

FIFTY-SIXTH ANNUAL REPORT

OF THE

Prison Association of New York.

For the Year 1900.

TRANSMITTED TO THE LEGISLATURE JANUARY 30, 1901.

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IN SENATE,

JANUARY 30, 1901.

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THE PRISON ASSOCIATION OF NEW YORK,
135 EAST FIFTEENTH STREET, NEW YORK CITY,
JANUARY 30, 1901. }

Hon. TIMOTHY L. WOODRUFF, *Lieutenant-Governor, New York:*

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

Respectfully yours,

CHARLTON T. LEWIS,

President.

SAMUEL J. BARROWS,

Corresponding Secretary.

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OFFICERS FOR 1901.

President.

CHARLTON T. LEWIS.

Vice-Presidents.

WM. P. LETCHWORTH, Rev. WENDELL PRIME, D.D.,
 Rt. Rev. F. D. HUNTINGTON, ROBERT W. DeFOREST.

Secretary.

EUGENE SMITH.

Corresponding Secretary.

SAMUEL J. BARROWS.

Treasurer.

CORNELIUS B. GOLD,

Executive Committee.

Charlton T. Lewis, Chairman.

W. W. Battershall,	Richard A. McCurdy,
F. B. Bellamy,	James McKeen,
J. Fenimore Cooper,	Edward B. Merrill,
Patrick Farrelly,	James B. Reynolds,
Austin Flint, M. D.,	Dean Sage,
J. W. S. Gouley, M. D.,	Wm. Jay Schieffelin,
Wm. H. Gratwick,	Gino C. Speranza,
Henry E. Gregory,	J. G. Phelps Stokes, M. D.,
Alexander M. Hadden,	John R. Thomas,
George C. Holt.	J. Seely Ward, Jr.,
John W. Hutchinson,	Evert Jansen Wendell,
Samuel Macaulay Jackson,	Mornay Williams,

STANDING COMMITTEES.

Law.

James McKeen, Edward B. Merrill,
George C. Holt, Gino C. Speranza,
Eugene Smith.

Discharged Convicts.

Alexander M. Hadden, Henry E. Gregory,
Wm. Jay Schieffelin, John R. Thomas,
Patrick Farrelly.

Library.

Samuel Macaulay Jackson, Dr. J. W. S. Gouley,
Evert Jansen Wendell.

Detentions.

John W. Hutchinson, John R. Thomas,
Dr. J. G. Phelps Stokes, Gino C. Speranza,
Alexander M. Hadden, Mornay Williams.

House.

Eugene Smith, James B. Reynolds.

Finance.

J. Seely Ward, Jr., James B. Reynolds,
Wm. J. Schieffelin, J. G. Phelps Stokes, M. D.,
Samuel Macaulay Jackson, Cornelius B. Gold,
James McKeen.

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REPORT OF THE EXECUTIVE COMMITTEE.

To the Honorable the Legislature of the State of New York:

At the close of a brilliant and memorable century, marked by wonderful progress in science and by the extraordinary development of our national life, the executive committee of the Prison Association of New York, in submitting to the Legislature its fifty-sixth annual report, congratulates all friends of humanity on the assured progress in the civilized world of the principles of prison reform. This progress is physically evident in new types of prison construction. Buildings that are thoroughly ventilated, lighted, heated and constructed on sanitary principles have taken the place of the dark, noisome dungeons which prevailed when John Howard began his remarkable work. If in our own country a comparison were instituted between the jails and prisons prevalent at the beginning of this century, and the newer structures which represent the advanced humane sentiment of our own day, the comparison would show the striking progress which has been made. So definite and so widely understood are the conclusions of civilized governments as to certain humane features of prison construction and prison discipline that any grave departure from them would excite severe criticism and reproach from a general public opinion.

Progress is likewise seen in the structure of criminal codes, in the substitution in some degree of reformatory measures for those which are merely retaliatory, in the adoption in a few States of

some form of the indeterminate sentence, and in many other States of beneficent parole laws; in the development in this country and in Europe of the system of conditional liberation, both before and after imprisonment; in better forms of criminal procedure; in the growth of the function of the prison warden into a distinct profession in which character and experience are recognized as essential qualifications. A detailed enumeration of the various evidences of progress in criminal law, in prison administration and in preventive measures would fill a volume.

INFLUENCE OF ORGANIZATION.

In recording these advances and in presenting fresh recommendations to your honorable body, we call attention to the fact that this progress has been effected largely through the organized efforts of societies formed to study conditions, expose evils, correct abuses and to enlighten and arouse public opinion. Among these organizations the Association we have the honor to represent has exerted a wide and permanent influence. The wisdom of the Legislature of New York in granting a charter to this Association, May 9, 1846, has been fully justified.

But the influence of the Association has been felt in a far wider field than that contemplated in its charter. The National Prison Association of the United States was a direct outgrowth of this organization, and it was one of the secretaries of the Prison Association of New York, the late Dr. E. C. Wines, who, with the support of the Government of the United States, aroused the humane sentiment of Europe, and with the co-operation of eminent penologists of Great Britain and the continent organized the International Prison Association, which has exercised a sustained and intelligent influence on the development of penology in Europe during the last quarter of a century.

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But pleasant and interesting as might be a retrospect of the influence of this organization in this country and elsewhere, the executive committee entering upon the work of the new century, will best fulfill its duty to those who have so honorably and fruitfully wrought in this field in the century which is past by recognizing and courageously meeting the problems and tasks of our time, many of which are the heritage of centuries.

THE COUNTY JAIL PROBLEM.

Among the legacies of the past no institution is less satisfactory than the county jail. For more than half a century in the annual reports of the Association the attention of the constituted authorities has been brought repeatedly to the unwholesome condition of the county jails, and the inefficiency, extravagance, and moral evils attending them. More recently the State Commission of Prisons has used its official influence, which unfortunately is not associated with official authority, to correct special abuses. These and a long series of agitations have had the effect to modify and, in some degree, to improve local conditions. New jails under intelligent oversight have been constructed on modern principles. The evils of promiscuous association have given place in the improved jail to separate cells for offenders, and to a more complete separation of the quarters for male and female prisoners. But in spite of all efforts for their amelioration, the principle upon which the county jail system rests, that of local control, has prevented general and uniform improvement. The jails of the State are still, as a whole, a serious reproach to its system of administration and a failure as a means of dealing with crime. Some of them are too old and ill-conditioned to need any specification of defects beyond their general unfitness to meet the demands of modern jail construction and administration.

THE INEFFICIENCY OF LOCAL CONTROL.

But even a radical and complete physical reconstruction of our jails so as to meet all the demands of sanitary science would not remove difficulties or solve problems which are inherent in the system itself. The need of classified prison labor, one of the most urgent and difficult questions with reference to county jails, and of a well-graded system for those under sentence, cannot be met by isolated jails, under county management. The assumption that crime and criminals constitute a local matter to be dealt with by local methods and administration is at the bottom not only of the difficulty with our county jails, but with our penitentiaries and our whole penal system. Admirable as is our system of local government, many functions entrusted to the political divisions known as counties would be better fulfilled by the State as a whole. The facility of intercommunication in these modern days, and new aggregations of population have given a compactness to the organization of a State which was previously unknown. A system established before the telephone, the telegraph, the railroad or the steamboat were introduced, before the organization of modern society in its present form, is presumably not the best for our own day. The germs of crime, like the germs of disease, do not confine themselves to county or municipal lines, and the moral quarantine which is necessary for social safety, or that concentration of skill and remedial agencies which is essential for the recovery of a patient, cannot be commanded in a score of institutions located on purely political and geographical considerations, while more important classifications are ignored. If every county insisted on having its own hospital in which the insane, the idiotic, the maimed and the blind, and the vic-

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tims of visual and aural diseases, dipsomania, and the lame and the halt were all confined simply because they happened to live in the county, the analogy of the resulting system to that of our county jails would be complete. The difficulty can be properly met only through the medium of State control.

THE NEED OF STATE CONTROL.

We therefore urge upon your honorable body such legislation as will place all penal institutions in the State under State control. The State Commission of Prisons and the Superintendent of Prisons form the natural centre and source of authority and power concerning such institutions in the State, and upon them should be devolved the necessary authority and responsibility. The experiment of centralizing the control of penal institutions has been carried out with great success in England and France, and also in Italy and Russia. The transition in England from local control to Government control has secured great uniformity and economy in administration and made possible many other reforms which could not be introduced under local administration.

In fact, during twenty-two years, since the local British prisons were brought under the administration of the central government, the result has been radically to change their character; from being schools of vice and crime, and recruiting offices of the criminal class, they have become potent agencies in repressing all forms of illegality, and of saving from ruin multitudes who have taken the first steps in crime. Notwithstanding the rapid increase of population there, the census of the jails has diminished far more rapidly. We see no reason to doubt that a similar reform is possible here, through similar methods. After the transition was made from local to governmental con-

trol in England, the number of prisons was reduced from 104 to 59. Many old and defective buildings were torn down as no longer necessary. It was found to be much more economical to dispose of the prison population in a smaller number of institutions.

THE WORK OF THE COMMISSION OF PRISONS.

The Committee views with well-grounded apprehension the proposition now before the Legislature, to substitute a single paid commissioner for the present State Commission of Prisons, composed of eight members who serve with but a nominal compensation. As already stated in this report, we believe that the duties and powers of the Commissioners of Prisons should be enlarged so as to give them *not* only the authority to discover abuses, but the power to correct them. Our whole prison system needs to be more thoroughly co-ordinated. We urge this in the interest of uniformity, efficiency and economy. To reduce the Commission to a single active, salaried member in the supposed interest of economy is to endanger the very object proposed in the change. The economy of any prison system depends much more upon how it is organized and administered than upon saving to the treasury a few thousand dollars from the traveling expenses and per diem allowance of a commission of citizens chosen for their public spirit, their business experience, administrative capacity and familiarity with the problems of charity and crime. The existence of a commission so constituted is a check upon the evils of extravagant and corrupt administration. Nothing is more hopeful in meeting the lofty obligations of self-government and in facing the problems of pauperism and crime in this country than the growth in American society of a class of men who freely place their time, their experience, training and ability at

the disposition of the public. To dispense with the services of such a commission simply because the State cannot afford to pay the amount necessary to cover their expenses, is to undervalue the pecuniary as well as moral worth to the State of such unselfish service. The present Commission of Prisons for instance, has made recommendations to the State Legislature in regard to the organization of prison industries which, if adopted, would save thousands of dollars to the treasury by the employment of prisoners who are now kept in semi-idleness. It would seem that if economy is the object sought, it would be wiser to adopt those recommendations than to abolish the body which has made them.

The important duty of inspecting prisons and jails now performed by the State Commission of Prisons by the proposed change would be devolved upon a single commissioner. His duties would be so multifarious that the work of inspection could not be thorough or adequate. If salaried inspectors are employed, the cost of inspection would be much greater than it is at present. If no such inspectors are appointed, then the duty of inspection would fall still more heavily upon the Association we have the honor to represent. Reasonably vigilant in performing this duty, the Association has been hampered, first, by the cost of making inspections which must be borne wholly by private contributions, and secondly, by the lack of any power beyond that of recommendation. The creation of the Commission of Prisons led to the expectation that that body might furnish the nucleus for a much-needed concentration of power in the management of our penal institutions. It is to such centralization of power, with enlightened and faithful administration, that we must look for increased efficiency in our penal system; and increased efficiency is the only key to true economy.

CLASSIFICATION.

State control would permit the free classification, distribution and transfer of prisoners. The present classification is incomplete, because it covers but a limited number of institutions. It is also defective because it is based upon the number of convictions of the prisoner and not upon his capacity, either physical, mental or industrial. A separation of convicts according to their first, second or third offense is insufficient in many ways. The first offender may have committed more than one crime before he was caught. That he is convicted a second time may be owing in some measure to the faults of the prison to which he was committed, for our prisons have often been institutions for promoting crime instead of repressing it. When first offenders work but half their time and fail to acquire a useful trade or the habit of industry which comes through productive labor, the system is in some way responsible if the prisoner when he comes out of prison adopts the habit of idleness which he has acquired within it. A classification of prisoners based upon their industrial capacities, both physical and mental, the elimination of the defective and the incompetent, the subdivision into various grades of those capable of education in industrial pursuits and the relegation of recidivists and habitual vagrants to low-grade labor, would bring our prison population into new relations to productive and educative labor and to other reformatory influences which might be intelligently invoked and applied.

THE EXTENSION OF THE INDETERMINATE SENTENCE.

To make any such classification efficient, the substitution of the indeterminate for the arbitrary time sentence is a necessity. It is necessary, too, for the efficiency of any system of prison labor. The division of prisoners into long sentence and short

sentence men is a division forced upon prison administrators by the inadequacy of the ordinary definite sentence. The legal distinction between misdemeanants and felons is largely arbitrary and has little or nothing to do with the question of corrigibility and the regime to which the prisoner should be subjected. The extension of the indeterminate sentence to misdemeanants not as an exceptional and occasional procedure, but as a part of the regular practice of the courts would obviate the inconvenient distinctions which are now made between indictable offenses and enable misdemeanants as well as felons to be brought within the influence of reformatory and educative discipline.

A PAROLE LAW.

The extension of the indeterminate sentence would involve the extension of the parole system, which is its natural accompaniment. The parole system has been introduced in twenty-six States of the United States. Its best results are seen when it is joined with the indeterminate sentence, and the prisoner is released tentatively after having earned the privilege under established regulations. A mandatory indeterminate sentence law, at least for first offenders, would be an improvement over the present parole law which lies inoperative in the statutes.

PROBATION.

If release on parole is desirable for certain offenders who have been committed to prison, it may be equally useful when applied to those who have been convicted but not committed to prison. In this form it is known as probation or conditional liberation. At present it is the privilege of judges to suspend sentences in courts of record when they deem it advisable to do so. That this power is not exercised more frequently is doubtless due

to the inability of the judge to obtain sufficient information in regard to the prisoner, his antecedents and circumstances and the want of proper surveillance for those under suspension of sentence. The appointment of probation officers as in Massachusetts, Vermont, Minnesota, and within the last year in New Jersey, would furnish the preliminary investigation so important to the judge and secure some degree of oversight during the suspension of sentence. The committee is convinced of the great benefit which would follow the adoption of the probation system in this State, and submits the draft of an amendment to the Penal Code which it hopes may receive the sanction of the Legislature. The moral gain which ensues from keeping a small army of offenders out of prison every year would be strengthened by the pecuniary gain to the State in saving the cost of their imprisonment.

THE RESTRICTIONS ON PRISON LABOR.

We call the attention of your honorable body to the importance of removing the restrictions placed upon prison labor through legislative action. The constitution already limits the market for prison labor to such goods as may be consumed by the State or the political divisions thereof. The limitation of the market only makes it more necessary that there should be no limitation of the number or kinds of industries. Not content with restricting the market for prison products, the representatives of certain trades wish to exclude these trades altogether from the list of prison industries. When such a concession is made to one trade it is immediately demanded by another. If the Legislature yields to this pressure, the inevitable result will be to force convicts into the cruelty of idleness, with all its train of evils to the individual and its great cost to the State.

In its report for 1900 the State Commission of Prisons, on which is devolved the duty of assigning industries, says: "The law of 1897, substantially taking away printing from the prisons, except such printing as may be required for the prisons and for the State charitable institutions, followed by the establishment of printing plants in most of these institutions for the purpose of doing their own printing, crippled the printing industry in the prisons, and leaves only an insignificant amount of printing to be done in the prisons. This law of 1897 should be modified and permit a small amount of the department printing to be done in the prisons, so that the printing industry at Sing Sing may be kept in operation the year round. At present this printing industry is substantially idle, except occasionally filling a small order for blanks and letter-heads."

We agree with the State Commission of Prisons that "This legislative interference with established prison industries on behalf of the printing industry was unwise." With the Commission we see "no reason why printing should be favored more than other industries."

A bill to relieve institutions from buying furniture made by prison labor was properly vetoed by Governor Roosevelt. We earnestly trust that no bill which proposes further to restrict the field of prison labor will receive the consideration of the Legislature. So long as by the Constitution the product of prison labor cannot be sold in the open market every industry that is needed by the State to supply products for its institutions or departments should be open to prison labor.

THE BURDEN TO THE TAXPAYER.

The present system is a costly one. It creates unnecessary burdens for the taxpayer, the full share of which falls necessarily

upon the laboring man. While it is true that no penal system should be conducted simply to return a profit to the State, it is equally true that the State should not support in idleness or semi-idleness a large body of men who are capable of earning the cost of their support in prison and who would do so under a proper discipline if not prevented by law. To avoid the absolute pauperization of prisoners or the insanity which is the natural result of idleness and degeneracy, the Commission of Prisons may be forced to exercise the power it has to turn the prisons into trade schools, to be conducted simply for the education and occupation of the prisoners and with no reference to the commercial value of the product. This is an unnecessarily costly form of education, but less expensive to the State than to maintain a dangerous population in idleness and ignorance with the ultimate result of perpetuating criminality and adding tenfold to the cost of crime.

SUMMARY OF RECOMMENDATIONS.

To sum up the suggestions in the previous pages, the Executive Committee respectfully recommends:

1. Such legislation as will place all the penal institutions of the State under the control of the Commissioners and Superintendent of Prisons. The first step in such a direction might be taken by placing all the penitentiaries under State control, ultimately transferring their ownership to the State.
2. A classification of prisoners based upon their physical, mental and industrial capacity and a reformatory system of grading.
3. The extension of the indeterminate sentence to misdemeanants in connection with a reformatory system for all who may be fit subjects for such treatment.

4. The adoption of a probation law and the appointment of probation officers.
5. The removal of all restrictions on prison labor not imposed by the Constitution.
6. We call attention to detailed suggestions in regard to our penal institutions made by committees of inspection under the authority of orders from the Supreme Court, and especially to the report on the deplorably unsanitary condition of the State prison at Sing Sing.

(On behalf of the Executive Committee.)

CHARLTON T. LEWIS,

Chairman.

knowledge and will be printed in the *Revue Pénitentiaire* for February.

In the early part of December I visited Toronto and was cordially received by friends of prison reform and by the prison officials of that city. Many thanks are due to Dr. A. M. Rosebrugh, secretary of the Prisoners Aid Association, to Mr. James Massie, formerly warden of the central prison, to Warden Gillmoir, the present head of the institution, and to other gentlemen for the facilities afforded me. It was gratifying to find an active interest in the subject of probation in that city. It was my privilege to accompany a deputation of gentlemen interested in that subject, headed by Dr. Rosebrugh and Mr. Massie, and to urge it upon the attention of the provincial secretary of Ontario, the Hon. James R. Stratton. I had also a personal interview on the same subject with the Premier of the province, the Hon. George W. Ross, and endeavored to give to our friends in Toronto all available information with reference to the working of the probation law in Massachusetts, and its more recent adoption in Vermont, Minnesota and New Jersey. In our own State the subject of probation is recognized as an important one, and this Association, as will be seen by the report of the executive committee, submits an amendment to the Penal Code concerning it.

On invitation of the Committee of One Hundred extended to all labor organizations and to non-partisan organizations for economic and social reform, an association called the Civic Federation, composed of two delegates from each organization invited, was formed Monday evening, January 14th, at Cooper Union. The delegates from the Prison Association appointed by the President, were Dr. J. G. Phelps Stokes and the corresponding secretary.

An invitation to be represented by a committee to discuss the revision of the city charter was received from the Citizens' Union and accepted. The committee appointed were the president and secretaries, Mr. Jackson and Mr. Ward. The meeting was held at the United Charities building on January 16th. Mr.

REPORT OF THE CORRESPONDING SECRETARY.

On the 30th of August, 1900, Mr. W. M. F. Round, who had served the Association for nearly twenty years as corresponding secretary, tendered his resignation on account of failing health. In accepting his resignation the Executive Committee instructed the recording secretary to express to Mr. Round the regret of the committee at the reasons impelling his retirement after a long term of efficient and devoted service."

On the 1st of November, 1900, the present writer, having accepted a unanimous election by the Executive Committee, entered upon his duties.

I cannot take up the work so long carried on by my friend and predecessor Mr. Round without expressing my sense of the valuable services he has rendered to the cause of prison reform.

In a period of two months and a half, since assuming the office, the corresponding secretary has not had a large sphere of time nor of action. His duties are more varied than are suggested by this title, and he is practically the executive officer of the Association. Under the by-laws he is a member *ex officio* of all committees and every department of the work requires his attention.

The relations of the Prison Association with similar organizations furnish an occasion for the exchange of useful information. It is the aim of the corresponding secretary to reply as promptly as possible to questions from abroad. In response to inquiry from Mr. Albert Rivière, secretary de la Société Générale des Prisons of France, submitting detailed questions in regard to procedure in cases of persons under arrest, the corresponding secretary secured data which were the basis of a reply prepared and transmitted by Dr. Lewis, President of the Association. The information thus furnished has been gratefully ac-

Ward, Mr. Gregory and the corresponding secretary were present. As the result of the meeting a large committee has been formed to urge the passage of the amendments to the city charter.

In the last month I have given some personal attention to the reorganization of our relief work. Mr. Hadden and myself have visited Blackwell's Island to study the cases of first offenders and to see what can be done before they leave prison to make the road easy for them when they come out. We are satisfied that many cases may be helped in advance of discharge by appealing to their friends without the necessity of coming to the relief department for meals and shelter. To do this work properly would require the organization of a corps of earnest and intelligent visitors. Our conviction, too, is that of a number of cases we have examined, perhaps one-third could just as well have been kept out of prison altogether under a good probation law, if the examination which we make in prison had been made by a probation officer before the trial.

Believing firmly in the value of co-operating with other societies in reform work, I have accepted on behalf of the Association the invitation of the Charity Organization Society to join with it and other societies in sustaining a department whose object is to supply copies of all bills introduced at Albany relating to any phase of our work, to furnish newspaper clippings, decisions of the courts, or any other available matter concerning topics in which we are interested. The cost is but ten dollars a year, and the service is cheaper than it would be if organized independently by this Association.

Other matters demanding the time and attention of the corresponding secretary are treated in the report of the Executive Committee and in the reports concerning prisons and jails, especially that relating to the unsanitary condition of Sing Sing prison.

S. J. BARROWS.

INSPECTIONS OF PRISONS AND JAILS.

At a meeting of the Executive Committee of the Prison Association of New York, held May 17, 1900, a committee consisting of Messrs. Ward, Gregory, Stokes, Hadden, Smith and McKeen was appointed to inspect and examine the Elmira Reformatory, the State Prison at Sing Sing, the penitentiaries of the State, the city prison of New York, including the Tombs and district prisons, the workhouse on Blackwell's Island, Ludlow Street jail, in New York, and Raymond Street jail, in Brooklyn, as well as other county jails throughout the State.

During the months of July, August and September the committee visited, examined and inspected the Elmira Reformatory, State Prison at Sing Sing, the penitentiaries and county jails of New York, Kings, Onondaga and Monroe counties, the city prison of New York and the workhouse on Blackwell's Island, thus covering all the work which had been assigned to it, with the exception of the Erie and Albany county penitentiaries and jails situated at Buffalo and Albany.

NEW YORK STATE REFORMATORY.

A sub-committee consisting of Messrs. Ward, Stokes, Hadden and Gregory visited the State Reformatory at Elmira on September 19 and 20, 1900.

The buildings are admirably situated on a hill in the suburbs or outskirts of Elmira, and, since they have been erected within the last twenty-five years, may be called modern. A section of the cells is set apart for the occupancy of tuberculous inmates and receives special attention, being whitewashed every few months and otherwise renovated.

The boiler house is in an exceedingly defective condition, showing evidence of inexcusable neglect, the roof being full of holes

and very ragged. Repairs to this building should be undertaken at once, or the building should be reconstructed. The electric lighting system is also defective and in need of immediate repairs. Its condition was described as dangerous. Educational work previously carried on in the evening had to be abandoned on account of the inadequacy of the electric lighting apparatus.

The sewage system is in a similar condition—obsolete, defective, insufficient, demanding prompt renovation. The water supply of the Reformatory comes from an open reservoir. It is regarded by the Reformatory authorities as unfit to drink, and signs are posted in the building warning the inmates against using it. Apparently, however, there had been no recent cases of typhoid fever. On the whole the health of the inmates of the Reformatory was good. One alleged reason for the freedom from disease was the removal of tuberculous cows from the Reformatory farm, 260 acres in extent.

The sub-committee inspected the different departments of the institution as follows:

First, the gymnasium was visited. It was found to be in a generally satisfactory condition, the appliances and apparatus being suitable for the physical development of the inmates. Special forms of exercise are provided in accordance with the needs and condition of the men. There can be no doubt that the gymnasium is of very great importance to the inmates in correcting physical defects and in counteracting tendencies to disease. Almost equally important is the regular and frequent bathing to which the men are subjected.

The director of physical instruction in a recent report testifies that eight out of ten of the new arrivals are infested with vermin, which yield, however, to ointments and daily baths. Bathing is recognized in the Reformatory as a hygienic agency of primary importance.

The sub-committee inspected next the shops and trade schools. In the brass-smithing shop, the drawing-class room and the frescoing and house and sign-painting room there were few at the time working. In the fustsmithing room perhaps six or eight

were engaged, and in the blacksmithing shop about the same number.

The upholstering room was next visited, and then the class rooms where the men were receiving ordinary elementary school instruction. There were perhaps 50 men in each of these rooms. In the bookbinding there were five men employed, and in the typesetting and printing shop 16. In the shoemaking department 24 men were busy, and in the tailoring department 28. In the mending and cutting room 95 were at work, and in the laundry 53.

The sub-committee visited the fire engine house, and the department of bricklaying and masonry, where perhaps a dozen men were occupied, the house-building room, the carpentry shop and cabinetmaking room, where about 20 in all were at work.

Other trades and industries in operation were hardwood finishing, wood-carving and stone-cutting. The sloyd system and manual training were provided in a limited way for the defectives.

It seemed to the sub-committee that the men generally failed to manifest any deep interest in their work. There seemed to be an absence of alacrity and alertness. Under the circumstances attendant upon the change of management, there may be nothing surprising in this. We are not prepared to say that it is due to indifference or inefficiency on the part of the officials and instructors, though the general tone in the shops was decidedly inferior to that of the previous year.

The examination of Dr. F. W. Robertson, the Acting General Superintendent, elicited the fact that he had been in charge of the pavilion for the insane at Bellevue Hospital for five years; but that he had made no study of criminal anthropology or of reformatory systems prior to his appointment to the reformatory a few months previously. He stated, however, that he was a believer in what is called the reformatory idea, and was favorable to a continuance of the general Elmira system. He stated that he proposed to shorten the hours of domestic labor, so as to allow more time for mental training; but that all the departments were to be continued essentially as previously.

INCREASE OF INSANITY.

The Acting General Superintendent expressed the opinion that while there had been a considerable and progressive increase in the number of insane patients removed to the State Hospital for the Criminal Insane at Matteawan during the past few years there had been no material increase in the amount of insanity at the Reformatory. He expressed the opinion that greater vigilance in the inspection of the inmates had resulted in the detection of cases previously existing but unrecognized; and that during the present year the discovery and removal of the insane inmates had been more prompt and thorough than formerly; and that this greater promptitude in diagnosis accounted for most of the apparent increase of insanity.

When asked whether cellular isolation and "cuffing up" were not productive of insanity, the Superintendent testified that while they probably in certain cases aggravate a tendency to mental disorder, he would not say that the form of punishment was directly responsible for insanity; and he further stated that no inmate was subjected to "cuffing up" without previously having been examined by a physician to ascertain his mental state, and whether he was a fit subject for such punishment.

"We are extremely careful not to 'cuff up' a man whose mental status is in doubt. No man is handcuffed in this manner without my knowledge and over my signature; and no man is 'cuffed up' until he is seen by the physician, and as soon as he is taken down he is seen by the physician." (Testimony of Dr. Robertson). It may be said that the medical examination of the men about to be punished is required by law.

The sub-committee's examination of the Reformatory's records seems to disclose facts somewhat at variance with the above views. The records seem to show so regular and progressive an increase in the amount of insanity at the Reformatory during recent years as to suggest a radical cause. Whereas under the former system of punishment in vogue at the institution, the number of cases of insanity detected per annum was exceedingly small (the number of transfers per annum seldom exceeding five or six), during

the past two or three years with the introduction of dark cell "cuffing-up" as a substitute for "corporal punishment" the number of insane in the institution has increased enormously. According to the testimony of Dr. Robertson there were about "twenty-six" insane inmates transferred to the State Hospital for Insane Criminals at Matteawan in the fiscal year ending September 30, 1898, "forty" in the similar fiscal year of 1898 to 1899, "about seventy" during the first eleven months of the fiscal year ending September 30, 1900. It was stated by the Acting General Superintendent that dark cell confinement was not often protracted beyond six or eight days; and that in his judgment as an expert alienist, "cuffing up" in a dark cell in isolation beyond such a period might be distinctly prejudicial to an inmate's sanity. On September 20, 1900, the day of the sub-committee's visit, inmate Kussel (Con. No. 8561) was found handcuffed in the usual standing position to the bars of one of the isolation cells, and the punishment record show that he had been subjected to this form of punishment in a standing position facing the dark wall opposite, for about ten hours a day during 28 of the previous 30 consecutive days. Inmate McCarty (Con. No. 9016) was similarly found handcuffed to his cell door and the records showed that he had been in the dark cell 37 out of the previous 44 consecutive days and that on 35 of these days he had been "cuffed up" similarly to Kussel, for an average of about ten hours per day.

To ascertain roughly the degree to which the apparent great increase in insanity during the current year at the Reformatory might be due to accumulation of cases of insanity undetected in former years, the sub-committee computed the average length of imprisonment prior to transfer of the insane criminals transferred to Matteawan under the new Reformatory administration beginning May 1, 1900, and compared the result with the result of a similar computation of the average length of imprisonment of discharged inmates not insane. It was found that the average length of confinement was almost exactly identical in the two cases; seeming to indicate that no material accumulation of insane cases could have occurred.

The sub-committee are of the opinion that the possible relation of such protracted dark cell "cuffing up" to the increasing insanity in the Reformatory should be thoroughly studied by the Reformatory authorities. Much of the testimony of Dr. Robertson, the Acting General Superintendent, "in his capacity as an expert alienist" is of particular interest in this connection. It was in part as follows:

Q. Is it, or is it not a fact that the number of those in isolation, in the so-called third grade, has been materially larger during the past two years, since the abolition of corporal punishment than heretofore? A. Yes, sir, I believe that is so far as I can see.

Q. Is it your opinion that solitary confinement is at times the cause of considerable mental stress, or mental strain? A. Yes, sir, I think it would aggravate it.

Q. And might be a determining cause in some cases that are on the border line, or very near the insane point, might it not? A. I think one could say that.

Q. Is it not the case that a considerable portion of the men who require severe punishment in the institution at present are of a class who are mentally at least of questionable soundness? A. I think the class who commit crimes against our institutional rules are as a rule. I think they represent the lowest class mentally here. That is my impression from my experience here.

Q. How many hours per day are the men who are cuffed up retained cuffed up? A. Not to exceed 12 hours.

Q. Generally about 12 hours? A. From 8 to 12 hours.

Q. They are not permitted, so far as the officers know, to have communication? A. No, sir, it is an infringement of the rules.

Q. You say that these men who receive the most severe punishment are as a rule of the grade who are of the lowest mental status? A. Yes, sir.

Q. Are they not *ipso facto* the ones of the mental status that verges on insanity? A. That is a hard question for me to answer. We are extremely careful not to "cuff up" a man whose mental status is in doubt.

Q. I am merely endeavoring to get from you some perfectly

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frank statement as to whether or not, in your judgment (as an expert alienist) so far as you have had opportunity to form judgment, isolation is really a good and safe substitute for the former forms of punishment. It would seem to me that for a man of weak mentality to be "cuffed up" to the door; kept on his feet ten hours at a time, ten days in succession, staring at the opposite wall, would to say the least be apt to have an unfortunate effect on that man's nervous system. What would be your opinion as to that? A. I should expect it would have an injurious effect on the man's nervous system, because of his general physical condition.

Q. And is it not possible that this marked increase in the insane among those who have been so treated in the past two years has been due, in some appreciable measure, to the resorting to isolation? A. It has probably been aggravated by the isolation.

The Superintendent said that he was opposed to spanking or paddling as a form of punishment. It is possible, he believed, to run the institution without it.

With regard to tuberculosis, he did not believe that the disease had increased, but that more attention had been given to the discovery of cases. "I feel that the cases have been here, but have not been recognized."

CLASSIFICATION.

On the subject of classification, he said that it had occurred to him that it might be well perhaps to group, for example the thieves and to notice whether there was any resemblance between them, any characteristics peculiar to them. So with forgers, and other offenders.

It is hardly necessary to repeat the statement, so often made, that classification is fundamentally requisite in an institution like the Elmira Reformatory. The existing classification is as follows:

1. Three character grades.
2. Three intellectual grades.
3. Three trade class grades.
4. Sixteen military companies, four battalions and a regiment.

5. Religious classification, Roman Catholic, Protestant and Hebrew.
6. Three defective groups.
7. Physical training, or renovation group.

The Superintendent gave it as his opinion that the Reformatory system was superior in that it fitted men to become self-sustaining, whereas incarceration in a State prison was attended with no such benefit. The Reformatory inmate is taught also to value thrift and to form a habit of saving a portion of his earnings, since a credit balance in his favor is a prerequisite to his discharge.

Alfred E. Upham, in charge of the educational work, testified that the inmates were graded practically on the same principle as pupils in the grammar schools. The lowest grades receive instruction in the fundamentals merely. The indeterminates have some training of the reasoning powers. In the highest grade the men are taught in history and letters. The defectives receive special attention. In his judgment the men would do very little better work in the morning than in the evening. The teachers are trained inmates and are generally satisfactory. Sunday afternoons instruction is given in ethics.

Those who take advantage of their opportunities make, he thought, more rapid progress than pupils in the public schools. About one-third show a decided aptitude or desire for improvement; another third are somewhat, if not quite indifferent; the lowest third are unresponsive, undesirous and almost incapable of improvement. The education the men receive is designed to turn them away from criminal associations; their outlook is broadened.

The illiterates are more inclined to criminality than the educated.

P. J. McDonnell, Assistant Superintendent, testified that he had had 20 years experience in prison work; but not in reformatories, and had made no study of reformatory systems.

To make normal citizens of the State out of its abnormal inmates, is the purpose of a reformatory. Young men are sent to the Elmira Reformatory because they have shown themselves

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to be out of harmony with their environment; because they have received and acted upon false views of life. "They constitute a living anti-social human mass, not easily resolved and brought into accord with the orderly life of a good community." (Brookway.)

IMPORTANCE OF AN EXECUTIVE HEAD.

Among the different agencies employed to effect the desired change, it is difficult to say which is the most useful. It will be generally admitted to be especially important, however, that the executive head or governor of an institution like the Elmira Reformatory should be a man of such knowledge, sympathy and force of character as to be able to impress his individuality, vividly and really, upon the inmates. He should be recognizably a stimulating and renovating force in their lives. His influence should communicate itself through the daily order and discipline, through the officials and instructors into the inmates. Especially should he make his character felt in giving a new direction to their wills. "This complete directing, by the governing authority of the reformatory," said Mr. Brockway in one of his reports, "of the entire life of a mass of fellow beings, is a serious matter, a fearful responsibility. It must be remembered that they are withdrawn from the free play and moulding influences of the natural social life in a free community. The governor of the reformatory receives into his charge, with the bodily presence of the prisoners, their very soul life, and is clothed with the authority and the duty to develop that life for fullness and perfection. He who enters upon the work of soul culture touches the life and forces of a mysterious realm. His attitude should be a profoundly reverent one, for he invades a sacred precinct."

The successful fulfillment of the purposes for which the reformatory was designed will depend primarily upon the general superintendent. If he is the man that he should be, the tone and atmosphere of the institution cannot but be elevated and inspiring. He will be a force for good in the educational department, in the trade school, in the shops. It may not be possible for him personally to acquaint himself with the defects, peculiarities,

tendencies and capabilities of each inmate, and to provide suitable treatment for each individual, although he can do much in this direction. He should, however, be able to compel recognition of the fact that the executive head of the institution is a firm, just and sympathetic man, deeply interested in the lives of the men, and in making the institution in the highest and best sense a reformatory.

While we would by no means belittle the importance of domestic economy, or such matters as proper sewerage, ventilation and lighting, military drill, etc., we reiterate our belief that the primary need of this, or any institution whose aim is to reform young men into industrious, self-respecting normal citizens, is an executive head possessing the qualities above indicated. To such a man, what may be called matters of detail, matters of domestic economy and administration, could be safely entrusted in the belief that they would in due season receive the attention they require.

The buildings of a reformatory might be architecturally flawless, the cell blocks constructed on the best plan, and furnished with the most desirable improvements; the ventilating, heating, lighting and sewerage systems unexceptionable, the shops all that could be desired—and yet if the superintendent were indifferent, deficient in the necessary qualifications for so important a post, the institution would fail to accomplish the work for which it was designed, and would rightly be complained of, adversely criticised and condemned.

MONROE COUNTY PENITENTIARY.

This prison is composed chiefly of a central administration building with wings extending on each side, one of which is old and the other new, the latter having been quite recently constructed, but the whole is fairly well adapted for the purposes for which it is used. The prison is well lighted by large windows by day and by electric light in the corridors at night. The sanitary condition is equal to the average in most prisons, the entire building being well ventilated, except as to the cells, in

which, as is the case in nearly all prisons, there is no ventilation. The corridors as well as the cells were in a fine state of cleanliness. We were told that the rule to whitewash and paint three times a year was regularly and faithfully carried out, and we certainly had no ground to doubt this statement. The bucket system, with its many objections, is in use here, but as far as the new wing is concerned these objections have been practically done away with as niches to hold the buckets were built into the rear walls of the cells at the time the building was constructed. Iron doors which can be tightly closed are attached to these niches. They are well ventilated by means of pipes running into a utility corridor which extends the whole length of the cell room between the two rows of cells which stand back to back, and as this corridor is itself also well ventilated the unpleasantness and unhealthfulness usually attendant upon the bucket system are certainly very much lessened, although, of course, not entirely removed.

This new wing is particularly deserving of mention, as it excels in several respects the latest addition to the penitentiary on Blackwell's Island which was built at about the same time. The Blackwell's Island addition has smaller cells and the construction in many particulars is by no means up to the best standards. It is less well lighted and ventilated, it is without any utility corridor, and has therefore no such admirable arrangements for the buckets.

On the day visited, September 21st, there were in the Monroe County Penitentiary 168 prisoners, of whom 160 were men and 8 women. The prison will accommodate 525 persons and is usually full during the winter months. There is no labor of any kind except farm work on a tract of fifty acres attached to the penitentiary, which gives employment to about fifty men. The remainder of the inmates, no matter how great the population of the prison may be, are forced to be idle. For the accommodation of these there is set apart a room called the "idle room," which was certainly well named, for in this room were congregated about 80 men who were sitting still doing absolutely nothing.

ing, unless reading yellow journals and engaging in occasional conversation. This idle room, with its occupants, presents a striking contrast to the system of employment which preceded the present system of non-employment, when the penitentiary was self-sustaining and every one was busy the whole day long. These men now spend the entire time in this most indolent fashion, with the exception of three-quarters of an hour when they are taken out for exercise.

Classification as to sex is the only kind of classification here, although the Bertillon system makes the establishment of at least some system of grading simple, easy and practical.

The moral welfare of the prisoners is entrusted to the chaplain alone who visits the prison on Sundays only. Little is done here, therefore, looking to the reformation of the individual prisoner.

MONROE COUNTY JAIL.

This jail was built in 1885 and is similar in design to many of the jails built within the last ten or fifteen years. It is constructed of brick and stone and contains three tiers of cells, forty-nine cells in all, made of steel and sheet iron. These cells surround a square corridor which is lighted and ventilated from the top. The sanitary condition would be good if the place were kept clean, which, however, was a long way from being the case. The consequence of this, of course, was that vermin existed to a very considerable extent. The ventilation is good, the plumbing modern and can be easily cared for as it is all exposed in a hall which extends around the four sides of the block of cells. The bathing facilities are old-fashioned and entirely insufficient for the large number usually imprisoned here.

The inmates as is usually the case in county jails, were made up of all sorts and conditions of men, although in this case they were all awaiting trial as none are sentenced to this jail. Some of them were innocent and some were guilty, some confirmed criminals and some not really criminals at all, as a number had committed only one crime without realizing perhaps the seriousness of the act and had reached a crisis period in their careers,

when if rightly dealt with they might never offend again. Others were there simply because they were consistently following a life of crime which long ago they had resolved to do; but all of them, as no labor of any kind is performed in the jail, were free to associate with each other and to corrupt and be corrupted without interference during the whole of the day and to a large extent during the night. Continuous conversation is possible here even when the men are locked in their cells, and in the winter months it is found necessary to place two men in each cell, the result of which is to surely ruin forever many of those for whom, under better circumstances, there might have been some hope of reformation.

The only attempt at classification is the separation of the women from the men, and the keeping of boys under twenty in a room by themselves. There is no library here and no moral instruction of any kind except for a little while on Sunday.

ONONDAGA COUNTY PENITENTIARY AND JAIL.

The plant of this prison is entirely inadequate for the purposes of a penitentiary and jail. The building is very old and is much too small to accommodate the large number of prisoners usually confined in it. It is generally found necessary to place two men in a cell, and as there is no labor of any kind they are left free to amuse themselves in any way they like, which they usually do by playing cards, dominoes, etc. The ventilation is very poor, and the whole building, corridors and cells, was found in an extremely filthy condition. The mattresses, which were made of straw, were very old, much of the ticking torn off or full of holes, the pillows very unclean and the rest of the bedding was composed chiefly of rags. The carpets on the floors of the cells were old and worn out, and appeared to be covered with many layers of dirt. The dark cells in this prison apparently were entirely without ventilation. The bathing facilities are extremely unsatisfactory. The inmates are allowed to associate with each other during the so-called hours of exercise, which exercise consists solely in sitting in congenial

groups of three or four and plotting future crimes, and as there is no classification much evil must and does necessarily result therefrom. There is scarcely classification here as to sex, as men and women are confined in the same cell room, within speaking distance, although not within sight of each other. The association of the two sexes is not apparently allowed, although conversation, and that of the most obscene kind, continually takes place between them during the hours of night.

The little attention of any kind paid to the individual men in county jails was certainly well illustrated, the committee thought, by the finding in one of these cells of a man suffering greatly from the effects of a broken shoulder, while the hospital, which was in fairly good condition, was nearly empty.

As far as the abuses just enumerated are due to the plant of the penitentiary, many of them will shortly be done away with, as a new penitentiary, with all the modern improvements, is now being constructed; and if the statement of the architect is to be believed, the new structure will be all that any prison reformer could possibly desire.

The committee, however, does not look for much improvement in the administration of this penitentiary, even if the new structure is all that can be desired, so long as the present incompetent officials remain in charge. Is there any ground for believing that the new prison will be kept any cleaner than the old prison, and are men who do not object to filth and dirt of all kinds likely to appreciate and rightly care for modern sanitary appliances?

The new penitentiary will contain 320 cells, each 6 feet wide, 7 feet long and 8 feet high, the whole to be divided into seven compartments which will permit of complete classification. The sanitary arrangements are to be in accordance with the most improved methods. Only one cot is to be placed in a cell at present, but we regret to say arrangements are to be made so that a second one can be placed in a cell at any time it may be deemed necessary. The committee fears that this necessity will arise almost immediately, as the total number of cells is too few for the probable needs of the county.

KINGS COUNTY PENITENTIARY.

The buildings of this penitentiary are old and lack therefore the proper sanitary appliances, but notwithstanding this the hygienic condition of the prison must be considered good, as is evidenced by the excellent health of all of the inmates. The corridors surrounding the cells are large and airy, being provided with long windows which admit much light and sunshine, but the cells are smaller than would be found in a modern prison and have no ventilation. The bucket system exists here, as in all of the older prisons, and will have to remain until new buildings are constructed, as there seems no way of substituting any other system except at great expense. There is more or less employment for all confined here, but no classification except as to sex.

The prison was found to be only about half full, there being many unoccupied cells in both the male and female departments. This being the case the committee is at a loss to understand the reasons which influence the magistrates and courts in continuing to send prisoners to the Raymond Street Jail who could be quite as well sentenced to the penitentiary, for the jail is very much overcrowded, particularly the women's department, and is in its management in many particulars very inferior to that of the penitentiary. The methods of dealing with the prisoners in the penitentiary are certainly far from satisfactory, but the inmates are at least kept at work most of the time, and are not allowed to have general intercourse with each other. This is decidedly not the case in the jail, where the prisoners, young and old, are permitted to associate freely with each other in absolute idleness. The women's jail is a very old structure; it is extremely unsanitary and is without the proper means of escape in case of fire. Large numbers of women are huddled together in idleness in this jail at the great risk of both their bodies and souls, while a large, airy cell room in the women's department at the penitentiary, where there is certainly some employment for them, remains half empty.

As far as the committee is aware there is no legal objection to sentencing to the penitentiary many, if not all, of the cases now sentenced to the county jail if the courts desire to do so. Section 6 of an act for the erection of a court house and jail in the county of Kings, passed April 25, 1833, reads in part as follows:

"Persons convicted in the county of Kings of offences punishable by imprisonment in a county jail may be sentenced by the court before which such conviction shall be had, to imprisonment in the penitentiary," etc.

And section 2 of an act relating to the penitentiary in the county of Kings, passed April 5, 1853, says that

"After the filing of said certificate (that is, a certificate that the penitentiary is ready for prisoners), and the publishing of said notice, it shall be the duty of all magistrates and courts in said county to sentence all prisoners who on conviction are liable (except in capital cases) to imprisonment, for a period of not less than thirty days, to confinement in said penitentiary instead of the county jail, and the keeper thereof shall receive such persons and safely keep for the term for which they were sentenced and employ them according to the discipline and rules established for the government of said penitentiary."

It would seem, therefore, that all persons convicted of offences punishable by imprisonment in a county jail, may be, and that those who on conviction are liable to imprisonment for a period of not less than thirty days, must be, sentenced to the penitentiary instead of to the county jail, for while other statutes and certain general provisions in the Penal Code incidentally affect the statutes above referred to, we have been unable to find any provision inconsistent with the proposition that the magistrates in Kings County can send misdemeanants to the penitentiary, and we believe that if the law as it stands cannot be enforced it should be so amended as to make such disposition of misdemeanants compulsory.

The warden of the penitentiary, who was eager to provide employment for the men under his care, stated that with the proper co-operation of the other departments of the city government,

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labor enough could be provided for the prisoners to keep them fully employed, even under the present constitutional limitations upon prison labor.

NEW YORK COUNTY PENITENTIARY.

The committee made a thorough examination of this prison and the workshops connected with it, on the 15th of August last. The old parts of the prison are in a bad condition, as they are badly ventilated, badly lighted and badly heated. The latest addition to the prison, as has been said, is by no means in accordance with modern ideas of prison structures. It is fairly well ventilated and lighted, but the cells are entirely constructed of brick and are without plumbing of any kind, in which respect it is no improvement upon the older portions of the prison. The bathing facilities of the Penitentiary are good, having recently been much improved. The kitchen is in very bad condition. The convicts appear to be employed in the shops most of the time, in manufacturing supplies for the Department of Charities and Correction, but 15 or 20 prisoners who were interviewed stated most positively that all the work that was performed there in a day could be and was easily done elsewhere in about two hours.

The prisoners are not classified; the officials testified that classification was not practical, as it would interfere with the industries of the prison, for, as they stated, it would be impossible to classify the shops, it being necessary to assign the men to them according to their ability to do particular kinds of work. These officials were evidently not familiar with the system of classification at Elmira, where it is not considered necessary to classify the shops in order to have a perfect system of grading.

The committee, on the other hand, believes that a system of grading is not only practical here (as it is in the Kings County Penitentiary and other institutions of the Department of Correction), and therefore, it will be seen, incumbent upon that Department to introduce the same at once, but that it would be difficult to find a prison where the facilities for introducing such a system are greater than exist right here in the Penitentiary on Blackwell's island. The structural conditions are in fact suited to the

most elaborate kind of classification, for the prison having been built at many different periods is in reality composed of five distinct prisons; the old and new prisons, the boys' prison, the women's prison and, the latest addition of all, the north prison.

The architectural resources being as they are, the Bertillon system being in full operation, supplying the Department of Correction with the histories of the men under its care, the police department standing always ready to furnish whatever information it may possess in regard to the individual cases which have come to its attention, and the records of the Department of Correction being conveniently at hand of all those who have at any time been in any of the penal institutions of which it has charge, taken with the confident statement of the deputy warden: "Let me look at your man and I can tell if he has served time before," we do not believe that any commissioner could now claim that it was impracticable to introduce a system of classification.

His attention should therefore be called to the fact that when practicable he is required by law to classify, as far as possible, all criminals and misdemeanants under his care, "so that the youthful and less hardened offenders shall not be rendered more depraved by the association with, and evil example of, older and more hardened offenders."

The hospital attached to the Blackwell's Island Penitentiary was destroyed by fire several years ago but has never been rebuilt. The plans for a new one were found to be in excess of the sum appropriated for the purpose and the authorities, we are told, were waiting until an additional one could be secured. This delay is most unfortunate, as hospital accommodations are very badly needed. At present the prison formerly used as the boys' prison is being used as a hospital, and a very wretched one it surely makes.

RAYMOND STREET JAIL, BROOKLYN, N. Y.

Inspected by Messrs. Hadden, Ward, Round and Stokes, on August 8, 1900.

The jail building is well constructed, amply large, well ventilated, and in general good condition. Sanitary appliances, how-

ever, are crude. The water closets in the cells are flushed two or three times daily, which is not sufficient; the jail corridors having a decidedly unpleasant odor referable to the water closets. The prisoners are not classified in any way. The long and short term men, young and old, are allowed free communication during hours of exercise. Prisoners awaiting trial are not separated from those serving sentence, although the building would easily permit such separation. Boy prisoners were isolated in so far as sight was concerned, but were within hearing of the conversation of the men.

The sub-committee would suggest that silence should be observed during hours of exercise, believing that free communication among jail prisoners is entirely undesirable, particularly when the men's conversation is within hearing of the boys.

The sub-committee had a lengthy interview at the jail with Mr. Backus, the county detective, and were exceedingly favorably impressed with what they learned of him and his work. It has been his custom to follow up the boy prisoners after their discharge, obtaining employment for them and doing them good in many ways. Mr. Backus has been engaged in this work for three years and has placed over 300 boys in permanent employment. The sub-committee believe him to be fully qualified for such work, and would be glad to see him appointed probation officer. It would be prejudicial to the best results of his work if the boys who look upon him as a friend, were to consider him simply as a "detective" watching them.

THE WOMEN'S PRISON.

The women's prison connected with the Raymond Street Jail is obsolete and defective throughout. It is utterly unsuited for continued use. The sheriff expressed the opinion in which the sub-committee concurred, that it was a perfect fire trap and that it would be next to impossible to get the inmates out of the building should fire break out on the lower floor. A temporary bridge was at the time of the sub-committee's visit being constructed connecting the women's prison with the jail, as a means of exit

for the upper stories of the women's prison in case of emergency. The entire women's prison is in a dilapidated condition and should be removed. The prison was badly overcrowded, at the time of the sub-committee's visit. The inmates performed no labor except necessary house work.

The sub-committee noticed a woman apparently in delirium tremens in a cell opening on a corridor in which were confined four boys about 13 or 14 years of age. The woman kept up a continuous flow of profanity, obscenity, etc., the boys being separated from her only by the iron bars of the cell door. Facilities for more effectually separating young boys from such women should most certainly be provided.

The sheriff is not a salaried officer, but receives the following fees for services rendered at the jail: Locking or unlocking prisoners, 75 cents per capita; board per capita, 25 cents per day. The sheriff is required to pay from his earnings all the jail expenses, salaries of assistants, etc. Six thousand prisoners are said to have passed through Raymond Street Jail in one-half year.

LUDLOW STREET JAIL.

Inspected by Messrs. Ward, Hadden and Stokes, August 10, 1900.

The building is very old, ventilation fair, physical condition fair, except that windows and mused cells needed cleaning very much. The jail is about half full, mostly "installment" cases; that is, inmates are held under executions against the person upon petty judgments recovered for the alleged conversion of goods purchased on the installment plan. Two prisoners are generally confined in each cell, which is altogether unnecessary. This is the fault of the keepers, as they are somewhat inclined to be good natured, not caring or seeming to care to keep the discipline up to a proper standard.

The prison was being painted, which is a decided improvement on the old whitewashing system. The plumbing in the jail is of good quality. No labor is performed by the prisoners.

Meals for the prisoners are served in the court yard in summer

and in the corridor in winter. The warden is allowed 70 cents per capita for board of civil prisoners and 75 cents per capita for board of United States prisoners. There is a fair laundry attached to this prison, situated in the basement.

CONCLUSION.

We have nothing, you will observe, and have had nothing sensational to report concerning the administration of the prison at Sing Sing or any of the prisons visited by us, notwithstanding the many statements that have appeared to the contrary. While it is true we cannot tell of instances of bribery, cruelty, murder or even an unusual amount of favoritism, for we do not believe such great abuses as these exist in any of the institutions of the State, still we do wish to call your attention again and again in as emphatic a manner as possible to a condition of affairs frequently referred to in this report in the administration of all of the prisons of the State, which is most lamentable; a condition of affairs which is, we believe, working a great and unnecessary and lasting injury to many of the inmates confined therein and is the more reprehensible because we think it is quite within the power of the State prison and county authorities to mitigate if not entirely remove the same.

We refer first to the great lack of employment of prisoners in the State prisons, penitentiaries and county jails. The idleness and consequent demoralization of the inmates is conspicuous in every penal institution in this State.

Second, to the fact that no classification worthy of the name can be found anywhere, while it is legal, easy and practical to introduce the same everywhere.

Third, to the conspicuous lack of a proper amount of religious and moral training.

In Sing Sing each inmate, according to the sworn statement of the warden when this inspection was made, works only on an average of one hour per day. It is the same at Clinton Prison, although slightly better at Auburn. The lack of employment in the penitentiaries and jails has been noted.

While the law prohibiting the sale of the products of the industries in the open market is to blame for much of this idleness, we are convinced, however, that the prisoners could be kept very much more occupied by a faithful compliance with the existing laws on the subject on the part of the prison authorities, or when there are no such laws to direct them, by the exercise by them of a little more ingenuity, and that they are therefore much to blame for the present extremely demoralized condition.

For example, a large proportion of the population of the State Prisons could be kept continually at work if section 99 of article III, chapter 382, of the Laws of 1889, which reads as follows was carefully enforced:

"The labor of the prisoners of the first grade in each of said prisons, reformatories and penitentiaries shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment as the primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely even though no useful or salable products result from their labor, but only in case such industrial training can be more effectively given in such manner."

As this industrial training under the circumstances can be given in no other way there is, of course, no question but that it can "be more effectively given" in the manner referred to in the law than not to be given at all, as is the case at present. This law, if complied with, would keep occupied nearly, if not quite, 50 per cent. of the prison population. The law has, however, been entirely disregarded; the first grade men are treated no differently from the men of the other grades. The opportunity thus provided for keeping the men of this class employed in manufacturing products not intended for the market is rejected.

It is a question whether this law does not even permit the employment of the men of the second and third grades in this manner. The law states that the labor of the prisoners of the second grade shall be directed primarily to labor for the State, and that the labor of the prisoners of the third grade shall tend primarily

to the preservation of their health, etc. If it is impossible to direct the labor of these grades primarily in the way stated we fail to see why the labor of the prisoners of these grades should not also be directed solely with reference to fitting them to maintain themselves by honest industry, etc., even though, as the law states, "no useful or salable products result from their labor." We do not think there would be any legal objection to following this course.

Undoubtedly as long as the amendment to the constitution of 1894 in respect to prison labor stands, and the laws in regard thereto remain upon the statute books, idleness will continue to a more or less extent, but we believe that much less of it will exist than does now exist if the authorities will make an honest attempt to execute the particular laws of which reference has been made.

The system of classification which exists in the State Prisons, the only kind of classification in the State, is based upon the number of felonies in which a man has been detected, not the number of felonies, much less the number of crimes, he has committed. No regard whatever is paid to the real characters of the men in making this classification. The number of felonies of which they have been convicted is alone taken into consideration. It was particularly pointed out to the Superintendent of State Prisons in the report of the committee which made the inspection of State Prisons last year, "that a man who has led the worst kind of a life, having criminal tendencies ingrained through years, may have been known to have been a criminal and yet be placed in the first grade, or Grade A, simply because a record of his convictions is not at hand, or that he has escaped conviction on technical grounds when his guilt was morally certain." The result of this is that Grade A is composed of men of many different kinds, some of whom are the worst sort of criminals, and the only object of a classification, namely, the reformation of those who have not become confirmed in criminal habits, therefore completely fails of accomplishment.

We do not understand what reasons the State Superintendent

of Prisons can have for allowing such an ineffective system of classification to exist, particularly when section 95, Article III, chapter 382, Laws of 1889, provides so admirably for a sound system of classification, as follows:

"The Superintendent of State Prisons shall direct the classification of prisoners into three classes or grades, as follows: In the first grade shall be those appearing to be corrigible or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second grade shall be included those appearing to be incorrigible, or more vicious, but so competent to work, or so reasonably obedient to prison discipline as not seriously to interfere with the productiveness of their labor, or of the labor of those in company with whom they may be employed. In the third grade shall be included those appearing to be incorrigible, or so insubordinate or so incompetent, otherwise than from temporary ill-health, as to seriously interfere with the discipline or productiveness of the labor of the prison."

This law is mandatory, but is ignored by the Superintendent just the same, for the system of classification adopted, you will observe, bears not the very least resemblance to that clearly directed by the law above quoted. This Association should, it seems to this committee, insist upon the immediate enforcement of this law, which would improve so greatly the administration and discipline in the State Prisons as well as mean so much to countless numbers of men who have taken only the first step in crime.

The religious and moral influences brought to bear upon the prisoners in the prisons visited by the committee, excepting the Elmira Reformatory, amount to very little. The chaplain, and the chaplain only, and he too often on but one day of the week, concerns himself with their moral welfare; the other officials, by common consent, refrain from participating in any way in this most important department of prison management.

One chaplain to promote the moral and social rehabilitation of frequently as many as 1,200 men, nearly every one of whom is

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determined to resist good influences of every kind, would be laughable if it were not almost criminal to allow such a state of affairs to exist for a single moment.

If a prison system, such as the one we possess, which is crime-producing rather than crime-suppressing, must be borne with for the present in this State, by all means then let us without further delay add to the number of chaplains and moral instructors that the chances for individual reformation may at least be somewhat increased even under the present system.

(On behalf of the Committee.)

J. SEELY WARD, JR.,

Chairman.

THE SANITARY CONDITION OF SING SING PRISON.

REPORT BY A SPECIAL COMMITTEE OF THE PRISON ASSOCIATION OF
NEW YORK.

It having come to the knowledge of the Prison Association of New York that within a period of two months some forty-eight cases of typhoid fever had developed at the State Prison at Sing Sing, and that there were a large number of cases of tuberculosis, the following committee was appointed to investigate the sanitary condition of the prison: Dr. J. G. Phelps Stokes, Alexander M. Hadden, Henry E. Gregory, J. Seely Ward, Jr., Charlton T. Lewis, Eugene Smith and S. J. Barrows.

The committee proceeded to Sing Sing Saturday morning, January 19, 1901. The following members were present: Messrs. Stokes, Hadden, Gregory and Barrows. They were accompanied by Mr. Charles F. Wingate, sanitary engineer, especially engaged for this investigation by the committee. The investigation was made under the authority of an order of the Supreme Court. Every facility was furnished to the committee by Warden Johnson and the physician, Dr. Irvine, who, being duly sworn answered very fully all questions, and a stenographic record was made of the testimony. A transcript of the evidence is submitted as an appendix to this report.

In addition to the oral testimony, the committee, accompanied by Mr. Wingate, made a thorough inspection of every part of the buildings. The detailed report of Mr. Wingate, covering every point of this inspection is likewise submitted. Attention is particularly called to the information presented in his report by this acknowledged expert in sanitary science.

In making this investigation, and in reaching certain positive conclusions, the committee has not been influenced by vague or

sensational rumor. The determination has been made to get at the facts and to report them fully to the Legislature.

The facts elicited in this inquiry and presented in detail in the accompanying papers show the most radical and dangerous defects in the structure and condition of Sing Sing prison. The unsanitary character of the institution was revealed in the following conditions:

1. *Dampness.*—The prison is located close to the Hudson river, but five feet above tide-water. It is built on made ground. It is a massive stone structure. The soil below is saturated with moisture. Frequent fogs envelop the building and moisture trickles down the walls.

2. *The absence of sunlight.*—The outer shell of the prison consists of walls about two feet thick. The windows are but narrow slits. The sunlight enters the corridors for but a short time each day and then only in spots, and apparently has never entered the cells themselves since the prison was built 76 years ago.

3. *Insufficient ventilation.*—The cells are three feet, three inches by six feet nine inches and about six and a half feet high. Ventilation is supposed to be furnished by a small flue leading from the rear wall of each cell, but a lighted candle showed no draft at these apertures. Reliance for air must be had upon such as could be admitted from the windows in the outer wall opening into the corridors. These windows are closed at night when the cells are occupied, and cannot be opened in the day in stormy weather. The air space in each cell, but 145 feet, is painfully small. Mr. Wingate dwells with much force upon its inadequacy. He shows that the cubic air space provided for the convict in Sing Sing is less than one-third of the necessary amount. In other words the convicts are being lung starved for want of air.

4. *Over-crowding.*—As there are 1,350 prisoners and but 1,200 cells, the excess of prisoners, 150, must be put into cells already occupied. Thus 300 men are doubled up and forced for the en-

tire night to exist on an allowance of 72½ cubic feet of air space for each individual.

5. *Bad drainage.*—The examination revealed defective plumbing and a dangerous open drain. The river sewage backs up in this drain and is exhaled into the corridor of the prison. Tests showed a strong upward air current from these drains, diffusing foul air throughout the prison. Mr. Wingate after describing this structure says, "A more unsanitary arrangement could hardly be devised."

CONSEQUENCES.

The inevitable consequences of persistent dampness, darkness, foul air, bad drainage and overcrowding are seen in the typhoid fever and the tuberculosis with which the prison is afflicted. According to Dr. Irvine a further danger may be found in the possible contamination of the water supply, though this has not been proven.

Sing Sing prison was constructed in 1824, at a time when heavy stone walls and narrow windows were thought necessary for security. Experience shows that this ancient form of prison structure when reared on made ground, enveloped in moisture, impervious to sunlight and pervaded with foul air constitutes a menace to the health of the prisoner which may react dangerously upon the health of the community.

In ancient times little thought was given to the health of prisoners. If dungeons were damp, dark and stifling, so much the worse for the prisoner and the better for the State. Under the more enlightened and humane spirit of our own time, such defects in a prison are inexcusable. A judge who sentences a modern prisoner has no intention of sentencing him to consumption or typhoid fever, but a man who is sentenced to Sing Sing prison may be unconsciously sentenced to either or to both.

While something may be done to improve the ventilation, no temporary mitigations can remove the physical and moral objections to putting two men together into narrow cells better fitted for the crypt of a catacomb than for the cells of a twentieth century prison.

RECOMMENDATIONS.

In view of all the facts above mentioned, there is but one course open to the committee, and that is to recommend the immediate condemnation and demolition of Sing Sing prison. An entirely new prison built on modern principles, in a more favorable locality, should be constructed as soon as possible and for this purpose convict labor can be profitably employed. As an immediate palliative of bad ventilation we recommend the introduction of an electric fan for changing the air and the improvements in plumbing suggested by Mr. Wingate. But these changes can only mitigate bad conditions growing out of the structure and the location of the prison. They ought not to be made the excuse for delaying the only thorough and absolute remedy, the removal of the prison itself.

J. G. PHELPS STOKES,
Chairman.

REPORT BY CHARLES F. WINGATE, SANITARY ENGINEER.

As the result of my examination of the above building including the drainage, ventilation and heating, at the request of the Prison Association of New York, I would report as follows:

The prison was established at Sing Sing in 1824. The buildings are old, obsolete in plan and have suffered from years of hard usage. Erected at a time when security was the sole object, but little regard was given to the health and comfort of the inmates. The whole aspect of the cell-structure is dark, grim and forbidding; with massive stone walls that drip with moisture in foggy weather and are chilly in winter, and windows so deep and so small that the direct rays of the sun seldom enter. As the prison extends north and south, one side of the building is entirely shut off from the sun for half of each day; even in the brightest sunshine it is difficult to read in any of the cells and a twilight gloom prevails which is a constant strain on the eyes. The cells which number 1,200 are in six tiers, measure three feet three inches by six feet six inches in height, and are seven feet long. The entrance is only 22 inches wide, with a

heavy iron grating set on the outside of a two-foot wall, like the neck of a bottle, that very little light could enter even if there was no outer barrier, but with narrow slits of windows set in a fortress-like wall, some ten feet distant, only a modicum of light can enter.

At 1 o'clock, at the time of my visit, on a bright cloudless day, the upper cells on the east side, occupied by the new arrivals who had been quarantined for fear of small pox, were so dark that it was just possible to distinguish their inmates through the grated doors.

The site of the prison is most unfortunate from a sanitary point of view and its selection was a gross error of judgment. Prof. Parkes tersely remarks regarding the location of camps and barracks "Always chose a spot where there is drainage and into which there is no drainage." But the prison situation has neither of these advantages. Lying in a hollow between a sloping hillside and the Hudson, it receives the surface drainage of the land above while it is built on made ground rising only six feet above tide level. Only one of the structures has a cellar and the subsoil is saturated with moisture rising by capillary attraction and by the rainfall and melted snow. Finally, the sewage of the village discharges into the Hudson only a short distance above the prison and tends to pollute the stream and the outer surroundings.

The cell structure which measures 60 x 400 feet and is some 50 feet in height, is simply a huge box of masonry set on a polluted soil and containing an inner box of 1,200 cells occupied from 4 p. m. until 7 a. m. for sleeping places. Each cell has a capacity of 145 cubic feet of air, while in some seventy cells where there are two inmates the air supply amounts to 72½ feet per head. This doubling up is necessitated by the constant scraping and whitewashing of all the cells to destroy vermin so that about a hundred cells are vacant all the time.

The minimum air space now required in lodging houses, tenements, schools, barracks and prisons is from 300 to 600 cubic feet for each person, and 1,000 to 1,400 cubic feet in hospitals.

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But these figures assume that the air supply is continually replenished and the foul elements removed. To maintain health every adult requires 1,000 to 1,600 cubic feet of air per hour, while the standard allowance for prisoners is 1,700 feet per hour. No one would deny prisoners sufficient food and drink, yet it is no less inhuman to refuse them an ample supply of sunlight and fresh air. Public sentiment would rebel at the thought of confining a convict to half rations, yet the cubic air space provided for each convict in Sing Sing is less than one-third the normal amount, and where the prisoners are "doubled up", the supply is *one-sixth*. This is very much like lung starvation, and the consequences are and will continue to be serious. The only fresh air supply enters through the grated door, while the sole means of exhaust is a flue 4 x 5 inches in the rear wall, which being roughly constructed with several bends and angles, and having no heat or other means for creating an upward draft, is absolutely useless, and, excepting in the case of the upper tier of cells, when tested with a candle flame it was clear that they did not draw. One can readily imagine the effect of confining men, not naturally cleanly, in such a cramped space, with straw beds that rapidly absorb impurities, blankets that are seldom washed, and with no possible escape for the products of respiration and the exhalations from their persons. Further contamination is caused by the night buckets with which each cell is supplied. It is not surprising that the interior atmosphere becomes very offensive, and even when the cells are empty and the windows open the air within is stale and close.

But still other sources of air contamination must be noted, and chief among these are the drainage arrangements.

The floor of the cell building is paved with blocks of stone, and is washed down daily with a hose. A shallow open drain is intended to carry off the wash water, but a good deal of moisture penetrates through the cracks between the stone and increases the soil saturation. Four large inlets receive the bulk of the water, and these are not trapped within the building, but each drain has a running trap where it joins the main sewer in the

yard outside. A surface drain is itself a source of foulness, and if it receives sewage it is still more objectionable. Such a drain should be securely trapped at each inlet and should also be ventilated to prevent becoming air-bound, especially where discharging into a sewer which is tide-locked at high water. Examining and testing with a lighted candle showed that there was a strong inward draft at each of the four inlets to the surface, and that foul air in great volume was escaping into the building which is a dormitory for 1,300 men. When, as is usual in cold weather, the windows are closed these open drains are the chief air supply for the building, and the inward current is accelerated by the tide pressure at the outer end of the sewer. A more unsanitary arrangement could hardly be devised.

It is an axiom of sanitary science that a damp soil is a potent cause of disease, but when the soil is polluted as well as moist, and when the air is thus contaminated everything is ripe for the development of contagion.

The effect of dampness is to debilitate and lower vitality, and thus increase the individual susceptibility to all diseases, particularly throat and lung disorders. The influence of dark and gloomy surroundings is also a potent factor in causing depression, just as sunshine and cheerfulness promote health. Indoor confinement and lack of exercise cause lassitude and loss of appetite, and it is noticeable that after Sundays or holidays prisoners are more restive and discontented than when they are able to work and go out doors.

The prison buildings are heated by steam pipes carried along the side walls and a comfortable degree of warmth is maintained. There is, however, no source of fresh air supply excepting by opening windows, which is not practicable in severe weather, except during the day time when the prisoners are at work or meals.

The air in the workshops was exceptionally good owing to the abundant sunshine which is nature's purifier.

To ventilate the main building, openings have been provided in the ceiling outside the cells leading into the attic and connecting

with louvred cupolas on the roof, but these outlets are insufficient to provide much relief and they are seldom open. The area of the building is so great, 1,000,000 cubic feet of air space, that nothing but forced ventilation would serve any practical purpose.

The plumbing in the cell building is limited to one closet and urinal on the ground floor, and a sink for draining water on each tier above. These sinks are not separately trapped as is now considered essential, but a single trap is placed at the bottom of the waste pipe which can be easily syphoned, while, as the waste pipe does not extend through the roof to the outer air, the foul odors from the slime-coated interior have free vent into the building and add one more source of pollution.

The plumbing in the chapel building, and some of the new work that has recently been put in, and that in the printing building are according to modern requirements, though there is a lack of trap ventilation, but in the old workshops the waste pipes are not extended through the roof, the sinks and urinals are not properly trapped, the water closets have no cisterns and the water for flushing is insufficient, so that the closet traps are choked and have to be cleared by hand. Such conditions would readily assist the spread of typhoid from an imported case of fever.

The prevalence of grip which has affected nearly every prisoner; the constant complaints of headache, aches and pains, and constipation and the recent epidemic of typhoid and consumption, the latter attacking the younger and most robust convicts, point unmistakably to the presence of conditions not conducive to health and confirm the results of my examination. Where vermin breed so abundantly as to defy whitewash, sulphur fumes and other destructive agencies, disease germs will also flourish, and no better laboratory for their propagation and diffusion could be devised; cleanliness and purity of air are impossible under such conditions despite the manifest desire on the part of the officials to do their best. The air ducts being inaccessible form admirable nesting places for vermin and germs,

and should be sealed up rather than be retained in their present condition.

Fortunately the workshops are in separate buildings with large windows and high ceilings, the walls freshly whitewashed and every part blazing with sunshine, with plants growing in window boxes, and every appearance of cheerfulness and healthful activity. These influences undoubtedly help to counteract the effect of the unsanitary cells, and but for them I am sure the mortality record of the inmates would be far worse than it is.

I am satisfied that the typhoid cases have been fostered by conditions within the building, and that they cannot be charged to the water supply. A single imported case might easily infect a number of other prisoners, where such defective plumbing fixtures are used by large numbers, I must therefore condemn the entire sanitary arrangements in the most unqualified manner, and urge their radical renovation, or better still, that the prison buildings be condemned and new ones constructed in their place.

Throat and lung diseases abound in most prisons and the mortality from consumption in such institutions is three or four times as great as under ordinary conditions outside. At the Milbank Penitentiary, London, 75 out of a total of 174 deaths in a single year, or 43 per cent. were due to consumption, while 90 other tuberculous patients were sent away the same year to save their lives. In an Alabama prison so many cases of consumption recently occurred that it was proposed to isolate the patients in a camp for special treatment.

In a letter to Dr. S. A. Knopf, of this city, from Dr. J. V. Hunt, secretary of the American Public Health Association, dated September 14, 1900, which I have been permitted to copy, it is stated that an outbreak of tuberculosis occurred last year in the State Reformatory at Jeffersonville, Ind., in consequence of excessive crowding while a new building was being constructed. Some 500 convicts were locked into a space designed for 200, and in consequence there was a marked increase in tubercular cases, and other diseases. An attempt was made to neutralize the overcrowding by a system of forced ventilation, but apparently with

little result and the problem of disinfecting the infected cells is a difficult one.

The report of the Board of Managers of the Elmira Reformatory for the year ending September 30, 1900, says in part:

"For a number of years tuberculosis has been an increasing and dangerous feature among our prisoners. Many have it upon arrival in a more or less advanced stage; others develop it under the trying conditions of prison life, with cellular confinement, and association with those already affected, and all unite in communicating the subtle and poisonous infection to their clothing, their bedding and the air of the cells and the corridors. The management further became convinced, by careful scrutiny, extending over many months, that prisoners, healthy on arrival, became affected, and sometimes with astonishing rapidity, by the disease, from being steadily confined in the same cell with a tuberculosis subject."

In view of the efforts being made to check the spread of tuberculosis and the large expenditure for a State Sanitarium for Consumptives in the Adirondacks, it seems wise to use all possible means to prevent the creation of new centres of contagion by making our prisons sanitary.

Every new arrival should be rigidly examined on entering the prison, to ensure that his lungs are sound and the examination should be repeated every three months so as to check the disease in its early stages and all suspicious cases should be carefully isolated to prevent the spread of the contagion.

TESTIMONY OF WARDEN AND PHYSICIAN.

Testimony of the physician, Dr. R. T. Irvine, and Warden Addison Johnson.

Q. We understand, Doctor, that just at present you are having particular difficulty with consumption, and with typhoid?

Dr. Irvine.—We have typhoid, I would not say that we have more tuberculosis. I think perhaps we have a few more cases than we had in the past two years, but not so many as we had six or seven years ago.

Q. How many cases of tuberculosis are there? A. That would be hard to determine.

Warden Johnson.—I have found out by inquiry that there is a great deal in the prison. Whether this is caused by the locality or unsanitary condition of the prison, or from the fact that prisoners, as a rule, when received here are in a state of low vitality, brought about by alcoholic excesses and irregular hours outside, and are therefore more susceptible to the disease, I am unable to say; but the locality of the prison and the attending unsanitary condition caused by the prison being only five feet above tidewater certainly has a tendency to cultivate the germs rather than to destroy them.

Dr. Irvine.—There are men who have it before they come in.

Q. (By Mr. Wingate). Have the prisoners who have tuberculosis been located on the lower or upper tiers? A. (Dr. I.). They are scattered everywhere.

Q. How many cases do you consider that there are of definite tuberculosis in the institution to-day? A. (Dr. I.). I know perhaps of between forty or fifty. But if you go right through this institution you may find perhaps as many more men who are not complaining; just as you find them in private practice. You see men on the street every day who appear healthy, but if you examine them you will find tuberculosis. Until it advances to a certain degree they do not come under the care of the physician. I have noticed a larger number in previous years. I have had as many as thirty-two or thirty-three deaths in a year, up to six or seven years ago. During the years '92, '93 and '94 we had between twenty-five and thirty-five deaths a year from tuberculosis. Now we do not have more than ten or twelve deaths.

Q. What is the population? A. 1,350.

Q. What are the ages of those taken? A. All ages, but young men as a rule.

Q. How does the population compare with those years when the number of cases was much larger? A. The average is pretty near the same, I think our average is higher, but our death rate has been falling.

Q. How many years have you been physician here? A. I am in my tenth year.

Q. To what causes do you ascribe the decrease in the death rate of tuberculosis? A. I think one of the causes is simply this: Up to '95 or '96 we had the contract system and every man in the prison was compelled to work, and men who were hardly able to work were compelled. They were overworked in a great many cases under a contract system. I think that had something to do with it. As a rule now they do not have enough to do. Of course there is a happy medium. When I came I think the men worked too hard. It was foundry work, making heavy bath tubs, etc.

Warden J.—They were worked like horses I have been informed.

Dr. I.—I do not think they have worked enough now.

Q. Would it be possible to establish the fact that they contracted the disease here or not? A. Some of them do and some do not. I have had men die three or four months after they came here. Some of them had to be carried into the hospital from the "Tombs."

Q. Have you formed a judgment in your mind as to whether the majority of those having tuberculosis had it after their arrival or whether they had it before their arrival? A. I would not say the majority of them, but the great majority of them seemed to have a hereditary taint. Sometimes you will find that you cannot trace it at all previous to their coming here.

Q. Would confinement in a prison structure such as this encourage tuberculosis? A. With persistent dampness and absence of sunlight you have everything favorable for tuberculosis as well as typhoid.

Q. To what degree does the sunlight enter the prison? A. Practically nil. A little while in the morning between the hour of sunrise and ten o'clock. But sunlight never touches the cells.

Q. Of course this prison was built ages ago, before sunlight was recognized as essential to a prison, and that is a very important point in support of the contention that it should be rebuilt.

Warden J.—The windows are too small.

Q. In your judgment it would not be practicable to enlarge the windows in the present prison? A. It would not do much good because the cells are so small. The space is occupied by the stone structure. In modern structures of steel the walls may be two inches while here there are two feet.

Q. How often are the walls whitewashed? A. We keep a-going all the time. We start at one and when we are through we begin at the other end. We get around every cell in about three or four weeks.

Q. You have not noticed in any degree that consumption was more prevalent among any particular class than among any other class? A. No. I consider that we have very little tuberculosis considering the population and conditions.

Warden J.—One reason is because when we detect it we transfer them to Clinton. A good many of them recover there. If kept here they would probably die.

Q. Are those damp cells on the lower tier used? A. Yes. If you have 1,850 men to put into 1,200 cells they have to be used.

Q. Are those men more liable than others? A. All the cells are damp more or less. There is dampness all over the institution.

Q. How many men have been transferred to Clinton on account of tuberculosis during the year? A. (Dr. L.) Perhaps twelve or fifteen.

Q. How many altogether have been transferred to Clinton? A. (Warden J.) I think last year 150. There are about a hundred to go next week.

Q. Very likely a large number of those have tuberculosis? A. (Warden J.) I think of a special man who had tuberculosis here and in whose sputum we found bacilli. He gained 25 pounds in Clinton.

Q. What is done in the way of disinfecting cells occupied? A. (Dr. L.) We use sulphur fumes and whitewashing. We fumigate the whole prison very often; every cell.

Q. You do not use a particular group of cells as a quarantine

for these patients? A. No, sir. The very day that we detect symptoms I report the case to the hall keeper so the man is not doubled up. The only chance of that would be when they come in as new men. Otherwise they are never doubled up.

Q. Would the same clothing be used after the man had died? A. As a rule the clothing would be burned.

Q. What is generally done with the clothing when a man dies? A. If he dies of some disease other than a contagious one, they are first fumigated in an iron box and then put into a solution of bi-chloride and then dried on the river bank; left out there several days. In very bad cases of tuberculosis the bedding and clothing are burned.

Q. But it is unusual to destroy the bedding in those cases? A. No, it is not unusual. I am speaking of the bad cases of typhoid or tuberculosis. But in all cases they are fumigated, put into an antiseptic solution, then washed out.

Q. What bedding do you have here? A. We have been using a wood fibre (referring to the hospital). In the cells, straw.

Q. When you have tuberculosis inmates in a cell, what procedure do you go through in regard to the disinfection of clothing and bedding? A. (Dr. L.) If a man after examination shows positive evidence of tuberculosis, or an examination of the sputum shows that he has the bacilli, he is put into the hospital; then the case is reported to the hall keeper and the bedding is burned and the cell whitewashed. Just as soon as we detect them when they have the fever they go in the hospital, except during the summer when I try then to keep them working out in the yard.

Q. How much time, on an average, in the course of 24 hours, would the prison population be in the open air under the circumstances, for the past six months for instance? A. (Warden J.) All the prisoners are out of their cells from seven o'clock in the morning till four or five. I mean when they are in their shops.

Q. How long are they in the open air? A. Some are in the open air just when they march to the shops, some companies are in the air all the time.

Q. About how many men in your opinion would be in the open air a couple of hours a day? A. About 300.

Warden J.—When men who are sick in the shops and think out of door work would agree with them we put them out. At one time we had 110 out. The vast bulk of the prison population are in the shops and not out of doors.

Dr. I.—At the present time there are more in the air since this drilling process has been used. Every company has been drilled for an hour every day since last November.

Q. Have you a military officer in command? A. Yes, sir.

Q. Is that beneficial? A. Undoubtedly. I think it is a very good thing to get them out in the air.

Warden J.—The motive was the abolition of the lock step and teaching them how to march.

Dr. I.—I think the other motive is more important, to get the men out of the shops.

Warden J.—You cannot keep them out of the shops altogether.

Dr. I.—They get more exercise out of doors than the factory hand gets, I think.

Q. What success have you had recently in getting enough work to keep the men busy? A. (Warden J.)—It has improved within the last six months.

Q. About how many hours a day does the average man spend at work? A. I could not definitely say; the industries during the last six months have increased \$30,000 to \$40,000 from a corresponding date of last year. They have been developed more. We have transferred the knitting industry, the hosiery and the mat-making from Clinton here. That was done a few months ago. Those three industries will employ about 250 men.

Q. It is not thoroughly established? A. No, the mat industry had recently orders for \$10,000 worth of mats, the knitting industry employs 130 men and the mats about 40. We had a large order from New York city. It is all hand work. There is no money in it; it simply keeps them employed.

Q. What are the conditions of the prison now as regards the

typhoid difficulty? A. (Dr. I.)—We are getting out of it very nicely. All our cases are convalescing except two who died; no new cases developing.

Q. To what cause or source do you ascribe it? A. I ascribe it to the water supply. Of course you have got to have more than the reception of the bacillus to develop the fever. You have got to have favorable surroundings and conditions for its development. You have them here in the absence of sunlight, the presence of moisture and the conditions of the soil upon which the prisons are built. I think the reception of bacillus is from the Croton, from the water supply.

Warden J.—The fever is all over the country.

Dr. I.—We have not been able to locate it definitely; the conduit which supplied the prison is not an iron pipe or porcelain pipe; it is more a drain built of stone and lime. I have never seen it.

Warden J.—I think it is stone.

Dr. I.—When we were building the road it was opened and repaired.

Q. Does it pass over or under the populous part? A. It passes under the houses.

Warden J.—When it was first built it was the property of the State, now it has been built over.

Dr. I.—That is only a surmise in regard to the water supply.

Q. What is the total number of cases since the first week in November? A. Forty-eight or 49 cases and two deaths.

Q. Referring again to this conduit from the Croton aqueduct, has the course of that conduit been traced recently to see what sort of a territory it passes through?

Dr. I.—Its course is very well known, it runs through State and Spring streets, and some places is 16 feet under the surface. Some barns are very close to it.

Q. Are there any privies built over it? A. Not directly over it, I have been over the ground.

Q. Within how far? A. Well, perhaps between one hundred and two hundred feet.

Q. No privies within one hundred and two hundred feet? A. Not that I know of. But there has been one barn over it, I've been told.

Q. Does it supply anybody but the prisons? A. It supplies the old female prison and other houses. There are two families living in the female prison.

Q. Has there been typhoid in these houses which are directly over the conduit? A. I know of two cases of typhoid. In fact I treated the cases myself; three cases inside of two and a half years; one case inside of a year from the time it started here; these houses were built directly over it. One case was on State street, and the other on Spring street. There were other cases in town. The physicians had some along those streets at that time. There were some other cases in the village.

Q. How near the conduit were those houses? A. Inside of 200 or 300 feet. Those houses were unprotected by the sewage system of the city.

Q. Were the privies of those houses nearer the conduit than 200 feet? A. No.

Q. Are there city drains passing over the conduit? A. I do not know.

Q. Where it is 16 feet under ground is it not likely that there were drains there? A. Possibly.

Q. What is the character of the soil generally? A. Lime, clay and sandy, too; there are streaks of sand through it.

Q. On the occasion of the opening of this conduit in the street was it in very bad condition? A. (Warden J.)—They did not get down to it; they went down 8 or 9 feet; that is 1½ feet.

Q. Its condition is not known then? A. (Dr. I.)—No, I have never seen a portion of it, but I have been told about it by Capt. Washburn, who is now a man of 73, and who had charge of the convicts who built it. We've had no typhoid since 1894, when Warden Durston died; at that time I had three cases then in the hospital.

Q. Does it seem likely in your judgment that these cases of typhoid occurring in a year or so may be regarded as possible

sources of the infection? A. We never thought of the infection coming from that direction until the present time. At that time only having two or three cases we were not stirred up.

Warden J.—What makes it peculiar is that none of the officers have it; they all drink the same water as the prisoners.

Q. Is the water, ice, or milk exposed to contamination? A. (Warden J.)—The ice comes from Vermont; we do not know about that. We do not give them milk.

Q. Are there water coolers in the shops? A. (Dr. I.) Yes, but we boil the water now since the infection.

Q. You know no reason for considering it likely that the conduit may have been a source of infection? A. I have no way of proving it; I believe that the source of infection is from that.

Q. Do you know whether the men who received the infection and succumbed to it were among the outdoor gangs or the shop men? A. We have had some men from the yard, men who were out of doors and in different departments of the jobbing shop. Nearly half of the cases are of men who could get all around the place. The water they get is from different taps; but it is all the same water. I have listed the men as to where we receive them and I find from the jobbing shop in the yard we have half the total number.

Q. When one man had typhoid had his room mate had it? A. I had one case of fever run 16 days and nine days after he was up and convalescing his companion had it. They were simply men who worked together. It might have been coincident.

Q. I understand you to say that the men out of doors were largely selected on account of their physical need of the air? A. That is true in some cases, but not in all cases we have. Yard No. 1 and 2 are made up of men who have to do hard work; also men in the jobbing shop, some of them have to dig ditches. In yard No. 1 most of the work is shoveling coal, unloading the boats, and then transferring the coal to the different parts of the institution.

Q. These men in yard No. 1 who have been susceptible to the typhoid have been living in close proximity to each other? A.

No. The men in the jobbing shop would occupy one tier; yard No. 1 men another tier, and yard No. 2 men another.

Q. The majority are more or less associated? A. Yes; we try to lock them all in the same gallery.

Q. In what gallery have you found most of your typhoid cases? A. I have not observed anything particular as to that because the men are all over.

Q. The majority belonging to those gangs did room close together? A. About 50 per cent. of the total number belong to three different yard companies and the jobbing shop. The men in the jobbing shop do not lock in the same gallery. The majority of the men in the other companies lock on the same gallery. There are three companies on three different galleries. Men are loaned from some shops to work in the yard.

Q. You have no clear idea in your mind as to any source which would account for typhoid in these gangs? A. I have no way of explaining the source of infection at all.

Q. Do men ever get other men's buckets? A. No. They have all their own buckets and they are thoroughly disinfected. We use a preparation made by Tillinghast. The principle is the liberation of free chlorine; it is colorless and odorless.

Q. How long has it been in use? A. Several years. We have been using it four or five years. It is prepared and sold on West street, New York, by Clark, Tillinghast & Madden. It is a very good preparation, on the same principle as all of them.

Q. How about the ventilation, do you see any way of improving the ventilation as a whole? A. I do not see how you can in its present condition.

Q. There is steam heat? A. Yes.

Q. Practically no air supplied except through doors and windows? A. No, sir.

Warden, J.—One way to improve it is to tear it down to the ground and build it somewhere else.

Q. To what extent are the windows opened? A. (Warden J.) They could not be open all day because the snow would come in on the galleries on a day like this.

Q. What is the grating at the top of the wall; it is above all the tier windows next to the roof? A. (Warden, J.) There is ventilation there; the heat goes up; there is a space there.

Q. As regards the buckets, you still have the same difficulty with the fouling of the buckets over Sunday? A. We have no difficulty now. They are washed and disinfected and kept in the open air all day; on Sundays until 11 o'clock and holidays about the same time.

Q. Have you not had some difficulty from this point of view that the men were kept more in their cells on Sunday? How are the buckets cleaned on Sunday? A. They are cleaned in the morning and then the men are marched into their cells at 11 o'clock and the buckets are not cleaned again until Monday morning.

Q. The conditions on Sunday are apt to be worse then? A. Yes.

Q. There is no practicable means of remedying that? A. No. I do not think the closet system would be practicable here.

Warden J.—It would not be practicable here. We are only five feet above tide water. When we have an unusual tide, it backs the sewage back into the prison; it backs it up in the drainage; it comes up through the vent holes. There never used to be any closets in the prison; I put two closets and two urinals in the centre of it.

Q. There is practically no plumbing in the shops? A. Yes, in the shops; but I am speaking about the hall.

Q. When did the last case of typhoid develop? A. (Dr. I.) About two or three weeks ago.

Q. And the first? A. I think the first week of November.

Q. Would you say that throat maladies are particularly prevalent? A. ((Dr. I.) Yes, now there are 700 cases of grip; that prevents a great many from working.

Q. There are no cellars under any of the buildings? A. No.

Q. This is all made ground? A. Yes. We have a cellar under the new building. It is dry and water proof.

Q. Could you give us accurately the number of these grip

cases? A. No, I am just estimating from the number that came in, I give out a thousand capsules of quinine a day. Computing the men who have been taken with the grip in the last week I am positive that there are 700.

Q. Does that mean that a thousand men apply for capsules? A. No, I give one man from four to six capsules. A capsule holds two and one-half to three grains, and if he takes one every three hours and you give him six, that would carry him along till the next morning.

Q. Do you know how many cases of all kinds of sickness there are? A. I think I would be safe in saying that nearly every man is suffering from something.

Q. Are these grip cases excused from work? A. The great mass of them are not, because some of them have simply a headache, a cold in their heads; another man cannot eat; another man has a little fever during the night and is restless; and a great many do not apply for any treatment.

Q. How many have applied to you to-day? A. About 200; I can tell you exactly from my books.

Q. That is old and new cases together? A. Seventy-five per cent. of that number were men who had been in yesterday and the day before. Some of them come to get excused from work and a good many come to have their medicine renewed.

Q. From your own knowledge, a very large number—nearly every one in the prison is more or less unwell? A. Yes, I should say the same of the officers, commencing with the warden who is suffering from cold and grip.

Warden J.—We are enveloped in fog here a great many days in the summer.

Q. How about the weight of the men; do they gain or lose in prison? A. (Dr. I.) We have a record of the weight of every man in the prison. The great majority gain weight in prison. Regular hours and good food have something to do with it.

Q. Has this grip developed into pneumonia? A. I have not had a single case.

Q. Do you think that grip is contagious? A. It is doubtless epidemic; it may be contagious. I rather think it is.

Q. (Mr. Wingate) I have had the impression that prisoners as a rule were rather an enfeebled class. A. I do not think that is really true; the majority of our men are strong and healthy.

Q. (Mr. W.) Where do they break down soonest? A. The majority of them look a little anaemic from the reason that they do not get enough sunlight. I have had better results and a less mortality with prisoners than I would have in private practice; for several reasons. In private practice in a good many cases you have debility which may come from excess in alcohol or business worry or actual physical labor or something else. I find my cases here in the prison get along much better than my private cases.

Q. Have you sufficient nurses? A. Yes. They are all prison men; but the majority have had experience; half of them are trained nurses and as a rule are graduates from Bellevue.

Q. Speaking of this dampness, do you think it is partially due to the soil, or is it owing to the fact that in all stone buildings there is this dense moisture? A. That is true, but then the soil is bad. Last season I think was a typhoid season. The theory has been advanced that when there are certain conditions in the season, typhoid develops; and under this theory last fall was a typhoid fall.

Q. Did you say that it has not been noticeable in the village itself? A. In the village we have had about six or seven cases; not over eight. There are about 8,000 people in the village.

Q. Does the village have Croton water? A. No, they have their own water supply.

Q. Is it difficult to remove the bugs from the cells; that is ordinary bugs? A. (Warden J.) The bugs go in over fifteen inches right between the stone; you kill them off and others that have not been exposed to the gas appear.

Mr. W.—We find that corrosive sublimate put on with a brush is effective.

Dr. I.—We use that in our hospital. I believe tuberculosis can be transmitted by bed bugs, as mosquitoes transmit malaria. The man, Goldhorn, I think, took typhoid fever from Warden Durston. Goldhorn was working around for the officers and the men

on the new building. While Warden Durston was sick all the drainage from his house ran down and trickled down near the river. Goldhorn generally got his lunch from the hospital. He came in and got his bread and meat and would sit out there and eat his meat and the flies would come down to this drain and then help themselves to his bread. We don't know how the warden got it. We had several cases after his death and all from the drainage, I think, from his house.

Warden J.—The sanitary condition of this whole institution is vile, from the fact that we have not got fall enough. We are only five feet above high water.

Dr. I.—We were in a bad fix here when this typhoid struck us; the hospital was not complete.

Q. What is the condition of the hospital itself? A. Bad. The plumbing is all right, but here you have a closet, a bath tub and slop basin, all three of them, and the men lying all round. It is open on the floor and every time a man goes to the closet, if there is a nasty odor every sick man gets that odor. We use disinfectants right along.

Q. When you double up, one cot is hung over the other? A. Yes.

Warden J.—There never should be two men in a cell.

Q. Is any amount of food taken in the cells? A. Some of the men in the hall take it in their cells, but as a rule the man who has a box from outside keeps it in the shop.

Q. Have you seen the dampness in the cells visible to the eye? A. (Dr. I.) I have seen it so that it would have floated the bed-bugs off the walls if they had been there.

Q. These cracks where the bed bugs go are in the masonry? A. (Warden J.) Yes. I think the majority come out through the ventilators.

Dr. I.—After Warden Johnson took charge he ordered the chipping of all the cells; they never could get rid of them till they were chipped.

Q. How about cleaning the ventilators? A. We cannot clean them; we cannot get at them.

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Q. Speaking of this dampness, it is on the lower tiers? A. (Dr. I.) Yes, it is on the lower tiers.

Warden J.—But this place is more or less enveloped in fog six months in the year, and the dampness is felt all through the building.

Q. Does the river bring down the sewage of the towns above? A. Yes, we get some doses of it here.

Q. How about handling the soiled clothes; how near is the laundry to the kitchen? A. (Dr. I.) Quite a way from it, there is no chance of contamination.

Q. Is there much constipation among the men? A. We cannot do much for it in the way of diet. They have stewed prunes and stewed apples, but not enough to correct constipation.

Q. Do constipated men have typhoid more than others? A. I cannot say as to that.

Q. Is not the humidity bad on warm, muggy days? A. (Warden J.) Yes, I have been on the top gallery when the thermometer was 90 and it was very bad.

Q. Are the water coolers cleaned carefully? A. They are all boiled out.

Q. How about water kits? A. They have been scraped thoroughly several times.

Q. How often are they filled? A. They are filled every day.

Q. What do they do at night if they want water; is it accessible? A. Yes. If a man requires extra water, the officer on duty nights would pass it to him.

Q. When was this prison built? A. 1824.

Q. What is the size of the cells? A. 3 feet 3 inches by 6 feet 9 inches, and about 6½ feet high.

TUBERCULOSIS IN PRISONS AND REFORMATORIES.*

By S. A. KNOFF, M. D., New York.

A few months ago I received from the distinguished Secretary of the Indiana State Board of Health, Dr. J. H. Hurty, a letter speaking of the Indiana State Reformatory in reference to a "most interesting tuberculosis situation" existing in that institution. The following are the facts which Dr. Hurty communicated to me: "This Reformatory is in reality a prison, for males, but no one over 30 years of age is confined there. In 1899 the legislature appropriated a quarter of a million dollars to build a new cellhouse, containing 600 cells. During the construction of this cellhouse it was necessary to provide for the prisoners in the old one, and temporary forced ventilation was provided. A space, however, formerly intended for 200 prisoners is now crowded with almost 600, and the consequences are a rapid increase in tuberculosis, of which there are now not less than 200 cases. All forms of the disease abound. Meningitis has killed a few and general tuberculosis is very common. This Reformatory is situated at Jeffersonville, Indiana, immediately opposite Louisville."

The other day I was honored by a visit from Mr. Charles F. Wingate, the eminent sanitary engineer of New York, in order to consult with me about the alarming tuberculosis situation now prevailing at Sing Sing. "Charities," the official organ of the Charity Organization Society of the City of New York, devotes in its number of January 19th, an entire column to the subject of tuberculosis in the Elmira Reformatory. I cannot do better than

*Contributed originally to the Medical Record of New York. As bearing on the subject of the overcrowding of Sing Sing and other prisons this article is of great importance.

quote textually the interesting and instructive report of the Board of Managers of the Elmira Reformatory, for the year ending September 30, 1900, as it appeared in "Charities":

"For a number of years tuberculosis has been an increasing and dangerous feature among our prisoners. Many have it upon arrival, in a more or less advanced stage; others develop it under the trying conditions of prison life, with cellular confinement, and association with those already affected, and all unite in communicating the subtle and poisonous infection to their clothing, bedding and the air of the cells and corridors. The management further became convinced, by careful scrutiny, extending over many months, that prisoners, healthy on arrival, became affected, and sometimes with astonishing rapidity, by the disease, from being steadily confined in the same cell with a tuberculous subject.

"Inquiry showed that * * * no intelligent and complete analysis of the prison population for the purpose of separating the diseased from the healthy inmates had been undertaken, and no orders existed, nor was it the practice to exclude from the buildings civilian employees in whose families were contagious or infectious disease, such as measles, scarlet fever, or diphtheria, while such disease prevailed."

This renewed awakening to a danger to which I endeavored to call attention in several of my previous writings, (1) is gratifying to me, and to stimulate, if possible, a more widespread agitation for reform in this respect is the object of this article. To those familiar with the subject the above revelations are not new. Prisons all over the world have had for years the reputation of being the breeding places of tuberculosis. Observations in this respect date back as far as 1825, when Baly (2) began to gather his statistics concerning the Millbank Penitentiary in London.

(1) Knopf: "Pulmonary Tuberculosis; Its Modern Prophylaxis and the Treatment in Special Institutions and at Home;" (P. Blakiston's Son & Co., Philadelphia). "Some Thoughts on Overcrowding and Tuberculosis;" *Journal of the Amer. Med. Assoc.*, October 20, 1900.

(2) Hirsch: "Handbuch der Historisch-Geographischen Pathologie;" 2te Edition, 1876.

From these we learn that from 1825 to 1842, 175 deaths occurred in this institution, of which no less than 75 were due to consumption. Besides these 75 cases, 90 prisoners were set free during these 17 years on account of being hopelessly afflicted with pulmonary tuberculosis.

Villemin (3) to whom we are indebted for the first absolute proofs of the infectiousness of tuberculosis, shows that the mortality from consumption in French prisons was three to four times as great as that of the free population. Pietro-Santa, also a French observer, reported that out of 27 deaths in the "prison civile" of Algeria, 17 were due to consumption, and in the Central prison at Harrach no less than 57 deaths out of 153 were due to the same disease. Baer (4) who investigated the condition of German prisons, published the following interesting facts: "During the first year of their confinement 38 out of 100 deaths were due to tuberculosis, during the second year 45, during the third year 42, and during the fourth year 36." These statistics perhaps help to demonstrate that a great majority of consumptives among the prisoners have contracted their disease during the time of their confinement.

Now let us, in the light of our present bacteriological knowledge of tuberculosis, as well as with the aid of that which our fathers taught us of the non-bacterial causes of consumption, enumerate, if possible, all the reasons for this fearful mortality among prisoners in nearly all penal institutions, in this and in other countries, and learn therefrom what may be done to remedy the conditions. I have myself in an unofficial position visited some prisons in this and in some other States. What surprised me in some was the absence of spittoons and the absence of regulations concerning expectorating. Now, I venture to say there is not a prison of any size where there are not at least a few tuberculous prisoners. They may not be known as such to the prison authorities, but they exist nevertheless, and

(3) Sraus: "La Tuberculose et son Bacille," Paris, 1895.

(4) Baer: "Ueber das Vorkommen von Phthisis in den Gefängnissen;" (Zeitschrift f. klin. Medicin, 1883, Bd. 6).

with no spitting regulations, no spittoons, they certainly constitute constant centers of infection. But even should there be spittoons and should spitting regulations be observed religiously by the inmates, there still remains the drop infection. This method of infection, while of much less importance in the average free patient than in the tuberculous prisoner, must, in my humble opinion, be considered one of the very important manners of propagating the disease in prisons. The little drops of bacilliferous saliva, expelled during the so-called dry cough, loud speaking, sneezing, etc., fall to the ground before they reach a distance of more than three feet. The trained free patient will keep his handkerchief before his mouth during dry cough or sneezing; nurses and friends can be taught not to approach the patient unnecessarily close or long, and the danger of drop infection can thus be reduced to a minimum. In a cell, often not much wider than three feet, occupied by two prisoners, drop infection is rendered easy, and if one of the inmates is tuberculous the other will surely contract the disease, leaving aside the additional causes which foster tuberculosis in prison life, and of which we will speak later on. Drop infection is not only possible in a cell, but just as much, and perhaps more so, where the prisoners sit or stand close together or face each other at the work table. It is also possible when they march lock-step as they are then even closer together than when at work, though perhaps the infection of the prisoners' clothing plays here the most important part.

As a final evidence of the fact that the healthy prisoner is very often directly infected by his tuberculous cellmate, we must mention yet the statistics of Döderlein and others, published in Cornet's recent book (5), according to which the mortality from tuberculosis among the prisoners condemned to solitary confinement is considerably less than among ordinary prisoners.

So much for the infection by the inhalation method. The possibility of infection coming from imperfectly disinfected cells, clothing, bedding, mattresses, etc., used previously by a tuber-

(5) Cornet: "Die Tuberkulose," Berlin, 1890.

culous individual, must, however, also be thought of. We will not speak here of ingestion and inoculation of tuberculosis. Prisoners are no more exposed to this mode of infection than others, but let us rather seek the causes which render the individual so very susceptible to the germs of tuberculosis during the average prison life.

As primary predisposing cause to consumption during prison life we must, of course, consider the lack of fresh air. I have learned that there are some prisons in which 150 cubic feet only are allotted to each pair of prisoners for the night, which means 75 feet per individual. The work rooms may offer more cubic space, but we have here the additional dust from the material worked with. If tuberculous prisoners are employed in the workshops, which at the present time is very likely in the majority of prisons, the dust will have its large admixture of tubercle bacilli.

Next to the lack of fresh and pure air, we might mention as a predisposing factor the prison fare. In view of the excellent reputation our American prisons have in this respect, it would be unjust to say that all prisoners are underfed. This is not so, but there are some prisoners where an improvement in the food, in its selection and preparation would tend to decrease the morbidity and mortality from tuberculosis. The condition of the buildings and the soil on which they stand are not infrequently the cause of rendering tuberculous diseases, so to speak, endemic in these institutions. It is well known that damp soil fosters tuberculosis. A prison situated on damp ground is always in danger of having more tuberculous patients than one built on dry soil. The material too, used for the building of prisons has a great deal to do with the sanitary conditions. I am indebted to Mr. Wingate, the above mentioned sanitary engineer, for the interesting information that the walls of our prisons made entirely out of stone, tend to retain moisture and cold more than any other building material, and thus *ipso facto* help to foster tuberculosis almost as much as does damp soil.

Another important factor tending to create a favorable soil for the invasion of the bacilli in an individual condemned to

prison life, is a psychic one. The mental depression of many prisoners is well known; it may be due to remorse, nostalgia, love of liberty, or to all these. Many prisoners are constantly sad. In sorrow one eats but little, the arterial pressure is low, the muscular weakness and depressed nervous state make the act of breathing incomplete. The heart is called on to do more work and perpetual palpitation ensues. The circulatory disturbances in the lungs impair the nutrition of this organ, and thus this field for the invasion of the bacillus of tuberculosis is prepared.

THE REMEDY.

After having studied the causes let us try to seek the remedy. The most rational one which suggests itself to one's mind would be that there should be special prisons or camps for tuberculous criminals, as there are for the insane criminals. Such rational change of the situation may not be brought about so easily, and it might be more practical to seek remedies which can be applied immediately.

The tuberculous prisoner must be separated from the non-tuberculous in the workshop as well as in his cell. This can be done and should be done. Every prisoner upon entering the penitentiary or reformatory school, or only the detention prison, should be carefully examined physically in addition to the bacteriological examination of the sputum. Every inmate of any of these institutions should be re-examined once every three months. This examination should not be confined to prisoners alone, but should be obligatory for wardens, keepers, officials and help.

How the local division of tuberculous and non-tuberculous prisoners can best be effected will depend very largely upon the situation and the capacity of the institution, and should be supervised and directed by the medical officer of the institution. An officer or an employee of the prison, if found to be tuberculous, should in his own interest leave the institution, seek, if possible, the best hygienic surroundings and submit himself to thorough treatment.

What is to be done in the line of treatment of tuberculous prisoners must also depend upon the location of the prison and the means at the disposal of the authorities. To form convict camps, an experiment tried in Alabama, might be productive of a great deal of good; but what it is best to do with tuberculous prisoners in the various stages of the disease is still a problem requiring a good deal of study. One thing is certain, in the interest of their own welfare as well as that of the community at large, tuberculous prisoners should be separated from the others. The clothing of the prisoners, but more particularly that worn by tuberculous individuals, should be regularly disinfected. The same rule also holds good for bedding, mattresses, etc. The soiled linen of the consumptive prisoners should be handled as little as possible in the dry state. It should be placed in water immediately after the removal from bed or body and boiled before it is given to the general laundry. No matter whether there are tuberculous prisoners or not, there should be spittoons and spitting regulations in all prisons. Cheap pocket spittoons, preferably of unbreakable material, might be perhaps most suitable

(see fig. No. 1). Every inmate, whether tuberculous or not, should be enjoined never to expectorate except in his individual flask. Prisoners should also be taught to always hold a handkerchief before their mouths during sneezing or coughing. In short, the discipline to avoid drop infection from carelessly deposited sputum in a prison should be equal to that of the best conducted sanatorium for consumptives. Such precaution would not only tend to diminish the danger from the expectoration coming from individuals suffering from tuberculosis, but prove also of great prophylactic value in epidemics of grip, measles, whooping cough, etc.

To avoid drop infection prisoners should be about four feet apart when in the workshop, and whenever practical each one



FIG. 1. Pocket spittoon of plated metal.

should have his own cell. Whenever from lack of room tuberculous prisoners cannot be separated immediately from the others, and where even the workrooms are so crowded that the prisoners can not be placed at least three feet from each other, the tuberculous inmates of the institution should wear mouth-masks. Such masks, of which I give an illustration here, were first introduced by Prof. B. Fränkel, of Berlin, in his division of the Charité Hospital of that city. There, all the tuberculous inmates must wear these masks to catch the germs they expel in speaking and coughing, and are only allowed to remove this protector while eating or expectorating. In Prof. Fränkel's clinic, as also in others where this custom has been imitated, the patients have soon become accustomed to the use of the mask. It seems to me that in a prison where discipline is still more easily carried out, such measures could be beneficially installed. By impregnating the gauze, which is held in place by the metallic frame of the mask, with some medicinal substance the tuberculous prisoners could be made to believe that the instrument was worn for their own personal benefit, and not only for the benefit and protection of others, or, as they might think, as a means of designating them as individuals suffering from a contagious disease. Thus, even the humane arguments for not using such a mask would have no foundation. Where these masks have been used, bacilli have been found almost constantly on the gauze. Fränkel's and Moszkowski's experiments (6) have demonstrated the great value of these protective masks which can be easily disinfected. The gauze should, of course, be

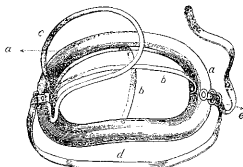


FIG. 2. FRÄNDEL'S MOUTH MASK (in profile).
a. METALLIC FRAME, b. GAUZE,
c. SIDING, d. ELASTIC BAND, e. RING FOR FASTENING.

FIG. 2. FRÄNDEL'S MOUTH MASK (in profile).
a. METALLIC FRAME, b. GAUZE,
c. SIDING, d. ELASTIC BAND, e. RING FOR FASTENING.

(6) Fränkel: "Die Tröpfchen Infection der Tuberculose und ihre Verhütung."

changed at least once a day and immediately be burned after removal.

Plumbing and ventilation throughout the prison buildings and especially in workshops and cells should be made as perfect as possible, and the cubic space allotted per individual at night time be at least 300 to 400 feet. Great attention should be paid to the good condition of the sewerage system. No prison should be erected on damp soil, and the material serving for its construction should not be such as retains cold and dampness. When in the opinion of the prison physician a change or betterment of food is indicated in order to preserve the health of a prisoner, his request should be complied with. Wherever practicable outdoor work should be sought for the prisoners, but at least a few hours of outdoor exercise every day should be made possible for the well-behaved prisoner.

To counteract the mental depression to which so many prisoners are subject I know of no better remedy than the multiplication of prison angels. The sermons, preached on Sundays in the prison chapel, are doubtless always of a beneficent influence, but they do not reach the individual in the same measure as the gentle words of our women prison angels.

In conclusion I wish to say to those who think that tuberculosis among the criminal class should be regarded rather as a blessing since it exterminates an undesirable element in society, that all criminals are not criminals for life. The majority of them do not remain in prison, but return to live again in our communities, mingle with us as other people do, and if they are tuberculous they not only can transmit the disease to others, but also can become a burden to the community. Therefore, putting aside all sentimental reasons why we should combat tuberculosis among the inhabitants of prisons as well as among other people, we should do it in the interest of the healthy prisoners who may again become useful members of the community, and in the interest of the people at large.

JAIL AT NEWBURGH, N. Y.

Inspected on May 2, 1900, by local committee. Jail is situated in the basement and first floor of the court house. There are 21 cells, size $7\frac{1}{2} \times 5 \times 6$ feet, constructed of steel, new pattern, each cell having water closet attachment, swinging drop bunks, etc. Room "C" was first visited; contained three cells and bath, very clean, no odor, next room "A" and "B" was visited, these are situated in the basement; place was dirty, not having been cleaned in some time, keeper said that it was impossible to make the prisoners scrub their quarters unless they wanted to do so themselves; room "D" was next visited on the first floor, which was found to be fairly clean. There were 28 prisoners in the jail, one being a woman. No tramps, they being transferred to Goshen jail. No prisoner was less than 20 years of age. No escapes.

The kitchen was found to be very clean as were all cooking pots, pans, etc. The whole building is lighted with electric lights, ventilated by having tubes running up to roof and is heated by steam.

The jail has a library that was furnished by this Association, but would like to have more books.

The deputy sheriff, Mr. William H. Moore, is the keeper and also the county detective.

ORLEANS COUNTY JAIL

In accordance with the worthy object for which the Prison Association of New York appointed us as its representatives for Albion, Orleans county, N. Y., we proceeded to examine the county jail located at this place, with a view of ascertaining its condition as a fit place for the confinement of criminals with regard to their physical and moral welfare.

We find on careful and painstaking investigation that the jail building is obsolete and out of date, having been built in 1838. It is not in our opinion, adequate as to size or accommodations, was not originally planned to separate the sexes properly or the

hardened from the more youthful and less guilty criminals. The sanitary conditions are bad; no proper ventilation is provided. Drains, water closets, baths and plumbing generally need improving. No adequate provision is made for proper and necessary exercise; the yard being small and not used.

In our opinion the whole concern should be condemned and replaced by a modern, up-to-date structure.

We would say further that this report is not meant to censure the keepers or those in authority. We think they are doing as well as the circumstances will permit. They are kind and attentive in treatment of prisoners. It is rather a case of inadequate accommodations, owing to the increase of population and the increase of prisoners. There has been also an advance in modern ideas with regard to such institutions.

We would respectfully recommend that your honorable body appoint a committee to visit and review the premises, and that the whole matter with the plans and specifications for a model structure be submitted to the board of supervisors for Orleans county.

F. E. KITTRIDGE,

R. W. STOUT,

E. S. CHESTER,

Co-operative Committee.

1200
DEPARTMENT OF COUNSEL AND RELIEF.

REPORT BY THE AGENT, D. E. KIMBALL.

DISCHARGED PRISONERS.

The work of granting relief to homeless, helpless and friendless men coming from the numerous prisons of the State, has been conducted in accordance with the principles adopted by the Association after many years of experience and study. As I have frequently said in printed reports, no fixed, hard and fast rules can be adhered to in endeavors to uplift and re-establish discharged prisoners. Applicants must be encouraged, assisted and guided according to their various necessities. It is a noticeable fact that but few of those who come to the doors of the Association have trades; a very small number know how to do anything well. The Association rarely finds it necessary to purchase mechanics' tools for men. A good mechanic is seldom sent to prison, and if he is, through any unfortunate combination of circumstances, he needs little or no assistance from the Prison Association; his friends care for his future and the trade stands him in good stead. The Association's rule of "nothing without labor" is applied in all cases. No help is given to any man who declines to work for it; thus the deserving applicants are separated from the others and the Association is not open to the charge of pauperizing a class of men who easily become mendicants if encouraged. The prisons are now visited by the committee of the Association on detentions, and conversations are had with prisoners whose terms are about to expire. Such as seem to be good subjects for relief are told to come to the office when released, and much good is accomplished among still another class of men who would never apply to any society for relief.

Many donations of good clothing have been gladly received. It has been found that when a man has good clean clothing his self-respect is increased, and he is emboldened to make extra efforts to get the much needed work; he is not ashamed to look a prospective employer in the face. No one will employ a man who looks like a tramp, and very many applicants at the relief department certainly look as though they had "seen better days."

As far as possible men are encouraged to help themselves. Self-help is the best kind of help. It frequently happens that the only help required is a little counsel as is illustrated in one of the cases given.

The Association has worked in harmony and affiliation with many relief societies of the city, and in some instances prevented imposition and fraud. It is hoped that this important feature of the work may be enlarged during the year.

A HELPFUL EMPLOYER.

A young man who had been employed for some years in a printing office in this city committed a petty crime and was sent to prison for a few months. When discharged he became discouraged through failure to find work, and finally came to the Association for help. He needed food, shelter and work. As a preliminary he was given a warm meal, after which he told his story. He was ashamed to go and ask his former employer for help or a situation. The firm was immediately communicated with by telephone and arrangements made for the man to return to the shop at once.

He was very grateful for the "great help we gave him."

COUNSELLED AND RELIEVED.

One morning the following letter was found in the mail box:

Sir.—As I passed your building I saw your sign "Counsel and Relief." I am very much in need of both. The relief I am looking for is work of any kind at any wages. My position is as

desperate as could be, homeless, outcast. I was discharged from prison last Friday and have no money, no home, nothing; as a last resort I will call on you to-morrow.

Very respectfully,

D. — M. —

"M" was taken care of until he had in a measure regained his strength and he is now working for a truck and moving van company and is doing well.

A PATHETIC CASE.

My attention was directed to the case of O. — G. —. The young man proved to be a first offender, 23 years of age, formerly employed in a large clothing establishment which, by a conspiracy with other employees, he had succeeded in robbing of something like eight hundred dollars' worth of goods, the stolen property being disposed of to a receiver who paid them sixty dollars for it. The receiver was apprehended and convicted.

The principal cause of my being drawn into this matter was the pathetic condition of the prisoner's wife, aged 18 years. It was observed by the keeper, that G — was feeding his wife with prison bread through the bars of the cell, under cover of her pocket handkerchief and as on three occasions, the young woman had fainted on the tier it was plain that she was starving.

I supplied her with money and food and with much difficulty obtained her story, as she was a mere child for her age and was very much frightened and ashamed.

It appears that the couple met at a social gathering and as I learned subsequently lived together a few days and were to have been married on the day he was arrested, her clothing and wedding ring having been purchased.

I doubted her statement that she was married to the man and asked to see her marriage certificate. She agreed to show it if I would meet her at her Brooklyn home.

I went there and waited two hours, but she did not appear and sent me the following letter:

BROOKLYN, N. Y., ———, 1900.

Mr. KIMBALL:

Kind friend.—You will no doubt be surprised to receive this letter. After leaving your office to-day I walked so far that I forgot everything in my misery and I failed to be home in time to meet you. I also want to tell you that I don't think I will be in court to-morrow as I am so nervous now, and tired from all my running for nothing that I don't care no more. There is nothing but misery and pain for me now. To get those forty dollars back would not lighten my sorrow; so let him keep them, or otherwise give to my husband's poor sister, she needs it. I suppose he will go away to-morrow and then I am all alone to face my bitter fate, but I am satisfied. At the worst I cannot do any more than die and I would welcome death this very minute.

I am only eighteen years old and have suffered more than many twice my age.

I will try and get work in some private family and work as long as I can. No doubt I will not be able to get work right away, but if I do I will work.

The first month I work I will return to you the money you so kindly lent me yesterday. In all my misery and sorrow I haven't one friend to talk to, at least that would listen to me.

I will go friendless and alone until he is free.

I will close now thanking you very much for all you have done for me, and remain,

Yours truly,
Mrs. G. ———.

P. S.—Do not bother about me no more, I will try to do for myself alone.

The next morning I was at her room before she had risen, had her called and brought her to the office. I assured her that it was my intention to see her through her difficulties whether she approved or not. As she was a Roman Catholic and the man was a Jew I arranged for a civil marriage.

The letter which she sent me I handed to the judge who said after reading it that he had not sufficient hardness of heart to send the man to prison, although he had told me that he proposed to send him to the reformatory. That sentence was suspended was due to the complainants asking for such action and to the unfortunate situation of the girl. Her starving condition was brought about by the action of the people who professed to be her friends yet wrongfully deprived her of all her means.

Before I came into the case a private detective employed by a large firm in this city through a Mr. ———, agreed that if he was paid the sum of fifty dollars he would use his influence with the judges, district attorney and the complainants, and bring about the prisoner's release. The poor girl believing these statements, sold her wedding ring, her watch, all of her clothing and all of his clothing, thus raising the sum of thirty-five dollars.

The sister of the prisoner, a poor servant girl, receiving but five dollars a month, contributed five dollars to the fund which was given to ——— who conveyed it to the private detective.

This portion of the story and all the facts of the case that had come to my knowledge, I immediately brought to the attention of the court and by its direction the district attorney made an investigation.

He took careful statements from all the persons concerned and reported that while there was moral certainty of the guilt of the accused persons there was not enough legal evidence to justify indictment. His honor said that he deeply regretted the inability of the law to reach the scoundrels who had so cunningly covered their crimes.

Sentence was suspended on the man and I immediately took him to an ante room of the court, where I had an alderman in waiting who married the couple.

A SCAPEGOAT RELEASED.

A judge sent for me and asked to have an investigation made as to the character of the prisoner, a boy of sixteen, who in company with two other boys younger than himself, had pleaded guilty of burglary in the third degree, breaking into a picnic resort and stealing lead pipe. The younger boys had secured counsel and testimonials of previous good characters and had been released under suspension of sentence. It looked as though C—— was to be made a scape-goat because of the poverty of himself and family. Inquiry revealed the fact that he had been employed in a printing office for two years—ever since he left

school. His employers said that he had always been a good boy with them and that they would again employ him if he were released.

Business men and neighbors said it was undoubtedly the boy's first offense and offered to testify in his favor.

The family home was found to be a typical German one, spotless and neat. The father, a stone mason, was out of work and the home was supported by the older children. The old man bewailed that he had no money to hire a lawyer and get his boy out. All he had been able to get was five dollars which he wanted me to accept.

I reported to the court, that in view of the fact that the boy had been in the "Tombs" a month, that he seemed to be frightened and penitent and that employment was ready for him it seemed to me the wisest disposition of the case would be to suspend sentence. His honor thanked me for the interest and help and after lecturing the boy permitted him to go.

RE-ESTABLISHED.

One month, among the thirty men who were provided with employment by the Association, was I—— T——, an American by birth. T—— was a clerk in a Brooklyn fancy grocery store and had charge of the accounts. Leading a rather fast life and not earning enough money, he took that which did not belong to him, with the usual result. He was sent to the Kings County Penitentiary for petty larceny and served ten months in that institution. On his discharge he went to the home of his married sister, who lives in Brooklyn. Not being welcome there, he came to the office, having no other place where he could apply for help.

While working in the building it was noticed that he was a willing worker and one of unusual energy, and on this account his previous record was hunted up and it was found that he bore an excellent reputation in the neighborhood in which he was formerly employed. His former employer was called on, the facts of the case laid before him with the result that he

was at once re-employed in the store, resuming the position he held a year before.

A week afterward he called at the office to thank the Association for the act of kindness in re-establishing him in the ranks of wage-earners in a great city.

A PRISONER'S WIFE.

While going over the tiers of the old prison I noticed a woman visitor who seemed to be suffering with a cold. As she was wearing a straw hat such as women usually wear in summer, I thought she might be in distress.

The keeper informed me that she was visiting her husband who was awaiting trial for killing two men and that she was homeless. I left a card with the keeper and told him to send the woman to this office if she wanted help. She came the same day and said that she was almost entirely dependent on the charity of her husband's lawyers and the tombs keepers. Her necessities were provided for and Mrs. Foster gave her some clothing. She is now earning her own living, her husband having been sent to state prison for fifteen years.

DETENTIONS.

The agent of the Association visits the city prison (Tombs) and courts of the General Sessions "seeking to save some," and is greatly encouraged by the results. During the year, more than three hundred individuals received aid from the Association's representatives in some form. A few cases that serve to illustrate the work are given above. The duties of the agent are numerous, and in the performance of them he has always been assisted by the judges, the assistants of the District Attorney, officers of the court and members of the bar. His work is practical in every sense, and though sympathetic is not sentimental. He must exercise at times great care and judgment in making recommendations to the Court, and such recommendations are made after exhaustive and careful investigations, taking much time and trouble.

The agent seeks to aid:

1. Those who have been convicted of crime for the first time; in some instances recommending suspension of sentence, and in others the commitment of the offender to a reformatory.

2. Those who are in prison through the persecution of enemies; those who are unjustly accused.

3. Those who have been driven to crime through poverty and want.

4. Those who are ignorant of the law's ways and their own rights.

5. Those who are the victims of disreputable and unscrupulous lawyers, known as "shysters".

In a hundred ways it is sought to brighten the lives of the poor fellows who are so soon to leave for prison.

1000

REPORTS FROM OTHER STATES.

In the early part of the year 1800 Mr. W. M. F. Round, then corresponding secretary of the Prison Association of New York, sent to correspondents of the Association in different States a few questions relating to their penal system. The questions were as follows:

1. As to prison labor; whether it is conducted on the public account, contract, or piece-price plan?

2. As to the punishment for capital crimes?

3. As to the indeterminate sentence; whether it has been introduced in any form, and whether there has been any modification in its application?

4. As to the method of government of the prisons; whether by special department of the State, by board of managers, or by a single executive officer?

5. As to prison punishment; whether corporal punishment is allowed?

6. As to the cost of prisons to the community; whether they are self-supporting or otherwise?

The answers to these questions from ten of the States and from Canada, are herewith submitted.*

ALABAMA.

A large majority of the prisoners are leased to two mining companies: The Tennessee Coal, Iron and Railroad Company and the Sloss Sheffield Coal and Iron Company. Others are leased to sawmills and large farmers. Those who are pronounced unfit for labor in the mines are sent to the State farm at Speigner.

*A fuller exposition of the prison systems of the United States is given in a report on the Reformatory system in the United States, House document No. 439 56th Congress, 1st session, and on the Prison systems of the United States, Document No. 506, H. R. 56th Congress, 1st session, both prepared for the International Prison Commission by S. J. Barrows, commissioner for the United States, and submitted to Congress by the Secretary of State.

Most of the women and boys are sent there. A large cotton mill has been erected by the State at this point, and during part of the year the women, boys and some of the men work in this cotton mill. At Wetumpka, where the old penitentiary buildings are located, most of the prisoners whom we consider invalids are sent.

Capital punishment by hanging has never been abolished. But the sentence is often commuted by the Governor to imprisonment for life.

The Governor, by act of Legislature, has power to parole prisoners who are recommended by the prison authorities as suitable recipients of this clemency.

There are three prison inspectors, one of whom must be a physician. These are appointed by the Governor; the prison officials are appointed by the company leasing the prisoners. In the case of those who are under the direct care of the State, I think the Governor appoints the officials.

Corporal punishment to the extent of fifteen lashes a time is inflicted very often, not only for breaches of discipline, but for failure to complete task assigned. The prisoners are divided into three classes; to each class a certain number of tons of coal per day is prescribed as a task.

The prisoners bring a large revenue to this State.

JULIA S. TUTWILER.

II.

1. There is a reformatory now being built.
2. Hanging or life imprisonment. Discretionary with the jury.
3. Never been introduced.
4. Governed by a warden under direct supervision of the Board of State Inspectors and license issued to him by board, and signed by the president.
5. Corporal or solitary confinement.
6. Self-sustaining, and pays a neat sum into the general fund of the state.

S. B. TRAPP,
Montgomery, Ala.

COLORADO.

The prison system of Colorado includes the State penitentiary at Canton City, Reformatory at Buena Vista, Industrial School for Boys at Golden, and Industrial School for Girls at Denver.

The penitentiary and reformatory are managed by a board of three commissioners appointed by the Governor, the wardens being appointed also by the Governor. The industrial school for boys is managed by a board of three commissioners appointed by the Governor, the superintendent being appointed by the board. The industrial school for girls has a board of six trustees appointed by the Governor, the superintendent being appointed by the board.

Labor at the prison and reformatory is on State account. At the prison, building stone is quarried and dressed, lime and brick are manufactured, large tracts of farm land are cultivated on shares or the ground may be leased or a contract may be entered into for the improvement of raw land in exchange for use for a term of years. At the reformatory land owned by the State is farmed and minor industries are conducted of no great earning value.

At the industrial schools no labor of earning value is done, the main purpose being the education and training of the juvenile delinquents.

This State abolished capital punishment in 1897.

A modified form of indeterminate sentence was adopted in 1889. Trial courts fix a minimum and a maximum sentence. Paroles are recommended by the warden and the board of prison commissioners to the Governor. A State Board of Pardons, without salary, appointed by the Governor, recommends pardons of applicants from the penitentiary.

At the reformatory the sentence is the straight indeterminate, the maximum being the age of thirty years. Paroles are granted by the board of commissioners on recommendation of the warden.

Corporal punishment is permitted in all four institutions. At the penitentiary and reformatory the punishment is inflicted by

a wooden paddle, the prison physician being present. Minor punishments are loss of privileges and short terms of solitary confinement with light diet.

The earnings of the four institutions are not sufficient to make them self-supporting, each receiving maintenance appropriations at the biennial sessions of the State Legislature.

FLORIDA.

1. Prison reform in Florida is conducted by the board of commissioners of State institutions, through the commissioner of agriculture and supervisor of State convicts. Florida State convicts are worked under the contract system.

2. The punishment for capital crimes in Florida is death by hanging or imprisonment in the State prison for life or a term of years at hard labor.

3. The indeterminate sentence has not been introduced in Florida by law, but sometimes we give prisoners a release or pardon during good behavior.

4. The method of government of our State convicts is by a special department of the State, called "Board of Commissioners of State Institutions" whose executive officer is the commissioner of agriculture; this board prescribes rules and regulations for the management of the convicts.

5. Corporal punishment, but not severe, is allowed in this State.

6. State convicts do not cost the State anything after conviction, and the State receives \$21,000 per annum "net" for the hire of State convicts.

I append a report made to me on the lease system.

L. B. WOMBWELL,
Tallahassee, Florida.

THE LEASE SYSTEM IN FLORIDA.

To the Hon. L. B. WOMBWELL, *Commissioner of Agriculture, Tallahassee, Fla.:*

1. At the camp of Captain C. A. Neal, in Alachua county, there are about 133 convicts; of these three are women, two

colored and one white, 27 white men and 103 colored. This is headquarters camp where prisoners are first delivered from the various counties where convicts are sentenced to hard labor in the State prison. The prisoners in this camp are engaged in mining phosphate. The quarters are built of wood, and are so constructed that the white prisoners do not eat or sleep with the colored. The rules are carefully observed, and the prisoners are made to bathe their faces and hands before eating, and after supper they are made to bathe their feet in a long trough in the dining hall, through which flows running water conveyed by pipes from an elevated tank. After bathing, the prisoners are marched through a door to an adjoining cell. Each convict being numbered and their bunks bearing the same number, the convict knows who occupies it. They are then made to take off their soiled clothes and put on a clean night robe and retire for the night. Their bedding consists of a standard size mattress, a pair of heavy blankets each, sheets and pillows. The dining hall and sleeping apartments are thoroughly scalded and scoured once each week. By these means a perfect sanitary condition is kept up. This applies to all camps in the State.

2. At the camp of Captain S. C. McKeithan there are 53 convicts, seven white men, two colored women and 44 colored men. Their care and management are very much like that of the above. They are engaged in phosphate mining in Alachua county. The above two camps are situated near Wade, on the S. F. & W. R. R.

3. At the camp of Captain A. H. Blanding there are 49 prisoners, all colored men. The sanitary condition of this camp is extra good, having a good system of waterworks. The prisoners are in fine health and spirits. They are also engaged in the mining of phosphate in Alachua county. This camp is situated at Duttons, Fla.

4. At the camp of Captain E. Kersey, near Elliston, Citrus county, there are 98 prisoners, 14 white men and 84 colored men. Recently a new, well ventilated house has been built for the accommodation of the white prisoners as their sleeping and eating

apartments. The camp is kept in good sanitary condition, the prisoners well fed and are healthy. These are also engaged in the mining of phosphate.

5. At the camp of Captain B. B. King, near Cordeal, Citrus county, there are 88 convicts, 17 white men, three colored women and 68 colored men. These prisoners are well fed and are healthy. The quarters are large and well ventilated, the sanitary condition good. These are also engaged in the mining of phosphate.

6. At the camp of Captain H. H. Cason, near Cordeal, Citrus county, there are 56 prisoners, five white men, one colored woman and 50 colored men. These prisoners are healthy and the sanitary condition very good, well ventilated and comfortably arranged. These men are engaged in the mining of phosphate.

7. At the camp of Captain L. B. Collins, near Floral City, Citrus county, I have to report that I have had more or less trouble in getting the rules and regulations enforced, but now, under the management of Superintendent Cox and Captain Collins, the prisoners are well cared for and an addition is being built to the cells which will provide much better accommodations for the prisoners. All in this camp are in good health and cheerful. There are 51 convicts in this place, 40 colored and 11 white men, no women. These are also engaged in the mining of phosphate.

8. At the camp of Captain W. J. Hillman, near Floral City, Citrus county, there are 42 prisoners, 39 colored men, one white man and two colored women. These are engaged in the manufacture of naval stores, or rather on a turpentine farm. All are in good health and cheerful. The camp is in fine condition, quarters large, neat and clean. The convicts in this camp have comfortable beds and each has a feather pillow.

9. At the camp of Mr. C. W. Varn, near Brooksville, Hermando county, there are 32 convicts, three white men, one colored woman and 28 colored men. This is a new camp, rooms large and well ventilated, prisoners healthy and well clothed,

sanitary condition good. These are also engaged in the manufacture of naval stores.

10. At the camp of Captain J. R. Powell, near Summerfield, Marion county, there are 43 convicts. The camps are new, quarters large and well ventilated, prisoners healthy, treatment good and sanitary condition fine. This is also a turpentine farm.

11. At the camp of Captain M. H. Harrison, in Clay county, there are 63 convicts, 61 men and two colored women. The prisoners are in good health, quarters new, large and well designed for the comfort of the prisoners, who manufacture naval stores.

12. At the camp of Captain A. A. Myers, near Bay Head, Washington county, there are 23 convicts, all colored males. Prisoners are well fed and healthy, and likewise manufacture naval stores.

The old system of chaining the prisoners together at nighttime and while in their cells has been dispensed with. None of the convicts now wear chains and shackles at night nor while at work during the day, except a few of the more desperate character (say about 25 in all in the different camps), who are made to wear shackles until they become reconciled to prison life.

The managers of each camp are required to plant and grow from one to four acres in garden vegetables. The prisoners enjoy a healthful diet of fresh vegetables, such as Irish potatoes, turnips, beans, and will soon have an abundance of squash, beets, cabbage, collards, peas, etc.

A daily record of food is kept at the various camps, and a monthly report of the same transmitted to me.

The daily food consists of bacon, meal, flour, rice or grits, dried beans or peas, or green vegetables every day. Sirup, salt, vinegar and pepper are kept on the table for the prisoners when they need such. In the winter they are allowed fresh pork once a week, and in the summer fresh beef once a week. Fish, lard, onions, sweet potatoes, coffee and tobacco are occasionally issued to the convicts.

Some of the convicts who have been confined in the State prison for the last 15 years say that the present management

and treatment are far superior to what they had several years ago. Punishments for fighting, quarreling, cursing, disobedience to orders and laziness are inflicted with a leather strap, and has been restricted to a very few licks, and never over 15 lashes. Last month, out of a total of over 700 convicts, only 70 were punished, with from three to ten licks each. The contractors have learned that the better a man is fed, clothed and cared for at night, and the less he is whipped, the more work he can do. The convicts are not allowed to be worked before sunrise and after sunset, and those who work in the phosphate mines are allowed time at noon to come out of the mines, go to their quarters and get a warm dinner. Those who work on the turpentine farms have their dinners put in buckets and placed in a wagon, together with a barrel of water, which is driven over the woods with the prisoners, so they can have water at will and sit down in the shade at noon and eat their noonday meal. The prisoners in the turpentine camps are given a task, which they usually finish by Friday noon or night, and are paid in money for work of Saturday, or they lie in camp and do nothing, as they may elect. The laundrying in the various camps is usually done by women or by such convicts as are not able to do hard labor. The contractors for each camp have a physician employed by the month, whose duty it is to look after the sick. Most of the camps are provided with a hospital, which is furnished with good mattresses and wire woven springs for the use of the sick. Ten of the camps have the religious services of local ministers. After my first visit to the different camps I saw the need of throwing every moral restraint possible around the State's prisoners, and I requested the Board of Commissioners of State Institutions to adopt a rule prohibiting the prisoners' guards and managers from card playing and profanity in and about the camps, which was done, and the results have been very satisfactory.

The ladies of Tallahassee and other places in and out of the State have been furnishing for some time to the various camps a good quantity of literature, which is appreciated by the prisoners.

1900

INDIANA.

1. Both the reformatory at Jeffersonville, and the prison at Michigan City, let out the inmates by contract. There is a law on our statute books that was passed for the purpose of putting an end to the contract system, and to furnish the officers of the prison,—especially Michigan City, funds to change it to the public account system.

The policy of our management, and the intent of our legislation for the last few years, has been to make all of our penal institutions reformatory in their character, and make the education of the prisoner the main feature, only utilizing his labor in such a way as will more fully carry out that idea. Of course the contracts that were in existence at the time the laws were passed will have to be carried out. They will expire from time to time within the next three or four years, at which time Indiana will be upon the public account system, with the idea and intention of producing such articles as will be needed by the State or its institutions.

2. As to the punishment for capital crimes, the jury, in trying a person accused of murder, may, if the offense was committed with premeditated malice, sentence the prisoner to the penitentiary for life, or that he be executed by hanging.

3. As to the indeterminate sentence, the Legislature of Indiana in 1897 enacted a modified indeterminate sentence law as to felonies, except murder, by which they required the jury to merely ascertain as to whether the person accused was guilty of the offense charged or not. Upon a person being found guilty of a felony the court is required to sentence the prisoner to the reformatory, if over 16 and under 30, and to the penitentiary if over 30, for a maximum and minimum term fixed by statute. The maximums and minimums were the limits within which the former definite sentences were confined.

4. Our prisons are each governed by a board of managers. They appoint the warden at the prison and the general superintendent at the reformatory. These officers have full control of

the management of their respective prisons, to employ and discharge all their subordinates, only being responsible for their conduct to the board of managers. The board is responsible only to the Governor, who appoints them.

5. There is no corporal punishment in any of our penal institutions. It was abandoned many years ago, and public sentiment would not at this time submit to it.

6. As to the cost of the prisons to the community, it is very difficult to answer this, although the auditor of State might do it. It is the understanding that our prisons are almost, if not altogether self-supporting, but we expect them to be less and less so year by year in the future.

THOMAS E. ELLISON.

KANSAS.

I.

1. The United States Penitentiary, which is situated at Fort Leavenworth, Kansas, is conducted on neither the contract nor the piece-price plan, nor does it manufacture anything for sale. The prisoners are at present engaged in constructing a new prison, and the work will probably keep them occupied for several years, in addition to raising supplies of the farm for the use of the prison.

2. The laws of Kansas provide for punishment of capital crimes by hanging, but also provide that the convicted criminal shall be sent to the penitentiary, and shall remain until the Governor signs his death warrant, and as no Governor ever signed a death warrant in the history of this State the punishment amounts to imprisonment for life.

3. I do not think the indeterminate sentence has been introduced in any form in Kansas.

4. The State prison and the State reformatory are managed by a board of managers.

5. Corporal punishment is not allowed in the State.

6. The Kansas State prisons manufactures binding twine and sells the same to the farmers, also operates a coal mine, and

furnishes coal to the State institutions. The two industries are on public account. It also carries on, I believe, a shoe industry on the contract or piece-price plan.

I have no means of ascertaining the cost of the State prison to the state, but am prepared to believe that it is nearly, if not quite, self-supporting.

R. W. McCLAUGHRY,
Warden U. S. Penitentiary.

II.

1. The penitentiary of this State is conducted partly upon political account by the State operating the coal mines which are extensive and profitable, also by the manufacture of binding twine and by contract work to other parties.

2. It has been the statutory law of this State for many years that capital offenses are punishable by death, but no execution shall take place until after the convicts have been incarcerated in the penitentiary for one year, and then upon the order of the Governor. There have never been but one or two executions in the State and they were in the territorial days, or in the first days of Statehood. Public sentiment is such that it would not tolerate it, although annually there is a hue and cry raised in favor of it. The law is designated as "cowardly," "evasive" and so on, but when any public assemblage is given opportunity to express itself it is decidedly against the taking of human life. The result is interesting and there are fifty or more prisoners all the time under death sentence. They die or are pardoned so that the number is kept about the same.

3. We have no law in relation to the indeterminate sentence. Governor Stanley has made this question the most important one of his administration, and has adopted a parole system regardless of law and it is working charmingly, and meets with no criticism in any place. The Conference of Charities and Corrections has been in session in this State in Topeka, and much good is expected to result along these lines from a consideration of these subjects. Once Kansas people get interested in them they will

take the most advanced step in relation to them. I have been earnestly hoping that such result might follow.

4. The prisons are governed by a board of directors appointed by the Governor, and whenever there is a change in the political complexion there is a general turning out of officers, and men are put in more with regard to their political qualifications than otherwise, although to be sure, some of them are well qualified for these positions. The government is by a warden.

5. Corporal punishment is not administered.

6. The penitentiary is self-supporting. The coal mines and binding-twine plant, which latter has just been established, make "business" lively and the prisoners can scarcely do the work. The Legislature two years ago adopted something like the Minnesota plan in manufacturing twine, and while in the judgment of many it is violative of certain fundamental principles, it is justified upon the grounds of expediency and policy and those who view it from that standpoint are enthusiastic over it as an enterprise. The reformatory is reasonably successful and is administered upon the same plan as the penitentiary, there being separate boards for each of the institutions. The reform school, the girls' industrial school, insane asylums, deaf and dumb institutions, are controlled by a board of charities who receive their appointments through the Governor. There is no special increase or diminution of crime that is perceptible or notable, conditions in these regards being normal, with a tendency upon the part of the more intelligent classes to appreciate the great responsibility and the importance of caring for the defective classes, by whatever name.

JOHN D. MILLIKEN,
McPherson, Kan.

LOUISIANA.

1. The convicts in our penitentiary are leased out, but at the expiration of the present lease, next year, they will work on account of the State.

2. Punishment for capital crime is death, or imprisonment for life.

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3. We have no indeterminate sentence.
4. The penitentiary is governed by a commission, which selects the executive officers.
5. Corporal punishment is allowed in extreme cases only.
6. Our prisons are not self-supporting.

MICHEL HEYMANN,

New Orleans.

MICHIGAN.

1. The law provides that "it shall be the duty of the prison boards to meet once in six months in joint session to determine what line of productive labor shall be pursued in each prison, and in so determining boards shall select diversified lines of industry with reference to interfering as little as possible with the same line of industries carried on by citizens of the State. Under this provision we have in our prisons public account, contract and piece-price plans all in operation.

2. We have no capital punishment and no capital crimes. Life sentence took the place of capital punishment in Michigan in 1848, and the law is still in force.

3. The indeterminate sentence was introduced in Michigan and the courts quite generally availed themselves of this provision of law until our supreme court knocked it out.

4. The three prisons in Michigan are governed each by its own board of control, such boards, however, are required to hold semi-annual joint meetings, which meetings result, to a large degree, in unifying the work.

5. Corporal punishment is permitted, but not on the bare person. When administered it is in the presence of a physician.

6. "Otherwise"; how much so depends largely on the book-keeping.

L. C. STORRS,

Secretary Board of Corrections and Charities.

TENNESSEE.

1. Prison reform has not been introduced in Tennessee.

2. The punishment for capital offences is death, or life imprisonment when there are mitigating circumstances.

3. The indeterminate sentence has not been introduced.
4. Our prisons are governed by a board of prison commissioners (three men) and a warden, all of whom are appointed by the Governor.
5. Corporal punishment is allowed and resorted to when necessary.
6. The penitentiary in Tennessee is self-supporting, and will pay into the State treasury this year a surplus of \$100,000.

JAS. A. OSMAN.

VIRGINIA.

1. Really very little is being done in Virginia in Prison Reform. The Governor has a power of conditional pardon which he uses wisely and well, but the physical conditions of our State penitentiary are very bad. We have, however, within a few years back, bought and have in operation a convict farm, which somewhat relieves the fearful conditions, and the Assembly has made an appropriation for a new penitentiary building which, it is hoped, will be such as to accommodate the prisoners decently and to admit of some steps being taken toward real reformatory discipline and training.

The contract system is in force in our penitentiary, the Davis Boot and Shoe Company being the lessee of our convict labor, but the discipline being under the control of the State.

Unfortunately, our Prison Association of Virginia has just entered into a similar contract for the labor of the boys in its school at Laurel. I think the system is a bad one, but that it works as well as such a system can be expected to work in our penitentiary. I dread it in our school.

2. The punishment for capital crime is at present hanging, but a statute has passed at the past session of the Legislature looking to the adoption of electrocution as the mode of capital punishment.

3. The indeterminate sentence has no existence in Virginia save in the School of the Prison Association of Virginia, and it was done away with even here at the legislative session ten years ago, but restored at this session just passed.

4. The State penitentiary is really governed by a superintendent, but there is a board of directors appointed by the Governor and paid a meagre salary by the State. They have, however, rather limited powers, and the Governor himself has final and ultimate control of many things.
5. Corporal punishments are allowed.
6. The State penitentiary, under the existing contract, is more than self-supporting, though, of course, many of us recognize that economy or thrift which makes dollars at the cost of utterly failing to make men and citizens out of convicts is a mistake. The jails are built by the county and cities, but most criminal expenses fall really upon the State treasury. So far as I know not a jail in the State does anything at self-support.

ROBERT STILES,

Richmond, Va.

WISCONSIN.

1. In the State prison at Waupun 350 men are making shoes under contract, the contract being for 50 cents a day. About 50 men are employed in a knitting factory, making hose on the piece price plan. There is no State account work done.

In the reformatory just organized about 50 men are employed making overalls on the piece price plan. No work is done on the State account except in the industrial departments, the products of which are sold.

2. The death sentence as a punishment for capital crimes was abolished in 1853. Imprisonment for life is now the only punishment.

3. The indeterminate sentence punishment is not in operation in the State prison, having been declared unconstitutional, but is in operation in the reformatory under a modified form, the prisoners being sentenced for not less than the minimum nor more than the maximum of the sentence for the crime committed. A straight indeterminate sentence would be much preferable so far as the management of the reformatory is concerned.

4. The prisons are governed by a board of managers called the State Board of Control, which also maintains and controls the other State institutions. The board has executive power.

5. Corporal punishment is prohibited by law in the State prison, but is permitted in the reformatory.

6. The prison is not self-supporting. With an average of 500 to 600 prisoners the cost to the State is \$15,000 a year more than the earnings.

JAMES E. HEG,
Green Bay, Wis.

TORONTO, CANADA.

1. In none of the penitentiaries, nor in the Central Prison in this city, which is an intermediate between the jails and the penitentiary, is the contract system as to leasing the labor of the convicts by the day in practice. To a limited extent, in a few of them, goods are manufactured on the "piece price" plan, the contractors having no jurisdiction over the convicts in any manner, work on public account engaging by far the largest portion.

2. Capital punishment is in force over the whole Dominion. No change is desired, and its continuance is favored by the people.

3. For several years the prison reformers have been urging upon the Federal Government the desirability of adopting the indeterminate sentence, the parole and probation systems, as now in operation in many of the States, it alone having power to make changes in the criminal law. In 1899 conditional liberation was enacted to apply to the penitentiaries only. We have been urging the extension of it to the Central Prison and to the reformatories, and at the same time the adoption of the indeterminate sentence, but it is doubtful if anything will be done in that direction this year.

4. For the five penitentiaries under the Federal Government there is one inspector, and each of the provinces has one or more for the gaols, reformatories and insane asylums. For this province (Ontario) there are three—one for the Central Prison, the women's and boys' reformatories, one for the county gaols and one for the insane asylums. There are no boards of supervisors to correspond with such bodies in the United States, apart from those in charge of the industrial schools and the children's aid societies.

5. Corporal punishment is permissible in all prisons and reformatories in Canada. When properly administered it is preferable to solitary confinement for incorrigibles. It is expeditious in effecting results; more lasting and effectual than any other corrective.

6. None of the prisons in Canada are self-sustaining, nor is the attainment thereto now made an object in their management.

JAMES MASSIE,
Toronto, Canada.

PROBATION.

By WARREN F. SPALDING.

SECRETARY OF THE MASSACHUSETTS PRISON ASSOCIATION.

REFORMATION WITHOUT IMPRISONMENT.

There was a time when it was supposed that the only way to deal with criminals was to punish them with great cruelty, in order to deter them from the repetition of their offences, and to strike terror to the hearts of others who might be tempted to similar crimes. The death penalty was used indiscriminately; torture was a common thing, and the loathsome dungeon, with all its deprivations and horrors was depended upon to prevent crime by deterrence. But the expected results did not follow. Criminals adjusted themselves to the severest conditions, and the volume of crime was not diminished.

Gradually the world has been feeling its way toward better measures and methods. The impulse imparted by Howard led to the construction of improved buildings, and to better care for the physical well-being of their inmates. But the improved prison was merely a place of more humane confinement. Then came the suggestion that criminals might be included among those who could regret the past, and the suggestion was embodied in the name "penitentiary"—a place of penitence. It remained for the present generation to take a still more radical step—to assume that criminals might not only be penitent for the past, but might redeem the future. The new doctrine is stated in two parts—that criminals may reform, and that they may be reformed. The first puts the main responsibility upon the wrongdoer; the second puts a part of it upon the State. The acceptance of this responsibility by the State has led to the establishment of reformatories, fitted with every device by which the State may fulfill its obligations to assist the prisoner to reform.

The development of the reformatory has made rapid progress. Its principles are well understood. Within a very few years nearly every State will have its reformatory, and will be trying to reform a considerable percentage of its criminals.

IS IMPRISONMENT NECESSARY IN ALL CASES?

More recently a new question has been pressing for an answer: "Is it necessary to imprison a man in order to secure his reformation?" The question cannot be answered with a simple "Yes" or "No." There can be no doubt that the imprisonment of recoverable men is necessary in many cases. The man to be reformed must be brought where reformatory treatment can be applied, and must be kept there. He needs to learn many things which cannot be taught him unless he can be in an institution. This class includes those deliberate criminals whose offences are due to criminal instincts and purposes; those who are defective, physically and mentally; those who are incapable of self support because of lack of knowledge of trades; those who have never learned respect for or obedience to authority; those whose criminality is due in some measure to illiteracy; those who are homeless and friendless and have a predisposition to vagrancy and to wandering about. These must of necessity be imprisoned when they are to be subjected to reformatory treatment, because it cannot be applied otherwise. They must be subjected to strict discipline, and many of their other needs can only be supplied when they have been taken by force from vicious surroundings, put under moral, ethical and religious instruction and compelled to fit themselves for self support. To these large classes must be added a still larger one, composed of persons who have committed offenses so grave that the community reasonably demands that they be subjected to imprisonment for its own protection. This imprisonment is not to be considered as a determination that they are not recoverable, but only as a wise precaution, in view of their very serious offences, which are properly accepted as a proof that they have characteristics which for the time unfit them to be at liberty.

But when all these have been excluded, there remains a very large number whose reformation without imprisonment may be reasonably expected. They include many minor offenders, whose offenses do not indicate criminality, but who must be deterred, in some way, from their repetition. They also include a large number of persons whose offenses are the result of sudden impulses, some who have fallen into crime on account of circumstances, and many of those whose crimes are due to drunkenness. Some persons who have committed serious offenses may also be dealt with in this way.

RESTRAINTS OF CUSTODIAL SUPERVISION.

How shall the system be administered? It is essential that the offender shall not be allowed to be at liberty, fully. In most cases he needs some restraint. He should also be made to understand that by his offense he has to a certain extent separated himself from those who are wholly free to do as they please; that he has shown tendencies and weaknesses which justify the State in assuming an oversight of his conduct. It may properly do more than this—it may direct the details of his life so far as it sees best. The court may wisely say that if he is to retain his liberty he shall keep away from the saloon and other haunts of vice; shall shun evil companions; shall do, in fine, whatever is thought necessary to prevent a relapse.

This course has always been taken in a few instances. It has been done by laying cases on file, or continuing them from term to term, the exemption from imprisonment being dependent upon the continuance of good behavior. One defect of this method is that it produces a wrong impression upon the offender. It minimizes his offense in his eyes. He feels that he has been "let off" because his wrong-doing was of little consequence. The community is very likely to receive the same impression, if this course is taken in any large number of cases, and disregard for law follows. True, the suspension is conditioned, nominally, upon continued good behavior and upon a compliance with conditions imposed, but it is well known that

except in rare instances there is no way of knowing whether the conditions are kept or not, and usually the case remains on file permanently unless the person commits a new offense. There is little or no attempt to keep informed regarding his conduct, in detail. He understands the court to say to him, "You can go, but you mustn't do so again."

At this point the probation system differs vitally from that which has been described. The offender is not released from custody and control. He is as truly in custody as is the man who is imprisoned. He is allowed to be "at large," but he is not free. His liberty is continued upon his compliance with certain conditions, and he is placed in the custody of the probation officer, whose duty it is to see that he complies strictly with the conditions. The standard for his conduct is higher than that of the citizen who has not been found guilty of breaking the laws, for the latter can go into the saloon, or with vicious companions; can work or be idle as he pleases, and nobody can interfere with any of his actions until he breaks a law. But the State requires the probationer to avoid all courses tending to lead to crime, appoints a man to see that he obeys, and compels the probationer and the probation officer to report to the court. Practically the court says to the probationer precisely what the superintendent of a reformatory says to one in his care, not, "You mustn't do so again," but, "You must reform"—change your whole manner of life, not only avoid overt criminal acts, but avoid everything which tends in the wrong direction.

PREVENTION OF PRISON CONTAMINATION.

The advantages of this plan are many. The most important is the segregation of law-breakers. In quite a percentage of cases the man who commits his first offense has no criminal acquaintances. Imprisonment throws him into contact with men who are criminals at heart. One-half of all the inmates of Massachusetts county prisons have served previous sentences, and 15 per cent of them have served in the same institutions from six to 50 times before. To force into such companion-

ships the man who has heretofore kept himself among reputable associates cannot fail to injure him. Probation also saves the offender from the prison brand. When one becomes known as a "jail bird" he loses in self respect and many of his hopes vanish. Disgrace also attaches to the family of the prisoner, especially to his children. The loss of his wages by his family is a serious thing. Many offenders have families and support them. When they are imprisoned the families become dependent. The prisoner also loses his place in the world. Some one else takes his situation, and when he returns from the prison he may remain idle for a long time, involving himself and his family in conditions which lead to pauperism. He is very likely, under such conditions, to lose his courage and relapse into crime. It is a serious thing, also, to break the bond between a man and his family, and to relieve him of the feeling of responsibility for their support. When he finds (and they find) that their support does not depend upon his industry, great harm has been done.

All these evils can be avoided by custodial supervision, which prevents the contamination of prison life; saves from the prison brand; retains the offender in his place in the world, as a wage-earner, and compels him to support his family. With this is the added direct advantage of the friendly counsel and support of the probation officer, whose duty is not so much to watch his charge as to watch over him and re-inforce his resolutions and purposes.

RESULTS OF MASSACHUSETTS EXPERIMENT.

These are not abstract theories. Massachusetts has been practicing them for ten years or more, under the present law, and many years more in a tentative way under a previous statute. More than 5,000 cases are taken on probation every year. The results have been so satisfactory that this year the Legislature has authorized important extensions of the system, and created machinery which will make it possible to greatly increase the number of probationers. It has been found that comparatively few persons relapse or disappear while on pro-

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bation and that probationers who had neglected their families now support them. (One probation officer collects wages of probationers amounting to more than \$4,000 a year and disburses it for the support of their families in cases of "neglect of family" alone.) Embryo criminals are kept under close observation and the weak are strengthened and upheld.

Besides the work of custodial supervision, the probation officers render a very important service in investigating criminal cases. Before the office was created the courts knew little of those arraigned except that they had committed certain offenses. The probation officers are now able to inform the court as to previous offenses, if any, and in regard to the family of the accused; whether he is employed or idle; whether he supports or neglects those dependent upon him, and in fact everything which will enable the court to dispose of the case wisely.

PROBATION FOR PERSONS SENTENCED TO PAY FINES.

In recent legislation probation has been extended to cases in which fines are imposed. Heretofore if the fine was not forthcoming at once, the person must be imprisoned. The unreasonableness of expecting to find three dollars in the pocket of a man who was just getting over a spree was so apparent that the new law authorized the suspension of the imprisonment, putting the man in control of the probation officer, to whom he may pay his fine. It is expected that the new law will prevent a large number of commitments, thereby saving a large expense for commitment fees, enabling the men to retain employment and secure a much larger revenue from fines.

Nothing can be more unbusinesslike than the present system of dealing with persons upon whom fines are imposed for minor offenses. To secure the payment of the fine it is necessary to provide for imprisonment as the alternative of non-payment. The result has been that in Massachusetts, in 1899, 16,173 were committed to prison for non-payment of fines, and 4,323 paid their fines in order to secure release from prison. In other words, the attempt to secure the fine by imprisoning the convict

failed in about three-fourths of the cases. The attempt cost the taxpayer the expense of committing more than 16,000 persons and of supporting more than 11,000 of them for a time. The 4,323 who paid their fines would have done the same if they had been placed on probation with the condition that they pay their fines to the probation officer, and many of those who did not pay, because prevented by imprisonment from earning the money, would also have paid them if they had been placed on probation. The public treasury will receive more money from fines by making the probation officer instead of the prison keeper the collector, and will make very great savings on the cost of commitment and the cost of maintaining prisoners held for non-payment of fines.

ECONOMY OF THE PROBATION SYSTEM.

One of the principal objections made to the probation system has been that it was expensive. It was shown that while the cost was large, it was more than offset by the enormous savings. The expenditure in Massachusetts for salaries and expenses of probation officers is about \$59,000 a year. At the lowest possible estimate the savings to the taxpayer upon the bare cost of support of the probationers, had they been imprisoned, would have been more than \$70,000. In this estimate no account has been taken of the great saving to the community, indirectly, from requiring the probationer to support his own family. It is a moderate estimate that the 5,626 persons taken on probation in Massachusetts in 1899, if they had been sent to prison, would have served three months each. If they had earned during their probation an average of \$5.00 a week each, their aggregate earnings would have amounted to more than \$365,000. Such figures as these assist us in realizing to some extent the indirect costs and losses due to crime.

The figures given pertain to inferior courts only. The record in the superior court, when probation officers have been appointed, shows similar financial results. District Attorney Robert O. Harris, of the Southeastern District, composed of Nor-

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folk and Plymouth counties, secured the appointment of a probation officer to take charge of cases disposed of by the superior court in those counties. It is not customary for the district attorney to make a printed report, but in view of this new departure he has published a statement explaining the probation system, and telling the results of the work. Following is an extract from his 1899 report:

"In Plymouth county, twenty-two men have been taken. Of these six had to be surrendered by the officers, two have wavered some, and fourteen have met all our hopes. In Norfolk county eighteen were taken, one of whom was a young woman. One only has disappointed me. The woman is doing finely, and occupies a position of trust with people who know her record. Several of the men have secured positions in other States, but continue to report regularly. One young man enlisted in the army, was sent to the Philippines, has been fighting all summer, but continues to report by letter. His last letter was written in the trenches outside of Manila, and was manly and promising in tone. Surely such results justify the effort.

"To the taxpayers, as taxpayers only, aside from all questions of sentiment, of philanthropy, there is also comfort in these facts. The seventeen in Norfolk county, if sentenced, would have received an average of eight months each. Reckoning the cost of maintenance at \$15.00 a month we have a saving of \$2,040, or nearly three times the officer's salary and expenses. The fourteen in Plymouth county would have received an average of nine months, and on the same basis of cost, this represents a saving of \$1,890, or two and a half times the expense. Add to this saving what it would have cost the towns to support dependent families and relatives, and the earnings of the men themselves, and the purely financial aspect of the question is a satisfactory one. When to this is added the moral and philanthropic aspects, we find a whole that is encouraging, and that may well lead us to hope for still greater improvements in the management of the weak, the reckless and the vicious.

AN ESTABLISHED PART OF PENAL SYSTEM.

The most important single feature of the Massachusetts law is that which gives the power of appointment to the courts. This removes it from politics. The judge has every reason to make a wise selection, for the officer becomes the eyes and ears of the court, the one in whose judgment and integrity he must confide, and upon whom he must impose large responsibilities. So important does the State believe it to be that the court shall have this assistance that in 1891 it compelled every judge to appoint a probation officer. The results have justified this radical legislation.

From what has been said it will be seen that Massachusetts long ago ceased to think of probation as a thing separate from its judicial and penal system, but considers it as much a part of it as the prison and the reformatory. It believes that criminals may reform, and should be reformed, and that for a considerable portion of its offenders a supervisory custody will secure reformation as surely as institution custody, at less expense, with greater savings and with very great advantages to the State and to the individual. It expects a very large extension of the use of this system in the years to come, and that other States will see, as it has seen, the advantage of supervision over imprisonment in a large percentage of criminal cases.

THE PROBATION SYSTEM IN MASSACHUSETTS.

BY ELIZABETH L. TUTTLE, PROBATION OFFICER, BOSTON, MASS.

More than thirty years ago the late Rufus E. Cook daily visited the courts of Boston with a view to helping men, women and children—especially the latter—who had been led to commit crime so openly that the police were called upon to interfere. In "Uncle Cook," as he was familiarly called, the prisoner found a friend who would intercede for him with the judge and beg him to extend the case until the offender had been given an opportunity to reform. This was the beginning of probation work in the municipal court of Boston. It was, however, the work of a volunteer, and confined almost wholly to juveniles. The court found the work excellent, but insufficient, and in 1878 a law was passed authorizing the mayor and aldermen in the cities, and the selectmen in the towns, to appoint a probation officer who could do substantially what the probation officer does today. This was not, however, mandatory, and the courts failed to recognize the law, or, rather, it was not enforced. Mr. Pettigrove, ex-Secretary of the Commissioners of Prisons, says: "In 1891 we made the recommendation that the probation officers should be appointed by the judges of the court, who have abundant wisdom and perfect independence in carrying out the law, without regard to political influence." This act was passed in May, 1891. At the present time there are 70 probation officers in Massachusetts. Eight of these are at the Central Court in Boston—six men and two women.

Massachusetts has the distinction of having first recognized probation as a necessary and proper part of the administration of criminal courts, and until about two years ago the system has been confined to Massachusetts. At the present time there are two probation officers in Vermont, three in Minnesota, one each

in New Jersey and Illinois, and two in Rhode Island—one of the latter is a woman, and, I regret to say, she is the only one besides Miss Maynard and myself in the world. There are, however, at least three women who are doing most excellent work along this line. Mrs. Hersey (I think), who is at the head of a rescue-home for women, has been appointed a police officer by the mayor of a western city; Mrs. Bellamy, who is allowed to take girls and women from the court in Toronto, and Mrs. Foster, of New York, who, I have been told, "has the ear of all the judges, from those in the police courts to those on the bench in the Supreme Court."

We are asked, "why should female offenders be dealt with exclusively by probation officers of their own sex?" We reply, the reasons are many, but perhaps the most important are, first: When under the influence of liquor women are unaccountable for their actions or speech, and can be better interviewed by their own sex; second, many times investigation, especially in criminal cases, could not be made by men, because information would be withheld by the keepers of houses, employers and others; third, while on probation women often require assistance and advice which might better be furnished by their own sex; and fourth, it is obvious that the visits to their homes could not with impunity be made by men.

The girl juveniles also come under our care. Boys over 14 years of age are usually placed in charge of the chief probation officer, while the younger Protestant boys (since February 1, 1889) have been placed in the care of an agent of the Boston Children's Aid Society, and since March of the same year Roman Catholic boys have been in charge of an agent of the Society of St. Vincent de Paul. Recently a number of boys have been placed in charge of the State agent.

Juveniles are usually brought directly to court on a summons, instead of a warrant, because the latter might necessitate a detention in prison over night, where, although in separate cells, they would unavoidably hear much that is undesirable from adult prisoners. They are never brought to court with adults, and are

tried in a special session. Comparatively few are re-arrested. I do not know whether this is due to the fact that the court has terrors for them which serve as a restraint or because they are being guided by firmer hands.

The court has a very demoralizing effect upon some children and we advocate that every expedient be used, and exhausted, before the culprit is humiliated by being branded a criminal.

Very seldom is a woman arrested for her first offence. As a rule our police officers dislike to arrest women, and many times will put them on cars or in carriages, and not infrequently conduct them to their own doorsteps if, at that point, they are in condition to care for themselves. The nightwalkers are often warned several times before they are arrested.

The following outline, prepared two years ago, may interest those who wish to know some of the details of our work.

All women arrested within the city proper, comprising the North, South, East and West Ends, and Back Bay as far as the Roxbury line, are brought to the House of Detention (or city prison for women) from the station-houses as soon as practicable after their arrest. The men, on the contrary, are detained at the station-houses until 7 in the morning and 7 at night, when they are transferred to the city prisons.

Occasionally women are bailed at the station-houses, but are usually brought to the House of Detention, where they are received by the day or night matrons. With each prisoner the matron receives a card, giving her name, address and description, the offence with which she is charged and the name of the arresting officer. Every morning, Sundays and holidays excepted, Miss Maynard or myself are at the House of Detention at half-past 6 o'clock, where we copy the cards sent from the station-houses, listen to such information as the matron may have gained during the night, and examine the statements which all women arrested for drunkenness are required to sign, said statement being petitions to the presiding justice for release, even though this special arrest may not be the first during the year. We then talk with the women, who are usually in condition for court

before seven o'clock. We learn as much as possible concerning the environment of each one, her mode of living, habit of work, probability of guilt and inclination to reform. The time given to each is necessarily brief, as records must be examined, statements verified and signed, a list of all who have been previously arrested for drunkenness during the year prepared for the judge, and many times duplicate records made for the arresting officers. In addition to this, visits must be made to many of the addresses given, before the arraignment of the prisoner in court. In cases of drunkenness we are very often—some weeks I must say almost daily—assisted by four of the men probation officers who make investigations in their respective districts. All criminal cases, as well as those having had a hearing, but continued for further investigation, we care for ourselves.

We are obliged to be within call, usually in the court room, until a disposition of all cases of women has been made, which, in trial cases, may be 3 to 4 o'clock, or even later. Occasionally the court has adjourned as late as 3.20 p. m. We must be prepared to furnish such information as the presiding justice may require concerning each woman who is arraigned, knowing only too well that upon our report may depend the final disposition of the case. While constantly keeping in mind the good of the commonwealth, it is our aim to keep from prison every woman who is inclined to help herself to overcome such habit as may have caused her arrest.

The judges seldom place a woman on probation unless at our suggestion, while with very few exceptions has a woman been sentenced when we have asked for probation; probation being a continuance of the case for such time as may be required, from seven weeks to one year. During this period the woman is required to abstain from intoxicating drink and from other violation of law; to report to us at such times as we may designate, and always to advise us of change of residence. We visit her in her home or at her work, as the case demands. If she fails to comply with our requirements she is brought to court and surrendered, when a sentence is usually imposed. If she fails to

appear at the time appointed by the judge, a default warrant is issued, and sooner or later her whereabouts are discovered and she is brought into court. Occasionally we find that ignorance and not wilful neglect is the cause of her non-appearance, and the woman is given another trial on probation.

We keep careful records of each case, using a card system not unlike that used by the Associated Charities, and have found a cross reference card invaluable, since the majority of women seek to conceal their identity by giving assumed names. One has 32 and many have more than 12. These records must be kept accurately in order that they may be of service in the civil, divorce and even the United States court, as well as the municipal and superior criminal courts, while from time to time the judges of the Cambridge, Jamaica Plain and Chelsea courts, as well as various State, city and charitable societies may also call for data.

In cases continued for further investigation we depend somewhat upon the probation officers in the cities and towns where the women or their friends may live, but not infrequently after adjournment of court we deem personal visits imperative.

If we have reason to believe that a woman who is on probation, or one for whom we have a default warrant, is frequenting disreputable houses, or smoking parlors, the dance halls, or the Chinese quarter, we visit these places at night accompanied by one or more officers. If she is found we take her to the House of Detention or the nearest station-house, where she is booked for "Violation of Probation," sent to the House of Detention, and in the morning taken to court, where she is surrendered and sentenced.

The first of each month we send to the Prison Commissioners a full report of the work of the preceding month.

Before the first Monday in each month we prepare for the superior court the cases of all women who have appealed from the sentence of the municipal court. Here the district attorney or the chief probation officer who has charge of the women, as well as the men, may call upon us at any time to make further

investigation of the cases, to arrange for relatives to come to court, if the women are to be intrusted to their care, and not infrequently to escort women to evening boats or trains.

Among the most hopeful features of our work is that of taking on voluntary probation, and so keeping out of court wayward girls and women who, by reporting regularly, learn to confide in us and apparently to appreciate the narrowness of their escape.

We have also frequently received letters and calls from women many months after their dismissal from probation. For more than five years one woman has not failed to call once in two months, when she has invariably brought flowers. This preventive work is of vital importance to the individual, the city and the State, and is happily increasing year by year.

During the year ending October 1, 1900, the cases of 14,933 persons were investigated by the probation officers of the Central Municipal Court. Of these 2,818 were women and girls, 1,833 of whom were arrested for drunkenness and 985 for criminal offenses, from larceny and vagrancy to the various offenses against chastity and the public welfare. During this period 414 women and girls were placed on probation, 38 of whom, having shown no disposition to reform, were surrendered; 116 were defaulted (this number should be 87, inasmuch as 29 of these were among the 110 who were sent to charity homes to remain from four months to one year). Forty-seven were sent to relatives or friends, and 260, more than one-half, were dismissed by the judge at the end of the term of probation. We made frequent visits during the year and corresponded with those who could not report in person, while a large number of the women called at the office from three to eight times a month, as the case seemed to require. Many were induced to take, and, what is more to the point, to keep the pledge. Employment and temporary homes were found, and a number of women were persuaded to save their earnings and put them to a proper use.

It is an indisputable fact that very little good is accomplished by imprisonment. Many times the offender is locked up only long enough to regain health and strength, thereby renewing

her disposition and ability to plunge more deeply into sin. We feel, therefore, that as many as possible should be given a trial on probation; and it is gratifying to remember that on the first day of last October 30 per cent. of the women who were placed on probation in 1896 had not, to the best of our knowledge and belief, been rearrested.

We admit that the value of probation—*suspension of sentence*—“is largely determined by the nature of the offense in question,” that is, “its application is less hopeful in cases of immorality than in cases of larceny or drunkenness.”

In each case, however, the character of the individual, the nature of the offense and the home to which a woman may be going, are taken into consideration when fixing the length of the term of probation.

We have been asked to classify the women (arrested for drunkenness) who are sentenced, fined, released or placed on probation, and the following may be found interesting:

First. The girl who, after the theatre, frequents the restaurant or hotel with her escort and drinks to excess. First arrest—Defaulted, released or fined.

Second. The girl who has been staying out nights and causing her parents anxiety, perhaps frequenting dance halls or the Chinese quarter. First arrest—Probation (if released she will surely be rearrested on a more serious charge).

Third. The woman, tired and discouraged, who drinks because her husband or parents are in the habit of drinking. First arrest—Released on probation.

Fourth. The old offender who, tired of prison life, has endeavored to find work, professes a desire to abstain from intoxicants and begs for “one more chance”—Released on probation.

Fifth. The girl or woman who has passed beyond the control of her parents or friends, has been warned by the police, but continues to frequent saloons and questionable resorts. If her first arrest, probation may be tried, *provided* she will go to one of the homes (or “private prisons” as some one calls them) to remain

from four months to one year. If she refuses she is usually sentenced to Sherborn for the term of one year.

Sixth. The old offender who, thinking she can withstand temptation, returns to her old haunts and companions—sentenced or fined.

Seventh. The old offender who has no home, drinks for the love of it, has passed nearly all of her life in prison or the almshouse—sentenced.

Boston, November, 1900.

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PRINCIPLES OF PRISON REFORM.*

BY EX-PRESIDENT RUTHERFORD B. HAYES.

Prison reform has nothing in common with the sentimentalism that makes martyrs out of condemned murderers, heroes out of convicted felons. It does not send women to the cells of the justly condemned, with rare delicacies, and costly flowers; it is ashamed of those who do such things. It does not sign petitions for executive clemency, simply because somebody presents them; it judges those who do such things with indiscriminating sensibility to be foolish and weak people, who have small comprehension of the true principles of social order. Prison reform believes in the enforcement of law; it insists upon the punishment of criminals as necessary to the security of society and the promotion of virtue, and as best every way, for criminals themselves.

A recognized high authority on the subject of prison reform, Gen. Brinkerhoff, of Ohio, says: "The two dominant ideas in the creation of prisons and in the treatment of prisoners are, or at least should be: (1) the deterrent influence upon those outside, and (2) the reformation of those inside." With these principles firmly insisted upon, the association also confidently advocates certain methods. Among them, some of the chief are: classifications of prisons and prisoners, industrial training, productive labor, education, and religion.

1. As to jails, prison reform declares that the county jail system as administered in the United States is a disgrace to civilization, and that the administration of justice cannot be freed from the charge of maintaining training schools of crime, until the construction and management of these places are radically changed, so that their inmates shall be separately confined and

*Abstract of an address before the National Prison Association.

all contaminating intercourse rendered impossible. The county jail should secure such separation, that no prisoner shall be allowed to associate with any other prisoner.

2. Prison reform requires that, wherever it is practicable there shall be separate prisons for women, with officers of their own sex; and that in any prison where women are held under arrest, or as convicts, matrons or female officers ought to be in constant attendance.

3. Prison reform urges the adoption of inflexible rules under which the habitual criminal—the unreformed convict—shall always be held within prison walls. Is it not a reproach to the administration of criminal justice, that well known professional criminals, after repeated convictions, are still at large, preying upon the community and requiring the constant and vigilant efforts of the police to protect life and property?

4. The friends of prison reform hold that promptness and certainty in the detection and punishment of crime are the chief agencies by which society can protect itself against the criminal class; and that the deterrent forces of the law now lose a part of their value, through the needless delays, uncertainties, and irregularities of criminal jurisprudence; they therefore earnestly recommend such changes in the laws and their administration, that judgment against crime shall be executed with certainty and speedily.

5. Prison reform would abolish in all prisons vindictive personal punishments. To maintain the best discipline in prisons we must appeal to something better than the lash, the thumb screw, or other form of physical torture. There may be exceptional cases, but certainly they are very rare.

6. Prison reform encourages organized Christian effort to aid and care for prisoners after their discharge. In most cases, now, society does not give the discharged convict a chance to avoid his old haunts and his old companions in crime. The brand of Cain is upon him and every man's hand is against him.

7. Prison reform recommends the general education of the youth of both sexes in industrial pursuits, employing and training the faculties of both mind and body in productive labor, as an efficient means of preventing crime.

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THE REFORMATION OF THE PRISONER.

All systems of indeterminate sentences, of mitigated restraint, of Irish probation schemes, of ticket-of-leave devices, and finally of discharged prisoners aid societies, have meant this, the slow opening of the closed hand, the gradual restoral, not by a foreign power to which he has been given away, but by humanity itself which has held him for a time in a special care, and now gives back to herself, to her own normal life this prisoner whom she has never ceased to think of and treat as a true man

AID FOR DISCHARGED PRISONERS.

Of all such efforts, the discharged prisoners aid society, which is voluntary, and so is the freer action of the community receiving the released portion of itself, is most interesting and hopeful. I think there is nothing in the prisoner's whole history which so appeals to us as his position when that society addresses him. In it has lain the sole resource of many a poor creature, standing in what we may deliberately call the most forlorn and desperate condition which civilization has to offer to a human being—the position of the discharged prisoner. Without such a society there would be little hope. Even with it, the discharged prisoner's condition is the bewilderment and almost the despair of prison philosophers. It is a part of the opening of the hand that not in the official state, but in such a society, must be his hope. And yet such a society is good for nothing, unless it utters a living soul behind it in the whole great world of men, unless it is the expression of a hopefulness, a tenderness, a determination, a faith in God, a confidence in man, a pity, a willingness to give the worst man a new chance, a sense of the universal weakness and sinfulness, which makes together the real warmth and openness of the hand which, having held the prisoner in constraint would

now welcome him back into the world of character and self respecting work.

SENTIMENT VERSUS SENTIMENTALITY.

I know, how weak in many people's minds are my positions, because they rest on sentiment. I know how weak in many minds seems the whole cause of prison improvement, because of the element of sentiment which is in it. But there is nothing stronger than a true sentiment for any policy or plan of action to start from and to rest upon. The great human sentiments are the only universal and perpetual powers. Creeds, schemes of government, political economies, philosophies, are local and are temporary; but the great human sentiments are universal and perpetual. Upon them rests religion. In their broadening movement moves the progress of mankind. It is not sentiment, but sentimentality, which is weak and rotten. The first necessity of a congress like this is to feel the difference between the two. Sentiment is live, and tense, and solid; sentimentality is dead and flaccid and corrupt. Sentiment is just; sentimentality has the very soul of injustice. Sentiment is kind; sentimentality is cruel. Sentiment is intelligent; sentimentality is senseless. Sentiment is fed straight out of the heart of truth; sentimentality is distorted with the personal whims and preference. Sentiment is active; sentimentality is lazy. Sentiment is self sacrificing; sentimentality is self-indulgent. Sentiment loves facts; sentimentality hates them. Sentiment is quick of sight; sentimentality is blind. In a word, sentiment is the health of human nature, and sentimentality is its disease. Disease and health often strangely look alike, but they are always different. He who would escape sentimentality must live in sentiment. He who would keep sentiment true and strong must fight against sentimentality, and never let himself accept it for his ally. In these days, when many men are disowning sentiment because they confound it with sentimentality, and many other men abandon themselves to sentimentality because they con-

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found it with sentiment, do not all men need to learn and never forget their difference? Do any men need more to learn and to remember it than any who have to deal with prisoners and prisons?

I have tried to point out where the true source of the true sentiment upon our subject lies. It is in the undestroyed, the indestructible manhood of the prisoner. It is in the Christ in the prison. "I was in prison and you came unto me."

SENTIMENT AND DUTY.

It is not right, and all experience has taught us that it is not safe, to forget or to ignore that truth. The world is so a unit, so absolutely one utterance of the nature and the will of God, that sentiment, duty, and safety, always, if we can only see them truly, go together and re-enforce each other. They make the three-fold cord that draws the world along. Where sentiment grows weak, duty comes in with its insistence. Where sentiment and duty together cannot make their voices heard, the fear of safety rings its tocsin bell. So everywhere mercy and truth meet together; righteousness and peace are always kissing each other. Sentiment, duty and safety—never have these three combined in greater harmony and strength than in the wonderful regeneration of prison life which has marked the last hundred years. From the first journey of John Howard to the act of 1877, which completed the unification and regulation of the whole prison system of England, was just a century. During the same period the United States, with even greater enterprise and boldness and intelligence, has moved onward in the same direction. Sentiment and duty and safety have combined to work the great beneficent result.

The work is not complete. Do not our thoughts indicate the direction in which alone it can obtain completeness? The man held in the grasp of the state which represents and expresses his humanity, that is the prisoner. Only by the advancement and improvement of that humanity; only by a more human and so a more humane spirit in the state; only by a purer, nobler,

more just, more generous, more Christian life everywhere; only by a better manhood to hold in its grasp the weak or wicked man; can this special improvement, or any special improvement, come about. In the hand which holds must be first the ripeness and the strength which it shall give then to the broken, enfeebled, and demoralized nature which it holds. Therefore all good influences are confederate with this for which our congress is assembled. The state must be more full of sacredness before it can know the sacredness of the man whom it imprisons, and so accept its deep responsibility concerning him. The time will come, the time is coming, when the preciousness of every human soul shall no longer be a mere doctrine of the churches and the schools, but shall become the soul and shaping power of our softened and humanized institutions. Then shall our prisons become the true recreation and renewal places of character. Then shall what seemed dead in them be born anew. And seeking the true man, the Christ, in every prisoner, the eyes of those who seek shall find it, and their hands shall help it forth into activity and light.—*Rev. Phillips Brooks, D. D., sermon before the National Prison Association, Boston, 1888.*

RESIGNATION OF MR. W. M. F. ROUND.

At a special meeting of the Executive Committee of the Prison Association of New York held at 32 Nassau street, in the city of New York on August 30, 1900, a communication from the Corresponding Secretary, Mr. W. M. F. Round, resigning his office as corresponding secretary, on account of impaired health, was read, and on motion, the resignation was accepted and the secretary was instructed to express to Mr. Round the regret of the committee at the reasons impelling his retirement after a long term of efficient and devoted service.

ELECTION OF HON. SAMUEL J. BARROWS.

The Prison Association of New York has the satisfaction of informing its friends and the public, that the vacancy in the office of Corresponding Secretary, left by the resignation of Mr. Wm. M. F. Round, has been filled by the election of the Hon. Samuel J. Barrows, late member of Congress from Boston, and for the last five years the member for the United States of the International Prison Commission.

Anticipating a continuation of your interest in our work, and of its efficiency, so dependent on your support, we heartily commend Mr. Barrows to your esteem and confidence.

CHARLTON T. LEWIS,
President.

EUGENE SMITH,
Secretary.

CHARLES DUDLEY WARNER.

The members of the executive committee of the Prison Association of New York, on the occasion of the fifty-sixth annual meeting of the association, place on record their sense of the deep loss which the cause of prison reform in the United States has sustained in the death of Charles Dudley Warner, a vice-president of this Association. For many years, with pen and voice, Mr. Warner, notwithstanding engrossing literary and journalistic labors, gave himself with great devotion to the advocacy of modern principles of penology. He was one of the first to recognize the value of the reformatory system as developed in this State. He was a forcible advocate of the principle of the indeterminate sentence. He frequently attended the National Prison Association and able articles from his pen are found in its proceedings and in those of the International Prison Commission. Mr. Warner was an interesting and inspiring example of a man who, while making charming contributions to American literature recognized and nobly fulfilled his duties to the State and to his age.

TREASURER'S ACCOUNT

FOR THE YEAR ENDING OCTOBER 31, 1900.

<i>Dr.</i>	
Donations	\$4,610 45
New York State Reformatory.....	1,200 00
Rents	618 00
Borrowed from Barbour & Co.....	100 00
Balance in Mechanics National Bank, Oct. 31, 1899.	125 27
	<u>\$6,653 72</u>
<i>Cr.</i>	
Expenses of agency in New York city for discharged convicts and persons under arrest.....	\$2,452 34
Expenses of State organization, prison and jail inspections and county work.....	3,459 29
Taxes and water rents on 135 East Fifteenth street.	380 55
Interest on \$4,000 mortgage on 133 East Fifteenth street	200 00
Repaid Barbour & Company amount on loan.....	100 00
Balance in Mechanics National Bank, October 31, 1900	61 54
	<u>\$6,653 72</u>

CORNELIUS B. GOLD,
Treasurer.

We hereby certify that we have examined the accounts and vouchers of Cornelius B. Gold, Treasurer, and find them correct.

SAMUEL MACAULAY JACKSON,

EDWARD B. MERRILL,

Auditing Committee.

LOCAL COMMITTEES.

ALBANY COUNTY.

Residence, Albany.—Rt. Rev. W. C. Doane, Rev. W. W. Battershall, D. D., John H. Van Antwerp, Dudley Olcott, Abraham Lansing, Dr. Albert Vander Veer, James F. Tracey and James Fenimore Cooper. Bishop Doane, chairman; Dean Sage, treasurer; James Fenimore Cooper, secretary.

Committee on jails and station houses.—Robert C. Pruyn, chairman; Dr. Vander Veer, Matthew Hale, Townsend Lansing, Grange Sard.

Committee on penitentiary.—Dean Sage, chairman; James F. Tracey, Dudley Olcott.

Executive committee.—Bishop Doane, Dean Sage, James Fenimore Cooper, Robert C. Pruyn.

ALLEGANY COUNTY.

To be appointed under the new rules.

BROOME COUNTY.

Residence, Binghamton.—Dr. John G. Orton, E. N. Loomis, E. K. Clark, D. H. Carver, J. W. Manier, Charles Wilkinson, Julius Rogers, Dr. F. W. Putnam, Dr. J. H. Chittenden, H. M. Beecher, C. R. Williams, E. C. Tichener, J. H. La Roche, Dr. Charles G. Wagner, Dr. Wm. A. White, J. Porter Parsons.

CATTARAUGUS COUNTY.

To be reorganized.

CAYUGA COUNTY.

Residence, Auburn.—Frank W. Richardson, Dr. W. S. Cheeseman, Mrs. Charlotte C. Bates, Mrs. Miles Perry, Mrs. John W. Haight.

Residence, Union Springs.—Mrs. Mary H. Thomas.

Residence, Weedsport.—Homer Rheubottom.

Residence, Aurora.—Lansing Zabriskie.

CHAUTAUQUA COUNTY.

- Residence, Mayville.—Hon. Albion W. Tourgee, Rev. J. H. Miller, William Chase.
 Residence, Fredonia.—M. S. Moore.
 Residence, Westfield.—Alfred Patterson.
 Residence, Jamestown.—Hon. Jerome C. Preston.

CHEMUNG COUNTY.

- Residence, Elmira.—Z. R. Brockway, Rev. C. H. McKnight, Casper G. Decker, Isaiah B. Coleman, Albert Dense.

CHENANGO COUNTY.

- Residence, Norwich.—Daniel M. Homes, Cyrus B. Martin.

CLINTON COUNTY.

- Residence, Plattsburgh.—Henry Orvis, Rev. Francis B. Hall.
 Residence, Keeseville.—Hon. Henry Kingsland, 2d.

COLUMBIA COUNTY.

- Residence, Hudson.—Judson McGinnis, Robert V. Noble.

CORTLAND COUNTY.

- Residence, Cortland.—Lewis Bouton, Frank Place.
 Residence, Homer.—Thomas S. Ranney.

DELAWARE COUNTY.

- Residence, Delhi.—Mrs. W. H. Griswold, Mrs. F. Jacobs, Jr., Mrs. W. Youmans, Dr. H. A. Gates, Mrs. H. A. Gates, Mrs. C. A. Frost, Rev. F. H. Seeley, Rev. J. S. Robinson, James Penfield, Mrs. James Penfield, Adam Scott, Mrs. Adam Scott.

DUTCHESS COUNTY.

- Residence, Poughkeepsie.—Edmund P. Platt, Robert F. Wilkinson, Warren G. Cowee.

ERIE COUNTY.

- Residence, Buffalo.—C. B. Armstrong, Wm. H. Gratwick, Geo. F. Carey, A. C. Sherman.

ESSEX COUNTY.

- Residence, Elizabethtown.—Francis A. Smith, Richard L. Hand, Abijah Perry, Robert W. Livingston.

FRANKLIN COUNTY.

- Residence, Malone.—F. T. Heath, Hon. John L. Gilbert, J. P. Badger, Newcomb H. Munsill, Julius C. Saunders, Martin E. McClary, Charles Ferry, Frederick G. Paddock, Charles L. Hubbard, Henry A. Miller, Rev. J. W. Ashworth, Rev. Charles S. Richardson, Rev. W. G. W. Lewis, Rev. I. D. Peaslee.

FULTON COUNTY.

- Residence, Gloversville.—Dr. Eugene Beach.

GENESEE COUNTY.

- Residence, Batavia.—Professor Gardner Fuller, Hon. J. B. Holmes, Rev. J. H. Durkee.

GREENE COUNTY.

- Residence, Catskill.—Hon. Emory A. Chase, Hon. John H. Bagley, Hon. James B. Olney, Hon. Sylvester B. Sage, Gen. Wm. S. C. Wiley, S. Grosvenor Austin, Mrs. Benjamin Wey, Mrs. Harriet Penfield.
 Residence, Greenville.—P. McCabe, M. D.
 Residence, Coxsackie.—Hon. Platt Coonley.

HAMILTON COUNTY.

- Residence, Wells.—G. B. Morrison.
 Residence, Sageville.—William H. Fry.

HERKIMER COUNTY.

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

JEFFERSON COUNTY.

- Residence Watertown.—Rev. Richard G. Keyes, Jesse M. Adams, John C. Knowlton.

KINGS COUNTY.

Residence, Brooklyn.—William H. Male, Lester W. Beasley, Henry R. Jones, Dr. A. Matthewson, George H. Fisher, Henry Batterman, Isaac H. Cary, Alexander Forman, Dr. T. J. Backus, George C. Bracket, Hon. Charles A. Schieren, Abbott L. Dow, C. D. Wood, E. H. Kidder, Albert C. Perkins, Willis L. Ogden, Thomas S. Moore, Franklin Allen, Churchill H. Cutting, F. P. Bellamy.

LEWIS COUNTY.

Residence, Lowville.—J. Carroll House.

LIVINGSTON COUNTY.

Residence, Geneseo.—John H. Milne, Ph. D., Rev. C. H. Boynton, Ph. D.

Residence, Mt. Morris.—John F. Connor.

MADISON COUNTY.

Residence, Morrisville.—D. D. Chase, H. P. Meade, Lucius P. Clark.

Residence, Oneida.—W. R. Williams.

MONTGOMERY COUNTY.

Residence, Fonda.—Rev. W. Frothingham, David M. Hough, Clinton Rogers, Rev. James H. Dennis, Harvey Remington, William B. Hale.

MONROE COUNTY.

Residence, Rochester.—Quincy Van Voorhis, Col. J. S. Graham, Hon. W. S. Hubbell, E. O. Sage, Gilman H. Perkins, Charles E. Fitch, Hon. Thomas Raines.

NEW YORK COUNTY.

The association committee on detentions and discharged prisoners.

NIAGARA COUNTY.

Residence, Lockport.—M. H. Webber, Dr. J. B. Hartwell, Mrs. Robert Norton, J. S. Helmer, Rev. P. Cannon, Mrs. Burt Van Horn, Mrs. A. L. Dietrick, William H. O'Keefe, Moses Brady.

ONEIDA COUNTY.

Residence, Utica.—Col. Theodore P. Cook, Hon. P. J. Bulger, Wm. Blakie, Rev. T. J. Brown, D. D., Rev. J. Frank Leland, Rev. Dr. Lynch, Mrs. Francis W. Roberts, Mrs. W. G. Bussey, Dr. Smith Barker, Geo. Curran, Rev. Jas. D. Colby.

Residence, Whitesboro.—Mrs. Martha L. Whitcher.

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

Residence, Rome.—Hon. R. C. Briggs, Mrs. W. J. Kingsley.

ONONDAGA COUNTY.

Residence, Syracuse.—G. L. Bonta, Hon. W. H. H. Gere, Timothy Hough, M. W. Hanchett, Dr. E. E. Van DeWalker, A. L. Merriek.

ONTARIO COUNTY.

Residence, Canandaigua.—Mrs. Collins Hart, Hon. James C. Smith.

Residence, Geneva.—T. C. Maxwell, Arthur P. Pease.

ORANGE COUNTY.

Residence, Newburg.—John L. Sloat, Charles Estabrook, Col. G. H. Weygant, Joseph Van Cleft, Dr. R. V. K. Montfort, Uriah Traphagen, Miriam Lozier.

Residence, Goshen.—Dr. J. H. Thompson, Rev. Floyd A. Crane, George H. Mills.

Residence, Middletown.—Hon. J. D. Friend, Hon. J. G. Wilkin.

ORLEANS COUNTY.

Residence, Albion.—Daniel W. Frye, U. C. Rogers, Eldridge Chester, J. W. Hart, Arthur Eddy, J. W. Barnett, Frank Morgan, George Clark, B. F. Kittridge, S. W. Smith.

OSWEGO COUNTY.

Residence, Oswego.—George C. McWhorter, Gilbert Mollison, J. A. Place, Chas. H. Butler, John T. Mott, Henry H. Lyman, Rev. Lewis Halsey, D. D., S. S. Sherman, S. M. Coon.

Residence, Pulaski.—N. B. Smith.

Residence, Fulton.—D. W. Gardner.

OTSEGO COUNTY.

Residence, Cooperstown.—G. P. Keese, Dr. W. T. Bassett, Mrs. J. Warren Lamb, Robert I. MacBride.

PUTNAM COUNTY.

Residence, Carmel.—James R. Weeks, Jas. A. Zickler, Rev. H. B. Warring, Miss Ida M. Blake, G. E. Reed.

QUEENS COUNTY.

Residence, Great Neck.—John Keese.
 Residence, Hempstead.—Valentine Clowes.
 Residence, Westbury.—Benjamin D. Hicks, Mrs. James Willets.
 Residence, Astoria.—Rev. Washington Rodman, Miss E. H. Rodman, Dr. J. D. Trask.

RENSELAER COUNTY.

To be appointed under new rules.

RICHMOND COUNTY.

Residence, New Brighton.—A. B. Boardman, John H. Pool, R. B. Whittemore, Oswald N. Cammann, Ed. M. Miller, Miss H. Iner, Mrs. J. K. West, Mrs. Wm. Davidge.
 Residence, West New Brighton.—Rev. Pascal P. Harrower, L. F. Whitin, F. O. Boyd.
 Residence, Richmond.—Dr. J. S. Millsbaugh, T. W. Fitzgerald, Capt. A. G. Hall, Miss Louise Moore.
 Residence, Clifton.—David Marsh, Miss Ripley.
 Residence, Grimes Hill, Tompkinsville.—A. D. Irving.

ROCKLAND COUNTY.

Residence, Haverstraw.—Alonzo Wheeler.
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 Benson, S. L., clothing.
 Beuthned, B. S., reading matter.
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APPENDIX.

CHARTER OF THE PRISON ASSOCIATION OF NEW YORK.

AN Act to incorporate the Prison Association of New York.

Passed May 9, 1846, by a two-thirds vote.

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

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

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

ARTICLE I.

The objects of the association shall be:

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

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

ARTICLE VI.

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

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

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

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

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

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

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

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

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

STATE OF NEW YORK:

IN SENATE, *May 8, 1846.*

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

Resolved, That the bill do pass.

By order of the Senate,

A. GARDINER,
President.

*See section 24.

STATE OF NEW YORK:

IN ASSEMBLY, April 24, 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,

A. 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 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 prisons; to exhibit to them, on demand, all the books, papers, documents and accounts pertaining to the prison or to the detention of the persons confined therein, and to render them every facility in their power to enable them to discharge the duties above described. And for the purpose of obtaining the necessary information to enable them to make such reports 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.

*See section 20 in last revision.

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BY-LAWS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 of making the best arrangements for his future employment.

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners and applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

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

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

X. It shall be the duty of the committee on prison discipline: To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: Health, reformation, convict labor, administration and internal police, comparison of different prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

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

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

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