

**STATUTES RELATING TO  
THE ALBANY COUNTY  
PENITENTIARY**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649314508

Statutes Relating to the Albany County Penitentiary by Nathaniel C. Moak

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**NATHANIEL C. MOAK**

**STATUTES RELATING TO  
THE ALBANY COUNTY  
PENITENTIARY**



STATUTES

RELATING TO THE

**Albany County Penitentiary,**

WITH

FORMS OF COMMITMENT, RECORD OF CONVICTION,  
CONTRACT WITH BOARDS OF SUPERVISORS,

ETC., ETC.

COMPILED AND PREPARED BY

**NATHANIEL C. MOAK,**

DISTRICT ATTORNEY OF ALBANY COUNTY,

AT THE

REQUEST OF AMOS PILSBURY, SUPERINTENDENT.

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ALBANY, N. Y.:  
J. MUNSELL, 89 STATE STREET.

1872.

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# STATUTES

RELATING TO THE

## ALBANY COUNTY PENITENTIARY.

[LAWS 1844, p. 224.]

### \*Chap. 152.

*AN ACT for the construction of a Penitentiary, and in relation to the relief of the Poor in the county of Albany.*

Passed April 13, 1844.

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

§ 1. The board of supervisors of the county of Albany shall cause to be erected, at such place within the limits of said county as shall be designated in the manner hereinafter directed, a suitable building or buildings for a penitentiary, for the safe keeping and employment of vagrants, disorderly persons, and all prisoners (except in cases of convictions for felony) who shall be sentenced to confinement at hard labor, or to solitary imprisonment, by any court held in said county or in the city of Albany.

§ 2. Samuel Pruyn and Barent P. Staats, of the city of Albany, and Lewis M. Dayton, of Rensselaerville, in said county, are hereby appointed commissioners, whose duty, or that of a majority of whom, after taking the constitutional oath of office, it shall be, without unnecessary delay, to select a proper site for the loca-

Penitentiary to be erected.

Commissioners to locate site and report.

tion of the said penitentiary, with proper grounds to be attached thereto; and within six months from the passage of this law to report such location, together with a detailed plan for the construction, management and discipline of the said penitentiary, and an estimate of the expense of the land for the site and of the construction thereof, to the said board of supervisors. In case of a vacancy by death, resignation, removal from said county, refusal or neglect to serve, or otherwise, in the said board of commissioners, such vacancy shall be filled by the person administering the government of this state. The said commissioners shall each receive, for their services, three dollars for each day while actually employed in the discharge of their duties, and such sum as shall be actually incurred by them in obtaining the necessary plans, estimates and information preparatory to the report to be made by them as aforesaid; such several sums to be paid by the said board, and the amount thereof added to the sum to be raised by tax as hereinafter mentioned.

Their pay.

Duty of supervisors and mayor and recorder.

§ 3. Upon such report being made, the said board of supervisors, together with the mayor and recorder of the city of Albany, who shall be associated with the said board for that purpose, or a majority of them, shall examine the same and determine thereupon; and the said board and mayor and recorder may alter, modify, reduce or increase the site, plan \*or expense of [225 construction of said penitentiary, as specified in the said report, in any manner as to them shall seem fit, expedient or necessary. The said commissioners, hereinbefore named, (at the expiration of ninety days after the report shall have been made to the said board of supervisors, and delivered to the chairman or clerk of said board,) shall procure the lands necessary for the site of the said penitentiary, and proceed to construct the same, at such place and on such plan, in all respects, as the said board of supervisors, with the

mayor and recorder, shall, in manner aforesaid, have approved and directed. But if the report of the said commissioners shall not have been approved by the said board, with the mayor and recorder, and no site for the said building or plan for the erection thereof, shall have been agreed on by the said board, with the mayor and recorder as aforesaid, then it shall and may be lawful for the said commissioners to select such site for the said building and the grounds to be connected therewith, and to proceed in the construction of the same on such plan as they, or a majority of them, shall deem best.

§ 4. The management and direction of the said penitentiary, when completed, shall be under the control and authority of the said board of supervisors and the said mayor and recorder of the city of Albany, who are hereby authorized and empowered, by their votes in joint meeting, to establish and adopt rules for the regulation and discipline of said penitentiary, to appoint officers to take charge thereof, to fix their compensation and prescribe their duties, and generally to make all such by-laws and ordinances, in relation to the management and government thereof, as they shall deem expedient. But the person who shall be appointed principal keeper of the said penitentiary, shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct, or other cause, to be particularly assigned.

§ 5. The said board of supervisors are authorized to borrow, on the credit of the said county, such sum or sums of money as shall be necessary to defray all the expenses of procuring the site and completing the erection of the said penitentiary; and they are hereby also authorized and required to raise, levy and collect a sum sufficient to repay the same with the interest becoming due thereon, in not less than four nor more than eight equal annual instalments, on and from the taxable pro-

Penitentiary how managed.

Supervisors may borrow money.



perty in the city and county of Albany, in the same manner as other county charges are levied and collected; and the said board of supervisors shall, from time to time, pay such drafts as may be drawn on them by the said commissioners, or a majority of them, for 226] the cost of \*the site and erection of the said building, not exceeding the amount at which such cost may have been fixed and determined by said board and the said mayor and recorder as aforesaid, in case the same shall have been so fixed and determined by them.

Duty of  
the sheriff.

§ 6. The sheriff of the county of Albany is authorized and required, at the request and under the direction of said board of supervisors, with the mayor and recorder, to order and compel all persons, who shall be sentenced to imprisonment in the county jail at hard labor at any time during the erection of said penitentiary, to work and labor in and upon the building and construction of the same.<sup>1</sup>

Persons to  
be con-  
fined in  
the peni-  
tentiary.

§ 12. After the said penitentiary shall have been completed, or so far completed as to allow the confinement of prisoners therein, and a certificate thereof shall have been filed in the office of the clerk of the county of Albany by the said commissioners, or a majority of them, it shall be the duty of the sheriff of the city and county of Albany, to confine all persons sentenced to confinement in the jail of said county, as mentioned in the first section of this act, by any court held in the said city or county, in the said penitentiary; and the keeper thereof shall receive such persons and safely keep them for the term for which they were sentenced, and employ them according to the discipline and rules established for the government of said penitentiary.

<sup>1</sup> Sections 8, 9, 10, and 11 relate to the Alms House and are omitted.

[LAWS 1847, Vol. 1, p. 170.]

**Chap. 183.**

**AN ACT** to amend "An act for the construction of a Penitentiary, in the county of Albany," passed April 13, 1844.

Passed May 8, 1847.

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

§ 1. All persons who shall be sentenced to confinement at hard labor, or to solitary imprisonment (except in cases of convictions for felony,) by any court held in the city or county of Albany, or by any justice of the peace, police justice, or other magistrate in said city or county of Albany, shall be sentenced to such confinement or imprisonment in the penitentiary of said county, there to be received, kept and employed in the manner now prescribed by law. And it shall be the duty of such court, justice or magistrate, to cause all persons so sentenced, to be conveyed forthwith, by some proper officer or officers to said penitentiary; \*and one- [17] Persons to be imprisoned in the penitentiary. half the fees now allowed by law, for conveying convicts to state prisons, shall be allowed and paid therefor, by the board of supervisors of said county, except when such service is rendered by any constable or officer in attendance upon any court of oyer and terminer, or general sessions for the city or for the county of Albany, who is paid by the day for such attendance, or by any police constable of the city of Albany, in which case only the actual expenses necessarily incurred by such officer in such service shall be paid him by the super-

intendent of said penitentiary, and by him charged among the expenditures thereof.

Justices may sentence convicts to penitentiary.

§ 2. It shall be lawful for any justice of the peace in the county of Albany, to commit any person who shall be convicted, before such justice, as a disorderly person, to the penitentiary instead of the jail of the county of Albany; there to remain, subject to the rules, regulations and discipline of said penitentiary, until discharged as provided by law.

Vagrants.

§ 3. It shall be lawful for any justice of the peace, or other magistrate having jurisdiction thereof, in the city or county of Albany, in all cases of complaints for vagrancy, to commit any person convicted upon such complaint, before said justice or magistrate, to said penitentiary, for a term not exceeding six months. (Amended 1859 page 1098, post).

Under the age of 15 years.

§ 4. Whenever any person under the age of sixteen years, shall be convicted of any felony, in any court held in and for said city or county of Albany, such court may, in its discretion, sentence the person so convicted, to confinement in said penitentiary, subject to its rules and discipline, for such term as said court would be authorized by law, to sentence a person convicted of a like offence, to imprisonment in a state prison.

Penalty for escaping or breaking out.

§ 5. Every person lawfully imprisoned in said penitentiary, who shall escape from thence, or who shall break said penitentiary, with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner, to escape from such penitentiary although no escape shall be effected, shall, upon conviction thereof be punished by imprisonment in said penitentiary for a term not exceeding double the time for which he was so imprisoned, to commence from and after the expiration of his or her former sentence.

Second convictions.

§ 6. Any person convicted and sentenced to said penitentiary, by any court or magistrate in the city or