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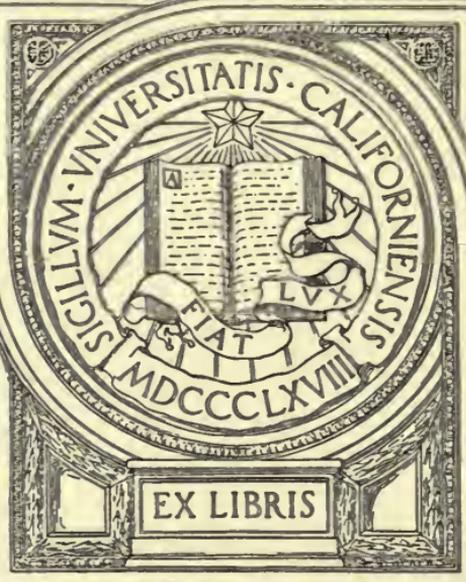


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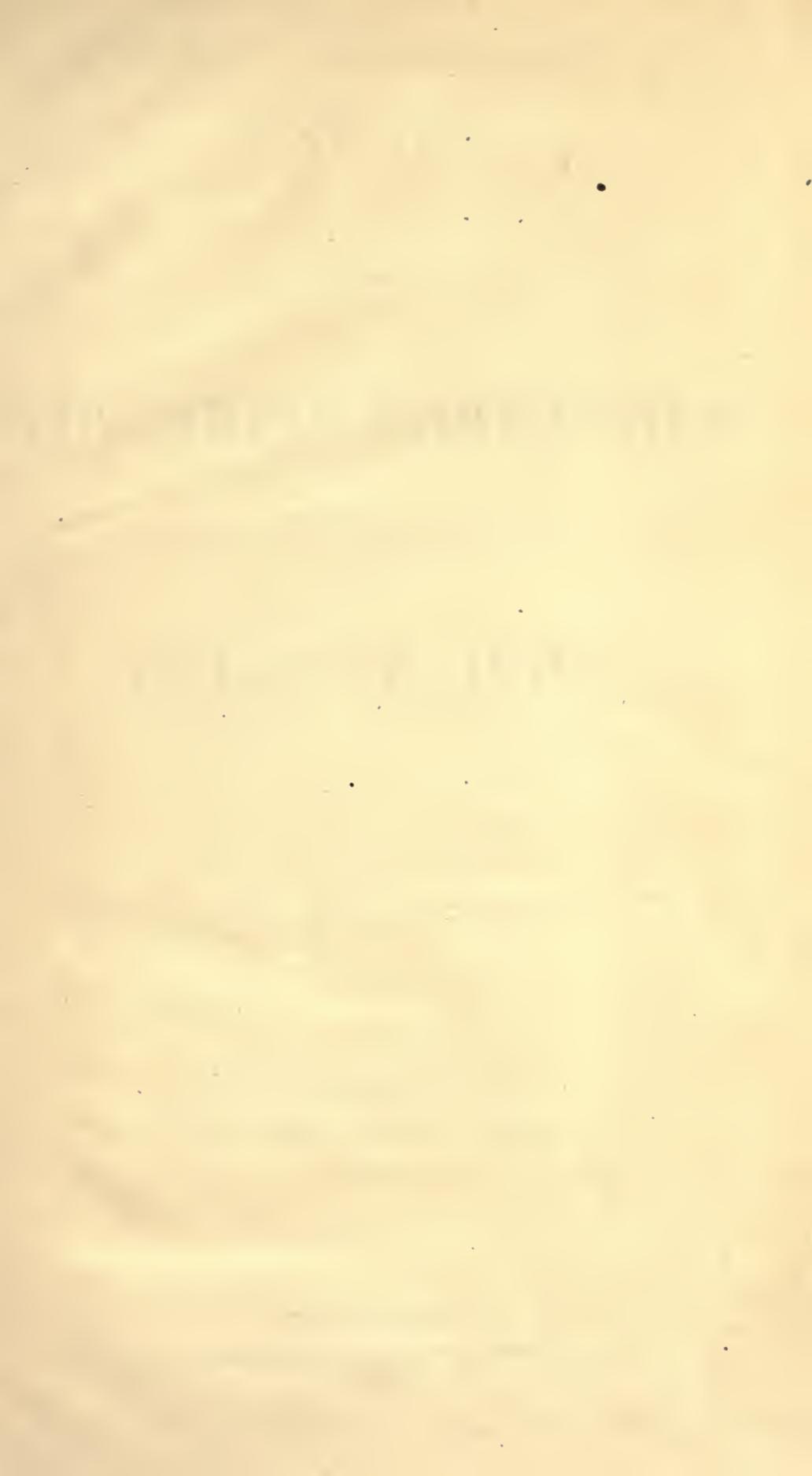


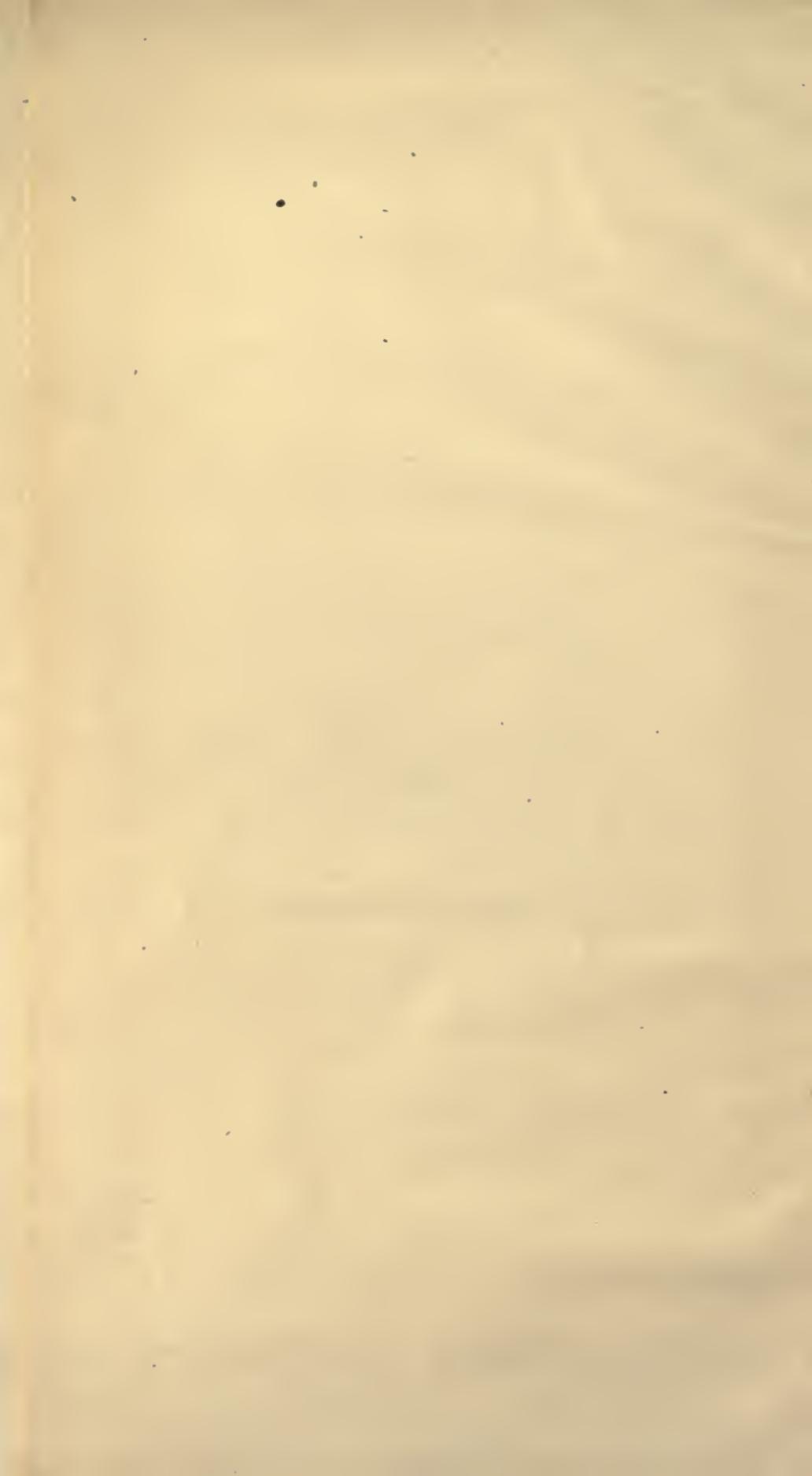
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# REPORT

OF THE

# INDUSTRIAL COMMISSION

ON

# PRISON LABOR.

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PREPARED IN CONFORMITY WITH ACT OF CONGRESS APPROVED JUNE 18, 1898.

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VOLUME III

OF THE COMMISSION'S REPORTS.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1900.

MEMBERS OF THE INDUSTRIAL COMMISSION.

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UNITED STATES INDUSTRIAL COMMISSION,  
*Washington, D. C., April 25, 1900.*

SIR: In pursuance of the act of Congress approved June 18, 1898  
I have the honor to transmit to you the Report of the Industrial  
Commission on Prison Labor.

Respectfully,

JAMES H. KYLE, *Chairman.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Exchange - U.C.B. - 6/16/38

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# INDUSTRIAL COMMISSION.

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## REPORT ON PRISON LABOR.

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*To the Senate and House of Representatives, Fifty-sixth Congress:*

The Industrial Commission established by act of Congress of June 18, 1898, have the honor to submit this report of the results of our investigations into the employment of the inmates of the penal, reformatory, and eleemosynary institutions of the different States and Territories, and the competition of such labor with free labor.

The sections of the law creating the commission under which we have acted in the preparation of this report are as follows:

“SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, and manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best on these subjects.

“SEC. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.”

The investigation of the employment of the prison population has extended into all of the States and Territories. The systems under which prisoners are employed and the conditions of such employment prevailing in each State are presented with recommendations for such changes as are considered necessary to improve the conditions and lessen the competition with free labor.

The opinions and recommendations of the various committees, commissions, bureaus, and specialists who have investigated and reported on the subject of prison labor have been consulted and their conclusions in regard to the desirable and undesirable features of the different systems of employment are presented.

From these sources the commission draws certain conclusions. In addition, testimony taken before this commission, and which will mainly appear in a forthcoming volume on Manufactures and General Business, sustains the suggestions for legislation herein made.

It is apparent that the industrial phase of the convict-labor problem can be regulated to the satisfaction of all sections of the country only by uniform legislation on the part of the States. The question is one of national interest, though partly beyond national jurisdiction.

In any report on prison labor it is of the first importance to outline a plan that will, if embodied in the law, enable the prison authorities so to administer the affairs of the institutions that the grievances now existing and complained of may be removed, and a system established which will make the prisons punitive and reformatory, and as nearly self-sustaining as may be without materially infringing upon the rights of free labor or invested capital.

Various schemes have been tried by the States, working independently, to lessen the competition of convict labor with free labor and industry, such as the prohibition of the employment of convicts; prohibition of the sale of convict-made goods; marking of convict-made goods; substitution of industries not carried on in the State; prohibiting the sale of convict-made goods outside the State where manufactured; fixing the price for which convict-made goods may be sold in the market; reduction of hours of labor in prison; the exportation of convict-made goods; diversification of industries carried on in prisons; payment of wages to convicts; prohibition of any contract for convict labor at lower rates per day than the average paid for outside labor of the same kind; employment of convicts upon public improvements that are desirable, but of such a character that they would not have been undertaken with the use of free labor.

These devices have been adopted without regard to conditions prevailing in other States, or in the hope of relieving acute conditions, rather than providing a permanent remedy for an evil that has always been a feature of our Government, and that has developed and expanded with the increase in population and wealth of the country.

That the competition with free labor exists and has been and can be made severe by the use of methods now in vogue is clearly shown by the evidence presented herewith. This is sufficient reason for a change in those methods and the adoption, so far as practicable, of a uniform system whereby the employment of convicts in one State can not act detrimentally on the industrial interests of that or any other State.

In describing the various systems of employing convicts the commission has presented the principal advantages and disadvantages of each. It remains to be determined which of these systems tends best to the reformation of the prisoner and the reduction of the competition of his labor with free labor.

Every interest of society and consideration of discipline, economy, reformation, and health demands that prisoners should be kept employed at productive work. Manufacturers, wage-earners, and all who have given the subject any consideration are practically unanimous in this conclusion.

As all labor competes with other labor, and the labor that an individual may do for himself, or that the State may do for its own use, is in a sense in competition with other labor, the competition of convict labor with free labor can not be entirely eradicated. The only remedy is to be found in the reduction of that competition to the minimum, and this can be accomplished best by a scheme which considers and provides for, first, the punishment and reformation of the criminal; second, the diminution of competition with free labor; and third, the maintenance of the convicts. The weight of the evidence appears to be that the system which most nearly accomplishes the first and second of these conditions, and incidentally the third, is the one that should be adopted.

The objectionable features of convict labor are not to be found in the fact that prisoners are employed, but to the methods of their employment and the fact that the products of their labor are sold in the open market.

In response to the general demand for reformatory laws, the general tendency of prison legislation has been in the direction of reducing the quantity of goods manufactured for sale, and the assumption by the State of the complete control and management of the prison population. This is shown by the following facts, obtained from recent reports of the Department of Labor:

Considering the penitentiaries and prisons of the country, it appears that the total value of the work done and goods produced by the convicts was \$24,271,078.39 in 1885 and \$19,042,472.33 in 1895, a decrease of 21.5 per cent, while the number of convicts increased from 41,877 in 1885 to 54,244 in 1895. In 1885 there were 12 States in which the lease and 15 in which the public-account systems of employment were in use, while in 1895 there were but 7 States in which the lease system was used and 27 in which the public-account system was in use. The lease system is one of the methods of employment in which the State has no control over the quantity or disposition of the products, and but slight control over the discipline and care of the prisoner, while under the public-account system the State has full control of both.

The lease, contract, and piece-price systems of employing convicts are the three methods under which the products of their labor are utilized for the pecuniary benefit of both private individuals and the State. As now conducted the three systems have many features in common. The contract and piece-price systems are used generally where the convicts are to be worked at or immediately adjoining the prison, and the State has control, to some extent at least, by direct supervision over the discipline, hours of work, and the character and quantity of product. The lease system is used, as a rule, where the convicts are employed away from the prison proper or in detached buildings styled prisons, but under the complete control of the lessee, subject to the conditions of the lease and the laws and rules adopted

for the care of the prisoners. The objections to the lease system are hereinafter presented, and they appear to the commission to be sufficient to warrant the conclusion that it should not be tolerated in any civilized community. In 1898 it was in use in 9 States, but in almost every case the objectionable features of the system had been eradicated, as far as possible, by stringent laws, rules, and inspections, and in all but 2 of the States, Florida and Louisiana, the convicts were also worked under other systems in connection with the lease system. In the States where the system is in vogue the authorities are practically unanimous in its condemnation, and excuse its use by stating that it appears to be the best that can be adopted under the present conditions.

The contract, piece-price, and public-account systems are all objectionable, from an industrial standpoint, chiefly because under them the products of convict labor are sold in the open market and enter into competition with products of free labor.

By reference to the desirable and undesirable features presented for each system, and also to the synopsis showing the present condition of employment and the recommendations of those in charge of convict labor in the different States, it will be seen that the conditions that are beneficial to the prisoner and the interests of free labor do not depend entirely on the system of employment, but largely on the administration of the system; also that certain systems of employment tend more than others to assist in the development of the desirable features of prison life, and that with this end in view the contract and piece-price systems were developed from the lease system. The adoption of the public-account system followed naturally from the use of the contract and piece-price methods.

During the year 1898 the contract system was used in 24 States, the piece-price system in 10 States, and the public-account system in 30 States. Fifteen of the States using the contract system also used the public-account system, and all but 2 of the States using the piece-price system also used the public account system. Therefore, of the various schemes devised for the employment of convicts with the intention of deriving revenue from such work the public-account system is in the most general use.

The growth of the public-account system and decrease in the contract and other systems is indicated by the following information taken from the bulletin of the Department of Labor. This statement has reference only to the penitentiaries and prisons. Since its preparation there have been material changes in some of the States; for instance, in New York, where goods to the value of \$1,999,769.02 were produced under the piece-price system in 1895, the use of that system has been discontinued and the convicts are now engaged, exclusively, in the manufacture of goods for the use of the State and its institutions.

*Summary of value of goods produced or work done by systems of work, 1885 and 1895*

Systems of work.	Value.	
	1885.	1895.
Public-account system.....	\$2,063,892.18	\$4,888,563.36
Contract system.....	17,071,265.69	8,190,799.70
Piece-price system.....	1,484,230.52	3,795,483.24
Lease system.....	3,651,690.00	2,167,626.03
Total.....	24,271,078.39	19,042,472.33

By this brief table one can note the general changes in values. Under the public account system there were produced in the United States in 1885 goods to the value of \$2,063,892.18, but under this system in 1895 there were produced goods to the value of \$4,888,563.36, being an increase of more than 100 per cent. This system has become more popular in recent years, hence the increase. Looking at the next line we find that under the contract system there has been a decrease of about 50 per cent, the decrease being from \$17,071,265.69 to \$8,190,799.70. This system (the contract) has become offensive during the past few years, and legislatures have sought to change their plans from that either to the public-account system or to the piece-price system; under the latter the value of goods has increased from \$1,484,230.52 in 1885 to \$3,795,483.24 in 1895, an increase of over 150 per cent. Under the lease system the values show the effect of agitation in the Southern States, where that system more generally prevailed in 1885, for there the value of goods produced or work done decreased from \$3,651,690 to \$2,167,626.03 in 1895, a decrease of 40.6 per cent. But the totals show a great change, the decrease being from \$24,271,078.39 in 1885 to \$19,042,472.33 in 1895, a decrease of 21.5 per cent.

The contract system has been adopted in preference to the lease system, because under it the State has a better supervision and control of the prisoner, and the obnoxious theory that he is worked at manual labor, not for his punishment and reformation, but to produce revenue for the State, is to some extent removed.

The piece-price system was devised, not only to embrace the desirable features of the contract system, but in order that the State might have control of the quantity of the work performed by the convicts and incidentally the quantity to be thrown upon the open market for sale.

The popularity of the public-account system is due to the fact that under it the prison is better adapted to accomplishing the end for which it was designed, i. e., the punishment and reformation of the criminal, and also because the State has complete control of the products of the labor of the criminal.

While the advocates of the contract and piece-price systems maintain that under them as high a degree of reformatory and disciplinary potency can be reached as under the public-account system, the true reason why those systems are adopted is that under them the labor of the convicts has resulted in giving a larger revenue to the State.

The amount of revenue that could be derived has been the controlling factor in the adoption of one of these systems, rather than the assistance that the system would lend to prison discipline and removal of the competition with free labor.

The trend of the legislation in the different States, also the present methods under which convicts are employed and the recommendations of those charged with the responsibility for the conduct of such employment, together with the recommendations of the numerous commissions, committees, bureaus, penologists and others, all point to the fact that the true theory of prison life is that the criminal should, in every respect, be under the absolute control of the State.

The adoption of the public-account system is the first step in the direction of the State having complete control of the prisoner and his labor. The reasons why the system has not been put in general use, to the exclusion of all others, are that under it the products of convict labor are sold in the open market in competition with the products of free labor, and its adoption has almost invariably resulted in financial loss.

In order to obviate these objections laws have been adopted providing that the work of the prisoners should first be directed to the production of articles and supplies for their own support, and the care and maintenance of the buildings in which they are confined. Practically all of the States now have laws to this effect, and in many of them the prisoners are also engaged in manufacturing supplies or producing agricultural products for the use of other institutions.

The two great sources of expense of prisons are the support of the prisoners and the maintenance of their imprisonment. The experience of prison industry has been, that when employed in productive work the convicts earn enough to support themselves, but, with a few exceptions, not enough to pay the cost of imprisonment. The employment of convicts in producing articles for their own support, to that extent, relieves the State from the necessity of entering the open market either as a seller or producer of goods to be used in connection with its convict system.

After a careful consideration of the subject in all of its phases as presented in numerous reports, of the testimony and recommendations that have been submitted, of the present systems of employing convicts, and the conditions that have culminated in the adoption of those systems, the commission feels warranted in arriving at the following conclusions:

First. That provision should be made in the laws of each State for the employment of all prisoners in productive labor.

Second. The State should have absolute control of the care, punishment, reformation, and employment of the prisoners, as well as the disposition of the products of their industry.

Third. The employment of prisoners in productive labor does, of necessity, result in competition of some character with free labor and industry.

Fourth. The employment of prisoners with the intention of producing revenue, either for the State exclusively, or for private individuals or corporations and the State jointly, tends to the greatest competition with free labor.

Fifth. That a system of employing prisoners for the purpose of producing revenue has a tendency to detract from the punitive, reformatory and disciplinary features of the prisons.

Sixth. The employment of prisoners in the production of supplies for the maintenance of State, county, and municipal institutions and the support of the inmates of the same, or in work on the public buildings or roads, tends to the least direct competition with free labor.

Seventh. Of the various systems for employing convicts, those under which private individuals or corporations are interested have resulted in procuring the greatest revenue to the State.

Eighth. No system of employing convicts, however wise in conception and however carefully guarded, can be entirely free from the danger of abuses in management.

Ninth. The most desirable system for employing convicts is one which provides, primarily, for the punishment and reformation of the prisoner and the least competition with free labor, and, secondarily, for the revenue of the State.

Tenth. In order to harmonize the antagonistic interests of the different States it is essential that the industrial operations of all the penal, reformatory, and eleemosynary institutions in each should be under the supervision of a central office.

Eleventh. The adoption of laws embracing the above principles has been retarded by the prevailing industrial, economic, social, and climatic conditions in many of the States. These conditions are so diversified, and the industrial, moral, and educational possibilities of the prison population differ so widely in the several States that the commission is of the opinion that it is impracticable for all of them to adopt a uniform law for the employment of prisoners, that would be identical in all of its provisions. The necessity for uniform legislation is however fully realized; it is the only permanent remedy for the abuses that exist under the systems now prevailing, and for the abatement of competition with free labor.

The commission accordingly submits the following general provisions of law mainly from the New York statute, which are in harmony with the above conclusions, and recommends that all, or such of them as may be possible, shall be embodied in the laws of the different States, with such additional provisions as to management as may be necessary to meet the prevailing social conditions:

#### PROPOSED PROVISIONS OF LAWS REGULATING EMPLOYMENT OF PRISONERS.

Within ten days after the passage of this act the governor by and with the advice and consent of the senate, shall appoint four persons who shall be commissioners for the purpose of this act, to be called commissioners of prisons, who shall constitute the State commission of prisons; one of the persons so appointed

shall hold his office for one year, one for two years, one for three years, one for four years, as indicated by the governor on making the nominations, and all nominations thereafter, except to fill vacancies, shall be made for four years; said commission shall have power to make and use an official seal and alter the same at pleasure.

It shall be the duty of said commission to visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors; to aid in securing the just, humane, and economic administration of all said institutions subject to its inspection; to aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions, and to approve or reject plans for their construction or improvement; to investigate the management of all institutions made subject to the investigation of said commission and the conduct and efficiency of the officers or persons charged with their management; to secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates; to collect statistical information in respect to the property, receipts, and expenditures of said institution, the number and condition of the inmates thereof, and to ascertain and recommend such system of employing said inmates as may, in the opinion of said commission, be for the best interest of the public.

The proper authorities shall provide for and assign to such commission suitably furnished rooms for its office and its place of meeting at the State capital, where it shall hold its meetings as often as once in three months.

The said commission shall annually elect one of its members as the president of the commission, and shall also annually elect a secretary, who shall keep a record of all of its proceedings, and perform such duties as may be required of him by the commission and by law, and he shall receive a salary of \$—— per annum; and said commission may also appoint as employees and assistants of said commission, and of the commissioners, in the performance of their official duties, a clerk at an annual salary of \$——, a general office assistant, at an annual salary of \$——, and remove each and appoint a successor at any time; and the said commission is authorized to make rules and regulations for its meetings and the transaction of its business and also as to the manner in which reports to it shall be made and all matters shall be presented before it.

Said commission or any of said commissioners, or its secretary, if authorized by it, is authorized to visit and inspect any of said institutions subject to its visitations, and may take and hear testimony or proofs in relation to any matter before it or him upon any visit, inspection, or examination made by such commission or member thereof, and the said commission, or any members thereof, shall have full access to persons, grounds, buildings, books and papers relating thereto, and may require from the officers and persons in charge any information it or he may deem necessary in the discharge of its or his duties. Said commission may prepare regulations according to which, and provide blanks and forms upon which, such information shall be furnished in a clear, uniform and prompt manner for the use of said commission. Said commission shall make an annual report to the legislature, or to the governor when the legislature is not in session, in which it shall give the results of its work and such information as it deems proper relating to said institutions, and its opinions and conclusions relating to the same.

The warden of every prison, the superintendent or manager of every penitentiary, and keeper of every jail or other institution used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors shall on or before the 1st day of November in each and every year, report to the State commission of prisons the number of male and female persons charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses, and as debtors, in his custody on the 1st day of October last past,

together with a statistical exhibit of the number of admissions, discharges, and deaths which have occurred within the past year, the nature of the charge, the period of detention or sentence, and such other facts and information as the commission may require.

Any officer, superintendent, or employee of any of said penal institutions who shall refuse to admit said commission or any of said commissioners or its secretary or other authorized agent for the purpose of visitation or inspection, or shall refuse or neglect to furnish the information required by said commission or any member thereof, or its secretary, shall be guilty of a misdemeanor, and subject to a fine of \$100 for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court. In making investigations as herein empowered said commission or any member thereof is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath and to exercise the same powers as belong to referees appointed by the court.

The said commission shall have the further duty and authority to require the proper officials of the State and the political divisions thereof, and of all public institutions of the State, and political divisions thereof, supported wholly or in part by the State or any political division thereof, to furnish to said commission, annually, estimates for each ensuing year of the amount of labor to be required by each, and of the articles which may be manufactured in penal institutions, required to be purchased for the use of the State or the political divisions or said institutions in their charge or under their management.

All persons sentenced to the prisons, reformatories, penitentiaries, or jails in the State shall be employed for the State, or a political division thereof, or in productive industries for the benefit of the State, or the political divisions thereof, or for the use of public institutions owned or managed and controlled by the State, or the political divisions thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the State commission of prisons.

The labor of the prisoners in the institutions known as State penitentiaries, prisons, or reformatories, after the necessary labor for and manufacture of all needed supplies for said institutions, shall be primarily devoted to the State and the construction and care of the public buildings, roads, and institutions thereof, and the manufacture of supplies for the State and public institutions thereof, and secondly to the public divisions of the State, and public institutions thereof; and the labor of the prisoners in the institutions known as county jails, prisons, workhouses, or reformatories, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said institutions are located, and the towns, cities and villages therein, and to the construction and care of the public buildings, roads, and institutions thereof, and the manufacture of supplies for the public institutions of the counties, or the political divisions thereof, and secondly to the State and public institutions thereof.

It shall be the duty of the State commission of prisons to distribute among the penal and reformatory institutions under its jurisdiction the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the institutions to the other institutions to be supplied. The commission of prisons shall annually cause to be procured and transmitted to the legislature, with its annual report, a statement showing in detail the amount and quantity of each of the various articles manufactured in the several penal and reformatory institutions under its control and the labor performed by the prisoners therein, and of the disposition thereof.

The officers of the State prisons, reformatories and penitentiaries, county jails, and other penal and reformatory institutions, respectively, are authorized and directed to cause to be manufactured by the prisoners in the institutions such

articles as are needed and used therein, and also such as are required by the State or political divisions thereof, and in the buildings, offices and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings and construction of roads.

All such articles manufactured in the institutions not required for use therein may be furnished to the State, or to any political divisions thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisitions of the proper officials, trustees or managers thereof. No article so manufactured shall be purchased from any other source for the State or public institutions of the State, or the political divisions thereof, unless said State commission of prisons shall certify that the same can not be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

On or before October 1 in each year the proper officials of the State, and the political divisions thereof, and of the institutions of the State, or political divisions thereof, shall report to the said commission of prisons estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal and reformatory institutions of the State and the political divisions thereof. The said commission is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries in said institutions.

The State commission of prisons shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the State, or the political divisions thereof, or the public institutions thereof, shall be furnished, which prices shall be uniform to all. The prices shall be as near the usual market price for such labor and supplies as possible. The State commission of prisons shall devise and furnish to all such institutions a proper form for such requisitions and the comptroller shall devise and furnish a proper system of accounts to be kept by all such institutions.

The State commission of prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any State prison, reformatory, penitentiary, or jail in this State, or the product or profit of his work, shall be contracted, let, farmed out, given, or sold to any person, firm, association, or corporation; except that the prisoners in said penal or reformatory institutions may work for and the products of their labor may be disposed of to the State or any political divisions thereof, or for or to any public institution owned or managed and controlled by the State or any political division thereof.

The superintendents, managers, and officials of all penal and reformatory institutions in the State shall, so far as practicable, cause all the prisoners in said institutions who are physically capable thereof to be employed at hard labor for not to exceed eight hours of each day, other than Sundays and public holidays, but such hard labor shall be either for the purpose of production of supplies for said institutions or for the State, or any political division thereof, or for any public institution owned or managed and controlled by the State, or any political division thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes.

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

The said State commission of prisons shall have the further duty and authority to direct the employment of such of the prisoners in the State and county penal and reformatory institutions, as they may deem desirable, in agricultural pursuits

on the State or county lands, and the products of such labor shall be devoted to the support of the inmates of the public institutions of the State and of the counties or the political divisions thereof.

No machine, except machines operated by hand or foot power, shall be used in any of the said institutions in the manufacture of any goods, wares, articles or things that are manufactured elsewhere in the State.

The commission are of opinion that the nearest to a complete remedy for the evils of convict labor competition with the business and labor of the country would be the interdiction of interstate commerce in all goods, minerals, or materials in whole or in part the product of convict labor, supplemented by State legislation on the lines above indicated. But in the absence of such legislation by all the States, and in order to protect such States as do adopt such legislation from the convict labor competition of others, the most practical step would be an act of Congress by which goods, minerals, or materials in whole or in part the product of convict labor, upon their arrival in any State, would become fully subject to its laws.

For, if interstate trade in convict-made goods be not absolutely prohibited, it would be of little use to recommend the foregoing law for enactment by the States were it not supplemented by national legislation which should, if possible, protect the States adopting such improved legislation from other States which may still proceed under the old system. There can be no reason, constitutional or economic, why the markets of one State, which has adopted the noncompetitive theory of convict labor, should be swamped by the product of the competitive convict labor of neighboring States. In fact, a condition of this sort would penalize a State for adopting such improved legislation, as its markets would thereby become more completely the prey of the competitive convict labor of other States which might choose to profit by the situation; but, on the other hand, those States which still retain the money-making theory of conducting their convict labor should not complain at the competition of the other States retaining the same policy. There should, at the least, be national legislation to protect the States from the competition of convict-made goods, so far as they protect their own markets against their own convict-labor competition, even if not interfering with interstate trade in such goods as to such States as themselves seek to profit by it.

The commission are of opinion that it is both constitutional and possible to enact such a law, and that a simple statute which shall merely remove the Federal control of interstate trade in convict-made goods so that they become subject, wherever found, to the general regulation of the State laws, would meet the case. A precedent can be found in the so-called Wilson Act (U. S. 1890, c. 728), applying to intoxicating liquors. We have already a statute forbidding the importation of convict-made goods from foreign countries (U. S. 1890, c. 1244, 51). Nothing remains but to protect the States, so far as they are fairly entitled to such protection as against each other. The commission would therefore recommend the passage by Congress of an act similar

to that of August 8, 1890 (26 Stat. L., 313, c. 728), substituting the words "goods, minerals, or materials wholly or in part the product of convict labor," for the words "all fermented, distilled, or other intoxicating liquors or liquids," etc.

It seems probable that Congress would have power to pass such a statute as to any article of interstate commerce whatever, at its own discretion; certainly it has the power when the traffic in the commodities concerned obviously affects the health, safety, or general welfare of the people, as is the case in both intoxicating liquors and convict-made goods.

It would then be possible for the States to enact laws regulating or even prohibiting the sale of all convict-made goods, requiring bonds, licenses, labels, or other safeguards, which would apply also to the convict-made goods of other States. For an example of such a law, see New York act of 1897 (general labor law), art. 4; also Penal Code, section 384b. Summaries of similar laws in Ohio (which were held unconstitutional in the absence of the Federal legislation above recommended), Indiana, Kentucky, and other States will be found in succeeding pages.

JAMES H. KYLE, *Chairman.*

BOIES PENROSE,

JOHN J. GARDNER,

WILLIAM LORIMER,

JOHN C. BELL,

THEOBALD OTJEN,

LEE MANTLE,

ANDREW L. HARRIS,

\* ELLISON A. SMYTH,

JOHN M. FARQUHAR,

EUGENE D. CONGER,

THOMAS W. PHILLIPS,

M. D. RATCHFORD,

JOHN L. KENNEDY,

ALBERT CLARKE,

*Commissioners.*

\* For reasons fully stated in conclusion 11 in the report I do not concur in the recommendation fixing 8 hours for the day's work. I agree with Mr. C. J. Harris also in his exception to that portion of the report which recommends the interdiction of prison-made goods.

ELLISON A. SMYTH, *Commissioner.*

Believing that the productive employment of convict labor is beneficial to the convict, to the wage-earner, and to the taxpayer, also that the sale of their products under ordinary business principles is not detrimental to the "life, health, or well-being of the community," I therefore dissent from the recommendation for the interdiction of interstate commerce in convict-made goods. I do not recommend a State law which allows only the use of hand or foot power machines and confines the sale of their goods to State and county alone.

C. J. HARRIS, *Commissioner.*

## PREFATORY NOTE.

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In conducting this investigation the commission has confined its efforts to a presentation of the industrial and economic phase of the subject, and has not considered the different methods of conducting the institution, such as the congregate or the separate confinement systems, physical and hygienic relations, discipline and instruction, paroling the prisoners on good behavior, or the indefinite sentence plan. While these features are essential to a comprehensive discussion of the subject they do not bear directly upon the primary object for which the commission was appointed.

The discussion that follows has been taken largely from official reports, or is based upon the opinions of those who are thoroughly familiar with the details of this feature of our industrial situation.

The information is presented in several chapters as follows:

A statement of the convict-labor problem and a general discussion of the subject is given in chapter 1.

A description of the different systems of employing prisoners whereby the profits of their labor is shared by the State with private individuals, and the advantages and disadvantages of such systems is given in Chapter 2.

The systems of employing prisoners for the public benefit exclusively are described, and the advantages and disadvantages of each are given in Chapter 3.

The financial results of the different systems of employing prisoners are presented in Chapter 4.

The systems of employment and conditions existing in the county jails are described in Chapter 5.

A detailed statement of the industries in which prisoners are employed in each State, and the general results of such employment, are given in Chapter 6.

Suggestions for changes in the present system of employing prisoners are given in Chapter 7.

The commission desires to express its appreciation of the services of Mr. William M. Steuart, who has collected and codified the information presented in this report.

The appendix consists of a digest of the convict-labor laws in force in the United States in 1898. Compiled under direction of the Commission by Victor H. Olmsted.



## CHAPTER I.

### THE CONVICT-LABOR PROBLEM.

One feature of the present industrial condition of the country that demands the consideration of the Industrial Commission, is the employment of the inmates of the various penal, reformatory and eleemosynary institutions of the different States and Territories. The competition of convict labor with free labor and industry has been a subject of more or less active discussion for the past 50 years and has caused a vast amount of legislation. Each State has dealt with it in the way considered best adapted to meet the conditions existing within its own borders, without regard to the rights and interests of the citizens of adjoining States. A sample of such legislation is found in the laws prohibiting the sale of convict-made goods in the State where manufactured, or the importation of such goods.

Prison discipline in its widest significance covers the entire area of criminality as related to the criminal, to society, and the state. A policy that ignores either of these three essential features is manifestly limited in its scope. The remedies applied are often unjust, and cruel and disastrous in their results. A practical illustration of this sort of narrowness is clearly visible in the occult methods of some Governments in unloading their criminals upon some other Government. This class of legislation is reprehensible in the extreme and admits of no apology in the closing hours of the nineteenth century. It invites the contempt and resolute resistance of the civilized world. Every nation should be compelled to take care of its own criminals; this is demanded by the sternest dictates of human propriety and fairness. In the States of our Federal Union there ought to be the strictest uniformity in the laws and their enforcement relative to crime. For one State to enact laws of extreme severity, the sole result of which is to drain off its criminal population into adjoining States, is close akin to an insult to the union of States. It is the duty of every State to enact laws sufficiently severe and then see to it that they are promptly and impartially enforced.

Penal institutions are established and maintained for the protection of society, and it is an anomalous condition of affairs for such institutions to be conducted in a manner that will discriminate against any class, and least of all against its manufacturers and skilled artisans. That this discrimination does exist is attested by the numerous petitions from labor organizations and other associations, as well as from individuals for remedial legislation. That the importance of the subject has been appreciated, is attested by the numerous laws regulating convict labor so as to reduce the competition with free labor. It is apparent, however, that the antagonistic interests of the different States has retarded the enactment of laws that will control the use of convict labor so that it shall not operate prejudicially to the great cause of labor of the entire country irrespective of political subdivisions.

In order to assist in harmonizing these influences, and the enacting of uniform legislation, the commission has taken the testimony of witnesses who are thoroughly conversant with the different methods of employing convicts; has examined numerous State and national reports and called on the officials of a number of the institutions in each State and Territory for information as to the present method of employing prisoners, and for suggestions as to changes in those methods that may be deemed advantageous to the prisoners and to the community.

The number of convict laborers is so very small compared with the masses of honest laborers, that the subject might be regarded as one of easy solution. It is a subject linked in the great chain of circumstances called the "labor question." It is a vast subject because it involves the consideration of the great subject of competition, a subject of vital interest and importance in the sharp struggle of life.

The fact that the labor of convicts may come to some extent in conflict or competition with other labor is unavoidable. All labor competes with other labor, and the labor that an individual may do for himself, or that the State may do for itself, is in a sense in competition with other labor. Their physical, mental and moral well being, as well as the interests of the State, require that convicts should be employed. As the shipment of 1 or 2 per cent of the gold of the country disturbs the money market, so, the underselling in any industry by manufacturers employing convict labor, materially affects the entire market as to the price of the products of that industry. And this is true even if the convict labor represents but 1 or 2 per cent of the total labor employed in the State in that one kind of manufacture.

The objection of the workingman to having his market for labor taken from him, in part at least, by the more cheaply paid or less expensive convict labor, is very natural and proper. It matters not whether the State employs the convicts in manufacturing products and then disposes of them in the markets of the State or nation, or whether it leases its labor to individuals or firms who choose to use it, and who dispose of the products of the convict labor; the result is the same.

In the policy of the State, as to penal institutions, the profit on convict labor should be the last matter considered. First, the safety of the people; second, the reformation of the criminal; and last and incidentally, the profitable application of the labor involved in carrying out the primary objects of all penal legislation. Penal institutions are established and maintained for the protection of society, and society can readily afford to sustain whatever legitimate cost that protection may involve. But when such institutions are converted into huge factories, whose products are thrown upon the market in direct competition with the products of individual enterprises and honest industry, they become an injury to the society they are designed to protect. They impose special disabilities upon certain classes of citizens, and indirectly compel them to support public institutions, the burden of which should rest equitably upon all. The question of self-support should certainly be subsidiary to considerations of public policy. It is an anomalous condition of affairs for a government of the whole people to discriminate against any class and least of all against its manufacturers and skilled artisans.

It is acknowledged that the problem as to the best method of obviating the injurious competition complained of, is not of ready or simple solution; but whatever difficulties may be encountered in accomplishing this end, it should be made the steadfast purpose of the State ultimately to remove the disabilities which the present system thrusts upon many worthy citizens. It should be the aim of all prison legislation to improve and perfect our penal and reformatory system, to impress upon it a character worthy of our civilization, to make it a model for other Nations, and to render it effective in accomplishing the great end of all just prison discipline, the reformation of its subjects and their restoration to civil life as honest and industrious citizens.

A well-ordered and permanent penal system is a powerful agency for reforming the criminal class and for the economical administration of justice and the social improvement of a great population.

The prisons are not institutions run by the State for the purpose of making money, and the attempts to make them so have resulted in a waste of money.

The better idea of the prison is that it is a place of detention, having in view only proper punishment for the criminal, and his reformation. It is universally conceded that one of the most important matters connected with prison discipline is the labor of the convicts. Our penitentiary system started with the beginning of the present century, and it was not long before labor was introduced as an absolute necessity to prevent the deterioration of the prisoners. Labor of the convicts, therefore, has developed with our penal system, and may now be considered as an inseparable part of that system. The labor affects the convict directly, and indirectly affects the labor of persons outside the prison.

#### THE RELATION OF THE CONVICT TO LABOR.

There ought to be in the laws such comprehension and vigor as to insure the full and continuous employment of the convicts in some useful industry. The greatest success is always found in the most diversified occupations, and the selection of prisoners who have fitness for some one of them for employment in such industry. Whoever asserts that idleness is possible in a prison, without all its train of inevitable evil, contradicts the plain and uniform teaching of experience.

The State owes itself and its citizens the duty of so managing the convicts that they shall not be made worse by association or otherwise in their seclusion, but should use proper effort to reform the criminal and make him a better citizen on his return to freedom.

Labor as a punishment and labor as a duty are two different things. In a prison labor should not be used as a punishment, except in its application to the individual. Regardless of any profit that may be derived from the product of the labor, it is of vast importance that it should be used as an auxiliary in the treatment of individuals. The severest punishment that can be inflicted on a prisoner is to deprive him of labor. The primary objects are the reformation and punishment of the criminal, and not gain or profit to the State that will result from his labor.

Industrial training, either pure and simple, or by engaging convicts in some useful industry, is the only way to make them obedient and tractable while in prison, and industrious and useful members of society when they are released. It is necessary that trades should be taught and practiced in the same manner as they are practiced in the world, that the education and trade training should fit men when they come out to support themselves in the way the world requires, as among the causes of crime the proximate one is very often the lack of ability for self-support.

Persons convicted of felonies (not capital) in the United States are uniformly sentenced to imprisonment with hard labor. The element of hard labor in the sentence is the dictate at once of justice and policy; of justice, because it is right that criminals, who have put the State to more or less expense, should do something toward defraying the public cost of their crimes; of policy, because work is an essential condition of the prisoner's reformation; and reformation, so far as this class of prisoners is concerned, is the great interest of the State.

In many penal institutions labor is the essential element in the reform training of the individual, and through it he becomes accustomed to habits of industry, proficient in the use of tools, and is made to feel that he has ability within himself for the earning of an honest livelihood.

The plan that is used in some institutions of allowing prisoners to look forward to the certainty of being employed upon a better grade of work, as a reward of industry, acquired proficiency, and general good conduct, is certain to lead to results of the greatest benefit to the prisoner, the institution and the State. The prisoner's ambition and interests are aroused, and he is encouraged to pursue a course which should end in his acquiring a useful trade. Society at large is benefited by anything that tends to better the condition of the prisoner in the

way of improving his opportunities of earning an honest livelihood after his release.

The importance of imparting to prisoners the complete knowledge of a trade, as it lies in the minds of those most competent to form and pronounce an opinion, may be inferred from the fact that, with absolute unanimity, prison officers declare it to be their judgment that the reformation of the prisoner would be prompted by giving greater prominence to this object; and they further declare it as their opinion that reformation, genuine and permanent, whatever the first cost of it may be, is in the long run, the cheapest and most profitable, and will prove the greatest ultimate pecuniary gain to the State.

The reformatory principle has undoubtedly passed out of its experimental stage. It is no more a question whether it will be a success. The difference in the manner, appearance and work of the inmates of the institutions where it is practiced is apparent to all. It is based upon two cardinal principles. First, that, for the practical purposes of society, humane laws should deal with crime not to avenge, but to prevent it. Second, that punishment, which is merely vindictive and repressive, defeats its own purpose, and tends to increase the mischief which it would avert. It, therefore, is not to the interest of the prisoner or of society, in so far as it relates to the prisoner personally that he should be deprived of labor. That this privilege of allowing the convict to work for his own improvement can be, and has been abused, can not be denied. The State has a duty to perform, not merely to the convict and his immediate personal relations to society, but to society at large, and is due to the very labor which we have seen is so essential to the prisoner's reformation.

#### THE EFFECT OF PRISON LABOR ON FREE LABOR AND INDUSTRY.

Prison labor and free labor are precisely one and the same thing; the production of each is the production of labor. The system of applying the labor and the disposition of it by those that have control of it is quite another matter. It is to the methods in which the convict labor is used, its concentration in certain lines of industry that the most strenuous objection is made.

The State takes charge of an individual for the commission of a crime; no other authority has any right to take charge of him. Notwithstanding this fact numerous methods have been developed under the convict systems of the different States whereby the State shirks a large share of its responsibility in regard to the care of its convicts.

Before considering the methods and systems devised for controlling the work of convicts, it is well to compare the relative efficiency of convict and free labor, and the possible effect that the former could have on the latter under any circumstances.

Every convict who does a day's work of any kind which a free laborer might do, competes with that free labor to that extent; in other words, any sort of productive labor in prisons, or any process by which the aggregate of all products in the smallest degree is increased, in or out of prison, must in the nature of things compete with all other producing agencies in that degree. Considered in the abstract the degree of competition between convict and free labor is controlled by the relative productive power in the two agencies. A difference in the productiveness of convict labor and free labor exists in the very nature of things. The retarding influences to convict labor may be enumerated as follows: Imprisonment itself is an obstacle to production. A willing well-paid workman is always more effective, more careful and saving in his work than one working under compulsion. Many convicts are defective in mind or body. Many were never used to work before conviction. Those who have acquired experience and skill go out on the expiration of their sentences, and new ones, without either qualification take their places. So that more or less of them are like apprentices.

The opposition made to the use and sale of prison products is another. These are branded and boycotted, and in many States the owner is required to pay a special expensive license for permission to sell them.

According to a report made by the United States Commissioner of Labor in 1886, it was demonstrated that "the competition arising from the employment of convicts, so far as the whole country is concerned, would not of itself constitute a question worthy of serious consideration. The products of the prisons were then but fifty-four one-hundredths of 1 per cent of the total mechanical products of the country. The whole prison population of those institutions in which productive labor was then carried on was but one in a thousand of the population of the country, and those engaged in convict productive labor but one in three hundred of those engaged in free mechanical labor. The total value of the labor expended by convicts in the State penitentiaries and prisons of like grade at that time did not much exceed \$2,500,000, or a little more than one-tenth of 1 per cent of the total wages paid in the manufacturing industries of the country in 1890. These facts, however, do not invalidate the claim that locally and in certain industries the competition may be serious and of such proportions as to claim the most earnest attention. This has been firmly established by the testimony of workmen, individually and collectively, through their organization; manufacturers, individually and collectively, through association; penologists, commissioners, legislators, both State and Federal, have arrived at this conclusion. The question, therefore, is one of public polity, and the public is entitled to know all the points bearing upon it."

## CHAPTER II.

### EMPLOYMENT OF PRISONERS FOR THE ADVANTAGE OF THE STATE AND PRIVATE INDIVIDUALS.

Convicts may be employed in productive labor in such a manner that the profits of their labor is shared by the State with private individuals, or they may be so employed that the entire profit of their work is used for the benefit of the State exclusively. The practice of utilizing convict labor for the joint profit and benefit of the State and individuals formerly largely predominated throughout the States, but the realization of the fact that the State should take entire charge of the convicts within its borders, and so utilize their labor that the products thereof shall have no advantage in the market over the products of free labor, except in so far as such products are necessary in the public institutions which are supported and maintained by taxes levied upon the people; combined with the popular demand that the practice should be abandoned, has led to the repeal of the laws authorizing such employment, and the gradual adoption of laws tending to the systems of employing convicts for the benefit of the State exclusively.

The systems under which the product or profit of the prisoners' labor is shared by the State with private individuals have been, and possibly are now, the direct cause of more antagonism on the part of the free industry of the country than employment under any other system. There are three distinct methods for employing convicts under this general system, viz: contract system, piece-price and lease system. These systems have been described as follows:

#### THE CONTRACT SYSTEM

Under this system contracts are made with persons, firms or corporations, in accordance with which convicts are employed in manufacturing industries at certain agreed prices for their labor, for fixed periods of time, the prisoners working under the immediate direction of the contractor or his agents, but remaining under the general supervision and control of the prison authorities. The contractors are frequently furnished with the power and even the machinery necessary for carrying on the work, by the penal or reformatory institutions in which the convicts are incarcerated.

#### THE PIECE-PRICE SYSTEM.

Under this system contracts are made with persons, firms or corporations under which the prison is furnished by them with materials in proper shape for working; the materials thus furnished are converted by the labor of the convicts into finished products which are delivered to the contractors at agreed prices per piece, the work of manufacturing being conducted wholly under the supervision of the prison officials.

#### THE LEASE SYSTEM.

Under this system convicts are leased to contractors for specified sums, and for fixed periods of time, the lessees usually undertaking to clothe, feed, care for, and maintain proper discipline among the prisoners while they perform such labor as

may have been determined by the terms of the lease. The labor is generally performed outside of the prison walls, and is rarely employed in manufacturing industries, but usually in such industries as mining, or railroad building, or in agricultural pursuits.

The opposition of the free-labor element of the country to the employment of prisoners under either of the three systems described above is due principally to two causes: First, until recently these systems were in more general use than any of the others, and second, under them the competition with free labor is direct, and because of that directness is capable of great severity.

#### THE CONTRACT SYSTEM.

This is an outgrowth of the lease system, and is in many States worked in connection with the piece-price system. It was formerly in very general use and is still popular in many of the States.

In the Second Annual Report of the Department of Labor for the year 1886 it is stated—

“That under this system more convicts were employed and more goods manufactured than under any other. In its practical working the prison officers, under legal instruction, usually advertise for bids for the employment of the convicts of their respective institutions, the highest responsible bidder securing the contract. The contractor commonly engages to employ a certain number of convicts at a certain price per day, the institution or the State furnishing the power, and sometimes machinery, but rarely tools; the convicts to be employed, as a general thing, within the walls of the prison.

“The advantages of the contract system are great, when pecuniary results are the chief ends sought. Under it the labor returns or income constituted 65 per cent of the running expenses, taking those institutions in the country that were run under the system purely. The contract system secures the constant employment of convicts, as the contractor engages to keep employed the number of prisoners specified in the contract. He can not, as a rule, even stop their labor by paying for their time. The treasury of the State by this practice is the gainer. This system relieves the prison officials of the necessity of being the managers of great manufacturing establishments, a prison warden, under it, being selected for his general administrative qualities and his efficiency and experience in dealing with men. He may or may not be inclined to conduct his institution on the best reformatory principles, and he may or may not be a political appointee, too often he is; though States are more and more recognizing the necessity of keeping men at the head of their great prisons who are adapted to the work assigned them, without regard to party affiliations. Men can be secured to act as wardens more readily than they can be found who make not only efficient wardens but efficient and successful manufacturers, especially if, as manufacturers, they were to be compelled to manage several different industries. In a financial sense simply the contract system is the most profitable of any to the State except the so-called lease system. Prison officers, prison commissioners, and those directly responsible to the State for the conduct of prisons are, as a rule, in favor of the contract system, because it is their ambition, not only from a personal point of view, but from that of patriotism, to have the institutions under their charge as little burden as possible to the treasury, and to make the proceeds of the employment of convicts equal or exceed the running expenses of the institutions involved.

“It is usually claimed by those who believe the contract system is the best that can be adopted, that sufficient reformatory effort can be put forth under it. They claim that the contractors' men, instructors and foremen are as thoroughly responsible to the State as if they were employees of the State. The chief advantages, in brief, however, are the constant employment of the convicts, the best remunerative results, and the avoidance of business risks on the part of the State.”

The contract system will permit of a high degree of reformatory and disciplinary potency in administration, and may be so conducted as to eliminate many of the objectionable features of the competition with free labor, but these principles are not in harmony with the theory of the system, and are enabled rather by restrictive legislation than otherwise. This restraining feature of the laws regulating the contracts of convict labor has brought the system to a good degree

of adaptation and completeness for the purpose of a labor system in prisons. It now has the indorsement of most respectable expert and humane authorities who have practical conversances with prison management.

The character of these legal restrictions on the contract system are clearly indicated by the following quotations from the recommendations made by Mr. Charles F. Peck, commissioner of labor of New York, in his first annual report, submitted in January, 1894:

“It seems to me not impossible to outline such a plan of general prison discipline and management as will, if embodied in the law, enable the superintendent of State prisons to so administer the affairs of that department that the grievances now existing and complained of may be removed and a system established which will make the prisons reformative and self-sustaining without infringing upon the rights of free labor or of invested capital.

“First. That the superintendent of State prisons be prohibited by law to make or permit any contract with any party or corporation for the labor of convicts in any of the prisons of the State.

“Second. That the superintendent of State prisons shall immediately cause to be published, in the manner now provided by law for contracts for the labor of convicts, notices of proposals for manufacturing to be carried on in the said prisons in such branches of industry as to him seem best adapted to the discipline of the prisons and the remunerative employment of the convicts.

“Third. That such notice of proposals, and all contracts made in pursuance thereof, shall contain the following conditions:

“(a) The party or corporation entering into such contract with the State shall agree to put in such prison, at their own expense, all machinery and appliances necessary for the carrying on of such industry, and to furnish the raw material used in connection therewith.

“(b) Such party or corporation shall also pay such reasonable rent for the use of shops, storeroom, and prison machinery required to carry on such industry as the warden of the prison may consider just and proper.

“(c) Such party or corporation shall pay to the warden of the prison the price agreed upon for the goods manufactured under such contract, said price to be estimated by the piece in the same manner as in similar industries outside the prisons.

“(d) Such firm or corporation shall also agree to pay for, at the stipulated price, all goods manufactured under the terms of the contract, which are made to the standard of perfection agreed upon between the warden and such contracting parties, said contract to specify the maximum number of convicts to be employed thereunder.

“(e) The warden shall agree to conduct the industry specified in such contract with due care and economy; to keep the machinery in proper repair, and return the same to the contracting parties at the expiration of the contract in as good condition as when received, natural wear and unavoidable accidents excepted; to employ necessary instructors and foremen; and to furnish to the contractors, according to the terms of the agreement, the manufactured goods of the grade and standard of workmanship specified.

“(f) That the employment of the convicts shall be under the exclusive control of the proper officers of the prisons.

“(g) No agent or employee of the contracting parties shall be allowed intercourse with the prisoners, or to interfere in any way with their management, except such skilled instructors as may, by permission of the warden, be allowed to assist the foremen and instructors in improving or perfecting the quality of the manufactured goods.

“(h) The contracting parties shall, on or before the 10th day of each month, pay to the warden such sum of money as shall have become due for goods manufactured under the contract during the preceding month.

“Fourth. The maximum number of convicts to be employed in all the State prisons in any industry shall not exceed 10 per cent of the number of free mechanics employed in that identical industry in the State, and in no case shall more than 300 convicts be employed in any one industry or separate branches thereof.

“Fifth. Finally, I recommend that the appointment of all officers under the superintendent of State prisons be nonpartisan and their term of office be made permanent, dependent only upon good conduct and efficiency.”

It is contended by the prison authorities of Michigan that they are doing as much for the moral, intellectual and educational care of the prisoners they work

under contract as for those worked on the State account system, and also that the industries carried on under the State account system have met with more opposition from the labor unions than the labor carried on under contract. In commenting on the system, as now conducted in that State, Mr. O. M. Barnes, president of the joint prison boards, states that—

“The attitude of this State is that whatever the system of work the convict should never be placed under the control of other than prison officers; and that that system of work should be pursued that is found in fact the best for the State, all things being taken into account. That form of the contract system existing in some of the States where the convict is placed under the dominion of the contractor is deemed objectionable because of this dominion. The treatment of the prisoner should always be, and in this State is, the same under the one system as under the other. Where this is, or can be made, the case the prisons should, of course, adopt the system of work that produces in each case the best financial results to the people.

“The fact that under the contract system the contractor furnishes the machinery, raw materials and working capital, furnishes and pays the superintendents, and is at the expense of selling the product, renders the contract system an advantage to the State in many cases, as the State thereby avoids these expenses and escapes the risks and loss of trade. Government is not so well constituted to look after these things, as affairs now are, as private parties.

“A more certain mode of securing skilled and successful managers of these prison industries is, to let convicts to contractors, who have the skill and experience requisite to succeed. In this way each industry comes under the control of a skilled manager.

“If all the convicts should be employed on a single large industry, superintendents would be fewer. But diversification is desirable.

“Experience is valuable in business. So is steadiness. It is important that no changes be made, save to improve. Successful management must be steady as well as intelligent. As conditions now are, the prisons' management of business on State account is liable to more changes than manufacturing by contractors.

“One aspersion upon contract labor is undeserved. It is said that the contract system is a kind of slavery; and that it makes the convict a kind of slave. Is it any more slavery than when the convict is made to work against his will on State account? If the one is slavery, then the other is also.

“It is also said, in opposition to the contract system, that contractors do not pay as much for the labor of convicts as free laborers command. This too, has no actual bearing on the question of systems; but if it does, the answer is easy. For first, the contractors pay as much as the State can make the convicts earn for the State when they work on State account, and, second, the State gets as much for the labor of the convicts as it is worth under existing conditions when compared with free labor. The Government statistics show that convicts produce only one-third the value per man on an average that free workmen in the same industries produce. When the labor of convicts is let due advertisement is made, and the price is the highest bid. Low as the price is many prison contractors give up their contracts and take their manufacturing out of the prison to be carried on with free labor at the higher wages because they can do better thereby. This has often occurred in the Michigan State prison.”

In most of the States in which the contract system prevails, the hours of work that can be exacted by the contractor are limited, as is also, when possible, the amount of work; the prisoners are amenable only to prison officials for breaches of discipline, and they frequently have the privilege of earning extra wages for their own use and benefit when the day's task is finished. The prisoners are employed within the prison walls and under the supervision of the warden, and he has the authority to stop any abuse of power that may be practiced by the contractors.

The feature of the contract system that commends it most strongly, is the almost uniform financial success that has attended its adoption. Under it the State avoids the expense of machinery, avoids the necessity of supplying working capital, avoids the employment of high-priced superintendents and salesmen, and escapes the risk and losses of trade.

The desirable features of the system have been very tersely stated by Mr. Louis D. Pillsbury, superintendent of the State prisons of New York, in a report pre-

pared by him in response to a resolution of the assembly adopted in March, 1880, and directing him to report all available practical information in his possession, or that may be collected from home or abroad, bearing upon the subject of prison labor, with the purpose of securing a greater variety and diffusion of employment in the prison, and with the intent, without wrong to any branch of mechanical industry, without injury to those in prison, and without harm to the State, of substituting, in part or whole, for the contract system some other good form or kind of labor. Mr. Pillsbury summarizes his conclusion as follows:

"From my own observations, and from all the information I have been enabled to obtain at home or abroad on this important question, I have come to the following conclusions:

"That every prisoner who is able to do so should be required to labor.

"That this labor, for moral as well as for economic reasons, should be productive; all systems of nonproductive labor, merely for punishment, having been abandoned by civilized governments because it is degrading and mischievous in its effects upon prisoners and unjust to the State. Such labor lies at the foundation of every successful system of reformation. Society has a right to demand it as a partial restitution for the depredations of criminals, and for the cost of their arrest, trial, and maintenance in prison.

"That no system of prison labor which human ingenuity has yet been able to devise is free from objections; but that, so long as the people of this State demand that the prisons shall be self-sustaining, the present contract system is to be preferred, because—

"1. It produces the best financial results.

"2. It does not interfere with outside mechanical industries any more than any other system of productive labor that has yet been devised.

"3. It gives to the prisoners some knowledge of a handicraft and enforces habits of industry, without which they are almost sure to return to a criminal career, and with which they are enabled to, and in many instances do, lead honest and useful lives upon their discharge.

"4. It is not injurious to health, as is shown by the small number of hospital patients in our State prisons and by mortality lists that compare favorably with those of communities in general outside of the prisons. Our convicts generally leave prison in better mental and physical health than when received.

"The cost of maintaining the prisons of this State for the last fiscal year was \$422,737.97; in 1876 the cost was \$605,040.53.

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"An erroneous impression prevails that the contract system interferes with the discipline of the prisons, at least so far as this State is concerned. In every contract there is a clause providing that the contractor shall have no control over, and shall in no manner interfere with the prison discipline. The State retains absolute control, and the employés of the contractors are required to observe the rules as strictly as the prison officers themselves. No favoritism or rewards for extra work are permitted, nor are prisoners allowed to be overworked, nor are punishments inflicted upon complaints of instructors unless upon proper investigation by the warden or deputy such complaints are ascertained to be well founded. Any serious infraction of the rules by an instructor results in his instant dismissal. There is no more liability to interfere with discipline under this system than there would be under any other requiring an equal number of men in charge of the workshops. The officers and representatives of the contractors alike understand that their tenures of office depend upon a strict observance of prison rules.

"My conclusion is that in eras of prosperity the competition of prison labor is not felt; that during periods of depression it is felt, not because the contractor has an unfair advantage, but simply for the reason that its products add to markets then usually overstocked; and that this would also be the result of any system of productive labor that has yet been, or ever can be, devised. It certainly is the result of the only other practicable system having any reference to profit now in operation in the Northern States with which I am familiar, namely, the public-account system. That is now an experiment at the Elmira reformatory, which, under its present management, undoubtedly produces as much on State account as could be done under contracts to individuals. The only difference is that the State realizes the profit or is subjected to the loss on its products instead of the contractor. But that is a consideration of no real concern, either to the prisoner or to the free laborer, the vital question being how far the market is affected by the products of their labor. But that system applied to our State prisons would be certain to end in loss to the State. It would be next to impossi-

ble to find men to take charge of them combining the qualities of a successful prison manager and the business capacity necessary to manage successfully, not merely a single great industry, but a variety of smaller ones; and if such men could be found, private enterprise would offer them far greater inducements than could be offered to a prison warden. The State of New York had sufficient experience of the system in the losses resulting from its manufacture of iron at Clinton and lime at Sing Sing on State account to warn it against repeating the costly experiment in the future."

In further defense of the contract system, and in answer to a proposition, that the convict labor shall not be lower than the average pay for honest labor similarly employed and that there be a considerable reduction in the hours of convict labor, Mr. Pillsbury stated:

"No contractor would pay as much for convict labor, because it is not worth as much. It is open for competition at all times to the highest bidder, and yet there is a considerable proportion of convict labor unemployed at this moment, because there are no takers, even at the present rates. Contractors do not have the selection of their men, but are obliged to take them as they come, nearly all of them without a knowledge of the trade, and some of them nearly worthless. Compulsory penal labor, without hope of reward or ambition which prompts other labor to the acquisition of knowledge and skill, possesses but little comparative value, and if the price of skilled outside labor were asked for it, it would remain forever unemployed. Besides, the contractor can not shut his prison shop and discharge his men when there is no demand for his goods, as other employers do, but is required to employ his men the year round, or, as sometimes happens, pay their wages when unemployed rather than accumulate stock when there is no demand."

In April, 1877, the legislature of Pennsylvania appointed a joint special committee to investigate the contract convict labor system, as carried on in the penal institutions of the commonwealth, and among other things to report, the effect of contract convict labor on the manufacturing interests of the State. After a full discussion of all the evidence and its bearing on this subject, the committee reported that it was satisfied that contract convict labor has little or no effect, as carried on in this State, on the manufacturing interests of the commonwealth.

The legislature of Connecticut in 1879 passed a resolution establishing a commission to inquire into the feasibility of abolishing the system of contract convict labor in the State prison, and to devise, if possible, a plan by which the prisoners can be kept at regular and fairly remunerative employment in some other way than by contract; to inquire further as to what kind of employment, that can be successfully carried on in the prison, will least conflict with the manufacturing interests of the State. This commission reported in favor of the contract convict labor system as then carried on in Connecticut, in the following language:

"Every avenue of information at home and abroad has been carefully searched; months have been devoted to the inquiry; reports of similar investigations in the United States, Canada, and Europe have been read and considered; the written opinions of men who have made the science of penology a careful study have been obtained; all who have had complaints to make have been heard, and, as a result, the commission have failed to discover any ground for the complaints made against the Connecticut State prison or the contract system. They are satisfied—

"That there are no favored contractors in this State. The complaint of wardens and directors all over the country is: We have great difficulty in finding responsible parties to take our prison labor. Prison contracts can be had at almost any time by responsible parties. Three hundred convicts are now idle, waiting to be contracted for in New Jersey.

"That the price paid for convict labor is not greatly below its value. For while convicts can, and in some cases do, do as much work as a free man, yet as a rule they do not accomplish more than half, while they may, after sufficient practice, do as good work as is done by free labor, yet almost without exception they are entirely ignorant of the work, unskilled in any work, and have no interest in working fast.

"That the profit of contractors as a rule is not larger than the profit of the ordinary manufacturers is proven by figures of actual profit, both with free and convict labor, and by the further fact that as many prison contractors fail as free manufacturers. This is proved by the records of the Connecticut State prison.

The claim that, except in the hat trade, one man who desired to work has been deprived of employment, or that workmen, except hatters, have had their wages reduced, or that any have been reduced to want or crime, has not been sustained by one item of proof, and it is not believed that any proof exists.

"That, with the exception of the hatting trade, the commission have had nothing to satisfy them that the industries of this State are affected by competition with prison industries or by speculation or corrupt competition between prison contractors of this or any other State.

"That although manufacturers and artisans have had every opportunity to be heard, both before this commission and the joint commission of three States, they have failed to show a single instance where the 'wages of free labor have been minimized or even reduced, except as above, in Connecticut, by the combined power and capital of the State,' or 'by unfair and odious competition with compulsory labor.' That prison-made goods do not as a rule undersell free manufactures. On the contrary, the evidence before the commission is that prison manufactures bring a higher price. This is true of the boots and shoes of Connecticut, Rhode Island, Vermont, and probably other States. John S. Perry, of New Jersey, says he has not in a single instance undersold free manufacture, and the manufacturers of stoves, who at first feared his convict labor, are now satisfied that they can compete with him. This is also the statement of Mr. Bigelow, of the Bay State Shoe and Leather Company.

"That the contract system, while not so strictly reformatory as is desirable, yet inasmuch as it teaches habits of industry, a love of work, and so much of a trade as will enable a released convict to earn an honest livelihood, and also as it insures the State constant employment for its convicts, and fair financial returns, is the best system to follow until a time shall arrive when the present prison buildings can be abandoned for reformatories, and labor shall only be used as an aid to reformation. And in reformatories this system will be decidedly the best until men are found of the dual ability required to be a successful warden and manufacturer. For, while men may be found who will succeed admirably in one position, few men will succeed in both.

"While the commission have set forth their reasons for believing that it is not expedient to abolish the contract system, they are not insensible to the fact that the system has many defects. The remedy for one class of these defects has been shown to be the appointment, by the States, of competent, judicious and honest officers, who shall be, as they are in this State, free from partisan influence, and secured in the tenure of their offices during good behavior. There is also great need of some safeguard restricting the, at present, unlimited power which permits contracts to be made for convict labor without consulting any of the industrial interests of the States."

The bureau of statistics of labor of Massachusetts in a report on convict labor submitted in January, 1897, stated that:

"We are satisfied that in the greatest practical diversity of employment under well-defined contracts, properly and publicly secured, lies the best remedial proposition relative to competition in trades, and the essential reformatory methods the policy of the State demands.

"That with the present policy of prison administration in Massachusetts, the contract system of labor, either by the day or by the piece, is the wisest as a rule, but that the administration should have power to adopt the public account system if for the interest of the State.

"In order that the best possible pecuniary results may be obtained for prison labor, and at the same time the advantages secured in making contracts which accrue from free and open competition in bidding for the labor of convicts, we recommend a law providing that no contract shall be entered into for the use of such labor, by the day or by the piece, except after thorough advertisement in different parts of the State for proposals, publication of notice for proposals to be for at least two months; and further, that no contract shall be executed, except upon the approval of the governor and council."

A commission appointed in conformity with a resolution adopted by the legislature of New Jersey in 1878, reported as follows on the contract system of employing convicts:

"The system of contracting the labor of convicts, though liable to abuse, has been so limited and guarded in New Jersey as to prevent most of the evils complained of with regard to it in other States. The prison, the shops, the prisoners and the contractor and his agents are subject to the rules and discipline of the prison, no infringement of which is tolerated."

Take away the legal restrictions imposed on the contractor and it will be conceded at once that if the foremost object is to exact from the convict financial benefit to the State, and other considerations are to be made subordinate to that, no system could be more effectual than the contract, unless it is the old lease system, which surrenders the convict at once to anyone who will take him and keep him.

The contract system is an outgrowth of the lease system, and since its incipency has been constantly criticised because of its lack of reformatory features; the direct and severe competition with free labor and industry that can be attained by its use, as well as the opportunity it affords for prison officials to shirk their responsibility for the care, discipline, punishment, and reformation of the criminal.

The one feature of the system that commends its use is the financial benefit that it is possible for the State to derive from the work of the convicts under it, and it is contended that this feature alone condemns the whole system, in that the contractors, individuals, would not pay for such results unless the privileges granted in return were such as to allow them discretion in the working of the convict and in the disposal of the product. Having these privileges there is but one way that the contractor can utilize them, and that is for his financial benefit, regardless of the welfare of the State, the convict or of other private industrial enterprises.

The vast majority of the committees, commissions, boards and bureaus that have investigated the contract system have either recommended that it be abolished or constantly modified in the vain attempt to restrict the contractor and to keep the convict, as distinct from his labor, under the control and supervision of State officials.

Aside from whatever diversity of opinion may be held as to the true penal system, or whatever measure may be considered feasible, it must be conceded that the contract system rests upon a pronounced popular disapproval; that it is a bar to any progressive, scientific treatment of the criminal classes; that it imposes a special burden, which should be borne by the whole people, upon a comparatively few industries, and those who subsist by them.

If a broad view is taken of the convict-labor question the system that will commend itself is that which first most effectually protects society, both in its moral and material interests, regardless of any pecuniary profits which may accrue from it; then it is believed the contract system can not be considered.

The material interests of society are not subserved by the contract system. This was emphasized by report made as early as 1867 by a commission formed under the laws of New York to investigate the prisons and reformatories of the United States and Canada. This report refers to the fact that the rates paid by contractors for convict labor range from 30 to 45 cents per day, and that the contractors obtain the labor of 3 convicts where they would get that of 1 citizen, and yet each convict performed, on the average, three-fourths as much work as a citizen laborer. Putting these elements together, the case stands thus: The labor of 12 convicts will cost no more per day than that of 4 citizens; yet the convicts will do 9 days work, while the citizen will do but 4. Thus every dollar paid for convict labor will produce as much as \$2.25 expended on citizen labor. The commission concludes as follows:

“Is it possible that the State can be other than a loser by a system which sells the labor of its convicts at 150 per cent less than the same labor can be obtained elsewhere? Upon the whole, it is our settled conviction that the contract system of convict labor, added to the system of political appointments, which necessarily involves a low grade of official qualification and constant changes in the prison staff, renders migratory, to a great extent, the whole theory of our penitentiary system. Inspection may correct isolated abuses; philanthropy may relieve isolated cases of distress; and religion may effect isolated moral cures; but genuine, radical, comprehensive, systematic improvement is impossible.”

The contract system, as practiced at the time of the above report, had many of the features peculiar to the lease system, and the constant tendency of legislation and the improvements in prison methods have been toward removing those features and improving the system, but the perfect has never been attained, and the tendency appears to be to pass by and beyond the system to something better. This is evinced by the character of the reports and legislation in New York State. Following the report above referred to, and in January, 1871, the State commissioner on prison labor of New York, after hearing a great deal of testimony, concluded that the following propositions were believed to be fairly deducible from, and fully sustained, by the evidence:

"I. The contract system of prison labor is bad and should be abolished.

"II. The industries of a prison, as well as its discipline, ought, ordinarily, to be managed by its head.

"III. The successful management of the industries of a prison requires experience and business tact; qualities that can be acquired only by long practical familiarity with such management.

"IV. It would not be wise to commit the industries of a prison to the management of its head so long as he is not only liable, but sure to be displaced on every transfer of power from one political party to another.

"V. Considering the extent of the industries carried on in our State prisons, and the frequent changes of officers therein, the result of which is that inexperienced persons are for the most part at their head, it would be unwise and unsafe to change the system of labor while the system of government remains what it is at present.

"VI. In order to a safe and successful change of the labor system from contracts to State management, it will be an essential condition precedent that political control be eliminated from the government of our State prisons, and that their administration be placed and kept in the hands of honest and capable men.

"VII. The only process by which our State prisons can be removed from the arena of politics—whereby alone a safe basis can be secured for a change in the labor system—is an amendment of the constitution; and to the attainment of that end the strenuous efforts of all good citizens should be directed.

"VIII. While the products of prison labor are not sufficient to sensibly affect the general markets of the country, there is no doubt that in particular localities these products do come into injurious competition with those of outside labor; and whenever such competition occurs it is the result of the undue pursuit of one or but a few branches of labor in prisons to the exclusion of all others, a result which points to the multiplication and equalization of trades in institutions of this class.

"IX. The opposition of the workmen of the State is to the contract system alone and not all to industrial labor in prisons; and not only do they not oppose such labor, but they desire that criminals should be reformed as the result of their imprisonment; and they believe that this can be effected only through industrial labor in combination with other suitable agencies and as the result of the acquisition, as far as that may be possible, of trades during their incarceration."

In January, 1884, Charles F. Peck, commissioner of labor of New York, in his first annual report to the legislature, submitted the following conclusions in regard to the unfavorable aspects of the contract system:

"In submitting to your honorable body the recommendations as to the future policy of prison management which seem best adapted to the moral training of the convicts and attended with least injury to existing interests, it is proper that the evils to be avoided and which attach to existing systems should be briefly stated.

"The contract system as at present administered has been found imperfect for the following reasons:

"First. The object of the law is reform for the convicts. The object of the contractor is to make money from his labor without regard to his reform.

"Second. It is destructive of prison discipline necessarily, from the fact that the prisoners are for ten hours a day under the control of the contractor and his agents, who are in no wise responsible for their reformation.

"Third. It renders impossible a diversity of employment suited to the different capacities of the prisoners and the conditions necessary to their moral training.

"Fourth. It is the intention of the law and to the best interests of society that

the terms of the best conducted prisoners be shortened. It is to the interest of the contractor to keep them longer in prison.

"Fifth. It makes impossible any proper classification and separation of the prisoners, but places in daily contact the comparatively innocent with the most hardened and depraved.

"Sixth. The profits of the labor of the convict belong to the State, the laws of which he has transgressed. The contract system gives those profits to parties not representing the State or interested or responsible, except for monetary considerations, which are a constant menace to the discipline of the prison and the reformation of the convict.

"Seventh. Manufacturers engaged in similar industries and employing free labor claim to be injuriously affected in their business by the operations of the contract system.

"Eighth. The mechanical and laboring interests are opposed to the contract system on the ground that it tends to loss of employment and reduction of wages."

In other reports of the State commission of prisons of New York the policy of the State in contracting or farming out the labor of the convicts is spoken of as highly injurious to free labor in that the products of such labor are sold in the open market at a price so low that, while the contractors were thereby enabled to reap large profits, those who were engaged in the manufacture of similar articles by free labor, were unable to compete and pay the wages necessary to a decent subsistence, and that under the contract system the labor of convicts was farmed out for such small prices that the State, in effect, got nothing; while the contractors were enabled to undersell other manufacturers, and thus decrease the wages of free labor, and in some instances destroy industries that were valuable for the general welfare.

"Comparatively few of the concerns engaged in any industry are in a position to compete for the contract for prison labor and, therefore, it is sold out at extremely low rates. For example, at Auburn Prison, the contract for the labor in making women's calico and gingham dresses and wrappers was at the rate of 50 cents per dozen, 30 cents per dozen for waists and skirts, and at like rates for the labor in manufacturing many other articles. At the State Reformatory at Elmira are contracts for the making of heavy overcoats at 40 cents each, and umbrellas at 4 cents each. At Sing Sing are contracts for making shoes at 6½ and 7 cents per pair, and at the Albany Penitentiary shirts were made on contract for 30 cents per dozen. Like low rates for labor prevail at the other prisons and penitentiaries. How much this cheap labor may tend to cause the abuses produced by the so-called "sweat shops" in the great cities, where manufacturers seek to compete with the manufacture of prison contractors suggests itself. At Backwells Island the labor was largely farmed out or contracted out to various firms and companies whose product was thus brought in competition in the market with the product of other manufacturers using free labor only. In order to meet the competition the latter were forced to cut down their prices below cost, or largely reduce the wages of their employees, or, as in some instances, discontinue that branch of industry. The average earnings, per diem, of convicts so contracted out was from 12 to 35 cents per day; but as the State furnishes and keeps in repair the buildings where this farmed-out labor was done, and in most of the industries owned and kept in repair the machinery used in connection with the labor, the real earnings to the State above expenses are much less."

By a provision of the constitution of the State, and, by laws that went into effect January 1, 1897, the contract system of employing convicts was abolished in New York, and the State commission of prisons in commenting on the fact in the annual report for 1898, states as follows:

"The old system of contracting out the labor of convicts to the highest bidder, which was a species of slavery, passed away when the prison labor provision of the constitution and of the law went into effect January 1, 1897, and is already being looked upon as a relic of barbarism that the State did well in superseding by a more enlightened and practical system. But few manufacturers were situated so as to compete in the bidding. Those with large plants, permanent locations, and many employees could not do so. The contracts therefore, were taken by those who were less firmly located and more adapted to speculative ventures, for a mere pittance which gave the State very little income after paying the additional expense caused, and the repairs of the buildings and machinery it furnished.

The presence of contractors and foremen, not officers, was not helpful to discipline. The contractors were able to make the price of articles manufactured so low as to cripple the business of the manufacturers producing similar goods by free labor, or to lessen the wages of their employes. When we consider the fact that under the contract system shoes were being made in the prisons for 6 and 7 cents a pair, laundered shirts for 30 cents a dozen, trousers for 75 cents per dozen pairs, ulster overcoats for 40 cents each, and umbrellas for 4 cents, while large manufactures of brass and of iron and of furniture were also carried on at similar insignificant prices, the result no longer seems strange. It is no wonder that the industries of free labor languished, and the manufacturers and laborers were joining in annual appeals to the legislature to relieve them from a ruinous and unfair competition, by forbidding the manufacture of various classes of goods in the prisons. The State was not getting a fair value for the labor of the prisoners it was compelled to support, and the manufacturers and their employes were suffering by the unfair competition of the labor sold out to the contractors, who made the profit without fear of strikes or the chance of loss.

"Another abuse which developed under the contract system as it was practiced in New York was the passage of laws permitting penitentiaries to contract with other counties than those in which they were located for the care of those convicted of misdemeanors in such counties, and permitting the magistrates to sentence to such penitentiaries, instead of to the jails of their own counties. The penitentiaries were paid at the rate of \$2 or more a week for each prisoner, and also had the labor of the convicts they received. The actual cost of the board was about half the amount received, so that a good profit resulted from the enterprise. This was the first step in turning the penitentiaries into boarding houses. Later, laws were procured in the interests of the penitentiaries, permitting courts of the State to sentence for terms of five years, or less, to the penitentiaries those convicted of felonies. The State thus transferred to the penitentiaries the labor of the felons sentenced for five years or less, and it had to pay to the penitentiaries \$2.10 for the board of each, though there was ample room for all felons in the State prisons which the State was maintaining, and where it could keep prisoners at about half the price paid. But an even greater objection was, that such a law broke down the separation between misdemeanants and felons, putting those guilty of the greater crimes in association with those who, were, perhaps, more unfortunate than criminal.

"Finally, laws were enacted in the interests of the penitentiaries, permitting them to contract for the care and custody of convicts of other States, without regard to the length of sentence. At the end of their term this class of convicts was discharged at the penitentiary door, and the State of New York, and its penitentiary towns in particular, made a dumping ground for criminals of other States and Territories."

In 1895, the State commission of prisons found about 900 convicts from other States, some under sentence for life or long terms of forty years or more, in association with misdemeanants, in the penitentiaries.

While the contract system, as it is now conducted, is radically different from that under which convicts were employed in 1887, still the following quotation from the reports of legislative committees in Ohio and Pennsylvania, made during that year, indicate the adverse feeling that prevailed in those States against the system at that time.

The committee in Ohio, after taking the testimony of many witnesses and duly considering the questions submitted to it, arrived at the following conclusions:

"The contract system interferes in an undue manner with the honest industry of the State. It has been the cause of crippling the business of many of our manufacturers; it has been the cause of driving many of them out of business; it has been the cause of a large percentage of the reductions which have taken place in the wages of our mechanics; it has been the cause of pauperizing a large portion of our laborers and increasing crime in a corresponding degree; it has been no benefit to the State; as a reformatory agency it has been a complete, total, and miserable failure; it has hardened more criminals than any other cause; it has made total wrecks, morally, of thousands and thousands who would have been reclaimed from the paths of vice and crime under a proper system of prison management, but who now have resigned their fate to a life of hopeless degradation; it has not a single commendable feature; its tendency is pernicious in the extreme. In short, it is an insurmountable barrier in the way of the reformation of the unfortunates who are compelled to live and labor under its evil influences; it

enables a class of men to get rich out of the crimes committed by others; it leaves upon the fair escutcheon of the State a relic of the very worse form of human slavery; it is a bone of ceaseless contention between the State and its mechanical and industrial interests; it is abhorred by all and respected by none except those, perhaps, who make profit and gain out of it. It should be tolerated no longer, but abolished at once."

The committee in Pennsylvania reported in substance, as follows:

"On a full examination, a very large field for careful investigation, taking the principle involved in the first and second questions, which raises the inquiry as to the influence exerted or the effects produced by the labor of convicts in prisons, contracted for or sold to the best bidder, and the product of such labor brought into competition in the market with the product of industries of individual voluntary labor, 'or the interests of free labor,' and 'the manufacturing interests of the Commonwealth.' Your committee is of opinion that the principle is injurious to the 'interests of free labor.'

"The contractor of prison labor has many advantages which it is not always easy to estimate in money when the matter of profits is considered. Among them are to be estimated, no rent for buildings, no insurance, no cost for storage, and the want of all competition in the price paid for convict labor, either by the day or other fixed period, and the compulsion under which the convict toils, the time saved by his location near his work, and the supervision of the convict in performing his taskwork. It is true much depends on the trade carried on and the agreement made between the institution and the contractor. There is no doubt that very large profits are made by contractors, or some of them, and it is equally true that very large losses are made by the State in many cases."

The contract system is now practiced in the State of Michigan in conjunction with the State-account system, and is spoken favorably by the prison authorities who contend that as good results, in every respect, are secured by its use as by any other system. Nevertheless in 1884 when the agitation of the question of the employment of convicts was severe, the commissioner of labor of the State, in a report upon penal institutions, stated that the contract system should be abolished, because—

"First. The contractor has no interest in the prisoner, except in his ability to produce. The prisoner is the ward of the State. His employment is a means, not an end, and no contractor with arbitrary rules as to time, etc., should come between the prisoner and the State. The incentive to labor should be shortened terms, care for dependents, and payment of a stipend when discharged.

"These men are required to work an average of 10 hours per day for the year, 8½ hours in midwinter, and 11½ hours in midsummer, and they work diligently. They have not the relief incident to outdoor labor—no rainy days—all their time is employed, except nights and Sundays. Is it not idle to expect reformatory or educational influences to be exerted, except those incident to industry, or to operate upon men who work 10 hours per day? The inmates are tired, the keepers have been with the men all day, and the warden or superintendent has been engrossed with the management of the financial and commercial transactions of the prison.

"Second. The sale of the product should be regulated by the State.

"Third. If there is any profit in his employment it should not go to the contractor. If the contract system is retained the State should own the plant and machinery as well as the shops, and thus open a wider field for competition."

The subject of contracting convict labor is treated in the first annual report of the bureau of labor of Kansas, in which the objectionable competitive feature of the system is spoken of as follows:

"With the rapid multiplication of machinery, a much less degree of skill is required in many branches of industry, and the skilled mechanic, who may have spent years in the mastery of the details of his calling, suddenly finds himself at a disadvantage, even when confronted with the competition of free labor; but when to this is added a mass of labor, fed, housed and clothed by the State and hired en masse for a mere pittance, to compete with him for the means of livelihood, it makes his lot hard indeed. He feels it is an act of injustice on the part of the State; and he finally comes to regard the farming out of convict labor as a blow aimed directly at the class he represents."

The direct and severe competition with free labor and industry that is possible

by the concentration of a large number of convicts on any one industry under the contract system, is conclusively shown by the testimony presented in the fourth biennial report of the Bureau of Labor Statistics of Illinois. While the laws and rules regulating the employment of convicts under the contract system, as now carried on, may have been modified since this report was prepared, still the testimony is so conclusive and direct on this point that it is here given in full.

"One of the oldest, largest, and most prosperous shops in the Joliet Penitentiary is devoted to the manufacture of cooperage, chiefly for the packing of meats and lard, and chiefly for the Chicago market. The firm engaged in this business has had contracts for convicts at Joliet for many years, and now employs there in all 204 men. In addition to this establishment the same firm has contracts and cooper shops in the northern penitentiary of Indiana at Michigan City, where they employ 169 men. The product of these two shops flows for the most part to the Chicago market, though some portion of it reaches the neighboring cities—Milwaukee, Indianapolis, St. Louis, and even Kansas City.

"Through the courtesy of this firm this bureau is placed in possession of a statement of the amount of their business in Chicago for a term of 11 years—1875-1885, both inclusive. This shows the number of each of four kinds of packages manufactured and sold in Chicago for each year, as follows:

Years.	Pork.	Lard.	Lard.	Beef.	Total.
	<i>Barrels.</i>	<i>Tierces.</i>	<i>Kegs.</i>	<i>Tierces.</i>	
1875 .....	107,320	90,227	8,752	1,167	207,466
1876 .....	116,236	89,552	6,956	1,393	214,137
1877 .....	119,213	86,881	5,976	1,249	213,319
1878 .....	127,046	107,416	9,246	1,592	245,300
1879 .....	213,595	188,320	7,120	1,909	410,944
1880 .....	297,367	257,567	12,560	2,706	570,200
1881 .....	301,034	259,648	6,144	8,944	575,770
1882 .....	304,138	294,088	3,310	10,219	611,755
1883 .....	316,751	312,099	5,387	16,311	650,548
1884 .....	363,255	293,655	3,917	19,160	679,987
1885 .....	379,312	342,159	2,311	21,479	745,261
Total .....	2,645,267	2,321,612	71,679	86,129	5,124,687

"This shows a total of 5,124,687 packages sold in Chicago in 11 years and 745,261 sold last year.

"In order to arrive at some facts upon which to institute a comparison an inquiry has also been made as to the status, past and present, of the manufacture of cooperage by private parties in Chicago. A canvass has accordingly been made among the principal shops, and so far as possible exact figures for a corresponding number of years have been procured from the books of the various firms visited. The records of 26 establishments variously engaged in the manufacture of both so-called 'tight' and 'slack' work were thus obtained. Of these, however, 15 only are and have been for a series of years engaged in the manufacture of provision cooperage of the specific kinds turned out by the prison shops, and upon their statements the following summaries are made:

"First, a tabulation of their annual output for a series of years gives the following results:

Year.	Pork barrels.	Lard tierces.	Lard kegs.	Beef tierces.	Total.
1875 .....	31,000	86,045	2,600	819	120,464
1876 .....	36,870	86,891	2,600	1,700	128,061
1877 .....	39,200	95,600	2,600	6,324	143,724
1878 .....	32,530	98,900	800	5,591	137,821
1879 .....	49,010	133,130	700	5,400	188,240
1880 .....	42,741	121,780	700	4,900	170,121
1881 .....	36,160	121,253	700	4,600	162,713
1882 .....	32,650	133,005	600	4,000	170,255
1883 .....	35,900	122,400	600	-----	158,900
1884 .....	26,750	120,735	400	-----	147,885
1885 .....	34,600	122,562	400	-----	157,562
Total .....	397,411	1,242,301	12,700	33,334	1,685,746

"Here are 1,685,746 packages given as the aggregate product of fifteen cooper shops in Chicago for a period of 11 years; and 157,562 as the total product for 1885.

"The census returns for 1880 show that the total number of cooper shops in Chicago at that date was 65, and that the number of coopers employed in them was 686. In the spring of 1885, however, an enumeration was made by the Coopers' Assembly of Chicago, which developed the fact that 16 establishments had closed out their business since 1880, and that they had given employment to 235 men. This would leave as the present force 451 men engaged in 49 shops, provided the discharged men did not obtain work in the surviving shops. A more recent canvass by this bureau, however, has developed a total of 56 shops of every kind, employing from two men upward, and an average of twelve employees to each, which would give 672 as the total of working coopers in the busy season, which is from November to April.

"Accepting then 56 shops and 672 men as a fair approximation to the present totals in this industry, the question is what proportion of them are engaged in making the four specific packages used in the meat-packing trade. Of the 26 returns received, 15, or 60 per cent., are so engaged; while an estimate by our canvasser is that not more than 40 per cent. are so engaged. Assuming that 60 per cent is the proper proportion, we arrive at the conclusion that 34 shops employing 403 men are the surviving competitors in Chicago of the prison shops. Of these we have the records of 15, employing 182 men, and producing last year 157,562 provision packages. This would make the entire product of 34 private cooperage establishments in Chicago, employing 403 men on provision work, 354,517 packages. Upon this basis the following comparative table is presented of the relative product of prison and private shops, showing the columns in juxtaposition in order to bring out the contrast between them:

Years.	Number of packages.		
	Made in prison shops.	Made in 15 private shops.	Estimated total product of all private shops in Chicago.
1875.....	207,466	120,464	271,044
1876.....	214,137	128,061	288,137
1877.....	213,319	143,724	323,379
1878.....	245,300	137,821	310,097
1879.....	410,944	188,240	423,540
1880.....	570,200	170,121	382,773
1881.....	575,770	162,713	366,054
1882.....	611,755	170,255	383,074
1883.....	650,548	158,900	357,525
1884.....	679,987	147,885	332,792
1885.....	745,261	157,562	354,515
<sup>2</sup> Total.....	5,124,687	1,685,746	3,792,930

"Last year's product of the prison shops was 745,261 packages, while that of all private shops, upon a liberal and legitimate basis of computation, was 354,515. In other words, out of a total sale and consumption of 1,099,776 packages in Chicago, 67.8 per cent was manufactured in prisons.

"Another marked feature of this table is the great and continued growth of the prison industry throughout the period under consideration. This is not more noticeable, however, than the entire absence of any material increase for the same series of years in the development of the industry outside the prison walls. In brief, the contractors' business has increased in volume 360 per cent during the 11 years, while the increase in private establishments was only 31 per cent in the same time. The present output shows a regular progressive growth from year to year for the whole period; but the private shops feebly fluctuate in volume of product throughout the term, and at the end are practically no stronger than at the beginning.

"The manufacture of cooperage, stimulated as it has been by the enormous meat-packing trade in Chicago, should have itself increased four or five fold during the last decade, and would have done so beyond a doubt if such opportunities for free development had been open as were enjoyed by other branches of manufacture. Instead of that it is now a feebler industry relatively than it was

11 years ago, and instead of enjoying the healthy and prosperous growth for which a notable opportunity was presented, it has barely maintained its existence by a constant and unequal struggle.

"But the proprietor has not been the only nor the greater sufferer in this struggle. Under the natural and inevitable operation of the contract system, prices have continually declined, and the citizen, in his fruitless effort to compete with the contractor, has visited every reduction in price upon the journeyman cooper in the form of a reduction in wages. The consequence has been, as is frequently stated, that Chicago coopers have often been able to earn more upon the streets at any kind of unskilled labor than at the trade they have spent years to acquire.

"Some facts in regard to the average annual earnings of coopers for the term of years under consideration have been procured from the books of employers who have been continually in business for 11 or more years. From nine of these we have been able to obtain an average of the yearly payments made to their operatives for each of 11 years, and the results of the inquiry as to wages are presented in the following tabulation of averages:

Years.	Average annual earnings of provision coopers in Chicago for eleven consecutive years, in nine establishments.								
	1.	2.	3.	4.	5.	6.	7.	8.	9.
1875.....	\$624.00	\$700.00	\$643.00	\$640.00	\$625.00	\$690.00	\$650.00	\$634.00	\$511.00
1876.....	624.00	700.00	624.00	625.00	600.00	689.00	624.00	591.00	501.00
1877.....	593.00	675.00	607.00	600.00	600.00	680.00	598.00	540.00	500.00
1878.....	572.00	675.00	604.00	590.00	540.00	670.00	598.00	500.00	450.00
1879.....	572.00	675.00	579.00	590.00	500.00	680.00	603.00	482.00	450.00
1880.....	525.00	640.00	572.00	575.00	500.00	600.00	572.00	475.00	450.00
1881.....	519.00	490.00	572.00	575.00	500.00	590.00	572.00	475.00	441.00
1882.....	515.00	490.00	504.00	575.00	450.00	550.00	572.00	462.00	411.00
1883.....	513.00	460.00	546.00	575.00	450.00	400.00	546.00	450.00	410.00
1884.....	488.00	400.00	473.00	540.00	420.00	400.00	481.00	400.00	400.00
1885.....	469.00	400.00	468.00	500.00	395.00	400.00	467.00	400.00	390.00
Decline.....	25%	43%	27%	22%	37%	42%	28%	37%	24%

"These 9 establishments are selected from the whole number reporting wages because the data in these instances are full for the 11 years in each case, making a complete serial table for the term. The returns from other shops are more or less fragmentary, although the downward tendency is equally marked in every case.

"The decline is seen to be painfully uniform from year to year in every establishment, the percentage of reduction varying in different shops from 22 to 43 per cent. Another arrangement of the figures will give the annual average for the same shops, by years, and the general average for the term:

Establishments.	Annual average of earnings in nine establishments for each of eleven years.										
	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
1.....	\$624	\$624	\$593	\$572	\$572	\$525	\$519	\$515	\$513	\$488	\$469
2.....	700	700	675	675	675	640	490	490	460	400	400
3.....	643	624	607	604	579	572	572	564	546	473	468
4.....	640	625	600	590	590	575	575	575	575	540	500
5.....	625	600	600	540	500	500	500	450	450	420	395
6.....	690	689	680	670	680	600	560	550	400	400	400
7.....	650	624	598	598	603	572	572	572	546	481	467
8.....	634	591	540	600	482	475	475	462	450	400	400
9.....	511	501	500	450	450	450	441	411	410	400	390
Average.....	613	611	599	577	570	545	523	510	481	445	432

"This shows that a general reduction has taken place in the earnings of coopers in the provision cooperage shops of Chicago from \$613 per annum in 1875 to \$432 per annum in 1885, or an average decline of 30 per cent. Some part of this may certainly be due to other causes than the competition arising from the prison shops, but the uniform belief among those interested is that the greater part of it is directly chargeable to that influence. As confirmatory of their statements we

cite from the pay rolls of three shops in which beer barrels alone are made the average earnings paid that class of coopers for a number of years past:

Years.	Average annual earnings of beer-barrel coopers in 3 shops for a series of years.		
	1.	2.	3.
1876.....	\$682		
1877.....	675		
1878.....	670		
1879.....	662	\$660	
1880.....	647	651	
1881.....	650	645	
1882.....	650	640	\$675
1883.....	620	640	650
1884.....	624	626	625
1885.....	622	626	623
Percentage of decline.....	8.9	5.2	7.7

“Here the decline is not greater than might be expected from general causes, ranging from 5 to 9 per cent.

“Presented in averages by years the earnings of this class of coopers, not affected by convict labor, appears as follows :

Establishments.	Earnings of beer-barrel makers in Chicago for a series of years.									
	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
1.....	\$682	\$675	\$670	\$662	\$647	\$650	\$650	\$620	\$624	\$622
2.....				660	651	645	640	640	626	626
3.....							675	650	625	623
Average.....	682	675	670	661	649	647	655	636	625	623

“ Thus at the present date the earnings of coopers not injured by prison competition is found to be \$623 per annum, while the earnings of those who are is only \$432, though 10 years ago they were substantially the same. But another line of inquiry has brought out some facts as to the earnings of provision coopers in other cities where the influence of the prison manufacturers is not felt, or only felt in small degree. Among the latter places are Milwaukee, Indianapolis, St. Louis, and Kansas City, and of the former Louisville, Denver, and Eastern cities are examples. From each has been obtained the ruling price paid for making pork barrels, and an average week's work is considered 30 barrels; thus the table presents the prices paid and the possible earnings at different points:

Locality.	Price per piece paid for making pork barrels or lard tierces.	Average weekly earnings of coopers.
Chicago.....	\$0.25	\$7.50
Milwaukee.....	.30	9.00
St. Louis.....	.30	9.00
Kansas City.....	.30	9.00
Indianapolis.....	.334	10.00
Louisville.....	.35	10.50
Denver.....	.35	10.50
Buffalo.....	.40	12.00
Rochester.....	.40	12.00
Baltimore.....	.40	12.00

“ No comment can add to the suggestiveness of these figures, and it only remains to refer to the movement in prices in the Chicago market since the establishment of the penitentiary shops to complete the outline of the case against convict labor in cooperage.

"The following tables of prices for barrels of the specified kinds, for a series of years, is compiled from data furnished by manufacturers who have been in the market for the period named:

Years.	Market prices for eleven years for—			
	Pork barrels.	Lard tierces.	Lard kegs.	Beef tierces.
1875	\$1.80	\$1.55	\$1.10	\$2.00
1876	1.54	1.50	.97	1.88
1877	1.31	1.40	.85	1.80
1878	1.30	1.38	.80	1.72
1879	1.26	1.34	.75	1.65
1880	1.25	1.30	.72	1.52
1881	1.25	1.30	.72	1.52
1882	1.21	1.26	.67	1.48
1883	1.19	1.25	.65	1.45
1884	1.18	1.22	.65	1.45
1885	1.15	1.20	.60	1.40
Percentage of decline	36	23	46	30

"The noticeable feature in this table of prices is the correspondence between the decline in prices and the reduction in wages. This shows a varying percentage of decline in the different kinds of packages equivalent to an average falling off of 33.7 per cent, while the computed reduction of wages for the same period was 30 per cent. Meanwhile the demand for this class of goods has increased, as shown by a former table, from a total consumption in 1875 of 478,510 packages to 1,099,776 packages in 1885.

"It is unnecessary to enarge upon the significance of these facts and figures in regard to cooerage."

The above facts are commented on in the Second Annual Report of the Department of Labor as follows:

"The simple fact that 67.8 per cent of the provision cooerage used in Chicago is manufactured in prisons, by contractors who pay no rent, no insurance on buildings, and no taxes on realty, and hire men at from 45 to 62½ cents a day, renders every other fact here shown as to the decline of the business in Chicago, the falling off in the market price, the reduction in wages, and the consequent reduction of skilled coopers to the rank of day laborers inevitable without other demonstration.

"If the competition is severe in any industry and in any locality the contract system is, in so far, condemned. The material competition is aggravated by the moral aspect of the case. Workingmen feel aggrieved that contractors should be able to employ labor at a few cents per day, ranging perhaps from 20 to 60 cents for long-term men, and that the contractor, as an individual, should have the advantage, under the patronage of the State, of securing gains to himself. They feel that it is an affront to them, not only as wage receivers, but as contributors to the general wealth through their producing capacity. All manufacturers not identified with prison contracts feel aggrieved that the State should offer individual advantages which they themselves can not secure by any industrial competition, and while it is true, as conclusively shown, that as a whole the convict is not equal in efficiency to the free laborer, yet it is also conclusively shown that this inequality is more than made up by the other advantages secured by the contractor. Penologists take the ground that it is a disadvantage so far as regards reformatory efforts. They demand that all the operations of a prison, whether administrative or manufacturing, should be entirely in the hands of the State's own appointed officers, and they point to many circumstances which serve to confirm this position.

The State assumes control of the convict, and it is not just to the convict or fair to the community that any part of the responsibility should be shared with an irresponsible contractor, or any individual, who is not connected with the State government. It is claimed by the opponents of the system that under it the State, in fact, goes into partnership in an industrial enterprise, in which it seeks for good financial results and shirks its responsibility. The prison ceases to be an institution supported by the State for the betterment and protection of its citizens. The contractor's only desire is to fill his coffers, and while the rules

of the prison, laws, and conditions of the contract indicate that the true features of prison discipline are guarded, from the very nature of the copartnership arrangement they can not be. The contractor must be consulted in all arrangements affecting the work of the convict, and he in time will, to a large extent, control the institution.

It is asserted by people who have charge of prisoners that under the contract system they have been able to get more remuneration for the labor of the prisoners; why that should be so has never been clearly explained, except in a very unsatisfactory manner, viz, that it is owing to the lack of capacity of the people who have charge of the prisons.

The argument that the system renders the institution self-supporting is not a logical or liberal one, and should be given no consideration if the intention is to determine between a right and a wrong system.

#### B. THE PIECE-PRICE SYSTEM.

This is a modification of the contract system and was developed from that system in order to overcome some of the objectionable features of that method of employment. Under it either the State or the individual may own the plant necessary to the manufacture of a given product. The proposition of the State is, then, to transform anybody's raw material into a specified product for a given price per piece.

The advantages of the system are that the State does not appear in the market, either as a buyer of material or seller of goods. Under it a great variety of industries can be conducted; the contractor's men have no position in the prison; and every effort for reformation is left untrammelled by outside influence; and, if the State owns the necessary plant, as is usually the case, and the bidder is not required to invest his capital in machinery before he can avail himself of the opportunity to bid for prison work, then all outside parties are upon an equal footing and bids will approximate the maximum value of the work.

While these features result in giving the system many advantages over the contract system and do in a large degree satisfy the prison reformer, they do not remove the competition with free labor. This is clearly shown by the conditions under which the system was worked in California. According to the first biennial report of the bureau of labor of that State the piece-price system went into effect January 1, 1882.

The report says: "Prior to that time a few business firms in San Francisco practically controlled the State prison at San Quentin by contracting to furnish its convicts with labor at so much a day. This was seen to be wrong, and by the provisions of the act of 1880 the contract system was done away with, and in its place the following plan of working the convicts was ordered: That the State should supply the labor and motive power to whosoever wished to engage them, and then that the product should be sold at a reasonable rate. This practically made the old contract system as active as it ever was, although masquerading under another name. Instead of contracting to pay so much per diem for convict labor, the firms who now make use of a State institution, contract to pay so much for the product of that labor. It is true that the contract is now called a "proposition" but its effects are practically and precisely the same. The result proves this. The evil complained of under the contract-labor system was, that the firm was paying a low, an exceedingly low, rate of wages and were enabled to have made for them articles at such a price that it would be impossible for any other manufacturer who was not enjoying the benefits of such a contract to produce similar goods at anything approaching a similar price. Under the present system, a few firms contract to take from the prison all that is manufactured there at certain prices, but these prices, like the wages they paid, are so low that

they once more receive their goods at a rate which again enables them to place them on the market at a figure with which no outside firm can compete. What difference does it make then whether these firms contract to pay a certain wage or contract to pay a certain price for the product, when wage and price are both ruinously low? Call it wage per diem, or call it price per piece, the result is precisely the same."

The prison labor reform commission created by the legislature of New York in May, 1886, discarded the piece-price plan in the following conclusions:

"Only a few years since there arose in this State a cry from the ranks of the laborer against the contract system. The result was the abolition of that system 3 years ago. Those who declared against the contract system not only did not object to the piece-price plan, but in some instances commended it. But a careful and painstaking examination of the piece-price plan in practical operation, and where the comparative tests have been fairly applied, shows it to be clearly more oppressive and therefore more offensive to competitive free labor in certain respects than even the contract system. The system of labor known as the piece-price plan has been tested in several prisons, notably in New Jersey. The result shows that, so far from meeting the objections of prison labor competition, which had been the cause of the change there from the contract to the piece-price plan, the latter was found to be a more serious competitor with free labor than the contract system. It was clearly demonstrated that more goods were manufactured and turned loose upon the market per capita than under the contract system, and that the State received less pay for it. Less hours of daylight in winter and the botchwork of beginners or of inferior workmen militated against the State, it is true, but in order to meet the agreement with the employing agent or contractor, a greater amount of work and greater ratio of production was required. The State, becoming the manufacturer by this system, agrees to furnish a given quantity of manufactured goods within a specified time, as well as at a given price, and of necessity such goods must come up to the standard fixed by the party who takes the product. If from any cause—unskillfulness or viciousness entering conspicuously into this estimate—these goods are damaged, or fail to reach the high standard of excellence fixed and passed upon by the contracting agent, they are of course rejected, and the State is the loser. By this system also citizen "instructors" employed by the contracting agent may be placed in charge of the work of convicts. This was one of the objections urged against the contract system proper, as often, if not always and of necessity, interfering with prison discipline. If profit and product were the end and aim chiefly to be desired, there would be no material objection to urge against the piece-price plan as the next best thing to the old contract system, or as the contract system by another name, with certain modifications unfavorable to State profit and the interests of free labor. If, on the other hand, the reformation of convicts is to be fostered and encouraged, the question of profit from convict labor must be sunk out of sight, and the State and its chosen officials must have full control of the task, the hours of labor and the discipline of the convicts, as well as the fixing of a standard of excellence in the manufactured product regulated by such rules, rewards, or punishments as shall be deemed just and necessary to a proper performance of the tasks assigned."

The system is so closely allied to the contract system that the advantages and disadvantages of both should practically be treated as the same, though from a theoretic standpoint, at least, the piece-price system is capable of greater utility in meeting and overcoming the objectionable features of convict labor.

#### THE LEASE SYSTEM.

This system has but few advocates and but one advantage. Its single advantage is, that it insures a good financial return to the State operating it. According to the Report of the Department of Labor, it is the most remunerative system in vogue, its proceeds constituting 372 per cent, taking all States together that worked under it in 1886, of its running expenses. Under this system the State practically has no care of the convicts; it shirks its entire responsibility beyond the receipt of the money specified to be paid by the lessee.

The system prevails in but few States, and those are almost entirely in the southern section of the country, where it is claimed that the climatic conditions

and class of criminals are such that it is the most practical, if not the best, system that could be adopted. This may be temporarily true, but the disadvantages of the system are so great that the advantages are overshadowed.

Bad as the contract system is, in a reformatory view, even when checked and controlled by the State's appointed agent, it is, nevertheless, far better than the system of absolute leasing. For, while the leasing system is liable to all the abuses of the contract system it is open to some peculiar to itself. The temptation to excessive gain, and to whatever abuses thought conducive to that end, have no restraining tie. The same principle underlies it as that which generated the horrible and disgusting abuses of the old English jail system.

The lessee becomes the agent of the most active competition. Places pecuniary interests in conflict with humanity. Makes possible the infliction of greater punishment than the law and the courts have imposed, renders impracticable the proper care by the State of the health of the prisoners, or their requisite separation according to classes, sexes and conditions. Reduces to a minimum the chances of reformation, and places convict labor, in many instances, in direct competition with the honest labor of the State.

## CHAPTER III.

### EMPLOYMENT OF PRISONERS FOR PUBLIC BENEFIT EXCLUSIVELY.

The results of prison labor may be devoted to the benefit of the State, or of its institutions, under either of the following methods of employment.

First. By the public-account system, under which the institution carries on the business of manufacturing like a private individual or firm, buying raw materials and converting them into manufactured articles, which are sold in the best available market.

Second. By the employment of prisoners upon public buildings, works and ways.

Third. By the employment of prisoners in the manufacture of goods for consumption in government institutions.

#### A.—THE PUBLIC-ACCOUNT SYSTEM.

Any industry whether manufacturing, agricultural or mining, in which prisoners are employed and where the products of their labor are to be sold, the cash proceeds being devoted exclusively to the benefit of the State or its political subdivisions, is classed under this general system.

The advantages claimed for this method of employment may be summarized as follows, Whatever profit is made in labor and in sales goes to the State; no individual secures an advantage in the production of goods; the prisoner works with better spirit, because he knows his work is for the State he has offended; the prisoner is entirely under State control; it offers the best opportunities for reformatory efforts; the price of free labor is not affected; the State can regulate the amount of any given product it manufactures; it permits of a diversity of occupations for the convicts; it can be modified in many ways to suit the conditions prevailing in different localities; motive power may or may not be used; the prisoners may be employed with the intention of reformation rather than meeting with financial success.

The system, in some form, is practiced to a greater or less extent in almost all of the States. Its adoption has been recommended in numerous official reports giving the results of close and extended investigations of the convict problem.

In January, 1887, the commissioner of labor of Michigan submitted a very exhaustive report on convict labor, and concluded an elaborate discussion of the whole subject with the recommendation that the contract system, which was in vogue in the State, be abolished, and as a substitute therefor that the convicts be employed upon the State-account plan, without the use of motive-power machinery.

In recommending the State-account system, a special committee, appointed by the legislature of Pennsylvania in 1887, stated that in order to avoid the profit made by contractors to the injury of free labor, it is not only necessary to abolish the contract system, but also to modify the convicts' labor, so that it will not injuriously affect the private enterprise of any class of outside manufacturers.

The committee concluded that this could best be done with a due regard to the burden of taxation, State, county, or city, and the proper support of prison inmates by teaching each prisoner a full trade, avoiding the use of machinery, and disposing of the product of convict labor in the open market, where the best articles command the best price, confining, as far as possible, the industries taught

to those articles that are used in public and penal and charitable institutions supported by taxation. The profit, if any, under this plan would result directly to the benefit of the taxpayer. Diversifying the trades taught, seeking for those that are least injurious to free labor, trying to dispose of the products of these industries where the competition is hardly ascertainable, and the placing on the management of these institutions the duty of careful supervision of the trades taught, and the disposition of their productive labor, so that the closest economy will be the positive effect of their administration, and the necessary reduction of the smallest amount of taxation, are the remedies to be sought, and are both feasible and practicable.

In an extended discussion of the advantages and disadvantages of the various methods under which convicts are employed, the commissioner of labor of Illinois, in his fourth biennial report, makes the following statement concerning the possibilities of the public-account system:

"Some of the characteristics of the public-account system have already been adverted to, but may be briefly restated. This system contemplates the employment of convicts by the warden, and for the State, without the intervention of any other persons or interests. To express more fully the possibilities of the system under its best form of development, it contemplates, first, such employment as will promote in the highest degree that discipline, correction and reformation which will best fit the criminal for restoration to society, and, secondly and incidentally, enable him most effectually to contribute to the cost of his incarceration. For the maintenance of such industries the State furnishes the necessary equipment, and must, of course, buy its material and sell its product in open market. It is manifest that the degree of success which may be attained under this system, both in reformation and in avoiding harmful consequences to outside interests, depends wholly upon the relative importance which is given to the two specified objects.

"If the administration is directed chiefly to the development of the individual tendencies and capacities of the convicts, the varieties of occupation given them will necessarily be great, involving perhaps, corresponding expenditures for equipment and superintendence, and presumably smaller revenues to the State. But this diversifying of occupations will, at the same time, not only constitute a potent reformatory measure, but will also of necessity greatly reduce, if it does not wholly remove, all injurious competition. Thus may be the best fruits of the system be realized and the justification of the system itself be established, though possibly the revenues may be somewhat impaired. On the other hand, if it be the disposition of the management to maintain few but extensive shops, and make general use of improved machinery and appliances, the establishment would no doubt be more successful as a manufactory, and might possibly pay dividends upon the capital invested in it; but, aside from the advantage which would flow from the absence of the contractor, it is difficult to see wherein the public-account system, as thus administered, would be any improvement over the contract system. So far as competition is concerned, the State, as a manufacturer and seller, on a large scale, of machine-made products, would not only perpetuate the evils of the contract system, but possibly aggravate them, for the necessity to sell would be just as imperative, while the incentive to realize a good price would be less than that of a contractor with his private capital at stake.

"Thus the success of this system may be said to rest wholly upon the manner of administering it. It may be so readily abused, by an officer willing to defeat the object of which it is established, that, unless the details of its execution be defined within careful limitations, it may prove a remedy worse than the disease."

If the principle to be recognized in the employment of convict labor shall be that such a system be chosen, as shall first tend to promote in the greatest measure the discipline, punishment, and reformation of the convict, the public-account system commends itself more strongly than any we have thus far considered. Under it the State has complete control of the convicts, unawed by obligations or demands of contractor, agent, or instructor.

A legislative committee of New York, in May, 1886, after a careful consideration of all the interests and the responsibilities involved, recommended the adoption of the public-account system in the following terms:

"The choice is made in the discharge of a conscientious duty and after a careful weighing of the subject in detail. This duty was not sought, but rather imposed. It was not accepted without a fair conception of the delicacies and difficulties surrounding it, and its discharge has been in the desire fairly to subserve the highest interests involved. There were, as stated at the outset, but two systems left from which, of necessity, choice must be made for the employment of convict labor in the State. The commission believes that the correct tendency and logic of the times trend in the direction of 'prison-labor reform,' and so believing, it had but one intelligent duty to perform, and that duty was to adopt the only system which opened the way to reforms both needed and demanded."

It is conceded by many who advocated the public-account system, because of its reformatory and disciplinary features, without regard to the financial results, that the best results can be reached by abolishing the use of machinery. This has been done in the Eastern Penitentiary of Pennsylvania, if not elsewhere, and it is proved conclusively that goods made in this way find a market at fair prices.

In discussing this feature of the public-account system, it is stated in the Second Annual Report of the Department of Labor that with such a plan in vogue throughout the United States, or in the majority of the States, there could be no complaint as to the effect of convict labor upon the rates of wages or upon the sales of goods, either in price or in quantity.

"By the adoption of the hand-labor plan the State would be relieved from the necessity of securing manufacturers of skill and experience as wardens. Any man fit to be warden of a prison—and this in itself requires men of the highest qualities—can manage a prison and conduct its industries, if they be carried on under the hand system without the aid of power machinery. The disadvantages which must be placed over against these great advantages that have been enumerated, are, under the broadest consideration, trivial and of no great account. The objection to this plan, which has been proposed by many investigators, and which is now under consideration, involves the abandonment of the idea that prisons must pay. It contemplates the adoption of the principle of securing the maximum reformatory results without regard to the income to the treasury. All other systems contemplate maximum results to the treasury, with as much regard for reformatory results as is possible without interfering with receipts. This objection is the weightiest against the hand-labor idea, because it is recognized by all men that a healthy convict, having offended society and put it to great expense to repair the damages he has done, or to convict and punish him, or to exclude him from society that he may commit no more deprecation, should be compelled to earn his support as the ward of the State, although he did not earn his support while not a ward of the State. This objection in regard to expense is one which the American public will probably meet in the heroic manner in which it meets all such problems, that is, in the spirit to do the best for the whole body politic without regard to expense; nor should this objection have much weight, when the facts are considered."

Farming operations under the public-account system have met with good success in many of the States, especially in the South. It eliminates the serious objection to close confinement; reduces competition to a minimum and gives the State full control of the convict.

"The most extensive farming operations by convicts in this country are to be found in North Carolina. It appears by the report of the board of directors that 14,600 acres of land were under the control of the penitentiary, by lease or otherwise, in 1896. The area cultivated in all crops that year was estimated to be 11,300 acres. Nearly 900 convicts were employed on this land. The bulk of the products consisted of cotton and corn. The farming operations were so profitable that in 1896 the penitentiary paid all its expenses. This was the first time, however, in its history of more than a quarter of a century that it was possible to report the full support of the penitentiary from its own resources."

The state of affairs in North Carolina indicates that, even under especially favorable conditions, agricultural employment can not be relied upon to furnish full occupation for convicts; it is available for only part of the year. While, therefore, it may be made exceedingly useful in connection with other forms of work, it can never become wholly a substitute for mechanical or other industrial employment.

## OBJECTIONS.

The public-account system embodies in a large measure the true theory of penal administration and while it is possible by competent and judicious management so to control the labor of convicts under it, as to lead to good results financially for the State, as well as reformatory, disciplinary and educational for the prisoner, the history of the system does not show that these results have uniformly attended its adoption, nor does it appear that its use has removed the objectionable features of competition with free labor.

The reason why the system has failed to meet with all the success presaged by its advocates, have been stated as follows:

The difficulty of securing men efficient as wardens, and at the same time efficient as practical manufacturers and business managers; with the increase in the size of the institution and diversification of the industries this difficulty increases. The impossibility of combining under it the capital, machinery, mechanical skill, business skill, and ability necessary to the successful operation of such an enterprise. The impracticability of finding a ready market for the manufactured products.

The objections to the system as it had been conducted in New York were summarized by the commissioner of labor of that State in 1884 as follows:

"The public-account system, as it has been administered in this State, has been found imperfect in the following particulars:

"First. It was extremely costly.

"Second. It was made a political machine to furnish places for small politicians, rather than an institution to reform the criminals.

"Third. The convicts were employed at labor not adapted to remunerative results, or to any possibility of discipline.

"Fourth. The officers did not attend to their duties.

"Fifth. The large outlay of the funds of the State gave opportunity, in the general disorder and mismanagement, for wholesale extravagance and speculation.

"Sixth. The councils of the administration were divided, and consequently there was no unity of purpose or well-defined responsibility.

"Seventh. The administration was altered periodically, and the officers held position on account of their skill in politics, not prison management.

"Eighth. The control of the prisoners was put in the hands of jealous and scheming incompetents."

In the report for 1898 of the proceedings of the board of control of prisons of Michigan, where both the public-account and contract system are in vogue, it is stated that—

"The only reason why more convicts are not worked on the State account is that the State gets more profit and better results on the whole when the prisoners work on contract. The course taken is wholly based on business reasons, and that course pursued that is in each prison found best for the State. It is believed, however, that all the boards and wardens are of the opinion that conditions may change so that the State-account system may do better than it has done."

"Under this system the same influences that govern business circles outside of the prisons, and tend to prosperity or adversity, obtain in prisons, and influence trade favorably or unfavorably."

The success of the public-account system is dependent not only on the ordinary contingencies that control industrial and mercantile transactions, but is subject to the following which are peculiar to itself: At times the products are a drug on the market, but the convicts must be kept employed, thereby increasing the stock of goods to be disposed of; the sale of the goods is retarded, not only by the indisposition of dealers to have transactions in goods made by convict labor, but by legislation that requires the goods to be branded, or sold outside the limits of the State where manufactured, or not sold at a lower rate than the regular market price; but a small percentage of the convicts have had any practical experience

in mechanical pursuits, and of this small percentage but a few can be classed as skilled mechanics; the necessity for a diversification of industries with no skilled help in any of the branches; the indisposition of the convicts to put forward their best efforts; wardens are seldom good managers of convicts and also good managers of manufacturing enterprises; the wages of a prison warden are but a small temptation to a man who has the ability to meet with success in the business world; public officials become careless of those details which are essential to business success; the temptation to defraud, especially if the tenure of office depends upon the success of political parties.

As a large percentage of the business men during their business careers are obliged to go into bankruptcy, or to make assignments for the benefit of creditors, the opponents of the public-account system claim that men employed for the State under salaries could meet with no better success, especially when in addition to the ordinary difficulties attending a business career they have in addition to combat with those which are peculiar to the system.

The failures and admitted risks of the public-account system cause prison managers to shrink from the great responsibility of establishing it in a prison where large numbers are confined. Beyond a doubt it can be made effective, when but 50 to 300 are employed, but when thousands are to be employed the case is far more difficult.

The public-account system had been in actual practice in Illinois for some years when, in 1872, a legislative committee was appointed to investigate the penitentiary. The report of this committee disclosed a net loss to the State during four years and five months of management of \$314,212.

"The causes which had led to this result are stated categorically as six:

"1. Inexperienced and incompetent management.

"2. Want of harmony in the management.

"3. Depreciation of property and of manufactured articles, experienced alike by all persons engaged in manufacturing during the same period.

"4. Want of stability in the plans of management and changes in officers and subordinates.

"5. Loose and careless manner during the first two years of purchasing and receiving goods.

"6. The payment of large amounts as interest, made necessary by lack of capital and credit."

The committee, therefore, submitted a report to the effect that they were of opinion that the feeding, clothing and guarding of the convicts, without any return for their labor, can be secured for less cost to the State than has resulted from the manufacturing experiment; and that it would be a measure of economy for the State to feed, clothe and guard the convicts by direct appropriation, and leave the labor wholly unemployed, as compared with the results of the experiment in engaging in manufacturing.

Perhaps the chief disadvantages arising under this system are the difficulty of disposing of the products, the impracticability of furnishing constant employment to the convicts, and the competition with free labor and industry.

In regard to the difficulty of disposing of the products of convict labor the commissioner of prisons of New York in his first annual report states:

"The objection generally of the people to such a direct competition of convict labor has made it so difficult to sell the goods known to be the product of prison labor that the goods could not be sold in the market at the same price as the product of other manufacturers; and in order to make sales the price was necessarily reduced, thus producing the same unfair competition and reducing the price of all goods of that class, and causing the same result in the market as the contract system. Further, the difficulty of selling prison-made goods has caused large expense in the sales department. \* \* \* Therefore it would seem to be evident from these results that it is not practicable for the State to manufacture on its own account for sale in the open market."

Under the contract system the contractor has very strong reasons for getting good prices. The prison officer has not the same personal motive, however faithful he may be. The superintendent of the Ohio Reform School has stated:

“That with the same number of boys the State realized \$25,000 more per year from the piece-price plan than from the State account plan. The reason of the gain was the better facilities which the contractors had for getting higher prices for their products. It is important to free manufacturers and to free laborers that prison products shall not sell for low prices in the market in competition with those of other factories. In that form competition might be seriously felt in a dull market by compelling the shading of prices.”

It has been shown by numerous investigations that under the public-account system there is a greater competition with the products of free labor, so far as the price of the goods is concerned, than under any other.

In the second annual report of the Department of Labor for the year 1886 it is stated:

“That the competition under the public-account system has been the experience of the past, and this is a reasonable claim, for the officers of the prison manufacturing goods on the State or public account are not obliged to secure a profit on the goods sold, because the State can not fail, and as nothing is paid for labor, the cost of production being almost entirely for material, goods can be sold for small percentage above the cost of material, and yet no great disaster arise to the institution. It is often suggested that this difficulty can be met by providing by law that goods manufactured in a prison conducted on the public-account system shall not be sold in the market for a less price than the market rates for the same kind and quality of goods. This is all very well for a law; but the law can not compel a purchaser to take the goods, and the inevitable result would be, if such goods did not meet a ready sale at market rates for the products of free labor, they would be sold nominally at such rates, subject to discount for cash, for prison officials would not care to pile up goods in the prison warehouses.”

While a diversification of industry is essential to the proper employment of convicts, the constant tendency under the public-account system is to a centralization of all the labor on one or a few lines of product. It is only by such practice that success is possible. Few great manufacturers undertake several lines of production. This tendency leads to an overproduction of a given product and the resulting underselling, and the necessity of curtailing the number employed, or the time of employment.

The public-account system was in actual practice in Wisconsin, but finally abandoned, and the contract system substituted. After this action the bureau of labor and industrial statistics of the State submitted a report on the condition of convict labor, in which the following statement in opposition to the public-account system appears:

“I wish also to call the attention of those favoring what is called the State-account system to the strong complaints made by several boot and shoe manufacturers against the competition of the reform school at Waukesha. There the State owns everything, uses inferior machinery, employs nothing but boy labor, and sells whenever and wherever it can. Our State prison was formerly run on that plan, but the resulting evils so stirred up manufacturers that the present contract system was devised to take its place. We now see, even by this superficial glance, that our legislature will have many things to consider in dealing with the question of prison labor; and professional agitators, reformers, and manufacturers who demand the abolishment of the contract system fall far short of their full duty and of statesmanlike conduct when they neglect and refuse to lend their aid toward devising some suitable plan to take the place of that which they propose to destroy.”

The charge is frequently made and sustained that the selling price of the convict-made goods controls the market and the system is open to objection on the ground that the State should neither directly nor indirectly enter into competition with the laborer or manufacturer for the purpose of raising revenue to pay the expenses of restraining and confining the criminal classes, and thereby protecting society from danger and contamination, any more than it should engage in competitive business for the purpose of providing revenue to defray the other expenses of the State government.

## B.—EMPLOYMENT OF CONVICTS ON PUBLIC BUILDINGS AND WAYS.

This system of employment is advocated on the theory that it completely removes any real or supposed competition in prices; the State receives the full benefit of the labor in the shape of permanent improvements; it requires no skill on the part of the workmen and therefore no time is consumed in instruction, and short-termed prisoners can be worked with advantage; the work is healthful and important, and can be of such a character that it would not otherwise be accomplished.

The system is in very general use, especially in the Southern States, as a means of occupation when other resources fail.

In a report giving the results of an investigation of the methods of employing convicts, contained in the report for 1895-96 of the Bureau of Industrial Statistics of Nebraska, this system is referred to as follows:

“It would be the part of wisdom to direct, so far as possible, the prison labor of the State to such public improvements as are needed and are in no other way provided for. Especially should it be used to improve, so far as possible, the penitentiary building and grounds, so that all accessories to the comfort and moral elevation of the prisoners would be attained. Such public improvements in connection with the city as are necessary to the general welfare of the public and of the State and can not well be afforded under the present financial condition might and should be made by the prison labor, so far as practicable.”

The method is warmly advocated by manufacturers and workmen. Of 225 expressed opinions obtained by the Bureau of Labor of Illinois from labor organizations, 104 demanded this form of outdoor unskilled manual labor for convicts.

The First Annual Report of the Commission of Prisons of New York contains the statement that “the boards of county supervisors appear to be in favor of working short-termed convicts on the public roads.” The Third Annual Report states that “it can be stated without fear of contradiction that in no other way or manner can the convicts be employed with so little effect on outside labor as in work on the highways, and in no direction can greater improvement be made than in the working of the highways. Where conditions are favorable for such work it has proved very satisfactory.” The Fourth Annual Report (1898) states that “it has been fully demonstrated by experience that convicts can be employed on highways and other public works.

“In the vicinity of Sing Sing and Dannemora and Auburn convicts from the State prisons have been engaged in building and improving highways, often several miles from the prison. It is conducive to the health of the convicts and does not come in conflict with free labor.

“The men from the prisons chosen for this labor are of those whose terms have not much longer to run. There is an inducement to them to remain subordinate and not to attempt to escape, which would be an offense that would lengthen their terms by depriving them of rights to commutation already earned by good prison records. No more keepers are required for them in laboring outside the prison walls than when they are employed in prison, and no chaining of convicts is necessary.

“The large number of those sentenced to the county jails upon convictions for misdemeanors can also be employed on the roads of each county.

“As previously stated, this large number is now kept in idleness, with the exception of those in perhaps a dozen counties. The shortness of their terms makes attempts to escape improbable, as such escapes are usually unsuccessful and only result in an additional term for the new offense, a danger which would deter the attempt.

“In St. Lawrence County jail convicts have been so employed with success several miles from the jail under the supervision of the commissioner of highways of the town of Canton, in which the jail is located.”

There appears to be a maturing judgment among the officers who deal with convict labor directly in many of the States that construction work in the prisons could be thoroughly well done by convicts with marked economy, and consequent advantage to the State.

Under this system the convicts may be employed either in the direct construction of the building or road, or in the preparation of the materials to be consumed in such construction. These two ways of working under the system have been brought to a high stage of perfection in California and North Carolina. The general superintendent of prisons of Massachusetts investigated the methods of employment in both of these States, and submitted a report in 1898. In substance he states as follows:

"In North Carolina it is said that the problem of providing public highways has given the people more concern than any other subject, and that the question of convict labor is second only to that of the road. The legislature of that State attempted a solution of both problems by adopting what is known as the 'Mecklenburg law,' authorizing the general employment of convicts in road making, or the alternative system of building and keeping in repair the public roads. It was passed to take the place of the old method, under which each able-bodied man was required to give a portion of his time each year in repairing the public highways. The citizen has now the option of giving his labor or of paying money instead of it.

"Roads have been built in North Carolina as cheap as \$800 a mile, and the most expensive of them cost only \$1,800. This, however, is no criterion for other States where it is not possible to guard, shelter, clothe, and feed convicts for 21 cents per day, which is about the average cost in that State."

One of the latest and most comprehensive laws on the subject of employing convicts in road work was enacted a few years ago in California. Its provisions may be summarized as follows:

"The State board of prison directors have control of the rock or stone crushing plant established at Folsom.

"The plant must be operated by convict labor and by the application of the mechanical and water power belonging to the prison. The only free labor authorized in connection with it is such as the board may deem necessary for superintending and guarding the convicts.

"In selling the product, preference must be given to orders received from the bureau of highways.

"The selling price shall be the cost of production, with 10 per cent added, provided that no rock shall be sold for less than 30 cents per ton."

The following quotations from a letter from the warden of the Folsom prison give reliable information concerning the operation of the law:

"We have a rock-crushing plant at this prison; it has been in operation about 18 months. \* \* \* The original act of the legislature, passed 2 years ago, contemplated that we should deliver this rock for road purposes at cost. The idea was to secure good roads at the minimum price, and also to give employment to the convicts. The last legislature amended the law, and fixed the minimum price at 30 cents per ton, loaded on the cars at the prison. This leaves a profit of about 10 cents per ton. Our plant is a large one, operated by water power from our power house. We employ 300 convicts, and turn out about 500 tons of macadam daily. It is the best appointed plant of the kind in the country, and has had the effect of cheapening the building of roads very materially. At Sacramento and Stockton, our nearest distributing points, macadam formerly cost \$1.70 per ton; under the present arrangement we deliver the macadam at Sacramento at 55 cents and at Stockton at 70 cents per ton; this is a clear saving to these municipalities of \$1 per ton. We find this class of work better for convict labor, as it requires no great amount of skill, and is healthful outdoor work.

"While this does not make much money for the prison proper, it saves a large amount to the taxpayers, and it encourages the building of good roads in every direction; this is a direct benefit to the State, as a saving to the taxpayers is a benefit and profit to the State."

In the second annual report of the State commission of prisons in New York, the question of the employment of convict labor in building and improving highways is considered at some length, and the commission expresses the opinion that in this way the prisoners can be made of the greatest service to the State and of lasting benefit to the farming community.

The methods of working convicts on the public roads in North Carolina is described in a recent publication by the Agricultural Department, as follows:

"In all cases these convicts are carefully described and photographed. They are offered certain inducements in the way of reward or shortening of term if

they remain at their posts and faithfully discharge their duties. And with this they are employed on the public road very much as hired labor would be, under the control of a superintendent or foreman, but without any guard, and they are allowed to remain at their homes from Saturday night to Monday morning. This novel experiment has now been in operation for a year, and not a convict has attempted to escape or declined to labor faithfully, and the result has been a decided improvement in public roads.

"An examination of the record of all the counties that are using convict labor on the public roads shows that but few convicts have escaped; that the health of the convicts has been much better when at work on the road than when formerly imprisoned in the jail; that their labor has proved much more efficient than that which can be hired in the country at ordinary prices of from 50 to 75 cents per day; and that, as these figures show, it not only costs less to use the convicts on the public roads than it does to employ hired labor, but that, furthermore, it costs less to maintain these convicts when at work on public roads than when confined in the county jail."

The employment of convicts in the erection of public buildings has met with gratifying results in many instances; they have also been successfully employed in digging canals, reservoirs, and other public works.

In the Second Annual Report of the Department of Labor this method of employing convicts is treated at considerable length, the conclusion being that—

"In transferring prison labor to public works, the State would not compete with the price of artisans' or laborers' work, but with the work itself. The brick and stone masons, the carpenters and painters, the hod carriers and tenders, would not find the price of their labor affected to any material extent, but would find the market for that labor occupied to the extent of the works in process of construction.

"It has been suggested that the State might engage in some work that would not be performed unless by convicts, such as macadamizing the roads of the whole State. This would necessitate one of two things—either the preparation of stone at the prisons, involving the transportation to the prison from the source of supply and from the prison to the place for use, or the mobilization of the convicts at the points not only of supply, but of consumption, involving a heavy expense for guard duty and temporary confinement.

"This proposition is made upon the ground that the Government should not make the question of expense or profit one of any importance, but should seek only to keep convicts at work as the best policy, and yet itself receive some lasting benefit from the necessity it is under of feeding and clothing them. The chances of escape under this system, of course, multiply greatly; and the demoralizing effects upon communities from witnessing large bodies of criminals at work openly are objections which the moral instincts of communities clearly recognize. The chain gang is a necessity under this plan.

"In most States this plan could not be adopted, because the network of roads already built would necessitate the employment of convicts in repairs; therefore, with rare exceptions, there is no feasibility in the plan.

"Wherever convicts have been employed on public works, and this has been largely the case in England, in building docks and breakwaters and works of kindred nature, the expense has been very much greater than it would have been through the employment of free labor. In one instance in this country, where a State is now building a prison by the labor of convicts, the prison will cost the State many times what would have been the expense had it been built by free labor. This is, perhaps, of no particular consequence, as the convicts must be supported in some way. At best the plan offers a mere palliative, shifting the burden from skilled to unskilled labor, and would result in aggravating eventually all the evils which grow out of the employment of convicts; although, if the Federal Government controlled the convicts of the whole country, great works could be projected and carried on by convict labor, but not economically."

The popularity of this method of employment, to a greater extent than any other system of employing convicts, is controlled by climatic conditions, the character of the prisoners, and the sentiment of the community. The general superintendent of prisons of Massachusetts, in a report submitted in 1898, states that "the public sentiment of Massachusetts would not permit the assembling of convicts upon any thoroughfare in this Commonwealth. The expense of properly guarding them in thickly settled communities would be quite out of proportion to any advantage to be derived from their employment in that way. Furthermore,

there would be the same objection on the score of competition with free labor if prisoners were engaged in actual roadmaking as if they were kept fully employed at mechanical work in the prisons. The building of State roads has become an established industry with free labor, and the putting of convicts at that work now would excite a great deal of opposition. It is, however, believed that they might, without reasonable ground for complaint, be engaged in preparing the materials for the construction of such roads."

The chief of the bureau of statistics of labor of Massachusetts, in a report submitted to the legislature in 1879, states that—

"The advocates of this proposition do not, of course, recognize the reformation of the convicts as a matter of any importance, but see that the physical, mental, and even moral welfare of prisoners demands labor of some kind other than the penal labor of the crank, the treadmill, or shot drill. As to the expense account, they say, with reason, the cost of our Massachusetts prisons is nearly \$800,000 per annum, and all their earnings do not amount to \$200,000. They insist upon some system that shall pay this deficit without taxation and without undue competition, and, if this can not be accomplished, tax the balance, but stop the competition.

"In some Southern States convicts are kept at work upon farms, railroads, in mines and quarries, by the lessees; but none, or few, of the prison officials are in favor of this. It does, however, pay the State; for all the State has to do with the matter is to sentence the criminals and receipt for the price of the lease.

"In the present condition of things there seems to be no great obstacle in the way of utilizing prison labor upon goods required for State use, tents for militia, uniforms, prison wants, etc.

"By this means, if practicable, all market competition is removed to the extent of the utilization of convicts upon public works."

In January, 1884, the bureau of labor statistics of New York made its first annual report to the legislature. This report was written by Charles F. Peck, Commissioner of Labor, and dealt entirely with convict labor. The conclusion he reached regarding the employment of convicts on public ways and works was as follows:

"Attached to the plan of employing convicts at public works is, also, not only the competition with unskilled labor exclusively, but the manifest evils of familiarizing the eyes of susceptible youth with the representatives of crime.

"It seems a necessary conclusion, therefore, that the convicts should be employed at various industries conducted within the prison walls until at least they had merited a large share of freedom at outdoor labor by continued good behavior.

"To the objection that skilled labor should not bear the competition exclusively, it must be considered that unskilled labor has to bear a large proportion in any event, as prison duties and such outdoor labor as may be found part of the system would come under that department.

"In distributing the labor of the convicts among the various industries there is ample room for selection in the forms of labor at present carried on in the prisons of the United States."

It is evident that in the Northern States it is impracticable to depend upon this system as a regular method of employing convicts. This is emphasized in a report submitted by the bureau of labor and industrial statistics of Wisconsin in September, 1886, where it is stated that—

"Those who favor breaking stone and road making can not have carefully considered our climate, our methods of making roads, the enormous cost of guarding, feeding, sheltering, and working prisoners here and there throughout our wide domain, and the utter lack of discipline that must of necessity follow such a system, which would simply be a great chain gang competing against the unskilled labor of the State.

"To my mind this is the most cruel and indefensible of all State competition. The skilled artisan can, by reason of his larger earnings, greater power of production, and greater self-supporting ability, stand a reduction in wages or a change in circumstances that forces him into a new trade; but when the man who is unable, by reason of his inferior education and less brilliant natural

endowments, to do anything but rude labor is deprived of that labor, or his scanty earnings are decimated, he indeed must suffer; he has no avenue of escape; and a certain amount of food, warmth, and clothing is as necessary to the rude laborer as to the skilled artisan or the nabob."

The paramount objections to this plan of working convicts are summarized in the Fourth Annual Report of the Bureau of Labor of Illinois as two: First—

"The making of roads, the breaking of stone, or any form of unskilled labor, would not remove competition, but merely shift it from one class to another—from the mechanic to the day laborer, who works harder for less money than anybody. It would be manifestly inconsistent to unload upon the weaker industrial element burdens which are insupportable to the stronger.

"In the matter of public works it is already a grievance, against which national legislation has recently been sought and obtained, that prison-cut stone is permitted to enter into public buildings. If convicts were required to lay it as well as cut it, while there could be no competition in the price, either of material or labor, there would be a decided infringement upon the free laborer's opportunity to work.

"But a more serious objection, if possible, to propositions of this kind, is that they involve the pernicious practice of removing prisoners from prison walls and herding them in camps and stockades about the country, thus neutralizing all efforts at discipline or reformation, and demoralizing the communities in which they are located."

#### THE EMPLOYMENT OF PRISONERS IN THE MANUFACTURE OF GOODS FOR CONSUMPTION IN GOVERNMENT INSTITUTIONS.

Under this system there must be classed not only the manufacture of furniture and all supplies necessary for the care and maintenance of buildings, but clothing, food, and all supplies essential for the support of the inmates. If necessary to keep the prisoners employed the production of such supplies should not be limited to meeting the necessities of the State penal, reformatory, and eleemosynary institutions, but should be extended to all institutions under the control of the State or any of its political subdivisions.

This method of employing prisoners has been in use, to some extent, since the necessity of furnishing occupation to convicts has been recognized, and is now practiced in all of the States and Territories. With but few exceptions, however, it has not been systematized, and the work of the prisoners has been confined to the care of the building in which they are detained, or to the manufacture of supplies and the production of food for its immediate inmates. Recently the advantages to be derived from extending the system have been realized, and in New York State it has been perfected to the extent that the convicts are employed either in doing the work of the institution in which they are confined or in the manufacture of products for the use of that institution, or for the use of the State or its institutions, or for the use of the political divisions of the State or their institutions, and no products of convict labor are sold in the open market.

In the debate that occurred in the legislature of the State attending the adoption of a law providing for this system of employment it was stated that—

"Clothing is needed for the inmates of the prison, reformatories, and hospitals, for the insane of the State, and the jails of the different counties. That which is needed in the State, county, and municipal institutions should be produced by convict labor. We are about to build new prisons, and why should not the work be largely done by convicts.

"We have purchased large farms of land for the use of our State hospital for the insane, upon which we raise large quantities of food consumed annually by the thousands of inmates of those institutions, and we employ large numbers of men and women to perform labor upon such farms and pay them large sums of money for their services. There should be a farm near each State prison or reformatory, owned and managed by the State, upon which employment could be given to the prisoners in the production of a large portion of their necessary food."

The reports from the institutions in the different States show that the inmates are almost invariably engaged, to some extent, in farming operations, and such work is constantly referred to as the most desirable for the prisoners. By extending and systematizing farm work it would form a material part of a general system of production for State use. The products would be utilized in all of the institutions, and prisoners from all of them that were best adapted to such work could be assigned to the farm.

In the first annual report of the commission of prisons of New York, the advantages of the system are referred to as follows:

“The products of convict labor at Blackwells Island are used entirely by the public institutions of the city. This effects a great saving to the city of New York, which receives the full benefit and value of the labor of its convicts, instead of contracting out their labor at low prices, and then buying the supplies in the market or hiring free labor at much higher prices. The superintendent stated that he has and will have no difficulty in keeping all the convicts of New York County employed in labor for the city and its public institutions. It is necessary to have a central management, so as to meet the necessity for a diversification of industries to meet the demands of the numerous institutions. It is practicable and economical for county poor superintendents, and other county officials, to procure their supplies in this way, for, by so doing, they aid in reducing the tax rates. When they buy of the prisons they pay no more than they do elsewhere, and they are helping to support the prisoners, which they must do any way. No more is used than under the contract system, but it is so regulated that it is not sold out at a low price in competition with free labor, and the taxpayers get the full benefit of it.”

The theory of the system meets with the general approval of all who have made a study of the problem of convict labor, and almost uniformly with the approval of those who are in charge of the various penal institutions in the different States. Granting the necessity of keeping convicts employed on productive work, and also the necessity of removing the products of their labor from the open market, their employment in such a manner that the products of their industry shall be consumed by the State is the only remaining alternative. But their employment for the benefit of the institutions in which they are confined, and of its inmates, will not, as a rule, furnish sufficient occupation.

The difficulties attending the formulation and practical working of a system in each State whereby the supplies for all public institutions of every character shall be furnished from a central office, and that office have control of and designate the character and quantity of the supplies to be produced at each penal and reformatory institution, coupled with the fear, and in some cases knowledge, that after such a system had been perfected enough work could not be supplied to keep the convicts fully employed, has deterred legislatures from adopting the system.

The fourth biennial report of the bureau of labor statistics of Illinois presents the following conclusion in regard to this phase of the subject:

“The employment of convicts in the manufacture of supplies for State institutions: This excellent suggestion meets with uniform approval, but only partially covers the case. This again deprives the outer world of the sale of whatever goods the institutions may procure from penitentiaries, but can not affect market prices for those goods, and consequently is harmless in the matter of competition. But the whole amount of such supplies is very small compared with the producing capacities of the prisons of the State. The average annual cost of all the clothing, boots and shoes, bedding, and dry goods used by all the charitable institutions of the State, for ten years prior to 1885, was \$42,878; and for furniture, the average annual expenditure for the same period was \$13,263. The cost of all the clothing, boots and shoes, and bedding for the penitentiary at Joliet in 1884 was \$15,957, and at Chester, \$5,836, or, in round numbers, \$78,000 per annum covers the total cost to the State of the class of supplies it is proposed to manufacture in prisons.”

The Department of Labor in its second annual report (1886) came to practically the same conclusion as the Illinois bureau, as is shown by the following quotation:

“If our State governments supported large bodies of troops and the Federal Government had a large standing army the plan might have some force in it, although

in some European countries, where the consumption of goods of the coarser grades, such as shoes and army clothing, camp equipage, harnesses, etc., is very large, the plan has not been made to work very successfully, on account of the objections of army officers to the manufacture in prisons of the goods they require for the equipment of their forces, the objections arising, not only on account of the quality and make of the goods, but on account of the impracticability of massing a force in any way so as to supply goods upon emergencies. The experience of these countries, however, is worth but little in the United States, for the same conditions do not exist. If each State should supply all its wants, so far as the kinds of goods that are usually made in prisons are concerned, the result would be the employment of but a very small fraction of the convicts of the State. In Illinois this amount of employment could have been utilized last year to the extent of less than \$50,000, and this is a fair specimen of the demands of other States. It is urged, however, that the United States Government requires supplies sufficient to warrant the constant, or nearly constant, employment of the convicts of the different States under contracts which might be made by the heads of departments requiring the goods. An examination of these wants shows that the entire expenditures of all the executive departments of the United States Government for furniture, clothing, mail-bags, harnesses, wagons, infantry, cavalry, and artillery equipments, clothing for the Indian service, etc., and for such other things as are now made in the different prisons of the various States, for the fiscal year ending June 30, 1886, amounted to a sum a little less than \$4,000,000, while the total product of the prisons of the country amounted for that year substantially to \$29,000,000. This answers the suggestion completely. If it could be adopted, however, competition in the wages of labor and in the price of goods would be avoided, although the individual concerns now manufacturing the goods used by the Government would lose that much trade, which would also result in the loss of so much labor."

The Commissioner of the Bureau of Labor and Industrial Statistics of Wisconsin, in his biennial report, submitted in September, 1886, commented unfavorably on this system of employing convicts, stating that—

"Another class believes our penal population should be employed in manufacturing the clothing, hosiery, caps, boots, and shoes required by the inmates of our various institutions. For obvious reasons our delinquent and insane, attending no soirees, weddings, funerals, or operas, use but a small amount of clothing, and that of the very plainest character, to make which would not keep 50 persons busy during the year, while we actually have about 2,200 in our asylums, the institute for the deaf and dumb, and the reform school; and they can not be deprived of employment without serious results. Probably those who favor this plan do not understand how the work done by convicts and delinquents in Wisconsin is already varied."

Notwithstanding the fact that working convicts in this manner may not furnish sufficient work for their constant employment, the trend of the best thought on the subject appears to lead to the conclusion that it is the proper method of employment, and also that if the system is properly developed in all of its details, that not only sufficient employment will be found, but employment that will in the end result in greater benefit to the State than can be reached under any other system.

The abrogation of power machinery and the adoption of hand methods is commented on favorably by the directors of penal institutions and others, especially where the intention is the reformation of the criminal rather than the raising of revenue for the State. The adoption of hand methods in the manufacture of supplies for State use would tend to an increase of the amount of labor necessary to produce a given amount of product and be of lasting benefit to the convict. Its adoption is advocated in the third annual report of the commission of prisons of New York, which states that "the commission is of the opinion that nearly all manufactured supplies heretofore purchased by the State institutions in the open market can be produced to advantage by the convict labor in the prison; and that when the use of all power-saving machinery shall have been discontinued the manufacture of these supplies will furnish a reasonable amount of productive labor for the convicts in the prisons."

The warden of the Eastern Penitentiary of Pennsylvania, in commenting on the system of hand work in vogue in that institution, states that—

“Handmade articles, shaped and fashioned with hand tools without the aid of power machinery, is the most intelligent method of employing prisoners for their future benefit, besides giving them that physical exertion necessary to their condition of health.

“We teach trades, not as a punishment, but as an incentive to reform, and to give the idea to the prisoner that an honest life is best secured by industry. Industrial mechanical training, without the aid of any artificial power other than the physical force of the individual, educates both the mental and physical faculties, keeping the mind constantly active in guiding the hand that fashions the article being produced. When the worker has a share of the production of his head and hands he feels an independence and a self-sustaining power within himself that enables him to contemplate his future without fear of being dependent on charity.”

Another objection to the system is that it is impracticable to produce all, or the larger part of the supplies required for the different institutions, because of the great diversity of industries that it would necessitate. But convicts in the different States are now engaged under the contract, piece-price, or public-account systems in manufacturing practically all of the different varieties of supplies required in public institutions. If their labor can be utilized in this manner for the benefit of private individuals it is useless to assert that it can not be so utilized for the benefit of the State.

In order to perfect such a system, it is essential that the industries in all of the prisons and reformatories in each State should be under the direction of a central office. The necessity for such an office is referred to in the second and third annual reports of the commission of prisons of New York, as follows.

“The manufacture of supplies in prisons would be greatly facilitated by the division of State institutions and departments into groups or classes, and the establishment of standard, uniform qualities, kinds, and patterns of supplies for each group. The convicts in the State prisons are now as fully employed during the working hours as under the old contract system. The State will be the gainer, as it will receive the full value of the labor of the convicts and whatever profit there is, instead of substantially losing the value of that labor.”

In the fourth annual report of the same commission it is stated that—

“Prior to 1894 there was but little connection between the many penal institutions in the State, and there was no single body or department having even an advisory power as to all of them. The three State prisons of Sing Sing, Auburn, and Clinton were purely penal institutions for the confinement of those convicted of felonies, under the control of the superintendent of State prisons. The State reformatory, started in 1886 as an experiment in reform methods with those under 30 years of age under first convictions for felony, and which had proved so successful that it was the most populous institution, was under a board of managers, as were each of the two houses of refuge for women, at Hudson and Albion. The penitentiaries, which had grown from county jails into great penal institutions, were not State institutions, but were under the management of the board of supervisors or commissioners of correction and charities in 6 counties in which were situated the 6 largest cities of the State, to wit: Erie, at Buffalo; Monroe, at Rochester; Onondaga, at Syracuse; Albany, at Albany; New York, at Blackwell's Island, and Kings, at Brooklyn.

“That these several institutions, differing in their systems of treatment of prisoners, or in the class of prisoners consigned to them, should be under different management was undoubtedly proper, considering the original purposes of each class of institutions. The houses of refuge for the reformation of women should undoubtedly be under a management different from that of purely penal institutions, for their purpose was, by education and training, to reclaim the fallen. The State reformatory at Elmira was intended for the reclaiming of the younger lawbreakers, who could not be properly classed as hardened or incorrigible criminals. Its system of compulsory education in schools of letters and of trades, accompanied by training in morals and habits that would tend to make good citi-

zens of the untrained youths, naturally required different management from that of the purely penal institutions.

"The penitentiaries were originally intended as enlarged jails for the confinement and punishment of misdemeanants only, under the general policy of the law which left to each county the care and maintenance of those convicted of misdemeanor, who are usually referred to as "jail prisoners," as distinguished from those convicted of felony who were cared for in the State penal institution.

"However, to make a complete system of these parts, and that all might run smoothly together, a supervisory or advisory board with some jurisdiction or power of inspection and recommendation over all classes of penal institutions were naturally required. Such a board or authority did not exist until the adoption of the revised constitution, sections 11 to 15 of article 8 of which created a 'commission of prisons, which should visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors.' The legislature was directed to make provision for such commission and to confer upon it any additional powers not inconsistent with the constitution.

"The legislature of 1895, by chapter 1026 of the laws of that year, provided for the commission, fixed its membership, and defined its powers. Among the duties of the commission it was charged to visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors; to aid in securing the just, humane, and economic administration of such institutions; to aid in securing the erection of suitable buildings for such institutions, and to approve or reject plans for their construction or improvement; to investigate the management of all such institutions, to collect statistical information in respect to them and their management and inmates, and to ascertain and recommend a system of employing the inmates in accordance with the constitution and the public interests, and to make an annual report to the legislature of its proceedings, with such information and opinions as it should deem proper.

"The commission entered upon its duties at once, and in 1895 inspected the institutions and devised a system for the employment of convicts in accord with the revised constitution. The first annual report was presented to the legislature in January, 1896, and by that report the result of the commission's investigation was stated, and it recommended the system of employment of convicts which it had devised, and also several amendments to the laws relating to penal institutions and to crime.

"A board of classification is made a part of the system. The board fixes the price of the articles manufactured in the penal institutions, and to aid in the manufacture has made a division of the State institutions and the departments into groups, and established standard or uniform qualities, kinds, and patterns for each group. The prices fixed are as near the usual market price for the articles as possible, and the board meets monthly at the office of the commission to revise its work or add to it, or hear complaints, if there are any.

"The board of classification commenced its work and called together representatives of all public institutions and departments and made the necessary grouping, and provided for a uniform class of manufacture for each group, and fixed the prices of all articles. An illustrated catalogue was then made up, showing the articles and kind of articles and the prices, similar to the illustrated catalogues of other manufacturers. Copies of this catalogue were placed in the hands of all institutions and departments, so they were informed of what they could and must order of the prison department. It was also placed in the hands of the auditing officers, so they could see at once on the presentation of a bill whether it was for goods that should have been purchased of the prisonment department.

"There had been no classification or grading of convicts in the State prisons. The prison law of 1897 provided for a classification into three grades. The first grade should be composed of those who appeared to be the most susceptible to reform, and they were to be employed in trades' classes and instructive industries without regard to the productiveness of their labor. In the second grade should be those who appeared to be less susceptible to reformatory treatment, and yet not insubordinate or particularly vicious, employed primarily in productive industries with instruction. The third grade, to be composed of the incorrigible, vicious, and insubordinate, was to be kept in confinement or at such labor as practicable. Provision was made for transfers from one grade to another as an inducement to progress. The State superintendent was also authorized to keep the grades separate, and to transfer from one prison to another, to the end that each prison might contain all of one grade, and thus make a first-grade prison and a second and a third grade prison.

“Undoubtedly the plan of having the commission as an advisory board with many necessary powers, and with jurisdiction extending over all the previously disconnected institutions, has resulted in much good and in saving large sums of money to the State. There are no more appeals to the legislature to forbid the manufacture of goods in the prisons, for manufacturers and their employees acquiesce in the system which ends unfair competition and gives to the State the full value of the labor of the convicts it must maintain in reduction of expenses and taxation. The purchasing officials and institutions are relieved from the importunity of local tradesmen and the goods are purchased for their actual value. There is no opportunity for speculation by purchasing agents, and no charges of jobbery or peculation can well be brought against them.”

## CHAPTER IV.

### FINANCIAL RESULTS.

The concensus of opinion appears to be that no system has been devised for the employment of convicts whereby the labor of the prison population can be made to produce a revenue for the State over and above the expense incident to their support. It is contended that the exceptions to this rule are to be found in the lease and the various forms of the contract system, but the financial success of these methods is by no means uniform. If all conditions are favorable, they may meet with profitable results, but the experience has been that such results can not be relied upon with uniformity for any series of years.

The Second Annual Report of the Department of Labor of the United States on convict labor gives the financial results of the industrial operations at all of the institutions of severe penalties in the different States during the fiscal year ending in 1886. The general summary of all the reports is presented in the following statement:

*Recapitulation for the United States by systems.*

System of work.	Income.			Expenses.		
	Labor of convicts.	All other sources.	Total.	Running expenses.	All other expenses.	Total.
Public account..	\$545,152.76	\$2,695,237.26	\$3,240,390.02	\$1,688,317.54	\$1,342,808.35	\$3,031,125.89
Contract .....	1,610,499.64	1,574,751.79	3,185,251.43	2,462,929.57	434,849.19	2,897,778.76
Piece price .....	197,218.34	841,180.65	1,038,398.99	840,062.82	91,075.04	931,077.86
Lease .....	311,966.38	97,888.40	409,854.78	83,831.05	32,871.55	116,702.60
Mixed .....	848,132.38	2,608,213.45	3,456,345.83	2,025,023.64	1,089,831.10	3,114,854.74
Grand total..	3,512,969.50	7,817,271.55	11,330,241.05	7,100,104.62	2,991,435.23	10,091,539.85

“The amounts shown in the above statement as derived from the labor of convicts under the contract, piece-price, and lease systems are the sums paid by the contractors and the lessees. In the public-account system the amounts paid for raw materials are deducted from the amounts received from sales and the remainders considered as representing the income from labor of convicts. This process will not, of course, in all cases give proper results, since goods might be kept in stock beyond the close of a year awaiting a better market or advantage might be taken of low rates for raw material to lay in more than a year's supply, but it was the only process available, and it is believed that even if it fails to express the exact truth for some individual institutions, the general results for all working under the public-account system are correct.

“All institutions running under each of the systems purely have been summarized separately, then a line given to all institutions where various systems exist, as ‘mixed system,’ and by this division it is found that under the contract system, involving all penal institutions in the United States carrying on its industries under that system, the income from labor constitutes 65 per cent of the running expenses, and 56 per cent of the total expenses of the same institutions. Under the public-account system, the income from labor constitutes 32 per cent of the running expenses, and 18 per cent of the total expenses of the institutions conducted under that system. Under the piece-price system, labor pays 23 per cent of the running expenses, and 21 per cent of the total expenses. Under the lease system, labor constitutes 372 per cent of the running expenses, and 267 per cent of the total expenses; while in those institutions in which two or more systems prevail, labor comprehends 42 per cent of the running expenses and 27 per cent of the total expenses. In this calculation the term ‘total expenses’ means all

expenses for repairs, construction, etc., beyond purely current running expenses. Under the lease system, the total receipts of the State leasing its prisoners are profits, there being no running expenses beyond the payment of a few salaries. In all the institutions of the country the total labor income is 49 per cent of the running expenses and 35 per cent of the total expenses of all the institutions. Eliminating the facts relating to the lease system, the income from labor is 46 per cent of the running expenses and 32 per cent of the total expenses.

"The total running expenses of the different institutions, as shown by the table, for the year are \$7,100,104.62. The total running expenses of the lease system are shown to be but \$83,831. It should be remembered that this latter sum represents the expense to the States in which the lease system is carried on. It does not, of course, include the expense of maintaining the prisoners themselves, since they are maintained by the lessee. The sum of the total running expenses of all prisons, then, should be increased, in order to get at the total expense of maintaining the prisoners of the country in those institutions where convict labor is utilized. It was impossible, however, to obtain from lessees the expense of maintaining the prisoners leased to them; but from the best possible estimates, based upon positive facts and upon averages relating to the maintenance of prisons under other systems, it is concluded that the total expenses of maintaining the 9,104 leased convicts are about \$1,345,000. The aggregate running expenses of all prisons in all systems should be increased by this sum, giving a total of \$8,445,104.62, or, in round numbers, \$8,500,000. The total institution expenses, as shown by the table, \$10,091,539.85, should be increased to the same extent; so that the total of all expenses of the prisons would be \$11,436,539.85."

The per capita cost per annum and per diem of maintaining convicts under the public-account, piece-price, and contract systems in institutions of severe penalties during the year 1886 is shown in the following comparative statement. The average yearly cost under the public-account system is shown to have been \$232.45; under the piece-price, \$180.18, and under the contract, \$126.47.

System.	Number of convicts.	Running expenses.	Per capita.	
			Yearly.	Daily.
Public-account.....	3,075	\$714,790.93	\$232.45	\$0.637
Piece-price.....	1,892	340,906.74	180.18	.494
Contract.....	15,347	1,940,873.56	126.47	.346
Total and average.....	20,314	2,996,571.23	147.51	.404

The above statements may be accepted as showing, with reasonable accuracy, the general financial results of convict labor as conducted under the different systems during the year 1886.

Since 1886 no extended investigation has been made of the industrial operations of penal institutions of the entire country with the view of securing comparative data as to the financial results.

Realizing the necessity of more recent information on this important phase of the subject, the commission has secured data from institutions in some of the representative States, which are presented in the following statements. These statements are compiled from the report, or data, furnished by the different institutions. These reports were not prepared on uniform lines, but were intended to present particular facts that were desired in each instance. The statements for one State should not be used for the purpose of exact comparison with those for any other State, nor can they, uniformly, be accepted as accurate presentations of the facts they purport to show. With this caution the commission presents the following information relative to the financial results of the convict labor at the institutions named:

#### ALABAMA.

The majority of the convicts are employed under the lease and public-account system. The financial transaction of the entire system for the two years ending August 31, 1898, are summarized as follows:

## EARNINGS AND CREDITS.

Cash on hand, etc., September 1, 1896.....	\$52,924.38
Hire of convicts.....	277,081.24
Proceeds of cotton mill.....	28,778.85
Forfeitures for escapes.....	2,800.00
Sale of brick.....	8,807.82
Rent of land.....	322.00
Interest.....	3,237.97
Sundries.....	4,178.22
<b>Total.....</b>	<b>378,120.48</b>
Net profit.....	189,000.84

## DISBURSEMENTS AND DEBITS.

Salaries.....	\$51,797.54	Improvement.....	\$7,431.68
Traveling expenses.....	2,363.14	Live stock.....	2,268.00
Transportation.....	5,257.73	Seed.....	609.59
Express.....	193.41	Arms and ammunition.....	310.05
Freight.....	2,775.11	Postage.....	508.15
Drayage.....	157.08	Tobacco.....	19.62
Telegrams.....	292.26	Escapes and rewards.....	602.07
Sundry expense.....	4,336.40	Cost bills.....	52,457.14
House ware and furniture.....	1,027.13	Real estate.....	319.20
Printing and stationery.....	1,107.37	Cotton.....	404.87
Hospital.....	3,767.73	Rent.....	30.00
Clothing and shoes.....	15,371.82	Religious literature.....	294.89
Provisions.....	25,840.86	Reform school.....	89.28
Feed.....	541.59	Fertilizer.....	4,209.30
Fuel and lights.....	2,770.28	To balance.....	189,000.84
Bedding.....	45.00		
Implements and tools.....	1,930.55		
			<b>378,120.48</b>

The financial showing for the State cotton mill, which is operated under the public-account system, is given as follows:

*Disbursements and debits.*

Alabama cotton-mill plant.....	\$78,347.77
Machinery.....	\$32.81
Material.....	212.43
Repairs.....	809.82
Salaries.....	5,845.90
Fuel.....	2,672.33
Oil.....	386.16
Sundry expense.....	1,919.20
Cotton.....	30,294.05
Freight.....	814.46
	<b>42,987.16</b>
	<b>121,334.93</b>
Net profit to balance.....	<b>9,817.16</b>
	<b>\$131,152.09</b>

*Earnings and credits.*

Alabama cotton-mill plant.....	\$78,347.77
Proceeds sale of cloth, cash—treasury.....	\$27,701.76
Proceeds of the mill on hand unsold.....	25,102.56
	<b>52,804.32</b>
	<b>\$131,152.09</b>
Net profits for 12 months <sup>1</sup> .....	<b>9,817.16</b>

## ARKANSAS.

Convicts are employed under the lease or contract system, also in working farms on the share-crop plan and in raising products for sale and manufacturing under the public-account system.

<sup>1</sup> The mill has been operated about 12 months since it began operations, January 1, 1897, and shows a profit of \$9,817.16, not including any allowance for labor.

The financial statement for the penitentiary for the years 1897 and 1898 is summarized as follows:

## RECEIPTS.

State treasury, penitentiary fund .....	\$236,000.00
Hire of convicts.....	16,873.15
Inside industries, gate receipts, sales, etc.....	48,135.29
Sale of farm products .....	161,961.47
Total.....	462,969.91

## DISBURSEMENTS.

Clothing and bedding .....	\$19,278.33
Freight, express, etc.....	20,843.28
Hospital account .....	2,371.48
Salaries account.....	60,626.30
Discharged convict account .....	1,838.00
Walls and commissary account.....	30,328.18
Subsistence account.....	56,262.40
Transportation account .....	6,591.51
Reward account .....	1,038.05
Miscellaneous expenses.....	6,795.66
Paid State treasurer.....	246,692.79
Refunded on share croppers .....	10,303.93
Total.....	462,969.91

The report of the institution states that during the past 5 years there has been no appropriation of money for the maintenance of the penitentiary; also that on January 1, 1897, there was in the State treasury, belonging to the penitentiary, \$35,211.44, and in addition thereto 400 bales of cotton unsold. There is now in the State treasury, belonging to the penitentiary fund, \$46,310.66, and in addition there are at the walls, at the various camps, and in the fields yet to gather, conservatively estimated, 1,500 bales of cotton belonging to the penitentiary. Estimating this cotton and the seed from the same at \$25 per bale, when sold, it will increase our cash balance \$37,500, and the total to \$85,810.66. In this estimate I have not taken into account such of the live stock and agricultural products as will be used by the penitentiary. In addition to the general expense of running the penitentiary, and the amount paid for the increased number of mules, wagons, and agricultural implements, we have paid in excess of the \$12,500 appropriated by the legislature in 1897 for the establishment of the State electric-lighting plant about \$5,000 out of the penitentiary fund, and there has also been established an excelsior plant in the walls at a cost of about \$3,000.

These statements clearly show that the penitentiary has been more than self-sustaining during the past two years.

## COLORADO.

In response to a request for data covering the financial operations of the penitentiary, the warden furnished the following statement, under date of June 24, 1899:

"It will be impossible for me to give you any such financial statement as you ask for, as in this State we have never had the contract system. Our work here is most on the farm, besides which we cut considerable stone and burn lime (our prison being situated on stone and lime quarries) and make brick. As to giving actual cash received from the convicts' labor, it would be impossible, as, while the products of our farm go toward the maintenance of the prison, they are not taken into account as a cash receipt. The cash received from our other products; lime, stone, and brick, depends upon the general business situation of the State, more especially as to our lime sales. For instance, in 1887-88 our cash receipts were a little over \$80,000, or, say, \$40,000 per year; but they have steadily decreased since that time, until during the years 1897-98 our receipts from these sources amounted to less than \$10,000 per year.

The support of this institution, over and above the earnings of the prisoners, cost the State about \$90,000 per year; and, with the object of reducing this expense, and making the prison self-supporting, or at least partially so, I have been endeavoring to induce eastern contractors to establish a manufacturing enterprise within our walls, but the contract has not yet been closed."

## CONNECTICUT.

With the exception of farm work the convicts are employed almost entirely under the contract system, and the following tables taken from the report of the State prison, show the financial operations of the institution during the years 1896, 1897, and 1898.

## EXPENSES.

Accounts	Year ending Sept. 30—		
	1896.	1897.	1898.
First-grade provisions .....		\$1,378.59	\$2,372.13
Second and third grade provisions.....	\$11,646.75	12,382.47	13,568.71
Chapel.....	632.47	370.51	378.35
Prisoners' tobacco.....	423.70	409.79	515.46
Amusement.....	12.50	4.15	80.86
Night school.....	65.55	27.15	-----
Live stock.....	-----	538.21	-----
Clothing and bedding.....	3,804.68	5,365.11	1,062.02
Prison furniture.....	200.47	300.28	181.97
Officers' quarters.....	256.82	316.84	47.47
Blacksmiths' and tanners' tools and supplies.....	286.97	154.94	70.98
Fuel, light, and water.....	7,597.84	8,605.99	7,805.75
Electric plant.....	-----	1,974.37	113.61
Furnishing warden's house.....	332.78	191.07	470.27
Salaries.....	27,304.44	31,158.70	36,309.93
Uniforms.....	34.76	217.65	-----
Expenses.....	4,179.11	3,991.15	4,360.69
Permanent improvements and repairs.....	3,422.70	6,406.37	2,045.49
Prison supplies.....	1,932.93	1,973.21	3,754.38
Insurance.....	-----	155.00	235.00
Advertising.....	48.35	21.55	58.53
Transportation of convicts.....	28.69	15.00	32.30
Medicine.....	1,086.21	1,347.33	1,387.15
Gas plant.....	-----	50.00	-----
Warden's provisions.....	5,512.83	5,774.13	8,293.65
West-end appropriation.....	19,950.66	12,090.57	875.67
Insane-ward appropriation.....	-----	25,425.67	10,859.38
Engines and boilers.....	-----	1,470.00	345.00
Office furniture.....	141.21	-----	-----
Storehouse and kitchen.....	7,649.72	-----	-----
Farm account.....	-----	-----	1,224.86
Total.....	96,560.14	122,115.80	96,479.61

## RECEIPTS.

Furnishing directors' room.....		\$250.45	\$2.35
Buildings and land.....	\$32,713.21	24,845.00	45,877.91
Library.....	476.74	37.08	196.94
Rent.....	209.04	209.04	188.20
Fines.....	52.00	31.00	53.65
Motive power.....	1,427.54	1,500.00	612.50
Sales.....	141.32	118.75	169.53
United States Government.....	1,041.37	1,145.86	1,338.18
Convict labor.....	40,157.15	42,967.84	43,755.77
Farm.....	615.25	1,230.29	-----
Live stock.....	28.24	-----	160.21
Engines and boilers.....	562.00	-----	-----
Gas plant.....	100.00	-----	-----
Electric plant.....	1,000.00	-----	-----
Night school.....	-----	-----	11.40
Uniforms.....	-----	-----	114.56
Printing.....	-----	-----	36.47
Balance State of Connecticut.....	18,036.28	49,780.49	3,961.83
Total.....	96,560.14	122,115.80	96,479.61

## ILLINOIS.

Convicts are employed largely under the public-account system. The warden of the penitentiary at Joliet states that during the year 1898 there was a total loss on the business of the different industries of \$69,298.43, and that to this should be added \$50,198.94, the cost of the maintenance of prisoners, making a total of \$119,497.37.

The following statement covers the operations of the penitentiary for the year ending September 30, 1898 :

*Partition statement of cash received and expended at Illinois State penitentiary during the year ending September 30, 1898.*

Items.	Receipts.	Expenses.
Broom department.....	\$251.82	-----
Chair department.....	36,847.62	\$716.00
Harness department.....	149,356.14	7,572.48
Cooper department.....	20,018.70	2,114.26
Cigar department.....	71.00	834.87
Expense department.....	3,600.93	4,520.96
Piece-price department.....	110,419.34	-----
Stone department.....	740.03	2,201.83
State shops.....	933.55	3,498.95
Convict money.....	4,882.03	4,419.87
Visitors' fund.....	1,961.10	-----
Bills receivable.....	132.17	-----
Library fund.....	-----	434.42
Appropriations.....	149,200.00	-----
Salaries.....	-----	76,348.36
Board of United States prisoners.....	3,910.16	-----
Parole and discharge.....	-----	8,994.90
Purchase of material, etc.....	-----	358,337.98
On hand September 30, 1897.....	22,463.64	-----
On hand September 30, 1898.....	-----	34,793.26
Total.....	504,788.23	504,788.23

INDIANA.

Convicts are employed almost entirely under the contract and piece-price systems. The receipts from the labor and the cost of maintenance at the different institutions for each year from 1893 to 1898, inclusive, is shown in the following statement which was furnished by the secretary of the board of State charities:

Institution.	Year.	Convict labor.	Cost of maintenance.
Indiana State Prison North became Indiana State Prison Apr. 1, 1897.	1893	\$110,036.27	\$99,998.00
	1894	104,879.43	100,000.00
	1895	102,296.10	100,000.00
	1896	91,685.63	100,000.00
	1897	67,965.09	105,162.85
	1898	37,862.73	104,467.49
Indiana State Prison South became Indiana Reformatory Apr. 1, 1897.	1893	63,359.11	69,100.00
	1894	50,869.59	75,000.00
	1895	42,431.42	91,867.07
	1896	45,743.93	85,000.00
	1897	40,468.80	91,889.42
	1898	50,976.01	104,304.43
Indiana Woman's Prison.....	1893	2,309.51	33,093.69
	1894	1,848.64	45,000.00
	1895	933.69	45,000.00
	1896	972.41	40,499.00
	1897	886.25	40,499.91
	1898	846.91	39,531.44

IOWA.

Convicts in the penitentiary at Fort Madison were employed under the contract system, and the following statement, furnished by the warden, shows the financial results of the industries for the two years ending June 30, 1899:

Support from June 30, 1897, to June 30, 1898.....	\$42,161.83	
Salary of officers, etc.....	35,847.37	
		\$78,009.20
Received from convict labor.....		35,934.21
Deficiency.....		42,074.99
Support from June 30, 1898, to June 30, 1899.....	\$42,199.42	
Salaries of officers, etc.....	39,294.29	
		81,493.71
Received from convict labor.....		40,704.07
Deficiency.....		40,789.64

## KANSAS.

Most of the convicts at the penitentiary are engaged in mining coal to be sold on public account or consumed in State institutions. A number were engaged in farming and in work on the public roads.

The warden states that during the year ending June 30, 1897, the gross earnings of the institution were \$133,300.87, while the total expenditures were \$150,131.33, and during the year ending June 30, 1898, the gross earnings were \$164,345.05, while the total expenditures were \$148,972.26.

## KENTUCKY.

There are two penitentiaries in the State, and the major portion of the convicts at both are worked under the lease or contract system, or in the manufacture of chairs, which are sold to a contractor at a stipulated price. The report of the board of prison commissioners states that—

“It was soon demonstrated that under the contracts as we found them the State was failing to realize enough revenue to defray the expenses of the penitentiary by thousands of dollars per annum, as the following report of the warden, who had charge during that time, will show. For the year ending November 30, 1896, he says it cost him \$109,075.05 to run the penitentiary, and that he had an income from all sources amounting to \$63,450.73, which left a deficit for that year of \$45,624.22. In testifying before a legislative committee, that warden said that he had failed to charge himself with the amount of stock on hand when he took charge, which amounted to \$50,163.39; this amount added to his expense will show that the penitentiary was running at an absolute loss of \$113,614.22 for that year.

“For the year ending November 30, 1897, the warden reports a deficit of only \$16,412.01, but from his own report he had no basis from which to figure, as there was no inventory taken. He estimates that he had at the commencement of that year \$48,393.19, and at the expiration of the year \$82,857.68. But if it is as he reports, that he fell behind \$16,412.01, that, added to the \$113,614.22 (the 1896 operation), will make a total for 2 years of \$130,026.23. The Eddyville Penitentiary (known as the branch penitentiary) expended during those 2 years \$100,000, in round numbers, more than their income, which made the two penitentiaries cost the State \$230,026.23. The present year the Frankfort Penitentiary expended \$30,783 more than the income, while the Eddyville Penitentiary expended \$35,987.35 more than income, which makes a deficit of \$66,770.35 for the year 1898, and which makes a grand total of \$296,796.58 as a deficit in the operation of the two penitentiaries for the past 3 years.”

## MARYLAND.

With the exception of the comparatively few convicts engaged in the manufacture of supplies for the institution, all of the prisoners at the penitentiary have been worked under the contract system for a number of years. The following statement shows the financial result of the industrial operation for the years 1888 to 1898, inclusive:

Year.	Average number of prisoners.	Cost per capita.	Receipts.	Expenses.	Surplus paid into the State treasury.	Amount earned by convicts on overwork account for themselves.
1888	567 $\frac{1}{2}$	\$117.31	\$71,477.15	\$71,410.28	-----	\$7,838.43
1889	665 $\frac{5}{12}$	116.61	76,875.62	77,595.21	-----	9,346.34
1890	687 $\frac{1}{12}$	114.45	79,887.85	77,896.21	\$1,991.64	13,434.47
1891	636 $\frac{3}{8}$	121.02	80,993.57	77,071.22	3,022.35	13,226.96
1892	562 $\frac{1}{2}$	119.08	81,360.71	77,663.84	3,696.87	11,689.79
1893	657 $\frac{1}{2}$	116.17	83,099.11	76,345.90	8,753.21	13,820.89
1894	650 $\frac{5}{12}$	109.97 $\frac{1}{2}$	82,873.29	71,528.05	11,345.00	11,451.47
1895	691 $\frac{1}{2}$	105.77 $\frac{3}{8}$	88,361.69	73,145.65	15,216.04	14,862.26
1896	740 $\frac{1}{2}$	104.27 $\frac{3}{8}$	94,965.93	77,241.48	17,724.45	15,378.56
1897	823 $\frac{3}{8}$	97.38 $\frac{3}{8}$	108,082.26	80,210.42	27,871.84	23,722.83
1898	856 $\frac{1}{2}$	100.08 $\frac{3}{8}$	114,877.72	85,697.01	29,180.71	22,697.10

Grand total of surplus earnings for the past nine years paid into the State treasury... \$118,802.11  
 Grand total of earnings on overwork account for the past eleven years by the convicts for themselves..... 157,469.10

## MICHIGAN.

Convicts are employed under either the contract or public-account systems, as appears most advantageous. The receipts from convict labor and the expenses of maintenance are presented as follows:

	Receipts.	Expenses for maintenance.
For biennial period ending June 30, 1892:		
From contractors .....	\$171, 179. 70	.....
From labor on public account .....	14, 401. 03	.....
Total .....	185, 580. 73	\$185, 215. 78
For the biennial period ending June 30, 1894:		
From contractors .....	137, 810. 19	.....
From convict labor on public account .....	30, 541. 89	.....
Total .....	168, 352. 08	176, 463. 97
For biennial period ending June 30, 1896:		
From contractors .....	130, 800. 24	.....
From labor on public account .....	25, 198. 44	.....
Total .....	155, 998. 68	180, 637. 53
For biennial period ending June 30, 1898:		
From contractors .....	144, 624. 48	.....
From labor on public account .....	18, 510. 41	.....
Total .....	163, 134. 89	175, 762. 43

## MINNESOTA.

The convicts at the State prison are worked under the piece-price and public-account systems, and also in manufacturing supplies for the use of the public institutions. The following summary, taken from the report of the board of managers and warden, shows the financial results of the industrial operations during the biennial period ending July 31, 1898:

*Report of earnings and expenses of the Minnesota State prison for the biennial period ending July 31, 1898.*

## CLASSIFIED EXPENSES.

1. Attendance .....	\$80, 864. 89	
2. Food .....	45, 669. 82	
3. Clothing and bedding .....	8, 781. 72	
4. Laundry supplies .....	1, 220. 79	
5. Fuel .....	16, 591. 22	
6. Light .....	940. 56	
7. Medical supplies .....	1, 849. 07	
8. Freight and transportation .....	4, 743. 08	
9. Postage and telegraphing .....	1, 686. 48	
10. Books, stationery, and printing .....	2, 270. 85	
11. Amusements and instruction .....	912. 39	
12. Household supplies .....	1, 965. 87	
13. Furniture and upholstering .....	192. 32	
14. Building, repairs, etc .....	1, 790. 95	
15. Tools and machinery .....	2, 804. 94	
16. Farm garden, stock, and grounds .....	1, 072. 15	
17. Insurance .....	318. 89	
18. Burial expenses .....	114. 70	
19. Expenses not classified .....	12, 984. 82	
20. Industrial training expenses .....	14, 345. 57	
		\$201, 121. 08
To net gain .....		43, 647. 40
		\$244, 768. 48

## EARNINGS.

From convict labor for August, September, and October, 1896, 18,451½ days, at 50 cents.....		\$9,225.75
Piece-price system:		
Manufacture of 203,471 pairs of lined shoes, at 12.553 cents .....	\$25,541.49	
Manufacture of 403,984 pairs unlined shoes, at 7.556 cents .....	30,526.47	
Manufacture of 39,286 pairs of welt shoes, at 15.058 cents.....	5,915.91	
Manufacture of 21,088 pairs of boots, at 14.666 cents .....	3,092.63	
		65,076.50
From special convict labor .....	327.55	
From one-half salary of night watchman .....	600.00	
From United States for board of United States prisoners.....	10,971.01	
From punishment forfeitures.....	342.50	
From sale of high-school apparatus.....	3,844.21	
From sale of meal tickets.....	193.25	
From sale of old machinery.....	751.00	
From visitors' fees.....	1,813.75	
From Minnesota Thresher Manufacturing Co., balance account.....	474.62	
From convict labor in twine shop.....	17,619.25	
From miscellaneous.....	639.41	
		37,576.55
From profit on twine business for the year ending July 31, 1897.....		45,282.66
From profit on twine business for the year ending July 31, 1898.....		87,607.02
		\$244,768.48

## NEW HAMPSHIRE.

Convicts at the State prison are worked under the contract system, and the following statement taken from the report of the institution for the years 1897 and 1898 show the financial results of the industrial operations:

## EARNINGS.

	1897.	1898.
Labor of convicts .....	\$19,613.00	\$18,261.40
Visitors' fees.....	271.65	350.00
Rent.....	336.00	336.00
Board of United States prisoners .....	907.42	641.36
Gain on inventory.....	179.14	.....
Total .....	21,308.11	19,588.76

## EXPENSES.

Deputy warden's salary <i>a</i> .....	\$1,339.83	\$1,200.00
Physician .....	500.00	500.00
Overseers .....	10,417.30	10,711.52
Clothing.....	950.19	730.08
Discharged convicts.....	232.00	184.00
Furniture.....	166.99	188.65
Subsistence (net).....	3,161.30	2,776.71
Water, fuel, and light .....	1,749.14	2,015.48
Hospital supplies.....	156.00	154.10
Repairs.....	31.17	61.29
Incidentals (net).....	496.82	330.42
Loss on inventory.....	.....	46.22
Total expenses for year .....	19,200.74	18,898.48
Excess of earnings over expenses.....	2,107.37	690.28
	21,308.11	19,588.76

*a* Includes \$130.83 for services as acting warden in year 1896.

## NEW JERSEY.

The piece-price system is in vogue at the State prison, and all the convicts, except those engaged in caring for the buildings and manufacturing supplies for the inmates, are employed under it. The financial balance sheet of the institution for the year 1898 is given as follows:

Maintenance .....	\$89,990.69	
Furniture and repairs .....	9,797.74	
		\$99,788.43
By amount of revenue paid to State treasurer .....	86,769.34	
Cash on hand .....	2,310.41	
		89,079.75
Net cost of maintenance and repairs .....		10,708.68
Net cost per capita per annum .....		8.87
Net cost per capita per diem .....		.0243

## NEW YORK.

The State commission of prisons has furnished the following statement concerning the financial operations of the three State prisons:

“The following table gives the expenditures and earnings and deficiencies in the three State prisons of this State during each of the years succeeding 1889 until the adoption of the present system:

Year.	Expenditures.	Earnings.	Deficiency.
1890 .....	\$434,267.47	\$275,251.83	\$159,015.64
1891 .....	464,374.80	262,729.57	201,645.23
1892 .....	484,936.19	344,437.29	140,498.90
1893 .....	504,164.34	26,897.37	477,266.97
1894 .....	465,269.85	99,197.99	366,071.99
1895 .....	467,209.65	135,180.92	332,028.73
1896 .....	474,915.52	121,522.24	353,393.28

“During 1898, under the present system, the total cost of maintenance of the same prisons was \$508,791.16, and their total earnings were \$130,748.69, leaving a deficiency of \$378,042.47.

“The same prisons from 1881 to 1886, inclusive, under a system which provided that contracts for convict labor might be entered into by the warden of these prisons, at any kind of work or trade that might be approved by the superintendent, and allowing the unrestricted manufacture and sale of prison-made goods, showed a surplus of earnings over expenditures each year in amounts varying from \$5,000 to \$10,000.

“While it is not expected under the present system the prisons will be self-supporting, it is expected that it will give better results when both the prisons and the people have become more familiar with its workings than it did in 1898, which was the first full year under the new law.

“During the year 1898, in addition to the earnings named above, the prisoners did a large amount of work for the State in the construction of new buildings, the improvement of old buildings, and upon highways in the vicinity of the prison, of which no account is made in the above statement.”

The following statement furnished by the superintendent of the Albany County Penitentiary gives the financial results of the industrial operations at that institution:

“Since I assumed charge of this penitentiary, in 1895, all work done by convicts, aside from prison duties and work on the prison farm, has been done on the piece-price plan. The contractors furnish all the materials, tools, machinery, etc., the penitentiary furnishing only the labor of the convicts and the buildings in which they were employed.

“Working on the above plan the results for the several years have been as follows:

## EARNINGS.

	1895.	1896.	1897.	1898.
Laundry department .....	\$13,420.62	\$15,022.18	\$11,956.63	\$3,053.72
Brush department .....	9,077.41	9,997.71	9,624.84	10,261.46
Shirt department .....	17,452.65	16,435.55	1,068.85	-----
Chair-seating department .....	2,849.85	2,568.59	480.43	-----
	42,800.53	44,024.03	23,130.75	15,315.18
Board of prisoners .....	96,588.51	96,721.90	92,874.15	67,047.38
Miscellaneous .....	1,619.51	1,698.83	2,370.58	1,073.12
Total .....	141,008.55	142,444.76	118,375.48	81,435.68

## EXPENSES.

Provisions .....	\$47,997.18	\$46,187.01	\$41,178.20	\$37,950.94
Expense .....	12,661.89	13,469.95	14,693.67	7,395.91
Clothing and bedding .....	6,716.23	2,381.88	2,627.84	2,040.16
Furniture .....	2,950.20	1,055.11	591.65	912.88
Improvements and repairs .....	5,909.49	2,479.47	1,120.92	3,486.61
Transportation .....	1,738.07	1,656.49	1,761.58	1,278.06
Salaries .....	33,368.36	35,085.31	35,756.34	34,270.42
Insurance .....	567.60	544.72	520.61	431.05
Total .....	111,909.02	102,859.94	98,250.81	87,766.03
Net profit .....	29,029.53	39,584.82	20,124.67	-----
Net loss .....	-----	-----	-----	6,330.35
Daily average number of prisoners .....	971	971	900	659
Daily average cost of maintenance per capita .....	\$0.304	\$0.295	\$0.299	\$0.3674

During different years there were Albany County prisoners confined without cost to the county. The number of such prisoners for each year and the amount of board that the penitentiary would have received if board had been paid at the rate paid by other counties was as follows:

	1895.	1896.	1897.	1898.
Number of Albany County prisoners .....	343	420	315	277
Estimated amount of board .....	\$14,000.00	\$14,010.10	\$12,940.31	\$9,602.36

“From the foregoing it will be seen that when we were permitted to work up our full capacity under the piece-price plan, this prison was not only self-supporting, but a source of revenue to Albany County. In November, 1897, I turned over to the county treasurer, from the surplus earned since I assumed charge of the institution in July, 1895, the sum of \$75,000.

“The passage of recent legislation prohibiting the reception of Federal prisoners and the employment of convicts on the piece-price plan has brought about an entirely different state of affairs, and until the matter of prison labor is more thoroughly investigated and understood by the people, and especially by workmen, to whose mistaken ideas and misdirected zeal the present state of affairs is due, the prisons of this State will be a large item of expense to the taxpayers.”

## NORTH CAROLINA.

About nine-tenths of the convicts at the State penitentiary produce products for the maintenance of the institution and also for market. Some manufacture brick, and others work on public roads or under contract system. The following balance sheet is taken from the report of the institution for the year 1898:

*Balance sheet of the penitentiary for the year 1898.*

DEBITS.	
1898.	
Jan. 1. Balance due State treasurer .....	\$15,827.45
Bills audited for expenses for the year 1898, paid .....	\$107,713.21
Bills audited for expenses for the year 1898, unpaid .....	62,670.39
	170,388.60
Value of products consumed during the year .....	50,137.75
	\$236,348.80
CREDITS.	
Collections from sale of farm and other products, and from wages of convict labor .....	\$97,907.91
Value of farm products, excluding sales .....	169,705.40
Value of bricks on hand and for sale .....	1,835.72
Book accounts .....	12,150.87
Cash in bank and drawer .....	1,202.25
	\$282,802.15
Total debits .....	236,348.80
Balance .....	46,453.35
This balance of \$46,453.35 consists of farm products on hand for support and sale .....	31,264.51
Brick on hand .....	1,835.72
Book accounts due by United States Government .....	\$3,602.50
Book accounts due by R. and C. F. R. Railroad .....	2,089.76
Book accounts due by personal accounts .....	6,458.61
	12,150.87
Cash in bank and drawer .....	1,202.25
	46,453.35

## OHIO.

Convicts at the State penitentiary who are not required by the State to care for the institution and manufacture supplies for the same are employed under the piece-price and contract systems. The following statement, showing the earnings and expenditures for each year from 1891 to 1898, inclusive, has been furnished by the warden:

*Ohio penitentiary, earnings and expenditures.*

Year.	Average population.	Earnings.	Expenditures.	Gain.	Loss.
1891 .....	1,596	\$241,178.84	\$230,021.32	\$11,157.52	-----
1892 .....	1,726	260,317.17	257,440.58	2,876.59	-----
1893 .....	1,796	295,451.49	264,371.53	31,079.96	-----
1894 .....	2,016	261,768.56	270,905.61	-----	\$9,137.05
1895 .....	2,065	228,736.13	284,197.35	-----	55,461.22
1896 .....	2,174	230,947.21	238,807.80	-----	57,860.59
1897 .....	2,278	272,068.26	306,650.22	-----	34,581.96
1898 .....	2,424	319,072.93	347,443.91	-----	28,370.98

<sup>1</sup> Of these \$107,713.21 bills audited, \$28,929.57 was for debts contracted by John R. Smith, former superintendent, and audited in the current year.

## PENNSYLVANIA.

The warden of the Western Penitentiary at Allegheny, in response to a request for information concerning the financial operations of the institution, furnished the following statement under date of July 13, 1898:

"In reply to your letter asking for full information concerning the financial results of the different methods under which the prisoners of this institution had been employed, I desire to state that this prison has fully tested the various methods of labor used in prisons, known as contract, piece-price, and State-account systems. It ceased to operate under the contract system by direction of a State law, enacted in 1883, but the financial results therefrom were nearly enough to pay the cost of support of the prisoners. The piece-price system has been used in the making of brooms; its financial results are about three-fifths of the earnings by contract. A further limitation has been made by a recent law removing all power machinery, except hand and foot power, in the manufacture of goods made for sale. Under the State-account method this prison has established several industries, giving its inmates useful and instructive forms of labor, but they are not so largely remunerative in money earnings as the contract system.

"The State has not found fault with this annual deficit, and one of its governors said in a public report some years ago, 'in neither of the penitentiaries of this State has there ever been an attempt yet made to administer them on the vulgar, wicked, unworthy consideration of making them self-sustaining. In neither of them has it been forgotten that even the convict is a human being, and that his body and soul are not so the property of the State that both may be crushed out in the effort to reimburse the State the cost of his scanty food, and at the end of his term what is then left of him be dismissed an enemy of human society.'

"As a result of the limitations of industries conducted in this prison only 35 per cent of the inmates are at present engaged in the manufacture of goods for sale, and the amount earned falls far short of the expense of maintenance. In Pennsylvania all deficiencies in earnings by labor is charged to the counties sending prisoners to the institution, at so much per diem, as the amount may be from year to year.

"If the Industrial Commission will look over the question in all its lines it will be seen that several of the Southern States have large manufacturing establishments within the walls of their prisons, and annually earn the entire expense of support, salaries, and repairs."

The total expenses and earnings of the institution during the years 1897 and 1898 are shown in the following statement:

The total expenses and earnings were as follows:

	1897.	1898.
Dr.		
Provisions and supplies.....	\$46,465.36	\$42,879.96
Clothing and shoes.....	8,008.56	9,229.58
Beds and bedding.....	1,413.49	1,518.95
Fuel and light.....	20,672.55	20,972.19
General expenses.....	31,467.65	31,606.12
Extraordinary repairs.....	2,255.88	5,249.13
Electric-light plant account.....		12,618.78
Working capital, addition to.....	5,351.25	4,555.75
Reserved on account of stock on hand in manufacturing departments.....	36,217.43	3,732.88
	151,852.17	133,352.84
Cr.		
Mat department.....	31,066.51	12,050.30
Hosiery department.....	22,011.78	12,994.62
Broom department.....	11,794.60	5,797.66
Shoe department.....	1,636.00	1,483.11
Sale of rags, iron, and other old material.....	422.67	203.96
United States, for keeping prisoners.....	5,351.25	4,555.75
Profit and loss account.....	2.20	
	72,305.01	37,085.40
Amount charged to counties.....	79,547.16	96,277.44
	151,852.17	133,362.84

## VERMONT.

Convicts at the State prison are worked under the contract system, and the following recapitulation shows the income and expenses for the biennial period ending June 30, 1898:

## RECAPITULATION.

## INCOME.

Fees from visitors .....	\$256.00
Convict labor .....	53,932.68
	<u>          </u>
	\$54,188.68

## EXPENSES CONSOLIDATED.

Miscellaneous expense account, balance .....	\$5,866.33
Fuel and lights, balance .....	5,768.20
Clothing, balance .....	1,194.42
Subsistence, balance .....	6,984.51
Board, balance .....	5,065.13
Improvements and repairs, balance .....	3,164.56
Boilers and engines, balance .....	6,235.02
Officers' salaries, balance .....	15,987.17
	<u>          </u>
	\$50,265.74
Income, over and above expenses .....	3,922.94

## CHAPTER V.

### JAILS.

With but few exceptions there is no acknowledged system for the employment of prisoners in jails. In many States where the laws provide that such prisoners shall be employed the provisions are either ignored or no uniform system has been developed.

The information received by the commission from practically all of the States indicates that the conditions prevailing in most of them are, in many respects, similar to those existing in the State of Indiana, as depicted by the following quotation from the Ninth Report of the Board of State charities for the year 1898:

“The Indiana jail system is not a thing to be commended. The jails vary greatly in accommodations and adaptability, depending, doubtless, upon the intelligence and information of those under whose direction they were erected and the conditions existing at the time. Some modern ones are well constructed. From these they range to unwholesome cells in the basements of buildings, and structures erected with the sole idea of putting an unfortunate out of sight and keeping him there. Jail administration has not been thought of by many officials. They have not heard that there is such a thing. There are no rules as to the conduct of prisoners. These are expected to do what is done toward cleaning the jail and are permitted to have the run of the institution. It is impossible to estimate the extra amount of expense entailed through the maladministration of our jails. The horrors of the system and the more frightful realization of the conditions, as it appeals to those who visit these institutions, merit the condemnation of all.”

Considering the above statement in connection with the following, taken from an Illinois report made in 1872, it is evident that an improvement in the jail systems has been long realized:

“Our deliberate judgment is that the practical value of jails, whether as means of prevention or of cure of crime, compared with their great cost, is very trifling. We find upon inquiry that others have arrived at the same conclusion before us. In fact, this opinion is shared by nearly all who have given this subject any attention. Probably no other equal expenditure of money is equally unprofitable.”

The conditions existing in the jails of other States is indicated by the following quotations from a few of the many reports on the subject.

Report on prisons and reformatories of the United States and Canada submitted to the legislature of the State of New York in 1867:

“It is clear that our common jails are not now, and never can be, houses of correction in the proper sense—places for the reformation of criminals. The fact that they are mere places of detention to the majority of their inmates, the circumstance that the sentences of those confined in them for punishment are and are likely ever to be too short to admit of the application of reformatory processes, the constant flux in their population, the difficulty of organizing and enforcing a system of labor, without which there can be no reformation, and, above all, the want of a proper staff of officers.”

The third annual report of the State commission of prisons of New York of 1897 states:

“Of all the public institutions in America the county jails are the most unsatisfactory. Of the 60 counties in this State, 49 do not employ their jail convicts in any form of labor.”

The fourth annual report of the State commission of prisons of New York of 1898 contains the following information relative to the jails of the State :

“The county jails were found to be in a bad condition and badly managed, and many of them were old and poorly ventilated and drained. While they were occasionally clean, to receive the visits of boards of supervisors or grand juries, as a general rule they lacked ordinary cleanliness. Many were heated by stoves and lighted by kerosene lamps, which added to the general unhealthy condition. But few had bathrooms in connection with them, and the refuse usually went into near cesspools instead of into sewers. With their constant shifting, transient population, they endangered the public health. There was no uniform plan for their erection, each county having a jail after a pattern of its own, based upon the consideration of cheapness. There was no classification or separation of the classes of prisoners. Though the law prohibited the keeping of those in prison on civil process, or detained merely as witnesses with those convicted or committed on criminal charges, they were generally found in rooms or corridors together. The separation of women from men, as required by law, was very unsatisfactory. Those convicted and those awaiting trial or examination were usually found together. Young men and boys arrested for minor offenses, more as a result of heedlessness or want of training than by reason of criminal intentions, were in association with old offenders and hardened criminals, listening to their adventures and instructions. The jails were not only dangerous to public health, but they were schools where crime was taught and made to increase.

“By repeated inspections and recommendations to the boards and officers having to do with the management of the jails, a better condition was brought about. At meetings with the boards and officers, attention was called to the law, and also to the benefit to be gained by the proper management. The jails have been cleaned, stoves and lamps generally removed and replaced by steam heat and electric lights, which have proved more economical. Necessary improvements for sanitation and ventilation have been made in many instances, and sewer connections have replaced the ancient rotting cesspools. Employment has been furnished in some counties and shorter sentences to the jail, with labor, has been found to be better and more economical, and the population of the penitentiaries has thereby materially decreased beyond the natural decrease resulting from the laws preventing there being recruited from outside the State, and by a mingling of felons with misdemeanants.

“Before the creation of the commission, when there were no State officials whose jurisdiction extended to all jails, each was managed according to the views of the jailer in charge, subject only to the occasional visits of grand juries or committees of supervisors, which were formal and short. The jails were managed more as houses of detention than as penal institutions. The keepers were changed every three years on the election of a new sheriff, and no one seemed to be informed as to the laws regulating them and the confinement of prisoners, and there was no one with any authority that could call attention to any defects in plans or management. The most of them were built when the country was new and more sparsely settled, and they were in every way unsatisfactory in respect to size, sanitation, or adaptability to their purpose. All classes of prisoners, tramps, young offenders, hardened criminals, convicted and unconvicted, were herded together, and they were the primary schools where crime was learned. The commission called the attention of the boards of supervisors and other officers to the defects and the law requiring separation of prisoners, and by its reports and personal interviews urged improvements. The officials have shown a disposition to improve the conditions and to act on the suggestions for better management, and the people generally have shown an interest in the matter. The inspections and recommendations have resulted in much good, although the frequent changes in officials require the same work to be often repeated.

“The lack of cleanliness about jails and inmates of jails, poor sanitation, drainage, and ventilation, are dangerous to the public, as thereby contagious diseases may be engendered or the germs held to infect others. Yet often the recommendations of the commission in those respects have been received as if they were proposals for luxuries. Baths and general cleanliness are among the necessities of life rather than being mere luxuries.

“For more than 50 years the law has commanded that convicts in county jails be employed at some kind of work for 6 days in the week, but in about 60 counties the law has been overlooked or forgotten. Instead of labor, the convicts are left in idleness to smoke, play cards, exchange experience, or plot for future depredations. Such imprisonment is not punishment, but a rest or vacation. It has no terror after the first conviction, but is often an attraction, resulting in repetitions

of the offenses until later on the man is sent to the penitentiary, which proves an intermediate school between the primary of the jail and the State prisons. Young offenders, more unfortunate and heedless than criminal, listen to the adventures of old criminals and receive lessons in crime.

"If the misdemeanants sentenced to the jails were required to labor there would be more of punishment about the confinement. A sentence of 10 or 30 days with labor would be a punishment to be avoided. When it is found that a sentence to the jail means work instead of play, there would be fewer convictions and less occasion to repeat them. Those convicted of intoxication (more of a weakness than a result of a vicious or criminal mind or disposition) should be sent to work on county farms, where they would be removed from temptation, and could be useful, rather than to be confined with those actually vicious.

"By complying with the law of so long standing, requiring convicts in jails to be employed at labor, the officials may save money for the taxpayers in their counties, lessen the number of convictions, give occupation instead of idleness to the prisoners, and make the jails less discreditable to the localities. Labor, rather than the luxury of idleness, is another necessity for proper penal administration. With such labor, even if it brought no direct profit, there would be realized a profit by way of better roads and a decrease of convicts and of criminal acts."

Twelfth annual report of the general superintendent of prisons of Massachusetts, concerning prison labor, 1898:

"There are 22 county prisons in the State. The laws relating to the labor of prisoners now apply to all the State and county prisons. The prisoners in the various jails are employed, as shown by the following quotations and synopsis, in various industries: 'Pumping water with a hand engine into a tank at the top of the court-house.' 'Making shoe heels.' 'Some of the prisoners now work at making flexible soles, and others are employed in manufacturing leather board.' 'Cultivating land.' 'Cane seating of chairs.' 'Manufacture of umbrellas.' 'Making of brushes and the manufacture of mats on hand machines.' 'Preparing concrete for use on the public buildings.' 'Sorting cotton waists.' 'Making cheap overalls.' These industries are usually conducted under the public-account system."

Sixteenth annual report of the bureau of labor of Michigan, 1898:

"Of 83 counties in the State 66 reported 416 prisoners confined in their jails on the 1st of May, 1898. Twenty per cent of the county jails were empty on that date, and those having prisoners averaged about 6 each, the greatest number (34) being in Wayne County jail. Eight jails contained but 1 prisoner each. Of the 76 chartered cities in the State, 45 are county seats. Most of the cities use the county jails. Of the 298 incorporated villages in the State, 84 reported 314 prisoners confined in their village jails on the 1st day of May, 1898. There were no prisoners confined in 214 of the village jails on that date."

Report on the prison system of Michigan, 1899:

"A system to be effective must be good in its various parts, and the action of these must tend in the same direction. To use a homely illustration, an animal perfect in all other respects may be ineffective because of some defect in one foot. It is somewhat so with systems. In this respect Michigan stands among the first of the States. Still it has defects.

"First, there could be greater unification. The jails, the reformatories, and the prisons might be brought into greater harmony, so that the policy pursued in each should cooperate to achieve the same end. This would require that all the prisons, and the jails as well, should be brought under some common supervision. This is done in some countries.

"I recognize the great difficulty that would be encountered in any attempt to bring any such modification about here. The laudable jealousy of our people in guarding their personal and local rights is such that the residence in the road districts insist on controlling the road making in their localities as though they alone were interested in them, and even when they must see that a supervision of road making by an expert engineer having a wide field would result in cheaper and better roads.

"A little reflection will convince everyone how totally unfit the county jail is for the treatment of offenders after conviction. The keepers change often, and very few have any knowledge of the way to treat offenders in order to prevent their repeating crimes. Nor have the jails any equipment for this treatment. They have no work to do. And we know that the sending of disorderlies to jail has little tendency to lessen disorder, and none to reform the offenders.

“The jail, then, should be used to detain accused persons before trial only and not as a place of punishment after conviction. Provision should exist in the jails for keeping those awaiting trial in separate cells. Criminality is increased by placing young offenders in jail with hardened criminals. Where incarceration after conviction is necessary it should be in some place where the convict can be treated for a cure, some reformatory or house of correction with work to do.

“It is evident that while the industrial systems in vogue in the prisons, penitentiaries, and other State penal and reformatory institutions should be harmonized, any legislation on the subject would be superficial if it did not consider and dispose of the objectionable features of the system, or lack of system, for the employment of the prisoners in the city and county jails.

“Any legislation on this phase of the convict-labor problem must necessarily be of a radical character. The commission is of the opinion that the only true remedy is to be found in abolishing the county and city jails and establishing a district jail system.

“The vast majority of the jails are, as now conducted, a useless expense. The small number of prisoners confined in the majority of them does not justify the expenditure necessary to their proper construction and maintenance or the establishment of any system of employment and reformation. Their insignificance when considered separately does not arouse public attention and the consequent demands for reformation. The officials are under no general supervision and are not directly responsible to a central office.

“The district jail system would remove many of these objections and lead gradually to the construction of institutions having many of the features of State prisons and penitentiaries. Their industrial operations would be under the supervision of the same official that controlled the State institutions and the labor of the inmates systematized and utilized in many ways that are impossible under the present conditions.”

## CHAPTER VI.

### EMPLOYMENT OF PRISONERS DURING 1898 AND 1899.

The laws in each of the States and Territories provide for a number of different methods under which the prisoners and inmates of the various penal and reformatory institutions may be employed. It is essential to a thorough understanding of the present conditions of prison labor to know which of these methods are in actual use, and whether in the distribution of the prison population one system is preferred to another.

The commission has consulted the reports for practically all of the institutions of this character, and has also sent circular letters to the officials of each requesting information in regard to the present methods under which the prisoners are employed. The information secured in this manner has enabled the preparation of the following table, which shows the methods under which prisoners were employed in each State during the years 1898 and 1899, and of the statements which follow for each State and Territory, giving in detail the industries in which the prisoners were engaged, the general system under which they were employed and the results of such employment:

PRISON LABOR.

Lease.	Contract.	Piece price.	Public account.		For use of public institutions.		On buildings and roads.
			Manufacturing.	Agriculture.	Manufacturing.	Agriculture.	
Alabama. Arizona. Florida. Louisiana. Maine. Mississippi. South Carolina. Texas. Wyoming.	Alabama. Arkansas. Connecticut. Georgia. Indiana. Iowa. Kansas. Kentucky. Maryland. Michigan. Mississippi. Missouri. Nebraska. New Hampshire. North Carolina. Ohio. Oregon. Rhode Island. Tennessee. Texas. Vermont. Virginia. West Virginia. Wisconsin.	Connecticut Maine. Massachusetts. Michigan. Minnesota. New Hampshire. New Jersey. Ohio. Tennessee. Wisconsin.	Alabama. Arizona. Arkansas. California. Colorado. District Columbia. Illinois. Kansas. Kentucky. Maine. Massachusetts. Michigan. Minnesota. New Jersey. New Mexico. North Carolina. North Dakota. Pennsylvania. South Carolina. Tennessee. Texas. Utah. Vermont. Washington. West Virginia. Wisconsin.	Alabama. Arkansas. Colorado. Connecticut. Georgia. Illinois. North Carolina. North Dakota. South Carolina. Texas. Virginia.	Alabama. Arizona. California. Colorado. Connecticut. District Columbia. Georgia. Idaho. Illinois. Indiana. Iowa. Kansas. Maine. Massachusetts. Michigan. Minnesota. Montana. New Mexico. New York. North Carolina. North Dakota. Oregon. Pennsylvania. Rhode Island. South Carolina. South Dakota. Tennessee. Texas. Utah. Vermont. Washington. West Virginia.	Alabama. Arkansas. California. Colorado. Connecticut. District Columbia. Georgia. Idaho. Illinois. Indiana. Iowa. Kansas. Maine. Massachusetts. Michigan. Minnesota. Montana. New Mexico. New York. North Carolina. North Dakota. Oregon. Pennsylvania. Rhode Island. South Carolina. South Dakota. Tennessee. Texas. Utah. Vermont. Washington. West Virginia.	Arkansas. California. Colorado. District Columbia. Idaho. Illinois. Indiana. Iowa. Kansas. Louisiana. Maine. Massachusetts. Minnesota. Missouri. Montana. New Jersey. New Mexico. New York. North Carolina. North Dakota. Oregon. Pennsylvania. Rhode Island. South Carolina. South Dakota. Tennessee. Utah. Vermont. Washington. West Virginia.

## ALABAMA.

The major portion of the convicts, able-bodied males, are worked under the lease system in coal mines, the State receiving from \$7 to \$14 per month per convict. The males pronounced physically unable to work in the mines, together with the women, are employed on the State farms, producing articles for consumption at the penitentiaries, and in the State cotton mill, under the State account system. Some of them are also worked under the contract and lease system in sawmills or on farms and in other pursuits.

Arrangements are made with numerous companies and individuals located in different parts of the State for the employment of the convicts under leases and contracts, and according to the report of the board of inspectors of convicts for the 2 years ending August 31, 1898, the gross earnings from the hire and labor of convicts was \$325,196.10, and the expenses (not including the cost bills) was \$136,662.50, showing a net profit of \$188,533.60.

"The State cotton mill is a 3,300-spindle mill, and cost \$78,347.77. Of this amount \$67,532.77 was paid out of the State treasury, and the State furnished brick to the value of \$4,375 and convict labor to the value of \$6,440, making altogether \$78,347.77. The entire cost of the mill was paid for during the 2 years ending August 31, 1898, except \$9,801.74, which was paid in the former biennial period. The mill began operation about January 1, 1897, and has been operated about 12 months since in manufacturing the crops of 1896 and 1897 produced on the State farms. The entire expense incurred in the operation of the mill, charging the mill with the cotton at the market price, has been \$42,987.16. The proceeds from the sale of cloth of the crop of 1896 was \$27,701.76, and the product of the mill on hand of the crop of 1897, valued at \$25,102.56, makes the output of the mill \$52,804.56. Deduct the disbursements, \$42,987.16, and it leaves \$9,817.16 as a net profit. The labor used in the mill are women and boys that have always been an expense to the State, and when not at work in the mill are worked on the farm. The mill contains floor space for 5,000 spindles, and if increased to that number the fixed charges would not be greater than now and without any additional expense for power. The convict cotton stripes for the clothing of the convicts is made in the mill, which is a great saving to the State, and with the addition of a few box looms the wool stripes could also be made.

"The State farms have been well cultivated and the crops, consisting of cotton, corn, oats, pease, potatoes, sugar cane, and vegetables, have been fairly good, considering the season last and this year. There are good herds of cattle at each of the farms; also a great many hogs, which will greatly reduce the amount of meat which would otherwise have to be bought. Several hundred acres of land have been cleared, ditched, and brought into cultivation on the State farm on the Tallapoosa River. Several thousand dollars have been expended in improvements and repairs on the State farm during the two years ending August 31, 1898.

"With all the economy that has been practiced it has been impossible to make the State farm self-sustaining. The reason for this is that the State has to guard and maintain the old, broken down, and disabled convicts of the entire system, and this class greatly exceeds in number those who are able to work. Under the existing conditions, the low price of farm products, the State could not expect to do more than make the farm self-sustaining if every convict were able to work, and certainly can not do it when more than half of them are unable to work. It should be stated here that a great number of convicts are received into the penitentiary in bad physical condition, due to the terrible condition of the jails and overcrowding, and are thrown upon the State to maintain during their imprisonment, not only to maintain them, but to pay the cost of their conviction. A jail inspector is needed, with authority to enforce sanitary regulations in keeping with our civilization."

## ARIZONA.

The convicts at the Territorial penitentiary are not engaged in any employment calculated to reimburse the Territory for their keep, and other than the regular work incident to the care of the institution and the manufacture of their own supplies they have no system of employment.

The shoes and clothing worn by the prisoners are made there. There are ample facilities for doing this work, and more could be accomplished in that direction if there was a demand for the product.

According to the biennial report of the Territorial prison the prisoners were worked by the Arizona Improvement Company, under the contract system.

"The Territory was to receive compensation therefor at the rate of 70 cents per day per man employed. Work for the company commenced October 22, 1897, with 12 men, and, with greater or less numbers, has been continued to this time, there being at present 2 men so employed. The men were employed at various tasks, including digging ditches, working on the company farm, driving teams, firing boiler at pump station, cutting wood, etc.

"The total amount of work performed for the company to date is 10,603 days, which, at 70 cents per day, amounts to \$7,421.40, of which no part has been paid.

"Convicts working on the canal—that is, working for the State of Arizona Improvement Company—and also those working in the wood camps for the Territory, were given a verbal promise of an allowance of extra credit over and above the regular credits allowed by law, of one day for each three days of actual labor performed. This promise of extra good time was made by Governor McCord. Faith in this promise has been kept for work so done, but such extra time allowances were discontinued when the change in the management was made.

The report also states that—

"The proper employment of prisoners is one of the prime factors in the good management of an institution. Unfortunately the opportunities in this direction are extremely limited. Outside of the necessary duties within the prison walls and the manufacture of adobes for sale, the hill upon which the prison is built affords the only means of employment. This hill is evidently the remains of a glacial moraine, which at some time or other covered the country hereabouts, and is made up of blue clay and granite bowlders. The blue clay when screened makes excellent sidewalks, and, as such, is used by citizens of Yuma, to whom it is occasionally sold at the rate of 3 wagonloads for a dollar. The clay is also largely used for repairs and improvements about the prison."

## ARKANSAS.

Some of the convicts at the State penitentiary are employed on farms, cultivating corn, cotton, and food products for the use of the institution or to be sold on the State account system; others are hired or leased to contractors, but are under the management and control of the penitentiary officials. In June, 1899, there were 300 working under this system on the railroad, 50 manufacturing chairs, and 50 manufacturing brick.

The following quotations are made from the biennial report of the State penitentiary for the years 1897 and 1898:

"I have never made and gathered a crop under so many difficulties as the crop of 1898. The first overflow compelled me to replant 800 acres; the second overflow, 5,400 acres, requiring extra time and labor, and making the planting and working of the crops later than it otherwise would have been. These facts, together with the unprecedented low prices for the last two years, have been some of the obstacles we have had to contend with.

"Our total revenues for the years 1897-98 from sale of farm products, sale of wood in the city, and the hire of convicts is \$226,969.61.

"Owing to the fact that the general assembly have never appropriated one dollar for the maintenance of the penitentiary for the 5 years I have been connected with it, we have been compelled to make share crops, giving the landlord half of all the crops grown. The amount paid to them during this period exceeds \$250,000. I have, in former reports, recommended the purchase of a large tract of land for a State farm, and have no reason for changing my views on this subject. \* \* \*

"Since my last report we have erected a plant inside the walls for the manufacture of excelsior, and now have same running in good order, and have worked over 100 carloads of cottonwood into excelsior since we started the plant.

"We have established at Palarm, 18 miles west of this city, a camp, where I work all the white convicts under the age of 21 years, also the women, separating the boys from the older criminals. There are now 43 boys and 10 men at this camp. If deemed advisable a teacher could be employed at this camp, and a por-

tion of the convicts' time devoted to school hours, as the building is sufficiently large for all such purposes. We now have confined in the penitentiary 43 white, 154 black, and 1 Indian, who were under 21 years of age at the time of incarceration. \* \* \*

"The penitentiary has been more than self-sustaining during the past 2 years.

"This much has been accomplished under the present system of hiring, leasing, renting, and share cropping, which I consider very bad, both from a financial standpoint and from the standpoint of humanity.

"Under present conditions the increased freights and transportation necessitated to reach and maintain the various camps largely diminish whatever profits might accrue, and the amounts paid for rent, considering the fact that we are abundantly able to buy a large body of good land, are an actual waste.

"The actual cost of operating and maintaining the penitentiary is about \$100,000 per year, and more than 15 per cent of this amount is expended in the two items of freight and transportation, and about 30 per cent in salaries alone. It is a conservative estimate that out of these three items, and many others, \$20,000 could be saved to the State each year by consolidation, and the general conditions and health of the State's prisoners could be much improved. Moreover, the isolation of the camps from each other and from the penitentiary walls, renders their proper supervision an impossibility and the general management defective.

"To obviate these, and many other difficulties which, under present conditions, operate against the interests of the State, and to procure the numerous advantages apparent in the consideration of a State farm, and the consolidation of the convicts under one supervision and control, I most heartily endorse the recommendations of both my predecessors and the superintendent of the penitentiary in their respective reports urging that the State purchase and operate its own convict farm.

"That the penitentiary is abundantly able to purchase, equip, and maintain such a farm is no longer a question.

"From a State farm a part of the able-bodied convicts could be employed on such public work and at such times as the penitentiary board might determine. And such manufacturing enterprises as the class of convict labor would justify, might also be erected on a State farm."

In some of the counties the prisoners in jails are worked on the public roads, in others they are leased to contractors, who work them on farms, while in a number of the counties the prisoners in such institutions have no employment whatever.

## CALIFORNIA.

The convicts at the State penitentiaries are employed in the manufacture of jute grain bags and macadam under modified forms of the public-account system. They are also employed in various departments of the institutions manufacturing clothing, etc., and in raising garden products for the consumption of the inmates.

The following quotations from the reports for the years 1895 and 1896, of the prison wardens at the two State prisons, show the character of the industrial operations conducted at each.

From the report for the prison at Folsom:

"We began crushing rock for sale about the middle of June, and have continued steadily since. The crusher has now been in operation 2 months and a half, and has demonstrated that, under provisions of the law requiring the prison to furnish the labor free, and the power free, we can turn out the very best road metal, on the cars at the prison, for a minimum cost of 25 cents per ton. There is in sight enough first-class macadam rock to last several years. For the month of August we quarried and crushed over 8,000 tons, an average of over 320 tons daily. The crusher was not operated more than three hours and a half daily to produce this amount. For the ensuing season, when the quarry is properly opened, we can certainly produce from 500 to 700 tons daily.

"By arrangement with the Southern Pacific Railroad Company the cost of transportation was fixed at a very low rate. Taking the two main points of distribution, Sacramento and Stockton, for example, the freight rate is 25 cents per ton to the former and 45 cents per ton to the latter. This enables us to deliver crushed road metal at Stockton for 75 cents per ton, and at Sacramento for 50

cents per ton. As the former price for similar road metal, although not nearly so good, was \$1.90 per ton, delivered in each of these two cities, it will be readily seen that an immense saving in the cost of improving streets and building roads is effected by the operation of this plant. A large saving to the taxpayers for the construction of streets and roads, having the effect of lowering taxes, is itself compensation for the expense of the plant.

"The power furnished for this plant is delivered from our air compressor at the State power house. That is inadequate for the purpose, and has been used temporarily because the appropriation made by the last legislature was not sufficient to purchase a compressor of proper size and power. The legislature should provide an additional appropriation for a 250-horsepower air compressor.

"For the last 9 years the many improvements at the Folsom prison have kept constantly employed all the convicts confined therein. The question of what we shall do to keep them employed in the future must now be met and a proper decision rendered. It is certain that public feeling in California will not permit the employment of convict labor in competition with free labor; therefore, some scheme of employment other than a competitive one must be devised. The convicts must be kept at work. Every consideration of discipline, economy, reformation, and health demands this. I can not contemplate keeping a large body of convicts in idleness without feeling that it is a crime against society, if not against humanity. Yet, it is no less the duty of the State to give proper attention to the demands of thousands of honest citizens who have never committed crime and only demand the opportunity to labor for their daily bread.

"It has been suggested that the convicts at the Folsom prison might be employed in manufacturing articles for the use of the various State institutions. In theory this sounds well, but in practical operation it will be found that the demand is so small that as a means of giving employment to any considerable number of convicts it will prove a failure as well as abortive in lessening expense. There are only 8,000 inmates of State institutions, of which 2,000 are confined in the State prisons. The only articles that could be manufactured are shoes, blankets, clothing, hats, brooms, willow ware, and tinware. I have obtained statistics of all public institutions in this State as to the amounts required yearly of these various articles and have made careful estimates of the labor required to supply them.

"The two prisons manufacture their own shoes. This would leave about 1,200 dozens to be manufactured for other institutions. Unless we tanned our own leather, so as to be independent of buying leather in the open market, we could not turn out shoes for a less price than is now being paid for them. The large factories employing improved machinery almost eliminate the factor of labor from the cost of boots and shoes. To produce these articles cheaply they must be manufactured in large quantities, the plant run regularly, and every item of expense carefully guarded. Otherwise, the free labor of the prisons would not successfully compete against the improved machinery on the outside. And, again, 40 convicts, with aid of a sewing machine or two, could manufacture by hand all the shoes required by all the State institutions.

"About 1,500 pairs of blankets are purchased annually, at an average cost of \$3.25 each. The same criticism as to the cost of shoe manufacture would apply to a small woolen mill. To produce blankets cheaply the mill must be run on a large scale, and every advantage taken of the market to purchase the raw material. The output must be regular, and, in fact, strict business principles must be adhered to in every department of the plant. It might be said that the woolen mill could also produce cloth for clothing; but this, too, is extremely doubtful. No woolen mill in California has paid expenses for some years past. We are now buying prison cassimere at 62½ cents, which 5 years ago we paid \$1.20 for, and other cloth in proportion. This could not be turned out at the prison for that price under any circumstances. The same may be said of other grades of cloth, such as would be used in ordinary suits. A plant of that kind would be in the same condition as the San Quentin jute mill—running at a constant loss, on account of the limited output and the unskilled labor employed in the mill. A saving to the asylums and other institutions could be made by buying the cloth in the open market and making it up into suits, either at the asylums or at the prisons. No expensive plant is required for this, and a few men could make all the suits necessary for the inmates of our charitable and penal institutions.

"What is true of a woolen mill is true of hats, caps, etc. The amount to be manufactured would not justify the purchase of the machinery; that is, as an element of profit to the prisons. I do not believe they could be produced as cheaply as they are now purchased in the market.

"Willow ware, but little is used; and of tinware, the largest element of cost is in the raw material and not in the labor employed in putting it together.

"As all these institutions are now supplied with furniture, the demand for that for some years to come will be small.

"Again, the most serious objection to convict labor is not directed against the output of such labor so much as against the fact that the employment of convicts at the various trades has the effect of discharging annually several hundred convicts from prisons who are skilled operators, and thereby come in competition with free laborers who have not had the opportunity of being educated in their various trades at the expense of the State.

"It will be seen from the above that the question of utilizing the labor of convicts must be met by the adoption of a broader and more comprehensive policy than has heretofore prevailed. The problem presses for a solution, and neither conditions nor the public temper can be ignored in the settlement.

"The labor unions of San Francisco have within the past year adopted resolutions favoring the quarrying of stone by convict labor and placing it upon the market undressed at a low figure. This will have the effect of giving employment to a large number of laborers in preparing it for building purposes. While it will be injurious to some of the quarry owners, it would be beneficial to a large number of stonecutters, stone masons, laborers, and others employed in building, and at the same time afford an economical and durable building material for the cities of our State. The rock-crushing plant will give employment to about 250 convicts.

"In concluding this subject, I would recommend, first, consolidation of the two prisons into one management; a reduction of the operating expenses to the lowest possible cost; the purchase of additional lands adjacent to Folsom Prison; enlarging the farm; raising more stock; producing a larger supply of vegetables, fruit, pork, bacon, and even beef; and the employment of a large number of prisoners in quarrying stone, placing it upon the market undressed at a price that will permit of its general use as a building material.

"This seems to be, at least for some years to come, a practical solution of the convict-labor problem. It will take 4 years' labor of all the convicts now at Folsom, with 200 or 300 more added, to prepare all the necessary buildings and improvements for the accommodation of the convicts now at the two prisons, and I feel satisfied that a sufficient saving over the present management can be made to fully repay the expense of consolidation within a period of 4 years."

From the report for the prison at San Quentin:

"As you will perceive, we sustained a considerable loss on the jute goods sold during the past year. There are a number of causes which combined to make the loss unavoidable. In the first place, the Wilson tariff bill, which went into effect two years ago, placed grain bags made in foreign countries on the free list, and while this had the effect of reducing the price of such bags imported in 1895 it does not appear to have had the same effect upon the price at which the raw material could then be obtained. Jute purchased in 1894, out of which were manufactured the bags we made up to the end of the year ending June 30, 1895, commanded a higher average price than it had for several years previous, and since then we have purchased jute at much lower prices.

"One of the most serious drawbacks we have to contend against in making ready sales of our bags is the law passed by the legislature in 1893, commonly known as the Ostrom Act.

"While this law evidently was intended for their benefit, yet a great many farmers most strenuously object to it, and in particular to section 3, which requires an affidavit to be filed with each order. In many instances it is a great inconvenience for a farmer to make a special trip of perhaps 20 or 30 miles in order to find a notary before whom to make such affidavit; and while many of them consider the bags made at the prison as superior, and would use them in preference to any others, they will not order them, but purchase Calcutta bags, sometimes at a higher figure, rather than make the affidavit.

"The general depression of business and low prices for wheat which have prevailed during the past two years also had a most pronounced effect against the operation of the law.

"Farmers, as a rule, have not made any profit on their crops during that period, and consequently had no ready money when the time came for them to provide themselves with bags for this season; therefore they were obliged to look to the merchants, banks, and warehousemen for money if they desired to use and purchase the prison bags; but as most of the merchants in the interior handle Calcutta bags for San Francisco firms, the farmers were, most naturally, easily induced to use the Calcutta product. Owing to this scarcity of ready money, many farmers who really prefer our bags were thus prevented from ordering and using them.

"The low price fixed by your honorable board, and to which you adhered all through the season, has, however, had a most decided tendency to prevent San Francisco dealers from raising the price of imported bags. This they were undoubtedly prepared to do, as the imports for this season were just about sufficient to supply the demand, and there is no doubt that a higher price would have been asked if the prison authorities had shown the slightest disposition to start such an advance. Keeping down the price as we did prevented the dealers from forming combinations with a view to advance the market, and in order to get rid of their stock importers were obliged to sell their bags at such low prices that they realized but a very small, if any, profit.

"Thus our loss this year has been really, and in fact has been, a gain and benefit to the farming community of the State, as had we fixed a higher price the market for Calcutta bags would also have been advanced, and all the farmers would have been obliged to pay a higher price for their bags, no matter what kind they used.

"The law as it stands will always place us at a disadvantage in disposing of the total output of the jute mill, for the reason, principally, that all the farmers who would use our bags are not in a position, financially, to place their orders direct with us, but are dependent upon middlemen to procure bags for them; and while the law was intended to benefit and protect the farmers, its operation practically has an opposite effect.

"At the beginning of the current year a change was made in the management of the jute mills, and the present superintendent, appointed upon the recommendation of your honorable board, made a number of improvements and changes in the arrangement and working of various machines, which are claimed by him will have the effect of increasing the output and reducing the cost of manufacture.

"It has been suggested and advised that it would be profitable to engage in the manufacture of other lines of jute goods besides grain bags; however, it appears that if we did so we should come in competition with the free labor of this State, and in particular with that employed by the California Cotton Mills, at Oakland, which factory makes a specialty of supplying this coast with ore, bean, and other similar bags. The only bags other than those used for grain, of which large quantities are used, and which are not manufactured elsewhere in this State, are sugar bags, and we have succeeded during the last few months in securing several contracts for the manufacture of these at a figure which will leave us some profit. The manufacture of these bags, together with the anticipated increased output and reduced cost of production, will doubtless lead to better results and a more profitable showing at the end of the ensuing fiscal year than we have been able to attain during the year just past."

There is no system for the employment of prisoners in the county jails. Prisoners in the city jails are worked on the public streets and roads.

#### COLORADO.

In their biennial report covering the 2 years ending November 30, 1896, the commissioners of the State penitentiary state as follows:

"The prisoners are employed in burning lime, making building brick, quarrying lime and sandstone, dressing building stone, gardening on ground leased by the State for prison purposes, and in the general work of the prison, including the making of their own clothing.

"If the board of commissioners had the power to use the prison labor within the walls so that all the prisoners could be worked in shops it would greatly reduce the expenses of the institution and increase the earnings, be a benefit to the prisoners, in that they would be released with a good trade, and it would help in the way of discipline and in a great many measures of reform that are now impossible when prisoners are worked outside, where the vicious and bad are necessarily mixed with those with whom they should not be, and intercourse among them can not be entirely stopped. It seems to us that any article or commodity manufactured outside the walls comes as much in competition with outside labor as that done inside the walls. Our idea of the matter is that we should do as much for the prisoner while here as possible to make a better man of him and fit him, if possible, when he leaves the place, to earn his own living, so that there will be less likelihood of his returning to a life of crime by teaching him a trade. At the same time we feel that while here he should, as much as possible,

be required to earn as much as he can to pay for his keeping. We feel that these ends can better be accomplished by manufacturing within the walls on State account. \* \* \*

"During the months of December, 1895, January, February, March, April, and November, 1896, we have had 75 prisoners employed in the construction of a State canal.

"The main difficulty arises from a lack of employment for prisoners. How to employ our prison population is one of the vexed problems of the day. How shall prisoners be employed so the product of their labor will not be brought into competition with free labor? Convicts during confinement need constant employment to save them from destruction and degradation. Must prisoners be confined in idleness, driving them to insanity—driving many to such infractions of the rules as make punishment necessary? This is a matter that should receive careful consideration. As the sale of lime is greatly decreasing and the revenue from the quarries is growing less every day, it is apparent that some other means of production must be provided. In view of these facts I would recommend that steps be taken toward providing the prisoners with some suitable employment inside the walls of the prison which will not be in direct competition with free labor—employment which will be most beneficial to the prisoner, at the same time least detrimental to free labor, and, if possible, remunerative to the State. I would recommend, after a careful survey of the premises, that the manufacturing of boots and shoes be undertaken, as there would be less objection to this industry than to any other.

"First. In this industry the convict labor would not necessarily be competitive, as there is very little free labor employed in this industry in the Western country.

"Second. It would be profitable to the people of Colorado in producing a much cheaper, yet as good if not better, article than that which is secured from Eastern prisons, for a large percentage of the boots and shoes used in this State is made by convict labor in Eastern prisons; and why keep our own convicts in enforced idleness?

"Third. It would be a step in the direction of placing this institution upon a self-supporting basis, thereby relieving the people of a great burden, as every dollar earned by them in prison saves that much to an overburdened and over-taxed public.

"For these reasons and those already cited in regard to the preservation of the prisoners, morally, mentally, and physically, some steps ought to be taken in this direction. It has been my experience in this institution, where prisoners have come to me and almost begged for employment, to relieve them from the solitude of their cells. This perplexing question should be met in the coming legislature, and I recommend that the legislature make an appropriation for the erection of proper buildings and the purchase of the necessary tools and implements to carry on this industry."

The following information relative to the employment of the convicts of the State during 1899 has been furnished by Mr. Clarence P. Hoyt, warden of the State penitentiary:

"The last biennial report of this institution gives very meager information along the lines of employment of prisoners at this institution. Since compiling this report considerable has been accomplished in the way of furnishing employment to the 585 prisoners by making necessary repairs and improvements to the State property, so that at this date we have an average of 530 prisoners daily employed. The balance of our population are not at the present time engaged in any occupation, on account of being incapacitated by sickness or other satisfactory reasons.

"We have an average of 50 men working daily on the gardens and ranches, raising crops, which, while they make very little return in cash to the institution, make a material reduction in the cost of maintenance.

"We have 62 men working in the stone quarries and stone sheds, preparing dressed and undressed stone for building purposes, for which we find a ready market.

"Our blacksmith and wagon shop is occupied by 13 mechanics, doing work in this line for the institution.

"We are doing a very satisfactory business quarrying limestone and burning the same for the market. This branch employs an average of 75 men, and we find a ready market throughout the State for the product of their labor.

"We are employing about 20 men daily in building a State road, which is to reach from the city of Pueblo, on the eastern slope, to Grand Junction, on the western slope, near Utah line.

“Our carpenter and paint shop finds constant employment for an average of 20 men, their labor being confined entirely to building and repairing for the institution.

“Our tailor and shoe shop and tobacco factory engage the constant attention of about 25 men in manufacturing clothing, shoes, and tobacco for the inmates.

“Thirty hands are employed in our washhouse; 2 in the soap factory; 22 in our boiler and dynamo room. Fifty-five hands are employed in the dining rooms, kitchens, and bakery; and the balance of the 530 who find daily employment are engaged in various occupations in and about the premises.

“It is the aim of the present management to secure the establishment within our walls of such manufacturing enterprises as will in the least degree come in competition with free labor. Organized labor within our State has pursued the foolish policy of protesting against the employment of convict labor in any enterprise which would in the least degree come in competition with their profession, while they have no hesitancy in going into the markets and purchasing these products of manufactories conducted within the confines of Eastern penitentiaries. The present laws in this State on the subject of convict labor are very liberal, and we will, no doubt, within a short time close an agreement whereby a more remunerative system of employment will be obtained for our convicts that will meet with little, if any, objections from labor unions.”

They have no workhouse or manufactories of any kind in the county jails in this State.

The biennial report of the commissioners and warden of the State reformatory for the years ending November 30, 1898, contains the following statement in regard to the employment of the inmates in that institution.

“The financial statement of this institution always shows a large balance against it. This is because the labor of its inmates is not valuable. Of course they work. They are employed in making improvements and beautifying the grounds. They cut and haul all the wood the institution uses for fuel.

“The wood is becoming scarce. We have now to go 12 to 14 miles for it, and it will soon be impossible to give them work in that line, as has been done in the past.

“In the summer season they are employed on the farm; besides the reformatory farm proper of 400 acres we have the farm of 160 acres joining on the south, which, with the sanction of your Honorable Board, I leased during the past year for a term of five years.

“Our principal crop is hay; however, we raise potatoes, onions, beets, and some wheat. Also peas, potatoes, and artichokes. The altitude is so great that the season is very short. Frost and hail have been a great drawback to our farming interests.

“The inmates take care of the stock, milk the cows, do the baking and cooking, make their own clothes and shoes, etc. In fact, they do all the work. While this work is not strictly remunerative to the State, it explains how we are able to provide the wholesome food we do at so small a cost per diem.

“Since taking charge of the institution I have kept them employed in some way, believing that it is better for them. They are in school or at work; we have no idle prisoners here.

“The ambition of every warden should be to make the institution as nearly self-supporting as possible. Our reports show that we have fallen far short of so doing. Yet we have labored in that direction, and with a remarkable degree of success, considering the conditions under which we have worked.”

## CONNECTICUT.

The directors of the State prison, in their report for the year 1898, state as follows:

“The average number of prisoners during the year was 505.6, and the average daily per capita cost of maintenance was \$0.3803. Three hundred and thirty-two of the convicts were employed under contract, and of this number 240 were engaged in the manufacture of boots and shoes at the rate of 50 cents per day per prisoner, and 92 in the manufacture of shirts at the rate of 5 cents per dozen.

“Owing to the exceeding poor year for raising farm products, especially potatoes, this industry shows a net loss for the year of \$1,224.86, the amount nearly equaling the gain made the previous year. It was intended to add to the acreage under cultivation, but owing to the inability of hiring 10 or 12 acres together, or in proximity to the land already leased, the matter fell through. As will be seen

by the following figures, showing the profits made by the farming industry for the previous years, it is clearly demonstrated that a farm can be carried on profitably by the institution; also that a farm furnishes a kind and quantity of food to the inmates at a nominal cost that could not be afforded if purchased, adding greatly to the variety of the food furnished, and thereby materially aiding in the retention of health while under confinement. Added to this is the fact that it gives remunerative employment to the tramp class committed here, which could not be found here otherwise; and it also furnishes a place for labor in the open air for those who, by long confinement or disease, are running down in health, thereby better enabling them to earn a livelihood upon their discharge.

"In view of the above facts, and others that might be cited, I would urgently recommend that farming lands be purchased of sufficient acreage to raise all the farm products required for the use of the institution."

In response to a request for further information, the warden states that:

"Under each system that the convicts are worked the State retains full supervision over them while at work, and no authority over their discipline is vested in the contractors. The products of the penal industries command practically the standard market price, and the competitive effect of the prison labor upon the free labor of the State is scarcely appreciable. Not over one State prison convict to every 2,500 inhabitants of the State is productively employed."

In the large jails the inmates are engaged in the manufacture of chairs under the contract system, also in farming, gardening, etc., for the benefit of the inmates.

The inmates of the State Reformatory are engaged in caning chairs, under contract or piece-price system, also in carpentering, printing, shoemaking, laundry work, farming, and baking.

#### DELAWARE.

Prisoners in this State are confined without employment in the county jails, except in Newcastle County, where a penitentiary is being erected. When this penitentiary is completed the prisoners in that county will be employed as in the penitentiaries of other States.

#### DISTRICT OF COLUMBIA.

Prisoners at the workhouse are employed in grading streets and roads of the District, and cleaning grounds; also making roadways in the Rock Creek park.

Inmates of the reform school are engaged in farm work, raising supplies for the inmates, and also in manufacturing under the public-account system.

#### FLORIDA.

The State convicts are all worked under the lease system in the phosphate mines or in the manufacture of naval stores.

A special committee was appointed by the legislature to investigate the condition of the convicts and convict camps, and submitted a report, May 19, 1899. This committee reported that the laws and rules for the government of the convicts were being violated in many particulars. The commissioner of agriculture for the State, who has general charge of the convicts, states that he is opposed to the lease system, but that it seems to be the best that can be done in Florida at this time.

The county convicts are worked under lease of the county commissioners of each county, or are given no employment whatever.

#### GEORGIA.

The methods for employing convicts have been changed materially during the past two years. The State convicts are controlled by a commission. The labor is hired to various parties for a term of 5 years, in companies of not less than 50 nor more than 500, engaged in the following pursuits: Iron and coal mining; saw-milling; turpentine; building railroads, and farming; the State employing all

officers and guards, and retaining absolute control. In addition to the above employment, the State owns a farm on which is located the central penitentiary. All females, juveniles, aged, and infirm convicts are placed on this farm and employed at such labor as they are able to perform, time and opportunity being given them to improve their moral and religious status.

The following quotations from the first annual report of the prison commission for the year ending October 1, 1898, indicate the present methods and the contemplated operations:

"As required by the act of the general assembly, the commission advertised, in 3 daily papers and 10 weeklies, to hire the labor of those convicts not required to be placed upon the farm, to the highest bidders, estimating this class at 1,800, thereby allowing a liberal margin, so that no complication could arise from having contracted to deliver a larger number than might be available.

"The bids accepted averaged in price \$99.13 per capita per annum, aggregating \$178,450 per annum for the labor of 1,800 convicts.

"Bids for labor on turpentine farms were rejected for the following reasons: A much larger cost to the State in guarding convicts so engaged; a larger risk of escapes; and difficulty in keeping the clothing of the convicts and the buildings clean.

"When it is remembered that for several years past there has been an effort to deprecate the value of convict labor, and serious doubts were expressed as to the ability of the State to hire this labor on satisfactory terms, this result is very gratifying.

"Under the lease contracts which have been in operation nearly 20 years, and which will terminate on April 1, 1899, the State received a gross revenue for the hire of all the convicts of only \$25,000 per annum, and as for a number of years the average prison population has exceeded 2,500, the cost of this labor to the lessees has been less than \$10 per capita per annum, exclusive of maintenance.

"At the same time that the commission advertised for the hire of convict labor it also run, as provided for by the statutes, an advertisement for the purchase of not less than 2 nor more than 5,000 acres of land. To this advertisement the commission received more than 100 offers, at prices ranging from \$2 to \$15 per acre.

"Considering all of this matter and weighing carefully each argument for and against the sites offered, the commission finally selected and purchased a tract of land in Baldwin County containing 3,334 acres, at and for the sum of \$20,500, or a cost of \$6.14 per acre.

"Owing to the constant changes in the prison population it is impossible to determine, except in the case of the women and boys, accurately, now, just how many convicts must be provided for at the farm.

"It is problematical whether 200 convicts can be profitably employed on a farm of the size which has been bought, for necessarily there must be a large proportion of this land which can not and ought not to be put under immediate cultivation.

"In looking into this matter of providing employment the commission has carefully considered many plans, and can only give a general idea of what will probably be done; and in this connection considering carefully the advisability of engaging a part of these convicts in manufacturing clothing for all the State convicts, misdemeanor convicts, and such garments as are bought or contracted for by the Georgia State Sanitarium and at other public institutions. Contracts can be made with the present contractors whose duty it is to supply the convicts with these garments, and if the general assembly will support this proposition by legislation which will be hereafter suggested, the misdemeanor convicts and inmates of the public institutions can also be supplied.

"There can be no income from the State farm until a crop has been made and harvested, unless from the industries heretofore mentioned; therefore provision must be made for the maintenance of all convicts on the farm for at least one year.

"But the future of the system will depend upon the encouragement and assistance given the commission by the legislature. If the penitentiary is to be used as a source of revenue to the State, a means entirely foreign to the most advanced idea of prison management and unheard of in the most prosperous States, and the commission is to be dependent, year after year, upon limited appropriations, in order that the revenue from this source may be as large as possible, the system will be a failure, and at the end of 5 years the State will be again confronted with the problem. But if the income from this source is used in building up a system that will reflect the intelligence and humanity of the State, and be an ornament instead of a disgrace to civilization, every particle of income from this source necessary to build it up should be devoted to the work.

"The commission respectfully suggests that a law be passed by the general assembly requiring all county and municipal corporations, and authorities in control of State institutions, prices and quality being equal, to purchase from the State prison such articles as can be supplied by it, for the public use, in preference to any other bidder or competitor. This is the present law in the State of New York, and has been found there, after various experiments to be practical and wise. It furnishes employment for the convicts at remunerative profits, and under it the prisoners of that State are rapidly becoming self-supporting. Under such a law in Georgia, the clothing of all felony and misdemeanor convicts, and inmates of other institutions, could be furnished by the prison, and a number of the convicts be engaged in profitable work. Other industries of a similar nature, manufacturing articles for public use only, and such as are not made now in this State, might be ultimately established upon a paying basis."

The first year of the active operation of the new convict law ended on April 1, 1900. The report for the year shows that the new system has brought into the treasury \$200,389.13, not including a profit of \$5,000 on the prison farm at Milledgeville. Of this amount \$120,000 was appropriated to meet the expenses of the department; and, as not all of this appropriation was needed, there will be left to the State, at the lowest figure, a profit of \$85,000 for the year as a result of its experiment.

#### IDAHO.

Convicts at the State prison are employed in quarrying stone to be used in building a new cell house; in making excavations to secure a supply of water for the prison; in working the prison farm to raise supplies for the use of the institution, and also as cooks, waiters, tailors, laundrymen, etc., in the prison. The warden in his annual report for the year ending November 30, 1898, states that—

"The stone quarries opened up during the preceding years have been worked and more fully developed during the past year. All the rock used in the buildings erected during this period have been easily and cheaply secured. The quarries, of which there are three, will furnish all the rock required for many years in prison building.

"From 15 to 20 convicts have been employed in cutting stone during the spring and summer. They have been under the direction of a prisoner who learned his trade at the prison, and who is competent to direct all the work required cutting lintels, arches, door and window sills, brackets, and all the ashlar used in the building."

In calling attention to the limited water supply for irrigating purposes, he says:

"By using prison labor, we could in one year build a ditch from the river to the upper portion of the prison reservation, thus giving a system that would afford a complete water supply that would irrigate 40 acres more of our best land that can not at present be irrigated, affording an opportunity of raising hay for the stock and increasing the supply of winter vegetables."

The prisoners in the county jails may be worked on the public roads, but there is no plan for their systematic employment.

#### ILLINOIS.

The convicts at the State penitentiaries are worked under the State account system. A number of the prisoners are also employed on the farms, about the institutions, and in manufacturing the necessary supplies for the same, also in repairing and making additions to the buildings.

It appears from the report of the penitentiary at Joliet that during the year 1897 the convicts were engaged in manufacturing oak chairs, cooperage, brooms, cigars, and knit goods, and cutting stone on the State account system. The results of the operations for the year are summarized as follows:

Loss on the business of the different industries.....	\$69,298.43
Cost of maintenance of prisoners while employed.....	50,198.94
Total loss.....	119,497.37

The commissioners of the penitentiary, in their report for 1898, state that—

“In the very nature of things, and also as a matter of history during the last administration, industries operated as these were, with the output fixed by the necessity of keeping the prisoners employed at all times, and the markets for the products variable, the State would often accumulate an over plus, which it had to sell at some price, because it was not and had not been capitalized to carry indefinitely such a stock as would soon develop. It was, therefore, forced to demoralize the market by selling below it, and, in many instances, at less than cost and at a loss to the State. The pernicious use of such a practice injured free labor first, for when the cost of raw material is reached by the outside manufacturer he must reduce the price of labor, and when that too is absorbed by this unfair competition of the State the outside shop must quit. It is needless to observe that the greater the number of these competitive industries the more widespread the demoralization to outside labor.

“To render this institution self-supporting, while a very natural and possibly in some respects a laudable ambition on the part of its officers, is by no means the supreme test of administrative success; nor, on the other hand, should they be excused from wasting the energy of the prisoners by embarking on hazardous enterprises which experience teaches have nearly always resulted not only in entire loss of labor expended, but also in hundreds of thousands of dollars to the people.

“The penitentiary occupies such an independent position under the law that there is no occasion for its taking any risk whatever for a single industry within its walls. The law requires the prisoner to be kept at hard labor, therefore his energy is the only thing to dispose of, and the management is not authorized in risking the people's money in experimental factories. Let the outsider furnish the material which the energy of the prisoner will work up into goods and wares. He can and does control enough capital not only to buy in the lowest market and take advantage of every discount, but he escapes the embargo laid on State products by boycotts and prejudice. He can also store his goods until the market will receive them, rather than force the market and the free labor down by the ruinous necessity of selling below, as the State had to do. We do not believe that it should be the policy of the State to enter into competition with its citizens, but the law requires the prisoners to be kept at hard labor, and we think it should be the policy of the management, in fairness to outside labor, to outside industries, and the taxpayer, to get the highest possible price for the work of the prisoner; to use every reasonable endeavor to supply his necessities, to keep him in health, to treat him in such a manner that if reformation is possible it may be accomplished, and to apply the same careful business methods to State affairs which private interests outside would demand; then let the people pay whatever deficit—and there will be one—for this institution is not now, and probably never will be, self-sustaining. It would seem that this theory is not at variance with the constitution and allows the burden to rest equally on each interest affected. It is fair to the outside labor (which would have to meet the competition of the labor of the prisoner were he free), fair to outside factories by preventing ruinous competition and disturbed markets, and fair to the taxpayer, whose burden is lessened by whatever earnings the institution can show.”

The principal industries conducted in the penitentiary at Chester are the manufacture of hollow ware, knit goods, and brick, also stonework and quarrying.

Prisoners in the houses of correction and county jails are worked under the State account system in the manufacture of bricks, brooms, and other articles, and also in breaking rock for macadam and in the general work incident to the institutions.

#### INDIANA.

The biennial report of the Indiana State prison for the two years ending October 31, 1898, contains the following information concerning the industrial operations of the institution. Convicts are worked under contracts, as follows: Two hundred men at 40 cents per day, 50 men at 42 cents per day, and 130 men at 32½ cents per day. These convicts were engaged in the manufacture of boots and shoes, chairs, woolen goods, and cooperage.

The warden makes the following recommendations:

“I believe that the plan of leasing a sufficient amount of land adjacent to the prison farm, and working on this land from 200 to 300 of our prison population composed of the older and short-term men, would be one of the best methods of

solving in part the question of labor in this institution. This land can be leased for a number years at a price not to exceed \$1.75 per acre, upon which could be raised potatoes, cabbage, tomatoes, and other vegetables in sufficient quantities to more than meet the needs of this institution. The surplus could be shipped to other State institutions not having the advantage of a farm. After the plowing of this land is done, it could be worked entirely by hand, not being necessary to purchase any improved machinery for its successful cultivation.

"It must be borne in mind that this institution is now the prison of the State, to which are committed the life prisoners, prisoners with long terms of sentence, and prisoners of such character that it would not be safe or practical to work outside of the walls. For this class of men (not exceeding 50 per cent of our population) I believe a system by which we can work them on the piece-price plan would be the most acceptable and practicable.

"In making contracts on the piece-price plan I would recommend that certain articles of merchandise be manufactured, such as boots and shoes, clothing, school desks and chairs, wooden ware, and brooms; and that not more than 100 men be worked in the manufacture of any one class of goods.

"In the enactment of such a law I would recommend that there be incorporated a section whereby the contractors who manufacture the articles mentioned should be compelled to furnish our State institutions and political divisions of the State, and such State institutions, or political divisions, be compelled to purchase such articles of said contractors at a price to be determined by a board appointed by the governor to fix prices at which said contractors shall be paid for the manufactured articles, the price to be such that the manufactured goods sold to said institutions would not undersell similar goods made by free labor, permitting said contractors to dispose of the balance of the goods manufactured in the market.

"Under the present law 400 of the convicts in the State prison may be employed under contract until 1904. If the population exceeds 800, 50 per cent of those in excess of that number may be likewise employed. The State has leased a tract of land near the prison, upon which to employ, through the summer season, any surplus of labor there may be remaining after supplying the above number and providing for the regular work of the prison. If at any time the whole number of inmates is not employed, authority has been given to utilize them in the manufacture of goods on State account. We have also a woman's prison, in which the women are largely employed about the institution, but do some little outside work, such as quilting and laundering.

"No work is provided in this State for those serving jail sentence, save in some counties there is a stone pile or wood pile upon which a part of their time is expended.

"The reformatory has all of its labor contracted for about 8 years to come. The reform school for boys expends all of its labor upon its farm and school industries. The reform school for girls, in addition to caring for the institution, does some laundry work for outside parties."

According to the biennial report of the Indiana Reformatory for the years 1897 and 1898, the prisoners in the institution are required to earn their own living. A man on entering the institution is given his first outfit and first meal; after that he must earn, by good work, sufficient to keep himself while there and have a certain amount to his credit before he can be paroled.

For each day's perfect performance of duty, men in the upper grade receive a credit of 55 cents per day; in the middle grade 50 cents per day; in the lower grade 45 cents per day. An additional credit is earned for all work done in excess of the fixed task, and a deduction is made for all unnecessary shortage. From these earnings a man is required to pay for what he receives in the way of board and clothing.

After 18 months' trial of this system and carefully comparing it with other systems, the officials of the institution are convinced that it is a strong element in the successful management of the reformatory. The prisoners in this institution are worked under a modified form of the contract system, but at the expiration of the present contract, in about 5 years, trade schools are to be established.

The board of State charities, in their ninth annual report, 1898, make the following statement:

"The most serious problem which has confronted the management of the State prisons has been the question of providing labor for the convicts. The new laws

against contracting prison labor made no provision for its employment. During the past year there have been 380 men under contract. In addition to that, every means that the warden could devise to keep the men in employment have been used, yet there have been some who have been unoccupied. At this season of the year, and through the months immediately succeeding this, there is but little opportunity to furnish employment for many of those that are not on contract. The spirit of the prison must be reformatory if it is successful. There is nothing that counts toward reformation in idle convicts locked in their cells their entire time devoted to thinking of self and to the cultivation of evil habits. The strain of these conditions is great, and the influence is not toward making better men."

## IOWA.

The following quotation is taken from the biennial report of the warden of the penitentiary at Fort Madison for the year ending June 30, 1897:

"We have employed on an average 100 convicts at the work of improvement going on here since May, 1896. These men will have work, by the time it is finished, about 350 days, or an aggregate of 35,000 days, which, computed at 50 cents per day (the price of contract labor), would have earned \$17,500. And when we take into consideration that 20 or 25 of these men have been constantly employed cutting stone, which labor, if done by citizen stone cutters, would have cost \$3 or \$3.50 per day per man, an average of 7,000 days, and 10 men have been employed at laying stone, for which we have paid citizen masons employed on the work \$2.50 and \$3 per day who did no better work than the convicts, you can form some estimate of the saving to the State from the use of convicts.

"I have at all times, in the making of these improvements, utilized convict labor to the fullest extent possible. In the construction of the 140 new cells all the labor was done by convicts, under the supervision of a foreman from the factory, which was the only outside labor employed. In masonry work there has been a citizen foreman, and part of the time 5 or 6 citizen masons, as we found only 2 or 3 stone masons among the convicts. From this time until finishing there will be none but convicts employed, except the foreman.

"I find by comparison that the earnings of the men on contract amounted to \$74,947.22, a decrease of \$11,320.57, as compared with the previous biennial report. One reason for this decrease is on account of the shoe contract going out March 1, 1894, and also by modifications of the contract now in force between the State and the Iowa Farming Tool Company and the Fort Madison Chair Company, whereby the Farming Tool Company reduced the number of men working on their contract from 155 full pay men to 132, and half-pay men, or lumpers, from 11 to 9, a reduction of 25 in the aggregate and a reduction in price per day of the 132 men remaining from 50 cents per day to 45 cents per day. There was also a modification of the chair company's contract to run from June 1, 1896, to June 1, 1898, whereby the price of labor was reduced from 50 to 40 cents per day on the full number of men employed, the number of men was reduced from 130 to 120. These reductions were made upon a showing by the contracting firms of business depression and the fact of manufacturing articles piling up on their hands, the chair company making a sworn statement showing conditions corresponding with their claims, and the tool company also making showing to substantiate their claims. Notwithstanding these drawbacks, and with an increase of 65 men in average number of men confined, I have been able to keep up the general support fund and turn over during this biennial period \$11,000 as surplus earnings to the State treasurer and have now on hand to the credit of that fund \$7,265.51, besides contractors' notes to the amount of \$9,826.90 and \$3,000 due from contractors unsettled."

Convicts in the penitentiary at Anamosa are employed in quarrying stone to be used in constructing the prison, and engaged in the industries connected therewith, such as tailors, making prison clothing and discharge suits, shoemakers, and other like industries, all for the support of the prisoners, and in the care of the institution.

The warden of the Anamosa penitentiary, in his report for the year ending June 30, 1897, says:

"The question of convict labor, however difficult of solution, is imperative in its supreme importance. To remove the State labor out of the reach of interested competitors it would have to be removed out of this world. Every act performed

by a prisoner could be done by free labor; and if all the prisoners of the State were prohibited from doing what some men could do, and would like to do, then a sentence to 'hard labor in the penitentiary' would be ridiculous in the superlative degree. It does not require a very astute mind to discover that the State is sandwiched between two stubborn difficulties. It can not perform a single act without coming into conflict with what is termed 'free labor.' It can not remain idle, for it is under sentence 'to hard labor in the penitentiary.' And to attempt to escape the dilemma by farming out the State labor at a mere fraction of its real value only aggravates the seriousness of the situation. A glance at the results of this method can not fail to satisfy any clear-headed man that the policy is a dismal failure. It fails to bring the State any just recompense, save that of ridicule. It fails to offer any incentive to the convicts. The paltry sum paid for their services is an insult to their frayed manhood. It fails ingloriously to reach any harmonious results in the world. The reason is plainly told by the complaints of those who are operating plants within penitentiary walls. They complain of boycott and systematic opposition from manufacturing firms that are paying higher wages for the same class of service performed. The result could not be otherwise. Where is the solution of this vexed question? Not in idleness, for this has been weighed in the balance and found wanting. Not in ruinously low prices for prison labor; that only aggravates the difficulty. It is a dismal failure. Let the State demand and receive for its labor the same wages that are paid for the same class of labor in the outside world, and the difficulty disappears."

Prisoners in the county jails are for the most part unemployed, except upon minor duties about the prison, as there is no provision in the statutes for a guard to work the convicts. The cities of Cedar Rapids, Sioux City, Davenport, and Independence furnish a guard and work the prisoners on the streets.

The inmates of the industrial school are employed in the domestic duties incidental to the institution; also in making and mending their clothing and in studying.

#### KANSAS.

The inmates of the State penitentiary on June 30, 1899, were employed as follows: Under the contract system, in the manufacture of furniture, 76; in the manufacture of boots and shoes, 41; runners for these shops, 7. Those employed by the State were distributed as follows: Two hundred and sixty-one in mining coal for use in the penitentiary and other State institutions; 30 in quarrying stone for use in the penitentiary buildings and for building the State road; 15 on buildings being erected by the State; 60 in the kitchen, bakery, and dining room of penitentiary; 45 in the engineering department for light and power at the penitentiary; 18 in breaking stone for road use and cutting stone for building; 52 in laundry and State tailor shop; 36 in caring for cell houses; 51 in prison yard and general miscellaneous work (this includes many cripples and invalids); 14 on State farm raising products for the use of the penitentiary; 13 in and around penitentiary stables; 14 carpenters, tinkers, and blacksmiths in State shop; 15 cooks, nurses, etc., in hospital and insane ward; 9 insane prisoners; 97 clerks, runners, roustabouts, etc.; 25 at brickyard making brick for use of State institutions; 39 on State road.

In the large cities jail prisoners are employed generally in street work. The smaller cities and county jails, as a rule, furnish no employment for prisoners. The State reformatory and the State reform school furnish mostly farm work for prisoners.

From the eleventh biennial report for the State penitentiary, for the years 1897 and 1898, it appears that—

"During the year ending June 30, 1897, there were employed at the coal mine, working on the State-account system and in mining coal for the use of State institutions, an average of 292½ convicts per day working 309 days, and during the year ending June 30, 1898, there were an average of 313.08 convicts per day working 310 days. The convicts were also engaged in farming and in gardening and macadamizing public roads."

The employment of the prisoners is commented upon as follows:

“Toward the close of the fiscal year ending June 30, 1897, and during the early part of the fiscal year just closed, it seemed impossible to provide labor for the prisoners, but with the experience with one summer we have found a way to fully employ this labor, so that during the last 7 months of the fiscal year ending June 30, 1898, we sold the hitherto unprecedentedly small amount of 30,515 bushels of market coal. In this connection, I feel it incumbent upon me to say that the disposition of this labor is a question upon which your honorable body should make explicit report, and recommend to the governor, and through him to the legislature of the State. I hold the employment of this labor by any party or parties for private gain to be wholly wrong. There is no reason why the labor of the wards of the State should result in profit to a single individual, nor is there any reason why this labor can not be directed into channels that will result in profit to the State at large, nor at the same time be detrimental in the way of competition to a single free worker, organized or unorganized, in the State. To sum up, this labor should be used in preparing the material for the erection of public buildings, in manufacturing for the various educational and charitable institutions such articles as can be readily made here but can not be made in the charitable and educational institutions.”

The second biennial report of the Kansas State Industrial Reformatory, 1898, states that—

“The inmates are engaged in cooking, washing and laundering, tailoring and shoemaking, blacksmithing and carpentering, stonemasonry and masonry, all of which are fairly successful, besides farming and stock raising. I would suggest a recommendation by the board to the legislature for improved machinery in all these departments of labor, that our graduates may be on equal footing in their trades when paroled.

“So far our shoe department is confined to hand work, and, while answering institution needs, does not fit a tradesman for first-class competition. Our laundry supplies are of ancient pattern also, and our kitchen furniture and methods very meager. I also ask that the board consider a recommendation as to putting the inmates of this institution on some footing of earnings, as the penitentiary pittance at least.”

#### KENTUCKY.

Convicts are worked under the lease or contract systems and also under the public-account system. The board of prison commissioners, in their annual report for the year 1898, state:

“When we took charge of the penitentiaries we found that at the Frankfort penitentiary 400 convicts were leased at 35 cents per man for each working day, and 650 convicts were being worked by the State in the manufacture of chairs, the output of which was sold to a contractor at a stipulated price per dozen chairs.

“Since the present board has been in existence they have succeeded in consummating a contract for the leasing of the labor of 650 convicts at the Frankfort penitentiary at 40 cents per day per man, which, in addition to 400 previously leased at 35 cents per day, will relieve the State of any expense on account of the penitentiary. There are now on hand from 100 to 150 idle convicts, for the labor of which they are now advertising for bids.

“At the Eddyville penitentiary there are about 500 convicts, 225 of which are now leased at 35 cents per day, and they are considering bids for leasing of the remainder of able-bodied men. It will be a difficult matter to place this penitentiary on a self-sustaining basis at the prevailing prices of convict labor, for the reason that nearly all the expense of running a large penitentiary, viz, salaries for warden, deputy warden, physician, chaplain and guards, light, fuel, etc., have to be paid, but all able-bodied convicts are leased.

“Labor is required of every convict in the penitentiaries whose physical condition will permit. This is not done solely for the purpose of increasing the revenues of the State. It is universally conceded by every officer in charge of a penal institution in the civilized world, and by all who are in a position to speak from the light of experience and close observation, that employment is absolutely essential as a preventive of discontent and restlessness among criminals, or, for that matter, any other class of individuals, as well as being the most potent reformatory factor.

"As the avowed object of our penitentiary system is to reform as well as punish the violator of the law, it will be the aim of the management to, if possible, return the convict to society a better man, qualified to earn his living in a legitimate and honest manner, stimulated in courage and moral purpose, and with a self-respect and self-reliance he never knew before, created by a consciousness of his equality with his fellows in the battle for existence."

The warden in his annual report for 1898 makes the following recommendation: "As you are, of course, aware, I took charge of the prison as warden on the 1st day of last August. I found the shoe and broom factories running with profit to the State; they being controlled by the Mason and Board Company, with convict labor leased from the State. I found the chair factory, which is the chief industry of the penitentiary, running on what is known as "State's account" unsatisfactory and unprofitable. I would, therefore, respectfully recommend and urge that the contemplated change to leased labor be made as soon as possible, as the only means by which the prison can be put upon a self-supporting basis."

A State reformatory is now being erected.

Prisoners in county jails have, as a rule, no employment other than that incident to keeping the buildings and surroundings clean.

#### LOUISIANA.

The convicts at the State penitentiary are employed entirely under the "lease system." The warden, in his annual report for the year 1898, states that—

"The average death rate for the twelve years preceding the appointment of a State warden is  $10\frac{1}{2}$  per cent; since the appointment of a warden the death rate has been a little over 6 per cent, and this would have been still more reduced had it not been for the use of the convicts during the extreme high water in the spring of 1897. They were moved about in boats and barges to meet the exigencies of the occasion and were deprived, to some extent, of the care and comforts of camp life. While our death rate appears large in comparison to other prisons, it must be borne in mind that the work done by our prisoners is almost exclusively levee building, which is situated in the malarial districts of the State, and is acknowledged to be unhealthy work.

"While, as a principle, I do not favor the lease system, I do not think that the State, under like conditions, could take better care of the prisoners than do the present lessees.

"I have made monthly visits to the different camps, and while a few cases of brutality were reported to me, in every case it was the act of some subordinate, and the parties so offending are not now in the employment of the lessee.

"It has been my duty, on several occasions, to make suggestions as to clothing, sanitation, etc., and in every instance my suggestions have been promptly carried out."

Prisoners in the parish jails, as a rule, have no employment, except in New Orleans, where they are employed in cleaning the streets, public market, and parks.

#### MAINE.

Convicts at the State prison are employed under the public-account system in the manufacture of carriages, harness, furniture, and brooms.

The inspectors of the prison in their report for 1898 state that they are frequently asked why the prison is not nearer self-sustaining, and they give the following reasons:

"First. About 30 per cent of the prisoners are received each year on sentences as a rule of from 1 to 3 years each; by provisions of the revised statutes they are allowed 7 days off from every month for promptly obeying prison rules; this leaves the actual time served for a 3-years' sentence 2 years 5 months 8 days; for a 2-years' term, 1 year 7 months 15 days; and for a 1-year sentence, 9 months 23 days. They come with no trade or knowledge of the industries prosecuted at this place, and before their labor is of any value to the State they are discharged. Their labor is therefore of very little actual value to the State.

"Second. Every prisoner on entering is furnished a new prison suit; on leaving a new citizen suit. The expense of travel from the place of sentence for prisoner and officer in charge is borne by the State, and the State pays in cash to each

prisoner not less than \$5 or more than \$10 to pay travel home. The last two items alone cost the State for the year just closed \$1,502.40.

“Third. The unusual expense necessary to prison discipline, not known to similar industries outside of prison walls.”

The warden in his report for the same year states that a large per cent of the convicts, on account of bodily infirmities, are utterly worthless in any mechanical work, and in order to keep that class of convicts out of idleness he leased a few acres of land near the prison and put them at work, and the result of their labor for the year is as follows: Ten thousand five hundred ears of sweet corn, 300 bushels of potatoes, 200 bushels of turnips, 4,000 heads of cabbage, 5,070 cucumbers, 85 bushels of shelled corn, 50 bushels dried beans, 60 bushels string beans, and 18 tons of hay.

He recommends that the legislature authorize the purchase of land enough for the use of the prison, thereby saving the amount paid out for rent.

A number of the county jails are provided with workshops where the prisoners are engaged in making heels and inner soles for boots and shoes, which are sold to shoe manufacturers. The heels are made from scraps of leather purchased from shoe manufacturers as waste leather. The leather is cut into convenient pieces by use of dies, which makes considerable work. The convicts also make what is called “pan cake,” which is made of piece of leather too small to cut, but is pasted together in sheets about a foot square, pressed, and cut with a machine into the shape of a boot heel.

The jails in a few of the counties are leased with the labor of the convicts. In speaking of their visit to the York County jail, which is leased in this manner, the inspectors state:

“The fourth quarter inspection recently made was very unsatisfactory. It was Saturday afternoon when prisoners are excused from the workshop. There were 119 all roaming the corridors at pleasure; no discipline whatever; the corridors, cells, and bedding in a very filthy state.”

The inmates of the State reform school are employed at farm labor, dairying, tailoring, and much of the time in building, making roads, grading grounds, etc., for the institution. Some are also employed in cane-seating chairs on the piece-price plan.

The farm is regarded as an important factor in the reformation of the inmates. Their time is divided between manual labor and school work.

#### MARYLAND.

According to the annual report of the directors and warden of the State penitentiary for the year 1898, the convicts were constantly employed under the contract system and in other ways, and performed their duties in a way most satisfactory, the nonproductive prisoners being only 8½ per cent of the entire number.

There were 775 prisoners employed under contracts; of this number 79 were engaged in the manufacture of furniture and plumbers' marble; 163 in the manufacture of hollow ware and foundry work; 494 men and 39 women in the manufacture of boots and shoes. In addition to these 71 were engaged in manufacturing supplies for the institution and in necessary work connected with the same.

In 1897 the net earnings amounted to \$27,871.84, a gain of \$10,508.41 over 1896. In 1898 the net earnings amounted to the sum of \$29,180.71. The per capita cost for the support of the prisoners for the year was \$100.08½, against \$97.38½ for the previous year.

Inmates at the house of refuge at Baltimore are engaged in the general work incident to the care of the institution and in manufacturing supplies for the same. A number of them, averaging about 70, are employed under the contract system.

There is no regular system for the employment of prisoners in the county jails, and as a result most of them are kept in idleness.

## MASSACHUSETTS.

The employment of convicts in the State prison, reformatories, jails, and houses of correction is now restricted, by the law of 1897, to the public-account system, except upon the industries of cane seating and making umbrellas, which may be conducted under the piece-price system.

When prisoners are employed on public account, the principal officer of the prison purchases the raw material, makes it into commodities, and sells them in the market, the same as an outside manufacturer; when employed on piece-price system the materials are furnished to the prison by an outside manufacturer, who pays for the labor of the prisoners by the piece, instead of by the day, as under the contract system prior to 1887. In all cases the tools and machinery are supplied by the prison. Sometimes the instructors are also paid by the prison, and sometimes by the manufacturer; but, however they are paid, they must in all cases be appointed by the principal officer, with the approval of the general superintendent of prisons.

It is provided in the laws relating to the labor of prisoners that all of the industries, both in the State and county institutions, shall be under the supervision of the general superintendent of prisons, and the following information is taken from his report for 1898:

“The different kinds of work carried on at the State prison during the year are described in the following paragraphs:

“A small number of prisoners are employed in making paper boxes, part of which are used in the State prison and part in the Massachusetts reformatory. The work is all done by hand and furnishes useful occupation.

“Thirty-five prisoners are employed at brush making. The goods produced consist of dustbrushes, windowbrushes, etc. These are sold, by the superintendent of that industry, under the direction of the warden.

“Another industry carried on by hand is harness making, in which some of the prisoners acquire a good degree of skill. Harness of various kinds and qualities is produced, and as the work is well done, the product commands good prices.

“An agreement was made in 1893 for a term of 5 years for the employment of prisoners in the State prison in making clothing on the piece-price system. The principal articles of manufacture at first consisted of colored shirts, but toward the close of the term other articles were substituted. Upon the expiration of the agreement the business was discontinued.

“Prior to the 1st day of January about 300 prisoners were employed in making boots and shoes, but on that date the number was reduced to 200. The goods made here, consisting of men's and boys' shoes, are sold by an agent, under the direction of the warden.

“Various styles and grades of trunks and suit cases are made. This is a small industry and furnishes very little occupation. It can not be enlarged, as the statutes restrict the work to a few prisoners.

“Early in the year an experiment was made in a small way with chair work for the prisoners confined in the solitary prison. It was found, however, after a short trial that the income from the labor of these prisoners would not pay even the small salary of an instructor, and no permanent arrangement was entered upon.

“In addition to the industries carried on for purposes of revenue as well as occupation, some hand work has been done in the State prison in the way of supplying articles for the institution.

“At the reformatory prison for women the inmates are engaged in making curtains and other small articles by the piece; also in manufacturing shirts and laundry work. In addition to the mechanical industries some of the inmates are given work in connection with the farm, on the land as well as in the dairy, and looking after the poultry.

“At the State reformatory cane seating is done on the piece-price system by a small number of inmates. This work is used mainly to furnish occupation for the prisoners in the third grade.

“A small number of prisoners are engaged in printing. Some cash income is derived from this business, but the greatest benefit received from it is the useful instruction it affords.

"Before the new law took effect more than 300 prisoners were engaged in making shoes. On January 1, however, the number was reduced; and since that time not more than 175 have been in the shoe shop at once. Owing to the change from piece price to public account, there was a great interruption to this business, and at one time only 7 prisoners were at work. A good quantity of men's and boys' shoes are made. They are sold in the open market by an agent appointed by the superintendent.

"The making of chairs has been carried on at the reformatory for a number of years; and it was therefore considered advisable to continue this industry, at least until other work could be provided. Wood chairs of various kinds are made and sold under the direction of the superintendent.

"In addition to the work already described, there has been started at the reformatory the largest industry yet established under the statute of 1898, for the employment of prisoners in making goods for the use of public institutions.

"Other useful occupations for the inmates are provided by the trade schools, which have been maintained through the year in the same manner as heretofore. A great deal of work has also been done in clearing and grading land recently acquired by the institution, and some crops have been cultivated.

"At the State farm there was on the average 160 convicts employed in cane-seating chairs, and the net earnings amounted to \$23.42 for each prisoner employed. Aside from the cane seating, the principal occupation is the cultivation of a large tract of land.

"By chapter 412 of the acts of 1897, which became operative on the 1st of January, 1898, all piecework, except cane-seating chairs and making umbrellas, is forbidden in the prison. In compliance with the terms of that act, notice was given late in 1897, in all but two cases, that the piece-price agreements would be terminated on the 1st of January following. The two exceptions were the manufacture of clothing at the State prison under an agreement made in 1893, for a term of 5 years, and containing no provision for its termination or notice, and the manufacture of shoes at the Lawrence House of Correction on a similar agreement. These agreements have now expired, and at the date of this report the only piece-price work done at any of the prisons is upon the two industries exempted by the statute of 1897.

"The establishment of the different kinds of work needed to produce goods for the use of institutions by labor of prisoners has progressed as rapidly as circumstances will allow. It has been necessary to exercise great care in the selection of the places where articles are to be made, as it is essential to the success of the experiment that they shall be entirely acceptable to the officers required under the law to purchase them. It is the purpose of the general superintendent to make this new work serve as far as possible the interests of the prisons producing the goods, and it is equally his purpose to regard the interests of the institutions buying them. Experiments requiring the expenditure of money are not practicable to any extent, because under a statute of last year the prison industries must be maintained by their own receipts. It will therefore be understood that this work can not be undertaken without careful scrutiny of the prison population for the purpose of determining whether it will furnish the required skill or adaptability.

"Soon after the passage of the law a shop was opened at the State prison for the manufacture of shoes by hand labor for institution use. These shoes are not as nicely finished as those produced by machinery, but they are well made and have been generally satisfactory to the officers using them. It is the intention to put into them as good material as is used in shoes selling for the same price elsewhere, and it is hoped that the hand labor may add to their durability, and thus enhance their values to the institutions.

"The State prison has also supplied some brushes to other places. For the convenience of the officers, the general superintendent has designated the State prison to furnish one kind of brushes and the East Cambridge house of correction another kind.

"The largest industry yet established under the statute of 1898 is the cloth making at the Massachusetts reformatory. Woolen cloth, in all respects good enough for institution use, is now produced there, and considerable quantities of it have already been sold. As far as known it has been satisfactory. All the weaving is done on hand looms, and many other processes are performed without the aid of machinery.

"A shop for the manufacture of clothing was established at the Massachusetts reformatory. So many orders have been received for clothing that another shop will be started at the State prison. All the clothing in both places will be made of cloth produced at the reformatory.

"As soon as the most advantageous place to establish a general shop can be selected a number of small articles will be made for the use of institutions. As already noticed, the industries must be self-supporting, and it is necessary to

proceed with great caution in order to avoid a financial loss. The expense of superintendence and instruction must bear so large a proportion of the cost of goods that only an insignificant return will ever be likely to come from the labor of prisoners employed in this way.

"It is proposed to manufacture hosiery for the use of institutions as soon as the needed capital has been accumulated in any prison having a population capable of performing this work, which will be done by hand power.

"A few blankets have already been made at the Massachusetts reformatory, and it is proposed to put this industry on such a basis that all the institutions can be supplied with blankets produced on hand looms.

"In September a conference was held with all the principal officers of the public institutions of the State and counties, and samples of the goods in general use were exhibited for the purpose of inspection and comparison. From the testimony at the conference and the samples submitted, information has been gained as to what has been mainly purchased by the officers and what is most likely to be acceptable to them.

"The first list of articles published in accordance with the law was issued by the general superintendent in September, and it included boots, shoes, and slippers, brooms, brushes, cabinetwork, clothing, furniture, harness, mats, and rugs, shirts, tinware, and woolen cloth. All the articles named in this list are now made in the prisons, as far as possible, by hand power. The list of articles and materials will be enlarged from time to time as the industries are extended.

"There has never been anything in the statute to prevent one institution from buying goods of another; and, in fact, the law of 1887 seems yet to require that prison-made goods shall be so used. Nevertheless, in the entire 11 years of the operations under that law no appreciable amount of work has been obtained in this way. That such employment can be provided by proper direction is shown by the fact that in the first month under the new law, when only a few industries were established, several thousand dollars' worth of goods were sold to the institutions."

The prisoners in the county jails and houses of correction, except where there are only a few or where they are temporarily retained awaiting trial, are as a rule engaged in some mechanical or manufacturing industry under the piece-price or public-account systems.

#### MICHIGAN.

A sufficient number of the convicts are employed doing the work of the prisons. Those not required for this purpose work at productive labor of various kinds, such as making agricultural implements, furniture, clothing, etc. Some of these industries are carried on upon State account; others are carried on by contractors who hire the convicts of the State. The contract system and the State-account system exists in all the prisons, and in all of them the prisoners are employed on State account or in working for contractors, as found best for the State.

In the State prison at Jackson 300 convicts are employed in making and laundering shirts; 175 in making agricultural tools; 25 in woodwork for wagons; 30 in monumental granite work; 40 in making brooms, and 20 in making boxes and packing cases.

In the house of correction at Marquette 100 convicts are employed in the manufacture of cigars under the piece-price system, the contractors furnish the materials, and the cigars are made at a stated price per 1,000; 40 convicts are employed in the manufacture of overalls, jumpers, jean pants, and duck coats under a contract for a fixed price per day per convict, and 60 convicts are employed on the prison farm, in engine room and kitchen and at other work on State account.

The State-account system predominates in the employment of convicts at the house of correction at Detroit.

In the house of correction at Ionia 244 convicts are employed under contract in making and laundering shirts, and 60 in knitting cotton socks, while 148 are employed in miscellaneous prison work.

The prisoners in the county jails are kept in idleness, except in a few instances they are employed in cleaning the premises or possibly in breaking stone in the jail yard.

The inmates of the State reformatories are employed under the same systems that are in use at the prisons. In the institutions for juvenile offenders the inmates are taught industries, and are employed, to some extent, in producing articles for use in the institutions, and sometimes for sale.

The industrial school at Lansing has a farm of 260 acres, on which the boys are taught farming, and raise the vegetables required for the institution. In the carpenter shop 75 are taught woodwork, and do all needed repairing. In the tailoring and shoe departments all the clothes and shoes required are made and repaired. There is also a printing shop and other departments in which trades are taught.

The board of control of the prisons of the State, in their annual report for 1898, give the following information concerning the prison systems:

"Formerly the law required all convicts to be let to contractors if possible, and provided that those only be employed on State account who could not be let to contractors. This is changed now. Prisoners can be and are worked on contracts or on State account, as may appear the 'most beneficial to the State.' They are not let to contractors if, in any case, they may be employed on State account to better advantage. No prejudice exists in the prison boards in favor of one system of work as against the other. Indeed all the prisons carry on industries on State account, as well as on contracts, and all will increase State account work over the contract system whenever this mode will be more beneficial to the State than the contract system.

"As to the convict, he is treated the same, and has the same opportunities when he works on contract as when he works on State account. He remains in charge of the same prison officers in the one case as in the other. He is never in this State put under the control of contractors.

"In the Michigan State Prison the cost of maintenance above earnings was only \$10,229.87 a year for the two years ending June 30, 1898. For the calendar year 1897 the deficiency was only \$998.69. During the two years \$20,000 only were drawn from the State treasury for maintenance of the State prison at Jackson, and for the calendar year 1897 only \$4,000, of which all but \$998.69 remained unexpended January 1, 1898."

Before closing this report I feel that I should say a word regarding labor. This question has been the subject of much discussion during late years, and seems to be far from settlement. Since 1888, when I gave utterance to my views on this most important and necessary division of prison government, in my annual report for the year, I have had no reason to change them in any particular; and therefore at this time I will quote you what I then said:

"In selecting and planting prison industries, find out and adopt the intellectual and the mechanical—the finer and the coarser mechanical work. Select the difficult and the remunerative, anything that will interest, awaken, and enlarge the mind and the skill of the man, and in which he will see a fair remuneration for free, honest work. The prisoner should never be employed on what is not salable or remunerative. Employ the prisoner upon the moral, the esthetic and the elevating. Give him instruction in the purer and best paying arts; when practicable lead him into the most abstruse and absorbing pursuits of science, and also assign him work in the hardest drudgeries of manual toil. But as success in prison management is desired, never employ a man in labor that is not intellectual, or is not a paying industry. That which is to be sought in these things as employed in prisons is the union of public and individual interest, variety of labor, versatility of thought, and the better application of taste and of skill, and an improved public spirit constantly arising, and an intelligent trend of social life maintained in the prisoners, a life which shall lead to a disdain of meanness and wrong. Let these means and others be employed until a generous and dignified public spirit shall arise and be cherished and maintained. This procedure may be slow and costly, but it is the only antidote for crime."

#### MINNESOTA.

The convicts at the State penitentiary are employed under the State account and piece-price systems. The manufacture of rope and cordage, and of high school scientific apparatus, is carried on under the State account system, and about half of the prisoners are engaged under the piece-price system in the manufacture of boots and shoes.

The board of managers and warden of the State prison, in their biennial report for the year ending July 31, 1898, give the following information concerning the industrial operations of the institution :

"There have been several important changes made in the industrial management of the institution during the past two years, the most important of which is the introduction of the 'piece-price system' as provided by law (chapter 154, general laws of 1895), the introduction of a new industry on State account for the manufacturing of high school scientific apparatus, and the enlargement of the twine factory."

"Under the 'piece-price system' we entered into a contract with the Union Shoe and Leather Company to furnish all materials for the manufacture of boots and shoes; to keep steadily employed for a period of 8 years not less than 200 prisoners, and to take the finished product at so much per piece, the work done to be classified according to its quality and nature. Under this system the management is enabled to exercise better control over the prisoners. It affords a larger discretion in assigning prisoners to work best adapted for them, and to make such changes, from time to time, from one kind of work to another as the best interests of health and temperament may dictate. From every point of view we find the 'piece-price system' an improvement over the old system of contract labor. We also find that it has yielded equal, if not better, results to the State financially."

"The manufacture of high-school scientific apparatus was commenced under State account nearly two years ago, and is gradually growing, under very satisfactory conditions. This has proved a very interesting and important industry, in that it provides skilled mechanical labor of a high order for our prisoners, yet does not compete or interfere in any way with any industry of like character in the State. It has also proved a great benefit to the schools of the State financially, as we have been able to manufacture and sell them the apparatus at an average cost of at least one-third less than they have been obliged to pay to Eastern manufacturers. At the same time it has been a success for the State financially, and has yielded good, substantial returns from the start. We are much in favor of a gradual extension of this industry."

"We regret to say that the twine factory did not give the protection to the consumers this season that it should and naturally would have given under more favorable conditions, or the protection that the management fully intended would be provided under the plans which have been in force for the sale of the prison twine during the past five years."

"Early in the life of the twine plant it was found impossible to dispose of the product direct to the farmers. The first year, with a product of only 300,000 pounds, over one-half was carried over. Conditions were but little better the second year, though the management made every possible effort to get the farmers to buy direct from the prison. At this period it became plainly apparent to the management that if the twine plant was to live, maintain a healthy growth, and fulfill the hopes and expectations of its creators, as well as to fulfill the spirit of the law creating it, some arrangement would have to be made whereby the sale of each year's product could be made certain. Sound business judgment dictated it, and this purpose was accomplished by getting the country dealers and farmers' clubs to handle such portion of the output each year as could not be sold to the consumers. Under this arrangement it was disposed of in carload lots at one-half cent a pound less as an inducement to dealers and farmers' clubs to handle it. The prison twine was soon conceded to be equal to the best in quality and was popular, but the farmer who is accustomed to buy from a dealer in his own town preferred to get it when he wanted it and with no trouble to himself, and generally on 60 or 90 days' time, rather than send his order and cash direct to the prison, and yet the fact that he could always send his order direct and get the twine at a price only one-half cent higher than the dealer or farmers' club paid for the same twine in carload lots was a complete and effectual check against overcharge on their part. Up to the present year the plan has worked well and gave general satisfaction to the farmers. In fact, this method of handling it created such a lively competition that in the majority of cases the farmers got the prison twine on time from their local dealers fully as cheaply as they could get it by sending their orders with cash direct to the prison. Our output this season was about 5,000,000 pounds. The requirement of the whole State was about 17,000,000 pounds, and 800,000 pounds were reserved for direct orders from the farmers—a much larger reserve than usual, and more than we have ever been able to sell direct any preceding season."

"All of our industries have become so productive of good financial results that we are pleased to be able to show that the institution has become much more than

self-sustaining during the past two years. Our earnings during the past two years have been \$244,768.48, and our total expenditures \$201,121.08, leaving a net gain of \$43,647.40. The financial showing of the institution is very gratifying to the management, and from the best information we have been able to gather we believe that there is not another institution of this character in the United States making so favorable a showing financially."

No work is provided for the inmates of the county jails. The inmates of the State reformatory are employed in different industries, as shown by the following quotations from the biennial report of the board of managers for the two years ending July 31, 1895:

"Our population has been employed in the different trades about as follows:

"Quarrying and dressing granite, 40; the various building trades, 30; blacksmithing, 8; cooks, waiters, butchers, and domestics, 16; engineers, firemen, plumbers, steam fitters, and tanners, 10; greenhouse, gardens, farm, stock, and teamsters, 40; tailoring, etc., 5; bakery, 2; laundry, 2; shoemaking, 3; printing office and book-binding, 1; creamery, etc., 1; clerks in office, store, and library, 3.

"Except what we have been able to sell, the product of our granite industry is now incorporated in our new buildings.

"Our next largest industry is farming and gardening. During the past 2 years the last of our 700-acre farm has been grubbed and broken, the old land has been well dressed, and all is now in a good state of cultivation.

"We this year raised 3,500 bushels of corn, 1,800 of oats, and have 350 tons of good hay. We have milked an average of 50 cows—more than supplying the institution with milk and butter. We are raising 60 calves, besides those used for veal, and have now 175 head of cattle.

"We have raised ample fresh pork, and have hams, bacon, and lard for the coming year. We have in store fresh vegetables of every kind for the year, and much in roots for stock, and also have a large quantity of preserved fruit, vegetables, and pickles.

"I am still of the same opinion expressed in my report 2 years ago, viz: 'As most of our inmates come to us without trades, and are here on an average of only about a year, and nearly all do farm work while on parole, I question whether we can do a better thing for them, or for the State, than to utilize our 700-acre farm to train many of them in farm, garden, small fruit, stock, dairy, chicken raising, and other similar work. If, by making it as attractive as possible, we can interest a few of these boys in such work, so as to cultivate a liking for country life, will it not pay?'

"One-half the number, and probably more in value, of our inmate labor is constantly employed in making permanent improvements for the State, which are proportionally as much assets to the State as the new capitol at St. Paul.

"I feel that the education of our inmates, to vigorous, useful, cooperative labor, resulting in stately buildings, in a well-improved, attractive farm and stock, affording the necessaries and many of the comforts of life, in the making of clothing and everything for protecting the body, and with all the employments and economies of family and community life in daily operation before their eyes, and in which each one of them is a useful worker, is a practical education never to be forgotten by them."

#### MISSISSIPPI.

Convicts at the penitentiary are worked under the lease or contract system, and are engaged principally in agricultural pursuits.

The following quotations from the biennial report of the board of control of the State penitentiary for the years 1896 and 1897 show the methods under which the convicts are employed:

"Inasmuch as it is now demonstrated that the State can, without any danger of financial loss, employ its convicts in agricultural labor upon lands owned by the State, the board respectfully submits and earnestly recommends for consideration the proposition that the State should not delay any longer the purchase of sufficient lands upon which the entire prison population may be placed permanently at farm and agricultural labor.

"The lands thus purchased should be grouped together, if not all in one tract, and sufficiently near to be directly controlled by one central headquarters, and of quick and easy access to each other. A more perfect administration of the police

of the prison would thus be secured, as well as the economical management of the labor of the convicts and the general operations of the penitentiary.

"The system of contracting with landowners, for planting operations on the share plan or any other basis, is unsatisfactory, but could not be avoided by the board under the conditions of the penitentiary.

"The State owns 3 farms and has worked 10 other farms, three of which they rent for so much money per acre, and the other 7 they work on what is known as the 'share system,' the landlord furnishing the land, teams, etc., and the State furnishing the hands, and dividing the crop equally.

"The chief aim of the penitentiary authorities, and those who have the management of convicts in hand, should be, first, to use every effort to cause the death rate to be as small as possible; second, to have as few escapes as possible; and third, to make as good financial showing as possible after the first two objects have been accomplished.

"The contract method involves the annual breaking up and moving of convicts from place to place, thus involving the State in great and unnecessary expense. Besides, it is not compatible with a uniform and systematic prison discipline, nor those sanitary regulations that can only be put in operation in a permanent establishment. It is impossible for the State to provide the convicts and officers with the kind of buildings and structures that a State should provide for one of its institutions.

"These considerations, in the estimation of the board, are not only important, but are controlling, in the adoption of a permanent basis for the State prison, and we earnestly recommend that the board of control be authorized by legislation to sell such lands as they have by experience found to be unprofitable, and use the money so realized, together with the funds in the hands of the treasurer to the credit of the penitentiary, and to assume such obligation as may be necessary to purchase good, productive woodland, and clear same for use by the State."

#### MISSOURI.

The prisoners at the State penitentiary, with the exception of those employed in the incidental work of the institution, or in manufacturing supplies for the same, are worked within the prison walls, under the contract system, and are engaged in the manufacture of saddlery, brooms, boots and shoes, clothing, and other industries.

The warden, in his biennial report for the years 1897 and 1898, states:

"That at the beginning of his administration there were 1,100 male convicts working under contract, and that during the two years the number was increased to a daily average of 1,362; also that there are 60 females in the penitentiary, and 25 are working under contract, and with more room the entire number could be contracted."

The male prisoners in the county jails in some of the counties, and at the workhouse in St. Louis are worked on the public roads, also at quarrying stone and in doing necessary work on the premises. The female prisoners at the workhouse at St. Louis sew, scrub, wash, and do general housework of the institution. The inmates of the house of refuge in St. Louis manufacture the clothes, shoes, and other supplies used by the institution.

#### MONTANA.

During the year 1898 the convicts at the State prison were employed as brick masons, stone masons, carpenters, and in other occupations in erecting the penitentiary buildings, doing all the work of building, except the superintending, in a satisfactory manner. During 1899 they had no employment beyond cleaning the buildings and other work incidental to the work of the institution.

The inmates of the State reform school are employed in the various duties incident to the management of the farm, and caring for the buildings and grounds, and the domestic labor of the school. During the spring and summer a majority of the boys are kept employed planting, hoeing, and caring for the crops, also

handling and caring for the live stock. The laundry furnishes practical work for some of the older boys, and quite a force of boys is kept busy in the boys' building; and in the kitchen the boys learn the practical part of baking and preparing food.

The girls are employed in the kitchen in the girls' building, in the sewing room, and in the general duties of the hall and dormitory, and in caring for the building generally.

The prisoners in the county jails are, as a rule, not employed. In the city jails they are sometimes employed on the streets under the "chain-gang system."

#### NEBRASKA.

According to the report of the State penitentiary for the year ending December 1, 1898, the prisoners were engaged in the manufacture of cooperage and brooms under the contract system, also in work incident to the care of the institution and in the manufacture of supplies and the cultivation of farm products for the use of the same.

The cooperage contractors employ 110 prisoners, paying the State 35 cents per man per day for the labor and \$175 per month for steam power. The broom contractors employ 95 prisoners, and pay from 37½ cents to 45 cents per day per man for labor.

The shoe shop has recently been established by the State, where 7 prisoners are employed, manufacturing shoes for this and other State institutions.

The warden recommends that a law be enacted authorizing the sale of all penitentiary lands located in different counties throughout the State, and, from the money realized from such sale, land for farming purposes to be purchased as close as practicable to the penitentiary. The State has paid \$424.50 in the last year for the lease of 190 acres of land near the penitentiary, which amount could be saved if the State would purchase land as stated.

He also recommends that \$534.45 rent, collected from penitentiary land located in different parts of the State, be placed to the maintenance, penitentiary, special labor fund.

The inmates of the State industrial school for juvenile offenders are employed in various industries and educational pursuits. Farming and gardening are important industries conducted at the institution, and the superintendent recommends the acquisition of more land and the extension of farming pursuits.

#### NEVADA.

The warden of the State prison reports that there are only about 60 convicts, on the average, confined there during the year, and that their time is occupied in cooking, washing, and ironing, tailoring, and the miscellaneous duties incident to the institution.

#### NEW HAMPSHIRE.

The convicts at the State prison are worked under the contract system, a fixed sum being paid per day per convict, and the State having general control of the convicts.

With one or two exceptions no work is done by the prisoners in the county jails, there being no system for their regular employment.

The inmates of the State industrial school are employed on the farm connected with the institution, also in the general work incident to the care of the buildings and manufacturing the necessary supplies; also, under the contract or piece-price system in the manufacture of hosiery. The State furnishes the building, power, heat, and light, and the contractor employs the inmates when they are not otherwise engaged.

## NEW JERSEY.

The convicts at the penitentiary are employed under the piece-price system. The State furnishes the labor, power, and room, and the contractor furnishes the tools, furniture, and materials. The contracts are made for 4-year periods and at fixed prices per piece, dozen, gross, or yard, as the case may be, of the articles manufactured.

A number of the prisoners were also employed in making up articles of clothing for both male and female prisoners, and in making the bedding used throughout the prison.

The official report of the industrial operations of the prison for the year 1898, states—

“That the average number of prisoners employed during the year upon contract work was 579½, and the number employed in the necessary work of the prison was 251, making a total average of 837½ employed during the year. The computed value of the services of those engaged in ordinary labor is 45 cents per day, and of the skilled labor employed at mechanical work 75 cents per day.

“The anticipated increased number of prisoners, whose employment was profitable, and the increased value to be derived from their labor, was fully realized, as the average number of men employed was 579, while the average number employed during the preceding year was 426, an increase of 153 men, while the increase in revenue from the labor of prisoners employed was \$19,104.85.”

The prisoners in some of the county penitentiaries, jails, and workhouses, are employed in quarries and in making macadam for county roads, also under the piece-price system and in the work incident to the care of the buildings, while in others no work is supplied for them.

The inmates of the State industrial school for girls and of the State reform school are employed in various mechanical industries of a reformatory and educational character, also in making supplies for the institution, and at the reform school in manufacturing brushes under the State-account system.

## NEW MEXICO.

The convicts at the Territorial penitentiary are employed in the construction of the capitol buildings, enlarging the penitentiary, in the manufacture of brick and lime, and also in farming on a small scale. All these industries are under the direct control of the penitentiary officials. The superintendent in his report for 1898 states as follows:

“Although the work on the extension was commenced in May, 1897, but little progress in the erection could be made, as the rebuilding of the Territorial capitol and the making of brick for the same required sometimes more men than the actual working strength of the prison was able to supply. But in the face of these obstacles, 2,341 cubic yards of excavations have been made, and the dirt carted away; 440 yards of concrete spread; 1,941 perches of solid stone foundation placed, and upon this foundation 2,150 linear feet of rough ashlar wall, resting on 250 linear feet of nicely cut water table, has thus far been erected.

“The steady increase in the number of convicts makes it an imperative necessity to complete the new cell house. This can be accomplished under favorable conditions within 6 months.

“There are now some notable instances of native criminals at this prison who have always followed an idle life that have developed here into skilled and industrious workmen; no longer shirking labor, but eager to execute and proud to display their work. Two years ago our convicts commenced to learn the dressing of stone in the prison yard, and to-day we have a dozen convicts who may justly be ranked as first-class workmen. A few good carpenters, quite a number of expert bricklayers, some plasterers and blacksmiths, tailors, and even skilled photographers have been employed.

“It is necessary to place the Territorial penitentiary on as near a self-supporting basis as possible. The wisdom of this is plain to everyone. It is also equally true that industries should be taken up which will not interfere with the usual employment of the industrious, honest, and worthy wage earners of the land.

“This matter has been carefully investigated, and it is believed that the following machinery will supply the best means of carrying out the object above stated:

“A brick press of sufficient capacity to furnish employment to a considerable number of men. This machine is needed more especially for the reason that the present one has been in constant use for 5 years and is practically worn-out. The manufacture of brick has been a source of much revenue to the Territory. Aside from the number sold, over 6,000,000 have been furnished different Territorial institutions, representing a saving to the taxpayers of about \$30,000. By putting in this new machine the capacity of the penitentiary brickyard will be materially increased, and the earnings of the institution added to in a proportionate degree.

“Second. Machinery to manufacture terra-cotta lumber, which includes the manufacture of sewer pipe. This industry is unknown in New Mexico, and a ready market will be found for the product as far south as Mexico.”

The prisoners in jails are, as a rule, not employed.

#### NEW YORK.

The penitentiaries in this State are county institutions, and are intended for the detention of short-termed convicts committed thereto for minor offenses. There are 6 in the State. Counties not having penitentiaries of their own send this class of convicts, by contract, to the penitentiary of some other county. The convicts in some of these penitentiaries are now (June, 1899) employed in the manufacture of products for use in county institutions; but in some of these penitentiaries the new law has not yet gone into active operation, owing to the fact that at the time it was enacted the penitentiaries had existing contracts under a former system, which have not yet expired, and which the courts have held they are bound to fulfill notwithstanding the enactment of this law.

It is the intention of the law in this State that all convicts sentenced for terms exceeding one year shall be sent to State institutions known as “State prisons” or “State reformatories.” The convicts in this State are employed either in doing the work of the institution in which they are confined or in the manufacture of products for the use of that institution, or for the use of the State or its institutions, or for the use of the political divisions of the State or their institutions. No product of the prisons is sold in the public markets. The goods made in the prisons are furnished to the State and the political divisions thereof and to the State institutions at a price determined by the board of classification, consisting of the comptroller, the State commissioner of prisons, the superintendent of prisons, and the commissioner of lunacy, and is intended to be as near the usual market price for such labor and supplies as possible. The industries in which the convicts shall be employed are determined by the State commission of prisons.

The following quotations from the report of the State commission of prisons for the year 1898 show the present condition and the future prospects of the industries in the prisons and penitentiaries:

“The industries in the State prisons have been very successful during the fiscal year ending October 1, 1898. The object of the law (to give employment to the convicts, as required by the constitution) has been accomplished, and it has been done in such a way as to remove the unfair competition of the old system, which had forced an abandonment of some industries. There is a revival of the brass industry and the manufacture of iron hoppers for use in sanitary closets, and of other industries that had been nearly driven out by the competition of those speculating contractors for prison labor, who were often not taxpayers, and were able to make a market price of such goods so low as to drive out the manufacture by free labor. There are no more complaints of the ‘sweat shops,’ which constituted a great social evil, growing out of the effort to compete with the manufacture, through contracts for prison labor, in the production of women’s calico and gingham wrappers and gowns at 50 cents per dozen, waists at 30 cents per dozen, men’s trousers at 75 cents per dozen pairs, and fine laundered shirts at 30 cents per dozen. Yet, as stated, the convicts are more fully employed than before, and the State is receiving the full value of their labor.

“The labor of about one-third of the convicts in each prison is required in manufacturing supplies for the prison, laundry work and repairing, and as clerks,

engineers, waiters, cooks, firemen, care of cellars and corridors, etc., about the institution.

"The sales of manufactured goods have been very large, and demonstrate the fact that the convicts, not only in the State prisons, but in the penitentiaries and other institutions, will be kept fully employed in the production of goods for use by the officials and institutions of the State and its political divisions.

"It is now practicable to figure out the amount received for labor of convicts in the State prisons under the new system. This makes a good showing, and indicates that with the natural increase of production and the regularity that will come from experience and management the convicts will earn enough to pay the cost of their maintenance.

"The estimates for 1898 and 1899 have come to the commission more promptly and for larger amounts than for 1897. The satisfactory quality of the goods, the promptness with which requisitions are filled or certificates furnished to permit purchases in the open market because of inability of the prisons to promptly fill the orders, the general relief from the importunity of the salesmen, and the economy to the institutions in getting the goods without paying commissions or wages of agents are elements that make the new system more attractive than was expected.

"The penitentiaries are all situated in or near large cities, and are in populous counties where are many public works and institutions to be supplied. The field is ample for the employment of the convicts in those penitentiaries, now that the number to be employed is so greatly reduced.

"In each of the penitentiaries the clothing for the inmates is made from the cloth purchased of the State institutions, and they make their own boots. They can therefore well extend those industries to the manufacture of clothing and boots and shoes for the county poor and for the various institutions in each county.

"The 'tramp' class, which is generally useless for any other purpose, can be employed in breaking stone for use in road and street building. Convicts can be employed in the manufacture of wheelbarrows, street brooms, picks, shovels, trucks, and other tools used in road building and other public works. They can make mattresses and many other supplies for hospitals and asylums. In Kings County a large number have been employed outside the walls in excavating, grading, setting curb, and the like; also in ditching and grading the almshouse farm; rebuilding, painting, and otherwise improving and repairing county buildings and hospitals, thus returning in substantial improvements more than was received under the former employment by contractors, which caused such unjust competition with manufacturers by free labor.

"For the most part the convicts in jails in this State are not employed. Prisoners are not sentenced to jails in this State usually, except for very short terms. In a few counties the prisoners in the jails are employed to some extent in work on highways." In the reformatories in this State at the present time the convicts are employed in doing the ordinary work of the institution in which they are confined, and in the manufacture of the products to be used in that institution; and during all the rest of their time they are employed in industrial training and instruction. In these reformatories no products are manufactured for the State or any other institution or for sale in the market."

The advance summary of the reports of the superintendent of State prisons and the State commission of prisons for the year ending September 30, 1899, shows that there has been a decrease in the sales of goods manufactured in the three State prisons, which is explained to be due to the competition of the State insane asylums and other institutions. The total sales were \$494,720 in 1898 and \$394,501 in 1899. The net earnings of these prisons from labor in 1899 are given at \$54,000. Meantime there had been some increase in the sales of goods manufactured in the various local penitentiaries and the reformatories. The commission of prisons concludes as follows:

"All things considered, the present industrial system of employing convicts has made satisfactory progress, and is furnishing a reasonable amount of employment to the convicts, and a remuneration to the State as great, if not greater, than the system superseded by the new constitution, and that in a little more time, when the output of prison-made goods has been more accurately adjusted to the demand and the difficulties incident to the establishment of new industries and the purchase of prison-made goods by public officials have been overcome, the earnings of the convicts will be largely increased and the system will be even more successful than at the present time."

These reports show a slight decrease in the number of prisoners in the State prisons, and a considerable decrease in the number in the penitentiaries. The number of prisoners becoming insane in the State prisons was 54 in 1897, 52 in 1898, and 45 in 1899. The question is raised by the reports whether any or all of these reductions are due in any degree to the change in the system of convict labor.

## NORTH CAROLINA.

The able-bodied convicts at the State penitentiary at Raleigh are employed about as follows: Nine-tenths on State farms, producing corn, wheat, rye, cotton, peanuts, vegetables, etc., for the maintenance of the institution and for market; one-tenth in the manufacture of brick on State account; one-twentieth in the machine and repair shop; one-twentieth in the mattress factory. State convicts are also worked under lease or contract by railroad companies.

The board of directors and the general manager of the penitentiary report that farming operations during 1898 were more extended than ever before.

"Two new farms have been added, namely: The Tillery, on the Roanoke, and the rice farms on the Cape Fear River. The former is operated on the cropper system, the penitentiary furnishing supervisor, overseers, guards, and convicts to make the crop, and getting one-half of the products.

"There have been cultivated 265 acres in rice, which is now being thrashed, and the yield is estimated to be 10,000 bushels. On 5,300 acres we have produced 3,283 bales of cotton, the largest amount ever before produced on the State farms; but at an average of 4½ cents, it is not encouraging to one who would hope to make this great business self-sustaining. On about 4,350 acres there have been made 73,700 bushels of corn, which will be twice as much as will be needed for support. About 500 acres were planted in peanuts, and the yield has been about 9,000 bushels, a poor yield, the season being bad for them. Eight hundred and five acres were sown in wheat and produced 7,320 bushels, 5,394½ bushels of which are stored at the Weldon Mills, Weldon, N. C., to be ground into flour. Fourteen hundred and eighty acres were sown in oats, and produced 24,075 bushels, and many more would have been saved but for the extremely wet season in harvest. There have been cultivated in all crops over 12,800 acres, being 11½ acres for every man and woman convict, old and young, sick and well, in the penitentiary, and 16 acres to every man and woman, old and young, sick and well, who were on these farms to labor, and about 39½ acres for every horse and mule.

"I am satisfied that at the present prices of farm products, with its too extensive farming operations, its aggregated enormous rents, its exceedingly large guano bills, its great expense to keep up the supply of team and tools, together with the diminution in convicts, with just as many officers, overseers and guards to pay as it would be if there were several hundred more convicts, the penitentiary can not be self-sustaining.

"It therefore ought to be brought down to a narrow scope, and possibly it were better if one or two of the best farms were purchased by the State and farmed all together in provision crops.

"The operation of the machine shop has been confined entirely to repairing.

"Finding it very necessary to send the women to the farms to help gather the crops, the laundry was operated for only ten months. During this period it was run at its full capacity. What machinery is now in the laundry is about worn out, and I feel confident, with new and improved machinery, that the female prisoners will be of more pecuniary benefit here than elsewhere.

"We have made in the shop this winter 2,073 pairs of shoes, in addition to doing the general repair work of the prison.

"We have made and burned 9 kilns of brick of 225,000 each, and have now on hand, hard and salmon: Hard, 7,800; salmon, 237,544.

"The shirt factory since last March has been operated, employing on an average 70 prisoners. In the past 60 days there has been a laundry established in connection with the shirt factory, employing 25 prisoners. Federal prisoners are almost exclusively used for this work.

"We cultivated 35 acres in a garden, which gave the officers and prisoners abundant supply of all kinds of vegetables and added much to the health and comfort of all. After being supplied with summer vegetables, we now have on hand a sufficient supply of turnips and potatoes to last during the winter."

Prisoners in jails, and in fact all convicts other than those sent to the State prison, are worked on the public roads.

## NORTH DAKOTA.

According to the biennial report of the trustees and warden of the State penitentiary for the period ending June 30, 1898, the convicts were engaged principally in agricultural pursuits, a portion of the product being sold and the rest being consumed in the institution. The convicts are also engaged in the manufacture of brick under the State account system.

The warden states that, "The above-named industries are the only ones that can be carried on, as the law now stands, out of which a revenue can be obtained, as there is a large part of the year in which little or nothing can be done in either, and as the work about the institution and grounds, including the capitol and executive mansion, affords employment for less than one-quarter of the inmates, it is readily to be seen that the proposition of furnishing employment for all the inmates all the time, as required by law, is a difficult one if not an absolute impossibility."

## OHIO.

The convicts at the State penitentiary that are not required by the State to care for the institution and manufacture supplies for the same are employed under the piece-price and contract systems. Under the piece-price system the State receives for the product of the labor of the prisoners a price agreed upon between the board of managers of the penitentiary and the firms or individuals doing business at the institution. The prisoners remain in the complete control of the State, while the contractor pays for the product of their labor, and it is claimed that this does away with the criticism of the old contract system, viz, that the convict's daily task imposed by the contractor was greater than it should be. Now, the State, through its penitentiary officials, prescribes the task, care being always taken so that impossibilities are never required of the prisoners. All contracts made since 1884 have been under this system.

The contractor pays only for the finished and accepted product. The losses during process of manufacture, when such occur, do not burden the contractor. During the year ending October 31, 1898, the revenue from the work of the convicts under the piece-price system was \$114,379.84, and under the contract system \$80,944.71.

The work performed by the convict is such as will enable him to secure when discharged profitable employment at labor similar to that performed by him while in prison, where he was not hindered or prevented from being self-supporting on discharge by teaching him trades at hand work while the outside used machinery.

The prisoners in the county jails have no employment. At the workhouse in Cincinnati there are about 340 male prisoners, and about 200 of them are employed under the contract system. Of the 65 female prisoners 10 are employed under contract. The prisoners not working under contract are employed as far as possible in the general work of cleaning the buildings and in manufacturing supplies for the institution.

The Cincinnati house of refuge is rather a home and a school for the training of unfortunate children. "A large proportion of the children who come under its care are committed as homeless, and all are sent there more to escape the vicious influences of others than in consequence of their own evil doing. The whole course of the discipline, therefore, is paternal and not punitive. There is a constant pressure upon the child encouraging him to habits of industry. Each inmate is required to attend the school and to devote a definite portion of the day to the learning of some useful trade."

## OKLAHOMA.

The Territorial convicts are kept in the Kansas Penitentiary by contract, the rate heretofore having been 25 cents per day. In April of this year, however, the Kansas authorities stated that, owing to a lack of employment even for their own prisoners, they could no longer keep the Oklahoma prisoners for less than 50 cents per day. A contract was finally made with the Kansas authorities to retain the Oklahoma prisoners for 35 cents per day, the contract to run for 1 year, and until terminated by 60 days' written notice by either party.

During the present year the Territory has expended for the transportation and care of its convicts \$18,220.13, an increase of \$1,715.83 over the preceding year.

The prisoners in the county jails have no employment, and in some cases spend their time reading and playing games.

## OREGON.

An act of the legislature of 1895 authorized the employment of the convicts at the State penitentiary under the contract system, and the majority of them were so employed during 1898 and 1899 in the manufacture of stoves; others were engaged in manufacturing supplies for the institution, and also in the manufacture of brick for the use of public buildings, and on the farm and gardens of the prison as well as other work incident to the care of the penitentiary and other buildings.

The superintendent of the penitentiary in his report for the two years ending December 31, 1898, states that—

“The expenses incurred two years ago in ditching, tilling, and grubbing the lands belonging to the prison have resulted in the stoppage of land renting, and the returns from these new fields of farm and garden products are far beyond the amounts required for prison consumption.

“No brick has been made on the prison yard since 1895. The State ought to make some provision by which brick would be made at the prison yard the coming season. There is on hand now about 5,000 brick, and the demands of the various institutions can not be met with this number.

“The public highways run through the penitentiary land for three-quarters of a mile. To improve this section of the road was considered a part of the duty of the prison management. To bring the roadbed up to the required grade 3,780 yards of dirt were hauled, and 1,160 loads of gravel completed the job. No better piece of dirt and gravel road can be found in the State. The cost in labor was 213 days with team and 1,023 days work of men.”

There is no system of employment for prisoners in jails.

## PENNSYLVANIA.

In the Eastern Penitentiary, at Philadelphia, the work of the convicts is performed entirely within the cells. In the Western Penitentiary, at Allegheny, the convicts are worked in workshops. By an act of the assembly approved June 13, 1883, the contract system in the prisons and reformatory institutions of the State was abolished, and it was directed that convicts be employed for and in behalf of the State. The number of convicts that may be employed in different industries is also limited. The effect of these laws on the industries of the two institutions named above is shown by the following quotations from the annual reports covering the years 1897 and 1898. The report for the Eastern Penitentiary calls attention to the growing tendency there and elsewhere to abolish or restrict labor in penal institutions, and states—

“That there can be no justification for such legislation. It answers no good purpose. It is idle to suggest that it protects outside labor. The output from all the prisons in the State, if run to the utmost, would be small and could not disturb the labor market to any appreciable extent. It is merely sentiment, and can not stand fair investigation for a moment. A father would not be com-

mended, who had four sons, one of whom was bad, if he should forbid the bad one to do any work because he was bad, and should require the other three to support the bad one in idleness.

"The act of assembly of the 18th of June, 1897, specifies that not more than 5 per cent of the whole number of inmates shall be employed in the manufacture of brooms, brushes, or hollowware, or 10 per cent in the manufacture of any other kind of goods, wares, articles, or things that are manufactured elsewhere in the State. Why 10 per cent? If the above is good legislation, it would be better to abolish labor altogether. Ninety per cent of 1,267 persons in the Eastern Penitentiary forbidden to work for years. There never could be placed on a statute book more monstrous legislation than this. It is a disgrace to the intelligence of the nineteenth century. Every prisoner should be compelled to work—to work hard 8 or 10 hours every day. It would produce greater reformation in the character of the prisoners than all other means combined. The act produces a strange contradiction. Every prisoner sent to the Eastern Penitentiary is condemned by the law to solitary confinement at hard labor, and yet this act forbids putting 90 per cent of those thus sentenced to any labor whatever.

"It is frequently contended that imprisonment causes mental disorder. The wonder is that all prisoners incarcerated for years and forbidden to do any work, living in absolute idleness, do not go raving crazy. In the name of humanity this act and all such should be abolished and the fullest employment given to prisoners.

"It was on October 22, 1829, that the first prisoner was received into the penitentiary, and from that time to the present, a period of 70 years, 20,016 have been received, convicted of crimes of every character. Each one of that great number was subjected to individual treatment, and I confidently believe was bettered both in health and morals by the treatment received.

"Many efforts have been made during the last decade to improve the condition of prisoners in what are known as congregate prisons in this country by offering inducement to good conduct, such as good-time law, that is, deducting time off the penalty pronounced by the court; the ticket-of-leave mark system, here called indeterminate sentences, and parole, formerly known in Great Britain as the Irish system. The parole scheme is now very generally advocated by those favoring congregate prisons or reformatory institutions. Large beneficial results are claimed for it. It is even stated that 80 per cent of the prisoners paroled are reclaimed from crime life.

"All such estimates are and must be untrustworthy. They are mere guesses. They are not backed by any authentic statistics of the subsequent life of discharged convicts. It is true that some of the reformatory who parole the better portion of their convicts do, during the time of such paroles, keep some oversight of them. It is also true that many of the paroled prisoners fail to live up to the conditions of the parole, and many of them disappear altogether. All reports from sources professing to give any definite proportions of convict reformations are guesses, dependent on the temperament of the guesser, and can not be relied upon for scientific or statistical purposes.

"From a long continued and intimate association with criminals as prisoners, I have a strong conviction that the best results are obtained from separate confinement. This view is sustained by the penologists of the whole world outside of the United States. I have for many years endeavored to follow the subsequent life of prisoners, and however successful I have been, I must refrain from stating actual numbers or percentages, as my observations and information are fragmentary and can not be reduced to figures or percentages capable of proof. It is doubtful whether the adoption of any legal plan for obtaining information might not, on the whole, do more harm than good, for the reason that it is obviously to the interest both of the convicts and the community that those discharged, who really desire to pursue an honest life, should quickly and imperceptibly be merged into the general body of society.

"The labor act of the last legislature, as interpreted by Attorney-General McCormick, only permits one industry for the manufacture of goods for the open market to be carried on and only 10 per cent of the population of the penitentiary to be employed at that.

"Ten per cent of the inmates are employed on hosiery, the remaining 90 per cent are in idleness, except such as can be employed in repairs about the place and making clothes, shoes, blankets, and other articles used by the prisoners."

The report of the Western Penitentiary states that owing to "The embarrassed conditions of labor in the prison, resulting from the restrictions placed upon its methods by the law passed by the last session of the legislature, the law, with its radical changes, particularly with reference to its limitations as to the number

of prisoners to be employed upon various industries, has thrown out of work and into enforced idleness one-half of our prison population, a condition which you will agree with us is to be greatly deplored.

"The law referred to is an act of the general assembly, approved the 18th day of June, 1897, directing that all work shall be performed by hand or foot power, and limiting the number of prisoners to be employed upon productive industries in the prisons of the State. The immediate result of this law was, as we have stated, that exactly one-half of the number of our men hitherto employed here in manufacturing goods for sale are now idle, and must largely remain so until remedial legislation is enacted.

"This idleness became so irksome and injurious to those who were taken from the shops that measures were promptly taken to give relief, so far as possible, by creating nominal positions, and work of an extensive character was undertaken in improvements upon buildings and grounds, giving employment to some during all the summer months. An electric-light plant has been constructed largely by prison labor. Work of excellent character was performed in wiring the buildings and erecting a power house, employing many young and able-bodied men upon valuable labor now nearly completed. We wish more labor could be furnished as likely as this to be helpful on release from prison.

"We were instructed by eminent counsel that the provisions of the bill referred to permit the employment of 5 per cent of the prison population in making brooms, 10 per cent in making hosiery, and 20 per cent in the manufacture of cocoa mats and matting, with power to add other industries, upon which 10 per cent of the prisoners may be employed. Acting upon this legal interpretation of the bill, the necessary changes were made in the shops. Subsequently we learned that the attorney-general of the State had given an opinion to the industrial reformatory, in which he held the ground that if 5 per cent of the whole number of inmates were employed on anyone of the industries named in the act with that limitation, 'it would seem to be impossible to employ any others in the manufacture of other kinds of goods.' Similar language is used if work of 10 or 20 per cent limit be selected, concluding as follows: 'Difficult as it may be to understand the reason for the legislative enactment, \* \* \* the employment of the inmates would therefore be 5, 10, or 20 per cent of the whole number, as the case might be.'

"Other institutions ceased at once all productive labor. Work was continued here throughout the year, but only on industries previously established, as we feared to hazard investments in new plants until further legislation made the meaning clear. We are advised by those who framed the bill and took part in the debate that the interpretation given to it by this prison conforms to the intention of its framers.

"We desire to note that by the limitation to the use of hand-power tools and machinery, one or two details in finishing mats and knitting tops for hosiery, upon which not exceeding 4 persons are employed, had to be performed in shops outside, entailing a direct loss of \$4,275.70 to the prison.

"We have, as briefly as possible, called your attention to the scope and results of the present law, and we have confidence that our legislators will make the effort to apply such remedies as are necessary to relieve the present difficult situation. You can readily see that the enforced idleness of such a large number of prisoners is a most serious matter. It is not merely irksome, but pernicious in its results to the prisoners. Steady employment, whether in a prison or upon the outside, is a power of incalculable value in the maintenance of order and in the promotion of good habits. Idleness fosters discontent, lawlessness, and disorder. It is particularly so in prison life, and idleness inevitably results in the demoralization of the prisoner, often ending in his physical, mental, and moral ruin.

"Since the opening of this prison, some seventy-three years ago, its management, in their reports from time to time, have emphasized the necessity of useful and interesting labor, and its ameliorating influences upon the prisoner, and also its effective aid in helping to reduce the burden of support devolving upon the taxpayers of the counties from whence the prisoners are sent. It is deeply to be regretted that in the assaults made upon prison labor the estimate of its competition with outside labor has been so greatly exaggerated as to create an unwarranted prejudice in the minds of many against any form of productive labor in prisons.

"Statements of this character were the immediate cause of the passage of the present law, and there may be danger of further retrograde movements by legislative enactment if legislators, who are legally intrusted with the care and protection of the prisoner as a ward of the State, are not 'on guard.'

"The subject of convict labor has been a very perplexing and annoying one to legislators, and we do not wonder that they are anxious to have some satisfactory plan adopted having the merit of permanence. We understand that the Pennsylvania legislative commission, appointed to investigate this question, are prepared to present their report at the present session of the legislature, and will doubtless accompany the same with the draft of a bill in harmony with their suggestions. We sincerely trust that their conclusions may receive the serious consideration they deserve, and that such a plan may be evolved as will furnish steady and useful employment for prison inmates. Anything less than this we are convinced will be only temporary."

The wardens of some of the county prisons report as follows:

Berks County prison, at Reading: Only 10 per cent of the convicts are employed. The 90 per cent are idle, except the few who are employed in the general work incident to the institution.

Delaware County prison, at Media: Two convicts are employed in weaving carpet, 2 knitting stockings, 2 toeing stockings, 2 caning chairs, and the balance sewing carpet balls.

Montgomery County prison, at Norristown: Ten per cent are employed in weaving carpet or knitting stockings and caning chairs.

Chester County prison, at West Chester: The convicts are employed in scrubbing and baking; the women in making clothes. They also weave cloths, sheeting, and drilling, cane chairs, weave carpets, sew and cut rags.

The superintendent of the Allegheny workhouse states that the institution being a corporation, did business like any other manufacturing establishment and employed the inmates, and as many thereof in manufacturing as the trade permitted or required.

"Recent legislation abolishing machinery in prisons made the manufacture of cooperage with unskilled labor impossible, and hampered the manufacture of brooms and brushes. A further restriction, that only 5 per cent of the inmates could be employed allows work for only 30 men out of a total of 600 on brooms and the same number on brushes. The balance have to be idle, except such for which remunerative work can be found around the prison.

"The above restrictions are practically an abolishment of all remunerative employment, as no business can be carried on satisfactorily that can not accommodate its consumers when in need of goods.

"It may so happen that the business season is brisk, requiring more goods, while the number of prisoners falls off, reducing the number to be employed and reducing the output."

The inmates of the House of Correction, Employment, and Reformation, at Holmesburg, Philadelphia, are employed in quarrying stone from a quarry owned by the city, and on the farm connected with the institution, as well as on the roads and highways in the near neighborhood.

Inmates of the reform school at Morganza are employed in producing articles required for use in the institution, and are taught bricklaying, blacksmithing, painting, carpentering, typewriting, mechanical drawing, etc.

#### RHODE ISLAND.

The convicts at the State prison are employed under the contract system, at rates ranging from 40 cents to 50 cents per day per convict, in the manufacture of boots and shoes. The convicts at the Providence County jail are employed in the same way, at 20 cents per day per convict. A contract was made in 1892 for the employment of 150 convicts in making boots and shoes, for 3 years. In 1895 this contract was renewed, and again, December 1, 1898, it was renewed, each time for the same period and under the same conditions. During the past year the contractor employed an average daily number of 220.

Another contractor employs 12 men upon wire goods, as he has done since 1878. The short-termed convicts have been employed, as in past years, in farming,

gardening, and quarrying and breaking stone. It is estimated that over 2,000 tons of stone have been broken by them of suitable size for macadamizing roads.

The superintendent of the workhouse and house of correction states that—

“The routine of labor has been followed as usual during the year, the skilled inmates doing the repairs of the institution to a large extent, and the women making and mending clothes, washing, ironing, etc. The men work largely out of doors, farming, breaking stone, clearing the land, and building roads.

“As no large work of construction was going on the past year requiring the labor of the prisoners, it was possible to give more attention to the farming, and the result was that the crops were larger than usual.”

#### SOUTH CAROLINA.

At the State penitentiary in May, 1899, there were 246 convicts hired out under leases to farmers, at \$6.50 per month per convict, the State furnishing clothes, shoes, medicine, and medical attention, also transportation. One hundred and fifty-seven were worked on 3 State farms, raising products for consumption and for sale; 262 on State account in a hosiery mill inside the prison walls, and 120 in the prison yard and hospital, discharging the duties incident to the care of the institution.

Prisoners in the county jails are usually worked under the chain-gang system on the public highways, but in a number of counties they are given no employment.

#### SOUTH DAKOTA.

The warden of the State penitentiary states that there is no definite system for working the convicts, and that he finds it difficult to keep them employed, except during the summer, when they are worked in the stone quarry and on the farm; also that there is no definite system for the employment of prisoners in jails.

The board of charities and correction of the State, in its report for the years 1897 and 1898, states:

“The penitentiary farm and garden is an important factor in the support of that institution when managed, as is now the case, by intelligent and practical methods, and it is the intention and policy of the board to add to the farm domain and increase the opportunities for farm labor as the wisest and best means for furnishing useful and healthful employment to the prisoners, an employment not only demanded for their physical well-being, but conducive to their moral improvement and tending toward the formation of industrious habits in a class of persons whose misfortunes and crimes in many instances have been due to temptations which beset them because of a lack of useful employment, and possibly because they were ignorant of all useful avocations.

“The penitentiary is located in the immediate vicinity of immense rock deposits, and its chief industry is the quarrying and cutting of stone for the use of the State in erecting its public buildings. A large number of convicts are constantly employed in this industry, and thus far there has been a demand for all that could be furnished, a large proportion of the output for the past 3 or 4 years having been used in constructing the magnificent walls surrounding the penitentiary, which was brought to completion during the past summer, and is said to be the finest and most substantial work of the character in the United States.

“The stone used in the construction of the girls' dormitory at the reform school, and also in what is known as the boiler house, were furnished by the State through the agency of the convicts at the penitentiary, where the stone was quarried and prepared for use.”

The superintendent of the reform or industrial school states that—

“The question of furnishing employment for the inmates during the year is a question that is difficult to solve with the means at his command. During the spring, summer, and early fall months he is able to find work for all hands—but when the work on the farm and in the garden is a thing of the past, he has several conditions as well as theories confronting him. He is not in favor of placing the industrial school in the position of desiring to be a competition of outside free labor, but the enforced idleness of the inmates drives him to the conclusion that it is not the part of theorists to frown upon any and every attempt to provide mechanical industries for those who are being cared for by the State.”

## TENNESSEE.

The State maintains all its convicts, and works over one-third of them in the State mines and on the State farm. Several hundred are worked on the piece-price system in foundry, hosiery, and other industries. The remainder are hired by the day to work in small factories inside of the prison walls.

From the report of prison commissioners and prison officials for the year ending December 31, 1898, it appears that the convicts at the main prison were employed as follows:

"Two hundred and twenty-five in the manufacture of hosiery, 15 manufacturing paper boxes, 110 foundry labor, 80 chair and carriage manufacture, 80 saddlery and harness, 160 shoe manufacture, 80 brick manufacture, 50 on the farm and garden, 25 cooking and washing, etc., 25 mending and making shoes, clothes, and prison supplies.

"The product in no one line is of sufficient importance to seriously compete with any industry employing free labor. In none of the lines in which the production is the heaviest is there similar manufactures in this State to a large extent. The most extensive output from the prison is shoes and ladies' and children's hosiery. These articles are not those of extensive manufacture in this State.

"The product of manufacturing establishments in the penitentiary is not only produced largely from material obtained from Tennessee and surrounding States, but three-fourths or more of the output is sold without the State, the hosiery in the North, the hollow-ware and castings, the saddles, harness, etc., in the Southern States, and the shoes and rattan chairs, baby carriages, and brick are sold in Tennessee and adjoining Southern States. The goods produced by the manufacturers operating with convict labor are not of the usual low grade, underquality produced in prisons, but are high class of their kind, equal to the product of similar manufactories operated with free labor, and are all sold at full market rates. Most all manufacturers have striven for quality rather than quantity, so as to sell their goods at full market prices of their worth and merit. They have found no necessity to cut prices because their goods are produced with convict labor.

"The crystallization of public opinion in favor of a change in the State's penitentiary system found its response in an act known as "the penitentiary act," passed by the forty-ninth general assembly, providing for the abolition of the lease system and the erection of a new main prison, and the purchase of a farm in connection therewith, and the purchase of coal lands and the opening of a coal mine thereon, thus providing for the care and maintenance of the convicts.

"The operations of the mine have been carried on with but little interruption. The total number of days idle during the year, excluding Sundays and national holidays, was 11½, eight of which were attributable to shortage of railroad cars. This result, in view of the past records, is particularly gratifying and saliently emphasizes the splendid physical condition of the plant as well as the watchfulness of all employees. The result of the continuous operation of the mine is an increase in tonnage of 47,339 tons over the previous year. The total net tonnage for the year was 271,681.

"The excellent physical condition of the men, as indicated in the decrease in the average number of men sick and idle, is a potent argument of their humane and proper treatment. The good moral, financial, and physical condition of this branch of the system, if we mistake not the temperament of the enlightened people of this great Commonwealth, who through their representatives have expended nearly three-quarters of a million of dollars for the express purpose of improving the moral and financial condition of the penitentiary system, should be a source of some satisfaction, at least to the lovers of the State.

"The State has expended on this branch of the penitentiary system a total of \$189,688.24 more than it has received, and has to offset this expenditure a property that is worth at a low estimate, based on its earning capacity, \$500,000, leaving an approximate profit to the State of \$310,311.76, less the amount of interest charges."

In most of the more populous counties the prisoners in the county jails are employed in building roads or in working on the county farm. In the other counties no employment is furnished for prisoners of this class.

## TEXAS.

The convicts at the State penitentiary are employed almost entirely in agricultural pursuits and on railroads, either under the contract or public account system, they are also engaged in working farms on the share-crop plan, and in manufacturing for sale on public account and for use of the institutions.

The following quotations from the report of the superintendent for the 2 years ending October 31, 1898, indicate the character and result of the work of the convicts:

"It is an absolute requisite to bodily health and welfare that all men, physically able, should be employed. Work is necessary to the body and mind alike, in order to maintain mental equilibrium. The inmates of the penitentiaries, wherever physical condition will permit, are kept employed, this being the best remedy for disease, both of body and of mind, work having a great tendency to improve the moral standard of the man, besides helping him to preserve his self-respect, which is an important factor in influencing his behavior and conduct.

"The capabilities of the convict are considered in assigning him to any duty, and strict obedience and compliance with all orders are in all cases insisted upon.

"First-class convicts working under contract on cotton and sugar farms are paid for at the rate of \$19.50 per month, and on cotton farms alone at the rate of \$18 per month. The second-class hands on cotton farms are paid for at the rate of \$16.50 per month.

"In considering the above figures, the fact should be taken into account that the State supplies furniture, bedding, clothing, medical attention, provisions, transportation, etc.

"Tobacco for prison consumption has been raised at the Wynne farm for the last 6 years. This has been so successful that last year a tobacco farm of the same class was instituted at Woodlawn, near Rusk Prison. The tobacco from Woodlawn is shipped to Huntsville, being manufactured at this point, and the amount of tobacco produced on these farms forms a large proportion of the total quantity consumed in the penitentiary system. Habana or cigar tobacco is also cultivated for sale.

"The State farm at Harlem consists of 2,788 acres of fertile land, of which there are about 2,200 in a high state of cultivation. This farm has proved a financial success, as demonstrated by the financial receipts, besides showing the wisdom of the policy of employment of all short-termed convicts on State account.

"The class of labor used on this farm are second-class convicts, who are not suitable for contract forces where first-class labor is required. The average number of convicts on this farm for the two years just ended was 171.

"It will be noticed in the various inventories of prisons and farms, that we are raising a large number of hogs, which reduce expense to a considerable extent in reference to meat supply, etc.

"My policy, from the beginning of my connection with this department, has been to manufacture and raise on farms everything possible that is necessary for the maintenance of convicts.

"The net receipts from the railroads working convicts under contracts for the last two years are \$84,486.59, as against \$81,013 shown in my last report. The net earnings for the last two years per capita per month being \$9.47, as against \$7.12 for the two years ending October 31, 1896.

"The plan of hiring out short-term convicts was adopted many years ago, and has been kept up, not from choice, but for the reason that the two penitentiaries (Huntsville and Rusk) do not afford room for the employment of more than one-half of our prison population. Consequently, this system, of necessity, was adopted, and has been continued, rather than support this large number of men in idleness."

## UTAH.

According to the report of the State board of corrections for the year 1898, the convicts at the State prison were engaged in making repairs and additions to the buildings and in caring for the same, also in agricultural pursuits, and in manufacturing articles for consumption at the institution, or for sale on State account. The following quotations from the report of the warden indicate the character of the industrial enterprises conducted at the prison:

"In accordance with your instructions, and with the consent of the city council, a reservoir has been built of concrete, with a capacity of about 80,000 gallons.

The total cost of the water system was \$7,676.84 for material; all work done by prisoners.

"The new addition authorized by the board has been completed, giving us a room for manufacturing which will accommodate 75 men. The cost of this new addition was \$1,105.58; work done by convicts. Fifteen knitting machines, 1 finishing machine, 2 ribbon machines, 1 spooler, and 1 wire mattress machine have been placed in the factory at cost of \$1,165.41.

"I have had to make haste slowly in manufacturing for the following reasons: (1) The prisoners must learn to run the machines. (2) We must make goods that this market demands; then we must not interfere with home industry.

"I have manufactured and sold during the past year cotton socks to the value of \$1,714.81; hair cinchas, \$559.82; clothing and shoes for the State insane asylum, \$1,701.54.

"I would advise increasing the number of knitting machines until the prison can furnish all the cotton socks this market demands, and which are now shipped here from the East. The canvas hammocks which were in all the cells, and which were expensive and uncomfortable, have been replaced with iron frame spring cots at a cost of \$244.55 for material. The 180 cots cost only for material, all work being done in prison shops.

"The farm has produced during the past two years 389 bushels of oats, 600 bushels of parsnips, 4,150 bushels of potatoes, 115 bushels of turnips, 1,375 bushels of carrots, 550 bushels of beets, 45 bushels of onions, 425 tons of hay, and quantities of melons, squash, tomatoes, peas, beans, lettuce, and strawberries. Much more could be raised on the farm if we possessed an adequate irrigating water supply.

"During the past two years, with the work on reservoir, pipe line, new building, workshop, and farm, every prisoner capable of working has been employed. Now, with this extra work finished, and not having work for all the prisoners in the manufacturing department, I have placed the men not otherwise employed at breaking rock. This work can only be done in moderate weather, as we have no sheds for the protection of the men."

#### VERMONT.

The convicts in the State prison are worked under the contract system in the manufacture of shoes. The contract is made for 5 years, and the State receives 72 cents per day for each able-bodied convict. The convicts work from sunrise to sunset. The directors, in commenting on the work of the prison during 1897-98, state that—

"The income of the prison has been \$3,922.94 over and above all expenses of the institution during the biennial period preceding the date of this report. The total receipts for convict labor were \$53,932.68.

"By reason of the favorable contract for the prison labor—72 cents per pay per man—and the large daily average of prisoners employed by the contractors (all the able-bodied men except the few reserved by the State for other work), the institution has been self-sustaining, notwithstanding many demands for extraordinary expenditures."

The prisoners at the house of correction are largely employed under the State-account system in cutting and polishing marble; the product is sold in the open market. The directors in their report for 1897-98 give the following information in regard to the work of the prisoners:

"In a large number of States and Territories no attempt is made to provide shop or indoor labor in the prisons for those sentenced to short terms of confinement. Especially is this true at the South, the Southern States working their short-time prisoners to a large extent outside the prison walls. We have worked quite a number of prisoners at the house of correction outside of the shop in connection with repairs, and also to cultivate the land, which labor has produced for the State as good, if not better, results than would have been attained had all found employment in the regular way. The earnings of the prisoners in the shops have been increased from an average of 46 cents a day, as per our last report, to 53 cents a day for the last biennial period. The favorable showing made is a credit to the manager. The board of directors, who are conducting the work on State account, find this to be a better result for the State than has previously been shown. If it

were not for so many short-term commitments a still better showing could be made."

The inmates of the State reform school are engaged principally in seating chairs. No employment is given to prisoners in county jails

#### VIRGINIA.

The convicts at the State Penitentiary are employed under the contract system within the prison walls. Up to October 20, 1897, a number of them were worked by a company engaged in the manufacture of tobacco and the remainder by a company engaged in the manufacture of boots and shoes. A number of them are also employed on the State farm, engaged in various agricultural pursuits, raising vegetables and supplies for the use of the institution.

The superintendent in his annual report for 1898 states that—

"The net profits at the penitentiary and at the farm were \$57,127.28—a gain of \$2,942.99 over the previous year. There were 1,275 prisoners within the walls of the prison. Of these, 1,011 men and 65 women are employed by the shoe company. One hundred and seventy-five are necessary for prison detail.

"The tasks of those employed on the contract are not excessive, which is evinced by the fact that \$20,231.86 have been earned by the prisoners by overwork. The State farm continues to serve a good purpose, for which the legislature intended it. It has been a great aid to the penitentiary the past year in receiving and caring for many of those broken down from confinement, and from the ravages of an epidemic of measles last spring. It has not only supported an average of 324 men, but shows a net gain to the State of \$2,057.27."

#### WASHINGTON.

Ordinarily about 255 of the convicts of the State penitentiary are employed in a jute mill, manufacturing grain bags, burlap, and other jute fabrics. During the summer and fall about 50 are employed in the manufacture of brick. These industries are conducted under the public-account system. The remainder of the convicts are daily employed in the various workshops, on the farm, and around the prison generally.

The manufacture of jute goods and bricks are the principal industries conducted at the prison, and the following information concerning the operations during the 2 years ending September 30, 1898, is obtained from the State board of audit and control:

"The jute mill has been operated continuously since April 1, 1897, except a short time when it was closed down for necessary repairs. All of the products manufactured have been readily disposed of, there being on hand September 30, 1898, only 130,000 grain bags, while 2 years ago the biennial report printed at that time shows the number of grain bags on hand to have been 1,190,000. On account of the decrease in the prison population during the last 2 years it has been impossible to run the mill to its full capacity. During the season just ended there has been an average of about 112 convicts employed. Under these circumstances we consider the output for the year 1898 to be exceptionally good. The total profit for the mill for the 2 years was \$11,202.82.

"Work has been commenced in the brickyard as early each season as the weather would permit. We have manufactured during the fiscal years 1897 and 1898 2,656,000 brick. There has been a steady sale for brick, and the demand has been so great that it has been impossible for us to manufacture enough to supply it. The brick manufactured is of uniform size, good red color, and splendid quality. Brick masons commend them as giving good satisfaction."

Ordinarily the prisoners in the county jails have no employment other than keeping the jail in a cleanly and sanitary condition. In a few cases they are worked on the roads and streets.

The inmates of the State reform school are employed in manufacturing shoes, and tailoring for the benefit of the inmates; also in general work incident to the care of the building. They also made during the year 148 pairs of slippers for the use of the Soldiers' Home.

## WEST VIRGINIA.

Convicts at the State penitentiary are worked inside the prison walls under the contract system, in the manufacture of brooms, nets, whips, trousers, shirts, etc. Those not employed under contract are engaged in the general work of the institution and in the manufacture of brick for the State use.

While the law provides for the working of the prisoners in county jails on the roads and highways, it is not enforced, and, as a rule, they are given no employment.

## WISCONSIN.

The convicts at the State prison are engaged in the manufacture of shoes under the contract system; in the manufacture of knit goods under the piece-price system; and in the manufacture of clothing for the use of inmates of the prison and for other institutions.

In regard to the tailor shop the warden, in his report for 1889, states:

"During the last year we have manufactured clothing in large quantities for other State institutions, which accounts for the increase in cash receipts of last year over the year previous. The prisoners' clothing, including going-out suits and overcoats, are also manufactured here. The net earnings of prisoners employed in tailor shops were 57 cents per day for the two years."

The inmates of the Milwaukee house of correction are employed principally in the manufacture of chairs under the State-account system. The report of the institution for the year 1898 shows that the chair factory yielded a profit of \$1,248.41; 179,123 chairs of the value of \$48,642.34 were manufactured during the year, while 175,381 chairs valued at \$47,679.89 were sold. The inspector states that—

"The chair factory yielded a gain of \$1,248.41, a rather ungratifying result; but we are hampered on all sides; our laborers are unskilled; our machinery is mostly old and of an unimproved pattern, so that the variety of our output of chairs is rather limited. Prices of lumber, oils and paints, and materials of all sorts have been steadily advancing, while the prices of chairs have not. We have been trying to raise the price, but since other chair manufacturers did not follow the same example we were not successful.

"It has been charged that we are selling our chairs cheaper than competitors, but this is a grave mistake. The fact is that many prospective customers who came here to look over our line of chairs, after hearing prices, declared they could do better elsewhere and refused to buy."

The inmates of the industrial school for boys are engaged in a variety of industries, but the products are consumed almost entirely in the institution. The boys make their own clothing, shoes, and socks, run their own laundry, do the general repair work for the school, and furnish all the labor for the farm and garden. Some boys learn trades, but the prevailing notion that all boys, or that any considerable number, can learn trades here that they can follow through life is incorrect.

The prisoners in county jails have no regular system of employment. In some counties, however, they are employed in breaking stone in the jail yards

## WYOMING.

A contract exists by which all of the convicts are maintained in the State penitentiary buildings at a stated price per day per convict, and the lessee has in addition the labor of the convicts. He employs them in manufacturing brooms and cigars, also in farming and in making clothes and shoes for their own use. Their employment is at the option of the contractor.

There is no system for the employment of prisoners in county jails. In some instances they do janitor work about the court-house and jail.

## CHAPTER VII.

### SUGGESTIONS FOR CHANGES IN SYSTEMS OF EMPLOYMENT.

In order to ascertain whether the systems under which the prisoners are employed in the different State, county, and municipal penal and reformatory institutions are satisfactory, and also to obtain suggestions for changes or improvements in the laws regulating such employment, the commission addressed a circular letter to the officials of a number of such institutions in each State. This letter called for answers to the following questions:

First. If the system and laws under which convicts are employed in your State are not satisfactory, what changes do you suggest?

Second. What system of employing convicts do you consider to be of the greatest advantage, morally and physically, to convicts and the least injurious to the interests of free labor?

Third. If you consider that convict labor as now conducted competes with free labor, please give any facts that may be in your possession relative to the reduction in the number of wage-workers, reduction of wages, or the reduction in prices of manufactured articles by reason of such labor.

These circulars were sent to prison wardens, superintendents and commissioners, and to other persons, who, by actual association with the prisoners and practical experience in their employment, are supposed to be competent to give opinions that are worthy of serious consideration. The replies for each State are summarized as follows:

#### ALABAMA.

At the State penitentiary the system of employment is satisfactory, and no material change in the laws is recommended. The employment of convicts on farms and in sawmills is the least injurious to all interests involved. Convicts worked in the mine appear to compete with free labor, but as a matter of fact it is beneficial to free labor, as it prevents strikes, keeps the free miners employed and insures the running of the industries of the State that use coal, and the employment of the labor connected with them without cessation, insures the running of railroads at all times and the transportation of all products. Hence, the employment of convicts in the coal mines is of the greatest benefit to the free labor of the State

#### ARIZONA.

The system of employing convicts in use at the penitentiary is not satisfactory. The institution should be made self-sustaining. The legislature has not dared to devise any plan whereby convict labor can be made remunerative. As all classes of material for manufacture would have to be shipped into Arizona it is more than probable that the cost of manufacturing many articles would be a bar to competition of any kind.

#### ARKANSAS.

The contract system of employing convicts, as now operated at the penitentiary, gives better satisfaction than the lease system formerly in use. The employment of convicts in farming would result in the greatest advantage to the prisoner and

be the least injurious to free labor. Convicts should be made self-sustaining and the charge of competition with free labor is a myth. It is cruelty to keep the convicts in idleness, and an outrage to tax the honest masses to support them.

#### CALIFORNIA.

The system of employment in vogue at the State prison at San Quentin is satisfactory. The convicts are engaged principally in the State jute mill, and other industries that do not compete with free labor ought to be carried on in order to teach the inmates some trade that will be of benefit to them when they have served their time in prison. The trouble with the jute workers is, there is no demand in this part of the country for such labor outside of the jute mills, as there is but one other jute or cotton mill in the State and it employs women and children. There are plenty of industries that can be carried on that will not, to any extent, compete with free labor, such as the manufacture of clothing, shoes and various other articles used in the other State institutions. That system of employment which occupies the mind and inculcates the idea that permanent employment will be obtained from the knowledge so derived is the most desirable. Our present industry does not conflict with free labor, does not cause a reduction of wages or of prices of manufactured articles.

#### COLORADO.

The system of employment in use in the penitentiary is not considered satisfactory, because it is not remunerative; and it is suggested that the convicts be put to work either on the State piece-price plan, or contracted to some one to be employed at any work that conflicts least with outside or free labor. The manufacture of hollow ware is suggested as a good industry on which they could be employed, because there is no establishment west of the Missouri River engaged in manufacturing that class of goods. The laws as they now stand are considered satisfactory, because the warden has the right to work the convicts at any class of employment on the prison grounds. They can not be leased to work on grounds other than those belonging to the State. It is not considered that convict labor, as now contracted, competes with free labor. It is believed that every dollar that the convict earns goes toward relieving the laboring man from taxation. The laboring man is the greatest taxpayer, even if he does not own a dollar's worth of property.

The superintendent of the State industrial school states that the inmates should be allowed to make shoes, clothing, and other articles for the use of other State institutions.

#### CONNECTICUT.

Prisoners are worked under the contract and piece-price systems. These methods are satisfactory. The board of directors and warden contract for the labor with reformatory methods always in view. That system of labor which will best equip the convicts to earn an honest living after being discharged or paroled, regardless of any competition, is the most desirable and most advantageous. The warden of the State prison states that there is doubtless some competition with free labor, but he has never known contractors of prison-made goods to undersell articles manufactured by free labor.

#### DELAWARE.

No employment is furnished for prisoners in the penitentiary or county jails. The superintendent of the State reform school recommends the introduction of more work on State farms.

## DISTRICT OF COLUMBIA.

Prisoners at the workhouse are worked on the public roads and in the public parks. It would be beneficial to the prisoner and for the best interests of the District if those sentenced to serve time in the jail were employed in the same way that the workhouse prisoners are. The present system is satisfactory. Road work is the ideal work for prisoners. Prison work, as conducted in the District of Columbia, does not compete with free labor.

## FLORIDA.

The financial condition of Florida is such that the lease system of employing convicts is the best method possible under the circumstances. The system has recently been investigated by a special committee of the legislature, which has recommended some important changes. The commissioner of agriculture, who is charged with the supervision of convict labor, states:

"I do not think that convict labor, as now employed, competes with free labor in Florida; in fact, contractors inform me that the only difference in cost between free labor and convict labor is that you are always certain of the labor. State convicts in Florida are worked in phosphate mines and in the manufacture of naval stores, and in each of these industries the contractors are short of labor and gladly give employment to free labor; in fact, we need men that will labor, and no laborer suffers by reason of the employment of convicts in this State. I have always been opposed to the lease system, but it seems that it is the best to be done in Florida at this time. A great many abuses occur under this system."

## GEORGIA.

Convicts are employed under the contract system and also on the State farm and on the public roads. The warden of the State prison states that "the present system is, perhaps, as good as any, morally, and as little hurtful to free labor, and is far superior to many others from a physical standpoint, for the reason that it furnishes outdoor exercise, with plenty of pure air."

## IDAHO.

The convicts at the State prison are employed now in the erection of new State buildings and on the prison farm. The warden states that this work will be sufficient to keep all the convicts employed for 4 or 5 years, and that the best system of employment is to utilize the prisoners in the erection of good substantial prisons and other necessary buildings and to put the prison grounds in the highest state of cultivation; also to have a good-sized farm connected therewith, and employ as many of the convicts as possible in making needed improvements and in raising produce for prison consumption. The prison labor has not come in conflict with free labor, and it will not for several years, because it will be utilized in the improvement of the prisons.

## ILLINOIS.

The public-account system under which most of the convicts are employed is in a measure satisfactory. It comes as near giving entire satisfaction as any system that is liable to be adopted. Working on the public roads is a desirable method for the employment of convicts. The competition with free labor is but slight, and if it were not for the agitators on the outside convict labor would be of little consequence in the competition with free labor.

## INDIANA.

The contract system in use at the State penitentiary and reformatory is referred to as giving more general satisfaction than heretofore, with the exception that at the reformatory more attention should be given to teaching trades. If the New

York system proves satisfactory it would be recommended for adoption in this State. It is also suggested that trade schools be established in all penal institutions, provided the matter of cost is not to be considered. If the expense of maintenance is to be considered it is thought that the contract system as now in operation is the best. The convict labor at the State prison, as now conducted, does not compete with free labor to any noticeable degree.

The Secretary of the Board of State Charities states:

“Probably few of those who speak much upon the competition of convict labor with free labor have visited prisons, particularly prisons in which a large part of the population is unemployed, and realized the conditions there existing. They fail to recall that these inmates were to perhaps as great an extent competing laborers on the outside, and that having entered the prison it is necessary that they be fed and clothed and cared for; that where they have no work, but are kept locked in their cells, their condition, both of mind and body, is pitiable in the extreme, leading on one side to evil practices, faded complexions and declining health, and on the other weakening and lost minds.

“In this State attention was called to the condition of things that existed in the State prison of Indiana for the past year. There a large per cent of the inmates were without employment. They were asking for something to do; many were losing health; the number of insane therein was increasing; the attention of the press and the people of the State was drawn to their conditions. The federation of labor took it up and appointed a committee to consider what could be done. This committee, with the State labor commission and the board of prison managers, recognizing that some action must be taken to provide those convicts with work, agreed upon the present law, which was almost unanimously passed by our last legislature.”

The work of the inmates of the women's prison is confined to domestic duties and education in such duties. It does not compete with free labor.

Prisoners in workhouses and jails should be provided with more constant employment, especially on such work as would assist in their maintenance, and also in the manufacture of goods for the use of other institutions. The products should not be sold on the open market.

## IOWA.

The contract system, as it is used in the penitentiary at Fort Madison, is referred to as giving general satisfaction. The number of hours that the convicts are worked per day should be fixed, possibly, at 8; it is now, by the custom of the contractors, 10 hours—there is no law on the subject. The labor in the prison undoubtedly competes with free labor, but not in the same ratio as skilled free labor, inasmuch as contractors suffer more or less loss from learning inexperienced hands, and from willful destruction of material: still, convicts with experience become adept the same as other men.

The method of employing convicts at the Animosia penitentiary in the erection of new penitentiary buildings and the manufacture of supplies for the State, has proved satisfactory. The New York plan of employing convicts in the manufacture of supplies for the use of institutions is preferred. The manufacture of binding twine under the State account system would lead to the least competition with free labor in this section.

It is suggested that the work of the inmates in the State industrial schools be extended along industrial lines where the inmates can acquire the knowledge that will fit them to compete successfully when they leave the institution.

Work should be provided for prisoners in the county jails, and it is suggested that in counties containing cities of the first class there should be a workhouse established, wherein all men under sentence ranging from 3 days to 1 year should be confined and compelled to work. Other counties might work their convicts on the streets and roads. There is no question but what convict labor will be detrimental to free labor to a certain extent as long as it is in use, but as

it enables the State to make its prisons self-supporting institutions, or nearly so, and as the prisoners there confined are human beings, it is no more than necessary that they should have employment, as idleness would tend to make a colony of insane people, which would be a greater detriment to all concerned than contract labor.

#### KANSAS.

The employment of convicts in mining coal for use of State institutions has given satisfactory results. The mining for sale on the open market has not been so satisfactory. The coal should not be sold, not only because it competes with free labor, but because the capacity of the mine is limited and the institutions should be regularly supplied. The employment of convict labor by any party or parties for private gain is wholly wrong. The labor should be used in preparing material for the erection of public buildings, and in manufacturing for various educational and charitable institutions.

#### KENTUCKY.

It is believed that the contract system in use at the penitentiary is giving general satisfaction, and the board of prison directors make no suggestions for changes. They state, however, that while perhaps not so remunerative the system of the State working her own convicts on her own account where no others are interested in the labor, or product of the labor, it is certainly the best system for the convicts. Everything manufactured in a penal institution will, to some extent, come in contact with free labor, and will to that extent injure the sale of such articles manufactured.

#### LOUISIANA.

The lease system is giving satisfaction from a financial standpoint. Convicts should, however, be worked within the prison walls in manufacturing industries, and the products should be stamped with the stamp of the institution before they are offered for sale on the market. Jail convicts should only be employed in such menial labor as does not compete with honest labor, such as working on the roads and streets. Convict labor in this State does compete with free labor to some extent, as the convicts are hired out to levee contractors at a nominal figure per capita. Thus a large number of free laborers are deprived of work.

#### MAINE.

Convicts are now employed under the public account, piece price, and lease systems, also in producing agricultural products for the use of the institutions. No material change is recommended. Extended facilities should be furnished for agricultural work, and it is also urged that workshops be established in more of the county jails.

#### MARYLAND.

Convicts at the State penitentiary are worked under the contract system, which appears to be giving satisfaction from both an industrial and financial standpoint, at least in so far as the prison authorities are concerned. The superintendent of the house of refuge states that sufficient appropriation should be made for the reform schools to enable them to dispense with contract work; and also that the piece-price plan is a good method for employing the inmates.

#### MASSACHUSETTS.

The system of employing the convicts under the public-account system principally, also in manufacturing for the State and under the piece-price plan, have proven generally satisfactory. The general superintendent of prisons states that

the only change he would suggest is that the opportunities for employing convicts on public works should be enlarged. In his opinion, that system which best promotes habits of attention and industry is of the greatest advantage to convicts, and the conditions that are beneficial to the prisoner do not depend so much on the system itself as on the administration of it. The system of making goods for institutions and employing prisoners on other public work is the least injurious to the interests of free labor. As to a reduction in the price of manufactured articles in consequence of convict labor, he states that every effort is made in this State to avoid that result. The State statutes expressly provided that prison-made goods should not be sold below the market price; and constant effort is made to observe, as strictly as possible, this provision of the law.

The officers in charge of some of the large penal institutions in the State make various recommendations as follows:

The system is not satisfactory; should return to the contract system, and engage in manufacturing a cheap grade of shoes that would not compete with free labor.

The system is in the main satisfactory. The limit as to the number of convicts that can be employed in a given industry should be removed. Convicts should be employed in reclaiming wilds of land, building roads, etc. The land when brought into proper condition could be sold to small farmers. Prison labor is not, as a rule, profitable in a pecuniary sense, and rarely pays back the invested capital. There is but slight competition with free labor.

The system is satisfactory, but the number to be employed on any given industry should be increased. The public account is the best system. Convict work does not interfere with free labor.

#### MICHIGAN.

The president of the joint boards of control of the prisons states that the combination of the public account and contract systems, now existing in the prisons of the State is more satisfactory than either one exclusively. To say that any system is satisfactory to all would be saying too much, but the present system is satisfactory to the most, and is believed by those best able from their positions to judge, to be the most rational, and it produces the best results.

I suggest no change in the present system, but draw attention to the fact that it possesses the advantage enjoyed by all successful private enterprises, namely, the liberty to make changes and adopt improvements in work or methods that may be found best for the State.

As conditions are, the limited contract system as it exists in this State is as well as any. The State-account system may be as good in all respects, provided the merit system of appointments to positions and the merit tenure of office prevail in the prison.

If convicts work at anything, they compete with those who would do that thing if the convicts did not do it. But competition is inevitable, and inheres in the act of production; so there can not be production without competition. It is no valid objection to prison labor that it competes with free labor. The production in the prison is only the same as though the convicts were free. If it is right for such a man to produce when free, it is when in prison, and for the same reason. What he produces in the one case is as much an addition to the wealth and resource of the nation as in the other.

This production is the least hurtful, in fact, if left to the operation of natural causes, in which case prison products are left to go where they are most wanted, scattered abroad. It is most hurtful when the sale and consumption of the products are restricted to localities or classes of consumers.

In this State the prison labor most objected to was furniture manufacturing at the Ionia prison on the State account. But I know of no real injury to free labor from it.

In view of the fact that to change from one system of work to another does not abolish competition; that to go from one kind of work to another does not do so, but merely takes it from one class to cast it upon another, and that to make articles in the prisons for use in State institutions and municipalities does not and can not abolish competition, it is believed to be the wiser course to select suitable kinds of labor and to justify the pursuit of these rather than to apologize for them. A rational defense meets with less opposition than apologies which inspire unfounded objections. Prison labor has, it is believed, the same reason for being that free labor has. An analysis of the objections to it reveals the fact that these are generally based on incorrect assumptions or violate the principles of economics.

The opinion that the products of prison labor are to be treated differently from the products of free industries simply because they are the product of convict labor, and the opinion that the natural competition of convict labor with free labor is of itself ground of objection to such labor, are believed to be unwarranted. The products are the same as though made by free labor. The competition is inevitable and exists between similar free industries just the same as between a prison industry and a free industry.

These industries add to the State's resources and greatness. The articles which prisoners manufacture constitute wealth and contribute to the subsistence and comfort of the human race just the same as though they were made in shops outside the prison; just the same as though the prisoners who made them were free. All agree that every man is under obligation to support himself and avoid being a public charge. All hold that if the men who are prisoners labored before they were convicted to support themselves this was laudable, and that it would be laudable for them to do so when their imprisonment ends. By parity of reasoning it is equally laudable for them to do so while they are prisoners. The man gains no right to be supported in idleness by committing crime, nor does society lose the right to insist that he shall support himself, nor is the laudableness of self-support diminished by his act. Those who advocate measures calculated to lessen or abolish productive industries in our prison seem to assume that a different economic principle applies to prison labor and to persons in prison from that which controls free men and free industries; that somehow it is for the interest of the State that the prisoners do not produce or that they produce as little as possible. But this is waste, and waste is a vice. The adoption of such a policy inculcates a vicious principle in the administration of the prisons and neglects the best good of the convict himself.

Industry and the habit of producing is the greatest support to the honesty of the man. Industry is the most available exercise the prisoner can have. To those who have been led into crime through idleness or dislike of labor it is the most appropriate punishment. From every point of view prison industry is justified. It is also an essential means of prison discipline and of reformation of the convict.

While the employment of a large number of convicts on one good industry is financially better for the prison, the pursuit of a variety is believed to be expedient, as this course prevents the concentration of competition and makes the convict familiar with a greater variety of work whereby he will be more likely to find employment when released.

Experience in this State has seemed to justify the preference expressed by the manufacturers and mechanics of 50 years ago in favor of the contract system of prison industries and to confirm the reasoning on which that preference was founded, for the greatest and worst competition of prison industries has occurred where the prison industry was carried on upon State account

The history of prison industries shows that as a matter of fact the contracting of the labor of convicts to manufacturers for wages has been less hurtful to free labor than the State account system of work, and at the same time it has been more profitable to the State in a large majority of cases.

The circumstances and incidents that attend the two systems of work, the State-account system and the contract system, are so different in different States that it seems well to mention what they are in this State. What the convict really earns inures to the State whether he be employed under the one system or the other. The maintenance of the convicts, their guarding and keeping, are in all cases done by the State and at its expense.

It is usual for the State to furnish the shops also, so the cost of these are not taken into account in comparing systems, but here the conditions that are common to both systems usually end. Under the contract system the State employs the convicts to work for contractors by the day for wages agreed upon between it and the contractor. The latter supplies the machinery, the raw material, working capital, superintendent of the work, and so on. Under the State-account system the State supplies all these and conducts the business throughout.

When prisoners are employed, working for wages agreed upon, the financial result to the State is fixed and apparent. It consists of the wages earned. When they are employed manufacturing on State account the financial result is at first uncertain and indefinite. It consists of the amount realized from the sale of the articles made, less the cost of selling them and the losses of the trade, less the cost of the raw materials used and wasted in the manufacturing, less the interest on the money paid for machinery and employed as working capital, less the wear and depreciation of machinery, and the like.

The preference for the contract system exclusively, so manifest years ago, went quite too far, and it was a step in the direction of rational management of prison industries when the law was so revised as to allow the prisons to employ the convicts on State account as well as upon contracts.

From the preference for the contract system exclusively, a tendency has manifested itself in some quarters to rush into the opposite extreme and to require all labor in prisons to be done on State account. It proposes to restrict and embarrass the sale of prison-made goods, to brand them and subject those who sell them to an unequal license tax, to restrict prisons to the making of things for other State institutions, and, finally, to prohibit the sale of prison products altogether.

It is believed to be the only safe course in the management of prison industries, as in other affairs, to select and adhere to a rational policy, one that conforms to the policy that makes outside industries prosperous. The economic principles that apply to free manufacturing avail also in the prisons. The law as it now stands gives scope for the carrying on of prison work according to business methods. The liberty to employ the prisoners at work on State account or to have them work for contractors for wages, is essential to the attainment of the best results and is in harmony with the conditions that exist in a state of freedom where each man carries on business on his own account or works for wages as he finds best in his situation.

The recommendations of various other officials of penal and reformatory institutions in the State are summarized as follows:

No change is desired by the management of the State prison or the public at large. The present system is the best. The competition is so small that if all the industries of the penal institutions were abolished the public would not notice the difference. There is but little agitation of the question in this State.

The piece-price plan of contract is the most satisfactory, provided the terms and conditions of the contract place the regulating of tasks, etc., in the hands of the prison authorities, so that the inmates may be allowed a certain per cent of all

earnings over and above the required reasonable task or requirement. Under it you can regulate the output, allow your inmates a certain amount of his earnings over and above a specified task, so as to encourage industry, which is the acknowledged foundation of reform. I do not believe a prisoner should be allowed any privilege unless he earns it, and if this is impressed upon his mind he will work out his own salvation.

I do not believe that convict labor competes with free labor in general results. The average term of confinement throughout the United States is something less than 2 years, when these men are again placed in a position where it will be necessary to rely on their teaching of industry to earn an honest living as free labor. If they are not taught industry by steady employment wherein they can see that honesty is the best policy while in prison, they will go out entirely unprepared to battle with the outside world, and will sooner or later return to crime.

Abolish the contract system and substitute the State-account system. The State-account system is the most desirable, the prisoners being directly under the control of the prison authorities at all times.

I do not believe that convict labor competes with free adult labor to any appreciable extent. It is the competition of child labor, in my opinion, that needs correction, much of the results of child labor being charged to convict labor.

We have tried all the systems of employment, and find the piece-price plan of contract the most satisfactory, for the following reasons:

First. The contractor pays for what he gets only, knows exactly what each article is costing him, and has no fault to find regarding the amount of work performed by any particular inmate.

Second. The prison authorities can regulate the tasks to be performed at any amount which they may consider a reasonable day's work.

Third. The disposition and character of an inmate can be judged better by the class and amount of work he does than in any other way. If he is forced to do a certain amount of work, and does it well, I believe in holding out inducements for him to work for himself by allowing him a certain percentage of what he earns over and above the required task. This teaches him industry and at the same time takes away the sting of oppression.

Contract labor by convicts yields the most revenue to the State, and the manufacture of shirts and other cotton goods are clean, light, and healthy occupations. I have been unable to observe that prison labor in this State has lowered the price of goods or the wages of free labor.

The elastic system of Michigan, which permits of State-account, piece-price, or contract systems of employing convicts, as in the opinion of the board of control is most desirable, is the best for all concerned, under certain existing circumstances. Convict labor, like any other labor, must compete.

All prisoners in county jails should be compelled to work.

#### MINNESOTA.

The public-account and piece-price systems in use at the State penitentiary have given general satisfaction. The warden states that it is his belief that any well-regulated penal institution of moderate size can be conducted on State account and made self-sustaining with proper management. The only changes he would suggest in the laws of this State would be such as to require all convicts to work on State account, and to place a reasonable limit on the number that might be employed upon any given industry. He does not believe that convict labor as now conducted in Minnesota cuts any appreciable figure with free labor, or that it has ever been the cause of reducing the price of labor.

There is not adequate provision made for the employment of prisoners in jails, and it is suggested that farm and road work would be most desirable, as it benefits the community without exciting the opposition of free labor.

Prisoners should be employed at State work, not on contract. The public account system is the best.

#### MISSISSIPPI.

The lease or contract and share-crop systems, as now worked, are not satisfactory. It is recommended that facilities be furnished for extending farm and agricultural work, the products to be sold on the open market and consumed in the State institutions.

#### MISSOURI.

The warden of the State penitentiary states that the contract system as it is used at that institution is giving satisfaction, and no changes are recommended. There appears to be no system so advantageous to both the taxpayers and the convicts. The competition with free labor is very limited.

The officials of other institutions state as follows:

It is believed that a law that requires convicts to work directly for the State, rather than the present plan of hiring their labor to contractors, would be beneficial to both convict and free labor. Convicts should have plenty of healthy labor. Keep body and mind employed as great a part of the time as possible without requiring over or unreasonable exertion. The amount of manufacturing in Missouri penal institutions, including the penitentiaries, is too small to have much effect on free labor.

The practice of working prisoners in the jails on the public roads is desirable. While employed on building public roads convicts do not compete with free labor, for the reason of the great amount of this work to be done and the small sum of money available for such use, all sums appropriated are exhausted in employing free labor, and convicts are employed in addition.

#### MONTANA.

Beyond the duties incidental to the care of the institution, no employment is furnished convicts at the penitentiary. This practice of no employment for the inmates of the penitentiary and jails is not satisfactory. It is believed that the employment of convicts on public improvements, and at such work as raising produce for their own consumption, where they would not compete with free labor, would be very satisfactory to all the people of this State. It is suggested that they should be employed in improving and beautifying public places, such as highways and parks, where the cost of guarding would not be too great—dangerous prisoners to be employed within the walls in repairing the State property.

Industrial training on the "Elmira plan" is desirable for the younger prisoners. Older prisoners should be employed in manufacturing for the needs of the State institutions. Plenty of road work should be furnished, also cutting paving stones and making macadam. Laws should be adopted providing for a better classification of the prisoners. More employment and education, and permanent confinement for habitual criminals. Industrial training should also be introduced into penal institutions. Diversified trades should be furnished those capable of learning, and work on highways furnished when desirable.

#### NEBRASKA.

The contract system is largely in use. It is recommended that farming operations, to raise supplies for the use of the institutions, be extended.

## NEVADA.

There are but comparatively few convicts, and they are kept constantly employed in the duties incident to the care of the institution and also manufacturing supplies for their own consumption.

## NEW HAMPSHIRE.

The contract system, under which the State has full charge of the discipline, etc., of the men, is giving satisfaction. Good, healthful work in well-ventilated shops is the best.

Convicts do not compete any more, if as much, as if they worked outside. Free labor ought not to be taxed to support criminals in luxury and idleness.

The inmates of the State Industrial School are employed under the piece-price system. The president of the board of trustees states that the management is humane. There is an entire absence of anything in the exterior or interior of the building to denote that it is a penal institution, except that the windows of the dormitory are barred. It is impossible to adopt any system of labor which will not be the occasion of complaint on the part of those engaged in a similar occupation outside. In this respect we have been fortunate, as fault-finding has been noticed by its absence. In addition to the knitting machinery, we have a few cards, breakers, and spinning mules, so as to give the boys some knowledge of that kind of business. What I now say will be substantiated by hundreds, and that is, the annual examination of the school, which is held in May, in general interests and the good character of the exercises, are fully equal to those of any public school in the State. For good conduct during the year, a certain number of the pupils receive honorable discharges at this annual meeting. I do not believe that there is an institution in the country, that so far as net results are concerned, can make a better showing than the New Hampshire State Industrial School.

## NEW JERSEY.

The piece-price system of employing convicts has been in use in the State penitentiary for about fifteen years, and has proved eminently satisfactory, not only to the State government, but to the citizens interested in the abstract question of convict labor. The supervisor of the prison states :

“It is not, in my opinion, desirable to make changes in the laws so long as their operation is harmonious and is obviously beneficial to all concerned. The question of the advantage morally and physically of the convicts and the minimum injury to the interests of free labor depends less upon the particular system adopted than upon the care and discretion with which any adopted system may be carried out. It is his opinion that the labor and production of the convicts under the present system as now conducted in the institution does not compete to any appreciable extent with outside labor, or has any noticeable effect to reduce the number of wage-earners, to diminish their earnings, or to depreciate the prices of manufactured articles. The laws of this State forbid contracts to be made for the manufacture, by convict labor, of the product of more than 100 men in any branch of industry. There are 9 branches of industry carried on in the prison, and upon these there are employed about 700 men, an average of a fraction less than 78 men to each. The production of this small number of inexperienced men in any one branch of manufacture is practically microscopic as compared with outside production, and by the operation of this law, the mental, moral, and physical benefits of regular labor are secured to the convicts, while the competition of their labor with outside or ‘free’ labor, is reduced to a point at which its effects are inappreciable.”

The officials of other State and county institutions refer to the systems of labor as follows :

“Farm work and making macadam and working on roads is giving satisfaction. No convict labor should be let by contract or machinery used in production. Under such conditions there can be no competition with outside labor.

"The most desirable method of employing convicts is in building and repairing roads and in preparing macadam to be furnished free to burroughs, towns, and cities for road purposes only. Convict labor engaged in building roads or repairing same is less objectionable to free labor than any other industry in which they can be employed.

"Hard physical labor is the best for convicts, especially work in which the majority of people dislike to engage.

"Where convict labor is done without machinery it does not compete with free labor.

"That system for employing convicts that will keep them constantly employed during imprisonment and fit them to earn an honest living after release, and also surround them with elevating influences, is the best. The most important question is not, 'Does convict labor unduly compete with free labor?' It is this: 'How can we best qualify and inspire these unfortunate creatures with an earnest desire to compete with free labor when they become free?' This is the best remedy for competition between convicts and free labor, viz: Do all we can to lessen the convict class by seeking to make them self-respecting and self-supporting. Then they will become consumers as well as producers and thus increase the demand for the products of other free labor. The difficulty does not lie so much between convict and free labor, rather between idleness and industry, skilled and unskilled labor. Make every convict an industrious and skillful producer and there will be a demand for all the products of free labor, because each will be a consumer."

#### NEW MEXICO.

The present system of employment of convicts at the penitentiary in the construction of public buildings, farm work, and manufacturing bricks and lime to a limited extent on the State-account system has been satisfactory. The warden states that the best method is to maintain strict discipline, employ convicts under the management of penitentiary authorities directly, and employ them on public works or in the manufacture of articles that do not come in competition with free labor. Convict labor in the Territory does not come into competition with free labor to any material extent. It is absolutely necessary to keep convicts employed in order to maintain discipline and their health physically and morally.

#### NEW YORK.

The president of the State Commission of Prisons states:

"That the present method of employing convicts in manufacturing supplies for the State, county, and municipal institutions is proving satisfactory; also that convict labor competes in some measure with free labor. The present New York system reduces this competition to a minimum. This system gives the convicts sufficient labor for health and exercise and leaves reasonable time for industrial training and instruction in letters, as the average time which the convicts actually worked in these prisons is about six hours a day.

"As the convict-made goods are sold to the State and county institutions at market prices, there is no reduction of prices of manufactured articles by reason of such labor; and as the industries in the prisons are so much diversified, the amount of product in any one industry is so small that its reduction of the number of free wage workers or their wages is inappreciable.

"The average number of convicts in the 3 State prisons during the year ending September 30 last was 3,311. These convicts performed during the year 451,945 days' labor, of an average of about 6 hours each, on productive industries. This does not take into account a considerable amount of work done upon what are termed 'nonproductive industries,' such as the building of additional prison buildings.

"In these prisons much of the work is task work—that is, a stated task is to be performed by each convict each day. This task is of necessity gauged to the capacity of the least competent, and is, of course, very much less than the amount which a free laborer would do in a day. Then it is further worthy of remark that a convict at his best does not compare in average efficiency with a free workman. Hence it is true that a few hundred competent men employed as free laborers will accomplish as much work in a year as was accomplished by 3,300 convicts in the 3 State prisons of the State. This will more fully appear from the following statement:

"The total value of the industrial product of the 3 prisons for last year was \$564,238.

"The value of the convict labor entering into this product was \$130,748. Dividing that by 304, the number of working days in the year, we find that the average daily earnings of all the convicts was \$430.

"It will thus appear that the earnings of 286 men, at \$1.50 per day, would equal the total earnings of the 3,311 convicts in the 3 prisons.

"In a State with a population of over 7,000,000, and containing vast industries such as this State has, this insignificant amount of convict labor can not cause any appreciable reduction in the number of wage workers or their wages.

"Other officials of State and county institutions refer to the desirable and undesirable features of the system as follows:

"It seems to afford more advantages than any other we have previously tried.

"A legislative committee, who investigated the matter thoroughly recently, reported that they had failed to find that any business or individual was injured by the present system.

"The present system seems to have the least objectionable features of any known, and seems to be most satisfactory to all laboring classes.

"Convict labor must of necessity compete with free labor just as free laborers of one class compete with each other.

"The system is satisfactory, but the institution should be furnished with more work for the inmates.

"The system recently inaugurated by the State of New York is the best known. There is no competition from the labor of the prisoners except that the supplies made by the prisoners in the prisons and sold to other institutions and to the civil divisions of the State, competes by taking the place of other supplies which, if such a system did not exist, would be made by free labor.

"Of course there can be no useful work done by any man in prison or out but it is more or less in competition with the work of some other man.

"The reformatory system is satisfactory to a very high degree, as it enables the reformation of the inmate to be kept constantly in view. Trade instruction, manual training, and common-school instruction is the best.

"The system is not satisfactory, convicts should be employed indoors, on the premises, making any article that can be made by hand or with as little machinery as possible, and the products should be sold on the open market. The State constitution should be amended so as to open all markets to prison production at outside prices. Free labor does not suffer. The convict, if he were free, would have to produce more than he does while a prisoner.

"I believe the State should go back to the so-called Fassett law, which provides for the employment of convicts not more than 8 hours a day on the piece-price plan. The entire number of convicts employed in any one industry should be not greater than 5 per cent of the number of free persons employed in such industry in the State. This system would be of the greatest advantage to the convicts, both morally and physically, because it provides steady employment, and at the same time gives them an opportunity to become proficient in some line of work at which they may, after their release from prison, earn an honest living. Under this law the interests of free labor were practically uninjured, the 5-per-cent clause prohibiting the employment of a sufficient number in any one industry to make competition with free labor profitable."

The State commission of prisons, in its annual report for the year 1898, makes the following recommendations:

"The experience of the past 2 or 3 years has demonstrated that great benefits will result from the law in regard to the new system of labor, and that the commission should have the support of the legislation. The fact has been fully recognized that the commission is the only official body with jurisdiction extending to all the penal institutions and the otherwise disconnected parts of the penal system. For, as is often mentioned, the State prisons are not connected with the reformatory, house of correction, or penitentiaries, which are under entirely separate management, except through the commission.

"The law of 1895, which created the commission, therefore put upon it the duty of outlining and reporting a system for the employment of convicts in accord with the constitutional provision which applies alike to prisons, reformatories, and penitentiaries. The system enacted into law by chapter 429 of the laws of 1896, also recognized as a fact that the commission, only, had jurisdiction over all institutions, and therefore it provided for the distribution of industries to prisons, reformatories, and penitentiaries, under regulations to be made by the commission. By the same law also, the commission was logically the only body to regulate requisitions for supplies which, if one class of penal institutions could not fill them, could be passed to another. The duty of overseeing in an advisory way

the general working of a new system was put upon the commission, which is, for that reason, by the public, held to a degree of responsibility for the results. Such being the situation, the commission should be given the fullest possible means of knowing all the time what is the actual condition of industries in each penal institution, what requisitions are being made, and what supplies there are in each institution or class of penal institutions to fill them. If the commission gives a certificate to one official, permitting the purchase of certain goods in the open market because the penal institutions report that they can not furnish them, and then refuses a certificate to another official as to a requisition for the same class of goods because the penal institutions do not report that they can not fill it, the commission is criticised, though blameless, and frictions occur. The law ought to explicitly require that all requisitions be made in duplicate by the purchasing officials or institutions, one of which shall be sent to the commission and the other to the superintendent of prisons, or the superintendent of the reformatory or penitentiary upon whom, under the rules, requisition is made. This would make less work for the prison officials than now, and as the requisitions are usually typewritten, two copies can be made as easily as one."

#### NORTH CAROLINA.

The working of convicts on public roads is satisfactory, and working to produce for consumption at the institutions is more satisfactory than profitable. In this State the working of convicts on public roads is, beyond question, the most advantageous to everybody. Morally and physically it is as good, if not better, for the convict than any other system.

Forty-two counties in the State are working their convicts in improving their roads, and our laws in this line are almost perfect. I think the convicts in the penitentiary, now engaged in making shirts, brick, and farming on a large scale, should be employed in improving the State roads.

#### NORTH DAKOTA.

The warden of the State penitentiary states as follows:

"I have made a careful study of the question 'How best to provide for the surplus or unemployed labor of the inmates of the institution?' In doing this, I have kept in mind all the conditions and circumstances which are elements and ought to be considered in solving the problem, and my conclusion is, considering particularly the best interests of the State from a financial point of view, and for the institution and its inmates from all points of view, that a 'plant for the manufacture of binding twine and cordage,' to be operated on the State-account plan, should be established; this would furnish the relief needed without interfering in the least degree with free labor, and, carefully managed on sound business principles, would, inside of 5 years, place the institution on a self-supporting basis."

#### OHIO.

The labor of convicts at the penitentiary not required by the State is employed under the piece-price system. The warden states that the system is as satisfactory as it ever has been. He knows of no system of employment for convicts that offers better results to all concerned than that which secures to the State a fair remuneration for the labor of each convict employed at such labor as will enable him to be self-supporting when discharged from penal service. There must and always will be competition as long as prisoners are employed, and no sensible person will ever suggest that prisoners should remain idle. He knows of no instance where the number of wage workers, their wages, or the price of manufactured articles were reduced by reason of the product of convict labor in this State.

The Ohio penitentiary used to make contracts for a specified number of prisoners, and the price received from the contractor ranged from 50 to 75 cents per day for each convict. During 1884 the system of contracts was changed by legislative enactment to piece price, and all contracts made since then have been made in compliance with this statute.

As a matter of fact the piece-price system is not so profitable to the State as the old contract system was, but it wipes out the charge then often made that the convicts' daily task, imposed by the contractor as it was, was greater than it should have been.

The work performed by the convict is such as will enable him to secure when discharged profitable employment at labor similar to that performed by him while in prison, where he was not hindered or prevented from being self-supporting on discharge by teaching him trades at hand work while the outside uses machinery.

The officials of other institutions state as follows:

Under all prison systems, if discipline is to be maintained at its best, and reformation promoted and health preserved, some form of labor is absolutely essential. The law provides that a convict must labor, and he is so sentenced by our courts to hard labor. The prisoner can so demand from the State to furnish him with work. Labor is the base of prosperity of every state and government. The entire prison population of this country, as compared with the labor outside of prisons, amounts to only  $2\frac{1}{2}$  per cent. While no system can be devised which in some way does not raise the question of competition, there is no way of determining the amount of reduction in prices and wages caused by such competition.

#### OKLAHOMA.

The prisoners of the Territory are kept under contract at the Kansas State penitentiary. Prisoners in jails are not employed. The following suggestions are submitted by the official of one of the county jails: Convicts should be worked 8 hours per day, and if they work overtime they should receive a reasonable compensation for such overtime. They should be employed at some occupation whereby they could learn a trade and improve themselves intellectually.

#### OREGON.

The systems of employing convicts under contracts, in farm work and in making articles for their own support, have proved satisfactory.

The superintendent of the State prison makes the following recommendations in his annual report for 1898:

"The prisoners must be employed, and, with 4 years' experience and observation in the prison, I have concluded that there is no better system for the employment of the convict than the lease (under rules and regulations looking to the protection and care of the men), and can say nothing better than to report what was said 2 years ago: The leasing of convict labor within the walls, with proper hours of labor and just treatment of prisoners, under the supervision of the prison management, together with the control of the necessary free and expert employees, can not be too highly recommended by me. I have no hesitancy in saying the lease system is the best for the State, and under proper supervision by prison authorities nothing is better for the convicts. In carrying out the provisions of the present lease there has been no conflict of authority. The prisoners have, as a rule, been contented and obedient, rather preferring to be at work in the shops than to be idle in their cells. Not a single case of insubordination nor serious trouble of any kind has occurred among the men working in the foundry. A system of prize money, awarded by the lessees for honest and faithful work, adds much to the contentment and comfort of the prisoners. I am of the opinion that the law should be amended so as to extend the authority of the governor to make other leases for the employment of these men."

#### PENNSYLVANIA.

The warden of the Eastern Penitentiary at Philadelphia states that—

"The public-account system, as practiced in his institution, is giving satisfaction, also that all machinery should be eliminated, the work to be done by hand and the prisoners working in their separate cells, being isolated from all other

prisoners. Under these conditions the system would be the most desirable for the employment of convicts. Under the system in use in this penitentiary, there is no competition with free labor; all the convict labor being by hand, there is not enough made to make the production felt. Representatives from the labor organizations have examined the system and admit that the penitentiary does not manufacture enough to interfere with free labor."

The warden of the Western Penitentiary, at Allegheny, states that—

"The system there in use is not satisfactory, because there is not sufficient employment. By an act of the assembly approved June 18, 1897, steam power in all penal institutions was prohibited, and the number of convicts to be employed on certain industries limited to 5, 10, and 20 per cent of the total population of the respective institutions. It is desirable that legal authority be given to furnish employment to all persons sentenced to imprisonment at labor, not only for the benefit of the State, but as best for the man when he is released from prison. The industries selected should be least competitive and the work should be of a character helpful to make the prisoner a skilled laborer. Prisoners do not perform half the amount of labor in a day that a free man must to keep his place. The total extent of injury to free labor, in the opinion of most of those who have given the matter any consideration, is greatly exaggerated, and really so small a factor that in good times it is never heard of.

"My personal experience has convinced me that labor in a prison must be real, earnest, and interesting. To be helpful to the imprisoned man it should be performed in shops, operated as an outside shop would be, and the man must be taught to work skillfully and carefully or he will be unable to do such work when released. Labor is an absolute necessity and most helpful to prison discipline. In most States the cost of support by labor is a material question; where ignored, as in New York, where the prisons receive an annual appropriation for support from the State, it may take the question out of politics, but the inevitable result follows that goods made for State and political divisions cost more than have hitherto been paid for similar goods, and establishments hitherto furnishing such goods keenly feel that the State is competitive.

"The question of competition by prison labor has many sides. The duty of preservation of health, both of mind and body, of the prisoner is best helped by real labor, and the extent of injury to free industries by such labor is less than fifty-two one-hundredths of 1 per cent, or an amount so small as to be scarcely felt in the vast market for all forms and conditions of labor in this country. In any event, whatever may result from the various experiments under test, the entire matter is a local question, to be finally solved by the parties concerned, as public sentiment may be guided by social or economic reasons."

The officials in charge of some of the county workhouses and prisons give the following information concerning the methods of employing convicts:

"The system is not satisfactory; all prisoners should be employed. Any article manufactured by convict labor is injurious to free labor, but if you do not desire to fill the insane asylums you must furnish the convicts with employment.

"The system is not satisfactory. All long-term prisoners should be worked on strictly hard work, no power machinery should be used. As long as convict labor is done by hand it can not interfere with free labor. It would require 50 men by hand work to do as much work as 1 man by the use of power machinery.

"We buy and sell on the open market, and the profits go toward maintaining the institution. There is no better system of employing convicts."

#### RHODE ISLAND.

The contract system has been in use for 30 years. It has kept the prisoners constantly employed, and appears to give entire satisfaction to the prison officials and all others interested in the subject.

#### SOUTH CAROLINA.

The present system of leasing convicts, working farms, and manufacturing on State account is satisfactory. The farm work is more healthful, but not so profitable. The warden of the penitentiary states that he does not consider convict labor, as now conducted in South Carolina, competes with free labor, the numerical percentage of convicts being so small.

## SOUTH DAKOTA.

There is no system for the employment of convicts at the State penitentiary. The warden states that some system should be devised for the employment of prisoners within the walls. The laws in regard to prison labor are very incomplete and should be thoroughly revised. Prison labor in the State does not conflict in a marked degree with free labor.

## TENNESSEE.

The present system of employing convicts at the penitentiaries under the piece-price, contract, and State-account methods are in the main satisfactory.

The board of prison directors state that—

“The industries in which the prisoners are engaged are so diversified that the product of no one line are of sufficient importance to seriously compete with any similar industry employing free labor. In none of the lines in which the production is the heaviest is there similar manufactures in this State to a large extent. The most extensive output from the prison is shoes and ladies and children's hosiery. These articles are not those of extensive manufacture in this State.”

## TEXAS.

The superintendent of the State penitentiary gives the following information relative to the conditions of employment at his institution:

“Under the present management we have been able to make the penitentiaries more than self-supporting. By reference to the report of the financial agent it will be seen that on November 1, this year, we had on hand a cash balance of \$136,801.45. However, I am unalterably opposed to the lease system and believe it should be abolished, for the following reasons:

“First, there is too much uncertainty attending such a system, at remunerative prices.

“Second, humanity demands that the State-account system should be adopted.

“After a long experience I am thoroughly convinced that no sort of supervision can be inaugurated that will absolutely prevent abuses under the contract system. I repeat what has been said before in this report, that it is gratifying to me to be able to report that the change in contracts which provides for the State feeding all convicts is a long step in the direction of State account and reform. Indeed, it is pleasing to be able to say that I have not had a complaint with reference to food since the change was made.

“Farming on State account is no experiment. By reference to the report of the plantation situated in Fort Bend County and known as the Harlem plantation it will be seen that second-class negroes, such as are employed on this place, have been more profitable to the State than first-class labor, such as hired or leased to contractors. Therefore, I renew my recommendation of former years with reference to the State buying suitable lands, where short-term convicts may be employed on State account.

“It is clear to my mind that if the State owned sufficient lands to work all the convicts now employed under the lease system it would not be a great while until the profits would go a long way toward paying expenses of the State government. It may be said that agricultural products are low, which is true, but my plan would be to go into sugar raising as rapidly as possible, thereby taking the convict labor out of competition with the cotton farm, and at the same time produce that which is much more profitable.

“I would suggest that some law be passed by the legislature requiring that every institution in this State should be required to purchase any and all goods from the penitentiary, such as boilers, engines, furniture, wagons, buggies, carriages, etc.; providing, however, that no greater price shall be paid than the same goods may be bought elsewhere.

“I can see no good reason why the State's money should be sent out of the State when it can be used among its own departments. Such laws are now in force in some of the States, and work admirably, providing employment for very many convicts in the manufacture of such goods as are desired by other departments of the State government.”

The officials of county jails furnish the following statements:

"The State should furnish convicts labor or let them remain idle. There is no doubt that contractors abuse their convicts, and any man with ordinary sense knows that you can never reform criminals by abusing them.

"The State should not be allowed to manufacture articles for sale. It is now selling furniture manufactured by convict labor cheaper than that manufactured by free labor can be sold.

"The State should cultivate enough land to make the penitentiary self-supporting.

"Ten years' hard labor by convicts on lease farms either kills them or ruins their constitutions. It is a well-known fact that the present system of controlling convicts not only ruins what little moral character they have left, but seems to destroy the very basis on which all moral character is built.

"Counties should own farm land on which to work county convicts."

#### UTAH.

The present system of working convicts in constructing public buildings and caring for the same and in agricultural pursuits, also manufacturing on public account, is giving general satisfaction, and it is recommended that the facilities for such diversity of employment be extended.

#### VERMONT.

The contract system as in use at the State prison appears to be giving satisfaction. The officials claim that there should be a wider system of industrial training. There is no better way of employing convicts than to leave the entire matter in the hands of a good board of directors.

Convict labor does not materially compete with free labor. No law should be passed designed to prohibit productive labor of prisoners. Legislation should proceed with great caution, prisoners themselves have a right to employment.

The best method of employment is in trade schools, and otherwise upon such articles as are used in State, county, and municipal offices and institutions.

The contract system is not desirable.

The number of convicts employed is so small as compared with the number of free laborers that their work does not compete with free industry.

#### VIRGINIA.

The contract system as now in use at the State penitentiary has given satisfaction. Farming operations in connection with the penitentiary have been of great assistance.

The best work for jail prisoners appears to be on the public highways, under direction of competent road builders.

#### WASHINGTON.

The employment of convicts at the penitentiary in the manufacture of jute bags and burlap under the public-account system and on the State farm and in workshops connected with the institution have given satisfaction, for the reason that it does not in any way compete with free labor.

Both the moral and physical effect is always better when prisoners are constantly employed. Any system of employment where their labor does not compete with ordinary citizens' labor is desirable.

The law admits of the working of prisoners upon the public highways, and it would be hard to improve upon such a system. It does not compete with free labor and is entirely for the public benefit.

The best system of employment for convicts is upon the construction of large public improvements which would not otherwise be undertaken.

## WEST VIRGINIA.

Convicts at the State penitentiary are employed within the prison walls under the contract system. This system as conducted is considered to be to the best interests of the State and is humane and conducive to the health and well-being of the convicts. It does not conflict with the interests of free labor.

The officials of the county jails state that the present law, providing that convicts may be worked on the public roads, would give entire satisfaction if enforced.

## WISCONSIN.

The employment of convicts at the State prison under the contract and public-account systems is satisfactory, especially the results that have been reached under the contract system. The warden states—

“That the contract system is the least injurious to free labor, and that in his opinion the effect upon free labor is very trifling, as the amount of work done by a convict is not much over one-half the amount that is performed by a free laborer.”

The officials of other institutions make the following statements:

“Convicts at the State prison should be employed in making macadam and fixing the roads and not in the manufacture of shoes and clothing, to be sold on the open market in competition with the products of free labor.

“Our prison does lots of work that takes employment away from laborers, and it would help free labor if the prison stopped the manufacture of clothing and shoes.

“The inmates of the industrial school for boys should all be employed in the shops or on farm work, and also attend school.

“I do not believe in the contract system for prisons. I would have about three good shops, the character to be determined as in any other business, and the products sold on the open market.

“Every time a man works he is in competition with every other man that works when they are in the same competing group. The only way to avoid competition is to have the prisoners idle.”

## WYOMING.

The penitentiary and the convicts are leased. The lessee has the privilege of working the convicts. This is considered as the best system that can be devised in this State under the present conditions.



## APPENDIX.

### SUMMARY OF CONVICT-LABOR LAWS.

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The following statement presents a summary, by States, of legal provisions in force in the United States in 1898, relating to systems, hours, and kinds of convict labor; to the regulation of the sale of convict-made goods, so far as such regulations tend to establish or limit prices, or to prescribe rules governing the business of dealing therein; and to the diminishing of competition between convict and free labor.

#### ALABAMA.

**CONTRACT SYSTEM.**—Code of 1896, secs. 4463 and 4498 make general provision that State convicts shall be hired or employed at such labor, in such places, and under such regulations, as may be prescribed by the authorized authorities, having in view the end of making the system self-sustaining; and that contracts may be made "for the hire of the labor" of State convicts, by the day, month, year, or term of years, the State in such case controlling and supporting the convicts.

**LEASE SYSTEM.**—Secs. 4476, 4477, and 4478 provide for the leasing of State convicts, and require that all hiring of them must be per capita; that not less than 50 such convicts shall be hired to one person or kept at one prison, except that less than 50 may be worked in the county where they were convicted; that such convicts must be classed or tasked if hired to work in mines; and that no such convict must be worked at a different place or occupation than that expressed in the contract, or be rehired, or placed in the keeping or control of any other person than the contractor, without authorization by proper State officials.

Secs. 4521, 4527, 4529, and 4534 authorize the hiring of county convicts to labor anywhere within the State, the place and kind of labor to be restricted to that expressed in the contract of hiring; and such convicts must not be sublet or rehired, unless authorized by proper county authorities.

**PUBLIC-ACCOUNT SYSTEM.**—Secs. 4514 and 4516 authorize the employment of State convicts at farming or other labor on any land owned by the State, and provide that any part of the net income derived from State convict labor may be applied to manufacturing, "looking to the more permanent employment" of the convicts.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Secs. 4521, 4522, 4523, 4529, and 4530 authorize the employment of county convicts on public roads, bridges, and other public works in the county where convicted, it being provided that no female shall be required to labor upon any public highway.

**HOURS OF LABOR.**—The statutes of Alabama contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing, farming, and employment upon public works and ways and in mines.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of products of convict labor or for diminishing competition between convict and free labor.

#### ARIZONA.

**LEASE SYSTEM.**—Acts of 1895, No. 19 provides that the labor of the inmates of the Territorial prison and reform school may be leased, on contract with a responsible person or persons, without obligating the Territory "to furnish tools, machinery or money, or make other expenditure other than the labor of the inmates, properly clothed and fed, and the proper guards for the same, together with the use of the property, buildings and lands;" and that no contract or lease shall be made for a longer period than 10 years. The labor of the inmates may be performed either inside or outside the prison or reformatory confines. It is also provided that the buildings and property connected with the insane asylum, prison, and reform school may be leased for the purpose of furnishing employment to the inmates of the prison and reform school.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—This act authorizes the employment of convict labor upon public works, by stipulating that the labor of the inmates of the institutions named shall not be leased when it is required upon the buildings or property thereof.

Revised Statutes of 1887, Sec. 2459, provides that prisoners in the county jail may be required to perform labor upon the public works and ways of the county.

**HOURS OF LABOR.**—The statutes of Arizona contain no provision regulating the hours of labor of convicts.

**KINDS OF LABOR.**—Manufacturing, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes of Arizona contain no provisions regulating the sale of convict-made goods or diminishing competition between convict and free labor.

#### ARKANSAS.

**CONTRACT SYSTEM.**—Digest of 1894, secs. 5499 (as amended by act No. 20, extra session of 1897), 5500, 5502, 5504, and 5506, authorize the employment of State convicts under the contract system, either inside or outside the prison walls, the State to retain the control, management, and discipline of the convicts, and "to direct how, at any and all times and under all circumstances, its convicts shall be lodged, fed, clothed, guarded, worked, and treated;" but no contract shall be let for any such convict labor if equally remunerative employment can be furnished by the State, so as to work the convicts on State account.

**LEASE SYSTEM.**—Secs. 910 (as amended by act No. 16, of 1895), 913-931 provide that contracts shall be made for the maintenance, safe-keeping, and working of prisoners in county jails, the contractor to keep, feed, and clothe the prisoners.

Sec. 888 authorizes the leasing of houses of correction, and the farms attached thereto, and the labor of the inmates, for terms not exceeding two years, the lessees to pay all expenses of maintenance and care of the institutions and the inmates thereof.

**PUBLIC-ACCOUNT SYSTEM.**—Secs. 5499 (as amended by act No. 20, extra session of 1897), 5500, 5502, 5504, and 5506 authorize the employment of State convicts under the public account system, either entirely or conjointly with the contract system, it being provided that no contract shall be let for the labor of such convicts if equally remunerative employment can be furnished them under the public-account system.

Secs. 883, 885, and 886 provide that inmates of houses of correction may be employed in cultivating the farms and gardens connected therewith, or in mechanical pursuits, and the products of their labor shall be applied to paying the expenses of the institution, and the surplus arising from the sale of such products shall be paid into the county treasury.

**STATE-USE SYSTEM.**—Secs. 5501, 5502, and 5506 authorize the carrying on of manufacturing and other industries, either inside or outside the prison walls, with State convict labor, the products of such labor to be used in State institutions.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts No. 33 and 38, extra session of 1897, authorize the employment of State convicts in repairing roads leading to the various convict camps, and in constructing State railroad and telegraph lines.

Digest of 1894, sec. 5543, provides that penitentiary convicts may be worked on public improvements, buildings, and grounds in the city of Little Rock.

Secs. 896, 911, and 932 provide that convicts in county jails may be worked on the public bridges, highways, levees, and other county improvements.

**HOURS OF LABOR.**—Sec. 906 provides that persons hiring county convicts shall not work them for a longer time during any day than other laborers doing the same kind of work are accustomed to labor.

**KINDS OF LABOR.**—Manufacturing, farming, coal mining, stone quarrying and cutting, clearing and fencing timber land, building railroad and telegraph lines, and upon public works and ways.

**SALE AND COMPETITION.**—The statutes of Arkansas contain no provision regulating the sale of convict-made goods. Digest of 1894, secs. 5500 and 5559, prohibit the lease system as to State convicts, or the hiring of female convicts as domestic servants.

#### CALIFORNIA.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1888, chap. 264, authorizes the employment of State convicts in manufacturing or other work, and the sale of such manufactured articles as are not required for use by the State.

**STATE-USE SYSTEM.**—Acts of 1889, chap. 264, authorizes the employment of State convicts "in the manufacture of any article or articles for the State."

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts of 1897, chap. 8, authorizes the employment of State convicts in the construction and repair of public roads.

Acts of 1891, chap. 216, authorizes the employment of prisoners in county jails "upon the public grounds, roads, streets, alleys, highways, public buildings, or in such other places as may be deemed advisable for the benefit of the county."

**HOURS OF LABOR.**—Acts of 1889, chap. 264, provides that an able bodied State convict shall be required to perform "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison."

**KIND OF LABOR.**—Manufacture of jute goods, of road metal or crushed stone, and of articles for State use, and employment upon public works and ways.

**SALE AND COMPETITION.**—Acts of 1889, chap. 264, Acts of 1893, chap. 42, Acts of 1895, chap. 208, and Acts of 1897, chap. 97, limit the commodities to be manufactured by State convicts for sale to jute fabrics and crushed rock. The selling price of crushed rock is to be 10 per cent above the cost of its production, but such rock shall not be sold for less than thirty cents per ton. The selling price of

jute bags shall not be more than one cent per bag in excess of the net cost of production, exclusive of prison labor; not more than 5,000 grain bags shall be sold during any one year to any one person or firm, except upon the unanimous approval of the board of prison directors—except that after June 15 of each year larger quantities may be sold to actual consumers, upon consent of a majority of the board of prison directors; and orders of farmers for grain bags shall take precedence over all others.

Constitution, art. 10, sec. 6, prohibits the working of convicts under the contract or lease systems.

#### COLORADO.

**CONTRACT SYSTEM.**—Mill's Annotated Statutes of 1891, secs. 3425, 3435, and 3436, and Acts of 1897, chap. 5, provide that penitentiary convicts are to be worked to the best advantage of the people of the State; that their labor may be hired out to be worked under the superintendence of the warden, and, if outside the prison walls, under the custody of a guard or overseer of the penitentiary; but no labor shall be performed by the convicts off the grounds belonging to the penitentiary except such as may be incident to the business and management thereof.

**LEASE SYSTEM.**—Secs. 1446 and 1447 authorize the working of county convicts in quarries or mines, and when so working they shall be in the legal care and custody of the person by whom they shall be employed, subject to such regulations as the jail keepers may prescribe.

**PUBLIC-ACCOUNT SYSTEM.**—Sec. 3425, *idem*, and Acts of 1897, chap. 5, authorize the erection of workshops at the State penitentiary, and the employment of able-bodied convicts at such labor as may be of the most advantage to the penitentiary and the people of the State.

Annotated Statutes, sec. 4163, authorizes the employment of convicts in the State reformatory in manufacturing and mechanical industries, the products of their labor to be sold or disposed of for the benefit of the State.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Sec. 1446 authorizes the employment of prisoners in county jails on any of the public streets, highways, or other works in the county where confined, or in adjoining counties.

Sec. 2433 and 3425 authorize the employment of State convicts in constructing ditches, canals, reservoirs, and feeders for irrigation and domestic purposes, and in making improvements in the penitentiary buildings.

**HOURS OF LABOR.**—Sec. 1445, 4174, and 4435 provide that convicts sentenced to hard labor shall be "kept constantly employed during every day except Sunday;" that inmates of the State reformatory shall be worked on an average of not exceeding 10 hours per day, Sundays excepted; and that persons convicted of violating municipal ordinances shall be employed not exceeding 10 hours each work day.

**KINDS OF LABOR.**—Manufacturing and mechanical industries; employment in quarries and mines, in the construction of irrigating ditches, canals, and reservoirs, and on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Mill's Annotated Statutes of 1891, sec. 3448 and 3449 prohibit the bringing into the State to perform labor of any persons convicted of crimes or misdemeanors, except ex-convicts; or the bringing in of material for use in the repairing or erection of any public building labor in preparing which has been performed by convicts.

Sec. 4163 provides that convicts in the State reformatory shall, as far as practicable, be engaged in the manufacture of articles not manufactured elsewhere in the State. Acts of 1897, chap. 5, provides that able-bodied convicts in the State penitentiary shall be employed in work which may least conflict with the free labor of the State.

#### CONNECTICUT.

General Statutes of 1888, secs. 3341 and 3343, make general provision for the employment of inmates of the State prison "at such labor as the directors shall order;" and for the employment of a limited number outside the prison walls, within a limited distance, under the superintendence of the warden.

Sec. 3365 provides that county convicts may be required "to work according to their ability."

**CONTRACT SYSTEM.**—Sec. 3355 prescribes regulations under which 50 or more State convicts may be employed "by contract or otherwise at any trade or occupation."

**PUBLIC-ACCOUNT SYSTEM.**—Secs. 3394 and 3396 direct that inmates of workhouses be employed "at such labor as they shall be able to perform," be furnished with materials for their work, and be directed by authorized officials in the kind, manner, and place of their employment.

Acts of 1895, chap. 317, provides that inmates of the reformatory shall be employed in such manner as to provide as far as possible for their support, their reformation, and the formation of the ability and disposition to support themselves and their families.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—No specific provision is made as to the kinds of labor at which convicts may be employed, but it is provided generally that they may be employed at "such labor as the directors shall order;" that they shall work "according to their ability," or at "such labor as they shall be able to perform," or "at any trade or occupation."

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

General Statutes of 1888, sec. 3355, provide that when it is proposed to employ 50 or more convicts at any trade or occupation the directors of the State prison shall advertise the fact in newspapers throughout the State for four weeks before so employing them; shall inquire into the effect of the proposed employment upon the interests of the State and upon free labor; shall give hearing to all who wish to be heard in the matter; and if it shall appear from such inquiry that the proposed employment will not be for the best interests of the State, or will seriously injure the citizens of any State engaged in the proposed trade or occupation, it shall be prohibited.

Acts of 1895, chap. 153, provides that "no person confined in any penitentiary, or other place for confinement of offenders, under control of the State, shall be employed in or about the manufacture or preparation of any drugs, medicines, food or food materials, cigars or tobacco, or any preparation thereof, pipes, chewing gum, or any other article or thing used for eating, drinking, chewing, or smoking, or for any other use within or through the mouth of any human being."

#### DELAWARE.

LEASE SYSTEM.—Acts of 1881, chap. 550, sec. 7 (Revised Code of 1893, chap. 54), authorizes the hiring out of convicts "upon the most favorable terms for their county," in case contracts can not be made for their custody and maintenance in other States.

PUBLIC-ACCOUNT SYSTEM.—Revised Code of 1893, chaps. 54 and 133, provides that inmates of county jails designated as workhouses, and of workhouses, shall be provided with tools and materials for their use and work; and that prisoners under conviction of felony, or under sentence exceeding three months for misdemeanor, may be compelled to work, the proceeds or profits of their labor to belong to the county.

STATE-USE SYSTEM.—Acts of 1891, chap. 278, and acts of 1893, chap. 670 (Revised Code of 1893, chap. 54), authorize the employment of convicts in New Castle County in quarrying stone suitable for being broken into macadam, and in the conversion of stone into macadam for use in improving the public roads in the county.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1881, chap. 550, sec. 7 (Revised Code of 1893, chap. 54), authorizes the employment of convicts "upon the roads or any public works," in case contracts can not be made for their custody and maintenance in other States.

HOURS OF LABOR.—Revised Code of 1893, chap. 54, provides that 8 hours shall constitute a day's work at hard labor, to be performed between 8 o'clock a. m. and 5 o'clock p. m., for convicts in the jail or workhouse in New Castle County.

KINDS OF LABOR.—Quarrying and breaking stone into macadam, and employment upon public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

#### DISTRICT OF COLUMBIA.

PUBLIC-ACCOUNT SYSTEM.—Webb's Digest, p. 24, authorizes the sale of manufactured articles and agricultural products produced by the inmates of the Washington Asylum and Workhouse, and the purchase of raw materials, tools, implements, and machinery for the purpose of carrying into effect the principle that employment must be provided for all inmates of the institution named capable of any species of labor.

Compiled Statutes of the District of Columbia, chap. 33, sec. 6, provides that prisoners in the jail may be employed at such labor as may be prescribed by the proper authorities, the proceeds thereof to be applied in defraying the expenses of their trial and conviction.

Acts of 1884-85, chap. 145 (U. S. S., vol. 23, p. 314), authorizes the production of commodities for sale by the inmates of the Reform School, by providing that the revenue derived from the labor of the inmates and the products of the farm shall be paid into the United States Treasury.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing and farming.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

#### FLORIDA.

Revised Statutes of 1892, secs. 2940 and 3057, make general provision for the employment of State and county convicts, it being provided that State convicts sentenced to hard labor "shall be constantly employed for the benefit of the State," and that county convicts sentenced to hard labor "may be employed at such manual labor as the county commissioners may direct."

LEASE SYSTEM.—Secs. 3065 et seq. provide for the making of contracts with any person for the labor, maintenance, custody, and discipline of State convicts, for a term of years not exceeding 4. In case no application is received for the hire of the prisoners, the State may pay "to any person or persons such sums of money for taking such prisoners on such conditions as may be deemed advantageous to the interests of the State."

Sec. 3032, *idem.*, and acts of 1895, chap. 4323, authorize the hiring out or otherwise contracting for the labor of county convicts, upon such terms and conditions as may be deemed advisable.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Revised Statutes of 1892, sec. 3032, authorizes the employment of county convicts "at labor upon the streets of incorporated cities or towns, or upon the roads, bridges, and public works in the several counties where they are so imprisoned."

**HOURS OF LABOR.**—Secs. 3057 and 3065 provide that State convicts shall labor not less than 8 nor more than 10 hours per day, and when under contract shall work between sunrise and sunset, and not be required to labor on Sunday.

Sec. 3033 provides that county convicts shall not be required to work more than 10 hours per day.

**KINDS OF LABOR.**—Employment upon public works and ways. The kinds of labor at which leased convicts may be employed are not specified.

**SALE AND COMPETITION.**—The statutes contain no provision for the regulation of the sale of convict-made goods or for diminishing competition between convict and free labor.

#### GEORGIA.

**LEASE SYSTEM.**—Acts of 1897, No. 340, sec. 10, authorizes the leasing of any number of State convicts to counties or to municipal corporations for not less than \$36 per convict per year, to be utilized upon their public roads or works.

Secs. 11 and 13 authorize the leasing to private companies or persons, for terms not longer than 5 years, of all State convicts not employed by the State or leased to counties or municipalities; the hirer to furnish transportation, maintenance, medicine, clothing, and all other necessaries, and buildings; the convicts must be leased to the bidder or bidders offering the highest price per annum per capita; the hirer has the right to sublet the labor of the convicts leased by him.

**PUBLIC-ACCOUNT SYSTEM.**—Secs. 1, 6, and 8 create a prison commission, which is given full control of State convicts and general supervision of misdemeanor convicts, and is authorized to establish a State convict farm, and to provide for the employment of convicts thereon by the purchase of machinery, utensils, live stock, and other necessary equipments; and authorize the sale, to the best advantage, of surplus products of the penitentiary.

**STATE-USE SYSTEM.**—Sec. 8 authorizes the use of surplus products of the penitentiary by State institutions.

Penal Code of 1895, secs. 1144 and 1145, authorize the employment of county convicts in quarrying or gathering rock or gravel or other material for use in the improvement of county or municipal roads or streets.

**PUBLIC-WORKS-AND-WAYS-SYSTEM.**—Acts of 1897, No. 340, secs. 9, 10, and 13, authorize the employment of convicts leased under prior laws, the control of whom has been resumed by the State, in erecting buildings, stockades, and appurtenances on the convict farm, or in such other labor as may be deemed profitable, and the hiring by counties or municipal corporations of State convicts, to be employed upon their public roads or works.

Penal Code of 1895, secs. 1039, 1137-1139, and 1143, provide for the working of misdemeanor convicts on public works or roads, and for the hiring of county convicts from other counties to be so worked.

**HOURS OF LABOR.**—Acts of 1897, No. 340, sec. 6, provides that the hours of labor of State convicts shall be regulated by the prison commission.

**KINDS OF LABOR.**—Quarrying and gathering rock and gravel for use on roads and streets; employment on the State convict farm and on public works and ways. The kinds of labor at which leased convicts may be employed are not specified.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1897, No. 340, sec. 11, provide that leased convicts shall be employed, as far as they can consistently with the best interests of the State, so "that the products of their labor shall come least in competition with that of free labor."

Penal Code of 1895, sec. 1039, stipulates that county authorities are not authorized to employ misdemeanor convicts "in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor."

#### IDAHO.

**LEASE SYSTEM.**—Act approved Mar. 6, 1893 (acts of 1893, p. 155), authorizes the State prison commissioners to contract with responsible persons for the care, maintenance, and employment of all State convicts, such employment to be within the prison limits.

**PUBLIC-ACCOUNT SYSTEM.**—The same act authorizes the State prison commissioners to provide for the employment of State convicts within the confines of the penitentiary "by direct expenditures."

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Constitution, art. 13, sec. 3, authorizes the employment of State convicts "on public works under the direct control of the State," and act of Feb. 3, 1891, sec. 7 (acts of 1891, p. 22), authorizes the employment of such convicts upon the buildings and grounds of the penitentiary in making improvements and repairs.

Act approved March 9, 1895 (acts of 1895, p. 100), provides that male prisoners over 18 years of age in county jails shall be required to labor in and about the county jail and court-house for the "betterment, improvement, cleanliness, or maintenance" of said buildings or their grounds.

**HOURS OF LABOR.**—This act also provides that county convicts upon public works shall be employed not to exceed 8 hours per day, Sundays and holidays excepted,

**KINDS OF LABOR.**—Employment upon public works. The kinds of labor at which convicts may be employed under the lease and public accounts system are not specified.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Act of March 6, 1893 (acts of 1893, p. 155), provides that no contract shall be made permitting the use of convict labor in any industry that will "conflict with any existing manufacturing industries in the State."

## ILLINOIS.

**PUBLIC-ACCOUNT SYSTEM.**—Annotated Statutes of 1896, chap. 108, sec. 19, authorizes the employment of penitentiary convicts in manufacturing, under the direction of the warden; the articles manufactured to be sold for the benefit of the State.

Chap. 67, sec. 13, indirectly authorizes the remunerative employment of inmates of houses of correction by making provision for the expenses of maintaining such institutions "over and above all receipts for the labor of the persons confined therein."

**STATE-USE SYSTEM.**—Chap. 108, sec. 61, authorizes the employment of penitentiary convicts in quarrying stone for the use of the State.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Chap. 108, secs. 27 and 54, authorizes the use of the labor of State convicts upon the penitentiary buildings and grounds or other public works, so far as the labor can be advantageously performed at the penitentiary.

**HOURS OF LABOR.**—Chap. 108, sec. 61, provides that the hours of labor of State convicts shall be determined by the penitentiary commissioners.

**KINDS OF LABOR.**—Manufacturing, employment upon public works and in quarrying stone.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

The fourth amendment to the Constitution, adopted November 2, 1886, prohibits the letting, by contract, of the labor of any convict confined in a penitentiary or reformatory institution in the State to any person.

## INDIANA.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1897, chap. 187, sec. 1, requires that inmates of State penal and reformatory institutions be placed at employment for account of the State, and directs the establishment of the public-account system.

**STATE-USE SYSTEM.**—Acts of 1897, chap. 187, provides for the employment of inmates of State penal and reformatory institutions at such trades and vocations as the convicts are adapted to, and as will supply said institutions, as nearly as possible, with all necessary articles of prison consumption; surplus products are to be sold to other State institutions needing the same.

Annotated Statutes of 1894, sec. 8221, provides that materials for building and repairs of the State prison shall be manufactured in the penitentiary.

Sec. 8235 authorizes the employment of convicts in the State prison in Clark County in chopping wood or timber for the use of the prison, in making brick, or in other labor on State land near the prison, and in the cultivation of any fields or grounds that may be leased for the purpose of raising vegetable products for the use of the prison.

Sec. 8250 provides that convicts in the southern State prison may be employed in manufacturing arms, implements, goods, and munitions of war needed in defense of the State, or for the use of State troops.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Secs. 1935 and 4194 provide that male inmates of county, town, and city jails may be put at hard labor on public wharves, streets, alleys, or other thoroughfares, or upon public roads or highways, or any other work or improvement within the county for the public good or benefit.

Sec. 8334 provides that inmates of workhouses shall be kept at hard labor, as far as may be consistent with their age, sex, and ability, in such manner as may be deemed most advantageous, in or about the workhouse or upon any public wharf, street, alley, highway, thoroughfare, or other work or public improvement within the county, or at such work or in such manner as may be deemed best.

**HOURS OF LABOR.**—Acts of 1897, chap. 187, provides that the hours of labor in State prisons and reformatories shall not exceed 8 hours per day, "subject to temporary changes under necessity or to fit special cases."

Annotated Statutes of 1894, sec. 3502, provides that persons committed to city workhouses or county jails for certain offenses shall be required to labor not less than 6 nor more than 10 hours per day.

**KINDS OF LABOR.**—Manufacturing, including the production of material for repairing and building State prisons, arms, implements, goods, and munitions of war, and brick; chopping wood and timber; farming, and employment upon public works and ways.

**SALE AND COMPETITION.**—Acts of 1895, chap. 162, prohibits the sale or exposing for sale of convict-made goods manufactured in other States by any person, without first obtaining a license to sell such

goods, for which \$500 per year must be paid; the dealer is required to make a detailed annual report of his transactions in such goods; all such goods before being exposed for sale shall be branded or marked with the words "convict-made" followed by the year and the name of the institution in which made, in plain English lettering, of the style known as great primer roman capitals, upon the outside of, and the most conspicuous part of, the finished article, and its box, crate, or covering.

Acts of 1897, chap. 187, abolishes the contract system in State penal and reformatory institutions, and renders it unlawful to hire out, under contract, any of the inmates of such institutions; and directs that all work done by inmates of such institutions shall, as far as practicable, be hand work.

## IOWA.

**CONTRACT SYSTEM.**—Code of 1897, sec. 5702, authorizes the making of contracts for the labor of convicts confined in the State penitentiary at Fort Madison, for terms of not longer than 10 years.

**PUBLIC-ACCOUNT SYSTEM.**—Sec. 5691 authorizes the carrying on of branches of labor and manufactures in the penitentiaries, under the superintendence of overseers having suitable knowledge and skill, who may be employed for the purpose of such superintendence; the management, superintendence, and guarding of the convicts to be in accordance with prescribed rules and regulations, or under the direction of the warden.

Sec. 5707 provides that the surplus stone produced by convict labor in the State stone quarries, not used by the State, shall be made into macadam and disposed of in such manner as may be for the best interests of the State.

Secs. 5654 and 5655 provide that county, city, or town prisoners may be furnished tools and materials to work with, their earnings to belong to the county, city, or town at whose expense they were supplied with tools and materials.

**STATE-USE SYSTEM.**—Secs. 5707 and 5708 authorize the employment of State convicts in the State stone quarries, and in breaking with hammers stone not used by the State for building purposes, for use in improving and macadamizing streets and highways; such broken stone to be furnished free of charge, except for transportation, to any county, township, town, city, or road district needing it.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Secs. 5653 and 5660 authorize the employment of county or city convicts upon the streets, roads, public buildings, and grounds of the county or city where confined.

Sec. 5707 authorizes the employment of State convict labor, when not otherwise employed, in the improvement and macadamizing of streets and highways.

**HOURS OF LABOR.**—Secs. 5653 and 5660 limit the employment of county and city prisoners upon public works and ways to 8 hours per day.

**KINDS OF LABOR.**—Manufacturing; stone quarrying, and breaking stone with hammers; and employment upon public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Code of 1897, secs. 5654 and 5707, prohibit the leasing of State or county convicts.

## KANSAS.

**CONTRACT SYSTEM.**—Acts of 1891, chap. 152, secs. 34, 35, and 39, authorize the making of contracts for hiring out the labor of State convicts for terms not exceeding 6 years, to the highest bidder, at not less than 45 cents per day per convict; the State retaining full control over the convicts, and their labor to be performed within the prison grounds.

**STATE-USE SYSTEM.**—Acts of 1891, chap. 152, sec. 41, provides that coal mined by State convicts in State coal mines shall be used by the penitentiary, statehouse, insane asylum, and other State institutions,

General Statutes of 1889, secs. 5426 and 5427, provide for the employment of county convicts in breaking stone to be used in macadamizing streets and roads, and the use of such broken stone as can not be sold "for the improvement of some designated road or street."

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1891, chap. 152, sec. 8, provides that the warden of the penitentiary shall use proper means to furnish employment to State convicts most beneficial to the public, and shall superintend any manufacturing, mining, or other business carried on in or about the penitentiary, and shall sell or dispose of articles produced for the benefit of the State.

Secs. 40 and 41, *idem*, and acts of 1897, chap. 163, sec. 2, authorize the employment of penitentiary convicts not otherwise employed in mining coal, the surplus not required for use in State institutions to be sold to the general public.

General Statutes of 1889, sec. 5427, authorizes the sale of broken stone produced by the labor of county convicts.

**PUBLIC-WORKS-AND-WAYS-SYSTEM.**—Acts of 1891, chap. 152, sec. 43, authorizes the use of such State convict labor as may be necessary in keeping in repair the road from the penitentiary to the limits of the city of Leavenworth.

General Statutes of 1889, sec. 5428, authorizes the employment of such county convicts as may so desire to work upon the public highways of the county.

**HOURS OF LABOR.**—Acts of 1891, chap. 152, sec. 39, provides that the hours of labor of State convicts employed under the contract system shall be 10 hours per day.

**KINDS OF LABOR.**—Manufacturing; farming; coal mining and work on public highways.

**SALE AND COMPETITION.**—Acts of 1897, chap. 163, prohibits the making of any contract for the sale of coal produced in State coal mines by convict labor not required for use in State institutions; but authorizes the sale of such coal as may not be so required, under the direction of the board of directors of the penitentiary.

The statutes contain no provision tending to diminish competition between convict and free labor.

#### KENTUCKY.

**CONTRACT SYSTEM.**—Acts of 1898, chap. 4, secs. 13, 15, and 17, provide for the making of contracts for the labor of penitentiary convicts with one or more contractors, the hiring to be per capita, for a term of not more than 4 years, with privilege of renewal; the contractor shall be entitled to the use of the various shops belonging to the State and the power therein; the various prisoners hired shall remain under prison police and government; the contractor may be permitted to introduce such machinery as may be necessary to the conduct of his business or manufacturing in the prison.

**LEASE SYSTEM.**—Statutes of 1894, secs. 4870 and 4871, provide that county workhouses, and the labor of the inmates, may be leased for a period of not more than one year, the lessee to have the same power and to discharge the same duties as if he were manager of the workhouse; or, inmates of workhouses may be hired out to individuals for all or any part of their terms, the lessee to provide for their maintenance in addition to the agreed price of hire.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1898, chap. 4, secs. 3, 5, and 16, provide that State convicts not employed under the contract system shall be employed at such useful labor as can be profitably conducted within the prison walls.

The wardens are directed to purchase necessary materials and supplies for the employment of the convicts, and to make report "of all articles of manufacture, and other things made or fabricated in the penitentiary, by the labor of the prisoners, when the same are sold from time to time."

Acts of 1898, chapter 35, provides that inmates of houses of reform shall be employed in useful labor, the proceeds thereof to be used in reducing the expenses of the institutions.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Constitution, sec. 253, authorizes the legislature to provide for the employment of convicts upon public works.

Statutes of 1894, secs. 1379 and 4322, provide for the employment of inmates of county jails and workhouses upon public highways in their respective counties; or upon public works of the counties, or of any city or town therein.

**HOURS OF LABOR.**—Sec. 1380, provides that prisoners in county jails "shall not be required to labor more than 8 hours a day."

**KINDS OF LABOR.**—Manufacturing; and employment on public work and ways.

**SALE AND COMPETITION.**—Statutes of 1894, secs. 524, 525, and 526, provide that no goods produced by convict labor outside of Kentucky shall be sold or offered for sale without being branded or marked with the words "convict made," followed by the year and the name of the institution in which made, in plain English lettering, of the style and size known as great primer roman condensed capitals; such brand or label shall be placed upon the most conspicuous part of the article, or its covering, if impossible to place it upon the article.

Constitution, secs. 253 and 254, prohibit the employment of penitentiary convicts outside of prison walls, except upon public ways and works.

#### LOUISIANA.

**CONTRACT SYSTEM.**—Constitution of 1898, art. 196, prohibits the leasing of convicts to work anywhere except on public works or convict farms, or in manufactories owned or controlled by the State; the provision to go into effect after the expiration of the existing lease. This implies the contract system as permissible.

**LEASE SYSTEM.**—Revised Laws of 1870, edition of 1897, act No. 114 of 1890, and act No. 134 of 1894, secs. 2855 and 2865, authorize the leasing of State convicts, to be employed in such manufacturing, mechanical, or other labor as the lessees may deem proper; the convicts may be employed by the lessees in working on levees, railroads, or other works of public improvement; or if such employment for them can not be obtained, they may be employed on plantation or farm work or at any other employment. The subleasing of leased convicts is forbidden.

Act No. 29 of 1894 provides that services of parish convicts may be hired or leased for the purpose of working them within the parish.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Act No. 38 of 1878, and Constitution of 1898, art. 292, provide that convicts sentenced to imprisonment at hard labor may be sentenced to labor on the public works, roads, or streets of the city or parish in which the crime was committed.

Act No. 121 of 1888 and act No. 29 of 1894 provide for the working of parish convicts on roads, levees, or other public work or farm under the direction of the parish authorities.

**HOURS OF LABOR.**—Act No. 38 of 1878, act No. 121 of 1888, and act No. 29 of 1894 provide that 10 hours shall constitute a day's labor for leased parish convicts, or of convicts employed under the direction of parish authorities.

Act No. 134 of 1894 provides that State convicts working under lease, at agricultural pursuits, shall not be worked beyond the hours of labor usually devoted to farm work.

**KINDS OF LABOR.**—Manufacturing and mechanical industries; on railroads, levees, farms, and plantations; and on public ways and works.

**SALE AND COMPETITION.**—Act No. 132 of 1894 requires that convict-made brooms shall not be dealt in or sold unless each broom is stamped or labeled "convict made;" said stamp or label is required to be "not less than 4 inches long and 2½ inches wide and the letters thereof not less than 1 inch in size."

#### MAINE.

**CONTRACT SYSTEM.**—Revised Statutes of 1883, chap. 80, sec. 29, authorizes the making of "necessary and proper contracts for the carrying on of manufacturing or other industry" in county jails in behalf of the county.

**LEASE SYSTEM.**—Chap. 140, sec. 19, appears to authorize the lease system by authorizing the making of such contracts for "the letting to hire of such of the convicts [in the State prison] as the inspectors may deem expedient."

**PUBLIC-ACCOUNT SYSTEM.**—Chap. 140, secs. 8, 19, and 29, provide that reports of "the amount of manufactures of each kind, and of all other articles, sold from the (State) prison," shall be annually made to the legislature; that "all sales of limestone, granite, and other articles from the prison" shall be made by the warden; and that persons having suitable knowledge and skill in the branches of labor and the manufactures carried on in the prison shall, when practicable, be employed as superintendents.

**STATE-USE SYSTEM.**—Chap. 78, sec. 13, as amended by acts of 1889, chap. 288, provides that suitable materials and implements shall be provided, sufficient to keep inmates of jails at work; and that convicted tramps shall be put to labor at breaking stone for use in building and repairing highways.

**HOURS OF LABOR.**—Revised Statutes of 1883, chap. 123, sec. 17, as amended by acts of 1889, chap. 288, provides that tramps confined at hard labor in county jails shall be required to work 10 hours each day.

**KINDS OF LABOR.**—Manufacturing, including the manufacture and repair of all kinds of wagons, carriages, and sleighs, breaking stone, and quarrying or dressing granite.

**SALE AND COMPETITION.**—Acts of 1887, chap. 149, sec. 4, requires that all articles or goods manufactured at the State prison for sale shall be distinctly labeled or branded with the words "Manufactured at the Maine State prison."

Secs. 1, 2, and 3 provide that no more than 20 per cent of the male convicts in the State prison shall be employed at one time in any one industry, or in the manufacture of any one kind of goods which are manufactured elsewhere in the State; and that the manufacture and repair of all kinds of wagons, carriages, and sleighs, except the manufacture of infant carriages, shall be considered one industry; also that "so far as practicable, the industries upon which said convicts shall be employed shall be the manufacture of articles not elsewhere manufactured in the State."

#### MARYLAND.

**CONTRACT SYSTEM.**—Public General Laws, sec. 406, authorizes the directors of the State penitentiary to enter into such contracts as they may deem proper for the employment of the convicts therein.

**LEASE SYSTEM.**—Sec. 315 provides that inmates of the house of correction shall be kept at some useful employment, and that they may be "hired out for such useful employment as may be best suited to his or her age and most profitable to the institution."

Sec. 319 authorizes the hiring of convicts in the house of correction to a canal company, the convicts to be clothed, fed, and guarded by the managers of the institution.

Acts of 1890, chap. 529, authorizes the hiring out, for some useful employment, of persons sentenced to the Dorchester County jail.

**PUBLIC-ACCOUNT SYSTEM.**—Public General Laws, secs. 406 and 425, provide that State penitentiary convicts shall be put to hard labor, at such employment as will be most advantageous, and authorize the making of contracts for the sale of the products of their labor.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—The laws of this State contain several special statutes that authorize the employment of prisoners in county jails upon public roads, streets, and alleys in particular counties.

**STATE-USE SYSTEM.**—Acts of 1892, chap. 624, provides for the employment of persons convicted of assault, drunkenness, disorderly conduct or vagrancy, in Carroll County, in the breaking of stone to be used on public thoroughfares.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing, breaking stone, employment upon public works and ways, and canal construction.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1890, chap. 590, prohibits the making of any contract for the manufacture, with the labor of penitentiary convicts, of tin cans for oyster or fruit packing purposes, or iron heating or cooking stoves, or iron castings used for machinery purposes.

## MASSACHUSETTS.

Acts of 1897, chap. 434, makes all laws relating to convict labor in the State prison, reformatories, and houses of correction applicable to the labor of convicts in jails and at the State farm.

**CONTRACT AND THE PIECE-PRICE SYSTEMS.**—Acts of 1897, chap. 412, sec. 3, authorizes the employment of convicts under the contract system or under the piece-price system in the industry of cane seating and in the manufacture of umbrellas.

(The contract system had previously been abolished by section 1, chap. 447, acts of 1887.)

**LEASE SYSTEM.**—Public Statutes of 1882, chap. 219, sec. 23, provides that contracts may be made for the employment at domestic service of the female inmates of a jail, house of correction, or female reformatory for such terms and upon such conditions as may be deemed fit, such hiring to be made with the consent of the woman hired.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1887, chap. 447, sec. 3, and acts of 1888, chap. 403, provide for the purchase of tools, implements, and machinery to be used in employing prisoners in penal and reformatory institutions, the manufactured articles to be sold for the public benefit.

**STATE-USE SYSTEM.**—Acts of 1898, chap. 334, sec. 13, and acts of 1887, chap. 447, require that, as far as possible, the products of convict labor shall be articles and materials used in the public institutions in the State and the counties thereof, to be sold to such institutions.

Acts of 1898, chap. 365, authorizes the employment of prisoners in any jail or house of correction in the preparation of materials for road making, to be sold to county, city, or town officers having the care of public roads.

Acts of 1898, chap. 393, provides that inmates of jails and reformatories may be employed in reclaiming and improving waste and unused land belonging to the State, and in preparing, by hand labor, material for road building, to be sold to State, county, city, or town authorities.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts of 1898, chap. 307, provides that prisoners in the reformatory for males may be employed upon lands or buildings owned by the State.

Acts of 1885, chap. 94, provides that prisoners in the reformatory prison for women may be employed upon land appurtenant to the prison, or in buildings thereon.

Public Statutes of 1882, chap. 220, sec. 4, provides that convicts in jails may be employed upon the public lands and buildings belonging to the counties.

**HOURS OF LABOR.**—The hours of convict labor are not regulated by statute.

**KINDS OF LABOR.**—Manufacturing, including the manufacture of cane, rattan, and rush chairs, clothing, shirts, hosiery, harness, mats, shoes, shoe heels, brushes, umbrellas, and trunks; stonecutting; laundry work; domestic service by women; cane seating; reclaiming and improving waste and unused public land; preparation of road material; employment on public buildings and land.

**SALE AND COMPETITION.**—Acts of 1897, chap. 412, sec. 3, prohibits the employment of convicts under the contract or piece-price systems, except in the industry of cane seating and in the manufacture of umbrellas.

Acts of 1898, chap. 334, sec. 5, provides that the prices of products of convict labor, used in public institutions, "shall be uniform, and shall conform, as nearly as may be, to the usual market price of like goods manufactured in other places."

Acts of 1898, chaps. 365 and 393, require that only machines operated by foot or hand power shall be used in the preparation of material for road making, and that convicts in camp on certain State lands shall be employed in preparing such material by hand labor.

Acts of 1897, chap. 412, prescribes that no goods produced by convict labor shall be sold, except for use in public institutions, for less than the wholesale market price prevailing at the time of sale for similar goods; also, that the number of inmates in all the prisons of the State who may be employed in the production of certain commodities, not for use in public institutions, shall not exceed the number below specified: Brushes, 80; clothing, other than shirts or hosiery, 375; harness, 50; mats, 20; cane chairs with wood frames, 80; rattan chairs, 75; rush chairs, 75; shirts, by women only, 80; shoes, 375; shoe heels, 125; trunks, 20; stonecutting, 150; at laundry work, 100.

Acts of 1897, chap. 412, as amended by chap. 480, prescribes that not more than 30 per cent of the number of inmates of any penal institution having more than 100 inmates shall be employed in any one industry, except in the production of goods for use in State institutions and in the industry of cane seating and in the manufacture of umbrellas.

Acts of 1891, chap. 209, prohibits the employment of any prisoner in a State institution, outside the precincts of such institution, in mechanical or skilled labor for private persons.

Acts of 1888, chap. 189, prohibits the employment of convicts in the State prison in engraving of any kind.

Acts of 1887, chap. 447, provides that no new machinery to be propelled by other than hand or foot power shall be used in the State prison, reformatories, and houses of correction, and that articles manufactured therein shall be sold at the wholesale market prices of similar goods.

Resolves of 1898, chap. 81, provides for the erection of shops at the State prison in which convicts may be employed upon industries that can be prosecuted by hand labor.

## MICHIGAN.

**CONTRACT SYSTEM.**—Acts of 1893, No. 118, makes provision for the employment of convicts in the State prisons and State house of correction and reformatory, superseding previous laws that provided for the contract system, and in effect doing away with that system, but providing that existing con-

tracts made under prior laws shall not be affected. Inasmuch as contracts for convict labor were authorized by prior law for periods of 10 years, and may have been made just prior to the adoption of the act of 1893, the contract system may still be in operation in these institutions.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1893, No. 118, secs. 9 and 31, authorize the wardens of the State prisons and the State house of correction and reformatory to superintend manufacturing and mechanical business carried on therein, and to sell the products of convicts' labor for the benefit of the State.

**STATE-USE SYSTEM.**—Sec. 35, *idem.*, requires the employment of "so many prisoners in either prison (including the State prisons, reformatory, and house of correction) as are necessary in making all articles for the various State institutions, as far as practicable," the institutions using such articles to pay the institution making them therefor.

Howell's Annotated Statutes, sec. 9710, authorizes the employment of convicts in the State prison "in quarrying stone or other labor useful in the erection or repair of the building or walls of the prison."

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts of 1893, No. 118, sec. 31, authorizes the employment of inmates of the State prison, reformatory, and house of correction in the erection or repair of the buildings or walls of those institutions.

Howell's Annotated Statutes, sec. 9643, authorizes the employment of inmates of county jails "on any of the public avenues, streets, or highways, or other works in the county where such prisoner is confined, or in any of the adjoining counties."

**HOURS OF LABOR.**—Acts of 1893, No. 118, sec. 38, directs that able-bodied convicts in the State prisons, house of correction, and reformatory "shall as far as practicable be kept constantly employed at hard labor at an average of not less than 10 hours per day, Sundays excepted."

Howell's Annotated Statutes, sec. 9642, directs that inmates of county jails sentenced to hard labor, for whom any mode of labor shall be provided, shall be "kept constantly employed during every day except Sunday."

**KINDS OF LABOR.**—Manufacturing and mechanical industries, coal mining, stone quarrying, farming, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, art. 18, sec. 3, provides that no mechanical trade shall be taught to convicts in State prisons, except in the "manufacture of those articles of which the chief supply for home consumption is imported from other States or countries."

Acts of 1893, No. 118, sec. 3, provides that once in 6 months the prison boards shall determine what lines of productive industry shall be pursued in the State prisons, house of correction, and reformatory, and shall select such diversified lines of industry as will least interfere with the carrying on of such industries by the citizens of the State.

#### MINNESOTA.

**PIECE-PRICE SYSTEM.**—Acts of 1895, chap. 154, sec. 4, authorizes the manufacture of articles in the State prison or State reformatory "by the piece under what is known as the piece-price system, by contracts with persons who furnish the materials used in such manufacture."

**PUBLIC-ACCOUNT AND STATE-USE SYSTEMS.**—Acts of 1895, chap. 154, provides that inmates of the State prison or reformatory shall be regularly employed and compelled to perform a reasonable amount of labor in some industrial employment; that necessary tools, implements, and machines shall be purchased for carrying on the industries of the institutions; and that such articles shall be manufactured, so far as possible, as are in common use in the various State institutions, to be sold to or exchanged between such institutions; but the products of convict labor may be sold in any market that can be found.

General Statutes of 1894, sec. 3598, provides that prisoners in the State reformatory may be employed in quarrying, manufacturing, and cutting granite, either for sale or for public use.

Sec. 7426, provides for the purchase of tools and materials to be used in the employment of prisoners in county jails, within jail limits, whenever and however it may be deemed practicable by the county commissioners, such labor to be compulsory for convicts and optional for prisoners held for trial.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts of 1897, chap. 127, provides that able-bodied male prisoners in county or village jails may be required to labor upon the public streets or highways, or in or about public buildings or grounds, or at other public places in the county in which they are confined.

**HOURS OF LABOR.**—Sec. 2, *idem.*, provides that prisoners in county jails shall not be required to labor upon public works and ways exceeding 10 hours per day.

General Statutes of 1894, sec. 3598, provides that "no convict shall be obliged to labor at stonemasonry and stonework more than 8 hours per day."

**KINDS OF LABOR.**—Manufacturing, including the manufacture of hard fiber twine; quarrying and cutting granite, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes make no provision regulating the sale of convict-made goods.

Acts of 1895, chap. 15, sec. 4, provides that "no contracts for the leasing of the labor of prisoners confined in the State prison, or State reformatory, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall hereafter be made."

Sec. 8 provides that the number of prisoners in the State prison or reformatory employed in a single industry at the same time shall not exceed 10 per cent of the total number of persons engaged in such industry in the State, unless a greater number is required to produce articles or materials to be supplied to State or municipal institutions; but this limitation does not apply to the manufacture of binding twine.

General Statutes of 1894, sec. 3598, provides that not to exceed an average of 33 per cent of prisoners in the State reformatory shall, during any year, be employed in quarrying, manufacturing, and cutting granite for sale.

#### MISSISSIPPI.

**LEASE SYSTEM.**—Acts of 1894, chap. 76, and Acts of 1896, chap. 133, authorize the leasing of convicts in county jails, either by public auction to the highest bidder or in a body to a convict contractor, for a term not exceeding four years. The convicts, in either case, are to be controlled, directed, and maintained by the lessee. All female convicts in county jails, except incorrigibles, must be hired out individually and not to a convict contractor, and must not be worked with male convicts or upon public works or ways.

**PUBLIC-ACCOUNT SYSTEM.**—Constitution, sec. 225, and Code of 1892, sec. 3201, and Acts of 1894, chap. 75, authorize the carrying on of farming operations with the labor of penitentiary convicts, or manufacturing, under the sole management and control of State officials; or the working of such convicts in the penitentiary under State control and discipline.

Acts of 1894, chap. 76, sec. 2, and Acts of 1896, chap. 133, sec. 2, authorize the employment of county convicts in farming, under the direction of county authorities.

**STATE-USE SYSTEM.**—Acts of 1894, chap. 75, sec. 4, authorizes the employment of State convicts in making articles and implements necessary for use on the farms upon which convicts are employed; and in making shoes, clothing, and other articles for the convicts.

**PUBLIC WORKS AND WAYS SYSTEM.**—Constitution, sec. 224, and Code of 1892, sec. 3202, authorize the employment of penitentiary convicts on public roads or works, or on public levees, when such working will not interfere with their working at farming, the work to be performed under official discipline and management.

Acts of 1894, chap. 76, sec. 2, and Acts of 1896, chap. 133, sec. 2, authorize the employment, under official direction and management, of county convicts on public roads or works; but female convicts must not be so employed.

**HOURS OF LABOR.**—Acts of 1896, chap. 133, sec. 6, provides that leased county convicts shall not be worked more than 10 hours a day, or from sunup to sundown.

**KINDS OF LABOR.**—Manufacturing, including the manufacture of drainage tile, brick, wagons, agricultural implements, gearing, shoes, and clothing, farming, and employment upon public works and ways and levees.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, secs. 223, 224, and 225, and Code of 1892, sec. 3201, prohibit the contracting or leasing of the labor of penitentiary convicts, and of county convicts for labor outside the counties of their conviction.

#### MISSOURI.

**CONTRACT SYSTEM.**—Revised Statutes of 1889, sec. 7238, authorizes the making of contracts for the employment of penitentiary convicts, for periods not exceeding 10 years, under such terms and conditions as may be deemed for the State's best interests, the labor to be performed within the prison walls. Such contracts are made to be made after advertisement calling for bids for the unemployed convict labor; but contracts already in existence may be renewed without advertising. Other sections provide that the discipline and maintenance are to be under the direction of the State.

**LEASE SYSTEM.**—Sec. 3437 appears to authorize the leasing of misdemeanor prisoners committed, for nonpayment of fines, in county jails, by providing that the amount "received for the services for such person so hired shall be applied upon the judgment against him."

**PUBLIC-ACCOUNT SYSTEM.**—Sec. 7235 provides for the employment of penitentiary convicts in manufacturing, and for the sale of the manufactured products "in such manner as may be for the best interests of the State."

**STATE-USE SYSTEM.**—Secs. 7235 and 7251 authorize the employment of penitentiary convicts in manufacturing commodities for State use.

Secs. 3438 and 3439, and act approved February 18, 1891 (Acts of 1891, p. 63), authorize the employment of county, city, town, and village convicts at breaking stone to be used for macadamizing purposes.

**PUBLIC WORKS AND WAYS SYSTEM.**—Sec. 7238 authorizes the employment of convicts in the penitentiary in making improvements connected therewith, or on other State improvements, or in erecting buildings for the State, or at labor for the preservation and security of property of the State and in collecting and providing materials therefor, or in improving any public grounds belonging to the State.

Secs. 3438 and 3439 and act approved February 18, 1891 (Acts of 1891, p. 63), authorize the employment of county, city, town, and village convicts on the public roads, high ways, streets, alleys, turnpikes, or public works, or buildings of the county, city, town, or village.

**HOURS OF LABOR.**—Sec. 7274 provides that 8 hours per day from October 15 to April 15, and 10 hours per day from April 15 to October 15, shall constitute a day's labor of penitentiary convicts; and that no such convict shall be required to do work on Sunday, except necessary labor for the State.

**KINDS OF LABOR.**—Manufacturing, farming, making brick, quarrying, and making macadam, procuring fuel, ice, water, and other supplies for the penitentiary, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes make no provision regulating the sale of convict-made goods.

Revised Statutes of 1889, sec. 7252, forbids the hiring out of male or female penitentiary convicts as domestic servants to any person outside the prison walls; or permitting convicts to be used as servants without reward, except by the warden or deputy warden in their own families.

#### MONTANA.

**PUBLIC-ACCOUNT SYSTEM.**—Penal Code, secs. 2960 and 2981, authorize the employment of State-prison convicts in such manner as will best subserve the interests of the State and the welfare of the prisoners; and provide for their employment in manufacturing and mechanical industries, with tools and materials purchased by the prison commissioners, the manufactured articles to be sold and the money therefor collected by the commissioners.

**PUBLIC WORKS AND WAYS SYSTEM.**—Sec. 2961 authorizes the employment of any portion of the prisoners in the State prison in the improvement of public buildings or grounds, or otherwise where they may be profitably employed either within or without the walls or inclosures of the prison.

Sec. 3038 authorizes the employment of convicts in county jails at labor on the public works and ways of the counties.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing and mechanical industries, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, art. 18, sec. 2, and Penal Code, sec. 2960, prohibit letting, by contract, the labor of any convict in a State penitentiary, prison, or reformatory institution.

#### NEBRASKA.

**CONTRACT SYSTEM.**—Acts of 1897, chap. 75, sec. 16, provides that the labor of such penitentiary convicts as can not be utilized to advantage in the manufacture of articles for use in the prison and other State institutions shall be "let out" by contract for a term not exceeding 3 years; the convicts to remain in the custody, control, discipline, and safe-keeping of the prison authorities, and be provided with board and clothing by them.

Compiled Statutes of 1895, secs. 7260 and 7261, direct that contracts shall be made for the employment in a profitable manner of convicts in county jails, under such regulations and provisions as shall be prescribed by county authorities, who shall provide for their safe custody while employed under such contracts, and pay for their board and other expenses incident to their labor out of the proceeds thereof.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1897, chap. 75, sec. 16, provides that "as rapidly as it may be profitably done the State shall provide for the labor of the (penitentiary) convicts on its own account, to the end that the State may eventually provide means for the employment of all prisoners without the intervention of contractors; and the warden shall be charged with the duty of making the State prison as nearly self-sustaining as possible."

**STATE-USE SYSTEM.**—Sec. 16 authorizes the use of the labor of penitentiary convicts in manufacturing articles for use in the prison and all other State institutions.

**PUBLIC WORKS AND WAYS SYSTEM.**—Compiled Statutes of 1895, secs. 1099, 1281, 1315, and 7260, provide that county convicts may be employed on roads or other places, as may be designated by the county commissioners; and that prisoners sentenced for violation of city ordinances, or committed for nonpayment of fines and costs "shall be put to work for the benefit of the city" for the term of imprisonment or until the fines and costs are worked out at \$1.50 per day. It is presumed that the intention of this provision is to utilize the labor of prisoners upon the public works and ways of cities.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing, employment at stone quarries, and upon public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods, or tending to diminish competition between convict and free labor.

#### NEVADA.

**CONTRACT SYSTEM.**—Acts of 1893, chap. 91, sec. 1, authorizes the renting or hiring out of any or all the labor of the convicts in the State prison.

**LEASE SYSTEM.**—General Statutes of 1885, sec. 1406, authorizes the hiring out of State-prison convicts for labor upon any private work or employment.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1887 and of 1893, chap. 91, sec. 1, and General Statutes of 1885, sec. 1405, authorize the employment of State-prison convicts in manufacturing or mechanical pursuits, the materials and appliances necessary therefor to be purchased by the State, and the products, thereof to be sold for the benefit of the State.

**STATE-USE SYSTEM.**—Acts of 1887, chap. 91, provides that State-prison convicts engaged in the manufacture of boots and shoes shall make all the boots and shoes required for the use of inmates of the prison, and by wards of the State in other institutions to be paid for thereby.

Acts of 1887, chap. 132, Acts of 1889, chap. 60, and Acts of 1891, chap. 78, require the employment of State convicts in preparing stone or other materials for use in the construction of public buildings.

**PUBLIC WORKS AND WAYS SYSTEM.**—General Statutes of 1885, sec. 1406, provides that State-prison convicts may be employed in the improvement of public buildings and grounds, either within or without the walls or inclosures of the prison, whenever in the opinion of the prison authorities it will be to the advantage of the State to so employ them.

Secs. 2148 and 2151, provide that convicts in county, city, or town jails shall be put to labor upon the construction, repair, or cleaning of public ways and works in their respective counties, cities, and towns.

**HOURS OF LABOR.**—Sec. 1417 provides that every able-bodied State-prison convict shall be required to perform "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison."

Sec. 2151 provides that prisoners in county, city, or town jails employed at labor upon public works and ways shall be kept at such labor, when so required by the proper authorities, "at least 6 hours a day during 6 days a week, when the weather will permit."

**KINDS OF LABOR.**—Manufacturing and mechanical industries, including boot and shoe making, and employment upon public works and ways.

**SALE AND COMPETITION.**—Acts of 1887, chap. 91, provides that boots and shoes made by State-prison convicts in excess of the requirements of inmates of State institutions may be sold in the open market at prices to be fixed by the warden not less than the cost of materials. Such sales shall only be made at wholesale, in full cases and unbroken packages of not less than one dozen pairs.

#### NEW HAMPSHIRE.

**CONTRACT OR LEASE SYSTEM.**—Public Statutes of 1891, chap. 285, sec. 5, Paragraph VI, authorizes the governor, with the advice of the council, to make contracts for the support and employment of State-prison convicts.

**PUBLIC-ACCOUNT AND STATE-USE SYSTEMS.**—Sec. 5, Paragraph V, *idem*, authorizes the employment of State-prison convicts in the manufacture of commodities for sale and for State use, by providing for "the sale of articles manufactured in the prison or not necessary for the use thereof."

Public Statutes of 1891, chap. 282, sec. 14, authorizes the employment and setting at labor of "any prisoner confined in the county jail, in such manner as shall be consistent with his safe-keeping, if the labor can be prosecuted without expense to the county."

Chap. 283, sec. 3, *idem*, provides that the county commissioners and selectmen "shall direct as to the manner and kind of labor to be performed by the inmates of houses of correction in their respective counties and towns, and the place of its performance, and shall furnish materials therefor."

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—The only kind of employment mentioned in the statutes for the utilization of convict labor is manufacturing.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

#### NEW JERSEY.

**CONTRACT SYSTEM.**—General Statutes of 1896, pages 3167-68, secs. 15 and 18, authorize the hiring out of the labor of prisoners in the State reformatory, by contract, to the best bidders, after public advertisement.

**PIECE-PRICE SYSTEM.**—Pp. 3161-3162, secs. 54 and 56, authorize the employment of convicts in any prison, penitentiary, jail, or public reformatory institution, not employed in the production of goods for use in State institutions, "on what is commonly known as the piece-price plan." Before any agreement is made under this system advertisements must be published calling for bids, "so that there shall be a proper and just competition" for the labor of the convicts.

P. 3169, sec. 20, authorizes the employment of inmates of the State reformatory under the "piece-price plan."

**THE LEASE SYSTEM.**—Acts of 1898, chap. 239, secs. 9, 10, and 11, provide that persons committed for disorderly conduct or as tramps, in any county, city, township, borough, or district, may be bound out to labor in the service of any suitable person or corporation for the terms of their commitment.

**PUBLIC-ACCOUNT SYSTEM.**—General statutes of 1896, pp. 3161-3162, secs. 54 and 56, authorize the employment of convicts in any prison, penitentiary, jail, or public reformatory institution, not engaged in the production of goods for use in State institutions, "under what is known as the public-account system," and authorize the selling of the goods produced under such system.

Act of March 25, 1895, pp. 3167-3169, sec. 15, 18, and 20, authorizes the employment of inmates of the State reformatory in the production of goods to be sold for the benefit of the State, "under the public-account system."

P. 1838, sec. 51, authorizes the procurement of "suitable articles, materials and things" for the "labor, work, and employment" of inmates of workhouses.

STATE-USE SYSTEM.—P. 3161, sec. 54, provides that prisoners in penal and reformatory institution shall be employed, as far as practicable, in the manufacture of or at work upon goods used in State institutions.

Acts of 1898, chap. 239, sec. 10, provide that persons convicted as tramps or disorderly persons by county, city, township, borough, or district authorities may be required to work on the county farm in producing food, presumably for use in public institutions.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1898, chap. 237, sec. 167, provides that convicts in county jails or penitentiaries may be required to perform reasonable labor, such as cooking, cleaning, gardening, mechanical, or other service necessary to be performed, within the bounds of the court-house or county property.

Acts of 1898, chap. 239, sec. 10, provides that tramps or disorderly persons convicted by county, city, township, borough, or district authorities may be required to perform labor upon any county farm, or upon the streets, roads, and highways.

HOURS OF LABOR.—General statutes of 1896, p. 3152, art. vii, sec. 4, requires that State prison convicts "shall every day, except Sundays, be kept, as far as may be consistent with their sex, age, health, and ability, strictly at hard labor of some sort."

Acts of 1898, chap. 239, sec. 16, require that inmates of workhouses be compelled to work, when able, not less than six hours per day.

KINDS OF LABOR.—Manufacturing, mechanical, and agricultural pursuits; cooking, cleaning, gardening, or other service necessary to be performed within the bounds of court-house or county property, and employment on public ways.

SALE AND COMPETITION.—General statutes of 1896, p. 3156, sec. 24, and p. 3168, sec. 18, require that goods manufactured in the State reformatory and under contract in the State prison, in whole or in part, be marked, stamped, or tagged with the words "Manufactured in the New Jersey State prison," or "Manufactured in the New Jersey Reformatory." If it be impracticable to stamp each article, or if articles are manufactured which are usually put up in packages, it shall be sufficient to put the stamp, label, or tag upon the packages in a good and permanent manner. The marking of convict-made goods must be "in a legible and conspicuous manner."

Pp. 3155 and 3162, secs. 17, 18, and 59, and p. 3168, sec. 18, prohibit the manufacture of felt or silk hats, or any part thereof, or the employment of more than 100 persons at a time in any special branch of industry, or in making or manufacturing goods, wares, or merchandise of any kind whatsoever, in penal or reformatory institutions.

P. 3162, sec. 56, requires that goods manufactured in penal and reformatory institutions under the public-account system shall only be sold after public advertisements in the principal newspapers, "calling for public bids, so that there shall be a proper and just competition" for their purchase; "and every effort shall be made to obtain current market prices for the same."

P. 3161, secs. 50-53, prohibits the making of "any contract for the labor" of prisoners in penal and reformatory institutions; but this inhibition has been greatly modified by subsequent legislation, as hereinbefore set forth.

#### NEW MEXICO.

CONTRACT SYSTEM.—Compiled laws of 1897, sec. 3518, provide that the labor of penitentiary convicts may be hired out, their labor to be performed under the control of the superintendent of the penitentiary.

LEASE SYSTEM.—Sec. 3528 authorizes the hiring out of the labor of penitentiary convicts; but convicts so hired shall not "be allowed to go out to labor without being under the custody of a guard or an overseer of the penitentiary."

PUBLIC-ACCOUNT SYSTEM.—Secs. 3501, 3518, and 3649 provide that male penitentiary convicts shall perform labor under such rules and regulations as may be prescribed by the proper authorities; that convicts not working on public buildings and improvements shall be employed "as may be most advantageous," and that the "products of convict labor shall be sold to the highest bidder for cash."

Sec. 841 provides that able-bodied convicts in county jails shall be compelled to labor at some useful employment during the terms of their conviction.

STATE-USE SYSTEM.—Secs. 3477 and 3548 authorize the employment of penitentiary convicts in the production of brick, lime, and stone for use in the capitol building, and in quarrying and hauling stone for use on public improvements.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Sec. 3477 requires that all the labor possible of penitentiary convicts be used and utilized in the reconstruction and rebuilding of the Territorial capitol building.

Secs. 3518 and 3649 authorize the use of the labor of convicts in the erection or extension of the prison buildings, walls, workshops, or other improvements.

Sec. 3548 provides that penitentiary convicts not otherwise occupied may be employed in and about any work, labor, or improvement on the capitol building or grounds, or upon public thoroughfares or bridges in and near Santa Fe, or in quarrying or hauling stone, or at work for preventing the banks of the Santa Fe River from overflow and destruction.

Sec. 3631 directs that any number of penitentiary convicts not exceeding 50 be surrendered to any contractor for the construction of certain public buildings and improvements, to be worked thereon; such convicts to be under the care, custody, and control of, and to be maintained by, the contractor, who is not to be required to pay anything for their services.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing, including the production of brick, lime, and stone; quarrying and hauling stone, and employment on public works and ways.

**SALE AND COMPETITION.**—Compiled laws of 1897, sec. 3649, required that "all the products of convict labor shall be sold to the highest bidder for cash, after twenty days' notice by advertisement in three daily newspapers, not more than one of which shall be published in the same county.

#### NEW YORK.

**PUBLIC-ACCOUNT SYSTEM.**—Constitution, art. 3, sec. 29, provides that no person in any prison, penitentiary, jail, or reformatory shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation wherein or whereby his work or the product or profit of his work shall be given or sold to any person, firm, association, or corporation other than State institutions; but it was declared incidentally by the New York court of appeals, on October 11, 1898, in the case of *People v. Hawkins* (51 N. E. Reporter, p. 257), that this constitutional inhibition does not forbid the sale of convict-made goods to the general public, although the chief basis of the decision in that case rested on another question. The statutes of 1896, however (*Birdseye's Statutes and Codes of 1896*, p. 2362, secs. 97, 102), appear to prohibit the sale of goods except to the State or its subdivisions.

*Birdseye's Statutes and Codes of 1896*, p. 881, secs. 20, 21, and p. 878, sec. 1, provide that persons convicted by city or county authorities as disorderly persons shall be confined in the county jail or city prison at hard labor and the product of such labor sold, half the proceeds going to the county or city and half to the prisoner on his discharge; but these provisions appear to be subject to the terms of the later statute.

**STATE-USE SYSTEM.**—Constitution, art. 3, sec. 29, and *Birdseye's Statutes and Codes of 1896*, pp. 2363-2364, secs. 98 et seq., authorize the employment of convicts in State prisons, penitentiaries, jails, and reformatories in the production of commodities for use in the public institutions in the State, to be paid for thereby.

P. 760, sec. 93, authorizes the employment of prisoners in county jails in preparing materials for highway purposes, to be sold to and used in their respective counties or the towns, cities, and villages therein.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—P. 2363, sec. 103, provides that the labor of convicts in State prisons and reformatories, after the manufacture of needed supplies, shall be primarily devoted to the State and the public buildings and institutions thereof; and that the labor of convicts in penitentiaries, after the manufacture of needed supplies, shall be primarily devoted to the respective counties in which said penitentiaries are located, and the towns, cities, and villages therein. This provision is construed as authorizing the employment of convicts on public works and ways.

P. 2368, sec. 118, authorizes the employment of State-prison convicts, not to exceed 300 in each prison, in the improvement of public highways, outside of incorporated cities or villages, within a radius of 30 miles from the prison.

P. 760, sec. 93, authorizes the employment of prisoners in county jails in repairing penal institutions and in building and repairing the highways in their respective counties.

Acts of 1897, chap. 106, and acts of 1898, chap. 133, authorize the employment of convicts in the Sing Sing prison in making improvements upon the prison building, and those in the prison at Clinton in improving a specified highway.

**HOURS OF LABOR.**—*Birdseye's Statutes and Codes of 1896*, p. 2362, sec. 98, directs that able-bodied convicts in State, penal, and reformatory institutions shall be kept at hard labor not to exceed 8 hours per day every day except Sundays and holidays.

P. 758, sec. 93, directs that prisoners in county jails shall be constantly employed at hard labor, when practicable, every day except Sunday.

**KINDS OF LABOR.**—Manufacturing, including the making of brooms and brushes from broom corn, preparing material for highways, and employment on public works and ways.

**SALE AND COMPETITION.**—Acts of 1897, art. 4, chap. 415, requires the procurement of a special license for the sale of convict-made goods; and that no convict-made goods shall be sold or exposed for sale to the general public without being branded, labeled, or marked with the words "Convict made," followed by the year when and the name of the penal or reformatory institution in which such commodities were produced. The brands, marks, or labels must be printed in plain English lettering of the style and size known as great primer roman condensed capitals. Labels are to be used only when branding or marking is impossible, and must be in the form of a paper tag and attached to each article by wire, if possible, and placed securely upon the box, crate, or other covering in which such goods are packed, shipped, or exposed for sale.

(NOTE.—Acts of 1894, chap. 699, and acts of 1896, chap. 931, required the marking and labeling of convict-made goods sold or offered for sale to the general public. The act of 1896 was declared unconstitutional by the court of appeals of New York, on October 11, 1898, in the case of *People v. Hawkins* (51 N. E. Reporter, p. 257). The act of 1894 was declared unconstitutional by the supreme court of New York in the case of *People v. Hawkins* (85 Hun., p. 43).

Acts of 1898, chap. 645, provide that no printing or photo-engraving shall be done in any State prison, penitentiary, or reformatory for the State or for any public institution owned or controlled thereby, except such as may be required in State penal and charitable institutions, and the reports of the State commission of prisons and the superintendent of prisons, and printing required in their offices.

Birdseye's Statutes and Codes of 1896, p. 2369, secs. 123, 124, 125, provide that whenever it is ascertained by actual enumeration that the total number of prisoners in the several prisons, penitentiaries, reformatories, and other penal institutions, employed in manufacturing brooms and brushes of broom corn exceeds 5 per cent of the total number of persons in the State employed in manufacturing such goods "the governor shall require the managers of any one or more of such penal institutions to discontinue such employment, wholly or in part, as he shall direct."

Sec. 118, p. 2368, provides that "not exceeding 300 of the convicts confined in each State prison" shall be employed in the improvement of public highways.

Birdseye's Statutes and Codes of 1896, p. 2362, secs. 97 and 98, Constitution, art. 3, sec. 29, and prohibit the employments of convicts in State prisons, penitentiaries, jails, or reformatories, under the contract, piece-price, or lease systems, and appear clearly to prohibit the sale of goods made by convicts in such institutions, except to the State or any of its institutions and subdivisions.

#### NORTH CAROLINA.

**LEASE SYSTEM.**—Constitution, art. xi, sec. 1; acts of 1897, chap. 219, sec. 5; acts of 1899, chap. 314, sec. 5; and code of 1883, secs. 3433, 3449, 3450, authorize the "farming out" of convicts; the making of "contracts at remunerative terms with persons or corporations in order to employ and support as many of the able-bodied (penitentiary) convicts on public works as the interests of the State and the constitution will permit;" that "in any scheme to make the penitentiary self-sustaining preference shall be given to contracts for able-bodied convicts in larger bodies, hired out to the best advantage;" and general authority is given for the hiring out of penitentiary convicts.

Code of 1883, sec. 3448, provides that inmates of county, city, or town jails may be hired out "to labor for individuals or corporations."

**PUBLIC-ACCOUNT SYSTEM.**—Constitution, art. xi, sec. 1, authorizes the employment of convicts punished by imprisonment by hard labor at "other labor for the public benefit" than the "farming out" of such convicts or their employment on public works and ways.

Acts of 1897, chap. 219, sec. 5, provides for the employment of penitentiary convicts within the penitentiary or on farms owned or leased by the institution, and for the sale of "all articles manufactured or products produced by the convicts not deemed necessary for their use and comfort for the next ensuing year."

**STATE-USE SYSTEM.**—Acts of 1897, chap. 219, sec. 5, authorize the production of commodities by convict labor, for use in the penitentiary, by providing for the sale of all manufactured articles and products of the labor of penitentiary convicts "not necessary for their use and comfort for the next ensuing year."

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Constitution, art. xi, sec. 1, authorizes the employment of convict labor on public works and highways.

Acts of 1895, chap. 194; chap. 314, sec. 5, and acts of 1889, chap. 361, sec. 6, make provision for the use by counties of penitentiary convicts, in working their public roads, canals, and turnpikes, the use of female convicts in working on public roads is being prohibited. The statutes of this State contain many other laws authorizing similar employment of convicts in particular counties.

Code of 1883, sec. 2508, as amended by acts of 1885, chap. 70, and acts of 1887, chap. 74, authorize the employment of not more than 325 penitentiary convicts in reclaiming State swamp lands and in constructing canals, ditches, roads, and other necessary works of improvement through or in the vicinity of such lands.

Acts of 1889, chap. 361, sec. 5, and Code of 1883, sec. 3448, authorize the employment of prisoners in county, city, or town jails on public roads.

**HOURS OF LABOR.**—The statutes contain no provision regulating the hours of convict labor.

**KINDS OF LABOR.**—Manufacturing; farming; reclaiming State swamp land; employment in the construction of railroads, canals, and ditches, and upon public works and ways.

**SALE AND COMPETITION.**—Acts of 1897, chap. 219, sec. 5, provides that such products of the labor of penitentiary convicts as are sold shall be sold "at the highest market prices," as and when the superintendent may deem best; "but any article or product held more than 2 months for better prices shall be sold when the board of directors shall direct."

The number of convicts that may be hired or employed on public ways and works, or otherwise, is frequently limited by statute.

#### NORTH DAKOTA.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1897, chap. 108, and Revised Codes of 1895, secs. 8571, 8574, authorize the carrying on of farm operations and the manufacture of brick by convict labor, the proceeds of such enterprises to be disposed of by the State.

Revised Codes of 1895, sec. 8554, provides that State convicts may be employed in cultivating any ground belonging to the penitentiary.

Sec. 8622 provides that prisoners in common jails sentenced to hard labor shall be furnished, in the discretion of the sheriff, with suitable tools and materials for their profitable employment for the benefit of the county.

**STATE-USE SYSTEM.**—Acts of 1897, chap. 108, and Revised Codes of 1895, sec. 8571, authorize the disposal of products of convict labor “to the State or any political division thereof,” or to any public institution of the State, and the manufacture of brick for State use by convict labor.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Revised Codes of 1895, secs. 8554, 8573, authorize the employment of penitentiary convicts upon public buildings, and in macadamizing or otherwise improving the roads and streets used as approaches to public buildings and institutions.

Sec. 8622 authorizes the employment of prisoners sentenced to hard labor in common jails, outside the jail or jail yards, at work for the county or for any municipality therein, on public streets or highways, or otherwise.

**HOURS OF LABOR.**—Revised Codes of 1895, sec. 8546, requires that penitentiary convicts shall be “constantly employed” for the benefit of the State.

**KINDS OF LABOR.**—Manufacturing, including brick making; farming, and employment on public works and ways.

**SALE AND COMPETITION.**—Acts of 1897, chap. 108, prohibits the employment of convicts under the contract, piece-price, or lease systems, and the disposal of products of convict labor (except brick or farm products) to any private person, firm, association, or corporation, by providing that “no person in any prison, penitentiary, or other place for the confinement of offenders in said State shall be required or allowed to work while under sentence thereto, at any trade, industry, or occupation wherein or whereby his work or the product or the profit of his work shall be farmed out, contracted, and given or sold to any person, firm, association, or corporation,” the production of brick and farm products excepted, and the disposal of products of convict labor to the State or political divisions thereof, and to the public institutions, being allowed.

#### OHIO.

Act of April 25, 1898 (93 Laws of Ohio, p. 349), provides that the labor imposed upon inmates of the Ohio State reformatory or the industrial pursuits prescribed for their employment shall be in the discretion of the board of managers.

**PIECE-PRICE SYSTEM.**—Act of March 31, 1892 (89 Laws of Ohio, p. 192), authorizes the establishment of the piece-price system in the State penitentiary, contracts thereunder to be made, after due advertisement, with the best and most satisfactory bidders; the labor is to be performed under the direction and control of the prison officials; no contract for the product of convicts' labor on the “piece or process plan” shall bind the State for a period exceeding 5 years and no arrangement shall be made for a period of more than 1 year that will produce less than 70 cents per day per capita for the labor of able-bodied convicts, except in certain specified cases.

**PUBLIC-ACCOUNT SYSTEM.**—Revised Statutes of 1890, sec. 6801, provides that prisoners in county jails shall perform labor anywhere within the county, the avails of which shall be paid into the county treasury.

Secs. 2100, 6856-3 provide that inmates of workhouses shall be kept at hard labor either within the institution or elsewhere within the limits of the corporation, and that certain convicts therein “shall be employed at useful labor and earn their own living,” and

Secs. 2107-3, 2107-21 authorize the working of inmates of workhouses under the public-account system by making provision for the costs of maintaining such institutions “over and above the proceeds arising from the sale of the products thereof.”

**STATE-USE SYSTEM.**—Act of April 17, 1896 (92 Laws of Ohio, p. 184), provides that all articles of food, raiment, or use, produced by the labor of inmates of any penal, reformatory, or benevolent institution, that can be used in the support or maintenance of any other such institution shall be supplied by the institution growing, making, manufacturing, or producing the same to such other institutions, of which accounts shall be kept and bills rendered.

Act of March 31, 1892 (89 Laws of Ohio, p. 192), requires the managers of the State penitentiary to employ all the prisoners that are necessary in making all articles for the various State institutions, as far as practicable, to be paid for by such institutions.

Revised Statutes of 1890, sec. 7424, authorizes the employment of a portion of the penitentiary convicts in manufacturing articles used in carrying on the penitentiary.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Laws of 1891, p. 386 (vol. 88), authorizes the employment of convicts in the State reformatory in making improvements and additions to the buildings thereof.

**HOURS OF LABOR.**—The hours of convict labor are not regulated by statute.

**KINDS OF LABOR.**—Manufacturing and mechanical industries; production of food, raiment, knit and woolen goods, and employment on public works.

**SALE AND COMPETITION.**—Act of April 25, 1898 (93 Laws of Ohio, p. 349), provides that the “contract system shall not be employed” in imposing labor upon the inmates of the Ohio State reformatory, or in the industrial pursuits prescribed for their employment.

Act of March 31, 1892 (89 Laws of Ohio, p. 192), prohibits the making of contracts whereby any contractor shall have control of the labor of convicts in the penitentiary.

Act of May 19, 1894 (91 Laws of Ohio, p. 346), made regulations governing the sale in Ohio of convict-made goods produced in other States; but it was declared unconstitutional by the Ohio supreme court May 11, 1897, in the case of *Arnold v. Yanders* (47 N. E. Reporter, p. 50).

Act of April 21, 1893 (90 Laws of Ohio, p. 224), prohibits the manufacture of knit or woolen goods in any penal, reformatory, or charitable institution, except for the use of the inmates thereof.

Act of April 24, 1893 (90 Laws of Ohio, p. 237), provides that after May 1, 1894, the total number of prisoners and inmates of penal and reformatory institutions employed at one time in the manufacture of any one kind of goods which are manufactured in the State outside of such institutions shall not exceed 10 per cent of the number of persons engaged in manufacturing such goods outside such institutions, except in industries in which not more than 50 free laborers are employed, as shown by the Federal Census, or State enumeration, or by any report of the Commissioner of Labor statistics.

Act of April 27, 1893 (90 Laws of Ohio, p. 319), requires that convict-made goods produced in penal, reformatory, or other institutions in which convict labor is employed "in this or any other State," "imported, brought, or introduced into the State of Ohio," shall, before being exposed for sale, be branded, labeled, or marked with the words "convict-made," followed by the name of the institution where made, in plain English lettering, of the style known as great primer Roman capitals; such articles must be branded or marked, if possible; if not possible, a label must be used in the form of a paper tag which must be attached by wire to each article when its nature will permit, and placed securely on the box, crate, or covering in which such goods may be packed, shipped, or exposed for sale; the brand, mark, or label must be on the outside of and upon the most conspicuous part of the finished article and its box, crate, or covering.

Act of March 31, 1892 (89 Laws of Ohio, p. 193), provides that penitentiary convicts under 22 years of age shall be employed, when possible, at hand work exclusively, for the purpose of acquiring a trade.

Act of April 30, 1891 (88 Laws of Ohio, p. 420), provides that prisoners in the State reformatory shall be employed in such ways as not to interfere with or affect free labor in the least possible degree.

#### OKLAHOMA.

**PUBLIC-ACCOUNT SYSTEM.**—Statutes of 1893, sec. 5436, provides that convicts in jails, sentenced to hard labor, shall be furnished with suitable tools and materials to work with, if in the opinion of the sheriff they can be profitably employed, and that the county shall be entitled to the earnings of such convicts.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—The same section and Acts of 1895, chap. 41, sec. 50, authorize the employment of jail convicts either for the county or for any municipality therein, upon the public streets or highways.

**HOURS OF LABOR.**—The hours of convict labor are not regulated by statute.

**KINDS OF LABOR.**—Mechanical, and upon public ways.

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods or tending to reduce competition between convict and free labor.

#### OREGON.

Hill's Annotated Laws, sec. 3861, provides that penitentiary convicts may be employed "in accordance with rules which may be prescribed from time to time by the governor."

**CONTRACT SYSTEM.**—Act of February 23, 1895 (Acts of 1895, p. 40), authorizes the making of contracts with any person, firm, or corporation for the labor of penitentiary convicts at a compensation of not less than 35 cents per day per convict, for any period or periods of time not exceeding 10 years, the labor to be performed within the penitentiary or the inclosures thereof, under the general charge and custody of the prison officials.

**STATE-USE SYSTEM.**—Hill's Annotated Laws, p. 1817, sec. 4, authorizes the use of materials produced by the labor of penitentiary convicts in the construction and establishment of the State reform school.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Act of February 23, 1895, sec. 20 (Acts of 1895, p. 54), authorizes the employment of convicts, as far as practicable, in the improvement and construction of roads on and adjoining State lands.

Hill's Annotated Laws, p. 1817, sec. 4, authorizes the use of the labor of penitentiary convicts in the construction of the reform school.

Act of February 17, 1899 (Acts of 1899, p. 84), provides for employing such convicts as can be safely used for that purpose on roads in the vicinity of the State prison and the adjoining public buildings.

Acts of 1893, p. 131, sec. 32, provides that convicts failing to pay fines for violations of municipal ordinances may be required to labor one day for every \$2 of such fines, upon the streets or other public works of the municipality.

**HOURS OF LABOR.**—Act of February 23, 1895 (Acts of 1895, p. 40), provides that penitentiary convicts employed under the contract system shall not be "compelled to labor for a longer time than 10 hours per day."

**KINDS OF LABOR.**—Manufacturing (by implication), and upon public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods or diminishing competition between convict and free labor.



## SOUTH CAROLINA.

**CONTRACT OR PIECE-PRICE SYSTEM.**—Revised Statutes of 1893, part 3, sec. 574, authorizes the authorities of the State penitentiary "to make contracts for the performance of specific work, such work to be done entirely under the direction and control of the officers of the penitentiary."

**LEASE SYSTEM.**—Secs. 565-567, *idem*, act 314 of 1893, and act 528 of 1894 provide that convicts in the State penitentiary, except those sentenced for certain heinous crimes, may be leased or hired out to the highest responsible bidder, such convicts to be boarded, clothed, and safely kept by the lessee. As far as practicable the convicts shall be hired to work on farms in healthy localities.

**PUBLIC-ACCOUNT SYSTEM.**—Revised Statutes of 1893, part 5, sec. 531, authorizes the purchase of materials necessary for employing the prisoners in the State penitentiary, and the sale of such articles produced therein "as are proper to be sold."

**PUBLIC WORKS AND WAYS SYSTEM.**—Constitution, Art. XII, sec. 6, act 524 of 1898, act 113 of 1896, and Revised Statutes of 1893, part 5, sec. 544, authorize the working of convicts upon the public works and ways of the State and of the counties and municipalities therein.

Act 7 of 1899 permits any county to contract with another county for hiring out or exchanging convict labor to be employed on public works.

**HOURS OF LABOR.**—Revised Statutes of 1893, part 5, sec. 566, provides that penitentiary convicts leased or hired out "shall not be required to labor more than 10 hours a day, or on Sundays or holidays."

**KINDS OF LABOR.**—Manufacturing (by implication), farming, and employment on public works and ways.

**SALE AND COMPETITION.**—The sale of convict-made goods is not regulated by statute.

Revised Statutes of 1893, part 5, sec. 578, prohibits the "hiring or leasing of convicts in phosphate mining."

## SOUTH DAKOTA.

**CONTRACT SYSTEM.**—Compiled Laws of 1887, secs. 7714-7720, authorize the contracting of the labor of penitentiary convicts, together with shop room, machinery, and power, after due advertisement, for periods not exceeding 5 years at any one time, subject to cancellation after 6 months' notice to the contractor; the convicts are to be worked under the general supervision and government of the prison authorities.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1893, chap. 131, provides for the purchasing, erection, and maintenance of the necessary machinery and appliances for the manufacture, in the State penitentiary, of binding twine from hemp or flax fiber, and for the sale thereof.

Compiled Laws of 1887, sec. 7705, authorizes the employment of penitentiary convicts in quarrying stone.

Sec. 7813 provides that inmates of county jails shall be provided with suitable tools and materials to work with within the jail confines in the discretion of the sheriff.

**STATE-USE SYSTEM.**—Acts of 1890, chap. 11, authorizes the purchase of the necessary machinery and appliances to enable the State convicts to work in developing stone quarries belonging to the State, the stone to be used in erecting a wall around the penitentiary and in other improvements.

Compiled Laws of 1887, sec. 7705, authorizes the employment of penitentiary convicts in "cultivating the prison farm or in doing any work necessary to be done in the prosecution of the regular business of the institution."

**PUBLIC WORKS AND WAYS SYSTEM.**—Secs. 7813-7815 authorize the employment of inmates of county jails and of violators of city ordinances "in work on public streets or highways or otherwise," for counties or municipalities.

Acts of 1890, chap. 11, provides that penitentiary convicts may be employed in erecting the prison wall or in making other improvements on the penitentiary.

**HOURS OF LABOR.**—Compiled Laws of 1887, sec. 7696, provides that convicts sentenced to hard labor in the penitentiary "shall be constantly employed" for the benefit of the State.

**KINDS OF LABOR.**—Manufacturing, including the manufacture of binding twine, stone quarrying, farming, and employment on public works and ways.

**SALE AND COMPETITION.**—Acts of 1893, chap. 131, requires that the price of binding twine manufactured in the State penitentiary "shall be fixed at the actual cost of production; but no twine shall be put upon the market at a greater price than it can be purchased for of other manufacturers, and no twine shall be sold outside of the State so long as there is a market for the same within South Dakota." Fiber grown in the State must be preferred in manufacturing such twine.

## TENNESSEE.

**CONTRACT SYSTEM.**—Acts of 1897, chap. 39, authorizes the making of contracts for the labor of penitentiary convicts not otherwise employed, with any persons desiring to carry on a manufacturing or other business within the penitentiary walls; contracts are to be made so as to yield the greatest possible revenue to the State, and the convicts employed are to be at all times under the care and supervision of the prison authorities.

Acts of 1897, chap. 125, sec. 31, provides for the employment, under contract, of "able-bodied, shorter-time convicts," at branch prisons, outside the penitentiary walls.

**LEASE SYSTEM.**—Acts of 1895, extra session, chap. 7, sec. 19, and Acts of 1897, chap. 125, sec. 31, authorize the leasing, for the best interests of the state, of such penitentiary convicts as are not otherwise employed; and the continuance of an existing lease under which such convicts are worked in certain ore mines.

Acts of 1891, chap. 123, sec. 19, provides that any county convict, held for nonpayment of fines and costs, may, with his consent, be "bailed out," and be under the care, custody, and direction of the bailee until the amount due by him shall have been paid by the bailee in monthly installments.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1897, chap. 125, secs. 11 and 12, authorize the employment of penitentiary convicts at farming, coal mining, and coke making, and the sale of products of their labor while so employed.

**STATE-USE SYSTEM.**—Sec. 30 provides that all coal and coke needed for use by State institutions shall be furnished by the board of prison commissioners; and that such institutions shall be required to use only coal and coke furnished by State mines and produced by the labor of penitentiary convicts.

**PUBLIC WORKS AND WAYS SYSTEM.**—Sec. 31 authorizes the temporary employment of "more able-bodied, shorter-time convicts" in the penitentiary, in building public roads and pikes, under contracts with county or municipal authorities.

Acts of 1891, chap. 123, sec. 5, provides that inmates of county workhouses, or county jails declared workhouses, shall be worked, when practicable, on the county roads in preference to all other kinds of labor.

**HOURS OF LABOR.**—Code of 1884, sec. 6366, provides that the work of penitentiary convicts "shall be at an average of 10 hours per day, Sundays excepted, through the entire year," and that the number of hours to be worked in the different seasons of the year shall be regulated by the prison authorities.

**KINDS OF LABOR.**—Manufacturing, coal mining, coke making, clearing land, farming, and employment on public works and ways.

**SALE AND COMPETITION.**—Acts of 1897, chap. 125, secs. 29, 30, direct that contracts be made, if practicable, for the sale of the output of the State coal mines for a period not to exceed 6 years "at such price per bushel or ton as will give the State of Tennessee a fair price for the labor of its convicts and a just compensation for its coke or coal," and that coke or coal furnished to State institutions shall be at the same cost to them as if bought in the general market.

Sec. 28 prohibits the hiring of any female penitentiary convict "to any person on the outside as cook, washerwoman, or for any other purpose."

Sec. 31 provides that "the more able-bodied, shorter-term convicts" in the penitentiary, temporarily employed under contract in building public roads or pikes, clearing ground, or in farming operations, shall be so employed "where competing the least with free or skilled labor."

Acts of 1897, chap. 39, secs. 1, 4, 8, direct that not more than 99 penitentiary convicts shall be employed under contract with any one firm, or in any one business, within the walls of the penitentiary; that no contract shall be made extending beyond March 1, 1903; and that contracts shall be so made "that competition with free labor shall be the least possible, and that the manufacturing industries established within the penitentiary shall be as diversified as practicable or possible for the best interests of the State, at the same time having due regard for the interests of free labor."

#### TEXAS.

**CONTRACT SYSTEM.**—Revised Statutes of 1895, arts. 3654, 3655, 3709, authorize the establishment of the contract system in the State penitentiaries, the convicts employed thereunder to remain under the control, discipline, and management of the prison authorities.

**LEASE SYSTEM.**—Arts. 3744, 3745, 3746 authorize the hiring out of county convicts either by private contract or at public auction, or by general contract for any specified time, at some fixed rate per day, week, or month, the hirer to give bond for the humane treatment and proper care and support of convicts in his employ.

**PUBLIC-ACCOUNT SYSTEM.**—Arts. 3654, 3655, 3701, 3709 authorize the establishment of manufacturing industries in State penitentiaries—particularly those of cotton goods and cotton and jute bagging—and the carrying on of farming operations, and provide for the sale of the products of the convicts' labor; and it is required that "all convicts shall be placed within the prison walls or on State farms, and worked on State account as soon and speedily as possible."

Arts. 3727, 3730 authorize the utilizing of the labor of county convicts on farms or in county workhouses.

**PUBLIC WORKS AND WAYS SYSTEM.**—Constitution, art. 16, sec. 24, requires that legislative provision be made for utilizing convict labor in laying out and working public roads and in building bridges.

Revised Statutes of 1895, arts. 3733, 3744, provide that county convicts shall be put to labor upon the public roads, bridges, or other public works of the county when their labor can not be utilized in the county workhouse or on the county farm. The employment of female convicts on public works and ways is, in effect, prohibited by art. 3736, which provides that females "shall in no case be required to do manual labor, except in the workhouse or when hired out."

**HOURS OF LABOR.**—Art. 3716 provides that penitentiary convicts sentenced to hard labor "shall be kept at work under such rules and regulations as may be adopted; but no labor shall be required of any convict on Sunday except such as is absolutely necessary, and no greater amount of labor shall be required of any convict than a due regard for his physical health and strength may render proper."

Art. 3733 requires that county convicts "shall be required to labor not less than 8 nor more than 10 hours each day, Sundays excepted."

Art. 3746 requires that persons to whom county convicts are hired shall bind themselves not to work the convicts "at unreasonable hours, or for a longer time during any one day than other laborers doing the same kind of labor are accustomed to work."

**KINDS OF LABOR.**—Manufacturing, including the production of cotton goods and cotton and jute bagging, farming, and on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods or for the diminishing of competition between convict and free labor.

#### UTAH.

**PUBLIC-ACCOUNT SYSTEM.**—Acts of 1896, chap. 81, secs. 9, 32, provide for the carrying on, in the State prison, of manufacturing and mechanical industries, and for the sale of the products of the convicts' labor for the benefit of the State.

**STATE-USE SYSTEM.**—Secs. 29, 32, 33 provide that State-prison convicts are to be employed in manufacturing and mechanical industries, and on the prison farm, and in producing "all articles for the various State institutions, as far as practicable."

**PUBLIC WORKS AND WAYS SYSTEM.**—Constitution, Art. XVI, sec. 3, requires the enactment of laws prohibiting the labor of convicts outside of prison grounds, except on public works under the direct control of the State.

Acts of 1896, chap. 81, sec. 29, authorizes the employment of State-prison convicts in the erection or repair of the buildings or walls of the prison.

Acts of 1896, chap. 131, sec. 30, authorizes the employment of prisoners subject to hard labor, in county jails, upon the public grounds, roads, streets, alleys, highways, or public buildings for the county.

Compiled Laws of 1889, sec. 1759, as amended by Acts of 1896, chap. 59, provide that violators of city ordinances "shall be required to work for the corporation at such labor as his strength will permit," presumably upon public works and ways.

**HOURS OF LABOR.**—Acts of 1896, chap. 81, sec. 37, requires that State-prison convicts shall, as far as practicable, be kept constantly employed at hard labor at an average of not less than 8 hours a day, Sundays and holidays excepted.

Compiled Laws of 1889, sec. 1759, as amended by Acts of 1896, chap. 59, provides that violators of city ordinances may be required to work for the corporation "not exceeding 10 hours for each working day."

**KINDS OF LABOR.**—Manufacturing, farming, and employment on public works and ways.

**SALE AND COMPETITION.**—The sale of convict-made goods is not regulated by statute.

Acts of 1896, chap. 181, sec. 32, requires that at least once in 6 months the prison board shall meet to determine what lines of productive industries shall be pursued in the State prison, and "shall select diversified lines of industry with reference to interfering as little as possible with the same lines of industry carried on by citizens of this State."

Constitution, Art. XVI, sec. 3, and Acts of 1896, chap. 181, sec. 32, prohibit the making of contracts for the labor of convicts.

#### VERMONT.

**CONTRACT SYSTEM.**—Statutes of 1894, sec. 5188, provides that the directors of the State prison and the house of correction may contract, for not exceeding 5 years to any one person, the labor of all or part of the convicts in said institutions, on such terms as they shall judge best for the State; but such contracts shall not interfere with the management and discipline of the convicts.

**PUBLIC-ACCOUNT SYSTEM.**—The same section provides that the directors of the State prison and house of correction may "purchase material required for employing the prisoners and sell articles belonging to either institution proper to be sold."

**HOURS OF LABOR.**—The hours of convict labor are not regulated by statute.

**KINDS OF LABOR.**—Manufacturing (by implication).

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods, or tending to diminish competition between convict and free labor.

#### VIRGINIA.

**CONTRACT SYSTEM.**—Code of 1887, sec. 4130, authorizes the employment of penitentiary convicts in "executing work under contract with individuals or companies."

**LEASE SYSTEM.**—Acts of 1893-4, as amended by chap. 795, secs. 4136-4138, authorize the leasing of penitentiary convicts, not otherwise employed, to railroad companies, to be fed, clothed, guarded, and sheltered by the lessees.

**PUBLIC-ACCOUNT SYSTEM.**—Code of 1887, sec. 4130, and Acts of 1893-94, chap. 62, direct the purchase or leasing of farming lands, to be improved and cultivated by penitentiary convicts, the products thereof, not used in the penitentiary, to be sold.

**STATE-USE SYSTEM.**—Code of 1887, secs. 4110, 4130, as amended by Acts of 1893-94, chap. 795, and Acts of 1893-94, chap. 62, authorize the employment of penitentiary convicts in farming operations for the use and benefit of the institution.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Code of 1887, secs. 4110, 4130-4133 (as amended by Acts of 1893-94, chap. 795), authorize the employment of penitentiary convicts in improving, repairing, or working on public buildings, grounds, and property, or the furnishing of such convicts to counties to be worked on county roads.

**HOURS OF LABOR.**—Acts of 1893-94, chap. 795, provides, as to convicts leased to railroad companies, that such sum shall be paid for their labor as may be agreed upon, "for each day's work of 10 hours actually performed."

**KINDS OF LABOR.**—Manufacturing (by implication), farming, and employment on railroads and on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods, or tending to reduce competition between convict and free labor.

#### WASHINGTON.

**PUBLIC-ACCOUNT SYSTEM.**—General Statutes of 1891, secs. 1158, 1170; Acts of 1893, chap. 86, and Acts of 1895, chap. 132, authorize the manufacture, by penitentiary convicts, of such articles as are sanctioned by law, including jute and other fabrics and brick, and the sale of such products of the convicts' labor as are sanctioned by law and not needed by the State.

**STATE-USE SYSTEM.**—General Statutes of 1891, sec. 1158, authorizes the employment of penitentiary convicts in "the manufacture of any article or articles for the State."

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Sec. 1158 authorizes the employment of penitentiary convicts "in the performance of work for the State," which, it is presumed, is intended to authorize their employment on public works and ways, as their employment in manufacturing articles for State use, or for sale, is expressly provided for in the same section.

Secs. 290, 1192, 1193, direct that convicts in city and county jails be employed at labor on the public roads, streets, grounds, and buildings of the city or county; it being provided that county convicts shall not be put to labor at a greater distance than 5 miles from the jail.

**HOURS OF LABOR.**—Acts of 1897, chap. 74, provides that there shall be required of every able-bodied convict in the penitentiary "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary."

General Statutes of 1891, secs. 1192, 1193, provide that inmates of county and city jails may be compelled to perform 8 hours labor each day of their terms of imprisonment, except Sundays.

**KINDS OF LABOR.**—Manufacturing, including the manufacture of jute and other fabrics, and brick, and employment on public works and ways.

**SALE AND COMPETITION.**—General Statutes of 1891, sec. 1158; Acts of 1893, chap. 86, and Acts of 1895, chap. 132, limit the production of articles for sale to jute and other fabrics and brick. It is required that these commodities shall not "be sold for less than the actual cost of production," the method for ascertaining which is prescribed; and that they shall be sold only to actual consumers who are residents of the State of Washington, for cash on delivery, in the order, as near as may be, of the making of written applications therefor.

Constitution, art. 2, sec. 29, prohibits the hiring out of the labor of convicts by contract to any person, firm, or corporation.

#### WEST VIRGINIA.

**CONTRACT SYSTEM.**—Acts of 1893, chap. 46, secs. 28, et seq., authorize the making of contracts for the labor of penitentiary convicts, together with the necessary steam power for operating machinery which the contractors are required to supply; the contracts are to be made with the highest and best bidders, after due advertisement, for periods not exceeding 5 years, at a specified price per day per convict, and for the manufacture of the particular articles specified by the bidders. Convicts not hired under general contract may be temporarily hired until "their labor is required on any contract."

**PIECE-PRICE SYSTEM.**—Sec. 44 provides that, if deemed advisable, penitentiary convicts not employed under the contract system "may be employed or let to contract on the piece-price system."

**PUBLIC-ACCOUNT SYSTEM.**—Secs. 8, 44, provide that penitentiary convicts, not employed under contract, may be employed in manufacturing, the warden to sell and dispose of the goods manufactured for the benefit of the State.

**STATE-USE SYSTEM.**—Sec. 44 provides that a portion of the penitentiary convicts may be employed in the repair or manufacture of articles used by the State in carrying on the penitentiary or other State institutions.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Secs. 43, 50, provide that penitentiary convicts, not employed under contract, may be employed "in the performance of work for the State" (presumably on public works and ways); or, able-bodied male convicts may be furnished to any county of the State, to be worked on public roads, free of hire, under specified conditions.

**HOURS OF LABOR.**—Sec. 41 provides that convicts employed under the contract system shall labor “not to exceed 9 hours a day during the year, Sundays and national holidays excepted.”

**KINDS OF LABOR.**—Manufacturing, and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provisions regulating the sale of convict-made goods, or tending to reduce competition between convict and free labor.

#### WISCONSIN.

**CONTRACT SYSTEM.**—Annotated Statutes of 1889, secs. 4938–4943, authorize the making of contracts for the labor of State-prison convicts, together with such shop room, machinery and power as may be necessary for their proper employment; contracts must not be made for periods exceeding 5 years at any one time, and the convicts are to remain under the supervision of the prison authorities. Before making such contracts, sealed proposals therefor are to be invited by public advertisement.

**PUBLIC-ACCOUNT SYSTEM.**—Sec. 567d provides for the establishment of “the business of manufacturing” in the State prison, and the sale or disposition of the goods, wares, and merchandise produced “to the best interest of the State.”

Secs. 4726, 4727, authorize the employment of prisoners in the county jails at such labor as shall be appropriate to their sex and physical condition, which may be required to be performed at any suitable place within the county, under the direction of county authorities, the “avails of their labor” to be paid into the county treasury.

Acts of 1895, chap. 290, provides for the employment of inmates of county workhouses at hard manual labor, and the sale of the products of such labor for the benefit of the county.

Acts of 1897, chap. 346, sec. 8, provides that prisoners at the State reformatory may be employed at agricultural or mechanical labor, as a means for their support.

**STATE-USE SYSTEM.**—Annotated Statutes of 1889, sec. 608, provides that all public institutions maintained in whole or in part by the State shall obtain all goods necessarily required by them from the State prison or other institution manufacturing the same; and the officers of said prison or other institution shall cause to be made and delivered all such articles or goods, so required, as can be made or furnished by them.

Sec. 4927 provides that State-prison convicts may be employed outside the prison walls in cultivating the prison farm, or in quarrying or getting stone therefrom, or in doing any work necessary in the prosecution of the regular business of the institution.

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—Acts of 1895, chap. 250, provides that persons convicted in any court in the State, including convictions for violations of city or village ordinances, for vagrancy, and other specified offenses, may be required to work upon highways or other public improvements, in case other work is not provided for them.

Annotated Statutes of 1889, sec. 1547d–10, provides that tramps sentenced to hard labor in county jails may be required to work “upon highways or other public improvements,” in case other work is not provided for them by county authorities.

**HOURS OF LABOR.**—Sec. 4918 requires that State-prison convicts sentenced to hard labor shall be “constantly employed.”

Acts of 1895, chap. 290, and Acts of 1897, chap. 318, provide that inmates of county jails and workhouses shall be kept at labor not to exceed 10 hours per day, Sundays excepted.

Acts of 1891, chap. 206, provides that no person confined in any penal institution “shall be compelled to perform any factory work on any legal holiday.”

**KINDS OF LABOR.**—Manufacturing, including the manufacture of chairs, general furniture, boots, shoes, buggies, carriages, wagons, sleighs, and cutters; farming; stone quarrying; and employment upon public works and ways.

**SALE AND COMPETITION.**—Annotated Statutes of 1889, sec. 567d–3, requires that, in selling commodities produced by the labor of State-prison convicts, they shall be disposed of “to the best interests of the State and at the best prices obtainable.”

Acts of 1897, chap. 155, requires that all goods, wares, and merchandise made by convict labor in any institution outside of Wisconsin and imported into the State shall, before being exposed for sale, be branded, labeled, or marked with the words “convict made,” etc.; the details of the law being substantially the same as those of the laws of other States relating to the marking of convict-made goods.

#### WYOMING.

**CONTRACT SYSTEM.**—Acts of 1890–91, chap. 37, sec. 5, authorizes the providing for the care, maintenance, and employment of inmates of penal or reformatory institutions by contract.

**PUBLIC-ACCOUNT SYSTEM.**—Revised Statutes of 1897, sec. 3375, authorizes the employment by the Territory (State) of inmates of penal and reformatory institutions “upon its own account.”

Acts of 1890–91, chap. 37, sec. 5, authorizes the employment of inmates of penal or reformatory institutions by “direct expenditure.”

**PUBLIC-WORKS-AND-WAYS SYSTEM.**—The same law provides that inmates of penal and reformatory institutions may be employed to complete or repair the place or the surroundings of the place where they are confined.

Revised Statutes of 1887, secs. 3371, 3374, provide that prisoners in county jails may be compelled to work in any way that the county commissioners may direct for the benefit of the county, and that convicts in the jail or prison of any county, city, town, village, or municipality may be employed or put to work upon any public work of improvement, or upon highways, streets, alleys, parks, or public places.

**HOURS OF LABOR.**—Revised Statutes of 1887, sec. 3372, provides that prisoners in county jails shall be required to labor "during the working hours of every week day."

**KINDS OF LABOR.**—Manufacturing (by implication), and employment on public works and ways.

**SALE AND COMPETITION.**—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1890-91, chap. 37, sec. 5, prohibits the working of convicts in any coal mine, or at any occupation in which the products of their labor may be in competition with that of any citizen of the State.

Revised Statutes of 1887, sec. 3375, provides that the employment of inmates of penal and reformatory institutions shall be so conducted as to offer no competition to free labor, and that such employment on Territorial (State) account shall not be enforced or required any further than shall be necessary for the physical and moral well-being of the convicts.

#### THE UNITED STATES.

**STATE-USE SYSTEM.**—Acts of 1894-95, chap. 189 (28 U. S. S., p. 957), provides that convicts in the United States penitentiary at Fort Leavenworth, Kans., shall be employed exclusively in the manufacture and production of articles and supplies for the penitentiary, and for the Government; the convicts are not to be worked outside of the Fort Leavenworth Military Reservation.

Acts of 1890-91, chap. 529 (26 U. S. S., p. 839), authorizes the construction of three United States prisons, and provides that convicts therein shall be employed exclusively in the manufacture of supplies for the Government, within the prison inclosures.

**HOURS OF LABOR.**—The hours of convict labor are not regulated by statute.

**KINDS OF LABOR.**—Manufacturing.

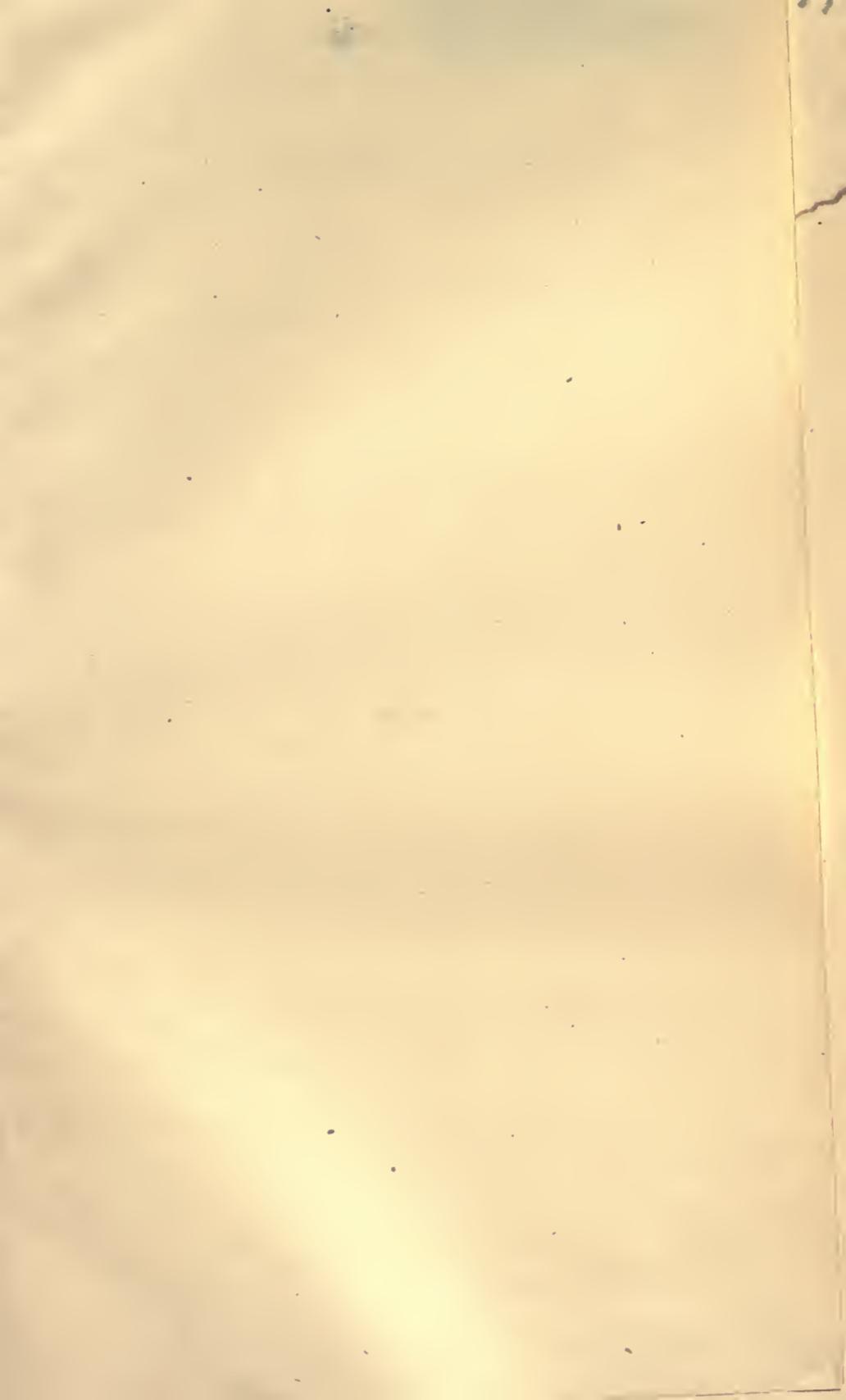
**SALE AND COMPETITION.**—Acts of 1897-98, chap. 11, sec. 31 (30 U. S. S., p. 211), prohibits the importation into the United States of any goods, wares, or merchandise manufactured wholly or in part by convict labor in any foreign country.

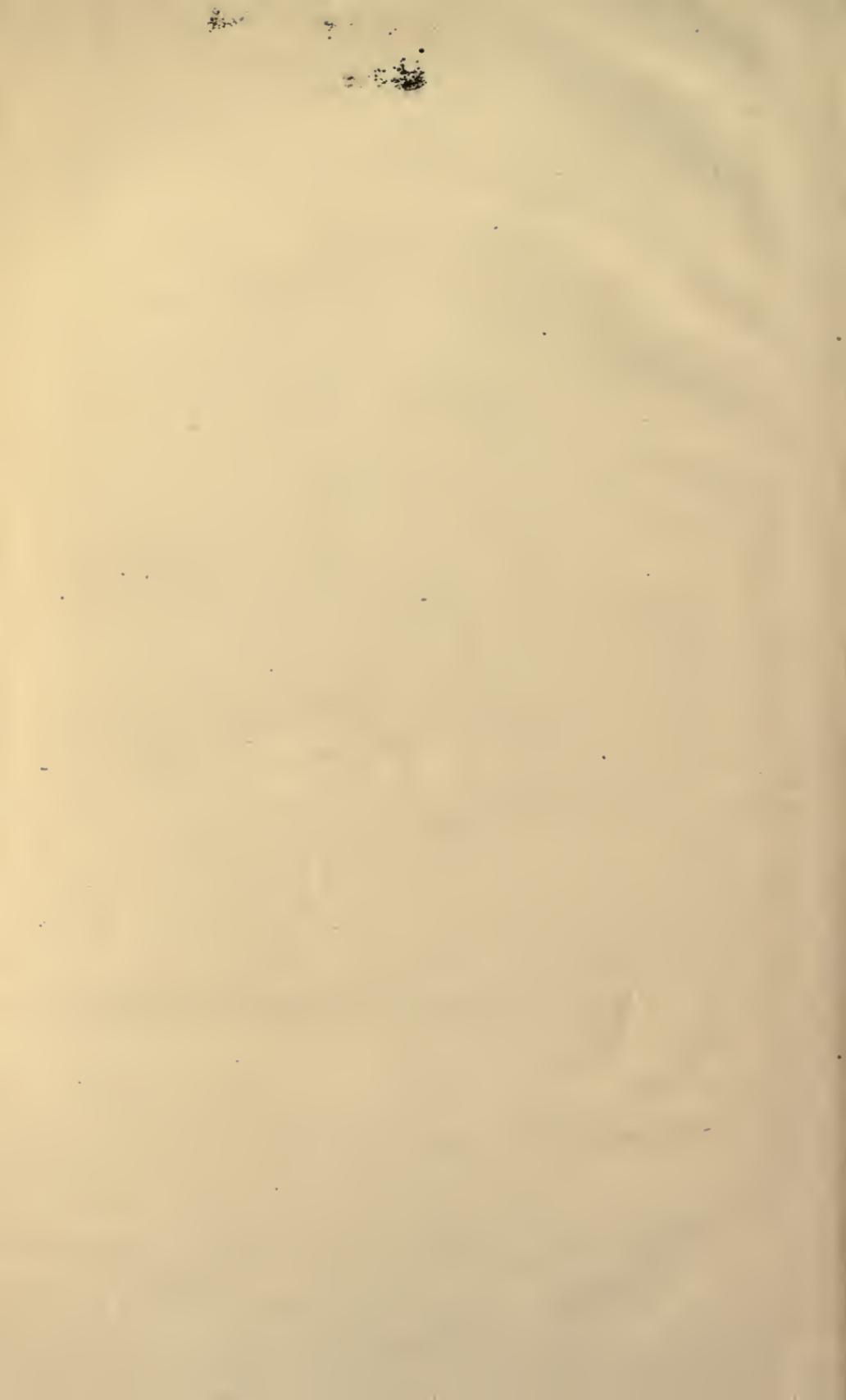
Acts of 1890-91, chap. 529 (26 U. S. S., p. 839), requires that convicts in the United States prisons to be erected under said act are to be employed in manufacturing such goods for the Government "as can be manufactured without the use of machinery."

Acts of 1886-87, chap. 213 (24 U. S. S., p. 411), forbids the hiring or contracting out of the labor of the United States convicts confined in any State prison, jail, penitentiary, house of correction, or other place of incarceration.











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