

N. J. Pamphlet H. M.

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# REPORT

OF THE

## Commissioners on Prison System

OF

NEW JERSEY,

AND ON AN

INTERMEDIATE PRISON,

UNDER JOINT RESOLUTION, APPROVED APRIL 9, 1877.



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## REPORT.

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*To the Senate and General Assembly of the State of New Jersey:*

The Commissioners appointed by the Governor, in accordance with a Joint Resolution approved March 9th, 1877, "to examine and report to the next Legislature on the present prison system of the State, to suggest any plans for its improvement, and, if such plans shall include the establishment of any penitentiary or intermediate prison, to report an act for its establishment and government, and to recommend a plan and site for the same," respectfully report, that in October last, soon after their appointment, they met and considered the duties devolving upon them in the execution of this trust, and proceeded to collect information by a personal inspection of the county prisons of the State. Into a particular detail of these visits it is perhaps needless here to enter. Suffice it to say, that in several of the counties the old jails, whose appointments were so justly complained of by the Prison Commissioners of 1868, have given place to new and greatly improved buildings, and to better arrangements. Of some of our prisons it must be confessed that, from careless indifference on the part of keeper and of inmates, their condition was far from nice, and practices abhorrent to correct feeling were allowed. Of a larger number, it may with great satisfaction be stated that the apartments, bedding, table furniture, &c., are kept with scrupulous neatness, and that personal cleanliness is rigorously insisted upon. We heard nowhere complaint of insufficient quantity or improper quality of food, and in some cases the fare was the subject of unsolicited commendation.

But whilst the physical condition of most of our prisons is a source of gratulation, there is another aspect which fills us with sadness. We refer to the indiscriminate mingling together of the prisoners in enforced idleness, with little effort to give them instruction, religious or moral or literary.

With the exception of the penitentiaries of Essex and Hudson, there is no steady labor demanded, even from convicts, in any county jail of the State, beyond the family wants of the establishment. Spasmodic efforts have been made in several of the counties to remedy the evil, but the industries have been dropped as impracticable. Work may not be demanded of persons merely held for trial. The convicts, being few in number, will not repay the cost of instruction, attendance, &c., nor will



the more numerous police prisoners, idle, awkward and enfeebled by debauch. In a few of these places of confinement, the prisoners are, to some extent, classified, but in a great majority of cases the male prisoners associate in the common hall throughout the whole day, with little supervision; and in two jails the *women* were added to the crowd. Hardened convicts, witnesses, untried (perhaps only *suspected*) offenders, comparatively innocent youth and adult criminals, mixing together in such companionship as they desire, what that is not incorruptible can escape corruption? If an inmate be ignorant of the advanced secrets of the brotherhood, there will not lack a *professor* to give him the password, and aid him to graduate in these county schools of crime. Prisons so conducted are pest houses which need abatement. What must be the moral and mental status of a community which, from decade to decade, allows such plague spots in their midst to go uncorrected? Our well-to-do citizens, like the priest and the Levite of old, ignore the claims of humanity, and "pass by on the other side." We sneer at the whipping post of an adjoining State, and yet subject our own petty offenders to less deterrent, and far more corrupting influences. Lazy vagrants and criminals *seek*, in our jails, a winter refuge from cold and hunger and *labor*. They gladly submit to the confinement, for the sake of the attendant substantial and prolonged benefits. The brief, inexpensive discipline of Delaware is *not sought*; and its recipients alter their habits, or shun the jurisdiction.

We are not advocates for brutalizing punishments, for the restoration of the whipping post, the bastinado or the pillory; but alas, for the progress of mental enlightenment and christian civilization, if there be no better plan for the treatment of incipient offenders than that upon which we have fallen.

New Jersey, however, is not singular in possessing prisons which are far below the demands of humanity. The evils are inherent in the present system, and prevail wherever local jails are under the care of frequently changing and uninstructed officers, without supervision of competent board. For an admirable presentation of this subject see article on "County Jail System," by F. H. Wines, LL. D., Secretary of Illinois State Board of Charities, in proceedings of National Prison Congress, held in New York, 1876.

The remedy we apprehend, will be found in a great change of the system upon which our jails are conducted. Persons convicted and sentenced to the State Prison or the reformatory, should, with all convenient despatch, be transferred to the place assigned them. To an individual held as a witness for the public benefit in an impending trial, the obvious duty of society is to protect him from association with criminal prisoners. Such also is the law. But a knowledge of the rights of a confined witness seems

not to have reached some prison-keepers and Boards of Freeholders. Persons committed as charged with crime, and from whom labor cannot be exacted, should also be kept in strict seclusion for their own sake and for that of society. If innocent, criminal association is a wrong to *them*. If guilty, they should not be allowed to contaminate *others*. "This doctrine," says Dr. E. C. Wines, "is as old as the Roman jurisprudence, which distinguishes sharply between the *suspected* and the *convicted*, calling the former the *hostage of justice*, the latter the *slave of punishment*." A speedy trial, a conviction or an acquittal, is the proper solution of their case.

In the much more numerous instances of commitments for short terms by the police magistrates, for disorderly conduct, petty thefts, drunkenness, etc., a more appropriate remedy than association with old comrades and others with like instincts, in a common hall, would be *strict cellular confinement, and very meagre diet*. These points should be rigorously insisted upon. Several repetitions of such misdemeanors, showing habits injurious to society, should subject the offender to a sentence so prolonged, and to such discipline, as would give opportunity for a changed purpose in life. We were told of one person thus arrested and imprisoned thirty-seven times for terms of a few days, and of another "nearly one hundred times." To tamper thus with such offenders, is beneath the dignity of law, and of its administrators. A sentence of years' duration in these cases would have saved the expense of continual arrests and trials, and relieved the community of a nuisance. It would greatly increase the hope of restoration to honorable citizenship.

#### TRAMPS OR VAGRANTS.

The "Act to define and suppress tramps," approved April 9th, 1876, has not yet produced its designed effect. Indeed, its provisions appear not to be generally known. If public attention were called to its provisions by its publication in handbill form or otherwise, and if citizens annoyed by this most undesirable population would insist upon the enforcement of the law, the evil would be lessened. We have been astonished at the number of tramps reported in towns and cities throughout the State.

Rigid surveillance and compulsory labor are indispensable conditions in the adequate treatment of these wandering idlers, who seem to regard themselves as exempted from the ordinary condition of humanity, "In the sweat of thy brow shalt thou eat bread." There is often great difficulty in procuring employment of a character which can be enforced upon such vagrants in the points where they congregate. In those parts of the State where suitable stone is found, it might be brought to a convenient place and broken for township roads. In others firewood might be



sent to be sawed and split for private citizens. In an agricultural region some heavy farm work, as clearing land of stones or stumps, grubbing, digging of drains, &c., ought to be insisted upon as a compensation for food and lodging. In cities or towns the grading and paving of streets and cutting down of embankments, might sometimes be kept in reserve for these unwelcome guests, sure to arrive. A benevolent lady whose kitchen door had frequent visitors, lessened their attendance by connecting her unflinching charity with the sweeping of her pavement and other employments. "NOTHING FOR NOTHING" should be the unflinching condition of aid, public or private, for able-bodied beggars.

A bill aiming at the permanent suppression of this evil is now before the Legislature of New York. It provides for the appointment of a Superintendent of Workhouses, who with the approval of the Board of State Charities is to establish such institutions in rented premises at proper points; and it is made the duty of magistrates to send to them convicted vagrants, for from three to six months. On a second conviction the sentence to be from six months to a year, and for a third to be of indefinite duration. Tramping, with its attendant arsons, thefts and outrages would not flourish under the enforcement of such a law.

#### PUNISHMENTS IN PRISON.

The subject of legal punishment is one which has occupied attention in all ages. In the not distant past the laws of some nations may be said to have been "written in blood." But gradually the leavening influence of christianity has effected a great change in public and in private life, subjecting both the prison and the family more and more to the operation of moral forces. One of the great poets of our time exultingly proclaims this onward movement. "Thank God!" says Whittier,

"That I have lived to see the time  
When the great truth begins at last to find  
An utterance from the deep heart of mankind,  
Earnest and clear, that ALL REVENGE IS CRIME!  
That man is holier than a creed,—that all  
Restraint upon him must consult his good,  
Hope's sunshine linger on his prison wall,  
And love look in upon his solitude."

A fatal objection to the reliance on physical suffering as a last resort in prison discipline, is that if the infliction be light it is the subject of contempt and ridicule; if severe and protracted by the determination of the convict not to yield, the cry is readily raised, and sometimes not without reason, of cruelty and brutality. The venomous whisper of a subordinate, some act of injustice unknown to the warden, perchance a taint of insanity, may have

stung the culprit to almost superhuman endurance of pain, rather than submit to utter the simple words "I will obey." An estimable officer who, without anger or unworthy motive, enforces such punishment, under a belief that it is essential to the preservation of good order, may thus become unintentionally a vehicle of wrong, and the subject of scurrilous abuse and wide-spread calumny.

In many prisons of the United States a solitary cell, spare diet and the deprivation of employment, is the extreme penalty for the violation of prison rules. In others the cell is darkened, and in flagrant cases the hands are fastened to the wall, *not higher than the shoulders*. But whatever disciplinary regulations may be adopted there should never be wanting a loving pity for the erring and fallen brother, (the victim perhaps of "evil parentage and vile surroundings,") and a warm desire to lift him up into a christian manhood. An unexpected and wholly undeserved kindness to a moody prisoner in such restraint, a walk in the fresh air, a delicacy from the officers' table, a few genial words, the reading of some simple story (good *will* finds a good *way*) may revolutionize the man, and win him to the right. We live in a professedly christian land—a land of bibles and of churches. Surely it is not too much to expect that the management of our prisons shall be permeated with a christian spirit.

Ex-Governor G. F. Fort wrote ten years since "Observations made in the prisons of other states, satisfied us that the kind and degree of punishment defined by the N. J. statute, without discretionary power of further infliction by either keeper or inspectors, is amply sufficient to control and subdue all refractory cases, unless there is defective management in the prison. Gen. Amos Pilsbury, the able and efficient chief of the Albany Penitentiary, who has for forty years presided most successfully over penal institutions in New Hampshire, Connecticut and New York, assured the commissioners that corporal or painful punishment was never necessary in a well regulated prison, and that 75 per cent. of his men passed through their time *without a harsh word*. Mr. Haynes, Warden of Massachusetts State Prison, Capt. Robbins, of the South Boston House of Correction, and others, were equally explicit on that point, and agreed fully with Gen. Pilsbury. Mr. Brockway says, 'coercive measures are only resorted to by unqualified officers.'"

The New Jersey law allows punishment in her State Prison "not exceeding close confinement in a dark cell, on bread and water, with chain on the leg, or handcuffs, or both, for six days," and "further punishment as the acting Inspectors shall think proper; *provided*, that corporal punishment shall in no case be inflicted."

The obvious meaning of this passage is that corporal *pain* shall never be inflicted as a punishment in the prison; not



merely that the *lash* is abolished, and the thumb screw, the rack or other devices of vindictive ingenuity, allowed as a substitute. All experience shows that abuses, sooner or later, follow where the infliction of bodily pain becomes the established mode for the correction of misconduct. Our statute is right, and ought to be maintained. But must discipline be abandoned, misrule be inaugurated, and all profitable industry be abandoned in our prisons? By no means. It is an absolute necessity, in such a family, that good order be maintained, that obedience be prompt, and that labor, both for discipline and for sustenance, be exacted and performed.

#### THE COMMUTATION LAW.

It was with the intent to secure these ends, that the Legislature, in 1869, enacted what is known as the Commutation Law. This offers to the prisoner a powerful incentive to do right, by providing that for every month of satisfactory performance of assigned labor, *two days* of his sentence shall be remitted; for every month of orderly deportment, *two days*; and for every month of manifest effort at self-improvement, *one day*; for twelve months of continuous good record, an additional day per month may be given; thus deducting seventy-two days from a sentence of fifteen months or over. For the second year of good record, another day per month is granted; and so an added day per month for each year progressively.

Could any more beneficent provision be asked by the prisoner than this? Could any more efficient disciplinary power be asked by the officers?

It must be acknowledged, however, that the law has never produced, in our prison, the effects contemplated by its friends. But the cause of this is patent. To avoid trouble in the keeping of accounts, the plan was adopted of giving to every prisoner credit *in advance* for all his "good time," and entering as the day of his exit the shortest possible date which he could earn by faultless conduct. Punishments for misconduct were directed to be charged, with intent to prolong the time of imprisonment for each offence. But the account seems to have been carelessly kept, and sometimes wiped out; so that complaints have been made of uncertainty and injustice. The present administration, receiving the record books and the established practices continued through several of its predecessors, naturally adopted their arrangements, as no objection was urged; but we understand it has carefully complied with the section of law forbidding commutation in any month when punishment has been inflicted.

The great aim should be to prevent all need of punishment, by securing to this end the hearty purpose of the convict. Every

inmate on entering the prison should be made to understand the benevolent intent of the law in its several particulars; and be assured of the desire of the officers, justly and impartially to give him its full benefit, on condition that he shall deserve it. He should be furnished with a book containing a printed explanation of the plan and the permanent rules of the institution, and blank pages for the entry month by month of the credits or debits of his account for labor, conduct and self-improvement, as they appear on the books of the Prison. If the record be deemed by him unjust, he should, while the facts are all fresh in the memory, be allowed the opportunity to ask its correction of the Keeper, the Moral Instructor, or an Inspector. If the entry be right, it could be kindly explained to him; whilst if an error has unwittingly occurred, an honorable officer will sedulously rectify it. Who would rob a helpless convict of his legal earnings?

The difference in effect in carrying out the commutation law upon the plan we have indicated and that which was unfortunately adopted nine years ago—the moral forces made continuously operative in elevating the prisoner on the one hand, and the great want of them on the other, must be evident to any thoughtful mind.

#### THE REPRESSION OF CRIME.

Within a few years past the question of the best methods for repressing crime, has occupied the attention of philanthropists in this and other lands; and congresses, national and international, have discussed the whole subject in a calm, philosophical and christian spirit, and with an interest unknown in any previous part of the world's history. Principles eliminated with much thought and toil, the result of struggles and experiments and theories formed in prison life, by Maconochie at the penal colony on Norfolk Island, by Montesinos at Valencia in Spain, and by other patient workers and advanced thinkers—the separate system of Pennsylvania, and the silent or congregate system of Auburn—the working of approved plans adopted in Great Britain and Ireland, and the various countries of continental Europe, have been in these congresses brought to public notice, considered and discussed. The labors of our Dwight and Lieber, of Wines and Harris have aided in the good work. The result has been a marked advance in penological science; and improvements, almost world-wide, have been made in systems and in practices.

#### THE IRISH PRISON SYSTEM.

The most prominent instance of improved practical results has been in the system of prisons and of discipline adopted in Ireland



under Sir Walter Crofton in 1853. Under it the convicts are treated as erring and reasonable beings. They are instructed in the obligations of law, human and divine, and plied with motives to do right. As they manifest improvement in mental culture, in morals and in labor, they are advanced to higher grades, with increased privileges, till the last months of prison life, if it can be called *prison* life, are passed on an open farm.

To the wonderful results of this mode of treatment in the elevation and reformation of the convicts, statesmen and philanthropists have borne abundant testimony. And their testimony finds ready credence, for it is in accordance with our intuitive convictions of right. The system acts with nature. The path of the reforming convict is purposely made rugged, but industry and integrity smooth his passage, and hope beckons him onward till the goal is won. It is said that of 1,000 men who passed through the penal farm life at Lusk but two attempted to escape.

#### THE NEW YORK STATE REFORMATORY.

A more hopeful experiment, because better adapted to our state of society in America, is that which has been recently inaugurated at Elmira, N. Y., the result of careful thought and labor by members of the N. Y. Prison Association. This institution is startlingly unique in its character, and meets wants long felt and acknowledged in our prison arrangements. It is designed for young men between 16 and 30 years of age, sentenced to it for criminal offence, who are not known to have been previously confined in *any* State Prison or penitentiary on conviction for a felony.

The buildings are arranged for three grades of prisoners. On admission all are received in the second grade. They are here comfortably fed and clad, eat in messes at tables in hall, and are allowed to see and correspond with friends. Six months of good record in conduct, labor and study entitle an inmate to promotion to first grade, where improved diet, clothing and privileges await him. By gross misconduct in either of these grades a prisoner may fall to the No. 3 grade, where a coarse gray dress is worn, the diet is meagre and eaten in the cell, and intercourse with friends, even by letter, is denied. Three months of good conduct is required to reinstate him in No. 2.

The different grades meet together at labor, in school and in chapel under supervision. At other times they are separate. Two evenings of the week are devoted to the active recitation of lessons prepared on other evenings in the cells, where gas light is furnished. The progress is marked even in the most backward students. Prisoners, who did not know their letters, on admission, a few months after were reading in Third Reader and ciphering in Fractions. A number of advanced scholars were

employed as teachers—a Normal School for their special instruction being held one evening in the week. Idleness in the cell on study evenings, manifesting itself in the recitation class, will give the careless pupils undesirable marks. The active prosecution of study or the perusal of instructive books is considered absolutely essential to their moral and mental renovation. Their lessons and questions growing out of them, being objects of common interest, form themes for conversation when they meet, instead of debasing or unimproving talk.

A mark system, strictly enforced, gives to the men deserving it at the end of every month a No. 3 mark for good conduct, for effective labor and for diligent study—making an aggregate of nine marks. Each man has his little *bank* book in which these monthly credits are entered. Ungentlemanly behavior at table or elsewhere, or other misconduct, non-accomplishment of satisfactory results in labor or in study, causing bad numbers, operate as checks, and reduce his balance, thus arresting his advance to a higher grade.

To an inquiry by the commissioners in reference to the sources from whence this conduct record is derived, the General Superintendent, Z. R. Brockway, writes us: "The manner of making up the record in each case is briefly as follows—each keeper is required to keep an accurate account of the manner and amount of labor performed by the prisoners under his charge—so of the demeanor. The teacher keeps a similar account of school performance. A synopsis of this record made on blanks prepared, is sent to my office weekly, containing full notes of explanation when any defect is reported. At the end of each month these reports are examined and audited by the General Superintendent, and the clerk from this audit enters the marks earned for the month in the ledger. From the ledger the prisoner's pass books are written up as is a bank book in a bank, and returned to the prisoner."

But the most marked feature of the Reformatory is the indeterminate sentence. Inmates are sent with no limit to their imprisonment but the maximum term provided by law for the crime of which they were convicted. The act says, "when it shall appear to the managers that there is a strong or reasonable probability that he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall issue to such prisoner an absolute release from imprisonment, and shall certify the fact of such release and the grounds thereof to the Governor, who may thereupon, in his discretion, restore such person to citizenship. But no petition or other form of application shall be entertained by the managers." The Board of Managers also have power "to establish rules and regulations under which prisoners within the Reformatory may be allowed to go upon parole outside of the



building and enclosure, but to remain while on parole in the legal custody and under the control of the Board of Managers, and subject at any time to be taken back within the enclosure of said Reformatory."

The principle underlying "the indefinite sentence" of the New York law is one which is continually acted upon under analogous circumstances. An insane person is taken to an Asylum, not for any specified time, but *to be resotred* to soundness of mind. A diseased patient, or one with fractured limb, goes to a hospital, not to be treated for twenty or ninety days, but to be cured. When, in the judgment of the superintendent of the asylum or hospital, the inmate may with safety to himself and the community be restored to society, arrangements to that end are made. And all men say "it is right." So, when the legal discipline to which an offender has been sentenced, has wrought in him a just sense of his relations to society and a respect for the rights of others, it is eminently fitting that he should be released from confinement. The State has no vengeance for a truly repentant son. But when the moral sense of a convict is dormant, and a reformed purpose of life is manifestly not attained, the community should be protected from his assaults for the full term to which he could have been sentenced.

In determining the fitness of a prisoner for parole or discharge, the managers have before them a certified copy of the whole legal proceedings in his case, the charge and the evidence pro and con; 2d, his previous history, as recorded by the superintendent, after careful investigation; 3d, his whole prison record; and 4th, the testimony of the officers, and, if desirable, a conference with the man himself. From these various sources they will be able to arrive at conclusions so generally correct as to justify the adoption of the flexible sentence.

From a copy of the Report of the Reformatory for 1877, not yet printed, but kindly furnished us in manuscript by the General Superintendent, we extract a few passages:

"The act of 1877, chapter 173, together with the early completion of the reformatory, will afford a rare opportunity for an investigation by actual experiment, as to whether imprisonment for crimes can be made beneficial to society by the reclamation of offenders. Under it stronger motives and better means for self-improvement may be supplied, and *the relations of the prisoner to the prison administration is radically changed*. This is not so much from any special feature of the law as from the whole act taken together, and the various provisions are so related to each other that to have altered them in any essential particular would have destroyed its usefulness, and it is therefore cause for gratulation that the law stands upon the statutes so free from faults."

"The principle of parole or provisional release is new in the prison discipline of this country, and imposes upon the mana-

gers a very delicate duty; but it is believed to be of the greatest importance. It has not yet been put to the test of practical experience here, only because from the brief period of time since the enactment of the law, and the absence of any case specially requiring it, there has been no demand for it. Experience has shown that there are certain weak characters among prisoners, not positively vicious, who, having a recognized abiding place in society, with reputable friends and relations to aid them, may be released with advantage to all concerned, if the moral force alone of their legal relations to their custodians may remain. And often such prisoners not only make much more rapid improvement when in usual social circumstances than if detained in durance, but if imprisoned too long they do actually deteriorate.

Great care will be exercised that only suitable prisoners shall be parolled, *and that a place is prepared for them before they go out*. The managers, in fixing upon a uniform plan to determine the conditions upon which the prisoners may obtain increased privileges and ultimately their release from custody, have sought to carefully guard society against the return to any community, of confirmed criminals, or others likely to fall again into crime; to put before the prisoner the greatest inducements to the exercise of self-control and efforts for self-culture, and to stimulate the self-regarding virtues; also, at the same time, they have sought to guard the prisoner against unjust imprisonment, either in kind or duration. To these ends they have adopted the present system of marks of merit and demerit and of social grades."

"The standard of conduct entitling prisoners to promotion from one grade to another is designed to be not only satisfactory, as relates to good order and the discipline of the reformatory generally, but also to induce habits opposed to those of the criminal cast of character. Therefore, it is made to embrace

First—The general demeanor, the moral, social and economic features of it.

Second—The industrious habit, whether forced, assisted or voluntarily diligent, and what degree of effective results; and

Third—The interest in books and study, together with the progress in education actually made.

Of course in finally determining the date of parol or absolute release, the impressions of those brought constantly in contact with a prisoner, will be sought, in addition to any systematic records and the personal examination by the managers."

There are in our State Prison nearly five hundred prisoners under thirty years of age, many of whom are in on their first conviction. Others are under sentence for offences hastily committed, whose lives have not been criminal. We would earnestly press upon the Legislature, for the treatment of such offenders, the establishment of a Reformatory upon the New York model.

If we have seemed to be diffuse in treating upon the subject



of this novel and interesting experiment in American prisons, our apology must be the importance of a sufficiently full presentation of its claims. A visit at the institution and a careful consideration of its rules satisfied us that its establishment is the beginning of a new era of penitentiary discipline, to be carried on with a new aim, by new methods, and destined, we confidently trust, to produce greatly improved results. The General Superintendent, Z. R. Brockway, is no novice at the work. He has had long years' of successful experience as an educator of imprisoned men, and has entered upon this new field of advanced opportunities with noble purposes and high hopes.

#### A BOARD OF STATE CHARITIES.

Several of our sister commonwealths have derived much benefit from the appointment of a Board of State Charities for the purpose of examining into the condition and practices of the various penal and charitable institutions of their respective States. They report to the Governor or Legislature annually, making such suggestions as they may deem proper, with reference to the more economical or efficient working of these institutions, and the harmonious accomplishment of the beneficent purposes of the State. The appointment of such a Board consisting of five or six judicious, philanthropic citizens, to serve without compensation, (their necessary expenses of course being paid,) would, we think, result in much good. Various evils have come to the knowledge of this commission which such a Board might have corrected or prevented.

#### A CHAPEL IN STATE PRISON.

The Keeper and Moral Instructor have both called the attention of the Legislature to the great need of a suitable room in the State Prison for the purpose of public worship. We think the State has eminently failed in its duty by so long neglecting provision for supplying this want. The proclamation of the Gospel of the Redeemer, the fullness of His love and mercy, is the most effective of all means of restoration for fallen man. The repetition of religious services to six different congregations of prisoners, mostly out of sight in their cells, is dispiriting both to minister and to hearers. Indeed, of those supposed to be hearers, many, from position, cannot be so, and others, from apathy or indifference, will not. The magnetic sympathy of an audience with a speaker in solemn earnest laboring for their good, manifested in kindling eyes and serious, upturned faces, stimulates and compensates his efforts; but it is impossible if he talks *to the corridors*. A gentleman who walked down the aisle during a sermon, to look within the cells, found many convicts

giving serious attention, but some at paltry occupations or lying in bed, a few amusing themselves with games.

Surely such a state of things should be promptly remedied. We know of no large prison where the religious wants of those committed to it are not better provided for. Ministers of different denominations would often gladly address the inmates but for the physical barriers. As a lecture room, where instructive addresses on various interesting topics could be delivered, and also as a school-room, such an apartment would be a signal benefit. An inmate guilty of improper conduct in any of these collections could be debarred from the privilege of attendance. The experience of other prisons forbids the expectation of serious difficulty.

The conclusions at which the Commissioners have arrived, are:

1st. That the county jails are not suitable places for the prolonged detention and employment of persons convicted for crimes and misdemeanors.

2d. That our State Prison is of sufficient capacity for the confinement of all persons convicted for crimes of the higher grade, and that mainly to such it should be hereafter restricted.

3d. That a House of Correction or State Reformatory should be established for criminals of lesser turpitude, and for young offenders on first conviction. In the strict disciplinary arrangements of the Reformatory, continuous encouragement should be given to the inmates in the formation of correct habits of thought and action, fitting them, as far as possible, for their restoration to society.

4th. That a Board of State Charities should be appointed, with advisory power over all penal and charitable institutions of the State, which are supported in whole or in part by State or municipal funds, in order that the beneficent purposes of the State may be efficiently, economically and harmoniously accomplished.

5th. That the provisions of the commutation law, passed April 19th, 1869, designed to act as a continuous encouragement of the convicts in good order, efficient labor and mental self-improvement, should be so carried out that month by month each man may know by a record furnished him, his allowance of "good time."

6th. That a commodious apartment ought to be provided in the State Prison for the purposes of religious worship, which could also be advantageously used for lectures on various improving and interesting topics, and for a school room.

7th. That to some officer connected with the State Prison should be assigned the duty of aiding discharged prisoners in securing suitable employment and homes.

We have been able to give but little attention to the selection of a site for the proposed State Reformatory. For the facility of



receiving materials and of forwarding the products of the labor of the inmates it ought to be of easy access to both railroad and water communication. There are also reasons why it should be near some centre of trade and varied industries. A plan for the requisite buildings has been promised us, and when received, will be presented to the legislative committee.

In accordance with the terms of the joint resolution under which we have acted, we present herewith for the consideration of the Legislature, "An act to provide for a New Jersey State Reformatory."

All which is respectfully submitted.

SAMUEL ALLINSON,  
JOHN CLEMENT,  
F. H. TEESE.

TRENTON, February 23d, 1878.

## AN ACT

TO PROVIDE FOR A NEW JERSEY STATE REFORMATORY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the Governor of this State, by and with the advice and consent of the senate, seven competent persons, one from each of the present congressional districts of the State, "commissioners to select a site and build a New Jersey State Reformatory;" that said commissioners shall not receive any compensation for the services herein imposed upon them, except the actual expenses incurred in the discharge of their duties; nor shall said commissioners, or any or either of them, be in any way concerned in any contract for the erection of the said building or for furnishing supplies of any kind for the same.

2. *And be it enacted*, That the said commissioners shall, after due examination, select and purchase within after the passage of this act, in the name of the State, a farm or other suitable tract of land, in this State; the said tract shall combine the advantages of a healthy location, facility of access from all parts of the State, an ample supply of good and wholesome water, large facilities for drainage from the building, with good facilities for obtaining building materials and coal and other fuel for the use of the same; the farm or tract selected and the terms of its acquisition, whether by purchase or gift, shall be approved by the governor, in writing, before any purchase money shall be paid or deed accepted for lands either purchased or donated for the same.

3. *And be it enacted*, That the said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as may be fixed upon, who, together with themselves, shall prepare and mature a plan for the proposed reformatory, and superintend its erection; the said plan, drawn out in detail, shall be approved by the governor, or such experts as he may select for deciding upon the propriety of the same; and no changes shall be made in the said plan to materially affect its general character without the consent of the governor or said experts, in writing.

4. *And be it enacted*, That it shall be the duty of the said commissioners, as soon as practicable after the selection and securing of the site, and maturing the plan for said reformatory, to com-



mence the erection of the building for the same, either by contract or otherwise, as they may deem best for the interest of the State; if by contract, they shall invite, by public notice, proposals for building the same, according to the plans and specifications adopted, stating the time and place where the said proposals will be received, reserving to themselves the privilege of accepting or rejecting such proposals as they may deem for the best interest of the State.

5. *And be it enacted*, That the said commissioners shall keep a full record of their proceedings, and render a report of the same in detail to the governor and legislature, at the end of each fiscal year, which report shall embrace an account of the money expended, and for what purpose, and also the progress made in the erection of said building.

6. *And be it enacted*, That to enable the said commissioners to purchase the land and make the necessary preparations for commencing and building the reformatory herein provided for, the sum of \_\_\_\_\_ be and the same is hereby appropriated, to be paid by the treasurer of the State out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, under requisition from the commissioners.

7. *And be it enacted*, That in case of a vacancy in the commission by death, resignation or otherwise, the governor shall appoint a suitable person to fill said vacancy during the recess of the legislature.

8. *And be it enacted*, That the Governor, by and with the advice and consent of the Senate, shall appoint five citizens of this State, who shall constitute a Board of Managers for the New Jersey State Reformatory, and as such board, shall have general charge and superintendence of said reformatory, and shall conduct the same on non-partisan principles; they shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses, to be paid by the treasurer of the State when audited by the comptroller; they shall hold office for five years and until their successors are appointed, except as follows: the second named manager on the list shall hold office for four years, the third named for three years, the fourth named for two years, and the fifth named for one year; whenever vacancies shall occur in said board of managers, by the refusal of either of the members thereof to act, or otherwise, such vacancies shall be filled by the governor, by and with the advice and consent of the senate, and when the senate is not in session, by the governor, subject to the consent and approval of the senate when it shall convene; the governor may remove any of the managers for misconduct, incompetency, or neglect of duty, after opportunity shall be given them to be heard upon written charges.

9. *And be it enacted*, That the board of managers shall appoint a general superintendent, and shall have power to remove him

for cause, after opportunity shall be given him to be heard upon written charges; they shall also appoint the clerk and the physician; all other officers shall be appointed by the superintendent, and removable at his pleasure; the compensation of the several officers, teachers, &c., shall be fixed by the board of managers.

10. *And be it enacted*, That the board of managers shall examine all the accounts and expenditures and vouchers relating to the business of the reformatory, monthly or quarterly, and shall certify their approval or disapproval of the same to the comptroller of the State.

11. *And be it enacted*, That the said board of managers shall receive and take into said reformatory all male criminals between the ages of sixteen and thirty years, and not known to have been previously sentenced to a State prison or penitentiary in this or any other State or country, who shall be legally sentenced to said reformatory, on conviction of any criminal offence, in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said reformatory any such male person convicted of a crime, punishable by imprisonment in a State prison, between the ages of sixteen and thirty years, as aforesaid; the discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation consistent with the improvement of the inmates, as they may deem expedient; criminals in such reformatory may be employed in agricultural, mechanical or other manual labor as a means of their support and reformation; the system of labor shall be by contract or by the State, or partly by one system and partly by the other, as shall be in the discretion of the board of managers deemed best.

12. *And be it enacted*, That from and after the passage of this act, the courts of this State are hereby authorized to sentence the class of offenders mentioned in the fourth section of this act, convicted of any criminal offence, to the said reformatory instead of to the State prison, county jail or penitentiary, when such criminals are between the ages of sixteen and thirty years.

13. *And be it enacted*, That it shall be the duty of such board of managers, on or before the fifteenth day of November, in each year hereafter, to report to the governor the condition of said reformatory, and their proceedings in regard to the inmates, and the amount of money expended, with a detailed statement thereof, with such recommendations as the board of managers shall deem proper.

14. *And be it enacted*, That every officer who shall be appointed in pursuance of the provisions of this act, shall take and file in the office of the secretary of state, within fifteen days after his appointment, an oath of office, faithfully to perform the duties of the same; and the superintendent, and such other officers as shall be required by the comptroller so to do, shall, respectively,



give bonds to the state, in such penalty and with such sureties as the comptroller shall approve, conditioned for the faithful performance of their duties as required by law.

15. *And be it enacted*, That every sentence to the reformatory of a person hereafter convicted of a crime, shall be a general sentence to imprisonment in the New Jersey State Reformatory, and the courts of this state imposing such sentence shall not fix or limit the duration thereof; the term of such imprisonment of any person so convicted and sentenced, shall be terminated by the managers of the reformatory as authorized by this act; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced.

16. *And be it enacted*, That every clerk of any court by which a criminal shall be sentenced to the New Jersey State Reformatory, shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also of the jurors, and of the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, and the sentence pronounced, and the date thereof, which record duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceedings taken by him for a release from imprisonment by habeas corpus or otherwise; a copy of the testimony taken on the trial, and of the charge of the court shall be furnished to the clerk for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district attorney of the county; the stenographer or district attorney furnishing such copy, and the county clerk, shall be entitled to such compensation in every case in which they shall perform the duties required by this act, as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which trial is had, as part of the court expenses; the clerk shall also upon any such conviction and sentence forthwith transmit to the superintendent of the reformatory notice thereof.

17. *And be it enacted*, That the board of managers shall have power to transfer to the state prison, or in case any prisoner shall become insane to the lunatic asylum, at Trenton, any prisoner who subsequent to his committal, shall be shown to have been, at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, and may also transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution; and such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred; the said board of managers shall also have power to establish rules and regulations under which

prisoners within the reformatory may be allowed to go upon parole outside of the reformatory buildings and enclosure, but to remain while on parole in the legal custody and under the control of the board of managers, and subject at any time to be taken back within the enclosure of said reformatory, and full power to enforce such rules and regulations, and to retake and reimprison any convict so upon parole is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; the said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal and temporary or conditional release and return as aforesaid of all convicts in said reformatory.

18. *And be it enacted*, That it shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self-support and accomplish their reformation; when any prisoner shall be received into the reformatory, they shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such other facts as can be ascertained, of parentage, of early social influence, etc., as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment; upon such register shall be entered quarter yearly, or oftener, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed; also all orders or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to their knowledge.

19. *And be it enacted*, That the board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time; each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences and offenses; an abstract of the record in the case of each prisoner remaining under control of the said board of managers, shall be made up semi-annually, considered by the managers at a regular meeting, and filed with the secretary of state, which



## 22 REPORT OF COMMISSIONERS ON PRISON SYSTEM.

abstract shall show the date of admission, the age, the then present situation in reformatory, state prison, asylum or elsewhere, whether any and how much progress of improvement has been made, and the reason for release or continued custody, as the case may be; the managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if he shall, at any time, request, and may make provision by which any prisoner may see and converse with some one of said managers during every month; when it appears to the said managers that there is a strong reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall issue to such prisoner an absolute release from imprisonment; but no petition or other form of application for the release of any prisoner shall be entertained by the managers; nothing herein contained shall be construed to impair the power of the court of pardons to grant a pardon or commutation in any case.

20. *And be it enacted*, That if, through oversight or otherwise, any person be sentenced to imprisonment in said reformatory for a definite period of time, said sentence shall not for that reason be void, but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if the sentence had been in terms required by section nine of this act, and in such case said managers shall deliver to such offender a copy of this act, and written information of his relation to said managers.

21. *And be it enacted*, That said managers may appoint suitable persons in any part of the State, charged with the duty of supervising prisoners who are released on parole, and who shall perform such other lawful duties as may be required of them by the managers; and such persons shall be subject to direction and removal by said managers, and shall be paid for the duties actually performed under the direction of said managers, a reasonable compensation for their services and expenses, and the same shall be a charge upon and paid from the earnings or other funds of the reformatory.

22. *And be it enacted*, That this act shall take effect immediately.



