

MEMORIAL

OF THE

PRISON ASSOCIATION

TO THE

Governor of the State of New York.

ADOPTED DECEMBER 1, 1870.

NEW YORK :
UNION PRINTING HOUSE,
No. 79 JOHN STREET.

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OF THE

Prison Association of New York, 1870.

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The President of the Association, Chairman of the Executive Committee, and Corresponding Secretary, are *ex officio* members of all the Standing Committees.

General Agent.

ABRAHAM BEAL; Office, 12 Centre street.

NEW YORK PRISON ASSOCIATION,

November, 1870.

To His Excellency JOHN T. HOFFMAN,

Governor of New York :

It having been repeatedly required of this Association—by enactments passed by the Legislature, within the past few years—to examine, “ with reference to the moral or financial administration of the Prisons of the State,” the undersigned, as the Prison Discipline Committee of the Association, are instructed to make to you, as the Chief Magistrate of the State, this report of the results of their investigation, and to suggest the remedy for any defects that may be found in that administration.

The remedy which they propose is a radical one, involving no less than an entire change in the organization of the government of the prisons ; and their examination has extended over the whole period of the existence of the present form of that government.

In reporting the result of that examination, they have aimed, as far as possible, to avoid everything like a personal reflection upon any one engaged in that government ; for it is the system now existing of which they complain, and not the administrators of it.

The remedy that most readily suggested itself to them was the creation of a supervisory body, to be clothed with the necessary power to correct and redress defects, as well as to detect them. But the creation of such a body being deemed to conflict with the provision of the Constitution, this Association applied to the Legislature, at its last session, to take the necessary measures to bring about the amendment to that instrument recommended by the late Constitutional Convention.

The proposed amendment received the unanimous sanction of the Senate, but was not acted upon in the Assembly.

The Association, having resolved to renew their application, have instructed the undersigned to address you in their behalf; not only to report the result of their investigation, but also to express the hope that their application may be by you transmitted to the Legislature, with such a recommendation as will awaken attention to the necessity of immediate measures to redress the evils now prevailing.

By the Constitution, all of our State Prisons are put wholly under the government of three Inspectors, who hold their office for three years and are elected one every year, and it is provided that "said Inspectors shall have the charge and superintendence of the State Prisons, and shall appoint all the officers therein."

They are called Inspectors, but are in fact governors of the prisons and controllers of the system, subject to no supervision or inspection, except such as the Legislature may from time to time direct, and that of the imperfect power given to this Association. Every year one of them is thrown into the arena of party politics. They have an appointing power of about 200 subordinates, to whom about \$220,000 a year are paid in salaries, and they are thus, from necessity, compelled to become in some measure, a political partisan body.

Under the former Constitution, the clerk of each prison, whose duty it was to keep the accounts, was not, as he is now, appointed by the Inspectors, but derived his office from the Governor and Senate, and being thus independent of the Inspectors, he constituted a check upon them, and in some degree a supervising power. But under the present system even that supervision is gone.

The political complexion of the Board is liable to be changed every two years. During the past few years this

has frequently occurred, and with every such change, has, of necessity, from its partisan character, followed a change of the great body, if not of all of the subordinates.

There is evidently no check against favoritism, and certainly very difficult means of detecting or punishing it.

And no security that the accounts annually rendered are correct.

Such is the system now prevailing in our State, and which it is the object of this Association to reform.

To justify their action and to induce the Legislature and the people to adopt the desired reform, the following facts are submitted to your and their consideration, because it is believed that they fairly show the workings of that system now continued in this State for nearly a quarter of a century

You, sir, are aware that this action of the Association is fully within the scope of its powers and its duty, for not only by its charter is it made its "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;" but it has been repeatedly specially required of them by the Legislature "to examine any person or persons with reference to the moral or financial administration of the prisons of the State and the reformatory agencies employed in them."

It is now more than twenty-five years that the Associations have been engaged in the performance of such work. They have thus, and from recent and more minute investigations, learned how far short of attainable results, both in finance and discipline, our State Prisons have fallen; they have beheld how steady has been the downward progress in this respect, and they have arrived at the conclusion that a

radical change in the organization of the governing power can alone work out the necessary reformation.

The Association have looked at the question in both its financial and reformatory character and, proceed to present the result in both aspects.

FIRST.

FINANCIAL ADMINISTRATION.

Under the present system it has been a cardinal principle, as it had been for years previously, that our State Prisons should be made self-supporting.

It was not seen how two or three thousand adults, most of them able-bodied, should not be able to earn their support, when that support scarcely ever exceeded \$200 a year, and at one time not more than \$100 for each person. The effort, however, during the whole of the last twenty-two years, has been a failure; and is, year after year, becoming more signally and disastrously so.

Let the following facts show :

Table No. 1.

NUMBER OF PRISONERS

At the beginning and the end of the present system.

	1848.		1869.
Auburn	473	....	950
Sing Sing.....	604	....	1,270
Female	84	....	130
Clinton	181	....	504
Asylum*.....	...	....	78
	1,342		2,932

Increase, 119 per cent.

* Not built until 1859.

Table No. 2.

EXPENDITURES

For the same period.

	1848.		1869.
Female.....	\$11,790 54	....	\$25,856 26
Sing Sing...	97,221 41	....	351,082 57
Auburn.....	66,969 41	....	171,015 81
Clinton.....	41,510 16	....	317,309 70
Asylum....	.....	....	13,954 92
	<hr/>		<hr/>
	\$217,491 52		\$879,219 26

Increase over 300 per cent.

During the late civil war, the total number of prisoners rapidly diminished, and as rapidly increased after it was over.

In 1861, the number was 2,818.

In 1865, the number was 1,885.

In 1867, the number was 2,920.

In 1847, when the number of prisoners was 1,421, the annual cost per prisoner was \$88.55.

In 1857, when the number was 1,890, the annual cost per prisoner was \$112.54.

In 1867, when the number was 2,920, the annual cost per prisoner was \$266.98.

Comparing two years, when the number of prisoners was about the same, it appears that—

In 1857, with 1,890 prisoners, the cost was \$112.54.

In 1865, with 1,885 prisoners, the cost was \$220.00.

These statements are on the basis of the Inspectors' Reports of Expenditures, which fall far short of the real expenditures, but they show the results of their action.

Table No. 3.

DEFICIENCIES

*Between the total earnings and expenditures for two different years ;
one at the beginning of the present system of prison government
and the other after 22 years of its continuance.*

	1847	1868
Female.....	\$9,426 88	\$22,676 95
Sing Sing.....	11,565 53	128,643 63
Auburn.....	a surplus of 529 53	40,842 73
Clinton.....	no earnings....	32,694 96
Insane.....	not built	17,876 61
Total of deficits	\$20,462 88	\$242,734 88

This statement is also on the basis of the Inspectors' reports, which do not always give reliable information as to the proceeds of the earnings.

Table No. 4.

The following will show the condition of things from the beginning of the system to the present day.

TABLE OF PROGRESS

From 1847 to 1869 inclusive.

Years.	No. of Prisoners.	Expenditures.	Earnings.	Deficits.
1847.....	1421	\$125,833 85	\$120,860 08	\$ 4,973 77
1848.....	1366	204,091 80	110,658 94	93,432 86
1849.....	1380	188,754 74	139,285 34	49,469 40
1850.....	1621	208,397 74	157,422 25	50,975 49
1851.....	1703	206,011 20	178,914 09	27,097 11
1852.....	1852	211,751 80	193,303 11	18,448 69
1853.....	1967	250,818 24	216,110 65	34,707 59
1854.....	2005	272,413 03	213,178 03	59,235 00
1855.....	1957	233,445 59	198,230 29	35,215 30
1856.....	1910	222,477 99	197,105 13	25,372 86
1857.....	1890	212,714 17	191,783 63	20,930 54
1858.....	2126	250,356 02	149,173 98	101,182 04
1859.....	2538	279,333 68	189,836 52	89,497 16
1860.....	2729	291,744 69	238,627 56	53,117 13
1861.....	2818	288,904 76	265,552 78	23,351 98
1862.....	2697	294,685 57	228,481 51	66,204 06
1863.....	2131	291,216 53	228,330 74	62,885 79
1864.....	1915	342,794 44	255,957 81	86,836 63
1865.....	1885	414,713 30	202,506 57	212,206 73
1866.....	2368	463,995 46	229,413 83	234,581 63
1867.....	2920	779,579 61	600,013 43	179,566 18
1868.....	2881	844,373 93	601,639 05	242,734 88
1869.....	2930	879,219 26	654,157 63	225,061 63
Making an aggregate deficit in 23 years of				\$1,997,084 45

The foregoing statements, though they show a result sufficiently disastrous to convince the Association that the present system is financially a failure, do not show the whole extent of the disaster. For both in respect to the earnings

and the expenditures they do not show the exact or the whole truth.

AS TO EARNINGS.

The statements of earnings are compiled from the Annual Reports of the Inspectors. These reports frequently contain entries of "miscellaneous earnings" and "unavailable earnings," but do not always tell what is included in those terms.

The Report of the Inspectors for the year ending September 30, 1869, will illustrate this remark.

They say in their report, "the earnings are represented by "cash paid into the treasury, moneys due and uncollected, "and stock and material on hand."

The earnings, as they are received, are required by law to be paid into the State treasury. The precise meaning of the language thus used by the Inspectors can be learned from this fact, that they report the earnings for that year at \$654,157.63. The Comptroller's annual report for that year reports \$480,429.87, as receipts from "State Prison earnings." What has become of the difference of \$173,727.76? Is it all moneys due and stock and material?

We can easily discover that it is not. The extra earnings of convicts, which belong to them and in no respect to the State, are included, sometimes to the amount of \$25,000 in one year. So we find planting fields, making fences, and other work around the prisons, are at times included among the "earnings."

Is there also included under this head of earnings the shaving of the convicts, mending their shoes, or patching their clothes? We do not know, nor can we ascertain from their Reports, and, what is worst of all is, that there is no tribunal in existence whose province it is to inquire, unless

perchance it may be included in the duties of this Association.

How do we know that the very things which are this year included among earnings, as "money due" and "stock on hand" may not be included in next year's earnings as cash received?

And what tribunal is there to see that these "moneys due" are duly collected, and that no favoritism is shown to neighbors or friends?

Some twenty-six years ago, when the law required the majority of the inspectors to be appointed from the county in which the prison was located, it was discovered that there were debts owing to one of our prisons by people in the vicinity, to the amount of about \$90,000, in various sums, from fifty cents to thousands of dollars.

Perhaps the most remarkable feature of the prison accounts of earnings is to be found in the fact of their crediting as earnings certain things which are produced in the prisons and consumed there, but are never charged to the account of expenditures. Thus for instance, where in one case the amount of earnings is swelled up by a credit of several barrels of soap made by the convicts for their own use and there is no charge in expenditures for the amount they used in washing themselves or their clothes; and so of the vegetables raised and used on the grounds.

AS TO EXPENDITURES.

The Inspectors report only such as they make, which does not by any means include all that is expended for the prisons.

There are every year appropriations made by law for the prisons, all of which are paid directly out of the State Treasury. Those appropriations do indeed include the amounts paid to the prison agents and which enter into the Inspec-

tors' Reports, but they also include many other items, which are legitimately part of the cost of our prison system.

The Comptroller's Report for the year ending September, 1869, will illustrate this. That report includes among other items "debts contracted by the late agent;" extra compensation to officers; counsel's fees in suits; pay for improvements, &c., &c.

Bearing these matters in mind, the following tables will show the actual cost of our prisons, with a nearer approach to accuracy.

Table No. 5.

APPROPRIATIONS

by statute for the last 5 years.

In 1865	.....	\$594,275 00
1866	.....	654,384 00
1867	.....	1,013,766 00
1868	.....	905,336 40
1869	.....	1,199,498 15

Making a total of \$4,367,250.55 besides two appropriations in 1868 and 1869 of \$5,000 and \$7,000 a month for the marble works at Sing Sing, and one of \$3,000 a month for the iron works at Clinton.

Table No. 6.

EXPENDITURES

from the State Treasury on those appropriations.

In 1865	.....	\$578,909 38
1866	.....	692,294 96
1867	.....	896,909 11
1868	.....	988,188 17
1869	.....	1,147,051 58

Making a total of \$4,303,353.20

Table No 7.

APPROPRIATIONS

made by the Legislature from 1848 to 1870 inclusive.

1848	.....	\$116,250 00
1849	.....	67,900 00
1850	.....	56,900 00
1851	.....	62,135 44
1852	.....	63,971 81
1853	.....	81,935 00
1854	.....	322,413 31
1855	.....	519,783 26
1856	.....	18,000 00
1857	.....	524,011 92
1858	.....	300,827 56
1859	.....	327,429 10
1860	.....	345,193 47
1861	.....	340,750 67
1862	.....	326,660 37
1863	.....	425,360 78
1864	.....	342,175 00
1865	.....	605,975 00
1866	.....	647,784 00
1867	.....	860,766 52
1868	.....	879,736 40
1869	.....	1,199,498 15
1870	.....	1,146,886 40

Making a total of..... \$9,662,334 16 in 23 years.

This last table is exclusive of the monthly appropriations made in 1868 and 1869 of \$7,000, \$5,000, and \$3,000 a month for manufacturing purposes at Sing Sing and Clinton.

Those sums, together with the pay and perquisites of the Inspectors and the transportation of convicts, will make the sum total of appropriations during those years exceed \$10,000,000.

The pay and perquisites of the Inspectors, during the 23 years, must amount to somewhere about \$200,000.

Their salary is, and has been \$1,600 a year to each, with an allowance for travelling expenses. The latter item, originally small, has of late years, by being inserted in two different Acts in the same session of the Legislature, namely the Deficiency bill and the Supply bill, swelled up to an aggregate of about \$4,200 a year.

The following are the sums paid to them on this account in the last five years.

In 1866	.....	\$1,415 03
1 67	.....	2,575 31
1868	.....	2,686 11
1869	.....	2,570 66
1870	.....	4,177 33

Did the Inspectors travel three times as much in 1869 as they did in 1865, or had travelling become three times as expensive in that interval?

This item seems to have caught the swelling disease which appears to have been so epidemic in all the expenditures for the prisons.

They are not, however, the only officers of the prisons who have been affected by the disease. How far the other officers have been inoculated by them we may not know, but the salaries of officers paid by the Inspectors, and entering into their accounts, have swelled up from about \$75,000 in 1847 to about \$220,000 in 1869.

So that while the number of prisoners has increased about 119 per cent. the salaries have increased 200 per cent.

These matters, though small of themselves and apparently too insignificant to merit this notice, are yet dwelt upon by us as significant of the tendency to expansion in all matters of expenditure, which has so long and so steadily shown

itself as to induce the suspicion that it is inherent in the very system itself.

It will be observed, in Table No. 7, that a sudden and great change in the amount of appropriations occurs in 1854; those appropriations before that seldom amounting to \$100,000, and after that always exceeding \$300,000 a year. This was owing to a change in the practice and the law about that time, whereby each Agent was required to pay into the State Treasury, by depositing in a designated bank all moneys received by him from any source. So that all moneys received from earnings, which before that time had remained in the Agent's possession until expended by him, now became public moneys, which under Sec. 8 of Art. 7 of the Constitution could not be paid out except in pursuance of an appropriation by law; accordingly from and after 1854 all the earnings in the prisons were first paid into the Treasury by the Agent, and afterwards paid to him out of the Treasury under appropriations made therefor.

In order, then, to ascertain accurately the cost of the prisons, over and above their earnings, the earnings of each year must be deducted from the amount of that year's appropriations, and such deduction must be, not of the amount of earnings as reported by the Inspectors, but the amount reported by the Comptroller as paid to him.

Those two latter amounts scarcely ever agree, the amount of earnings as returned by the Inspectors being almost always larger than the amount paid into the Treasury.

Hence it is that from the Reports and Records of the officers of the prisons, their actual cost to the State never can be ascertained, and the various items of that cost are never put together, so as to show the Legislature what that actual cost is.

The consequence very naturally has been that the Legislature every year has gone on authorizing expenditures without being aware of the effect of their action, and to such an extent, that during 23 years that the present system has existed, the appropriations made by the Legislature for the prisons have been, as already stated, about \$10,000,000.

This may be, not the fault of the officers of the prisons, but of the system under which they are obliged to act; but the result is continually growing worse, so that such appropriations have swelled up in 23 years from \$116,250 to \$1,146,886.40 a year, and in 15 years from \$322,413.31 to \$1,199,498.15 a year.

The former system of a separate government for each prison gave place to the present in 1847.

The following Table of Appropriations from the State Treasury, for the last five years of each system, will show the difference between the financial results of the two :

Table No. 8.

APPROPRIATIONS.

*1842	.....	1,011 60	1866	.....	647,784 00
1843	.....	200 00	1867	.....	860,766 52
1844	.....	40,389 56	1868	.....	879,736 40
1845	.....	78,604 04	1869	.....	1,199,498 15
1846	.....	78,147 00	1870	.....	1,146,886 40
Total....			Total....		
.....\$198,352 20			.....\$4,734,671 47		

Of the appropriations in 1844, '5 and '6, \$155,000 were for the formation of a new prison at Clinton.

* There was in fact no appropriation this year for the prisons; \$600 of this amount was the transfer to the prison at Auburn of an award that had been made to the State for a railroad running through the prison grounds, and the residue was the pay of a Legislative Committee sent to examine the prisons.

The following tables will show how much must be deducted for "earnings" from the amount of "appropriations," whereby the actual cost to the State can be ascertained, and also show the difference between the earnings reported and the product of them :

Table No. 9.

Amount of moneys paid into the State Treasury on account of

"STATE PRISON EARNINGS"

as stated in the Annual Reports of the Comptroller made to the Legislature in the following years.

1854	.....	172,139 87
1855	.....	185,261 13
1856	.....	154,093 24
1857	.....	167,605 12
1858	.....	172,039 88
1859	.....	76,880 96
1860	.....	182,440 27
1861	.....	221,553 32
1862	.....	92,939 11
1863	.....	191,043 97
1864	.....	* 267,125 30
1865	.....	278,952 06
1866	.....	229,288 34
1867	.....	304,156 96
1868	.....	495,477 49
1869	.....	499,127 22
1870	.....	480,429 87
		\$4,170,554 11

* The amount for 1864 includes receipts from Sing Sing Prison for September, 1862, and excludes receipts from Clinton Prison for September, 1863.

Table No. 10.

Showing the amount of Earnings as reported by the Inspectors and the amounts paid into the Treasury.

Years.	As Reported by the Inspectors.	As Paid in.
1854.....	\$206,307 54	\$172,139 87
1855.....	213,178 23	185,261 13
1856.....	198,230 29	154,093 24
1857.....	197,105 13	167,605 12
1858.....	191,783 63	172,039 88
1859.....	149,173 98	76,880 96
1860.....	189,836 52	182,440 27
1861.....	238,627 56	221,553 32
1862.....	265,552 78	92,939 11
1863.....	228,481 51	191,043 97
1864.....	228,330 74	267,125 30
1865.....	255,957 81	278,952 06
1866.....	202,506 57	229,288 34
1867.....	229,413 83	304,156 96
1868.....	600,013 43	495,477 49
1869.....	601,639 05	499,127 22
1870.....	654,157 63	480,429 87
	<u>\$4,850,298 03</u>	<u>\$4,170,554 11</u>
		Difference, \$679,743 92

Deducting, then, the whole amount of earnings paid into the Treasury during the whole existence of the present system, viz., \$4,170,554.11 from the \$10,000,000 appropriated from the Treasury during the same period, it fully appears that our State prisons have during that period cost the State about \$6,000,000.

And, deducting the amount paid in for "earnings" from the amount reported by the Inspectors as "earnings," there appears a deficiency during the same period of \$679,743.92 for earnings, unaccounted for.

And still farther, deducting the earnings for the last five years of the present system, viz., \$2,008,479.88 (Table No. 9), from the appropriations made for those years, viz., \$4,367,256.55 (Table No. 5), it will be seen that the actual cost to the State during those years was \$2,367,256.55, which is \$2,164,423.47 more than the cost to the State during the last five years of the prior system.

These statements are based upon the amounts paid into the Treasury as earnings, and not upon the earnings as reported by the Inspectors.

How far this is a correct basis will appear from Table No. 11, which, taking three periods about ten years apart, shows how the matter of "earnings" is dealt with in the Annual Reports of the Prisons.

Table No. 11.

SHOWING HOW THE MATTER OF "EARNINGS" IS TREATED BY THE INSPECTORS IN THEIR ANNUAL REPORTS.

1850. *For the year ending 30th September. "Third Report."*

<i>Auburn</i> , stated at.....	\$68,483 75
Including "for sales of sundry articles purchased for prison use, and reckoned as part of the Expenditures," \$1,530.63	
<i>Sing Sing</i> , "earnings from all sources".....	70,234 99
Including convicts' deposits.....	\$159 65
" Unloading coal.....	343 91
" Transporting convicts.....	77 93

Including *work for State at 40 cents per day.....	\$17,199 60
The prison was in debt....	\$12,972 51
<i>Clinton</i> , stated at.....	\$21,851 95
Including ore on hand.....	9,000 00
“ Vegetables raised.....	250 00
Debts contracted during the year.....	\$8,000 00
Total of year's earnings.....	<u>\$163,735 82</u>

1851. *For the year ending 30th September “Fourth Report.”*

<i>Auburn</i> , stated at.....	\$72,529 06
Including sales of articles provided for convicts' use.....	4,454 53
Debt owing by prison....	\$17,773 04
<i>Sing Sing</i> , stated at.....	87,775 08
Including 40,870 days' labor of con- victs for the State by tailors, shoe- makers, etc. at 40 cents per day..	16,348 00
Debts owing.....	\$6,536 20
<i>Clinton</i> , stated at.....	20,016 65
Including for sale of ore \$16,771.08, which probably included the \$9,000 for ore on hand of last year's earn- ings; thus that sum may be twice returned as earnings.	
Debt owing.....	\$12,000 00
Total of year's earnings.....	<u>180,320 79</u>

* This shows the very low estimate which the prison officers put upon the labor of their men. Two days and a half to earn a dollar! When their time tables show the average duration of work for the year is 10 hours and 23 minutes per day. Is this a necessity, or is it the result of a defective system?

1860. Year ending 30th September. "Thirteenth Report."

Auburn, stated at.....\$100,345 73
 Including "miscellaneous,".....\$12,134 61
 Paid into the Treasury....\$91,745 03

Sing Sing, stated at..... 111,640 92
 Including what the Inspectors call
 "miscellaneous".....22,297 93

But the Agent reports only \$10,501.88 as "miscellaneous;" and he paid into the Treasury only \$97,582.84.

Clinton, stated (by Inspectors) at..... 26,640 92
 Stated, by the Agent, at \$43,813.74, which included 300 cabbage heads, at 4 cents; 1,000 heads of lettuce, at 1½ cents, &c., &c.
 Paid into the Treasury.....\$27,515.81

Total year's earnings.....\$238,627 56

1861. Year ending 30th September. "Fourteenth Report."

Auburn, stated at.....\$102,001 83
 Including "miscellaneous,".....\$9,857 51
 Among which are sale of rations..... 124 05
 Convicts' deposits..... 1,137 27
 Paid into the Treasury,....\$42,849 82

Sing Sing, stated at..... 125,531 96
 Of which \$33,676.12 was "miscellaneous;" of which the Inspectors say, a large amount was for "enlarging building, quarrying, and cutting stone," &c.; and the Agent adds \$2,027, for raising rye, hay, pork, straw, cabbage, lettuce, carrots, &c., &c.
 All that was paid into the Treasury was \$27,433 75

Clinton, stated (by Inspectors) at..... 39,199 99
 Stated by the Agent at.....\$50,689 11
 Which includes what he calls "unavailable,"

\$11,489.12 ; such as "setting 50 rods of pickets,"
 "removing privy," "building ice-house," &c., &c.
 Paid into the Treasury ...\$14,533 27

Total year's earnings.....\$266,732 78

*The difference between the earnings as reported and the payments into
 the Treasury in the years 1860 and 1861.*

		Earned.	Paid.
1860	Auburn	\$100,345 72	\$91,745 03
"	Sing Sing	111,640 92	97,582 84
"	Clinton	26,640 92	27,515 81
1861	Auburn	102,001 83	42,849 82
"	Sing Sing	125,530 96	27,433 75
"	Clinton	39,199 99	14,533 27
Earned.....		\$505,360 34	Paid..\$301,660 52

Thus it would seem that there were in those two years \$203,699.82 of earnings that were not paid into the Treasury. And as the law peremptorily requires that all sums received by the Agents shall be paid into the Treasury, the presumption is that the earnings were in fact \$301,660.52 instead of \$505,360.34, as reported by the Inspectors, or else will arise the question what has become of the difference—the \$203,699.82?

1868. *For the Year ending 30th September. "Twentieth Report."*

Auburn, stated at.....	\$126,430 75
Among which were included convict deposits	\$3,064 22
Miscellaneous.....	4,939 58
Paid into Treasury.....	\$125,334 89

<i>Sing Sing</i> , stated at.....	\$171,250 03
Including "miscellaneous".....	\$25,007 39
" Stock on hand.....	13,767 66
" Chain works on hand....	16,458 55
8 Paid into Treasury.....	\$122,404 12
<i>Clinton</i> , stated at.....	\$299,068 96
Including "unavailable earnings"..	4,765 53
do. manufacturing.....	27,544 01
Paid into Treasury.....	\$238,428 55
30 Total earnings as stated by Inspectors.....	\$596,749 74
Amount paid into the Treasury as reported by the Comptroller.....	495,477 49
Difference unaccounted for, unless it is "una- vailable earnings".....	\$101,262 25
1869. <i>For the Year ending September 30th. "Twenty-first Report."</i>	
<i>Auburn</i> , reported at.....	\$128,717 71
Paid into the Treasury that precise amount!	
<i>Sing Sing</i> , reported at.....	264,099 12
Including—of contractors.....	65,976 75
" Miscellaneous.....	198,122 37
" Rations sold to the agent and warden.....	7,076 43
Payments to Treasury..	\$207,718 37
<i>Clinton</i> , reported at.....	\$257,256 79
Including nails and iron on hand...	61,117 03
Amount due for nails.....	33,221 34
Paid into Treasury.....	\$158,807 56
31 Total earnings as stated by Inspectors.....	\$650,073 62
Amount paid into Treasury as reported by the Comptroller.....	480,429 87
Difference unaccounted for, unless it is "una- vailable earnings".....	\$169,643 75

The difference between the earnings as reported and the payments in the Treasury for the years 1868 and 1869.

1868.

	Earned.		Paid.
Auburn.....	\$126,430	75	.... \$125,334
Sing Sing.....	171,250	03	.... 122,404
Clinton.....	299,068	96	.... 238,428

1869.

Auburn.....	\$128,717	71	.... \$128,717
Sing Sing.....	264,099	12	.... 207,718
Clinton	257,256	79	.... 158,807

Earned \$1,244,823 36
Paid \$981,411 20

Thus there would seem to be \$263,412. 16 of earnings during 1868 and 1869, not paid into the Treasury.

In the Auburn Prison and in 1869, is the only instance that we have found in our examination, in which the amount reported as yearly earnings and the amount paid yearly into the Treasury agree. Whereas, under the law, they ought always to agree.

On the other side of the account this tendency to augmentation, does not seem to have prevailed to the same extent.

In *Sing Sing*, in 1847, convicts put on contracts were let at 35 cents a day; in 1869, they were let at from 40 to 50 cents a day.

In *Auburn* they were let in 1847, at from 30 to 50 cents a day, and in 1869 at an average of 50 cents a day.

Thus while the rate of wages, enuring to the benefit of the State, increased not over 50 per cent., the expenditures, at the cost of the State, increased during the same period at the rate of 300 per cent.

The contract system seeming even to the Inspectors to be

a failure, they have attempted within the last 5 or 6 years to abandon it in a measure, and have had resource to labor conducted under their immediate supervision.

With what success, the foregoing statements show. With in the past five years, from 1865 to 1869 inclusive, the deficiency of earnings to pay expenses has been \$1,094,151.05—an amount larger than the deficiencies of the whole previous 18 years; and the appropriations from the State Treasury, have been \$4,193,760.07, being about equal in amount to the appropriations for all those previous years.

Can there be any doubt, then, that in a financial point of view the present system of prison government is an entire failure? And what rational hope can there be, after this trial of so many years, both with and without the contract plan, and that plan with and without restrictions as to the kind of labor—of any relief except in an entire change in that system of government?

In the opinion of the Association there is no business connected with the State Government in which a steady, persistent policy and experience are more necessary than in all matters connected with our State prisons, or where a frequent change in administration could be more disastrous.

I.—An annual expenditure of about \$1,000,000 is involved, and whether that shall be earned by the prisons, or be imposed as tax upon the people—in part, if not in whole—is the question. Independent of the lesson on this subject which the past has taught, every man of business must see at a glance to what extent experience and a settled plan must be necessary in order to produce that sum out of the coerced labor of 3,000 adults, whose very lawlessness, which has subjected them to this labor without compensation, has rendered them difficult subjects to deal with.

II.—Large expenditures have been and again may be made for the purchase of land and other materials for the prisons ; more in the shape of experiments than in compliance with the demands of a well-considered plan, which a permanent and not a fluctuating body would be most likely to form.

III.—The contractors, who control the labor of about one-half the prisoners, appreciate the necessity of having well trained and experienced men for the superintendence of that labor, while for the other half our fluctuating system does not, and apparently cannot, secure that training and experience.

IV.—For the actual expenditure of money by the Inspectors there is a supervision in the Comptroller's office, but for the propriety of such expenditures, whether justly needed in the first instance or made with due regard to economy throughout, there is not now any supervision. If there was, such things as this would not be apt to happen, viz., keeping the men at work making shoes for the prisoners in one room, when in the adjoining room they could be bought of the contractors for from 20 to 40 per cent. cheaper. And so, too, lawsuits might be avoided, which have been not unfrequent of late, where ultimately the State has paid thousands of dollars in the way of damages and the charges of the lawyers on both sides. In such cases a competent and disinterested board of governors could as well judge of the justice of a claim as any court in the land.

V.—The transportation of convicts from the places of trial to their destined prison, which now costs the State about \$25,000 a year, could readily be done for one quarter of that amount.

Thus, to transport one convict from Albany to Sing Sing costs the State about \$42, and costs the Sheriff, whose duty

it is to transport him, less than \$10 in money and a day's time of a deputy. So to send a convict from New York to Sing Sing costs the State \$12.55, and costs the Sheriff not over \$2 and some three hours, and so throughout the State.

A duly constituted board, to have charge of this matter, could easily provide the remedy.

VI.—The governing power of our prisons does not in all instances obey the law of the land, and though it is by law made the duty of this Association to detect and expose the failures, there is no supervisory power to prevent or to remedy the difficulty.

The following are some of the instances in which such failures have occurred.

1. As far back as 1847 it was declared by law that the prisons were "for the security and reformation of convicts;" yet during all that time no new measure for reformation has been adopted by the Inspectors, and those introduced before, or forced upon them by legislation, have been neglected or left unmatured.

And all this, notwithstanding the same law required them to make such general regulations as should best conduce to such reformation.

2. By the same law they were required annually to report to the Legislature the probable time of the completion of contracts for labor and the amount which would then become due.

This duty they do not perform in full.

3. In the same law they were required to erect 35 separate cells for the "incorrigibly disobedient."

Twenty-three years have elapsed and not one of those

cells has been built, nor during that whole time have they applied for an appropriation for the purpose.

4. During all that time the law required that on all moneys brought to the prisons by the convicts, or by any other person for them, six per cent. interest should be paid to the convict on his discharge.

This has never been done.

5. The same law forbade their agents having on hand at any time a greater sum than \$5,000.

Yet it seems they frequently have larger amounts on hand.

6. The same law required that with every Annual Report there should be given a catalogue of the prison libraries.

This has never been done.

7. The agents are required by law to deposit every week, in some bank designated by the Comptroller, and make oath "that the sum so deposited is all the money received by him from whatever source of prison income during the week."

How far this has been done cannot be ascertained from the reports. In some instances no report of deposits is made. In others it cannot be ascertained that the deposits are made weekly. In some instances the deposits exceed the reported cash receipts, and in others they fall short. In 18 reports that were examined only one case was found where the amount of cash received for the year agreed with the amount deposited for the year. In one of the prisons it was found that the cash deposited in two years fell \$159,089.64 short of the cash receipts, and one year they fell \$203,699.82 short of the cash receipts of the three prisons for the year. The following Table will show the result of the examination of all the prisons in this respect for three different periods.

Table No. 12.

Showing how the law requiring the Agents to deposit in bank the cash received by them is observed, referring particularly to the weekly account of deposits.

1862. SING SING. In six of the months the cash receipts and deposits agree.

In three of the months the deposits exceed the receipts.

In three of the months the receipts exceed the deposits.

In the final result both agree.

AUBURN. The deposits agree with the receipts only one month in the year.

At the end the receipts exceed deposits \$204.56.

CLINTON. The deposits agree with the receipts every month in the year but one.

The deposits exceed the receipts \$5.92.

1868. SING SING. No account of deposits, except the total.

AUBURN. Amount of receipts and deposits agree.

CLINTON. The deposits and receipts agree, except that in one month \$3.75 of receipts were not deposited, and \$60.30 were deposited which were not in the account of receipts.

1869. SING SING. No account of deposits, except the total.

AUBURN. Receipts and deposits agree, except in four instances; one where the deposits were \$10.41 less than the receipts, and the other three where the deposits exceed the receipts in sums of two cents, thirteen cents, and \$7.41.

CLINTON. Receipts and deposits agree.

Three years only were examined to see how far the law in this respect was obeyed, and whatever else the above results may show, they certainly show a want of system in conducting the business, and a want of vigilance in detecting errors.

8. In 1868 the Inspectors were directed to procure disinfectants for the prisons.

This they have never done, except for a brief period in one of the prisons.

9. The law requires that all the fiscal transactions and dealings on account of each prison shall be conducted by the Agent ; that he shall annually render to the Inspectors a full and true account of all moneys received and expended by him, and that the Inspectors shall furnish to the Legislature with their Annual Reports summary abstracts of all returns made to them. During the last 24 years the State has appropriated some \$20,000 for books for the prisons. Of the expenditure of this money no account can be found in the Annual Reports. Has any ever been made ? If so to whom ?

In all examinations affecting financial administration due allowance will of course be made for the enhancement of prices that has followed the suspension of specie payments.

It will require but a moment's reflection to discover how far that matter affects the results here dwelt upon.

If anything more was necessary on this topic, it would be found in the results of the Albany Penitentiary, where during 22 years last past, with an aggregate of over 20,000 prisoners, it has paid for all its own support, and all its real estate and improvements, and earned a surplus of over \$150,000.

SECOND.

MORAL ADMINISTRATION.

It is now about 25 years since a change was introduced into the moral government of our prisons. Prior to that time, the prominent ideas had been punishment and earnings. It was then a principle that any amount of suffering might be inflicted on the convicts, even beyond what was enjoined by the law and actually forbidden by it, and this for two reasons: one because they were sent there to be punished, and the other because it was thought that thus could be most readily obtained the obedience necessary to financial success. The reformation of the prisoners lived in theory, not practice.

This change was the introduction of rewards as well as punishments and keeping the reformation of the prisoners in view as the main object.

The measures then and subsequently adopted to carry out this principle have been too frequently the subject of communication from this Association to the Legislature, to warrant a recapitulation of them here.

A brief enumeration of them,—of their defective execution, and of the benefits that may result from them, is all that the present occasion would seem to demand.

1.—THE MODE OF ENFORCING OBEDIENCE.

Formerly it was entirely by means of the whip, but with occasional resorts to other means of violence.

In 1830 the use of the whip was abolished among the females, and in 1849 among the males except in cases of insurrection, revolt, and self-defence. The substitute

provided for it by law was solitary confinement, and in the latter year the law directed solitary cells for that purpose to be built in all the prisons.

Those cells have not yet been built, and during the succeeding 20 years, other means of force were resorted to, until, in 1869, such means, so far as they assumed the form of the "shower bath, crucifix, or yoke and buck" were forbidden.

This was done without providing any substitutes, and the consequences were disastrous.

As soon as the passage of the law was known, a general uneasiness in all the prisons was shown. This was followed by individual acts of violence. At Auburn, a keeper was twice assaulted by a convict, struck down by a hammer, and his life saved only by the interposition of another convict. At Clinton, a keeper was stabbed and disabled for life; and at Sing Sing, a keeper was struck down by a bar of iron, and the officers fired upon by a convict.

Then ensued more general movements: At Auburn, whole shops refused to work. At Sing Sing, 150 convicts on one day, and some 500 or 600 the next day, refused to work, and at Clinton, there was a general conspiracy to escape, which was fortunately discovered in time to be prevented. At Sing Sing 20, at Auburn 12, and at Clinton 10 of the ringleaders were kept in irons, and chained to their cells for several months, and it is believed that nothing but the action of the well disposed among the prisoners prevented more general outbreaks, and perhaps an emptying of our prisons of the great body of their inmates.

The use of blows upon the prisoners is forbidden only in our State prisons. In all the local penitentiaries to which many of our State prisoners have been removed, it is still allowed, and in the State prisons it seems to be left to the discretion of the officer immediately in charge to determine

what is the condition of revolt, insurrection, or self-defence, which will justify a resort to the whip.

A general system of discipline to prevail alike in all our prisons, and which shall prevent the officer immediately affected by disorder from acting as complainant, judge, and executioner, and which shall cultivate the habit of self-government now so predominant among the great number of the prisoners, is a measure greatly to be desired.

This cannot be hoped for under the present system, as experience has shown.

II.—THE INTRODUCTION OF LIBRARIES.

This was begun before the adoption of our present Constitution. So thoroughly was this sanctioned by the Legislature, that during the past twenty-four years appropriations for this purpose have been made to the amount of about \$20,000, and the Agents were directed to append to their Annual Reports a catalogue of the prison libraries. This duty has never been performed. The appropriations have sometimes been drawn and expended by the Chaplains and sometimes by the Agents and Wardens. But there is no well-ordered plan of either buying or using the books, and for want of it, the wise benevolence of the Legislature has been and will continue to be shorn of much of its reformatory power.

III.—TEACHING THE PRISONERS.

The law has provided in this respect, that the Chaplains, besides religious services in the chapels, shall visit the convicts in their cells and devote one hour each work day and the afternoon of each Sunday to giving them religious and moral instruction.

So the law has provided for ten teachers in the prisons at

an annual expense of \$1,500, to instruct the unlearned in the first rudiments of education.

In these respects also there is a great waste of the wise benevolence of the law, owing to the absence of a well digested plan of instruction, for at present the system of instruction is so conducted as to amount to a farce.

IV.—OVERSTENT AND AID TO DISCHARGED CONVICTS.

The original allowance to convicts on their discharge was \$3 to each from the prison funds. It is now increased to \$10, and a practice has grown up, not yet sanctioned or organized by law, of allowing the prisoners to earn money for themselves, over and above their allotted stents. As a reward for good conduct, and holding out hope to them of the means of returning to an honest livelihood, this is believed to have been of great advantage.

This also demands an organized system to prevent an abuse of the privilege by prisoners and contractors, to guard against unjust partiality by the officers in charge, and to accord it impartially to all; for now the practical operation is to accord the privilege to those who labor for contractors, and deny it to those who work for the State; to allow it to the strong and hearty, however vicious, and withhold it from the weak, however meritorious.

V.—COMMUTATION OF SENTENCE.

There is now prevailing in all our State prisons (but not in all local ones) a measure, sanctioned by law, of enabling the convicts to work out, as it were, their own pardons, or in other words, by their own good conduct to shorten their terms of imprisonment.

The importance, as well as general prevalence of this

measure is shown by the fact that, in 1868, out of 1,123 prisoners who left during the year, only 82 left by expiration of sentence, while 829 went out by commutation under the law.

In this there is great danger, as well as the actual existence of partiality and injustice, which nothing can prevent so well as the creation of an intelligent and judicious tribunal, which can not only sit in judgment on the cases as they arise, but guard it all through its operations by well-considered regulations applicable to all.

VI.—CHILDREN BORN IN PRISON, AND THE INSANE.

From want of a proper system and the existence of a proper Board of Control, there is danger that the insane may be detained too long in the common prisons before being sent to the Asylum, and too long detained in the Asylum after they ought to be returned to their friends or their proper counties, and that the children sent from the prison under existing laws may be lost for life to their parents, and so lost sight of otherwise by the absence of a guardian care during their childhood, as to become the victims of selfishness or cruelty, and thus be ultimately lost to themselves and to society.

VII.—NUMBER OF PRISONERS AND OF CELLS.

In 1868 the numbers were as follows :

	Prisoners.	Cells.
Sing Sing, Male.....	1293	1200
“ Female.....	144	108
Auburn.....	910	992
Clinton.....	518	540
Total.....	<u>2865</u>	<u>2840</u>

[The number of prisoners here stated is the average. There have been times when the whole number was 2,920.]

How imperfect must be the system, or at least, how defective its administration, that thus in one year, with 22 vacant cells at Clinton, and 82 at Auburn, there should be allowed to be at Sing Sing an excess of 93 prisoners, and the consequent necessity of confining more than one in a cell, and that, too, when the law allows in case of such excess, not only a transfer from one prison to another, but also a transfer to local prisons.

Out of this state of things several evils have grown.

1. To relieve the temporary pressure, laws have been, from time to time, passed to remove prisoners to local penitentiaries, where the government and discipline may be such as the local authorities may direct, and not at all in conformity with a general system adopted by the State.

2. The plan of rewards for good conduct, now fully engrafted on the State system, may be removed from such prisoners.

3. Their transfer from one State Prison to another, often rendered necessary, may be governed, in its details, by partiality or spite, or be directed by political favoritism.

4. The prisoners cannot all be confined in separate cells; thus, as to a portion of them, at least, striking at the very foundation of our boasted "Silent System of Prison Discipline," as distinguished from the "Separate System."

These, and other evils of a kindred character, but of less importance, which have often been the subject of reports by this Association, and are well known to the Governor, have had their influence with the Legislature; and it is doubtless owing to this knowledge, and to the desire to avoid the resort to any further temporary expedients, that steps have already

been taken for the erection of another prison in the State, and its organization as an "Industrial Reformatory."

And this step, rendered so necessary by the rapid increase of our population, serves as a farther admonition to this Association of the propriety of a general system of prison discipline, which shall change the results of the financial administration, mature and advance the reformatory agencies employed, and raise our penitentiary system to the elevation it is capable of attaining.

To that end it has been that the Association has advocated the plan of a Board which can inquire into and mature a financial plan, and devise and perfect a system of discipline that may reach to all the prisons in the State; which shall be a permanent and enduring tribunal, clothed with the power of inspection, and of redressing whatever evils may be discovered; and so appointed as to be exempt from the fluctuations of party politics, and yet so responsible to the Executive and Legislative departments, as to guard against partiality or prejudice, insure equal and exact justice to the prisoners, and adequate protection to the community.

Their views were presented to the Constitutional Convention, and a clause was adopted by that body, which, in the opinion of the Association, would have answered the purpose in view, and which they were well persuaded would meet, as well as merit the approbation of our people.

So confident was that belief, and so earnest is it yet, that it is proposed to see if the clause referred to may not be submitted to the people for their adoption as a separate amendment.

They are the more anxious at this time because of the proposition to build another prison, thus affording, in time, an opportunity of providing for a classification of prisoners, whereby the hopeful may be separated from the desperate—

a measure which is admitted on all hands to be most salutary in its reformatory influence.

Therefore it is that the undersigned have been instructed by the Association to present these views to the Governor, with the expression of an ardent hope that he may find it consistent with his convictions of duty to call the attention of the Legislature to them, and to aid by his approval their contemplated application for an amendment to the Constitution.

J. W. EDMONDS,
 CHAS. J. FOLGER,
 W. F. ALLEN,
 JOHN H. ANTHON,
 WM. H. FIELD,
 J. STANTON GOULD,
 JAMES H. TITUS,
 D. B. ST. JOHN ROOSA,
 SINCLAIR TOUSEY,
 JOHN DAVID WOLFE,
 THEO. W. DWIGHT.
 E. C. WINES,

Prison Discipline Committee.

PROPOSED AMENDMENT.

There shall be a Board of Managers of Prisons, to be composed of five persons appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years.

That Board shall have the charge and superintendence of the State Prisons, and have such powers and perform such duties in respect to other prisons in the State as the Legislature may prescribe.

They shall appoint a Secretary, who shall be removable at their pleasure, perform such duties as the Legislature or the Board may direct, and receive a salary to be determined by law.

The Board shall appoint the Warden, Clerk, Physician, and Chaplain of each State Prison, and shall have power to remove them for cause only, after opportunity to be heard on written charges.

All other officers of each prison shall be appointed by the Warden thereof and be removable at his pleasure.

The Governor may remove any of the Managers for misconduct or neglect of duty, after opportunity to be heard on written charges.

The five Managers first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years.

This amendment shall go into effect on the first Monday of January next after its adoption by the people.

POSTSCRIPT.

The Chairman of the Prison Discipline Committee, without consultation with the other members of his committee, and without imposing upon them the responsibility of the act, adds the following correspondence :

NEW YORK, *Dec. 2, 1870.*

TO THE INSPECTORS OF STATE PRISONS :

GENTLEMEN,—Pursuant to statutes, several times passed of late, the Prison Association has been engaged in investigating the affairs of our State Prisons, and have adopted a memorial which I am instructed to cause to be laid before the Legislature.

That paper contains matters which reflect with severity upon the administration of the prison, both financially and morally.

It is, therefore, deemed proper to apprise you of the fact, so that any needed explanations may be made and errors corrected.

Accordingly, I have to inform you that the memorial is yet in my hands, and is open at any time to your examination.

Respectfully yours, etc.,

J. W. EDMONDS,

Chairman Prison Discipline Committee.

STATE OF NEW YORK,
SING SING PRISON CLERK'S OFFICE,
SING SING, *Dec. 5, 1870.*

HON. J. W. EDMONDS :

DEAR SIR,—Enclosed please find copy of resolutions of Board of Inspectors of State Prisons of this date.

Very truly yours,

CASPER C. CHILDS, Jr.,

Clerk.

STATE OF NEW YORK,
OFFICE OF THE INSPECTORS OF STATE PRISONS,
SING SING, December 5, 1870.

Meeting of the Board of Inspectors of State Prisons.

Present,—S. SCHEU, D. B. McNEIL, F. L. LAFLIN.

The Board of Inspectors having received a communication under date of December 3, 1870, from the Hon. John W. Edmonds, Chairman Prison Discipline Committee, informing them that said committee had prepared a memorial to the Legislature on the management of the Prisons,

Resolved, That the Board request Mr. Edmonds to send to the agent and warden of the Sing Sing prison a copy of said memorial, at his earliest convenience.

Resolved, That the Clerk of the Prison send a copy of these resolutions to Mr. Edmonds.

NEW YORK, Dec. 7, 1870.

TO THE INSPECTORS OF STATE PRISONS :

GENT.,—I have received from the Clerk of the prison at Sing Sing a copy of your resolution of the 5th instant, requesting me to forward to the agent of that prison a copy of the memorial of the Prison Association.

That document is now in the printer's hands, and as soon as a copy of the 'proof-sheets can be obtained I will comply with your request and forward it to your agent as directed.

The paper has thus been put into the printer's hands, not for the purpose of having it struck off immediately and so preclude any alterations to it, but only to obtain a few copies for the purpose of examination by you and others, prior to its entire completion.

Such completion will be withheld until such examination can be had, or, if that should be too long delayed, such additions will be made to the memorial as such examination shall render necessary.

I am anxious to have you understand that our aim is at the present system of prison administration, rather than at its officers, and that we should be glad to have your co-operation in our effort to change the system.

You are aware that the law has made it the duty of our Association to examine any persons in regard to the financial and reformatory administration of the prisons. In the performance of that duty, it seems to be necessary to examine the members of your Board, unless they will voluntarily give us the information desired.

I was, therefore, in hopes, and I still hope, that my addressing you will bring about an interview with some one of your number, and thus avoid the inconvenience of a formal examination. I will be ready for that at such time as may suit your convenience.

I am, resp'y yours,

J. W. EDMONDS.

STATE OF NEW YORK,
OFFICE OF THE INSPECTORS OF STATE PRISONS,
SING SING, Dec. 10, 1870.

J. W. EDMONDS, Esq. :

DEAR SIR,—I this day received copy of "Memorial of Prison Association," for the Inspectors of State Prisons. The Inspectors met here last week and will not meet again until in January. If possible, I wish you would send me 3 more copies of the memorial, so that I can send a copy to each of the Inspectors and retain a copy myself; it would be impossible, otherwise, for the Inspectors to examine the paper and make any suggestions in the time required for completion of the memorial.

Very respectfully,

Agent and Warden.

NEW YORK, Dec. 13, 1870.

SIR,—As soon as the Prison Association had adopted their memorial I wrote to the Inspectors, informing them of its character, offering to submit it to their examination, and asking from them any explanations or suggestions they might see fit to make.

That letter of mine was received by the Inspectors, at a full meeting of the Board, and all the answer I got was a copy of a resolution passed by them, requesting me to send the paper to you.

I complied with that request at the earliest practical moment, and transmitted to your address the copy of the memorial, which you say you received on the 10th.

I infer from your note that the Inspectors adjourned without giving you any directions what to do with that copy, and I am sorry to learn from you that by their omission to do so they have rendered it impossible for them to examine the paper until January.

I cannot defer the printing of the memorial till then, and the fault is not mine that they have not availed themselves of the opportunity of examining and correcting it, which I offered to them.

Resp'y yours,

J. W. EDMONDS.

P. S.—I cannot read your signature, and shall, therefore, be compelled to address this to you by your name of office.

