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56TH CONGRESS, }
1st Session.

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Part 2

INDUSTRIAL COMMISSION.

TRUSTS AND INDUSTRIAL
COMBINATIONS.

STATUTES AND DECISIONS OF FEDERAL, STATE,
AND TERRITORIAL LAW,

TOGETHER WITH A

DIGEST OF CORPORATION LAWS

APPLICABLE TO LARGE INDUSTRIAL COMBINATIONS.

IN TWO PARTS.

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INTRODUCTION.

Twenty-seven of the States and Territories have passed statutes with the intention of defining monopoly more closely in order to meet modern conditions, and to prevent the formation of monopolies by fit regulations and penalties. Fifteen States have articles in their constitutions tending to the same end, though four of these have passed no laws on the subject. Besides these restrictions, the Congress passed the antitrust act of 1890, applying to interstate commerce, and in the interstate-commerce act itself has likewise forbidden restraint of trade. The periods when the greatest activity in legislation is found are about 1890, soon after the report of the Bacon committee of Congress and the investigations of New York and Canada, and in the years 1897 and 1899, in connection with the late rapid movement toward consolidation in industries.

In this volume have been brought together the laws of Congress and of all the States and Territories on this subject that are now in force. In several of the States successive and amendatory acts have been passed in different years. The intention has been to print here all that have not been repealed.

Inasmuch as judicial interpretations of these statutes are as important as the acts themselves, it has seemed best to make a careful study of the cases decided. To that end diligent effort has been made to present a brief digest (not in the language of the court unless quoted) of all the decisions that have been made by courts of final resort in cases brought under these statutes. In some important instances the decisions of inferior courts have also been digested. It can hardly be expected that some cases have not escaped our search, but it is believed that the list is fairly complete.

So many of our States have relied upon the well-tested, time-honored principles of the common law to protect their citizens from the evils of monopoly, and so many courts have found these principles sufficient, even when special statutes were at hand, that it has seemed best to add to the list of cases

a considerable number of the most important ones decided under the common law. Legislators can thus the more readily judge the wisdom, or lack of wisdom, of seeking new remedies instead of trusting to the common law.

Legislation in the United States must be, under the Constitution, a matter of consideration by both Congress and the State legislatures in their respective fields. The line of demarcation between their powers is not readily drawn in actual practice, and in this matter of the control of corporations the puzzling entanglements of State commerce with interstate commerce have tested the acumen of the wisest judges.

To put easily within reach the means for noting part of the decisions of the United States courts on this question—a question which must be fully considered, if further legislation regarding monopolies is to be seriously undertaken—eighteen leading cases which dwell most upon the relations of the powers of Congress and the State legislatures have been added. Of course no serious and extended study can be made from brief digests; but it is hoped that enough has been given to indicate the lines of discussion followed by our Federal courts.

Two or three leading Canadian and English cases have been added as a matter of interesting comparison.

There has also been added a tabular digest of all the statutes, to render easy a comparison of those of the different States.

Part II consists of a digest of the corporation laws of the several States, in so far as these laws are applicable to large industrial combinations.

The Industrial Commission has undertaken also the compilation of the most important provisions of foreign statutes which relate to the control of corporations. It is believed that this compilation, which will take considerable time for its completion, will prove to be a valuable supplement to the present volume.

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PART I.

STATUTES AND DIGESTED DECISIONS OF FEDERAL,
STATE, AND TERRITORIAL LAW RELATING TO
TRUSTS AND INDUSTRIAL COMBINATIONS.

PREPARED BY
JEREMIAH W. JENKS,
EXPERT AGENT.

LETTER OF TRANSMITTAL.

To the Industrial Commission:

I have the honor to submit herewith a compilation of the statutes of the Federal, State, and Territorial governments on the subject of trusts and industrial combinations, together with a digest of the decisions of the courts made under these statutes, and of numerous leading cases decided under the common law.

It is as yet too early to sum up the results of recent legislation on so complex a subject; but a brief study of the statutes and of the cases thus far decided may justify the following observations:

1. Practically all of these statutes were framed with the same purpose in view: To prevent the formation of combinations in trade which might become dangerous to the public, and to destroy such as already exist. In a few cases an attempt is made through special powers granted to prosecuting officers to secure information regarding these organizations, and then to strike them down, if they are seen to be monopolies in the common-law sense.

It is a striking fact that not one of these statutes aims especially at securing publicity regarding the business of the large industrial combinations through detailed reports, in order that the publicity itself may prove a remedial measure.

2. In several of the States, as will be seen from the chart, an attempt has been made to exempt from the heavy penalties of the law dealers in certain products (agricultural products and live stock) and certain classes in the community (the farmers and laborers) on the ground that such combinations are not injurious to the public.

3. The common law is sufficient to enable learned judges to protect the welfare of the people against monopolies that can be clearly proved to be against public policy. The proof needed to establish monopoly seems to vary somewhat with the locality.

4. The statutes, by defining in specific terms, referring to modern conditions, what is the act objected to, put people and prosecuting officers more on the alert regarding their rights

and duties. It is probable, too, that through the statutes the principles of the common law are fitted more rapidly into modern conditions and that they have been somewhat extended.

Possibly at times the fear of a new form of business organization may have led to the extension of legal privileges of interference with private business beyond what the public welfare demands. Some of the statutes, if read literally, would seem to forbid many perfectly innocent associations among individuals; but the courts seem invariably to have assumed that only monopoly—at least virtual monopoly—was attacked, and the decisions have been made accordingly. The courts in most instances have not entered upon the discussion of the more difficult question as to whether the monopoly in question was against public policy; but in some few cases that has formed the basis of the decision.

5. The courts, both state and national, very generally uphold the anti-monopoly statutes. Those declared unconstitutional have been generally so declared on only minor points, which could readily be changed in subsequent statutes, but a late decision in the United States circuit court holds exceptions of special classes unconstitutional.

6. There is a tendency on the part of the courts to put combinations of labor and of capital into the same class before the law, unless special exceptions have been made.

It gives me pleasure to call attention to the very intelligent and careful work of Mr. Herbert A. Heminway, who has assisted me throughout in the preparation of this volume.

Respectfully submitted.

JEREMIAH W. JENKS.

FEBRUARY 20, 1900.

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APPENDIX.

SUMMARY OF CONVICT-LABOR LAWS.

The following statement presents a summary, by States, of legal provisions in force in the United States in 1898, relating to systems, hours, and kinds of convict labor; to the regulation of the sale of convict-made goods, so far as such regulations tend to establish or limit prices, or to prescribe rules governing the business of dealing therein; and to the diminishing of competition between convict and free labor.

ALABAMA.

CONTRACT SYSTEM.—Code of 1896, secs. 4463 and 4498 make general provision that State convicts shall be hired or employed at such labor, in such places, and under such regulations, as may be prescribed by the authorized authorities, having in view the end of making the system self-sustaining; and that contracts may be made "for the hire of the labor" of State convicts, by the day, month, year, or term of years, the State in such case controlling and supporting the convicts.

LEASE SYSTEM.—Secs. 4476, 4477, and 4478 provide for the leasing of State convicts, and require that all hiring of them must be per capita; that not less than 50 such convicts shall be hired to one person or kept at one prison, except that less than 50 may be worked in the county where they were convicted; that such convicts must be classed or tasked if hired to work in mines; and that no such convict must be worked at a different place or occupation than that expressed in the contract, or be rehired, or placed in the keeping or control of any other person than the contractor, without authorization by proper State officials.

Secs. 4521, 4527, 4529, and 4534 authorize the hiring of county convicts to labor anywhere within the State, the place and kind of labor to be restricted to that expressed in the contract of hiring; and such convicts must not be sublet or rehired, unless authorized by proper county authorities.

PUBLIC-ACCOUNT SYSTEM.—Secs. 4514 and 4516 authorize the employment of State convicts at farming or other labor on any land owned by the State, and provide that any part of the net income derived from State convict labor may be applied to manufacturing, "looking to the more permanent employment" of the convicts.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Secs. 4521, 4522, 4528, 4529, and 4530 authorize the employment of county convicts on public roads, bridges, and other public works in the county where convicted, it being provided that no female shall be required to labor upon any public highway.

HOURS OF LABOR.—The statutes of Alabama contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing, farming, and employment upon public works and ways and in mines.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of products of convict labor or for diminishing competition between convict and free labor.

ARIZONA.

LEASE SYSTEM.—Acts of 1895, No. 19 provides that the labor of the inmates of the Territorial prison and reform school may be leased, on contract with a responsible person or persons, without obligating the Territory "to furnish tools, machinery or money, or make other expenditure other than the labor of the inmates, properly clothed and fed, and the proper guards for the same, together with the use of the property, buildings and lands;" and that no contract or lease shall be made for a longer period than 10 years. The labor of the inmates may be performed either inside or outside the prison or reformatory confines. It is also provided that the buildings and property connected with the insane asylum, prison, and reform school may be leased for the purpose of furnishing employment to the inmates of the prison and reform school.

PUBLIC-WORKS-AND-WAYS SYSTEM.—This act authorizes the employment of convict labor upon public works, by stipulating that the labor of the inmates of the institutions named shall not be leased when it is required upon the buildings or property thereof.

Revised Statutes of 1887, Sec. 2459, provides that prisoners in the county jail may be required to perform labor upon the public works and ways of the county.

HOURS OF LABOR.—The statutes of Arizona contain no provision regulating the hours of labor of convicts.

KINDS OF LABOR.—Manufacturing, and employment on public works and ways.

SALE AND COMPETITION.—The statutes of Arizona contain no provisions regulating the sale of convict-made goods or diminishing competition between convict and free labor.

ARKANSAS.

CONTRACT SYSTEM.—Digest of 1894, secs. 5499 (as amended by act No. 20, extra session of 1897), 5500, 5502, 5504, and 5506, authorize the employment of State convicts under the contract system, either inside or outside the prison walls, the State to retain the control, management, and discipline of the convicts, and "to direct how, at any and all times and under all circumstances, its convicts shall be lodged, fed, clothed, guarded, worked, and treated;" but no contract shall be let for any such convict labor if equally remunerative employment can be furnished by the State, so as to work the convicts on State account.

LEASE SYSTEM.—Secs. 910 (as amended by act No. 16, of 1895), 913-931 provide that contracts shall be made for the maintenance, safe-keeping, and working of prisoners in county jails, the contractor to keep, feed, and clothe the prisoners.

Sec. 888 authorizes the leasing of houses of correction, and the farms attached thereto, and the labor of the inmates, for terms not exceeding two years, the lessees to pay all expenses of maintenance and care of the institutions and the inmates thereof.

PUBLIC-ACCOUNT SYSTEM.—Secs. 5499 (as amended by act No. 20, extra session of 1897), 5500, 5502, 5504, and 5506 authorize the employment of State convicts under the public account system, either entirely or conjointly with the contract system, it being provided that no contract shall be let for the labor of such convicts if equally remunerative employment can be furnished them under the public-account system.

Secs. 883, 885, and 886 provide that inmates of houses of correction may be employed in cultivating the farms and gardens connected therewith, or in mechanical pursuits, and the products of their labor shall be applied to paying the expenses of the institution, and the surplus arising from the sale of such products shall be paid into the county treasury.

STATE-USE SYSTEM.—Secs. 5501, 5502, and 5506 authorize the carrying on of manufacturing and other industries, either inside or outside the prison walls, with State convict labor, the products of such labor to be used in State institutions.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts No. 33 and 38, extra session of 1897, authorize the employment of State convicts in repairing roads leading to the various convict camps, and in constructing State railroad and telegraph lines.

Digest of 1894, sec. 5543, provides that penitentiary convicts may be worked on public improvements, buildings, and grounds in the city of Little Rock.

Secs. 896, 911, and 932 provide that convicts in county jails may be worked on the public bridges, highways, levees, and other county improvements.

HOURS OF LABOR.—Sec. 906 provides that persons hiring county convicts shall not work them for a longer time during any day than other laborers doing the same kind of work are accustomed to labor

KINDS OF LABOR.—Manufacturing, farming, coal mining, stone quarrying and cutting, clearing and fencing timber land, building railroad and telegraph lines, and upon public works and ways.

SALE AND COMPETITION.—The statutes of Arkansas contain no provision regulating the sale of convict-made goods. Digest of 1894, secs. 5500 and 5559, prohibit the lease system as to State convicts, or the hiring of female convicts as domestic servants.

CALIFORNIA.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1888, chap. 264, authorizes the employment of State convicts in manufacturing or other work, and the sale of such manufactured articles as are not required for use by the State.

STATE-USE SYSTEM.—Acts of 1889, chap. 264, authorizes the employment of State convicts "in the manufacture of any article or articles for the State."

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1897, chap. 8, authorizes the employment of State convicts in the construction and repair of public roads.

Acts of 1891, chap. 216, authorizes the employment of prisoners in county jails "upon the public grounds, roads, streets, alleys, highways, public buildings, or in such other places as may be deemed advisable for the benefit of the county."

HOURS OF LABOR.—Acts of 1889, chap. 264, provides that an able bodied State convict shall be required to perform "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison."

KIND OF LABOR.—Manufacture of jute goods, of road metal or crushed stone, and of articles for State use, and employment upon public works and ways.

SALE AND COMPETITION.—Acts of 1889, chap. 264, Acts of 1893, chap. 42, Acts of 1895, chap. 208, and Acts of 1897, chap. 97, limit the commodities to be manufactured by State convicts for sale to jute fabrics and crushed rock. The selling price of crushed rock is to be 10 per cent above the cost of its production, but such rock shall not be sold for less than thirty cents per ton. The selling price of

jute bags shall not be more than one cent per bag in excess of the net cost of production, exclusive of prison labor; not more than 5,000 grain bags shall be sold during any one year to any one person or firm, except upon the unanimous approval of the board of prison directors—except that after June 15 of each year larger quantities may be sold to actual consumers, upon consent of a majority of the board of prison directors; and orders of farmers for grain bags shall take precedence over all others. Constitution, art. 10, sec. 6, prohibits the working of convicts under the contract or lease systems.

COLORADO.

CONTRACT SYSTEM.—Mill's Annotated Statutes of 1891, secs. 3425, 3435, and 3436, and Acts of 1897, chap. 5, provide that penitentiary convicts are to be worked to the best advantage of the people of the State; that their labor may be hired out to be worked under the superintendence of the warden, and, if outside the prison walls, under the custody of a guard or overseer of the penitentiary; but no labor shall be performed by the convicts off the grounds belonging to the penitentiary except such as may be incident to the business and management thereof.

LEASE SYSTEM.—Secs. 1446 and 1447 authorize the working of county convicts in quarries or mines, and when so working they shall be in the legal care and custody of the person by whom they shall be employed, subject to such regulations as the jail keepers may prescribe.

PUBLIC-ACCOUNT SYSTEM.—Sec. 3425, *idem*, and Acts of 1897, chap. 5, authorize the erection of workshops at the State penitentiary, and the employment of able-bodied convicts at such labor as may be of the most advantage to the penitentiary and the people of the State.

Annotated Statutes, sec. 4163, authorizes the employment of convicts in the State reformatory in manufacturing and mechanical industries, the products of their labor to be sold or disposed of for the benefit of the State.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Sec. 1446 authorizes the employment of prisoners in county jails on any of the public streets, highways, or other works in the county where confined, or in adjoining counties.

Sec. 2438 and 3425 authorize the employment of State convicts in constructing ditches, canals, reservoirs, and feeders for irrigation and domestic purposes, and in making improvements in the penitentiary buildings.

HOURS OF LABOR.—Sec. 1445, 4174, and 4435 provide that convicts sentenced to hard labor shall be "kept constantly employed during every day except Sunday;" that inmates of the State reformatory shall be worked on an average of not exceeding 10 hours per day, Sundays excepted; and that persons convicted of violating municipal ordinances shall be employed not exceeding 10 hours each work day.

KINDS OF LABOR.—Manufacturing and mechanical industries; employment in quarries and mines, in the construction of irrigating ditches, canals, and reservoirs, and on public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Mill's Annotated Statutes of 1891, sec. 3448 and 3449 prohibit the bringing into the State to perform labor of any persons convicted of crimes or misdemeanors, except ex-convicts; or the bringing in of material for use in the repairing or erection of any public building labor in preparing which has been performed by convicts.

Sec. 4163 provides that convicts in the State reformatory shall, as far as practicable, be engaged in the manufacture of articles not manufactured elsewhere in the State. Acts of 1897, chap. 5, provides that able-bodied convicts in the State penitentiary shall be employed in work which may least conflict with the free labor of the State.

CONNECTICUT.

General Statutes of 1888, secs. 3341 and 3343, make general provision for the employment of inmates of the State prison "at such labor as the directors shall order;" and for the employment of a limited number outside the prison walls, within a limited distance, under the superintendence of the warden.

Sec. 3365 provides that county convicts may be required "to work according to their ability."

CONTRACT SYSTEM.—Sec. 3355 prescribes regulations under which 50 or more State convicts may be employed "by contract or otherwise at any trade or occupation."

PUBLIC-ACCOUNT SYSTEM.—Secs. 3394 and 3396 direct that inmates of workhouses be employed "at such labor as they shall be able to perform," be furnished with materials for their work, and be directed by authorized officials in the kind, manner, and place of their employment.

Acts of 1895, chap. 317, provides that inmates of the reformatory shall be employed in such manner as to provide as far as possible for their support, their reformation, and the formation of the ability and disposition to support themselves and their families.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—No specific provision is made as to the kinds of labor at which convicts may be employed, but it is provided generally that they may be employed at "such labor as the directors shall order;" that they shall work "according to their ability," or at "such labor as they shall be able to perform," or "at any trade or occupation."

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

General Statutes of 1888, sec. 3355, provide that when it is proposed to employ 50 or more convicts at any trade or occupation the directors of the State prison shall advertise the fact in newspapers throughout the State for four weeks before so employing them; shall inquire into the effect of the proposed employment upon the interests of the State and upon free labor; shall give hearing to all who wish to be heard in the matter; and if it shall appear from such inquiry that the proposed employment will not be for the best interests of the State, or will seriously injure the citizens of any State engaged in the proposed trade or occupation, it shall be prohibited.

Acts of 1895, chap. 153, provides that "no person confined in any penitentiary, or other place for confinement of offenders, under control of the State, shall be employed in or about the manufacture or preparation of any drugs, medicines, food or food materials, cigars or tobacco, or any preparation thereof, pipes, chewing gum, or any other article or thing used for eating, drinking, chewing, or smoking, or for any other use within or through the mouth of any human being."

DELAWARE.

LEASE SYSTEM.—Acts of 1881, chap. 550, sec. 7 (Revised Code of 1893, chap. 54), authorizes the hiring out of convicts "upon the most favorable terms for their county," in case contracts can not be made for their custody and maintenance in other States.

PUBLIC-ACCOUNT SYSTEM.—Revised Code of 1893, chaps. 54 and 133, provides that inmates of county jails designated as workhouses, and of workhouses, shall be provided with tools and materials for their use and work; and that prisoners under conviction of felony, or under sentence exceeding three months for misdemeanor, may be compelled to work, the proceeds or profits of their labor to belong to the county.

STATE-USE SYSTEM.—Acts of 1891, chap. 278, and acts of 1893, chap. 670 (Revised Code of 1893, chap. 54), authorize the employment of convicts in New Castle County in quarrying stone suitable for being broken into macadam, and in the conversion of stone into macadam for use in improving the public roads in the county.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1881, chap. 550, sec. 7 (Revised Code of 1893, chap. 54), authorizes the employment of convicts "upon the roads or any public works," in case contracts can not be made for their custody and maintenance in other States.

HOURS OF LABOR.—Revised Code of 1893, chap. 54, provides that 8 hours shall constitute a day's work at hard labor, to be performed between 8 o'clock a. m. and 5 o'clock p. m., for convicts in the jail or workhouse in New Castle County.

KINDS OF LABOR.—Quarrying and breaking stone into macadam, and employment upon public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

DISTRICT OF COLUMBIA.

PUBLIC-ACCOUNT SYSTEM.—Webb's Digest, p. 24, authorizes the sale of manufactured articles and agricultural products produced by the inmates of the Washington Asylum and Workhouse, and the purchase of raw materials, tools, implements, and machinery for the purpose of carrying into effect the principle that employment must be provided for all inmates of the institution named capable of any species of labor.

Compiled Statutes of the District of Columbia, chap. 33, sec. 6, provides that prisoners in the jail may be employed at such labor as may be prescribed by the proper authorities, the proceeds thereof to be applied in defraying the expenses of their trial and conviction.

Acts of 1884-85, chap. 145 (U. S. S., vol. 23, p. 314), authorizes the production of commodities for sale by the inmates of the Reform School, by providing that the revenue derived from the labor of the inmates and the products of the farm shall be paid into the United States Treasury.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing and farming.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

FLORIDA.

Revised Statutes of 1892, secs. 2940 and 3057, make general provision for the employment of State and county convicts, it being provided that State convicts sentenced to hard labor "shall be constantly employed for the benefit of the State," and that county convicts sentenced to hard labor "may be employed at such manual labor as the county commissioners may direct."

LEASE SYSTEM.—Secs. 3065 et seq. provide for the making of contracts with any person for the labor, maintenance, custody, and discipline of State convicts, for a term of years not exceeding 4. In case no application is received for the hire of the prisoners, the State may pay "to any person or persons such sums of money for taking such prisoners on such conditions as may be deemed advantageous to the interests of the State."

Sec. 3032, *idem.*, and acts of 1895, chap. 4323, authorize the hiring out or otherwise contracting for the labor of county convicts, upon such terms and conditions as may be deemed advisable.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Revised Statutes of 1892, sec. 3032, authorizes the employment of county convicts "at labor upon the streets of incorporated cities or towns, or upon the roads, bridges, and public works in the several counties where they are so imprisoned."

HOURS OF LABOR.—Secs. 3057 and 3065 provide that State convicts shall labor not less than 8 nor more than 10 hours per day, and when under contract shall work between sunrise and sunset, and not be required to labor on Sunday.

Sec. 3033 provides that county convicts shall not be required to work more than 10 hours per day.

KINDS OF LABOR.—Employment upon public works and ways. The kinds of labor at which leased convicts may be employed are not specified.

SALE AND COMPETITION.—The statutes contain no provision for the regulation of the sale of convict-made goods or for diminishing competition between convict and free labor.

GEORGIA.

LEASE SYSTEM.—Acts of 1897, No. 340, sec. 10, authorizes the leasing of any number of State convicts to counties or to municipal corporations for not less than \$36 per convict per year, to be utilized upon their public roads or works.

Secs. 11 and 13 authorize the leasing to private companies or persons, for terms not longer than 5 years, of all State convicts not employed by the State or leased to counties or municipalities; the hirer to furnish transportation, maintenance, medicine, clothing, and all other necessities, and buildings; the convicts must be leased to the bidder or bidders offering the highest price per annum per capita; the hirer has the right to sublet the labor of the convicts leased by him.

PUBLIC-ACCOUNT SYSTEM.—Secs. 1, 6, and 8 create a prison commission, which is given full control of State convicts and general supervision of misdemeanor convicts, and is authorized to establish a State convict farm, and to provide for the employment of convicts thereon by the purchase of machinery, utensils, live stock, and other necessary equipments; and authorize the sale, to the best advantage, of surplus products of the penitentiary.

STATE-USE SYSTEM.—Sec. 8 authorizes the use of surplus products of the penitentiary by State institutions.

Penal Code of 1895, secs. 1144 and 1145, authorize the employment of county convicts in quarrying or gathering rock or gravel or other material for use in the improvement of county or municipal roads or streets.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1897, No. 340, secs. 9, 10, and 13, authorize the employment of convicts leased under prior laws, the control of whom has been resumed by the State, in erecting buildings, stockades, and appurtenances on the convict farm, or in such other labor as may be deemed profitable, and the hiring by counties or municipal corporations of State convicts, to be employed upon their public roads or works.

Penal Code of 1895, secs. 1039, 1137-1139, and 1143, provide for the working of misdemeanor convicts on public works or roads, and for the hiring of county convicts from other counties to be so worked.

HOURS OF LABOR.—Acts of 1897, No. 340, sec. 6, provides that the hours of labor of State convicts shall be regulated by the prison commission.

KINDS OF LABOR.—Quarrying and gathering rock and gravel for use on roads and streets; employment on the State convict farm and on public works and ways. The kinds of labor at which leased convicts may be employed are not specified.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1897, No. 340, sec. 11, provide that leased convicts shall be employed, as far as they can consistently with the best interests of the State, so "that the products of their labor shall come least in competition with that of free labor."

Penal Code of 1895, sec. 1039, stipulates that county authorities are not authorized to employ misdemeanor convicts "in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor."

IDAHO.

LEASE SYSTEM.—Act approved Mar. 6, 1893 (acts of 1893, p. 155), authorizes the State prison commissioners to contract with responsible persons for the care, maintenance, and employment of all State convicts, such employment to be within the prison limits.

PUBLIC-ACCOUNT SYSTEM.—The same act authorizes the State prison commissioners to provide for the employment of State convicts within the confines of the penitentiary "by direct expenditures."

PUBLIC-WORKS-AND-WAYS SYSTEM.—Constitution, art. 13, sec. 3, authorizes the employment of State convicts "on public works under the direct control of the State," and act of Feb. 3, 1891, sec. 7 (acts of 1891, p. 22), authorizes the employment of such convicts upon the buildings and grounds of the penitentiary in making improvements and repairs.

Act approved March 9, 1895 (acts of 1895, p. 100), provides that male prisoners over 18 years of age in county jails shall be required to labor in and about the county jail and court-house for the "betterment, improvement, cleanliness, or maintenance" of said buildings or their grounds.

HOURS OF LABOR.—This act also provides that county convicts upon public works shall be employed not to exceed 8 hours per day, Sundays and holidays excepted.

KINDS OF LABOR.—Employment upon public works. The kinds of labor at which convicts may be employed under the lease and public accounts system are not specified.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Act of March 6, 1893 (acts of 1893, p. 155), provides that no contract shall be made permitting the use of convict labor in any industry that will "conflict with any existing manufacturing industries in the State."

ILLINOIS.

PUBLIC-ACCOUNT SYSTEM.—Annotated Statutes of 1896, chap. 108, sec. 19, authorizes the employment of penitentiary convicts in manufacturing, under the direction of the warden; the articles manufactured to be sold for the benefit of the State.

Chap. 67, sec. 13, indirectly authorizes the remunerative employment of inmates of houses of correction by making provision for the expenses of maintaining such institutions "over and above all receipts for the labor of the persons confined therein."

STATE-USE SYSTEM.—Chap. 108, sec. 61, authorizes the employment of penitentiary convicts in quarrying stone for the use of the State.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Chap. 108, secs. 27 and 54, authorizes the use of the labor of State convicts upon the penitentiary buildings and grounds or other public works, so far as the labor can be advantageously performed at the penitentiary.

HOURS OF LABOR.—Chap. 108, sec. 13, provides that the hours of labor of State convicts shall be determined by the penitentiary commissioners.

KINDS OF LABOR.—Manufacturing, employment upon public works and in quarrying stone.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

The fourth amendment to the Constitution, adopted November 2, 1886, prohibits the letting, by contract, of the labor of any convict confined in a penitentiary or reformatory institution in the State to any person.

INDIANA.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1897, chap. 187, sec. 1, requires that inmates of State penal and reformatory institutions be placed at employment for account of the State, and directs the establishment of the public-account system.

STATE-USE SYSTEM.—Acts of 1897, chap. 187, provides for the employment of inmates of State penal and reformatory institutions at such trades and vocations as the convicts are adapted to, and as will supply said institutions, as nearly as possible, with all necessary articles of prison consumption; surplus products are to be sold to other State institutions needing the same.

Annotated Statutes of 1894, sec. 8221, provides that materials for building and repairs of the State prison shall be manufactured in the penitentiary.

Sec. 8235 authorizes the employment of convicts in the State prison in Clark County in chopping wood or timber for the use of the prison, in making brick, or in other labor on State land near the prison, and in the cultivation of any fields or grounds that may be leased for the purpose of raising vegetable products for the use of the prison.

Sec. 8250 provides that convicts in the southern State prison may be employed in manufacturing arms, implements, goods, and munitions of war needed in defense of the State, or for the use of State troops.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Secs. 1935 and 4194 provide that male inmates of county, town, and city jails may be put at hard labor on public wharves, streets, alleys, or other thoroughfares, or upon public roads or highways, or any other work or improvement within the county for the public good or benefit.

Sec. 8334 provides that inmates of workhouses shall be kept at hard labor, as far as may be consistent with their age, sex, and ability, in such manner as may be deemed most advantageous, in or about the workhouse or upon any public wharf, street, alley, highway, thoroughfare, or other work or public improvement within the county, or at such work or in such manner as may be deemed best.

HOURS OF LABOR.—Acts of 1897, chap. 187, provides that the hours of labor in State prisons and reformatories shall not exceed 8 hours per day, "subject to temporary changes under necessity or to fit special cases."

Annotated Statutes of 1894, sec. 3502, provides that persons committed to city workhouses or county jails for certain offenses shall be required to labor not less than 6 nor more than 10 hours per day.

KINDS OF LABOR.—Manufacturing, including the production of material for repairing and building State prisons, arms, implements, goods, and munitions of war, and brick; chopping wood and timber; farming, and employment upon public works and ways.

SALE AND COMPETITION.—Acts of 1895, chap. 162, prohibits the sale or exposing for sale of convict-made goods manufactured in other States by any person, without first obtaining a license to sell such

goods, for which \$500 per year must be paid; the dealer is required to make a detailed annual report of his transactions in such goods; all such goods before being exposed for sale shall be branded or marked with the words "convict-made" followed by the year and the name of the institution in which made, in plain English lettering, of the style known as great primer roman capitals, upon the outside of, and the most conspicuous part of, the finished article, and its box, crate, or covering.

Acts of 1897, chap. 187, abolishes the contract system in State penal and reformatory institutions, and renders it unlawful to hire out, under contract, any of the inmates of such institutions; and directs that all work done by inmates of such institutions shall, as far as practicable, be hand work.

IOWA.

CONTRACT SYSTEM.—Code of 1897, sec. 5702, authorizes the making of contracts for the labor of convicts confined in the State penitentiary at Fort Madison, for terms of not longer than 10 years.

PUBLIC-ACCOUNT SYSTEM.—Sec. 5691 authorizes the carrying on of branches of labor and manufactures in the penitentiaries, under the superintendence of overseers having suitable knowledge and skill, who may be employed for the purpose of such superintendence; the management, superintendence, and guarding of the convicts to be in accordance with prescribed rules and regulations, or under the direction of the warden.

Sec. 5707 provides that the surplus stone produced by convict labor in the State stone quarries, not used by the State, shall be made into macadam and disposed of in such manner as may be for the best interests of the State.

Secs. 5654 and 5655 provide that county, city, or town prisoners may be furnished tools and materials to work with, their earnings to belong to the county, city, or town at whose expense they were supplied with tools and materials.

STATE-USE SYSTEM.—Secs. 5707 and 5708 authorize the employment of State convicts in the State stone quarries, and in breaking with hammers stone not used by the State for building purposes, for use in improving and macadamizing streets and highways; such broken stone to be furnished free of charge, except for transportation, to any county, township, town, city, or road district needing it.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Secs. 5658 and 5660 authorize the employment of county or city convicts upon the streets, roads, public buildings, and grounds of the county or city where confined. Sec. 5707 authorizes the employment of State convict labor, when not otherwise employed, in the improvement and macadamizing of streets and highways.

HOURS OF LABOR.—Secs. 5658 and 5660 limit the employment of county and city prisoners upon public works and ways to 8 hours per day.

KINDS OF LABOR.—Manufacturing; stone quarrying, and breaking stone with hammers; and employment upon public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Code of 1897, secs. 5634 and 5707, prohibit the leasing of State or county convicts.

KANSAS.

CONTRACT SYSTEM.—Acts of 1891, chap. 152, secs. 34, 35, and 39, authorize the making of contracts for hiring out the labor of State convicts for terms not exceeding 6 years, to the highest bidder, at not less than 45 cents per day per convict; the State retaining full control over the convicts, and their labor to be performed within the prison grounds.

STATE-USE SYSTEM.—Acts of 1891, chap. 152, sec. 41, provides that coal mined by State convicts in State coal mines shall be used by the penitentiary, statehouse, insane asylum, and other State institutions.

General Statutes of 1889, secs. 5426 and 5427, provide for the employment of county convicts in breaking stone to be used in macadamizing streets and roads, and the use of such broken stone as can not be sold "for the improvement of some designated road or street."

PUBLIC-ACCOUNT SYSTEM.—Acts of 1891, chap. 152, sec. 8, provides that the warden of the penitentiary shall use proper means to furnish employment to State convicts most beneficial to the public, and shall superintend any manufacturing, mining, or other business carried on in or about the penitentiary, and shall sell or dispose of articles produced for the benefit of the State.

Secs. 40 and 41, *idem*, and acts of 1897, chap. 163, sec. 2, authorize the employment of penitentiary convicts not otherwise employed in mining coal, the surplus not required for use in State institutions to be sold to the general public.

General Statutes of 1889, sec. 5427, authorizes the sale of broken stone produced by the labor of county convicts.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1891, chap. 152, sec. 43, authorizes the use of such State convict labor as may be necessary in keeping in repair the road from the penitentiary to the limits of the city of Leavenworth.

General Statutes of 1889, sec. 5428, authorizes the employment of such county convicts as may so desire to work upon the public highways of the county.

HOURS OF LABOR.—Acts of 1891, chap. 152, sec. 39, provides that the hours of labor of State convicts employed under the contract system shall be 10 hours per day.

KINDS OF LABOR.—Manufacturing; farming; coal mining and work on public highways.

SALE AND COMPETITION.—Acts of 1837, chap. 163, prohibits the making of any contract for the sale of coal produced in State coal mines by convict labor not required for use in State institutions; but authorizes the sale of such coal as may not be so required, under the direction of the board of directors of the penitentiary.

The statutes contain no provision tending to diminish competition between convict and free labor.

KENTUCKY.

CONTRACT SYSTEM.—Acts of 1898, chap. 4, secs. 13, 15, and 17, provide for the making of contracts for the labor of penitentiary convicts with one or more contractors, the hiring to be per capita, for a term of not more than 4 years, with privilege of renewal; the contractor shall be entitled to the use of the various shops belonging to the State and the power therein; the various prisoners hired shall remain under prison police and government; the contractor may be permitted to introduce such machinery as may be necessary to the conduct of his business or manufacturing in the prison.

LEASE SYSTEM.—Statutes of 1894, secs. 4870 and 4871, provide that county workhouses, and the labor of the inmates, may be leased for a period of not more than one year, the lessee to have the same power and to discharge the same duties as if he were manager of the workhouse; or, inmates of workhouses may be hired out to individuals for all or any part of their terms, the lessee to provide for their maintenance in addition to the agreed price of hire.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1898, chap. 4, secs. 3, 5, and 16, provide that State convicts not employed under the contract system shall be employed at such useful labor as can be profitably conducted within the prison walls.

The wardens are directed to purchase necessary materials and supplies for the employment of the convicts, and to make report "of all articles of manufacture, and other things made or fabricated in the penitentiary, by the labor of the prisoners, when the same are sold from time to time."

Acts of 1898, chapter 35, provides that inmates of houses of reform shall be employed in useful labor, the proceeds thereof to be used in reducing the expenses of the institutions.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Constitution, sec. 253, authorizes the legislature to provide for the employment of convicts upon public works.

Statutes of 1894, secs. 1379 and 4322, provide for the employment of inmates of county jails and workhouses upon public highways in their respective counties; or upon public works of the counties, or of any city or town therein.

HOURS OF LABOR.—Sec. 1380, provides that prisoners in county jails "shall not be required to labor more than 8 hours a day."

KINDS OF LABOR.—Manufacturing; and employment on public work and ways.

SALE AND COMPETITION.—Statutes of 1894, secs. 524, 525, and 526, provide that no goods produced by convict labor outside of Kentucky shall be sold or offered for sale without being branded or marked with the words "convict made," followed by the year and the name of the institution in which made, in plain English lettering, of the style and size known as great primer roman condensed capitals; such brand or label shall be placed upon the most conspicuous part of the article, or its covering, if impossible to place it upon the article.

Constitution, secs. 253 and 254, prohibit the employment of penitentiary convicts outside of prison walls, except upon public ways and works.

LOUISIANA.

CONTRACT SYSTEM.—Constitution of 1898, art. 196, prohibits the leasing of convicts to work anywhere except on public works or convict farms, or in manufactories owned or controlled by the State; the provision to go into effect after the expiration of the existing lease. This implies the contract system as permissible.

LEASE SYSTEM.—Revised Laws of 1870, edition of 1897, act No. 114 of 1890, and act No. 134 of 1894, secs. 2855 and 2866, authorize the leasing of State convicts, to be employed in such manufacturing, mechanical, or other labor as the lessees may deem proper; the convicts may be employed by the lessees in working on levees, railroads, or other works of public improvement; or if such employment for them can not be obtained, they may be employed on plantation or farm work or at any other employment. The subleasing of leased convicts is forbidden.

Act No. 29 of 1894 provides that services of parish convicts may be hired or leased for the purpose of working them within the parish.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Act No. 38 of 1878, and Constitution of 1898, art. 292, provide that convicts sentenced to imprisonment at hard labor may be sentenced to labor on the public works, roads, or streets of the city or parish in which the crime was committed.

Act No. 121 of 1888 and act No. 29 of 1894 provide for the working of parish convicts on roads, levees, or other public work or farm under the direction of the parish authorities.

HOURS OF LABOR.—Act No. 38 of 1878, act No. 121 of 1888, and act No. 29 of 1894 provide that 10 hours shall constitute a day's labor for leased parish convicts, or of convicts employed under the direction of parish authorities.

Act No. 134 of 1894 provides that State convicts working under lease, at agricultural pursuits, shall not be worked beyond the hours of labor usually devoted to farm work.

KINDS OF LABOR.—Manufacturing and mechanical industries; on railroads, levees, farms, and plantations; and on public ways and works.

SALE AND COMPETITION.—Act No. 132 of 1894 requires that convict-made brooms shall not be dealt in or sold unless each broom is stamped or labeled "convict made;" said stamp or label is required to be "not less than 4 inches long and 2½ inches wide and the letters thereof not less than 1 inch in size."

MAINE.

CONTRACT SYSTEM.—Revised Statutes of 1883, chap. 80, sec. 29, authorizes the making of "necessary and proper contracts for the carrying on of manufacturing or other industry" in county jails in behalf of the county.

LEASE SYSTEM.—Chap. 140, sec. 19, appears to authorize the lease system by authorizing the making of such contracts for "the letting to hire of such of the convicts [in the State prison] as the inspectors may deem expedient."

PUBLIC-ACCOUNT SYSTEM.—Chap. 140, secs. 8, 19, and 29, provide that reports of "the amount of manufactures of each kind, and of all other articles, sold from the (State) prison," shall be annually made to the legislature; that "all sales of limestone, granite, and other articles from the prison" shall be made by the warden; and that persons having suitable knowledge and skill in the branches of labor and the manufactures carried on in the prison shall, when practicable, be employed as superintendents.

STATE-USE SYSTEM.—Chap. 78, sec. 13, as amended by acts of 1889, chap. 288, provides that suitable materials and implements shall be provided, sufficient to keep inmates of jails at work; and that convicted tramps shall be put to labor at breaking stone for use in building and repairing highways.

HOURS OF LABOR.—Revised Statutes of 1883, chap. 128, sec. 17, as amended by acts of 1889, chap. 288, provides that tramps confined at hard labor in county jails shall be required to work 10 hours each day.

KINDS OF LABOR.—Manufacturing, including the manufacture and repair of all kinds of wagons, carriages, and sleighs, breaking stone, and quarrying or dressing granite.

SALE AND COMPETITION.—Acts of 1887, chap. 149, sec. 4, requires that all articles or goods manufactured at the State prison for sale shall be distinctly labeled or branded with the words "Manufactured at the Maine State prison."

Secs. 1, 2, and 3 provide that no more than 20 per cent of the male convicts in the State prison shall be employed at one time in any one industry, or in the manufacture of any one kind of goods which are manufactured elsewhere in the State; and that the manufacture and repair of all kinds of wagons, carriages, and sleighs, except the manufacture of infant carriages, shall be considered one industry; also that "so far as practicable, the industries upon which said convicts shall be employed shall be the manufacture of articles not elsewhere manufactured in the State."

MARYLAND.

CONTRACT SYSTEM.—Public General Laws, sec. 406, authorizes the directors of the State penitentiary to enter into such contracts as they may deem proper for the employment of the convicts therein.

LEASE SYSTEM.—Sec. 315 provides that inmates of the house of correction shall be kept at some useful employment, and that they may be "hired out for such useful employment as may be best suited to his or her age and most profitable to the institution."

Sec. 319 authorizes the hiring of convicts in the house of correction to a canal company, the convicts to be clothed, fed, and guarded by the managers of the institution.

Acts of 1890, chap. 529, authorizes the hiring out, for some useful employment, of persons sentenced to the Dorchester County jail.

PUBLIC-ACCOUNT SYSTEM.—Public General Laws, secs. 406 and 425, provide that State penitentiary convicts shall be put to hard labor, at such employment as will be most advantageous, and authorize the making of contracts for the sale of the products of their labor.

PUBLIC-WORKS-AND-WAYS SYSTEM.—The laws of this State contain several special statutes that authorize the employment of prisoners in county jails upon public roads, streets, and alleys in particular counties.

STATE-USE SYSTEM.—Acts of 1892, chap. 624, provides for the employment of persons convicted of assault, drunkenness, disorderly conduct or vagrancy, in Carroll County, in the breaking of stone to be used on public thoroughfares.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing, breaking stone, employment upon public works and ways, and canal construction.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1890, chap. 590, prohibits the making of any contract for the manufacture, with the labor of penitentiary convicts, of tin cans for oyster or fruit packing purposes, or iron heating or cooking stoves, or iron castings used for machinery purposes.

MASSACHUSETTS.

Acts of 1897, chap. 434, makes all laws relating to convict labor in the State prison, reformatories, and houses of correction applicable to the labor of convicts in jails and at the State farm.

CONTRACT AND THE PIECE-PRICE SYSTEMS.—Acts of 1897, chap. 412, sec. 3, authorizes the employment of convicts under the contract system or under the piece-price system in the industry of cane seating and in the manufacture of umbrellas.

(The contract system had previously been abolished by section 1, chap. 447, acts of 1887.)

LEASE SYSTEM.—Public Statutes of 1882, chap. 219, sec. 23, provides that contracts may be made for the employment at domestic service of the female inmates of a jail, house of correction, or female reformatory for such terms and upon such conditions as may be deemed fit, such hiring to be made with the consent of the woman hired.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1887, chap. 447, sec. 3, and acts of 1888, chap. 403, provide for the purchase of tools, implements, and machinery to be used in employing prisoners in penal and reformatory institutions, the manufactured articles to be sold for the public benefit.

STATE-USE SYSTEM.—Acts of 1898, chap. 334, sec. 13, and acts of 1887, chap. 447, require that, as far as possible, the products of convict labor shall be articles and materials used in the public institutions in the State and the counties thereof, to be sold to such institutions.

Acts of 1898, chap. 365, authorizes the employment of prisoners in any jail or house of correction in the preparation of materials for road making, to be sold to county, city, or town officers having the care of public roads.

Acts of 1898, chap. 393, provides that inmates of jails and reformatories may be employed in reclaiming and improving waste and unused land belonging to the State, and in preparing, by hand labor, material for road building, to be sold to State, county, city, or town authorities.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1898, chap. 307, provides that prisoners in the reformatory for males may be employed upon lands or buildings owned by the State.

Acts of 1885, chap. 94, provides that prisoners in the reformatory prison for women may be employed upon land appurtenant to the prison, or in buildings thereon.

Public Statutes of 1882, chap. 220, sec. 4, provides that convicts in jails may be employed upon the public lands and buildings belonging to the counties.

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing, including the manufacture of cane, rattan, and rush chairs, clothing, shirts, hosiery, harness, mats, shoes, shoe heels, brushes, umbrellas, and trunks; stonecutting; laundry work; domestic service by women; cane seating; reclaiming and improving waste and unused public land; preparation of road material; employment on public buildings and land.

SALE AND COMPETITION.—Acts of 1897, chap. 412, sec. 3, prohibits the employment of convicts under the contract or piece-price systems, except in the industry of cane seating and in the manufacture of umbrellas.

Acts of 1898, chap. 334, sec. 5, provides that the prices of products of convict labor, used in public institutions, "shall be uniform, and shall conform, as nearly as may be, to the usual market price of like goods manufactured in other places."

Acts of 1898, chaps. 365 and 393, require that only machines operated by foot or hand power shall be used in the preparation of material for road making, and that convicts in camp on certain State lands shall be employed in preparing such material by hand labor.

Acts of 1897, chap. 412, prescribes that no goods produced by convict labor shall be sold, except for use in public institutions, for less than the wholesale market price prevailing at the time of sale for similar goods; also, that the number of inmates in all the prisons of the State who may be employed in the production of certain commodities, not for use in public institutions, shall not exceed the number below specified: Brushes, 80; clothing, other than shirts or hosiery, 375; harness, 50; mats, 20; cane chairs with wood frames, 80; rattan chairs, 75; rush chairs, 75; shirts, by women only, 80; shoes, 375; shoe heels, 125; trunks, 20; stonecutting, 150; at laundry work, 100.

Acts of 1897, chap. 412, as amended by chap. 480, prescribes that not more than 30 per cent of the number of inmates of any penal institution having more than 100 inmates shall be employed in any one industry, except in the production of goods for use in State institutions and in the industry of cane seating and in the manufacture of umbrellas.

Acts of 1891, chap. 209, prohibits the employment of any prisoner in a State institution, outside the precincts of such institution, in mechanical or skilled labor for private persons.

Acts of 1888, chap. 189, prohibits the employment of convicts in the State prison in engraving of any kind.

Acts of 1887, chap. 447, provides that no new machinery to be propelled by other than hand or foot power shall be used in the State prison, reformatories, and houses of correction, and that articles manufactured therein shall be sold at the wholesale market prices of similar goods.

Resolves of 1898, chap. 81, provides for the erection of shops at the State prison in which convicts may be employed upon industries that can be prosecuted by hand labor.

MICHIGAN.

CONTRACT SYSTEM.—Acts of 1893, No. 118, makes provision for the employment of convicts in the State prisons and State house of correction and reformatory, superseding previous laws that provided for the contract system, and in effect doing away with that system, but providing that existing con-

tracts made under prior laws shall not be affected. Inasmuch as contracts for convict labor were authorized by prior law for periods of 10 years, and may have been made just prior to the adoption of the act of 1893, the contract system may still be in operation in these institutions.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1893, No. 118, secs. 9 and 31, authorize the wardens of the State prisons and the State house of correction and reformatory to superintend manufacturing and mechanical business carried on therein, and to sell the products of convicts' labor for the benefit of the State.

STATE-USE SYSTEM.—Sec. 35, *idem.*, requires the employment of "so many prisoners in either prison (including the State prisons, reformatory, and house of correction) as are necessary in making all articles for the various State institutions, as far as practicable," the institutions using such articles to pay the institution making them therefor.

Howell's Annotated Statutes, sec. 9710, authorizes the employment of convicts in the State prison "in quarrying stone or other labor useful in the erection or repair of the building or walls of the prison."

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1893, No. 118, sec. 31, authorizes the employment of inmates of the State prison, reformatory, and house of correction in the erection or repair of the buildings or walls of those institutions.

Howell's Annotated Statutes, sec. 9643, authorizes the employment of inmates of county jails "on any of the public avenues, streets, or highways, or other works in the county where such prisoner is confined, or in any of the adjoining counties."

HOURS OF LABOR.—Acts of 1893, No. 118, sec. 38, directs that able-bodied convicts in the State prisons, house of correction, and reformatory "shall as far as practicable be kept constantly employed at hard labor at an average of not less than 10 hours per day, Sundays excepted."

Howell's Annotated Statutes, sec. 9642, directs that inmates of county jails sentenced to hard labor, for whom any mode of labor shall be provided, shall be "kept constantly employed during every day except Sunday."

KINDS OF LABOR.—Manufacturing and mechanical industries, coal mining, stone quarrying, farming, and employment on public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, art. 18, sec. 3, provides that no mechanical trade shall be taught to convicts in State prisons, except in the "manufacture of those articles of which the chief supply for home consumption is imported from other States or countries."

Acts of 1893, No. 118, sec. 3, provides that once in 6 months the prison boards shall determine what lines of productive industry shall be pursued in the State prisons, house of correction, and reformatory, and shall select such diversified lines of industry as will least interfere with the carrying on of such industries by the citizens of the State.

MINNESOTA.

PIECE-PRICE SYSTEM.—Acts of 1895, chap. 154, sec. 4, authorizes the manufacture of articles in the State prison or State reformatory "by the piece under what is known as the piece-price system, by contracts with persons who furnish the materials used in such manufacture."

PUBLIC-ACCOUNT AND STATE-USE SYSTEMS.—Acts of 1895, chap. 154, provides that inmates of the State prison or reformatory shall be regularly employed and compelled to perform a reasonable amount of labor in some industrial employment; that necessary tools, implements, and machines shall be purchased for carrying on the industries of the institutions; and that such articles shall be manufactured, so far as possible, as are in common use in the various State institutions, to be sold to or exchanged between such institutions; but the products of convict labor may be sold in any market that can be found.

General Statutes of 1894, sec. 3598, provides that prisoners in the State reformatory may be employed in quarrying, manufacturing, and cutting granite, either for sale or for public use.

Sec. 7426, provides for the purchase of tools and materials to be used in the employment of prisoners in county jails, within jail limits, whenever and however it may be deemed practicable by the county commissioners, such labor to be compulsory for convicts and optional for prisoners held for trial.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1897, chap. 127, provides that able-bodied male prisoners in county or village jails may be required to labor upon the public streets or highways, or in or about public buildings or grounds, or at other public places in the county in which they are confined.

HOURS OF LABOR.—Sec. 2, *idem.*, provides that prisoners in county jails shall not be required to labor upon public works and ways exceeding 10 hours per day.

General Statutes of 1894, sec. 3598, provides that "no convict shall be obliged to labor at stonecutting and stonework more than 8 hours per day."

KINDS OF LABOR.—Manufacturing, including the manufacture of hard fiber twine; quarrying and cutting granite, and employment on public works and ways.

SALE AND COMPETITION.—The statutes make no provision regulating the sale of convict-made goods.

Acts of 1895, chap. 15, sec. 4, provides that "no contracts for the leasing of the labor of prisoners confined in the State prison, or State reformatory, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall hereafter be made."

Sec. 8 provides that the number of prisoners in the State prison or reformatory employed in a single industry at the same time shall not exceed 10 per cent of the total number of persons engaged in such industry in the State, unless a greater number is required to produce articles or materials to be supplied to State or municipal institutions; but this limitation does not apply to the manufacture of binding twine.

General Statutes of 1894, sec. 3598, provides that not to exceed an average of 33 per cent of prisoners in the State reformatory shall, during any year, be employed in quarrying, manufacturing, and cutting granite for sale.

MISSISSIPPI.

LEASE SYSTEM.—Acts of 1894, chap. 76, and Acts of 1896, chap. 133, authorize the leasing of convicts in county jails, either by public auction to the highest bidder or in a body to a convict contractor, for a term not exceeding four years. The convicts, in either case, are to be controlled, directed, and maintained by the lessee. All female convicts in county jails, except incorrigibles, must be hired out individually and not to a convict contractor, and must not be worked with male convicts or upon public works or ways.

PUBLIC-ACCOUNT SYSTEM.—Constitution, sec. 225, and Code of 1892, sec. 3201, and Acts of 1894, chap. 75, authorize the carrying on of farming operations with the labor of penitentiary convicts, or manufacturing, under the sole management and control of State officials; or the working of such convicts in the penitentiary under State control and discipline.

Acts of 1894, chap. 76, sec. 2, and Acts of 1896, chap. 133, sec. 2, authorize the employment of county convicts in farming, under the direction of county authorities.

STATE-USE SYSTEM.—Acts of 1894, chap. 75, sec. 4, authorizes the employment of State convicts in making articles and implements necessary for use on the farms upon which convicts are employed; and in making shoes, clothing, and other articles for the convicts.

PUBLIC WORKS AND WAYS SYSTEM.—Constitution, sec. 224, and Code of 1892, sec. 3202, authorize the employment of penitentiary convicts on public roads or works, or on public levees, when such working will not interfere with their working at farming, the work to be performed under official discipline and management.

Acts of 1894, chap. 76, sec. 2, and Acts of 1896, chap. 133, sec. 2, authorize the employment, under official direction and management, of county convicts on public roads or works; but female convicts must not be so employed.

HOURS OF LABOR.—Acts of 1896, chap. 133, sec. 6, provides that leased county convicts shall not be worked more than 10 hours a day, or from sunup to sundown.

KINDS OF LABOR.—Manufacturing, including the manufacture of drainage tile, brick, wagons, agricultural implements, gearing, shoes, and clothing, farming, and employment upon public works and ways and levees.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, secs. 223, 224, and Code of 1892, sec. 3201, prohibit the contracting or leasing of the labor of penitentiary convicts, and of county convicts for labor outside the counties of their conviction.

MISSOURI.

CONTRACT SYSTEM.—Revised Statutes of 1889, sec. 7238, authorizes the making of contracts for the employment of penitentiary convicts, for periods not exceeding 10 years, under such terms and conditions as may be deemed for the State's best interests, the labor to be performed within the prison walls. Such contracts are made to be made after advertisement calling for bids for the unemployed convict labor; but contracts already in existence may be renewed without advertising. Other sections provide that the discipline and maintenance are to be under the direction of the State.

LEASE SYSTEM.—Sec. 3437 appears to authorize the leasing of misdemeanor prisoners committed, for nonpayment of fines, in county jails, by providing that the amount "received for the services for such person so hired shall be applied upon the judgment against him."

PUBLIC-ACCOUNT SYSTEM.—Sec. 7235 provides for the employment of penitentiary convicts in manufacturing, and for the sale of the manufactured products "in such manner as may be for the best interests of the State."

STATE-USE SYSTEM.—Secs. 7236 and 7251 authorize the employment of penitentiary convicts in manufacturing commodities for State use.

Secs. 3438 and 3439, and act approved February 18, 1891 (Acts of 1891, p. 63), authorize the employment of county, city, town, and village convicts at breaking stone to be used for macadamizing purposes.

PUBLIC WORKS AND WAYS SYSTEM.—Sec. 7238 authorizes the employment of convicts in the penitentiary in making improvements connected therewith, or on other State improvements, or in erecting buildings for the State, or at labor for the preservation and security of property of the State and in collecting and providing materials therefor, or in improving any public grounds belonging to the State.

Secs. 3438 and 3439 and act approved February 18, 1891 (Acts of 1891, p. 63), authorize the employment of county, city, town, and village convicts on the public roads, highways, streets, alleys, turnpikes, or public works, or buildings of the county, city, town, or village.

HOURS OF LABOR.—Sec. 7274 provides that 8 hours per day from October 15 to April 15, and 10 hours per day from April 15 to October 15, shall constitute a day's labor of penitentiary convicts; and that no such convict shall be required to do work on Sunday, except necessary labor for the State.

KINDS OF LABOR.—Manufacturing, farming, making brick, quarrying, and making macadam, procuring fuel, ice, water, and other supplies for the penitentiary, and employment on public works and ways.

SALE AND COMPETITION.—The statutes make no provision regulating the sale of convict-made goods. Revised Statutes of 1899, sec. 7252, forbids the hiring out of male or female penitentiary convicts as domestic servants to any person outside the prison walls; or permitting convicts to be used as servants without reward, except by the warden or deputy warden in their own families.

MONTANA.

PUBLIC-ACCOUNT SYSTEM.—Penal Code, secs. 2960 and 2981, authorize the employment of State-prison convicts in such manner as will best subserve the interests of the State and the welfare of the prisoners; and provide for their employment in manufacturing and mechanical industries, with tools and materials purchased by the prison commissioners, the manufactured articles to be sold and the money therefor collected by the commissioners.

PUBLIC WORKS AND WAYS SYSTEM.—Sec. 2961 authorizes the employment of any portion of the prisoners in the State prison in the improvement of public buildings or grounds, or otherwise where they may be profitably employed either within or without the walls or inclosures of the prison.

Sec. 3038 authorizes the employment of convicts in county jails at labor on the public works and ways of the counties.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing and mechanical industries, and employment on public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Constitution, art. 18, sec. 2, and Penal Code, sec. 2960, prohibit letting, by contract, the labor of any convict in a State penitentiary, prison, or reformatory institution.

NEBRASKA.

CONTRACT SYSTEM.—Acts of 1897, chap. 75, sec. 16, provides that the labor of such penitentiary convicts as can not be utilized to advantage in the manufacture of articles for use in the prison and other State institutions shall be "let out" by contract for a term not exceeding 3 years; the convicts to remain in the custody, control, discipline, and safe-keeping of the prison authorities, and be provided with board and clothing by them.

Compiled Statutes of 1895, secs. 7260 and 7261, direct that contracts shall be made for the employment in a profitable manner of convicts in county jails, under such regulations and provisions as shall be prescribed by county authorities, who shall provide for their safe custody while employed under such contracts, and pay for their board and other expenses incident to their labor out of the proceeds thereof.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1897, chap. 75, sec. 16, provides that "as rapidly as it may be profitably done the State shall provide for the labor of the (penitentiary) convicts on its own account, to the end that the State may eventually provide means for the employment of all prisoners without the intervention of contractors; and the warden shall be charged with the duty of making the State prison as nearly self-sustaining as possible."

STATE-USE SYSTEM.—Sec. 16 authorizes the use of the labor of penitentiary convicts in manufacturing articles for use in the prison and all other State institutions.

PUBLIC WORKS AND WAYS SYSTEM.—Compiled Statutes of 1895, secs. 1099, 1281, 1315, and 7260, provide that county convicts may be employed on roads or other places, as may be designated by the county commissioners; and that prisoners sentenced for violation of city ordinances, or committed for nonpayment of fines and costs "shall be put to work for the benefit of the city" for the term of imprisonment or until the fines and costs are worked out at \$1.50 per day. It is presumed that the intention of this provision is to utilize the labor of prisoners upon the public works and ways of cities.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing, employment at stone quarries, and upon public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods, or tending to diminish competition between convict and free labor.

NEVADA.

CONTRACT SYSTEM.—Acts of 1893, chap. 91, sec. 1, authorizes the renting or hiring out of any or all the labor of the convicts in the State prison.

LEASE SYSTEM.—General Statutes of 1885, sec. 1406, authorizes the hiring out of State-prison convicts for labor upon any private work or employment.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1887 and of 1893, chap. 91, sec. 1, and General Statutes of 1885, sec. 1405, authorize the employment of State-prison convicts in manufacturing or mechanical pursuits, the materials and appliances necessary therefor to be purchased by the State, and the products, thereof to be sold for the benefit of the State.

STATE-USE SYSTEM.—Acts of 1887, chap. 91, provides that State-prison convicts engaged in the manufacture of boots and shoes shall make all the boots and shoes required for the use of inmates of the prison, and by wards of the State in other institutions to be paid for thereby.

Acts of 1887, chap. 132, Acts of 1889, chap. 60, and Acts of 1891, chap. 78, require the employment of State convicts in preparing stone or other materials for use in the construction of public buildings.

PUBLIC WORKS AND WAYS SYSTEM.—General Statutes of 1885, sec. 1406, provides that State-prison convicts may be employed in the improvement of public buildings and grounds, either within or without the walls or inclosures of the prison, whenever in the opinion of the prison authorities it will be to the advantage of the State to so employ them.

Secs. 2148 and 2151, provide that convicts in county, city, or town jails shall be put to labor upon the construction, repair, or cleaning of public ways and works in their respective counties, cities, and towns.

HOURS OF LABOR.—Sec. 1417 provides that every able-bodied State-prison convict shall be required to perform "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison."

Sec. 2151 provides that prisoners in county, city, or town jails employed at labor upon public works and ways shall be kept at such labor, when so required by the proper authorities, "at least 6 hours a day during 6 days a week, when the weather will permit."

KINDS OF LABOR.—Manufacturing and mechanical industries, including boot and shoe making, and employment upon public works and ways.

SALE AND COMPETITION.—Acts of 1887, chap. 91, provides that boots and shoes made by State-prison convicts in excess of the requirements of inmates of State institutions may be sold in the open market at prices to be fixed by the warden not less than the cost of materials. Such sales shall only be made at wholesale, in full cases and unbroken packages of not less than one dozen pairs.

NEW HAMPSHIRE.

CONTRACT OR LEASE SYSTEM.—Public Statutes of 1891, chap. 285, sec. 5, Paragraph VI, authorizes the governor, with the advice of the council, to make contracts for the support and employment of State-prison convicts.

PUBLIC-ACCOUNT AND STATE-USE SYSTEMS.—Sec. 5, Paragraph V, *idem*, authorizes the employment of State-prison convicts in the manufacture of commodities for sale and for State use, by providing for "the sale of articles manufactured in the prison or not necessary for the use thereof."

Public Statutes of 1891, chap. 282, sec. 14, authorizes the employment and setting at labor of "any prisoner confined in the county jail, in such manner as shall be consistent with his safe-keeping, if the labor can be prosecuted without expense to the county."

Chap. 283, sec. 3, *idem*, provides that the county commissioners and selectmen "shall direct as to the manner and kind of labor to be performed by the inmates of houses of correction in their respective counties and towns, and the place of its performance, and shall furnish materials therefor."

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—The only kind of employment mentioned in the statutes for the utilization of convict labor is manufacturing.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or diminishing competition between convict and free labor.

NEW JERSEY.

CONTRACT SYSTEM.—General Statutes of 1896, pages 3167-68, secs. 15 and 18, authorize the hiring out of the labor of prisoners in the State reformatory, by contract, to the best bidders, after public advertisement.

PIECE-PRICE SYSTEM.—Pp. 3161-3162, secs. 54 and 56, authorize the employment of convicts in any prison, penitentiary, jail, or public reformatory institution, not employed in the production of goods for use in State institutions, "on what is commonly known as the piece-price plan." Before any agreement is made under this system advertisements must be published calling for bids, "so that there shall be a proper and just competition" for the labor of the convicts.

P. 3169, sec. 20, authorizes the employment of inmates of the State reformatory under the "piece-price plan."

THE LEASE SYSTEM.—Acts of 1898, chap. 239, secs. 9, 10, and 11, provide that persons committed for disorderly conduct or as tramps, in any county, city, township, borough, or district, may be bound out to labor in the service of any suitable person or corporation for the terms of their commitment.

PUBLIC-ACCOUNT SYSTEM.—General statutes of 1896, pp. 3161-3162, secs. 54 and 56, authorize the employment of convicts in any prison, penitentiary, jail, or public reformatory institution, not engaged in the production of goods for use in State institutions, "under what is known as the public-account system," and authorize the selling of the goods produced under such system.

Act of March 25, 1895, pp. 3167-3169, sec. 15, 18, and 20, authorizes the employment of inmates of the State reformatory in the production of goods to be sold for the benefit of the State, "under the public-account system."

P. 1888, sec. 51, authorizes the procurement of "suitable articles, materials and things" for the "labor, work, and employment" of inmates of workhouses.

STATE-USE SYSTEM.—P. 3161, sec. 54, provides that prisoners in penal and reformatory institution shall be employed, as far as practicable, in the manufacture of or at work upon goods used in State institutions.

Acts of 1898, chap. 239, sec. 10, provide that persons convicted as tramps or disorderly persons by county, city, township, borough, or district authorities may be required to work on the county farm in producing food, presumably for use in public institutions.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1898, chap. 237, sec. 167, provides that convicts in county jails or penitentiaries may be required to perform reasonable labor, such as cooking, cleaning, gardening, mechanical, or other service necessary to be performed, within the bounds of the court-house or county property.

Acts of 1898, chap. 239, sec. 10, provides that tramps or disorderly persons convicted by county, city, township, borough, or district authorities may be required to perform labor upon any county farm, or upon the streets, roads, and highways.

HOURS OF LABOR.—General statutes of 1896, p. 3152, art. vii, sec. 4, requires that State prison convicts "shall every day, except Sundays, be kept, as far as may be consistent with their sex, age, health, and ability, strictly at hard labor of some sort."

Acts of 1898, chap. 239, sec. 16, require that inmates of workhouses be compelled to work, when able, not less than six hours per day.

KINDS OF LABOR.—Manufacturing, mechanical, and agricultural pursuits; cooking, cleaning, gardening, or other service necessary to be performed within the bounds of court-house or county property, and employment on public ways.

SALE AND COMPETITION.—General statutes of 1896, p. 3156, sec. 24, and p. 3168, sec. 18, require that goods manufactured in the State reformatory and under contract in the State prison, in whole or in part, be marked, stamped, or tagged with the words "Manufactured in the New Jersey State prison," or "Manufactured in the New Jersey Reformatory." If it be impracticable to stamp each article, or if articles are manufactured which are usually put up in packages, it shall be sufficient to put the stamp, label, or tag upon the packages in a good and permanent manner. The marking of convict-made goods must be "in a legible and conspicuous manner."

Pp. 3155 and 3162, secs. 17, 18, and 59, and p. 3168, sec. 18, prohibit the manufacture of felt or silk hats, or any part thereof, or the employment of more than 100 persons at a time in any special branch of industry, or in making or manufacturing goods, wares, or merchandise of any kind whatsoever, in penal or reformatory institutions.

P. 3162, sec. 56, requires that goods manufactured in penal and reformatory institutions under the public-account system shall only be sold after public advertisements in the principal newspapers, "calling for public bids, so that there shall be a proper and just competition" for their purchase; "and every effort shall be made to obtain current market prices for the same."

P. 3161, secs. 50-53, prohibits the making of "any contract for the labor" of prisoners in penal and reformatory institutions; but this inhibition has been greatly modified by subsequent legislation, as hereinbefore set forth.

NEW MEXICO.

CONTRACT SYSTEM.—Compiled laws of 1897, sec. 3518, provide that the labor of penitentiary convicts may be hired out, their labor to be performed under the control of the superintendent of the penitentiary.

LEASE SYSTEM.—Sec. 3528 authorizes the hiring out of the labor of penitentiary convicts; but convicts so hired shall not "be allowed to go out to labor without being under the custody of a guard or an overseer of the penitentiary."

PUBLIC-ACCOUNT SYSTEM.—Secs. 3601, 3518, and 3649 provide that male penitentiary convicts shall perform labor under such rules and regulations as may be prescribed by the proper authorities; that convicts not working on public buildings and improvements shall be employed "as may be most advantageous," and that the "products of convict labor shall be sold to the highest bidder for cash."

Sec. 841 provides that able-bodied convicts in county jails shall be compelled to labor at some useful employment during the terms of their conviction.

STATE-USE SYSTEM.—Secs. 3477 and 3548 authorize the employment of penitentiary convicts in the production of brick, lime, and stone for use in the capitol building, and in quarrying and hauling stone for use on public improvements.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Sec. 3477 requires that all the labor possible of penitentiary convicts be used and utilized in the reconstruction and rebuilding of the Territorial capitol building.

Secs. 3518 and 3649 authorize the use of the labor of convicts in the erection or extension of the prison buildings, walls, workshops, or other improvements.

Sec. 3548 provides that penitentiary convicts not otherwise occupied may be employed in and about any work, labor, or improvement on the capitol building or grounds, or upon public thoroughfares or bridges in and near Santa Fe, or in quarrying or hauling stone, or at work for preventing the banks of the Santa Fe River from overflow and destruction.

Sec. 3631 directs that any number of penitentiary convicts not exceeding 50 be surrendered to any contractor for the construction of certain public buildings and improvements, to be worked thereon; such convicts to be under the care, custody, and control of, and to be maintained by, the contractor, who is not to be required to pay anything for their services.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing, including the production of brick, lime, and stone; quarrying and hauling stone, and employment on public works and ways.

SALE AND COMPETITION.—Compiled laws of 1897, sec. 3649, required that "all the products of convict labor shall be sold to the highest bidder for cash, after twenty days' notice by advertisement in three daily newspapers, not more than one of which shall be published in the same county.

NEW YORK.

PUBLIC-ACCOUNT SYSTEM.—Constitution, art. 3, sec. 29, provides that no person in any prison, penitentiary, jail, or reformatory shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation wherein or whereby his work or the product or profit of his work shall be given or sold to any person, firm, association, or corporation other than State institutions; but it was declared incidentally by the New York court of appeals, on October 11, 1898, in the case of *People v. Hawkins* (51 N. E. Reporter, p. 257), that this constitutional inhibition does not forbid the sale of convict-made goods to the general public, although the chief basis of the decision in that case rested on another question. The statutes of 1896, however (*Birdseye's Statutes and Codes of 1896*, p. 2362, secs. 97, 102), appear to prohibit the sale of goods except to the State or its subdivisions.

Birdseye's Statutes and Codes of 1896, p. 881, secs. 20, 21, and p. 878, sec. 1, provide that persons convicted by city or county authorities as disorderly persons shall be confined in the county jail or city prison at hard labor and the product of such labor sold, half the proceeds going to the county or city and half to the prisoner on his discharge; but these provisions appear to be subject to the terms of the later statute.

STATE-USE SYSTEM.—Constitution, art. 3, sec. 29, and *Birdseye's Statutes and Codes of 1896*, pp. 2363-2364, secs. 98 et seq., authorize the employment of convicts in State prisons, penitentiaries, jails, and reformatories in the production of commodities for use in the public institutions in the State, to be paid for thereby.

P. 760, sec. 93, authorizes the employment of prisoners in county jails in preparing materials for highway purposes, to be sold to and used in their respective counties or the towns, cities, and villages therein.

PUBLIC-WORKS-AND-WAYS SYSTEM.—P. 2363, sec. 103, provides that the labor of convicts in State prisons and reformatories, after the manufacture of needed supplies, shall be primarily devoted to the State and the public buildings and institutions thereof; and that the labor of convicts in penitentiaries, after the manufacture of needed supplies, shall be primarily devoted to the respective counties in which said penitentiaries are located, and the towns, cities, and villages therein. This provision is construed as authorizing the employment of convicts on public works and ways.

P. 2368, sec. 113, authorizes the employment of State-prison convicts, not to exceed 300 in each prison, in the improvement of public highways, outside of incorporated cities or villages, within a radius of 30 miles from the prison.

P. 760, sec. 93, authorizes the employment of prisoners in county jails in repairing penal institutions and in building and repairing the highways in their respective counties.

Acts of 1897, chap. 106, and acts of 1898, chap. 133, authorize the employment of convicts in the Sing Sing prison in making improvements upon the prison building, and those in the prison at Clinton in improving a specified highway.

HOURS OF LABOR.—*Birdseye's Statutes and Codes of 1896*, p. 2362, sec. 98, directs that able-bodied convicts in State, penal, and reformatory institutions shall be kept at hard labor not to exceed 8 hours per day every day except Sundays and holidays.

P. 758, sec. 93, directs that prisoners in county jails shall be constantly employed at hard labor, when practicable, every day except Sunday.

KINDS OF LABOR.—Manufacturing, including the making of brooms and brushes from broom corn, preparing material for highways, and employment on public works and ways.

SALE AND COMPETITION.—Acts of 1897, art. 4, chap. 415, requires the procurement of a special license for the sale of convict-made goods; and that no convict-made goods shall be sold or exposed for sale to the general public without being branded, labeled, or marked with the words "Convict made," followed by the year when and the name of the penal or reformatory institution in which such commodities were produced. The brands, marks, or labels must be printed in plain English lettering of the style and size known as great primer roman condensed capitals. Labels are to be used only when branding or marking is impossible, and must be in the form of a paper tag and attached to each article by wire, if possible, and placed securely upon the box, crate, or other covering in which such goods are packed, shipped, or exposed for sale.

(NOTE.—Acts of 1894, chap. 699, and acts of 1896, chap. 931, required the marking and labeling of convict-made goods sold or offered for sale to the general public. The act of 1896 was declared unconstitutional by the court of appeals of New York, on October 11, 1898, in the case of *People v. Hawkins* (51 N. E. Reporter, p. 257). The act of 1894 was declared unconstitutional by the supreme court of New York in the case of *People v. Hawkins* (85 Hun., p. 43).

Acts of 1898, chap. 645, provide that no printing or photo-engraving shall be done in any State prison, penitentiary, or reformatory for the State or for any public institution owned or controlled thereby, except such as may be required in State penal and charitable institutions, and the reports of the State commission of prisons and the superintendent of prisons, and printing required in their offices.

Birdseye's Statutes and Codes of 1896, p. 2369, secs. 123, 124, 125, provide that whenever it is ascertained by actual enumeration that the total number of prisoners in the several prisons, penitentiaries, reformatories, and other penal institutions, employed in manufacturing brooms and brushes of broom corn exceeds 5 per cent of the total number of persons in the State employed in manufacturing such goods "the governor shall require the managers of any one or more of such penal institutions to discontinue such employment, wholly or in part, as he shall direct."

Sec. 118, p. 2368, provides that "not exceeding 300 of the convicts confined in each State prison" shall be employed in the improvement of public highways.

Birdseye's Statutes and Codes of 1896, p. 2362, secs. 97 and 98, Constitution, art. 3, sec. 29, and prohibit the employments of convicts in State prisons, penitentiaries, jails, or reformatories, under the contract, piece-price, or lease systems, and appear clearly to prohibit the sale of goods made by convicts in such institutions, except to the State or any of its institutions and subdivisions.

NORTH CAROLINA.

LEASE SYSTEM.—Constitution, art. xi, sec. 1; acts of 1897, chap. 219, sec. 5; acts of 1899, chap. 314, sec. 5; and code of 1883, secs. 3433, 3449, 3450, authorize the "farming out" of convicts; the making of "contracts at remunerative terms with persons or corporations in order to employ and support as many of the able-bodied (penitentiary) convicts on public works as the interests of the State and the constitution will permit;" that "in any scheme to make the penitentiary self-sustaining preference shall be given to contracts for able-bodied convicts in larger bodies, hired out to the best advantage;" and general authority is given for the hiring out of penitentiary convicts.

Code of 1883, sec. 3448, provides that inmates of county, city, or town jails may be hired out "to labor for individuals or corporations."

PUBLIC-ACCOUNT SYSTEM.—Constitution, art. xi, sec. 1, authorizes the employment of convicts punished by imprisonment by hard labor at "other labor for the public benefit" than the "farming out" of such convicts or their employment on public works and ways.

Acts of 1897, chap. 219, sec. 5, provides for the employment of penitentiary convicts within the penitentiary or on farms owned or leased by the institution, and for the sale of "all articles manufactured or products produced by the convicts not deemed necessary for their use and comfort for the next ensuing year."

STATE-USE SYSTEM.—Acts of 1897, chap. 219, sec. 5, authorize the production of commodities by convict labor, for use in the penitentiary, by providing for the sale of all manufactured articles and products of the labor of penitentiary convicts "not necessary for their use and comfort for the next ensuing year."

PUBLIC-WORKS-AND-WAYS SYSTEM.—Constitution, art. xi, sec. 1, authorizes the employment of convict labor on public works and highways.

Acts of 1895, chap. 194; chap. 314, sec. 5, and acts of 1899, chap. 361, sec. 6, make provision for the use by counties of penitentiary convicts, in working their public roads, canals, and turnpikes, the use of female convicts in working on public roads is being prohibited. The statutes of this State contain many other laws authorizing similar employment of convicts in particular counties.

Code of 1883, sec. 2508, as amended by acts of 1885, chap. 70, and acts of 1887, chap. 74, authorize the employment of not more than 325 penitentiary convicts in reclaiming State swamp lands and in constructing canals, ditches, roads, and other necessary works of improvement through or in the vicinity of such lands.

Acts of 1889, chap. 361, sec. 5, and Code of 1883, sec. 3448, authorize the employment of prisoners in county, city, or town jails on public roads.

HOURS OF LABOR.—The statutes contain no provision regulating the hours of convict labor.

KINDS OF LABOR.—Manufacturing; farming; reclaiming State swamp land; employment in the construction of railroads, canals, and ditches, and upon public works and ways.

SALE AND COMPETITION.—Acts of 1897, chap. 219, sec. 5, provides that such products of the labor of penitentiary convicts as are sold shall be sold "at the highest market prices," as and when the superintendent may deem best; "but any article or product held more than 2 months for better prices shall be sold when the board of directors shall direct."

The number of convicts that may be hired or employed on public ways and works, or otherwise, is frequently limited by statute.

NORTH DAKOTA.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1897, chap. 108, and Revised Codes of 1895, secs. 8571, 8574, authorize the carrying on of farm operations and the manufacture of brick by convict labor, the proceeds of such enterprises to be disposed of by the State.

Revised Codes of 1895, sec. 8554, provides that State convicts may be employed in cultivating any ground belonging to the penitentiary.

Sec. 8622 provides that prisoners in common jails sentenced to hard labor shall be furnished, in the discretion of the sheriff, with suitable tools and materials for their profitable employment for the benefit of the county.

STATE-USE SYSTEM.—Acts of 1897, chap. 108, and Revised Codes of 1895, sec. 8571, authorize the disposal of products of convict labor "to the State or any political division thereof," or to any public institution of the State, and the manufacture of brick for State use by convict labor.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Revised Codes of 1895, secs. 8564, 8573, authorize the employment of penitentiary convicts upon public buildings, and in macadamizing or otherwise improving the roads and streets used as approaches to public buildings and institutions.

Sec. 8622 authorizes the employment of prisoners sentenced to hard labor in common jails, outside the jail or jail yards, at work for the county or for any municipality therein, on public streets or highways, or otherwise.

HOURS OF LABOR.—Revised Codes of 1895, sec. 8546, requires that penitentiary convicts shall be "constantly employed" for the benefit of the State.

KINDS OF LABOR.—Manufacturing, including brick making; farming, and employment on public works and ways.

SALE AND COMPETITION.—Acts of 1897, chap. 108, prohibits the employment of convicts under the contract, piece-price, or lease systems, and the disposal of products of convict labor (except brick or farm products) to any private person, firm, association, or corporation, by providing that "no person in any prison, penitentiary, or other place for the confinement of offenders in said State shall be required or allowed to work while under sentence thereto, at any trade, industry, or occupation wherein or whereby his work or the product or the profit of his work shall be farmed out, contracted, and given or sold to any person, firm, association, or corporation," the production of brick and farm products excepted, and the disposal of products of convict labor to the State or political divisions thereof, and to the public institutions, being allowed.

OHIO.

Act of April 25, 1898 (93 Laws of Ohio, p. 349), provides that the labor imposed upon inmates of the Ohio State reformatory or the industrial pursuits prescribed for their employment shall be in the discretion of the board of managers.

PIECE-PRICE SYSTEM.—Act of March 31, 1892 (89 Laws of Ohio, p. 192), authorizes the establishment of the piece-price system in the State penitentiary, contracts thereunder to be made, after due advertisement, with the best and most satisfactory bidders; the labor is to be performed under the direction and control of the prison officials; no contract for the product of convicts' labor on the "piece or process plan" shall bind the State for a period exceeding 5 years and no arrangement shall be made for a period of more than 1 year that will produce less than 70 cents per day per capita for the labor of able-bodied convicts, except in certain specified cases.

PUBLIC-ACCOUNT SYSTEM.—Revised Statutes of 1890, sec. 6801, provides that prisoners in county jails shall perform labor anywhere within the county, the avails of which shall be paid into the county treasury.

Secs. 2100, 6856-3 provide that inmates of workhouses shall be kept at hard labor either within the institution or elsewhere within the limits of the corporation, and that certain convicts therein "shall be employed at useful labor and earn their own living," and

Secs. 2107-3, 2107-21 authorize the working of inmates of workhouses under the public-account system by making provision for the costs of maintaining such institutions "over and above the proceeds arising from the sale of the products thereof."

STATE-USE SYSTEM.—Act of April 17, 1896 (92 Laws of Ohio, p. 184), provides that all articles of food, raiment, or use, produced by the labor of inmates of any penal, reformatory, or benevolent institution, that can be used in the support or maintenance of any other such institution shall be supplied by the institution growing, making, manufacturing, or producing the same to such other institutions, of which accounts shall be kept and bills rendered.

Act of March 31, 1892 (89 Laws of Ohio, p. 192), requires the managers of the State penitentiary to employ all the prisoners that are necessary in making all articles for the various State institutions, as far as practicable, to be paid for by such institutions.

Revised Statutes of 1890, sec. 7424, authorizes the employment of a portion of the penitentiary convicts in manufacturing articles used in carrying on the penitentiary.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Laws of 1891, p. 386 (vol. 88), authorizes the employment of convicts in the State reformatory in making improvements and additions to the buildings thereof.

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing and mechanical industries; production of food, raiment, knit and woolen goods, and employment on public works.

SALE AND COMPETITION.—Act of April 25, 1896 (93 Laws of Ohio, p. 349), provides that the "contract system shall not be employed" in imposing labor upon the inmates of the Ohio State reformatory, or in the industrial pursuits prescribed for their employment.

Act of March 31, 1892 (89 Laws of Ohio, p. 192), prohibits the making of contracts whereby any contractor shall have control of the labor of convicts in the penitentiary.

Act of May 19, 1894 (91 Laws of Ohio, p. 346), made regulations governing the sale in Ohio of convict-made goods produced in other States; but it was declared unconstitutional by the Ohio supreme court May 11, 1897, in the case of *Arnold v. Yanders* (47 N. E. Reporter, p. 50).

Act of April 21, 1898 (90 Laws of Ohio, p. 224), prohibits the manufacture of knit or woollen goods in any penal, reformatory, or charitable institution, except for the use of the inmates thereof.

Act of April 24, 1893 (90 Laws of Ohio, p. 237), provides that after May 1, 1894, the total number of prisoners and inmates of penal and reformatory institutions employed at one time in the manufacture of any one kind of goods which are manufactured in the State outside of such institutions shall not exceed 10 per cent of the number of persons engaged in manufacturing such goods outside such institutions, except in industries in which not more than 50 free laborers are employed, as shown by the Federal Census, or State enumeration, or by any report of the Commissioner of Labor statistics.

Act of April 27, 1898 (90 Laws of Ohio, p. 319), requires that convict-made goods produced in penal, reformatory, or other institutions in which convict labor is employed "in this or any other State," "imported, brought, or introduced into the State of Ohio," shall, before being exposed for sale, be branded, labeled, or marked with the words "convict-made," followed by the name of the institution where made, in plain English lettering, of the style known as great primer Roman capitals; such articles must be branded or marked, if possible; if not possible, a label must be used in the form of a paper tag which must be attached by wire to each article when its nature will permit, and placed securely on the box, crate, or covering in which such goods may be packed, shipped, or exposed for sale; the brand, mark, or label must be on the outside of and upon the most conspicuous part of the finished article and its box, crate, or covering.

Act of March 31, 1892 (89 Laws of Ohio, p. 193), provides that penitentiary convicts under 22 years of age shall be employed, when possible, at hand work exclusively, for the purpose of acquiring a trade.

Act of April 30, 1891 (88 Laws of Ohio, p. 420), provides that prisoners in the State reformatory shall be employed in such ways as not to interfere with or affect free labor in the least possible degree.

OKLAHOMA.

PUBLIC-ACCOUNT SYSTEM.—Statutes of 1893, sec. 5436, provides that convicts in jails, sentenced to hard labor, shall be furnished with suitable tools and materials to work with, if in the opinion of the sheriff they can be profitably employed, and that the county shall be entitled to the earnings of such convicts.

PUBLIC-WORKS-AND-WAYS SYSTEM.—The same section and Acts of 1895, chap. 41, sec. 50, authorize the employment of jail convicts either for the county or for any municipality therein, upon the public streets or highways.

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Mechanical, and upon public ways.

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods or tending to reduce competition between convict and free labor.

OREGON.

Hill's Annotated Laws, sec. 3861, provides that penitentiary convicts may be employed "in accordance with rules which may be prescribed from time to time by the governor."

CONTRACT SYSTEM.—Act of February 23, 1895 (Acts of 1895, p. 40), authorizes the making of contracts with any person, firm, or corporation for the labor of penitentiary convicts at a compensation of not less than 35 cents per day per convict, for any period or periods of time not exceeding 10 years, the labor to be performed within the penitentiary or the inclosures thereof, under the general charge and custody of the prison officials.

STATE-USE SYSTEM.—Hill's Annotated Laws, p. 1817, sec. 4, authorizes the use of materials produced by the labor of penitentiary convicts in the construction and establishment of the State reform school.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Act of February 23, 1895, sec. 20 (Acts of 1895, p. 54), authorizes the employment of convicts, as far as practicable, in the improvement and construction of roads on and adjoining State lands.

Hill's Annotated Laws, p. 1817, sec. 4, authorizes the use of the labor of penitentiary convicts in the construction of the reform school.

Act of February 17, 1899 (Acts of 1899, p. 84), provides for employing such convicts as can be safely used for that purpose on roads in the vicinity of the State prison and the adjoining public buildings.

Acts of 1893, p. 131, sec. 82, provides that convicts failing to pay fines for violations of municipal ordinances may be required to labor one day for every \$2 of such fines, upon the streets or other public works of the municipality.

HOURS OF LABOR.—Act of February 23, 1895 (Acts of 1895, p. 40), provides that penitentiary convicts employed under the contract system shall not be "compelled to labor for a longer time than 10 hours per day."

KINDS OF LABOR.—Manufacturing (by implication), and upon public works and ways.

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods or diminishing competition between convict and free labor.

PENNSYLVANIA.

LEASE SYSTEM.—Digest of 1894, p. 996, sec. 16, appears to authorize the lease system as to inmates of houses of correction by providing that they may be detailed to do work outside the grounds of the institution, "for such other person [than any of the departments or institutions of the city] as may be approved by the board of managers."

PUBLIC-ACCOUNT SYSTEM.—P. 1661, secs. 13, 17, direct that inmates of penal and reformatory institutions be employed for and in behalf of the State, the institutions, or the counties, and prescribe regulations governing the sale of their products to the general public.

P. 1077, sec. 4, authorizes the furnishing of suitable articles and materials for the employment of able-bodied inmates of county jails, workhouses, and houses of correction, at labor and manufacturing, the products of their labor to be disposed of as the county commissioners may direct.

P. 1080, sec. 20, directs that articles manufactured by convict labor in the Philadelphia county prison "shall be sold."

PUBLIC-WORKS-AND-WAYS-SYSTEM.—Acts of 1895, act No. 264, provides that persons sentenced to simple imprisonment in county jails may be required to labor "about the county buildings and upon the grounds and property of the county."

Digest of 1894, p. 1486, sec. 562, and p. 1547, sec. 35, authorize the working at hard labor of persons convicted of violations of city ordinances, upon the streets or elsewhere for the benefit of the city.

P. 996, sec. 16, provides that inmates of the house of correction may be detailed to work "outside the grounds of the institution for any of the departments or institutions of the city."

STATE-USE SYSTEM.—The same law provides that inmates of the house of correction may be employed in manufacturing "such articles as may be needed for the prison, almshouse, or other public institution of the State or city."

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing, including the making of brushes, brooms, hollow ware, mats and matting; quarrying stone, farming, and on public works and ways.

SALE AND COMPETITION.—Digest of 1894, p. 1661, secs. 17-20, require that all products of convict labor, except goods shipped to points outside the State, must be branded immediately upon completion, and before removal from the place where made, or before being taken into and exposed for sale in any place, at wholesale or retail, in plain English lettering, with the words "convict-made," followed by the year and the name of the establishment in which made; the brand is to be placed upon each article where the nature of the case will permit, otherwise upon the box or other receptacle or covering in which it is contained; such branding may be done by casting, burning, pressing, or such other process that it may not be defaced, and in all cases the branding must be upon the most conspicuous place upon the article or its covering; such brand must not be removed except as the goods are sold at retail to "customers for individual use;" and the box, receptacle, or covering containing such brand shall be open to the inspection or view of each customer.

Acts of 1897, No. 141, prescribes that in any State prison, penitentiary, or reformatory not more than 5 per cent of the whole number of inmates shall be employed in the manufacture of brooms, brushes, or hollow ware, nor more than 10 per cent in the manufacture of any other kind of goods that are manufactured elsewhere in the State, except mats and matting, in the manufacture of which 20 per cent of the whole number of such inmates may be employed.

Similar restrictions are prescribed as to the employment of inmates of county prisons, workhouses, and reformatories.

It is also provided that "no machines operated by steam, electricity, hydraulic force, compressed air, or other power, except machines operated by hand or foot power, shall be used in any of said institutions in the manufacture of any goods, wares, articles, or things that are manufactured elsewhere in the State.

Digest of 1894, sec. 14, p. 1006, and secs. 13, 15, p. 1661, abolish and prohibit the contract system in all penal and reformatory institutions.

RHODE ISLAND.

CONTRACT SYSTEM.—General Laws of 1896, chap. 285, sec. 39, and chap. 289, sec. 14, authorize the employment of prisoners in jail or in the State prison for the benefit of the State "in such manner, under such contract, and subject to such rules, regulations, and discipline" as the board of State charities and corrections may make.

Chap. 291, sec. 10, authorizes the State board of charities and corrections to make such contracts as they may deem proper respecting the labor of inmates of the penal and reformatory institutions of the State.

PUBLIC-ACCOUNT SYSTEM.—The same section authorizes the State board of charities and corrections, in their discretion, to sell the products of the State farm and of other penal and reformatory institutions under their charge.

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing (by implication) and farming.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods or tending to reduce competition between convict and free labor.

SOUTH CAROLINA.

CONTRACT OR PIECE-PRICE SYSTEM.—Revised Statutes of 1893, part 3, sec. 574, authorizes the authorities of the State penitentiary "to make contracts for the performance of specific work, such work to be done entirely under the direction and control of the officers of the penitentiary."

LEASE SYSTEM.—Secs. 565-567, idem, act 314 of 1893, and act 528 of 1894 provide that convicts in the State penitentiary, except those sentenced for certain heinous crimes, may be leased or hired out to the highest responsible bidder, such convicts to be boarded, clothed, and safely kept by the lessee. As far as practicable the convicts shall be hired to work on farms in healthy localities.

PUBLIC-ACCOUNT SYSTEM.—Revised Statutes of 1893, part 5, sec. 531, authorizes the purchase of materials necessary for employing the prisoners in the State penitentiary, and the sale of such articles produced therein "as are proper to be sold."

PUBLIC WORKS AND WAYS SYSTEM.—Constitution, Art. XII, sec. 6, act 524 of 1898, act 113 of 1896, and Revised Statutes of 1893, part 5, sec. 544, authorize the working of convicts upon the public works and ways of the State and of the counties and municipalities therein.

Act 7 of 1899 permits any county to contract with another county for hiring out or exchanging convict labor to be employed on public works.

HOURS OF LABOR.—Revised Statutes of 1893, part 5, sec. 566, provides that penitentiary convicts leased or hired out "shall not be required to labor more than 10 hours a day, or on Sundays or holidays."

KINDS OF LABOR.—Manufacturing (by implication), farming, and employment on public works and ways.

SALE AND COMPETITION.—The sale of convict-made goods is not regulated by statute.

Revised Statutes of 1893, part 5, sec. 578, prohibits the "hiring or leasing of convicts in phosphate mining."

SOUTH DAKOTA.

CONTRACT SYSTEM.—Compiled Laws of 1887, secs. 7714-7720, authorize the contracting of the labor of penitentiary convicts, together with shop room, machinery, and power, after due advertisement, for periods not exceeding 5 years at any one time, subject to cancellation after 6 months' notice to the contractor; the convicts are to be worked under the general supervision and government of the prison authorities.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1893, chap. 131, provides for the purchasing, erection, and maintenance of the necessary machinery and appliances for the manufacture, in the State penitentiary, of binding twine from hemp or flax fiber, and for the sale thereof.

Compiled Laws of 1887, sec. 7705, authorizes the employment of penitentiary convicts in quarrying stone.

Sec. 7813 provides that inmates of county jails shall be provided with suitable tools and materials to work with within the jail confines in the discretion of the sheriff.

STATE-USE SYSTEM.—Acts of 1890, chap. 11, authorizes the purchase of the necessary machinery and appliances to enable the State convicts to work in developing stone quarries belonging to the State, the stone to be used in erecting a wall around the penitentiary and in other improvements.

Compiled Laws of 1887, sec. 7705, authorizes the employment of penitentiary convicts in "cultivating the prison farm or in doing any work necessary to be done in the prosecution of the regular business of the institution."

PUBLIC WORKS AND WAYS SYSTEM.—Secs. 7813-7815 authorize the employment of inmates of county jails and of violators of city ordinances "in work on public streets or highways or otherwise," for counties or municipalities.

Acts of 1890, chap. 11, provides that penitentiary convicts may be employed in erecting the prison wall or in making other improvements on the penitentiary.

HOURS OF LABOR.—Compiled Laws of 1887, sec. 7696, provides that convicts sentenced to hard labor in the penitentiary "shall be constantly employed" for the benefit of the State.

KINDS OF LABOR.—Manufacturing, including the manufacture of binding twine, stone quarrying, farming, and employment on public works and ways.

SALE AND COMPETITION.—Acts of 1893, chap. 131, requires that the price of binding twine manufactured in the State penitentiary "shall be fixed at the actual cost of production; but no twine shall be put upon the market at a greater price than it can be purchased for of other manufacturers, and no twine shall be sold outside of the State so long as there is a market for the same within South Dakota." Fiber grown in the State must be preferred in manufacturing such twine.

TENNESSEE.

CONTRACT SYSTEM.—Acts of 1897, chap. 39, authorizes the making of contracts for the labor of penitentiary convicts not otherwise employed, with any persons desiring to carry on a manufacturing or other business within the penitentiary walls; contracts are to be made so as to yield the greatest possible revenue to the State, and the convicts employed are to be at all times under the care and supervision of the prison authorities.

Acts of 1897, chap. 125, sec. 31, provides for the employment, under contract, of "able-bodied, shorter-time convicts," at branch prisons, outside the penitentiary walls.

LEASE SYSTEM.—Acts of 1895, extra session, chap. 7, sec. 19, and Acts of 1897, chap. 125, sec. 31, authorize the leasing, for the best interests of the state, of such penitentiary convicts as are not otherwise employed; and the continuance of an existing lease under which such convicts are worked in certain ore mines.

Acts of 1891, chap. 123, sec. 19, provides that any county convict, held for nonpayment of fines and costs, may, with his consent, be "bailed out," and be under the care, custody, and direction of the bailee until the amount due by him shall have been paid by the bailee in monthly installments.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1897, chap. 125, secs. 11 and 12, authorize the employment of penitentiary convicts at farming, coal mining, and coke making, and the sale of products of their labor while so employed.

STATE-USE SYSTEM.—Sec. 30 provides that all coal and coke needed for use by State institutions shall be furnished by the board of prison commissioners; and that such institutions shall be required to use only coal and coke furnished by State mines and produced by the labor of penitentiary convicts.

PUBLIC WORKS AND WAYS SYSTEM.—Sec. 31 authorizes the temporary employment of "more able-bodied, shorter-time convicts" in the penitentiary, in building public roads and pikes, under contracts with county or municipal authorities.

Acts of 1891, chap. 123, sec. 5, provides that inmates of county workhouses, or county jails declared workhouses, shall be worked, when practicable, on the county roads in preference to all other kinds of labor.

HOURS OF LABOR.—Code of 1884, sec. 6366, provides that the work of penitentiary convicts "shall be at an average of 10 hours per day, Sundays excepted, through the entire year," and that the number of hours to be worked in the different seasons of the year shall be regulated by the prison authorities.

KINDS OF LABOR.—Manufacturing, coal mining, coke making, clearing land, farming, and employment on public works and ways.

SALE AND COMPETITION.—Acts of 1897, chap. 125, secs. 29, 30, direct that contracts be made, if practicable, for the sale of the output of the State coal mines for a period not to exceed 6 years" at such price per bushel or ton as will give the State of Tennessee a fair price for the labor of its convicts and a just compensation for its coke or coal," and that coke or coal furnished to State institutions shall be at the same cost to them as if bought in the general market.

Sec. 28 prohibits the hiring of any female penitentiary convict "to any person on the outside as cook, washerwoman, or for any other purpose."

Sec. 31 provides that "the more able-bodied, shorter-term convicts" in the penitentiary, temporarily employed under contract in building public roads or pikes, clearing ground, or in farming operations, shall be so employed "where competing the least with free or skilled labor."

Acts of 1897, chap. 39, secs. 1, 4, 8, direct that not more than 99 penitentiary convicts shall be employed under contract with any one firm, or in any one business, within the walls of the penitentiary; that no contract shall be made extending beyond March 1, 1903; and that contracts shall be so made "that competition with free labor shall be the least possible, and that the manufacturing industries established within the penitentiary shall be as diversified as practicable or possible for the best interests of the State, at the same time having due regard for the interests of free labor."

TEXAS.

CONTRACT SYSTEM.—Revised Statutes of 1895, arts. 3654, 3655, 3709, authorize the establishment of the contract system in the State penitentiaries, the convicts employed thereunder to remain under the control, discipline, and management of the prison authorities.

LEASE SYSTEM.—Arts. 3744, 3745, 3746 authorize the hiring out of county convicts either by private contract or at public auction, or by general contract for any specified time, at some fixed rate per day, week, or month, the hirer to give bond for the humane treatment and proper care and support of convicts in his employ.

PUBLIC-ACCOUNT SYSTEM.—Arts. 3654, 3655, 3701, 3709 authorize the establishment of manufacturing industries in State penitentiaries—particularly those of cotton goods and cotton and jute bagging—and the carrying on of farming operations, and provide for the sale of the products of the convicts' labor; and it is required that "all convicts shall be placed within the prison walls or on State farms, and worked on State account as soon and speedily as possible."

Arts. 3727, 3730 authorize the utilizing of the labor of county convicts on farms or in county workhouses.

PUBLIC WORKS AND WAYS SYSTEM.—Constitution, art. 16, sec. 24, requires that legislative provision be made for utilizing convict labor in laying out and working public roads and in building bridges.

Revised Statutes of 1895, arts. 3733, 3744, provide that county convicts shall be put to labor upon the public roads, bridges, or other public works of the county when their labor can not be utilized in the county workhouse or on the county farm. The employment of female convicts on public works and ways is, in effect, prohibited by art. 3736, which provides that females "shall in no case be required to do manual labor, except in the workhouse or when hired out."

HOURS OF LABOR.—Art. 3716 provides that penitentiary convicts sentenced to hard labor "shall be kept at work under such rules and regulations as may be adopted; but no labor shall be required of any convict on Sunday except such as is absolutely necessary, and no greater amount of labor shall be required of any convict than a due regard for his physical health and strength may render proper."

Art. 3733 requires that county convicts "shall be required to labor not less than 8 nor more than 10 hours each day, Sundays excepted."

Art. 3746 requires that persons to whom county convicts are hired shall bind themselves not to work the convicts "at unreasonable hours, or for a longer time during any one day than other laborers doing the same kind of labor are accustomed to work."

KINDS OF LABOR.—Manufacturing, including the production of cotton goods and cotton and jute bagging, farming, and on public works and ways.

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods or for the diminishing of competition between convict and free labor.

UTAH.

PUBLIC-ACCOUNT SYSTEM.—Acts of 1896, chap. 81, secs. 9, 32, provide for the carrying on, in the State prison, of manufacturing and mechanical industries, and for the sale of the products of the convicts' labor for the benefit of the State.

STATE-USE SYSTEM.—Secs. 29, 32, 33 provide that State-prison convicts are to be employed in manufacturing and mechanical industries, and on the prison farm, and in producing "all articles for the various State institutions, as far as practicable."

PUBLIC WORKS AND WAYS SYSTEM.—Constitution, Art. XVI, sec. 3, requires the enactment of laws prohibiting the labor of convicts outside of prison grounds, except on public works under the direct control of the State.

Acts of 1896, chap. 81, sec. 29, authorizes the employment of State-prison convicts in the erection or repair of the buildings or walls of the prison.

Acts of 1896, chap. 131, sec. 30, authorizes the employment of prisoners subject to hard labor, in county jails, upon the public grounds, roads, streets, alleys, highways, or public buildings for the county.

Compiled Laws of 1889, sec. 1759, as amended by Acts of 1896, chap. 59, provide that violators of city ordinances "shall be required to work for the corporation at such labor as his strength will permit," presumably upon public works and ways.

HOURS OF LABOR.—Acts of 1896, chap. 81, sec. 37, requires that State-prison convicts shall, as far as practicable, be kept constantly employed at hard labor at an average of not less than 8 hours a day, Sundays and holidays excepted.

Compiled Laws of 1889, sec. 1759, as amended by Acts of 1896, chap. 59, provides that violators of city ordinances may be required to work for the corporation "not exceeding 10 hours for each working day."

KINDS OF LABOR.—Manufacturing, farming, and employment on public works and ways.

SALE AND COMPETITION.—The sale of convict-made goods is not regulated by statute.

Acts of 1896, chap. 181, sec. 32, requires that at least once in 6 months the prison board shall meet to determine what lines of productive industries shall be pursued in the State prison, and "shall select diversified lines of industry with reference to interfering as little as possible with the same lines of industry carried on by citizens of this State."

Constitution, Art. XVI, sec. 3, and Acts of 1896, chap. 181, sec. 32, prohibit the making of contracts for the labor of convicts.

VERMONT.

CONTRACT SYSTEM.—Statutes of 1894, sec. 5188, provides that the directors of the State prison and the house of correction may contract, for not exceeding 5 years to any one person, the labor of all or part of the convicts in said institutions, on such terms as they shall judge best for the State; but such contracts shall not interfere with the management and discipline of the convicts.

PUBLIC-ACCOUNT SYSTEM.—The same section provides that the directors of the State prison and house of correction may "purchase material required for employing the prisoners and sell articles belonging to either institution proper to be sold."

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing (by implication).

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods, or tending to diminish competition between convict and free labor.

VIRGINIA.

CONTRACT SYSTEM.—Code of 1887, sec. 4130, authorizes the employment of penitentiary convicts in "executing work under contract with individuals or companies."

LEASE SYSTEM.—Acts of 1893-4, as amended by chap. 795, secs. 4136-4138, authorize the leasing of penitentiary convicts, not otherwise employed, to railroad companies, to be fed, clothed, guarded, and sheltered by the lessees.

PUBLIC-ACCOUNT SYSTEM.—Code of 1887, sec. 4130, and Acts of 1893-94, chap. 62, direct the purchase or leasing of farming lands, to be improved and cultivated by penitentiary convicts, the products thereof, not used in the penitentiary, to be sold.

STATE-USE SYSTEM.—Code of 1887, secs. 4110, 4130, as amended by Acts of 1893-94, chap. 795, and Acts of 1893-94, chap. 62, authorize the employment of penitentiary convicts in farming operations for the use and benefit of the institution.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Code of 1887, secs. 4110, 4130-4133 (as amended by Acts of 1893-94, chap. 795), authorize the employment of penitentiary convicts in improving, repairing, or working on public buildings, grounds, and property, or the furnishing of such convicts to counties to be worked on county roads.

HOURS OF LABOR.—Acts of 1893-94, chap. 795, provides, as to convicts leased to railroad companies, that such sum shall be paid for their labor as may be agreed upon, "for each day's work of 10 hours actually performed."

KINDS OF LABOR.—Manufacturing (by implication), farming, and employment on railroads and on public works and ways.

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods, or tending to reduce competition between convict and free labor.

WASHINGTON.

PUBLIC-ACCOUNT SYSTEM.—General Statutes of 1891, secs. 1158, 1170; Acts of 1893, chap. 86, and Acts of 1895, chap. 132, authorize the manufacture, by penitentiary convicts, of such articles as are sanctioned by law, including jute and other fabrics and brick, and the sale of such products of the convicts' labor as are sanctioned by law and not needed by the State.

STATE-USE SYSTEM.—General Statutes of 1891, sec. 1158, authorizes the employment of penitentiary convicts in "the manufacture of any article or articles for the State."

PUBLIC-WORKS-AND-WAYS SYSTEM.—Sec. 1158 authorizes the employment of penitentiary convicts "in the performance of work for the State," which, it is presumed, is intended to authorize their employment on public works and ways, as their employment in manufacturing articles for State use, or for sale, is expressly provided for in the same section.

Secs. 290, 1192, 1193, direct that convicts in city and county jails be employed at labor on the public roads, streets, grounds, and buildings of the city or county; it being provided that county convicts shall not be put to labor at a greater distance than 5 miles from the jail.

HOURS OF LABOR.—Acts of 1897, chap. 74, provides that there shall be required of every able-bodied convict in the penitentiary "as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary."

General Statutes of 1891, secs. 1192, 1193, provide that inmates of county and city jails may be compelled to perform 8 hours labor each day of their terms of imprisonment, except Sundays.

KINDS OF LABOR.—Manufacturing, including the manufacture of jute and other fabrics, and brick, and employment on public works and ways.

SALE AND COMPETITION.—General Statutes of 1891, sec. 1158; Acts of 1893, chap. 86, and Acts of 1895, chap. 132, limit the production of articles for sale to jute and other fabrics and brick. It is required that these commodities shall not "be sold for less than the actual cost of production," the method for ascertaining which is prescribed; and that they shall be sold only to actual consumers who are residents of the State of Washington, for cash on delivery, in the order, as near as may be, of the making of written applications therefor.

Constitution, art. 2, sec. 29, prohibits the hiring out of the labor of convicts by contract to any person, firm, or corporation.

WEST VIRGINIA.

CONTRACT SYSTEM.—Acts of 1893, chap. 46, secs. 28, et seq., authorize the making of contracts for the labor of penitentiary convicts, together with the necessary steam power for operating machinery which the contractors are required to supply; the contracts are to be made with the highest and best bidders, after due advertisement, for periods not exceeding 5 years, at a specified price per day per convict, and for the manufacture of the particular articles specified by the bidders. Convicts not hired under general contract may be temporarily hired until "their labor is required on any contract."

PIECE-PRICE SYSTEM.—Sec. 44 provides that, if deemed advisable, penitentiary convicts not employed under the contract system "may be employed or let to contract on the piece-price system."

PUBLIC-ACCOUNT SYSTEM.—Secs. 8, 44, provide that penitentiary convicts, not employed under contract, may be employed in manufacturing, the warden to sell and dispose of the goods manufactured for the benefit of the State.

STATE-USE SYSTEM.—Sec. 44 provides that a portion of the penitentiary convicts may be employed in the repair or manufacture of articles used by the State in carrying on the penitentiary or other State institutions.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Secs. 43, 50, provide that penitentiary convicts, not employed under contract, may be employed "in the performance of work for the State" (presumably on public works and ways); or, able-bodied male convicts may be furnished to any county of the State, to be worked on public roads, free of hire, under specified conditions.

HOURS OF LABOR.—Sec. 41 provides that convicts employed under the contract system shall labor "not to exceed 9 hours a day during the year, Sundays and national holidays excepted."

KINDS OF LABOR.—Manufacturing, and employment on public works and ways.

SALE AND COMPETITION.—The statutes contain no provisions regulating the sale of convict-made goods, or tending to reduce competition between convict and free labor.

WISCONSIN.

CONTRACT SYSTEM.—Annotated Statutes of 1889, secs. 4938-4943, authorize the making of contracts for the labor of State-prison convicts, together with such shop room, machinery and power as may be necessary for their proper employment; contracts must not be made for periods exceeding 5 years at any one time, and the convicts are to remain under the supervision of the prison authorities. Before making such contracts, sealed proposals therefor are to be invited by public advertisement.

PUBLIC-ACCOUNT SYSTEM.—Sec. 567d provides for the establishment of "the business of manufacturing" in the State prison, and the sale or disposition of the goods, wares, and merchandise produced "to the best interest of the State."

Secs. 4726, 4727, authorize the employment of prisoners in the county jails at such labor as shall be appropriate to their sex and physical condition, which may be required to be performed at any suitable place within the county, under the direction of county authorities, the "avails of their labor" to be paid into the county treasury.

Acts of 1895, chap. 290, provides for the employment of inmates of county workhouses at hard manual labor, and the sale of the products of such labor for the benefit of the county.

Acts of 1897, chap. 346, sec. 8, provides that prisoners at the State reformatory may be employed at agricultural or mechanical labor, as a means for their support.

STATE-USE SYSTEM.—Annotated Statutes of 1889, sec. 608, provides that all public institutions maintained in whole or in part by the State shall obtain all goods necessarily required by them from the State prison or other institution manufacturing the same; and the officers of said prison or other institution shall cause to be made and delivered all such articles or goods, so required, as can be made or furnished by them.

Sec. 4927 provides that State-prison convicts may be employed outside the prison walls in cultivating the prison farm, or in quarrying or getting stone therefrom, or in doing any work necessary in the prosecution of the regular business of the institution.

PUBLIC-WORKS-AND-WAYS SYSTEM.—Acts of 1895, chap. 250, provides that persons convicted in any court in the State, including convictions for violations of city or village ordinances, for vagrancy, and other specified offenses, may be required to work upon highways or other public improvements, in case other work is not provided for them.

Annotated Statutes of 1889, sec. 1547d-10, provides that tramps sentenced to hard labor in county jails may be required to work "upon highways or other public improvements," in case other work is not provided for them by county authorities.

HOURS OF LABOR.—Sec. 4918 requires that State-prison convicts sentenced to hard labor shall be "constantly employed."

Acts of 1895, chap. 290, and Acts of 1897, chap. 318, provide that inmates of county jails and workhouses shall be kept at labor not to exceed 10 hours per day, Sundays excepted.

Acts of 1891, chap. 206, provides that no person confined in any penal institution "shall be compelled to perform any factory work on any legal holiday."

KINDS OF LABOR.—Manufacturing, including the manufacture of chairs, general furniture, boots, shoes, buggies, carriages, wagons, sleighs, and cutters; farming; stone quarrying; and employment upon public works and ways.

SALE AND COMPETITION.—Annotated Statutes of 1889, sec. 567d-3, requires that, in selling commodities produced by the labor of State-prison convicts, they shall be disposed of "to the best interests of the State and at the best prices obtainable."

Acts of 1897, chap. 155, requires that all goods, wares, and merchandise made by convict labor in any institution outside of Wisconsin and imported into the State shall, before being exposed for sale, be branded, labeled, or marked with the words "convict made," etc.; the details of the law being substantially the same as those of the laws of other States relating to the marking of convict-made goods.

WYOMING.

CONTRACT SYSTEM.—Acts of 1890-91, chap. 37, sec. 5, authorizes the providing for the care, maintenance, and employment of inmates of penal or reformatory institutions by contract.

PUBLIC-ACCOUNT SYSTEM.—Revised Statutes of 1897, sec. 3375, authorizes the employment by the Territory (State) of inmates of penal and reformatory institutions "upon its own account."

Acts of 1890-91, chap. 37, sec. 5, authorizes the employment of inmates of penal or reformatory institutions by "direct expenditure."

PUBLIC-WORKS-AND-WAYS SYSTEM.—The same law provides that inmates of penal and reformatory institutions may be employed to complete or repair the place or the surroundings of the place where they are confined.

Revised Statutes of 1887, secs. 3371, 3374, provide that prisoners in county jails may be compelled to work in any way that the county commissioners may direct for the benefit of the county, and that convicts in the jail or prison of any county, city, town, village, or municipality may be employed or put to work upon any public work of improvement, or upon highways, streets, alleys, parks, or public places.

HOURS OF LABOR.—Revised Statutes of 1887, sec. 3372, provides that prisoners in county jails shall be required to labor "during the working hours of every week day."

KINDS OF LABOR.—Manufacturing (by implication), and employment on public works and ways.

SALE AND COMPETITION.—The statutes contain no provision regulating the sale of convict-made goods.

Acts of 1890-91, chap. 37, sec. 5, prohibits the working of convicts in any coal mine, or at any occupation in which the products of their labor may be in competition with that of any citizen of the State.

Revised Statutes of 1887, sec. 3375, provides that the employment of inmates of penal and reformatory institutions shall be so conducted as to offer no competition to free labor, and that such employment on Territorial (State) account shall not be enforced or required any further than shall be necessary for the physical and moral well-being of the convicts.

THE UNITED STATES.

STATE-USE SYSTEM.—Acts of 1894-95, chap. 189 (28 U. S. S., p. 957), provides that convicts in the United States penitentiary at Fort Leavenworth, Kans., shall be employed exclusively in the manufacture and production of articles and supplies for the penitentiary, and for the Government; the convicts are not to be worked outside of the Fort Leavenworth Military Reservation.

Acts of 1890-91, chap. 529 (26 U. S. S., p. 839), authorizes the construction of three United States prisons, and provides that convicts therein shall be employed exclusively in the manufacture of supplies for the Government, within the prison inclosures.

HOURS OF LABOR.—The hours of convict labor are not regulated by statute.

KINDS OF LABOR.—Manufacturing.

SALE AND COMPETITION.—Acts of 1897-98, chap. 11, sec. 31 (30 U. S. S., p. 211), prohibits the importation into the United States of any goods, wares, or merchandise manufactured wholly or in part by convict labor in any foreign country.

Acts of 1890-91, chap. 529 (26 U. S. S., p. 839), requires that convicts in the United States prisons to be erected under said act are to be employed in manufacturing such goods for the Government "as can be manufactured without the use of machinery."

Acts of 1886-87, chap. 213 (24 U. S. S., p. 411), forbids the hiring or contracting out of the labor of the United States convicts confined in any State prison, jail, penitentiary, house of correction, or other place of incarceration.