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SEVENTH REPORT  
(for 1851)

OF THE

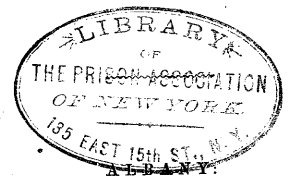
PRISON ASSOCIATION

OF

NEW-YORK:

INCLUDING A LIST OF

THE OFFICERS AND MEMBERS.



CHARLES VAN EENTHUYSEN, PRINTER TO THE LEGISLATURE.

1852

1851

State of New-York.

No. 123.

IN ASSEMBLY, APRIL 10, 1852.

Seventh Annual Report of the New-York Prison Association.  
(for 1851)

NEW-YORK, April 9, 1852.

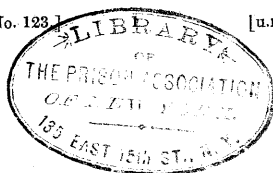
To the HON. the SPEAKER,  
*Of the House of the Assembly of the State of New-York:*

SIR—In compliance with the sixth section of the charter of the New-York Prison Association, I herewith transmit the seventh annual report of said association, and request that you will present the same in behalf of the Association to the Legislature.

I am very respectfully,  
Your obedient servant,  
JOHN D. RUSS,  
*Cor. Sec'y Prison Association.*

[Assembly, No. 123.]

[u.n. & 1000.]



OFFICERS OF THE PRISON ASSOCIATION OF NEW-YORK FOR  
1852.

*President.*

HON. WILLIAM T. McCOUN,  
Justice of Supreme Court.

*Vice-Presidents.*

ABRAHAM VAN NEST, Esq.,  
Merchant.

HON. BENJAMIN F. BUTLER,  
HON. JOHN W. EDMONDS,  
Justice of Supreme Court.

HON. JOHN DUER,  
Judge Superior Court.

*Treasurer.*

WILLIAM C. GILMAN, Esq.,  
Merchant.

*Recording Secretary.*

REV. THOMAS GALLAUDET,  
Prof. Deaf and Dumb Institution.

*Corresponding Secretary.*

JOHN D. RUSS, M. D.

EXECUTIVE COMMITTEE.

*Chairman*—RENSSELAER N. HAVENS.

*Finance Committee.*

ISRAEL RUSSELL,  
DR. E. FARMLY,  
FREEMAN HUNT,

WILLIAM CHAUNCEY,  
JAMES H. TITUS,  
WILLIAM C. GILMAN,  
CYRUS CURTISS.

*Detention Committee.*

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WILLIAM WALN DRINKER,  
JOHN HOPPER,  
ABNER BENEDECT,  
JOSEPH MCKEEN,  
JOHN H. KEYSER,

JOHN BIGELOW,  
GEORGE E. BAKER,  
DR. EDWARD BLEECKER,  
MARCUS MITCHEL,  
WILLIAM C. RUSSELL,  
JOHN COCKRANE.

*Prison Discipline Committee.*

HON. JOHN DUER,  
BENJAMIN F. BUTLER,  
RENSSELAER N. HAVENS,  
DR. T. A. TELLKAMPF,  
JOHN D. RUSS, M. D.,  
JOHN H. GREGG, M. D.,

JOHN STANTON GOULD,  
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PHILIP S. VAN RENSSELAER,  
LYMAN COBB,  
JOHN JAY.

*Discharged Convict Committee.*

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JAMES S. GIBBONS,  
RICHARD REED,  
BENJAMIN FLANDERS,  
WILLIAM C. ROGERS,  
BENJAMIN B. ATTERBERRY,  
JOHN W. C. LEVERIDGE,

JACOB VAN NOSTRAND,  
ISAAC LEWIS PEET,  
CHARLES PARTRIDGE,  
HENRY POOR,  
TIMOTHY A. HOWE,  
GEORGE WALKER,  
OLIVER H. WELLINGTON.

1851  
HONORARY MEMBER OF THE PRISON ASSOCIATION.

OSCAR 1st, King of Sweden and Norway.

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G. DE BEAUMONT, }  
M. CH. LUCAS, }  
M. DEMETZ, membre du Conseil General du Department du Siene-et-Oise, etc.,  
Paris.  
M. G. BLOUET, Architect du Gouvernement.  
J. G. PERRY, Esq., Inspector of Prisons of Great Britain.  
COL. JEBB, Surveyor General of Prisons and Director of the Convict Prisons of  
Great Britain.  
EDWIN CHADWICK, Esq., London.  
DR. VERDEIL, Member of the Great Council, Vice President of the Council of  
Health, at Lausanne, Switzerland.  
Dr. GOSSE, Geneva, Switzerland.  
JACOB POST, Esq., London.  
Rev. L. DWIGHT, Secretary of Prison Discipline Society, Boston.  
FRANCIS LIEBER, Professor of History and Political Philosophy, Columbia,  
S. C., Cor. Memb. of the Institute of France.  
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DR. VARENTRAP, Germany.  
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Prof. NATHAN DAVID, Copenhagen, Denmark.  
CHARLES SUMNER, Esq., Boston.  
Prof. I. L. TELLKAMPF, Berlin, Prussia.  
JOHN HAVILAND, Prison Architect, Philadelphia.  
GEORGE SUMNER, Esq., Boston.

N. B. The Physician and Warden of each Penitentiary are, *ex officio*,  
Corresponding Members of the Executive Committee.

## HONORARY LIFE MEMBERS OF THE EXECUTIVE COMMITTEE,

BY PAYMENT OF ONE HUNDRED DOLLARS OR UPWARDS.

*City of New-York.*

BOORMAN, JAMES

BROWN, JAMES

CROSBY, WM. B.

DELANO, JAS. WARREN

MINTURN, ROBERT B.

PARKER, CHARLES

WALKER, JOSEPH

WOOD, WILLIAM

*Troy, N. Y.*

REV. WM. ANDREWS,

REV. DR. BEEMAN.

*Poughkeepsie, N. Y.*

REV. H. G. LUDLOW.

*Hudson, N. Y.*

REV. MR. DARLING.

*Merriden, Conn.*

REV. G. W. PERKINS.

1851

## LIFE MEMBERS

*Of the Association, by payment of twenty-five dollars and upwards.*

Alsop, J. W.,

Aspinwall, W. H.,

Astor Wm. B.,

Barelay, Anthony,

Bard, John,

Barron, Thomas,

Bartlett, Edwin,

Beebee, S. J.,

B—— J. Jas.,

Belmont, August,

Bennett, Jas. G.

Benzon, E. L.,

Blanco, B.,

Brevoort, H.

Brevoort, J. Carson,

Bridge, L. K.,

Bridge, John,

Bronson, Mrs. Arthur,

Brooks, Sidney,

Broom, S.,

Brown, Stewart,

Brown, Jas.,

Bruce, Geo.,

Bushnell, O.,

Butler, B. F.,

Bliss, Ira,

Chauncey, Henry,

Collins, E. K.,

Curtiss, Cyrus,

Daly Chas. P.,

Derham, H. C.,

Douglass, Wm. H.,

Duer, John,

Edmonds, J. W.,

Engs, P. W.,

Field, R. H.,

Field, H. W.,

Fish, Hamilton,

Foster, Jr., James,

Freeland, J.,

Furniss, W. P.,

Garner, F.,

Gilson, John,

Graham, J. B.,

Gregory, D. S.,

Green, J. C.,

Grinnell, Henry,

Grosvenor, Jasper,

Halstead, Wm. H.,

Hedges, Timothy,

Herrick, J. K.,

Herring, S. C.,

Horn, Jas.,

Howland, G. G.,

Howland, S. S.,

Howland, Edgar W.,

Hunt, Thos.,

Hussey, George F.,

Irwing, Richard,	Pell, F.,
Jay, John,	Phalon, J.,
Johnson, Alex. S.,	Ray, Robert,
Johnston, John,	Rhineland. Wm. C.,
Jones, James J.,	Robert, C. R.,
Jones Walter R.,	Roosevelt, C. V. S.
Kirkland, S.,	Ruggles, S. B.,
Langdon, Mrs.,	Russell Israel,
Leeds, Sam'l.,	Sampson, Joseph,
Leyray, Jacob,	Sands, David,
Leray, Jacob, R.,	Schermerhorn, Peter,
Leupp, C. M.,	Selden, Dudley,
Lord, Rufus L.,	Sherman, Austin,
Lorrillard, Jr., Peter,	Spencer, Wm. A.,
Low, Cornelius,	Sturges, Jonathan,
Low, Nicholas,	Styrvant, Gerard,
Mann, A.,	Talbot, Chas. N.,
Mathews, J.,	Titus, Jas. H.,
McBride, Jas.,	Townsend, S. P.,
McCoun, Wm. T.,	Van, Nest, Abraham,
Morgan, E. D.,	Vannostrand, James,
Murray Lindley,	Van Rensselaer, P. S.,
Morgan M.,	Walker, W.,
Navis R. H.,	Wards, A.,
Nevell, Wm.,	Wardmore, P. M.,
Perie, A.,	White, Ely,
O'Connor, C.,	Whitney, Wm. E.,
Olyphant, D. W. C.,	Winthrop, B. R.,
Palmer, Wm.,	Wilderming, Wm. E.
Palmer, John J.,	Wolfe, John D.,
Parmly, E.,	Woolsey, E. J.,
	<i>Salisbury, Herkimer Co., N. Y.</i>
Burrell, D.	<i>Brooklyn, L. I.</i>
Packer, Wm. S.	<i>Poughkeepsie, N. Y.</i>
Vassar, M.	<i>Waterbury, Conn.</i>
Rev. J. C. Ark.	Rev. Mr. Elliott.
Rev. Mr. Searles.	<i>Merriden, Conn.</i>

## SUBSCRIPTIONS

*And Donations from Jan. 1, 1851, to Dec. 31, 1851.*

A. H. & Co.,	\$5
Aspinwall, W.,	25
Aldrich, McCurdy & Spencer,	10
Abeel, J. H.,	10
Appleton, D. & C.,	5
Austin, Henry,	2
Adams, W. H.,	10
Allen, Hazens & Co.,	10
Adams & Co.,	10
Brady, J. T.,	10
Benedict, E. C.,	5
Bartholomew, F. H.,	5
Benedict, A.,	3
Brown, Jas.,	50
Brown, Miss Mary,	20
Bradish, Johnson,	10
Bull, Wm. G.,	5
Buck & Blunt,	5
Bard, John,	25
Badger, J.,	10
Bridge, Geo.,	5
Bartlett, Edw.,	25
Borceau & Rusch,	10
Boncheau, Joseph,	5
Butterworth, J. F.,	5
Bradford, A. W.,	5
Behee, S. J.,	35
B. J. James,	25
Barney, Hiram,	5
Boorman, B.,	5

Bennet, Jas. G.,	25
Bushnell, Orasmus,	25
Bryant, Wm. C.,	5
Crosby, Wm. D.,	30
Cochrane, John,	10
Corning, E. (Albany),	10
Cottenet, F. & Co.,	20
Cary & Co.,	15
Cameron & Brand,	10
Cooper, Peter, \$10, \$10,	20
Coe, Fred. B.,	5
Case,	1
Caswell, John,	10
Colman & Stetson,	10
Cambreling, S.,	10
Clark & Wilson,	5
Cammon, O. J.,	10
Crapo, S.,	5
Colgate, Mrs. Jane,	5
Colgate, Mrs. C. C.,	5
Cammon & Whitehouse,	10
Corning, J.,	5
De Bham, H. C.,	10
De Coppet, L. E.,	5
Douglass, Wm.,	50
Donaldson, Jas.,	10
D. S. D.,	2
Delano, Warren,	50
Dillon, Robt.,	5
Duggan, Wm. T.,	5
Dow, M. T.,	5
Douglass, J. B.,	5
Doubleday & Beak,	5
Dantford, Bailey & Co.,	5
Drew, Robinson & Co.,	25
Delaney, J. T.,	5
Day, C. D.,	5
De Witts, Esqrs.,	5
Earl & Porter,	5
Edwards, Alfred,	10

Edwards, Chas.,	3
Essenween, F.,	5
Ferguson & Sherman,	3
Foster, Thos. R.,	5
Goodman, R.,	5
Grant & Barton,	5
Gordon & Talbot,	5
Goodhue & Co.,	25
Gibson, John,	30
Graves & Booren,	25
Greeley, H.,	10
Gregory, S.,	5
Gillilon, E. W.,	10
Hall, Francis,	10
Herring, S. C., \$10, \$10,	20
Hall, J. B.,	5
Hendricks, Mrs.,	5
Hargous,	10
Hurd,	3
Haskell, Merrick & Bull,	10
Hatch, Geo. W.,	5
Haydock, R.,	5
Hoose, Fred.,	5
Hendricks Bros.,	5
Handford, S. H.,	15
Haight, Halsey & Co.,	10
Hargous Bros.,	10
Hubbard, J. W.,	5
Hunt, W. G.,	5
Harmony & Nephews,	10
Howland, S. S.,	25
Haggerty, Ogden,	10
Harbeck, W. H.,	5
Holmes, A. B.,	5
Hicks, Miss A. T.,	3
Hopkins & Wiston,	25
Irvin, Richard,	10
Irving, J. T.,	5
Jay, John, \$10, \$25,	35

Jones, Walter R.,	10
Jeffries, Geo.,	5
Johnson, Alex. S.,	25
Kirby, L. & P.,	10
Kirkland, Chas. P.,	25
Knapp, S.,	10
Kiggings & Kellogg,	5
Lottimer & Large,	10
Lawrence, J.,	5
Lee,	1
Libby, J. S.,	5
Livingston, Maturin,	10
Long & Davenport,	5
Moran & Iselin,	10
Moore, Dunlap A.,	10
Milhau, John,	5
Mangun, W. D.,	5
McBride,	3
Morgan, Homer,	10
Morgan, G. D.,	5
Montgomery, Jas.,	5
Mann, A.,	25
Morgan, E. D.,	10
Mathews, J.,	25
Morgan, Mrs. E. D.,	5
McLean, Geo. W.,	5
Moore, W. M.,	5
Norrie, A.,	25
Naylor & Co.,	25
Nevins, D. H.,	10
Nevins, R. H.,	40
Newcomb, C.,	5
Notman, P.,	5
Oakes, Joseph,	10
Oelrich & Co.,	5
Oppenheim, J. M., & Co.,	5
O. W. H.,	3
Otto,	2
Olliver,	2

Olcott, McKisson & Robbins,	5
Paine, J.,	5
Phelps, Dodge & Co.,	20
Pillsbury, Amos, (Albany.)	5
Polanca, R.,	10
Perkins, Dennis,	5
Phipps, W. & S. & Co.,	5
Putnam, G. P.,	25
Palmer, John J.,	5
Pearson, John J.,	5
Parolen, R. H.,	5
P. W. W. & Co.,	40
Reiss, Bros., & Co., \$15 & 25,	10
Rosevelt, C. & V. S.,	3
Rieh, J.,	50
Rawdon, Freeman,	35
Ray, Robert,	5
Redmond & Pearson,	5
Rhineland, W. C.,	25
Rankin, Duryea & Co.,	5
Schefflin Bros.,	15
Shefflin, H. H.,	5
Scheffelin, H. M.,	5
Spier & Christ,	5
Scott, Thos.,	5
Suarez, L. S.,	10
Slocum, Hiram, (Troy),	5
Suydam, J. A.,	5
Sands, A. B. & D.,	10
Sand, C. H.,	5
Shleiper & Haarhaus,	5
Schlessinger & Anderson,	5
Savory & Sons,	3
Saunders,	1
Sterling,	1
Sturges, J.,	25
Sherman & Collins,	10
Shipman, C. H.,	10
Spencer, Geo. G.,	5



Schermerhorn, John W.,	25
Stuyvesant, Gerard,	5
Stoughton, E. W.,	5
Spring, Gardiner,	5
Slosson, J.,	5
Sampson, G. G.,	5
Saroyer, W. B.,	5
Spaulding, J. J.,	5
Spencer, Wm. A.,	10
Stamford Manuf. Co.,	10
Talbot, C. N.,	25
Tweedy, O. B.,	10
Taylor & Merrill,	5
Townsend, S. P.,	25
Treadwell & Gould,	10
Tucker, John W.,	5
Townsend, Chas. A.,	5
Townsend, G. A.,	5
Von Scht & Co.,	5
Van Buren, J.,	5
Walker, J.,	10
W. M. W.,	5
Wilbur, J.,	5
Whitney, A. T.,	5
Wilson, D. M., & Co.,	25
Warren, W.,	5
Winslow, R. H.,	5
Wright, Aiziah,	5
Winslow, R. H.,	5
Ward, A.,	25
Wolfe & Gillespie,	25
Wilson, Hawksworth, Ellison & Moss,	10
Warren, James,	5
Willets, Sam'l,	5
Wheeler, W. A.,	5
Wight, Sturges & Shaw,	25
Whitlock, B. M.,	5
Williams, J. E.,	5
Walker, Wm.,	25
Williamson,	5

## SEVENTH ANNUAL REPORT

Of the Executive Committee of the Prison Association  
of New-York.

The Executive Committee of the Prison Association of New-York respectfully submit to the Legislature, that the attitude assumed towards us heretofore by the Board of State Prison Inspectors, has been adhered to by them during the past year, and now prevents a compliance with the duty enjoined by our charter, to report "the state and condition of all the prisons in the State."

In our last report we alluded to our institution of a suit, in the nature of a writ of mandamus, requiring the Inspectors to allow our examination, free and without supervision, of Sing Sing Prison and its inmates. The position in which we were placed before the Legislature by the report made January 7th, 1852, of the committee appointed at the last session of the Legislature, "to investigate the fiscal affairs, general management and discipline of the different State Prisons," with other circumstances which need be no further alluded to here, induced the hope that a voluntary withdrawal of the suit, would lead the Inspectors to reconsider their former decision, and open once more the prison doors for our entrance and examinations. Accordingly on the 13th day of February last, we directed our counsel to discontinue the suit altogether. The instructions to him were as follows:

PRISON ASSOCIATION ROOMS, }  
February 13th, 1852. }

Dear Sir: We are directed by the Executive Committee of the Prison Association, to request you to withdraw their proceedings against the Inspectors of the State Prisons.

In adopting this course the Association do not mean to abandon their claim which they have asserted in those proceedings. But they are persuaded that the cause of the opposition which they have hitherto met with has been removed by the result of the recent election; and they are confident in the belief that the Inspectors are now, and hereafter will be, influenced in their department towards the Association, by that single regard to the public interest which influences this executive committee.

And fully aware of the importance of cultivating harmony and good feeling between the Inspectors and the Association, they are willing to repose upon the justice of the Inspectors in due time, to acknowledge the propriety of the demand of the Association.

We are respectfully, your ob<sup>t</sup> serv<sup>t</sup>s,

J. W. EDMONDS,

R. N. HAVENS,

*Select Committee.*

L. B. SHEPARD, ESQ.

Whether this act will be met by corresponding magnanimity on the part of the Inspectors remains as yet undecided.

In self defence the committee are constrained to advert to the renewed attacks of the last Board of Inspectors upon our association, in their report for the year 1851, (Senate Doc. No. 35, for 1852, pp. 22 to 24.)

With a proper regard to the decorum which is due to the Legislature, it is difficult to characterize their remarks in befitting terms. The Inspectors, seemingly taking it for granted that the members of the Legislature have never thought it an object to examine the former reports of our association, have repeated arguments and statements, which we have heretofore refused to the letter; particularly in our reports for the year 1850, (Assembly Doc. No. 193,) and 1851, (Assembly Doc. No. 120.)

Yet it is due to our reputation, as well as to the position which we occupy before the public by virtue of our charter, that we emphatically deny the allegations made by them. They say (p. 22) that our committee of inspection to Sing Sing Prison had

made "another attempt to usurp the authority of the warden and interfere with his management of the prison." No committee of this association has during the past year, or at any other time, ever made such attempt. Of the same unwarrantable character is the insinuation conveyed in their remark on p. 24, that "the intelligent and respectable portion of the Association," (how or where the Inspectors run their dividing line through our body, they do not say,) imagine that we "possess a co-ordinate power in the management" of the prisons with themselves. We have never either imagined or asserted a claim to such power.

But more grave charges are those conveyed on pp. 22 and 23, that by the labors of our association, Sing Sing Prison previous to January 1843, was run into debt, nearly to the amount of fifty thousand dollars; that we had caused the free use of the lash, even to an inhuman extent; that our officers and members had approvingly witnessed the cruel lacerations of the prisoners; that under our influence the industrial affairs of the prison were neglected, "itinerant phrenologists introduced to examine the heads of convicts by way of ascertaining if they had been rightfully convicted," and "French romances and essays upon association and fourierism," supplied to its "moral department."— And to give point and piquancy to *their* romancing, the Inspectors are pleased to caution the Legislature against us as "sham philanthropists and hollow-hearted fanatics."

The entire inconsistency of these allegations with established facts, cannot be better shown than by reference to a summary of our investigations into the affairs of Sing Sing Prison, contained in our report for the year 1849 (Assembly Doc., No. 243, p. 13,) to which we respectfully ask the attention of the Legislature.

No *facts* reported by us have ever been denied by any Board of Inspectors; and those we have ascertained and disclosed, explain sufficiently well how far we have been instrumental in involving Sing Sing or any other Prison in debt, and in causing the cruel treatment of prisoners. The committee are at a loss how to disprove the assertion that the Association has heretofore introduced itinerant phrenologists and French romances into the prisons.

Our only reply is a simple and positive denial of the averment, in all its parts, essential and non-essential.

This fancy sketch of the Inspectors would be more complete, if they had explained *how* the Association was the means of involving the prison in debt; *how* and *when* and by what agents we caused the infliction of the cruel punishments they deplore; *who* were the itinerant phrenologists alluded to; and *what* were the romances and essays we supplied to their "moral department." For years the Inspectors have thus attempted to prejudice our association with the Legislature and the public, by vague generalities and insinuations.

We appeal now to the common sense and considerate judgments of our fellow-citizens, both in private and public life, whether such averments, unsupported by one attested, or even specified fact, are right or even decorous; and whether public officers whose conduct and acts affect, not the pecuniary interests of the State alone, but the physical and moral well being of large numbers entrusted solely to their discipline and control, shall thus be allowed to misrepresent the characters and motives of those to whom the law gives the power, and whose only object is to discover and state facts, the knowledge of which is essential to wise legislation. In contrast with this we have simply given to the Legislature clear and distinct statements of occurrences, under the eye, and allowed by the Inspectors, into the truth of which we desire, as required by law, to make investigation. And that abundant necessity existed therefore, is manifest from the report of the special legislative committee, (Assembly doc. No. 20, for 1852) especially from the letter of Dr. Fosgate, commencing on page 67.

From the very inception of our association, down to the present hour, in all our reports and publications, by the speeches and acts of our members, especially by our agency in framing the consolidated act of 1847 relative to State Prisons, we have endeavored to expose, rebuke and repress the tyrannous and cruel spirit wherewith some of our State Prison officers have exercised their authority. This is the true and principal rea-

son why our association has been so systematically misrepresented to the Legislature by the Inspectors; and especially by one of them, no longer in public life.

Had the committee appointed by the Legislature of 1851 "to examine the several State Prisons," been further directed to examine into the acts and doings of our association, we are persuaded that they would, if possible, more emphatically have recommended its objects and its past labors; and, with such examination, we shall, at all times, cheerfully acquiesce. The utility, nay, the necessity of our inspections were so apparent, that the committee say in their report made at the present session of the Legislature, (assembly doc. No. 52, for 1852:)

"Much good might have been done, if the act of the Legislature, passed May 9, 1846, had not been practically nullified by the Inspectors. That law provided for an annual inspection of the State Prisons, under the direction of the Chancellor, or a Judge of the Supreme Court or Circuit Judge, by members of the 'Prison Association' thereby incorporated, and directed them to annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

"The law was for a while faithfully executed, and several reports were made to the Legislature, replete with valuable information which had never before been obtained, in respect to the workings of our penitentiary system. The inspections were made by persons of high standing, over whom neither contractors nor officers could exert any influence, and a most salutary influence was produced by the constant apprehension of an inspection, which no acts of theirs could color or affect. Facts of much importance thus found their way to the ear of the Legislature which were not found in the reports of the Inspectors. But in 1848, the Inspectors adopted a regulation which allowed those inspections only upon conditions, which would render them utterly valueless, namely, that they should be conducted only in the presence of some officer of the prisons, to be selected by the Inspectors, and thus closing the door to the reception of information which could



STATE PRISONS.	PERIOD OF IMPRISONMENT.		Average length of imprisonment.	SEX.		Wholes No. confined.	Deaths.	PARDONS, & C. EXECUTED.		Productive laborers.	Unproductive laborers.
	Shortest period of imprisonment.	Longest period of imprisonment.		Native.	Foreign.			Pardoned.	Recommitments.		
Maine.....	38 mos.	3 yrs.	8 1/2	58	17	3	2	1	6	61	24
New Hampshire.....	2	20	10 7/8	57	14	3	1	14	10	69	7
Vermont.....	1	10	5	38	12	4	1	1	3	368	84
Rhode Island.....	1	10	3	25	12	4	4	1	1	14	28
Connecticut.....	2	6	3 1/2	627	283	89	6	22	42	604	28
New York.....	0	6	20	1	75	7	126	18	98	674	311
New Jersey.....	0	6	20	5	163	41	65	5	10	35	28
Pennsylvania.....	0	6	15	9	108	42	9	31	35	50	1
Maryland.....	1	2	10	6	10	8	2	1	1	15	14
Virginia.....	1	2	10	6	10	3	63	2	12	174	15
Arkansas.....	1	2	10	6	10	3	63	2	12	174	15
Ohio.....	1	2	10	6	10	3	63	2	12	174	15
Michigan.....	1	2	10	6	10	3	63	2	12	174	15
Illinois.....	1	2	10	6	10	3	63	2	12	174	15
District of Columbia.....	1	2	10	6	10	3	63	2	12	174	15
Iowa.....	1	2	10	6	10	3	63	2	12	174	15

## NOTES EXPLANATORY OF THE FOREGOING TABLE.

- a. *Maine*.—Among all other crimes, are attempts to poison, 1; incest, 1; polygamy, 1; assault to rob, 1. Total 4. Among the "average length of sentences," are 2 to be hanged, and 1 larceny, (12 years of age,) sentenced 4 years.
- b. *Vermont*.—No other facts stated.
- c. *Massachusetts*.—Among all other crimes are common and notorious thief, 19; incest, 1; assault with intent to ravish, 1; polygamy, 2; lewd and lascivious cohabitation, 2; attempt to burn dwelling house, 1; uttering counterfeit coin, 1; having in possession counterfeit coin, 1; attempt to break and enter a bank with intent to steal, 2; breaking and entering a vessel with intent to steal therein, 2; breaking and entering a vessel and stealing therein, 3; receiving stolen goods, 5; attempting to pick pockets, 1; sending threatening letters to extort money, 3; escaping from this prison, 1; stealing in a dwelling house, 1. Total 46.
- d. *Connecticut*.—No account of age, length of sentences or nativity. e. Among all other crimes are, theft, 20; horse stealing, 9; exposing child, 1. Total 30. (Crimes for those received during the year only.)
- f. *Auburn*.—Among all other crimes are, abduction, 1; crime against nature, 2; incest and attempt, 4; inveigling and kidnapping, 4; breaking jail, 1; embezzling, 3; receiving stolen goods, 4; receiving stolen money, 1. Total 17.
- g. *Sing Sing*.—Embraces male and female prisons. h. Among all other crimes are, incest, 2; mayhem, 3; sealing child, 1; poisoning, 4; carrying unlawful weapons, 3; sodomy, 2; abduction, 2; breaking jail, 2; receiving stolen goods, 7. Total 26.
- i. *Clinton*.—Among all other crimes, are writing threatening letters to obtain money, 1; assault with intent to maim, 1. Total 2.

- j. New Jersey.*—Among all other crimes are, atrocious assault and battery, 5; assault and battery, 19; assault with intent to rob, 2; horse stealing, 1; keeping disorderly house, 8; malicious mischief, 1; misdemeanor, 13; riot, 1; sodomy, 1. Total 51.
- k. Eastern Penitentiary, Pa.*—The age, crime, period of imprisonment, and birth, are for those only received during the year. *l.* Among all other crimes are, receiving stolen goods, 1; horse stealing, 6; conspiracy, 1; feloniously obtaining letters from mail, 1; keeping disorderly, bawdy house, 2; buggery, 1; riot, 19; attempt to poison, 1. Total 32.
- m. Western Penitentiary, Pa.*—Among all other crimes are, horse stealing, 7; conspiracy, 1; breaking in house, 1; mayhem, 1; embezzling letters, 2. Total 12.
- n. Maryland.*—No other facts stated.
- o. Virginia.*—Age for 3 not known. *p.* Among all other crimes are voluntary and malicious shooting, 4; voluntary and malicious stabbing, 1; unlawful and malicious shooting, 3; unlawful and malicious stabbing, 4; maiming with an axe, 1; wounding with stick, 1; assaulting and beating white man, 1; poisoning, 1; house-burning, 1; barn-burning, 1; burning stacks, 1; slave stealing 3; carrying off slaves, 8; aiding slaves to abscond, 3; horse stealing, 22; giving register to slave, 1; malicious cutting, 2; store breaking, 2. Total 60.
- q. Georgia.*—In consequence of the reports of this prison being published *biennially*, we are unable to state any other facts than the number in prison at the end of the year.
- r. Arkansas.*—Age of 4 not stated. *s.* Among all other crimes are, making and using counterfeiting instruments, 1; horse stealing, 7; stealing from U. S. mail, 1. Total 9. Nativity of 4 not stated. 112 is the whole number received since the first opening of the prison (May, 1841), and 32 remained in prison in November, 1848.

- t. Ohio.*—Crimes for 193, being those received during the year. No statement of period of imprisonment. *u.* Among all other crimes are assault with intent to rob, 1; horse stealing 35; incest, 1; malicious stabbing, 2; receiving stolen goods, 1; stealing bank bills, 2; stealing letters from mail, 1. Total 43.
- v. Michigan.*—Age not stated. Crimes and period of sentence for those received during the year. *w.* Among all other crimes are, horse stealing, 1; putting bill in circulation when no bank exists, 1; assault, with intent to commit incest, 1; seduction and incest, 1. Total 4.
- vv. Indiana.*—Among all other crimes are receiving stolen goods, 1; horse stealing, 1; incest, 1; retaining counterfeit apparatus, 1. Total 4.
- x. Illinois.*—Among all other crimes are, receiving stolen goods, 2; violating mail, 3; cutting telegraph pole, 1; kidnapping, 1. Total 7.
- y. District of Columbia.*—Among all other crimes are, receiving stolen goods, 1; stealing money and letters from U. S. mail, 3; receiving stolen money, 1. Total 5.
- z. Iowa.*—Among all other crimes are, assault, with deadly weapons, 2; gambling, 2; suffering gambling, 5; obstructing road, 5; shooting domestic animals, 1; assault and battery, 3; threats, 2; breach of peace, 1; sureties to keep peace, 6; bastardy, 1; contempt 2; overturning waggon, 1; selling liquor without license, 5. Total 36.
- But the energies of the Association are not devoted specially or mainly to prison discipline. We have other aims and objects equally interesting and perhaps equally important. The first of these is the care of the persons detained either as witnesses or for trial. As soon as suspicion has been directed towards an individual, and an arrest made, the duties of our Detention Committee commence, it being as much a part of our labor to protect the innocent, as to watch over the rights and see that justice is dispensed to the criminal.

The past year our services in this direction have been limited, as only the latter part of the time have we had an agent charged with this important duty. From our diary we extract the following account of the City Prison, (the principal House of Detention in this city) for the year ending the 31st of December, 1851.

FIRST DISTRICT PRISON.	White Males.	White Females.	Black Males.	Black Females.	Total.
Number in prison January 1.	125	51	15	7	198
Received during the year, ..	9,868	5,607	609	436	16,520
	9,993	5,658	624	443	16,718
Discharged, .....	8,129	3,958	476	309	12,872
Eloped, .....	2	.....	.....	.....	2
Deceased, .....	22	6	1	.....	29
Sent to Blackwell's Island, ..	1,548	1,631	117	124	3,420
" State Prison, .....	158	14	18	2	192
Executed, .....	2	.....	1	.....	3
Remaining in Prison Dec. 31	132	49	11	8	200
	9,993	5,658	624	443	16,718
In addition to the number received at the First District Prison, viz: .....	9,868	5,607	609	436	16,520
There were discharged from 2d District Prison, .....	1,895	577	44	30	2,546
" 3d District Prison, ..	1,977	628	70	51	2,726
Making the total number of commitments during the year, .....	13,740	6,812	723	517	21,792

	Males.	Females.	Total.
Number received who were natives, . . . .	3,393	1,508	4,901
"    "    "    foreigners, . . . .	11,070	5,821	16,891
	14,463	7,329	21,792
Who were married, .....	6,079	3,161	9,240
"    single, .....	8,043	3,535	11,578
"    widowed, .....	312	516	728
*Whose social relations were unknown, ..	129	117	246
	14,468	7,329	21,792
Who were of temperate habits, .....	1,766	573	2,339
"    intemperate " .....	12,697	6,756	19,453
	14,463	7,329	21,792
Who could not read, .....	4,346	2,491	6,837
"    read only, .....	1,621	2,865	4,486
"    read and write, .....	6,150	1,624	7,774
"    were well educated, .....	2,192	231	2,423
classically educated, .....	47	0	47
Whose education was unknown, .....	107	118	225
	14,463	7,329	21,792

Of these 16,520 were of the following ages, viz: Under 10 112 males, 63 females; between 10 and 15, 468 males and 79 females; between 15 and 18, 669 males and 146 females; between 18 and 21; 2,074 males and 579 females; between 21 and 30, 2,793 males and 2,465 females; between 30 and 40, 2,480 males and 1,733 females; Between 40 and 50, 1,292 males and 701 females; between 50 and 60, 450 males and 193 females; over 60, 112 males and 74 females. Total 10,477 males and 6,043 females, making a grand total of 16,520.

Some singular facts are here developed; the first that we shall notice is, that previous to the age of 21 the number of male prisoners is 2,855, and the number of female only 867; but between the ages of 21 and 30 the number of males is 2,793, and of females 2465; or in the period under 21 the female prisoners bear a proportion of 1 to 3 of the males, while between 21 and

\*Those designated as "Unknown," were insane, could not speak English, or refused to answer.





Although more than a month has elapsed since these forms were furnished to the Wardens, no returns have yet been made to us. This is the more to be regretted, as the spring of the year is the period when the largest number of convicts are set at liberty. The Warden of Sing Sing Prison has promised regular returns; and although the other Wardens have not as yet noticed our request, we cannot believe that so reasonable a wish, one productive of such unqualified good, and attended with so little trouble, can be denied by any keeper having the ordinary feelings of humanity. We shall thus anticipate for the coming year, a large accession to the number of these unfortunates applying for aid.

Up to the 1st of January last, the whole number of discharged prisoners disposed of by the Association since its commencement in 1845, is 1,854, viz: by the male department 977, and by the female department 877. The following is the condition of the males as far as ascertained.

Doing well,.....	225
Hopeful,.....	470
Doubtful,.....	126
Returned to prison,.....	19
Unknown,.....	137
Total,.....	<u>977</u>

And the female department has disposed of their inmates in the following manner:

Found situations for,.....	312
Returned to their friends,.....	51
Returned to evil courses,.....	114
Left without permission,.....	9
Left to find places,.....	35
Sent to Hospital,.....	46
Sent to Magdalen Asylum,.....	6
House of Refuge,.....	1
Tombs,.....	4

Colored Home,.....	1
Rosine Philadelphia,.....	2
Alms House,.....	9
Female Guardian Society,.....	1
Lunatic Asylum,.....	3
Randall's Island,.....	1
Ward's Island,.....	1
House keeping,.....	2
Discharged for improper conduct,.....	24
Not being proper subjects for THE HOME,.....	15
IN THE HOME,.....	29
*Unknown,.....	211

The committee deem it a duty to invite the attention of the Legislature to a disregard of the provisions of the act of 1847, by the prison authorities which, though seemingly trivial, is we fear not infrequently attended with evil consequences. When a convict is discharged from prison, the demands of the law are satisfied; and to send him forth into the world, under circumstances almost compelling his return to dishonest practices, may be, the perpetration of as great a wrong on him, as were the frauds or violence for which he has had to pay the penalty to the State. Such, doubtless, was the humane and equitable motive, which prompted the direction to the Inspectors (Sec. 48,) to furnish convicts on their discharge necessary clothing not exceeding ten dollars in value, and a sum of money not exceeding upon an average three dollars to each convict, and also the sum of three cents for each mile to his place of residence, if within the State, or of conviction." It is difficult to say why so plain a direction is unheeded; yet the fact is that many of those that have called at our office on their discharge, are clothed in the cast off garments of other convicts, unsuited to their size and figure; and in some instances torn and ragged. Surely it cannot be considered 'mock philanthropy,' to protest against this turning a man adrift with the mark of a *jail bird* on his very clothing. Who will yield him confidence in this condition, or receive him into the associations of the field, the factory or the shop?

\* No record of the disposition of the inmates for the first two years.

Moreover, the sum of money (\$3) allowed to a convict on his discharge, is barely sufficient to maintain him for a week, and within that time he must procure honest employment, or go to the Alms house, or to prison again, for bread. Thus society legislates for the perpetuation of the very evils which it punishes. Is it not an inquiry worthy of attention, whether the convict should be allowed some portion of his earnings while in prison? And would not this be a stimulus, to the formation of habits of obedience to law, of industry and economy?

But the custom pursued at our prisons, is in another particular more flagrantly wrong. Section 48 of the Act of 1847, also provides that the Inspectors shall "take charge of money and other articles brought by the convicts to the prison, and return the same to them on their discharge." These "other articles" too frequently disappear during a convict's confinement. Not only is his clothing treated as a forfeiture to the State as well as his liberty, but even mementos of affection, for convicts are susceptible of attachments and have sensibilities like other men, are sometimes cast aside or destroyed with a want of feeling not particularly commendable in the administrators of justice. Apart from the cruelty of such deed, here is an absolute destruction of property, which no act of the owner or operation of the law had alienated from him. And in all cases, where the letter of the statute is not complied with, to return to the convict on his discharge, "the money and other articles" brought by him into prison, there is as clear an act of felony as in picking a man's pocket. What an example this, to the convict!

The law should specify the articles of clothing to be furnished to the convict on his discharge, which it evidently contemplates shall be in addition to their own, the return of which is provided for by the statute; and either by an officer appointed for this purpose, as in the State of Massachusetts, or by arrangement with this Association, provision should be made to aid all who need assistance, in entering on a life of useful and honest industry. The condition of a discharged convict is sad enough, at the best; he feels that he is a marked man, go where he may. But when the State itself, by its officials, despoils him of small matters, of

value to no one perhaps, but himself, when its mandate to him is, "Go now and work; for there shall be no straw given you, yet shall ye deliver the tale of bricks;" when all men frown upon him and there is none to pity, what wonder is it that he considers society his enemy, and seeks vengeance at the most reckless cost?

By section 108, of the law of 1847, it is provided that "No keeper in any State Prison, shall inflict any blows whatever upon any convict, unless in self-defence or to suppress a revolt or insurrection. If in the opinion of the warden of such prison, it shall be deemed necessary in any case to inflict unusual punishment in order to produce the entire submission or obedience of any convict, it shall be the duty of such warden to confine such convict immediately in a cell, upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance to such convict shall be prescribed by the physician, whose duty it shall be to visit such convict and examine daily into the state of his health, until the convict be released from solitary confinement and returned to his labor."

From the reports which this committee have heretofore had the honor to submit; from the evidence of Dr. Fosgate, and from other testimony presented to the Legislature in the report of the committee appointed to examine the several State Prisons (Assembly doc. No. 20, January 1852), as well as from a recent trial before the court of Special Sessions at Sing Sing, Justice Urmey presiding\* (the case of the people against Henry Hagan for assault and battery with intent to kill,) it appears that other punishments than solitary confinement upon short allowance have been inflicted, and are in almost daily use in all our State Prisons, and that those punishments are of so unusual and aggravated a character as to endanger not only the health but the lives of the convicts.

It seems worthy of the attention of the Legislature, whether the present law should not be so altered as to allow of the use

\* See Appendix to this report.

of the water bath, yoke, &c., as punishments; or adopt some other method of relieving the prison authorities from responsibility to the criminal law, for their application, of these extra legal or illegal correctives to their refractory subjects! or if it be thought unadvisable to change the statute, as we sincerely trust it may never be, should not some method be adopted to secure a compliance with its provisions on the part of the officers, and thus save them from the hazard of being themselves subjected to the felon's doom?

The ladies to whom is confided by our Association, the care of discharged female convicts, in accordance with our charter, have during the past year, continued their self denying and sometimes discouraging labors, with undiminished zeal and constancy.

In this department of our labors we meet with cheering instances of reform, to animate us while combating with opposition on the part of the authorities, and with indifference or ignorance on the part of many of those who call themselves by the name of Him, whose errand to earth was to "bind up the broken hearted and to preach deliverance to the captive."

In conclusion we respectfully invite the attention of the Legislature to the following extract from our report for 1851:

"It has long been our desire to present the condition of our prisons to the Legislature, comparing their management and influence both on the habits and character of the prisoners, and the well being of society, with that of prisons conducted on different systems in other states or countries. To this end we have collected valuable materials in the shape of reports of inspectors and wardens, discussions, reviews and pamphlets by able and enlightened statist, penologists and philanthropists, and by correspondence with gentlemen of intelligence both in our own country and in Europe. We now need but little else to enable us to bring this subject in a proper manner before the Legislature, than the examination of our own prisons. Laborious as the undertaking must necessarily be, yet well knowing the amount of posi-

tive good which may be effected, we shall gladly devote ourselves to the task as soon as we can resume our duties under our charter, or we shall be called upon by the Legislature."

All of which is very respectfully submitted.

By order of the Executive Committee.

R. N. HAVENS.

Chairman.

JOHN D. RUSS,

Corresponding Secretary.

New-York, April 3, 1852.

## APPENDIX.

### COURT OF SPECIAL SESSIONS.

SING SINE, March, 20, 85 2.

JUSTICE URMY, Presiding.

*The people agt Henry Hagan.*—Examination of the defendant on a charge of assault and battery with intent to kill. A. Hyatt Esq., counsel for the people; A. H. Wells, Esq., counsel for defendant

The prosecution was opened by calling as a witness James H. Ashton, who being duly sworn, deposed and said:—That on the 17th of March inst., between 1 and 2 o'clock, I went to the prisoner and told him to count out his work when he got through with it. The work was punching holes in hame irons. He said he did not know any thing about counting it out. I told him again he must count it out, he said he would not, and that if it was necessary, I might count it myself. I said, Hagan you know the consequence of talking in that way and refusing to do as you are told. He said he did not care a d—n for the officers and the rules of the institution, and at the same time jumping on to his feet. I told

him to sit down, he refused; I told him a second time to sit down. I told him to stand back, and at the same time gritting his teeth and clenching his fist. Expecting to be attacked by his fist or a cane, I turned round and got my cane, and as I turned to Hagan was coming towards me with a large wrench; it was an iron wrench, 18 inches long, used for punching holes in hame irons. I raised my cane to prevent him coming towards me, and struck him. He struck off my blow and hit me on the wrist; then I clinched the wrench in my left hand and pushed him down over a hame iron rack. He jerked the wrench out of my hand and struck me on my head. He then got up and threw me down on some boxes, and struck me again when I was down with the same wrench on my temple. I got up and wiped the blood from my eyes and found him with a large blacksmith's poker. He was prevented from coming at me again by other convicts. I then sent for

relief. Mr. Andrews, Mr. Christie, and Mr. Foster, came and took him out. I am a keeper in the Sing Sing prison. Hagan was coming towards me when I first struck at him, and had told me to stand back. I had punished Hagan at different times previously for bad conduct.

*Cross-examined.*—I have been a keeper in that shop since August last, during all of which time Hagan has been there as a convict. I have punished him three or four times during that period.

I showered him once for tearing his bed; I shaved his head once for having a razor and a looking glass in his room, and I put him in a dark cell for breaking the lever of his punch. Two of these punishments were by order of the warden, the other was directed by Mr. Lent. Mr. Christie reported him for tearing his bed, and I saw him break his wrench carelessly. He did not resist either punishment, except the shower bath for tearing his bed. He said at first he would not go into the path, but finally did go in without force or violence. It is not unusual for convicts to threaten, talk, get angry, and say they will not obey. *Hagan never made any attempt at resistance except on this occasion! Hagan made no attempt to strike me until I struck at him, and in warding off my blow he hit me upon my wrist.* After that I clinched the wrench and pushed him back, and he fell upon the rack. *I know that keepers have no right to strike convicts except in self-defence. I never struck a convict before. Convicts have refused to obey me but never clenched their fists to me.*

I had a difficulty with convict McMannis a short time previous to this, who refused to work. He was sent to punishment, and in leaving the shop he shook his finger at me in a threatening manner. After this quarrel, Hagan was taken to a dark cell until agent Lockwood came; then he was taken out, his head was shaved and he was showered. Mr. Andrews showered him. I was present when he was showered. *I will not swear that Mr. Andrews gave him no more than three barrels of water.*

Q. Where was the water taken from that he was showered with?  
A. He objected to and the question overruled.

No officer but Mr. Andrews showered him to my knowledge. I saw Galen O. Weed, a keeper from Smith's wear shop, handing

up water by the bucket full, which was turned into the strainer in addition to the stream which was running from the tank. Hagan was also yoked for this offence by Gen. Lockwood's order. I saw him yoked. *Isaac Van Wart, a guard, a d one of the convicts helped screw him up in the yoke.*

Gen. Lockwood, Mr. Andrews and myself were present. Immediately after being showered the yoke was put on him. I do not know how long the yoke was on him. He was yoked in the shower-bath and taken to the shop with the yoke on. He was yoked about 3 o'clock, and he had the yoke on when I left for home. never saw Hagan after that until to day. I had not previously told Hagan that I would put him through before Saturday. I told him he was very foolish as there was time for him to be punished before Saturday. I do believe that Hagan would have struck me if I had not attempted to strike him. When I first went up to him he had not the wrench in his hand. *He did not offer to take up the wrench when I first talked with him.* I then turned round and got my cane, he then picked up the wrench and came towards me. Hagan worked about two yards from my desk where I left my care. The cane I raised to strike him with is the same I now have in court. *It is a hickory cane, 3 feet long, 1½ inches thick at the butt, with a brass and iron ferrule, 3 inches long, at the small end.*

*Direct, resumed.*—It was between 1 and 2 P. M. that I told Hagan to count his work. I do not know his reason for not counting the work. He said he did not know anything about counting it. I told him a second time when he said I could count it myself. I told him he knew the consequence of talking in that way. He then said he did not care a d—n for all the officers and punishments there was in the prison. He then got up on his feet, I told him to sit down. He refused. I told him he was foolish. He told me to stand back; clenching his fist and gritting his teeth. I was 18 inches from him then. I turned and got my cane. I supposed he was going to strike me. My object was to defend myself. Then he picked up the wrench which lay alongside of him. *He was three feet from me when I struck him.* He struck about the same time I did.

*Cross-examination resumed.*—Hagan's work had been changed from task work to day's work, which continued from bell to bell. I told the prisoner he must work from bell to bell. *It was not the rule of the shop to require the men to count their work who worked from bell to bell.* The clench took place near my desk. *I made this complaint against Hagan at the suggestion of Gen. Lockwood and Mr. Andrews. Lockwood and Andrews are the same persons who punished Hagan in the shower bath.* I do not know their reasons for desiring this complaint to be made.

*Direct, resumed.*—Hagan was discharged from prison this morning by expiration of his sentence, as I learned from the prison books. I never saw any one kick Hagan.

James Mc Mahen, a convict, called by the prison officers and sworn. The counsel for the prisoner objected to this witness on the ground of incompetency. The counsel for the State maintained that although a convict he was a competent witness against a convict. The Justice finally admitted the testimony with the understanding that, if desired, convicts might also be called for the prisoner.

Q. Are you a convict in the Sing Sing Prison?

A. I am, and have about a month longer to stay.

Q. Did you witness the affray between Ashton and Hagan?

A. I Did.

Q. State the circumstances exactly as they took place.

A. Hagan was sitting at his press at work, when Mr. Ashton came up and spoke to him. The words I could not hear for the noise of the machinery, drums, wheels, &c. I worked 2½ yards from Hagan. The words came pretty harsh from Ashton, who shook his head in a menacing manner. When Ashton made a motion with his head and spoke pretty harsh, Hagan got off his seat and stood up. The words then came pretty fast from both, but I could not understand them. Mr. Ashton, with that, returned to his desk, took his club and came back. When Hagan saw him take his club he turned round to his bench and took hold of

a wrench. When Ashton returned he up with the club and made a full blow at Hagan, just with all his might. Hagan raised his arm to protect his head and received the blow upon his arm. Hagan then lifted the wrench and made for Ashton, but Ashton crowded him, got hold of him and got him down against a wooden stand, Hagan upon his back and Ashton top of him, endeavoring to get the wrench away from him, but could not do it. Hagan while he lay upon his back and Ashton on top of him, tapped Ashton twice on the head with the wrench. Hagan then got up in spite of all Ashton could do by taking Ashton by the thigh and raising him. He got Ashton against a bench and then changed his hold and took Ashton by the foretop. He then tried to tap Ashton again with the wrench, but Ashton guarded it off with his arm. The scuffle continued until they got to the end of the bench, where Hagan got Ashton down and held him by the hair of the head. With that Mr. Ashton hallooed murder! I then ran from my anvil, and got hold of Hagan, and said he should not strike him any more. I was assisted by Thomas Newell a convict, who took the wrench from him. That is all I saw of the matter. I did not hear Hagan say anything while they were fighting. If he did say anything I do not recollect it. Ashton said nothing but murder! I never heard Hagan say that he would kill Ashton. Upon my oath I never heard Hagan threaten Mr. Ashton.

*Cross-examined.* Hagan did not at any time give Ashton such a blow as a man would strike if he intended to take life. Ashton dropped his club when they clinched. Mr. Ashton attacked Hagan first with a full blow of the club. When Ashton aimed the first blow at Hagan the latter stood at his own press where he worked; Ashton knocked Hagan down. Ashton was cool and collected when he went for his club and when he first struck Hagan, and he remained so till they got clenched.

Q. Was or was not Mr. Ashton "down upon" Hagan previous to this affair?

Objected to and objection over-ruled.

A. As a man of my oath I could not say that he was down upon Hagan more than upon any other man.

Thomas Newell, a convict, called by the Prison officers and sworn. Examined by A. Hyatt, Esq.

Witness says he was present at the affray between Ashton and Hagan. First saw them down about four yards from where witness was at work. Did not see the commencement, and did not see any blows given by either side. Did not hear anything said by either of them. Never heard Hagan make any threats against Ashton. Never heard Hagan say anything about Ashton previous to the fight or at the time it took place. When I took the wrench from Hagan's hand he said, "do not let the keeper have it." When the fight was over Hagan ran to my fire and took out a sixteen pound cutter, and said he would kill the d—n s—n of a b—h. I took it from him. Hagan said he did not care what he done, that he would knock him in the head. He then caught up a poker which I also took away from him. Hagan seemed like being out of his head at that time.

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

*Dr.*

1851. To cash paid for services, rent and other expenses at the office in Centre street,.....	\$1,033 42	
“ Paid for discharged convicts, ..	304 06	
“ Paid financial agents, .....	408 19	
“ Paid rent of the Home for Females, .....	375 00	
“ Paid treasurer of the female department, .....	418 60	
		<u>\$2,589 27</u>
Dec. 31. Balance to new account, .....	53 38	
		<u>\$2,642 65</u>

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

*Cr.*

1851. By balance of late Treasurer, Wm. Chauncey, Esq., .....		\$28 28
“ Collections by F. W. Janes, ..	\$550 75	
“ “ by J. W. Schermerhorn, .....	1,788 24	
“ “ of sundry individuals, .....	95 00	
“ “ at Rev. Dr. Potts' church, .....	111 88	
“ “ at Rev. Mr. Storrs' church, .....	67 50	
“ Returned by a discharged convict, .....	1 00	
		<u>2,614 37</u>
		<u>\$2,642 65</u>
Dec. 31. By balance on hand, .....	53 38	

E. E. *New-York, Dec., 31, 1851.*

W. C. GILMAN, *Treasurer.*

AN ACT

To incorporate the Prison Association of New-York, passed May 9, 1846, by a two-third vote.

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

§ 1. All such persons as now are and 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 purposes other than those for which this corporation is founded.

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

ARTICLE I.

The objects of the Association shall be,

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses:

2. The improvement of prison discipline, and the government of prisons, whether for cities, or 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, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz: a finance committee, a committee on detentions, a committee on discipline, a committee on discharged convicts, and an executive committee.

#### ARTICLE III.

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

#### ARTICLE IV.

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

#### ARTICLE V.

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

#### ARTICLE VI.

Any person contributing annually to the funds of the Association, shall, during such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars an honorary member of the executive committee for life; and a contribution of twenty-five dollars shall constitute a member of the Association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

#### ARTICLE VII.

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

#### ARTICLE VIII.

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

#### ARTICLE IX.

Any society having the same objects in view may become auxiliary to this Association by contributing to its funds and cooperating with it.

#### ARTICLE X.

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

#### ARTICLE XI.

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

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

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

§ 3. The said executive committee shall have power to establish a work-house in the county of New-York, and in their discretion to receive and take into the work-house all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions, of the peace, or the



court of special sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the alms-house, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons, as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

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

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

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine, all the prisons in the State, and annually report to the Legislature, their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties here-

by granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are vested in the Inspectors of county prisons; and the duties of the keepers of each prison that they may examine, shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the Inspectors thereof: *Provided*, that no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the Chancellor of this State, or one of the Judges of the Supreme Court, or by a Vice Chancellor or Circuit Judge, or by the first Judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said Association, by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW YORK, }  
In Senate, May 8, 1846. }

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

*Resolved*, That the bill do pass.

By order of the Senate.

A. GARDINER, *President*,

STATE OF NEW-YORK, }  
In Assembly, April 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.

W.M. C. CRAIN, *Speaker*.

Approved this 9th day of May, 1846.

SILAS WRIGHT.

STATE OF NEW-YORK, }  
Secretary's office. }

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

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

ARCH'D CAMPBELL,  
*Dep. Sec. of State.*

REVISED STATUTES, *Part IV, Chap. 3, Title 1.*

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

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BY-LAWS.

I. There shall be a stated meeting of the executive committee on the fourth Monday of each month; and a special meeting shall be held at any time, on the requisition of either of the standing committees, or the chairman of the executive committee, or chairman of any standing committee.

II. At every meeting of the executive committee, stated or special, the attendance of seven 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 adoption of the minutes of the last preceding meeting.
2. Reports from the standing committees in the order in which they are named in the constitution of the Society.
3. Reports from female department.
4. Report from corresponding secretary.
5. Reports from special committees.
6. Motions and resolutions.

The business first in order at a special meeting shall be the subject for the consideration of which the meeting shall have been called; and no other subject shall be brought before the meeting, except with the consent of a majority of the members present.

IV. The chairman shall nominate and appoint all special committees; and no person nominated by him shall be excused, unless upon reasons, assigned by him, that shall be approved by the meet-

ing; but a chairman pro tem. shall not have such power, unless authorized by the meeting.

V. The chairman shall decide all questions of order, subject to an appeal; and the rules of order shall be the same, so far as they are applicable, as those of the House of Assembly of the Legislature of New-York.

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

1. To receive and pay over to the treasurer of the society all moneys received, either as donations or for memberships.
2. To audit, and direct the payment of all bills against the Society in such manner and form as they shall direct; but no bill shall be paid by the treasurer, unless approved by the committee and countersigned by the chairman thereof.
3. To invest and control the surplus moneys of the society, under the authority of the executive committee.
4. To have power, under the same authority, to employ one or more agents to obtain members and collect subscriptions to the Society ; and it shall be their duty to make a report, at each monthly meeting, of their proceedings and those of their agents.
5. To annually examine and report upon the treasurer's accounts, and to audit the same.

VII. The following shall be the duties of the committee on detentions:

1. To inquire into the causes of commitment of all persons detained for trial, or as witnesses, in any of the prisons of the cities of New-York and Brooklyn, and to adopt proper measures for procuring the discharge of such as shall appear to be entitled thereto.
2. To visit frequently the prisons under their charge, and to endeavor to improve the condition of the prisoners, by training them to habits of cleanliness and exercise; by securing to them comfortable accommodations, having a re-

gard to space, light and temperature; by procuring for them suitable employment; by providing them with books, or other means of mental occupation; by securing such a separation and classification as shall preserve the young, the innocent, and the less hardened, from the contaminating intercourse of the more depraved; by obtaining for them honest and able legal advice; and generally, by bringing all practical, moral, and religious influence to operate upon their minds.

VIII. It shall be the duty of the committee on discharged convicts.

1. Under the authority of the executive committee, to employ an agent for the relief and aid of discharged convicts, and for the performance of its daily routine of duties; whose place of business shall be at the general office of the Association.
2. To keep a record of all commitments to our State prisons, and New-York and Kings county prisons, of the crime of which each person was convicted, of the date of his commitment and discharge, and all other important information thereto appertaining.
3. To open a correspondence with the prison agents or superintendents, relative to the character and trades of prisoners, and to ascertain previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.
4. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure employment for prisoners applying therefor, as seems best adapted to the capacity of each; to hold a correspondence with employers, to keep a record of the behavior and prospects of those for whom places are obtained, that they may be sustained and encouraged with the idea that a continual friendly interest is felt for them.
5. To endeavor to procure suitable boarding places for the discharged prisoners, where they will not be exposed to

corrupting influences; taking care not to have more than one in a place, when it can be avoided.

6. To see that the prisoners are provided with suitable, clothing, of a kind that will not attract attention, and point them out as convicts.

IX. The general duty of the committee on prison discipline shall be supervision of the internal organization and management of the prisons in which convicts are confined, embracing the moral and physical influences to be exerted on the prisoners during their confinement.

This duty shall be comprised under the following general heads:

*Health.* Under which shall be included diet, dress, cleanliness, warming of prisons, ventilation, exercise, modes of employment, insanity, and medical treatment generally.

*Reformation.* Including the classification of prisoners according to age, sex, physical condition, character and numbers; instruction, religious and ordinary; moral treatment, isolation and intercourse; rewards and punishments; the visitation of friends, and pardons.

*Financial system.* Embracing convict labor, prison revenues and expenses.

*Administration and supervision.* Comprising the mode of appointing officers, their qualifications, duties, abuse of their powers, and the internal police regulations of prisons.

*Comparison of prison systems and reforms.* Including the collection of works and reports, correspondence with other societies, superintendence of prisons, and persons interested in prison discipline. The collection of statistics, and their publication under the order of the Association.

*Visitation.* The visiting of State, county, and city prisons including houses of reformation of juvenile delinquents, at such periods and in such manner as the committee may from time to time determine.

*Criminal laws.* Their character and influence on the commission of vice and crime.

X. Each standing committee shall have power to appoint its own chairman and secretary, and to divide itself into as many sub-committees as it may deem proper; and each committee shall make a report of its proceedings at each stated meeting of the executive committee.

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

XII. 1. The standing committees shall meet in their order, on the Wednesday, Thursday, Friday and Saturday of the week preceding the regular meeting of the executive committee; and the recording secretary shall give due notice thereof.

2. It shall be the duty of each standing committee to report to each monthly meeting of the executive committee the number of meetings held, and the names of the members attending at each.

XIII. If it shall appear from the report of any standing committee, that any member has not attended any one of these meetings during the preceding three months, the member so neglecting to attend shall, if no satisfactory excuse be offered, be deemed to have resigned as a member of such committee, and the executive committee may proceed to appoint another in his place.

XIV. No person shall be added as a member to any of the standing committees unless the committee to which he is to be added shall have reported his name at a preceding meeting of the executive committee, and shall have stated that the member so proposed has consented to serve. No person, so proposed, shall be elected as a member unless by the votes of two-thirds of all the members present; and every such election shall be made by ballot, unless by unanimous consent the ballot be dispensed with.