside the walls. A very strong and durable water closet may be seen in the New York station houses, which works well and has no perceptible odor. They are made by Mr. J. H. Keyser, of New York, and cost twenty-five dollars.

13. Jailers are cautioned against receiving insane persons for safe keeping without a warrant, as they are liable to an action for damages for so doing. They cannot keep an insane person, even on a magistrate's warrant, for more than ten days.

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## IX. STATISTICS OF THE JAILS.

The following tables present a view of the statistics of the jails, as far as they could be ascertained under the present imperfect methods of recording them. It is to be hoped that an act will be passed immediately, regulating this whole subject.

TABLE I.  
*Census of Prisoners in the County Jails for 1864.*

	Whole number of commitments, 1864.			Greatest number at any one time, 1864.			Average daily number, 1864.			Number at time of inspection, 1864.			Total commitments in 1864.
	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.	Men.	Women.	Total.	
Albany.....	1,740	459	2,199	57	23	79	60	10	70	66	8	74	3,887
Allegany.....	28	7	35	1	1	2	3	4	4	4	1	5	225
Bacon.....	277	66	343	15	7	22	17	6	23	9	2	11	1,235
Broome.....	222	48	270	24	6	30	4	1	5	19	2	21	1,178
Cayuga.....	180	14	194	8	32	40	2	18	20	14	3	17	1,135
Chautauque.....	439	387	826	22	56	78	10	10	20	27	3	30	545
Chemung.....	211	17	228	11	3	14	1	1	2	1	1	2	252
Clinton.....	520	180	710	20	10	30	15	6	21	8	4	12	698
Columbia.....	27	1	28	19	15	34	1	1	2	1	1	2	45
Delaware.....	1	1	2	1	1	2	1	1	2	1	1	2	45
Dutchess.....	2,718	419	3,137	104	22	126	14	8	22	14	9	23	4,121
Erie.....	19	19	38	6	2	8	1	1	2	27	7	34	2,603
Franklin.....	104	8	112	21	1	22	5	4	9	1	5	6	229
Fulton.....	104	8	112	21	1	22	5	4	9	1	5	6	229
Genesee.....	46	4	50	0	1	1	1	1	2	2	2	2	199
Herkimer.....	135	61	196	5	10	15	4	2	7	13	6	19	412
Jefferson.....	5,049	1,661	6,710	1	1	2	2	2	4	7	13	20	5,277
Lewis.....	47	7	54	15	4	19	5	4	9	1	8	15	227
Livingston.....	917	88	1,005	6	3	9	10	1	11	22	1	23	1,125
Madison.....	41	1	42	13	4	17	8	1	9	1	3	4	109
Montgomery.....	15,726	14,545	31,271	0	3	3	10	1	11	22	1	23	319
New York.....	15,726	14,545	31,271	0	3	3	140	140	284	22	1	23	3,452

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## COMMON JAILS.

Niagara.....	631	95	726	49	7	56	12	21	151	16	6	22	464
Oswego.....	477	84	561	34	20	54	17	4	58	13	8	21	1,159
Ontario.....	49	5	54	19	1	20	16	4	20	8	9	17	315
Orangetown.....	43	280	323	14	27	41	5-6	1-1-6	7	9	7	16	281
Otsego.....	100	19	119	12	12	24	5	4	28	9	9	18	535
Oneida.....	28	58	86	25	12	37	12	4	41	10	7	17	429
Putnam.....	35	4	39	10	11	21	5	3	24	7	7	14	44
Rensselaer.....	116	47	163	38	38	76	6	1	81	23	8	31	213
Richmond.....	3,109	1,492	4,601	59	40	99	60	25	85	36	17	53	6,774
Rockland.....	18	22	40	15	7	22	1	1	2	2	2	4	225
Saratoga.....	68	61	129	19	6	25	11	1	12	13	5	18	264
Schenectady.....	243	19	262	14	4	18	11	2	23	12	1	13	509
Schoharie.....	49	13	62	10	2	12	3	1	15	4	4	8	214
Schoonhoven.....	132	137	269	3	3	6	10	1	41	8	7	15	410
Seneca.....	35	7	42	13	15	28	6	1	35	5	6	11	118
Suffolk.....	116	47	163	38	38	76	6	1	81	23	8	31	213
Tioga.....	35	7	42	13	15	28	6	1	35	5	6	11	118
Tugayuan.....	116	47	163	38	38	76	6	1	81	23	8	31	213
Tompkins.....	41	42	83	9	3	12	11	1	22	4	4	8	151
Ulster.....	279	93	372	21	11	32	12	5	37	15	1	16	1,109
Washington.....	10	11	21	4	5	9	1	5	12	4	1	5	44
Wayne.....	60	34	94	10	1	11	2	1	13	19	1	20	353
Westchester.....	20	3	23	6	5	11	5	1	16	4	4	8	81
Westmoreland.....	123	44	167	8	3	11	5	1	16	2	1	3	311
Yates.....	33,790	20,885	54,675	917	283	1,200	403	242	740	684	146	680	62,439

TABLE II.  
Commitments for 1864.

	1. Offenses against U. S. laws.		2. Offenses against persons with violence.		3. Offenses against the person without violence.		4. Offenses against property with violence.		5. Offenses against property without violence.		6. Offenses against the currency.		7. All other offenses.							
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.						
	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.	Total.						
Albany.....	149	149	422	52	474	36	38	62	4	66	483	72	553	50	1	51	558	330	888	
Albany.....	4	1	5	4	1	5	2	2	2	2	12	2	14	1	1	1	1	5	9	
Broome.....	32	32	78	3	81	2	2	26	2	28	20	10	30	2	1	3	37	33	70	
Cattaraugus.....	39	39	15	15	15	1	1	4	4	4	16	5	21	6	6	6	13	43	178	
Chautauque.....	9	1	10	1	11	1	1	8	1	9	29	11	40	6	6	6	35	43	178	
Chemung.....	40	6	46	2	48	1	1	9	5	14	5	5	10	3	3	3	24	30	54	
Chippewa.....	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Clinton.....	77	10	87	9	96	2	11	6	1	7	68	19	87	1	1	1	7	10	142	
Columbia.....	4	4	4	4	4	4	4	4	4	4	13	13	13	13	13	13	13	13	13	13
Cortland.....	4	4	4	4	4	4	4	4	4	4	7	7	7	7	7	7	7	7	7	7
Dutchess.....	758	758	414	37	451	36	37	131	16	147	760	443	1,203	33	6	39	478	126	604	
Essex.....	1	1	6	6	6	6	6	1	1	1	1	1	1	1	1	1	1	1	1	1
Fulton.....	6	6	6	6	6	6	6	1	1	1	1	1	1	1	1	1	1	1	1	1
Genesee.....	6	6	6	6	6	6	6	1	1	1	6	1	7	1	1	1	7	43	7	50
Greene.....	3	3	3	3	3	3	3	1	1	1	3	3	3	3	3	3	3	3	3	3
Herkimer.....	25	25	25	25	25	25	25	1	1	1	83	3	86	2	2	2	85	3	12	
Jefferson.....	447	447	103	69	172	1	40	2	42	42	333	162	495	17	17	17	2,338	568	2,906	
Levy.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

## REPORT ON

Livington.....  
Madison.....  
Montgomery.....  
New York.....  
Otsego.....  
Ontario.....  
Orangetown.....  
Oswego.....  
Owego.....  
Otsego.....  
Ottawa.....  
Rensselaer.....  
Richmond.....  
St. Lawrence.....  
Saratoga.....  
Schuylkill.....  
Seneca.....  
Seneca.....  
Sullivan.....  
Tompkins.....  
Warren.....  
Washington.....  
Wayne.....  
Yates.....

Livington.....	179	179	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Madison.....	114	114	88	2	90	9	10	8	9	9	95	10	105	4	4	4	20	69	269	269
Montgomery.....	9	9	11	11	11	11	11	11	11	11	8	70	3	11	12	12	313	51	364	364
New York.....	144	144	23	1	24	1	1	6	6	6	47	7	54	5	5	5	118	35	153	153
Otsego.....	115	115	40	5	45	2	2	3	3	3	33	17	50	2	2	2	60	17	77	77
Oswego.....	1	1	5	5	5	5	5	5	5	5	5	5	5	5	5	5	9	4	13	13
Owego.....	9	9	200	37	237	43	39	23	37	60	83	31	114	3	3	3	2,057	350	2,407	2,407
Ottawa.....	5	5	10	10	10	10	10	10	10	10	8	70	3	11	12	12	313	51	364	364
Rensselaer.....	46	46	17	4	21	2	1	3	1	1	26	7	33	5	5	5	193	54	247	247
Richmond.....	2	2	2	2	2	2	2	2	2	2	10	10	10	10	10	10	4	31	35	35
St. Lawrence.....	1	1	12	12	12	12	12	12	12	12	6	44	3	47	7	7	51	1	52	52
Saratoga.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Schuylkill.....	1	1	12	12	12	12	12	12	12	12	6	44	3	47	7	7	51	1	52	52
Seneca.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Sullivan.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Tompkins.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Warren.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Washington.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Wayne.....	4	4	4	4	4	4	4	4	4	4	11	5	16	1	1	1	8	7	2	9
Yates.....	1	1	8	8	8	8	8	8	8	8	15	9	24	5	5	5	67	42	109	109
Total.....	1,678	1,678	2,643	359	3,002	353	48	690	82	772	2,689	684	3,373	22	414	332	22,414	4,538	26,952	26,952

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## COMMON JAILS.



TABLE IV.  
Expenses of Jails.

COUNTIES.	Prisoners' board.	Turkey's feed or salary.	Medicines and medical attendance.	Clothing.	Bedding.	Washing.	Repairs and furniture.	Feet.	Light.	Cleaning and whitewashing.	Miscellaneous.	Total expenses.	Average cost per prisoner.	Price of board per week.
Albany	\$11,938 00	\$800 00	\$88 00	\$13 00	\$92 00	.....	\$1,410 00	\$1,161 00	\$1,243 25	\$32 00	\$10 00	\$17,664 00	\$84 77	\$7 25
Albany	1,630 00	275 00	20 00	35 00	16 00	.....	15 00	40 00	74 00	13 50	33 00	2,633 15	310 30	4 00
Bronx	1,768 00	237 25	74 30	3 00	6 00	.....	515 00	150 00	10 00	15 50	33 00	1,830 00	256 00	3 50
Cattaraugus	1,838 80	185 00	15 00	.....	.....	75 50	.....	270 00	.....	75 00	.....	2,089 30	308 33	3 10
Cayuga	3,251 00	84 86	124 47	25 00	15 00	.....	125 00	100 00	15 00	.....	.....	3,581 26	309 00	4 38
Chemung	5,206 25	537 00	75 00	90 00	200 00	.....	322 00	101 20	6 00	1,639 24	6 00	7,811 60	309 04	3 00
Chenango	1,285 70	69 75	.....	41 00	.....	.....	350 00	.....	.....	.....	.....	1,685 45	311 56	3 10
Columbia	4,223 00	1,456 74	50 00	109 00	168 54	121 75	202 25	350 00	.....	30 00	.....	6,445 01	311 56	3 10
Cortland	158 52	1 75	.....	.....	.....	.....	55 00	30 00	.....	.....	.....	341 76	341 76	3 50
Delaware	3,438 00	25 33	.....	.....	.....	.....	.....	.....	.....	.....	.....	7,211 00	310 88	3 00
Delaware	4,012 00	19 20	200 00	.....	525 00	150 00	200 00	87 00	50 00	10 00	130 00	7,211 00	310 88	3 00
Essex	573 00	23 00	4 00	.....	.....	.....	.....	80 00	.....	.....	.....	646 72	293 52	3 50
Franklin	339 75	59 00	.....	1 50	57 00	.....	.....	80 00	.....	.....	.....	477 25	293 18	3 50
Franklin	339 75	59 00	44 52	14 88	45 50	103 61	127 64	250 00	.....	35 00	129 45	646 72	293 18	3 50
Greene	1,074 00	100 70	29 00	.....	.....	.....	.....	300 00	90 00	.....	.....	1,475 70	305 58	4 00
Greene	1,074 00	51 75	25 00	115 00	.....	.....	.....	330 00	90 00	65 00	61 25	1,975 25	425 24	4 00
Hamilton	1,853 50	37 50	25 00	.....	34 00	13 75	22 03	250 00	1 25	.....	75 51	2,274 28	284 49	3 25
Hamilton	1,227 00	147 00	.....	28 00	50 00	65 00	25 00	375 00	.....	9 00	.....	2,171 00	310 88	3 00
King	180 00	20 25	10 00	.....	.....	.....	.....	80 00	.....	20 50	.....	310 88	310 88	3 00
Lewis	1,255 00	40 00	50 00	119 00	41 00	137 00	.....	111 00	.....	173 10	4 00	2,310 10	293 68	2 50
Lewis	1,773 75	400 51	150 00	37 00	.....	.....	315 50	1109 00	119 97	.....	.....	3,143 21	321 40	2 75
Madison	1,773 75	400 51	150 00	37 00	.....	.....	315 50	1109 00	119 97	.....	.....	3,143 21	321 40	2 75
Montgomery	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

## New York.

New York	2,414 00	415 00	100 00	400 00	.....	150 00	200 00	400 00	.....	.....	.....	1,575 00	408 25	3 00
New York	2,250 00	437 00	50 00	50 00	60 00	100 00	231 00	695 00	48 12	82 00	105 00	1,575 00	408 25	3 00
Oswego	503 00	140 00	25 00	30 00	50 00	.....	44 00	225 00	13 50	13 50	1 00	1,514 00	216 33	3 50
Oranget	1,688 27	240 00	30 00	.....	.....	.....	.....	200 00	.....	.....	.....	1,814 26	345 46	4 00
Oranget	2,410 00	69 00	69 00	.....	.....	.....	.....	889 75	.....	.....	.....	2,702 25	373 25	3 00
Putnam	3,151 29	112 12	45 00	255 50	30 00	.....	58 10	175 00	.....	40 00	.....	3,705 00	300 20	3 15
Putnam	15,124 45	.....	59 00	434 72	.....	260 92	1,300 00	500 00	82 00	52 00	200 00	15,272 10	219 24	3 63
Rensselaer	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rensselaer	2,091 00	204 00	50 00	15 00	45 00	.....	.....	420 00	.....	52 00	.....	2,650 25	295 82	3 25
Saratoga	1,000 00	30 75	.....	.....	.....	.....	.....	200 00	.....	91 65	92 51	1,259 60	253 78	4 00
Saratoga	1,000 00	30 75	.....	.....	.....	.....	.....	200 00	.....	91 65	92 51	1,259 60	253 78	4 00
Schuyler	1,000 00	427 00	15 00	20 00	30 00	30 00	400 00	220 00	.....	20 00	.....	1,800 00	409 00	4 50
Saratoga	1,493 00	53 00	.....	.....	.....	.....	.....	213 00	.....	.....	.....	1,756 00	359 60	3 25
Saratoga	515 50	32 25	.....	.....	.....	.....	.....	100 00	25 00	7 00	34 00	725 00	359 60	4 00
Sullivan	1,189 44	.....	20 00	.....	.....	.....	.....	100 00	.....	.....	.....	1,300 92	189 51	2 50
Tioga	633 00	27 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tioga	3,500 00	287 00	250 00	427 00	188 00	334 00	230 00	539 00	100 00	52 00	.....	5,244 12	414 38	2 50
Ulster	4,000 00	18 25	29 13	.....	.....	.....	.....	48 00	.....	.....	.....	4,085 38	277 00	4 00
Washington	840 00	11 00	.....	.....	.....	.....	.....	184 00	.....	.....	.....	1,034 00	123 50	3 50
Washington	1,035 00	65 00	8 00	35 00	10 00	114 00	5 00	200 00	.....	5 00	.....	1,365 00	223 00	3 50
Westchester	940 00	225 00	.....	.....	.....	.....	.....	1,302 50	.....	.....	.....	1,302 50	194 64	2 75
Westchester	850,529 66	\$11,314 39	1,832,422 016	552,472 802	218 068,234 07	\$11,807 24,918 13	1,992 375,789 22	139,465 068	\$11,857 10	.....	.....	.....	.....	.....

\* The bill of the jailer is not on file in the office of the clerk of supervisors; the sum was taken from the printed minutes; they are not distributed there, and the cost was not included in the bill. † None of these charges appear among the supervisors' accounts, but they were made. ‡ Includes clothing and bedding. § None of these charges appear among the supervisors' accounts, but they were made. ¶ Includes repairs and furniture. \* Includes clothing and bedding. † None of these charges appear among the supervisors' accounts, but they were made. ‡ Includes clothing and bedding. § None of these charges appear among the supervisors' accounts, but they were made. ¶ Includes repairs and furniture.









TABLE VII.

*Liquor Traffic.*

Counties.	U. S. Licenses.	State Licenses.
Albany.....	1,100	.....
Allegany.....	84	.....
Broome.....	98	.....
Cattaraugus.....	98	.....
Cayuga.....	360	69
Chautauque.....	146	.....
Chemung.....	203	.....
Chemango.....	98	.....
CClinton.....	170	.....
Columbia.....	226	.....
Cortland.....	61	18
Delaware.....	40	.....
Dutchess.....	232	.....
Erie.....	1,672	.....
Essex.....	105	.....
Franklin.....	62	48
Fulton.....	.....	.....
Genesee.....	79	59
Greene.....	72	.....
Hamilton.....	.....	.....
Herkimer.....	.....	.....
Jefferson.....	.....	126
Kings.....	.....	47
Lewis.....	.....	83
Livingston.....	.....	108
Madison.....	518	401
Montgomery.....	.....	120
New York.....	.....	.....
Niagara.....	248	.....
Oneida.....	309	307
Onondaga.....	449	.....
Ontario.....	.....	.....
Orange.....	328	217
Orleans.....	69	41
Oswego.....	176	.....
Otsego.....	138	.....
Pulnam.....	.....	.....
Queens.....	185	185
Rensselaer.....	506	382
Richmond.....	340	.....
Rockland.....	.....	126
St. Lawrence.....	207	48
Saratoga.....	.....	76
Schoenstedt.....	.....	.....
Schoharie.....	.....	.....
Schenley.....	.....	.....
Seneca.....	162	81
Steuben.....	162	98
Suffolk.....	120	.....
Sullivan.....	103	.....
Tioga.....	.....	.....
Tompkins.....	.....	.....
Ulster.....	346	195
Warren.....	.....	.....
Washington.....	.....	184
Wayne.....	125	77
Westchester.....	.....	.....
Wyoming.....	.....	92
Yates.....	.....	6
	9,800	2,654

## X. REPORTS ON INDIVIDUAL JAILS.

While the committee regret some deficiency in this part of their report, their regret is less than it would have been if the report of last year had not embraced every county in the State.

*Albany County.*

The Albany jail remains in the same condition with respect to structure and management, as described in our last report, except that it is now supplied with the means of bathing the whole person, which was an improvement greatly needed. It was presented in 1864, by the grand jury of the county, as entirely inadequate to the safe and healthful keeping of the prisoners committed to it. Although everything is done by the jailer that can be under the circumstances to keep it clean, the stench of the cells, in which two prisoners are almost always confined, is absolutely hideous, as we had abundant reason to know while talking with the prisoners confined in them. An addition to the present jail building is needed of at least twice the present number of cells. A house for the jailer might be built on the jail lot, east of the prison building, which would leave the rooms now occupied by him free to be used for witnesses and for young boys, who are now herded with the adepts in crime, where they rarely fail to be contaminated, and their reformation becomes almost hopeless. Another addition could be built on the western side, with very strong cells for dangerous prisoners, leaving the present prison for vagrants, drunkards and disorderly persons, who are quite numerous enough to fill it. A better way, however, would be to erect an entirely new jail, in a more eligible position.

Dr. Staats informs us that there has not been much sickness there during the past year. Delirium tremens has very much decreased since 1863, which he attributes to the high price of liquor.

Five insane persons were committed during the year 1864, one of whom was sent to the State lunatic asylum, and four to the asylum at the county poorhouse.

There has been only one death, which was caused by delirium tremens.

Two persons escaped from the jail during the past year. The prisoners are locked in their cells both in the day and in the night, but they are let out for a short time in the morning for the purpose of emptying the night tubs. The prison is separated from the privy by two doors, one of which is of thick oaken plank, and the other of wrought iron. There is an old revolver (that is, a prisoner who is continually re-arrested and committed to jail), who is in prison about eleven months out of twelve, and who is rarely out of the jail three days at a time. The key of the cells has heretofore been committed to him, and that of the privy also. The two prisoners, on the morning of the escape, shut both privy doors after them, and the old revolver, seeing them shut, supposed that he had locked them. The men remained there during the day, and at night worked the mortar out of

the brick with a piece of thin iron, and escaped through the hole thus made. Since this occurrence the old man has not been entrusted with the key of the privy, but it is kept by the jailer himself.

#### *Broome County.*

A full description of this jail was given in our last report. The same sheriff continues in office; few changes have been made. One change for the better, however, and that an important one, has taken place. Last year the report was, "no preaching, and but two visits from Christian laymen." This year it is: "Our local corresponding member, Rev. C. K. Platt, preaches frequently to the prisoners on the Lord's day." Another gentleman, a teacher, (the sheriff being absent, we could not learn his name,) often visits the jail on Saturday, with some eighteen or twenty of his scholars, and spends half an hour in singing, reading the scriptures, exhortation and prayer. Still another gentleman comes nearly every Sabbath morning, reads a chapter, comments on it, and offers prayer with the prisoners. Two Christian ladies, likewise, visit the prison almost weekly, to converse with the inmates and distribute religious reading among them." It was further reported last year that no light was allowed in the jail at night. The practice now is to permit the prisoners to have lights till half past eight or nine o'clock, provided they furnish them at their own expense. Moral agencies are mainly relied upon for the preservation of order, and punishments are rare.

#### *Cattaraugus County.*

This jail was visited and fully described last year. It is one of the worst in the State; the committee scarcely know any lower in the scale. It is ill-constructed, cramped, insecure, inconvenient, dark, without ventilation, dilapidated, comfortless and discreditable to the county every way. It has no redeeming characteristics that we could discover, except a jailer, in under-sheriff Stevens, who is humane, kind, watchful, and does the best he can with the scanty resources at his command. There is no Bible in the jail. The Association has no local committee here; but we were informed that the Methodist minister, Mr. Potter, who has been stationed in Ellicottville three years, has often visited the jail and talked with the prisoners, but no other person, minister or layman. No man seems to care for the souls of its unfortunate and criminal inmates. The prison dietary is the same as last year, except that milk instead of coffee is given for drink at breakfast. The fare, as described to us, is quite as good as it ought to be, to say the least. Soap and combs were reported last year as not furnished to the prisoners; they have been provided by the authorities since then. The prisoners in this jail are reported as obedient and well behaved. Punishment is rarely needed. Kind words and good counsel are the chief agencies relied upon, and are found more effective than severity. There was one insane

prisoner in the jail last year. He was brought before the court, a statement of the case was made by his counsel, the district attorney assented to it, and the prisoner was sent to the asylum at Utica.

#### *Chautauqua County.*

The committee would refer the reader to the full and lucid description of this jail in the last annual report. The description, in most particulars, is as applicable to the present time as to a year ago. Some improvements, however, have been made, as would readily be inferred, when we state that \$1,000 have been expended upon them. It was stated in the last report that from the deficiency of ventilation a prisoner could not be confined in the cells twenty-four hours consecutively without causing headache. A ventilating apparatus has been since introduced, which, we were informed, has effectually cured this deficiency. It was stated last year that no moral means were employed to promote good discipline. Mr. Warren, who was keeper then and had been for three years, is sheriff now. He assured the committee that the prison is governed by moral agencies almost wholly, punishments of any kind being rarely found necessary. Shackles have been used only twice in four years. The statement of last year probably arose from the fact that Mr. Warren was absent at the time of inspection, and the information was obtained from the assistant, who probably misconceived the nature of the question put to him. The committee were impressed with the conviction that the present sheriff is "the right man in the right place." They were further impressed with the idea that the authorities of the county are deserving of great credit for the liberality and good taste with which they have provided for the needs of the county in the matter of public buildings. The court house and county clerk's office are models of neatness and convenience, and the sheriff's residence, connected with the jail, is ample and commodious beyond any elsewhere met with. The jail itself, though falling much below the standard held by this Association to be the just and true one, is yet superior to most others in the State, in point of security, discipline, classification of prisoners and general arrangement.

#### *Chemung County Jail at Elmira.*

Very full descriptions of this prison have been given to the Legislature and the public, in the extended statements made concerning it in the reports of 1863 and 1864. Mr. E. W. Howell has been inducted into office as sheriff since the date of our last report, and is now in charge of the jail. Mr. H. is active, alert and vigilant; and he showed marked courtesy to the committee, affording them every facility for the inspection required by law, and making out for them, at no little cost of time and labor, the statistics of commitments, discharges, &c. We do not propose a repetition of what has been so fully reported the two preceding years, but will limit ourselves to the statement of changes, and the correction of

one or two errors, into which the committee of last year appear to have fallen. As respects the prison building and its security, the employment of prisoners, their means of mental improvement, the prison dietary, the classification of the inmates, and the sanitary condition of the jail, things remain much the same as heretofore reported. The same attention is paid to the moral and religious welfare of the prisoners. Mr. Truman Fassett, a Christian layman, labored faithfully in this jail each Lord's day, until somewhat more than a year ago, when his health failed. His mantle, however, has fallen on a worthy successor, in the person of Mr. E. S. Palmer, who has labored in the same field with equal diligence and fidelity. He is at the prison every Sabbath, and holds one service for the men and one for the women. His labors are highly appreciated both by prisoners and officers, and the influence of them is good in many cases, and in some, it is believed, lasting.

Under the former sheriff, the inmates were allowed lights until 9 p. m. Mr. Howell locks them all in their cells at dark, and permits no lights, a change not, as we think, for the better. He also locks the cells in the morning, when the prisoners come out into the corridors, and allows no entrance into them till the time for locking in at night, an excellent arrangement, that is, if they are let into the corridor during the day.

It was reported last year, and the year before, that no punishments were employed in this jail. Some have been found necessary since, and those used are confinement to the cell during the day, and shackles.

The female ward was stated, in the last report, to be in the building in which the sheriff resides. Either this was an error, or a change has been made since that time. The women are now in an upper ward of the prison proper; and the separation of the two sexes, though better than in many jails, is not perfect. They can hold conversation together through the floor.

In the point of cleanliness, there is an obvious falling off since the date of the last report and the one preceding it. Not even spitting upon the floor of the jail was then allowed. No such prohibition appears now to be enforced.

We append a special report made by a committee of the last board of supervisors.

"The special committee appointed to examine and report upon the condition of the county jail, submitted the following report, which was adopted:

"To the Honorable Board of Supervisors:

"Your committee, appointed to examine the condition of the county jail or prison, also the condition and treatment of the inmates, respectfully report that we have examined the premises in question, and find twenty-six inmates or prisoners in the jail—twenty males and six females—all of whom are as well and safely kept as the bad and imperfect state and condition of the buildings will permit. We find the jail in a bad and dilapidated condition, with little or no ventilation. There being no sewers from

the building, the nausea in and about the jail is hardly to be endured; hence your committee recommend (if it can be) that some arrangement be made with the common council of the city of Elmira, whereby a sewer may be constructed from the jail to the river. We also find that all male prisoners are placed in one common room; hence the man who gets slightly inebriated over night, and is sent to jail in the morning to get sober, is put in a room with robbers, burglars, counterfeiters and murderers. In the center of this common room we find a tier of eight cells, badly ventilated, with rickety wooden bedsteads (or boxes), all well calculated to induce vermin; hence your committee recommend the purchase of sixteen iron bedsteads, to be placed in the jail immediately.

"All of which is respectfully submitted.

D. DECKER,  
G. W. BUCK,  
A. H. PARK,  
Committee."

This does not paint the prison *couleur de rose*; nevertheless, the colors are in the main truthful. Perhaps too favorable a report was made last year on the building itself and its arrangements. We are, at this writing, decidedly of the opinion that the county of Chemung, like most of the other counties, needs a new and improved common jail.

#### Chenango County.

The greatest number of prisoners in the jail of Chenango county are sent from the towns of Norwich, Greene and Oxford; the larger number from the former place, and the smaller from the latter. They have no employment, except doing a few chores and cleaning the jail. The sheriff supplies the prisoners with the newspapers of the day, and they read the American Messenger regularly and with interest. There is never any preaching in the jail, nor does any one ever visit them with a view of doing them good. Each cell is supplied with a Bible, but it is seldom read. The prisoners are fed three times a day. For breakfast they have fried meat, potatoes and coffee. For dinner they have fish once a week, baked pork and beans three times a week, and the rest of the time they have boiled beef or pork and potatoes. For supper they have pudding and milk. There were no deaths and scarcely any sickness. The jail is kept in a cleanly condition. Tubs of water are carried in once a week, in which they are allowed to bathe the whole person. They are supplied with sheets and pillow cases, which, as well as their own clothes, are washed once a week. The jail is sufficiently heated by means of three wood stoves. One insane prisoner, admitted for safe keeping, was transferred to the poorhouse. There are five cells, 4½ feet wide, 9 feet long, and 7½ high. Four prisoners escaped by breaking through the wall. The Sabbath is generally well observed in the county.

*Columbia County.*

Most things continue at this prison as they have been described in former reports. It has always been represented as very insecure, but it is now worse than ever in this respect. Owing to the long protracted drought acting on the clay cement, the whole of the eastern wall is cracked so that it can be seen through in places, and nothing is more easy than to pick out the loose stones of which it is composed, and thus make a hole large enough for a man to escape. The notoriously insecure condition of the jail keeps the thoughts of escape before the minds of the prisoners continually, and the awkward arrangements of the prison, the angles and hiding-places with which it abounds, enables them readily to devise the means of accomplishing their designs. This jail, on every account, ought to be replaced by a new one without delay. The interests of justice and humanity alike require it.

*Cortland County.*

There has been no change whatever in the internal structure or management of this jail since last year. The report for that year will therefore answer for this, except that there was only one escape this year, whereas there were five during the preceding year.

This escape was made through the ventilators, and was very ingeniously effected. This mode of escape has now been very carefully guarded against, and will not probably be repeated.

More attention has been paid to ventilation in this prison than is usual. It is furnished with four of Emerson's ventilators, which work well in windy weather, but are almost useless in calm and especially in foggy and damp weather.

There are 270 cubic feet of space in each of the ten lower cells.

*Dutchess County.*

The condition of this jail remains the same as appears by last report, except in the following particulars:

The diet is so far changed that soup is given twice in each week instead of the previous uniform diet of meat and bread; a raw onion is given to each prisoner once in each week.

Two insane prisoners have been sent during the year to the State asylum, and one to the county house. There have been no deaths.

One man escaped during the year, who was retaken. He sawed off the bar of the window gratings. Since that time the prisoners have not been allowed to leave their cells, which is certainly a step in the right direction. The women are still allowed the liberty of the corridor in the day time.

The security of the prison has been still further increased by providing the windows with woven iron coverings on one side, and the supervisors have made an appropriation for placing a like covering on the other also. This will prevent the introduction of tools and liquor from without.

The district attorney has this year inaugurated a reform with regard to

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forfeited recognizances; for the first time within the memory of the present generation he has collected one thousand four hundred and fifty dollars and paid into the county treasury.

*Eric County.*

No report was made last year on this jail, other than the indictment of it as a nuisance by the grand jury of the county in 1864. A similar paper was presented by the same body in 1865. And, certainly, the jail of Erie county is well worthy of this bad eminence. Cramped, ill-ventilated, ill-lighted, and insecure, it is nothing short of a disgrace to the county of Erie and the city of Buffalo. The committee are happy to report that the board of supervisors have at last waked up to the necessity of action, and have resolved to erect a new jail, and they are taking measures to procure such a plan as will make their prison, when built, worthy of their noble city, and a model for imitation by other cities of the State. The committee expect to see in Buffalo the finest jail in the State of New York.

The sheriff and his efficient assistant do all they can for the proper management of the jail, but they lack the facilities for an effective administration of it. The prisoners have no employment, and there is no library in the jail. The keeper sometimes loans books to such prisoners as will take good care of them. No secular instruction is given. There are a few Bibles in the prison, but not enough to supply the inmates adequately with the sacred volume. There is no preaching in the jail, owing solely to the want of proper accommodations for such a service. Our excellent and active local committee would at once organize regular Sabbath services, with the full approbation of the prison authorities, if the necessary facilities existed. We have every reason to be satisfied with what our committee in Buffalo are doing. They hold a monthly meeting for consultation together; visit the jail every Lord's day; converse with the prisoners personally; and distribute an abundant supply of religious tracts and newspapers. These are thankfully received by the inmates, and the testimony of the officers is, that they exert a good influence on some of them.

The prisoners are fed three times a day. For breakfast, they have bean soup and bread; for dinner, fresh beef and bread; for supper, mush and molasses.

The health of the inmates, notwithstanding the want of ventilation, and the crowded state of the prison, is reported as good. This exemption from sickness is doubtless owing to the fact that the jail is used only for persons held for trial, and consequently the periods of imprisonment are comparatively brief. There is an abundant supply of water in the jail from the city water works. The prisoners are required to wash twice a day. Soap and towels are provided, but not combs. There is a bath room, with one tub in it. In summer the inmates bathe occasionally, but never in winter. No provision is made for shaving and hair-cutting. The prisoners do this with their own implements, and whenever they choose.

Most of the persons confined here, have no washing done, as they stay so

short a time. As regards those who remain for any length of time, their underclothes are washed weekly. The bed clothes of the men are blankets only, and these are washed once a month. Heretofore the women have had only blankets; in future they are to be provided with sheets and pillow-cases. The men sleep on sacking bottoms, without beds; the women, on straw beds.

The jail is scrubbed three times a week, and whitewashed once a month. Night tubs are used; they are emptied and cleaned twice a day, and returned to the cells with a portion of clean water in each. This prevents bad odor.

The jail is but poorly lighted by day. The men can read only by sitting close to the door of the cells, and then not easily, unless their eyesight is very good. Four gas jets are kept burning in the men's ward, full head on, all night; one in the female ward; and one in the apartment for witnesses and debtors. This, however does not furnish light enough for reading.

The jail is heated by wood stoves, and reported as comfortable in cold weather.

The punishments employed are the dark cell, and shackles on the ankles. Moral means are used to some extent to secure good order.

There is a watchman in the jail at night, so that there is no difficulty if a prisoner is taken ill at night, in making it known.

The women are completely separated from prisoners charged with crime, but not from witnesses and debtors. These can readily converse together, but without seeing each other. Even the criminal males can talk with the females through the floor.

There is no classification that amounts to anything.

There has been no case of real insanity during the year. One man, after conviction, successfully feigned madness, and got himself sent to the asylum at Utica, from which, however, he very soon managed to effect an escape.

This jail was erected in 1832. The material is stone. The number of cells for criminal prisoners is forty, a part of which are three and a half feet by seven, and a part four feet by seven. There are four sleeping rooms and a sitting room for the women, and four rooms for the debtors and witnesses.

The prison is very insecure. Great vigilance is required to hold any of the prisoners. Four escaped during the year; three were retaken, and one remains at large.

The sheriff is of the opinion that the law enacted last winter, requiring female felons in the eighth judicial district to be imprisoned in the Erie county penitentiary, operates to the increase of female crime in the said district. He says that the penitentiary has little terror for women of the criminal class, whereas the dread of Sing Sing felt by them had a powerfully restraining effect. The committee feel bound to add that the superintendent of the penitentiary, Mr. Felton, holds a different opinion.

We, of course, have no means of determining who is right and who wrong in these opposite judgments.

#### Essex County.

This jail remains as reported last year. A new and improved building is much needed.

It is quite impossible here, as indeed it is in most if not all the other counties, to carry out the classification of prisoners, which the law requires. The indiscriminate association of the prisoners produces the usual evil effects—demoralization and increase of crime. At the time of our visit, three young men were confined in one room, each on his first committal. Having nothing else to do, they spent their time in mutual corruption and encouragement of one another in evil courses. They were sure to leave the prison far worse than when they entered it.

#### Franklin County.

*The Prison Dietary.*—Three meals are given to the prisoners during the whole year. For breakfast and dinner they have meat, potatoes and wheat bread, as much as they desire; but no tea or coffee, unless they are sick. Supper, bread and butter.

*Sanitary Condition.*—The cells are damp, dark and unventilated; yet there were no deaths during the year, and no sickness of any consequence.

*Cleanliness.*—An abundant supply of aqueduct water is brought into the jail by pipes, which are always accessible to the prisoners. They are supplied with tin basins, soap, combs and towels, but they are not compelled to wash, herein acting their own pleasure. The prisoners' clothes are washed every week, and the bed clothes once in three months. They have no sheets or pillow-cases; the bedding consists of straw beds and blankets.

*Lighting.*—The corridor is sufficiently lighted by external windows in the day time, though the cells are dark. At night it is lighted by a single candle, and the cells are locked at 9 o'clock.

*Heating.*—There is a large wood stove in the corridor of the main jail, and a smaller one in each of the women's cells.

*Discipline.*—The only punishment used is the application of hand-cuffs to refractory prisoners, or locking them in their cells during the day.

*Sudden Illness.*—It would be difficult to communicate with the keeper in case of sudden illness at night.

*Separation of the Sexes.*—They cannot see each other, but they can converse through the windows.

*Classification.*—There is no classification whatever.

*Security.*—There have been no escapes during the year.

#### Fulton County.

The committee visited Johnstown, Fulton county, but the sheriff was engaged on his own business, and would not afford us access to the books or to the prison, though we waited there for the purpose all day. He pro-



mised that he would send us the statistics of the jail; but though we have written to him twice, he has not fulfilled his promise. He informed us that the jail was in exactly the same condition that it was when examined last year. This is all the report we are able to make of this jail.

*Greene County.*

Sixty-eight persons were committed to the jail of Greene county, at Catskill, during the year. Four persons, one of whom was a woman, were in confinement at the time of our visit.

There have been no deaths during the year, and very little sickness. There were two escapes effected by burning off the planks with a poker heated in the stove. One insane person was committed, who was turned over to the poorhouse. The jail is kept in as clean a condition as it can be in the dilapidated condition in which it is. The moral interests of the prisoners have been faithfully cared for by our local committee. A new jail is absolutely needed by the county. In all other respects, it is the same as last year.

*Herkimer County.*

Herkimer county jail was visited on the 26th day of June, 1865. There are but few changes to report with regard to this jail, from the reports of previous years.

We are gratified to state that Rev. Mr. Wood, of the Episcopal church, preaches to the prisoners regularly once a fortnight. Two Methodist ministers, whose names we did not learn, frequently occupy the intermediate Sabbaths. These gentlemen also give much valuable advice privately to those whom they suppose will be benefited by it, and defend the prisoners in various ways.

The prisoners are fed from the sheriff's own table, and have Java coffee twice a week. This county has always been famous for the excellence of its jail fare, and it has not suffered in its reputation among prisoners since the present sheriff came into office.

Two new cells for women have been built the past year, which separate them much more effectually from the men than they have been heretofore. We cannot too highly commend this improvement; and if they could be as effectually isolated from each other, it would be a still greater good.

There have been no deaths the past year, and the health of the prisoners has been unusually good. There have been no escapes, nor any attempts at escape.

Intemperance is decidedly increasing, and the same, we regret to report, must be said of prostitution. Gambling remains about the same as last year. The excise commissioners are making extra efforts to suppress illegal rum-selling with some success, but they are baffled in their efforts by the sellers of lager beer, who claim that they are not included in the excise law. Large quantities of this liquor is sold, especially on the Sabbath.

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*Jefferson County.*

The jail of Jefferson county, at Watertown, was visited August 26th, 1865. The only labor required of the prisoners is cleaning and whitewashing. The American Messenger is regularly received, and is much read by the prisoners. They are sufficiently supplied with Bibles. Several benevolent individuals are in the habit of calling at the jail to talk with the prisoners, and advise them in relation to their best interests.

The cells of the prison are partly under ground, but there has been very little of disease, and no deaths during the year. No case of sickness has originated within the prison. The most common complaints have been delirium tremens and syphilis.

The jail is kept tolerably clean, and the clothing and bedding are sufficiently washed.

Few punishments have been inflicted. Two or three prisoners have been handcuffed and chained, and two have been confined in the dark cell.

There have been two insane persons committed during the past year, both of whom were transferred to the county asylum.

The prison has sixteen cells, each of which has three hundred and ninety cubic feet of space.

One prisoner escaped; he was taken out to do some work, and slipped away unobserved.

Intemperance has very much increased since the war began. Prostitution has increased during the past year. The venereal disease has been far more prevalent than it has been at any time within the memory of the resident physician.

The Sabbath is observed by a general abstinence from labor throughout the county; but a great number of persons employ their time in recreation rather than in worship.

*Madison County.*

The jail at Morrisville, Madison county, was visited on the second of October, 1865.

The jail is old, ill-contrived and insecure, yet the excellent sheriff does all that he can to remedy its deficiencies and to make it fulfill the purposes for which it was designed. There are no Bibles in the jail, but the jailer lends his own Bibles to all who desire to read them. Elder Malory has preached twice during the year to the prisoners; no one else has visited them. The prisoners fare exactly as the sheriff does, being fed directly from his table. There have been no deaths during the year and but very little sickness. The prisoners are supplied with both sheets and pillow-cases, which are washed every week. Lights are allowed to the prisoners, which they are allowed to keep burning as long as they choose. We fear mischief may spring out of this indulgence. Each room is heated by a wood stove. The prisoners are punished by putting them in shackles and

chains. The sexes can readily converse with each other. There are eight large cells. One man escaped by kicking a plank off of the yard fence, but was afterwards retaken. The greatest number of prisoners come from the towns of Lenox and Brookfield.

*Monroe County.*

The jail of Monroe county, in the city of Rochester, is one of the most important in the State. It received 1,005 prisoners during the year, and there were 34 in confinement at the time of our visit, most of whom were for State prison offenses. A chaplain employed by the board of supervisors preaches every Sabbath, and visits the prisoners at other times during the week. Two nuns visit the members of the Catholic denomination every other week. There was one death by suicide. One case of small-pox occurred in the prison, but the disease did not spread. The other cases of sickness were of a trivial character. The jail is abundantly supplied with water by a pump in one of the corridors. The prisoners wash their own clothing and bedding, and are not provided with towels. Three persons were punished by confinement in the dungeon during the year. Several insane persons have been committed for safe keeping, but in all cases they have been committed on a warrant. There are 36 cells in the jail, three and one-half feet wide, seven feet long and eight feet high. There have been no escapes. In all other respects the prison is as described in the report of last year.

*Montgomery County.*

We are gratified to be able to report that a real improvement has been made this year in the jail at Fonda, Montgomery county. Heretofore the communication between the male and female prisoners has been very easy. The jail has now been altered so that they are entirely separated; they can neither see nor hear each other. There is a Bible in each room. The Rev. W. Frothingham and his wife have visited the jail frequently during the past year, supplied the prisoners with religious reading, and sought in other ways to promote their moral and religious interests. There have been no escapes, nor any deaths. There are 245 cubic feet of space in each cell. In other respects the report of last year will apply equally well to this, and therefore need not be repeated.

*Oneida County.*

There are two jails in this county, one at Utica, the other at Rome. Both remain in the same condition as last year. The jail at Utica was once visited by Dr. Watts, who conversed with the inmates on religious subjects. What was done in this regard at Rome will be seen by the report of our local committee for that jail.

There was one death in the Utica jail from delirium tremens, and one in the Rome jail from the effect of poison taken by a female before her commitment. Her death occurred very soon after her reception. The health of both prisons has been generally good. There have been no escapes from either during the past year.

Intemperance, prostitution, and gambling, are reported on the increase.

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*Onondaga County.*

The lower tier of cells in the penitentiary is used as a county jail, the men being confined on one side and the women on the other. The jail prisoners are not compelled to work, but those who desire to do so are allowed to work in the penitentiary shop; many of them avail themselves of the privilege. They have access to the penitentiary library, and some of them avail themselves of the privilege. A Bible is placed in every cell. Since the fire which destroyed a part of the penitentiary building, there has been no preaching, owing to the want of a suitable place to assemble the prisoners. There has been no sickness of any consequence in the jail this year, except a surgical case of a prisoner who resisted an officer, and who was shot in consequence. There have been no deaths. There is a well within the prison walls; the opening to it is on a level with the floor, unprotected by a curb. This is dangerous, and therefore objectionable. There are sufficient conveniences for washing, and the prisoners are compelled to keep themselves clean. They are mostly supplied with clean clothing by their friends outside, but when this is not the case, their clothes are washed weekly in the jail. The blankets are washed four times a year, the sheets and pillow-cases once a week. The prison is lighted with gas at night. It is heated with coal and wood stoves. When prisoners refuse to conform to the discipline, they are punished by confinement in a dungeon; only two were thus punished in 1864. A watchman is on duty in the hall all night. There is no communication between the sexes. There are 256 cubic feet in each cell. There has been but one escape from the jail. The prisoner asked to be employed, and was sent into one of the shops alone; he broke the lock from the door, and thus escaped.

*Ontario County.*

The condition of the jail of Ontario county is slightly changed since the report of last year.

There are no Bibles now in the jail; several have been placed there, but the prisoners destroy them. There is no preaching in the jail, and no efforts are made for the moral improvement of the prisoners. The food is abundant and wholesome. There have been no deaths, and very little sickness during the year. The jail was in a clean condition, as were also the clothing and bedding of the prisoners. One insane prisoner had been transferred to the county house on the day of my visit. He had not been there an hour before he killed one of the paupers, and was brought back to the jail. There are 21 cells, 3½ feet wide, 8 feet long, and 7½ feet high. Three persons escaped by sawing the bars of the outside windows. On the north side of the jail, the windows have only single gratings, which are very weak. There are many things required to make the jail strong enough to hold a determined prisoner.

For all other details, see report of last year.

*Oswego County.*

There is little change in the jail at Oswego and its management, since the report of last year. The local committee have been active and vigilant, and the good effect of their labors is visible.

They have recently arranged a plan for having regular weekly services in the jail, by the clergymen of the city, in rotation. The first services were held on the Thursday before my visit, by Rev. Dr. Condit. He first conversed personally and privately with each prisoner. They were then assembled, when they sang a hymn. The commandments, and selections from the New Testament, were then read, some practical remarks were made, and the services were concluded with prayer. The jailer informed us that they listened with much attention and respect to his exhortations, and several of them expressed their gratification at his visit in very lively terms. The cells contain 400 cubic feet of space each, but as in other jails, the ventilation is very deficient. There have been no escapes, but two attempts have been made to set fire to the building, both of which were frustrated. There is a stationary ladder on the outside of the building, from the ground to the eaves, and another from the eaves to the ridge pole. *These should be removed, as they furnish great facilities for escapes and for access to the jail by confederates from without.* The jail ought to be whitewashed on the inside more frequently; in other respects it is kept very clean, and in good order.

*Otsego County.*

Little change has taken place in the jail of Otsego county, at Coopers-town, since our last report. Only twenty-nine persons, four of whom were women, were committed during the year. Each cell is supplied with a Bible. The jail has been visited twice by benevolent persons during the year. No special religious exercises were held, but the prisoners were individually exhorted to repent. The *American Messenger* is regularly received and attentively read. The prisoners are also supplied with the secular papers by the sheriff. The food of the prisoners is wholesome and abundant, but there is no regular bill of fare, except that the supper always consists of mush and milk. An abundant supply of water is introduced into the jail by pipes from a fine spring. The jail is kept in a clean condition; the prisoners' clothes and bedding are washed every week. They are allowed the use of a candle until nine o'clock p. m. The jail is sufficiently warmed by three wood stoves. No punishments have been inflicted during the year. In case of sudden illness at night, it would be very difficult to apprise the jailer. The sexes can talk with each other without difficulty. There is no attempt at classification, prisoners of all classes and ages being indiscriminately mixed with each other. There have been no insane persons confined. There are eight cells in the prison. No one has escaped during the past year. The greatest number of prisoners have been received from the

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towns of Otsego and Milford. Prostitution is increasing in the county. Intemperance is about the same as in former years. Except in the village of Cooperstown, gambling is rare.

*Queens County.*

For a particular description of the building, cells, &c., we refer to the reports of the last two years.

This jail is 87 years old, is of wood and has 16 cells, yet the keeper informed us that he was not much troubled with vermin.

Mr. George Durland is the deputy sheriff and keeper. His term of service commenced with 1865. While there is evidence of order and efficiency in his management, still we could perceive that the jail was deficient in such accommodations and arrangements as are necessary to meet the requirements of proper prison discipline. There are here confined 31 prisoners. There are five white and three black women, all in three cells, mingling together. Then there are ten black men and one white man in three cells communicating with each other. One of the blacks is a mere boy, of nine years, committed 60 days for vagrancy. Twelve white men occupy six cells, each opening into an upper and lower corridor. There is, therefore, little classification of prisoners, and no employment, except to keep one coal and two wood stoves supplied with fuel. Every Friday they are obliged to scrub and clean up the prison, and wash both themselves and their clothes. Night tubs are used and emptied every day by the prisoners. There is no means of intellectual culture of any kind, and no one visits the prison for religious conversation with the prisoners. A few religious papers are received monthly for them.

*Prison Dietary.*—Two meals a day. For breakfast, coffee, bread and gravy. For dinner, bread, beef or pork, with potatoes and turnips. Soup one day in the week, and on Fridays fish.

Water is brought into the jail in buckets. Basins, soap and towels are provided. Light at night is not provided, unless there be sickness. No diseases have originated in the jail, and very little sickness during the last year. Only one case of delirium tremens.

In regard to discipline, Mr. Durland has found kindness with firmness all that was needed to secure good conduct and order.

*Rensselaer County.*

The jail of Rensselaer county was visited and examined on the 19th of December, 1865.

The religious services in the jail have been discontinued. At one of these services a prisoner, who had been recently committed, and was therefore not well known by the turnkey, joined with great apparent devotion in the exercises, and when the visitors withdrew he, with a book under his arm, marched out with them and escaped. This was deemed a sufficient reason for discontinuing the services. Such discon-

finnance is much to be regretted. It is, indeed, too true that but little good is done to a great number of these persons; yet it is equally true that in a number of cases great good is effected. These ameliorations ought not to be lost, and as nothing is required but greater vigilance to prevent a repetition of such escapes, it would seem desirable that this should be exercised rather than that the chances for saving even a few of these criminals should be thrown away.

The sanitary condition of the jail has not been as good during the present year as it was in the past, in consequence of the overcrowding of the prisoners. Several cases of diarrhoea, dysentery and typhoid fever have occurred, but none of them have proved fatal. The jail is kept commendably clean, which has diminished the tendency to disease; but if the prisoners continue to increase in the same ratio as they have done recently, the breaking out of severe disease during the ensuing summer may be looked for. Large numbers of the prisoners during the past, as in former years, have been treated for venereal complaints and for delirium tremens, showing that rum and lechery are the bases of most of our criminality. The tables upon these subjects only profess to give the prisoner's own statements. We were assured by officers, who had ample means of knowing the prisoners, that many who disclaimed being addicted to licentious habits, were notoriously given to such practices, and that not a few of them were treated for syphilis in the jail.

The prison is notoriously insecure. There have been three escapes during the past year, besides the case of escape already alluded to. Another was left by the turnkey in the office of the jail with a police officer, who desired to obtain some information from him, which would lead to the detection of a gang of burglars. When the turnkey returned, he found the prisoner and the officer both gone. On inquiring, the officer denied any complicity in the escape, but the circumstances were such that something more than mere assertion is required to exonerate him from the charge. One attempt, which was very nearly successful, was made by cutting through the floor. The prisoner succeeded in this, and was carefully removing the plastering from the room below when he was seen by an invalid daughter of the sheriff, who was sleeping, or rather lying awake, in the room below. She gave the alarm, and the prisoner was secured. A woman nearly succeeded in digging through the outer wall with a knife. The doors of the room are insecure, and the locks might be easily picked by an expert burglar.

Nothing short of an entirely new jail will answer for this large and wealthy county. It ought to have at least one hundred cells for men and fifty for women, each of which should be provided with light and ventilation to that degree that the prisoner need not leave his cell from the day of his incarceration to the day of his release. The present jail has fifteen cells, three square rooms and two halls. It covers an area of 2,700 square feet. The lower story is used by the sheriff for residence and offices, and the two upper stories are devoted to the prisoners.

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There was at one time during the summer one hundred and twenty persons confined within this limited space.

The jail has been recently fitted with iron doors and shutters, which add much to its security against attacks from outside, but not against attempts to escape from within.

Until a new jail is built, several measures of security ought to be adopted for the safe keeping of the prisoners and the protection of the officers. One, at least, of the rooms should be lined throughout with boiler iron; new and stronger doors should be supplied; new locks should be placed on them, and convenient means of inspection should be provided, so that the jailer would be able to see the prisoners without being seen by them. The outer windows ought to be covered with wire gauze to prevent the surreptitious introduction of tools and liquor from without. We saw articles drawn into the window with a string during our visit. There is nothing to prevent the introduction of arms or tools of any kind into the jail without the knowledge of the jailer. Gas lights ought to be introduced into the back part of the jail, so that the jailer could see what is going on in every part of the prison without entering it at night. Large holes should be cut in the risers of the stairs, and the dark closets, which offer great facilities for concealment, should be removed.

Two of the three escaped prisoners were retaken.

One fact which appears upon the face of the table shows the criminal administration of the county ought to awaken the vigilance of the taxpayers and property-holders. Fifty-four prisoners who were admitted to bail, and who were among the most dangerous criminals, ran away, thus escaping all punishment for their crimes. The aggregate amount of bail thus forfeited was forty-three thousand two hundred dollars, not one cent of which was ever collected, or at least found its way into the county treasury.

#### Richmond County.

A description of the jail building may be seen in the 19th annual report of the Prison Association.

No alterations have been made since, except a new reservoir to replace the old one, to supply the bathing tubs and water-closets with rain water, and a new pump whereby the prisoners draw water from an excellent well near the jail.

There are 28 cells. The lower ones contain 350 cubic feet, the upper ones 800 feet each.

No employment for the prisoners, except to wash their own clothes and attend to the fire in a coal stove. It would be easy to erect a fence around the building (there is none now), inclosing ground sufficient to have the prisoners break stone to macadamize the roads through the county. Beside being a great benefit to the prisoner, it would be a good example to other counties.

The halls, or corridors, and cells were in good condition. Only four white males and one colored man were in the prison at the date of our visit. No library and no instruction. A small bundle of religious papers from our Association comes monthly, which is all they have.

No Bibles, no individual effort for the religious welfare of the inmates. This will be attended to hereafter.

*Prison Dietary.*—Meals three times a day, good and wholesome. No table to eat or write on. No complaint from the prisoners on account of food. Codfish on Fridays.

*Sanitary Condition.*—Health good. No diseases originate in the prison except a few cases of chills and fever. Prisoners often come in with diphtheria tremens and venereal. No deaths the last year.

Prisoners are required to wash themselves every morning. Soap is provided, but no combs or towels. Towels and sheets for the beds were destroyed by the prisoners and are not now provided. Blankets are used on the beds and washed when required.

The windows of the jail are narrow, and on cloudy days the jail must be dark and gloomy. No lights are furnished at night unless there be sickness. At dark the prisoners are locked in their cells.

Moral means generally secure good conduct; in extreme cases resort is had to locking in dark cell. If a prisoner is taken ill at night, he can have the attention of the turnkey by rapping on the door.

Six cells are appropriated to the females, and separated from the males by a partition.

No prisoner has escaped the past year, owing to the vigilance of the keeper.

The number of prisoners is largely increased by rowdies from New York, who come here and get intoxicated, are arrested and fined, remaining in jail not over one night. They are brought in six and eight at a time.

#### *St. Lawrence County.*

At the jail at Canton, St. Lawrence county, we were informed from several sources that an old woman had died during the year in consequence of cruel and inhuman treatment by her fellow prisoners, and that the jailer had not interfered to prevent it. After making the fullest inquiries in our power, we drew up a statement of the facts and the names of our informants, and forwarded it to Mr. Vary, the district attorney. This gentleman gave the charge a careful and searching examination, the result of which was that the whole matter had been misapprehended, and that no blame whatever could be attached to the jailer, who had acted with the utmost humanity through his whole official term. This was the only case of death which occurred during the year. The patient was suffering from a mortal disease when she entered the jail, and her life was prolonged rather than shortened by being put there. There were four escapes during the year, all from over-confidence in the keeper, who allowed the prisoners

to go outside on their parole. In other respects the report of last year applies equally to the present.

#### *Saratoga County.*

There is no preaching in the jail, nor is there any individual effort for the reformation of the prisoners. They are supplied with secular newspapers by the jailer, and the American Messenger is read by many of the prisoners with much attention. There are one or two Bibles in the cells, but the prisoners mutilate and destroy them when supplied.

The breakfast consists of boiled meat and potatoes, wheat and Indian bread and crust coffee. The second meal consists of soup and bread, or mush and molasses. Only two meals a day are given.

The small-pox was introduced into the jail in the summer of 1864, but no one died. No sickness is known to have originated within the walls of the jail. The prisoners generally go out in better health than they come in.

There are two cells 15 feet square and 11 feet high; two 7 by 15 and 8 feet high; and six 10 by 15 feet and 11 feet high.

The prisoners are provided with soap and towels. Their clothes are washed once a week, and their bed clothes four times a year.

In other respects the jail is in the same condition as last year.

Eight prisoners escaped in 1864. During the prevalence of the small-pox in the jail, a trustworthy prisoner was allowed to keep the keys of the cells. One day, when this prisoner was in the upper corridor, the jailer, wishing to enter one of the cells, sent one of the more dangerous prisoners to bring them to him. When he was done with them, he sent this prisoner to take them back to the man who was entrusted with them. Instead of doing so, he kept them himself, and at night let himself and four more out of the jail. In the remaining cases, a prisoner made false keys, and at night he put a small boy, who was confined with him, through the diamond hole, and he unlocked the doors and three prisoners went out. In order to make this jail safe, the cells should be lined with boiler iron, and the exterior windows covered with wire-woven gratings. The floors were clean, but the whitewash greatly needed renewing.

#### *Schenectady County.*

This jail remains as it has been described in previous reports. There were no deaths during the past year, and no escapes. The cells contain 405 cubic feet.

#### *Schoharie County.*

Schoharie county jail received 29 prisoners last year, and at the time of inspection there were four men and four women in confinement. Injustice was done to the jailer last year by the statement that the jail was in a dirty condition. This was quite true, but it should have been added that this was in consequence of repairs that were going on at the time. At the present visit, the jail was clean and in good order. The

jail has been much improved by the introduction of a soil pipe into it, which obviates the necessity of carrying night tubs outside to empty. The exterior windows have been covered with wire gauze, which prevents articles from the outside being handed into the jail. One morning it was observed that one of these had been cut through. This caused the jailor to search the premises, when he found a crowbar and a chisel concealed in the straw of the prisoner's bed. The greatest number of prisoners come from Schoharie and Middleburgh. In other respects the jail remains the same as last year.

#### *Schuyler County.*

This jail was visited and fully described last year. The same sheriff, Peter C. Hager, Esq., is in office, and everything remains *statu quo*, except that three meals per day are now given to the prisoners instead of two, which was the case last year. For information respecting the prison building, its arrangements and security, the separation of the sexes, their classification or rather non-classification, and the sanitary condition, cleanliness, lighting, heating and discipline of the jail, members of the Legislature, as well as the general reader, are referred to the last report, where the details are given in full. The statistics of this prison, like those of the other common jails, in regard to commitments, discharges, expenses, and the social, educational, moral, industrial and various other relations of the prisoners confined therein at the time of inspection, will be found set forth in the tables appended to the present report.

#### *Steuben County.*

The numerous defects of this jail, in respect of structure, ventilation, dampness, insecurity, want of cleanliness, want of classification, want of adequate provision for the separation of the sexes, and want of convenient arrangements in general, have been so thoroughly exposed and condemned in the last two annual reports of the Association, that it is hardly worth while to consume the time of the Legislature, or waste paper, in going over the same ground, and reiterating the same statements in the present document. The county of Steuben owes it to justice, to humanity, to religion, to its own dignity and self-respect, and to the Christian civilization of the nineteenth century, to lose no more time in erecting a new jail, than is necessary to be used in procuring suitable plans (a matter of vital necessity), in collecting the needed materials, and in performing the requisite labor of construction. Every hour of delay, beyond what is required to meet these conditions, is an hour of neglect and dereliction of duty, on the part of the authorities of the county. The opinion was expressed to the committee, by a citizen of the county, that money enough had been expended in rewards for recapturing escaped prisoners, to nearly build a new, commodious, and secure jail. The only changes to be noted since the last report, are that, whereas, there were no Bibles in the prison at the date

of that report, six have since been purchased by the county; that, whereas, then neither razors nor shears were provided for the use of the inmates, both are furnished now; and that, whereas, at that time "no moral means were used to secure good order," now such means are the main reliance, and no punishments have been found necessary since the beginning of the current year, except to put shackles on five prisoners who had escaped and were retaken. This was rather a measure of safety than of punitive justice.

#### *Suffolk County.*

The building is fully described in the 19th annual report of the Association. But attention needs to be called again to the wretched condition of the internal arrangements. Fifteen prisoners were confined in it when your committee inspected it, and the air in the corridor, or the space between the cells and the outer wall, was very offensive, and, of course, much worse in the cells, with three prisoners confined in each.

The cells formerly had night tubs in them. To save expense of emptying these tubs every day, they have substituted a pipe and seat, the night soil falling into a drain leading into a cess-pool outside the prison. As this drain passes from the center of the prison (which is octagon in shape) to the cess-pool, there is an opening to it in the corridor, through which the prisoners pour slops, and the stench arising through this aperture permeates the atmosphere of the whole building. There is no water to wash or cleanse it, except what rain may fall on the roof, which runs to the center.

Riverhead is a pleasant, prosperous town of one thousand inhabitants, with some benevolent and good men in it. If they could be induced to visit their jail, as your committee did, when it contained fifteen human beings, and become acquainted with its condition, they would join us in asking the grand jury to take notice, at their next sitting, of this structure, and present it as totally unfit for the purposes for which it was erected.

There is no attempt at classification. One white woman occupies a cell with two colored ones. One middle aged black man, born a slave in Virginia (could give no idea of his age, or who made him, and had never heard of a Saviour) was in one cell with two boys, 18 years old. In this cell there was no bedstead, and their bed lay on the stone floor. Some of the other cells have no bedsteads. The iron ones made for the prison had been torn to pieces by the occupants, and were unfit to sleep on.

Two white men and one black man had the privilege of the corridor, and waited upon those locked in the cells; of course having the most unrestrained intercourse with conversation with the females through the grated doors of the cells. This is all the separation of sexes that this jail affords. Two prisoners escaped the present year, they being in the large cells in the second story intended for witnesses.

The dietary of the prison is the same as formerly, the prison being

under the care of Mr. O. H. Griffin, who has had charge of it over six years, and is a kind-hearted man.

There is no employment for the prisoners. No library belongs to the prison. There are 10 copies of the American Messenger, a monthly paper distributed to them by the jailer, which is all the reading matter they have.

There appears to be a lack of water and of a proper system for using it. At 10 A. M. not any of the inmates had washed, but all had had their breakfast.

The health of the prisoners was stated by the doctor to be good, at least he is seldom called. No cases of fever; some neuralgia; only one case of delirium tremens. In case of sudden sickness at night, they can make the jailer hear by rapping on the door of the cell in the summer time, but not in the winter, or when the weather requires the windows to be closed.

Two insane persons have been sent to the asylum at Utica.

#### *Toga County.*

Sheriff Upham was absent at the time of inspection, but the committee have reason to think, from evidence afforded during their visit, that he is an active and efficient officer. The jail remains in much the same state as reported last year, and it would be useless to go over all the details given at that time. Some improvements, however, ought to be noted, particularly the more effectual separation of the sexes. The male and female wards are on the same floor and adjacent to each other. At the last inspection, there was no hindrance to the two sexes seeing as well as conversing with each other; since then, a tight partition has been erected so that they can no longer see one another, and communication by talking, though not wholly prevented, is more difficult. There is also a very great improvement in the attention given by the citizens to the moral and spiritual interests of the inmates. Our corresponding member, Mr. H. D. Penney, caused to be called a union meeting of the churches, and a committee of five christian laymen, one representing each denomination, was appointed, whose duty it is to visit the jail every Sabbath day. Of this committee, Mr. C. A. Winthrop is chairman. Their duties seem to be very faithfully and efficiently performed, the different members taking the jail in turn, each one month. This committee, in addition to their spiritual labors, have already taken action in the direction of a new jail, and mean to push the matter till this most necessary object is accomplished. It is not too much to say that the present jail is a disgrace to the county.

#### *Ulster County.*

There is a small library belonging to this jail, given for its use by a few benevolent individuals. These books, with the American Messenger, are regularly read by many of the prisoners. Messrs. Waters and Reynolds still continue the religious exercises on Wednesday afternoons, which were mentioned in the last report. The gentlemen engaged are

of opinion that these services are beneficial as they certainly are agreeable to the prisoners.

The only change in the diet since the last report consists in the withdrawal of coffee as a part of the morning ration, and the addition of butter milk as a part of the Sunday ration.

One insane man was committed during the year, who was sent to the lunatic asylum at Utica. There have been no deaths, and very little sickness, except a few cases of typhoid fever during the summer, which also prevailed in the village outside the jail at the same time. The cells contain 640 cubic feet of space.

There have been no escapes during the year, but several alterations are needed for the security of the prison. The entrance door is a very dangerous trap for the jailer. Means for the inspection of the interior from the entrance, and woven wire over the outer windows, are very much needed. In other respects the jail remains the same as in the last report.

Intoxication, prostitution and gambling, are greatly on the increase in the county, particularly along the line of the Hudson and Delaware canal and around the quarries.

The Sabbath is well observed so far as cessation of secular labors is concerned, but it is increasingly used as a day of recreation.

#### *Warren County.*

Everything in the structure and management of this jail remains just as it was last year, and reference is therefore made to that report for all needful particulars.

Miss Turnbull has, during the summer, visited the jail every Sunday, holding religious conversation with the prisoners and supplying them with tracts.

The sanitary condition is not improved since last report. Dr. Cromwell, the physician to the jail, reports that those who are sick there are almost beyond the reach of remedies, owing to the damp and mouldy atmosphere that pervades the cells. One insane person was committed who was sent to the poor house. The cells contain 672 cubic feet of space each.

#### *Washington County.*

Washington is an half shire county, having a jail in Sandy Hill and the principal jail at Salem. We visited them both, but the old sheriff removed on the first of January, and though we spent much time in searching for his records, we were unable to find them. We have written to him since, but received no answer. The jail at Sandy Hill is a weak, miserable affair, quite unfit for the purpose to which it is devoted. Few prisoners are confined in it, and these are treated very much like the jailer's family. The jail at Salem is a new building which, with a few additions to increase the convenience and security, would be a model jail. The average number in the jail is about 15, of whom two are women. The condition and general management remains the same as described in last year's report. There are four Bibles in the jail; every cell has been supplied, but all but these

four have been destroyed. There have been three sermons delivered in the jail during the year; but no one has visited it for personal effort or conversation with the prisoners. The diet is abundant and wholesome. There were no deaths, and but three cases of venereal and two of typhoid fever during the year, both of which originated outside the jail. There is a pump of very good water inside the jail, and it is kept in a cleanly condition. The privy in the corner diffuses a bad odor over the prison. This nuisance might be easily corrected, and ought to be at once. Large wash tubs are brought in every Sabbath for washing the whole person. No lights are allowed at night. It is heated by coal stoves. The cells are of solid iron, 16 in number; five feet wide, seven feet long and eight feet high. One prisoner escaped by sawing off the bars of the door below the lower lock. One of the prisoners drilled a hole in the lock and filled it with powder in order to blow it off, but it was discovered by the sheriff before he had time to apply the match. The windows should have double gratings, and the outer walls which are of brick should be lined with sheet iron.

*Wayne County.*

The jail at Lyons, Wayne county, received 60 men and 84 women, making 94 in all in the year 1864.

The *American Messenger* is much read by the prisoners, and Rev. L. H. Sherwood visits them frequently. He loans them books calculated to instruct and interest them, which they generally read and rarely injure. He prays and sings with them, and much good has resulted from his labors amongst them. The prisoners are fed from the sheriff's own table, except that they are not furnished with butter.

There have been no deaths during the year, and no sickness except that which was contracted before entering the jail.

The prison is clean, the prisoner's clothes are washed once a week and their bed clothes once a month. They are allowed pillow cases, but not sheets. Gas is introduced into the jail, and is kept burning until bed time. The heating arrangements are very defective; the furnace is incomplete, and it is almost impossible to keep the jail warm in cold weather. The only punishment used is locking into the cells, and this has only been resorted to in two cases. One insane man committed to the jail was transferred to the county house. There are 24 cells; four feet wide, eight feet long and eight feet high. Four men escaped during the year; one of these let himself out with false keys. One man was trusted outside to perform some work and ran away. Two men scaled the wall of the jail yard. This wall is very insecure; the foundation stones can be easily picked out; the doors opening into the yard offer great facilities for escape; and the windows are secured with only a single grating. Any determined and skillful burglar can escape easily from this jail.

All of which is respectfully submitted.

JOHN STANTON GOULD, }  
E. C. WINES, } Committee.  
STEPHEN CUTTER, }

NEW YORK, Jan., 1866.

( K. )

REPLY TO THE SUPPLEMENTARY REPORT OF  
THE AGENT AND WARDEN OF SING SING  
PRISON.

Appended to the last annual report of the Inspectors of State prisons there is a supplementary report of the agent of the prison at Sing Sing, so reflecting upon the conduct of this Association as to demand notice at our hands.

The following is a brief statement of the facts of the case referred to:

In the month of October a communication was made to the Association, charging the officers of the Sing Sing prison with having caused the death of a prisoner by the name of Evans by cruel treatment. The paper was without signature, but was represented to be from a reliable source. It was referred to the committee on State prison visitation. No instructions accompanied the reference, and the committee were left free to act agreeably to their own judgment.

The committee, on inquiry, found that the paper came from a discharged convict, who was not willing to be known in the matter.

It was so manifestly improper for the Association to notice an anonymous charge of so serious a nature that the committee, using the discretion confided to them, and acting in that spirit of justice which has ever guided the counsels and controlled the action of the Association, determined to wholly ignore it, and accordingly no further attention was paid to it.

The agent of the prison, however, first by letter and afterwards personally, requested the committee to investigate the charge. The following is his letter to the chairman:

NEW YORK, Nov. 9, 1865.

The Hon. JOHN W. EDMONDS :

My dear Sir—I very much regret your absence this afternoon. I desired to see you on the subject of the alleged murder at the Sing Sing prison. The article would have received notice long before, but I supposed the matter was to be investigated [by the Prison Association.] I claim the investigation as a matter of right, and think I will be able to satisfy you that the whole thing is a gross libel. That a respectable paper should publish such a statement, without first becoming satisfied of its authenticity, surprises me. It was written by a convict in the prison, who is one of the most unmitigated liars on earth. There is not a word of truth in its statements as to the treatment of Evans from beginning to end.



I repeat, Sir, we desire an investigation that shall be full and ample. If we are guilty, we should be punished. If not, the papers which publish the slander should be held up to public contempt.

I am, sir, yours truly,

S. H. JOHNSON,

*Agent and Warden Sing Sing Prison.*

In the personal interview that the agent afterward had with the chairman of the committee, he was assured that the Association would not notice an anonymous charge like that, but that if he and the other officers of the prison requested them to investigate it, they would readily do so. He replied that such was their desire.

Therefore it was that the investigation was had. It was solely at the request of the prison authorities, and the agent himself bears testimony to the courtesy and impartiality with which it was conducted, and the strict justice that was done.

The charge was that the death of the convict, Evans, was caused by the treatment he received from the officers of the prison. The report of the committee was, that the death was in no respect owing to that cause, and it exonerated the officers of the prison in the most ample manner. The agent was furnished with a copy of the report, and was urged to publish it, in justification of himself and the other officers. Had he done so, not only would their innocence have appeared, but it would also have appeared that the Association noticed the charge only at his request, and was at all times as ready to use its power for the vindication of officers doing their duty faithfully as for the protection of prisoners against oppression.

He has, however, chosen to overlook that, and to say:

"The Association holds its monthly meetings in the city of New York, within 30 miles of the scene of the alleged barbarity. Some of its members were personally acquainted with the principal officers of the prison. An hour's ride would have brought them to the prison, where they could have met the officers, heard their statements, and learned the whole truth of the affair, and thus relieved their philanthropic nerves from the shock which seems to have been produced by the statement of this highly creditable witness. They however chose a different course, and one which has caused the officers a great deal of annoyance, vexation, trouble and expense. The motive that prompted them I leave for an intelligent public to determine and to pronounce judgment upon. It may be that public sentiment will absolve these gentlemen from all blame in thus wantonly tampering with the reputation of others, whose character, where they are known, is above suspicion. I think otherwise, and shall hold them, as I believe the public will, responsible for the foul slander."

In no respect is the Association responsible for the slander, and that would clearly have appeared if the agent had published the report of the committee, as he was urged to do. The only action of the Association in the matter was listening to the charge when it was read to them,

referring it to the appropriate committee, and the investigation by that committee, made at the urgent and repeated request of the agent, after the committee had determined to take no notice of the charge on account of its anonymous character.

Of that investigation, the agent uses this language:

"I cannot dismiss the subject without expressing on behalf of the officers immediately implicated, as well as myself, sincere thanks to Judge Edmonds for his gentlemanly courtesy and the impartial manner in which he conducted the examination. Conscious of no wrong on our part, knowing the utter falsity of the charge, we had perfect confidence we should receive ample justice at his hands. We were not disappointed."

This praise is due to the Association, and not to the individual named, to whom it happened to conduct the investigation without the presence and aid of the other members of the committee. His action was simply that of an agent of the Association, and was in conformity with and in execution of the settled policy of the Society. Any other line of conduct would have received its unqualified condemnation.

The chief grievance of the agent seems to be certain articles in the newspapers in Cincinnati, Boston, and New York. For those articles the Association is in no respect answerable. It had no agency, direct or indirect, in their publication; nor any knowledge of such publication till after the fact. The only publications on the subject it ever authorized, were, first: A statement of the reception of the charge and its reference to committee, in a report of its monthly meeting in October; and, secondly: An abstract of the report of the committee, exonerating the officers, published in November. But for this latter publication, the charge would still stand before the public unrefuted. The agent could have contradicted it, as he did, but without the aid of the Association he could not have refuted it. That aid he sought and obtained, and it is difficult for us to appreciate the justice, or even the consistency, of complaining of us for affording it, especially when our impartiality and justice in rendering it are so freely acknowledged. The only function of the Association in this case was, so far as we can see, to stand as a shield to the prison authorities against a malicious and groundless attack of a discharged convict.

The agent is not, however, content with his condemnation of our action in this matter, but denies our right to inspect the State prisons at all, and utters a warning against the evil consequences of our having the right. Speaking of the ill-feeling which the convicts may entertain towards their officers, he says:

"They go out with a determination to have revenge, and naturally seek such channels as will best aid them in the attainment of their object, and judging from this transaction, the Prison Association is just the medium they would naturally select to carry out their vile purposes."

Upon what ground it is that the agent claims that our power of

inspection is confined to "prisons in the city of New York and county prisons," it is difficult to discover, when the language of our act of incorporation is that we "shall have power, and it shall be our duty, to visit, inspect and examine *all* the prisons in the State, and annually report to the Legislature their state and condition," &c.

This duty has now been faithfully performed for more than 20 years, and, during that time, the Association has been made to feel, on several occasions, that its performance was not always acceptable to the officers of the prisons. To such an extent was the hostility carried at one time, that the Association was compelled to apply to the supreme court to adjudicate upon their right and duty. Before a decision was rendered, the prison officers abandoned all opposition in the matter; and this, it was hoped, had settled all controversy on the subject, and probably would have done so even now, if it had not been that the recentness of the agent's acquaintance with State prison matters had prevented his becoming aware of its existence.

This Association is far more intimately acquainted with prison matters than he is. Their familiarity with the subject extends over a period of more than 20 years, while his hardly extends to as many months. And while his knowledge is confined to this one prison, theirs extends to all the penitentiaries and all the county prisons in the State, to all the State prisons in the State, and to those of most of the States in the United States.

It has therefore long since become sensitively alive to the impropriety of permitting itself to become the too ready recipient of the complaints of discharged convicts or officers, and it has always had too much knowledge of the subject and too much good sense ever to permit itself to become, as the agent seems to fear it may be, "just the medium" that discharged convicts (or officers) filled with revengeful feelings "would naturally select to carry out their vile purposes." The Association has always been cautiously on its guard in this respect, at the same time that it never has been and probably never will be deterred from making a full inspection by any fear of the displeasure of those whose conduct it is their duty to investigate.

No such complaint has ever been made against the Association during the 21 years of its existence until now; and now the complaint is founded on an investigation instituted at the request of the officers of the prison, conducted with acknowledged courtesy and impartiality, and resulting in a conclusion boasted of by those officers as being just.

The committee now dismiss the subject with the expression of their surprise at finding the Association the object of attack, when it really deserves the thanks of its assailant, and of their regret that the inspectors, by inserting the unwarranted complaint of the agent in their annual official report, have compelled the Association to say even this much in its defense. All of which is respectfully submitted.

J. W. EDMONDS,

*Chairman Committee on State Prison Visitation.*

NEW YORK, March 13, 1866.

(L.)

## CALIFORNIA PRISON COMMISSION.

In the general report of the Association, a welcome is extended to the Massachusetts Board of State Charities and the American Association for the Promotion of Social Science, as co-workers, to a certain extent, in the same field of labor with us. Since that part of the present document was struck off, and, as a consequence, the limit of amendment was passed, the corresponding secretary has received a communication from San Francisco, California, conveying the gratifying intelligence of the formation, in that distant State on the Pacific coast, of a Prison Discipline Society, under the name and title of the "California Prison Commission." This society, less than six months old, was evidently suggested by our own, was framed upon its model, and has copied, to a considerable extent, its constitution. Its objects are identical with ours; and, upon the whole, we are entitled to claim it as our own legitimate offspring. As such, we cannot but greet it well and cherish a peculiar and lively interest in its growth, prosperity, usefulness and complete success. From the letter of its secretary and the documents accompanying the same, it would appear, like Minerva from the brain of Jove, to have started into being full formed and harnessed for the conflict.

The officers of the Prison Commission are: Hon. F. F. Low, president; Dr. John F. Morse, vice president; James Woodworth, secretary and general agent; M. J. O'Connor, treasurer, and a board of twelve trustees.

The zeal and efficiency with which the society has entered on its useful and honorable career, will be apparent from the following extract from a San Francisco paper:

## CALIFORNIA PRISON COMMISSION.

"The trustees of this Association held their first regular quarterly meeting on Tuesday evening last. The work of the society, which was organized about three months ago, is entrusted to a general agent, appointed by the trustees, whose report was presented, showing what had been done during the quarter just closed. One hundred and seventy-six persons, actual prisoners, or those who had been such, had been counseled; fifty-eight assisted in various ways; twenty had been provided with board for short periods; money, in small sums, had been given to fourteen, generally such as were about to leave the city to seek employment in the country; two had been furnished with medical attendance; forty had visited the agent at the office of the Commission, and thirteen had been sent from the city to various points in the interior.

The State prison had been visited three times, each visit occupying two days; the city prison six times, and the county jail fifty-three times. Numerous calls upon business connected with the interests of the prisoners and the Commission had been made, a number of letters and articles for publication written, and moneys collected sufficient to meet all the expenses. The whole amount expended since the organization, including expenses for the preliminary meetings, supplies of stationery, printing, furniture, office rent, salary of agent, etc., was \$642.40. The current expenses at present are about \$160 per month. The California Steam Navigation Company, Mr. Minturn and McNear, of the Petaluma boats, Captain Weeks, of the Napa line, the San Jose Railroad Company and the Pacific Railroad Company, have agreed to give free passage over their lines to all persons applying to them from the office of the Commission. The California Steam Navigation Company will pass applicants on their coast steamers at half price. The Commission are as fully impressed as ever with the importance of the work, though, as was to be expected, obstacles are met with which require efforts to overcome. The greatest of these is the difficulty in obtaining employment for those applying for it. This arises not so much from prejudice, or an unwillingness on the part of the people to lend their aid in the cause, as from neglect to interest themselves actively in its promotion. This is, however, being gradually overcome, and when the society and its objects shall have been better known and understood, there is no doubt that its labors will be crowned with the same success that has so richly rewarded the efforts of similar associations in the east."

The spirit by which the board of trustees is animated may be seen in the following spirited statement, addressed to the public of the great Pacific State:

"The object of the California Prison Commission, as will be seen, is the reformation and protection in the pursuit of happiness and honest industry of men who have suffered incarceration in jail or prison, and who, for that reason, are obliged to contend with difficulties unknown to those of any other class. The occasion of its formation was the conviction of its absolute necessity, as seen by men whose attention had been turned to these things, and whose various positions rendered them the best qualified to judge in the premises. We know of persons coming from prison with a desire to become honest and respectable citizens, who, had they been assisted and encouraged as they deserved, might have been honored and useful members of society, but who, left to struggle alone against the neglect and scorn of the world, were borne down by their trials, driven to associations where temptations too strong for them to resist were encountered, and the result has been their utter ruin, together with that of others to whom their influence was extended. It must be borne in mind that not every one who goes to prison is an abandoned criminal. There are some whose offenses, though crimes in the eye of the law, yet, when judged of according to strict justice, might

be classed as comparatively only light offenses. The acts of some, though really guilty, may be attributed to the thoughtlessness of youth, or the influence of others who have led them astray. And some are, in reality, entirely innocent of the charges preferred against them, being the victims of malice, or of circumstantial evidence, which they were unable to rebut or explain. More than this, there are some who make no denial of their guilt, and offer nothing in palliation of it, but who seem to manifest true penitence, and a desire to live as they know they should.

"The cases of such persons as those mentioned we propose to select, and, satisfying ourselves in regard to them by thorough investigation, we design to assist them by procuring for them employment, protecting them from persecution, and encouraging them to perseverance in the right. To carry out our plans we will require the co-operation of those whose business is such as to make it necessary for them to employ others to assist them. We call upon all such, who are friendly to our cause, to send their names and address to our agent, so that he may be enabled to find employment for those who are constantly applying to him for aid.

"Our enterprise is not an experiment. The results of the working of associations similar to ours, for the past twenty years, place the question of success beyond a doubt; and with the cordial sympathy and support of a generous and philanthropic public, we hope, before our society has passed a year of existence, to be able to present facts in connection with our work, sufficient to set at rest all doubts that may be entertained in regard to the expediency of its formation."

The secretary and agent, under date of March 9, 1866, writes: "At the last meeting of the board of trustees, I was instructed to ask the Prison Association of New York to forward to us twenty-five copies of their annual report for 1865. We wish them for circulation among gentlemen whom we desire to have informed in regard to the objects of such societies and the results of their efforts. Our society is new, having been in existence but a little more than three months, and there is a great lack of a proper understanding of its character, which it is desirable to remove. I know of nothing better to place in the hands of any one seeking information on such subjects than one of your reports." After enumerating certain obstacles, the secretary adds: "We hope, however, that as we become better known and appreciated, we shall find our difficulties diminishing. My reliance is on Him, whose work I feel that I am called upon to perform, and with His aid I know that success will be certain. I find great embarrassment in the work in consequence of my ignorance of it. Whatever information, not contained in your reports, you can communicate to me in regard to the details of your work, will be gratefully acknowledged, and will be, I think I may say, faithfully used to forward the cause of Him who came to 'proclaim liberty to the captives and the opening of the prison to them that are bound.'"

(M.)

## REPORT OF COMMISSION TO VISIT AND EXAMINE PRISONS IN OTHER STATES.

The commissioners have found it impossible to get their report ready for publication at the ordinary time for issuing the annual report. When completed, it will be issued as a second part of the annual report, under the joint resolution of the Legislature for printing the same. Some months must elapse before it can make its appearance. There will, however, be no unnecessary delay.

### THE RELATIONS OF INSANITY TO CRIME.

GEO. W. SEARLE, Esq., of Boston, a corresponding member of this Association, had kindly undertaken to prepare a paper on the above subject, which we had hoped to be able to publish in the present report. But, owing to the late day at which the MS. was received, we find ourselves compelled to postpone its publication till another year. There is, perhaps, no other topic of the criminal law so unsettled and so much requiring adjustment, in view of the recent advances in scientific knowledge touching the sources, the nature and the effects of insanity. Of these advances the courts must take some notice; and from the united studies of the jurist and the scientific expert, we may hope for the adoption of a more reliable rule of responsibility than the old one of the knowledge of right and wrong.

1885

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