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REPORT OF THE COMMISSION

ON EXAMINATION INTO THE

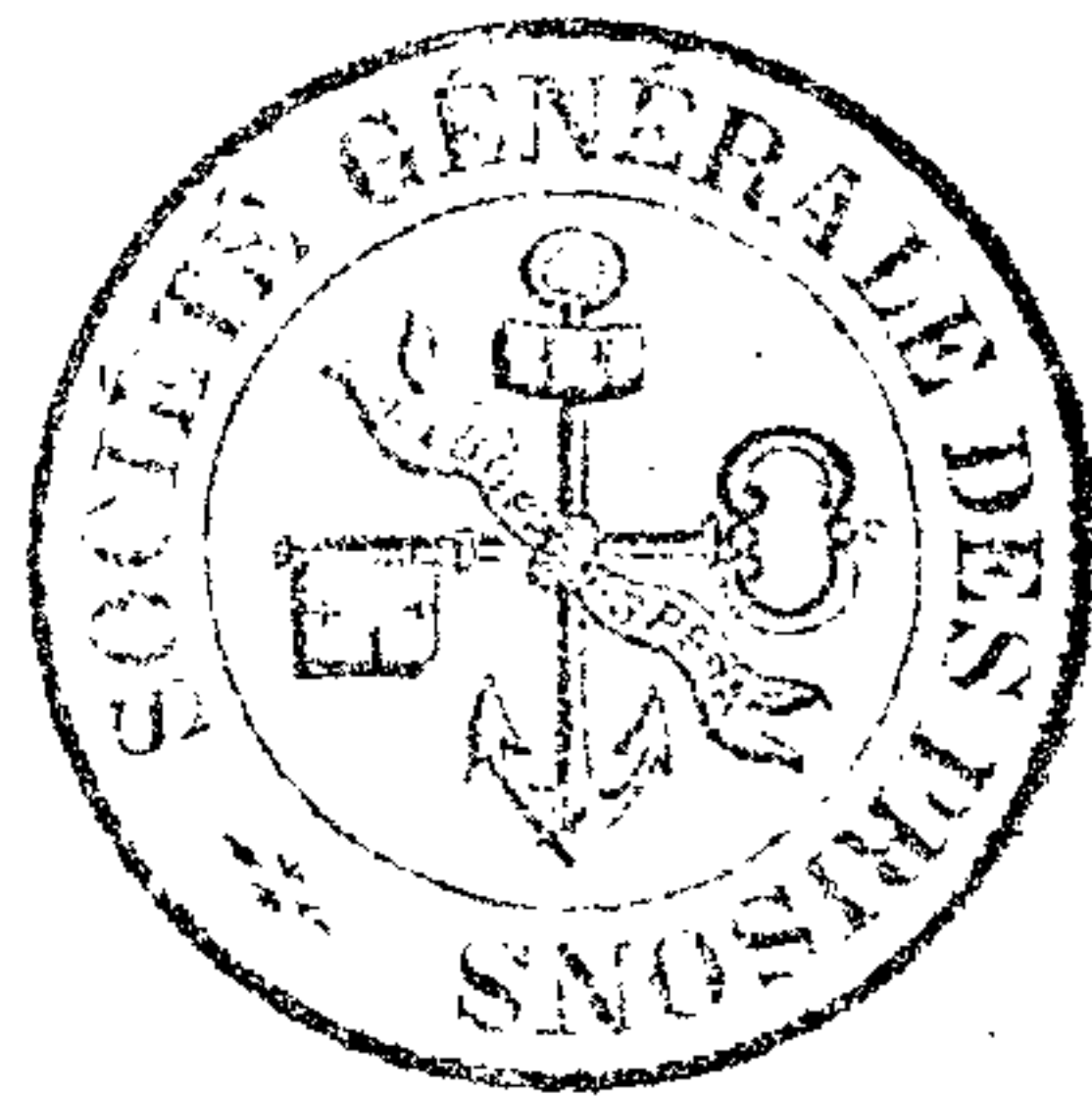
CONTRACT LABOR SYSTEM,

IN THE

OHIO PENITENTIARY,

TO THE

General Assembly of the State of Ohio.



COLUMBUS:

G. J. BRAND & CO., STATE PRINTERS.
1884.

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Compliments

W. D. Patterson

Superintendent.

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COLUMBUS, OHIO, *January 8, 1884.*

HON. CHARLES FOSTER, *Governor of Ohio:*

SIR: We have the honor to present herewith, through you, to the General Assembly, the Report of the Commission on Examination into the Contract Labor System in the Ohio Penitentiary.

Very respectfully,

HENRY C. NOBLE,
W. D. PATERSON,
HENRY LUSKEY,
Commission.

EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR, *January 10, 1884.*

To the General Assembly :

I have the honor to submit the report of the Commission, authorized by the General Assembly, April 19, 1883, to investigate the "Contract Labor System in the Ohio Penitentiary." The report shows a thorough and exhaustive treatment of the subject, reaching conclusions that are in the line of the best thought in the world upon the subject of Prison Reform and Prison Management, all of which is worthy of your earnest attention and favorable consideration.

In addition to the report, Mr. Noble, of the Commission, has at great expense and labor prepared a complete history of the Ohio Penitentiary, covering all of the important features of its management, together with quite complete abstracts of the various acts of the General Assembly in relation thereto, also reports of the various Boards of Directors and Wardens, which he is desirous of putting into shape for publication. The value of such a paper is so important, that I cannot hesitate to recommend its publication.

The resolution authorizing the Commission having originated in the Senate, the report is sent to that body.

CHARLES FOSTER,
Governor.

REPORT OF THE COMMISSION.

To the General Assembly of the State of Ohio :

On the 19th day of April, 1883, the following joint resolution was adopted by the Sixty-fifth General Assembly :

JOINT RESOLUTION

Relative to examination into the contract labor system in the Ohio Penitentiary.

Resolved, That the Commissioner of Labor Statistics, in connection with two suitable persons appointed by the Governor, is hereby authorized and instructed to make a careful examination as to the kind, amount and effect upon the prisoners of the work performed in the penal institutions of the State, especially as to the Convict Contract System now practiced in the Penitentiary, and as to all the facts pertaining to such work.

commission shall recommend such legislation as to the members seems advisable to diminish or prevent evils or abuse, if any, arising from such work ; and shall also recommend the abolition of the Convict Contract System, if they think necessary, and the substitution therefor of some other system of work, or such alterations in the contract system as such commission think]ought to be made therein.

Governor Foster appointed W. D. Patterson, the superintendent of the Cleveland Work House, and Henry C. Noble, of Columbus, Ohio, the other members of said Commission, to act with Henry Luskey, the Commissioner of Labor Statistics.

The Commission first met, and organized, on the sixth day of June, 1883, by choosing Henry C. Noble, President, and Henry Luskey, Secretary. After discussing the general subject covered by the resolution, and their duties thereunder, they adjourned with the understanding that such members of the Commission as could do so would visit not only the penal institutions of the State, but those of other States, if possible.

Since then, visits have been made to the Ohio Penitentiary, the House of Refuge and Work House at Cincinnati, the Cleveland Work House and House of Refuge, the State Reformatory at Elmira, N. Y., and the State Prison of Illinois, at Joliet.

A circular, containing a series of pertinent questions propounded to the various contractors in the Ohio Penitentiary, and in the Work

House and House of Refuge at Cincinnati, was also prepared in the following form :

1. Please state the class or classes of goods manufactured by you in the
2. How many convicts have you under your contract in the manufacture of such goods?.....
3. How are the hours of labor per day distributed during the different months of the year?
4. Is the amount of labor required of convicts under your contract regulated by task, per day or week?
- If so, please explain the amount and kind of work required of each convict for the different seasons of the year, and by whom such tasks are adjudged and regulated?.....
5. Is the requirement of uniform tasks of all convicts under contract, with regard to their physical and mental condition, just and fair; and if not, what would you suggest as a measure of their labor?.....
6. What is the effect of excess over ten hours' labor per day upon the convicts when so worked to equalize time?.....
7. Would it, in your opinion, be better for the men that a lower average number of hours' labor per day should be required of them?.....
8. Would such a change affect your business injuriously?
9. Would it, or would it not, in your opinion, be beneficial to the convicts to have them engaged in study or reading during hours thus saved from labor?.....
10. Please make any suggestions you may deem proper, that would, in your opinion, improve the condition of the prisoners?.....
11. What amount of capital have you invested in your business in the..... including machinery, raw and finished materials, and everything appertaining to and necessary to carry on your business at the present time? \$.....
12. What amount of this capital is invested in machinery? \$.....
13. What is the gross value of your products manufactured in the..... last year? \$.....
14. What is the value of the raw material consumed in the manufacture of such goods?.....
15. Where are your prison products sold principally?
16. Are they sold by you at wholesale or retail, or both?.....
17. What profit, if any, did you make on the goods manufactured by you in the..... last year? \$.....
18. Have you got any suggestions to make upon the subject of contracting convict labor?
19. What, in your opinion, is the present condition of the discipline of the prison in connection with, and reference to, the convicts under your contract?.....

Filled out by.....
 City of....., State of.....
 Date,.....1883.

These circular blanks were addressed and forwarded to the thirteen firms manufacturing under contract in the Penitentiary, and the two firms manufacturing under contract—one each—in the Work House and the House of Refuge, at Cincinnati.

Of the fifteen blanks thus sent out returns were made by P. Hayden & Son, manufacturers of saddlery hardware; Patton Manufacturing Co., hollow-ware; Geo. W. Gill, Agent, stoves; Ohio Tool Co., mechanics' tools; Columbus Bolt Works Co., bolts; S. C. Bailey & Co., cane-seat chairs; Brown, Hinman & Co., agricultural implements; Ayres, Mithoff & Co., carriage and wagon wood-work; The Columbus Boot and Shoe Manufacturing Co., boots and shoes; Mithoff, Evans & Co., children's carriages. These firms, ten in number, are all manufacturing in the Penitentiary. One return, from the Bromwell Brush and Wire Goods Co., engaged in the manufacture of brushes and wire goods under contract in the Cincinnati Work House, was also received.

The four firms that did not make any returns are Huff & Monypeny, manufacturers of barrels; Geo. W. Atkinson, cigars; W. W. Thompson, harness; and Krippendorf & Hart, manufacturers of shoes. The first three named manufacture in the Penitentiary, and have neglected to impart any information to the Commission, notwithstanding a special letter, requesting them to do so, was addressed and mailed to them. The last named firm manufactures in the House of Refuge at Cincinnati.

Questions 11, 12, 13, 14 and 17 are five that may be considered among the most important embodied in the blank. They refer to the investment of capital; value of products manufactured; value of raw materials consumed, and profits. Complete answers to all of these questions were made by P. Hayden & Sons; Patton Manufacturing Co.; Brown, Hinman & Co.; Ayres, Mithoff & Co., and Mithoff, Evans & Co. The remaining firms from which returns were received made replies as follows:

- S. C. Bailey & Co., to questions 11, 12, 13 and 14.
 - Geo. W. Gill, Agent, to questions 11, 12, 14 and 17.
 - Columbus Bolt Works Co., to questions 11 and 12.
 - The Columbus Boot and Shoe Manufacturing Co., to questions 11 and 12.
 - The Bromwell Brush and Wire Goods Co., to questions 11 and 17.
 - Ohio Tool Co., no answers to any of the questions.
- The reasons given by the above named firms why some of the questions were not answered are herewith presented :
- Ohio Tool Co.: "We carry on our business partly in the Penitentiary

and partly in our shops outside, employing workmen in both; and cannot answer these questions for this reason, as we keep the accounts together."

S. C. Bailey & Co. say, in reply to question 17: "This question we cannot answer satisfactorily; we employ more hands outside of the Ohio Penitentiary than we do inside."

Columbus Bolt Works Co. say, in reply to questions 13, 14 and 17: "We have a large shop outside Ohio Penitentiary with capacity for seventy-five hands. We keep no separate account of our outside shops in distinction to those inside; hence, we cannot give the figures asked for."

The Columbus Boot and Shoe Manufacturing Co. say, in reply to questions 13, 14 and 17: "We had no contract last year. Our contract has only been running about six months, and we have not in that time taken inventory."

Geo. W. Gill, Esq., did not answer question 13; The Bromwell Brush and Wire Goods Co., questions 12, 13 and 14. Neither gave any reasons therefor.

The figures thus furnished the Commission show that nine of the firms, engaged in the manufacture of stoves, hollow-ware, saddlery hardware, bolts, agricultural implements, carriage and wagon wood-work, children's carriages, cane-seat chairs, and boots and shoes, have a capital invested in the Penitentiary, including machinery, raw and finished materials, and everything appertaining to and necessary to carry on their business therein, amounting to nine hundred and thirty thousand (\$930,000) dollars in the aggregate. Of this amount a total of two hundred and fifty-six thousand five hundred and twenty-one (\$256,521) dollars represents the investment of the nine firms in machinery. Eight hundred and ninety-five (895) convicts are employed by these firms under contract, at prices, for able-bodied men, ranging from 70 to 86 cents, and minors, infirm, from 40 to 50 cents per day; the highest prices in 1883.

Six of the returns, made by the firms engaged in the manufacture of saddlery hardware, hollow-ware, agricultural implements, carriage and wagon wood-work, children's carriages, and cane-seat chairs, give an aggregate value of products for the year 1882 amounting to seven hundred and twenty-one thousand two hundred and ninety-eight (\$721,298.82) dollars and eighty-two cents. The value of the raw materials consumed in the manufacture of the products is placed at four hundred and fifteen thousand three hundred and seventy-two (\$415,372) dollars.

The six firms employ six hundred and fifty-nine (659) convicts under contract.*

Six replies were made to question 17, referring to profits for year 1882, by the firms engaged in the manufacture of saddlery hardware, stoves, hollow-ware, agricultural implements, children's carriages, and carriage and wagon wood-work. Three, engaged in the manufacture of saddlery hardware, carriage and wagon wood-work, and children's carriages, state that an actual loss of money was suffered by them; the remaining three firms place their profits at twenty-six thousand seven hundred and thirty-one (\$26,731.85) dollars and eighty-five cents in the aggregate, for the year.

Replies to questions 15 and 16, making inquiry as to where the prison products are sold principally, and how sold, were made by all of the firms that made returns and are herewith presented:

Names of firms.	Manufactures	Where sold.	How sold by Manufacturers
P. Hayden & Sons..	Saddlery hardware.	Fully ninety per cent. outside of Ohio, and probably fifty per cent. west of the Mississippi River.	At wholesale only.
Patton Manfg. Co..	Hollow-ware.	United States and Canada; less than ten per cent. sold in Ohio.	At wholesale only.
Brown, Hinman & Co.....	Agricultural implements.	Fourteen and one-half per cent. sold in Ohio; some exported; remainder sold throughout the States.	At wholesale only.
Ayres, Mithoff & Co	Carriage and wagon wood-work.	United States, Canada, Europe and Southern Africa.	At wholesale only.
Geo. W. Gill, Agt..	Stoves.	From twenty-five to thirty per cent. in Ohio; remainder throughout the States and Territories.	At wholesale and retail.
Ohio Tool Co.....	Mechanics' tools.	United States, Canada and Europe.	At wholesale only.
Columbus Bolt Works Co	Bolts.	Twenty per cent. sold in Ohio; remainder throughout the States.	At wholesale only.
S. C. Bailey & Co...	Cane-seat chairs.	Ninety per cent. sold throughout the States outside of Ohio.	At wholesale only.
The Col. Boot and Shoe Mfg. Co.....	Boots and shoes.	About one-sixth sold in Ohio; balance throughout the Western and Southern States.	At wholesale only.
Mithoff, Evans & Co	Children's carriages and toys.	Nearly all the United States.	At wholesale and retail.
The Bromwell Brush and Wire Goods Co.....	Brushes and wire goods.	In the Western States.	At wholesale only.

* NOTE.—You can find how much they paid for labor from Auditor of State.

HISTORY OF THE OHIO PENITENTIARY.

We have, in addition to the inquiries above, examined a number of reports by commissions of other States, in which the subject of convict labor and its effects upon the industrial interests of the country are very fully discussed. This subject is one of great consequence, and will be considered by us in this report, as we understand that that was one of the main objects for which this commission was appointed.

Yet, on full consideration of the resolution, we came to the conclusion that a careful study of the history and present condition of our own penal institutions, and particularly of the Ohio Penitentiary, and its systems of convict labor, and the attempts therein made for the reformation of the prisoners, would better enable us to accomplish the intention of the resolution.

The Ohio Penitentiary was first established in 1815 as a State prison, and in 1834 organized as the "Ohio Penitentiary." During the period of nearly seventy years it has not only been making its history, but that history has been written in annual reports, and preserved for our information in the archives of the State.

It will be seen at once that to undertake to master this history was no light matter; yet, in view of the great value of this knowledge, and the ignorance that prevails in regard to it, not only in the public mind, but also among those who have had charge of the prison, we concluded that a study of this history would greatly assist us in the performance of our duty.

In making this examination we have not only consulted the various reports made, but have taken extracts from most of them. We have been amply repaid for our labor in a feeling of confidence that we have thus obtained facts and ascertained opinions we could have reached in no other way.

These reports have been made by directors, wardens, chaplains and physicians, and other officers belonging to both leading parties in their day, to the Legislatures annually. The facts given are thus freed from the peculiarities of an official investigation which is generally made with a view to establish some preconceived opinion, and conducted hurriedly and under great disadvantages. These reports are made by many of the best men of Ohio, under the sanctions of official character and responsibility, upon the various questions of prison policy as they arose day by day during all these years. They have impressed us with the integrity of the officers who have been intrusted with this branch of the public service, and their sincere desire to promote the public good. They seem to have appreciated the difficulty of reconciling the

punishment of crimes with the reformation of the prisoner, and the employment of convict labor, so as to support the Penitentiary as far as possible, with the least possible interference with the free labor of those engaged in mechanical pursuits in Ohio.

When we remember that the office of director is one for which the remuneration is not intended to compensate for the ability and time employed in its duties, we are surprised at the succession of so many of our best citizens who have given the Penitentiary and its complex interests so much wise and anxious consideration. We feel then that any conclusions we have arrived at by the investigation of these reports are entitled to greater consideration than the opinions of even a greater number of citizens of equal character, who have not been officially connected with the Penitentiary; especially as it will be seen that these opinions are sometimes conflicting, and that the present condition of the Penitentiary has been a gradual development out of such conflict.

In order that these reports may be easily found by any one who desires to examine them for himself, we give this information: Prior to 1834 they are to be found in the House and Senate Journals. There are no indexes to these Journals, and the reports are difficult to find. It seems to us that an index to all these Journals, at least to the various valuable reports contained in them on various subjects, should be ordered by the Legislature, as an aid to the investigation of the early history of our State. Since 1834 these reports are contained in the Executive Documents, and can be more easily consulted.

The reports of the Penitentiary from and including the year 1833 are also to be found in the State Library, bound in several volumes. There is no complete set of these reports to be found in the Penitentiary Library, even since 1870. This, we think, is unfortunate. Had a complete set of these reports, and the laws governing the Penitentiary, as changed from time to time, been preserved there, and frequently studied, many experiments would have been avoided, and some valuable provisions of law governing the prison would doubtless have been preserved, or recovered. It is impossible for any of our public institutions to improve as they grow, unless those who have charge of them know what has been done and thought by their predecessors upon similar subjects.

From this examination of the history of the Ohio Penitentiary, of which we will give a brief summary, we find that there have been three systems of labor pursued therein.

FIRST PERIOD.

From 1815 to 1835 the only system was that of manufacturing, or working, on State account. The officers of the Penitentiary furnished

all the materials and machinery, and used or sold the products. The prisoners were employed in building and repairing the prison, in working upon the Ohio canal, and in building the new Penitentiary; but their chief employment was work in the prison in various mechanical branches.

The number of convicts grew from 7, in 1815, to 189 in 1834, when they were removed to the new Penitentiary, and the general result of the old prison was a failure financially, and also in the safe-keeping and punishment of the prisoners, and in their reformation. We do not mean that no good whatever was accomplished, but that the good results fell so far short of what the people of the State, and even the officers of the prison, thought should have been accomplished, that all joined in pronouncing it a failure.

SECOND PERIOD.

The second period in the history of the Penitentiary extends from the opening of the new Penitentiary, October 29, 1834, to 1839, when the first reorganization took place. In this period, on the 10th day of June, 1835, the first contract for prison labor was made with Peter Hayden, who is still a contractor in the Penitentiary. It was a period of experiment, and was successful, so far as it went, but the people were evidently jealous of the introduction of the convict contract system, and changed the directors through the Legislature in 1839.

THIRD PERIOD.

The third period extends from 1839 to 1846, and was a period of hostility to the convict contract system. The first board of directors was openly hostile to the system, and, although this system of labor was continued during all this period, it was done apologetically. The financial results, however, were favorable to the Penitentiary. The reform of the prisoners was but little considered. For several years, from 1840 to 1845, no chaplain even was appointed.

FOURTH PERIOD.

The fourth period extends from 1846 to 1854, during which the hostility to the contract system was continued, and the labor of the convicts was employed in public works. Among these was the enlargement of the Central Lunatic Asylum, the building of the Capitol, then called the New State House, and, in connection with these, the opening of a stone quarry about three miles from Columbus, and building a

railroad thereto. In 1848 the General Assembly passed a law which forbade any contract to be made, or renewed, without being submitted first to it and approved. The unfriendliness of the Legislature to the Penitentiary was shown, not only in employing the labor unprofitably in the public buildings, but in neglecting to provide that such labor should be paid for to the Penitentiary. This proceeded so far that when a new board of directors was elected, in 1852, they protested most vigorously against the injustice of a system which, for the sake of enabling the State to boast of its asylums and splendid capitol, had impoverished the prisoners, reduced the prison to want, and destroyed the credit of the institution.

FIFTH PERIOD.

The fifth period, from 1854 to 1867, was one of an entirely different character. The law of 1854 was the first one to expressly authorize the hiring of convicts on contract; to provide for tasks, so that prisoners might gain time for school, or to earn money by overwork; for the classification of the prisoners; to provide gain or remission of time on their sentence by good conduct; and to provide for instruction in the rudiments of English.

The law of 1856, in addition to these provisions, extended the advantages of instruction by giving certain hours each work day to the young for this purpose, and provided for light in the cells until bed time. This law also abolished corporeal punishment, and forbade any officer to strike a convict except in self-defense. It substituted imprisonment in the dungeon on bread and water for such punishment. The authorities endeavored to carry out these provisions. Corporeal punishment was discontinued, and the discipline is reported as much improved thereby. Classification was a failure, and the effort to teach in school only partially successful. The expenditures exceeded the receipts on account of the low prices for convict labor following the panic of 1857, and the disturbed condition of business on account of the war, and after that the rise in the price of provisions and supplies of every kind.

SIXTH PERIOD.

The sixth period extends from 1867 to the present time. In this period the contract system of labor, had fullsway. In the revision of the law classification and instruction are omitted, as they had been found impracticable, tasks were abolished, and an average of ten hours labor per day on contracts fixed instead. In place of the opportunity to gain time by overwork, which had been found full of difficulties in

practice, a portion of the price of labor, not to exceed ten per cent. thereof, was permitted to be given a prisoner, on his discharge, for good conduct, and the amount of time to be gained was increased.

The reformation of the prisoners is made to depend upon hard labor discipline and the religious efforts of the chaplain and the teaching in the Sunday-school.

The library was increased, and the prisoners allowed to read in their cells, and to receive any incidental instruction that could be derived by their own efforts.

During this period the Penitentiary was enlarged in its cell-buildings and shops, and about nine acres additional, making in all about twenty-five acres, included in the grounds. It was also thoroughly organized into departments, and the State shop established, in which work was carried on for the use of the prison and prisoners.

This is a very brief summary of the general features of these several periods. We have made voluminous extracts from the annual reports of the various officers, as well as abstracts of such portions of the laws as related to the work of the treatment of the prisoners. These we have not appended to this report, because they are so voluminous, but they are at the service of your honorable body at any time.

Before discussing the facts of this history and the conclusion we have arrived at from its study, it is important to settle which should have precedence, the financial questions of the various systems of labor, or their effect upon the prisoners, particularly upon the question of their reformation.

If financial success is the more important object, then we might as well end our report here, for the Penitentiary is successful financially, according to the usual way of stating results in the annual reports. If, however, the reformation of the prisoners is the more important, then much must be said.

REFORMATION.

The subject of the reformation of the prisoners has always received much consideration in the annual reports ever since 1820, and especially about the time of projecting the new, present prison. In fact, it was in deference to this purpose of reform that the name of the new prison was changed from the old "State Prison" to Penitentiary. This purpose has been repeated in almost every report for fifty years, and sometimes very elaborately discussed. It has been the theme of some very able and beautiful legislative reports, particularly one in the appendix to the Senate Journal, of 1839-40, and one each in the appendix to the

House and Senate Journals of 1856, respectively. These all give the first place to the reformation of the prisoner.

Notwithstanding all these declarations, we cannot avoid the impression, particularly while reading the prison reports year after year, that financial success rather than reformation has occupied the ability and energy of the prison authorities, and that the chief subject of congratulation seems to be that the cash balance is on the side of receipts over expenditures. This is doubtless in deference to the public sentiment heretofore existing: that the prison, whatever else was done, should and must be, if possible, self-supporting.

The discipline of the prison is nearly always spoken of, and an earnest endeavor made to have it more humane as well as better, but the reasons given often are, that the men are better disposed and more easily governed, and work better; and that when good discipline prevails, a higher price can be had for convict labor. Often the opinion is expressed with more or less confidence, most frequently by the chaplain, sometimes by the warden or directors, that measures for the reformation of the prisoners are receiving due attention, and marked results have been produced, if not always visible, yet existing in fact.

We do not wish to be understood as, in any degree, to disparage what has been done by so many devoted chaplains and other good men, or to say that no reformation of prisoners has existed, or does exist, on account of the mode in which the prison has been managed. We believe that during the seventy years of the existence of our State Prison and Penitentiary many have reformed.

We feel compelled to say, however, that the history of the prison makes the impression on us that reformation, rather than financial success, has never been made the first object of any administration. Some wardens and other officers have deeply sympathized with this feature of prison management, but, even under such men, the requirements of the contracts have been met at the expense of classification, school instruction, and other reformatory measures.

We do not know whether reform to any great extent can be made to succeed in the present prison. It is the opinion of many that the reformation of prisoners can only be secured in another prison, organized for this purpose alone, in which the "indeterminate sentence" can be employed, and a thorough classification of the prisoners be made, and a system of oversight of the prisoners, after their discharge on ticket of leave, adopted. This may be true.

We do not understand that we were appointed to recommend a new prison, but to give our opinion upon the system of labor of the present

prison, and its effect on the prisoners; and to suggest any change in the law we think would benefit them or others. The subject of an "Intermediate Prison" and the "indeterminate sentence," and the system of reform connected with these, were fully discussed in the report of the State Board of Charities for 1869, to which we refer.

There are, however, reformatory measures which now exist in the Penitentiary, and some which heretofore existed, which have fallen out, that should be revived, which, we think, would increase the chance of the many now confined there. In order to attain clear notions upon the subject of the reformation of criminals, we must first inquire somewhat carefully into the nature and causes of crime.

NATURE AND CAUSES OF CRIME.

Crime is the willful violation of the criminal law, and evidences every degree of guilt. Such violation may, and often does, arise under circumstances of sudden temptation or passion, or while drunk, which do not indicate a corrupt criminal nature, although the act is not legally excusable, and is punished by imprisonment in the Penitentiary.

Most crime, however, is committed by those who are fully intent upon some personal, selfish gratification, "regardless of social duty." This form of crime shows a criminal nature, which is produced either by willful and matured purpose, or ignorance. Such crime must be punished promptly and decidedly, if the community would preserve its peace and security.

But even criminals of this worse class are not all alike. Some, after arriving at years of maturity, have deliberately made up their mind to be criminals. They take the chances of detection and punishment for the pleasure and profit of crime, and when released from imprisonment they return at once to crime as their pursuit. The records of the Penitentiary show quite a large per cent. of second convictions; a somewhat smaller per cent. of third convictions, and so on, diminishing up to even seven convictions. For this class there should be no further chance of escape after a second or third conviction, they should be imprisoned for life. There are of this worse class, however, many who are criminals from ignorance. By ignorance, in this connection, we do not mean the mere lack of the elementary branches of knowledge, although this enters largely into it. But we mean ignorance of life, its relations and duties, which has arisen from a want of opportunity and training over which they had no control.

It is startling to know that nearly one-fourth of all the convicts sent to the Ohio Penitentiary have been twenty-one years of age and under; and three-fifths, or more, thirty years of age and under.

It further appears that of these youth some were left orphans at a very early age; some had drunken fathers, or mothers, or both; some ran away from home when quite young; others belonged to criminal and pauper families, without home or employment.

A great many grew up with no fixed employments; some had never been taught to read; others, being untrained, had been engaged in unskilled and intermittent labor, not sufficiently profitable to give them an honest support.

These inexperienced and idle youth drifted into evil associations, acquired all the vices, chiefest of which is intemperance. They spent their money, when they could get it, honestly or dishonestly, in drinking, licentiousness and gambling, and soon were educated in the opinions and habits of the criminal class. It is no wonder that, before the Reform School for Boys was established, the criminal tables of these reports show boys at 13, 14 and 15 years of age, and from that up, committed to the Penitentiary for crime. Nor must it be supposed that these crimes were always slight or technical offenses. Some of the most malicious and desperate crimes of civil society, like some of the most savage and brutal atrocities of savage life among our Indians, are committed by youths, who are fired with all the enthusiasm of their nature, by hearing of the exciting exploits of their elders which they desire to emulate, and yet have not their judgment or experience to moderate zeal with caution. This class is now largely increased by the vile literature which is filled with the exploits of outlaws of every degree, and which is freely sold all over this State, and is often the only food they receive for their minds.

In this connection, we quote from "The Jukes," part 59:

"After disease, the most uniformly noticeable trait of the true criminal is, that he lacks the element of continuity of effort. Steady, plodding work, which is the characteristic not only of honest and successful individuals, but also of all nations that have made a mark in history, is deficient in him, and needs to be organized as a constituent of his character.

"We have seen that disease (the inheritance of the criminal class) produces a deadening effect upon the moral sense; that intemperance results largely from some form of waning vitality, actual or potential;

that pauperism is due to the same process, and that the career of the criminal frequently begins and ends in the poor-house, the middle of the life when vitality is strongest being devoted to depredations.

“Behind all this, and in a certain sense antedating it, is fornication, spreading diseases that undermine the vital force, and literally create the idleness which is fortified by the cessation of work, so that both surroundings and proclivities become cumulative.”

These classes constitute a criminal community in every city and larger town of the State, which has its public opinion, with its own maxims and rules of conduct like any other class of society. It exalts crime and holds up noted criminals to the admiration and imitation of the young, and denounces honesty, truth, virtue and temperance as the characteristics of sneaks, cowards and Christians only. What can be done for this last, ignorant class of criminals, and how? First, punish crime in all forms by conviction and proper sentence of imprisonment promptly and decidedly. Let it be understood that no real criminal shall escape. Let the Governor exercise the pardoning power in such careful manner as not to encourage the hope of escape from prison by any personal or political influence. When once the criminal classes understand that a conviction for crime in Ohio means prompt, adequate and certain punishment, the restraining influences of such knowledge will be appreciable in the diminution of crime.

EFFECT OF IMPRISONMENT.

Mere imprisonment with regular and hard labor is reformatory in the following particulars:

It at once stops the indulgence in the vices of intemperance and gambling and licentiousness. It furnishes the convict with good food, regular habits and medical treatment, by which the body is purified of the effects of these vices. It takes away the opportunity to commit crime. It is true that some crimes of violence and petty thefts are committed in prison, but they are so few, in comparison with those which would be committed were the same prisoners free, that they are hardly to be considered.

It diminishes greatly the power of evil associates, and in a well classified prison entirely relieves from their evil influence.

It teaches the untrained habits of regularity and industry.

DISCIPLINE.

If the discipline is upon the right principle the willful and disobedient are taught to submit willingly to order, authority and law. A

great improvement in discipline was inaugurated by the law of 1856, when corporeal punishment was forbidden, and imprisonment in a cell, upon bread and water alone, substituted. Before that time punishment by “the cat” and “shower bath” were common, and in 1852 the Warden, in his report, elaborately defends corporeal punishment. Since 1856 the reports have continually spoken of the very valuable effects of a discipline which did not brutalize the prisoner by corporeal punishment, but appealed rather to his manhood. The punishment, since 1867, has been left to the discretion of the Board of Directors. As the dungeon has been abolished by the present Warden, we fear that corporeal punishment is again in full force in a new, probably a milder form.

GAINING TIME.

In 1854, and to the present time, another measure has been in operation in the Ohio Penitentiary as an aid to discipline; it is the privilege the convict has of earning a diminution of his sentence by obedience to the regulations of the prison. It has since been extended so as to make it dependent not only upon obedience to discipline and the rules of the prison, but also upon showing that he has “labored with diligence and fidelity.”

If his prison record is good he shall also be restored to citizenship.

All these means of reforming those who are sent to the Ohio Penitentiary are reported by the successive administrations as operating well, especially the milder forms of punishment and the hope engendered of diminishing the time of imprisonment by obedience and industry.

CLASSIFICATION.

The means of reformation thus far considered are external, operating in their restraining and disciplinary power, and are in full force in the Ohio Penitentiary. They have done, and are doing, much good to the prisoners, the State and the contractors, as these measures are not only consistent with, but advantageous to the contract convict system of labor, by securing order and diligence.

In connection with the religious instruction of the Chaplain on Sunday, and his personal efforts with the prisoners, some have been brought to a consciousness of their condition, and have not only desired and purposed to become better men, but have actually left the prison to pursue a useful life.

But there are two other powerful instrumentalities for the reform of prisoners that have been omitted in the Ohio Penitentiary, on ac-

count of the contract system. One of these, which is also a measure of operating externally, and which is regarded as of great consequence, was introduced by the law of 1854 and continued until the law of 1867. It is classification. Section 7 of the act of 1854 (52 O. L. 58) provides that, "The Warden is hereby authorized and required, so far as practicable with existing contracts (and all contracts hereafter made for convict labor shall so provide), to classify the convicts according to their age and disposition; placing all young men under twenty-one years of age (unless the conduct of some shall forbid it), in a shop or shops by themselves, and give them such work as shall be most beneficial to them when discharged; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offences, or whose conduct may require it, shall be worked in a shop by themselves, at such employment as the Warden may deem most fitting for them or profitable to the State."

In the report for 1854, the Directors say: "It will be seen by the Warden's report that he finds it *impracticable* to carry out that provision of the law, to any great extent, requiring him to classify the convicts as to age, crime, second convictions, trade, &c. In advising with him on the subject we were unable to suggest any plan to carry out the law to any considerable extent under the existing state of affairs. Most of the convicts are under contract, and it would not seem right or reasonable to require the contractors to change their men from the business they had already acquired a knowledge of and put them to something else they would have to learn. The object is a laudable one, but we are compelled to say, with the Warden, that it is impracticable to carry it out." It never was carried out, nor is it stated in any of the reports, that, in making new contracts thereafter, any Board of Directors ever attempted to make them as the law required, so that classification could be tried under this law. All the Boards seem to think such a thing would be good for the prisoners, but the inexorable contract system had no room for the experiment, and so it was left out of the law of 1867, and has never since been authorized. That we do not mistake the importance of this measure, we quote from the Warden's report of 1868, made after this provision had been dropped: "We must classify before any great good can be accomplished in the way of reformation. Classification, in the sense I mean, is the complete separation of those who are well disposed and desire to be reformed, from those who are vicious and depraved.

"Of course I do not assume that this, or any other plan, or that prison officials can absolutely reform men or women, depraved as con-

victs are thought to be, but they can prepare the way, offer facilities and assist those who desire to be better men; or in other words, if there be no reformation let the responsibility rest where it ought, and not on the State for any neglect on its part."

The subject of classification, as a reformatory power, also received careful consideration in the special report on prison labor made to the House of Representatives of this State in 1877 (see House Journal 1877, appendix, pp. 12 *et seq.*) The Committee therein says, page 12: "The next and most vital step toward the reformation of prisoners, is classification. We deem this question of such great importance that we consider an elaborate treatment of it as being of the greatest necessity. The best guide, in our recommendation as to the best method, is the experience of other and older countries than ours." The Committee then give an abstract of the provisions for classification adopted in Austria, Belgium, Bavaria, Prussia, Italy, Norway and England. As this report is so recent, and we have not had time to examine these various laws for ourselves, we respectfully refer to it in this connection.

SCHOOLS.

The reformation of prisoners would be very imperfectly provided for if external measures alone were relied upon, and so, in the law of 1854, provision was made for the instruction of the ignorant, by the Chaplain, in "the art of reading, writing, arithmetic and geography, at such hours as might be found most conducive to the interests of the Institution." And it was also provided that men who gained time by over-work might occupy such time in attending the prison school or in labor for the contractors. The prisoners, in the spirit of the prison itself, preferred the gain of money to the privilege of the school. As this did not seem effective enough, in the law of 1856 it was made "the duty of the Warden to send to the school-room for instruction, during three of the working hours of each day, at such time as he might think best calculated to promote the interests of the Institution, and at such additional time, other than working hours, as he may see fit, every such convict under the age of twenty-one years as does not possess a good knowledge of reading, writing and arithmetic, at which time the Chaplain or his assistant shall instruct them in those branches of education, and every convict over the age of twenty-one years, who cannot read and write, shall be sent to the school-room one working hour each day for instruction, and such additional time, other than working hours, as the Warden may see fit."

In the report of the Directors for 1856, they commend the abolition of corporeal punishment, and the introduction of the principle of rewards by gaining time, but of the schools they say: "That provision of the law for the instruction of convicts in reading and writing has been as fully carried out as was possible with existing contracts; and it gives us great pleasure to state that the contractors generally have been very liberal with those convicts in their employ who desired to attend school, and have heartily co-operated with the officers of the Institution for its success. It will be seen, by reference to the Chaplain's report, that the school has, thus far, taken a large amount of labor from contracts, and, consequently, has very materially reduced the earnings of the Institution." Here the financial success was interfered with, and this means of help to reformation must be modified. They add: "But we are fully of the opinion that, for the future, evening schools might be substituted for day schools, with advantage to the State, and with more benefit to the convicts, as it would relieve many of them from the dreaded confinement of their cells during the long winter nights."

The Legislature promptly changed the law in 1857 so as to provide, instead of day instruction, for "two hours during the evening of each working day, between the fifteenth day of October and the fifteenth day of April, and for one and a half hours during the evening of each working day the remainder of the year, at which time the Chaplain or his assistant shall instruct them in those branches of education" (reading, writing and the rudiments of arithmetic).

The night school was tried and promised well at first, but there were many interruptions, and after a struggle for some years it was entirely given up, and in the law of 1867 the subject of instruction is also omitted. There is now no instruction in letters except such as may be given in the Sunday-school by volunteer teachers, and that which is thus set forth by the Chaplain in the report of the Ohio Penitentiary for 1883, page 43:

"Education. Our limited efforts in this important branch of Prison reform, are only incidental and without system, only so far as to supply all who desire school books, embracing primary and intermediate, and in which I have encouraged and afforded all the assistance practicable. Yet, aside from help afforded by the Sunday-school, and occasional private, personal aid, personal study and self-application are the only means; nor can we hope for any great improvement in this direction until the work hours are reduced and a part of the time given to systematic education.

"But with the feeble helps only now afforded, the advancement

made by many, especially in reading and writing, is worthy of especial notice, and in some instances it is astonishing."

The testimony of the Chaplains is so uniformly strong as to the beneficial effects of educational instruction, particularly upon those who never before had the opportunity of even learning to read and write, that we wonder how the Legislature has been willing to allow it to be neglected so long. We most emphatically recommend the re-establishment of the school system, for the instruction of the unlettered in the elements of knowledge, as reading, writing and arithmetic, and of all, except the most hardened criminals, in the elements of knowledge, such as morals, domestic economy, science, so far as it is applied to mechanics, and farming, by lectures.

To this end we deprecate placing this labor on the chaplain alone. He has enough to do to be the preacher and pastor of such a large body of criminals. We think teachers should be employed for the distinct purpose of teaching, and that this business should be taken up in earnest, with a liberal allowance of money to make it a success. Experience shows that reforms are much more easy and permanent on an informed mind than on one totally ignorant of the very first elements of knowledge, and that with the growth of the mind new ideas of life and of obligation arise and new desires and purposes are formed. We do not wish to be understood in what is said in the above that religious instruction is not a strong element in the reformation of convicts. We take it for granted that a chaplain will always be employed in our Penitentiary to preach and teach religion, to comfort those who are sometimes overwhelmed with despair at finding themselves in prison, and to counsel and console the dying.

We believe, with great the majority of the people of Ohio, that "religion, morality and knowledge are essential to good government," and should be taught as well in prison as out of it.

There are both a church and Sunday-school now in the Penitentiary, and a fine chapel for public worship. All creeds and beliefs are entitled to be ministered to by the teacher of his choice. Many have been reformed by these means. If to religious teaching shall be added the school and classification, it may then well be said if any prisoner is not reformed the State is not to blame.

There are those who are not willing to recognize the power of religion to change the character and life of men. To such, the following views taken from that remarkable book, "The Jukes; A Study of Crime, Pauperism, Disease and Heredity," by R. L. Dugdale, may have their in-

fluence. On page 55, on the formation of character, among other things he says :

“Hence the importance of education. In treating the subject it must be clearly understood and practically accepted that the whole question of the educational management of crime, vice and pauperism, rests strictly and fundamentally upon a physiological basis, and not on a sentimental or metaphysical one. These phenomena take place not because there is any aberration in the laws of nature, but in consequence of the operation of these laws ; because disease, because unsanitary conditions, because educational neglects, produced arrests of cerebral development at some point, so that the individual does not meet the exigencies of the civilization of his time and country, and that the cure for unbalanced lives is a training which will affect the cerebral tissue, producing a corresponding change of career. * * *

Besides arrests of cerebral development producing idiocy or early death, it “takes place in various other forms, at different stages and under widely different circumstances. Excess of the passions prevents mental organization, and neglected childhood even produces the equivalent of the arrest of development ; for, as in the cases of the idiot, the arrest of development is caused by the want of alimentary nutrition to the brain, so in the untaught child, we get arrest of cerebral development, caused by neglect to furnish properly organized experience of the right relations of human beings to each other, which gives us a corresponding moral idiot.

“We do not become moral by intuition, but by patient organization and training. Indeed, the whole process of education is but building up the cerebral cells.”

On pages 56-7, he says : “We must therefore distinctly accept as an established educational axiom, that the moral nature—which really means the holding of the emotions and passions under the dominion of the judgment by the exercise of will—is the last developed of the elements of character, and for this reason is the most modifiable by the nature of the environment.”

On page 58 : “The law would seem to be that development is in the direction of least resistance. Hence, the value of good environment, and the power of skillful training, which removes obstacles to sound physical and mental organization, and, to an extent, artificially contrives to open up the direction of least resistance, that is the channel of the established laws of social order.”

PUNISHMENT.

We have spoken of discipline in connection with prison management as one of the repressive elements in reform. We think something more should be said upon this subject in its moral aspect. Discipline is enforced by punishment, and if this related solely to the conduct of the prisoner towards the prison authorities, it might well be left to them to determine when and how it should be administered within certain limitations. What those limitations should be is worthy of consideration. Corporeal punishment was made unlawful in 1856, and confinement in the dungeon on bread and water alone was substituted. There are, no doubt, incorrigible prisoners, in whom, at least, the fear of greater punishment is needed to compel submission ; but as to most prisoners, the punishment by confinement in dungeon was considered by the subsequent wardens sufficient. In 1867 the law was changed so as to leave the punishment to the rules established by the directors. So it has remained ever since. In the first year of the present administration, the warden in his report for 1880, says, page 21 : “My convictions at the time I entered upon the duties of this office, and my experience since, have led me to believe that kind and humane treatment are among the best means of maintaining good discipline. In view of this opinion, soon after my connection with the prison, I caused the iron doors to be removed from what was known as the dungeons, abandoning the practice of punishing convicts by placing them in the dungeon, since which time no such place is known or used in the prison.”

From the description of the effect of confinement in these ill-ventilated dungeons, where little air could be had at any time, we can not regret that they were abolished.

But what punishment has been substituted ? We look in vain in the reports to learn. Not only is the method not mentioned, but no table is given as to the number of punishments administered, nor how often repeated, as contained in some former reports.

Upon inquiry at the Penitentiary, we learn that the only punishment now used is that of throwing a stream of water from a hose into the face, and on the naked chest of the prisoner, whose hands, and feet sometimes, are fastened while he stands in a large box or tub.

We do not know whether this is a severe or cruel punishment in any respect, but it is corporeal punishment, and if what was said in the legislative reports in 1856 to both Houses (see Appendix to Journals for 1856), and has been said in a great many reports of the Penitentiary since is true, then this punishment, applied to all alike, demoralizes and

degrades them, and in the language of some of the reports, "brutalizes" the men punished.

But this is not all we have to say on this subject. If the punishment was such as would be approved, we are convinced that by reason of the contract system, there is every reason to expect many instances of unjust punishment. Two extreme cases are given in the Report of the Committee to the House in 1877, already referred to. What then actually occurred can happen at any time.

The contractors hire all the able-bodied convicts at the same price in each contract. They have a legal contract right to expect them to be equally able to perform the labor required of them. They are, however, in fact not equal, in physical ability, intelligence, skill, nor aptitude, nor in power to endure the imposed silence and restraint, or the unintermittent labor for an average of ten hours per day, week after week. The consequence will be some deficiency in attention, skill or effort. What is the result? The rules of the prison attached to the annual report of 1883 will inform us — as to prisoners:

"1. They are to labor faithfully and diligently, to obey all orders promptly and to observe unbroken silence. * * * "5. No convict is to willfully injure his work, tools," etc. "13. For all willful violations of the above rules, punishment will certainly be inflicted."

Under the head "Duties of Contractors," rule 5, is: "They (including agents or foremen) are to report to the guards having charge of the convicts in their departments, all violation of the rules and regulations of the prison."

Under the head of "Duties of the Guards," it is said:

"The Guards shall be the agents of the Wardens in enforcing the police, and discipline of the prison, and in carrying into effect the laws for the government thereof."

Rule "8. They shall keep the convicts under their charge diligently at work at the several occupations at which they are employed."

Under "Duties of the Deputy Warden," under Rule 3 — he shall "receive reports from the Guards of all disobedience or violation of the rules by any person connected with the institution, and report the same to the Warden."

It is not stated explicitly in any of the rules who is to determine when punishment is to be inflicted, nor the amount thereof, but undoubtedly under "Duties of the Warden," rule 4, he would have such power. "4. He shall exercise a general supervision and direction in regard to the discipline" * * * of the prison. But as the Guards

are his agents in enforcing discipline, the punishment could be left to them.

It will be seen from the nature of these rules, that the contractor, his agent or foreman, has the right to complain to the guard, the guard to report to the Deputy Warden, and he or the Warden to order the punishment. In the exercise of this summary power, is it not probable that from the very nature of the intimate association between the guard and the foreman of the contractor, as well as from the temperament, condition of health, and feeling towards particular convicts or convicts as a class, that some guards may have, that they may sometimes report unfairly, and the prisoner receive unjust punishment. If so, the prisoner is injured not only physically, but in his moral nature by the sense of injustice done him. It has been well said by another warden, "any punishment that does no good, does harm."

We think, therefore, that, in the performance of the labor required, and which should be required of the prisoner, that the chances of a full and fair consideration of his real ability to perform what is expected of him is greatly increased under that system by which the State, through its officers, has the complete control, and is not responsible to the legal rights and claims of those who have hired the prisoners for gain alone. In this connection, another matter not only frequently spoken of by prison authorities, but in the Legislative report of 1877, and by all writers on penology, is the character of prison officers and their tenure of office.

THE KIND OF OFFICERS NEEDED.

In his report for 1870, the Warden says, after speaking of the discipline of the prison:

"In this connection it is hardly necessary to say, that it is of the utmost importance that all the officers of the prison should be humane, discreet, just men, of pure, exemplary, blameless character, and whose example and daily walk shall inspire confidence and respect on the part of those under their care."

In a report to the Senate in 1856, Senate J., appendix, pp. 106-9, the Committee on the Penitentiary says:

"After all the restrictions and guards which experience and human foresight can provide against abuses, and the maintenance of wholesome discipline, we are fully convinced that it is of more importance that the whole administration of the prison should be in the hands of good men—efficient, reliable men. The interest of the State requires it—

the honor of the State demands it—the moral, mental and physical wants of the prisoners imperiously calls for reform.”

Again, the Committee says: “While the State furnishes the means for moral and religious instruction, the example of the men in the employ of the State should be such as not to neutralize or wholly destroy the precepts inculcated. Much care should be taken to employ none but such as have the reputation of good, moral character. Temperate habits in the employes of the State are indispensable (as a general rule) to the interests of the State and the security and welfare of the prisoners.”

The report of the House Committee for the same year, see House J., 1856, appendix, pp. 33-40, discusses reformatory measures for prisoners most vigorously. On pages 38-9 the Committee says: “We have already spoken of *the absolute necessity* of moral and exemplary guards, and in order to insure the employment, in those posts, of men of the highest qualifications, we are of opinion that their compensation should be increased.”

TRAINED MEN.

There is no place where trained men are so much needed as in our penal institutions; no place where the principles of a civil service would do more good. In our judgment, the duties required of the Warden and officers of a prison are to be learned only by experience, and can only be properly performed by trained men, whose temperament and character, as well as their ability, show them to be suited for this peculiar work. One great reason why prisons fail so much in the practical result of making prisoners better, is because the frequent changes which take place in the administration of these institutions prevents any set of men from mastering the difficult duty of prison management, and deters any one from making the study and practice of this important branch an object of distinct pursuit.

This insecurity in the tenure of office, and the frequent changes, make all reformatory measures almost necessarily failures.

This is no new theory. As early as 1852 the Directors, in their report, say, on page 11: “In regard to the frequent changes of officers of such Institutions, we cannot better express our views than by copying the views expressed by the Inspectors of the New York State Prison in their last annual report. They say:

‘The great importance of every office connected with the prison, and of having proper and competent men assigned to the various stations, is not, in general, fully understood, and can scarcely be appre-

ciated by the public at large, who have no adequate means of obtaining the necessary information to enable them to judge of the capacity and qualifications required in this branch of the public service.

‘Those who are entrusted with the care and direction of these Institutions, are called upon to perform not only the ordinary duties of a public office, but they are charged with the additional and responsible task of controlling, governing, correcting, improving and elevating the erring men committed to their care, and by their example, and the influence of their own personal character and authority, endeavor to prepare them for a life of industry and respectability when they shall again enter society at the expiration of their term of sentence.

‘To discharge these duties acceptably requires a peculiar adaptation by nature and cultivation, which few men possess, and in which many would utterly fail, who are, nevertheless, fully competent to conduct any ordinary business or pursuit. It requires time and experience to qualify even the most intelligent for a proper performance of the duties referred to, and it is safe to affirm that no public employment in the State demands more intelligence and preparation, and a better knowledge and appreciation of men and individual character, than the Warden of a prison or a keeper (that is guard) in a prison work-shop.’

This opinion, expressed and approved in this report, should be approved by every intelligent man. What has the practice been? The Warden, in his report for 1868, says, on page 15: “Since 1851 there has not been an administration that has lasted longer than two years, and in many cases not so long as that. I have been warden for sixteen months, and have given the prison, in all its details, my sole and undivided attention, yet I feel I know but little of it. It takes time and close study to master a machine of such varied parts.”

In their report for 1869 the Board of State Charities, calling attention to the frequent changes of the officers of the Ohio Penitentiary, says, on page 14: “In a period of thirty-five years, dating from the occupancy of the new Penitentiary building, there have been no less than fourteen different Wardens, making the average term less than three years, or about equal to the time necessary to acquire an experience which would enable such officer to familiarize himself with the duties of his office, and to form some judgment as to the best means of promoting the interests of such an Institution.” The history since is not different.

This inexperience has been largely counteracted by the continuance in office of Deputy Warden Dean, who, with a short intermission, has held his place for over thirty years.

The fact is, that the Penitentiary management should be removed from the effect of political changes as much as any of our benevolent institutions, and must be, to secure the best results in any system of labor or any plan of reformation. This is the universal opinion of all who have given the study of penology any attention, and addresses itself to the common sense of any one who will study, with any care, the history of our own Penitentiary.

POST PRISON LIFE.

There is nothing more pathetic in connection with prison reform than the post prison experience of convicts. At present they are discharged with a suit of clothes suited to the season—which is construed not to include an over-coat—and a few dollars in money in their pocket. They must leave the prison at the date of their discharge, regardless of the weather. There is often no safe place to receive them on the outside. If they desire to follow a better life, they have to hunt employment, without the advantage of the ordinary knowledge of the unemployed outside. They must conceal their prison history. They must seek a place where the skill taught them in prison, generally to aid in feeding a machine, can be used. If they are known by any criminal who has seen them in the prison, they are at once subjected to all the appliances he can bring to bear, either to engage in crime again or else submit to be blackmailed to avoid exposure to his employer, or the men with whom he works, or the place where he boards, as a former convict of the Penitentiary. No wonder so few can escape from the meshes of crime, when thus helplessly turned out upon an unfriendly world.

If the State means to lessen crime by reforming criminals, the enquiry must go further than the mere effect of the different systems of labor upon the prisoners, or even the reforming influences of schools and teaching and classification therein. It will have to provide some agency to meet the unfriended criminal at the prison door, and aid, encourage and protect him in any honest endeavor to be a better man.

Until the State does all that it can for the prisoner who desires to be better, it cannot say that a prisoner cannot be reformed when once sent to prison, or that "he is joined to his idols, let him alone."

We have thus discussed somewhat fully the matter of reformation, not only because we have assumed its primary importance in the relation between the prisoner and the State, but because we can only fully give our views upon the subject of labor by coming to some common understanding on this subject. We are required to consider the effect the

work done has upon the prisoner, and this we could not intelligently do until we had not only fully considered the convict as a criminal, but had considered his possibilities as a man.

We are now prepared to continue our report upon the systems of labor and their effect on the prisoner, and upon those outside the prison.

LABOR.

The examination of the history of the Penitentiary discloses that three systems of labor have been tried in the Ohio Penitentiary. The first, in the old Penitentiary, was a system of manufacturing and labor on State account. The next was the contract convict system, and the third the manufacturing and labor in the Penitentiary on State account for its own use. This last system has always prevailed to a greater or less extent in connection with the other two, but since 1870 it has been distinctly organized, and what is known as "the State Shop" has been carried on.

We are instructed to report the effect of the labor done in prison has upon the prisoners. We have already given our views as to the effect of the several systems of labor on the reform of the prisoners.

As the contract system employs most of the prisoners, we will first express our views as to this system, not only as it affects the prisoners, but as it affects labor outside of the prison.

Our first objection to it is, that it is too exacting. We think an average of ten hours per day for every day, except Sunday, year by year tends to break down the health of the prisoners, and prevents such instructions as will make it an important reformatory measure. In order to make this average day's labor, the prisoners must prepare for work, and work during all the hours of daylight in the winter, and for about thirteen hours a day in the summer. No time can therefore be spared in winter for school, and in the heat of summer, after the prisoners have been at labor for twelve hours, they have little disposition to learn.

It was because no fit time could be found to attend school under the the contract system, that the day school, which was so hopefully introduced in 1854, was soon changed into a night school, and then after a feeble struggle was finally abandoned. It was admitted on all sides that great good was accomplished by the school, and many of the prisoners showed wonderful proficiency in learning to read and write. Ever since, when they have a chance, they learn readily, but no time is left for instruction, but the hour of the Sunday-school, once a week, in which some volunteer teachers instruct in the rudiments of knowledge, and

some imperfect efforts have been made by the Chaplain to help the men in their cells after they have been shut up for the night.

If we are right in our conclusion that the contract system has and does prevent this necessary instruction to so many who need it, and who are probably in prison for want of it; and if the reform of prisoners is more important than financial considerations, the contract system should be modified, or if necessary, entirely changed.

Another objection is the competition of convict labor with free labor. It is necessary in this connection to obtain, if possible, correct definitions of competition as used in the discussion of convict labor, for a good deal of misunderstanding and confusion in the argument arises in using this word in two senses. One we may call natural, or necessary competition, and the other commercial competition.

Any work done produces results. If these results are valuable, they necessarily compete with like work done by another, yet no one for that reason has a right to insist that no other person may work but himself. This is also true of convict labor. If a convict makes his own clothes, or bakes his own bread, he does something that a free laborer might do for him, if he could not do it. Yet no one would be absurd enough to claim that no convict should do any work whatever, but should be fed and clothed entirely by the labor of those who are not convicts. To this extent, then, their competition is necessary, and must be allowed. So if they perform every act required for their support and needs while prisoners, no one can properly say the State may not avail itself of all the labor of the convicts to this end. To this extent there is a necessary competition, to which all reasonable people submit. If, however, the State hires out or employs labor in the creation of products beyond this necessity, and these products are offered for sale, then arises commercial competition, which is a very different and more complex matter than necessary competition, and one to which objection is made by all who are affected by it. This competition is more or less severe to free laborers, according to the ability to produce cheaper products, by reason of the use of cheap convict laborers and buildings, or machinery contributing to these products at public expense, and of which no account is taken in estimating the cost.

The State has for years permitted, in fact encouraged, a system in its penal institutions that we believe has some effect upon the wages of free laborers, especially such as are engaged in the same classes of work as that performed in the Penitentiary. We refer now to the contract system. If the contract system, by this competition, has any effect upon the wages of free laborers, it must necessarily be of such a character

as bodes no good to them, because it can only have the effect of reducing their only source of income—their wages. If this system has the effect of reducing wages, if this can be shown, and the State, notwithstanding, permits this system to be continued, and measures results by dollars and cents only, regardless of the injurious effects that it entails upon a part of our most important population—the working people—who can then successfully dispute that it is not sufficient cause to make many good, honest workingmen feel that their interests are of no consequence and are not considered by the State; that they are not necessarily an essential factor of it, but that the almighty dollar comes first? If this state of feeling is forced and once takes root, then follows largely the results which we have already expatiated upon; and instead of diminishing crime we are encouraging an increase of crime.

In connection herewith, we deem it of importance to quote a part of the conclusion reached by the Special Committee of the Sixty-third General Assembly of Ohio on Prison Labor, after an investigation of the subject:

“The interests of the manufacturer and laborer are so closely allied, that whatever tends to injure the one must necessarily operate injuriously to the other. If our manufacturers suffer from any cause, the men they employ, as a natural consequence, must suffer in a corresponding degree. The truth of this proposition has been vividly demonstrated in our examination of the subject, both at Cincinnati and Cleveland. The testimony shows conclusively that the contract system carried on in our penal institutions is directly responsible for a large percentage of the reductions which have taken place in the wages of thousands of our mechanics during the past four years. Nearly every manufacturer who testified before your committee attributed a large percentage of the reduction in wages to the system which enabled manufacturers who have prison contracts, and who employ large forces of convicts at cheap rates, to go into the market and undersell them. There is little or no room for doubt as to the evil effect of this system upon the interests of free labor. It not only tends to pauperize honest labor, but it is, in a great measure, responsible for the over-crowded condition of so many of our penal institutions. This may be a surprise to those who have never given this important question any study, still the indisputable fact stares us plainly in the face. Crime increases in proportion as a class or people are pauperized. Therefore, the time of any law-making body can be employed in no more profitable manner

than that of protecting the industrial classes against any system which tends to force them into a state of pauperism.”

We believe that the products of prison contract labor, because of their coming in commercial competition with the products of free labor, must have some effect upon the wages of honest laborers. We cannot see how it can be otherwise. If, however, doubts may be entertained upon this point, we most assuredly believe that the same will be removed upon scrutinizing closely the tables herewith appended.

The first column in the table designates and classifies the industries carried on in the Penitentiary, and conducted under the contract system; the second column gives the average rates for which the labor of convicts, used in these industries, was let during the fiscal year 1882, which includes what are termed “able-bodied, minors and infirm convicts.” The third column presents, for comparisons, the average rates that were paid for free labor in the State engaged in the manufacture of similar classes of goods during the same year. The latter average rates are based upon the amounts paid for, and include all classes of, labor connected with the industries named—skilled and unskilled, and apprentices—but do not include the wages paid superintendents and foremen. To simplify matters in all cases where fractions appeared, if the same amounted to a half cent or more, one cent was added; if less than a half cent, they were dropped.

Classification of Manufactures.	Average rates per convict for labor of, let during year 1882.	Average rates paid for free labor at the same time.
Manuf're of stoves and all other classes of iron castings.	\$0 65	\$1 67
Agricultural implements.....	71	1 63
Mechanics' tools.....	72	1 65
Cane-seat chairs.....	66	1 52
Bolts, nuts and forgings.....	67	1 90
Children's carriages and toys.....	71	1 61
Cigars	46	1 16

In addition, there are two more industries connected with the Penitentiary that were carried on previous to the year 1882, and are still carried on now. These are the manufacture of bent wood-work and carriage bodies, and the manufacture of barrels (cooperage). No new contracts were let to these contractors during the fiscal year 1882, but their shops were, and are, operated under contracts in force then, and

some of which do not expire until certain periods in the years 1884, 1885 and 1886. Two new industries—the manufacture of boots and shoes and harness—were introduced during the year 1883, and are now carried on, under contracts in force, in the institution. Comparative rates for labor in these industries, arranged upon the same basis as the rates embodied in the preceding table, are herewith presented. The latter two contracts (boots and shoes and harness) are for able-bodied men only:

Classification of Manufactures.	Average rates per convict.	Average rates for free labor.
Bent-wood and carriage bodies.....	\$0 73	\$1 61
Cooperage.....	62	1 51
Boots and shoes	80	1 91
Harness.....	83	1 49

The figures presented in the two tables, it will be observed, show a striking contrast in the differences existing in the cost for labor. It may, however, be claimed by some that the convicts in prison do not do as much work, nor as good work, as free laborers, and that, consequently, the comparative average rates, as presented, are not fair comparisons. We have to say, in reply to any such assertions that may be made, that if there exist such differences in some, or even in all cases, that liberal allowances have been made therefor. As before stated, we have taken into account, in calculating the average rates for free labor, the wages paid all classes of laborers—skilled, unskilled, apprentices and boys and girls, and omitted the wages paid superintendents and foremen. Among the number of boys and girls employed in factories, it frequently happens that a large number of them are considerably less than fourteen years old, and that their wages do not amount to more than from one dollar and a half to two dollars per week; likewise with apprentices, their wages ranging from three to six dollars per week. Of the convicts, those that are less than twenty-one years of age come under the head of minors; they seldom, however, if ever, are less than sixteen years of age, and are, therefore, able, and if so, must undoubtedly do the same work performed by able-bodied convicts. The amount and class of work performed by infirm convicts may certainly be considered on a level, in value, with that performed by boys and girls and apprentices. In addition, the furnishing of shops by the State to contractors gratuitously must be taken into account and considered an important factor; whereas,

manufacturers outside of prison walls must either pay large amounts annually in rents, or must invest large sums of money in grounds and buildings. If destructive fires occur, the outside manufacturer is a loser on buildings and manufacturing facilities combined, while the prison contractor suffers loss in the latter instance only.

That prison labor is by far the cheapest labor in the State has been herein shown. To say that the convict labor contract system does not injure free labor, in the face of the facts presented, would be making a statement that we would not be guilty of. It has been frequently said in discussions, however, by advocates of the contract system, that the products of the labor performed in the penal institutions is but as a drop in the bucket, comparatively, with the products of free labor, and that, therefore, the contract system cannot injure free labor. So much of this assertion as refers to the quantity of products we are very happy to say is true; but to say that, because of this fact, it is demonstrated that the system cannot injuriously affect free labor, would be saying something that cannot stand the test, practically applied commercially, we firmly believe is also true. That the manufacturer whose goods are made by cheap labor has a decided advantage over his competitors, who are compelled to pay a much higher price for the manufacture of their wares, is as positively true as that water will find its own level. It is not the manufacturer that makes the largest quantity that makes prices, but one of the most conspicuous factors and regulator of prices is the manufacturer that manufactures cheapest. It is at times when depressions in trade set in; in times, so to speak, when dealers buy from hand to mouth; when competition is the fiercest, when the mischief is done. It is in such times that the manufacturer that manufactures cheapest practically controls the market and fixes prices. It is in such times that prices are forced downward and that reductions in wages take place.

The next system of labor we consider is the system by which the State manufactured articles for sale in the old Penitentiary. It was a financial failure. This might have occurred at that time from some other cause than the nature of the system itself, because that prison was so small and badly suited to its purposes, and the discipline so faulty, that it would be wrong to condemn this system from that experience alone. But the discussions which were had when the new prison was proposed, as well as discussions since, leads us to the conclusion that, while this system gives a fuller control of the convicts and their time, and, therefore, under it the prison authorities can use classification and instruction as reformatory measures, yet it does not relieve against the

commercial competition of prison labor with free labor in the sale of its products and the reduction of wages.

Another objection to this system is, that the State enters into commercial enterprises. It must buy and sell and carry on business as a private individual for the sake of gain. In so doing it lacks the ability to give it personal attention, and must entrust its affairs to agents appointed, not for their peculiar fitness for the duty, but generally for political reasons. There may be loss from want of ability or want of integrity in such agents. Another reason why the State should not manufacture to sell is, because it would have to invest large sums of money in machinery and materials; the machinery is continually deteriorating and the materials are wasted without the vigilance of private ownership. The State's property is never as carefully protected as private property.

Another system of employing convict labor has been recently introduced in the Elmira Reformatory of New York, and in the Ohio Reform School, called "the piece price plan;" that is, instead of hiring convicts by the day, the institution engages to make specified articles for specified prices by contract. This is a modified contract system by which, it is claimed, the prison authorities have an undivided and more complete control of the time and labor of the convicts, and can thus relieve against oppressive demands on them for labor or skill, as in the present contract system, and give a better opportunity to inaugurate and carry on reformatory measures. This system is new, and the defects have not yet been disclosed. We do not see how it relieves from the commercial competition, so complained of in the contract system. In fact we think it increases the advantages of the contractor in several particulars. He is to receive the articles manufactured at a fixed price per piece, and in a merchantable condition. The contractor is, in effect, insured against all loss from goods damaged, in manufacturing, by prisoners, either maliciously or for want of skill; and thus he gets the same results as if employing the best class of skilled free laborers.

The evils resulting from the convict labor contract system have been set forth by us as plainly and fully as the facts in our possession will warrant. That the system is productive of evils rather than of good, and a barrier, preventing the accomplishment of any or all contemplated and well-intended objects, save possibly one, we believe we feel justified in saying, has been conclusively shown. In view of these facts, and that under existing laws the contract system must be given the preference over any other system of convict labor, the substitution

of a system of labor for the contract system is the next important matter in order.

Before broaching this subject further, however, we desire to state that if, in the future, as has been the case in the past, the question of dollars and cents is to be of first importance by the State, and to be considered in preference to all other questions, we might as well close our report right here. We trust, however, that such will not be the case. We believe that the State must expect burden as a necessary result of crime, and that while it has a right to endeavor to make criminals contribute to their own support so far as is possible, it has no right under any circumstances to expect profit from them; especially if such profit is derived through a system that, to the slightest extent, may tend to injure a class of honest and good citizens least able to stand it.

The Ohio Penitentiary has at times been financially successful; that is, its cash receipts have exceeded its ordinary expenditures. But at other times the expenditures have exceeded the receipts. These results have not depended on the management entirely; they are affected by the contract price received for the labor of the convicts, and the cost of provisions, which vary greatly at times.

But even when there has appeared to be an excess of receipts over expenditures, this by no means revealed the true financial result to the State. The cost of buildings, repairs and machinery, are generally paid for out of the State treasury direct, and have aggregated a very large sum, and incur an annual expenditure. In addition to this, there is a very large expenditure from the State treasury for the costs of conviction and transportation of the convicts. This for the past six years has averaged about one hundred thousand dollars a year, and swallows up all apparent profits of the Penitentiary.

Crime is not profitable to the State, even when the criminal is convicted and imprisoned and his labor hired out. It is much more unprofitable when we take into account the other expenses of crime in the counties, and the constant loss to the people of the State by the depredations of criminals. For these reasons, we think whatever will diminish crime by reforming criminals is of the greatest importance to consider.

The system of convict labor that has preference with us, after as careful a study as we have been able to give it, and which does not partake of any of the evils urged against any of the other systems, is the system of manufacturing by the State on its own account for consumption by it. That is to say, that the labor of the convicts shall be utilized in

the making of all articles that can be used by the State in any or all of its institutions and departments.

To some extent this is done already. As for instance, the products manufactured by convict labor in the Penitentiary in what is known as the "State Shop." Here, clothing, bedding, boots and shoes, tin-wares and wooden-wares, used by and for the inmates in the institution, are made. The citizen's clothing given to released prisoners are also made in this shop. For a few years previous to and including the year 1880, the cloth used for clothing in the prison was also manufactured in this shop by the management. In 1881, however, the looms were thrown out, which was principally owing to a scarcity of labor existing, the same being absorbed by the contract system; which class of labor, as previously stated, must be given the preference under existing laws. Previous to the year 1882, all tobacco given to the prisoners was purchased by the State; during that year, however, the manufacture of tobacco was introduced by the authorities, and it has been claimed ever since that a better and more uniform article has been secured, and at considerably less cost. In addition it may be added that the flour used by the institution is also made therein by convict labor, and an extensive bakery and slaughtering-house connected. A sufficient number of hogs are fattened every year to supply the institution with pork and lard.

To show in a general way how the labor of convicts may be utilized by the State, we here present an array of figures taken from the annual reports of the State institutions for the fiscal year 1882, showing the amounts of money expended by the State for the articles named and used by the institutions; the expenses of the Penitentiary, of course, not being included:

For breadstuffs, \$52,967.25; clothing, \$34,828.55; boots and shoes, \$8,804.55; soaps, \$9,442.81; furniture and other wood articles, and brooms and brushes, \$8,069.77; iron and tin-wares, \$4,772.10; tobacco, \$2,698.25. An aggregate of one hundred and twenty-one thousand five hundred and seventy-eight (\$121,578.28) dollars and twenty-eight cents.

The paper used by the State costs not less than \$36,000 per year in round numbers; for binding of department reports, etc., \$30,000; clothing of State militia, \$12,500. These figures added to the above increase the aggregate amount to fully two hundred thousand (\$200,000) dollars.

We know of no good reason why all of these necessaries should not be made by the State for its own consumption in preference to the hiring out of its convict labor in the Penitentiary. That it can be done has been practically demonstrated by the "State Shop" year after year.

That by far the greatest part of the costs of the necessaries can, by intelligent and business-like management, be made to represent labor, we also believe can be accomplished. For an illustration let us consider the item of clothing, which, in the aggregate, amounts to forty-seven thousand three hundred and twenty-eight (\$47,328) dollars, in round numbers. As previously stated, cloth has been successfully made in the Penitentiary in years past, which is proof positive that it can be done again. By so doing, nearly the whole of this entire item, which will be largely increased if the purchases of cloth by bolts is taken into account, as well as the ready-made clothing, can be made to represent labor.

To present more fully the results accomplished in making cloth, etc., in the "State Shop" in the Penitentiary, we quote from the several annual reports of the institution:

For the year 1877, page 15: "The State Shops have rendered good service, and can be made more efficient, with a wider range of work, than heretofore. Now, that a large number of prisoners will have little or nothing to do, every manufactured article to be used in the prison should be made inside by prison labor. This the directors and warden are striving to bring about.

"To that end, looms have been put in operation, and a large quantity of excellent cloth has already been made, and the manufacture of it will be kept up. Other new industries to accomplish the object will be, from time to time, introduced.

"A small book-bindery, introduced in the State Shop, has furnished employment for several prisoners, and is an efficient agent in keeping the library in good condition. Here all the magazines, as well as many new books, purchased in sheets, are substantially bound. The old books are also repaired or rebound, as may be required."

For the year 1878, page 66: "We have manufactured the entire amount of clothing that has been issued to out-going prisoners. This has been a considerable saving to the State, compared with the former method of purchasing these articles ready made. Also, all the cloth and linsey used for prison wear has been manufactured here."

During the year 1882, there was paid out of the State treasury for the prosecution and transportations of convicts fully \$111,000. Since it seems to us that the people of every county in the State must be alike interested in the solution of the convict labor problem in a way that will prove best generally, could it not be so arranged that instead of the State paying out of the treasury these amounts, that the counties, in proportion to the expense thus incurred, take such goods manufac-

tured in the Penitentiary as may be needed in their local institutions? This, of course, is a question for your honorable body to determine; but if it can be done it must be very evident that it will assist very materially in absorbing the labor of convicts.

It must also be remembered that our State institutions are growing from year to year, and that as they grow the demands made upon the State for their maintenance must increase in like proportion. The additional labor brought into the Penitentiary by new convicts will not keep pace with the increasing demands for their labor under this system.

We think this system should be adopted as the policy by which the use of convict labor shall be governed. The manufacture of many things used by the various departments of the State will occur as practicable, which can be done by prison labor. That there are also other directions by which the State can and should put to use its convict labor besides manufacturing, suggests itself at once by looking over the report of the Joint Select Committee to inquire into the sanitary condition of the cells in the Ohio Penitentiary, from which we quote (see House Journal 1875, page 859):

"The testimony of all prison directors and prison wardens and physicians, for many years past, has been faithfully borne against the unwholesome condition of these cells, and yet the General Assembly have heeded not. The reply has always been, 'The State cannot afford the expense of new or better cells.' But can the State afford to *not* provide them? Can it afford to needlessly inflict a positive, lasting injury upon the humblest of its citizens, although for a time an adjudged criminal? Can it afford to receive in its charge persons—it matters not what their offense against her laws—full of manly strength and constitutional vigor, take the earnings of their hard labor for years, sink it into the treasury for its own use, and then, at the expiration of their sentence, turn them out into an unforgiving world, disgraced, friendless, broken in health as they are ruined in reputation, to drag out a few remaining, miserable years, and then *die* and be buried in a paupers's grave? Can the State afford to not only inflict this terrible personal wrong upon these men—many of whom are *not* criminals at heart—but a corresponding injury upon their families? In a word, can the State afford to be *unjust* to the least of its subjects, whatever their condition or position? Let each member of the General Assembly answer these questions by his vote."

The report for 1883 shows these cells to be still in this horrible condition—page 33.

The time has come when it seems to be resolved that a change shall

be made in the employment of convict labor from hiring upon contracts. The plan we propose can effect this change with the least clash of interests and the least loss to the State.

The true conception of this whole matter appears to us to be this: Regard the State as an individual or corporation, which has to support all its deaf and dumb, blind, idiotic and insane people, besides many other State departments, and that it has to imprison and employ all its incorrigible youth and criminal adults. It thus has a large amount of labor on hand, with a large number of supplies to provide. The most natural way to do this would be to employ, as far as possible, its own labor for itself. This is what we propose. We do not see any necessity for a violent change. If this system is directed by law, it will grow as rapidly as there is demand for the products so made, and as it grows and absorbs the convict labor, the number employed on existing contracts will necessarily be diminished, and at the expiration of a few years entirely extinguished.

There is one caution to be added. If such a system is adopted, the Legislature and the people must not look for cash results in the report of the Penitentiary. It will be less profitable in money than the contract system; and therefore liberal appropriations will be needed; but we believe, if faithfully carried on in connection with such reformatory measures as have always been advocated in Ohio, as shown in the former part of this report, the general results will be better, and we believe satisfactory to the people of the State. Nor must the Legislature require the Penitentiary to work for the other institutions without pay. The fair price for everything produced should be allowed to it, and paid by them, otherwise it will be exhausted of its proper support, and left to become dilapidated in every building, and impoverished in every department. The State institutions and departments must also be required by law to take all articles used by them that can be manufactured in the Penitentiary, and its authorities shall manufacture for them.

OTHER PENAL INSTITUTIONS.

We are also by the joint resolution authorized and instructed to make a careful examination as to the kind, amount and effect upon the prisoners of the work performed in the penal institutions of the State.

We have already given the kind and amount, and effect upon the prisoners of the work done in the Ohio Penitentiary, both as to the reformation of the prisoners and the effect the contract system has upon them and upon the public.

We have also examined the system of labor in the other penal institutions of the State, but not so fully as that in the Penitentiary. These institutions are organized upon different principles from the Penitentiary, and for different ends.

Work-houses are for the punishment of minor offenses, and the terms of imprisonment are comparatively very short. They must therefore be carried on in whatever way the local authorities find to their best interest, and will no doubt be regulated by the several communities in which they exist.

In the Cleveland work-house the labor has been carried on upon account of the city, and has been financially successful. As one of the commissioners is the superintendent of the institution, it may be permitted the other two to say, that it is in admirable order, well disciplined, and in every respect as influential for reform as a work-house can be. These ends are largely attributable to the fact that for twelve years there has been no change in its management, although its board of directors has been changed politically several times. This instance confirms what we have said and quoted in this report as to the advantage of stability in prison management leading to success in its administration.

The work-house at Cincinnati has the contract system of labor. It has been also admirably managed, but what we have said as objectionable to this system of labor in efforts at reformation applies to any institution where it exists.

In the Reform-School for Boys the system of labor until recently has been on State account. It is now, we are informed, in part upon the piece price plan. We have been prevented from visiting this institution in person, which we greatly regret.

The labor in this school is performed in connection with machinery. No one can be taught a trade in this way, and we think no one should be permitted to spend his time there without receiving such industrial training as would enable him to earn his living by his skillful labor.

INDUSTRIAL TRAINING.

In fact, we believe that the subject of industrial training is of such importance that our people should be aroused to the advantage, ay, even the necessity, of having it attached to our common school system of education.

The statistics of the Penitentiary show that a great many youth find their way there from ignorance, not only of letters, but of skill and

ability to work, both the results of neglected training. It is not only these youth who are suffering from the want of skill to labor profitably; our school system is flooding the State with youth of both sexes who are not trained to use their hands in any useful employment.

It is now well established by experiments in various parts of the country, particularly in Boston and St. Louis, that youth can be easily trained in the use of tools, upon both iron and wood, without materially interfering with the learning taught from books. If this system was general, many a young boy would find he had peculiar faculties for mechanical pursuits, and would naturally incline to select some industrial pursuit in which the opportunities for not only usefulness but marked success are greater than the over-crowded clerical offices, or even the professions.

This training is peculiarly suited to all the public institutions in which the State or public assume the care and training of the youth of the unfortunate classes, such as Houses of Refuge, Reform Schools, and Homes for the Friendless, and should be employed in the Ohio Penitentiary in all cases where, for any reason, any youth therein confined is not otherwise receiving such industrial training.

Nor should the industrial training of girls be neglected in any of these institutions or the State's Girls' Industrial Home. There is a great demand for them to be able to manage the household, kitchen and dairy as well as to be school teachers and clerks. This subject is so important in connection with this whole discussion, we quote again from "The Jukes." On page 61 the author says:

"When 'industrial training' is used, more is meant than formal instruction in a trade. It is contemplated that, in a properly ordered scheme of reformation, something like a general training of the faculties must be provided for. Our reformatories must reform and develop the senses of touch, hearing, sight, smell and taste, so that the mind shall be filled with the knowledge of things instead of being left vacant of everything except a memorizing of words.

"With the use of the faculties will gradually be developed varieties of emotion and intelligence, which, tending to activities in their own direction, will reorganize the career of the individual so that criminal or vicious courses can be supplanted by automatic virtue.

"Every reformatory should take for its model of training either the kindergarten education or the method of object lessons, or some modification of these which is practicable; for the potential thief, if not a moral imbecile, is a moral infant.

"The advantage of the kindergarten instruction rests in this, that

it coherently trains the senses and quickens the spirit of moral accountability, building them into cerebral tissue. It thus organizes new channels of activity through which vitality may spread itself for the advantage of the individual and the benefit of society, concurrently endowing each individual with a governing will.

"Such an energetic, judicious and thorough training of the children of our criminal (and pauper) population would in fifteen years show itself by the great decrease in the number of commitments, and at a less cost in money than their adult depredations. Such training is not found in our reformatories conducted on the congregate system, and still less in our prisons, penitentiaries and jails."

On pages 117 *et seq.* he says:

"In discussing the question of intermitted industry, it was shown that one of the causes of idle habits was primarily physical and mental disease." After discussing the necessity for and measure to secure public health, the author continues, on page 118:

"These secured, then will be possible the next great step in the larger domain of crime cure, the educational question.

"Those who comprehend the specific process of moral education, that it begins with certain concrete acts, which, by repetition and variation, organize in the mind definite and permanent conceptions of right and wrong, will see at once that the foundations of the moral character must be laid in the earliest infancy, and must begin by the education of the senses. From babyhood infants must have liberty to use their limbs, toys to occupy their attention when awake, and when they are able to walk their play must be so directed that at least a portion of it shall take a systematic form which produces objects of beauty or of use as permanent results of their manual dexterity; various materials, such as those suggested by Froebel in his kindergarten education, must be given to the child to be fashioned into multiform objects, so that knowledge will be gained by the use of the hands and eyes.

"This exercise of the hands forms the basis of industrial training and unconsciously organizes the habit of industry, so that it becomes not only of easy performance but an essentially necessary activity of the waking hours.

"Given a taste for steady work and you have the best possible safeguard against the unbridled indulgence of passion, and with this an effectual check to the formation of criminal practices, which are, in a majority of instances, the direct result of indulgence in exhausting vices, or in the feverish pursuit of indulgences which a hard working man

does not think of, and for which thefts and embezzlements are committed.

“But industrial training for children here spoken of must not be the arbitrary imposition of a formal task. Work is not an education in its proper sense, unless it enlists the putting forth of the powers of body and mind simultaneously and cheerfully, to accomplish a predestined result.

“For this reason the team system of industry for children and youths, which is almost universal in our houses of refuge, is an educational blunder, and not industrial training in its proper sense. It does not produce habits of industry, because it fails to employ the mind, and as the fraction of a trade it teaches soon becomes a purely automatic operation that requires no attention, the mind is left free to rove over the recollections of vice and schemes of mischief, which it is the purpose of the reformatory to obliterate by training.

“Thus public health and infant education, conforming in general plan to Froebel’s kindergarten-school, are the two legs upon which the general morality of the future must travel.

“It may be objected that the general community is not sufficiently trained to understand and establish rational education as here indicated. If this be so, it is at least possible to order that a few hundred of the large number of orphans supported by the State shall be dealt with according to the most approved methods of (industrial training) education.”

It seems to us that it would be a good thing for the Legislature to require that in all the penal and reformatory institutions of the State, where youth of either sex is confined, industrial training should be a given part of their education.

We have thus, to the best of our ability, given our views upon the various questions submitted to us. Our study of the subject has impressed us with the great extent, complexity and difficulty of the subject. We cannot expect to have fully or satisfactorily solved the problems involved in the time we have been able to give the subject. If we have contributed anything of value to the discussions upon prison labor and prison reform that seem to be going on everywhere among the civilized peoples of the earth, we will feel amply compensated for the somewhat laborious but very interesting study we have given the subject.

There is a large field to be covered by the discussions of your honorable body, before you will feel confident that you have reached a firm foundation on which to rest this subject. After you have settled upon a plan, it will require time and patience to try it. All well-meant im-

provements will be defeated, if undertaken without due consideration, or if changes are made too suddenly or too radically.

It is our opinion that if the execution of whatever plan is adopted be committed to a prudent administration, in full sympathy with the ends sought, and under such general limitations as your wisdom may affix, with an understanding that the people of the State and their representatives in power will allow time to such an administration to bring the changes made to a successful issue, much may be done that will benefit the prisoner and the State, and satisfy the people of Ohio.

Respectfully submitted,

HENRY C. NOBLE,
W. D. PATTERSON,
HENRY LUSKEY,

Commission.

January 8, 1884.

