

CHARLTON T. LEWIS, PH. D., LL.D., LATE PRESIDENT OF THE PRISON ASSOCIATION  
OF NEW YORK.

FIFTY-NINTH ANNUAL REPORT

OF THE

Prison Association of New York.

For the Year 1903.

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

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TRANSMITTED TO THE LEGISLATURE MARCH 1, 1904.

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MARCH 1, 1904.

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FOR THE YEAR 1903.

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THE PRISON ASSOCIATION OF NEW YORK,  
135 EAST FIFTEENTH STREET,  
NEW YORK, March 1, 1904.

Hon. FRANK W. HIGGINS, *Lieutenant-Governor, New York:*

Sir.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present herewith the fifty-ninth 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.*

S. J. BARROWS,

*Corresponding Secretary.*

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## OFFICERS FOR 1904.

*President.*

\*CHARLTON T. LEWIS.

*Vice-Presidents.*

WILLIAM P. LETCHWORTH, REV. WENDELL PRIME, D. D.,  
Rr. Rev. F. D. HUNTINGTON, ROBERT W. DE FOREST,  
FELIX ADLER.

*Secretary.*

EUGENE SMITH.

*Corresponding Secretary.*

SAMUEL J. BARROWS.

*Treasurer.*

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

*Executive Committee.*

†Charlton T. Lewis.

W. W. Battershall,  
F. P. Bellamy,  
B. Ogden Chisolm,  
J. Fenimore Cooper,  
†Patrick Farrelly,  
Austin Flint, M. D.,  
Cornelius B. Gold,  
J. W. S. Gouley, M. D.,  
Wm. H. Gratwick,  
Henry E. Gregory,  
Alexander M. Hadden,  
John W. Hutchinson,

Samuel Macauley Jackson,  
Richard A. McCurdy,  
James McKeen,  
Edward B. Merrill,  
Frank D. Pavey,  
Eugene A. Philbin,  
Dean Sage,  
Wm. Jay Schieffelin,  
Gino C. Speranza,  
J. G. Phelps Stokes, M. D.,  
Evert Jansen Wendell,  
Mornay Williams.

\*Died May 26, 1904.

†Died April 23, 1904.

## STANDING COMMITTEES.

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### *Law.*

James McKeen,  
Eugene Philbin,

Eugene Smith,  
Gino C. Speranza,

Frank D. Pavey.

### *Discharged Convicts.*

A. M. Hadden,  
Wm. Jay Schieffelin,

Henry E. Gregory,  
Patrick Farrelly,

Edward B. Merrill.

### *Library.*

Samuel Macauley Jackson,

B. Ogden Chisolm,

Evert Jansen Wendell.

### *Detentions.*

Dr. J. G. Phelps Stokes,  
H. E. Gregory,

Mornay Williams,  
Dean Sage.

### *House.*

John W. Hutchinson,  
Eugene Smith,

F. P. Bellamy,  
Dr. Austin Flint.

### *Finance.*

William Jay Schieffelin,  
Samuel Macauley Jackson,  
James McKeen,

Dr. J. G. Phelps Stokes,  
Cornelius B. Gold,  
J. Seely Ward, Jr.

## PREFACE.

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The fifty-ninth annual report of the Prison Association of New York covers the calendar year for 1903. The reports of work, inspections, and donations, are limited to that year. Contributions made since January 1, 1904, will be acknowledged in the next annual report.

As this report, however, is not printed until July, 1904, advantage has been taken of this fact to include memorial tributes to the late president of the Association, Charlton T. Lewis, who died May 26, 1904, and the late Patrick Farrelly, a member of the executive committee, who died April 23, 1904.

Jan 1963

## ANNUAL REPORT OF THE EXECUTIVE COMMITTEE.

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

In fulfilling once more the duty imposed upon us of reporting to the Legislature concerning the problems of crime and its treatment in this State, it seems especially pertinent to consider conditions which can only be remedied by legislative action.

### NECESSITY OF CONSIDERING THE PROBLEM OF CRIME AS A WHOLE.

Every year makes it more and more evident that crime in this State can be treated adequately only by considering the problem as a whole. The criminal is actually in advance of the State in taking advantage of the changed conditions of modern life. While the State continues to treat crime as if it were a local matter, the criminal is anything but local in habitation and in his depredations. He skillfully avails himself of modern methods of transportation to change his habitation and his field of operations from place to place in search of profit or safety. He discovered that with uniform laws and uniform judicial procedure in the State, there is no uniform prison administration. In fact there are in New York sixty-two prison systems, namely, one for the State and one for each of its sixty-one counties. The tramp or vagrant chooses for a winter residence the county where he can get the most comfort with the least work; turning the weakness of the system to his own advantage.

In many other ways local control and divided responsibility defeat efficient discipline and uniform and economical administration. We

beg leave to call your attention to some of the anomalies which point to the necessity for a reorganization and unification of our prison system.

*LACK OF CENTRAL OR UNIFORM AUTHORITY.*

An obvious anomaly is in prison administration. There are sixty-two prison systems because there are sixty-two centers of power and responsibility. Neither the State Commission of Prisons nor any other State authority exercises any control over discipline, treatment, feeding, education, or labor in county jails or county penitentiaries. This Association visits and inspects them as does the State Commission of Prisons, but, like that Commission, has no power of control. The inspectors can do nothing to improve the conduct of these local institutions or to remedy abuses save by personal appeals to the sheriff or to the county parliament, the board of supervisors, to which he is responsible. There is therefore no uniformity in the condition or treatment of prisoners in the sixty-one counties except that uniform idleness prevails in the jails throughout the State.

The present system—if a method so irregular can be called a system—is incongruous. The penal code is the same in all parts of the State. Public opinion would not tolerate variation based on geographical location, punishing, for example, a theft in New York county by three months' imprisonment and the same offence in St. Lawrence county by six months. The court is permitted in its discretion to adapt the penalty within certain limits to the offender and to his crime; but the name of the county is not regarded as an element in fixing the sentence.

The inequality of sentences arising from differences in the views and disposition of judges can be corrected only by applying the principle of the indeterminate sentence. But if the penalty of like

offences were always the same in duration, every petty thief, for instance, receiving a six months' sentence, the most glaring inequality in the punishment would not be removed. Equality of duration is one thing; but equality of condition quite another. A sentence of two years to such a prison as Sing Sing, especially with two men in a cell, is a different and far heavier penalty than the same term in a healthy modern prison. The county jails, too, vary so much in condition that a month in one is worse than three months in another. Six months in the jail at Batavia in this State or in the penitentiary at Syracuse is a very different punishment in degree and consequence from a sentence of the same period to the jails at Fonda or to the "merry-go-round" at Oswego, as commitment to the Kings county penitentiary, where men may be kept at work, is a different thing from commitment to the Queens county jail, where they are kept in idleness. Thus the uniformity of the penal code is but theoretical, and the penalties imposed under it do not represent any uniformity in punishment or reformatory discipline. The county jails are notoriously unfit for the discipline and correction of convicted prisoners. It is a serious question whether they do not do more to foster crime than to lessen it.

*STATE CONTROL FOR STATE OFFENDERS.*

All prisoners violating State laws are offenders against the State and should be under State control. Misdemeanors as well as felonies are violations of State laws. There is no reason in law or logic why a felon should be committed to a State institution and a misdemeanant to a county institution. The indictment in every criminal prosecution is that of "The People of the State of New York against A. B." It is in the State that the sovereignty of the people is embodied; and while for convenience political divisions are formed,

with local officers to enforce the laws, to apprehend offenders and to make inquest into violations of the peace of the State, the treatment of the offender after conviction is not a local function. The penal code itself assumes equality and uniformity in this treatment, such as can only be attained by a uniform system of administering prisons and penalties.

#### THE COUNTY LAW NOT ADEQUATE.

Experience has shown that uniformity of standard and condition can not be attained even under a uniform law for the counties, when the law does not efficiently provide for its enforcement. The law requiring the separation of prisoners in jails is totally disregarded, and the law requiring that they be put to work is a dead letter nearly everywhere. There is hardly a sheriff or supervisor in the State who is not guilty of violating the laws as conspicuously as are the prisoners under his charge. This is not due mainly to the indifference of supervisors or sheriffs. While these officials might do much to improve present conditions, especially those which relate to sanitation, the fact remains that it is extremely difficult to comply with some of these laws under local limitations. And it is important to note that *a large part of this difficulty has been created for the counties by the State itself.* This will be clear when we examine the bearing and effect upon the counties of the amendment to the Constitution in regard to prison labor.

#### THE EFFECT OF LOCAL CONTROL ON PRISON LABOR.

Before the passage of the constitutional amendment which provides that prison-made goods shall not be sold in the open market, but only to the State or to political divisions thereof, four counties in the State maintained penitentiaries in which prisoners, except those physically disabled, had the mental, moral, and physical advantage

of a full day's work, and these institutions were more than self-sustaining.

In the twenty-eighth annual report of this Association, made in 1872, there is the following reference to the Albany county penitentiary. In twenty-four years 22,980 convicts had been admitted. "During that period the cash income from the industries of the institution amounted to \$843,755.38, while the current expenditures were \$635,151.34; the gain was \$206,604.04, an average of \$8,608 a year. It was also stated that the unrelaxed industry and perfect impartiality of the system of that penitentiary have been potent agencies for restraining crime."

The passage of the constitutional amendment referred to has destroyed the industries of these county penitentiaries. That the taxpayers of the counties are compelled to support in idleness several thousand able-bodied prisoners is a frightful anomaly of our government; yet even this is of slight moment compared with the moral and physical evils which arise from keeping prisoners in enforced idleness. It is ten years since the constitutional prohibition was adopted, and seven years since it went into effect (January 1, 1899). If any one wishes to know the result of this prohibition in keeping men from productive labor, let him go to the Rochester penitentiary and see a hundred men in one room and a hundred in another sitting in absolute idleness under the oversight of keepers, waiting for the time to pass. The monotony of this punishment is relieved occasionally by marching the men around the yard. Here is an inert mass of humanity forcibly removed from society and maintained like a stagnant pool in a corrupting miasm of inactivity as if the only object of such an institution were to breed the scum of civilization and to propagate it in the community. For it must not be forgotten that the most of these men in the course of six or nine months are going



out of prison worse than when they came in. If individual idleness is bad, collective idleness is much worse. To see it in its most evil and contaminating aspect we must go to the county jails throughout the State, where the orderly silence which prevails at the penitentiary gives place to the freest and most contaminating association in the corridors.

#### DIFFICULTIES IN PROVIDING COUNTY LABOR.

It may be said that notwithstanding the constitutional limitation of labor the law of 1896 requires that prisoners in county jails shall be employed six days in every week, and that it is the duty of sheriffs and supervisors to enforce the law. This is true, and in several counties these officers are neglecting even the meagre resources which the constitutional amendment left in their hands. But the main difficulty is that while the *constitutional amendment destroyed the market, the subsequent law requiring labor, did not restore it.* If supervisors and sheriffs in the different counties are asked why they do not keep prisoners at work, they always have two answers. First, there is *no place in the jail where men can work.* Secondly, there is no way of disposing of the products if prisoners did work.

Both of these answers have great force. Our jails have no workshops where machinery could be installed, and in most of them the cells are too small and too dark to permit even of hand labor. In most of the counties the county institutions afford no sufficient market for the product of prison industries to encourage the introduction of them.

#### RESPONSIBILITY OF THE STATE FOR THE SITUATION.

Thus it is the law by which thousands of prisoners are sentenced to idleness, and a reform is possible only by law. The State having taken away the open market from the county penitentiaries, and thus

destroyed their industries, is morally bound to remedy the condition it has created. A practical remedy may be sought in two directions.

#### REMEDIES FOR EXISTING IDLENESS.

First, the State through the Prison Commission might assign industries to the different counties and receive and dispose of their products, the office of the superintendent of prisons acting as a clearing house for the distribution of products to the different institutions throughout the State.

But as already said, the great difficulty in carrying out such a plan is that the jails have not been constructed for industrial purposes. Their proper function is for the detention of those awaiting trial.

Second, a simpler and more effective way of meeting the difficulty is for the State to assume control, not of the jails, but of all persons who have been convicted of violations of State laws. These should be placed in institutions under control of the State. It would then be possible not only to organize industries for them but to establish a uniform discipline and to reduce greatly the expense of maintenance. The total cost to the counties of maintaining prisoners under the present system is very large; but if properly classified and organized, these prisoners could be made self-sustaining, with great gain to themselves and equal gain to the State. There are several good prisons in the United States which are self-sustaining—notably the House of Correction at Detroit and the Baltimore Penitentiary—and the disciplinary, educational, and corrective features of these institutions contrast strongly with the compulsory idleness of our jails, which are loafers' clubhouses where prisoners spend most of their time in smoking and playing cards at the expense of industrious workingmen outside.

New York is in an unusually favorable position to establish State control for State offenders. To avoid the cost of transportation from the jails to remote prisons, district prisons in different parts of the State should receive convicted persons not sent to State prisons or reformatories. There are already six institutions under county control each of which is fitted to be a district prison, viz, Albany, Onondaga, Monroe, Erie, New York, and Kings county penitentiaries. The New York and Kings County penitentiaries suffice for the prisoners of New York city, and are now under the department of correction, and with the extension of the jurisdiction of the department to all sentenced prisoners in Greater New York the question of state control might be limited to the rest of the State. For this large area the county penitentiaries in Albany, Syracuse, Rochester and Buffalo, owing to their geographical position, would serve well as district prisons. As these penitentiaries are now a source of expense to the counties which own them, the State could no doubt hire or buy them at a very low rate.

The county jails would then simply serve as houses of detention for those awaiting trial, and could be erected or remodeled simply with this end in view. As they deal with persons who are legally presumed to be innocent they could remain at present under control of the counties.

In a report on convict labor, made in 1885 by a special committee of the Prison Association, consisting of Charlton T. Lewis, Eugene Smith, and W. M. F. Round, it was pointed out that "prison labor must be regarded as only the instrument of reformation;" that "the contract system is essentially unfavorable to reformation, because it regards and treats the convict as a slave or a live chattel in the service of the State." The report set forth the advantage of the system of public account and the piece price plan of labor. Had the

recommendations of this report been heeded, the evils of the contract system could have been removed and all the reformatory and economic advantages of productive labor could have been maintained under State control. Since that report was rendered the situation in New York has greatly changed. The contract system with its abuses, which was the principal object of attack, has gone; but unfortunately, some better things have gone with it, and among them the right to productive labor in the prison for an open market. The extreme measures adopted in the constitutional amendment have precipitated an industrial catastrophe in the prisons of this State and transferred the burden of the prisoner's support from himself to the taxpayers. The laboring man must bear his share of this new and unnecessary burden. The State prisons with a small percentage of the prison population have partially recovered from the effects of this prostration, but no recovery is possible for the counties or the great mass of prisoners except in some such way as that suggested above.

#### INEQUALITIES UNDER THE FEE SYSTEM.

But the evils of local control and the confused variety of prison systems are shown not only in the paralysis of prison industries, and in the lack of any uniform standard of prison administration, but also in the existence of a motive in some counties for sending men to prison which does not prevail in others. This is due to the existence of the fee system in some counties and of the salary system in others. In the last annual report of this Association attention was called to the evils of the fee system for sheriffs in criminal cases. Further investigation of this system furnishes additional evidence of its pernicious influence. It is a notable fact that in a great number of the counties in which the fee system has been abolished the

*prison population has been reduced from ten to fifty per cent.* The expense to the county has been reduced in the same proportion. The fact has become so evident that several counties simply to avoid the extravagance of the fee system have for their own protection secured the passage of special laws substituting salaries for the sheriffs. Forty counties in the State have abandoned the fee system, and as the change in every case thus far has been in deference to local sentiment, it is clear that the abuses under this system have excited strong public opposition in many parts of the State. But there are still twenty-one counties in which sheriffs get their living out of prisoners at so much a head. Constables and justices are sometimes in the ring. The taxpayers pay excessive bills for prisoners' board and for legal procedure, but are not the only sufferers. The temptation is to commit to jail for the benefit of the sheriff, prisoners who might better for themselves and the county, be placed on probation. If the economic side were alone involved it might be left to the counties concerned, with the feeling that if the county taxpayers maintain such abuses they must pay the cost. But that the laws are used in any county to keep prisoners in idleness for the profit of a public official when under a probation system they might be supporting themselves and their families, with better hope of reformation, is a grave public scandal. It affects the interests of the whole State. It is a blot on the good name of the community that a discredited system which has been discarded by nearly every civilized nation should be maintained here as a source of revenue for local politicians. It is not the county alone; it is the State which pays the cost. Experience shows that the fee system instead of diminishing crime tends to increase it; it substitutes detention for prevention and reformation. It is to the interest of the sheriff to have as many prisoners and to keep them as long as possible. Whenever any county has any in-

stitution for the manufacture of criminals all the adjacent counties and the State as a whole must suffer from the contagion, both physical and moral.

It is plain that no effort to unify prison administration and to provide employment in the only way possible through the agency of the State can be successful so long as local county officials have a pecuniary motive for keeping prisoners in idleness in jails. Many prisoners are retained in jails under the fee system who might be sent to the district penitentiaries and set to work. As a preliminary measure for the unification of prison administration, as well as on account of the evils inherent in it, the fee system should be abolished.

#### THE NATIONAL PRISON REFORM CONGRESS ON UNIFICATION.

In 1870 there was held at Cincinnati a National Prison Reform Congress which was the forerunner of the present National Prison Association. In the elaborate declaration of principles which was adopted by that congress is a recognition of the need of unification and central control:

"As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central and supreme authority to sit at the helm, guiding, controlling, unifying, vitalizing the whole. \* \* \* Without such an authority, ready at all times for deliberation and action, there can be no consistent and homogeneous system of administration, no well-directed experiments, no careful deductions, no establishment of broad principles of prison discipline, nor any skillfully devised plans for carrying such principles into effect. But under a central board or bureau, improvements of every kind could be readily introduced, and that, too, in the safest manner, by first trying the plan proposed on a small scale and under the best circumstances for insuring trustworthy results, and then, if successful, gradually, under the guidance of experience, extending the sphere of its operations. We ardently hope yet to see all the departments of our preventive, reformatory and penal institutions in each State moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated

by the same spirit, aiming at the same objects, and subject to the same control, yet without the loss of the advantages of voluntary aid and effort, wherever they are attainable."

The principle of central control set forth in the declaration above has already been adopted substantially by many foreign countries. Central control is now exercised over all convicted prisoners in England, France, Belgium, Norway, Holland, in each of the German States, and in Italy and Russia. While it would be impossible to have central control vested in the Federal government in this country it is entirely feasible to have such control vested in some form of central authority in each State. In the State of New York there are, under the Constitution, two seats of authority over State prisons, the State Commission of Prisons and the State Superintendent of Prisons. Prisoners committed to the Elmira Reformatory are likewise under the control of a special board of managers having charge of that institution. Without disturbing the existing order, but by simply enlarging the area of authority of the Superintendent of Prisons and the State Commission of Prisons, the essential advantages of State control could be secured.

#### POLITICS AND PRISON ADMINISTRATION.

In the year 1871 an able and elaborate report on the subject of prison labor was made to the Legislature by a special commission appointed by Governor Hoffman under a joint resolution of the Legislature. This commission expressed the opinion that "ultimately the penal administration of the State ought to be a unit"; adopting the language of the Prison Reform Congress quoted above that "no prison system for a State can be perfect or successful to the most desirable extent without some central authority to sit at the helm, guiding, controlling, unifying and vitalizing the whole."

This commission did not, however, at that time recommend the immediate adoption of State control. Two reasons were advanced why this ultimate goal could not be immediately attained. One was the great cost to the State of acquiring the penitentiaries which were then a source of profit to the counties owning them. As shown above, the situation is now entirely reversed. Outside of New York city the penitentiaries are actually a burden upon the counties.

The second reason advanced for postponement was the prevalence of partisan politics in prison administration. The danger which grows out of partisan politics in this branch of government has often been recognized. In the laws of 1847 it was enacted that—

"No appointment shall be made in any of the State prisons of this State on the grounds of political partisanship; but honesty, capacity and adaptation, shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation."

In the fifty-seven years since the law was enacted, how many times has it been violated in letter and in spirit; and if the penalty of imprisonment had followed conviction for every violation how many State and county officials in the last half century would have been wearing prison stripes and serving terms with the men they were appointed to guard?

Fortunately the prohibition against using the prisons as the instrument of partisan politics is no longer left as a dumb protest on the statute books. The principle that appointments to civil service shall be based on merit and fitness has been embodied in law since 1883 and is now in the Constitution of the State, and various civil service laws have been passed which greatly limit the spoils in political contests.

Under the law of 1900 much progress has been made in eliminating by competitive examinations purely partisan appointments for

the minor positions in the State service. There is still painful evidence that men without experience or fitness have been chosen for responsible positions in prison management in discharge of some political debt. The New York State Conference of Charities and Correction has in the last three years pointed out the unfortunate results of tampering with the prison system for political ends.

The records, however, of the Civil Service Commission to January 1, 1904, show that out of a total of 460 employees in the State prisons in the classified service 414 held competitive positions.

#### POLITICS IN COUNTY JAILS.

It is under the counties system and especially with reference to county jails that the spoils system is still potent. A constitutional provision makes the office of sheriff elective and also renders it impossible for the sheriff to succeed himself. The management of the jail therefore changes every three years. No sooner does a sheriff become familiar with his duties than he steps down to make way for another man. Thus we have a system of rotation in office protected by the Constitution which makes the jails every three years the prize of a political contest either at the polls or in the caucus.

The mischievous effects of this system would be much lessened by abolishing the fee system and placing all sentenced prisoners under State control. For whatever the defects of State control, the protection now afforded by the civil service rules makes it vastly preferable to the rotation system with a short tenure of office.

#### CONCLUSIONS AS TO UNIFICATION AND STATE CONTROL.

1. Crime in the State can only be adequately treated by considering the problem as a whole. The present system is unequal, irregular, expensive and ineffective. Counties are unable under existing laws

or by any modification of merely local systems to grapple with a problem which belongs to the State.

2. All persons convicted of violating the State laws should be dealt with by the State and committed to its custody whether the violation be called a felony or a misdemeanor.

3. The effect of the constitutional amendment forbidding the sale of prison made goods in the open market has been to prostrate industries in all of the county penitentiaries outside of New York. The enforced idleness of prisoners sentenced to county jails is lamentable and unpardonable. Daily productive labor is absolutely necessary for the physical and moral welfare of prisoners.

4. It is an injustice to the free laborer obliged to toil for his own support to be compelled to pay taxes for the support of several thousand prisoners who are maintained in idleness.

5. The greater part of this deplorable idleness has been created by the State itself through the constitutional amendment and can only be remedied by State action.

6. The antique system, abolished in most civilized countries, of paying sheriffs so much a day for each prisoner they keep still prevails in one-third of the counties of New York State. It is a method liable to the greatest abuse, for it is to the interest of the sheriff to have as many prisoners as possible for the sake of increasing his revenue. This interferes with the operation of the probation system and increases the expenses of the county.

#### REMEDIES THROUGH STATE CONTROL.

The transition from local to State control, which is the only remedy for the conditions described above, can be effected in New York State with comparative ease and at small expense, when compared with the rank extravagance of the present system.

Sacrificing logical to practical considerations, Greater New York may be left out of the plan of State control, but centralization in that city should, as already recommended by this association, go far enough to place all sentenced prisoners under control of the department of correction. For the other sections of the State unification can be secured and the existing idleness removed by the following measures:

1. It should be provided by law that after a certain date all prisoners convicted of violations of State laws shall be sentenced to institutions under control of the State.
2. To accommodate such prisoners the State should create by law a number of houses of correction for misdemeanants. The penitentiaries of Albany, Onondaga, Monroe and Erie counties can doubtless be inexpensively acquired for this purpose.
3. Productive industries should be organized in the houses of correction thus established.
4. The State through the superintendent of prisons should furnish the raw material and market the product of the penitentiaries.
5. Prison labor should embrace all industries which may profitably be followed under the scheme of State use, and no exemption should be permitted of any special industry so long as the present constitutional prohibition exists as to sale in the open market.
6. The powers of the State superintendent of prisons and of the State commission of prisons may be extended by appropriate legislation.

CHARLTON T. LEWIS,  
*Chairman.*

SAMUEL J. BARROWS,  
*Corresponding Secretary.*

## REPORT OF THE CORRESPONDING SECRETARY.

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### A REACTIONARY MEASURE.

For more than half a century the Prison Association of New York has endeavored not only to improve the prison system of the State but also to preserve it from reactionary and pernicious influences. Hardly a year passes that some effort is not made by ill-informed or ill-advised persons to repeal some law or to abandon some work the value of which has already been demonstrated. During the year 1903 the most notable attempt in this direction was an endeavor to abolish the Bedford Reformatory for Women and to establish in its place an insane asylum. The abolition of this institution would have been a serious blow to the reformatory system of New York State, and could not have been justified by any consideration of economy or public welfare. The report of the State commissioner of prisons for 1902 shows that during the previous fiscal year 12,926 women were admitted to the jails, penitentiaries and workhouses in the counties from which women are committed to Bedford—namely, the counties of New York, Kings, Queens, Nassau, Richmond, Suffolk, and Westchester. These nearly thirteen thousand admissions represent, it is estimated, at least two thousand individuals. Assuming that three-fourths of these are "rounders," there are beyond doubt five hundred women annually in the district referred to who are proper subjects for reformatory treatment at Bedford.

The attack on the institution had the effect of bringing out the friends of the reformatory in strong force at Albany at a hearing

before the Senate committee on finance. Under the able leadership of Mr. James Wood, president of the board of managers of the Bedford Reformatory, the whole subject was well ventilated and the need of the institution so clearly established that the bill for its abolition was not reported by the committee.

#### THE STATE COMMISSION OF PRISONS.

Early in the year Hon. Lisenard Stewart, president of the State commission of prisons, resigned his office, and was succeeded by Mr. John P. Jaeckel, formerly State treasurer and also a member of the commission. It is to be regretted that the State could not have still further the benefit of the experience and ability of a gentleman accustomed to deal with large business interests and who for several years had given freely to the State his services as president of a commission, made up of citizens selected for their public spirit and philanthropic interest. The dismantling of the old commission, ostensibly made to save the State two or three thousand dollars a year, was rather a piece of short-sighted extravagance than of well-studied economy, for the services rendered by the eight members of the commission selected from different judicial districts and serving without salary were worth many times the small account incurred for expenses.

#### WOMAN PROBATION OFFICER IN BROOKLYN.

A committee of the Women's Clubs in Brooklyn having succeeded in securing pledges for the salary of a woman probation officer, decided to support Miss Roome, a lady who had already done volunteer work as a probation officer for more than one year, and she was appointed by the board of magistrates. It is hoped that the value of such work will be so thoroughly demonstrated that in another year

the city may be induced to pay the salary of such a woman probation officer, and a bill authorizing the board of estimate and apportionment to pay such salary was drafted by our law committee for presentation at the next meeting of the Legislature.\*

By a special act of the Legislature, provision was made for the appointment of a woman probation officer to be attached to the court of special sessions at a salary of \$1200 a year. Miss Ada Eliot, who already had valuable experience as a volunteer officer in connection with the same court, was appointed to this position.

#### SOCIETY FOR COMPARATIVE LEGISLATION.

The corresponding secretary attended a meeting in Washington in January in response to a call to consider whether a society should be formed in regard to comparative legislation or whether such work could be undertaken by some already existing organization. The matter, finally left to a committee for consideration, resulted in the formation of the American Political Science Association, which will distribute its work among several sections devoted respectively to international law and diplomacy, comparative legislation, historical and comparative jurisprudence, constitutional law, administration, politics and political theory.

#### THE ASSOCIATION LIBRARY.

It has long been evident that in order to make available much of the material in the library of the Association a complete new classification and recataloguing of the collection would be necessary. Many books were only entered by title with but little indication of their contents. The distribution of books was more or less arbitrary, largely because no complete system of classification with reference to penology had been worked out and made available. The needs of

\* This bill passed the Legislature and has become a law.

the library were carefully considered by the chairman of the library committee, Rev. Samuel Macauley Jackson, and a plan of reorganization effected. The late Charles A. Cutter, formerly librarian of the Boston Athenæum and subsequently of the Northampton Public Library, kindly came to New York and, after examining our collection, with the help of such suggestion as we could furnish, made an extended plan of classification with an accompanying notation, a development of the Cutter system. Mr. Cutter's skill and experience in the direction of classification and notation are universally recognized, and the time and labor he gave to the preparation of this scheme is another illustration of his ardent devotion to his profession.

For some months Miss Mary V. Titus, a lady of judgment and experience in library work, has been engaged in recataloguing and rearranging the library. Many duplicates have been weeded out and transferred to the Astor Library. A detailed index of all the reports of the Association from the beginning has been made and will be very useful for historical reference. Many gaps in the library have been discovered, some of which it will be impossible to fill. But it is hoped that by the prompt indexing and cataloguing of new material this collection can be made much more efficient as a working library on penological lines.

Fortunately, many of the most valuable books in our library from the standpoint of the active worker are reports from various States in the Union and foreign countries. These reports are given in exchange for our own and require the expenditure of no money except that involved in the necessary labor of cataloguing them.

#### NATIONAL CONFERENCE OF CHARITIES AND CORRECTION.

In May I attended the annual meeting of the National Conference of Charities and Correction in Atlanta, Georgia, and as chairman

of the committee on the treatment of the criminal, conducted the meetings on this subject. Two other members of our board, Rev. Samuel Macauley Jackson and Mr. Mornay Williams, both representing also other organizations, were present at the meeting. Two section meetings and one general meeting were assigned to the subject of crime and its treatment. Opportunity was taken to visit the new United States penitentiary at Atlanta. This is one of the best examples of a modern prison of the prevailing type in this country, a central cell building surrounded with corridors. Through the courtesy of the Department of Justice, I have been able to secure photographs of this institution.

I also took occasion to visit the city stockade at Atlanta in which the evils of promiscuous association and the want of any adequate separation of young and old offenders were very evident, but the South has no monopoly of a short-sighted method of treating short-sentence prisoners. Superficial differences in physical treatment which distinguish the jail system in different parts of the country are less important than the general moral incongruities revealed everywhere in the treatment of misdemeanants.

More satisfactory was a visit to the Georgia State farm near Milledgeville, under the control of the board of commissioners. A part of the farm is devoted to men and a part to women. The superintendent is an experienced farmer and the results obtained have been so good as to furnish a strong argument for the abolition of the county lease system and for placing all prisoners on parole.

In Alabama I was much indebted to Dr. Shirley Bragg, a member of the board of prison commissioners, for information and for personal courtesies. I visited the State prison at Wetumka, a portion of which has been abandoned as unfit for occupation, and all of which



might profitably be rebuilt. But the great advantage of the southern climate is the opportunity given for outdoor labor. No prison board has been more courageous or outspoken than the prison board of Alabama in attacking the evils of the jail system. The assumption of the Pratt mines by the State board has been followed by a remarkable increase of revenues to the State. The commissioners maintain that the physical and moral condition of the prisoners is likewise much better than under the lease system.

I also took occasion to visit the schools at Calhoun and Kowaliga and the Normal Institute at Tuskegee, all of which are institutions exercising a healthful moral influence in Alabama and throughout the South in the development of the Negro industrially, educationally and morally.

#### TOUR OF INSPECTION.

The larger part of the month of August and portions of the months of September, November and December were devoted to a tour in twenty-two of the northern and central counties of the State. Three objects were held in view: 1, the inspection of jails and penitentiaries; 2, a study of the effect of the fee system of compensating sheriffs; 3, conferences with local members of the Association and with boards of supervisors.

The counties visited comprised Essex, Warren, Saratoga, Washington, Fulton, Montgomery, Hamilton, Herkimer, Oswego, Lewis, Jefferson, St. Lawrence, Franklin, Clinton, Chautauqua, Orleans, Monroe, Onondaga, Cayuga, Albany, Schenectady, Ulster and Orange. The observations made on this trip are noted under the various counties in the portion of this report devoted to inspections, and are embodied to some extent in the report of the executive committee.

#### NATIONAL PRISON ASSOCIATION.

In company with the president of this association, Charlton T. Lewis, LL. D., and J. G. Phelps Stokes, M. D., I attended the National Prison Congress at Louisville, Ky., in the month of October. The relations between the National Prison Association and the Prison Association of New York having long been intimate and reciprocal, and at the session at Louisville the relation was made still closer by the election of Dr. Lewis as President of the National Association, which will hold its meeting in Quincy, Illinois, next year. The publication of the proceedings of the congress renders it unnecessary to give a detailed account of the meeting. In company with Mr. Stokes I visited the State prison of Kentucky at Frankfort in which a high degree of industrial activity is maintained.

#### OHIO STATE REFORMATORY.

On our return from the congress we spent a profitable day at the Ohio State Reformatory at Mansfield, of which Mr. J. Leonard is the superintendent. We were much impressed not only with the site chosen for the reformatory, which includes a good tract of arable land, but also by the excellent work in the construction of buildings done by the inmates and by the general high character of the discipline of this institution. This it is hardly necessary to say is not due to any mechanical application of formal rules, but to the vitality and capacity, tact, resource and personality of the superintendent, who has given a fresh impulse to the reformatory system in Ohio.

We also visited the State prison of Ohio at Columbus. This institution, so far as buildings are concerned, sadly needs reconstruction. It is the largest prison in the United States and one in which industries are well conducted under the contract system. Prisoners are

allowed a portion of their earnings beyond the daily task assigned them, and some of them make from five to forty dollars a month in this way. This reward is a great encouragement to the industry of prisoners. But it would seem that better regulation should be made as to the spending of the money thus earned.

Mr. Stokes and myself also visited the new jail at Akron, Ohio, of which Mr. F. O. Weary is architect. We had the advantage of a personal inspection of the institution under the courteous attention of that gentleman. Mr. Weary has broken away from some of the old traditions of jail construction, and has especially endeavored to secure the separation and a better classification of prisoners. The efforts of architects in this direction may often be nullified by jailors who do not appreciate the importance of such separation; and we actually found prisoners turned loose together in the corridor just as they are in the pit of the old-fashioned jail. Mr. Weary deserves credit for his enterprise in suggesting new plans of jail construction. It is a subject which still invites consideration and discussion.

In this connection I may add that I visited the Van Dorn Iron Works in Cleveland, a firm which has furnished much of the steel work for many jails and prisons in the United States, and was assured of the cordial cooperation of the company in promoting improvements in jail construction.

#### NEW YORK STATE CONFERENCE OF CHARITIES AND CORRECTION.

The fourth New York Conference of Charities and Correction was held at Buffalo November 17-20. Messrs. Jackson, Williams, Stokes, and myself were in attendance. The conference was spirited, progressive and earnest. An important subject under discussion was the necessity of applying reformatory treatment to misdemeanants between the ages of eighteen and thirty. A committee was ap-

pointed to secure if possible further legislation on this subject. Some account of the work of this committee is given on subsequent pages.

#### OTHER ADDRESSES.

Rev. Henry Stebbins, D. D., pastor of one of the largest churches in Rochester, instead of availing himself of his privileges as a minister of abstaining from jury duty, accepted the foremanship of the grand jury, and gave much attention to the condition of the jail and penitentiary in Rochester. Unfortunately, as is shown in the report of the executive committee, the idleness now prevalent in the penitentiary can not be wholly cured by merely local remedies. Through the kind invitation of Dr. Stebbins it was my privilege to speak Sunday evening, October 25th, in the Central Presbyterian Church, on the treatment of the criminal.

In the same city, in response to the invitation of Rev. William C. Gannett, pastor of the Unitarian Church, I spoke Sunday morning, December 6th, on "Some things that need to be done to improve the prison system of New York."

November 11 I attended the meeting of the board of managers of the New Jersey State Charities Aid Association, held at Elizabeth, and by invitation gave an address on "Problems in penology in New York State."

#### CHILDREN'S COURTS.

In the month of November, at the invitation of Judge Julius M. Mayer of New York and Judge Robert J. Wilkin of Brooklyn, I had the privilege of sitting on the bench with them and observing the disposition of cases in the juvenile courts. I am preparing for the International Prison Commission a report on that subject, which, like other reports of the series, will be published as a government document.

## MEETINGS OF THE BOARDS OF SUPERVISORS.

The change from the fee system to the salary system of compensating sheriffs in criminal cases has been made in the counties adopting it through special legislation in deference to local sentiment. A list of twenty-four counties in which the fee system still exists was prepared and communications were sent to the boards of supervisors in all these counties calling their attention to the desirability of changing to the salary system. As nearly all the boards of supervisors hold their sessions about the same time, beginning after the election in November, it was not practicable to attend personally the meetings of all the boards. Some of the more important counties in which the subject of the fee system seemed to be ripe for consideration were selected for personal visitation. I attended and addressed meetings of the boards of supervisors in Schenectady, Fulton, Orleans, Cayuga, Onondaga, Ulster and Orange counties and had personal interviews with leading members of these boards in other counties. In Onondaga the main subject of the address was the proposition that the State should acquire the county penitentiary, a suggestion which was favorably received by the local board.

SAMUEL J. BARROWS.

## PRISONS AND JAILS.

In the last report of this Association detailed information as to the condition of various jails and prisons was preceded by a well considered and carefully prepared paper on "The Jails and Penitentiaries of New York," by a gentleman of wide experience and distinguished ability, Mr. Z. R. Brockway. It is unnecessary to repeat in this report the general array of unfortunate conditions there described or the suggestions as to their remedy, inasmuch as the whole subject of the reorganization of the State penal system is treated at length in the report of the executive committee and in substantial agreement with the paper already referred to.

The reports of this Association as to the wretched condition of many of our county jails and as to the utter failure and imbecility of the county jail system as a whole have been confirmed by other observers. The state superintendent of prisons and the state commission of prisons have spoken strongly on this subject. Last year there was added the testimony of another intelligent and trained observer, who looked at the problems with a woman's eye. Miss Alice L. Woodbridge, prison visitor of the Women's Prison Association of New York, visited all the penal institutions of the State during the year. Her description of the defective organization of particular jails, especially as to the want of adequate provision for the treatment of women, her arraignment of the unsanitary conditions of others, and her observations as to the idleness of prisoners, all support her general conclusion that "the conditions found in many jails might have existed in the dark ages." These jails are rightly described as "schools of crime and immorality" and as violating in construction "all rules of decency." It is interesting also to observe that Miss Woodbridge from independent observation supports the conclusion and the recommendation of this report, not made indeed here for the first time, that prisoners sentenced for misdemeanors

should be committed to the penitentiaries instead of to the county jails. This may be said to be the practically unanimous conclusion of prison experts in this State. There is no subject on which they are in more general agreement. The change is in the interest of economy, morals, industry and public welfare, and no argument but the purely traditional one that the thing never has been done can be presented against it. But such an objection ought not to have much weight in a progressive State like New York.

In the reports that follow special observations are made upon a number of institutions, most of which were not described in the report of last year.

#### CAYUGA COUNTY.

The jail at Auburn was built in 1888 and contains twenty-eight cells. The outer wall is of stone and the inside cage of steel, the central pit with the cells on each side. There are no windows in the wall, and the only light is from the skylight. There is no jail yard. There is a closet in each cell and a water pipe. The cells are arranged in two tiers. The cage is roofed over the pit or central corridor, so that there is no chance of prisoners having access to the roof. There are no conveniences for keeping the men under sentence separate from those awaiting trial.

For about two years prisoners were employed more or less in painting street and road signs for the county. This work, however, is now exhausted.

Three cells are devoted to boys, but none were in them at the time of my visit. There is a separate department for women situated at the north side, with five cells.

The population of the jail on October 26th consisted of 40 persons, 4 of them women. Of those under sentence 6 were committed for six months, 1 for a year, 3 for sixty days, 1 for seventy-five days. The others were committed for thirty days and under.

The sheriff is under the fee system and is paid \$3.25 a week for board for each prisoner. Sheriff's bill for prisoners for the year ending December 2, 1902, is as follows:

1,626 weeks' board, at \$3.25.....	\$5,284 50
1,626 weeks' washing, at 15 cents.....	243 90
Key fees .....	372 00
	<hr/>
	\$5,900 40

December 9th I was cordially received by the board of supervisors of Auburn. In addition to recommending a change from the fee to the salary system my special object was to urge the board to accept the recommendation of the State commission of prisons that hand looms be placed in the jail and the prisoners be put to work, the State furnishing the material and undertaking to market the product.

#### CHAUTAQUA COUNTY.

##### JAIL AT MAYVILLE.

At the time of my visit, October 12th, 16 prisoners were held for trial, of whom 1 was a woman. There were 18 under sentence, 1 of them a woman, so that the jail, which contains thirty-two cells, was practically full.

This jail is comparatively new, having been built eight years ago, with additions two years ago. The lower floor is used for those awaiting trial, the upper floor for those under sentence. Each corridor is provided with a bathroom and lavatory, and there is a closet in each cell. The women are separated from the men.

The men were entirely idle. Twelve were sentenced for intoxication, their sentences ranging from thirty to sixty days; one, committed for cruelty to animals, twenty-five days; one for six months and two for sixty days for assault; one forty days and one sixty days for other offenses. It is altogether inexcusable to keep men in idleness for such a length of time.

The sheriff is paid under the fee system. Under a law passed by the legislature the supervisors of Chautauqua county are at liberty to change to the salary system, but they have not yet availed themselves of this law.

## LOCK-UP AT DUNKIRK.

I also visited the lock-up at Dunkirk. It consists of a cage of six steel cells, grated with bars at the top as well as at the side. It is mainly used for tramps, as many as twenty-five or thirty being shut in at a time. According to the chief of police, the majority of them "consider a term in the county jail in the winter as a part of their assets."

## CLINTON COUNTY.

The population of the jail at Plattsburg at the time of my visit, September, was 14, 13 of whom were under sentence. The jail building has an exterior wall of brick, with steel cells, all of which open into a central corridor or pit within the cage. Into this pit the prisoners are all turned and get such exercise as they can in this gloomy and restricted interior. There are two swinging steel cots let down from each side of the cell. The upper floor of the jail is certainly pleasanter, but is not used so much, not being considered sufficiently secure. The woman's department was built two years ago and consists of two rooms, a bathroom and closet. There are double beds in each room. This part of the jail is much cleaner and pleasanter than that for the men. Local sentiment was influential in securing these quarters for the women.

About forty Chinamen were confined in a separate place at the rear of the jail. The United States government pays 43 cents a day for the Chinamen, which leaves a large margin for the sheriff, but at the conclusion of the sheriff's term the county will be under the salary system, with a salary of \$1,500 for the sheriff, \$600 for the deputy, \$500 for the matron, and \$300 for a cook.

## ESSEX COUNTY.

The jail at Elizabethtown is an old building revamped. The shell of the old jail was used, but a cage of steel has been put in and the sanitary features improved by the addition of bathtubs and water-closets. The population seldom exceeds six or eight. The men are confined on the lower floor. Juvenile prisoners are rare and also women. There are no special accommodations for the latter, but a

room on the second floor may be used for this purpose. Prisoners are allowed to communicate freely; they sit in the corridors and talk. Occasionally the sheriff permits them to go out into the yard for exercise, but the yard is not sufficiently secure. Prisoners are unemployed. Local residents visit the jail, which is nearly in the center of the beautiful town.

The salary system takes the place of the fee system January 1, 1904. The sheriff will receive \$1,500, and there is an allowance for \$400 for a turnkey and \$200 for matron.

## FRANKLIN COUNTY.

## JAIL AT MALONE.

Nothing need be added to what was said in our last year's report concerning the jail at Malone except to reiterate the conclusion of the report that "the county ought to have a new jail built on modern sanitary principles."

No jail record has been kept here for years. This jail, like many others in the State, illustrates the importance of having a general law as proposed by the State commission of prisons, requiring the keeping of such records and making them a part of the property of the county, and not of the sheriff or keeper.

Under the new law changing from the fee to the salary system the sheriff receives \$1,200, the under-sheriff \$400, and matron \$208.

At the time of my visit, September 2, the jail population was 10, which included 2 boys, 1 of seventeen and 1 eighteen, under sentence of three months for petit larceny. These boys I found upstairs in the same cell, and though it was ten o'clock in the morning they were still lying in their hammocks. As they had absolutely nothing to do, the jailor was of course indifferent as to whether they got up or not. The upper part of the jail, which was formerly used for Chinamen, is now empty, and it could be made over for a department for women and boys, but, better still, a new jail should be built on modern principles.

The jailor was much annoyed by the want of cells in which to confine transient and noisy drunkards. The "drunks" now have to

be dragged upstairs and confined over the office. In fair time sometimes ten or fifteen "drunks" are crowded into two cells.

It is impossible at present for the sheriff to obey the law as to classification and keep prisoners awaiting trial separate from those under sentence.

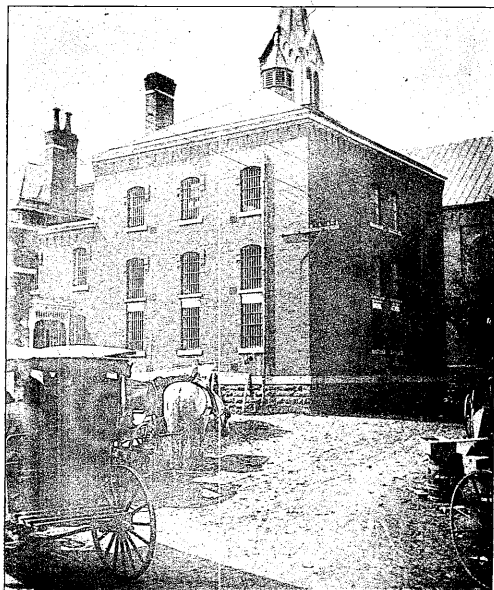
There were two men sentenced for six months and two for three months, who might better have been sent to the Onondaga penitentiary.

#### HOUSE OF DETENTION FOR CHINAMEN.

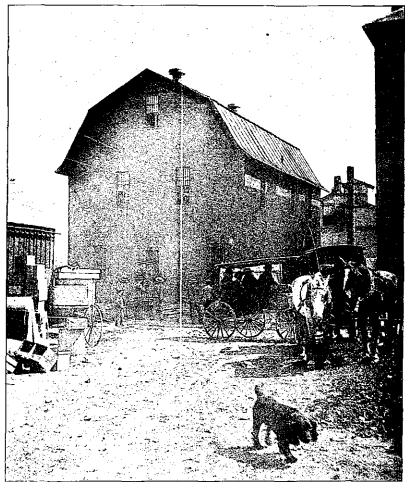
Under a United States law which went into effect July 1, 1903, the expense of boarding the Chinamen who are awaiting the decision of the courts as to admission to the United States falls upon the Canadian Pacific Railway. This company now contracts directly with Chinese caterers for the board of prisoners. The United States government holds them in custody and has hired, at an expense of \$400 a year, a wooden building in the rear of the county jail. This building was at first used as an annex to the jail when the sheriff kept the Chinamen. It is in no respect what it should be as a proper detention house for such prisoners. It is greatly overcrowded. If Chinamen are to continue to be detained at the border in this fashion the government should erect a suitable building. The overcrowded condition of this house is favorable to the development of disease, while the wooden structure makes it a veritable firetrap.

#### FULTON COUNTY.

Historically the jail of Johnstown is interesting. It was built about one hundred and thirty-two years ago and was intended originally as a fort. Its solidity is shown in stone walls 3 feet 7 inches in thickness. It could resist a strong attack from without and is reasonably secure for the detention of prisoners, though modern experience has shown that no walls can take the place of vigilant guards. But the internal wooden structure renders it a dangerous firetrap. A hundred years ago it might have answered the purpose of a jail as it was then conceived, but to-day it is totally unfit to meet the demands of the law of the State. There are no separate quarters



JAIL, MALONE, FRANKLIN COUNTY, N. Y.



MALONE, N. Y., DETENTION BUILDING FOR CHINESE.



for sentenced men and those awaiting trial, and, what is still worse, there is no provision for the separation of women from male prisoners.

The lower part of the two-story house is used for the dwelling of the sheriff, an addition having been built on one end to provide a sheriff's office and on the other a kitchen. The upper floor is used for the jail. It is divided into rooms of unequal size. There is a central hallway and the cells are arranged on each side, with the windows opening directly to air and light. This is the one redeeming feature of this antiquated jail.

There are four cells, 6 feet 10 inches square by about 8 feet high. The floors are wood, the ceiling and walls are sheathed with iron. There are wooden doors, 3 inches thick. The interior corridor is lighted with gas. Of course where the interior corridor structure is used it should be lighted by windows from above. Two cells on one side of the corridor are used as punishment cells, but were not in use at the time of my visit, August 26. On the other side of the corridor the rooms are twice as large and four prisoners are placed in each. These rooms have two windows guarded by a triple row of bars, the bay of each window being 31 inches deep. The bedsteads are of iron, with wire mattresses, upon which are straw mattresses and woolen blankets. These large cells are heated by a stove in the center of the room. A room at one end of the hall is utilized for toilet and shower bath.

The prisoners awaiting trial and those under sentence are freely allowed to mingle, and games of cards furnished the principal diversion. One of the rooms was occupied by a man and his wife, the man having been indicted for murder and the wife being held as a witness. The woman was allowed to walk in the same corridor with the men, and her presence was a disturbing element and source of complaint; but the only other accommodations at the disposition of the sheriff are cells immediately off the sheriff's office, where a prisoner can hear all that is going on, and other reasons render them objectionable.

Johnstown needs a new jail. The supervisors as well as the sheriff recognize the shortcomings of the present one, and, since its con-

demnation by the State commission of prisons, have decided not to build a new jail—altogether the best course—but to remodel the old one. The proposal is to build a new house for the sheriff on the southern portion of the lot and to give up the lower part of the present building now occupied by the sheriff entirely to jail purposes. Doubtless existing conditions can be readily improved by remodeling, but if the county were to take at an early date another important step in the direction of abolishing the fee system and the development of the probation system, it would in a few years save enough as compared with present expenses to pay for the outlay for a new and sufficient jail of moderate dimensions.

#### HAMILTON COUNTY.

Hamilton county is one of the largest counties in the State measured by the square mile, and the smallest measured by population, which is less than five thousand people. I was somewhat surprised to find in New York State a county in which there is but one lawyer, and in which the county judge is not a lawyer, nor the district-attorney. The judge was for some time a doctor, but has since given place to a grocer. At the time of my arrival, in August, the little stone jail at Lake Pleasant, the capital of the county, had but two prisoners. One of them a stalwart lumberman committed for assault, I found near the stage office, and the other, of French-Canadian origin, committed for bastardy and nonsupport, was likewise at large. The story is that the men have the run of the town in the day time, and if they do not return to the jail by nine o'clock at night they are punished by being locked out. I found no evidence of such a severe application of the rule. One of the prisoners was really acting as jailor, and occupied the sheriff's room, a large and comfortable apartment on the second floor, in lieu of a cell. Hardly at any hotel in town could be found more comfortable quarters. The jail is a solid stone structure two stories high, the larger part of which is occupied by the jailor's family. The back part of the upper floor is fitted up with four steel cells; but one of these was occupied at the time of my visit. The sanitary conditions are somewhat primitive. Prisoners eat in the jailor's kitchen. I was told that no woman had ever been

committed to the jail, a statement which it was impossible to verify by any records. The prisoners are allowed to work in the stable and on the adjoining ground. There is no wall about the jail, and nothing to restrict the liberty of prisoners.

#### HERKIMER COUNTY.

The jail at Herkimer was refitted with a steel interior in 1898 and with various improvements. It stands on the corner opposite the courthouse on the main street, and has no jail yard and no shops in which men can be worked. The county three years ago worked some men in the stoneyard, but it did not pay and was abandoned. The population at the time of my visit, August 26, 1903, was 26, 3 of them women and 2 boys, one of the boys thirteen years of age arrested on a charge of murder, and a boy of sixteen or seventeen arrested on a charge of burglary. The jail is provided with a shower bath on the first floor and has cement floors throughout. The windows from the corridors opening on the street are well covered with ground glass and with wire screens, so that communication with the outside is cut off. The windows toward the street are not opened. Those on the south side are opened to admit air. The jail is lighted by electricity. The cells are 7¼ by 5 feet and about 8 feet high. There is a central cell block with an outer and inner corridor or pit. The cells are barred toward the outer corridor with the door opening to the inner pit. A door from the pit opens into the outer corridor. In the forenoon prisoners exercise in the outside corridor, the rest of the day in the pit. There are twenty-nine cells in the jail all told, ten on the first floor, ten on the second, and nine on the third floor, which is used for women and boys. Those awaiting trial are confined on the lower floor, sentenced men on the second. The average sentence is about thirty days. The jail is heated by steam. At the time of my visit the sheriff was receiving \$2.75 per week for each prisoner, but the salary system goes into operation January 1, 1904. Under the fee system the sheriff's office has been worth \$7,000.

#### JEFFERSON COUNTY.

The jail at Watertown was built some seventy years ago, but has been remodeled in the last ten years. It is built of stone. The lower

floor of the jail is on the level of the ground outside, but the windows are 7 feet high above the floor and are covered with ground glass and grating, so that communication is cut off with the outside. There are eight cells and two tiers, making sixteen in all. Each cell has two canvas cots with blankets. The cells are 7 feet 7 inches by 5 feet wide and 7 feet 3½ inches high. There is a toilet and a lavatory in the corridor. There were 25 prisoners, 1 of them a woman, at the time of my visit. The average population is about 22. Most of the sentences are for intoxication and petit larceny. One man was in for violating the game law, and fined twenty-five dollars or twenty-five days. He might have been on probation and been allowed to earn the twenty-five dollars outside. The jail is greatly lacking in many of the most important features of the modern jail. It does not provide properly for the separation of prisoners. There is no hospital ward, and no padded cell, and no workshop for prisoners. In 1892, in a petition of Calvin V. Graves, George N. Brown, and Peter A. Ward, to the board of supervisors, it was said: "The county jail is a shame and a disgrace to the populous, growing, wealthy, and otherwise up-to-date county of Jefferson. It is overcrowded, ill-ventilated and illy lighted. It has not one-eighth the breathing space required for the number of its inmates. Persons with contagious diseases, suffering from cancer, are herded in with the rest."

#### LEWIS COUNTY.

The jail at Lowville, which was built forty years ago, has long been condemned as unsanitary and unfit for a modern jail. Instead of attacking the problem radically, however, the supervisors have been content with enlarging the windows, which will cost some \$900. This at the time of my visit, in August, had been done on the north side. The cells are 5 by 9 and 7 feet high. There is but little ventilation. The jail is very damp. Fortunately the jail population is small, being but 2 at the time of my visit.

#### MONROE COUNTY PENITENTIARY, ROCHESTER, N. Y.

Nothing can be added to the description and general characterization of this institution by Mr. Brockway last year. In my visit to it

on October 14 I was likewise impressed with the excellency of the plant, the cleanliness of the institution, and the good supervision exercised by Superintendent Webster. The sad thing about this, as about so many other jails and prisons, is the utter idleness of so large a number of men. Here is an excellent plant and a capable superintendent. But with the exception of the men detailed for prison duties the great majority of the prisoners sit on benches in the workrooms under the oversight of a keeper, a few of them whiling away the time by reading, but most of them in absolute idleness. The only relief for this idleness is exercise in the large prison court, where the prisoners are marched about three-quarters of an hour a day.

On the first day of October the population was 213 males and 26 females, a total of 239. The total number of prisoners received during the year was 1,327. Of this number 566 were sent up for public intoxication, 164 were tramps, 126 were committed for petit larceny, 266 for vagrancy, 32 for unlawful riding on trains, 63 for assault in the third degree, 10 for grand larceny in the second degree, 4 for assault in the second degree, 2 for burglary in the third degree, and the rest for minor offenses. Thus it will be seen that the majority of the commitments were for intoxication, vagrancy, and minor offenses.

Of the 1,327 admissions through the year, 715 claimed to be committed for the first time, and there was no means of disproving their statement, though many of them may have served terms elsewhere; 239 admitted that they were second timers; 105 were committed for the third time, 64 for the fourth time, 39 for the fifth time, 46 for the sixth time, 18 for the seventh time, 15 for the eighth time, 25 for the ninth time, 61 for the tenth time. One man has been imprisoned forty times, and yet this man has been committed twice recently under a five days' sentence. These repeaters can easily be identified under the Bertillon system, and it would seem that the courts might avail themselves of the records of the prison before sentencing for five days a man who under an assumed name is posing as a first offender when he has been forty times in this very penitentiary.

The penitentiary had contracts with nine counties last year, namely, Wayne, Orleans, Seneca, Livingston, Tompkins, Schuyler, Gates,

Steuben and Genesee. Ontario and Wyoming counties, though not under contract, have also sent tramps. From the counties mentioned 326 prisoners were received. The rest of the admissions—namely, 1,001—were received from Rochester and Monroe county. The capacity of the penitentiary is 522 cells. The daily average was 222, the maximum number 350, the lowest number 138. The maximum was reached in February and the minimum in June.

Of the 1,327 commitments, 1,280 were sentenced for six months and under; one year is about the maximum. The sentence for tramps averages about sixty days, and about the same for vagrancy: 175 were sent for five days or \$5; 142 for ten days or \$10. The five and ten days sentences are for drunkenness. The futility of the short sentence is well illustrated at Rochester.

Although, as pointed out in the report of the executive committee, centralization of prison industries under State control is the only adequate relief for the idleness in the penitentiaries, yet it would seem that, until this is attained, the supervisors of Monroe county might establish in this excellent penitentiary industries of some sort whose products could be consumed by the county of Monroe and by the counties sending prisoners to this institution. In the summer about forty-five men a day are employed on the farm for whom there is no employment in the winter.

#### MONTGOMERY COUNTY.

The jail at Fonda, built in 1882, is mainly a loafer's hall, prisoners being largely composed of tramps arrested on the New York Central railroad. It is but one of a series of public hotels which tramps use in traveling about without expense to themselves. The word "tramp" no longer adequately describes the fellow who has become a parasite on the railroads. He never walks if he can help it, and he never pays his fare when he rides. Our present laws and their lax administration are not likely to abate the evil. The Fonda jail is a monumental nuisance. Prisoners are permitted to freely intermingling. There is no adequate provision for classification. The sanitary conditions are defective. The introduction of bathrooms and closets would improve the jail. The only radical and thorough relief

must be had in a new jail with adequate provisions for the labor of prisoners.

Montgomery county is now under the salary system, the sheriff receiving \$4,200. There is no motive for retaining the prisoners in the jail when they might better be sent to the penitentiary. At the time of my visit, August 27, 1903, the population was 41. The average is about 60 or 70. The sixty day men go to Albany. It would be a great relief to have all sentenced prisoners sent to that penitentiary.

#### ONONDAGA COUNTY PENITENTIARY.

At the time of my visit, November 24, 1903, the population of the penitentiary was 162 men and 15 women. It receives its largest number of prisoners from Syracuse, but has contracts with Madison, Herkimer, Lewis, Jefferson, Franklin, and Cortland counties. Tramps are also received from other counties—those sentenced for sixty days and over. The county prisoners are mostly misdemeanors and police court cases from Syracuse. The total commitments for the prison year up to the first of October were 937. The capacity of the penitentiary is 400 double cells.

When the old penitentiary was built in 1849, legislation immediately following provided that prisoners awaiting trial should be sent direct to the penitentiary, a portion of which is reserved for jail purposes. The sheriff gets a turnkey fee on prisoners awaiting trial. Another law, passed also in 1849, made the superintendent of the penitentiary the jailor of the county. The revenues of the sheriff, therefore, with reference to prisoners is confined to the key fees. He gets nothing for maintaining them except when the men are on trial. When the court is in session they are kept for a few days under the courthouse and the sheriff receives pay for them; that is a small item.

The new penitentiary, which is located at Jamesville, 8 miles from Syracuse, has been occupied for about three years. It is built of stone and cost all told about \$400,000. To maintain it the county, however, pays something like \$55,000 a year over and above the \$19,000 received by the penitentiary for the support of prisoners from other

counties. The institution is clean, comfortable, and surrounded by 125 acres of land. In summer there is sufficient out-of-door work, mostly in stone breaking. The penitentiary has a crushing plant and supplies stone to some of the adjoining towns. There is a good demand for crushed stone. In the winter little can be done at outside work. In the winter of 1902-3 many of the men were employed at stripping willows. In the town of Salina in Onondaga county is a large basket factory. Work is given to the poor in this industry, but it is difficult to get willows stripped in sufficient quantities to keep the people at work, so that the prisoners help to some extent in this industry.

The penitentiary makes shoes for its inmates and for the county house. The maximum population was reached on the 12th day of February, 1902, 305 convicted males and 16 females. The average sentence of those in custody on the 13th of December was one hundred and sixty-four days. One man is under a cumulative sentence, imposed on an accumulation of misdemeanors, amounting in all to two years and three months. "This man," said the superintendent, "has been in the penitentiary ever since he has been old enough to come into the doors." Referring to the treatment of tramps, the superintendent said: "The justices of the peace will send a man in May or June and give him fifteen or twenty days, but in the fall they give him six months. Consequently they go out in the spring weighing thirty or forty more pounds than when they come in, and they go out with good clothes and with shoes on. If this policy were reversed we should have fewer tramps. The farmers in the county this fall could not get their crops in because they could not get good labor. They would come to the prison and ask if there were any good men going out that could be sent to them, but I could not get one of them to go. It is surprising, too, how rapidly these tramps travel from one part of the country to another. I have known men to go out of this penitentiary and in from three to five days letters to their cronies here will come back mailed from Texas and other places to which they have ridden on the fastest trains. Beating their way, they can get along as fast as you can if you have money."

November 25 I had the honor of addressing the board of supervisors in Syracuse, pointing out the advantage of State control and the gain that would come not only to the county but to the State as a whole if the penitentiaries could be acquired by the State and used for the treatment of misdemeanants.

#### ORANGE COUNTY.

Orange county has two jails, one at Newburg and one at Goshen. The jail at Orange consists of a steel cage set within the old stone walls. The accommodations are defective and the jail has been condemned. At the time of my visit to Goshen, December 14, to address the board of supervisors, a report of a committee favoring the reconstruction of the Newburgh jail was adopted, and plans submitted by Mr. William J. Beardsley of Poughkeepsie were approved and adopted. The jail at Goshen is in a better condition so far as physical conditions are concerned. An attempt has been made to employ the men a portion of the time at stone breaking in the yard.

The most important subject demanding attention in this county is the change from the fee to the salary system. Much complaint has been made as to the excessive bills for the support of prisoners during the past year. It is claimed that many prisoners might have been sent to Kings County penitentiary and maintained at less expense even including the cost of transportation, than by commitment to either of the jails of Orange county. Perhaps there has never been a more profitable time for the sheriff of Orange county and his undersheriff than during the past year. The county pays its sheriff \$3.25 per week for board for prisoners. The reports of the board of supervisors for the last ten years show that the sheriff's bills have nearly doubled within that time, and last year they were the largest in the history of the county, the total bills of sheriff and under-sheriff being \$25,553.04. Of that sum \$16,504.43 was for the board of prisoners. The board bill of the sheriff's office for the year 1902 for the entire county showed an increase of \$4,938.15.

Examination of the records of the Newburgh jail showed that in addition to the five, ten and fifteen day men 64 persons were com-

mitted for thirty days; 24 for sixty days; 1 for ninety days; 6 for three months; 13 for six months, and 1 for one hundred and sixteen days. It is evident that many long-sentence prisoners—that is, prisoners who are sent for sixty days and over—are committed to the idleness of the Newburgh jail who might be sent to the Kings County penitentiary and kept profitably employed.

I was courteously received by the board of supervisors and made an argument before them in favor of the change from the fee to the salary system.

#### ORLEANS COUNTY.

It is hardly worth while to report on the wretched condition of the old jail at Albion, since it has been torn down, and at the time of my visit a new jail, of which Mr. W. J. Beardsley is architect, was in process of erection. Meanwhile the prisoners were subject to uncomfortable crowding in temporary quarters.

The new jail will be directly connected with the new house of the sheriff constituting together another imposing building, of which Albion already has several.

At the time of my visit there was no little feeling in regard to alleged abuses under the fee system. Under the pressure of these charges the sheriff had resigned. If but half of the stories told of the abuses in this county are true, it is not surprising that taxpayers were protesting against the sheriffs' bills.

An opportunity was given me to address the board of supervisors on the subject of the change from the fee to the salary system, and there is every reason to believe that Orleans county will secure the passage of a bill at the next Legislature authorizing the change from the fee to the salary system.

#### OSWEGO COUNTY.

##### OSWEGO JAIL.

This jail, built some seventeen or eighteen years ago, is what is called a rotary jail, and is a special invention of the Pauly Jail Company. The circular steel cell structure, surrounded by an outer corridor about 6 feet wide, is set within circular brick walls. The cell

structure, like a carousel or "merry-go-round," has a central axis or pivot upon which it revolves. Each of the cells is a segment of the circular structure, much smaller at the center than at the circumference. An encircling fence of steel bars serves to separate the rotary cell structure from the outer corridor and also serves as the outer wall of each cell. This fence has but a single door. When a prisoner is to be admitted to his cell it is necessary to turn the rotary structure around until the door of his cell is opposite the door in the grating. This is done by turning a crank in the keeper's room. Thus whenever a single prisoner is admitted or turned loose into the corridor for exercise the whole jail must revolve on its axis. The only place for exercise is in this outer corridor. The cells are 2 feet 7 inches at the small end toward the center and 7 feet 4 inches at the circumference. Briefly described, the jail is simply a revolving steel tower, surrounded by a steel fence, with an intervening corridor bounded by a brick wall. Canvas hammocks are used for beds, with blankets without mattresses. Light is furnished from the windows of the outer corridor. The cells, ten above and ten below, are very imperfectly lighted. The men are allowed fifteen minutes each for exercise in the corridor. Ventilation is secured from the basement, the air passing through the center of the tower. Closets in the cell are flushed from a circular tank in the cupola. The kitchen is below in a separate apartment and ought to be furnished with an iron staircase.

This jail when built was thought to be entirely secure, but there were two methods of evasion. Prisoners would crawl up through the space surrounding the central flue pipe and go out on the cupola at the top. Another method of escape was by collusion with outside parties who secured the admission of saws to some of the prisoners. By tying this saw to the end of a stick prisoners were enabled at night to saw not only the grating in front of their cell but the grating in front of the window 6 feet away.

The accommodations were much improved by putting up an annex last year. This consists of a brick structure with cement floors amply lighted with six windows. It is fitted up with five cells, four

of which are provided with wooden doors and wooden partitions. It seems a mistaken economy not to have built them of steel to begin with. There is a good bathroom and closet. This annex is for women, except the upper floor, which is for boys. No employment is furnished to prisoners. At the time of my visit, August 29th, there were 39 prisoners, and no women or boys.

#### PULASKI JAIL.

Oswego county, in addition to the building described above, has a second jail at Pulaski. It was built about 1846. There are six cells in all, 7½ feet wide by 15 feet long and 10 feet high, so that the cells are ample in size. There are windows opening to the light which are well barred. A cell set apart for women has a wooden floor and ceiling. The steel cell used for those awaiting trial is more secure, very dark, and a very uncomfortable place compared with the cells for sentenced men. At the time of my visit the population was 7, 1 sentenced for sixty-seven days, 1 for ninety days, 2 for four months, 1 for ten days, 1 for forty days, 1 for one hundred and fifty days.

The keeper seemed to take pride in keeping his jail clean.

By vote of the supervisors prisoners have been worked for three weeks on the road.

#### SARATOGA COUNTY.

The jail at Ballston is well situated in a fine part of the town and with the courthouse and law library forms an imposing structure. The jail was built originally in 1889. In 1892 it was remodeled in the interior and a steel cell structure erected within the original outer walls. The remodeling was done very thoroughly so far as sanitary considerations are concerned; \$28,000 was spent in the reconstruction and in building new quarters for the women. A new law library, adjacent to the jail, was built at the same time, making the total outlay some \$59,000. As thus reconstructed, the jail furnishes facilities for classification which it greatly lacked before. It is now possible to separate the sexes and juvenile offenders, and also to make the necessary separation between those awaiting trial and sentenced prisoners. The best part of the jail is now the women's quarters. Here the architects were not handicapped by the old jail

and worked on broader and better lines. The six new cells for women, three on each floor, are of unusual size, being 8 feet by 5 and about 14 feet high. Each cell in this department is provided with washbowl, running water, and a water-closet in a recess which is closed by an iron sliding door from the rest of the cell. Two iron beds swinging at the sides from the wall are permanently provided in each room, but as yet there has been no occasion to double up. At the time of my visit there was but one woman, colored, in the jail. There is a bathroom with stationary tubs and hot and cold water. A large room, 11½ by 18 feet, has been provided for the detention of women witnesses or debtors. This is as yet unfurnished and no occasion has required its use. The cells on the women's side are well lighted because of the narrow corridor which intervenes between the cell and the windows.

The older part of the prison, the men's quarters, though well ventilated, is deficient in light and notably on the east side, where the wall of the new law library building cuts off much of the light. In the afternoon prisoners can only see to read by getting close to the grill of the exercise corridor. The difficulty can only be partially remedied by using reflectors.

There are four tiers in the men's department, two above and two below, two stationary tubs and a shower bath in every tier.

In this jail, as in others, too much space is sacrificed to the outside or keeper's corridor, which is unnecessarily wide, about 6½ feet. The system of ventilation and sanitation and heating is good.

There is no jail yard and no place for exercise except in the corridor in front of the cells, into which prisoners are turned promiscuously. The cells are 5 feet 8 inches by 8 feet high, a toilet in each room. The jail is clean. Mr. William H. Smith is the under-sheriff and jailor. The sheriff, F. Carpenter, does not live there.

The population at the time of my visit, August 20, was 32 men and 1 woman; 9 were awaiting trial.

There was formerly work at breaking stone in a barn secured by the county, some blocks away, but it cost too much to get the stone.

The county is now under the salary system. "Under the fee sys-

tem," said the keeper, "we averaged 89 the year through. The average last year has been 40, and it cost 86 cents a week for food." The sheriff receives no fees whatever now. This change took effect January 1, 1901.

#### SCHENECTADY COUNTY.

The jail at Schenectady is built in three tiers and contains seventy-two steel cells. It has modern features, such as provision for the separation of prisoners, electric light, separate cells for women, a padded cell, and a shower bath. The cells are of good size with two steel cots and lavatories. There is a good juvenile cell with windows opening out on the driveway of the yard. The population December 1, 1903, was 26 men and 3 women.

From May 25th to November 1st, 2,674 days' labor were done by the prisoners in macadamizing roads in the town of Glennville. There has been a large decrease in the number of tramps, some of whom have carried as far as Chicago the warning to the fraternity not to come to Schenectady. From three to six guards are employed and are paid by the supervisors at the rate of \$3 a day. Each guard is a deputy sheriff and gives bonds for the faithful performance of his duty. In the winter, of course, this out-of-door work can not be done.

Through the courtesy of the board of supervisors I had an opportunity to address them on the subject of a change from the fee to the salary system. The sheriff receives \$3.50 for each prisoner. The contract price for United States prisoners in Albany is \$2.10. In Saratoga county the cost of food per capita is 86 cents a week.

#### ST. LAWRENCE COUNTY.

Nothing need be added to the general description of the jail at Canton given in our report of last year. The population at the time of my visit, September 1st, was 38, 24 of whom were under sentence, 13 awaiting the action of the grand jury, and 1 a prisoner for debt. There were 6 women, 5 under sentence and 1 awaiting trial. The average sentence was from three to four months. Last year the prisoners had some employment working on the roads and crushing stone. The prison population then was more than twice as large, numbering 84 prisoners.

The women's quarters are well separated from the men's prison and a matron is in charge of women prisoners. St. Lawrence county is now under the salary system.

The Chinamen, about 25 in number, occupy, as before, an attic and use the lower rear corridor of the jail as a kitchen. They remain in jail from sixty to ninety days awaiting action of the United States commissioner as to their right of admission to the United States. They give but little trouble to the jailor, taking care of their own cooking and sleeping in wooden bunks on wooden pillows of their own make.

#### WARREN COUNTY.

Few jails in the country furnish prisoners with a more beautiful view from the corridors, in which they are freely allowed to consort, than the jail of Warren county. Caldwell, the capital of Warren county, is a charming town at the southern end of Lake George. From the main street the land gently slopes to the lake. On this slope, directly in the rear of the courthouse, with which it is connected by the sheriff's office, is the county jail. Its situation excuses the jocosse remark of a summer resident, who in my hearing termed it "The Hotel Bellevue." In respect to air and sunlight, the prisoners are as well situated as the denizens of the adjacent summer hotels. But in one very important respect the jail is most unfortunately placed; it is built on a level with the sidewalk and without any intervening wall. It is two stories high, with four windows about 5 feet high on each story. The windows of the lower floor open directly upon the sidewalk. There is nothing, therefore, to prevent communication, both verbal and manual, between the prisoners and passers-by.

That the jail authorities have felt the inconvenience of this situation may be inferred from the following notice placed on the outside: "All persons are forbidden to stand by or talk through these windows." That the notice is not strictly obeyed on either side of the wall was evident while I was reading it. "Hello, Ben," was the greeting from a passer-by to an inmate; "Hello, Fred," was the response from the window, so that recognition and greetings and much more extended communication are easily possible and frequent.



More potent in inducing passers-by to give the jail a wider berth is the unpleasant fact that prisoners expectorate tobacco juice upon the sidewalk. As there is no space for an outside wall, the only remedy is in screening the lower part of the windows with wire and ground glass or with steel barriers of sufficient height.

There is a corridor on each side of the central cell block, six cells on each side of the lower tier and five on each side of the upper tier, making twenty-two cells in all. One room is used as a hospital and is furnished with closet and sink. There is no distinctive woman's department: when women are committed they are now placed in a room on the upper corridor, where communication with the outside is less feasible.

The jail was built some five years ago; the steel work was good, but the brick work and the floors are rotten and defective. A room with water-closet and bathroom on the inside corridor is accessible to prisoners.

The jail population at the time of my visit was 17, of whom 5 were awaiting trial. The offences are mainly intoxication and vagrancy. The sentences range from twenty to ninety days. Long-sentence men are usually sent to the Albany County penitentiary. The sheriff is allowed \$3 a week for the board of prisoners and the regular fees for entrance and discharge.

The prisoners are not employed, but spend their time loafing in the corridors, smoking and playing cards.

The fee system exists in this county, but there are certain members of the board of supervisors who favor a change to the salary system.

#### WASHINGTON COUNTY.

In no county that I know of are the county offices so widely scattered as in Washington county. They seem to have been distributed with a distinct effort at inconvenience. Thus while the courthouse is at Sandy Hill, the jail is at Salem, which is also the residence of the sheriff. The county clerk has his office at Argyle and the county treasurer at Granville. It is not surprising that some of the map-makers should have become confused and put the capital of the county in the wrong place.

The jail at Salem is a decrepit old survival of an antiquated structure long since out of date. It has been repeatedly condemned and ought to be replaced by a new building. The cells are of brick, arranged in three tiers. They are barely long enough for a six foot bed, are 5 feet wide and 7 feet high. About half of the jail was fitted with steel cells some twelve years ago and these are slightly larger than the others. The surrounding corridor is narrow. There is no sufficient provision for the separation of prisoners. To get to the room assigned to the women one must pass through the men's corridor. The women's room is larger and has windows open to sunlight and air, but as only one room is devoted to this purpose the doubling up of prisoners is inevitable if more than one is committed at the same time. At the time of my visit there were 12 men and 2 boys, aged respectively, 17 and 19 years, and 1 woman. There is no probation officer in connection with the county court and no matron for the women. But the sheriff's wife serves as matron when necessary. The people of the town admit the pooriness of the jail, but public sentiment has not yet reached the point of insisting on a new one.

There is no employment for prisoners. The county is now under the salary system. The change from the fee system has been a great improvement.

#### HOUSE OF REFUGE FOR WOMEN AT ALBION.

While at Albion I visited, October 12, the reformatory for women at this place. It is well situated just outside of the beautiful village. The entire site comprises 97 acres, of which 25 acres are enclosed and 62 are used for farming purposes.

The institution is conducted on the cottage plan, has a capacity of 150. The limit of age is from 15 to 30, though they seldom get a girl over 25 years of age. Much time and attention are devoted to gardening. On the day of my visit the number of the inmates was 133. Miss Kertin, the superintendent, reports that there is no trouble in finding places for the girls. The buildings were kept scrupulously clean. It might be well for sheriffs and jail keepers to make a pilgrimage to this institution to find out what cleanliness in a penal institution means.

The reformatory needs a chapel or general assembly room, and it is to be hoped that the next Legislature will appropriate sufficient money for this purpose.

#### STATE PRISON AT AUBURN.

I visited the State prison at Auburn in the fall. There is little new to report in regard to this institution, which is exceptionally well conducted under Warden Mead. The prisoners are now working about six hours a day, and they are brought out into the yard in companies to exercise an hour each day when the weather is good.

Every man who is absolutely illiterate is taught to read and write. The school is under control of Chaplain Herrick. There are on an average from 60 to 75 in the school.

It is a refreshing contrast after seeing the idleness in the jails and penitentiaries to go to Auburn and find men vigorously at work for at least six hours a day. The discipline and the health of the establishment are good, and Warden Mead is doing all he can with the material at his disposal.

#### THE STATE PRISON FOR WOMEN.

I also visited the prison for women at Auburn, of which Mrs. Welshe is the efficient superintendent. The women are mainly employed at knitting, sewing, and mattress making; a few are employed in the large garden. The conditions for exercise, cleanliness, and consequently health, are generally good in this institution. The service, however, would be improved if the matrons were under civil service rules.

When I was there I was shown a mulatto child about 5 years of age, whose mother is in prison. There seems to be no reason why under the existing law the child should remain there instead of being put in some family or institution outside. The law of 1893 relating to the State Prison for Women, chapter 306, section 11, says:

In case any woman committed to said prison shall, at the time of said commitment, be the mother of a nursing child in her care, under one year of age, or be pregnant with child which shall be born after such commitment, such child may accompany its mother and remain

in said prison until such time as, in the opinion of the physician, such child can be properly removed therefrom and suitably provided for elsewhere: and in case such woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child or children more than one year of age, and who otherwise might be left without proper care or guardianship, it shall be the duty of such court so committing said woman to cause such child or children to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

#### THE HART'S ISLAND REFORMATORY.

Of the steps taken in reformatory legislation in New York State during the present year the law in relation to the development of the reformatory at Hart's island is one of the most important. The need of a reformatory for misdemeanants covering mainly the period from 18 to 21 years for boys who under the law can not be admitted to the House of Refuge, the Catholic Protectory, or the Juvenile Asylum, has long been felt. None have been more conscious of this need than some of the city magistrates or judges of special sessions who have had to dispose of such cases. Two years ago Judge Deuel, then chairman of the board of magistrates of the first division, recommended the establishment of such a reformatory by the city. In the spring of 1901 the attention of the Prison Association was called to the fact that many of these boys were committed to the workhouse at Blackwell's island, where they were thrown into the company of old and hardened offenders and where they lived a life of almost total idleness. A report on the subject brought out the necessity of further provision for this class of boys.

Subsequently the attention of Hon. Thomas W. Hynes, commissioner of correction, who assumed office January 1, 1902, was called to the condition of these boys, and Mr. Hynes was determined to avail himself of a provision in section 698 in the New York charter which authorizes the commissioner to establish such schools or classes for the instruction and training of youthful offenders as may be authorized by the board of estimate and apportionment. To this end the commissioner was authorized to set apart one of the penal institutions for the custody of such youthful and less hardened offenders.

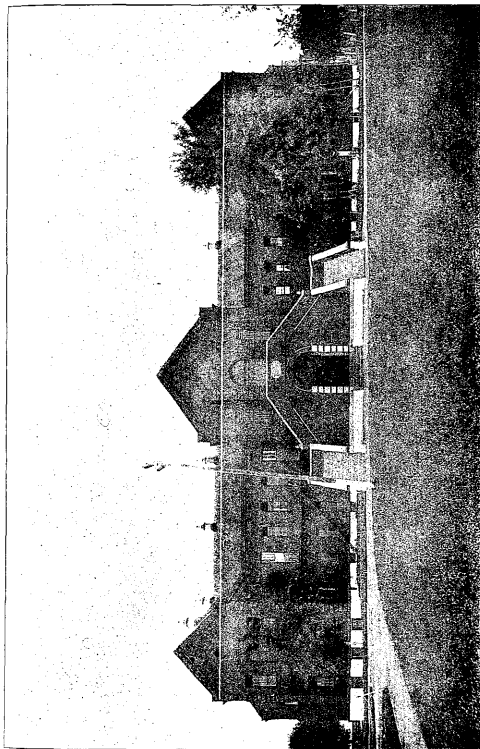
The commissioner had also power in his discretion to transfer such offenders from any other of the penal institutions of the city.

Commissioner Hynes therefore decided to remove the boys from the workhouse at Blackwell's island to Hart's island, an island some distance up the sound, where they could be entirely separated from old offenders. Certain buildings on this island formerly used for an insane asylum were fitted up, and comfortable quarters were secured for about 50 boys. Arrangements were made with the board of education to supply a teacher. Half of the boys attended school in the morning and the other half in the afternoon, each set working upon the island the other half of the day.

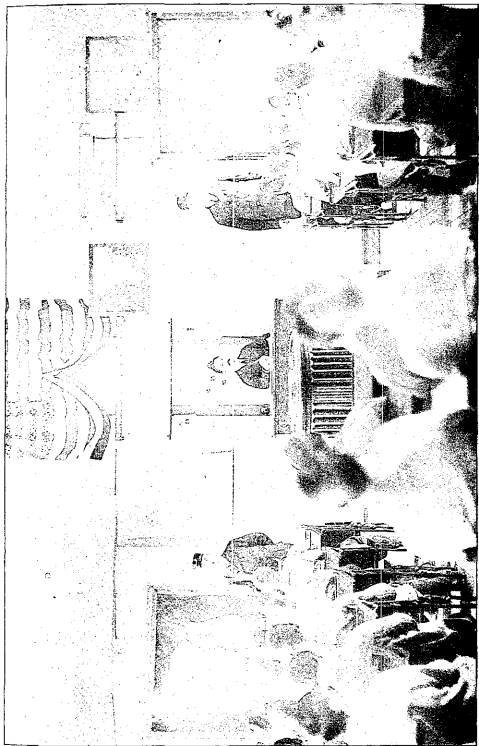
The condition of the boys removed to Hart's island was thus greatly improved, and all this was effected with a comparatively small amount of money.

The limitations, however, of the Hart's island school were as obvious to Commissioner Hynes as to those who officially inspected it. One of these limitations was that imposed by the definite and, in almost every case, by the short sentence. Boys committed for periods of from three to six months had to be discharged at the expiration of this brief period whether ready for such discharge or not. Under the law there could be no provision for parole, and therefore no legal control exercised over the boys conditionally liberated, for every discharge was absolute. That most important adjunct of a reformatory, trade schools, was absent, and even if established it was evident that not much could be done in a period of six months.

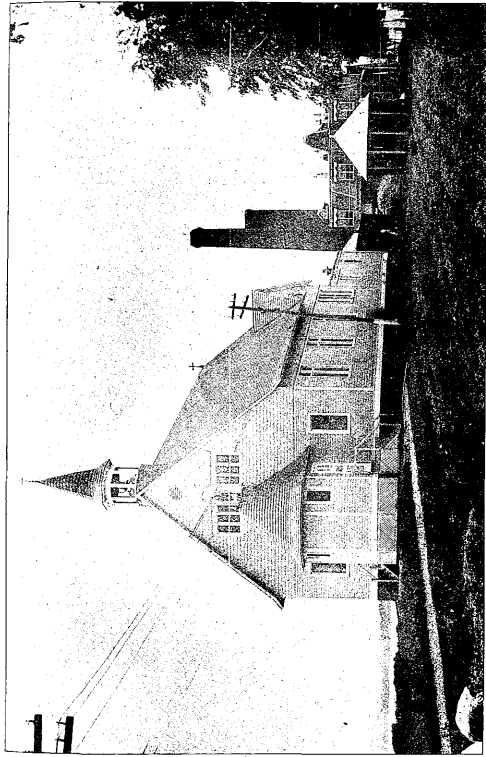
The need of enlarging the scope of a law and of developing into a first class reformatory the school already established at Hart's island was recognized at the fourth New York State Conference of Charities and Correction, held last November, in papers by Judge Julius M. Mayer, Commissioner Hynes, Hon. George McLaughlin, secretary of the State commission of prisons, and by other speakers. As the result of this discussion, which included the needs of the whole State as well as New York city, a committee was appointed consisting of Judge Mayer, Commissioner Hynes, James Wood, president of the board of managers of the Bedford Reformatory, Frederic Almy, Thomas Scanlon, George F. Canfield, president of



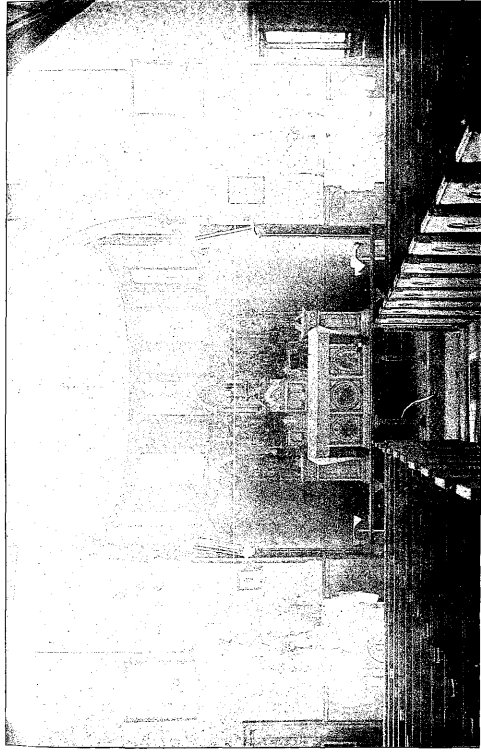
HART'S ISLAND: THE BUILDINGS.



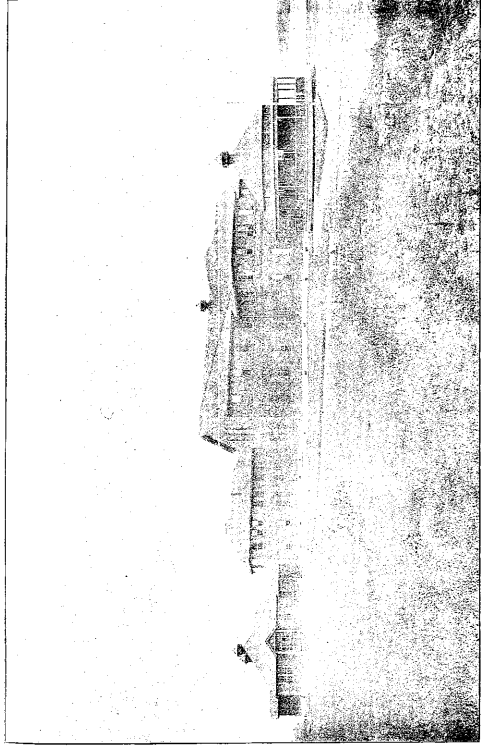
SCHOOL-ROOM AT HART'S ISLAND.



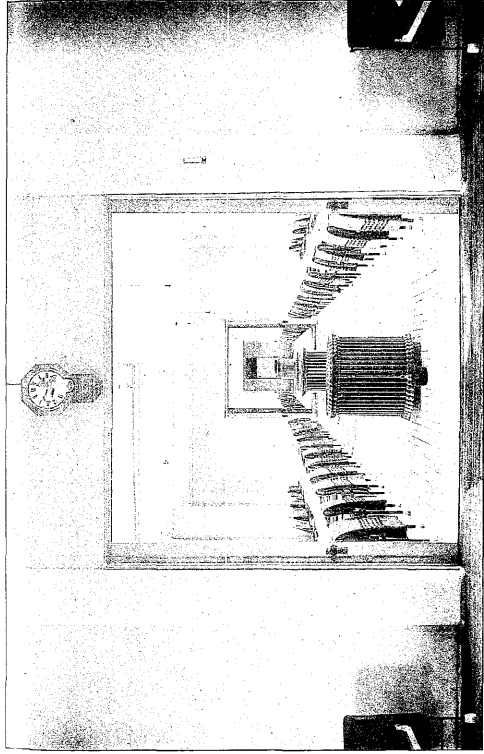
HART'S ISLAND: CHURCH EXTERIOR.



HART'S CABIN: INTERIOR OF CHAIRS.

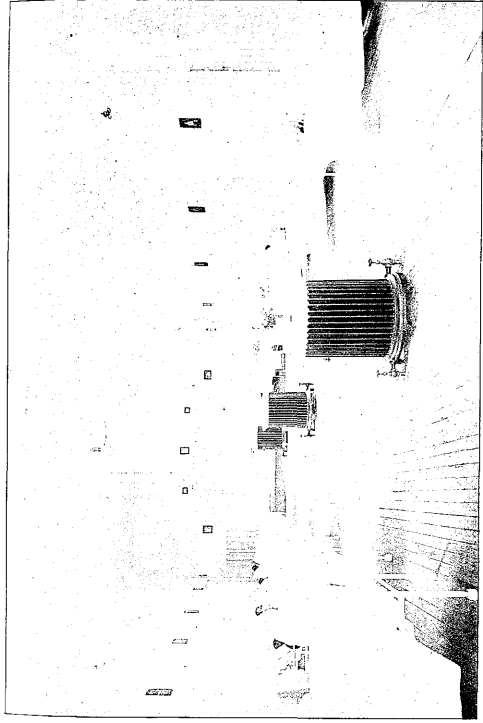


HART'S ISLAND: WOMEN'S QUARTERS.



HART'S ISLAND - WOMEN'S DORMITORY.





HACK'S ISLAND: MACK'S HOTEL.

the State Charities Aid Association, and Samuel J. Barrows, corresponding secretary of the Prison Association of New York. The committee held a number of sessions and invited to their deliberations Mr. McLaughlin and also several members of the board of city magistrates and of the court of special sessions of New York. Judges Olmstead, Barlow, Dooley, and Tighe attended some of the meetings. After such deliberation it was decided to divide the work of the committee into two parts, namely, first, for the preparation of a law for the continuation and development of the Hart's island school; second, to draft a bill providing for the establishment of a reformatory for misdemeanants for New York State. Advantage was taken of existing laws and existing experience in drafting these bills. Inquiry at Albany showed that it would be practically impossible to secure this year an appropriation for a State reformatory for misdemeanants, as Governor Odell frankly said that he would not approve of such an appropriation. A general law for the State was therefore not presented; and the committee decided to perfect the Hart's island bill and use every effort to secure its passage. As the bill provided for no appropriation by the State and the expense of the reformatory is to be borne by the city of New York, no opposition was offered on financial grounds. The only opposition from the suburban counties was by the sheriff of Queens county, who authorized the extravagant statement made by Senator Keenan on the floor of the Senate that the law, if passed, would take away so many of his prisoners as to practically close up the jail of Queens county. If there are so many young men in Queens county needing reformatory treatment it furnishes an excellent argument for the establishment of some other institution than the Queens county jail, where these young men are kept in idleness in a public loafer's hall for the benefit of the sheriff. No better example could be furnished of the pernicious effect of the fee system than that the sheriff of Queens county should demand that young men who are capable of reformation should be sent to his jail and be maintained in idleness and under the most contaminating influence in order that he might get the profit which comes from boarding them at four times as much as it actually costs.

In order that the revenues of the sheriff of Queens might not be disturbed the bill was amended so as to take effect in Queens county after the termination of his service, January 1, 1907. In the other counties of Greater New York it will take effect January 1, 1905. This will give an opportunity for some appropriation by the board of estimate and apportionment in the budget for next year.

The most important features of the law, which is in the form of an amendment to the charter of New York, are the provision for the continuation of the Hart's island school and the further classification of youthful offenders; second, the age limit is made from 16 to 30 to correspond with the age limits for felons who may now be committed to Elmira. Experience has shown that that limit is not extreme, although the great majority of offenders would range between the ages of 18 and 23. It was felt that misdemeanants should not be deprived of any advantage in the way of reformation which is now accorded to felons. This does not mean that all offenders within this age limit shall be sent to the reformatory, but only those whom judges may consider to be good subjects for reformatory treatment. Nor does it mean, either, that in the development of the institution offenders from 18 to 30 shall necessarily be kept together. It will be quite possible for the commissioner to keep the small number of old offenders by themselves. Third, commitments under the new law will be made not for a definite period but under the indeterminate sentence. It was necessary, however, to fix a maximum limit, as legal objection would be made if prisoners could be held longer in a reformatory for misdemeanants than in a reformatory for felons. The maximum was therefore fixed at three years, which is about the limit under which prisoners can be held for misdemeanors when a maximum fine is added to the maximum period of imprisonment. Fourth, a new and interesting feature of the law is that the parole board, which is to be composed of nine members, will have two members from the courts of special sessions respectively of New York and Brooklyn and two members from the board of city magistrates, one

from each of the two divisions. This will give an opportunity for the judges who commit to this institution to become closely identified with its interests and with the fortunes of prisoners who may be committed to it. In addition to the commissioner of correction four citizens will be chosen by his honor the mayor as members of this board. Provision is also made for the appointment of a parole officer.

The law received the hearty approval of his honor the mayor, to whom it was submitted before it was introduced at Albany. The success of the reformatory will now depend upon two things: First, upon the financial support which shall be given to the reformatory by the board of estimate and apportionment. There will be need of a large increase of accommodations and the necessity of establishing and equipping trade schools. Second, for a reformatory to succeed it must have a first class superintendent. In its incipient stage a man is needed with skill and constructive and organizing power and also endowed with all the personal gifts and if possible with the experience which go to make up the ideal superintendent of a reformatory. Such men can be had, and it is to be hoped that some such man will be chosen for this important office.

## PROBATION WORK.

While this association has a general interest in the work of probation wherever conducted, and is urging its extension and improvement throughout the State, it has a special responsibility for the work conducted by its own agents in the courts of New York city. This work is concentrated in the higher criminal courts of the city, the court of general sessions. As only persons accused of felony are tried in this court, the success of probation with reference to persons convicted of the more serious offenses is an indication already supported by independent proof, that in less serious offenses and under lower courts probation may be equally successful.

As a part of a judicial system it has long since passed beyond the stage of experiment. The percentage of success depends not only upon the character of the offender, but upon the thoroughness of the investigation made by the probation officer, upon his tact and good judgment, and upon the seriousness of the conditions imposed by the court and the strictness of the surveillance.

It is a gratification to be able to repeat the report of last year that at least 90 per cent of our probation cases are doing well.

Number of cases referred for investigation by judges of the court of general sessions.....	497
Number of persons on whom sentence was suspended on recommendation of the agent.....	138
Tried and acquitted through aid of the association.....	49
Number now on probation.....	118

### RESTITUTION THROUGH PROBATION.

One possibility and result of the probation system, not before noticed in these reports, has received interesting illustration during the last year. We refer to the restitution made to their victims by those placed on probation. In some cases, of course, the nature of the crime does not permit any restitution in money; but in cases of

larceny and other offenses against property it is sometimes possible to secure the return of such property or its equivalent. During the last year the sum of \$4,680 has been returned by probationers to the victims of their offenses. This sum has been secured and paid to persons to whom the recovery of this amount was of substantial importance. It might not have meant much to a wealthy firm; it did mean much to those who could ill afford to lose it. Beyond this the moral effect on the probationers themselves in making this restitution was of the highest value. It was not secured merely as a condition of probation, but was one evidence of the sincerity and good faith of those placed under suspension of sentence.

One other important fact is to be noticed: *Restitution could not have been effected if the convicted offenders had been sent to prison.* Not only would it have been impossible for them to earn the amount under the present laws of the State of New York, but these persons if committed to prison would hardly have earned more than the cost of imprisoning them.

From the reports of our agents we extract a few cases of special interest, reminding our readers that many other cases might be cited which if less interesting are hardly less important.

### HUNGER AND WANT LEADING TO CRIME.

A young woman and her mother came to New York from a southern city hoping to secure remunerative employment. They had always been in comfortable circumstances and had never known what it was to be compelled to work for a living. The sudden death of the only male member of the family left them without means. Rather than depend upon the charity of neighbors they came to New York. For about a year the pair made a scanty living by making fancy collars and fine needlework. They lived in a small furnished room for which they paid \$2.50 a week when heat from a gas stove was required, and \$2 a week at other times. The fashion in women's collars changed, and finally work gave out altogether. Unpaid rent accumulated for two weeks and they were turned out into the street in midwinter. For two nights they walked the streets together and had absolutely no food. In the daytime they were able to keep warm by going from one department store to another. The daughter, a

young woman of 22, and of pleasing appearance, heard a gentleman give his name and address in one of the big stores and order some goods charged to his account. She was hungry and desperate, and it occurred to her that it would be easy to get goods on his name and buy food and shelter from the bitter cold. She ordered an expensive article, had it charged in the name overheard, took it herself instead of having it delivered, pawned it, and with the money reengaged the old hall bedroom and bought food. It was easy; so she repeated the operation, or rather attempted to, and was arrested. She immediately confessed her wrongdoing and was sent to the city prison to wait trial. Her mother was soon homeless and hungry again, and when visiting the prison to see her daughter the girl gave her prison bread. This being noticed by the matron, the case was brought to the notice of some benevolent ladies, who provided for the woman.

When the case came up in general sessions Judge McMahon referred it to this Association for investigation and report. The superintendent of the department store on hearing the facts in this sad case asked permission to withdraw his complaint, and on the report of the general agent of this association the young woman was released on probation in the care of a member of the woman's committee. Work was procured for both women. A month later she wrote as follows:

"NEW YORK CITY, N. Y.

"My dear Mr. Kimball: I had no chance to speak to you at the courthouse, nor have I had an opportunity to come to see you, but I want to thank you, much more than I have words to express it. How grateful I am for what you did for me!

"If it had not been for you and Miss—— I would still be in that horrible place, and when I think of it, it makes me shudder.

"I have realized since what a wrong thing it was that I did, and I am bitterly repentant and never again through my power or actions will I ever be there again.

"I can't thank you, Mr. Kimball, but I shall try in every way to show my gratitude to those kind friends who stood by me and helped me so much. My mother wants me to thank you in her name also, and we are both more than grateful.

"Wishing you a very Happy New Year and again thanking you for my Merry Xmas, I remain,

"Yours respectfully."

ACCUSED AND VINDICATED—HOW OUR AGENTS MAY SOMETIMES HELP THE COURT AND THE DISTRICT ATTORNEY, AS WELL AS THE PRISONER.

E—— G——, 68 years of age, having entered a plea of guilty to manslaughter in the first degree on the advice of counsel, was remanded to the Tombs for sentence by Judge Newburger, and the agent of this association was requested to make an investigation as to the character and reputation borne by the defendant prior to his arrest. G—— was charged with having caused the death of his wife by striking her with an iron cooking pot. The brief submitted by the district attorney said that the defendant was a hard drinking man, of a quarrelsome disposition, and that he had been arrested a number of times and sent to the island for intoxication and disorderly conduct. A woman was ready to testify that on the night when Mrs. G—— was injured and sent to the hospital she heard screams in the apartment occupied by G—— and his wife; that she ran down stairs, but could not at first get into the rooms; a little later she did gain access, and was ready to swear that she saw the prisoner strike his wife with the iron pot; that he kicked her, and finally emptied a kettle of stew over her prostrate and insensible body, saying he was glad she was dead. The brief went on to say that the woman was taken to the hospital in an ambulance; that she died a few hours later and that her death was induced by violence.

After a few days a report was made to the court that something more than character and reputation needed investigating, and Judge Newburger directed the Association to make a most thorough and searching investigation of all facts and circumstances connected with the case. It was found that G—— had been in some trouble eight years ago prior to the death of his first wife, but during the eight years after his marriage to the deceased woman his character had been good; he had been arrested once in that time for intoxication, but was discharged the

next morning. Six neighbors said he was not quarrelsome; on the contrary, they said he was very peaceable and quiet, working hard at his trade of shoemaking for very small wages. His employer, the priest of the church he attended, and some property owners united in giving him a good character and insisted that he should never have been arrested, much less indicted by the grand jury. The woman who was ready to swear to so much against him bore a bad reputation, was addicted to drink and was known to the street loafers as the "blind piper's wife," she consorting with a blind man who played the piano in a vile dive and spending most of his earnings in drink.

The ambulance surgeon who carried the woman to the hospital said there were no traces on her clothing of a kettle of stew having been emptied over her; that there were no bruises or contusions on her body and that she was a patient in the medical ward of the hospital. The doctors who attended her said that if she had been beaten and abused as stated in the district attorney's version of the case she would have received treatment in the surgical, not the medical, ward. Another statement of the hospital officials was most important. They said that the woman died of apoplexy—hemorrhage of the brain—and that the hemorrhage was internal and not external. If this hemorrhage had been induced by violence, it would have been external. She died, they said, nine days after being received—not "a few hours later" as the district attorney had it—and gave it as their opinion the deceased came to her death from natural causes. They ridiculed the idea of murder.

In answer to the allegation as to his conduct on the night when his wife was taken to the hospital, the prisoner said he returned from work just as it was getting dark and reaching his rooms found the door open, which was unusual. He called loudly to his wife, and getting no answer, went into the room in the dark intending to light the lamp. He fell headlong over his wife's body and made an outcry which brought the other tenants to the apartment. After the ambulance had gone, he said to the landlord in the presence and hearing of other tenants that he was

glad he had no breath of liquor on him or they might have blamed him for her condition. His employer verified nearly every statement and said the defendant worked for him till dark on the day of the alleged murder and was sober when he went home. On the night the woman was taken to the hospital the defendant was sitting on the hospital steps at 1 o'clock in the morning and complained because he was not allowed to see his dying wife.

Some days later he was arrested and held to answer on a charge of murder. A month or more after that he was indicted for manslaughter by the grand jury. He entered a plea of not guilty, and, as he was without means, counsel was assigned him by the court. When the case came up for trial, after examining the papers, his lawyer advised him to plead guilty, which he did as a part of the legal procedure without understanding what it really meant. The court then referred the case to the Association, as stated, and the prisoner was interviewed in the Tombs. He persisted in declaring that he was not guilty of the crime, and the facts as related all seemed to bear out the truthfulness of his story.

Report was made to Judge Newburger, who was so much surprised by the evidence presented that he sent the papers to District Attorney Jerome for consideration. A short time after this he ordered that the plea of guilty be cancelled and that the prisoner be tried by jury. The lawyers then asked to be excused from the case, which request was granted, and Mr. Lewis Stuyvesant Chanler agreed to try it. While he was engaged in preparing, the district attorney's office was making investigation based on the report made by this Association and on the publicly expressed opinion of Judge Newburger that the evidence was not strong enough to warrant any judge of the court of general sessions permitting it to be presented to a jury.

The district attorney finally came to the same conclusion and recommended the prisoner's discharge. The official stenographer's account of the final disposition of this most important case is as follows:

*Court of General Sessions, Part III.*

THE PEOPLE OF THE STATE OF NEW YORK  
 VS.  
 EDWARD GOFF.

Before Hon. Joseph E. Newburger, J., and a jury.

Indictment filed October 30, 1903.

Indicted for manslaughter in the first degree.

NEW YORK, *March 18, 1904.*

The defendant being arranged for sentence:

The Court: Now, in this case of Goff—this defendant was indicted in October last, on the 30th of that month, charged with the crime of manslaughter.

On the 23d of November last, upon the advice of his then counsel, who were led to do so by reason of certain statements they had received, he pleaded guilty to the crime of manslaughter in the second degree. The plea was offered and accepted by me.

I caused an investigation to be made. I spent the time from November until February making as thorough an investigation as I think I ever made in any case that has come under my observation either while at the bar or since I have been on the bench.

I want to take this public opportunity to publicly thank Mr. Kimball, the agent of the Prison Association, for the services that he rendered to me in this case, and the trouble that he took in the investigation that he made.

I not only examined the reports that I received from Mr. Kimball, but also the testimony that was at the command of the district attorney; and after such a length of time and after such a thorough investigation I deemed it to be my duty to direct that the plea of guilty be withdrawn and that a plea of not guilty be substituted.

On the 4th of February I made such an order.

I then assigned Mr. Waldheimer and Mr. Chanler as counsel for this man, the other counsel having asked to be relieved.

Since this action of mine the district attorney has caused an investigation to be made and from such an investigation he has recommended to me that this defendant be discharged upon his own recognizance, which bears out the action that I took in advising the other plea to be withdrawn.

There is considerable doubt whether any jury ever would have convicted this man.

While the charge is a very serious one—the person who died or was killed was the wife of this man—yet the evidence in the case

creates more than a reasonable doubt as to whether this defendant caused her death.

The testimony of the physician, as to the cause of death, is that she died from natural causes.

The report of the ambulance surgeon and the doctors in charge of the hospital, at the time that the unfortunate woman was brought there, make out a very strong case of a reasonable doubt as to the cause of death. Therefore, the district attorney is justified in making the recommendation that he has made to me.

I will grant the motion of the district attorney and will discharge this defendant.

Some good people, with whom he has been employed, I understand, are here in court to-day and they will see that he gets a home. He is alone in the world, I am told.

Now, I want to say this to you, Goff: Do you understand what I have said?

Defendant: I do, sir.

The Court: Now, I want to say this to you, I want to give you a little advice. From what I can find out from people in the neighborhood in which you have lived you have always been known as a very hard-working man. The trouble with you is that sometimes you indulge too much. You have arrived at an age when you know that that is bound to get you into trouble. You have had this unfortunate experience; you have been imprisoned for more than six months; you have had an opportunity to see and think for yourself what the result of it is. I am going to let you go, Goff.

The Defendant: I thank your Honor.

The Court: But you want to understand that the best thing for you to do is to keep away from liquor.

The Defendant: I intend to, your Honor.

The Court: That's right.

The Defendant: And I intend to get and live with my daughter and thank God I am able to work yet and I have the man whom I have worked for here.

The Court: He is in court and will take you home. You may go.

#### RESTITUTION THROUGH FRATERNAL DEVOTION.

J—C—, a man of 34, convicted of forgery, asked the association to interest itself in his case. He had references from good business men who had employed him over ten years and always found him honest and trustworthy. His story was the old one of the effort to make money on the racetrack and in gambling houses, taking a little of his employer's money at times until he became hopelessly involved and ruined. Investi-

gation showed that he came from a good family and that his brother, a young man of excellent character and jealous of the good name of the family, had offered to make good the stealings of his brother. This was arranged, and \$1,800 was paid to the employers, who joined in the application for mercy. On hearing our report of the circumstances, Judge Foster generously suspended sentence and paroled the man in the custody of the association. He is still reporting at the office and living a good life.

"STARVE OR STEAL."

J—— G—— came to New York from Chicago hoping to get work as a waiter. He failed and was arrested for stealing a roll of cloth from a tailor shop in broad daylight. He pleaded guilty to the charge. "I had," he said, "no friends to help me get work; all the money I had was spent. I pawned my overcoat and spent all the money I got on it except 15 cents. I spent that for a pair of pliers, which I used to rip the gold teeth from my mouth. These cost me \$75, and I pawned them for \$3.50, all I could get, and when that money was gone I had to steal or starve. So I went to a clothing shop, picked up a roll of cloth in plain view of its owners and stood ten feet from the door waiting to be sent to prison where I would be sure of a bed and some food."

Recorder Goff paroled the young man in the Association's care and he was sent back to his home in Chicago. There was of course no necessity for this man to steal, and he could have had help from many sources if he had applied for it. But this story illustrates the mental attitude and the desperation which sometimes lead to theft.

A WAYWARD GIRL.

Judge Cowing listened to a girl not yet out of her teens while she pleaded guilty to stealing the clothing of a woman who had befriended her. The girl was L—— G——. She lived in Orange county till about a year ago, when she met a young woman who filled her ears with tales of the wonderful life in New York. Then the old farm became irksome to her. She longed to come to the city. The old folks protested, but the girl ran away from home. Life in the city was pleasant at first,

but it took money to make it so. When her money was gone the girl sought work. In one of the big department stores where she had gone to seek employment she met a woman of the kind that preys upon the helplessness of their sisters. This woman talked with the country girl.

"Come with me," she said, "and you will never need to work."

The temptation was strong and the girl agreed to go with the tempter. When she realized what kind of a life she was living, she ran away and sought the home of a friend in West Twenty-first street, a woman she had met in the mountains of Orange county. To her she told the story. There she remained for several weeks and then disappeared with a skirt and waist of her friend, and when the police found her was trying to pawn them.

"Let me go home," pleaded the girl to Judge Cowing, "let me go home to my mother."

The general agent of the association told Judge Cowing that he had investigated the girl's story and was convinced that she told the truth. Her parents thought their daughter was employed in a department store.

"Send her home to me," wrote the mother, "for my heart is breaking."

Judge Cowing suspended sentence upon the girl, and she was sent to employment with a physician in a town near her home.

DISCHARGED PRISONERS.

The table on the opposite page will show in the poor way that figures may speak some aspects of our work for discharged prisoners during the year 1903.

It will be seen that 405 of these cases were inmates of the Elmira Reformatory who had been paroled into the custody of this association after having served a term of imprisonment. In a later part of this report we present a brief in regard to parole which shows in some detail what has been accomplished by this system in this and other States.

Other discharged prisoners come to us from other institutions needing various forms of help. A few typical cases are presented. This work of relief is of the utmost importance and we appeal to our friends to support the association in doing it efficiently.



## STATISTICS OF AID DEPARTMENT FOR 1903.

2004	Registered.	From New York Co. Penitentiary.	From Sing Sing.	From Auburn.	From Clinton.	From Kings Co. Penitentiary.	Paroled in our care from Elmira Reformatory.	From other prisons.	Furnished with tools.	Transportation.	Discharged to steady work.	Garments distributed.	Lodgings furnished.	Meals provided.	Books furnished.	Days' work furnished in building.	1,000	
																	1,000	1,000
January	110	85	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
February	110	85	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
March	76	56	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
April	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
May	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
June	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
July	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
August	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
September	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
October	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
November	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
December	96	66	4	8	30	50	44	11	7	3	3	2	156	300	200	100	200	200
Total	1,000	800	40	80	300	500	440	110	70	30	30	20	1,560	3,000	2,000	1,000	2,000	2,000

## HELPED HIMSELF, HE HELPS OTHERS.

S—— M——, discharged from prison early in 1903, applied at the office for help. He was a young man of 27, had a common school education, but no trade. He worked at our building for two weeks when permanent employment was procured for him. After two months of service with the firm, and proving to be sober, honest and a good, faithful workman, he was appointed foreman of the stables. Five months after his discharge from prison he called at the office and said to our agent: "I am in a position to help other discharged prisoners and if you have a few men whom you can recommend I will gladly give them employment in order to help them along." His request was complied with. S—— M—— is now married, getting along nicely and bids fair to be a model man.

## CAST DOWN BUT NOT IN DESPAIR.

X—— N——, a young man of 24, was an advertising agent for a firm which printed theatre programmes. His work threw him in contact with the sporting fraternity. Being in want of cash in order to place a bet upon a favorite horse, he forged a check, was arrested, but being a first offender was allowed to plead guilty to petit larceny and was sentenced to serve one year in the New York county penitentiary. On being discharged he felt his position keenly. His sporting friends would not recognize him. He came to the office and asked the agent for advice. "What shall I do, leave the country?" The agent replied, "No, stay here, get work, live down your disgrace and when your true friends see that you mean to do what is right they will help you; I will give you a suit of clothing in order to make you look respectable, which is half of the fight, and will help you in any way I can." N—— obtained work as a salesman in a hat store on Broadway, a place where his better friends often passed. They were surprised to see him, but did not fail to recognize him, shake him by the hand and give him encouragement. Our agent visited him two or three times each week in order to advise and encourage him. After being two months with the latter he obtained employment as demonstrator in a large department store, and made

himself so useful that they sent him to the fair at St. Louis, where he is doing well.

#### HELP AT THE RIGHT TIME.

X—— E——, a young man of 22, was paroled from the State Reformatory on ten days' leave. His father, a drunkard, told him that if he could pay board he was welcome, but if he had no money he would have to go back from whence he came. E——'s small board of money soon vanished in the great city, and he came to the office stating that he understood the reformatory was a refuge for homeless paroled men and asked the agent to send him back. The agent replied: "Oh, you don't want to go back to the reformatory; you are simply hungry and downhearted. Am I right?" N—— replied in the affirmative. He was provided with lodgings, meals, a few pieces of clothing and sent to several addresses. In two days he obtained employment as elevator conductor in a large office building and stayed there four months. He then obtained a better position and did so well that he gained the confidence of the authorities at Elmira and was given an absolute release.

#### A POOR CONSUMPTIVE.

K—— T——, a boy of 19, was discharged from the Eastern New York State Reformatory at Napanock, and, having no friends, called at the office for help. He said that he had applied at several places for work, but that the firms did not think him strong enough. It was plainly to be seen that the poor fellow was suffering from consumption. However, he obtained employment in a factory where they manufactured tin boxes and K—— was put in charge of the machine that stamped out the covers. He worked three days when he was taken with a hemorrhage, and the firm's superintendent, seeing that the young man was unfit to proceed with his work, gave him his wages and informed him that his services were no longer required. K—— came back to the office and after a long talk with the agent arrangements were made to have him admitted to a hospital. The little fellow seemed grateful and entered the institution, where he is now making himself useful by doing light work.

#### GRATEFUL LETTERS.

Among the many letters received from discharged prisoners we copy the following:

BUFFALO, N. Y.,——

Dear Mr. Agent—Do you remember that German blacksmith who came last summer to your organization and applied for help? That fellow whom you so cordially cheered, encouraged and helped materially generously.

It is about time that you should hear something about him again, if he was worthy a sacrifice. It would take me all night if I should go into details, and tell you all my progress and my activity in industrial as well as educational circles.

The first thing I done last summer when I was in employment I sent a registered letter to my uncle in the old country, and told him to deliver to my dear poor mother my bank book of about 700 marks, that she might use my money as necessity required.

Perhaps you remember I took work in—— in the factory. The only trouble was there that I had to board in a saloon and being ever since 1900 a total abstainer it soon became very annoying to me. Therefore I removed to Buffalo. But I had left a good position and had to undergo all kinds of hardship before I got my present good position. But I never was even one week without work. At present I am working in a large factory as tool dresser and making \$2 a day.

All winter I attended a night school regularly three times a week, taking up bookkeeping and short hand. I now belong to a Union and also the I. O. G. T.

My family in the old country want me to return but I have taken out my first papers and shall remain in the U. S. hoping to become a man well worth having.

Since last October I have saved \$65.

I send my regards to the other gentleman. I am sorry I forgot his name, but I remember his kind smiles and good words.

Thanking you and him once more for what you have done for me I am,

Very truly yours,

D—— S——

MINNEAPOLIS, MINN.

Dear Friend Mr. H.—No doubt you will be quite surprised to receive this letter, coming from a brother of W—— H—— whom you are well acquainted with and did so much for after his discharge from prison. I have been intending to write you for a number of weeks but kept delaying it for no particular reason, unless it might be I wished to write you something bright

and cheerful in regard to my brother's present condition. He is employed in a printing establishment, lives at home with his mother. His behavior and general deportment is excellent and we are all delighted and proud to inform you, Mr. H——, who has been his friend of this good standing. I as well as all my people appreciate what you did and how kind you were to him. The gratitude we owe you, we hope some day to be able to show it more effectively. It is my desire to meet you some day in person.

Kindly accept these lines as evidence of our high appreciation for the kindly feeling and devoted interest you extended.

Very respectfully,  
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## CHARLTON T. LEWIS, PH. D., LL. D.

Born February 26, 1834. Died May 26, 1904.

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At a special meeting of the executive committee of the Prison Association of New York, held June 7, 1904, a special committee, consisting of Messrs. McKeen, Smith and Barrows, presented a biographical sketch of the late president of the Association, Charlton T. Lewis.

### MEMORIAL RESOLUTION.

The following minute, adopted by a rising vote, was then ordered to be placed on the records of the Association and to be communicated to Mrs. Lewis:

For more than twenty-five years Charlton T. Lewis was a member of the executive committee of the Prison Association of New York, to which he was elected in January, 1879. During the last twelve years of this time he was both chairman of the executive committee and president of the Association. His unexpected death, thus severing a connection of a quarter of a century, deprives this Association of an earnest, inspiring, and gifted leader, whose forcible pen, brilliant and kindling eloquence, mature counsel, and remarkable learning were dedicated to the interests and advancement of prison reform. His prolonged study of the history of penology, his profound knowledge of its development, firm grasp of its principles, and clear insight into its problems, combined with rare powers of exposition and persuasion, made him one of the most distinguished representatives in the whole field of modern penological science. His contributions to this department secured for him both a national and an international reputation. In all the range of his wide and varied interests, no subjects more constantly awakened his enthusiasm or commanded his eloquence than the possibilities of probation, or the principle of the indeterminate sentence viewed in relation

to the reformation of the prisoner and the protection of society. Constantly sought on the platform, where the magic of his voice added to the charm and power of his command of vigorous and exact English, nowhere was the value of his word or counsel more highly appreciated than by his fellow-members of this board and Association. The thought and interest he has given to its work for so many years have not been without fruit in improved legislation, better methods of administration, and in bringing to bear upon the offender the stimulus of the highest and noblest motives. In the archives of this Association, and in the libraries of the world, the productions of his own pen will constitute his best memorial of high thought and noble purpose, and will long continue to exercise a potent influence. Being dead, he yet speaketh. Deprived of his engaging personality, we share the bereavement of those who mourn him in the sanctuary of the home, and extending to them our deepest sympathy, inscribe to his memory this token of our appreciation.

#### BIOGRAPHICAL SKETCH.

Mr. Lewis was born in West Chester, Pa., on the 25th of February, 1834. His father was Joseph J. Lewis, *commissioner of internal revenue* under Presidents Lincoln and Johnson. His grandfather was Enoch Lewis, a prominent leader and educator in the Society of Friends. The student of heredity may find in Mr. Lewis's ancestry the source of his mathematical ability, for his grandfather wrote a text book on this subject. On his graduation at Yale in 1853, Mr. Lewis took high honors in mathematics as well as in classics. It is said to have been his original intention to enter the Methodist ministry. We find him, however, in 1856 holding the position of professor of mathematics in the State Normal University of Illinois. But his love of literature, one of the commanding interests of his life, soon asserted itself and in 1858 he became professor of Greek in Troy University, a position which he held for three years. Going to Washington on the threshold of the civil war, he held for two years the position of deputy commissioner of internal revenue. At the expiration of this period he came to New York city and took up

the practice of law in partnership with S. S. Cox. His services were soon sought by leading insurance companies and he became not only an interpreter but a molder of insurance legislation in the United States. His mathematical ability and his unusual powers of expression fitted him to be an actuary or a writer on finance; but his classical training, his wide reading in history, law and economics, all qualified him for a leading position in journalism, a profession which he entered without apparent effort or intention. Having written a few articles for the *Evening Post* of New York, under the editorship of Mr. Bryant, his fine qualities as an editorial writer were at once recognized, and unexpectedly to himself he was called to the managing editorship of that journal at what was then an unprecedented salary. The *Evening Post* in a notice of Mr. Lewis written the day after his death, speaking of his connection with that journal, says: "He proved himself a writer of extraordinary fluency, flexibility, and adroitness."

Resuming in 1872 the practice of law, he held from 1873 to 1878 the post of secretary and treasurer of the Chamber of Life Insurance of the United States. For more than twenty years he was counsel to the Mutual Life Insurance Company. As a high authority on insurance he was called upon to deliver lectures before Harvard, Columbia and Cornell universities.

Meanwhile his interests and studies in classical literature and philology were not neglected. The most conspicuous monument of his industry and scholarship is the large Latin dictionary published by Harper & Brothers. This work, an expansion and revision of the labors of Freund, was achieved by Mr. Lewis without suspending his other professional engagements only by working into the small hours of the night and by exerting a patience, accuracy and industry, a power of concentration and of persistent labor seldom combined in one of his versatility, imagination and creative literary power. His reputation as a lexicographer was at once made by this work, and obtained for him instant recognition in England, an interesting proof of which was that a plan to bring out a similar dictionary at Oxford by a group of English scholars was abandoned on receiving the proof sheets of the American work.

We have seen as yet no complete bibliography of his miscellaneous writings, but among those already catalogued are his translation, in company with Rev. Marvin R. Vincent, D. D., of Bengel's "Gnomens of the New Testament;" "A History of German;" a "Latin Dictionary for Schools," a simplification of his larger work. He was the editor of "Harper's Book of Facts," and in 1901 edited the "Love Letters of Prince Bismarck."

Mr. Lewis was a director in several corporations and a member of a number of prominent societies and clubs. He received the degree of Ph. D. from the University of the City of New York and the degree of LL. D. from Harvard University in 1903.

Omitting many details, we have recounted the leading facts in Mr. Lewis's literary and professional career only to emphasize more clearly the significance of his devotion to philanthropy and especially to the work of prison reform. It might be supposed that one having so many interests would have been wholly absorbed by them to the exclusion of other associations and duties; but, after all has been said, it still remains true that the crowning work and interest of his life, which for more than a quarter of a century he pursued with unabated ardor until his death, was a noble, unselfish and enlightened devotion to the interests of prison reform. Mr. Lewis was elected a member of the executive committee of the Prison Association in January, 1879, and was elected president of the Association October 20, 1892, after the death of Professor Dwight. He was president of the State Charities Aid Association of New Jersey, and at the time of his death was president of the National Prison Association. He was likewise a delegate from the United States to the International Prison Congress and took part in its deliberations at Paris in 1895. His position as a member of the board of managers of the New Jersey State Reformatory at Rahway brought him directly into contact with administrative problems and also gave him an opportunity he valued to supplement his studies of theory by personal contact with individual prisoners. He frequently visited this institution and took a deep interest in the history and prospects of inmates who were candidates for or had become subjects of parole.

Of the writings of Mr. Lewis the library of the Prison Association contains the following:

Address as chairman of section 5, International Congress of Charities, Correction and Philanthropy, Chicago, 1893.

Uses of imprisonment: remarks made at International Congress of Charities, etc., Chicago, 1893.

Discussion of Prof. Henderson's paper on "Practical issue of studies of the criminal": National Prison Association, St. Paul, 1894.

Report of the New Jersey commission on penal laws to the Legislature of 1896.

The probation system: National Conference of Charities and Correction, Toronto, 1897.

The spoils system: remarks, National Conference of Charities and Correction, New York, 1898.

The indeterminate sentence: National Prison Association, Hartford, 1899.

The indeterminate sentence: included in S. J. Barrows's "Reformatory system in the United States," 1900.

Criminal jurisprudence in Cuba (article in Charities Review), 1900.

How the State ought to deal with criminals: report at the National Conference of Charities and Correction, Washington, 1901.

The modern penal code (article in Charities, 1901).

The problem of crime: article in the Christian Register, September 11, 1902.

Treatment of criminals by society: address before the Friends' Conference, 1902.

Discussion of papers by Warden Bussinger and Judge Fort: National Prison Association, Philadelphia, 1902.

False sentiment the bane of penal law: address, National Prison Association, Louisville, 1903.

Future of probation: address, National Prison Association, 1903.  
State supervision of charities and correction: article in Charities, 1903.

The indeterminate sentence: from Yale Law Journal.

Mr. Lewis was twice married. His first wife was Nancy D. McKeen of Brunswick, Me., a granddaughter of Joseph McKeen, the first president of Bowdoin College. By this marriage he had four children—Joseph McKeen Lewis, a young man of great promise who died shortly after returning from a course of classical studies in Greece; Charlton M. Lewis, professor of English literature at Yale, and Elizabeth D. and Mary S. Lewis. His second wife was Margaret P. Sherrard of New York, who became the mother of two children, Margaret and James, both in their teens.

## PATRICK FARRELLY.

At a meeting of the executive committee of the Prison Association of New York, held June 7, 1904, a committee, consisting of Messrs. Philbin, Hadden and Barrows, submitted the following sketch and minute in memory of the late Patrick Farrelly, a member of the committee:

### BIOGRAPHICAL SKETCH.

The life of Mr. Patrick Farrelly is a life marked from boyhood to maturity by unusual concentration of purpose and by the energy and intelligence which were necessary to accomplish it. It is the career of a boy who found in his early years the ladder upon which he was to rise to a commanding position and influence in the great metropolis and throughout the country. He touched the first round of that ladder when as a boy he began to sell papers on the trains of the Elmira road. He did not need to seek a new opportunity in another field, he found it in the one in which he had started. He had only to obey the injunction to "go up higher" to find scope for his rare business ability. Born in the County Cavan, Ireland, in 1840, he came to this country when eight years of age. After finishing a common school education in Penn Yan, N. Y., he began his humble business career as a newsboy. He stepped on the second round of the ladder when an opportunity came to sell his papers on the New Jersey Central road. He was early noted for his shrewdness, far-sightedness, and industry. This is a day in which business interests have been combined and reorganized in many forms of association. Mr. Farrelly was one of those who forty years ago saw the possibility and necessity of such combinations in the line of work in which he had engaged. Passing out of his individual work as a newsboy, he became a member of the wholesale news firm of Hamilton, Johnson & Farrelly. It was

not long, however, before he recognized the loss entailed through sharp and destructive competition, and the necessity of larger association. The same arguments appealing to other news houses resulted in the formation in 1864 of the American News Company, of which Sinclair Tousey was president, Henry Dexter vice-president, S. W. Johnson treasurer, and Patrick Farrelly and John Hamilton superintendents. It is interesting to note that Mr. Sinclair Tousey was an active member of the executive committee of the Prison Association for many years. Throughout his life Mr. Farrelly maintained his connection with the great business concern of which he was one of the founders, and whose extensive field of operations from the Atlantic to the Pacific and from Canada to the Gulf well entitles it to the name American.

For the business man who lives not only to earn, but to spend himself and his fortune in the interest of humanity, there is always an open field in the realm of philanthropy. It is here that the insight, intelligence, experience, industry, and capacity to administer find a new opportunity. Patrick Farrelly accepted and fulfilled with earnestness and devotion the new tasks he found in this field. As he had labored for his own advancement in life, so he labored for the advancement of others. An earnest Catholic and interested in the development of the benevolent activities of his Church, he also formed associations in philanthropy which brought him into activities which if not sectarian or ecclesiastical are civic and humane. A summer resident of Morristown, it is interesting to note, on this day when we mourn the loss also of our president, Charlton T. Lewis, that these fellow-townsmen were both intimately associated as managers of the New Jersey State Reformatory at Rahway. It was on the nomination of Mr. Lewis that Mr. Farrelly was elected a member of the executive committee of this Association, on the 17th of January, 1901. He was appointed a member of the board of managers of the New Jersey State Hospital in May, 1893. In May, 1900, he was elected president of the board, which office he held at the time of his death. The medical director says: "Mr. Farrelly devoted much of his valuable time to the interests



PATRICK FARRELLY.

of the institution and his services were of an efficient and painstaking character." For a period of eight years, from 1884 to 1892, he was a trustee of the New Jersey State Home for Boys. He was also connected with All Souls Hospital in Morristown.

Mr. Farrelly was taken with pneumonia and after an illness of four days succumbed to the disease April 23d. He leaves a wife, two sons and two daughters, two brothers and a sister.

#### MEMORIAL MINUTE.

The following minute was then unanimously adopted by a rising vote:

In the death of Mr. Patrick Farrelly the executive committee of the Prison Association of New York have lost an associate whose fidelity and devotion to the work he accepted, whose intelligence and great business experience, combined with a large-hearted interest in the improvement of prisons and the reformation of the prisoner, have made him one of the most valuable counsellors on this board. As he was fervent in spirit and industrious in business, so his work in the field of benevolence was not perfunctory. His name was valuable, but his personal cooperation was still more highly prized by those who were associated with him. His familiarity with details as to the administration of institutions made his advice valuable in executive work, while his knowledge of human nature and his confidence in the forces of religion, education and morality as applied to the prisoner fitted him to deal with the personal problems which came before him as a member of the parole board of a reformatory institution. His connection with this Association and with other charities was another fine illustration of the consecration which an able business man may bring to the halloved work of benevolence under the inspiration of religion and the fellowship of humanity.

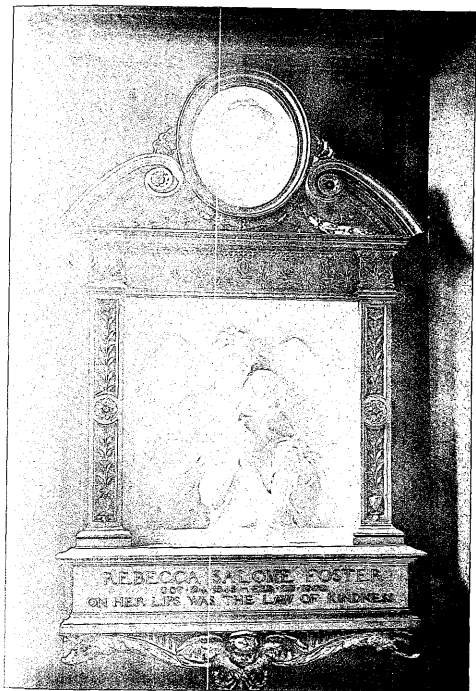


## THE FOSTER MEMORIAL.

It is an unusual thing to erect a monument to a woman in a court of justice. The attainments of women demanding wise public recognition have been mostly in other fields. But no monument in any place seems more fitting than the sculptured tablet placed in the city court building to the memory of Mrs. Rebecca Salome Foster. It was in connection with the Tombs, the doleful name of the city prison of New York, and with these courts that the great work of her life was done. She was neither judge nor lawyer; she was simply a woman consecrated to the work of saving the unfortunate and the fallen. She bore no academic title; but her own sweetness and devotion and the heavenly task in which she was engaged and the gratitude of those she served won for her the designation of "The Angel of the Tombs."

Mrs. Foster was of Southern birth. Her father, John Howard Elliott, whose name recalls the great English prison reformer, was himself an Englishman; her mother was Margaret Blue, a resident of Mobile. Her husband, to whom she was married in 1865, was Gen. John A. Foster, a gallant soldier and an able lawyer.

Like the work of Elizabeth Fry, that of Mrs. Foster began with some casual visits to the Tombs, with no thought that so many of the later years of her life would be spent in that building and in this work of rescue. Always benevolent, various phases of activity had previously engaged her attention, but after the death of her husband, in 1890, she became almost wholly absorbed in her work at the Tombs. Though there was no probation law in operation at that time, she practically fulfilled all the duties of such officer. She secured the confidence of the prison officials and of the judges. She was intrusted by the latter with the investigation of cases, mainly of girls and women committed for various offences. The greatest reliance was placed in her judgment, and under the power of the judges to suspend sentence, many cases were practically placed in



THE FOSTER MEMORIAL.

her custody. She gave as freely of her money as of her time and strength to help needy prisoners.

Her death was tragic. She perished in the fire of the Park Avenue Hotel, February 21, 1902. The impression which her earnest, intelligent and self-sacrificing work for prisoners had made upon the court is seen in the remarkable tribute which was paid to her in the Court of Special Sessions, which on motion of the District Attorney, adjourned in respect to her memory. In making this motion, Mr. Jerome said:

"What she was to this court and the unfortunate people with whom it has had to deal is too well known to need statement. For many years she came and went among us with but a single purpose:

'That men might rise on stepping-stones  
Of their dead selves to higher things.'

"There is a word which is seldom used. To us, who in administration of the criminal law are daily brought into contact with the misfortune and sin of humanity, it seems almost a lost word. It is the word "holy." In all that that word means to English-speaking peoples, it seems to me it could be applied to her. She was indeed a "holy woman." It hardly becomes us to do aught else than to testify in holy, reverent silence our love and respect. She was one of those of whom it has been written:

'And none but the Master shall praise them  
And none but the Master shall blame.'

"She would not have wished us to do anything which would increase the sorrow and suffering of those upon whom stern duty requires your Honors to inflict punishment. I shall not, therefore, ask this court to adjourn before it disposes of its prison calendar. I move this honorable court, that when it has disposed of the cases on its calendar, where the defendants are in prison, it adjourn for the day in respect for the memory of Rebecca Salome Foster, and that a suitable minute be spread upon the records of this court."

Justice Holbrook, the presiding justice, in granting the motion, said:

"It is eminently proper that we should interrupt our regular proceedings and pause for a moment to plant a flower of remembrance evincing our regard for that noble and saintly woman—Mrs. Foster—not inaptly called and known as 'The Tombs Angel,'

whose tragic and pathetic death has so greatly saddened our hearts. Mrs. Foster was known to and highly respected by all who frequent this court. Perhaps none knew her better than the members of this bench, on whom she was wont to call almost daily in the performance of her benevolent work, and in the discharge of her duties as a probationary officer of this court.

"It has been very truly and eloquently said of Mrs. Foster by the learned District Attorney, that to those in distress, and especially to those of her own sex, she was a good and true angel. To the erring and wayward, her large, generous, and womanly heart ever went out with sincere and deep sympathy. Her appearance at the dark and gloomy cell to the inmates was like a veritable sunbeam. Numberless lonely and weary hearts have been cheered, gladdened, and made even radiant by her ministrations and words of good cheer, and numberless, too, of those who have strayed from the straight and narrow way were brought back by her sweet influence to paths of rectitude and virtue.

"On behalf of my associates and myself, I wish to express the profound grief we experience at the seemingly untimely translation to the higher life of this gentle and transcendently humane woman. We shall all miss her bright, charming face, and many, very many, alas! will miss her cheerful words of comfort and hope. As a slight token of our esteem, and as a perpetual reminder of her good works, the clerks will cause these proceedings to be entered upon the minutes of this court."

The tablet erected to her memory in the court building was the result of a popular subscription, undertaken by a committee of the City Club of which Rev. Thomas R. Slicer was chairman. Mr. Charles R. Lamb was the architect and Mr. Karl Bitter the sculptor.

## THE VALUE OF PAROLE LAWS.

BRIEF CONCERNING SENATE BILL 561 RELATIVE TO THE PAROLE OF PRISONERS FROM STATE PRISONS AND THE EASTERN NEW YORK REFORMATORY.

*Respectfully Addressed to His Excellency the Governor by the Prison Association of New York.*

The Legislature of New York at the session closed April 23, 1903, passed a bill introduced by Senator Barnes (S. 561) to amend the Revised Statutes relative to the parole of prisoners from State prisons and the Eastern New York Reformatory. The object of this bill is to make the present parole law applicable to a large number of prisoners. To this end section 74 of chapter 260 of the Laws of 1901 is amended as follows:

"§ 74. Every person now confined in a state prison, or in the Eastern New York reformatory, under sentence for a definite term for a felony, the maximum penalty for which is imprisonment for twenty [five] years or less, exclusive of fines, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the board of commissioners of paroled prisoners, and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences. The minimum and maximum terms of the sentence of said prisoners are hereby fixed and determined to be as follows: The definite term for which each person is sentenced shall be the maximum limit of his term, and one-third of the definite term of his sentence shall be the minimum limit of his term."

This bill is now before your Excellency, and the law committee of the Prison Association of New York present herewith evidence and arguments for its approval, to which we respectfully ask your careful consideration.

## I. THE PRINCIPLE OF CONDITIONAL LIBERATION.

The principle of conditional liberation upon which parole laws are founded is now well accepted in this country and in Europe. The indeterminate sentence, parole and commutation of sentence for good behavior are all forms of conditional liberation. Of these, the indeterminate sentence in connection with the graded and marking system is doubtless best; for it makes the prisoner's release depend almost entirely upon his character and attainments while in prison.

Next to the indeterminate sentence in importance and value is the parole system for definite sentences based on the same general principle and requiring the prisoner to demonstrate his fitness for conditional release to the satisfaction of the parole board.

The essential feature of the parole system, in whatever form administered, is that it brings a most powerful motive to bear upon the prisoner. It furnishes a strong and continuous incentive to good conduct and leads to the formation of habits of industry and steady behavior, not only during the period of confinement in prison, but during the period of conditional release. Instead of being abandoned to a hopeless past, the prisoner is inspired to new hope and courage for the future. He discovers, too, that his future rests with no one so much as with himself.

## II. THE PAROLE LAW NO EXPERIMENT.

The parole law is no longer a theory. It has become embodied in the law and practice of many States.

A report prepared by a committee of the American Bar Association in 1898 on the indeterminate sentence and parole law (see 55th Congress, Third Session, Senate Document No. 159) showed "that twenty-five States have parole acts of some character in actual operation, with four States awaiting their enactment upon the advice of the chief executives thereof." The report further says: "Upon the question of the beneficial character of parole statutes the opinions received by your committee are unanimous. Only one State, South Dakota, has repealed a parole act

once adopted." (This was due to some imperfection in the act.) "The States which have tried it longest are its firmest advocates."

We commend to the consideration of your Excellency the opinions communicated to the American Bar Association by governors of the different States, which are appended to this brief.

The testimony is conclusive as to the beneficial effects of parole laws. If the experiment had never been tried in New York, it would be entirely safe to try it based upon the facts gathered by the Bar Association.

## III. THE EXPERIENCE OF NEW YORK STATE.

But New York has had its own experience of parole laws longer than any other State in the Union. It is really the pioneer State in this matter. It led the way in 1876 in applying the indeterminate sentence to the Elmira Reformatory, all of whose inmates have been convicted of felony. The parole system in the reformatory has now been in operation twenty-six years. The Prison Association of New York has for twenty years been the custodial agent in charge of all prisoners of the reformatory paroled to New York city. Several thousand young men have been committed to its care. The great majority of these prisoners do not return to the reformatory nor go to other penal institutions, but become law-abiding citizens. During the last year this association has had 400 such cases under its care. An investigation of each case made by our agents at the close of the year showed that more than three-fourths of these prisoners were doing well. While the law relieves the governor from importunities for pardon, it impels the prisoner to exert himself to the utmost to become eligible for parole. No one who is familiar with the working of this law as applied to the State reformatory would think of giving up the parole system. Not only would it throw too great a burden upon the governor, but it would deprive the prisoner of the most effective moral and personal incentives.

The parole system has also been applied advantageously to inmates of the three State reformatories for women, and for the last year to other State prisoners whose maximum sentence is not over five years.

During the year ending September 30, 1902, 341 prisoners were paroled, of whom 267 were on indefinite sentences and 74 on indeterminate sentences. Of these, 14 have been returned to prison and 34 delinquents are at large, though some are delinquents only because they have failed to report to the paroling officers; 139 have been discharged, and there are now 154 men paroled and in good standing. The success of the law as applied to five-year men certainly encourages its extension to those who have received a larger maximum, but who, judged by standards of character and prison record, are equally good subjects for parole.

#### IV. OBJECTIONS OFFERED TO THE BARNES BILL.

The principal objections offered to the Barnes bill are, first, that men sentenced to long terms should not be paroled; and, second, that it is better to invoke the pardoning power of the governor.

##### *The Case of Long Sentence Men.*

Concerning the objection that parole ought not to be granted to long term men, we offer the following considerations:

1. The punishment affixed to offences in the code are arbitrary. It is a matter of accident in many cases whether a man is liable to a ten-year sentence or to a one-year sentence. A thief steals a pocketbook from a drawer. If it happens to have \$26 in it, he is guilty of grand larceny; if it contains but \$25, he is guilty of petit larceny. It is no difference in the motive in this case, but a mere accident of the crime which determines the length of his sentence.

It is important to observe, however, that the parole law does not abrogate the distinction made by the code or the courts between more serious and less serious offences. A long-term man is obliged to serve one-third of his sentence, which in the case

of a twenty-year man will amount to a year and a half more than the full maximum of a five-year man.

2. The institution to which the prisoner is committed depends upon the discretion of the judge. Of two first offenders guilty of the same offence and liable to a ten or twenty year sentence, one may be sent to Elmira and the other to Sing Sing. The Elmira man may be eligible for parole in two years. The Sing Sing man under commutation may have to serve ten or twelve.

The State commission of prisons says: "There is no public policy which demands that the State of New York should allow first offenders who are sent to Elmira the benefits of parole and at the same time deny these benefits to the convicts who may chance to be sentenced to the other prisons of the State."

3. No arbitrary line can be drawn at five-year men. The great motives which constitute the most powerful element in the parole system are just as applicable to long-sentence men.

4. As to the safety of permitting such men to be at large, it must be borne in mind that under the probation law convicted persons are placed on probation whose maximum sentence under the code might have been ten or even twenty years. This association through its agent at the court of general sessions in New York has had placed in its custody nearly 200 persons, all of whom have been indicted for felonies. The maximum sentence in some of these cases would have been ten, fifteen and twenty years. Not a single one of these persons, potentially ten or twenty year men, has defaulted, showing that long-sentence offenders are good subjects for conditional liberation.

5. Every prison warden knows that the long-sentence men committed to his care are as good subjects for parole as short-term men. A large amount of testimony could be procured on this subject. We content ourselves, however, with offering the testimony of one of the leading prison wardens of the country, Major R. W. McClaughry, warden of the United States penitentiary at Leavenworth, formerly warden of the Illinois State prison at Joliet, superintendent of the Illinois State reformatory of Pontiac and also, during the Chicago Exposition, chief of the police force of that city. As warden and superintendent, Major

McCloughry has handled some eighteen thousand prisoners. In a letter dated April 22, 1903, in reply to an inquiry in regard to the wisdom of paroling men sentenced to long terms of imprisonment, Major McCloughry says:

"In reply I beg to say, that I have had just as good success with men who were sentenced to long terms, say ten years, twenty years and twenty-five years, as I have had with men who have been sentenced to terms of from one to five years, in proportion to the number of kinds that have been paroled. It is my opinion, based on experience of some years, that the length of term makes but little difference if common sense and care are exercised in selecting the prisoners for parole. Everything depends on the character of the prisoner, and that must be thoroughly inquired into before he is granted the parole, or the experiment will not be satisfactory. I have even paroled life prisoners, in probably twenty-five cases, since I have had charge of prisons and reformatories, and in no instance yet have I been disappointed in them. I have now a life prisoner working as a 'trusty' outside and inside, under our limited parole practice at this penitentiary (no regular parole being provided for by United States law), and I have no fear of his trying to make his escape. Very frequently our life prisoners are among the most reliable we have. The most unreliable character that we deal with is the sneak thief; and, as a rule, if he has but thirty days sentence we could not parole him for half of it.

"The New York bill of which you speak is, in my opinion, a very conservative and safe one. I think the objection to the parole system in most of our States is, that there is no minimum term of service required. I believe that the provision to the effect that absolute discharge is not given until the end of the term is a wise one, at least in the beginning of the parole system. After it has been tested for some years, it may become safe to allow absolute discharge before the end of the term; but if the prisoner understands that he is in the care of the government and liable to be taken into custody, he is much more likely, in ordinary cases, to walk circumspectly and thus acquire the habit of good citizenship than if he was permitted, by himself and friends, to besiege the governor or the discharging power for absolute discharge after he had served but a small portion of his parole."

#### *Pardon and the Parole System.*

1. The parole system does not supplant the system of executive pardons; it is not a substitute for this; it is auxiliary to it.

It takes no power from the governor. The innocent can always appeal to him for vindication. But parole is meant to apply to those who are not innocent and to whom pardon would be of doubtful expediency. The great prerogative of the governor is especially appropriate to exceptional cases. It is asking too much of the executive that he should become personally acquainted with every man in prison. During the past year the parole board in New York State has held interviews with 1,247 prisoners. These interviews are very searching and very important with reference to parole, but it would be impossible for the governor in addition to the vast amount of labor now imposed upon him to undertake these personal investigations.

2. It is a great feature of the law already in existence that prisoners are obliged to make their own application to the board of parole and that the board is "*prohibited from entertaining any other form of application for the release upon parole for the absolute discharge of any prisoner.*" This prevents the board of parole from being exposed to any form of political or personal importunity from friends of the prisoner outside. No prisoner can be paroled until he has served a certain minimum time and fulfilled certain conditions. This feature is of great importance, because it protects the parole board from undue pressure.

3. The same provision protects the executive from undue importunity. When a man can work his way out in a certain period by his own efforts, his friends then naturally appeal not to the governor but to the prisoner to earn his conditional release, while they secure for him employment outside.

4. Parole may be safely applied to many cases not eligible for pardon. Three hundred and forty-one prisoners were paroled from the State's prisons in the year ending September 30, 1902, as against 35 pardoned by the governor. Eliminating those registered as delinquents, we have about 300 men who were released by parole and who are doing well, apart from the 35 pardoned by the governor. It must be remembered also that while the governor's exercise of pardon is not limited to any class of prisoners, the parole law in New York State has been

limited to five-year prisoners. Had the law been applicable to longer-sentence men, a larger number could have been safely paroled.

5. Under the pardon system, though the pardon may be in the form of a commutation of sentence, there is no supervision over the prisoner when discharged. He does not come under the jurisdiction or control of the parole officer. He can not be returned to prison without a trial and conviction for another offence. The paroled man, on the other hand, is released tentatively; he is under the supervision of the parole officer; he is obliged to report to him monthly. When it becomes evident that the paroled man is not fulfilling the conditions of his parole, it is not necessary to undergo the expense of another trial with the uncertainty of securing evidence. The evidence which might satisfy the parole board that the man is not fit to be at large might not be sufficient to convict him of a second offence against the Penal Code. As this association has some four hundred paroled men under its supervision every year, we can speak with positiveness as to the moral effect of the supervision of the parole officer.

6. Under the Barnes bill the functions of parole and of pardon are carefully distinguished. While a parole board appointed by the governor relieves him of the necessity of considering applications for parole and commutation of sentence, not only the power of pardon for all prisoners is reserved for the governor, but, except prisoners under the indeterminate sentence, no prisoner can receive his absolute discharge without authorization of the governor.

#### V. THE ECONOMIC VALUE OF PAROLE.

Though we lay most emphasis upon the moral value of the parole law, its economic value is not to be overlooked.

Mr. Amos W. Butler, secretary of the State Board of Charities of Indiana, says: "Covering a period of four years and seven months to October, 1901, there have been paroled from the two prisons of that State 1,340 men; these paroled prisoners earned on parole \$272,661.68, of which amount they had saved in hand \$48,063.71."

Economy is further shown by the operation of the indeterminate sentence with parole plan at the New York State Reformatory at Elmira the first twenty years. A comparison of saving of time in prison for the 5,120 prisoners paroled compared with what must have been had the prisoners been under a determinate sentence, taking the minimum of sentences to the State prisons for the similar offenses as the basis of comparison, shows 10,112 years of imprisonment saved and a saving of maintenance cost of \$1,895,436. If there should be computed and added to this monetary saving the earnings of the paroled prisoners while on parole, calculated on the Indiana experience of earnings, then a total economical benefit is shown of \$2,362,683.

In this connection it is worthy to note that the average time in prison of these 5,120 paroled felons is less than two years for 62.6 per cent of them and for 86.4 per cent less than three years.

#### VI. CONSERVATIVE FEATURES OF THE BARNES BILL.

1. The law applies only to those who are *now* in prison. We should hope that in a subsequent law it would be made applicable to prisoners who may be convicted in future; but the present law will have another year of trial before it is necessary to do this.

2. It applies only to first offenders.

3. Prisoners must serve one-third of their sentence. In case of twenty-year men, the difference between the minimum they will be obliged to serve and their good time reduction as now authorized would be but about five years.

4. Except for those on an indeterminate sentence, absolute discharge can only be granted by the governor.

#### CONCLUSIONS.

For the reasons above given we urge your Excellency to approve the Barnes bill. After many years of observation, the officers of this association believe that every prisoner should be released conditionally and placed under supervision for a sufficient period before receiving pardon or absolute discharge. Not only has parole a powerful influence upon prison discipline, but it is of the greatest

value in securing the prisoner a new entrance into society. The prisoner who is sent for a definite term and is discharged on a definite day is sent out into the world without shelter or employment. He easily becomes a subject of charity or is tempted to commit new crimes. The paroled prisoner, on the other hand, is not released until work and shelter are assured to him. Experience has shown that the business man throughout this State will respond to the appeal of a prisoner and his friends and give him work when it is the condition of securing his release. The man thus released is not only under the supervision of the parole officer, but he is under the supervision of his employer. He has the opportunity to make a new record and secure a new reference on changing his employment.

This association has been in existence for fifty-six years. During all that time it has dealt with discharged prisoners and for twenty-five years with paroled prisoners from Elmira. A comparison of the two methods has led to the inevitable conclusion that the parole system ought absolutely to replace the system of discharge on a definite sentence.

Respectfully commending these arguments to your careful consideration, we trust that your Excellency will by your approval of the Barnes bill aid the extension and development of the parole system of this State.

#### TESTIMONY SECURED BY THE AMERICAN BAR ASSOCIATION (1898).

*Alabama.*—The private secretary to the governor of Alabama writes: "Based upon the experience of the year it has been tried, the governor is very much pleased with its operation and results."

*Colorado.*—"The percentage of reforms through the action of the board of pardons is very large. \* \* \* Very few cases of pardoned criminals have appeared again in the courts of the State. Out of 250 paroled in Colorado by the board of pardons, but six are known to have fallen back into criminal ways."—C. L. Stonaker, secretary State Board of Charities and Corrections.

*California.*—At the time of the report of the American Bar Association was made in 1898 the law had been in operation for five years, and had been exercised with great caution. Mr. Charles Atull, warden of the State prison, in a letter transmitted by the governor, says: "My judgment is that the law has

been a success and is a decided benefit to society. It has relieved the governor's office very largely from constant applications for pardons. The parole law reaches many cases that could not or should not be reached by a pardon. I heartily approve of it and believe that it has done much good already and will continue to increase in usefulness in the future. Of 72 prisoners paroled, but 8 violated the conditions of their parole, leaving 64 who are at large and doing well."

*Massachusetts.*—The secretary of the prison commission, by direction of the governor, says: "I am safe in saying that on the whole these laws are wise."

*Michigan.*—The law was adopted in 1895. Prior to January 1, 1898, there had been paroled from the various prisons of this State 128 convicts. Of these all but 9 observed the conditions of their parole and received honorable discharge. The secretary of the prison board of Michigan writes: "I am authorized to say that Governor Pingree is much in favor of it and prefers the exercise of the parole law to that of absolute clemency as extended in a pardon."

*Minnesota.*—The report of the American Bar Association says: "The results are claimed for the law in this State. First, it greatly lessens the number of severe punishments necessary to maintain a high standard of prison discipline. Second, it affords humane and effective means of reaching and bringing out the better elements of the prisoners."

It is a striking fact that "the statistics show in Minnesota 50 per cent less solitary punishment cases during the four years of the operation of the parole law than the four years preceding." One hundred and seventy-seven were released on parole in that State. During the four years only 17 violated the conditions.

*Nebraska.*—Governor Holcomb says: "I am of the opinion that the parole system has proven beneficial in the administration of our criminal law."

*North Dakota.*—The governor of North Dakota thinks the law to be a wise and salutary measure and that possibly it is too restricted in its operation.

*Ohio.*—Governor Bushnell wrote: "The effect of the parole law in Ohio has been good, as it affords the prisoners the incentive of conforming to the rules of the penal institution and thus acquiring the benefits offered, which often lead to marked changes in their lives. But a small proportion of the paroled prisoners from the Ohio penitentiary are reported for violation of rules."

*Pennsylvania.* has had parole law in connection with the State Reformatory at Huntingdon under an indeterminate-sentence law, and the testimony of Mr. Cadwalader Biddle, general agent of the board of public charities, is that the law has worked well.



*Utah.*—The report of the bar association says: "In Utah they have an excellent and thorough parole system, of which the governor heartily approves, and the papers forwarded to your committee indicate that the high opinion of the law expressed by the governor is well founded."

ADDITIONAL TESTIMONY FROM DIFFERENT STATES.

Since the report by the American Bar Association was made the following additional testimony has been collected:

*Pennsylvania.*—The general superintendent of the Pennsylvania Industrial Reformatory, Mr. T. B. Patton, writing December 9, 1899, said: "Of the 603 inmates paroled in the last three years, but a single one failed to report to his employer. Not more than 8 per cent. have violated the conditions of their parole. I am satisfied that it is the true system of dealing with young men who are sentenced as first offenders."

*Massachusetts.*—The secretary of the commissioners of prisons writes January 20, 1900: "I think I may safely say that in this State the parole system is looked upon with favor and is regarded as a wise provision."

*New Jersey.*—Samuel S. Moore, keeper of the New Jersey State prison, says, December 9, 1899: "The operation of the parole system, which became a law July 16, 1897, after an experience of eight and a half years seems to be productive of good results in the reformation of prisoners." The number of paroles revoked was but 5 per cent of the number granted.

*Ohio.*—Warden E. G. Coffin of the Ohio Penitentiary writes December 9, 1899: "The number is quite small of those who violated parole by the commission of another crime."

*Utah.*—Mr. G. W. Dow, warden of the State prison, Salt Lake City, writes in a letter dated December 14, 1899: "My personal opinion of the parole system is that it is a good law, far better than granting these men a full and complete pardon; it also puts the prisoners on their best behavior during their imprisonment."

*Illinois.*—A letter dated December 12, 1899, from E. J. Murphy, warden of the Illinois State penitentiary, Joliet, states: "The results of the parole system have been very satisfactory."

## THE MODEL JAIL\*.

SOME POINTS THAT NEED TO BE CONSIDERED.

BY SAMUEL J. BARROWS.

Corresponding Secretary of the Prison Association of New York.

The subject of jail construction is one deserving of fresh study and treatment in this country not only by architects but by those who are organizing and administering our prison systems. I do not assume in this article to usurp in any way the functions of the architect; but there are some things which lie all together outside of the province of the architect, and which ought to be decided before he is called in. The structure of a jail, like the structure of a house, church, or library, ought to be determined by the purpose for which it is erected. To secure the best building of any kind, we need to make the building conform to the idea, not the idea conform to the building.

Now, when we ask how a jail should be built there is a preliminary question: What is it built for? In a properly organized prison system, the answer to this question is very clear and definite.

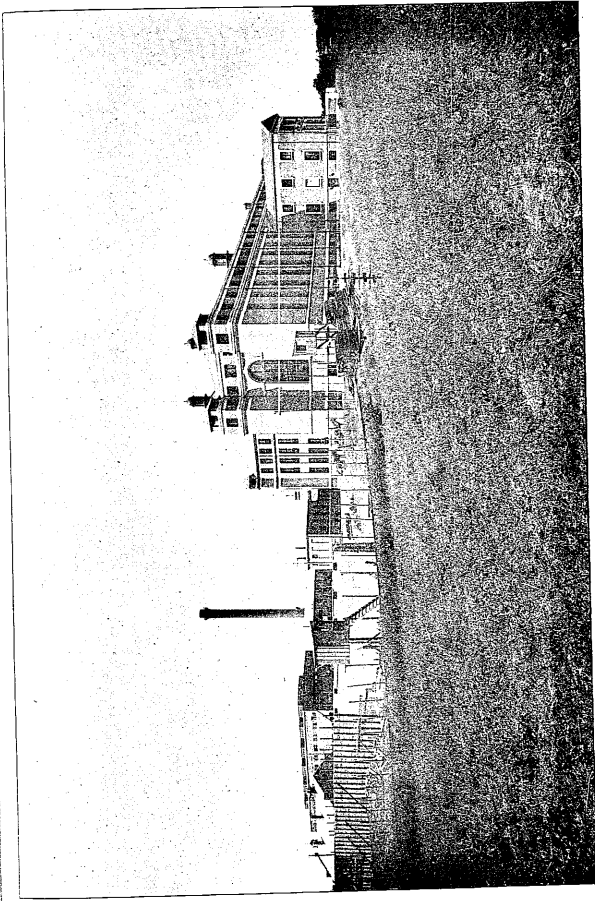
*A jail is a place provided by public authority for the detention of those awaiting trial.*

This ought to be the sole purpose of a jail. Unfortunately, however, this is not the sole purpose of jails in this country. Organized, as they are, under the county system, and erected by little county parliaments, called boards of supervisors, or freeholders, or county commissioners, they are made to serve two purposes, neither of which they properly fulfil. They are built not only for the detention of prisoners under accusation, but for those committed under sentence. There is an attempt to combine different functions in the same building, and, as a matter of fact, each of them is sacrificed to the other. Men who are under arrest and awaiting trial are not properly under punishment. While awaiting trial, arrested persons are, under the

\*Reprinted from "Charities."

law, presumably innocent. No jailer, keeper, nor any other authority, nor the community itself, has any right to impose punishment on persons who have not been tried and sentenced. It may be said that three-fourths of those arrested are really guilty; but that does not alter the fact that there is a fourth who are not guilty, and whether guilty or innocent it is of the utmost importance that we should not violate the principle that no person shall be punished or disciplined without due process of law. It may be said also that many of those committed to jails for trial are known to be old "rounders;" but this simply reveals another defect of our prison system, which is that the confirmed recidivist will not have to be repeatedly arrested if he is not repeatedly discharged; and that he need not and must not be discharged when he has become an habitual criminal; and that the ordinary jail is no place for him.

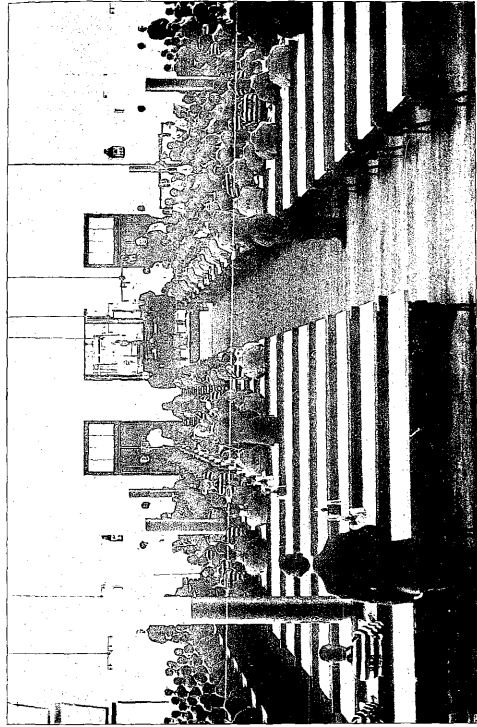
On the other hand, a simple house of detention is not the place in which to send prisoners who are corrigible. What is needed for them is a house of correction. Now the trouble with our jails, both old and new, is that they are neither houses of detention nor houses of correction. The laws of the State of New York in regard to jails, for instance, require that prisoners awaiting trial be kept separate from those sentenced. In the old jails this is often disregarded. Accused persons and sentenced prisoners are kept on the same tier and mingle together in the corridor or pit. In the new jails, separation is secured by assigning one tier or section of the jail to the accused and another to sentenced prisoners, but their quarters do not essentially differ and their method of treatment is practically the same. One may well ask the question: If this is punishment for the sentenced prisoner, is it not likewise punishment for the accused? Or the question may be inverted, and we may ask, if accused prisoners are treated as if they are guilty, why should condemned prisoners be treated as if they are innocent? For this is the impression one might get from visiting one of our county clubhouses, mistakenly called jails, and finding prisoners all together in the pit or in some of the larger cells smoking, or chewing tobacco, or playing cards. The abominations of our county jails have been revealed again and again as sources of moral contamination and the propagation



UNITED STATES PENITENTIARY AT ATLANTA: GENERAL VIEW OF THE BUILDINGS SHOWING BEGINNING OF WALL CONSTRUCTION.



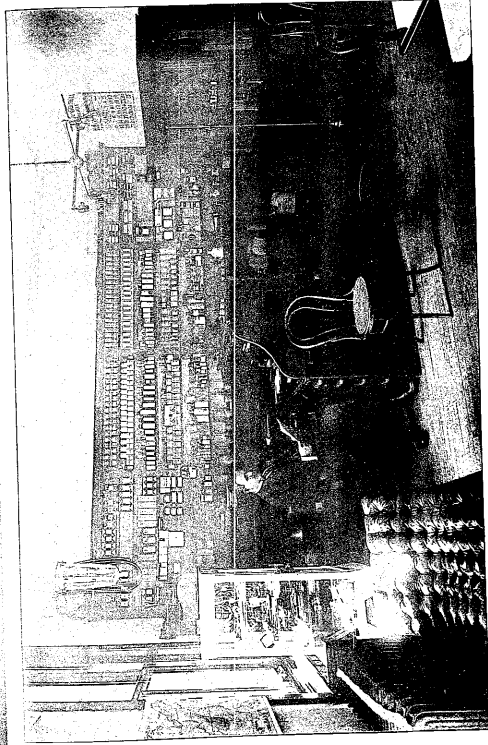
UNITED STATES PENITENTIARY AT ATLANTA: THE CORRIDOR OF CELL BLOCK.



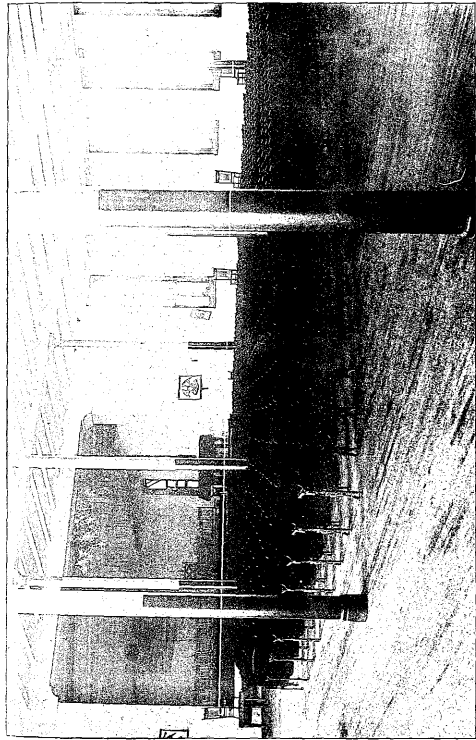
EXTRA STATER RESTAURANT AT ATLANTA: THE DINING-ROOM WITH COFFERS AT DINING.



UNITED STATES PENITENTIARY AT ATLANTA: THE KITCHEN.

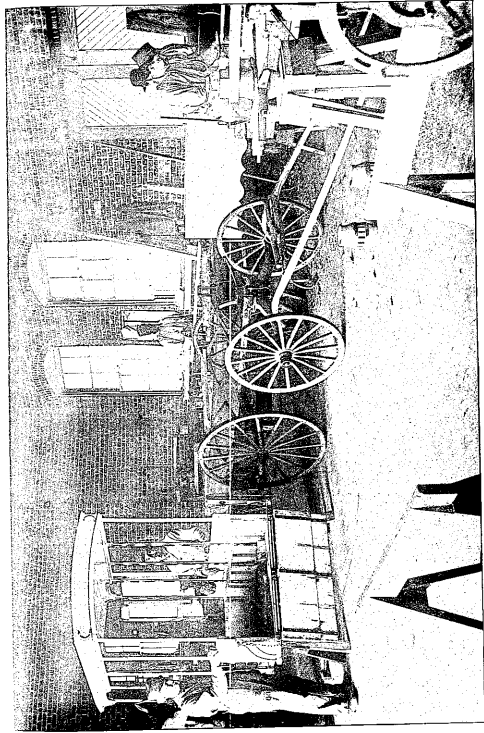


UNITED STATES PENITENTIARY AT ATLANTA: THE DESPERATE.

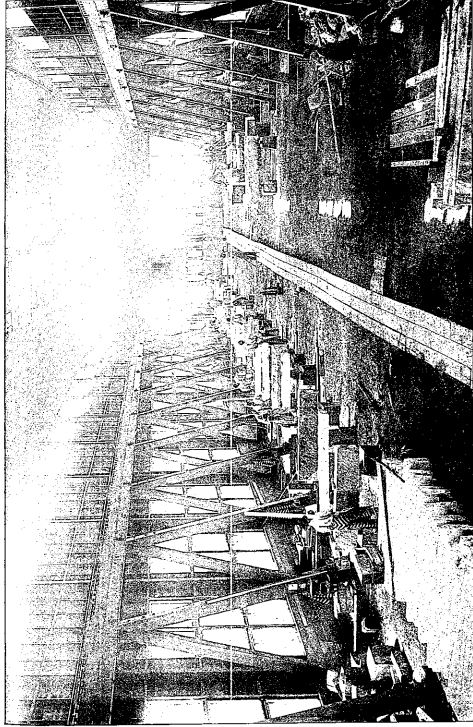


UNITED STATES PENITENTIARY AT ATLANTA: THE CHAPEL.

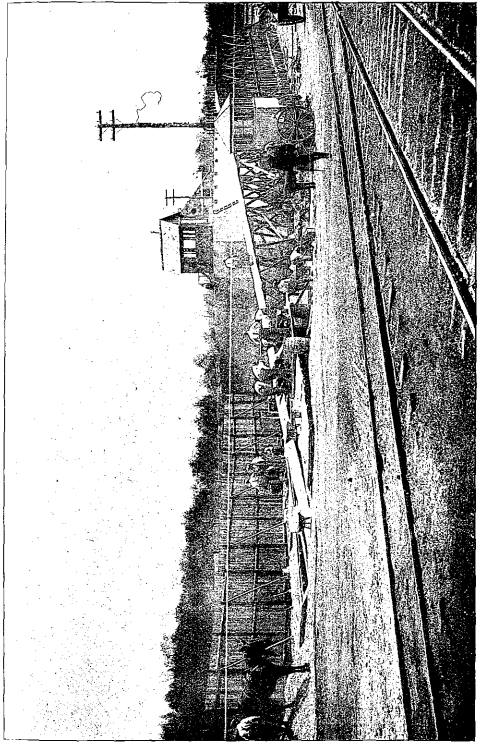




UNITED STATES PENITENTIARY AT ATLANTA: THE CATTLESTOCK SIDE.



UNITED STATES PENITENTIARY, AT ATLANTA: THE GRANITE SHOP.



UNITED STATES PENITENTIARY AT ATLANTA: WALL CONSTRUCTION.

of crime. The only way to secure radical relief from the difficulty is to reorganize our penal system so that county jails shall simply be houses of detention for those awaiting trial and the confinement of persons under civil process. All others should be sent to such institutions under the control of the State as a proper classification of prisoners should provide. Thus the boys and girls should go to reformatories, those beyond the age limit of youthful offenders should go to houses of correction, penitentiaries, or state prisons, while habitual drunkards should be sent to inebriate hospitals, and habitual criminals segregated in colonies or institutions designed for them.

The real model jail, therefore, is not a penitentiary nor a house of correction, but a house of detention for those awaiting trial. When this idea of a jail is accepted the answer architecturally and otherwise may be comparatively simple and uniform.

#### SECURITY.

The object of holding a person under arrest is that he may be found when wanted. There are many cases in which persons are released on bail, the money bond being considered as a sufficient guarantee for their appearance. When bail is not accepted, or when a person cannot furnish it, the law may and does provide that he may be held in security until wanted. This security has two aspects, the security of society against the escape of the prisoner, and the security of the prisoner against attacks or lynching by a mob. In law-abiding communities, this protection of the prisoner is seldom endangered, but in communities where lynching has become a dangerous habit, the prisoner needs to be guarded against any outburst of this reckless and lawless brutality.

#### A GOOD SITE.

The very first condition of a good jail, that of a good site, is most often neglected. The new jail is put where the old jail used to be. The old jail was an annex, extension, or adjunct to the courthouse. If all prisoners or the majority of them could be tried in a day or two after arrest, there would be more excuse for making the jail an annex to the courthouse to avoid the trouble and cost in transportation. In

many jails prisoners are held ten, twenty, fifty, and even ninety days awaiting trial. There is no occasion for them to be held under the shadow of the courthouse for that time, the objection to which is that the courthouse is generally in the center of the town and that no provision is made in connection with it for one of the most important requirements, namely, a jail yard.

There is no reason why the law should deprive men who are awaiting trial—or any other prisoner, for that matter—of the opportunity for daily exercise in the open air. I recently visited some twenty jails in New York State and not one of them had a jail yard in which prisoners could be exercised. In most foreign jails and prisons this exercise in the open air is regarded as an absolute necessity. In Canada, prisoners have an hour of such out-of-door exercise in the morning and an hour in the afternoon.

#### SANITARY FEATURES.

A jail should of course be fireproof and should conform to all modern sanitary requirements. The substitution of steel for stone or brick for the cell building not only furnishes greater security, but also furnishes protection against vermin. The matter of health is one of the first importance. No prisoners, whether sentenced or awaiting trial, should be deprived of sunlight and fresh air. Sanitary science has made great advance in recent years. Especially have we come to understand better than ever the conditions which favor or restrict the favor of tuberculosis, the scourge of prison life. Abundance of sunlight and fresh air are necessary for its prevention or treatment. A good deal of the tuberculosis that develops in prison life is engendered or developed in unsanitary jails. Buildings erected fifty or seventy-five years ago seldom fulfil the conditions required by modern knowledge.

#### TYPE OF BUILDING.

As to the type of building, there is more room here for the modern architect to design a jail which shall include all the conditions of health and security. To achieve these nothing grotesque or bizarre is necessary. Some time ago the Pauly Jail Company designed a

round jail, a steel structure set in brick walls in which the whole cell structure revolves on a pivot, turned by a crank, worked by the jailor. An example of this is seen in Oswego, N. Y. It is aptly named the "merry-go-round," since it turns like a carousel on its pivot whenever a prisoner is admitted or released. The only solemnity about the process is that the waltzing is done without music. This jail is not a success, either as to security or sanitation. I visited last year a round prison in Holland in which the revolutionary feature was omitted, but all the cells were placed on the periphery of the circle, leaving a very large space in the interior which was not utilized except as a guard room. There was one advantage—the keeper in the center of the prison could, by turning on his heel, see every door of every cell.

Where the building is to contain a large number of prisoners, not usually the case with jails except in large cities, there are some advantages in the cruciform structure. The new prison at Fresnes in France, one of the finest prisons in the world, consists, however, of a number of rectangular buildings connected by a central corridor.

Whatever form be used, whether circular, cruciform, triangular, or rectangular, provision should be made for the direct entrance of sunlight into the cell. This is even more important for a jail than for a house of correction or for a prison, for the cell in the jail is practically the living room of the prisoner awaiting trial from which he only goes to take his exercise; whereas sentenced prisoners in any system rightly deserving the name of humane or rational are assigned to work in shops, on roads, or in the fields. It is perfectly possible to make the window of a cell quite as secure as the door, and yet admit plenty of sunlight and fresh air. Such windows can be so constructed as to guard against communication from outside. And if jails are located in the suburbs and not in the centers of villages, and if they are surrounded by a good jail yard properly walled instead of being set directly on a public street, as they are in some of our counties, clandestine communication is easily cut off; though it must always be understood that no jail structure can take the place of or do the work that must be done by a vigilant guard.

In the newest and best prisons in Europe, direct sunlight is secured in every cell by a central corridor with cells at each side. The central corridor is lighted by skylights.

As to the size of the cell, the prisoner who is awaiting trial may well have a larger room than prisoners whose cell simply serves as a sleeping room at night. The English standard is not less than a thousand cubic feet. The cells of the Eastern Penitentiary meet this requirement, and none are too large for men who are to spend their entire time indoors while awaiting trial, except the time allowed for exercise.

#### SEPARATION.

Though I do not advocate the separate system for sentenced prisoners, preferring what for years has been known as the Auburn system—that is, congregate work by day and individual separation by night—the separate system, I think, ought to be the rule in jails for prisoners awaiting trial. It settles at once the difficult matter of classification. The herding together of prisoners in cells, halls, courts, or corridors has proved a source of crime. Every prisoner should have a separate cell set off from every other cell. Males and females should have separate quarters, and boys should be assigned to different quarters from old offenders. The objections which are sometimes brought against the separate system as affecting the mental and physical health of the prisoner do not apply to those awaiting trial where the confinement is comparatively short, especially as there is no reason why, under proper conditions, prisoners awaiting trial should not receive visits from their friends as well as counsel.

In this article I have not touched upon a great many details which belong to the architect and the sanitary engineer, such details as ventilation, heating, etc., for these are matters which belong to any building which human beings are to occupy. They are equally important in jails and prisons, where they are most often neglected.

There are those who will say that under the present county system prisoners are committed to jails and ask what kind of a building must be provided for them. To this I would reply that in the State of New York, at least, there is no such necessity for committing

convicted prisoners to jail, nor should there be elsewhere. The probation system sufficiently provides for first offenders and obviates the necessity of the short sentence. When the probation system has been tried with reference to any special prisoner and its resources are exhausted, the prisoner should be placed under some régime of correction which is not supplied by the county jail. In the State of New York, for example, there are enough penitentiaries to accommodate all sentenced prisoners, so that no county need use its jail for this purpose.

What a house of correction should be is a different question and one which I am not asked to consider. It should include all the sanitary features of a jail and in addition abundant provision should be made for workshops, a schoolroom, under a graded system, and a chapel. A jail yard should likewise be provided, and, in agricultural districts, opportunity may well be offered for agricultural labor.

## TREASURER'S ACCOUNT

FOR THE YEAR ENDING DECEMBER 31, 1903.

### CURRENT FUND.

*Dr.*

Balance in Mechanics National Bank, January 1.....	\$3,463 69
Petty cash account.....	128 99
	\$3,592 68
Donations .....	9,436 36
State Reformatory.....	1,200 00
Rent .....	786 00
	\$15,015 04

*Cr.*

Expenses of agency for relief of discharged persons under arrest and on probation in the care of the association .....	\$5,729 97
Expense of State organization, prison and jail inspection and county work.....	4,855 65
Furniture and fixtures.....	164 46
Taxes, assessment and water rent.....	142 05
Interest on \$5,500 mortgage on 135 East Fifteenth street .....	220 00
House expenses.....	497 87
	\$11,610 00
Balance on hand December 31, 1903.....	3,405 04
	\$15,015 04

ANNUAL REPORT OF THE PRISON ASSOCIATION OF NEW YORK. 113

### RESERVE FUND.

Balance on hand.....	\$2,498 85
Interest allowed by New York Life Insurance and Trust Co. to December 31, 1903.....	71 57
	\$2,570 42

We hereby certify that we have examined the treasurer's and the corresponding secretary's books, bank book, and vouchers of the account of the Prison Association of New York for the year ending December 31, 1903, and declare the same to be correct in all respects.

(Signed) TOWNSEND & DIX,  
*Certified Public Accountants.*

JANUARY 8, 1904.

## COUNTY COMMITTEES.

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

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

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

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

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Hencken, Hancke.....	5 00
Henderson, Miss M. W.....	5 00
Hendricks, Miss Eleanor.....	5 00
Henry, Mrs. H. S.....	5 00
Henry, William.....	10 00
Herrman, Mrs. Esther.....	10 00
Hertzell, Miss Caroline M.....	5 00

Hewlett, Mrs. J. A.....	\$5 00
Hickok, George S.....	5 00
Hildburgh, Henry.....	10 00
Hilyard, George D.....	5 00
Hoar, Mrs. Elizabeth H.....	10 00
Hoe, Mr. Robert.....	20 00
Hoe, Mrs. Robert.....	10 00
Hoe, R. & Co.....	25 00
Hoffman, Miss D. W.....	10 00
Hoffman, F. B.....	10 00
Hoffman, Samuel V.....	10 00
Hogan, Charles M.....	10 00
Hollender, Frederick & Co.....	2 00
Holt, Henry.....	10 00
Holt, Robert S.....	20 00
Homans, Mrs. Frances E.....	25 00
Hopps, Mrs. L. W.....	2 00
Hoyt, Miss Gertrude L.....	5 00
Hubbard, General Thomas H.....	20 00
Hubbard, Mrs. Thomas H.....	10 00
Humphreys, Alexander C.....	10 00
Hun, Marcus T.....	25 00
Hunter, L. R.....	2 00
Huntington, Rev. W. R.....	30 00
Hustace, Mrs. R. M.....	20 00
Husted, A. N.....	5 00
Huyler, John S.....	10 00
Hyatt, Mrs. A. M.....	10 00
Hyde, Clarence M.....	100 00
Hyde, Samuel M.....	10 00
Hyde, W. T.....	10 00
I. B. C.....	30 00
Iselin, Adrian.....	100 00
Iselin, William, & Co.....	10 00
Iselin, Mrs. W. E.....	10 00
Isham, Samuel.....	10 00

J. B. M. ....	\$1 00
Jackson, R. C. ....	3 00
Jackson, Samuel M. ....	25 00
Jackson, Mrs. W. H. ....	10 00
Jameson, E. C. ....	10 00
James, Darwin R. ....	10 00
James, William S. ....	5 00
Jenkins, A. W. ....	5 00
Jerman, Miss M. C. ....	25 00
Jesup, Morris K. ....	50 00
Jex, Mrs. Isabella. ....	10 00
Johnston, D. V. R. ....	5 00
Johnston, Howard Agnew. ....	2 00
Johnston, William A. ....	25 00
Johnstone, Mrs. F. M. ....	5 00
Jones, Andrew B. ....	5 00
Jones, W. S., Jr. ....	10 00
Judson, Henry I. ....	10 00
Kelley, A. W. ....	10 00
Kellogg, Mrs. Charles. ....	10 00
Kellogg, Charles D. ....	5 00
Kelsey, C. H. ....	25 00
Kemeys, Mrs. Walter S. ....	10 00
Kendall, Miss Georgiana. ....	10 00
Kernochan, Mrs. J. F. ....	5 00
Keteltas, Miss Alice. ....	25 00
Keyser, Samuel. ....	25 00
Kidd, Mrs. James. ....	5 00
Kidder, Mrs. A. M. ....	50 00
Kilborne, C. T. ....	10 00
Kimball, A. R. ....	10 00
Kimball, H. G. ....	25 00
King, Miss Ellen. ....	10 00
Kissam, Samuel H. ....	50 00
Kissel, Gustav E. ....	10 00
Knauth, Nachod & Kuhne. ....	20 00

Knox, George L. ....	\$5 00
Koehl, Victor. ....	5 00
Kohn, Theodore A. ....	5 00
Kyle, James, & Sons. ....	5 00
Langdon, Woodbury G. ....	10 00
Langhaar, H. L. ....	5 00
Lanman & Kemp. ....	5 00
Larned, Col. Charles William. ....	1 00
Lattin, Homer A. ....	25 00
Lawrence, Miss Caroline T. ....	5 00
Lawrence, E. N. ....	25 00
Lawrence, John Burling. ....	10 00
Lawrence, Mrs. Samuel. ....	5 00
Leland, Miss O. M. ....	1 00
Leonard, Edgar C. ....	5 00
Leshner, Arthur L. ....	10 00
Letchworth, Hon. William P. ....	25 00
Levi, Sondheim & Co. ....	5 00
Lewis, Charlton T. ....	25 00
Lewis, Mrs. Mary H. ....	5 00
Lincoln, Lowell. ....	10 00
Livingston, Johnston. ....	10 00
Livingston, Miss Julia. ....	5 00
Lobenstine, William C. ....	10 00
Locke, John M. ....	3 00
Lockman, John T. ....	10 00
Loeb, Gustave. ....	5 00
Loomis, Mrs. Henry P. ....	10 00
Lord, Franklin B. ....	10 00
Low, Hon. Seth. ....	10 00
Low, William G. ....	25 00
Lowengard, Otto. ....	5 00
Ludlam, George P. ....	10 00
Lusk, Dr. William C. ....	5 00
Lynes, Mrs. Elizabeth. ....	10 00
McCook, Col. John J. ....	10 00

McCord, William H. ....	\$10 00
McCormick, Mrs. R. Hall .....	10 00
McCreery, Mrs. James M. ....	5 00
McCurdy, Richard A. ....	50 00
McDonald, Miss Bessie F. ....	5 00
McEwen, D. C. ....	5 00
McEwen, Thomas, Jr. ....	2 00
McKim, J. A. ....	10 00
McKim, LeRoy .....	10 00
McLane, Mrs. Adelaide P. ....	5 00
MacLaren, Mrs. F. ....	25 00
McLean, John S. ....	10 00
McMahon, Fulton .....	5 00
McMahon, James .....	25 00
Macy, V. Everit. ....	25 00
Macy, Mrs. William H. ....	10 00
Mager, Mrs. Robert F. ....	10 00
Maillard, Henry, Jr. ....	5 00
Main, William .....	2 00
Maitland, Robert L. ....	10 00
Manning, R. F. ....	5 00
Mansfield, Howard .....	5 00
Marc, Theophilus M. ....	10 00
March, Miss Virginia A. ....	2 00
Markoe, Francis H. M. D. ....	50 00
Martin, John .....	5 00
Martin, William V. ....	5 00
Marvin, Dr. D. M. ....	5 00
Mason, Miss S. C. ....	5 00
Maury, C. W. ....	25 00
Maxwell, Mrs. Robert M. ....	10 00
Mendelson, Mr. Simon .....	2 00
Merriam, Miss Annie L. ....	5 00
Merrill, Mrs. Payson. ....	5 00
Meserole, A. ....	10 00
Meyer, Wm. & Co. ....	10 00

Middleton & Co. ....	\$10 00
Milbank, Mrs. Joseph. ....	50 00
Miller, Mrs. A. ....	10 00
Minturn, Mrs. John W. ....	10 00
Mitchell, Mrs. Moncrieff. ....	10 00
Mitchell, Roland G. ....	50 00
Mitchell, William .....	10 00
Mix, Robert J. ....	5 00
Moller, Edwin Clarence. ....	10 00
Monteath, Miss Sarah J. ....	5 00
Moore, Mrs. Edward C. ....	10 00
Moore, Miss Katharine T. ....	10 00
Moore, W. H. H. ....	10 00
Morgan, E. D. ....	20 00
Morgan, George H. ....	10 00
Morgan, Mrs. J. Pierpont. ....	10 00
Morse, Daniel P. ....	10 00
Mortimer, Mrs. W. Y. ....	50 00
Mott, Lewis F. ....	5 00
Mott, W. F. ....	5 00
Mounier, Louis. ....	1 00
Munn, John F. ....	5 00
Munn, Charles A. ....	10 00
Munn, O. D. ....	10 00
Munroe, Mrs. Chester. ....	5 00
Murray, Miss Catherine. ....	2 00
Nicholls, Seth. ....	10 00
Nil, John. ....	5 00
North, Thomas M. ....	10 00
O'Connor, Miss Katharine. ....	5 00
O'Connor, Thomas H. ....	25 00
O'Donohue, Mrs. Joseph J. ....	5 00
O'Gorman, John. ....	10 00
O'Levie, Mrs. John S. ....	5 00
O'Levy, Dudley. ....	25 00
O'Levy, George M. ....	25 00

Olmsted, Mrs. Charles T. ....	\$10 00
Olyphant, J. Kensett. ....	10 00
Olyphant, Robert M. ....	10 00
O'Neill, Mrs. H. ....	10 00
Oothout, Mrs. Jane E. ....	10 00
Opdycke, Mrs. Emerson. ....	10 00
Opdyke, Mrs. W. S. ....	5 00
Openhym, William, & Sons. ....	10 00
Oppenheimer, Dr. Henry S. ....	5 00
Ormsbee, A. I. ....	5 00
Ortgies, John. ....	5 00
Osborn, Mrs. William Church. ....	10 00
Otersen, Miss Lucy. ....	5 00
Ovington, Theodore T. ....	10 00
Palmer, General W. J. ....	10 00
Parish, Henry. ....	50 00
Parish, Miss Susan D. ....	25 00
Parker & McIntyre. ....	3 00
Parsell, Mrs. H. V. ....	10 00
Parsons, Mrs. Edwin. ....	10 00
Parsons, John E. ....	10 00
Partridge, Mrs. E. L. ....	5 00
Patterson, C. G. ....	10 00
Pavenstedt, Adolf. ....	10 00
Peabody, George Foster. ....	50 00
Pease, Walter A. Jr. ....	1 00
Pederson, Dr. James. ....	1 00
Penfold, Miss Josephine. ....	10 00
Perkins, Goodwin & Co. ....	5 00
Perry, W. Herbert. ....	2 00
Pettit, John J. ....	5 00
Pettigrew, R. H. ....	2 00
Philip, Edward C. ....	1 00
Phippis, Miss Sarah M. ....	15 00
Pilot, Clara. ....	25 00
Pinchot, Mrs. Amos. ....	5 00

Pinkerton, Robert A. ....	\$10 00
Pitkin, W. H. ....	25 00
Plaut, Albert. ....	10 00
Planten, John R. ....	10 00
Plunkitt, Hon. Geo. W. ....	10 00
Polk, Mrs. William M. ....	5 00
Pollard, Joseph G. ....	2 00
Pomroy, H. A. ....	10 00
Pope, Miss Elizabeth A. ....	3 00
Post, A. S. ....	10 00
Potter, Miss Martha. ....	10 00
Pouch, F. E. ....	5 00
Powers, Mrs. Jennie Turner. ....	5 00
Prime, Miss Mary R. ....	10 00
Pumpelly, John. ....	10 00
Putnam Son's, G. P. ....	10 00
Quattlander, Rev. Paul. ....	2 00
Raud, Rev. William W. ....	2 00
Raymond, Charles H. ....	25 00
Raymond, R. W. ....	10 00
Read, William A. ....	25 00
Reilly, F. James. ....	10 00
Rhineland, Miss Serena. ....	200 00
Rhoades, Miss J. H. ....	5 00
Righter, J. H. ....	10 00
Riker, Samuel. ....	10 00
Kipley, Mrs. Louis A. ....	10 00
Rives, George L. ....	20 00
Robb, Hon. J. Hampden. ....	10 00
Robbins, E. ....	5 00
Robbins, Mrs. W. H. ....	5 00
Roberts, Mrs. M. L. ....	5 00
Rockwell, Miss Hannah M. ....	5 00
Ressler & Hesslacher Chemical Co. ....	10 00
Rollins, W. F. ....	5 00
Root, Charles T. ....	5 00

Ross, W. A. & Bros.....	\$10 00
Rothschild Bros & Co.....	5 00
Rowland, Thomas F.....	20 00
Rumpf, Mrs. Charles.....	5 00
Rushmore, J. D., M. D.....	2 00
Russell, Miss Josephine.....	10 00
Russell, J. W.....	2 00
Sachs, Louis.....	5 00
Sackett, Henry W.....	5 00
Sage, Mrs. Dean.....	30 00
Saint Gaudens, Augustus.....	10 00
Sargent, Miss G. W.....	10 00
Sard, Grange.....	10 00
Satterlee, Col. Herbert L.....	25 00
Sawyer, Mrs. P. C.....	10 00
Saxton, B. F.....	25 00
Schafer Bros.....	10 00
Schenck, Mrs. A. H.....	10 00
Schermerhorn, F. Augustus.....	100 00
Schieffelin & Co.....	10 00
Schieffelin, Mrs. Wm. Jay.....	10 00
Schieffelin, William Jay.....	20 00
Schieren, Mrs. Charles A.....	5 00
Schiff, Jacob H.....	25 00
Schott, Charles M. Jr.....	10 00
Schultz, Carl H.....	10 00
Schuyler, Miss L. L.....	5 00
Schuyler, Philip.....	15 00
Schwab, Mrs. Gustav.....	5 00
Schwab, Rev. L. Henry.....	5 00
Scott, Miss Louise B.....	10 00
Scribner, Mrs. J. Blair.....	20 00
See, A. B., Electric Elevator Co.....	10 00
Seligman, Miss Alice F.....	5 00
Seligman, George W.....	10 00
Seligman, Isaac N.....	10 00

Seligman, Mrs. Jesse.....	\$5 00
Seligman, J. W. & Co.....	25 00
Sellew, T. G.....	10 00
Sheldon, James O.....	10 00
Shepard, Edward M.....	10 00
Shepard, Mrs. Elliott F.....	25 00
Sherman, Mrs. Charles E.....	5 00
Sherman, Frederick T.....	5 00
Sidenberg, Mrs. G.....	10 00
Sidenberg, G. & Co.....	10 00
Simons, C. D.....	5 00
Sinclair, John.....	10 00
Sirota, Mr. H.....	5 00
Skeel, Mrs. Roswell.....	15 00
Slade, Francis Louis.....	5 00
Slade, Miss Mabel.....	10 00
Slicer, Mrs. Thomas R.....	5 00
Smith, Rev. Cornelius B.....	5 00
Smith, Frank G.....	5 00
Smith, George C.....	10 00
Smith, James Rufus.....	10 00
Smith, William Alexander.....	10 00
Smith, W. Wheeler.....	10 00
Soosmith, Charles.....	5 00
Speers, James M.....	10 00
Speyer & Co.....	10 00
Speyer, Leo.....	10 00
Spool Cotton Co.....	25 00
Stamford Mfg Co.....	20 00
Starr, Theodore B.....	10 00
Steele, Charles.....	10 00
Steers, James R.....	10 00
Stein, A.....	5 00
Steinway, F. T.....	5 00
Stern, Benjamin.....	10 00
Sterry, George E.....	10 00

Stetson, Mrs. F. L.....	\$25 00
Stevens, Mrs. Byam K.....	10 00
Stewart, Hon. W. R.....	10 00
Stewart, William W.....	10 00
Stickney, Joseph.....	10 00
Stimson, Mrs. H. C.....	5 00
Stine, J. R. & Co.....	10 00
Stokes, Anson Phelps.....	25 00
Stokes, J. G. Phelps.....	50 00
Stone, Miss Annie.....	10 00
Stone, Mason A.....	5 00
Storer, Mrs. Albert.....	5 00
Stuyvesant, Rutherford.....	10 00
Sullivan, Isabella.....	10 00
Summer, Miss Sarah F.....	5 00
Tappin, J. C.....	10 00
Tarbox, Hiram.....	1 00
Taylor, Rev. Matthew A.....	10 00
Thacher, Thomas.....	10 00
Thompson, Mrs. Frederick.....	50 00
Thomson, John W.....	10 00
Thorne, Edwin.....	10 07
Thorne, Jonathan.....	25 00
Thorne, Samuel.....	10 00
Thorne, W. V. S.....	5 00
Tiebout, C. H.....	5 00
Tiemann, D. F. & Co.....	10 00
Tiffany & Co.....	20 00
Tilley, George H.....	5 00
Tomkins, Calvin.....	5 00
Townsend, R. H. L.....	10 00
Trowbridge, James A.....	10 00
Tuck, Dr. Henry.....	5 00
Tuckerman, Alfred.....	5 00
Turnbull, Mrs. Ramsay.....	5 00

Turton, George L.....	\$5 00
Twitchell, Herbert K.....	2 00
Uhlmann, Frederick.....	10 00
Underhill, Townsend.....	25 00
Upham, Mrs. Elizabeth K.....	10 00
Vanderbilt, John L.....	3 00
Vanderpoel, Mrs. John A.....	5 00
Vanderveer, Mrs. E. F.....	3 00
Van Dike, Mrs. Henry.....	10 00
Van Ingen, Mrs. E. H.....	10 00
Van Santvoord, Miss A. T.....	10 00
Van Wrinkle, Miss M. D.....	10 00
Vermilye & Co.....	10 00
Vernon, Harold.....	1 00
Villard, Mrs. Henry.....	25 00
Villard, Oswald Garrison.....	10 00
Wadsworth, C. S.....	10 00
Waller, Miss Anna.....	2 00
Walter, Henry.....	10 00
Warburg, F. M.....	25 00
Ward, John Seely, Jr.....	50 00
Ward, Miss M. M.....	10 00
Weeks, Mr. A. A.....	25 00
Welling, W. B.....	5 00
Wells, Henry C.....	5 00
Wells, Miss Julia Chester.....	10 00
Wesendonck, Lorenz & Co.....	10 00
Wetmore, Dr. J. McE.....	10 00
Whaley, Mrs. S. D.....	2 00
Wheeler, F. Merriam.....	10 00
Wheelock, Dr. George G.....	10 00
White, A. T.....	10 00
White, Miss Caroline.....	10 00
White, Miss Mary.....	2 00
White, Mrs. Stamford.....	10 00

White, William A.....	\$10 00
Whitehead, A. Pennington.....	5 00
Whitehouse, Mrs. J. H.....	10 00
Whiting Paper Co.....	10 00
Whitlock, Mrs. D. B.....	10 00
Wicke, William.....	10 00
Wiggins, T. C., M. D.....	10 00
Wilkinson, Bros.....	5 00
Willcox, William G.....	5 00
Willets, John T.....	15 00
Williams, Mrs. Georgiana P.....	5 00
Williamson, Mrs. D. D.....	5 00
Willis, W. P. & Co.....	25 00
Wills, Charles T.....	5 00
Wilson, Mrs. Isabella.....	12 00
Wingate, General George W.....	10 00
Winkhaus, Mrs. A. C.....	5 00
Winthrop, Egerton L.....	25 00
Winthrop, Mrs. Grenville.....	25 00
Winthrop, Miss Marié.....	25 00
Wisner, Miss Josephine.....	10 00
Wintringham, Sidney.....	25 00
Witherbee, Mrs. F. S.....	15 00
Wolff, Lewis S.....	10 00
Wood, Orrin S.....	10 00
Wood, Stephen.....	10 00
Woodford, Franklin E.....	1 00
Wormser, Miss Isador.....	10 00
Wray, Miss Julia.....	10 00
Wurzburger, Adolph.....	5 00
Ziegler, Henry.....	5 00
Zimmerman, Mrs. M. E.....	10 00

## DONATIONS OF CLOTHING.

Adler, Mrs.	Kurzman, S. P.
Andrews, Mrs. J.	Lathers, Miss J.
Avery, S. P.	Lawrence, Mr.
Bayne, S. L.	Lawson, Mrs.
Begetling, Emil.	Leventritt, Judge David.
Bristol, E. L. M. (M. D.).	Liebmann, J.
Byers, Jos. J.	Liebmann, Julius.
Byers, Mrs. S.	Loomis, Chas. W.
Cassidy, James.	Lydig, David.
Clark, Cyrus.	McNeal, Mrs. J.
Clark, F. B.	Mackay, Mrs.
Cockcroft, Miss.	Mali, Mrs. P.
Dean, Mrs. B.	Mayo, Chas. B.
Dreyfoos, Mrs. J. L.	Merkeley, Mrs. D. T.
Dudley, Mr.	Merrill, Edward B.
Eddy, E. A.	Needlework Guild of America.
Emerson, Mrs. J. H.	Post, H. S.
Emery, Mrs.	Schermerhorn, Mrs. Alfred E.
Fisher, Miss Carrie.	Sergeant, Mrs. J. E.
Floyd-Jones, Mrs. G. S.	Serre, J. E.
Gilbert, George N.	Smith, Dr.
Goodale, Mrs. S. B.	Sperry, Mrs. H. M.
Hadden, Mrs. H. F.	Starrett, G.
Heard, A. A.	Sturgis, Mrs.
Herrick, Mrs. J. A.	Sugden, Eben.
Hirschbach, William.	Tuck, Dr. Henry.
Horton, Mrs. C. E.	Van Ness, Mrs. Mary L.
Howell, Wm. P.	Watson, Mrs. Joseph.
Howes, Rev. Dr.	Wickie, Mrs. J. L.
Howson, Mrs.	Williams, Mrs. E. C.
Jackson, Mrs. George T.	Wilson, George H.
Jacquelin, Mrs. J. H.	Wooster, Mrs.
Kiliani, Mrs. O.	Zabriskie, Andrew.
Kunhardt, W. B.	

## DONATIONS OF READING MATTER, ETC.

All Souls Parish House.	Lichtenstein, Mrs. L.
Arthur, Mrs. E. L.	Lilienthal, Mrs. Albert.
Babcock, Mrs. S.	Mackay, Mrs.
Bailey, Miss.	Miller, Mrs.
Bishop, Mrs. George R.	Miller, Mrs. A.
Blanchard, F. R.	Mills, M. P.
Bogert, E. C.	Noyes, Mrs. Wm. C.
Brettauer, Mrs. J.	Ogden, Mrs. C. W.
Cassidy, James.	Paxton, M. L.
Clarkson, Mrs. Howard.	Perry, Mrs.
Dean, Mrs. B.	Post, H. S.
Draper, Mrs. Henry.	Reid, Mrs. Mary.
Eastman, A. S. R.	Reynolds, A.
East Side Fruit and Flower Mission.	Root, Mr.
Folsom, Mrs. C. L.	Sahler, A. F.
Gilbert, George N.	Scheffey, A. M.
Greenough, Mrs. John B.	Schwab, Mrs. N.
Henry, Mrs. H. S.	Sergeant, Mrs. J. E.
Hernsheim, Mrs. Joseph.	Shipman, Mrs. A. H.
Hernsheim, Mrs. Isidore.	Smith, J. B.
Hirschbach, William.	Somer, Mrs.
Hospital, Book and Newspaper Society.	Stephens, Mrs.
Howell, William P.	Stix, Mrs. S. L.
Inslee, Miss E.	Sturgis, Mrs.
Jackson, Mrs. George T.	Vail, Mrs. O. W.
Jacquelin, Mrs. J. H.	Van Ness, Mrs. Mary L.
Kendall, Miss Georgiana.	Werner, Mrs. L. J.
	Wolf, A.
	Youngheim, Mrs. E. A.

## DESCRIPTION OF UNITED STATES PENITENTIARY AT ATLANTA, GEORGIA.

The site of the penitentiary lies southwest of the city of Atlanta, and just beyond the city limits, and contains 320 acres. The area enclosed by the wall and the front building is 27 acres. At present the general plan of the buildings consists of a cell building 338 feet long and 60 feet wide. In front of and attached to the cell building is a building 55 x 58 feet, to be used by the guards, but at present used as an administration building.

The cell building contains 190 steel cells in each half, making a total of 380 complete, in tiers five high. In the rear of the cell building is the building used as dining-room on the first floor, chapel in the second story, and hospital in the third story. This building is 95 x 100 feet. In the rear and connecting to the same is the kitchen which has wings used for cold storage, bakery, vegetable preparation rooms, etc. The boiler house is located as a separate building in the rear of the kitchen building. There are underground ducts, tunnels, etc., connecting all of the above buildings to carry electric wires, sewers, water and heating pipes. The cell building is equipped with a hot blast system of heating, with four vent shafts at the corners, which are connected to the utility corridors between cells and ventilate each cell. All the present buildings are of heavy brick masonry trimmed with cut stone, with fire-proof floors, both of cinder concrete and hollow tile construction. The buildings are designed primarily from the standpoint of utility and strength, all parts being made subservient to the economical, and safe administration as prison buildings. The enclosing wall for the site is being built



of concrete, and averages about 28 feet in height. In the enclosure there has recently been built a carpenter shop and stone cutting shed.

In the future development of this penitentiary it is intended to build a cell wing in front of the present cell building which will be 550 feet long by 60 feet wide, and will have a capacity of 920 cells which will bring the total of cells to 1,200. This front cell building will completely cover all view of the present buildings and will be more architectural in character. In front of this future cell building will be the administration building 130 feet long by 45 feet. From this administration building there will be walks and driveways leading to the entrances.

The architects were Messrs. Eames and Young of St. Louis.

## 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 \$50 shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

#### ARTICLE VII.

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

#### ARTICLE VIII.

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

#### ARTICLE IX.

Any society having the same object in view may become auxiliary to this association by contributing to its funds and 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 selected for the current year, under the constitution, shall continue to be the officers thereof until others shall be duly chosen in their places.

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

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

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

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

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power and it shall be their

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

STATE OF NEW YORK:

IN SENATE, May 8, 1846.

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

Resolved, That the bill do pass.

By order of the Senate,

A. GARDINER,

President.

\* See section 24.

## BY-LAWS.

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

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

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. The reading of the minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on the work of the year.
6. Annual report of the treasurer.

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

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

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

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

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

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

VIII. The treasurer shall have charge of the funds of the Association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be six standing committees, namely, on finance, detentions, discharged convicts, law, house, and library.

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

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

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

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

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

Any uninvested balance of the endowment and reserve funds shall be kept each in separate trust companies in the name of the Association, subject to check of the treasurer, and shall, whenever possible, bear interest. All income from the endowment and reserve funds may be transferred to the general fund as soon as received.

No part of the reserve fund shall be used for any purpose except by resolution of the executive committee, and whenever any part shall be appropriated by the executive committee it shall immediately be transferred to the general fund.

*The General Fund.*—The term "General Fund" shall cover all receipts of the Association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment and reserve funds, shall be credited to the general fund to which the authorized disbursements of each activity of the Association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary at once of all transfers of income from the endowment and reserve funds to the general fund.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the Association that such receipt may be entered at once to the credit of the proper account on the books of the Association.

The corresponding secretary shall be the general disbursing agent of the Association, the object of the provision being to keep in the central offices of the Association all receipts for payments by him for the Association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements. This provision shall not apply to the endowment and reserve funds.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the Association and then deposited in such bank as directed by the treasurer to the credit of the Association. Whenever the executive committee shall make an appropriation out of either the reserve or general fund, the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary,

which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the Association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance. Such account shall be separate and distinct from those accounts opened for the uninvested balance of the endowment and reserve funds.

The corresponding secretary shall keep a bank account in the name of the Association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall audit and report upon accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing investments and the receipts and disbursements of the endowment and reserve funds; he shall make at the annual meeting of the Association, a detailed statement of receipts and disbursements for the fiscal year.

#### XI. It shall be the duty of the committee on detention:

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

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

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

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

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

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

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

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

XIII. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the Legislature including pending bills and report their views and conclusions upon them; also to care for the law business of the Association.

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

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

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

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

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

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