

REPORT
OF THE
COMMISSION
ON
PRISON LABOR
OF THE
STATE OF NEW JERSEY.

1879.



TRENTON, N. J.:
WM. S. SHARP, PRINTER AND STEREOTYPHER.
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To his Excellency the Hon. George B. McClellan, Governor of the State of New Jersey:

SIR.—The Legislature of this State, at its last session, adopted the following preamble and resolution, viz.:

“WHEREAS, it is asserted and believed by large numbers of the citizens of this State that prison labor, as at present managed in the State Prisons and Penitentiaries of this and other states, affects injuriously the welfare and means of living of masses of our mechanics and working-men, by maintaining an unjust competition with their labor. Therefore,

“BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That the Governor be, and is hereby, requested to appoint a Commission to consist of five persons, who shall make a careful inquiry into the subject of prison labor, and whether it comes into competition with free labor, and if so, in what manner, to what extent, and what in their opinion is the best means of preventing such competition, and at the same time providing proper maintenance for the prisoners; that said Commission shall receive for their services and necessary expenses such compensation as may be approved by the Governor, and that they shall report to the Governor on or before the meeting of the next session of the Legislature.”

The Commission appointed by your Excellency in pursuance of this resolution respectfully report that, being deeply sensible of the importance of the inquiry entrusted to them, they have endeavored so far as the limited time allotted to them has permitted, to make it thorough and exhaustive. They have carefully examined the labor system of our own State Prison, and those of other States, several of which have been visited by them, while the reports of nearly all have been placed at their disposal, they have obtained by correspondence with wardens or other officers of all the prisons of the United States, statistics and valuable information, which will be found in subsequent pages of this report, or tabulated in its Appendix.

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They have also availed themselves of the researches and conclusions of similar Commissions in other States, and invited, personally, by letters and circulars, and through the public press, full and free expressions of opinion as to the difficulties in question, and suggestions as to the means of removing them, from all persons who were interested in the subject in any way whatever.

Recognizing with the Legislature the impossibility of dealing with the subject of inquiry with relation to New Jersey alone, they have very gladly joined the Commissions appointed for a similar investigation by the Governor of Connecticut, and the Legislature of Massachusetts, whom they have met at Newport, at New Haven, and finally at New York City, where a number of gentlemen interested in the subject of prison management and reform, and in the trades most deeply affected by prison labor, were present, and gave their views at considerable length.

Among those who participated in the discussion at that time were the venerable Dr. E. C. Wines, the patriarch of prison reform in this country; Dr. Elisha Harris, the agent for discharged convicts of the State of New York; Prof. Francis Wayland, of Yale College, President of the State Prison Association, and Chairman of the Board of State Prison Directors of Connecticut; E. D. Cornell, Esq., President of the National Hat Finishers' Association; George J. Ferry, Esq., of Orange, N. J.; William D. Yocum, Esq., of New York City; Capt. Julius Ellendorf, of South Norwalk, Conn., and John Phillips and Chas. Thetford, Esqrs., of Brooklyn. Mr. Chas. D. Bigelow, President of the Bay State Shoe and Leather Company, and one of the largest, most experienced and successful of the employers of convict labor in the United States, was present also by invitation, and gave the Commissions the results of his experience very fully.

The Commission have also felt it their duty in comparing the workings of the contract and public account systems of prison labor, to visit the New York State Reformatory at Elmira, the most successful example of the latter known to them in this country, to correspond with the warden of the State Prison at Thomaston, Maine, where that system has been carried on for many years, and the master of the House of Correction at East Cambridge, Massachusetts, whose management of the labor of short-term convicts is such a brilliant financial success. Letters from these gentlemen, from John S. Perry, Esq., the veteran head of the great stove establishment of Perry & Co., now employing nearly one thousand convicts at Sing Sing Prison; from Andrew Dickey, Esq., the managing partner at Sing Sing of the same firm, and from leading shoe manufacturers and dealers in our own State, will be found at the close of the report.

After full consultation and discussion, the united Commissions,

at their session in New York, agreed unanimously upon the following propositions:

(1.) The general purpose of incarceration is the protection of society, by the punishment of crime; and, in carrying out this purpose, the reformation of the criminal should be kept constantly in view.

(2.) Partisan politics should be absolutely excluded from the management of penal and reformatory institutions.

(3.) The welfare of the State and prisoner both demand that he should be employed in productive labor.

(4.) The right of the State to make its prisons self-supporting should be conceded, but it should not expect to make a profit out of the labor of the criminals, at the expense of their reformation, or to the injury of its industrial interests.

(5.) The product of convict labor, when compared with that of the entire mechanical industries of the nation, is insignificant, but its concentration upon a very few branches of industry may be seriously injurious to the citizens engaged in those branches.

(6.) The burden of the competition of convict labor should be distributed as widely and equally as possible.

(7.) The injury to any one branch of industry from prison labor may be reduced to very small proportions, by the greatest practicable diversity of employments in prison.

(8.) The proper diversity of employments in the prison should be secured by limiting the number of convicts to be employed in any one industry; such limitation should be adequate to secure the industrial interests of the country from serious injury, and to afford the convict a reasonable certainty of employment upon his release.

(9.) Where the contract system prevails, contracts for convict labor should be so drawn as to give the State absolute control of the discipline of the prisons; and the State should prescribe all rules governing contractors and their employees.

These propositions will be discussed at length in their proper connection.

Returning to their own department of the investigation, the Commission finds that the resolution creating it naturally divides into the following questions:

1st. What is the character, and what are the objects of prison labor?

2d. Does the labor of convicts employed in productive industry compete with free labor?

3d. If so, what is the extent and character of the competition?

4th. What are the best means of preventing such competition from becoming injurious to free labor, and, at the same time, providing proper maintenance for the prisoners?

The Legislature, in framing this resolution, has made the whole

inquiry turn upon the last clause of it, viz.: "At the same time providing proper maintenance for the prisoners."

No system of labor which fails to meet this limitation, or at least to approach it, is within the province of the Commission. This is not only wise, but just.

A State Prison is not a public charity; it is not a hospital or an almshouse; it is an institution to which persons, generally able-bodied adults, are sent by the courts, to be kept at hard labor, for the punishment of crime. Their labor, such as it was, is taken from the trade or profession they have followed before conviction, thus giving room for the employment of an equal number of other persons in those pursuits. They are indebted to society for the damage inflicted upon it by their crimes and the consequences flowing from them, for the costs of trial and transportation to prison, and of safe-keeping, food and clothing, during their imprisonment. To add these latter expenses to the injury their offences have inflicted upon the community, is to heap one wrong upon another—to punish the innocent for the fault of the guilty.

This principle is fully recognized by all classes of people. The most enlightened humanitarian, on this point, is fully agreed with the most advanced advocate of the claims of labor. No one wants the convict maintained in idleness or unproductive labor, at the expense of the State, knowing, as any one knows, who thinks upon the subject at all, that the State is only the mass of the individuals composing it, and that every dollar added to its expenses is a direct draft upon the pocket of each one.

The manufacturers and workingmen who complain most bitterly of convict competition, declare with entire unanimity that the convict should earn his own support, and they are right. The Legislature, in thus limiting the scope of its Commission, has only given voice to the sentiment of the people themselves. Every man who has been before the Commission, or communicated with it on the subject, without a single exception—reformers, manufacturers, workingmen, and representatives of trades-unions—have not only conceded, but insisted upon the necessity, in every case, of the convicts being employed in productive labor. The convicts themselves demand it. The overseers in Sing Sing prison, where work is enforced as rigorously as in most penal institutions, declare that the prisoners would, most of them, greatly prefer to work on Sundays, if they could, rather than be locked in their cells.

The most advanced advocates of prison reform insist that the idea of pauperizing the convict by maintaining him at other people's expense, is a serious obstacle to his reformation, and that if any reform in a criminal is to be made, which will be good for anything, it must be largely through the influence of steady and thorough labor.

With this preface, the Commission, turning to our own prison,

and the relations between the labor of the convicts in it and the free workmen of the State, find that, on October 31st, 1879, there were confined in it seven hundred and ninety-six prisoners, sentenced by the courts of the State to close confinement at hard labor, as the punishment for crimes.

These prisoners must be securely kept, comfortably lodged, and supplied with sufficient food and clothing. The expense of these, with the necessary repairs and alterations required by the prison buildings, amounted to \$113,000 in 1879. The costs of trial, and transportation of convicts to the prison, are about \$30,000 yearly, and the interest of the capital which the State has invested in the prison and its surroundings, all of which has been drawn from the people, and subtracted from their available property, is at least \$50,000, making the total yearly cost of the prison about \$193,000, or about \$240 for each convict.

This expense must be met, either from the labor of the convicts, or from direct taxation. Those who break the law must pay the cost of its enforcement, or it must be borne by those who have already suffered the consequence of the crime in the injury it has inflicted upon society.

If the criminals must pay it, they must of necessity be employed in productive labor; and as it is found in practice that fully twenty-five per cent. of the convicts in our prison are either sick, infirm, or disabled, or required for the necessary duties of the institution, the remaining seventy-five per cent. must earn one-third more than their own proper share of the costs, or the institution will not sustain itself.

But, if about six hundred prisoners must earn \$193,000 yearly, each must earn \$321.66, or about \$1.07 for each of the three hundred working days available in the year. To do this, he must be employed in the highest grades of work for which he is fitted. No one can earn this amount by unskilled labor. If the prisons are to furnish a "proper maintenance for the prisoners," the work done in them must be *mechanical*.

But if prison labor is mechanical, it comes directly into competition with free labor. Everything that is made or produced by the convict, might be made or produced by a free workman. If it were possible to discover a new industry, by which convicts could be made to support themselves, its success would be the signal for its invasion by free workmen. The absorption of an industry by the prisons, or their adoption and continued use of it for many years, is not accepted as notice to manufacturers or workmen outside to let it alone. The State Prisons of several States have been engaged in the manufacture of shoes, for instance, longer than any manufacturer outside of their walls. Yet the outside factories are crowded with workmen, and enormous sums are yearly invested in buildings and material and machinery for a manufacture in which

the prisons have at least the title of long and unbroken possession. No one has the slightest hesitation about entering into competition with the State, if there is any prospect of making a profit by it.

Too often, having entered into that competition, and found it unprofitable from any one of many causes, the very persons who have, without due consideration, risked their capital in it, insist upon the State abandoning it to them, and complain of its competing with its own citizens, if it does not, at their bidding, forsake industries which it has spent years in building up. Notwithstanding the bitter and constant complaints of convict competition in New Jersey, and its "ruinous effects" upon manufacturers and workmen, a citizen of an adjoining State has within a few weeks located himself in one of our cities, bringing with him a number of his old workmen, and set about establishing a factory of large dimensions, to carry on the only business in which the State employs its convicts.

All productive labor is competitive, and the character and extent of the competition it creates, will be determined by the demand for, and supply of, the products of such labor. If more goods are wanted than the free labor of the country can supply, the labor of convicts employed in producing those goods will not injure the free laborer. As long as everything that is made can be sold at a profit, the greater the production the better.

Competition is not, then, necessarily injurious. It opens new markets, develops new processes, stimulates invention, and benefits millions of people by bringing the price of useful or necessary articles within their reach. The sewing-machine has been the greatest competitor of human labor in the making of clothing and shoes, doing daily the work of hundreds of thousands of men and women. But millions of people are better shod and better clothed to-day than would have been possible for them but for the machines whose invention and perfection have chased the hand-laborer with relentless energy, hunted the small shops out of existence, and driven the journeyman into the factory team.

And thousands of working-men and women have found employment in turn, by the increased demand for goods which the sewing-machines have brought within reach of the poor. Such competition is not altogether an injury. It is only when the supply exceeds the demand that it becomes oppressive. Then, every laborer added to the supply, either convict or free, every machine which multiplies the product of human labor, increases the stagna-

Since the above was written, the Commission have learned that one of the firm whose complaints against the ruinous competition to which their business is exposed from the employment in it of the convicts in our State Prison, may be found in the appendix to this report, has begun the erection of a large factory in the town in which they are now at work, intending to extend and increase their business very largely, notwithstanding the injurious effects of prison labor upon it.

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tion, depresses the prices of goods, and consequently the wages of the laborer. Now the supply for some time past has exceeded the demand in every branch of industry, from the highest to the lowest. Inflation, speculation, and over-trading, pursued with reckless eagerness for ten years, have brought their inevitable results, and every interest in the country has suffered accordingly. The financial crash of 1873 found every shop and mill and warehouse in the country crowded with goods, which it was ruinous either to sell or to hold. Immense quantities of merchandise were forced upon an unwilling market through the auction rooms, at prices which beggared the owners and discouraged production. Mills stopped, factories and great shops dismissed their hands, or worked them on half time, at a loss. The manufacturer was bankrupt, the laborer suffered.

And every convict who was at work under these circumstances was either doing work which a free laborer might have done, or piling up goods to increase the glut of the market; and the convicts must either work or be supported in idleness at the expense of those whose burden of taxation was already crushing.

More than this: it was complained that prison goods, made by labor furnished at nominal rates, and exempt from many of the necessary charges of free manufacture, could be sold profitably at prices which were ruinous to the latter. Upon these grounds, which will be considered more at length in their proper connection, the character of the competition between free and convict labor may be supposed to be injurious to the former, in proportion to its extent. (See Appendix.)

WHAT IS THAT EXTENT ?

In answering this question it is necessary to look at the causes of over-crowding in the labor market. Some of these have already been noticed. Two more are at least equally prominent and effective. The first of these is *emigration*, which brings to us an army of skilled workmen every year.

Our financial and industrial depression, severe as they have been, are far surpassed in European countries, which have not, in their distress, the never-failing resources of our cheap lands and the exhaustless ingenuity and versatility of our people. The American, thrown out of work, finds or invents something else to do. The European emigrates or starves. Those who could do so, chose the former; and, from January 1st, 1873, to October 31st, 1879, seven hundred and seventy-five thousand four hundred and twelve (775,412) have landed at the port of New York alone; 75,347 having come in 1878, and 112,532 in the first ten months of 1879. (See Table A in Appendix.)

And it is to be remembered in this connection, that while our financial distress is past its worst, that of Europe not only continues, but increases. The repeated failures of harvests in England and on the continent, which have given a new impulse to our agriculture, and, through it, to every form of industry among us, intensify and increase the prostration abroad. The English or German laborer or mechanic, working in prosperous times, at wages from one-fourth to one-half those which similar labor commands here, (See Table B,) finds work, even at those miserable prices, beyond his reach, while the cost of food is advanced by the very cause of his distress.

Our mills are working; our shops are crowded with orders; our workmen hardly equal the demand in most trades. Prosperity is returning to us with rapid strides, and, with it, emigration is more than keeping pace. The increase of emigrants received in New York, this year, is at the rate of sixty per cent. above the arrivals of 1878. Next year, even this large amount will most certainly be doubled.

The proportion of skilled workmen among the emigrants greatly exceeds that of the same class among our own people, being 13 per cent.; while our own skilled workmen are not quite 6 $\frac{1}{2}$ per cent. of our population. Were the proportion of skilled and unskilled workmen the same among the new-comers as with ourselves, the glut of the labor market would still have been increased by their coming, as, for the first few years of their residence among us, our citizens of foreign birth buy less than half the amount of the products of mechanical labor that is required by an equal number of Americans. But their ratio being about double—and this discrepancy may be traced through most of the leading mechanical industries with great steadiness)—three out of every four foreign mechanics who came to us in the depths of our financial prostration were in advance of the natural demand for their labor, and a corresponding addition to the distress of their brethren in the same pursuits.

Now we have invited, and still invite emigration from all civilized nations. Much of the unparalleled progress of this country has come from the strong arms and willing hearts of our foreign-born citizens, nearly every one of whom is a benefit to us, in one way, if not in another. When we are prosperous, we have room enough and work enough for all who come; but, when the tide turns against us, those who fly from harder times and greater suffering in their own lands, may seriously aggravate the distress they come to share.

The Table A, in the appendix of this report, will illustrate this. By it, it will be seen that the foreign shoemakers who came to New York in less than seven years, were 5688, or one to 120 of the whole number of emigrants. The shoemakers of the whole country, by the census of 1870, were 171,127, or one in 233 of our popula-

tion. But 775,000 Americans would spend at least twice as much in the purchase of shoes, in a given time, as 775,000 emigrants, and the latter were only about three-fourths of our foreign emigration. A dozen or twenty of the leading trades show with equal significance the effect of one of the principal causes of over-crowding in the labor market of the United States.

Another is even more efficient—*our labor-saving machinery*—the product of that inventive genius in which Americans excel the world. A single machine has frequently revolutionized a whole trade.

The old courses of apprenticeship are done away in nearly every branch of skilled labor. Each trade is divided and sub-divided, until the part of it which each workman does is learned in a few days, or, at most, weeks. The common laborer becomes a skillful workman in fewer weeks than he formerly required years. Almost as few men learn to make the whole of a shoe now as learn to make the whole of a watch. Thus the ranks of skilled mechanics are filled with men who, a little while ago, might have been found employed as common laborers. And then, the machine does the work.

A set of machines has been brought into the shoe manufacture, within a few years, which has probably had more to do with the distress of the workingman in that trade, than all other causes put together. One of these stitches the soles through and through, making in-seam and outer stitching in one operation, and doing in a fraction of a minute what would require nearly an hour of steady, hard work by a hand laborer. Another pegs the bottom of a brogan with almost equal rapidity; yet another runs its wire from a reel, cuts it into proper length and shape, drives it to its place, and rivets it down with a precision and rapidity far beyond the possibility of human hands. Yet another fits the heel and fastens it securely in its place. Each set of these machines does the work of more than two hundred men.

Four such combinations may frequently be found in one factory, doing an amount of work which the whole population of a Massachusetts "shoe village," men, women, and children, working together, in the style of thirty years ago, could not accomplish, and which those very men, women, and children, for some years past, would gladly have done, if they had the opportunity. This is competition of the most serious kind. The machine has neither wife nor child, mouth nor stomach. If it has the work, it does it patiently, faithfully, and without grumbling; if it has not, it rusts in silence, consuming only the interest of the capital invested in it. The laborer must eat, whether he works or not; the machine is never hungry.

Take the machines out of the shoe trade, and no one engaged in

it would complain of competition. The entire skilled labor of the country would hardly fill the gap.

Compare with the competition of emigration and machinery that of convict labor. There were in the United States, (See Table C,) in October last, 23,025 male convicts, either in the State Prisons or under lease to contractors, who, in several of the Southern States, purchase the labor of the convicts and assume their entire charges. Of these, 13,729—nearly one-half of the whole number—were employed in mechanical industries. The free mechanics of the United States are, by the latest estimates, 3,030,000, or 220 to each convict mechanic. The product of the free mechanical industries of the United States is over \$5,000,000,000 per annum. The product of the mechanical labor of convicts in the State Prisons was estimated by Mr. Pillsbury, in his report to the Legislature of New York, at \$9,747,000. That this estimate is not too low is apparent from the fact that it puts the average production of each convict at \$75C, which, for many of the trades carried on in prisons, would be exceedingly liberal. Calling it \$10,000,000, it is \$1 to each \$500 produced by free labor.

The number of free shoemakers in the United States, by the census of 1870, was 171,127, which is considered by those having the best opportunities of information, nearly 30,000 less than at the present time. Taking the census as the basis, the goods produced by these 171,000 workers would amount to \$360,000,000 yearly. The convicts in all the State Prisons engaged in the manufacture of shoes at the present time are 3741, and the goods produced by them amount to less than \$4,000,000 yearly, or $1\frac{1}{10}$ per cent. of the whole shoe manufacture, that is, \$1 in every \$90. Allowing for the increase in the trade claimed by the best authorities, the product of the shoe manufactures of the whole country is at least \$400,000,000 yearly, of which the convicts in the State Prisons furnish one per cent. only. (See Appendix.)

If to these convicts are added the inmates of the various houses of correction, reformatories, penitentiaries, &c., &c., not State Prisons, but employing more or less of their inmates in mechanical labor, the entire number of prisoners (See Table No. 1) rises to 47,769—of whom 37,245 males are at work, 24,535 at mechanical labor, 6530 being engaged in the manufacture of shoes. These figures, it must be remembered, represent a vast number of boys and transient prisoners in reform schools, jails and houses of correction, whose labor amounts to very little. Yet compare them with the emigrant skilled workmen who have landed in New York during six years and ten months, numbering 100,378, and the foreign shoemakers—all men—who arrived at the same port in the same time, and who were 5688.

In the State Prison of New Jersey, on October 31st, 1879, there were 759 male convicts. Of these, 368 were employed in the

manufacture of shoes—the only mechanical industry carried on in the prison ; 113 in the necessary work of the prison ; 139 were sick, infirm, or disabled, and 139 were idle, supported at public expense, because no one would contract for their labor.

There is, therefore, but one branch of trade exposed to convict competition in New Jersey. The free shoemakers of the State are at least 6000, the census of 1870 having returned 5349. Assuming that the shoemakers of New Jersey produce as many shoes per man as those of Massachusetts, the free labor production would be \$11,124,000, while that of the convicts would be \$426,256.

The competition between convict and free labor in this State is, therefore, at this time, that of a single shop, in a single trade, employing 368 hands, equal, according to the testimony of experts, to not more than three-fourths of the same number of free laborers. If the entire available force of the prison should be engaged in shoemaking, it would not be equal to one shop in the city of Newark. It would amount to about $4\frac{1}{2}$ per cent. of the shoemakers of New Jersey, and its product would compete with that of the latter in about the same proportion, provided it entered the market on the same terms.

A striking illustration of the effect of this competition is afforded by the fact that large numbers of our convicts—in one case over five hundred—have been suddenly thrown out of work by the termination of contracts, and remained idle for months together, without any perceptible advance in the price of shoes, or the wages of workmen in the State.

Facts like these show that the competition between convict and free labor would be infinitesimal in extent if convict labor could be distributed among the leading industries of the country, in proportions approximating to those of the free persons engaged in them, and if the goods manufactured by it entered the market on the same footing as the products of free labor.

Even without such distribution, with the whole working force of our prison competing with one trade only, the utmost efforts of the Commission have succeeded in attracting to its sessions, or correspondence with its members, only four of the shoe manufacturers of the State, and not one employee of its great factories has brought his complaints of convict competition to the Commission, though invitations to do so have been repeatedly published in all our leading journals. A trade whose members will not take the trouble to lay their grievances before a Commission specially appointed to listen to them, and devise means of redress, can hardly be regarded as suffering severely.

The danger of competition is in the future, rather than the present, and lies outside of New Jersey, rather than within her boundaries. What the manufacturers and workingmen of this State have to fear is the possible concentration, not in New Jersey alone,

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but in New York, Pennsylvania and the New England States, of the whole convict force, or nearly the whole of it, upon any one branch of the many industries in which they are interested, and in which the prosperity of the State is so largely involved. New York, with a contract for 1100 convicts at one industry in Sing Sing Prison, with 400 more at another trade at Clinton; Maryland, with her whole large convict force contracted in one trade, in which more than one-fourth of the whole mechanical industry of the State Prisons is already engaged, are illustrations of what is possible in this direction.

The tendency of convict employment, like that of all great industrial or commercial concerns, is toward concentration. Large shops can be furnished, officered, and equipped, at less comparative cost than smaller ones, and worked at a greater profit. To the officers of prisons, a single employment for the convicts offers many inducements. It simplifies their business transactions, by reducing their accounts, and many of their duties. It is far easier to watch one employer of labor, than many, and the profits of the transaction are often advanced by dealing with one responsible party only.

Again, some trades are impossible or unprofitable for prison labor; others group in certain narrow locations, and refuse to be transplanted. The hat trade, outside of prisons, for instance, is confined almost entirely to a circle whose centre is New York city, and whose radius scarcely exceeds one hundred miles; and the choice of employment, in most of the States, lies between the officers of the prisons and the contractors. More than half of the convicts in the United States may be found in the nine States of California, Illinois, Indiana, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Tennessee. It is in the power of a very few men to concentrate labor enough in the prisons of the country, upon a single branch of industry, to severely cripple or even destroy it. This has already been done to the fur hat trade, nearly one-third of which is now carried on by the convicts of two prisons; and as the business is admirably calculated for convict labor, the addition of two or three more prisons to the convict hat trade is easily possible.

By the following table it will be seen that eight industries now employ more than twenty thousand of the inmates of the penal institutions of the country, viz.:

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15

Boots and shoes.....	6,581
Carriages and wagons.....	1,251
Clothing.....	2,262
Furniture.....	2,884
Iron goods.....	3,504
Stone.....	1,687
Wooden goods.....	1,127
Brushes.....	1,010
	20,199
Other productive industries.....	4,386
Prison duties.....	4,930
Farmers and laborers.....	10,607
	40,122

Few of the trades most interested would probably complain of the competition of convicts, could they understand its extent, and know that it could not exceed limits, in most cases, considerably beyond the present figures. It is the possibility of sudden and unavoidable increase, that is dangerous to them—the fear that the whole convict labor of the nation may be settled upon a very few trades, so as to absorb them altogether.

To do this, would not be wise, for another reason than the injury inflicted upon the free workmen. The convict should be taught, during his imprisonment, something which he may, if desirable, follow upon his discharge. Leaving prison with the stigma of his crime and its consequences upon him, his opportunity for returning to honest courses is limited, at the best; and if his prison training has imparted nothing which will enable him to gain a livelihood, he is more than likely to fall into crime from idleness or despair.

But if the prison teaches a trade which is almost wholly carried on within its walls, his knowledge of it will be a very useless accomplishment, if not in itself a brand of disgrace and shame. For this reason, if for no other, the employment of convicts should be diversified.

The statements in the preceding pages apply to any practical method of working convicts. Of these, only two are available in New Jersey. Conceding that the prisoner must work, for his own good, as well as for the interest of the State; that he must be safely kept, and, as far as possible, earn his own support, it is found that mechanical pursuits meet most of these requirements in the best manner. If he works at these, it must be by selling his labor to contractors, or using it under the prison officers for the account of the State—by the *contract*, or by the *public account* system.

In the former, the State furnishes the shop, the labor and the discipline; the contractor, the instruction, supervision, and mate-

rial. The prisoners and the shops are under the rules and subject to the officers of the prison, who must be present in the shop during all the hours of labor, and inflict all punishment. The State receives a fixed sum for the labor of each convict; the contractor manufactures his goods, and sells them as he pleases. This is the system of New Jersey.

In the latter, the State assumes the whole business, and goes into the market as a buyer of materials and a seller of the goods manufactured.

The contract system is adopted, either wholly or in part, in most of the State Prisons of our own country, and in those of Belgium, France, Holland, Prussia, and several other countries of Europe. Each of the two is subject to variations of detail, but every available system of convict-labor comes under one or the other. It is against the contract system that most of the objections of manufacturers and workmen are directed.

They claim that the contractor pays only one-fifth to one-third of the actual value of the labor he employs; that his men, working in silence, and under fear of punishment, waste no time, do as much or more work than free laborers, of an equally good quality; that he pays no rent; that his men, being shut out from intemperance, have no blue Mondays, after Sundays passed in dissipation; no trades-unions, and no strikes; and that these advantages enable him to produce goods at a cost considerably below that of the productions of the outside trade, to undersell it and break it down, and with it the free men who depend upon it for subsistence.

It is also claimed that under the contract system no one is taught more than a small fraction of any trade; that the convict learns to last a shoe, to fit a heel, to finish a sole, to work a single machine, and nothing else; that the employees of the contractors—often the contractors themselves—interfere with the discipline of the prison in many ways, and bribe the prisoners by the introduction of letters, papers and forbidden articles.

The contractors, on the other hand, insist that many of these so-called advantages are fallacious, and that others are counterbalanced by the constant prejudice against prison goods, deeply rooted in the minds of purchasers, and industriously cultivated by the regular trade and its agents, so that convict goods cannot be sold at the current rates of similar work made by free labor; that the higher and more profitable kinds of goods cannot be made by convicts; that the men come to the work unused to it—often to any work at all—and the tools and machinery, thus requiring much loss of time and instruction; that they have no interest and no pride in their work, no inducement to increase its quantity or improve its quality; cannot be discharged for wilful neglect, laziness, stupidity, breakage of tools and machinery, or destruction of material; that

many of them are enfeebled by disease, or demoralized in mind and body by the vicious habits and practices they have indulged before their sentences, or have contracted in the prison itself, while many more, nearly half the whole number in fact, being in prison for short terms, no sooner become useful and profitable workmen than they are discharged, and their places filled with new comers, with whom the training process must be repeated; that the hours of labor are shorter in the prison than outside, and the time of convicts wasted by the visits of friends, and in many other ways; that they break and injure twice as many tools as free workmen; must be provided with kits of tools, which the free man finds for himself; cannot be made to pay for damage to stock or tools, as free workmen would be; and that the cost of providing and removing machinery and fixtures is very great. (See testimony of Bigelow and others in Appendix.)

These considerations, they claim, cut down the value of convict labor to about one-third of that of free labor in similar employment. (See testimony of J. S. Perry in Appendix.)

As to the profits of contracts, they point to the men remaining idle in our own State Prison for months, together, despite the efforts of the Supervisor to contract them, and the repeated and disastrous failure of many contractors, after paying large sums for labor they could not use. They say they are forced to pay for the whole time of their men, whether the market justifies their working or not; that it is no more an object to them to produce goods to be sold at a loss than any one else; and that the amount of goods manufactured by them is too small to have any perceptible effect upon the market for either goods or labor. (See Bigelow's testimony in Appendix.)

As to the convicts not being taught trades, they declare that the fact is notorious that exactly the same division and sub-division of labor obtains outside of the prison among the free workmen; that each part of the work has become in fact a trade by itself, and that the introduction of machinery has made this the inevitable practice of all shoe factories, convict and free, so that the convict shoe-laster or fitter or heeler, is entirely on the level, as to mechanical skill, with the free workman, and may be, by the strict attention to his business steadily enforced, his superior.

That the contractors and their employees may sometimes interfere in the discipline of the prison in the manner specified, is possible, but the risk is very great, as the rules of the prison, and generally the terms of the contract itself, make anything of the kind the cause of instant dismissal of the offending party. On the other hand, they are able to point to many cases in which the integrity, decision, and energy of the contractor and his superintendents have maintained the order and discipline of the shops, when the prison

officers were drunken, or otherwise incompetent, (see testimony of Dr. Harris,) and insist that the interest of the contractor is in maintaining the prison discipline, as the efficiency of the prisoners, and their value as workmen depend entirely upon it, which is but the assertion of a fact.

The truth seems to lie between some of these conflicting statements. There is good reason to suppose that, under the best management, convict labor may be made to approach free labor in quantity and quality of product; that the breakage of tools, injury to materials, probability of removals, and general uncertainty of the business may be in some measure balanced by the absence of rent and other charges, and that considerable profits, and some opportunity for under-selling may be realized from convict labor, at present rates. But the success of the business depends almost entirely on its management, and efficient management demands a combination of high executive and administrative qualities seldom found in any one. (See Bigelow's testimony in Appendix.)

Besides, the business, with its close confinement, and contact with criminals of every grade, its subjection to severe rules and discipline, is far from agreeable, and men of the requisite qualifications are not likely to be tempted to enter it without the prospect of considerable profit.

The amount of that profit is very difficult to fix. The Commission ordered by the province of Ontario, to inquire into the subject of convict labor, some time since, after hearing experts and managers of prisons in large numbers, came to the conclusion that convict labor was not worth, on the average, more than one-third of the value of free labor, in the same departments, and many of the largest and most experienced employers of convicts fully concur in this estimate.

Taking the commercial value of it, as determined by the contracts now in force in twenty-one of our States, it is found to range between thirty-five and fifty-five cents per day. If it is remembered that these contracts are made after thorough and extensive advertising, to the highest responsible bidders, and that the impression that there are large profits to be made from them is industriously circulated by the agitation of the question of competition, it seems evident that the prices fixed in the contract are not far from the true value.

In support of this opinion, it is found that the labor of the convicts at the New York State Reformatory in Elmira, carried on under the exceptional conditions of a series of rewards and inducements to good behavior, and thorough workmanship, not yet attained under New Jersey laws, only produced for the State sixty cents per day, for each man employed in 1878, or ten cents above the contract price in New Jersey. When it is considered that the

prisoner in the Reformatory is invited by the prospect of a better cell, food and clothing, relaxation of the sterner rules of prison discipline, thorough night-school training, and the certainty of reducing the term of his imprisonment one-half or three-fourths by strict attention to work and fair behavior, not reckoning the efficient moral force of the Superintendent's personal influence, and under all these has only been able to earn a very few cents per day more than the contracted men in the New Jersey prison, with none of these advantages, it may reasonably be doubted if the contractors, with the cost of superintendence, instruction, and the entire risk of the business, have any very great advantage in the price of the labor they use, over the manufacturer outside, who employs free labor only.

The question is, after all, of the power of a production of about \$400,000 to injure a production of thirty times its amount, in New Jersey alone, and one thousand times its amount in the whole nation.

If it is conceded, for the sake of the argument, that the contractor has five per cent. advantage over the outside manufacturer, (and this does not, by any means, appear certain,) it is a difference of that amount only in the sale of \$400 worth of goods to every \$36,000 or \$40,000 manufactured by free labor, a difference which no business man would regard as serious, if he knew its extent and limit.

Were shoemaking stricken entirely from the list of prison industries in the United States, it is very much to be doubted if the most delicate machinery of trade would be able to gauge the effect upon the market. A few more shops, a few more sets of McKay machines, the emigration of a very few years, would fill the void so silently and so thoroughly, that not one person in ten thousand would ever know of its existence.

The danger is in the future, rather than the present. This leads to the final question in the resolution creating the Commission—

“What are the best means of preventing this competition from becoming injurious to free labor, and, at the same time, of providing proper maintenance for the convicts?”

The Commission has received a number of suggestions upon this part of its investigation. Its correspondents propose, first—

To ABOLISH THE CONTRACT SYSTEM, and employ the prisoners under State officers, for public account. The advocates of this declare that they do not object to the State's employing its convicts in the same branches of mechanical industry that are carried on outside of the prisons, but that they do object to being obliged to compete with contractors, whose goods are manufactured by labor for which only a nominal price is paid.

The Commission is unable to see how the complainants would be benefited by the remedy they have selected. The same number of convicts, at least, would be employed. In fact, the probabilities are, that a greater number would be. Fully ten thousand of them are now employed as common laborers, many of whom could be turned into mechanics very easily, if the States found it profitable to do so. If the officers of our prisons are capable of managing such operations, they would have to display the same zeal and energy which the contractors find necessary. If the State is not to lose by the change, as many or more goods must be put upon the market—the same advantages and manipulations brought to bear upon it—as now, and the effect upon it will be precisely the same. If they are unfit, the business will be a loss to the State, and the tax-payers will have to make up the deficiency.

Not a single objection is brought against the contract system to which a thorough and efficient working of public account would not be equally liable. The Hollow Ware manufacturers are about as bitterly opposed to the competition of the Elmira Reformatory as to that of Perry & Co. The carriage and wagon makers are no better off for their trade being carried on under public account, in the State Prison of Maine, than under contract in other institutions.

The single gain would be in the increased facility for diversification of employment, in itself extremely desirable. The disadvantages are numerous. The public account system is no untried experiment. It has been fairly tested in the prisons of the Northern States, and was long practiced in our own. In the Elmira Reformatory it is a most gratifying success, so far as it has gone. In the House of Correction at East Cambridge, Massachusetts, the labor of one hundred and eighty-one inmates comes within about \$2,200 of paying the entire expenses of the establishment. A very few other examples may be cited of similar character. The State Prison at Thomaston, Maine, has long been noted as one of the most striking examples of the success of the public account system. Under the control of a Warden who was left to manage it entirely in his own way for sixteen years, its annual reports were the never-failing resource of the advocates of State management. The removal of the Warden, and the investigation of his accounts during the past season, by a legislative committee, dispel the whole pleasing illusion, and reveal a story of blundering so nearly akin to crime, that the distinction is scarcely perceptible. Accounts, long since worthless, had been carried from year to year, and returned as available assets, with outlawed notes, superannuated goods, and other rubbish of very little value, revealing a very large deficit, instead of a handsome balance in favor of the institution. (See letter of present Warden, and testimony of Prof. Wayland, in Appendix.)

But in every successful case, the success has been due to the man at the head of the institution, rather than to the system itself. In Elmira, the Warden has brought to the conduct of the Reformatory long experience, a strong faith in his plans, and a patient, earnest, enthusiastic self-devotion to them, and to the welfare of both the community and the subjects of his charge, which are as rare as they are admirable. He is, besides, supported by a Board of Directors almost entirely independent of political influences, who, while devoting their time, experience and abilities lavishly to the institution, are so thoroughly convinced of the benefits of his system and management, as to leave it almost entirely in his hands. He has done, and is doing, immense service to humanity by demonstrating that a State Prison may be administered with a constant aim at the reform of the prisoners, without being a charge to the State. Col. Montesinos has done the same in Spain; Sir Walter Crofton, in Ireland. From their experiments it is shown that Prison Reform is not a vague theory, or the dream of an enthusiast. It is possible to so manage convicts that they shall not only support themselves, and learn useful trades, but at the same time become healthier, and better in mind and body.

This is possible, but the number of men who have succeeded in accomplishing it may be counted on the fingers of a single hand. It is not easy to find them, and having found them, under our political system, which sweeps all things before it in changing the control of our State institutions from one party to another, and in making appointments to offices of all kinds the rewards of partisan services, rather than the testimonials of personal fitness, to keep them at their posts, if we could get them.

Under officers so appointed, the success of any system is doubtful, and that of public account impossible.

Besides, the American people have a wholesome and well-grounded distrust of commercial operations, carried on by the State. Systems of public works, of great apparent promise, have been undertaken by several of our States, and in every one of them the failure has been conspicuous. In no case has it been possible to secure for the State the zeal and faithfulness, the comprehensive grasp of situations and opportunities, necessary for the successful conduct of such operations.

And again: if the trades complain now of the competition of contractors, who are of themselves, and subject to the same circumstances financially and commercially as other manufacturers, what would be their complaints against the gigantic power of the State, the immense soulless corporation, with resources beyond those of any individual, with power to hold enormous quantities of goods and throw them upon the market at pleasure without risk to the manager, with all the credit of a great commonwealth as a basis of operations, entering into competition with its citizens? The

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competition now is between the contractor and the outside manufacturer. If the former is getting his labor too low, someone will see it and bid it up on him. Combinations can be formed against him. He can be cornered, and broken. None of these things can happen to the State. If it carries on its prison manufactures as New York did for years, sinking hundreds of thousands of dollars in them constantly, the tax-payers are behind it. The individual who would have undertaken the Clinton Prison, in the backwoods, spent a million or more in buildings, made nails and iron bars at about twice their cost to the regular trade, spent \$200,000 in building a railroad to bring convicts to it and carry its products away, and leased it, as soon as built, in perpetuity, at a rent of a single dollar a year, would have most certainly found his way to a lunatic asylum. But the great State of New York has done all of these. Is it to such possibilities that the complainants wish to commit the State of New Jersey?

The public account system as it might be, as it would be, no doubt, if all men were so entirely honest that there would be no need of State Prisons or convict labor systems at all, is a magnificent conception. That under it, if perfect management could be secured, the State might add immensely to its receipts from convict labor, promote convict reform, and remove convict competition from its present position, as a sort of unknown and unknowable impending crisis to honest industry, is beyond a doubt. But this ideal system, with its freedom from political interference, its possibilities of advantage for the State, the manufacturer and the convict, is still in the future of prison management.

When we can separate our prisons from partisan influences, educate enough of Croftons, or Brockways, or Cordiers to make each of them a life work, and elevate the moral standard of the community far enough to make it not only unsafe, but disreputable for the individual to enrich himself at the expense of the State he serves, it may be attainable.

Till then, while the officers of the prison should be given every facility for employing upon State account all prisoners whom they fail to contract, or for whom a different treatment may be necessary or desirable, the CONTRACT SYSTEM, restricted and modified to its best working capacity, limited by all the safeguards which experience has found necessary to interpose between the contractors and the convict, seems to the Commission the best. The contractor can be watched; the discipline of the prison maintained over him and his agents; the prison authorities can stand between him and the convict, rendering strict justice to both, leaving the commercial part of the business, with its profits and its risks to him solely—better, more simply, and more safely, in general, than they can take his place.

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SECOND—TO EMPLOY THE CONVICTS IN PUBLIC WORKS.

This would be extremely feasible, but for the fact that New Jersey has no public works, or next to none; and that every convict so employed, would compete directly with the free laborer, who might do the work. The prisoners now make and repair their own clothing and bedding; the repairs and alterations of the prison are largely done by their labor, and possibly something more might be possible in these directions. Everything that is used in and about the prison, which convict labor can profitably supply, should certainly be produced by it, or by its aid.

THIRD—TO EMPLOY THE CONVICTS IN AGRICULTURE OR UNSKILLED LABOR, SUCH AS STONE-BREAKING.

To these it may be replied that the State has no land suitable for the first, and that to carry it into effect, the purchase of large tracts and the erection of another prison would be necessary, not estimating the increased risk and expense of guarding the convicts.

Stone-breaking is already one of the industries in which a numerous class of laborers find a part or the whole of their support, and it has been seriously objected to the employment of the prisoners in our jails, in this manner, that the product of their labor would be more than counterbalanced by the cost of maintaining the poor, who, by being thus deprived of their usual business, would become a public charge. This has been the case in Essex county already. Besides this, it would be utterly impossible, in either of these ways, to "provide a proper maintenance for the prisoners."

FOURTH—A PENAL COLONY.

To send the prisoners to some remote place—Alaska has been suggested—is a favorite idea with a class who seem to think that an evil may be got rid of by putting it out of sight. Aside from the fact that New Jersey has no power to do anything of the kind outside of her own territory, and that New York's experience at Clinton has not been a brilliant success, the experience of England and France, both of which have thoroughly tried the process of sending their convicts to remote settlements, is not such as to encourage our repeating their blunders.

FIFTH—TO DIVERSIFY THE EMPLOYMENT OF CONVICTS,

So that the number engaged in any trade should not be large enough to compete injuriously with free labor in the same occupations.

The desirability of this is fully conceded. The advantage to the

convict of a variety of occupations, among which he might choose, or be placed in that best fitted for his labor, is obvious. To put all the men in a prison, without reference to their physical or other qualifications, at work at one trade, should not be done, if it could be avoided. The number forced upon any such industry by the discharge of convicts who had learned it, might be a serious obstacle in the way of their obtaining employment on leaving prison, perhaps the most critical period of the convict's life, when idleness, the prison brand, the loss of self-respect, all combine to make his temptation to return to crime strong, and to weaken his power of resistance. (See Dickey's Letter in Appendix.)

But, with a fair distribution of the labor of the convicts in our State Prisons, among the various industries, or even among fifteen or twenty of them, the discharged convicts would never add perceptibly to the numbers of any trade, and the element of convict competition would be stricken from American business and politics.

No one really wishes that the inmates of our prisons shall be maintained in idleness, at the expense of the State, or employed in unproductive labor. The representatives of the trades most affected by convict labor, with the intelligent fairness that was to be expected from them, declare that, while they are unwilling to carry the whole burden of the competition, they are ready to accept a fair proportion of it, and even more than a fair proportion, rather than the ends of justice shall be defeated, and the welfare of the convicts sacrificed, by keeping nearly eight hundred men and women shut up in cells at a State charge. The remedy proposed is natural, and would be easy, but for a few reasons.

In the first place, diversity of occupation requires increased space, and our State Prison, planned for the accommodation of about three hundred convicts, has long since outgrown the ideas of its designers. While its population has nearly trebled, its external enclosure remains unbroken, and the adult population of an average township is massed within its walls, on about five or six acres of ground, which has been built over with shops and blocks of cells, until not a single inch remains available for extensions of either. Indeed the area originally reserved for the air and exercise of the prisoners, never half large enough, has been in great part covered with buildings, which are far too small for their uses. The law forbids the placing of more than one prisoner in a cell, and there are 796 prisoners, frequently over 800, to 696 cells. The cooking and laundry departments are crowded into rooms hardly as large as those devoted to the same purposes in a first-class dwelling-house, and ought to be quadrupled, at least, in dimensions. There is shop-room enough for about six hundred prisoners, provided they are employed in work which requires the least space for each. Shoemaking answers this requirement perfectly. The men work standing at benches, with machinery taking but little room. The

business is capable of almost endless subdivision, enabling green men to learn their fraction of it easily, and work at it almost side by side with each other. A single shoe may profitably pass through twenty hands, in the process of its construction; and the labor of overseeing and instruction is comparatively easy. For these reasons, shoemaking has become a favorite employment for prison labor, and almost the only one for our own convicts for some years.

If we are to diversify employments, more room is the first consideration. We can obtain this by adding to our present prison the arsenal and its grounds, making an area more than double that of the prison grounds now in use, though still much smaller than Rhode Island devotes to her less than two hundred prisoners. The walls are already there, and the buildings, at a moderate expense, mostly of convict labor, could be converted to commodious shops for several industries. By doing this, it would also be possible to change one of the largest of the present workshops into a commodious chapel for the prisoners, the lack of which has long been a disgrace to the State. Many reasons make this proposition extremely desirable.

But, again, the State cannot dictate to the contractor the kind of work he shall do. It has a quantity of labor on its hands, of a not very desirable quality, and it must make the best market for it that is possible, or keep it for its own account and probable loss. It is easy to say that not more than a certain percentage of the men in our prison shall be employed in any kind of work, but such a rule, inflexibly applied, would very probably prevent our contracting the men at all. Few contractors will employ small lots of men. The same staff of superintendent and instructors, nearly the same machinery and external arrangements are necessary for working fifty which would be needed for double or treble the number, and the profits, of course, are in the large operation, rather than in the smaller. If we insist upon working our convicts at ten or twenty different trades, we must make up our minds to accept considerably less for their labor, and they now earn much less than their cost. We shall hardly be able to "provide a proper maintenance for the prisoners," in this way, and we may very possibly have a large number of them left upon our hands.

Every convict fit for work in the prison to-day, could be at once contracted by the Supervisor, if he could assure one of the most responsible employers of prison labor that when the existing contracts are terminated the whole available force of the prison would be turned over to him. Because this assurance cannot be given, one hundred and thirty-nine able-bodied men are wandering up and down the prison grounds in idleness, fed, clothed and guarded at the cost of the tax-payers.

But so far as the remedy of diversification applies to New Jersey, any action taken by her alone, would be of more service to her

neighbors than her own people. She is one of thirty-eight distinct communities, each of which has its own prisons, and regulates them by its own laws, independent of all others. State lines in this case are arbitrary realities. Trade, commerce, and the regulation and distribution of convict labor, override and ignore them entirely. Every proposition in this direction assumes a national character as soon as it begins to be effective. The Legislature of 1878 prohibited the manufacture of hats in our State Prison, in the hope of benefiting New Jersey hatters. But New York and Massachusetts kept on making hats by convict labor, and sent them to New Jersey to compete with the work of our hatters, already taxed to pay for the support of two hundred convicts who might have been employed but for the passage of the law, and who have nearly all been idle up to this time. The next Legislature might forbid the manufacture of shoes in our prison, throwing three hundred and sixty eight more men out of work; and the shoemakers of Newark and New Brunswick and other places in New Jersey would be obliged to help pay for their support, while confronted with the convict-made shoes of New York and Maryland and Massachusetts.

The goods manufactured in the several States find their way, with slight exceptions, to the great commercial centres, and are thence distributed throughout our own country, and in foreign markets. Scarcely a shoe made in the New Jersey Prison is worn in the State. But Jersey shoe manufacturers complain that *they are driven from Philadelphia markets* by the labor of New Jersey convicts. (See Appendix.)

The famous Bay State Shoe and Leather Company long since ceased to make shoes in the New Jersey Prison. But it sells the shoes it makes in other prisons to the jobbers of New York and Philadelphia, along with the goods it manufactures by free labor, and Jersey merchants buy them, and Jersey men and women and children wear them. Can our Legislature provide a remedy for this? If we cut off the slight amount of competition created by the convicts of New Jersey from the shoe trade, we shall take it, not from the shoe manufacturers of Newark, but from those of the whole nation. We shall load ourselves with a serious burden of taxation, to secure a benefit of which our own tradesmen could not possibly be sensible, so entirely attenuated would it be before it reached them, by dilution with the enormous mass of the trade in the United States.

The relations between convict and free labor are beyond the reach of the Legislature of any one State; they can be determined finally only by the joint action of all.

It is evident, also, that, if any project of diversification could be devised and adopted promptly by the several States, it would require much time for successful development.

Meantime it may be possible to do something towards it in our

prison. It may be practicable to let small lots of men at prices considerably lower than our present rates, or the revival of business, now happily prevailing, may increase the demand for convict labor in other pursuits.

The Ohio State Prison reports, for last year, twelve contracts, ranging from fifteen to seventy-five men each, for from one to five years, at an average price of forty-five and a-half cents per day. Four of these were taken by one firm, which employs 195 out of 500 contracted. The Massachusetts State Prison employs its convicts in six different industries, ranging from ten to two hundred men in each, at prices varying from five to forty-five cents per day. The Auburn prison has six industries, employing from fifty to three hundred men each, at from forty to fifty cents per day.

It ought to be possible to employ our convicts at more than one industry, at some price.

But, so long as the several States govern their prisons without concerted action, every discrimination made by any one of them is certain to benefit the citizens of the others, at the expense of its own. It will be of very little use for the Legislature to limit, or even to prohibit the manufacture of shoes in the prison, so long as the convict shoe factories of a dozen other States are steadily increasing their forces, and sending their goods to be sold in New York and Philadelphia, to be bought by our own retailers from the great common stock of the trade, and sold to our own people. We may burden ourselves with diversification, or prohibition, or any one of the other remedies suggested, without diminishing the effect of convict competition upon our own trade.

But one remedy for all the evils complained of is available and certain, and we can begin its application as soon as we please—THE REDUCTION OF THE NUMBER OF CONVICTS.

Our prison system is as good as those of our sister States, and its execution is better than that of most of them. But it is only necessary to study our prison reports from year to year to learn that, so far as the reformation of the criminal is concerned, it is not a success. We punish crime severely, but we fail to prevent it by the terror of our severity, or even to deter the convict who has just been discharged from our heaviest penalties from returning immediately to crime. Nearly fifteen per cent. of our prisoners are serving out their second, third, fourth, or even fifth commitments. This percentage gives only the amount of those who have been previously committed to the State Prison by the courts of New Jersey. The number who have served one or more terms in the prisons of other States, before being committed to ours, is at least as great, probably even greater, as convicts are very apt to change their residence, after being discharged. Good authorities maintain that at least one convict in three returns to the prison.

The number of discharged prisoners who have learned enough

to escape justice, but not enough to refrain from crime by their prison training, is fearfully large. Our criminal population steadily increases, swollen by this influx of offenders, whom prison discipline has hardened rather than reformed. Every year adds to the necessity of enlarging the prison. We build and enlarge, and rebuild, and are still crowded. And not the least painful feature of the situation is the fact that over five-eighths of our convicts are under thirty-one years of age, in the prime of manhood, in the season of life when character hardens into consistent and enduring forms. The youth of tender years, (we have one prisoner of 14 or 15,) the heedless lad who has blundered or fallen into crime, without real criminal intent, is thrust into the company of hardened, finished offenders, in an atmosphere impregnated with crime, under a system where the strictest watchfulness cannot altogether prevent communication, often into the same cell, owing to the crowded condition of our prison. Under such circumstances, is it strange that men go out of prison to steal and rob and murder? The convict has no elevating associations. He may earn a trifling decrease of his term by good behavior, but he is not enabled and encouraged to put aside his evil habits and propensities, to grow into manhood and self-respect by earning a better companionship, a less degrading treatment, a higher mental culture.

It is no disparagement to our officers to say this. The best workman cannot work without tools, and the tools, we have not, up to this time, furnished.

For the mass of misfortune and crime in our prison, we have a set of feeders, constantly at work. There are, in New Jersey, twenty-one county jails, nearly every one of which is a festering, moral ulcer, a hotbed of crime. The inmate of the State Prison has at least the advantage of hard work, enforced silence, and a separation from open vice—not perfect, but far from absolute failure. The prisoner in the jail is generally idle. The worthless, confirmed tramp, the common thief, the abandoned woman, whose presence is a more deadly contamination than the small-pox, share the common hall with the boys and girls in the most susceptible period of life—are left to spend long days together in ribaldry, obscenity, and blasphemy—in instruction in vice, immorality and crime.

There is no such other school for evil as a county jail. It levels with perfect efficiency, but it levels always downward. The flood of evidence on this point is absolutely overwhelming. An eminent French writer declares that nine-tenths of the convicts in the central (or State Prisons) have received their education in the prisons of the departments. Governor Seymour, of New York, has said, "Our systems of jails all tend to teach wrongdoers how to commit offences." Prof. Wayland, Dr. Harris, Dr. Wines, every thoughtful and intelligent Sheriff, every citizen who has taken the

trouble to examine the jails of his county, all bear the same testimony. An experienced county officer writes to the Commission to suggest that the name of the jail in his county be changed to "An institution where a premium is offered for idleness, vice, and instruction in crime." The youth who has spent thirty days in the county jail is far on the road to the State Prison, or the gallows.

There are at least as many persons confined in our jails as in our prison; and it is to be taken into account that the population of the jail changes at least ten times where that of the prison changes once. Men seldom go to the State Prison for less than a year—they ought not to go there at all for less than that time—but they are in the jail from ten days to several months. Thus the process of training for the higher institution goes on without ceasing. Part of this is unavoidable. Jails must be houses of detention. Persons accused of crime—witnesses, whose evidence must be had—must necessarily, in some cases at least, be confined in them, and there is no help for it.

But the greater part of the evil can be remedied. Jail convicts can be made to labor, to earn at least a part of their support. Male and female prisoners can be inflexibly separated, and judges can learn the power of suspended sentences, among the most efficient preventives of crime. But to do this with most effect, a radical change in our penal laws is necessary—an advance in their letter and in their spirit. We need to recognize the great fact that crime is, in some sense, a disease, and should be treated somewhat as we treat disease. To send a patient to the hospital to be kept a certain number of days, and then discharged, whether he was cured or not, would be the height of absurdity. But this is about what we do to the criminal. We send him to the jail or the prison, not to stay till he is cured, but till a certain predetermined period has elapsed. When that period is reached, his cure may have just begun, or may not have begun at all; in fact, the disease may have been aggravated by our treatment; but we open the door, and send him out, to spread his ugly distemper wherever he goes. We might almost as well dismiss the lunatic in the midst of a paroxysm of acute mania.* We had an example of the wisdom of this treatment, in the case of the poor wretch at Trenton, last summer, who deliberately murdered his wife, almost in sight of the gate of the prison which had closed behind him just ten days before.

We need to acknowledge the power of a man's own better feel-

* The analogy is not quite complete. The convict *must* be punished, whether he is cured or not, as a matter of course, and he should, therefore, serve a fixed time in any case. But having been punished, to discharge him without at least having tried to cure him, is a policy of very doubtful utility indeed—and unworthy of the enlightened civilization of a free people in the last quarter of the Nineteenth Century.

ings; of making himself the principal instrument of his cure; of appealing to, or awakening the lingering remnant of self-respect—not wholly lost to any human being till he has reached the lowest depths of degradation, and not inevitably lost then.

If we can make our convicts guard themselves in great measure, superintend to a considerable degree their own labor, put into it the all-powerful element of direct personal interest, the element of hope, not only of speedy and honorable release, but of restoration to an honorable place in society, all attainable by obedience, and good workmanship, and good behavior—if we can hold up before them the prospect of release from the degrading prison uniform, the enforced silence, the bare and repulsive walls of the cell, we shall add vigor to their arms, and precision to their eyes; we can make them in a very great degree the preservers of their own discipline—the means of restraint of their fellows. If we add to this the knowledge that the term of his imprisonment depends upon each prisoner, alone, and that the very moment he has proved himself fit to go out the prison will open before him, he must be hopeless, indeed, if he is not cured, and worthless, indeed, if he will not work.

BUT THE COST.

Fortunately for us, all this has been tried with success, and, even more fortunately, it pays. Montesinos, Macconochie, Crofton, and our own Brockway, have shown by long-continued experiment that the convict can be reformed, and made to pay, at the same time, the expense of his reformation—that an intermediate prison need not be a charge to the State.

The Elmira Reformatory of the State of New York, for instance, maintained, in 1878, 463 convicts, at an expense of \$133.79 each. Our own convicts in the New Jersey State Prison cost us \$135.53 each, in the same time, for the same items of expense.

The prison staff at Elmira is composed of about twelve persons besides the Superintendent. Its whole cost for each convict was \$33.97. The staff of the Trenton Prison numbered fifty-one persons besides the Warden, and its cost for each convict was \$66.74.

The contract price for such convict-labor as we have been able to let at the State Prison, is fifty cents per day for the current year. The prisoners at Elmira last year, with industries in their infancy, and only partially organized, earned sixty cents daily; and the Superintendent has refused to contract their labor at seventy cents, conditioned upon his maintaining his system of grading, instruction and discipline.

The moral instruction at Trenton is a pursuit of religion and intelligence by the Chaplain, under difficulties that might discourage utterly an officer less earnest and devoted. The convicts at Elmira

enjoy the best school training the talent of the surrounding country can furnish, and meet for religious service in a chapel more commodious and inviting than most churches.

The most efficient aids of the Superintendent in maintaining the discipline of the institution are his "first-class convicts," men who have earned their shoulder-straps, and the chevrons upon their sleeves, by continued well-doing.

Twenty-eight men have been sent out from the institution during the past year. All but three of these are doing well, justifying the confidence of the officers, and living testimonials of the soundness of the system.

We need in New Jersey just such an institution, to which convicts between the ages of sixteen and thirty years could be sent upon first conviction, to remain not less than the shortest period fixed by law for the penalty for their offences. This would relieve our State Prison of over four hundred of its inmates. To these should be added the convicts of our jails, who could be maintained in such an institution at about one-half their present cost, and made to earn the whole or a greater part of that. The board of a prisoner in an average county jail is about \$2.50 per week. At the Elmira Reformatory, his entire maintenance amounts to \$2.45. In the latter, the prisoner is fed, clothed, schooled, and reformed, for five cents per week less than his board alone costs in the jails of New Jersey. In the Reformatory he pays this by his own labor. In the jails the county pays for his living in idleness and vice. In the Reformatory his chance of growing into a good citizen is about as twenty-five to three. In the jail his probability of becoming a public nuisance is a hundred to one.

Two difficulties are in the way of our having such an institution as soon as it can be built. They are, first, to make the people of New Jersey fully understand the benefits of it, and the desperate necessity for something of the kind. The people of New Jersey only need to realize the condition and tendencies of their county jails to make them rise up against them as one man. They only need to see that the most efficient, the only true way to remove the element of convict competition out of business and of politics—the only successful means of diversification of convict labor, lie in the same direction as the means of convict reformation, and the relief from the burden of a large portion of convict support, to demand from their Legislature such laws as will make the State Reformatory of New Jersey a reality.

The other is the want of the man for its head. We can build the best designed, the most completely appointed of penal institutions, in the fittest of places; we can supply it with all the machinery and furniture and improvements which American ingenuity, guided by the experience of the whole enlightened world, can devise; we can reform our penal code, until it is far in advance of those of our

neighboring States; we can do all these, and still fail miserably, if we cannot find the man who will be the soul of the splendid body we have set up. In this, it must be conceded, lies the one great obstacle.

But in the history of the world, if one fact is more prominent than another it is this: that the hour and the man most inevitably come together. The hour of the Nation's extremity calls up its deliverer, and when New Jersey, realizing in its full extent her duty to her fallen, hopeless children, shall determine, in serious earnest, to set about their reformation, the time of her and their deliverance—hers from a criminal class whose steady and terrible increase is a menace to honest industry, and the most alarming of social problems—theirs from a bondage only less terrible and hopeless than the lot of the guilty beyond the grave—will have come, and the man will not be wanting.

The Commission have thus, in the best manner permitted by the time and means at their disposal, examined the difficult and important questions submitted to them. It is a source of great regret to them that the members of the only trade at present directly affected by the competition of New Jersey convicts have failed so generally to respond to their invitations for information and suggestions. Having pressed upon the Legislature the necessity of examining the relations between the convict and free shoe-manufacture; having demanded and insisted upon measures being taken for their protection, they have not found time, in the pressure of business created by the return of prosperity to most of our industries, to lay their complaints of the injury they conceive themselves to have suffered, before the Commission specially appointed to hear them, and to give it the valuable assistance of their knowledge and experience in devising a remedy. Perhaps the true remedy has, in fact, come to them in the increased demand for goods of every description which bids fair soon to outstrip the supply. Whenever that point is reached, competition will have ceased to injure. When more goods are wanted than all our available labor can produce, the more men we have at work in manufacturing them, convict or free, the better.

The conclusions the Commission have reached have been fully stated in the course of this report, and may be briefly resumed, as follows:

1. The *character* of convict labor is necessarily PENAL. Prisoners are consigned to it as a punishment for crime, and the security of society—its very preservation—demands that crime should be punished so severely that the idle and vicious may be, in so far as is possible, deterred from committing it. This one hard fact meets the investigator at the beginning, and can never, for a moment, be lost sight of. The law must not be broken with impunity. Therefore, prison labor must be HARD. The convict should do

all the work he is capable of performing—as much at least as a free man of equal capacity could do, under the same restrictions.

It must be **SAFE**. There is no use of condemning the culprit to hard labor, unless he can be held securely to its performance. He must not escape from the penalty of his crime, until he has finished it, and the nature of his work must have this always in view.

It must be **HEALTHY**. We have a right to punish by exacting work, and hard work, but we have no right to destroy the capacity for working. The convict should leave the prison in as good or better mental and physical health as when he entered it.

It should be **REFORMATORY**. The convict in most cases returns to the society he has injured at the close of his imprisonment. If he has merely been prevented from committing crime during his term by taking away his opportunity, without removing his inclination for it, one of the most important and essential of the objects of imprisonment will have been neglected. If his treatment has hardened, degraded, or embittered him, the wholesome fear of punishment will have been counterbalanced by the desire for revenge. A hardened, brutalized convict, is a constant menace to society. Life and property are unsafe the moment he is at large. If the first object of prison labor is the prevention—by means of punishment—of crime, the next is the reform of the criminal. His labor should tend to elevate, rather than to degrade him.

He should therefore be employed in the higher grades of work, so far as is possible. The man who has learned a useful trade, is far on the way towards becoming a good citizen. The better the trade, the greater his proficiency in it, the easier it will be for him to find employment—and employment to the discharged convict is the great instrument of his restoration. The man who has broken stones for years in prison, has in those years learned little which will be useful to him when he becomes free. But the first-rate workman in any good trade need very seldom be idle. Prison labor should therefore be **MECHANICAL**.

Finally: Prison labor must be **PRODUCTIVE**. To employ a prisoner in unproductive labor is barbarism in itself; a waste of strength and of money, unworthy of civilization. The able-bodied prisoner should earn his own support. He has no right to be kept in idleness, a burden upon honest labor. The commission of crime imposes upon society the obligation to punish the criminal—not to tax itself for the support he could earn. The idea of making a profit out of a convict's labor may be rejected, but the expenses of his trial, guarding, and maintenance should be met by his labor as far as possible. The surplus proceeds of it may safely be given him, or applied to his improvement.

If he supports himself, it must be by working at something which can profitably be used or sold—in *productive labor*.

2. Prison labor, if productive, **COMPETES** with free labor, in the

same branches, as all production is necessarily competitive. Every convict who makes any salable article, does work that a free laborer might do, and therefore competes with the latter. The duties of the prison, the most menial offices, cooking, washing, making and mending prisoners' clothing, the very sweeping of the floors, might be done by free men and women, and no doubt would be done very gladly by some of them. Convict labor does, then, compete with free labor, and that competition will be injurious whenever the supply of the kind of labor carried on in the prisons exceeds the demand.

3. The **EXTENT** of the competition of the convicts in the New Jersey prison with the free labor of the State is at present that of one shop of three hundred and sixty-eight hands, working at one trade, the manufacture of shoes, which employs in the State over six thousand free workmen.

The **LIMIT** of that competition is the employment in any one trade of not to exceed six hundred men, the whole available force of the prison, after taking out the sick and disabled, and those employed in the work of the prison.

The **GOODS** made in the prison are not sold in the State directly.

The **AMOUNT** of the goods produced in the prison by convict labor is too small, at present, to exert any serious injury upon the trade outside.

The **DANGER** of convict competition is in the concentration of convict labor in the prisons of the whole, or a greater part, of the country, upon a very few trades, which would be unwise, and should be carefully avoided.

4. The best means of preventing convict labor from becoming injurious to free labor are, first, to employ prisoners in the greatest number of trades that can be carried on advantageously in the prisons, and provide a proper maintenance for them, and second, to reduce the number of convicts by providing an intermediary prison, or reformatory, where young prisoners and those convicted of minor offences, could be taught trades, trained to habits of obedience, regularity and sobriety, separated from bad influences, and reformed if possible.

No State, by itself, can protect its industries against convict or other competition. Trade, commerce and manufactures ignore State lines entirely, and if convicts were employed in manufacturing an article of general use in one State only, the goods thus produced, if better or cheaper than those made by free labor, would very soon find their way to all the other States, and compete with their labor in that branch of industry.

Any distribution of prison labor among the various industries of the country, to be equal, just and efficient, must be made by the joint action of all the States.

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.

Though open to objection, the Commission agrees with the most intelligent and enlightened critics of the system, with Dr. Wines and Dr. Harris and Prof. Wayland, that so long as prisons are managed and controlled in the interest of partisan politics, its abolition would increase the prison expenses, demoralize and corrupt the prison officers, and bring no substantial benefit to the free workman.

The complaint that, under prison contracts, the convict learns no trade, or only a part of a trade, is not true in fact. The prisoners learn exactly the same parts of trades which are learned and practiced outside, and the subdivision and confinement to single branches of any trade, are carried out quite as thoroughly in the great factories as in the prisons. ✓

Such are the conclusions of the Commission. It is not pleasant for its members, in closing their labors, to be obliged to state that in all the researches they have been able to make, for themselves, or which have been made by others, and laid before them; with all the aid they have received from manufacturers and employers of labor, from workingmen and trades unions, represented by their ablest and most intelligent leaders; with all the light the most earnest and faithful of prison reformers and managers could give, they are now, as at first, confronted with the fact that the one remedy which might remove the ugly element of convict competition entirely, if it could once be fairly and equitably put in operation, is beyond the power of the State of New Jersey. What the Federal Government could do perfectly by a single enactment, had the States thought proper to relegate to it the necessary powers, is an impossibility for the strongest of them all, standing alone.

New Jersey can provide for the division of her prison labor among several industries, thus preventing, so far as in her lies, the extension of the evil; she can provide a reformatory for those of her convicts who are not hopelessly wedded to evil; she can put a stop to much of the terrible instruction and training to crime which goes on in her jails, the hotbeds of vice and immorality and debauchery; she can extend the powers and the sphere of her noble Reform School; but she cannot protect her free industries from the competition of the convicts of New York, and Massachusetts, and Maryland, and other States.

The evils, for the redress of which the Commission was created, are at this time, in its opinion, more imaginary than real. They have grown out of a financial and industrial depression almost without a parallel, and which is now, happily passing away, and

taking with it the injurious effects of overproduction and overtrading, which, rather than the labor of convicts, or the selection or manner of their employment, have distressed and burdened our laboring and manufacturing classes. Business is now reviving. The leading shoe-manufacturers in New Jersey are extending their business and advertising for hands to carry it on. And much of the agitation of the question in the past has sprung from the ignorant and interested efforts of demagogues, who have taken advantage of the general distress and depression to exalt their own importance and further their own selfish ends.

Such being the facts, the Commission believe that, to prevent possible interference in the future between free and convict labor, and to reduce to a minimum every just cause of complaint from honest industry, it is only necessary for them to recommend the following, rather as preventives of future evil, than as remedies for the present :

FIRST. That the Supervisor and Inspectors be instructed to employ the convicts in the State Prison in as many different industries as the facilities at their disposal, and a due regard for the proper maintenance and support of the prison and prisoners will admit.

SECOND. To enable this to be done, and for the urgent needs of the State Prison in other respects, hereinbefore mentioned, that the present State Arsenal and the grounds pertaining to it, be added to the prison and fitted for its uses.

THIRD. That in order to prevent the labor of the convicts in our State Prison from becoming injurious to free labor in future periods of depression—for it is only in periods of financial and industrial depression that the competitive labor of convicts can be injurious, or sensibly felt—the Legislature should empower the Governor to confer with the Executives of the other States, proposing the appointment of a Commission, to consist of two or more members from each State, to devise a plan by which the convict labor of all the States may be so distributed and employed among the various productive industries as to be just and fair to each one ; and that the Governor be also empowered to appoint Commissioners to represent the State in such Commissions whenever the proposal shall have been accepted by a majority of the States in which convict labor is an important competing element.

FOURTH. That the Legislature provide for the establishment of an *Intermediary Prison*, where convicts between the ages of sixteen and thirty years, sentenced to imprisonment for the first time, may be kept separate from old and hardened offenders, trained to useful occupations and regular habits, and, so far as possible, reformed.

Thus, your Excellency, the Commission have endeavored to discharge the responsible duty you have committed to them. Thanking you for the confidence you have reposed in them and for the countenance and assistance you have given them in their labors, they respectfully submit this report, with the testimony and statistics appended to it, for your consideration.

EDWARD BETTLE.
W. R. MURPHY.
A. S. MEYRICK.
SAMUEL ALLINSON.
SANFORD B. HUNT.

APPENDIX.

The Commission have thought it best to embody most of the evidence which has been brought before them in a supplement to their report, in which they have endeavored to arrange it, in some measure, under distinct and easily recognized heads. The discussions which took place at the joint meeting in New York City, on account of the wider scope of the investigations of the Commissions of Connecticut and Massachusetts, embraced a great deal of matter, very interesting in itself, but not directly connected with the inquiry with which this Commission was charged. Very much, indeed, of the time devoted to that meeting was occupied by the representatives of the hat trade, which, by the law of 1878, is entirely removed from any danger of competition by New Jersey convict labor, while the testimony of Rev. Dr. Wines and Dr. Harris was largely made up of referenees to prison discipline and government, equally foreign to the Commission's clearly defined duty.

They have, therefore, selected from the mass before them such portions as they have believed necessary for the complete elucidation of the subjects of their inquiry, and have added tables of the number and occupations of the emigrants who have been landed at the port of New York since January, 1873; of the comparative wages for different kinds of mechanical and other labor in the leading countries of Europe and in our own; and of the prices of the principal articles of food in the same localities; for which they are indebted to the valuable report of the State of Labor in Europe, recently published by the Federal Department of State.

To these they have also appended a table of the number of male convicts in the State Prisons of the several States; the number employed, either under contract, or otherwise, and the number engaged in the manufacture of shoes.

Hon. Carroll D. Wright, the Chief of the Bureau of Statistics of Massachusetts, whose previous researches have been of great value to the Commission, has kindly furnished it a set of his statistical tables, prepared for his own report, and containing extremely valuable information.

To him, as well as to the members of the Commissions of our sister States with whom it has had the honor to co-operate; to the Wardens and other officers of penal institutions; the citizens of our own and other States, who have kindly aided it in many ways, this Commission is happy to testify its deep obligations.

SHOULD CONVICTS BE EMPLOYED IN PRODUCTIVE LABOR?

REV. DR. WINES.—In 1870 a Commission was created in this State (New York) to examine more particularly the question raised by the New Jersey Legislature, viz.: The competition of prison labor with free labor. The examination was very comprehensive. There were three Commissioners—Mr. Meyers, of Auburn, and myself, on the part of the N. Y. Prison Association, and Mr. Fencer, a very intelligent shoemaker, on the part of the laboring men. I think we devoted three entire months to the examination of that question, visiting all the institutions in the State, both penal and reformatory, where skilled labor was carried on. We examined prison officers, contractors, and citizens; representative workmen in every part of the State, until the workmen were satisfied, and had no more names to suggest. Not a solitary workman in the State, who was examined under oath, declared himself opposed to skilled labor; every one of them, on the contrary, declared for it.

THE WORKMEN FAVOR THE EMPLOYMENT OF CONVICTS IN SKILLED AND PRODUCTIVE LABOR.

They said, with one voice, "We do not object to skilled labor in the prisons; we favor it, on the ground that prisoners must be made to earn their living, and also that there can be no reformation of criminals without it.

BUT OBJECT TO THE CONCENTRATION OF CONVICT LABOR.

"What we object to, is the concentration of prison labor to one or two, or three branches—shoemaking more particularly—and the contract system." I think they were unanimous in that.

AND TO ITS UNDERSELLING FREE LABOR.

They objected, and ought to object, to prison goods underselling those made by free labor—not to the labor itself.

CONVICTS SHOULD WORK, BUT NOT AT SKILLED LABOR.

GEORGE J. FERRY, Esq., a leading hat-manufacturer of Orange, N. J.

Q. Would you favor keeping the prisoners in idleness?

A. I would not.

Q. You say they must labor?

A. They must labor—yes.

Q. Would you keep them at productive labor—or unproductive labor?

A. I would keep them at what would be productive labor to the State, without competing with honest industry—with skilled labor, I would better say.

Q. What would you put them at?

A. I would put a great many of them at breaking stone, and so have better roads.

CONVICTS MUST WORK.

DR. ELISHA HARRIS.—Here are, say, thirty-three thousand persons (convicts); who *must* labor; we *must* insist upon it; we *must* make crime feel the pressure of toil, to the largest safe extent.

LABOR IS THE GREAT REFORMATORY INFLUENCE.

It is the great remedy and reformatory influence, when properly applied—no doubt of it. It is a physiological fact. There is not a laborer in any one of the trades that would talk with you or me, or listen to an argument honestly drawn, frankly stated, confessing the dangers on all sides, and the rights on all sides, and the duties on all sides—there is not a laborer in any trade that can read and write, that has a clear judgment, and a right mind, that would not consent that that degree of addition should be made—the putting of these thirty-three thousand persons into employments where there are scarcely a million of persons employed.

I have conversed with many a manager of labor, many a large capitalist, on this subject, who is ready to accept any conclusion based on necessity in the case, and the first conclusion is, that all convicts that can labor shall labor from eight to ten hours a day. No man who knows the history of the causes of crime would not allow that there is no class of criminals that ought to go without labor.

IDLENESS WOULD MAKE THE CONVICTS WORSE.

E. D. CORNELL, Esq., President of the National Hat-Finishers' Association.—I do not pretend to say, for a moment, that I want the convicts kept idle; I believe idleness in the prison would turn the men out worse than the went in, and they would prey upon society worse than they did before. It is right that they should be kept at work at something they can do when they go out, and in such numbers as not to materially affect any industry outside. I say *materially*, because no matter how little they do, in prison, it must affect the industry outside in some degree.

PRISON LABOR REPORT.

2. DOES CONVICT LABOR, EMPLOYED IN PRODUCTIVE INDUSTRY, INJURIOUSLY COMPETE WITH FREE LABOR?

CONVICT LABOR DOES INJURE FREE LABOR.

TWO LEADING SHOE-MANUFACTURERS, of Newark, N. J.—The manufacture of shoes under the contract system, in the State Prison of New Jersey, does hurtfully compete with the same business outside to a great extent. *We are cleaned out of Philadelphia* by the goods manufactured in the New Jersey State Prison. Not only in this State, but in others, most State Prisons are adopting the shoe-manufacture, and one-half of the shoe-manufacturers of the country will be wiped out of existence.

PRISON GOODS CAN UNDERSSELL FREE MANUFACTURES.

No manufacturer can compete with these contractors to make up and sell goods at such low prices. They pay one-fifth of what we pay for labor, and don't have the expenses of shop-hire, cost or repairs of buildings, insurance, and many other items which outside operators have to pay; and therefore the goods made in the prison can be sold below the cost of making the same goods outside.

One of us formerly sold from \$60,000 to \$65,000 of goods a year in Philadelphia. Now, he sells only \$14,000. As soon as one of the present contractors in the Trenton Prison came into the business he undersold me forty cents per pair.

A SHOE-MANUFACTURER in New Brunswick, N. J.—The contract system of manufacturing shoes in the State Prison of New Jersey does injure outside manufacturers, as it is impossible for us to get labor at anything near the prices paid for convict labor. Shoes are made in prison at from ten to twenty cents per pair less than outside, which would be a satisfactory margin in itself to large manufacturers.

We employ about fifty men, and fifty women and boys.

Men average about	\$10.00 per week wages.
Women average about	6.00 " " "
Boys average about	3.00 " " "

THE PRISONS SHOULD BE SELF-SUSTAINING.

I think convicts should be so employed at trades as to make our prisons self-sustaining, but either at trades which would not injure outside manufacturers, or at a cost to the contractor (and so more revenue to the State) which would put their productions in market on the same footing as regards cost of manufacture.

EVILS OF CONCENTRATION AND COMBINATION WITH MACHINERY.

E. D. CORNELL, Esq.—What we object to, is the fact that the labor of convicts is concentrated and contracted out in large numbers, and at very low prices, and that they are worked in combination with machinery, thus enabling the contractor to forestall the market, with large quantities of cheap goods, forcing outside manufacturers to reduce their prices, and the wages of their hands, in order to compete with the prison manufacture.

THE TARIFF AND THE CONVICTS ARE THE UPPER AND NETHER MILLSTONES OF THE HATTERS.

GEORGE J. FERRY, Esq.—So far as our business (hatting) is concerned, we are between the upper and nether millstones—between the General Government and that of the States. The former fixes the tariff upon our raw materials at such prices as shut us out of all foreign markets, so that while it is generally conceded that we produce better work than other countries, we are nominally shut out from their markets by the tariff. This I will call the nether millstone.

The other millstone which helps to grind us, is the State system, by which contracts are given to contractors at prices that enable them to produce their goods so low that we cannot compete with them.

CONSUMERS ARE NOT BENEFITED.

This, let me say, is no advantage to the consumer. A customer showed me, the other day, a hat made in the N. Y. State Prison, for which he paid at the rate of \$13.50 per dozen. I asked, "Do you sell that hat at the same price as other goods that cost you \$13.50?" He replied, "No;" I put it in the line of \$16.50 goods, and sell it at \$24.00." Therefore the contract system is no benefit to the consumer. But it injures the manufacturer, not only the one that furnishes the materials, and gets the result, and sells the goods, but the mechanic who does the work.

WHILE THE MANUFACTURER AND WORKMEN ARE INJURED.

If a man can get his labor at fifty cents a day, and can compel his laborer in the State Prison to do a day's work for which an honest man outside gets two dollars, it enables a State Prison man to put such better material into his goods that it is impossible for men outside, who are doing an honest business, such as it was before the prison came into competition with honest labor, to produce any such result. They can, and do outsell us.

THE PRISONS ARE MONOPOLIZING THE LOW-PRICED GOODS.

The result is, that all low-priced goods (for up to this time they make nothing but low-priced goods) are brought down, till our manufacturers have been forced to give up the sale of them, or else to try and fight the prison goods by selling our similar goods at cost, or even less.

BUT ARE LEARNING TO MAKE THE BETTER CLASSES.

But they are gradually creeping up, and making better goods, as the prisoners become conversant with the business. And when they shall come up to goods that sell for \$24 a dozen, as they will, and when enough prisoners are employed to manufacture that class of goods, our business is gone. Just to the extent that you increase the number of prison contracts in our business, you not only lessen our business, but you destroy our people.

W. D. YOCUM, Esq., of Newark and New York City.—From the first of November to the first of May, 1876, I made five thousand and thirty-nine dozens of hats, similar to those now made in the State Prison. That amounted to a payment to the men of something exceeding \$20,000. Last year, under the State Prison system, I did not produce one hat of that description. It was entirely cut off. Now suppose I made, as I did make, about eight per cent. on those goods, making to me about \$3000 in the season, the State has cut me off in those five seasons, at least the amount of \$20,000, and yet they have taxed me, here in the city of New York, just precisely the same as if they had let me do that business, and I had conducted it in a reasonable way, and made a reasonable amount of money.

The lowest priced hat I made, last season, was the \$13.50 a dozen—a popular hat, having singular characteristics, in many ways. On the first of May, the contractor of the State Prison (in New York, probably,) bought some of my hats and put them on sample, and agreed to duplicate them for consumers, at \$10.50 per dozen. I found in Cincinnati, on inquiry at the stores, that the same hats which he (the contractor) sold at \$10.50 and \$11.00, were taking the place, not only of my \$13.50 hats, which I thought were the lowest I could make, but of pretty much all the other manufacturers' goods that ran between \$10.50 and \$13.50. I made a calculation that the contractor could sell hats twenty-three per cent. less than I could, and make a fair profit—twice as much as I could, at my regular price.

CONVICTS DO NEARLY AS MUCH WORK, BUT OF LOWER QUALITY,
THAN FREE MEN.

A CONTRACTOR in the State Prison at Trenton.—Our men average about five pairs each of women's and children's shoes daily, doing nearly the same quantity of work as the free workmen in Philadelphia; *but the work is not as well done.* If the free workmen took no more pains than our convicts do, they would do twenty-five per cent. more in the same time. The *finish* of the Philadelphia work is better than ours, and it sells better in consequence.

THEY WORK LESS HOURS THAN FREE MEN.

The free men in Philadelphia work ten hours daily; ours don't average nine hours. A convict who has lasted shoes for ten weeks, lasts forty pairs daily; a full day's work for a free laborer is ninety pairs.

CONTRACTORS HAVE NO ADVANTAGE OVER OUTSIDE MANUFACTURERS.

I don't think the contractor has any advantage over the outside trade. Men working outside furnish their own kits of tools, and pay for all work they damage or spoil, while the contractor must find all tools for his men, and the damaged work is his loss. Convicts waste, damage, and destroy a much greater amount of findings, tools, machinery, and materials, than free workmen—all of which is the contractor's loss.

The *making* of women's shoes costs us, on the average, twenty-five cents per pair, including labor and instruction.

ANOTHER CONTRACTOR in the same prison.—Our men average three to three and a half pairs of men's, youths' and boys' shoes daily, working in teams of from five to nine. They ordinarily learn to do fair work in from three to four months, and do about as much work as free laborers in the same time, *but the quality is not as good,* and a free workman would do a quarter more in the same time than the convict, if he took no more pains than the latter does.

PRISON GOODS CANNOT BE SOLD AT THE SAME PRICES AS FREE
GOODS OF THE SAME QUALITY.

We can't sell our goods for the same price as similar grades of goods made outside, because of their lack of finish and the prejudice against prison goods.

Our expenses for repairing machinery are at least twenty-five per

cent. greater than in shops outside. We furnish all tools for our men. They damage much work, which would be the free workman's loss.

WHY THE NEWARK MEN ARE DRIVEN FROM PHILADELPHIA.

I have been in the shoe business all my life, as my father was also. I know every retailer in Philadelphia, and have devoted myself for many years to making the peculiar goods they need for retailing. Our work has an established reputation for certain well-known qualities. These facts enabled me to recover the customers Mr. ———, of Newark, took when we took a contract, a few years ago, to supply the United States Navy. When that contract expired, I looked up my old customers, and they left ——— and came back to me.

CHARLES D. BIGELOW, Esq., President of the Bay State Shoe and Leather Company.—I began business in New York about 1850, intending to compete with Boston concerns in making common and cheap goods for laborers. I first employed raw Germans, but found it difficult to compete with Boston with them. Then I took some boys from the Asylum for Juvenile Delinquents, who did very well. I lost these afterward, through an error, and then employed convicts at Albany Penitentiary, and afterward at Rhode Island.

THE NEWARK SHOE MEN SUFFER FROM FREE LABOR ALSO.

I know Mr. ———, of Newark. He has no sharper competition than a house in Poughkeepsie, N. Y., which employs only free labor.

Many outside manufacturers can, and do make a shoe which is better-looking than we make by convict labor, and will sell as well or better than ours, on account of its nicer finish, while it is really not as good, and will not wear as well as ours.

The cost of labor in the shoes we make ranges from twenty-five to fifty per cent. of their selling price. We make shoes in which the labor costs us fully fifty per cent. of what they bring us.

FREE LABOR, IN SOME CASES, IS AS CHEAP AS THAT OF CONVICTS.

Free women, in King's county, N. Y., fit our shoes as cheaply as convicts.

QUALITY OF CONVICT LABOR DEPENDS ON DISCIPLINE OF THE PRISON.

Many convicts are not at all good workmen; now and then one is thoroughly good. The value of convict labor depends upon many circumstances, particularly upon the discipline of the prison. The

better the discipline, and the more thoroughly it is maintained, the more labor will be worth.

When I gave up my last contract in the New Jersey prison, I was paying seventy-five cents per day, at which price it was impossible for me to compete with outside manufacturers.

PRISON GOODS ARE AS GOOD, BUT NOT AS WELL FINISHED AS FREE GOODS.

The quality of our prison-made goods is equal to that of those made by free labor, but the finish is not as good. There is a prejudice against some kinds of prison-made goods, and some of our customers will not buy them. They know them at sight, and will return them, if we send them to them.

ABOUT THREE CONVICTS EQUAL TO ONE FREE LABORER.

I have at Sing Sing about fifty free men working with three hundred convicts, making seventeen hundred pairs a day. Mr. _____, in Massachusetts, employs rather fewer hands, and makes forty-five hundred pairs daily. Two hundred and fifty to three hundred free workmen would do as much work as the five hundred we employed at Trenton prison.

SHORT HOURS IN PRISON WORK.

Convicts average eight and a half hours daily the year through. Men outside work by the piece, and make longer days.

CHEAP FREE LABOR IS BETTER THAN THAT OF CONVICTS.

The _____ established the shoe business at _____, Massachusetts, about seventy years ago, and built up the whole town by it. Men took the work home, and did it by night and in the intervals of farm work. If I had to begin over again, or wished to start a young man in the business, I would do as _____ did, rather than be bothered with contract work in the prisons.

DISADVANTAGES OF PRISON LABOR TO THE CONTRACTOR.

It takes much more capital to run prison shops, because the men must be kept at work all the time. When the market is dull, the contract goes on, whether the goods can be sold or not. Often they accumulate upon our hands, and have to be sold at a loss, or held for a market. This takes a great deal of capital. The outside shop stops in a dull market, or works short time. The convict work must

be paid for, whether it pays or not. The free laborer is not paid when he does not work.

NO REASON FOR COMPLAINTS OF FREE WORKINGMEN.

I know no good reason for the complaints made by free workingmen against convict competition.

PROFITS OF CONTRACTOR ARE NOT LARGER THAN THOSE OF OUTSIDERS.

My profits are no larger than those of outside manufacturers; often, in fact, they are smaller; I cannot control the market by holding large quantities of stock; I cannot make goods enough to have any perceptible effect upon it. I am governed by the same business rules and circumstances as outside manufacturers.

OTHER DRAWBACKS.

Convicts frequently do great damage to tools, machinery or materials intentionally. They break more than double the machinery that free men do, and spoil large quantities of work, which is the contractor's loss. If the free man spoils material, or breaks machinery, he has to pay for it.

ADVANTAGES.

The advantages of convict labor, on the other hand, are—its lower cost; its permanency and certainty, and there is no rent to pay.

I do not think five hundred men employed in a prison would be any more injurious to any industry than the same number of free workmen employed in it outside.

TRIFLING AMOUNT OF CONVICT SHOE BUSINESS.

From the Shoe and Leather Reporter of February 28th, 1878.

“There are four manufacturers in New England—three in Massachusetts and one in Maine—who make more goods, in money value, than are made in all the prisons of the United States.”

From the same Journal for May 1st, 1879.

NO STATE CAN PREVENT CONVICT COMPETITION, ALONE.

“Unless there is a prohibition in *all* the States against the employment of convict labor, in the several trades, any legislation in New

York State for this purpose would have but slight effect upon the trade here—even supposing that there now exists the competition between prison and free labor which the trades-unions claim. The contractors for prison labor, however, assert that there is no such competition in any general sense. The total production of goods in prisons is so small, as compared with the aggregate made outside, and there are so many limitations to a business depending upon labor, that a fair comparison cannot easily be made.

THE WAY TO CUT DOWN CONTRACTORS' PROFITS.

But in the relation of prison labor to outside work in the shoe business, even within the narrow limits where competition seems possible, if it be claimed that the employment of convicts tends to lower the general rate of wages, the contractors ask, *Why their competitors do not bid for this class of work?* The outside manufacturer necessarily pays much higher wages than the contractor pays the State, but the former obtains far more efficient help, is not obliged to work when the market is not paying, and can change his styles, or make as many varieties of goods as he chooses; the latter is obliged to work all the time, whether he can sell the goods or not, thus adding largely to the interest account; and it is found practically impossible to make more than a few lines of plain, staple goods in a prison factory. Therefore all the houses having prison contracts, run other factories, where they employ free labor to supplement that which they hire from the State."

COMPARISON BETWEEN CONVICT AND FREE LABOR.

FROM JOHN S. PERRY, Esq., of the firm of Perry & Co., Albany, and Sing Sing, New York.—So far as relates to the manufacture of stoves, I will give you *facts, not theories*.

We employ in our Albany foundry ninety-two moulders and twenty helpers, the latter mostly small boys, twelve to fifteen years of age. Without counting the latter, the moulders average about two hundred and eighty pounds of perfect stove castings per day, working by the piece. Without the boys, the average would be about two hundred and seventy pounds.

In the prison at Sing Sing, we employ three hundred and forty-eight moulders. They average one hundred and four pounds of work, running perhaps somewhat of a lighter character than at Albany. If it was the same character, it would probably average about one hundred and twenty pounds.

We employ in our Albany shops sixty citizens, in mounting stoves, who average daily three hundred pounds per man, all first-class work.

We employ in the prison, in mounting, two hundred and twenty convicts, who average one hundred and six pounds, all second or third-class work. This department has always been the most unprofitable on our contract. Mounting stoves in the perfection required now, calls for skilled mechanics, and few of these are to be found in the prison.

In laboring work, polishing on emery wheels, &c., convicts approximate nearer to the value of citizens in their labor, and some are quite equal to citizens—clerks, for example.

ONE FREE MAN EQUAL TO THREE CONVICTS.

Taken as a whole, I am fully satisfied that in the manufacture of stoves, and collateral work, *one average citizen is equal to three average convicts*. This difference would not be so great, but for the constant changes that are going on in the prison, where men who arrive at some degree of skill are discharged, and their places taken by green hands.

Another disadvantage is the short hours. They will not average over nine hours per day in the summer, or seven and a half in the winter.

Convicts do not make castings as light in proportion to the weight of the patterns as citizens, and the extra weight is our loss. They break more patterns and destroy more tools; these are serious items.

DRAWBACKS.

Citizens employed with them demand larger wages than those who work outside. The risk attending the uncertain time which machinery and fixtures, put in at large cost, can be used, is a serious objection to a prison contract. I could mention many other drawbacks, in the use of this kind of labor.

ADVANTAGES.

There are these advantages: There is no intemperance; a minimum amount of sickness; there are no "blue Mondays," and no strikes. I have both daily and weekly reports of the operations at Sing Sing, duly recorded; therefore every statement I make can be verified.

PREJUDICE AGAINST PRISON GOODS.

As to the quality of Prison Work, whatever it may be, the public is naturally prejudiced against it, and this is increased by the persistent efforts of competitors and their hordes of commercial travelers. It is self-evident that, primarily, the work done in prisons must be inferior. We supplement it by mixing in freely citizens' labor. As

our manufactures at the prison are composed mainly of second and third class goods, we are able, by this union of labor, to produce work that compares favorably with that of our competitors.

CONVICT COMPETITION IMPERCEPTIBLE.

As to the effect of convict labor in the manufacture of stoves upon citizen mechanics, the proportion of the former to the latter is so small, that it can have no perceptible effect upon the citizen.

NO FREE MOLDERS OUT OF WORK.

The tyrannical rules adopted by the *unions*, in limiting the number of apprentices, has reduced the supply of skilled workmen, until there is not enough for the legitimate demand. Every man is employed, and at good wages. The molders, particularly, earn more than any other mechanics. They have received, and can receive no injury from the prison contracts. These have probably had the effect of preventing, to some extent, the unjust demands instigated by the unions.

CONVICT AND FREE LABOR COMPARED.

FROM A LETTER OF ANDREW DICKEY, Esq., Managing Partner of Perry & Co., at Sing Sing.—I have now been here nearly three years, and, during that time, have never asked or expected a convict to do more than about one-half of what he would do if working at the same trade by the job outside, and I have really never obtained that quantity from any convict, even when working at his best.

As near as it is possible to come, I should say that one outside mechanic was about equal to three average convicts. I do not expect a task from any one, unless he has been long enough at the branch at which he is employed to thoroughly understand his business, and is physically able to perform the duty required of him.

I find that comparatively few of our men refuse to do their work, or are punished for failing to do what is assigned them. The average daily punishments will not exceed six, out of a total number of nine hundred and twenty-nine, now on our contract, and this number includes all offences against the prison rules, besides those appertaining to work.

CONVICTS HAVE NOTHING TO WORK FOR.

The *quality* of our convicts' work is, on the whole, not quite as good as that produced by outside men. This difference is, I think, due to the want of ambition on the part of the convicts. Beyond

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avoiding punishment and securing the commutation time allotted them by law, there is really nothing for them to work for. An outside molder must turn out perfect work, or be discharged, or get no pay, while the convict's work, if it can possibly be used at all, is passed, and nothing said about its quality.

NOTHING IN CONVICT COMPETITION.

REV. DR. WINES.—In regard to the broad question of the competition of prison labor, I hold a very decided opinion, *that there is nothing of it*. I do not think that the amount of prison labor, take the whole country together, is more than a drop in the bucket; I do not think it can possibly come into competition, appreciably, with free labor, but I would yield to the pressure of workingmen, so far as to favor the introduction of a much larger number of trades into the State Prisons.

MACHINERY IS THE COMPETITOR.

From ———, Boot and Shoemaker, at ———, New Jersey.—I have been in the shoemaking business, in this place, for more than thirty years. When I began, I employed four men; now I have only work for one, though I have less local opposition than when I started, and the population of the place has more than trebled. I don't think the small number of convicts employed in shoemaking has any perceptible effect upon the trade, in our country towns, *it is the machinery* that drives us out of the business, so that no one learns my trade any more.

NO FIRST-CLASS GOODS MADE IN PRISON.

FROM A LEADING RETAILER of Boots and Shoes in the city of ———. We buy and sell prison-made goods—the Bay State Company's for instance; they are never first class, but as good as outside goods in the same grades.

MACHINERY HAS DRIED UP SMALL SHOPS.

The introduction of machinery has dried up all the small shoe shops. There is not a decent one left in this city. Several other retailers repeat the same statements.

[NOTE.—The statements and letters quoted above have necessarily borne upon the COMPARATIVE VALUE OF CONVICT LABOR, on which the question of competition hangs so largely. The discrepancies of statement come very largely from the fact that very few outside manufacturers, or dealers, have the means of comparing the two

with anything like exactness. With the single fact of the extremely low price paid by the contractors for the service of an able-bodied man, in the front of the discussion, it is not always easy to look through the prison walls, and see the drawbacks, which certainly diminish the seeming advantage very much indeed. The letters of Messrs. Perry and Dickey have been given at great length, as a means of exhibiting the situation from the contractors' side, although the industry in which they are engaged is not as yet developed to any great extent in our State.]

3. The complaints of the manufacturers, as has been, and will be seen, are directed almost entirely at the contract system. The evidence now to be given is a comparison of THE CONTRACT AND PUBLIC ACCOUNT systems, with relation to their bearings upon the questions of *Competition, Diversification of Convict Employment, and the effect of each upon the Convict and the State.*

NO DIFFERENCE AS TO CONCENTRATION.

DR. WINES says.—I don't know as there is any difference as to the concentration of labor between the *Contract* and *Public Account* systems. Outside of the United States both systems prevail, the latter more frequently, and so far as I can judge from reports and personal observations, the products of prison labor, managed by the institution itself, were not less than when managed by contractors. In Denmark, the Director of Prisons, a very excellent man, says that the contract system is established, and he favors it, and holds it does not interfere with the functions and objects of prison affairs, and prison discipline. In Norway, the labor of the prison is managed by the administration of the prison itself. In Sweden, both systems prevail, but the tendency of public opinion and prison officers tends strongly against contracts. The financial results are decidedly better in Norway than in either of the other countries. There, the same kind of goods—not sold at a discount—outsell goods produced by free labor. The prison goods are sold at the same rates as those of the outside manufacturers, *but the former are the best*, and meet with a readier sale than the products of free labor. The reason is, because the public have more confidence in the raw materials used in the prison—they are not better made—but people think that the prison officers get the best stock for these articles, and therefore prefer them.

In Switzerland, both systems are used. The prison of Neuchatel manages its own labor, and comes nearer self-supporting than any prison in Switzerland. In France, the contract system—somewhat modified from ours—is the general, though both are used.

IT WOULD NOT BE WISE TO ABOLISH CONTRACTS.

Under existing circumstances in this country, I do not think it would be wise to abolish the contract system, on account of the frequent changes in the administration of our prisons.

ON ACCOUNT OF POLITICAL INFLUENCE.

If we could eliminate party politics from the control of the prisons, and have permanent administration of them by good and competent men, with a good behavior or life tenure of office, no removals except for cause, and after fair and honest hearing, then I should favor the abolition of the contract system. *But so long as our prisons are subject to the domination of party politics, I should be entirely opposed to the abolition of the system.* I don't think prison labor could be well managed when the head of the prison, and nearly the whole staff, are changed every few years, as in New York, for instance, where there is a frequent turn of the wheel. I don't think the labor should be under the control of the prison administration. In Sing Sing, the duration of prison administrations has not exceeded eighteen months on the average. It is not within the limits of practical possibility for the prison administration to manage its labor under such circumstances.

CONTRACTS A CONVENIENCE FOR PRISON OFFICERS.

DR. HARRIS.—The contract system is the convenient one for those who are placed in official responsibility, because it shifts from their own shoulders any great responsibility for the proper division of labor, the immediate personal supervision, and the various and most important results of the conflict of labor. It is a necessary outgrowth of the partisan system, as Dr. Wines has said, and it is a wretched, shiftless State that cannot see its way out of any great difficulty that arises from the wrong inflicted by contracts. There is no difficulty in the matter, for as much as a single year.

CONTRACTS BRING BAD AND IRRESPONSIBLE PERSONS INTO CONTACT WITH CONVICTS.

One of the greatest wrongs to the State and the convict is, that all sorts of persons come before them as masters and teachers—their accusers and critics—even to moral teachers and visitors; that people who are cast into prison feel only a very light degree of influence from their instructors and supervisors in labor, for their good; and yet there are instances where a particular contractor is the very model of excellence, and ought to be a State officer.

SOME EXCELLENT CONTRACTORS AND SUPERINTENDENTS.

There is almost always some exception, where the great necessities of some trade have brought into prison a fit man.

THE CONTRACT SYSTEM MAKES HABITUAL CRIMINALS.

The contract system, as it is found, is making for us habitual criminals, maintaining the ranks of crime, and filling, and keeping them full, so that more than fifty per cent. of the convicts in any one of your prisons will, when released, again do crime.

BUT A GOOD CONTRACTOR IS BETTER THAN A BAD OFFICER.

As to the influence of contractors in prisons, it is better, as it stands to-day, than the influence of an impure and profane public officer. We go into a prison, and find a man of virtuous life and excellent habits, often giving his life to the work of the contractor. We have one in the State of New York, a Superintendent of Labor, who has been in his place twenty-six years, a model gentleman of great character, with the entire supervision of all the industries in one of the large penitentiaries, to whom I can always refer a particular question, regarding a family or a prisoner, that needs special attention or guidance, to get a boy out of his criminal associations.

There is a Superintendent of Labor, hired at a high salary, who has helped make the fortunes of four great contractors in succession, and I never saw in any State a Superintendent whom I consider as perfect in morals and conversation, as that hired servant of a contractor. That shows that the question, "How to get rid of the contract system?" is hardly the first question. It must be considered, sooner or later, with reference to the proper administration of the prison and all its officers.

PIECE-WORK MIGHT BE DONE IN PRISON INSTEAD OF CONTRACTING THE CONVICTS.

For instance: it would be possible at Trenton, instead of assigning the convicts all to the same contractor, to step into Philadelphia, or Newark, or New York, and arrange for *piece-work*, which no contractor would ever see, and no hired person have anything to do with, within the prison, and in four months one-half of all the convicts in that prison would be put to industries which a strictly business man would make yield more to the State than the contractors can possibly give, with all the risks they incur from the very awkward situation they sustain to the value of industry.

[NOTE.—The system Dr. Harris mentions is carried out in some

of the German prisons with some success, and is adopted in the New Jersey Reform School at Jamesburg, for which it seems admirably adapted. Mr. Bigelow and other great operators, however, insist, that while it may answer for a reformatory, or a work-house, it cannot be made to work successfully in a great State Prison.]

A GOOD CONTRACTOR IS BETTER THAN A POLITICAL HACK.

DR. HARRIS.—Mr. Brockway can get twice the value from a boy in the Elmira Reformatory that any State Prison in New York can get. I see no objection to a man like Mr. ———, in Baltimore, the best prison philanthropist in Maryland—a man who would do justice to every one—having a contract, so long as Maryland is managed by politicians; he is better than any political hack they will put in office. But let Maryland lift itself out of the mire, and govern its prisons as you will demand that yours in Massachusetts, and Connecticut, and New Jersey, shall be governed, and Mr. ——— will wish to come into the prisons in another relation than that of a man who must be looked upon as wishing to make the most money he can. He is such a man as the Superintendent I mentioned before, who for twenty-six years has been hired by contractors, who could not make their money without him. He can run the prison, when its officers are all drunk, as I have seen him do. (I speak of the penitentiary in which the Superintendent was for four years a drunkard, with whom I dared not converse unless I first learned that he was *well*—the ——— County Penitentiary.) There the contractors have saved the penitentiary a great deal.

PARTISAN INFLUENCE SUSTAINS A DRUNKARD AND THIEF, BUT A SUPERINTENDENT SAVES THE PRISON.

The party in power five years ago, kept a man in who was drunk half of the time, and finally had to leave the State, having taken things that were not his own; and the superintendent of work, Mr. ———, kept the machinery going. He kept the prisoners in order, and made money for his contractors, in a common work-house.

CONTRACT SYSTEM IS NOT FIT FOR A CIVILIZED PEOPLE.

But when you come to look at the contract system with any degree of allowance, and say that it is fit for a civilized people, and should be the ruling element in our prisons, I must say that I think the whole subject ought to be re-studied. Accusations against prisoners in the State Prisons of New York are made through contractors' agents. A man is accused, and punished. Another is a pet. The Warden, unless he happens to be a man like ———, who dares to be greater than his contractors, is, to a cer-

tain extent, subject to his contractors. If he is greater than his contractor, he goes out of office. Contractors *do* interfere with labor, in such a way that labor is made a misapplied method of discipline; yet they do succeed in keeping the men in order, under various circumstances, when the prison would go to ruin without them. Recently, where a riot arose in one of our prisons, and a raving man was destroying a valuable machine, the contractors proved themselves superior men, knowing what to do, and how to preserve order, better than any of the hired men of the State.

I care not how you touch the contract system, you cannot bring it into such relations to the great penal and moral purposes, which should repress crime, bring the prisoner to a better mind, and induce him to avoid crime.

SUCCESS OF SYSTEMS DEPENDS UPON THE MEN WHO ADMINISTER THEM.

By MR. ———. — I have gathered from your remarks, Dr. Harris, that the success of any system depends very largely upon the character of the men who administer it; that under either contract or public account, the interests of the criminal, and thereby of society, will be largely made or marred by the men who administer the system. You have adduced examples showing the evils of the contract system, from the contractors or their agents intermeddling with the prisoners, in certain cases, and other examples showing how the contractors have saved a penal institution from ruin, under the system administered by State officers.

In view of the transparent weakness of human nature, and the difficulty of getting the right men in office, is not the whole matter remanded back to the individual capability, and honesty, and desire of the men who administer any system, whether its influence shall be for good or for evil?

GOOD PRISON MANAGEMENT IS IMPOSSIBLE UNDER PRESENT ARRANGEMENTS.

DR. HARRIS.—I am completely of the opinion that an affirmative answer is justified. Perhaps the improvements must begin at this point. There is not the slightest doubt that the ——— County Penitentiary would have gone to the dogs, or become a Golgotha, but for the great excellence of the contractors and their head Superintendent. Were all the officers incapable to-day, he would have a personal hold upon the prisoners, as the manager of all this machinery. But there are short-term men and felons all mixed up together, you know, as we manage our local penitentiaries. Until we have prison officers who know that their record will be defended, that it is made for the State, and has a recognized value in connection with the State, I doubt if we can get good prison administration.

By Mr. ———.—Has it not been your experience, that enterprises conducted by State officers languish and fail? In other words, that the system administered by public officials is open to the changes of partisan politics, frequently—and while that is very deplorable, I do not see how you can exactly avoid it—and thus leaves opportunity for a very great evil? It seems that men who are ordinarily honest in their relations with other men, the moment they become State officers, or deal with the State, become a little dishonest, or at any rate do not give their minds to the thing as they would if their private interests were concerned.

DR. HARRIS.—We have a grand exception to that terrible experience of the States in the military service—what is the reason? There is a reason that we can bring to bear, if we dare make a general effort. The military service offers a vocation, and a reward for continued service and honorable record. It does not offer money to any great extent, it offers recognition, based upon merit, and upon the value of a record. Of course we get a great many collateral questions all around our main question, the moment we proceed to examine the method of appointment of officers, or the maintenance of the service of our prisons, but we can hold prison officials, and even Governors, to their responsibility; we can hold them to their duty, so that a Governor will not dare use the prison for his personal purposes.

By THE CHAIR.—Would the conflict between free and convict labor be any less, if the prisons were conducted by the State, than where they are conducted by contractors?

CONVICT LABOR CAN BE SO DISTRIBUTED AS NOT TO AFFECT CAPITALISTS
OR INDUSTRY.

DR. HARRIS.—In the State of New York, where we have the greatest number of convicts, and of varieties of industries, I say understandingly, having gone over the ground, and conversed with nearly one thousand great organizers and employers of labor, with reference to their industries—I say that with our nearly five thousand convicts, that must be worked, under a wise administration, and a distribution of industries, (taking the catalogue that you put in the open market and sell by contract even, and those that you can manage without contractors,) the distribution of these prison industries could be so conducted that not one capitalist, or industry need feel, or have ground of complaint, that the convict industries oppressed the free industries.

THE CHAIR.—Do I understand you to say that you would abolish contract labor in prisons just as soon as the present contracts expire?

CONTRACTS AFTER ALL ARE NECESSARY UNDER EXISTING CIRCUMSTANCES.

DR. HARRIS.—I should not, unless I could bring such a pressure to bear upon the parties who govern the States, that they would attempt a general reform. There are certain industries and certain States, in which there are certain necessities, which require, that in order to keep up the industries steadily, a certain amount of work under contract, by piece work, or some other method may be found necessary.

THE CHAIR.—Then you would say, until public opinion can be educated up to the required standard, you would maintain the contract system?

DR. HARRIS.—With limitations; certainly.

CONTRACT SYSTEM IS WRONG.

E. D. CORNELL, Esq.—I think the contract system is wrong in all points of view. First, it is wrong to give any man a contract in a prison, because I think all the results of the labor of prisoners an injury to the convict, for the reason that a convict working on a contract is expected to employ all his time, or nearly all of it, at that work. He will not have the time which he would have under another system, to improve himself, morally and mentally, because his work would be required. Under a different system of labor, he would have more time, as the amount of labor he would have to do, being all in the interest of the State, it would not be necessary for him to exert himself so much, or work so many hours. He would, therefore, have more time for instruction, recreation, and those things which are necessary to every man's well-being.

Nothing that can be adduced in favor of the contract system, as a benefit to the prison, could not be gained in another system more largely.

CONVICTS SHOULD LEARN WHOLE TRADES—THEY LEARN ONLY PARTS OF TRADES IN PRISON NOW.

I think, too, that if the prisoner were employed in something he could learn thoroughly—not a branch, or a part of a trade, but the whole of it, particularly if it were a trade in which he could leave the cities, and set up a little business for himself in villages or towns, away from his former associations, (there are many trades of that kind, which could be learned in prison)—it would be a great deal better than the present system of contract labor which bands men together in large parties, teaches them one part of a trade, with the aid of valuable machinery, and turns them out with only a partial

knowledge of the work which they might, if they had a thorough knowledge of it, depend on for an honest living. I think the prisoner should be taught something he can work at, out of prison, away from cities and his former reputation.

BUT THEY DO THE SAME OUTSIDE.

BY MR. ———.—Is it not true that labor is now so subdivided that a man outside of the prisons does not learn a whole trade practically—the hat, or shoe trade, for instance?

MR. CORNELL.—*Yes; that is so.*

MR. ———.—Therefore I don't see that the objection holds, that a man having learned less than a whole trade in the prison, is not fitted to take a position in society on that account: he is on just the same plane as the other.

MR. CORNELL.—A man *may* learn the whole trade outside.

MR. ———.—But he never does, practically.

MR. CORNELL.—It is generally so.

THE PRISONERS SHOULD BE SELF SUSTAINING—BUT ARE NOT.

MR. ———.—You said you believed in enough labor in prisons to make them self-sustaining?

MR. CORNELL.—Yes, sir.

MR. ———.—Do you mean by that to include all the expenses of the prison, or only the maintenance of the prisoners?

MR. CORNELL.—I am willing to go so far as to say that, in the present state of things, I do not think it right that the State should be free from *all* taxation in the support of prisoners. I think it would be better if there were just enough work done in the prisons to clear the State of all *expenses* connected with them. I think this would create a better state of things in the prison, and give more satisfaction outside, than at present.

MR. ———.—Do you know of any prisons in the United States that are now self-supporting, in which the labor of the prisoners under any system, public account or contract, meets their expenses?

MR. CORNELL.—I don't think any outside of New York are.

MR. ———.—And but one—Sing Sing—in the State of New York; and there is a sort of mystery as to whether that pays or not, though the incapable and feeble prisoners are said to be sent off to other prisons in the State, leaving only picked men at Sing Sing; so that, with one exception, there is not a prison in the United States that is not a drain upon the tax-payers.

MR. CORNELL.—I think Clinton Prison *may* support itself the coming year.

MR. ———.—Which would best provide for the support of the prisoners, and relieve the burden of taxation, the Contract System, or that of Public Account?

MR. CORNELL.—Do you think the State would get more support from its prisons if the men earned two dollars a day, or if they earned only fifty cents? It was my impression that where the State was gaining all the results of the prisoners' labor, if half as much work was done by the convict for the State as he does for the contractor, the prison would support itself. At present, while the State only gets twenty-five to fifty cents a day for the convict, it can hardly be expected that he will more than barely support himself, and the other expenses of the prison will come upon the State. But if it got a dollar a day for the work of each convict, it would cover his support, and the other expenses of the prison besides.

NOTE.—Mr. Cornell states here very clearly, the impression of manufacturers and working men, which lies at the bottom of all the agitation that has grown out of the idea of convict competition, viz., that while the convict can earn, and in most cases does, earn the greater part, or the whole of a free laborer's wages, the contractor, who pays only one-third, or one-fourth of the free man's wages, for his labor, gets the benefit of that labor, and not the State. This would be an enormous wrong, if it were true. The facts which should sustain it have not yet come to the notice of the commission, though it has made diligent search for them. It has found no prison, managed by the State officers, for the account of the State, in which the convicts earn anything like the wages of a free man in the same business. And if the contractors are able to realize that amount from the convicts contracted for by them, they must have combined in a most surprising manner to suppress the facts.

Every one is ready to say the State should realize more for its convict labor, but no one tells us exactly how it is to be done, except in theory.

PRISON LABOR REPORT.

A STATE OFFICER MIGHT DO AS WELL AS A CONTRACTOR, IF HE WOULD.

MR. CORNELL.—I think a State officer might buy material upon as favorable terms, or even better, in the market than a contractor, as he would buy in very large quantities. The advantage to the State in that would depend a great deal upon the character of the man. If he were honest, and would put his abilities to as good use for the State as for himself, there would be no difficulty in producing the same results.

BUT SUCH OFFICERS ARE NOT USUAL.

QUESTION.—Is it usual, in your experience, for the State to get such men?

MR. CORNELL.—No; but it sometimes does. Even if it does not always get the best men, I don't think the losses to the State would average as much as under the present contract system.

A MANUFACTURER'S VIEW OF THE TWO SYSTEMS.

A MANUFACTURER OF SHOES IN NEWARK, N. J.—The contractor has to pay for his convicts' labor, whether they work or not; as a matter of course they always do work them, whether they have orders or not, and therefore are compelled to make a stock of goods ahead which they must sell at slaughtering prices, thus bringing down the prices of outside goods, and consequently the price of labor.

ABOLITION OF CONTRACTS WOULD BE VERY LITTLE IMPROVEMENT.

If the State carried on the business, and sold the same goods at market prices, the competition would be diminished somewhat, but not much. It would be no better for the working man, because there would be a certain amount of goods manufactured in the prison, and this amount is taken away from the free laborer. If no shoes at all were made in the prison, the free laborer would have plenty of work all the time. Now, one-half of every season the manufacturers run only three-quarters, or half time.

NO ONE LEARNS TO MAKE THE WHOLE OF A SHOE.

No one now makes a whole shoe; each part of the work is a trade by itself. A man can learn any part of the business in four weeks. Prison goods are as good as those made outside, and sell just as well, if they are not known to be made in the prison.

CONVICTS DO MORE WORK, OF EQUAL QUALITY, THAN FREE MEN.

A convict will do more work than a free laborer, as he is always at work, and not allowed to talk, while the free laborer wastes much time in not attending to his work.

PUBLIC ACCOUNT WOULD BE BETTER THAN CONTRACT, IF PRICES WERE NO LOWER THAN OUTSIDE MANUFACTURERS'.

A NEW BRUNSWICK SHOE MANUFACTURER.—It would be better for the State to carry on the business on its own account, provided it came into market with prices no lower than outside manufacturers could sell same grades of goods for. Honest competition need not be regretted.

FROM A LETTER OF CHARLES J. ADAMS, Esq., Master of House of Correction at East Cambridge, Mass.—Up to 1860 the contract system was pursued in this prison, and found to interfere with the discipline of the institution. After much trouble from strong drink, used by instructors and others who worked with the prisoners, many petty annoyances culminated in an attempt to oust me from my position, on a trumped-up charge of providing bad food for the prisoners. This resulted in the contractors having notice to vacate; and, since then, the prisoners have been worked for the benefit of the county.

Machinery, materials, &c., necessary to work the prisoners, were furnished, and we began slowly, at first, but free from outside annoyances, and some were able to get along without aid from the county in the business.

Our agent buys and sells for cash, mostly, and three times in the year the accumulation of funds more than necessary for the business, with any other money accumulation, is returned to the County Treasurer, and receipted by him.

Those receipts, for 1878, amounted to \$24,750, against cost of maintenance of prisoners in the jail (who are not required to work) and House of Correction, amounting to \$26,977.06. The cost of maintenance of the prisoners, given above, includes salaries, provisions, beds, clothing, fuel, lights, medicine, and medical attendance, and such things as are necessary for the institution. The cost of salaries for 1878 was \$8590.01; agent, \$1400, who, with four instructors from outside, at \$60 per week, are not included in the salaries, but paid from the earnings of the institution.

PUBLIC ACCOUNT IS BETTER THAN CONTRACT.

So far as the prisoners are concerned, public account is better than contract. They are not over-worked, are treated alike, at all

PRISON LABOR REPORT.

times"; no one is rewarded to do his best, and the others working with him pushed to follow his example.

NO RELIANCE ON PREVIOUS REPORTS.

[NOTE.—The Maine State Prison has been regarded for many years as a successful example of the Public Account system. The following extract from a letter from its present Warden, may serve to show how well founded its claims to be a model institution have been.]

GEORGE TOLMAN, Esq., writes.—“I am at present unable to give you all the information you ask, for the reason that I have been in charge here only since April 19th, 1879. *I can base nothing on any previous report, as the former Warden made them up to show his side to suit himself*, and as he is one of our political men, and had charge here for sixteen years, you can judge how much I can tell you by past reports.

THE CONTRACT SYSTEM IS BETTER FOR THE STATE.

“I think the Contract system more profitable for the State, but perhaps not so well for the men. I think, under our system, (Public Account) we have less trouble, but still I think I should favor contracts. We have two hundred and five convicts, of whom one hundred and forty-one are employed, fifty-nine at harness making, and eighty-two at carriage making. Should say the cost of maintenance per man, including officers, but excluding clothing, fuel, lights, &c., would be \$98.50 per year, as near as we can figure at present.

PUBLIC ACCOUNT BETTER FOR THE MEN.

We try to teach convicts that are well behaved, and take an interest in the work, a trade. I firmly believe our system the best for their reformation, *but a loss to the State.*”

PRISON LABOR DOES NOT INTERFERE.

The following letter from a shoemaker in Burlington, New Jersey, was omitted in its proper place, but is not foreign altogether to this part of the subject.

“In all my business experience, I have never found State Prison labor interfering with outside labor, in the manufacture of shoes, to any extent. It is too small a drop in the bucket. I have been making boots and shoes since 1833, and this is my experience of the trade. I am opposed to sending men to the State Prison and not providing work by which they can earn their living. Taxes are heavy enough already.

STATE COULD NOT CARRY ON ITS PRISON BUSINESS SUCCESSFULLY.

CHAS. D. BIGELOW, Esq.—The State could not carry on the shoe business in the prisons for its own account successfully. I could not do it myself as State agent. I have had great experience in prison labor for many years.

DISADVANTAGES OF PUBLIC ACCOUNT.

The business requires peculiar qualifications and experience. Most outside manufacturers would fail if they attempted the prison business without experience in managing convicts. The business is entirely distinct, and different from outside work. I have often wished I had gone out of it.

The State agent would not have the direct personal interest in the success of the business which is absolutely necessary to carry it on; and the difficulty of arranging payments on the part of the State is so great as to largely increase the cost of its materials. The State pays when it pleases; it cannot be sued, and bills against it must be met by specific appropriations, which the Legislature will take its time to make, and may not make at all. Then every runner employed by outside concerns would use his influence against the State agent and State Prison work.

Prison labor has been profitable to me, but no more so than my outside establishments, in which I have used free labor only.

JOHN S. PERRY, Esq.—It cannot be for a moment believed that a State government can conduct a manufacturing business with success, besides which, it would be disgraceful for a sovereign State to enter into a petty competition with its own citizens, or the citizens of other States, in their traffic.

PUBLIC ACCOUNT REQUIRES NON-PARTISAN MANAGEMENT.

PROFESSOR FRANCIS WAYLAND.—It is, I think, conceded by all sensible men who have looked into the question, that, in order that the public account system should succeed, it should be under non-partisan management. Well, is State Prison management in any of the States now, or likely to be, non-partisan? Is it worth while for these Commissions, or any others, to waste their time in investigating an ideal system? Under the best possible conditions we are far away from the ideal prison management. Elmira is one to which we all look with great interest, but it is confined to inmates who have been committed for first offences. The two advantages claimed for the public account system are, that it will tend to greater diversity of employments, and more to the reform of prisoners.

IT TENDS TO CONCENTRATION.

The facts are, that all over the United States, wherever public employment exists, the tendency is to concentration.

DIVERSIFICATION IS NO EASIER UNDER PUBLIC ACCOUNT THAN CONTRACT.

The public say, "We decline to be taxed for the support of prisons." This is a fact, and we must take it into account in comparing the two systems, and we must say that diversification of industry is no more likely to happen under public employment than under a contract system. It does not, and is not likely to exist, and there is no reason why it should, while pressure is constantly brought to bear upon prison officials to make the prisons self-sustaining. They are not self-sustaining, and never have been, and there are reasons why they never should be, bearing in mind that you cannot have non-partisan management.

PROFITS OF PUBLIC ACCOUNT ARE DELUSIVE.

The apparent show of profit in favor of the public account system is entirely deceptive, and I say, without fear of contradiction, that wherever it has been represented as successful, it has been by the manipulation of accounts. State property has been so inventoried as to make a profit where there was an absolute loss. In a recent case, (the Professor is speaking of the Maine prison under the management of the late Warden,) where, for fifteen years, the balance has been ostensibly to the credit of the State, a non-partisan Commission discovered that the State was in debt something like \$100,000. Articles had been inventoried at their original market prices of ten or fifteen years ago, when they were actually not worth more than the kindling-wood they would make when split up. Unsalable, old-fashioned, useless goods were inventoried at original prices, and many claims against the State came in which had not been paid; so that, so far as profit is concerned, there is no advantage in public account, as things now are, or are likely to be.

DIVERSITY OF EMPLOYMENT AS A REMEDY FOR
CONVICT COMPETITION.

DIVERSIFICATION POSSIBLE—AND DESIRABLE.

DR. WINES.—I would have trades greatly multiplied in the prisons. It may perhaps be known to some of you, that a very interesting experiment was carried on in Spain, from 1835 to 1850, by Col. Montesinos, of the Spanish army. He was placed in charge

of the great prison of Valencia, about as large as Sing Sing prison. It had from a thousand to fifteen hundred inmates, and had been managed upon the old plan of physical force, applied in a very stern manner. He substituted moral forces, as far as possible, and brought the motive of hope instead of fear to bear upon his prisoners, and he introduced forty-three trades in that prison, and every prisoner chose the trade that he wanted to learn. He gave them that choice and a very liberal share of their earnings, and he never drew, I believe, a dollar from the public treasury. The prison sustained itself.

I think it is very desirable to have the trades multiplied; that is, all the representative workingmen of New York asked us, that the trades might be multiplied: no one trade given such prominence, and employed to such an extent as that it would really interfere, and come into injurious competition with free labor—nothing more.

THE CHAIR.—Would the tendency toward concentration of employment be any less in large prisons, under the public account, than under the contract system?

DR. WINES.—I do not think it would, as long as politics dominated. When it becomes a permanent purpose on the part of the prison officers to make better men of their prisoners, and send them out honest and industrious citizens, then I think that they would multiply the trades; but, so long as reformation is not made a permanent object, I don't think it would.

E. D. CORNELL, Esq.

Q. You regard the division of labor as an important question?

A. Very.

Q. Do you not think it possible for different industries to be pursued in the State Prison by a contract system, as well as by the direct employment of its own officials?

A. No; it would not be as profitable for the contractor.

Q. But would not public sentiment justify the State in awarding contracts in various kinds of industries, not so much with the view of making the last dollar out of its labor, as to give the men employment, and at the same time relieve outside labor from the competition of concentration upon one kind of labor?

MR. C.—No doubt; but you would not be very likely to find contractors on those terms.

Q. If that would enable reasonable profits to be made on small lots, instead of larger profits on large lots, would it not be wise to recommend it?

MR. C.—No doubt, it would have a good effect; but I don't see where the State, or the convict, would do as well under any contract system, as under State management.

GEORGE J. FERRY, Esq.—If there were a diversity of labor in prisons, and the convicts were employed *pro rata*, with regard to the number of those engaged in any particular calling or trade, that would be a relief to us, and in some States to almost any industry. I suppose if you were to take the State of Massachusetts, and employ a number of convicts *pro rata*, with regard to the number of shoemakers in the State—over 48,000—it would not be any great relief to them, but to the State throughout it would be a very great relief.

W. D. YOCUM, Esq.

Q. Suppose you could get a prison system which increased the number of industries in which the prisoners are employed, would not that be the nearest attainable result to what you are asking for?

MR. YOCUM.—It would. I understand that, under the French system, the four central prisons have fifty-three different trades conducted in them. While these central prisons are not entirely self-supporting, there is very little or no competition by them with ordinary industry.

THE PRINCIPAL DIFFICULTY IS IN CONCENTRATION.

Q. You think, after all, that the principal difficulty is in the concentration of the labor of convicts upon one or two industries?

MR. Y.—Yes, sir; that is it.

Q. Do you believe a contractor would be apt to take a contract for a small number of men?

MR. Y.—Mr. Pillsbury told me that they would not—that it would ruin the whole State prison system.

THE DIFFICULTY OF DIVERSIFICATION.

TO DIVERSIFY REQUIRES INTER-STATE ACTION.

MR. YOCUM.—Just how to apply the percentage system has not, I think, got through the mind of anybody who has examined it. For instance, there are eight hundred hatters in the City of Brooklyn, and a great many in the State of New York. There are four hundred and fifty under contract in the State Prison. Now, that four hundred and fifty injure just as many people in New Jersey and Connecticut as in New York. If you go to Massachusetts, there is not a fur hatter there. The convict hatters in the prison of that State do not injure any one there, because there is no fur hatter to injure, and because the contractor does not sell his hats there, but in New York.

Q. Does not this violate inter-State action?

MR. Y.—If such a thing were possible, it would be a great benefit.

Q. Unless other States should fall into the same system, would it not be almost useless for one State to adopt the plan of diversification of employments as a remedy for competition?

MR. Y.—Yes, I think that is so.

PROF. WAYLAND.—No one State can legislate for any other State. Uniformity can only be secured by Congressional legislation, if that were possible; and the conditions are entirely different in each State. In Connecticut it is not contended by anybody, so far as I know, that the business of boot and shoe-making, carried on in the prison, has a disastrous effect upon that branch, or any other branch, of industry in the State, and, so far as Connecticut is concerned, I conceive it to be a *purely speculative question*. Is it not so, Mr. Tweedy?

MR. TWEEDY.—It is a *contingent* question. The trouble is there, we have no confidence that the Board of Directors will take our view of the question, and keep the convicts employed exactly in the same occupations in which they are now engaged. What we would like is permanency in the occupation of the convicts there.

OUR STATE CAN BEGIN.

E. D. CORNELL, Esq.

Q. You recognize the fact that one State amounts to nothing in this question.

MR. C.—I recognize the fact that legislating for one State is only stopping up one hole, and there are a great many holes to stop. You have wise heads among you, and you have influence in your different States, and I think that by concert of action among yourselves, you will carry might enough home with you to get something done. The other States, no doubt, will follow. We have taken up this work. Our people are thoroughly aroused, and will keep moving until something is done.

THE TREATMENT OF CONVICTS.

HOPE RATHER THAN FEAR, AS AN INCENTIVE TO LABOR.

DR. WINES.—Col. Montesinos, in his management of the prison at Valencia, of which I have previously spoken, substituted, as far as possible—and it was possible almost to the full extent—moral forces for physical force; the motive of hope, instead of the motive of fear. He employed very largely the better class of

prisoners as under-officers. In that great prison there were not more than a dozen officials employed from outside; most of the keepers were prisoners who had worked their way up, and won confidence; and Col. Montesinos' testimony was, that as regards labor, what all the severity in the world could not get out of the convicts, a kindly interest in the products of their labor would get out of them, without the slightest difficulty, and he made his prison self-sustaining, although he had to contend against many serious disadvantages as regards buildings.

The most successful men in the management of prisoners, so far as reforming them is concerned, Montesinos and another whose name Dr. W. could not recall, held very strongly, that if you have a reformatory system—if you aim at changing criminals into honest men, then make the utmost possible use of the prisoners themselves, as under-officers, keepers, &c. If, on the contrary, you do not propose that reformation, but only stern coercion, never give the prisoners the least item of participation in the management of the prison.

It is the uniform testimony of prison administration in this country, that no measure of prison management has ever resulted so favorably to moral results in our prisons, as the abbreviation of sentences as a reward for industry and good behavior. But a participation in their earnings would be far more potent. In the workhouse of Allegheny county, Pa., which was for a number of years under Mr. Cordier, this plan worked admirably. They manufactured oil barrels, as their principal industry, having two large shops, one above the other. The earlier stages of the work were largely unskilled labor, though in some portion of it skill was necessary. In the upper shop, the labor was wholly skilled, the barrels being sent up from below, I think when the hoops were on, to be finished. The ordinary day's work outside is thirteen or fourteen barrels, taken from that point. The institution required the prisoners to finish seven, without any participation in the profits, or financial results of the work. After that number was finished, each barrel produced brought five cents into the prisoner's own pocket.

What was the effect of that, first, in individual cases, and then upon the whole body of the prisoners employed in the room? Well, I visited that prison at the request of Mr. Cordier, and stayed a number of days, as his guest. I saw some prisoners producing twenty-four barrels a day, each, but quite a number produced twenty; and the average number of barrels made, taking them to the same point, was two or three more than the average number made by free laborers—something like sixteen a day in the prison, to thirteen or fourteen outside.

By Mr. ———. —And that was the result of allowing the prisoners to share in the proceeds of their work?

Dr. WINES.—It was solely due to that. Mr. Cordier did not pre-

vent his men from speaking a word to each other, if they chose; and he told me, in more than one instance, a convict had said to him, "I wish you would remove this man that stands next to me to some other place in the shop—he talks to me, and interferes with me."

Now as to the quality of the work: he produced barrels that brought five cents more in the market than those made outside, by free labor. The normal amount of iron to put into a barrel of that kind, was ten pounds, and the purchasers of these barrels—the oil refiners—said to Mr. Cordier, "We will give you the same price as we give to the others, and you need not put in only nine pounds of iron"—which was equivalent to an advance of five cents over outside barrels. And that was all due to the stimulus.

In the shop below, Mr. Cordier said to the men who did the skilled parts of the work, "Now, you must produce so much for the institution, without any share, and of all over that, you shall have so much."

To those who were employed in unskilled labor, where there could be no participation in these earnings, he said: "Now, men, every one of you that works diligently, and behaves well, shall have ten cents credited to his account every day."

I was there two or three months after these propositions were carried into effect. Not one solitary bad mark had been given to a single prisoner in the lower room for that time. That is the influence of giving a little interest in his production to the convict.

[NOTE.—Just as these lines were being transcribed, the intelligence was received that the venerable philanthropist whose testimony forms so large and so valuable a part of this portion of the Commissioners' report, had terminated his long and useful life, nearly the whole of the latter half of which has been devoted to the study of the management of penal and reformatory institutions, in regard to which he was justly acknowledged the first authority. His noble work, "On the State of Prisons," &c., embodying the results of his life-long researches, is now in press—a splendid monument of his wisdom, intelligence, and disinterested zeal in behalf of the fallen and degraded.]

THE DANGER OF OUR CRIMINAL CLASSES.

DR. HARRIS.—The most fearful of all facts is that the ranks of crime have become so full that the country is endangered by the very excess of the criminal population. It is with the criminals as it is with the young prostitutes. Abandoned by society, they abandon themselves. They give themselves up to despair, and cease to purpose to come back into the ranks of honest life. It is idle to

deny this. Prof. Wayland knows it as well as I do; and much better, I think, for he has written much more strongly than I should venture to write, though I believe it, that the very tramps become so abandoned that it is almost impossible to turn them into society.

THE CAUSES OF CRIME.

PROF. WAYLAND.—The State Prisons of New York are fed and filled from the houses of correction. The highest prison authority in the State told me that there was not a jail in all New York that would compare with ours in New Haven. He says there is not one of them which is not a school of crime. That is what fills the New York State Prisons; that, and the immense foreign emigration, of which the worst sort stops in New York, while the better passes through. Those two causes give an exceptionally abnormal number of convicts in the State.

THE DISCHARGED CONVICT'S DIFFICULTIES.

The object of labor in the prisons is not primarily to prepare the convicts for labor outside. First, because, if the men are reformed when they are discharged, they go back to the kinds of labor they were accustomed to do before their confinement. Second, if they are mechanics, it is almost impossible to get them into labor with other mechanics. The laborer is the man of all others who is the bitterest enemy of the convict. He will not work at the same bench with him, if he knows it. He will not be in the same shop with him. He will not give him a chance. That is the literal fact, and the trouble we have in finding employment for reformed convicts is, that in work-shops, no matter how well the man behaves, or what his professions of reform may be, his employer says, "I will give you a chance," and his fellow-workmen say, "You shall not have a chance."

Therefore we have to put them on farms.

THEIR CHANCES OF REFORM.

What, then, is the prospect of their reform? Simply this. When they went into prison, they had no habits of industry. Their habits were of dishonesty and intemperance. They have been there, on an average, long enough for their constitutions to have recovered from the physical taint of intemperance. They have acquired the habit of regular hours; regular hours of going to sleep, rising, meals; nutritious, wholesome food; of exercise, of religious exercises on the Sabbath. That is the basis of their reformation, not that they have learned this or that trade, but that they have got

habits of labor which will be of service to them as long as they live.

The limitations I suggest in the working of the contract labor system, are these: Let the relation of the contractor and of the instruments he employs, be to the convicts and the authorities of the prison such that the prisoner cannot be overreached or oppressed. The authorities should hold a steady hand on the contractor. The best system of rules I ever saw to protect the prisoners from a dishonest or tyrannical contractor, were furnished by a contractor himself, and of his own motion. He said, "This seems to me to be a just thing, gentlemen, and I should like to see something of the kind adopted."

On this point, Mr. ANDREW DICKEY says, as the result of his experience in managing convict labor at Sing Sing:

My opinion is, that the labor should never be made to onerous for the convict, but that a moderate task only, (such as, in the judgment of the physician and prison officers, he is capable of doing,) should be exacted. I find that there are comparatively few of our men who refuse to do their tasks.

I quite believe that the contractor should *in no case* have anything to do with the discipline of the prison, or the punishment of the men; that should be, as it is in this prison, wholly in the care of the Warden. Our course, when we have reason to complain of any of our men, it to report the matter to the Warden or principal Keeper, who then applies the remedy which in his judgment may seem fit. The convict is either removed to another shop, his tobacco stopped for a week, or punished in some other manner proportioned to the offence committed.

I think that, in addition to the commutation time allowed, and the very small amount of money given by the State upon discharge, some other inducements should be offered by the State to convicts for exemplary conduct. There are many men who have never been in prison before, and who, if removed from the pernicious influences that brought them here, would in all probability never commit another crime. *No distinction is made between them and old offenders; all are treated alike.*

At the expiration of their sentences, the men are dressed in a suit of clothes of the value of \$4 to \$5, and are given the sum of \$5.32 to begin life anew.

Most of them go to New York City, where in a few days their scanty pittance is exhausted. If they have friends who will keep them up, they are fortunate; those who have not—and their name is legion—must rely upon themselves to procure work, which, with the stigma of being an ex-convict, is not easy to do. If they succeed, well; but few of this class have the determination and moral stamina to persevere against repeated failure, and the result is usually, that falling into the hands of hardened and unscrupulous

offenders, they are led to repeat their former misconduct; each crime renders the succeeding one easier, and in course of time these men become the irreclaimable *habitués* of State Prisons.

I have often thought that if some provision could be made to enable these young men to effect a start elsewhere—that is, removed from their former associations—that many of them would become respectable members of the community. If even a small percentage only were saved, it would repay the efforts made in their behalf ten-fold.

Much more might be added from the testimony before the Commission on most of the points of the investigation. But it is believed that enough has been given to establish the soundness of the conclusions to which its members have been led.

The tables marked "I," "II" and "III" have been taken almost entirely from those kindly furnished by the Hon. Carroll D. Wright, Chief of the Bureau of Statistics of Massachusetts.

TABLE A.

Number of Emigrants Landed at the Port of New York from January 1st, 1873, to October 1st, 1879.

	Whole Number.	Skilled Workmen.	Bakers.	Blacksmiths.	Carpenters.	Cigar Makers.	Masons.	Miners.	Machinists.	Hatters.	Painters.	Printers.	Shoemakers.	Tailors.	Weavers.
1873	266,878	34,585	1,779	1,334	3,192	695	933	4,545	1,467	176	889	460	1,933	2,650	1,302
1874	104,041	13,520	694	520	1,243	260	362	1,768	572	70	347	182	754	1,009	576
1875	84,560	10,990	563	422	1,008	210	296	1,378	464	56	282	149	634	835	418
1876	68,264	8,864	455	341	816	170	239	1,148	375	46	227	119	494	675	335
1877	63,850	7,953	411	460	722	170	259	1,138	370	47	225	102	485	528	253
1878	75,347	9,837	520	376	907	188	270	1,253	407	51	239	120	548	712	358
1879*	112,532	14,629	784	560	1,344	280	385	1,904	620	77	386	190	840	1,120	660
	775,412	100,378	5,203	4,013	9,237	1,973	2,744	13,134	4,275	523	2,595	1,322	5,638	7,529	3,907

* For ten months. The increase for the year 1879 is estimated at about 50,000—over sixty per cent. above 1878.

PRISON LABOR REPORT.

TABLE B.

Weekly Wages of Men without Board, in

	France.	Germany.	England.	New York.	Chicago.
Bricklayers.....	\$4.00	\$3.60	\$8.12	\$12.00 to \$15.00	\$6.00 to \$10.00
Book-binders.....	4.85	3.82	7.83	12.00 " 18.00	9.00 " 18.00
Carpenters.....	5.42	4.00	8.25	9.00 " 12.00	7.50 " 12.00
Cabinet-makers.....	6.00	3.97	7.70	9.00 " 13.00	7.00 " 15.00
Masons.....	5.00	4.30	8.16	12.00 " 18.00	12.00 " 15.00
Painters.....	4.90	3.92	7.25	10.00 " 16.00	6.00 " 12.00
Printers.....	4.70	4.80	7.75	8.00 " 18.00	12.00 " 18.00
Shoemakers.....	4.75	3.12	7.35	12.00 " 18.00	9.00 " 18.00
Tailors.....	5.10	3.58	\$5.00 to 7.30	10.00 " 18.00	6.00 " 18.00
Laborers.....	.....	2.92	5.00	6.00 " 9.00	5.50 " 9.00
Farm laborers.....	3.15	2.87	3.60	.....	.....

Retail Prices of Food in

	France.	Germany.	England.	New York.	Chicago.
Bread, per lb.	3c.	3c. to 7c.	3½c. to 4½c.	4c. to 4½c.	4c. to 4½c.
Beef, roasts, "	22c.	22c.	22c.	12c. " 16c.	8c. " 12½c.
Beef, soup, "	16c.	14c.	15c.	6c. " 8c.	5c. " 8c.
Pork, fresh, "	14c.	17c.	16c.	8c. " 10c.	4c. " 5c.
Pork, salted, "	"	"	15c.	" " "	6c. " 12c.
Hams, "	25c.	22c.	13c. to 23c.	8c. " 12c.	7c. " 15c.
Butter, "	"	"	29c. " 38c.	25c. " 32c.	16c. " 20c.
Cheese, "	.....	24c.	15c. " 21c.	12c. " 15c.	5c. " 16c.
Tea, "	.....	75c.	43c. " 83c.	50c. " 60c.	25c. " \$1.00
Coffee, "	30c.	35c.	28c. " 42c.	20c. " 30c.	16c. " 40c.
Sugar, "	.....	11c.	5½c. " 09c.	6c. " 7c.	3c. " 8c.
Potatoes, per bush.	50c.	50c.	\$1.12 to 2.00	\$1.40 " \$1.60	60c. " 80c.

TABLE C.

The Wardens of the several State Prisons in the United States have forwarded to the Commissioners answers to the following questions:

1. How many male convicts in your institution?
2. How many employed at mechanical work?
3. How many of these work for contractors?
4. How many employed in making boots and shoes?
5. How many of these latter work for contractors?
6. What the average wages per diem?

STATE PRISONS.	Number of male convicts.	Number employed at mechanical work.	Number at work for contractors.	Number making boots and shoes.	Number of these latter at work for contractors.	Average wages per diem.	Laborers leased.
Alabama.....	654						654
Arkansas	550						550
California	1546	360	360			50	800
Colorado	150	65	43	43	43	50	
Connecticut.....	246	199	196	196	196	50	
Florida	145						145
Georgia.....	1300						1300
Illinois	1377	1108	1108	399	399	48	
Indiana.....	1300	890					
Iowa	360	301	301	86	86	44	
Kansas	600	320	320	34	34	50	
Kentucky.....	950	130					800
Louisiana.....	600						600
Maine.....	208	160		14			
Massachusetts	765	620	620	240	240	46	
Maryland	707	600	600	314	314	50	
Minnesota	221	100				40	
Mississippi	1060						1060
Missouri.....	1260	860	860	400	400	42½	
Michigan.....	808	459	459	55	50	55	
Nebraska	150	100					
New York.....	3303	2616	2616	624	624	46	
New Hampshire.....	153	135	135			46½	
New Jersey.....	759	368	300	300	300	50	
North Carolina.....	1028						896
Ohio	1398	900	900			47½	
Oregon	150	100					
Pennsylvania.....	1817	1218	483	550	310	35	
Rhode Island.....	93	90	87	50	50	40	
South Carolina.....	312						312
Tennessee	1200	650	650				500
Texas	1779	323					1738
Vermont	144	113	113	113	113	40	
Virginia.....	936	290	54	100		50	
West Virginia.....	243	210	210				23
Wisconsin.....	301	235	223	223	223	40	
	28,573	13,510	10,638	3741	3382		9355

PRISON LABOR REPORT.

TABLE I.

CONVICTS IN THE STATE PRISONS, PENITENTIARIES, AND OTHER PENAL INSTITUTIONS OF THE UNITED STATES.

	Males.	Females.	Total.
In all the States.....	44,084	3685	47,769
In Alabama.....	621	33	654
Arkansas.....	508	13	521
California.....	1571	11	1582
Colorado.....	154	1	155
Connecticut.....	590	63	653
Delaware.....	96	8	104
Florida.....	138	3	141
Georgia.....	1193	34	1227
Illinois.....	2031	28	2059
Indiana.....	1231	.....	1231
Iowa.....	733	57	790
Kansas.....	588	5	593
Kentucky.....	1187	79	1266
Louisiana.....	551	38	589
Maine.....	408	22	430
Maryland.....	1070	162	1232
Massachusetts.....	3655	839	4494
Michigan.....	1679	98	1777
Minnesota.....	331	12	343
Mississippi.....	1075	25	1100
Missouri.....	1470	151	1621
Nebraska.....	247	3	250
Nevada.....	142	.....	142
New Hampshire.....	277	20	297
New Jersey.....	1332	119	1451
New York.....	7343	798	8141
North Carolina.....	1028	54	1082
Ohio.....	2204	214	2418
Oregon.....	189	.....	189
Pennsylvania.....	4166	521	4687
Rhode Island.....	293	75	368
South Carolina.....	710	16	726
Tennessee.....	1167	33	1200
Texas.....	1718	20	1738
Vermont.....	250	21	271
Virginia.....	936	80	1016
West Virginia.....	288	5	293
Wisconsin.....	863	22	885
The Territories.....	101	2	103

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TABLE II.

CONVICTS EMPLOYED IN THE STATE PRISONS, PENITENTIARIES, HOUSES OF CORRECTION AND OTHER PENAL INSTITUTIONS OF THE UNITED STATES.

	Under lease.	By contractors.	On public account.	In prison duties.	Totals.
In all the States.....	9364	16,747	9355	4656	40,122
Alabama.....	584				584
Arkansas.....	508			13	521
California.....		318			318
Colorado.....		40	47	67	154
Connecticut.....		504	29	85	618
Delaware.....					
Florida.....	141				141
Georgia.....	1227				1227
Illinois.....		1271	445	337	2053
Indiana.....		995			995
Iowa.....		318	345	106	769
Kansas.....		320	112	161	593
Kentucky.....	995			215	1210
Louisiana.....	551			38	589
Maine.....		78	217	55	350
Maryland.....		800		216	1016
Massachusetts.....		1880	453	989	3322
Michigan.....		698	693	230	1621
Minnesota.....		180	32	38	250
Mississippi.....	1000		63	37	1100
Missouri.....	220	730	260	37	1247
Nebraska.....	242				242
Nevada.....			81	61	142
New Hampshire.....		231	12	28	271
New Jersey.....		368	432	139	939
New York.....		4908	1436	697	7041
North Carolina.....			1000	82	1082
Ohio.....		1268	552	434	2254
Oregon.....		55			55
Pennsylvania.....		980	2135	164	3279
Rhode Island.....		183	84	90	368
South Carolina.....	563		163		726
Tennessee.....	1048			152	1200
Texas.....	1738				1738
Vermont.....		198	14	61	271
Virginia.....	500	54	264		818
West Virginia.....		200		43	243
Wisconsin.....		231	452	108	792
The Territories.....	47		33	4	84

PRISON LABOR REPORT.

TABLE III.

KIND OF WORK DONE IN PENAL INSTITUTIONS OF ALL KINDS IN WHICH CONVICT LABOR IS EMPLOYED.	Number of States in which Convicts are employed in the Industry named.	Whole number of persons employed in the Industry named in the States in which that Industry is carried on in Prisons, (U. S. Census, 1870)	Number of Convicts employed in Industry named.	Number of persons employed in Industry named, in the United States, by census of 1870.
Agricultural Implements.....	5	3,080	602	36,678
Boots and Shoes.....	23	129,989	6,581	171,127
Brooms.....	3	3,638	268	5,206
Brushes.....	4	1,827	1,010	2,425
Carpets.....	2	2,939	175	7,697
Carriages and Wagons.....	14	33,153	1,251	54,923
Cigars and Tobacco.....	8	22,480	510	47,848
Clothing.....	18	105,157	2,262	118,375
Fur Hats.....	3	.....	593	6,000*
Furniture of all kinds.....	17	52,167	2,884	57,091
Iron goods.....	14	104,965	3,504	137,545
Laundry work.....	7	17,303	315	60,906
Leather and Leather goods.....	10	35,639	787	59,177
Stove.....	16	26,161	1,687	32,277
Wooden goods.....	15	37,440	1,120	54,206
Farmers and Laborers*.....	29	.....	10,607	.....
Prison duties*.....	29	.....	4,930	.....
Miscellaneous.....	.....	77,051	1,036	448,025
AGGREGATES.				
Farmers and Laborers.....	.....	.....	10,607	.....
Prison duties.....	.....	.....	4,980	.....
Productive Industries.....	.....	658,039	24,585	.....
.....	.....	658,039	40,122	1,297,611

* No census comparisons obtainable.

