

SENATE . . . No. 226.

Commonwealth of Massachusetts

SENATE, May 6, 1887.

Your committee, realizing the far-reaching importance of this question, have given to the solution of this most vexed subject, *convict labor*, a great deal of time and attention, months of careful study and weeks of practical observation. In pursuance of the object sought to be attained, your committee has visited several States and there witnessed the practical application of different systems. We have seen in actual operation the three systems now in vogue; viz., Contract, Piece Price and Public Account. We have received the opinions of prison officials from many States, we have also conversed with prominent prison managers in the several great institutions of Pennsylvania, New Jersey and New York upon this matter of the utilization of the labor of convicts. In the State of Pennsylvania the contract system is abolished; all work performed by the prisoners is upon the public-account plan.

The Eastern Penitentiary, Philadelphia, is constructed upon the cellular or isolated plan; nearly twelve hundred convicts are there confined, each in a cell of his own. This cell is also his workshop; after he once enters, he never leaves it until his sentence has expired.

The labor of these prisoners, under such limitations, is of course confined to hand work alone. The manufacture of cigars, mats, chairs and boots and shoes is carried on there under the direction of the warden, who has as his subordinates forty keepers, who also act as instructors; each keeper being an expert at some particular trade.

The financial result is very flattering, in comparison to our own prisons; nearly fifty per cent. of running expenses are paid under this system. The rule by which the keeper must be a competent instructor seems to be most commendable and worthy of the emulation of an economical administration. The discipline is of course very rigid, yet the prisoners appeared to be in a fine healthy condition, with none of the depressed, faded-out appearance which is so characteristic of the inmates of most penal institutions.

At the New Jersey State Prison in Taunton, the *piece-price* plan was in operation; and while it met with a moderate degree of favor from the prison officials, yet on the whole they appeared to desire a return to the old contract system which the legislature had abolished. The main reason for such a desire would be found in the reluctance of the prison officials to undertake new responsibilities which a change in methods obligated them to do. This plan would not result as well financially, in the opinion of the officers, as under the old contract system.

The *public-account* system in another form entirely distinct from the methods adopted in the Eastern Penitentiary, Philadelphia, was closely observed by the committee in the Reformatory at Elmira, N. Y.

Large and commodious workshops, valuable machinery and all the accessories of a large manufacturing concern were here visible, under the efficient direction of the notable prison manager, Z. R. Brockway. The principal industry there carried on is the manufacture of hollow ware, and it is a financial success. The tasks as set for the prisoners to perform are something enormous to our eyes; and yet they do it. The work is very tiresome and arduous. While seemingly being pushed to the uttermost limit of physical endurance, the prisoners appear to enjoy good health, and make but few complaints. Our own prison officials could perhaps learn a lesson in the faculty of keeping men hard at work by an observance of some of the Elmira methods.

As New York has also abolished the contract system, and but few of the contracts remain unexpired in the Sing Sing Prison, we had not that opportunity to witness its full operation in a prison containing sixteen hundred men, that we

could have had before the expiration of the contract system. In no penal institution in the world has there been such a financial showing under any system of labor as has resulted in Sing Sing by means of the contract system.

The reason, on a careful inspection of their discipline and methods, is obvious. The convicts are made to work long hours and at hard tasks; the work is actually driven out of them, they are compelled to labor hard and incessantly. By these methods their labor was made valuable for the amount of work performed, and their labor when contracted for brought a comparatively fair value.

The prisoner's reformation was lost sight of; he was to all intents and purposes a mere machine, — an automaton, capable of turning out just so much work.

The institution was looked upon as being a business investment, and the prisoners, for the time being, slaves. There could not, under such a condition of things, be but one result, — *financial* success. But men of intelligence the world over, who had made penology a study, do not hesitate to condemn the turning of a corrective institution into a coercive workshop. And the time soon came when, notwithstanding its grand financial showing, the public of New York State placed the seal of its condemnation upon any such system.

Under the escort of the courteous and gentlemanly commissioner of Public Charities and Corrections, Hon. Thomas J. Brennan, we visited Blackwell's Island, New York City. Their system of prison labor impressed your committee very much. The island, as is well known, is occupied by several institutions, eleemosynary as well as penal. The labor in the penal institutions is utilized for the benefit of all these institutions, eleemosynary as well as penal. That is to say, that nearly everything used except the food products is produced by prison labor there.

Carriages, carts, furniture, tin ware, iron work of all kinds, boots and shoes, wooden ware, brooms, brushes, clothing, in fact everything imaginable, is there manufactured, even to the coffins in which the pauper dead are buried. And yet, most significant of all, there is not a steam engine on the island, — it is all hand work, and very excellent work at that. The nearest approach to power was that exhibited by

four men working in relays, turning a large balance wheel which was driving a circular saw.

Warden Pillsbury of this prison is of the famous Pillsbury family of prison managers; his opinion is that the best system of labor is that which is there carried on, by which all the products of prison labor can be utilized by the State or city itself.

Commissioner Brennan is very enthusiastic over the success of his plan, and recommends its adoption by all the State authorities.

After this necessarily brief résumé of the operations of your committee in other States, we would say in conclusion that such observations, experience and all evidence attainable leads us to recommend the abolition of the contract convict system of labor.

1st. Because detrimental to discipline and subversive of the principle of reformation.

2d. A poor investment financially, when the expenditures exceed receipts by \$700,000, and the average earnings of the convict is but twenty-two cents per day.

3d. It is a constant source of annoyance and absolute injury to the outside manufacturer and the honest mechanic.

4th. Public opinion is adverse to it.

5th. The other great States have already abolished it, notably California, Ohio, New York, Pennsylvania and New Jersey; and uniformity is desirable.

We, therefore, believing that the interests of the taxpayer, the manufacturer and the honest mechanic, as well as the prisoner, would be enhanced by the adoption of the State account system in a modified plan, whereby such goods as are manufactured in our prisons could be used in the different State institutions, report the accompanying bill.

For the Committee,

FRANK W. JONES.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-seven.

AN ACT

Relating to the Labor of the Prisoners in the State Prison, Reformatories and Houses of Correction.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. No contract shall hereafter be
2 made for the labor of prisoners confined in the
3 state prison, reformatories or any of the houses
4 of correction; but such prisoners shall be em-
5 ployed by the warden, superintendent or keeper
6 of said prison, reformatory or house of correction,
7 under rules and regulations to be established by
8 the general superintendent of prisons, in such
9 industries as shall from time to time be fixed upon
10 by said warden, superintendent or keeper and the
11 general superintendent. The warden, superin-
12 tendent or keeper, under the direction of said
13 general superintendent, shall purchase such tools
14 and implements as he and they shall consider
15 necessary for carrying on said industries. ¶

1 SECT. 2. The warden, superintendent or
2 keeper may employ such number of persons as
3 he and said general superintendent shall consider
4 necessary to superintend and instruct said prison-
5 ers in said industries. Such superintendents and
6 instructors shall have the same authority in rela-
7 tion to the prisoners which is possessed by the
8 subordinate officers of said prison, reformatory or
9 house of correction. The compensation of said
10 superintendents and instructors shall be fixed by
11 the warden, superintendent or keeper, with the
12 approval of the said general superintendent.
13 They shall be appointed and may be removed by
14 the warden, superintendent or keeper, with the
15 approval of the said general superintendent.

1 SECT. 3. The bills for tools, implements and
2 materials purchased, together with the salaries of
3 persons employed under this act in the state
4 prison and reformatories, shall be paid monthly
5 from the treasury of the Commonwealth upon
6 schedules prepared and sworn to by the warden
7 and superintendent and approved by the general
8 superintendent of prisons. The schedules of
9 bills for materials and salaries shall be separate
10 from those for tools and implements, and both
11 such schedules shall be separate from the sched-
12 ules of bills incurred for the maintenance of the
13 prison or reformatory.

1 SECT. 4. The bills for tools, implements and
2 materials purchased, together with the salaries of

3 persons employed under this act in the houses of
4 correction, shall be paid monthly from the county
5 treasury upon schedules prepared and sworn to
6 by the keeper, and approved by the general su-
7 perintendent of prisons. The schedules of bills
8 for materials and salaries shall be separate from
9 those for tools and implements, and both such
10 schedules shall be separate from the schedules of
11 bills incurred for the maintenance of the house of
12 correction.

1 SECT. 5. No new machinery shall hereafter
2 be used in any such institution to be propelled
3 by other than hand power.

1 SECT. 6. The governor shall appoint, by and
2 with the advice and consent of the council, as
3 soon after the passage of this act as may be, a
4 suitable and discreet person, who shall be known
5 and designated as the general superintendent of
6 prisons. He shall hold and continue in office at
7 the discretion of the governor, and receive such
8 compensation as may be determined by the
9 governor and council.

1 SECT. 7. It shall be the duty of the general
2 superintendent aforesaid to establish and maintain
3 in the state prison, reformatories and the houses
4 of correction in the Commonwealth, such indus-
5 tries as may, from time to time, be determined
6 upon by him and the warden, superintendent or
7 keeper.

1 SECT. 8. The number of prisoners employed
2 in a single industry at the same time in any in-
3 stitution, shall not exceed one-twentieth of the
4 number of persons employed in such industry in
5 the state, according to the classification given in
6 the last census preceding such employment,
7 unless such number is necessary to produce
8 materials to be supplied in state and county in-
9 stitutions as provided in section thirteen hereof.

1 SECT. 9. The general superintendent shall
2 purchase the materials to be used in manufactur-
3 ing as aforesaid, and sell such manufactured
4 goods as shall be produced in the prison, reforma-
5 tory or house of correction.

1 SECT. 10. The warden and superintendent
2 shall pay into the treasury of the Commonwealth,
3 whenever he shall have in his possession as great
4 a sum as ten thousand dollars, and in all cases as
5 often as once in each month, all moneys received
6 under the provisions of this act.

1 SECT. 11. The keeper of any house of cor-
2 rection shall pay into the treasury of the county,
3 whenever he shall have in his possession as great
4 a sum as five thousand dollars, and in all cases as
5 often as once in each month, all moneys received
6 under the provisions of this act.

1 SECT. 12. The warden, superintendent or
2 keeper, or their successors, may sue upon any

3 sale or be sued upon any purchase made under
4 the provisions of this act. No such suit shall
5 abate by reason of the office of the warden,
6 superintendent or keeper becoming vacant; but
7 any successor of the warden, superintendent or
8 keeper, pending such suit, shall take upon himself
9 the prosecution or defence thereof, and upon
10 motion of the adverse party and notice he shall
11 be required to do so. When a controversy arises
12 respecting any purchase or sale made under this
13 act, or a suit is pending thereon, the warden,
14 superintendent or keeper may submit the same to
15 the final determination of arbitrators or referees,
16 to be approved by the governor.

1 SECT. 13. The general superintendent shall, as
2 far as may be, have manufactured in the state
3 prison, reformatories and houses of correction
4 such articles as are in common use in the several
5 state and county institutions. He shall, from
6 time to time, notify the officers of such institutions,
7 having charge of the purchase of supplies, of such
8 goods as he has remaining in hand, and said offi-
9 cers shall, as far as may be, purchase of said ar-
10 ticles as are necessary to the maintenance of the
11 institutions which they may represent. The arti-
12 cles manufactured in said prison, reformatory or
13 house of correction shall be sold at the whole-
14 sale market price of goods of like kind and
15 grade.

1 SECT. 14. The general superintendent of pris-
2 ons shall make an annual report in December, in

3 which he shall state what industries have been
4 carried on in said prison, reformatory or house of
5 correction during the year, the number of prison-
6 ers employed in each, giving the highest and
7 lowest number at any one time, the kind and quan-
8 tity of goods manufactured, the amount thereof
9 sold to such institutions and otherwise, and the
10 prices received therefor.

1 SECT. 15. The general superintendent shall
2 before entering upon the duties of his office give
3 bond, with satisfactory sureties, in such sum as
4 shall be fixed by the governor and council.

1 SECT. 16. Any existing contract for the labor
2 of the prisoners in said prison, reformatory or
3 house of correction, which, by the terms thereof,
4 may be terminated by the warden, superintendent
5 or county commissioners, upon notice, shall be
6 terminated by the warden, superintendent or
7 county commissioners, by giving, within ninety
8 days after the confirmation of said general super-
9 intendent, the notice provided for in such con-
10 tract.

