

UNITED STATES DEPARTMENT OF LABOR

FRANCES PERKINS, Secretary

BUREAU OF LABOR STATISTICS

ISADOR LUBIN, Commissioner

**BULLETIN OF THE UNITED STATES }
BUREAU OF LABOR STATISTICS } No. 596**

LABOR LAWS OF THE UNITED STATES SERIES

**LAWS
RELATING TO PRISON LABOR
IN THE UNITED STATES
AS OF JULY 1, 1933**

COMPILED BY

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Letter of Transmittal

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, September 22, 1933.

MADAM SECRETARY: I have the honor to transmit herewith a compilation of all of the Federal and State laws regarding the employment or use of prison labor. This compilation constitutes a companion volume to Bulletin No. 595 entitled "Prison Labor in the United States, 1932", which gives the results of a comprehensive survey of the amount and character of prison labor in the Federal and State prisons and in the city and county jails of the United States. The two reports, taken together, give a very complete picture of the present status of the whole subject of prison labor in the country.

Respectfully submitted.

ISADOR LUBIN, *Commissioner.*

HON. FRANCES PERKINS,
Secretary of Labor.

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BULLETIN OF THE U.S. BUREAU OF LABOR STATISTICS

NO. 596

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SEPTEMBER 1933

LAWS RELATING TO PRISON LABOR IN THE UNITED STATES AS OF JULY 1, 1933

Legal Aspects of Prison Labor

In employing prison labor the various States have made use of one or more of the penal-labor systems.

The systems are: (1) Contract system, under which an outside contractor contracts with the institution for the labor of the prisoners, during which time the institution houses, clothes, feeds, and guards, etc., the prisoners; (2) piece-price system which is nearly the same as the contract system except that under the piece-price system the contractor agrees to pay a specified price per unit of output rather than a stipulated price per day as under the contract system; (3) State-account system by which the State engages the prisoners in productive enterprises and sells the product on the open market and assumes all business risks; (4) State-use system, where the institution carries on the business of production, but the use or sale of goods is limited exclusively to State departments and agencies; (5) public works and ways system, under which the prisoners are engaged in the construction and repair of public works and ways rather than in the production of goods for consumption; (6) lease system, the system under which the State leases the prisoners to a contractor for a specific amount per man per day, and the contractor is usually given exclusive control of the prisoners. This system, however, has been generally abandoned by the penal institutions. A recent study made by the Bureau of Labor Statistics shows that the lease system has "entirely disappeared from both State and Federal prisons."¹

No matter which system is used, prison labor competes with free labor to some extent, in the final analysis, to the detriment of the labor of free men. It has been estimated that approximately 40 percent of the prison-made goods in the United States is sold within the State and the remaining 60 percent is ultimately destined to be sold in States other than that of their origin. Much opposition to the

¹ See U.S. Bureau of Labor Statistics Bul. No. 595: Prison Labor in the United States, 1932. Washington, 1933, pp. 4, 5.

production of prison-made goods has therefore developed, and it is only natural for a State, in the protection of its sovereignty, to object to its being made the dumping ground of such goods. Attempts to check the inroads of prison-made goods have been unsuccessful in the past upon constitutional grounds, especially so far as shipment of goods in interstate commerce is concerned. Indirect attempts have been made, however, by several of the States to lessen the production of prison-made goods within the respective State. In some States laws have been enacted requiring that all prison-made goods shall be labeled, that sales shall be restricted, and that dealers of such goods shall be licensed by the State authorities. However, when this procedure has been applied to articles shipped in interstate commerce, the courts in general have held that such laws are not a proper exercise of the police power of the State.

The Court of Appeals of New York in 1898 decided a case (*People v. Hawkins*, 157 N.Y. 1, 51 N.E. 257)² which involved a State law requiring that all goods made by prison labor should be labeled "convict made." In this case, one Hawkins offered scrub brushes for sale which were made in an Ohio prison, and were not labeled as required by the provisions of the New York statute. The court stated that "the validity of the law must depend entirely upon the exercise of the police power to enhance the price of labor by suppressing, through the instrumentality of the criminal law, the sale of the products of prison labor." The court laid down the general principle that a citizen could not be deprived of his property without due process of law. This principle, the court pointed out, was not limited to the mere physical taking of property. Any law, the court said, "which annihilates its value, restricts its use, or takes away any of its essential attributes comes within the purview of this limitation upon legislative power." Any State which permits property such as prison-made goods to come within its jurisdiction in the regular course of trade cannot, the court said, "impair its value by hostile legislation without a violation of the constitutional guaranties for the protection of property." The court held in the case that the New York statute was in conflict with the State constitution and that it was an unauthorized limitation upon the freedom of the individual to buy and sell, and that such legislation was not within the scope of the police power.

In 1910 the New York Court of Appeals, in the case of *Phillips v. Raney* (198 N.Y. 539), affirmed the lower court upon the authority of the case of *People v. Hawkins*. The court based its reasoning on the conflict of the State law with the interstate commerce clause of the United States Constitution.

One year prior to the decision of the case of *People v. Hawkins* the Supreme Court of Ohio (*Arnold v. Yanders*, 47 N.E. 50)³ held that a State law regulating the sale of prison-made goods which were manufactured by convicts in other States was in conflict with article 1, section 8, of the United States Constitution.

In this case, one Yanders was charged with unlawfully exposing for sale certain prison-made goods which had been manufactured in a penitentiary of New York without having first obtained a license to

² See also *People v. Hawkins* (1895), 32 N.Y. Supp. 524.

³ See also *In re Yanders* (1892), 2 Ohio Dec. 126.

sell such goods from the secretary of state of Ohio. The court in this case held that the Ohio act was not a police regulation, but an act to prevent the importation of prison-made goods from other States. The court pointed out that if the State required a protection to its citizens of such goods the appeal for relief must be made to the Congress of the United States, which legislative body has the power legally to grant such relief. Whatever Congress, "either by silence or by statute, recognizes as articles of traffic and commerce", the court said, "must be so received and treated by the several States." No act of Congress, it was shown, declares that convict-made goods are not fit for traffic and commerce. It therefore follows, the court said, that such goods are the subject of commerce and when transported from one State to another become articles of interstate commerce and entitled to protection as such. Any discrimination by a State against such goods where offered for sale would be unconstitutional. The Ohio court showed that an act of Congress was necessary to give a State power to legislate in such cases. Under the Constitution the police power is reserved to the States and, the court said, such States "have the right to regulate internal trade so as to protect the health and public welfare of the people, but this power cannot be so extended as to encroach upon interstate commerce."

In accordance with the practices permitted by the constitution of Massachusetts the house of representatives of that State in 1912 called upon the State Supreme Judicial Court for an opinion as to the constitutionality of a proposed measure which required prison-made goods offered for sale in the State to be marked with the words "Convict made", whether such goods were manufactured within or without the State. The court held that such a proposed law would be an interference with interstate commerce, and the fact that it applied also to goods manufactured within the State would not legitimate the act. The court said that there was nothing wrong in the nature of things in prison-made goods. Such goods are not in their nature unsanitary or so inferior in quality that a sale would constitute a fraud on the public. The proposed law, the court said, "goes beyond a lawful exercise of the police power in its direct effects upon interstate commerce." The measure, the court held, was not in the interest of health but related to interstate commerce and therefore could not be constitutionally enacted.

Laws have been enacted in several of the States restraining the competition between free and prison labor. In such cases where the goods are produced in the State and involve no contractual rights of a person "it would seem to be constitutional, at least as far as the first sale is concerned. * * * Though the labeling and licensing laws have not met with much success, the amount of convict labor has been substantially restricted in a few States by statutory or constitutional prohibitions against trade instruction to convicts or the use of machinery by convicts."⁴

Other inhibitions enacted by the several States include the employing of prisoners when the work conflicts with free labor or with certain industries. The number of prisoners engaged in certain industries is limited in some States. Articles which are extensively

⁴ See *Journal of American Institute of Criminal Law and Criminology*, Chicago, August 1925, pp. 272-277.

produced or manufactured are also prohibited, as well as the employment of prisoners in printing or photoengraving work, railroad or public works. In California it is unlawful to sell articles manufactured by prison labor except such as are specifically sanctioned by law. In New Jersey the law provides that no prison labor shall be used to fill the places of free labor on strikes or lockouts, while Connecticut forbids the employment of a person confined for a crime in or about the manufacture or preparation of tobacco.

The Federal Government has taken cognizance of the prison-labor question and insofar as it is possible has discouraged the practice of manufacturing articles for sale in the open market, within its own jurisdiction. The several tariff laws of the United States which have been enacted from time to time prohibit the importation of convict-made goods. The Tariff Act of 1930 (ch. 497, 46 U.S. Stat.L. 590), by the provisions of section 307 has prohibited the importation of goods made by convict labor or forced or indentured labor. The United States Treasury Department, under date of November 24, 1930, promulgated certain regulations against the importation of such goods.⁵

Certain contracts for or on behalf of the United States involving the employment of labor must contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor.⁶ (See also section on United States laws, p. 131.)

During the period of the World War an Executive order⁷ was issued which permitted the manufacture of war supplies in penal institutions of the United States. At the same time a concrete demonstration of paying wages to prisoners was exhibited. The Executive order specified that compensation to be paid inmates for labor performed shall be based upon the standard wages prevailing in the vicinity of the penal institution.

The Congress of the United States has also provided that no convict labor shall be employed on any project under the provisions of the various emergency relief measures. The United States Congress has attempted to enact some form of legislation to curb the evils of prison-made goods and the traffic in such goods between the States for over a period of 25 years. The fruition of their efforts materialized in 1929 upon the passage of the so-called Hawes-Cooper Convict Labor Act.⁸ The act was signed on January 19, 1929, to become effective 5 years from this date, namely, January 19, 1934. The act in brief divests convict-made goods of their interstate character. It is an enabling act whereby a State is constitutionally authorized to pass its own laws regulating the sale, etc., of convict-made goods within its own borders. In the cases which have already been referred to it was shown that a sovereign State under the Federal Constitution could not usurp the powers of the Federal Government over interstate commerce.

The sponsors of the Hawes-Cooper Convict Labor Act considered the various constitutional inhibitions in framing the proposed law.

⁵ See Monthly Labor Review, January 1931, pp. 128-130.

⁶ See Presidential Executive Order of May 18, 1905.

⁷ See Presidential Executive Order of Sept. 14, 1918.

⁸ For text of law, see p. 184.

It has been reported that the proposed bill was drafted upon the basis of the so-called "Wilson Act of 1890."⁹ This act provided that when intoxicating liquors were transported into any State or remained therein for use, the commodity should upon arrival in such State be subject to the laws of that State under its police power and should not be exempt by reason of being contained in the original package. The United States Supreme Court upheld this law in the case of *Wilkinson v. Rahrer*, 140 U.S. 545 (more commonly referred to as the case of *In re Rahrer, Petitioner*). In an opinion written by Mr. Chief Justice Fuller the court held that Congress was empowered under the Constitution to regulate commerce by making goods shipped into a State subject to the laws of that State immediately upon reaching their destination.

The penal authorities in some States have already questioned the constitutionality of the Federal convict labor law. Some of the States have contended that since large sums of money have been invested in equipment, plants, etc., that to deprive the various penal institutions of an outlet for their products would be equivalent to taking away their property without due process of law, and therefore illegal under the Federal Constitution. It will remain for the United States Supreme Court to decide ultimately this momentous question of far-reaching importance.

While the Federal convict labor law does not become effective until January 19, 1934, several States have already enacted legislation taking advantage of the Federal act. Under the provisions of the Federal act the States hereafter will dictate their own policies relative to the sale, etc., of convict-made goods shipped into their borders from other States. (For text of such laws see appendix, p. 135.)

No attempt has been made to include workmen's compensation laws in the compendium of laws relating to prison labor. The courts of the United States in general have held that a person engaged in the manufacture of prison-made goods, etc., is not an employee within the meaning of workmen's compensation. The Compensation Commission of Connecticut has reasoned that a convict who is injured may not receive the benefits of workmen's compensation as he is not engaged in any contract of employment (*Ryan v. Metropolitan Chair Co.*, 1 Conn. Comp. Dec. 37). The Court of Appeals of Georgia in 1927 held that a convict who was injured while serving a sentence in a county chain gang was not an employee of the county and therefore not entitled to receive compensation under the Georgia workmen's compensation act. The prisoner in this case accidentally injured his foot with an ax, was confined to a hospital and upon completing his sentence filed a claim with the Industrial Commission of Georgia. The commissioner in making his award held that the prisoner was not an employee of the county, and in this contention the Court of Appeals of Georgia upheld him. Compensation was therefore denied.

The use of prisoners in various prison industries has in many instances subjected them to dangers greater than those experienced by free laborers, since the labor is forced and there is probably

⁹ Hearings before House Committee on Labor on H.R. 7729, 1928.

less incentive to protect such workmen against injury. Several cases have arisen in which prisoners have received injuries for which no relief was granted other than probably first aid and hospital treatment. In 1926 the California Supreme Court held that a convict injured while engaged in highway work was entitled to compensation under the workmen's compensation law of that State (*California Highway Commission v. Industrial Accident Commission*, 251 Pac. 808). During the following year, however, the Legislature of California passed an act (ch. 653, Acts of 1927) excluding certain convicts from awards under the workmen's compensation act. The law provides as follows:

SEC. 9. This act is not intended to restore, in whole or in part, the civil rights of any convict used hereunder and said act shall not be so construed. No convict so used on the State highway or roads shall be considered as an employee or be employed by the State highway commission, nor shall any such convict come within any of the provisions of the workmen's compensation, insurance, and safety act of 1917 or be entitled to any benefits thereunder whether on behalf of himself or that of any other person.

The Legislature of New York in 1925 enacted a law providing for the compensating of certain convicts who had received injuries of a permanent nature. Two years later the Legislatures of Maryland and Wisconsin passed laws extending the benefits of workmen's compensation to convicts injured while engaged in prison industries.¹⁰

The Federal and State laws which relate to the employment of prisoners or the sale of prison-made goods are reproduced or summarized below. Not every law bearing upon these subjects has been selected but only those provisions are noted that have direct application to the nature of the employment, method of work, the disposition of the product, earnings allowed convicts, and similar regulations immediately affecting employment.

The laws have been grouped under four different headings where possible. "State and county prisoners" includes the laws applying to both State and county prisoners, also county prisoners engaged in State work. "State prisoners" is used to include the laws applying to prisoners serving in State institutions and employed by the State. "County prisoners" is used with reference to those prisoners sentenced to terms in a county jail or workhouse, while "municipal prisoners" refers to those sentenced in municipal jails or workhouses.

Matters within brackets is a summary or abridgement of the text of the statutes, presented thus for the purpose of brevity of statement.

¹⁰ Monthly Labor Review, March 1929, pp. 117 and 118.

Text of Laws Relating to Prison Labor, 1933

[Laws regulating the sale, etc., of prison-made goods under the Hawes-Cooper Act are cited in the appendix, p. 135]

ALABAMA

STATE AND COUNTY PRISONERS

CODE, 1923

SECTION 1372. *Employment on highways.*—The courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State may work county and State convicts on the public roads and bridges of their respective counties.

SECS. 1373, 1374. *Hiring.*—[The governing bodies of the counties may hire convicts to or from other counties, or may exchange convicts, or may hire convicts from the State.]

SECS. 3592, 3593. *Duties of board.*—[The State board of administration shall adopt such rules as are necessary to prevent inhumane treatment or cruel or excessive punishment of State and county convicts, and also to regulate the time and amount of work to be performed by them and the manner of working them. Inspection, etc., provided once in 2 weeks.]

SEC. 3637. *Holidays.*—Convicts sentenced to the penitentiary or to hard labor for the county shall not be required to work on Sunday, Christmas Day, the Fourth of July, or on Thanksgiving Day.

ACTS OF 1927

No. 70

SECTION 1. *Work in coal mines prohibited.*—From and after June 30, 1928, it shall be unlawful to work any convict, State or county, in any coal mine of Alabama.

SEC. 2. *Leasing.*—From and after June 30, 1928, it shall be unlawful to hire or lease for any purpose any convict, State or county.

SECS. 3, 4. *Penalty.*—[For violations imprisonment for not less than 1 year nor more than 10 years is provided. All laws in conflict with these sections are expressly repealed.]

No. 72

SECTION 1. *Rules applicable.*—[All laws, etc., in regard to State convicts are made applicable to county convicts kept and used by the State.]

SEC. 2. *Public works.*—“Hard labor for the county,” as used in the law of the State, shall include labor on the public roads, public bridges, and other public works in the county and State, and authorizes the use of the county convicts by the State board of administration in like manner as State convicts are now used, or hereafter used.

SEC. 3. *Delivery to State.*—[County officials may deliver county convicts to the State board of administration, to be thereafter treated as State convicts.]

SEC. 9. *Powers of governor to terminate lease.*—Nothing in this act shall prevent any county or counties of this State from keeping or working its or their county convicts according to the law as it now exists or may hereafter be enacted and no county convict shall be worked in any coal mine or worked under lease to any person, firm, or corporation after June 30, 1928: *Provided, however,* That the Governor of Alabama is empowered and is hereby authorized to order any or all county convicts who are now working or who may hereafter work in the coal mines of Alabama or under lease to any person, firm, or corporation, removed from said mines and from said employment and declare

any and all contracts under which said convicts are working or may hereafter work terminated and on 90 days' notice to the persons, firms, or corporations so working said convicts, order and direct the State board of administration to take charge of said convicts under the terms and provisions of this bill.

STATE PRISONERS

CODE, 1923

SECTION 1337 (as amended 1927, ch. 347, sec. 37). *Employment on highways.*—The State highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work convicts in the construction, repairing, or maintaining public roads or bridges by contract or agreement with the board of administration, as to the number of convicts required to do such work: *Provided*, That the charge for labor of such convicts, shall not exceed \$2 per day, and no other expense incurred by the use of such convicts shall be chargeable to the State highway department, except such necessary tools and implements used in the construction, repairing, or maintaining of the public roads and bridges upon which the convicts are employed.

SEC. 3611. *Employment.*—The State convicts shall be hired or employed at such labor and in such places and under such regulations within the State as may be determined by the board, with the approval of the governor, having in view the end of making the system self-sustaining as far as consistent with the humane treatment of the convicts.

SEC. 3648. *Contracts.*—The board of administration may, with the approval of the governor, make contracts for the hire of the labor of convicts by the day, month, or year, or term of years, the State in such cases controlling and supporting the convicts.

SEC. 3662. *Convict farms.*—The board may, with the approval of the governor, cause to be made such improvement on any of the land owned by the State as may tend to the benefit of the convict system, and enable them to work such convicts as they may think proper at farming or other employments.

SEC. 3664. *Improvement of convict system.*—Any part of the net income from the hire or labor of State convicts may, with the approval of the governor, be applied to permanent improvements or manufacturing at the prison at Speigner's or elsewhere, looking to the more permanent employment of the convicts of different classes.

COUNTY PRISONERS

CODE, 1923

SECTION 1359. *Employment on highways.*—The convicts of any county or municipality may be worked upon the public roads, bridges, or ferries of the county under the direction of the court of county commissioners, or board of revenue, and said convicts may be worked in quarries, gravel pits or any plant used for the production of road materials, although such quarry, pit, or plant may be located in another county; or said convicts may be hired to or from another county, or from the State.

SEC. 1360. *Separate employment.*—Convicts shall not be worked in squads or companies, with other persons liable to road duty upon public roads, bridges, etc., for the county. No woman convict shall be worked on the public roads.

SEC. 1368 (as amended 1927, ch. 347, sec. 176). *Females.*—Nothing in this article shall prohibit women from working and preparing meals for road crews, composed of convicts.

SEC. 3675. *Regulations.*—All laws of the State and rules of the board of administration in regard to State convicts shall apply also to county convicts as far as applicable, except as otherwise provided by law.

SEC. 3677. *Employment.*—The court of county commissioners, or board of revenue * * * from time to time must give directions, general or special, for the employment of such convicts sentenced to hard labor for the county, as are ordered to labor on the public works of the county.

SEC. 3684. *Work on public roads.*—Whenever the commissioners of roads and revenues of a county deem it to the best interest of the county to use the county

convicts in building, repairing, and working the public roads of the county, they may so work them under rules and regulations to be prescribed by the board of administration, which shall be uniform throughout the State for working county convicts on the public roads.

SEC. 3685. *Public works.*—Hard labor for the county includes labor on the public roads, public bridges and other public works in the county; and authorizes the letting of such convicts to hire to labor anywhere within the State, as may be determined by the court of county commissioners, or board of revenue.

SEC. 3686. *Female convicts.*—No woman convicted of a public offense shall be required to work as a laborer on any public highway in this State.

SEC. 3690. *Place and kind of labor.*—[Contracts must specify the place and kind of labor to be performed, which may not be changed except on the recommendation of the court of county commissioners.]

ACTS OF 1923

No. 595

Employment by counties.—[In counties having a population of 75,000 to 95,000, the authorities may provide for the employment of county convicts anywhere within the State. Real and personal property may be purchased or leased for the purpose and the necessary equipment procured, the net revenue to go to the road and bridge fund of the counties.]

ACTS OF 1931

No. 228

SECTION 1. *Convict labor used on school grounds.*—After the passage and approval of this act, commissioners' courts, county commissions, boards of revenue, or like governing bodies in all counties of this State may use convict labor and any county equipment or machinery or may expend any necessary sum of money for the improvement, beautification, or decoration of the grounds, campus, or premises of any county school or schools under the control of boards of education in such counties.

ALASKA

COMPILED LAWS, 1913

SECTION 2082. *Employment.*— * * * The manner of such confinement and the treatment of the persons so sentenced shall be governed by whatever law may be in force prescribing the discipline of county jails: *Provided*, That the United States marshal for said district may, under such regulations as the Attorney General may prescribe, employ or cause to be employed upon public works any or all persons sentenced to imprisonment in the jails or the penitentiary within said district: *And provided further*, That for the purpose of satisfying any judgment which may be given against a prisoner for any fine, or for the costs and disbursements in the proceedings against him, such prisoner shall be credited with \$2 for every day's labor performed by him in pursuance hereof.

ARIZONA

STATE PRISONERS

REVISED CODE, 1928

SECTION 1683. *Employment on highways.*—The board of directors of State institutions may cause persons imprisoned in the State prison to labor and be employed upon the construction, repair, or maintenance of State highways and bridges if an agreement therefor has been made with the highway commission, and if not objected to by the supervisors of the county where the work is to be done. The superintendent of the State prison shall furnish such number of men as the board of directors of State institutions may direct, and cause them to be removed to the places where such work is to be done. The State engineer may establish and maintain camps or enclosures for the men while so employed, and may, with the approval of the board, make

rules and regulations governing the conduct of the men while in such camps or enclosures and while engaged in such work, and enforce the same.

Sec. 5318. *Work time.*—The board shall require of every able-bodied convict as many hours of faithful labor in each day, during his term of imprisonment, as shall be prescribed in the rules of the prison, and every convict faithfully performing such labor * * *, shall be allowed from his term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of his term. * * *

Sec. 5331. *Prison farm.*—The State prison farm and water rights appurtenant thereto, heretofore acquired by authority of law, may be further augmented by the board of directors by designation of school or public lands of the State, when the board shall deem it expedient and the present farm insufficient.

Sec. 5332. *Sale of products.*—The superintendent of the State prison shall have general charge of the cultivation of the farm, raising such crops as may be considered of the greatest market value to the State, giving preference to such crops as may be needed to supply the various State institutions. He may employ inmates of the State prison, and may purchase such machinery, tools, and supplies therefor as may be necessary, under the direction of the board. All crops raised shall be sold by the superintendent, under the direction of the board, giving preference to the various State institutions, and the proceeds thereof shall be paid into the general fund of the State.

COUNTY PRISONERS

REVISED CODE, 1928

SECTION 848. *Employment of prisoners.*—The sheriff may, under the direction of the board of supervisors, employ prisoners who have been sentenced to imprisonment in the county jail, at such labor or occupation in or about the courthouse or jail as he may deem necessary.

Sec. 5344. *Time of employment.*—When any person shall be sentenced for a misdemeanor to serve a certain number of days in any county jail, the court imposing such sentence may order that the person so sentenced shall be kept at hard labor during the term of such sentence, or for any part thereof. When any such person shall be sentenced to hard labor therein, and any mode of labor shall be provided, the sheriff shall cause such prisoner to be kept constantly employed during every day, Sunday excepted, and, when such prisoner is discharged, shall report such labor to the board of supervisors. The sheriff may, with the consent of the board, provide labor for such prisoners, if they deem it expedient and profitable to do so, either inside or outside of said jail.

Sec. 5345. *Public works.*—The sheriffs may, with the consent of said board, from time to time cause such of the prisoners under their charge as are capable of hard labor, to be employed on any of the public streets, highways, or other works, where the same will not conflict with free labor, in the county in which such prisoners shall be confined. If any person shall be convicted by a justice in a precinct having a branch or subcounty jail, and be sentenced to imprisonment for a period not to exceed 30 days, such party may be employed upon the highways, or streets of the precinct in which the offense was committed.

ARKANSAS

STATE AND COUNTY PRISONERS

CRAWFORD AND MOSES' DIGEST, 1921

SECTION 5213. *Road work.*—The department of State lands, highways, and improvements shall employ and work as many of the State convicts on the public roads as may not be otherwise employed by the penitentiary authorities. State convicts being worked on the public roads shall be under the care and management of the wardens and other officers named by the penitentiary authorities, but the department of State lands, highways, and improvements shall determine the work to be done by such convicts, and the time, place, and manner of such working. The pay of wardens and the cost of clothing of State convicts while on the public roads shall be borne by the State. The cost of feeding and housing such convicts shall be borne by the county or improvement district where they may be worked.

Sec. 5214. *Same.*—It shall be lawful to provide in any highway charter for working the male county convicts of any county on the public roads and highways of that county. But if the county convicts are to be worked in any district which is not coextensive with the county from which they came, then the working of such convicts shall have to be approved by the county court having jurisdiction thereof, which approval shall rest in the sound discretion of said court, irrespective of any vote or endorsement by the electors of the district.

Sec. 5217. *Road materials.*—Whenever practical, the department of State lands, highways, and improvements may engage such number of State or county convicts as may be available in preparing road materials at quarries or elsewhere, and the expenses of such work shall be charged to the State or the county or district receiving such materials.

Sec. 5362. *Power of court.*—In each county in this State where the county court has levied a road and bridge tax under this act, the county court may order the county prisoners, convicted from time to time of misdemeanors, to be worked upon roads and bridges in such road district as the court shall order; and each person convicted and fined shall work in such district, under the overseer, 1 day for each 75 cents of the fine and costs, where the overseer feeds the prisoner, but where the prisoner pays for his own board, he shall be allowed \$1 for each day he works until he has worked out the fine and costs. While the prisoner is at work under the overseer, he shall be controlled and directed by the overseer, and the overseer shall be paid by the county not to exceed 50 cents for each day for each prisoner he feeds while under his control.

Sec. 5363. *Refusal to work.*—Where the prisoner is convicted and ordered to work out the fine and costs, as set forth in the preceding section, and he fails and refuses to work in good time and proper manner, as directed by the overseer, then he shall not be credited with the time for such day, or part of day, as he fails to work, and shall be held in custody until he pays or works out the fine and cost.

Sec. 5393. *Hours of work.*—No convict shall be worked longer than 10 hours in any one day, * * *

Sec. 5395. *Females.*—[No female convict may be required to work on the roads.]

STATE PRISONERS

CRAWFORD AND MOSES' DIGEST, 1921

SECTION 9658. *Sale of produce.*—[Goods are to be sold by the penitentiary board, after a proper classification of the goods and a thorough ascertainment of their market value.]

Sec. 9693. *Farms.*—[The board of penitentiary commissioners is directed to use and work all convicts on the State farms in cultivating crops, clearing up, draining, or other farm work. The purchase and equipment of a farm for the purpose of employing white convicts is authorized.]

Sec. 9694. *Convicts not to be leased.*—The said commission shall not hire out or lease, or permit any person to hire out or lease any of the convicts of this State to any person or persons whomsoever.

Sec. 9695. *Road work.*—The commission may in its judgment and at such times as such convicts are not occupied in making and gathering crops, or otherwise employed in work for the State, order the roads leading to and in the neighborhood of the several camps now occupied or which may hereafter be occupied by said convicts, worked and repaired by said convicts: *Provided*, That nothing in this act will require State convicts to work said roads for a greater number of days for each man than is now allowed by law for the regular road hands: *And provided further*, That nothing in this act shall repeal any law which requires the regular road hands to work said roads.

ACTS OF 1923

Act No. 128

SECTIONS 1-6. *Limestone.*—[Provision is made for the establishment of limestone crushing stations, the product of such stations is to be sold to the farmers of the State at actual cost.]

ACT No. 328

SECTIONS 1-7. Prison industries.—[These sections authorize the penitentiary board to establish and operate factories either at the penitentiary or at the penitentiary farms of the State. The factories must not involve hazardous risks on the part of the convicts and must provide healthful employment for them. The manufacture of cotton goods, furniture, brick, twine, etc., is suggested. The convicts must not be required to work more than 6 consecutive hours nor work more than 11 hours during any one day or 61 hours during any one week. The sale of the products on the open market is apparently contemplated.]

ACTS OF 1925

ACT No. 152

SECTION 1. Work on highways.—The board of charities and correction is hereby authorized to hire any convicts in the State penitentiary to work upon the public highways in this State or do any other useful agricultural work: *Provided*, That said convicts while so employed shall at all times be under the management and custody of said board and the regular penitentiary superintendent and wardens and shall be humanely treated and worked only a reasonable number of hours each day: *And provided further*, That said convicts shall not be leased for any definite period, but shall be worked by the day for reasonable wages to be paid by the State highway commission or person for whom said work shall be done into the State treasury to the credit of the penitentiary fund, provided said wages shall not be less than \$1.50 a day.

SEC. 2 (as amended 1927, Act No. 170). Leasing land.—The penitentiary board is hereby authorized to enter into contract on behalf of the State with the leasing of such lands from such owner or owners whereon to work said convicts in the making and gathering of crops for the State, on such terms as said board may deem to be for the best interest of the State. If said board shall deem it necessary or for the best interest of the State so to do, it is hereby authorized to contract on behalf of the State for the purchase of and to buy such additional lands as, in the opinion of said board may be needed for the profitable employment of the State convicts and said board may enter into such agreements for the payment for any such additional lands as it may deem for the best interest of the State, and if such land be purchased on installment payments, said board may agree and contract for the payment of such reasonable rate of interest on such installments as it may deem proper.

ACTS OF 1933

ACT No. 30

Board of penal institutions.—[The act creates a board of penal institutions for the control and management of the State penal institutions. Power is given the board to establish within the penitentiary or penitentiary farms such industries and factories as they may deem to be in the best interest of the State and the welfare of the convicts confined therein. The act also provides that the products of such industries and factories shall be sold at the prevailing market price, giving preference to the State whenever possible in the sale of such goods.]

COUNTY PRISONERS

DIGEST OF STATUTES, 1921

SECTION 2046. Labor required.—Any person who may be convicted of any misdemeanor or petty offense in any of the courts of this State, and who shall be committed to jail in default of the payment of the fines and costs adjudged against him, shall be required to discharge such fines and costs by manual labor in any manual labor workhouse, or any farm attached thereto, or any road, bridge, or other public work in the county where the conviction and committal were had.

SEC. 2047. Compensation allowed.—If any person so convicted be an artisan or mechanic, and be put to labor in any manual labor workhouse, or on any

bridge or other public improvement, he shall be allowed a reasonable compensation for such labor; but such compensation shall not be paid to said artisan or mechanic.

Sec. 2048. *Hiring*.—Sections 2046 and 2047 shall not be so construed as to prohibit the employment of said county convicts on other than public works, but it shall be lawful to hire out such persons to any individual, company, or corporation.

Sec. 2060. *Same*.—The county court or the judge thereof in vacation is authorized and empowered to make a contract with some responsible person or persons for the maintenance, safe-keeping, and working of prisoners committed to the county jail except prisoners awaiting trial; * * *

Sec. 2061. *Bridges and road work*.—Nothing in the preceding section shall prevent the county judge from working prisoners on bridges and highways.

Sec. 2081. *Employment outside of county*.—In case the county court or judge thereof is unable to make a contract with any person in the county as provided in section 2060, the court or judge thereof may contract for the work of its prisoners with some person in some other county of the State, according to the provisions of this act; and if the county court or judge thereof be unable to make a satisfactory contract with some person of some other county, then the county court or judge thereof may order the prisoners to be worked on the public roads, bridges, levees, or any other public improvements of the county, or perform any other lawful labor for the benefit of the county, under such rules and regulations, not inconsistent with the provisions of this act, as the county court or judge thereof may prescribe; *Provided*, That plenary power is hereby conferred upon the county levying court, at its regular meeting, to authorize the county court or the judge thereof in vacation, to purchase in the name and for the benefit of the county a tract of land not to exceed 640 acres, or the levying court shall have the power, if it deem best, to direct the court or the judge thereof in vacation, to lease in the name and for the benefit of the county, a farm upon which the county prisoners shall be worked under the provisions of this act.

Sec. 5330. *Employment under overseer*.—When the county court shall have made an order, as provided in section 2081, compelling the county prisoners to work on the public roads, levees, bridges, or other public improvements of the county, said prisoners shall perform said services under the direction of the overseer in any district that the county court and the road commissioner may direct. And, in case the county court shall order that said county prisoners shall be so worked and employed, said overseer shall take charge of, manage, and control such prisoners, and adopt such means as may be necessary to prevent their escape, and shall be responsible for the safe-keeping of said prisoners.

Sec. 5331. *Credit*.—Each prisoner worked, as provided in the preceding section, shall be credited with the sum of 75 cents on the fine and costs adjudged against him for every full day's labor so performed by him when he is kept and fed by the overseer, and shall be credited with the sum of \$1 for each day's labor when he boards himself. The overseer shall be paid by the county, not to exceed 50 cents for each prisoner he feeds and keeps while they are performing such labor per day.

CALIFORNIA
STATE PRISONERS
CONSTITUTION
ARTICLE X

SECTION 6. *Contract system prohibited*.— * * * The labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the legislature shall, by law, provide for the working of convicts for the benefit of the State.

DEERING'S PENAL CODE, 1931

SECTION 679a. *Sale of goods*.—1. It shall be unlawful for any person to sell, expose for sale, or offer for sale within this State, any article or articles manufactured wholly or in part by convict or other prison labor, except articles the sale of which is specifically sanctioned by law.

2. Every person selling, exposing for sale, or offering for sale any article manufactured in this State wholly or in part by convict or other prison labor, the sale of which is not specifically sanctioned by law, shall be guilty of a misdemeanor.

SEC. 1586. *Employments*.—All convicts may be employed by authority of the board of directors, under charge of the wardens respectively and such skilled foremen as he may deem necessary in the performance of work for the State, or in the manufacture of any article or articles for the State, or the manufacture of which is sanctioned by law. At San Quentin such needlework as the women prisoners may make from time to time may be sold. The money received from the sale of said needlework shall be paid to the warden and placed to the credit of the woman who made the same. Upon the release of such woman the money shall be paid to her. At Folsom after the completion of the dam and canal the board may commence the erection of structures for jute manufacturing purposes. The board of directors are hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the State, for cash, at private sale, in such manner as provided by law.

SEC. 1587. *Discharge*.—[On discharge convicts receive any sum which may have been earned by them for their own account or allowed by the State for good conduct or diligent labor.]

DEERING'S GENERAL LAWS, 1931

Act 1677 (as amended 1933, ch. 888)

Road work.—[The State highway commission may employ, or cause to be employed, convicts confined in State prisons in the construction, improvement, and maintenance of the State highway system. Convicts employed on requisition of this commission shall be sent by the prison directors to the place designated and shall receive not to exceed \$2.50 per day for actual working time. Against this sum are charged the costs of the maintenance of the camp, expenses of transportation, clothing, food, tools, etc., the law providing that "in no event shall convicts earn more than 75 cents net per day." Convicts employed under the provisions of this act are not allowed to engage in building bridges or structures of like character which require the employment of skilled labor. However, no convict used on the State highways shall be considered as an employee nor shall any such convict come within the provisions of the State workmen's compensation act.]

Act 3952

Jute goods.—[The State board of prison directors is authorized to adopt rules and regulations for the sale of jute goods, the same to be approved by the State board of control. The price of jute bags is to be fixed annually in the month of January, sales to consumers to be made only until the 1st day of April of each year, after which any surplus remaining unsold may be disposed of to anyone in such quantities and at such prices as the board of prison directors may deem proper.]

Act 3953a

Selling price of jute goods.—[The State board of prison directors shall from time to time fix the price at which jute goods shall be sold by the State, which price so fixed shall not be more than 1 cent per bag in excess of the net cost of producing the same exclusive of the labor of prisoners and guards.]

Act 4636

SECTION 1. *Marking goods*.—No person, persons, firm, or corporation, by themselves, their agents, or employees shall sell, offer for sale or expose for sale, or have in his or their possession for sale, any article intended for personal wear which was manufactured at a State penitentiary, State reform school, or at any other institution supported at public expense and located without the boundaries of the State of California, unless said article shall have affixed, stamped, or imprinted thereon, a label in letters three eighths of an

inch in height, designating the State penitentiary, State reform school, or other public institution where said article was manufactured.

SEC. 2. *Notice.*—[Any person keeping such goods on sale must post in a conspicuous place a notice at least 12 inches in length by 6 inches in height stating that such goods are on sale.]

ACT 6101

Grain bags.—[Purchase of California-grown hemp is authorized for the manufacture of grain bags to be sold the same as jute bags are sold.]

ACT 6102

Road material.—[The establishment of a rock or stone crushing plant at one or both of the State prisons is authorized when it appears that 50,000 cubic yards of prepared road or highway material will be taken, the plant to be operated by convict labor with such free labor as is necessary for superintendence and direction.]

ACT 6109

Road work.—[The State prison directors are authorized and directed to employ at least 20 prisoners daily in fair weather on the public roads within 6 miles of San Quentin State Prison or the Folsom State Prison in Sacramento County.]

ACT 8062

SECTION 1. *Employment of prisoners.*—The State board of prison directors are hereby authorized and empowered to cause the prisoners in the State prisons of this State to be employed in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the State, or any political subdivision thereof, or that may be needed for any State, county, district, municipal, school, or other public use, or that may be needed by any public institution of the State or of any political subdivision thereof. The State board of prison directors are further authorized and empowered to purchase, install, and equip such machinery, tools, supplies, materials, and equipment as may be necessary to carry out the provisions of this act.

SEC. 2. *Kind of articles made.*—The State board of prison directors, in conjunction with the State board of examiners, and subject to the approval of the Governor, shall, from time to time, determine the kind, quality, and quantity of the several articles, materials, and supplies to be thus produced and manufactured, and shall also, from time to time, determine the price at which such articles, materials, and supplies shall be sold, which price shall be as near the prevailing market price as possible.

SEC. 3 (as amended 1933, ch. 640). *Sales restricted.*—After the passage of this act all articles, materials, and supplies, herein authorized to be produced or manufactured, shall be purchased from the State prisons of this State, and at the prices fixed in the manner herein provided, except such articles, materials, and supplies as the State prisons are unable to furnish: *Provided, however,* That on and after January 19, 1934, no goods, wares or merchandise, manufactured, produced or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, and except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, shall be purchased or used by this State or any agency thereof, or by any county, city, district, or political subdivision, or by any officer, employee, or agency thereof, except such as may be manufactured, produced, or mined, wholly or in part in the State prisons of this State.

SEC. 7. *Public use only.*—All articles, materials, and supplies produced or manufactured under the provisions of this act shall be solely and exclusively for public use, and no article, material, or supplies produced or manufactured under the provisions of this act shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever.

SEC. 8. *Marking.*—Each and every article manufactured under the provisions of this act shall have plainly marked or stamped thereon either the words

"San Quentin Prison" or the words "Folsom Prison", according as such article may be manufactured at one or the other of said prisons.

SEC. 9. *Jute products exempt.*—[Nothing in this act in any manner affects the laws regarding the manufacture and sale of jute products or the law relating to the crushing of stone or rock for sale.]

Act 8062a

SECTION 1. *Labeling convict-made goods.*—No person, firm, partnership, association, or corporation within this State shall sell or offer, trade, consign, keep, expose, or display for sale any goods, wares, or merchandise manufactured, assembled, produced or mined in whole or in part by convicts or prisoners in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed, unless such convict-made goods, wares, or merchandise are plainly, legibly, conspicuously, and indelibly branded, molded, embossed, stenciled, or labeled with the words "Convict-made" in plain, bold letters followed by the name of such penitentiary, prison, reformatory, or other establishment in which the goods, wares, or merchandise were made.

It is hereby specifically provided that any article of convict-made goods, wares, or merchandise, as described in paragraph 1 of this section, may be labeled by the attachment of a label not smaller than 4 inches long and 2 inches wide, upon which is printed the words "Convict-made" in plain, bold letters followed by the name of such penitentiary, prison, reformatory, or other establishment in which the goods, wares, or merchandise were made: *Provided*, That in the judgment of officials charged with the enforcement of this act such convict-made goods, wares or merchandise cannot be legibly, conspicuously, and indelibly branded, molded, embossed, stenciled, or labeled as provided in paragraph 1 of section 1 of this act.

The size and type of such stenciling or label must be consistent with the size and character of the merchandise to which such stenciling or label applies. The size, type, and character of such stenciling or label will be subject to the approval of the officials of the State of California responsible for the enforcement of this act.

SEC. 2. *Disinfection of goods.*—[Goods manufactured in State prisons must be disinfected or sterilized in a plant located in California and licensed by the State department of health before they are sold. Certificate of disinfection must accompany, be stamped on, or attached to such goods.]

SEC. 3. *Notice.*—[No person, firm, etc., shall sell prison-made products unless they shall keep permanently and conspicuously displayed within the same enclosure, and within 10 feet of the place where said convict-made goods are displayed, a suitable sign on which appear in legible letters not less than 2 inches high the following words: "Convict-made products on sale here."]

SEC. 4. *Advertising convict-made goods.*—[When advertising convict-made goods in any publication the words "Convict-made" must be inserted in such advertisement.]

SEC. 5. *California prison industries not included.*—The provisions of this act shall not apply to any goods, wares, or merchandise manufactured in any penitentiary or prison of this State.

SECS. 6-10. *Enforcement; constitutionality.*—[Violations are punishable by fine of \$50 to \$500, or imprisonment, or both. Enforcement of act placed under superintendent of weights and measures who is given power of inspection, etc., over premises or records of firm selling such goods.]

Act 8063

Road work without compensation.—When any public road is a principal means of access to any State prison or the Preston School of Industry the governing body of such prison or school, with the consent of the board of control, may arrange with the State highway commission or the board of supervisors of the county in which said road is located for the employment of the inmates of such institution in the improvement or maintenance of said road, under supervision of the officers of the institution and without compensation to the inmates so employed.

COUNTY PRISONERS

DEERING'S PENAL CODE, 1931

SECTION 1613. *Public works and ways.*—Persons confined in the county jail under a final judgment of imprisonment rendered in a criminal action or proceeding, may be required by an order of the board of supervisors to perform labor on the public works or ways in the county.

The phrase "labor on the public works" as used in this section shall include, among other things, clerical and menial labor in the county jail or in the camps maintained for the labor of such persons upon the ways in the county.

DEERING'S GENERAL LAWS, 1931

ACT 3593

Farms, etc.—[The establishment of industrial farms or industrial road camps in each county of the State is authorized, if the board of supervisors adopts a resolution to that effect. Land may be purchased, leased, acquired by condemnation, or received by gift. Either separate quarters or a separate industrial farm shall be provided for women. Persons employed on such farm or in a road camp and who have dependents shall be credited with not more than \$2 for each day of 8 hours worked, other persons to be credited with not more than 50 cents for each day of 8 hours worked. Actual amounts shall be fixed from time to time by the board of State supervisors.

The work done shall be of a productive nature, the production to be used first, to maintain the prisoners and employees on such farm; second, to supply other county institutions having need of the farm's products; third, to supply the needs of the paupers, incompetents, poor and indigent persons, and those incapacitated by age, disease, or accident with whose relief and support the county is charged.]

DEERING'S POLITICAL CODE, 1931

SECTION 4041.12. *Powers of county board.*—Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanors, under the direction of some responsible person, to be appointed by the sheriff whose compensation shall not exceed \$125 per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

COLORADO

STATE AND COUNTY PRISONERS

COMPILED LAWS, 1921

SECTION 7133. *Labor may be required.*—Whenever any person shall be lawfully sentenced for crime by the judge of any district court in this State, to imprisonment in the State prison, or to any county jail, it shall be competent for the court awarding such sentence to incorporate therein a provision that the person so sentenced shall be kept at hard labor during the term of such imprisonment, or for any specified portion thereof, as may be adjudged by the said court.

SEC. 7139. *Employment.*—It shall be the duty of the keepers of the said several prisons, when any person shall be sentenced to hard labor therein, and any mode of labor shall be provided, to cause such prisoner to be kept constantly employed during every day, Sundays excepted, and annually to account with the board of county commissioners for the proceeds of such labor; and in all such cases it shall be lawful for the said jailer, with the consent of the county commissioners of the county in which such jail may be situated, to provide labor for such prisoners, if they deem it expedient and profitable so to do, either inside of the jail or outside of its limits.

SEC. 7140. *Road work; mines.*—The keepers of said prisons shall respectively have power, with the consent of the county commissioners of said counties, from time to time to cause such of the convicts under their charge as are capable of hard labor to be employed on any of the public avenues, streets, highways or other works, quarries or mines, in the county in which such prisoners shall be confined, or in any of the adjoining counties, upon such terms as may be agreed upon between the said keepers and the officers or other persons under whose directions such convicts shall be placed.

STATE PRISONERS

COMPILED LAWS, 1921

SECTION 766. *Labor required.*—All male persons convicted of crime and confined in the penitentiary, under the laws of this State, except such as are precluded by the terms of the judgment of conviction, shall perform labor, under such rules and regulations as have been or may be prescribed by the board of commissioners.

SEC. 768. *Same.*—Every able-bodied convict shall be put to, and kept at, the work most suitable to his or her capacity, and most advantageous to the people of the State of Colorado, and which may least conflict with the free labor of the said State, during his or her confinement, and the earnings of such convict, after deducting sufficient thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such convict, or dependents, if there be any; if there be none, the same accumulated shall be paid to such convict upon discharge from the penitentiary.

ACTS OF 1923

CHAPTER 88

Propagation of fish.—[Boards of county commissioners may engage the services of trusty convicts in the State penitentiary or reformatory to build ponds and ditches for the stocking and propagation of fish. The warden of the State penitentiary retains full control of the men so employed.]

ACTS OF 1925

CHAPTER 141 (as amended 1927, ch. 63)

Manufacture of license plates.—[The State board of correction is authorized to employ the convicts in the State penitentiary and reformatory in manufacturing the necessary number of license plates needed for motor vehicles in Colorado. Specifications and amount to be determined by the secretary of state. Authority is also given for making license plates for sale to other States, at a price to be determined by the State board. The State treasurer is required to set aside the necessary amount of money, received from the sale of the license plates, to purchase materials, etc., for the manufacture of such license plates the following year.]

ACTS OF 1931

CHAPTERS 133 and 134

Employment on highways.—[Upon request of the State highway engineer, wardens of the State penitentiary and reformatory with the approval of the board of correction, shall furnish convicts for work upon the State highways. Camps are to be established for their accommodation, under the supervision of the warden of the prison from which the convicts are taken. However, the engineer in charge of the construction work shall have full charge of all labor.]

ACTS OF 1933

CHAPTER 149

SECTION 1. *Sale of prison goods prohibited.*—It shall be unlawful for any person or persons or corporation to use, consume, sell, or store in this State, goods, wares, or merchandise manufactured, produced, or mined, wholly or in

part, by convicts or prisoners in the State penitentiary and the State reformatory, except as provided in this act. The provisions of this act shall not apply to goods, wares, or merchandise manufactured, produced or mined by convicts or prisoners on parole or probation.

SEC. 2. *State-use system.*—As many prisoners as circumstances permit who are sentenced to the State penitentiary or the State reformatory shall be employed in the production and manufacture of such produce, articles, materials, and supplies as now are or may hereafter be needed by the State or by any public institution or agency owned, controlled, or managed by the State.

SEC. 3. *Contract system forbidden.*—It shall be unlawful for the Colorado Board of Corrections, hereinafter referred to as "the board" or any of the officers or employees of the State penitentiary or the State reformatory to make or enter into any contract, agreement, or other arrangement by which the labor or time of any prisoner in said institutions or the product or profit of his work or labor shall be contracted, let, farmed out, given, sold, or exchanged to any person, firm, association, or corporation, except as provided in this act, but the said board may, at the request of the State highway department or at the request of the county commissioners of any county, employ or cause to be employed the prisoners of said institutions in the construction, maintenance, or repair of State or county highways in the manner now provided by law, or in any other work for the State, its institutions or agencies. Any person, firm, or corporation violating any of the provisions of this section, shall upon conviction thereof be fined not less than \$100 nor more than \$1,000.

SEC. 4. *Equipment; regulation.*—The board shall have full power and authority within their appropriation to purchase or otherwise acquire real estate, to erect such building or buildings and to purchase, install, and equip the same with such machinery, tools, supplies, and materials as are or may be necessary for the purpose of carrying out the provisions of this act; to establish such rules and regulations as may be necessary governing the employment, conduct, and management of such prisoners when employed as herein provided, and to do or cause to be done every and all things necessary to be done to fully carry out the purposes of this act.

SEC. 5. *Products.*—The board is hereby authorized and directed to cause to be manufactured, mined, supplied, or produced, articles, materials, and supplies which can be used by the State and in the several departments and institutions thereof and which can be manufactured or produced by the prisoners of said institutions. Such goods and products shall be furnished to the State and to the several departments and institutions thereof at or near the prevailing market price for such goods and products as shall be practical, and no articles, materials, or products so mined, manufactured, or produced shall be purchased from any other source for the State or the several departments or institutions thereof unless the board shall first certify that the same cannot be furnished at a price within 10 per centum of that at which goods and products mined, manufactured, or produced within the State of Colorado, and of an equal quality, can be obtained from other sources. Said prices shall be considered on a comparable basis, giving due consideration to the cost of delivering said goods and products to the institution or department where same are to be used or consumed, and no claim therefor shall be audited or paid without said certificate, subject, however, to any laws, rules, or regulations providing for central State purchasing.

SEC. 7. *Sale price.*—The board shall fix and determine the price at which all labor performed, and at which all articles, supplies, and products so manufactured, mined, or produced shall be sold, which price shall be as near the prevailing market price for articles, supplies, and products of like kind and quality as shall be practical.

SEC. 8. *Diversified industries.*—The board shall, after having the facts at hand regarding the needs of the various State institutions, authorized the development of such industries along diversified lines at the penitentiary and reformatory. In making their requisitions, the heads of departments and institutions shall specify quantity and quality, and it shall be for the board to decide whether or not that quality has been met by the products produced at the penitentiary or reformatory. The board shall see that these institutions maintain a quality of output comparable fundamentally to those goods produced on the open market.

SEC. 9. *Payment of wages.*—Every inmate of the State penitentiary or the State reformatory who shall be entitled to trustyship because of good conduct

may at the discretion of the warden of the State penitentiary or the warden of the State reformatory receive compensation for the work he performs in the various activities of the institutions. The rate of compensation as applied to all classes of work and to the individual worker shall be determined by the board after consultation with the warden. The board shall have power to make rules and regulations relative to the payment of wages and their disbursements, and there shall always be kept copies of these rules and regulations and the amendments thereto, so that at no time may there be any question about this subject.

SEC. 15. *Repealing clause.*—Sections 780 to 798, both inclusive, Compiled Laws of Colorado, 1921, and all acts or parts of acts in conflict herewith are hereby repealed.

ACTS OF 1933

CHAPTER 135

SECTION 2. *Automobile license plates.*—The Colorado Board of Corrections is hereby directed to cause to be manufactured by the convicts in the State penitentiary all license number plates required to be furnished by this State under the statutes thereof relating to motor vehicles. Such license plates shall be manufactured in the amount and in accordance with the specifications and requirements of the secretary of state as approved in writing by the State auditing board. And the said board of corrections is hereby directed to cause such license plates to be manufactured pursuant to such specifications and requirements and to cause the same to be delivered as directed by the secretary of state not later than 6 months after receiving said order.

SEC. 3. *Road signs.*—[The board is also directed to engage the prisoners in making road signs, markers, etc., for sale within or without the State.]

COUNTY PRISONERS

COMPILED LAWS, 1921

SECTION 8878. *Employment.*—Whenever any able-bodied male prisoner is confined in the county jail of any county or the jail of any town or city, having been convicted of a misdemeanor or of the violation of an ordinance of such town or city and being confined in punishment therefor, the sheriff of such county or the marshal or chief of police of such town or city shall compel such person to work at hard labor 8 hours of every working day: *Provided, however,* That the provisions of this section shall not apply to any case where there are less than three prisoners so confined in said jail at any one time or to any prisoner physically unable to work: *Provided further,* That in counties and cities of the first and second, third, fourth, and fifth classes, it will be discretionary with the sheriff or chief of police to employ prisoners on the road serving sentences of 60 days or under. It shall be the duty of the sheriff of such county or the marshal or the chief of police of such town or city, when no other work is available, to compel the said prisoners to work upon the public roads, highways, or streets of such county, city, or town, in the making or repairing of such roads, highways, or streets. * * *

[One half the earnings may go to dependents who would otherwise become a public charge.]

SEC. 8884. *Male prisoners to labor.*—All male persons sentenced to and confined in the county jail, under the laws of this State, except such as are precluded by the terms of the judgment, shall perform labors under such rules and regulations as may be prescribed by the county commissioners or sheriff of the county in which such jail is situated.

SEC. 8885. *Road work.*—[On request of boards of county commissioners, sheriffs shall detail male prisoners to work on the public roads of counties and the streets and alleys of towns and cities.]

SEC. 8886. *Bridges, etc.*—Said persons in the county jail, while employed under the provisions of this act, shall not be used for the purpose of building any bridge, or structure of like character, which requires the employment of skilled labor.

CONNECTICUT
STATE AND COUNTY PRISONERS
GENERAL STATUTES, 1930

SECTION 1469. *Labor on highway.*—The warden of the State prison, the superintendent of the State reformatory or the sheriff of any county, upon the requisition of the highway commissioner, may permit any inmate of any institution under his charge, other than a person serving a life sentence, to be employed in the construction of any highway or bridge, under the direction of said commissioner. Said warden or superintendent or such sheriff shall furnish necessary guards over prisoners while out of the custody of any such institution.

Sec. 1980. *Labor contracts.*—No contract or agreement shall be made for the labor or services of inmates of any penal or other State or county institution in the manufacture of goods or any portion of such manufacture, or for the product of such labor or services, except after public notice by advertising * * *. No such contract or agreement shall be made for any period exceeding 4 years. The provisions of this section shall not apply to contracts for the labor of inmates of county institutions in farm, domestic, or casual service.

Sec. 1981. *Employment restricted.*—No person confined for crime shall be employed in or about the manufacture or preparation of tobacco, or of any article which in its use comes into contact with the mouth of a human being: *Provided*, The State department of health may, subject to such inspection and such regulations as it may adopt concerning the persons who may be so employed, permit such employment.

STATE PRISONERS

GENERAL STATUTES, 1930

SECTION 1978. *Employment.*—The warden shall manage the prison, subject to the rules of the directors and their written orders; he shall keep all the prisoners employed in such labor as the directors shall order, during the term of their imprisonment; * * *.

Sec. 1983. *Compensation for labor.*—Any person imprisoned in the State prison who, by reason of good conduct and upon the recommendation of the warden, shall be deemed worthy by a majority of the directors, shall receive, as compensation for services performed by him, a sum not exceeding 15 cents per diem during the term of his imprisonment. Such sum shall be deposited in some savings bank, State bank, or trust company in this State, under the direction of the board of directors and the warden, and, with the interest thereon, shall be paid by the warden to such convict upon his discharge from said prison: *Provided*, The warden may, during the term of such imprisonment, pay to such person or to his wife, parent or parents, or children, with the advice and consent of the directors, such portion of such compensation as may, in his opinion, be necessary for the welfare of such convict, his wife, parent or parents, or children.

COUNTY PRISONERS

GENERAL STATUTES, 1930

SECTION 2017. *Employment.*—The county commissioners of any county may, with the consent of the sheriff of such county, cause prisoners serving terms in the jail or workhouse thereof to labor upon any bridge or public highway or property adjacent thereto, or in, upon, or about any property in such county; and the county commissioners may require all convicts in jails or workhouses to work according to their ability; permit other prisoners therein, if the latter desire, to be provided with materials for work and employment; require the deputy jailer or deputy jailers or other officers and employees to superintend the conduct and labor of the prisoners and prescribe rules for the government, management, discipline, and employment of the prisoners in the jails and jail buildings of their respective counties; and the respective sheriffs shall enforce such rules. The commissioners shall visit the jails in their several counties at least once a month, examine into their management, and audit all accounts pertaining to the jails.

MUNICIPAL PRISONERS

GENERAL STATUTES, 1930

SECTION 2036. *Town workhouses.*—Any town may establish a workhouse and provide suitable buildings for the confinement of offenders sentenced thereto; furnish materials for their work, direct the kind of labor and the manner and place in which it is to be performed, either in or out of the workhouse, and make any lawful regulations necessary to carry into effect the provisions of this chapter. Towns may join in building, maintaining, and managing a workhouse, on such terms as they shall agree upon.

SEC. 2038. *Employment.*—The master shall receive all persons lawfully sent to such workhouse and keep them employed in such labor as they shall be able to perform; and, if any one of them shall refuse to work in a proper manner, may put him in close confinement until he shall obey orders and, in case of great obstinacy or perverseness, may reduce him to bread and water until he shall be brought to obedience.

DELAWARE

COUNTY PRISONERS

REVISED CODE, 1915

SECTION 3538. *Vagrants.*—[Vagrants sentenced to any workhouse or jail are to be employed in such labor as they shall be able to perform.]

SECS. 3542-3544. *Tramps.*—[Tramps found within the limits of a city or town are to be arrested and put to work on the streets or other public works, or they may be hired to private persons. If worked on the streets or public works, they are to be allowed such wages as may be deemed reasonable, to be paid at the end of their term. The term of such employment or hiring may not exceed 1 month at any one time.]

SEC. 3605. *Labor required.*—The overseer of the workhouse shall compel all prisoners convicted of any crime deemed a felony (and may allow all others) to work and labor according to their ability; * * *

SEC. 3606. *Labor on highways.*—[The courts of Kent and Sussex Counties may, in sentencing convicts, where the sentence may be hard labor, sentence such convicts to hard labor on the public roads and highways of those counties for terms not exceeding 3 months, in charge of the sheriffs. Eight hours, between 8 a.m. and 5 p.m., is a day's labor.]

SECS. 3608a-3608k (added 1917, ch. 241). *Employment.*—[The sheriff of Kent County is charged with the duty of securing employment, whenever practicable and safe, for all convicts in the jail. Those held on charges may be permitted to work. After 10 percent of the wages for such employment has been deducted for the extra services in securing employment, one half is paid to the county treasurer, and one half to the prisoner, or to his family; but at least a week's wages shall be kept for the prisoner on his discharge.]

SEC. 3612 (as amended 1923, ch. 221). *Work time; earnings.*—[Convicts in the New Castle County workhouse must work at some suitable employment 8 hours each secular day unless physically disabled. Credit shall be given for overtime work, earnings going to the prisoner or to his family.]

SEC. 3613. *Highway labor.*—[Able-bodied convicts in the workhouse in New Castle County may be employed to assist in building or repairing the public highways of the county.]

SEC. 3613a (added 1921, ch. 202). *Hiring.*—The board of trustees of the New Castle County workhouse is hereby authorized and empowered to make and enter into any agreement with any person or persons, corporation, or corporations within the county of New Castle and State of Delaware, for the labor at some suitable employment, 8 hours each secular day, for all persons convicted of any crime and committed to the custody of the said trustees, unless said person shall be physically disabled. For all overwork each prisoner shall receive credit and be paid.

SEC. 3615a (added 1923, ch. 222). *Female prisoners.*—[A farm for woman prisoners of New Castle County is to be procured, and all woman prisoners, unless

physically disabled, compelled to work at some suitable employment for not more than 44 hours per week. If necessary, overtime work may be required, for which "fair wages" shall be paid, according to the nature of the work done. Work requiring special skill or carrying special responsibility may be paid for at a fair rate of wages. When not employed by the board, any prisoner may make for sale such articles as may be approved by the board, the proceeds to belong to the maker. The labor of prisoners is to be utilized in behalf of their maintenance on the farm, and surplus products may be sold for the same purpose.]

Sec. 4811. *Labor within walls.*—[Felony prisoners serving terms of 3 months or more in the jails of Kent and Sussex Counties may be employed at labor within the walls of the prison, or in any building or yard connected therewith, the profits to be applied to the use of the county.]

DISTRICT OF COLUMBIA

CODE 1929

TITLE 6

SECTION 403. *Employment.*—The Supreme Court of the District of Columbia, the Attorney General, and the superintendent of the Washington Asylum and Jail, when so requested by the Commissioners of the District of Columbia, shall deliver into the custody of the superintendent * * * of the workhouse * * * prisoners sentenced to confinement in said jail * * * for such work or services as may be necessary in the discretion of the Commissioners of said District, in connection with the construction, maintenance, and operation of said workhouse, or the prosecution of any other public work at said institution or in the District of Columbia * * *.

Sec. 412. *Employment of prisoners.*—Persons sentenced to imprisonment in jail may be employed at such labor and under such regulations as may be prescribed by the Board of Public Welfare and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

Sec. 429. *Sale of products.*—The Commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the workhouse and the reformatory. All moneys derived from such sales shall be paid into the Treasury of the United States to the credit of the District of Columbia and the United States, in the proportions authorized by law: *Provided*, That all moneys received at the reformatory as income thereof from the sale of brooms to the various branches of the Government of the District of Columbia shall remain available for the purchase of material for the manufacture of additional brooms to be similarly disposed of.

TITLE 20

SECTION 656. *Working capital for prison industries.*—To provide working capital for industrial enterprises at the workhouse and the reformatory, the Commissioners shall transfer to a fund, to be known as the working-capital fund, such amounts appropriated in the act of Congress approved February 25, 1929 (45 Stat. 1262), for the workhouse and reformatory not to exceed \$50,000 as are available for industrial work at these institutions. The various departments and institutions of the District of Columbia, and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such industrial or farm products as meet their requirements. Receipts from the sale of such products shall be deposited to the credit of said working-capital fund, and the said fund, including all receipts credited thereto, may be used as a revolving fund during the fiscal year 1930. This fund shall be available for the purchase and repair of machinery and equipment, for the purchase of raw materials and manufacturing supplies, for personal services and for the payment to the inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper. The Commissioners shall include in their annual report to Congress a detailed report of the receipts and expenditures on account of said working-capital fund.

FLORIDA

STATE PRISONERS

COMPILED GENERAL LAWS, 1927

SECTION 8417. Labor required.—When punishment of imprisonment in the State prison is awarded against any convict the form of the sentence shall be that he be imprisoned by confinement at hard labor, * * *.

SEC. 8562. Prison.—The board of commissioners of State institutions shall establish a State prison for the safe-keeping and punishment of prisoners, in which they shall be closely confined, employed at hard labor, and governed in the manner hereinafter directed, * * *.

SEC. 8562. Farm.—A State prison farm is hereby established on the lands now owned by the State of Florida in Bradford County, Fla., and the board of commissioners of State institutions shall improve said farm for the purpose of the care and maintenance of the women and infirm male convicts and all convicts classed as hospital subjects, and such other convicts as said board may from time to time place on said State prison farm.

SEC. 8586. Work time.—Prisoners sentenced to the punishment of hard labor shall be constantly employed for the benefit of the State, but no prisoner shall be compelled to work more than 60 hours in any 1 week or more than 11 hours in any 1 day, and all prisoners, except such as may be on the disabled list or in solitary confinement, shall labor not less than 8 or more than 11 hours a day.

SEC. 8612. Grades.—The State prison physicians shall examine and grade all male State convicts into two grades or classes, to wit: Grade or class 1, which shall consist of all able-bodied male convicts capable of doing a reasonable day's work at manual labor; grade or class 2, which shall consist of all female convicts, and all male convicts which shall not have been placed in grade or class 1. * * * All grade or class 1 convicts, except not exceeding 50 in number, to be placed upon the State prison farm, shall be delivered to the State road department for work upon the public roads of the State, * * *. All grade or class 2 convicts, including all female convicts, shall be placed and kept at the State prison farm, and no class 2 convicts shall be transferred to the State road department when in the opinion of the board of commissioners of State institutions such convict can be worked to advantage on the State prison farm: *Provided*, That such grade and class 2 convicts as can be used to advantage upon the public roads without detriment to the well-being or health of such convicts, may also be placed upon the public roads upon the order of the board of commissioners of State institutions. * * *

SEC. 8614. Limit on work time.—No State convict shall be required to work more than 60 hours in any 1 week or more than 11 hours in any 1 day, which time shall include the time spent in going to and returning from work, and no convict shall be required to perform during such time any labor in excess of his ability to perform without impairment of his physical condition.

SEC. 8616. Road force.—There shall be and is hereby created a State convict road force, which shall include all male State or felony prisoners who, in the judgment of the State prison physician, are capable of performing any of the several duties incident to road construction and maintenance; except, that there shall be retained at the State prison farm or other State institutions 75 class 1 prisoners.

SEC. 8620. Employment.—The State road department may apply the labor of the State convict road force to any or all highway construction or maintenance done under the supervision of said department. * * *

SEC. 8663. Industrial plants.—It appearing to the legislature of the State of Florida that there are more than 5,000 persons inmates of and connected with the several State institutions, which are under the control of the board of commissioners of State institutions of the State of Florida, who are entirely dependent upon the State for maintenance and for whom, if possible, profitable employment must be provided; and it appearing from the experience of other States that it is practicable to conduct industrial plants with the help of inmates of such institutions in a manner profitable to the State and beneficial to the inmates of such institutions, the board of commissioners of State institutions is hereby authorized and directed to make thorough investigation concerning the practicability and advisability of establishing, constructing, and

maintaining industrial plants * * * and after such investigation to establish, construct, and maintain such industrial plants at such institutions as the said board of commissioners of State institutions may determine can be conducted and maintained in a manner profitable to the State of Florida and of benefit to the inmates of such institutions, and to cause such plants as far as is practicable to be operated by the inmates of such institutions under such rules and regulations as may be prescribed by the said board of commissioners of State institutions: *Provided*, That nothing herein shall be construed to permit the use in such industrial plants of able-bodied convicts who are now or may hereafter be subject to work and labor by and under the State road department as now provided by law.

ACTS OF 1933

CHAPTER —

SECTION 1. *Sugarcane cultivation.*—The board of commissioners of State institutions is hereby authorized to use any and all such State convicts or prisoners as may, in the judgment of said board, be necessary or required for the growing of sugarcane or other crops on any State-owned land within the State of Florida: *Provided*, That the provisions of this bill will not in any way affect, alter, or modify the operation of the State road department in the construction of State roads with State convicts: *And provided further*, That none of said crops, except sugarcane, shall be sold or disposed of, but shall only be used in the various State institutions.

SEC. 2. *Contracts.*—The board of commissioners of State institutions may contract with any person, firm, or corporation for the growing of sugarcane and the net proceeds of all said sugarcane so grown on contract, or otherwise, shall go to the State prison fund.

COUNTY PRISONERS

COMPILED GENERAL LAWS, 1927

SECTION 8418. *Labor may be required.*—When punishment of imprisonment in the county jail is awarded against any convict, the court may also sentence the prisoner to be employed at hard labor, and in such case he may be employed at such manual labor as the county commissioners may direct.

SEC. 8549. *Employment.*—The board of county commissioners of each county may employ all persons in the jail of their respective counties under sentence upon conviction for crime, at labor upon the roads, bridges, or other public works of the county where they are so imprisoned. Said county convicts shall be kept and worked under such rules and regulations and supervisions as may be prescribed by the commissioner of agriculture, with the advice and approval of the board of commissioners of State institutions, and the commissioner of agriculture, with the approval of the board of commissioners of State institutions, shall have the power to enforce all such rules and regulations. * * *

SEC. 8550. *Same.*—The board of county commissioners of the several counties are hereby authorized and empowered to require all county convicts under sentence confined in the jail of their respective counties for any offense, to labor upon the public roads, bridges, farms, or other public works owned and operated by the county, or in the event the county commissioners of any county deem it to be the best interest of their county they may hire out their prisoners to any other county in the State to be worked upon the public roads, bridges, or other public works of that county, or they may upon such terms as may be agreed upon between themselves and the State road department, lease or let said prisoners to the said department instead of keeping them in the county jail where they are sentenced * * *.

* * * No convict shall be compelled to labor more than 10 hours per day, nor be subject to punishment for any refusal to labor beyond such limit: *Provided*, That the 10 hours shall be the time embraced from the leaving of to the return of the prisoner to his place of detention.

SEC. 8551. *Leasing ended.*—All county convicts in this State shall be placed at work under the provisions of this law on or before the 1st day of January, A.D. 1924. No new contracts shall be made whereby county convicts shall be leased to work for any private interest after June 7, 1923.

All existing contracts lawfully made before June 7, 1923, for the hire or lease of county convicts to private parties shall determine and become and be null and void on December 31, A.D. 1923, * * *.

Sec. 8552. *Road work.*—Nothing in this law shall be construed to prohibit boards of county commissioners in counties where a board of bond trustees, board of public works, or other duly constituted board, have charge of the construction and maintenance of the public road from turning the county convicts over to the said trustees to be worked on the public roads of said county, subject to all the rules and regulations herein provided.

GEORGIA

STATE PRISONERS

PENAL CODE, 1911

SECTION 1199. *Regulations.*—All convicts, whether sentenced for felony or misdemeanor crimes, and all convict camps shall be under the direct supervision of the prison commission, which shall provide rules and regulations for the management, discipline, and control of said convicts, and of said convict camps, subject to the approval of the governor. The commission shall have complete management and control of the State convicts; shall regulate the hours of their labor, the manner and extent of their punishment, the variety and quantity of their food, the kind and character of their clothing; and shall make such other rules and regulations as will assure their safe-keeping and proper care.

Sec. 1201. *Employment on farms, etc.*—In exercising its discretion as to what convicts shall be employed upon the State farm or farms, and in awarding the labor of convicts to counties and municipalities, it shall be the duty of the prison commission, where practicable, to employ whites and Negroes in separate institutions and locations, and they shall be provided with separate eating and sleeping apartments: *Provided*, That the prison commission shall have authority, in their discretion, to place any number of said convicts on the State farm, to be used on said farm to do farm work or such other labor on said farm as the prison commission may deem best; and the commission may, at any time, when such labor is needed, upon the request of the authorities in charge, place as many as 50 of such convicts at work upon the property of any State institution.

Sec. 1205. *Females; boys.*—[The commission is authorized to purchase farms and place females thereon to be put at such labor as is best suited to their sex and strength. Boys under 15 are also to be placed on such farms.]

Sec. 1206. *Sale of produce.*—The commission shall sell, to the best advantage, all surplus products of the penitentiary, and shall apply the proceeds thereof to the maintenance of the institution as far as necessary. * * * *Provided*, The commission shall have authority to furnish such surplus products, or any part thereof, to the Georgia State Sanitarium, the academy for the blind, at Macon, and to the school for the deaf, at Cave Spring, should this be found practicable.

Sec. 1207. *Public works.*—All male felony convicts, except such as are now required by law to be kept at the State farm, may be employed by the authority of the several counties and municipalities upon the public roads, bridges, or other public works of said counties or municipalities, as hereinafter provided. * * * And annually, * * * the prison commission shall communicate with the county authorities of the State and ascertain those counties desiring to use convict labor upon their public roads, and said counties shall, through their proper authorities, advise the prison commission, in writing, stating whether they desire to use such labor upon their roads, and the number desired. * * * A county shall have the right, upon the approval of the prison commission, to deliver its quota of felony convicts and also its misdemeanor convicts, if it so desires, to another county, to be used in the construction and repair of public roads, bridges, or other public works, and the county so receiving such convicts shall have the right to compensate the county from which the convicts came, with work upon its public roads, bridges, or other public works, or by the exchange of an equal number of convicts.

Sec. 1209. *Road gangs.*—The prison commission is hereby authorized * * * to equip and organize road-working forces, the same to be used for the con-

struction and repair of public roads, bridges, or other public works in the counties not using their convicts under the foregoing sections, when requested by the authorities of such counties so to do; * * *

SEC. 1211. *Municipalities may hire.*—After the counties have been provided with convicts as set forth, and if there should remain any convicts not otherwise disposed of, then the privileges conferred upon counties herein shall be extended to municipalities of this State, which shall have the right to hire convicts from the prison commission, in such numbers as might be agreed upon, at the price of \$100 per capita per annum.

SEC. 1212. *Disposal of other convicts.*—After the expiration of the time fixed herein for the assignment of felony convicts to the different counties and municipalities, should it appear that there will remain * * * any felony convicts whose labor will not be used upon * * * public works by counties or municipalities, or directly by the State, and who should not be confined at the State farm or farms * * * the prison commission may in its discretion, and with the consent and approval of the governor, dispose of such convicts as it may deem to be the best interest of the State for a period not to exceed 12 months * * *: *Provided*, That no convict labor shall be used in competition with skilled mechanical free labor, and under no contract by the terms of which the contractor is interested in the quantity of work a convict may be required to do per day; it being the fixed policy of this State that the control and management of its convicts, both felony and misdemeanor, shall never pass from it and its public officials into the control and management of any private corporation or person.

SEC. 1213. *Farms.*—* * * The prison commission, * * * is hereby authorized to purchase or lease, for a period of 5 years, with the option to purchase at any time, one or more tracts of land located at some convenient point, for the purpose of working the convicts thereon; * * *.

SEC. 1214. *State-use system.*—The State farm shall be used as far as possible, for the purpose of making supplies of all kinds for maintaining the convicts, either in farm products or manufacturing articles for the use of the convicts and the State sanitarium and other State institutions; * * *. The prison commission is authorized to purchase, out of any available funds over which they have control, a tract or tracts of land in the same or different parts of the State, and erect thereon suitable buildings, stockade, and appurtenances for the safe-keeping and care of those felony convicts not worked by the several counties and municipalities, and may also purchase such livestock, machinery, farm implements, furniture, etc., which may appear to be necessary to carry out the intentions of this article. The commission may confine at hard labor upon the prison farm, or on lands purchased under this section, convicts not engaged in work by the counties and municipalities, when not elsewhere engaged under the direction of the commission upon roads, bridges, or other public works; * * *. The commission may, in connection with the farm work, use said convicts in such industrial enterprises as they may deem advisable, and to this end may employ the convicts in manufacturing such implements and equipments or other articles as may be needed for use on the State farm, or road, bridge, or other public works, and in making shoes and clothing and other articles for the use of the convicts and inmates of other State institutions; but the commission shall not sell or offer for sale articles so manufactured to the public. * * *

SEC. 1215. *Farm work.*—If the prison commission has on hand convicts not provided for under the foregoing sections of this article, said prison commission may place upon said farms such convicts and work the same thereon. * * *

SEC. 1216. *Misdemeanor convicts.*—It shall be unlawful for any person or official, except as herein provided, to hire to any other person or corporation any misdemeanor convict; and it shall be unlawful for any person or corporation to work any such misdemeanor convict so hired; and any person or corporation violating the provisions of this section shall be guilty of a misdemeanor. * * * It shall be the duty of the prison commission, upon notice by the county authorities of any county of this State having misdemeanor convicts undisposed of under the law, and not having an established chain gang and not working its misdemeanor convicts on the public roads, bridges, or other public works, to dispose of the same as felony convicts are herein disposed of in this State; * * *.

ACTS OF 1924

No. 492

(P. 119)

SECTIONS 1-3. *Employment by highway department.*—[The State highway department may apply to the prison commission for the quota of convicts that any county which is not working its convicts on the public roads may be entitled to, and employ the same on the construction of roads under the State-aid road system. Counties may also contract with the highway board to use their quota of convicts in the construction of any portion of the State-aid road system.]

ACTS OF 1931—EXTRA SESSION

No. 6

(P. 118)

SECTIONS 11-15. *Manufacture of automobile tags.*—[The prison commission is authorized to manufacture at the prison farms, with convict labor, highway road signs, automobile license tags and such other articles now used or that may hereafter be required by the State highway board on State-aid roads. These articles are to be sold to the board at a fair market price. The State highway board is authorized to advance the necessary money to be used for the purchase of farms, erection of buildings, and the purchase of machinery. The net amounts received on the sale of such articles manufactured shall be applied on the purchase price of said farms, buildings, and machinery.]

The highway department is given additional authority to work convicts on the State-aid system of public roads. The prison commission is authorized to furnish to the various State institutions farm products, raised and produced on prison farms, at a reasonable price; any surplus to be sold and disposed of by the prison commission.]

COUNTY PRISONERS

PENAL CODE, 1911

SECTION 1065. *Sentence to labor.*—Except where otherwise provided, every crime declared to be a misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment not to exceed 6 months, to work in the chain gang on the public roads, or on such other public works as the county or State authorities may employ the chain gang, not to exceed 12 months, any one or more of these punishments in the discretion of the judge: *Provided*, That nothing herein contained shall authorize the giving the control of convicts to private persons, or their employment by the county or State authorities in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor. If the convict be a female, the judge may, in his discretion, sentence her to labor and confinement in the woman's prison on the State farm, in lieu of chain-gang sentence, not to exceed 12 months: *Provided*, That the trial judge shall have the discretion also of sending any person convicted of a misdemeanor to the State farm.

SEC. 1218. *County farms.*—Any county may purchase, rent, and maintain a farm upon which to work any number of its convicts in connection with working its convicts upon its public roads, bridges, and other public works; and all products and supplies arising from said farm shall be used in the support of the convicts, improvement of its public roads, bridges, and other public works, and in support of the county institutions.

POLITICAL CODE, 1911

SECTION 429. *Cooperative work.*—[Any two or more counties carrying on or maintaining county public works may create a joint working force or chain gang for the construction, maintenance, etc., of a system of intercounty public roads and intercounty public works.]

Sec. 697. *County commissioners.*—[Commissioners of roads and revenues, etc., may organize a chain gang for the working of the public roads of the county. If the work on such roads is done by contract, contractors shall be required to employ a chain gang, if one is established.]

MUNICIPAL PRISONERS

PENAL CODE, 1911

SECTION 1280. Farms, etc.—Authority is hereby given to the municipal authorities of any city in Georgia having a population of not less than 54,000 nor more than 75,000 inhabitants, by action of its council or other governing body, to establish and maintain, either alone or in connection with the county authorities of the county in which said city may be located, a farm, or other place of confinement, which may be situated within the corporate limits or anywhere in the limits of the county where such city is located, and to provide that persons convicted in the police or other municipal courts of such city may be sent to such farm or other place of confinement, to be confined and to labor during their terms of sentence. And the police or other municipal courts of such city as may take advantage of the authority hereby given are authorized to sentence persons convicted in such courts to the said farm or other place of confinement and to labor thereat during the terms of their sentences.

SEC. 1282. Juveniles sent to farms.—The judges of the State courts, located in a county where such farm or other place of confinement may be established, are authorized in the sentencing of persons convicted in such State courts of minor misdemeanors, and in sentencing juvenile offenders, to send them to such farm or other place of confinement to serve their sentences and undergo any labor that may be required thereat. The county authorities of such counties where said State courts are located are authorized and empowered to make rules and regulations touching the care, custody, and treatment of persons sent from such State courts.

HAWAII

TERRITORIAL PRISONERS

REVISED LAWS, 1925

SECTION 928. Sanitation work.—For the purpose of removing nuisances, and causes of sickness, the board of health may require the high sheriff and sheriffs to cause the prisoners under their charge to aid in such work.

SEC. 1523 (as amended 1931, ch. 125). Employment on public works.—All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on public roads or other public works or otherwise, as the high sheriff, with the approval and subject to the control of the board of prison directors, may deem best. The board and high sheriff shall cooperate, as far as practicable in their discretion, with the superintendent of public works in placing such prisoners at his disposal to be employed by him on public work or otherwise as the superintendent may lawfully direct. The high sheriff may, with the approval of the board, detail for labor on any public road or other public work, upon application for that purpose from any board of supervisors, as many available prisoners as such board of supervisors may deem necessary for such work, such prisoners to be under the care of their usual overseers and subject to such board of supervisors only as far as regards the mode of their employment.

SEC. 1527 (as amended 1931, ch. 125). Limitation.—Such prisoners shall not be employed in any labor except for the Territory or a political or other subdivision thereof: *Provided*, That charitable institutions may have the use and employment of such prisoners as the high sheriff, with the approval of the board of prison directors, may deem it advisable so to allow. * * *

SEC. 1528 (as amended 1931, ch. 125). Females.—Female prisoners shall be kept entirely separate from the male prisoners and shall be employed in making mats, in sewing, in washing the clothes of the prisoners and in such other suitable occupations as the high sheriff, subject to the control of the board of prison directors, shall direct.

SEC. 1567-1574. Earnings.—[Prisoners in the Oahu Prison, employed at hard labor, may be allowed not to exceed 25 cents per day, such sum not to be subject to garnishment or like process. This act does not apply to any prisoner until he has served at least 3 months of his term of sentence.]

COUNTY PRISONERS

REVISED LAWS, 1925

SECTION 2188. *Public works.*—Prisoners who are serving sentence in any county or city and county jail shall not be employed outside of the premises of such institution in any labor except for the Territory or a political or other subdivision thereof: *Provided however*, That charitable institutions may have the use and employment of such prisoners as the sheriff of the county or city and county shall deem it advisable to so allow. * * *

IDAHO¹

STATE PRISONERS

CODE, 1932

SECTION 20-102. *State board duties.*—The governor, the secretary of state, and attorney general are hereby constituted a board of State prison commissioners, of which the governor shall be chairman. Said board shall have the control, direction, and management of the penitentiary of the State, and it shall be the duty of said board, either by direct expenditure or by contract with a responsible person or persons, to provide for the care, maintenance, and employment of all inmates confined, or that may hereafter be confined, in the State penitentiary. * * *

Sec. 20-407. *Employments.*—The State prison commissioners shall have authority to use, under such rules and regulations as they may prescribe, the labor of convicts either within or without the walls of the penitentiary and on all public works done under the direct control of the State: *Provided*, That so far as practicable, no article shall be manufactured with convict labor which is extensively manufactured in the State of Idaho: *And provided further*, That when convict labor is employed in the manufacture of any article for sale, the State prison commissioners are hereby empowered to prescribe what shall constitute a day's work for any convict, and may credit to such convict a percentage of the income from his labor over and above the amount fixed by the State prison commissioners as a day's work, and any sum so credited shall be paid to such convict, or his dependents, in such manner and at such time as may be prescribed by the State prison commissioners.

Sec. 39-2102. *Highways.*—The department of public works shall, subject to such rules and regulations as are now or may hereafter be adopted by the State board of prison commissioners, have authority to make requisition upon the warden of the State penitentiary for such of the convicts sentenced to and confined in the State penitentiary as in the judgment of the warden are able-bodied and able to do physical labor, and such number of such convicts as in the judgment of such warden is deemed reasonably safe for such purpose, to work upon any of the highways laid out, constructed, improved, or determined to be laid out, constructed, or improved by the said department of public works. Said board of prison commissioners and said warden of the penitentiary are hereby authorized, and it is hereby made their duty so to furnish such convicts for work upon such State highways under the general direction and supervision of the said department, subject, however, to such rules, regulations, and safeguards as may be prescribed by the said board of prison commissioners concerning the number of hours per day such convicts may be so required to work, the kind of weather in which they may not be required to work, the number of guards required, and such other subjects as are proper and necessary.

Sec. 39-2103. *Earnings.*—The department of public works shall cause to be paid out of the State highway fund the sum of \$5 per month to each convict worked upon State highways under the provisions of this chapter, such time to be computed only for actual time employed in work, and also the expense of transporting, guarding, and subsistence of each convict during the time he is required to be away from the State penitentiary, less an amount representing the estimated average cost to the State of his subsistence, had he remained at the penitentiary as determined by the warden.

¹ See also law on p. 137.

COUNTY PRISONERS

CODE, 1932

SECTION 20-617. *Public works and ways.*—Persons confined in the county jail under a judgment of conviction rendered in any criminal case, either under a judgment of imprisonment or a judgment for the payment of a fine and costs, may be required by an order of the board of county commissioners to perform labor on the public works or ways in and for the county, or perform labor for municipalities, school districts, highway districts, good-road districts, and irrigation districts: *Provided*, That when labor is performed on other than public works or ways in and for the county the board of county commissioners may make a reasonable charge for such labor and shall pay 25 percent of the proceeds of such labor to the person performing the same if he is single, or if he is married 75 percent of the proceeds shall be paid to his family; the balance of such proceeds to be paid to the county treasurer for the general fund of the county: *Provided further*, That in case a prisoner has been transferred to another county and required to work there, the county's proportion of the proceeds of his work as provided in this section shall be paid to the county from which the prisoner was transferred.

SEC. 20-620. *Work compulsory.*—No prisoner liable to employment as provided in this chapter shall be exempt therefrom except by reason of physical disability.

MUNICIPAL PRISONERS

CODE, 1932

SECTION 49-342. *Work for city.*—Whenever the defendant is sentenced to imprisonment for the violation of a city ordinance he shall be put to work for the benefit of the city, under the direction of the mayor, for the term of his imprisonment; and when committed for the nonpayment of a fine or costs, for the violation of any ordinance, he shall also be put to work for the benefit of the city, and shall be credited on such fine and costs \$1.50 per day for each day he shall work.

ILLINOIS

STATE AND COUNTY PRISONERS

CONSTITUTION

SEPARATE SECTION (adopted 1886). *Leasing forbidden.*—Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois, to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.

STATE PRISONERS

SMITH-HURD REVISED STATUTES, 1931

CHAPTER 108

SECTION 44. *Employment limited.*—No labor shall be performed by the convicts in the penitentiary of this State in any stone quarry or other place outside the walls of the penitentiary: *Provided*, This act shall not be so construed as to prohibit such labor being performed in quarrying stone for the use of the State by its authorized agent: *And provided further*, That this act shall not be construed to prohibit the employment of convicts outside the prison walls by the warden and commissioners, in labor incident to the business and management of the penitentiary: *And provided further*, That this act shall not be construed to affect any existing contract.

SEC. 73. *Board of prison industries created.*—The commissioners of the Illinois State penitentiary at Joliet, the commissioners of the southern Illinois penitentiary at Chester, and the board of managers of the Illinois State reformatory at Pontiac, or their successors, are hereby created and shall constitute a board in charge of the prison industries of the State of Illinois hereinafter provided for. * * *

SEC. 74. *Duties of board.*—The board of prison industries of Illinois shall faithfully and diligently put into operation in the State of Illinois the provisions of this law as hereinafter set forth, and establish in this State in conformity with this act, a scheme of prison industry best calculated to promote the interest of the State. * * *

SEC. 75. *Same, disposition of goods.*—It shall be the duty of the board of prison industries² of Illinois to attend to the disposition and distribution of all the products of the skill and labor of said convicts and prisoners. They shall particularly be charged with the duty of seeing that under no circumstances shall any of the products of the labor of said convicts or prisoners mentioned in this act, be sold upon the open markets, except as hereinafter provided. They shall see that the said products do not enter into conflict with any of the established industries of the State, except as hereinafter provided. It shall be their duty at all times to inform themselves, as far as possible, of the industrial conditions of the State of Illinois, and to see that the labor of said convicts and prisoners does not enter into competition with the products of free labor, except as hereinafter provided.

SEC. 77. *Leasing.*—The board of prison industries of Illinois, or the commissioners of said penitentiaries, or either of them, or the board of managers of said reformatory, shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner or convict in any penitentiary or reformatory of this State or the product or profit of his work shall be contracted, let, farmed out, given, or sold, to any person, firm, association, or corporation; except that the said prisoners or convicts in said penal or reformatory institutions may work for, and the products of their labor may be disposed of to the State, or for or to any public institution owned or managed and controlled by the State.

SEC. 78. *Hours of labor.*—The wardens, superintendents, managers, and officials of all reformatories and penitentiaries in the State shall, so far as practicable, cause all the prisoners in said institutions, who are physically capable thereof, to be employed at useful labor, not to exceed 8 hours of each day, other than Sundays and public holidays, but such useful labor shall be either for the purpose of production of supplies for said institutions, or for the State, or for any public institution owned or managed and controlled by the State, or for the purpose of industrial training and instructions, or for the making of crushed rock for road material, and for the improvement of public grounds owned by the State, or use in and upon public buildings owned by the State, or for agricultural pursuits for the support of the inmates of the State institutions, or partly for one and partly for the other of such purposes, or a combination of all said industries and employments: *Provided, however,* That it shall be the policy of the State to use in such industries, no more machinery or motive power, other than hand and foot power, than may be required to successfully carry this act into effect: *And provided further,* That the board of managers of the said Illinois State reformatory at Pontiac, may use all or any part of the 8 hours provided herein for the labor of the convicts, in giving of useful instruction to the inmates of said reformatory.

SEC. 79. *Classes of work; first grade.*—The labor of the prisoners of the first grade in each of said penitentiaries and reformatories shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment, as a primary or sole object of such labor and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction, even though no useful or salable products result from their labor, but only in case such industrial training or instruction can be more effectively given in such manner. Otherwise and so far as consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles, and supplies needed and used in the said institutions, and in the buildings and offices of the State, or in any public institutions owned and managed and controlled by the State, or said labor may be for the State.

SEC. 80. *Same; second grade.*—The labor of prisoners of the second grade in said penitentiaries and reformatories shall be directed primarily to labor for the State, or to the production or manufacture of useful articles and

² Powers and duties transferred to the department of public welfare. (Rev. Stat. 1931, ch. 127, secs. 35 and 53.)

supplies for said institutions, or for any public institutions owned or managed and controlled by the State.

SEC. 81. *Same; third grade.*—The labor of prisoners of the third grade in said penitentiaries and reformatories shall be directed to such exercise as shall tend to the preservation of health, or they shall be employed in labor for the State, or in the manufacture of such articles and supplies as are needed and used in the said institutions, and in the public institutions owned or managed and controlled by the State.

SEC. 82. *State-use system.*—All convicts, sentenced to State penitentiaries and reformatories in this State shall be employed for the State, or in productive industries for the benefit of the State, or for the use of public institutions owned or managed and controlled by the State, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the board of prison industries of Illinois.

SEC. 83. *Supplies for State use.*—The labor of convicts and prisoners in penal and reformatory institutions in this State after the necessary labor for the manufacture of all needed supplies for said institutions shall be exclusively devoted, first to the State and the public institutions and buildings thereof, and the manufacture of supplies for the State and public institutions owned or managed and controlled by the State, and secondly, to the political divisions of the State, and the public institutions and buildings thereof, and the manufacture of supplies for the political divisions of the State and public institutions owned or managed and controlled by the political divisions of the State.

SEC. 83a. *Same.*—The labor of convicts and prisoners in penal and reformatory institutions of the political divisions of this State, after the necessary labor for the manufacture of all needed supplies for said institutions shall be primarily devoted to the respective political divisions in which such institution is located and the public institutions and buildings thereof, and to the manufacture of supplies for said political division and for manufacture of supplies for the public institutions owned or managed and controlled by said political division and, secondly, to the State and the public institutions and buildings thereof and supplies therefor: *Provided*, That nothing contained herein shall be construed to prevent the production of crushed limestone and lime dust in the penal and reformatory institutions of the State nor the sale to the public by the department of public welfare of crushed limestone and lime dust for agricultural and horticultural purposes.

SEC. 83b. *Sale or exchange prohibited.*—After January 19, 1934, it shall be unlawful to sell or offer for sale within the State of Illinois any goods, wares, or merchandise, manufactured or mined by convicts or prisoners of other States, except convicts or prisoners on parole or probation, nor shall such goods, wares, or merchandise, manufactured or mined by convicts or prisoners of other States, except convicts or prisoners on parole or probation, be purchased or accepted in exchange by any institution in the State of Illinois, owned or managed and controlled by the State, or of any institution owned or managed and controlled by any political division of the State. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail not less than 3 months nor more than 1 year or by both such fine and imprisonment.

SEC. 84. *Crushing rock.*—Crushed rock or other manufactured road material created by the labor of such convicts or prisoners shall be furnished free at such penitentiary or reformatory institutions, upon the requisition of the State highway commission but upon the express agreement that such material shall be placed in a permanent public roadway.

SEC. 84a. *Limestone.*—Until July 1, 1932, crushed limestone or lime dust manufactured or created by the labor of the convicts or prisoners at the southern Illinois penitentiary, shall be furnished free at such penitentiary to any person applying therefor, so far as the supply thereof will permit, but such limestone or lime dust shall be furnished only upon express agreement that it will not be sold, exchanged, or traded in, or cause or permit same to be done and will be used for agricultural and horticultural purposes.

SEC. 85. *Distribution of labor, etc.*—It shall be the duty of the board of prison industries of Illinois to distribute among the penal institutions under their jurisdiction the labor and industries assigned to the board of prison industries of Illinois to said institutions, due regard being had to the location and

convenience of the prison and of other institutions to be supplied, the machinery now therein and the number of prisoners, in order to secure the best service and distribution of the labor, and to employ prisoners, so far as practicable in occupations in which they will be most likely to obtain employment after their discharge from imprisonment. * * *

SEC. 86. *Manufactures.*—The department of public welfare is authorized and directed to cause to be manufactured by the convicts in the penitentiaries and reformatories such articles as are needed and used therein, and also such as are required by the State, and in the buildings, offices, and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the penitentiaries and reformatories and not required for use therein may be furnished to the State, or for or to any public institution owned or managed and controlled by the State, or to any political division of the State or institution thereof at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisition of the proper official, trustee, or managers thereof. No article so manufactured shall be purchased from any other source for the State or public institutions of the State, or for any political division of the State or institution thereof unless the department of public welfare shall certify that the same cannot be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate: *Provided*, That in determining the articles and the style, design, and quality of the articles so to be manufactured, the board of standardization shall seek and shall give due consideration and weight to the recommendations of the industrial advisory board for prisons.

SEC. 88. *Price.*—The department of public welfare shall fix and determine the prices at which all labor performed and all articles manufactured shall be furnished, which prices shall be uniform to all. The prices shall be as near the usual market price for such labor and supplies as possible.

Any difference of opinion in regard to price of articles or materials furnished the State or its institutions or political divisions of the State or institutions thereof shall be submitted to arbitration as provided in section 15 [87]. The department of public welfare shall devise and furnish to all such institutions a proper form for such requisition, and the auditor of public accounts, shall devise and furnish a proper system of accounts to be kept for all such transactions. So far as practicable all supplies used in such buildings, offices, and public institutions shall be uniform for each class, and of the styles, patterns, designs, and qualities that can be manufactured in the penal and reformatory institutions of this State.

SEC. 89. *Earnings.*—[Prisoners may be allowed compensation fixed by the authorities, in an amount not to exceed 10 percent of the earnings of the institution.]

SEC. 100. *Road material.*—The department of public welfare of the State of Illinois is authorized and empowered to employ convicts and prisoners in the penal and reformatory institutions of the State, in the manufacture of tile and culvert pipe suitable for draining the wagon roads of the State, and in the preparation of road building and ballasting material, including cement, crushed rock, and any and all other road-building material. Such tile, culvert pipe, cement, crushed rock, road-building and ballasting material to be furnished free for use on the State-aid roads of the State. Said convicts and prisoners may also be employed in the manufacture of road machinery, tools, and necessary appliances for the building, maintaining, and repairing of the wagon roads of the State; such tile, culvert pipe, road-building and ballasting materials, road machinery, tools, appliances, to be placed upon railroad cars and forwarded to proper destinations, to be used as hereinafter provided.

SEC. 101. *Sale to counties, etc.*— * * * Any surplus road-building materials, prepared by such convicts or prisoners, may be sold to counties, cities, towns, and villages of the State, for road and street purposes, at cost.

SEC. 102. *Sale to railroads.*—The State highway commission is hereby authorized and empowered to negotiate with railroad lines in the State of Illinois for rates of transportation on all such material and machinery, tools, and appliances, and it may contract with such railroads for such transportation, to be paid in ballasting material at an agreed price.

SEC. 103. *Highway labor.*—[Convicts in State penal and reformatory institutions may be employed in work on the public roads or the preparation of road material, on the written request of county or township authorities.]

COUNTY PRISONERS

SMITH-HURD REVISED STATUTES, 1931

CHAPTER 34

SECTION 25. *Workhouses.*—The county boards of the several counties shall have power—

* * * * *

Fourth. To cause to be erected, or otherwise provided, a suitable workhouse, in which persons convicted of offenses punishable by imprisonment in the county jail may be confined and employed and to make rules and regulations for the management thereof. They may contract for the use of the city workhouse when the same can satisfactorily be done.

CHAPTER 38

SECTION 758. *Employment.*—Any person convicted, in a court of this State having jurisdiction, of any crime or misdemeanor, the punishment of which is confinement in the county jail, may be sentenced by the court in which such conviction is had, to labor for the benefit of the county, during the term of such imprisonment, in the workhouse, house of correction, or other place provided for that purpose by the county or city authorities. Nothing contained in this act shall be construed to prevent the imprisonment of any convict in the reform school at Pontiac, as provided by law.

INDIANA

STATE PRISONERS

BURNS ANNOTATED STATUTES, 1926

SECTION 2362. *Labor required.*—Whenever any person is imprisoned in the State prison he shall be kept at hard labor therein during the period for which he was sentenced.

SEC. 4741. *Forestry.*—The department of conservation shall have the following powers, duties, and authority:

* * * * *

9. To employ, with approval of the authorities having control of any State penal institutions, convicts committed to any penal institution for the purpose of producing or planting trees, building roads, or doing other work in the forests and in clearing, draining, or developing lands purchased or acquired by the State for forestry purposes.

SEC. 4742. *Conservation.*—The department of conservation shall have the following powers, duties, and authority:

* * * * *

6. To employ, with the approval of the authorities having control of any State penal institution, the convicts committed to any such penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining, or developing lands purchased or acquired by the State for parks or as scenic or historic places.

SEC. 8298. *Road materials.*—The State highway commission, with the approval of the governor, may enter into agreement with the authorities of any of the penal institutions of the State, county, or city for the use of prison labor in the preparation and manufacturing of road materials.

SECS. 9755–9765. *Sale of goods.*—[No person or corporation may expose for sale “any convict-made goods, merchandise, or wares” without a license from the secretary of state. An annual fee of \$500 is required, and a bond in the sum of \$5,000, conditioned on observance of the law. All goods, wares, etc., “made or partly made by convict labor” must be marked “convict made”, and may not be exposed for sale within the State without such mark, on the article, if possible, otherwise on a label attached thereto, and to the box or other package.]

SEC. 12361. *Convicts hired out.*—The board of trustees of the Indiana State Prison are hereby authorized to contract for the labor of 600 of the convicts of said prison, and should the population of said prison exceed 800, then said

board of trustees are also authorized to contract and let out, in addition to the labor of said 600, the labor of not exceeding 50 percent of the number of said convicts over and above 800. Such convict labor shall be employed at such trades as may be selected by said board of trustees, and such board is also authorized to establish the piece-price system at said prison, giving the said board of trustees full control of the labor of said convicts, if the same shall be in the opinion of said board of trustees, expedient and practicable: *Provided, however*, That whether said labor of the said prisoners is to be employed upon the contract system or upon the piece-price system, the number of convicts employed in any single trade shall not exceed 100, except such trade or industry [as] is in actual operation in the State of Indiana.

SEC. 12362. *Farm work*.—The said board of control is hereby authorized to lease lands and to use lands owned by the State not otherwise devoted to State purposes, to be selected by them, to be improved and employed and used in cultivating and raising farm products in the discretion of said board, said products to be used to supply the wants and needs of said prison, and should there remain any surplus the same may be sold in the open market; and if, in improving lands owned by the State, it shall become necessary to dispose of timber, the same may be sold by said board, either as standing timber or cut up into marketable products and sold, and said board of control may employ upon said lands so leased or owned all prisoners in said prison not employed in prison duties. Such prisoners shall be employed only at hand labor while working said lands. The control and superintendency of said lands and of convicts employed upon the same shall be under the board of control and the officers of said prison.

SEC. 12363. *Contract system*.—No contracts for the labor of the convicts shall be made for a longer period than up to October 1, 1920. Such contract, whether made for the labor of convicts or on the piece-price system, shall be awarded to the highest and best bidder for the same. The regular hours for the day's work in said prison shall not exceed 8 hours, subject to temporary changes under necessity, or to fit special cases, to be sanctioned by the board of trustees. Such convict labor shall be employed at such trades and industries as shall least interfere and compete with outside labor and industries in the State of Indiana.

A commission of five is hereby created for the purpose of investigating the condition and devising a plan by which the convict labor in this State can be employed without interfering and competing with outside labor and industries. * * *

SEC. 12365. *Work of convicts; materials*.—It shall be the duty of the warden to assign the convicts to such work as, in his opinion, they are particularly adapted to, and shall recommend to the board of control from time to time, such necessary materials, tools, apparatus, or accommodations as are needful for the purpose of carrying on and conducting of such industries as may be authorized under the provisions of this act. He shall make quarterly detailed statements of all materials or other property procured and the cost thereof, and of the expenditures made during the last preceding quarter for such manufacturing purposes, together with a statement of all materials then in hand to be manufactured, and the amount of all kinds of works done, and the earnings realized, during said quarter, and file the same with the auditor of State.

SEC. 12366. *Hand work*.—It is the intent and purpose of this act that all work done by the prisoners of the Indiana State Prison, under the State account system, shall be hand work, as far as practicable or remunerative to the State.

SEC. 12369. *Binder twine*.—The board of control of the Indiana State Prison is hereby authorized to equip and operate a binder-twine and cordage plant in said prison; the labor necessary for the operation thereof to be prison labor, as far as possible, consistent with the efficient operation of the same.

SEC. 12370. *Sale of materials*.—The materials for the successful operation of said plant shall be purchased, and the output of said plant shall be sold, at such times and places, and in such manner and at such prices, as said board of control, warden of said prison, and the Governor shall determine to be to the best interest of the State.

SEC. 12371. *Buildings and machinery*.—The board of control of said prison, with the consent of the Governor, may build and remodel such buildings and purchase such materials and machinery as shall be necessary to fully equip said plant for its successful operation.

SEC. 12427. *Contract system abolished.*—The contract system of labor for the inmates of the Indiana reformatory shall be abolished after July 1906.

SEC. 12428. *Instruction.*—It shall be the duty of the board of managers to provide for teaching the inmates in the common branches of an English education, also in such trades and handicrafts, and to offer such rewards as will enable them, upon their release, to more surely earn their own support and make self-reliant and self-supporting citizens. For this purpose, said managers shall establish and maintain common schools, trades schools, and military drill in said reformatory, and make all needful rules and regulations for the government of same, and do such other acts as will be necessary to accomplish such results.

SEC. 12429. *Trade schools; manufactures.*—In the employment, education, and training of the inmates of the reformatory, the board of managers shall have full power to establish and introduce such trades schools as said board may determine for the training of the inmates in the mechanical arts, and to provide for the manufacture of goods on State account, for the production of such articles as are used in the institutions of the State and in certain political divisions of the State, and in the production of such articles as may be found practicable: *Provided*, That said reformatory shall not produce any school books and desks used by pupils for use, or which shall be used, in the common schools of the State, or print any other books or blanks except for the use of said reformatory.

SEC. 12431. *State farm.*—There shall be and is hereby established, under the provisions of this act, a correctional institution for male violators of the law, to be known as the "Indiana State Farm."

SEC. 12440. *Employment of prisoners.*—It shall be the purpose of the State farm to employ the prisoners committed or transferred thereto in work on or about the buildings and farm and in growing produce and supplies for its own use and for the other institutions of the State; in preparation of road material; and in making brick, tile, paving material, and such other products as may be found practicable for the use of the State or any municipal subdivision therein and for the proper and healthful employment of such prisoners.

SEC. 12444. *State supplies manufactured.*—The boards of trustees of the Indiana Reformatory, the Indiana State Prison and the Indiana State Farm are hereby empowered and authorized to manufacture such articles as are used by the State, its institutions, and its political divisions, and to produce such articles and products as may be found practicable, and to sell the surplus, if any, upon the market.

SEC. 12445. *State, etc., to purchase.*—The State, its institutions, except those which produce similar articles, and the political divisions of the State using such articles as may be produced under the provision of this act, shall be required to purchase such articles at a price fixed by the board of classifications of industries hereinafter named, which price shall not exceed the market price for articles of the same grade.

SEC. 12446. *Board of classification; prices.*—The superintendent and president of the board of trustees of the Indiana Reformatory, the warden and the president of the board of trustees of the Indiana State Prison, and the superintendent and president of the board of trustees of the Indiana State Farm, respectively, are hereby constituted a board, to be known as "the board of classification of industries", and it shall be the duty of this board to determine what industries shall be operated in the institutions named in this section, to the end that unnecessary duplication of industries may be avoided, and to fix the prices of the respective articles manufactured at a rate not to exceed the market price for articles of the same grade. * * *

SEC. 12447. *List of articles.*—[The trustees named are to prepare a list of the articles which the various institutions are prepared to furnish and the prices of the same. State, county, township, etc., boards and officials in need of such articles shall make requisition therefor, allowing reasonable time for the manufacture of the same, and may not purchase elsewhere articles obtainable from the State reformatory, prison, or farm.]

SEC. 12450. *Highways.*—The board of trustees of the Indiana Reformatory and the board of control of the Indiana State Prison are each hereby authorized and empowered to work the inmates of said reformatory and prison, or any number thereof, upon the public highways of this State, whenever there is no labor within the walls of such institutions at which they can be employed; and, to that end, said board of trustees and board of control shall have the

power and authority, while such inmates, or part of them are so engaged, to confine them, when not so at work, in such places, to be designated by such boards of trustees or control, where such inmates may be safely and properly cared for.

BURNS ANNOTATED STATUTES, 1926—SUPPLEMENT, 1929

SECTION 12377. 1. *Manufacturing license plates.*—The board of trustees of the Indiana State Prison shall establish and conduct, for the employment of inmates of the Indiana State Prison, an industry for the manufacture, for the State, counties, and other municipalities, of motor-vehicle-license plates and street, highway, and other signs and markers. Said board shall have power to sell such products by contract or otherwise to other States or political subdivisions thereof, or to the United States Government, or in the open market, and shall fix the price of all articles produced as near the market price as possible. In fixing the price of such products to the State of Indiana, or any subdivision thereof, the value of the labor of each inmate employed at such work shall be calculated at a reasonable rate to be fixed by the board of trustees, of which such amount as the board may deem advisable may be allowed as pay to each prisoner so employed, or as a benefit to his dependents.

SEC. 12377.2. *Estimates of needs.*—Whenever the board of trustees is prepared to furnish such products, it shall give notice to the proper officials of the State and each county or other municipality of the kind or kinds of products it is prepared to furnish and on or before July first, and each year thereafter, the official so notified shall report to the said board of trustees estimates of the amount of such Indiana State Prison products it will require for the ensuing year.

COUNTY AND MUNICIPAL PRISONERS

BURNS ANNOTATED STATUTES, 1926

SECTION 12561. *Prisoners kept at labor.*—All prisoners and other persons held in the workhouse shall, as far as may be consistent with their age, sex, and ability, be kept at hard labor in such manner as the board of commissioners shall deem most advantageous to such county and under such rules and regulations as such board may, from time to time, prescribe—such labor to be performed in or about the workhouse, or upon any public wharf, street, alley, highway, or thoroughfare within the county, or upon any other work or public improvement which such board may deem for the welfare of the citizens of such county, or at such other labor, and in such manner, as such board may deem best. Such work shall be done under the direction and supervision of the superintendent of the workhouse; and for this purpose, the board of commissioners may meet, at any time, and make all proper orders, which shall be spread upon the records of such court.

SEC. 12562. *Prisoners of cities and towns.*—Any person sentenced to imprisonment or committed for a failure to pay or replevy any fine, forfeiture, and costs, under any ordinance or law of any town or city in such county having a workhouse established, may be committed to such workhouse, under such contracts and agreements as such town or city and the board of commissioners of such county may, from time to time, make. Such prisoners, at all times, shall be subject to the rules and regulations adopted for the conduct and management of the workhouse.

IOWA

STATE PRISONERS

CODE, 1931

SECTION 3323. *Prisoners to work.*—Inmates of said institutions subject to the provisions hereinafter provided may be required to render any proper and reasonable service either in the institutions proper or in the industries established in connection therewith.

SEC. 3325. *Wages may be paid.*—When an inmate performs services for the State at an institution, the board of control may, when it deems such course

practicable, pay such inmate such wage as it deems proper in view of the circumstances, and in view of the cost attending the maintenance of such inmate. In no case shall such wage exceed the amount paid to free labor for a like service or its equivalent.

SEC. 3757. *Employment of prisoners.*—Prisoners in the penitentiary or men's reformatory shall be employed only on State account in the maintenance of the institutions, in the erection, repair, or operation of buildings and works used in connection with said institutions, and in such industries as may be established and maintained in connection therewith by the board of control.

Prisoners classed as trusties may be employed under proper supervision in the repair and construction of bridges and primary roads and in the repair and construction of walks and driveways within State parks.

The employment of prisoners on work of any character which the State contracts to do for any person, firm, or corporation on State premises, where the work and prisoners employed thereon are both under the supervision, direction, and control of the board of control and the warden, shall not be construed as contracting or leasing the labor of prisoners to such person, firm, or corporation.

The board shall not permit such services to be rendered to a private party at a less wage than is paid free labor for like service or its equivalent, taking into consideration all the elements that enter into the value of prison labor, and the decision of the board of control in that respect shall be final, after approval by the appeal board provided for by chapter 22.

SEC. 3758. *Construction work.*—The board may temporarily detail, under proper surveillance, trustworthy prisoners to perform services in the construction or repair of any work imposed on the board at any institution under their control.

SEC. 3759. *Labor price.*—[Board of control to determine labor price.]

SEC. 3763. *Disposition of products.*—Such supplies, material, and articles manufactured by convict labor within the State shall be furnished by the board of control to the State, its institutions and political subdivisions, and the road districts of the State at a price not greater than that obtaining for similar products in the open market.

SEC. 3764. *Contract system abolished.*—The board of control or the warden of the State penitentiary or the warden of the reformatory shall not, nor shall any other person employed by the State, make any contract by which the labor or time of any prisoner or inmate in such penitentiary or reformatory shall be contracted, let, farmed out, given, or sold to any person, firm, association, or corporation.

SEC. 3765. *Road work.*—The board of control shall certify to the board of supervisors of any county, upon request, the number of persons in the penitentiary and reformatory whom the warden may recommend to be used for road work. The State highway commission, boards of supervisors, and township trustees may use such persons in the building or repairing of public roads whenever, in their judgment, it is practicable to do so.

COUNTY AND MUNICIPAL PRISONERS

CODE, 1931

SECTION 5512. *Labor may be required.*—Able-bodied male persons over the age of 16, confined in any jail under the judgment of any tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation, may be required to labor during the whole or part of the time of his sentence, as hereinafter provided, and such tribunal, when passing final judgment of imprisonment, whether for nonpayment of fine or otherwise, shall have the power to, and shall determine whether such imprisonment shall be at hard labor or not.

SEC. 5513. *Place of labor; hours.*—Such labor may be on the streets or public roads, on or about public buildings or grounds, or at such other places in the county where confined, and during such reasonable time of the day as the person having charge of the prisoners may direct, not exceeding 8 hours each day.

SEC. 5514. *Supervision.*—If the sentence be for the violation of any of the statutes of the State, the sheriff of the county shall superintend the performance of the labor, and furnish the tools and materials, if necessary, to work

with, at the expense of the county in which the convict is confined, and such county shall be entitled to his earnings.

SEC. 5515. *Labor not to be leased.*—Such labor shall be performed in accordance with such rules as may be made by resolution of the board of supervisors not inconsistent with the provisions of this chapter, and such labor shall not be leased.

SEC. 5516. *Municipal prisoners.*—When the imprisonment is under the judgment of any court, police court, police magistrate, mayor, or other tribunal of a city or town, for the violation of any ordinance, bylaw, or other regulation thereof, the marshal shall superintend the labor, and furnish the tools and materials, if necessary, at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.

SEC. 5518. *Credit given for labor.*—For every day's labor performed by any convict under the provisions hereof, there shall be created on any judgment for fine and costs against him the sum of \$1.50.

SEC. 5772. *City jails.*—[The provisions relating to county jails shall apply, as far as may be, to city jails and the persons in charge thereof.]

KANSAS

STATE PRISONERS

REVISED STATUTES, 1923

SECTION 76-2320. * * * They [the inmates of the State reformatory] may be employed in such labor as will best contribute to their support and reformation: *Provided*. That the time or labor of said inmates shall not be contracted or sold to any individual, firm, or corporation.

SEC. 76-2321 (as amended 1927, ch. 313). *Earnings of prisoners.*—The board of administration is directed to pay, out of any general fund belonging to the State industrial reformatory, to each convict employed by the State a sum of money, and such wage shall not be less than 4 cents per day and may be raised from time to time above 4 cents where in the judgment of the superintendent or board of administration the work is of such quality and value as to warrant a greater amount, but in no case is the amount so paid to exceed 25 cents per day for each day's work performed by the convict above the regular daily task assigned by the superintendent of the reformatory while in the reformatory; * * *.

SEC. 76-2330 (added 1925, ch. 27). *Manufacture; sale of products.*—The superintendent of the Kansas State Industrial Reformatory, with the approval of the State board of administration, is hereby authorized and empowered to sell and dispose of, to the best advantage of the State, preference being given to orders from residents of the State, all the manufactured products of the manual-trade department. The character of said manufactured products shall be determined by the State board of administration and business manager.

SEC. 76-2406. *Duties of warden.*—It shall be the duty of the warden under the rules and regulations adopted by the board of administration for the direction and government of all officers of the penitentiary: * * * Fifth. To use every proper means to furnish employment to the prisoners most beneficial to the public and best suited to their several capacities under the direction of the board of administration. Sixth. To superintend any manufacturing mining or other business that may be carried on pursuant to law in and about the penitentiary in behalf of the State. To receive and take charge of any articles manufactured or produced, and to sell and dispose of the same for the benefit of the State, in the manner prescribed by law or by the board of administration. * * *

SEC. 76-2426 (as amended 1927, ch. 314). *Earnings.*—[This applies to the State prison at Lansing. It is similar to section 76-2321 which applies to the penitentiary at Hutchinson.]

SEC. 76-2428. *Contracts.*—Contracts shall be made for a term not exceeding 6 years, and shall be awarded to the highest responsible bidder, but not at a less price than 45 cents per diem for each able-bodied convict. No bid shall be entertained unless it is accompanied with a bond of \$5,000, which bond shall be conditioned for a faithful compliance with the terms of the bid made if accepted.

SEC. 76-2432. *Employments; work time.*—* * * The party hiring the labor shall be required so far as practicable to teach the prisoner as much of the

trade at which he is employed as will enable him to work at the same when discharged from prison. No contract shall be made for the employment of the prisoners outside of the prison grounds. A day's labor shall be 10 hours. * * *

SEC. 76-2433. *Mining coal.*—The warden is authorized to mine and take out the coal on the land belonging to the State upon which the penitentiary is located and adjacent thereto, so far as that can be done without injury to the penitentiary buildings located thereon, and to employ the labor of such convicts as are not required in other departments of the penitentiary or to supply existing contracts in so doing. The board of administration may also lease land adjoining that owned by the State for the purpose of mining and taking out the coal thereon * * * or may purchase and acquire the fee to such land for the State * * *.

SEC. 76-2434. *Minimum production.*—The minimum production of each inmate miner of the penitentiary, who shall be detailed to work in the coal mines of the State at Lansing, shall be 9 tons a week.

SEC. 76-2435. *Excess production.*—Any inmate miner who shall produce more than 9 tons of coal a week shall be credited with the excess and shall be paid therefor a sum not exceeding the compensation paid to miners generally for mining coal under like conditions in the district wherein such coal mines are located.

SEC. 76-2440 (added 1927, ch. 311). *Sale of surplus.*—[The board of administration is authorized to sell all the surplus coal mined and brick manufactured in the State prisons to the other institutions of the State. A fair and reasonable price is to be paid for all such coal and brick purchased.]

SEC. 76-2440b (added 1927, ch. 311). *Sale on open market forbidden.*—No coal mined at the Kansas State Penitentiary shall hereafter be sold on the market by contract or otherwise except for the purposes as provided in section 1 of this act [76-2440].

SEC. 76-2441. *Output limited.*—The output of coal at the penitentiary mine shall be limited to the needs of the public buildings and institutions of the State, except the coal authorized to be furnished to the employees of the penitentiary.

SEC. 76-2442. *Private labor for hire.*—It shall be unlawful to allow any convict in the penitentiary to perform any labor for private citizens outside of the penitentiary grounds, for hire or otherwise, except upon the public highways of the State, and the warden shall employ the surplus convict labor in extending and repairing the State and county roads, and upon other work exclusively for the benefit of the State. * * *

SEC. 76-2442a (added 1927, ch. 315). *Constructing public buildings.*—[The board is authorized to use prison labor, either common or skilled, so far as it is practicable in the construction and repair of buildings on State property, the cost to be paid by the institution using such labor.]

SEC. 76-2443. *Coal furnished employees.*—[The warden is authorized to furnish annually each employee of the penitentiary, who is the head of a family, 150 pushels of coal mined by the prisoners. Additional coal may be furnished them at actual cost of production.]

SEC. 76-2448. *Highways.*—Upon the written request of the board of county commissioners of any county of the State of Kansas, the warden of the Kansas State Penitentiary may detail such convicts as in his judgment shall seem proper, not to exceed the number specified in said written request, to work upon such public roads and highways of said county as shall be designated in said written request of said board of county commissioners: *Provided*, That such county shall pay all additional expenses of guarding such convicts while working upon said public roads and highways within such county, and shall furnish all tools and materials necessary in the performance of said work: *And provided*, That the board of county commissioners of any such county shall pay to the warden of such penitentiary the sum of \$1 per day for each convict so furnished by said warden to said county commissioners: *And provided*, That the earnings of such convicts, after deducting sufficient thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such convict, or dependents if there be any; if there be none, the sums accumulated shall be paid to such convict upon his discharge from the penitentiary.

SEC. 76-2450. *Bridges, etc.*—Said convicts, when employed under the provisions of section 1 of this act [76-2448], shall not be used for the purpose of

building any bridge or structure of like character, which requires the employment of skilled labor.

SECS. 76-2452, 76-2452a (added 1925, ch. 30), 76-2453. *Twine plant*.—[These sections make financial provision for the erection and maintenance of a hard-fiber twine plant at the State penitentiary at Lansing. Details as to employment, methods of work, etc., are not given. The sale of twine is regulated as follows:]

SEC. 76-2454. *Sale of twine*.—The warden of the penitentiary, by and with the approval of the board of administration, is hereby vested with power and authority to sell and dispose of to the best advantage of the State, giving preference to orders from residents of this State, all the manufactured product of said hard-fiber twine plant.

SEC. 76-2514. *Industrial farm for women*.—The State board of administration shall provide equipment for the regular employment of all inmates of the State industrial farm for women, by erecting shops for the manufacture of goods and utensils and the purchase of farm machinery and stock which will permit light forms of agriculture, such as truck gardening, chicken raising, and dairying, not to the exclusion of the cultivation of cereals and grasses. It shall be the duty of the superintendent to provide for the daily labor of all inmates according to their capacity and adaptability. The products of the labor which are not used for the women's industrial farm shall be used in other institutions in the State, and a system of bookkeeping shall be had between the various institutions using such products and the industrial farm for women, and the expenses of delivering such products to the various institutions of the State shall be paid out of the maintenance fund of the institutions receiving such products. All products not demanded by such institutions shall be sold at the market price and the proceeds thereof devoted to the improvement of the industrial farm for women: *Provided*, That the said board of administration may provide for the selling on the market of such surplus products of said State industrial farm for women instead of providing for their use at other State institutions, when it is necessary to do so in order to prevent such products from perishing or deteriorating in value.

SEC. 76-2518. *Employment of prisoners*.— * * * They [the inmates of the State industrial farm for women] may be employed in such labor as will best contribute to their support and reformation: *Provided*, That the time or labor of said inmates shall not be contracted or sold to any individual, firm, or corporation.

SEC. 76-2519. *Earnings*.—[System is provided for allowing each inmate from 3 to 5 cents per day as earnings.]

COUNTY PRISONERS

REVISED STATUTES, 1923

SEC. 62-2101. *Employment*.—Whenever any male person, convicted of a misdemeanor, shall be adjudged to pay the costs of the proceedings by which he was convicted, or a fine, or both costs and fine, and for failure to so do shall be committed to the county jail, the board of county commissions of the county in which such prisoner is confined shall compel such prisoner to work on any street, highway, poor farm, or public works under its direction and control. For each day's work so performed by him, such prisoner shall receive a credit of \$1 upon the amount of costs, or fine, or fine and costs, and when his credits thus obtained shall be equal to the amount of such costs, or fine, or fine and costs, he shall be released and set at liberty and such judgment of conviction shall be receipted in full by the board of county commissioners.

SEC. 62-2162. *Hours of labor*.— * * * No prisoner shall be worked more than 8 hours in any 24 consecutive hours.

SEC. 62-2103. *Stoneyard*.—The board of county commissioners may establish a county stoneyard, and work male prisoners at breaking stone for use in macadamizing streets and roads, under such rules as they may from time to time ordain and establish.

SEC. 62-2104. *Disposition of stone*.—The board of county commissioners of the proper county are authorized to sell or dispose of such stone as they may have had broken, on such terms as they may deem advisable, or, in case they cannot sell the same, to use the same for the improvement of some designated road or street; and on making a sale of such stone, the money arising therefrom shall be

used to pay for stone delivered at the county stoneyard, and the remainder shall be applied to the payment of the fine and costs standing against the person breaking the same.

SEC. 62-2105. *Work on highways.*—In case when a prisoner shall so desire, and shall enter an undertaking to the proper county with good and sufficient sureties, to be approved by the county clerk, that he will do a given or specified amount of work on some highway designated by the chairman of the board of county commissioners of the proper county, and in a specified time, in full satisfaction of the said fine and costs charged against the said prisoner, the chairman of the board of county commissioners of the proper county is authorized to accept such undertaking, and direct the jailer to allow such prisoner to leave said jail for the purpose of doing the specified work. Said work may be done under the direction and control of some road overseer designated by the chairman of the board of county commissioners of the proper county; and when said work is done or performed in the manner and in the time designated in said undertaking, the chairman of the board of county commissioners shall so certify on said undertaking and said prisoner shall then be discharged from all liability for the fine and costs for which he was imprisoned: *Provided*, For any good and sufficient reason the chairman of the board of county commissioners may extend the time for doing the work specified in such undertaking.

SEC. 62-2107. *Allowance for work.*—Prisoners shall be allowed \$1 for each day's work performed by them in good faith under the provisions of this act, or, if the prisoner prefer, the board of county commissioners may allow such prisoner a specified sum per cubic yard for breaking stone. The amount so earned by the day or by the cubic yard, when the same shall amount to the sum of the fine and costs, the same shall be deemed a full satisfaction of the fine and costs in the action for which the said prisoner was committed to the jail of the county.

COUNTY AND MUNICIPAL PRISONERS

REVISED STATUTES, 1923

SEC. 62-2109 (added 1927, ch. 238). *Employment on county roads.*—Whenever any able-bodied male prisoner is confined in the county jail of any county or the jail of any town or city, having been convicted of a misdemeanor or of the violation of an ordinance of such town or city and being confined in punishment therefor, the sheriff of such county or the marshal or chief of police of such town or city shall, under the direction of the county commissioners or governing body of any city, compel such person to work at hard labor 8 hours of every working day: * * *. The sheriff of such county shall, under the direction of the board of county commissioners, when no other work is available compel the said prisoners to work upon the public roads or highways of such county in the making or repairing of such roads or highways. The county commissioners of the county shall, when informed by the sheriff that there are prisoners confined in his jail who may be put to work upon the roads or highways, provided there is such work upon the roads or highways, provide for the payment of additional expenses of guarding such prisoners while performing such work, or in conveying them to and from such work. Every male prisoner so employed on the roads or highways shall work out the fine and costs which has been imposed upon him at the rate of \$2 per day for each day's work: * * *

KENTUCKY

STATE PRISONERS

CONSTITUTION

SECTION 253. *Place of labor.*—Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the general assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they cannot be confined in the penitentiary.

* * * The Commonwealth of Kentucky may use and employ outside of the walls of the penitentiaries in such manner and means as may be provided by law, persons convicted of felony and sentenced to confinement in the penitentiary for the purpose of constructing or reconstructing and maintaining public roads and public bridges, or for the purpose of making and preparing material for public roads and bridges, and that the Commonwealth of Kentucky may, by the use and employment of convict labor outside of the walls of the penitentiary by other ways or means, as may be provided by law, aid the counties for road and bridge purposes, work on the State farm or farms.

SEC. 254. *Control by State.*—The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

CARROLL'S STATUTES, 1930

SECTIONS 524–526a. *Marking convict-made goods.*—[All goods, wares, and merchandise made by convict labor in any State other than Kentucky and brought into this State for sale must be plainly marked "convict made," on the article if practicable, and if not, then on the package or a label. Coal and coke produced outside the State and brought therein for sale must carry a placard or label conspicuously exposed, and marked "convict-mined coal," or "convict-made coke"; vehicles used for retailing must be similarly marked.]

SEC. 1356. *Importing convicts.*—Any person who shall knowingly employ in labor of any kind in this State a convict or person under sentence for crime in another State, shall be fined not less than \$100 nor more than \$500 for each convict or person so employed.

SEC. 3807. *Contract system.*—It shall be the duty of the commissioners to hire out to a contractor or contractors the convicts able to perform manual labor, to be worked within the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertising, and the labor in both penitentiaries may be hired to one person, or the labor in whole or in part in each penitentiary may be hired to different contractors. * * *

SEC. 3811. *Machinery placed in prisons.*—Any contractor for the labor inside the walls of the prison may, with the advice and consent of the commissioners, introduce such machinery in the prison as may be necessary to conduct any business or manufacture inside the prison, but such business shall not be destructive of the health of the convicts and upon the termination of his contract such contractor shall have the right to remove such machinery, or be paid for the same by the State at its fair cash value.

SEC. 3828b-1. *Employment.*—Upon a request of the State highway commission, the State board of charities and corrections shall assign such of the prisoners confined in the State prisons as are available for work on such roads as are constructed or maintained by or under the direction of the State highway commission. Such prisoners may also be employed in the manufacturing, quarrying, mining, and preparation of road and bridge material to be used either by the State highway commission in the construction of roads and bridges or by the board of charities and corrections for such other purposes as said board may determine. Such prisoners, when assigned by the board of charities and corrections, for work under the direction of the highway commission, shall work at such place and at such times as shall be designated by the State highway engineer, and the work done by them on such assignment shall be performed under the direction and according to the plans and specifications of the highway commission. * * * The cost and expense of care, guarding, supervision, maintenance, and housing of said prisoners by the board of charities and corrections at the road camps, shall be paid out of the fund accruing from the hiring of such prisoners, after deducting therefrom that portion of such fund as may be set apart by this act, for the savings of said prisoners and for the relief of their dependents.

SEC. 3828b-4. *Hours of employment.*—* * * All prisoners engaged in such work may be employed on an average of 10 hours per day, but the number of hours per day said prisoners may be required to work in any month may vary with the season and shall be under the direction of the commissioner of public institutions and the State highway engineer.

SEC. 3828b-6. *Earnings.*—The State board of charities and corrections shall provide rules and regulations whereby each prisoner engaged in any kind of work shall receive a certain percent of his earnings, which shall not be less

than 25 percent nor more than 50 percent per day, the amount thereof to be determined by said board, and, in determining the same, said board may take into account the record, conduct and discipline of each prisoner, and the number and requirements of his dependents. * * *

SEC. 3823b-8. *Number so employed limited.*—The number of prisoners eligible to employment under this act shall at no time exceed in the aggregate 10 percent of the population of the prisoners in each State prison. But as between the several existing contracts for prison labor the proper authorities shall arrange the assignments of the men eligible for work under this act so that the withdrawals shall be in fair proportion with reference to each of said contracts.

COUNTY PRISONERS

CARROLL'S STATUTES, 1930

SECTION 1377. *Sentence may be to labor.*—When the punishment for a crime is a fine, or imprisonment in the county jail, or both, the jury may, in their discretion, if the defendant is a male, provide in their verdict that the defendant shall work at hard labor until the fine and costs or imprisonment is satisfied, or until both are satisfied. * * *

SEC. 1379-1. *Employment.*—In all cases in which a court or jury shall provide that the defendant shall work at hard labor until his fine and costs or imprisonment or both are satisfied, the defendant shall be placed in the workhouse, if there be one in the county, or at work upon some public work or road of the county, or he may be placed upon the public works of any city or town in the county. The place of working such prisoners shall be determined by the county judge, and it shall be his duty to enter an order on the order book of the county court, specifying the manner in which such prisoner shall be worked, and he shall give preference to work on the roads of the county whenever the weather will permit. * * *

SEC. 1380. *Hours.*—The defendant shall not be required to labor more than 8 hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remain unpaid after receiving credit of \$2 for each day worked in payment thereof.

SEC. 4867. *Workhouse.*—Each county court shall have power to establish a workhouse. * * *

SEC. 4869. *Rules for government.*—The county court shall have power to prescribe, by an order of record, regulations for the government of the workhouse, and may, from time to time, determine the character of work to be done, and the place, either in the house, on the workhouse grounds or elsewhere; the number of hours the prisoners shall work; * * *

SEC. 4870. *Lease of workhouse.*—The county court may, for a period not longer than 1 year, lease the workhouse, grounds, and property, which lease shall carry with it and vest in the lessee the right to the labor of all the prisoners who may, during such period, be in the workhouse, under such regulations as the county court may lawfully prescribe. * * *

SEC. 4871. *Hiring out prisoners.*—The county court may, at its discretion, hire out prisoners for part or all of their terms. * * *

LOUISIANA

STATE PRISONERS

CONSTITUTION

ARTICLE III

SECTION 33. *Contract system prohibited.*—The legislature may authorize the employment under State supervision and the proper officers and employees of the State, of convicts on public roads or other public works, or convict farms, or in manufactories owned or controlled by the State, under such provisions and restrictions as may be imposed by law, and shall enact laws necessary to carry these provisions into effect; and no convict sentenced to the State penitentiary shall ever be leased, or hired to any person or persons, or corporation, private or public, or quasi public, or board, save as herein authorized.

DART'S GENERAL STATUTES, 1932

SECTION 3578. * * * (b) *Contracts for convict labor.*—The Louisiana Highway Commission is hereby authorized and empowered to make and execute such contracts on its behalf for the use of such convicts on the roads and bridges of the State highway system and on public works under its jurisdiction, wherever and whenever, in its opinion, the same is economical, practical and efficient, and whenever in the opinion of the general manager of the State penitentiary such convicts are available: *Provided*, That under no circumstances and by no arrangement shall such convicts be leased or hired to any person, firm, corporation, contractor, or any one doing work under contract with or for the Louisiana Highway Commission, and such use of such convicts shall be confined to work being done by the commission itself. * * *

Sec. 3598. *Highways.*—[The Louisiana Highway Commission is authorized to enter into contracts with the general manager of the Louisiana State penitentiary to do the repair work on roads, payment for which is to equal the minimum price bid received through advertisement for bids on the work.]

Sec. 6814. *Levee work.*—Hereafter, when the board of State engineers or any district levee board of this State advertises for bids on any work that said boards may have in building, enlarging, or repairing the levees under their jurisdiction, they are hereby authorized and directed to tender, by preference, said work, or any part of same that he may select, to the general manager of the State penitentiary at the minimum price bid under said advertisement, and said boards are hereby authorized and directed to contract with the general manager of the State penitentiary to do said work, by preference, at the minimum price bid, provided that this applies only to such an amount of work, as, in the judgment of the board of State engineers said penitentiary forces are competent to do within the time and according to the specifications provided in the letting.

Sec. 6815. *Subletting.*—The object of this act is to furnish to the penitentiary forces any and all work that they may be able to do in building and maintaining the levees throughout the State, and is specifically not intended to put the penitentiary forces in the position of taking contracts for the purpose of subletting.

DART'S CODE OF CRIMINAL PROCEDURE AND CRIMINAL STATUTES,
1932

SECTION 1404. *Voluntary employment.*—Hereafter whenever a prisoner sentenced to the parish prison of any parish of this State, the parish of Orleans included, by any court of competent jurisdiction, shall be willing of his own free will and accord to perform manual labor upon any of the public roads, or levees, or streets, or public buildings and improvements or public works inside or outside of the prison, the criminal sheriff of said parish shall set said prisoners to work upon such labor as shall be determined by the police juries of the several parishes and the municipal authorities of the several towns and cities: *Provided*, That such prisoners shall always remain under the custody and control of the several sheriffs.

Sec. 1405. *Sentence remitted.*—Any prisoner who shall thus consent to work shall have as many days taken off or remitted from his sentence corresponding with the number of days during which he shall have performed work in the manner above mentioned: *Provided*, That such days be computed at the rate of 10 hours work per day.

Sec. 1414. *Prison farms.*—[Provision is here made for the creation of prison districts, to be governed by a board of governors. The prison districts are authorized to acquire title to property for the purpose of operating and maintaining prison farms and other public works, with prison labor.]

Sec. 1437. *Farms.*—The board of control, or [on] its organization, may with the approval of the Governor, purchase or lease a tract or tracts of land on such terms and conditions as the Governor may approve, and after due advertisement, * * * for the establishment of one or more State convict farms, to be cultivated by the State, or for the establishment of manufactories. * * *

Sec. 1438. *Buildings, etc.*—The buildings to be erected by the board of control, or quarter boats or other quarters * * * shall be constructed, as far as possible, with convict labor. * * *

Sec. 1441. *Public works.*—The board of control is hereby authorized to contract for building by the convicts, of public levees, public roads, or other public works, or for stopping crevasses within the State of Louisiana, and to bid for the construction of the same or for work in connection therewith, at the same as a private contractor; * * *.

Sec. 1449. *Work on certain roads.*—The general manager of the State penitentiary is authorized to work and maintain such roads within the parish of West Feliciana as shall not, at the time the work is performed, be under the jurisdiction of and maintained by the State highway commission, and that when requested so to do by the police jury of the said parish of West Feliciana he shall be required to perform such work, free of all charge and expense to the said parish: *Provided*, That said general manager of the State penitentiary shall not be required to furnish more than a working unit of 10 convicts from the penal farm at Angola and such foreman and guards as shall be necessary to handle and control one unit; * * *.

Sec. 1455. *Demonstration farms established.*—The board of control of the State penitentiary shall establish and maintain on Hope Plantation, Oakley Plantation, and Monticello Plantation a general system of demonstration of agricultural and stock-raising operations, to which at least 500 acres of land on each of said properties should be dedicated from the area of each of said properties; and the said board of control may, in its discretion and to meet the requirements of the purposes herein set forth, increase said area. * * *

Sec. 1460. *Sale of products.*—The said board of control shall have the authority to market, sell, trade, or dispose of any of the animal or agricultural products of said farms, whether it be for the maintenance thereof or with the aim upon proper and commensurate compensation to aid in the promotion of the agricultural and stock-raising industries.

COUNTY PRISONERS

DART'S CODE OF CRIMINAL PROCEDURE AND CRIMINAL STATUTES, 1932

SECTION 1402. *Sentence may be to labor.*—In all criminal prosecutions where any person is convicted in any of the courts of this State of any crime or offense punishable under the law with imprisonment at hard labor, but not necessarily so, the judge before whom such conviction is had may sentence the person so convicted to work on the public works, roads, or streets of the parish or city in which the crime or offense has been committed, and which may be eventually chargeable with the costs of the prosecution and for a term not exceeding the term now specified under existing laws: *Provided*, That when a fine, in said cases, is imposed as a part of the penalty, in default of the payment of such fine and the costs, the judge may enforce the liquidation thereof by sentence of additional labor at the rate of \$1 per diem.

SEC. 1403. *Ordinances.*—In the city of New Orleans the city council, and in the several parishes the police jury are hereby delegated full authority to pass all ordinances and laws which they may deem necessary to carry into effect the provisions of this act and for the discipline, working, and employment of such convicts: *Provided*, That * * * the person so convicted shall not be worked more than 10 hours a day, and shall not, in any case, be put at work before 6 o'clock in the morning: *Provided*, That such convicts shall not be employed out of the parish having venue of the crime or offense; or in any other labor than upon the public works, bridges, roads, or streets of the parish or city, or in such workhouses as they may establish.

DART'S GENERAL STATUTES, 1932

SECTION 3655. *Who may be employed on highways, etc.*—When any person shall be convicted and sentenced by any competent court of the State (parish of Orleans excepted) to imprisonment in the parish jail, or to such imprisonment and the payment of a fine, or to such imprisonment in default of the payment of a fine, he shall be committed to such jail there to remain in close confinement for the full term specified by the court: *Provided*, That all able-bodied males, over the age of 18 years and under the full age of 55 years shall be worked upon the public roads, public works, or shall be hired or leased out to any one person, for the purpose of working them within the parish, such convicts to be kept at work until the expiration of the sentence of imprisonment:

Provided further, That where in the discretion of the court the person so convicted and sentenced should be kept in close confinement the court may so order: *And provided further*, That convicts sentenced to imprisonment alone, or to imprisonment and fine, shall not be hired out for a less sum than the aggregate of their fine, costs of court, and fees of the officers.

SEC. 3656. *Persons held for fines*.—When any person shall be sentenced to pay a fine, or to imprisonment in the parish jail and to pay a fine (the Parish of Orleans excepted), and shall not pay such fine, costs, and fees, the police jury may hold him in custody and work him on any public road or other public work, or, if able-bodied, and over the age of 18 years and under the age of 55, may hire or lease him out to any one person who shall work him in the parish until he shall work out the amount due by him for such fine, costs, and fees, at the price and rate of wages to be fixed by the police jury, subject to the limitations hereinafter fixed, but no convict may be held in custody for fines and costs for more than 2 years; * * *

SEC. 3663. *Classes of convicts*.—All convicts are divided into two classes, to wit:

First. All able-bodied males, over the age of 18 years and under the age of 55 years;

Second. All other convicts, and no convicts except those falling in class first shall be leased out, all others shall be confined in the parish jails or worked by the parish under the supervision of the police juries and proper officers appointed by said police jury.

SEC. 3664. *Wages*.—The wages of convicts when worked on public roads, other public works, or otherwise under the supervision of the police jury shall be fixed by the police jury within the following limits: Convicts in class first, not less than \$5 per month nor more than \$16 per month, and in class second, not less than \$2 per month nor more than \$10 per month, and where convicts in class first are leased out, they shall be leased to the highest bidder, who shall be a suitable person, after due advertising, and upon proper recommendations, the police jury to be the judges of the suitability of the bidders, and the price and terms shall be fixed by contract, provided that the rate of wages be not less than the minimum fixed herein, to wit, \$5 per month.

SEC. 3670. *Where work to be done*.—The lessee or contractor who shall be selected by the police jury shall be required to work said convicts within the parish, and shall not be permitted to sublease them to any person whomsoever.

[The above sections (secs. 3655, 3656, 3663, 3664, and 3670) enacted in 1908 do not specifically repeal Act No. 29, 1894, Act No. 46, 1902, and Act No. 191, 1904, but it is believed they supersede them, and are given here as the law in force at this date.]

SEC. 5422. *Cities, towns, etc.*—The mayor and board of aldermen of every city, town, and village, * * * shall have power:

* * * * *
 Twenty-ninth. To contract with the police jury, which is empowered in the premises, for the use of the parish jail for the use of the municipality; to provide for the working of the streets by municipal prisoners, and to contract with the parish for such work by parish prisoners, or for the working of parish roads by municipal prisoners.

* * * * *

MAINE

STATE PRISONERS

ACTS OF 1933

CHAPTER 1^{*}

SECTION 323. *Labor required*.—Punishment in the State prison by imprisonment shall be confinement to hard labor, * * *

SEC. 325. *Employment on public works*.—The department may authorize the employment of able-bodied prisoners, sentenced for any term less than life, in the construction or improvement of highways or on other public works within

* Chapter 1, Acts of 1933, revises and rearranges the health and welfare laws of the State; similar provisions regarding convict labor are contained in Rev. Stat. 1930 (ch. 52, secs. 2, 8, 24, and 39).

the State under such arrangements as may be made with the State highway commission or other department of the State having such public works in charge, and said department shall prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners while so employed and their safe-keeping and return. * * *

SEC. 331. *Sales, etc.*—All sales of articles from the prison, and the letting to hire of such of the convicts as the commission deems expedient, and all other contracts on account of the prison except those made by the State purchasing agent, shall be made with the warden, in the manner prescribed by the department. * * *

SEC. 333. *Goods to be marked.*—All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words "Manufactured at the Maine State prison."

COUNTY PRISONERS

REVISED STATUTES, 1930

CHAPTER 92

SECTION 12. *Provisions for employment.*—They [the county commissioners] may make such additions in workshops, fences, and other suitable accommodations, in, adjoining, or appurtenant to the jails in the several counties as may be found necessary for the safe-keeping, governing, and employing of offenders committed thereto by authority of the State or the United States; and, for the better employing of such offenders, they may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on such lands for the benefit of the county or of dependent families of prisoners committed for crime, as provided in section 19 hereof. * * *

SEC. 13. *Places of labor.*—They shall, at the expense of their several counties, unless county workshops are therein established, provide some suitable place, materials, and implements for the breaking of stone into suitable condition for the building and repair of highways, and shall cause all persons sentenced under the provisions of section 20 of chapter 140 to labor at breaking stone. And they may, at the expense of their several counties, provide suitable materials and implements sufficient to keep at work all persons committed to either of such jails, and may from time to time establish needful rules for employing, reforming, and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts of the cost of procuring the same, and of all labor performed by each of the persons so committed, and may make all necessary contracts in behalf of their several counties.

SEC. 14. *Labor on highways.*—County commissioners may authorize the keepers of jails to put able-bodied male prisoners to work on the building or repairing of highways within their county. * * *

MUNICIPAL PRISONERS

REVISED STATUTES, 1930

CHAPTER 140

SECTION 28. *Labor may be required.*—The keeper of the jail, workhouse, house of correction, or in case of a sentence to any town farm or almshouse, the overseers of the poor of such town, or the keeper or agent of such town farm or almshouse, may require such convict to labor at any lawful work within the town where such institution is situated, and may appoint any suitable person keeper over him, and may collect and receive the wages, compensation, or profits of his labor, and at the expiration of such sentence pay to the convict such reasonable compensation as in their judgment the profits of his labor will warrant, deducting therefrom the cost of commitment and any fine imposed under the preceding section.

CHAPTER 153

SECTION 5. *Employment.*—Every person committed to such workhouse, if able to work, shall be kept diligently employed during the term of his commitment. * * *

MARYLAND

STATE AND COUNTY PRISONERS

ANNOTATED CODE, 1924

ARTICLE 27

SECTION 666. *State farm.*—The board of welfare is authorized and empowered to acquire by gift, devise, bequest, purchase, lease, or in any other way, or by condemnation in accordance with the provisions of article 33A of the Annotated Code of Maryland, and any amendments thereto, any lands or other property, real or personal, or interest therein, together with any improvements thereon, which the board, with the approval of the governor, may find necessary or desirable for the purpose of establishing and maintaining a State farm, or for any other purpose that may be appropriate to the needs of the institutions under the jurisdiction of the said board.

SEC. 667. *Employment of State convicts.*—If a State farm is so established, then it shall be the duty of the board of welfare to cause to work upon such farm as many of the prisoners confined in the institutions under its jurisdiction as are physically able to work thereon and as are available for such work.

SEC. 668. *County convicts.*—The governor of the State may from time to time at the request of the authorities having control and jurisdiction over the jail of any other town or city or of any county in this State, assign to work upon said farm as many of the prisoners confined in the jails under their respective jurisdiction as are physically able to work on said farm and as are available for such work.

SEC. 670. *Earnings.*—The board of welfare may set aside for each prisoner working upon said State farm, such sum as it may deem proper, not exceeding, however, the sum of 50 cents per day for each and every day that such prisoner is so employed; * * *.

SEC. 675. *Exemption.*—[The above provisions do not apply to the Baltimore City Jail.]

SEC. 719. *Highway labor.*—All male prisoners confined in the Maryland Penitentiary, the Maryland House of Correction, or any of the county, town, or city jails, shall be liable to labor upon the State, county, and city roads and streets in accordance with the provisions of sections 719 to 726: *Provided*, That nothing in said sections shall apply to the Baltimore City Jail, or to the mayor and city council of Baltimore, or to the public highways of the city.

SEC. 720. *Road force.*—The governor of this State may from time to time require the board of welfare to certify to him the number of male prisoners confined in the Maryland Penitentiary and in the Maryland House of Correction, who are physically able to work upon the public roads of the State, or of any county, city, or town thereof, and who are available for such work. If the governing body of any town or city other than Baltimore City or the county commissioners of any county desire the prisoners confined in the jails under their respective jurisdictions to work upon the public roads or streets, then they may, in like manner, certify to the governor the number of male prisoners confined in the jails under their respective jurisdictions who are physically able to work upon said public roads of the State, or of any county, city, or town thereof, and who are available for such work; * * *.

SEC. 721. *State roads.*—Upon receiving such information the governor is authorized from time to time, to assign such and as many of said prisoners to the State roads commission as that commission can profitably employ in the construction, repair, or maintenance of any of the public roads and bridges under its jurisdiction, and it shall thereupon be the duty of the State roads commission so to employ such prisoners.

SEC. 722. *Counties, etc.*—The county commissioners of any county and the governing body of any town or city other than Baltimore City may from time to time request the governor to furnish them, respectively, with such number of prisoners as they can profitably employ in the construction, repair, or maintenance of any of the public roads, streets, or bridges under their respective jurisdictions; and after the governor has assigned the prisoners to the State

roads commission under section 721 such of the total number of prisoners certified to him under section 720 as may then remain, may be assigned by the governor, in such numbers as he may deem equitable, among and to the employ of the cities, towns, and counties so applying as aforesaid, for work upon the public roads and streets thereof.

Sec. 724. *Earnings.*—[State and county authorities employing convicts as above shall pay the sum agreed upon per day for each convict, from which such payments as the board of prison control may determine shall be held by it to the individual credit of the prisoners.]

STATE PRISONERS

ANNOTATED CODE, 1924

ARTICLE 27

SECTION 676. *System of labor.*—The said board [board of welfare] shall establish and maintain a system of labor for prisoners to supersede the present system of contract labor in the Maryland Penitentiary and the Maryland House of Correction, as soon as it shall deem the same expedient and proper; and the board is hereby vested with all power and authority necessary to that end and to put such system of prison labor when established into operation and effect. The said board shall have power and authority to place prisoners at labor upon State works wherever in the judgment of said board the same shall be expedient and proper, upon such terms as to it shall seem wise. The said board is hereby directed to provide, whenever in its judgment the same may be expedient, such form of labor as will offer an opportunity to prisoners to earn a surplus over the cost of their maintenance to the State and said board shall further provide in its discretion for the payment of any surplus so earned, to the prisoner earning the same, or to such person or persons as he may direct.

ARTICLE 91

SECTION. 39. *Employment on roads, quarries, etc.*—For the purpose of building and constructing or maintaining any roads, bridges, and highways under the provisions of this act, or for the purpose of working in any stone quarry operated by said commission [State roads commission] the said commission is hereby authorized to make requisitions on the board of welfare for as many inmates of the Maryland Penitentiary and the Maryland House of Correction as may be necessary for said purpose; * * *

COUNTY PRISONERS

ANNOTATED CODE, 1924

ARTICLE 27

SECTION 579. *Employment of prisoners.*—On the order in writing of the board of county commissioners of any county it shall be the duty of the sheriff or other officer having charge of such prisoners of that county to send, under a competent guard, such number of able-bodied male prisoners in the county jail undergoing punishment under sentence of a court or justice of the peace, as the county may require, to work on any road in said county, or in any quarry, pit, or yard, in preparing materials for use on the county roads; * * *

Sec. 712. *Same.*—The majority of any board of county commissioners or other board in control of the public roads and bridges of any county in the State of Maryland, shall be and they are hereby authorized to employ upon the public roads or bridges of such county as a convict road force, any or all males sentenced to serve terms in the county jails of their respective counties, who are in the judgment of the representatives of said county roads board, physically able to perform such work; and it shall be the duty of the said county roads board to provide for the guarding, transportation, lodging, feeding, and medical attention of convicts when so employed.

MASSACHUSETTS

STATE PRISONERS

GENERAL LAWS, 1932

CHAPTER 127

SECTION 48. Labor required.—Prisoners in the State prison shall be constantly employed for the benefit of the Commonwealth, but no prisoner shall be employed in engraving.

SEC. 48A. Earnings.—[A system is established providing for payment to the inmates out of the excess profit of the prison industries when the rate of profit is in excess of the minimum rate of profit established for such institution; one half of such excess profit shall be set aside for payment to the inmates. Payments are graded according to the skill and industry of the inmate. No such credit shall be paid directly to any inmate during his term of imprisonment, but one half of the earnings may be paid directly to the dependents of the prisoner. The law states what shall be deemed to be profits on prison-made goods and what shall be deemed to be costs, etc., in determining the excess profits from which compensation is paid.]

SEC. 50. Place of employment; hours.—Prisoners in the State prison, Massachusetts Reformatory, reformatory for women, prison camp and hospital, State farm, or in any jail or house of correction, may be employed, in the custody of an officer, in caring for public lands and buildings; but no prisoner, except as provided in sections 82 to 84, inclusive, shall be employed outside the precincts of the place of his imprisonment in doing work of any kind for private persons.

SEC. 51. Industries.—The commissioner and the warden of the State prison, the superintendent of the Massachusetts reformatory, reformatory for women, prison camp and hospital, State prison colony or State farm, keepers or masters of jails and houses of correction, shall determine the industries to be established and maintained in the respective institutions under the control of said officers. The prisoners in said institutions shall be employed in said industries under regulations which shall be established by the commissioner; but no contract shall be made for the labor of prisoners, except that, with the approval of the commissioner, prisoners may be employed in cane seating and the manufacture of umbrellas under the "piece-price system," so called.

SEC. 53. Articles.—The commissioner shall, so far as possible, cause such articles and materials as are used in the offices, department, or institutions of the Commonwealth and of the several counties, cities, and towns to be produced by the labor of prisoners in the institutions named in section 51.

SECS. 54-58. Styles, prices, etc.—[The styles, qualities, materials, etc., of articles for use in the various offices, departments, and institutions shall be annually determined by the officials of such offices, etc., and a descriptive list of articles prepared. Estimates must be submitted of the articles and materials needed, and purchases by the State and local officials must be made from the products of prison labor unless it is shown that the goods required cannot be supplied. Prices shall conform as nearly as may be to the wholesale prices for similar goods manufactured outside of the prisons.]

SEC. 61. Trades.—The commissioner and the superintendent of the Massachusetts Reformatory shall endeavor to establish in said reformatory such industries as will enable prisoners employed therein to learn valuable trades.

SEC. 62. Number of employees.—The number of prisoners in all the institutions named in section 51 who may be employed in manufacturing the following articles and in the industries hereinafter named, shall be limited as follows: Brushes, not more than 80; cane chairs with wood frames, not more than 80; clothing other than shirts or hosiery, not more than 375; harnesses, not more than 50; mats, not more than 20; rattan chairs, not more than 75; rush chairs, not more than 75; shirts, not more than 80, and they shall be women; shoes not more than 375; shoe heels, not more than 125; trunks, not more than 20; in stonecutting, not more than 150; in laundry work, not more than 100

SEC. 63. Same.—Not more than 30 percent of the number of inmates of any penal or reformatory institution having more than 100 inmates shall be employed in any one industry, except cane seating and the manufacture of umbrellas.

SEC. 64. Exceptions.—The two preceding sections shall not apply to prisoners engaged in the manufacture of goods for use in the offices, departments, and institutions named in section 53.

Sec. 65. *Piece-price contracts.*—If the commissioner and the warden, superintendent, master or keeper of any institution named in section 51 consider the employment of prisoners or a part of them upon the piece-price plan expedient, they shall advertise for bids therefor, which shall be opened publicly, and a copy and record thereof shall be kept by the commissioner. If said officers consider it inexpedient to accept any of such bids, contracts may be made with other persons. Copies of all contracts for the employment of prisoners shall be kept by the commissioner and shall at all times be open to public inspection.

Sec. 67. *Sale of goods.*—Goods manufactured in any of the institutions named in section 51 shall, with the approval of the commissioner, be sold by the warden, superintendent, master, or keeper thereof at not less than the wholesale market price prevailing at the time of sale for goods of the same description and quality. The proceeds of such sales shall be paid by the purchasers to the respective institutions from which the goods are delivered.

Sec. 74. *Road material.*—The commissioner may cause the prisoners in any jail or house of correction to be employed within the precincts of the prison in preparing material for road making; but no machine except such as is operated by hand or foot power shall be used in connection with such employment.

Sec. 76. *Sale of road material.*—Material so prepared may be sold to the county commissioners or to town officers having the care of public roads. All material not so sold shall be purchased by the said division of highways, at such price as they determine is fair and reasonable, for use on State highways; but the commissioner may cause any of said prisoners to be employed upon material furnished by said division, which shall then pay for the labor of preparation such price as may be agreed upon by the commissioner and the division.

Sec. 78. *Reclaimed land, etc.*—Land reclaimed or improved by prisoners at the prison camp and hospital may be applied to the use of the Commonwealth or may be disposed of by the governor and council at public or private sale. Any road material prepared by the prisoners may be sold by the superintendent, with the approval of the commissioner, to the authorities of the Commonwealth or of any county, city, or town.

Sec. 81. *Employment at prison camp.*—The superintendent of the prison camp and hospital may, with the approval of the commissioner, employ the prisoners confined in the camp section of the said prison camp and hospital in the preparation of road material, and may use therefor such machinery as the commissioner may consider necessary. * * *

Sec. 82. *Farms.*—The commissioner may purchase or lease land, with funds specifically appropriated therefor by the general court, for the purpose of improving and cultivating the land by the labor of prisoners from the prison camp and hospital; and the commissioner may also make arrangements with officials of the Commonwealth and officials of towns to employ the said prisoners on any unimproved land and in the construction, repair, and care of public institutions, and public ways adjacent thereto. * * *

Sec. 83. *Outdoor labor.*—During all times when outdoor labor is practicable, inmates of penal institutions required to labor shall be employed, so far as is possible, in the reclamation of waste places and in cultivating lands for raising produce to be used in public institutions, and in the reforestation, maintenance, or development of State forests. * * *

Sec. 85. *Females.*—The commissioner may, with the consent of a woman serving a sentence in the reformatory for women or in a jail or house of correction, and with the consent of the county commissioners if she is in a jail or house of correction, contract to have her employed in domestic service for such term, not exceeding her term of imprisonment, and upon such conditions as he considers proper with reference to her welfare and reformation. If in his opinion her conduct at any time during the term of the contract is not good, he may order her to return to the prison from which she was taken.

COUNTY PRISONERS

GENERAL LAWS, 1932

CHAPTER 126

SECTION 35. *Farms.*—The county commissioners of any county may, subject to the approval of the commissioner of correction, purchase, take by eminent domain under chapter 79, or lease, in behalf of the county, a tract of land not

exceeding 500 acres in area for use as a county industrial farm, and may reclaim, cultivate, and improve the same. The work of reclaiming, cultivating, and improving the said land shall, so far as practicable, be done by prisoners transferred thereto as provided in section 37. At any time after said land has been reclaimed, cultivated, and improved the same may be sold, if the county commissioners determine that it is for the best interests of the county.

SEC. 36. *Buildings.*—Said commissioners may erect on said land such temporary buildings of inexpensive construction as they consider necessary for the proper housing of prisoners and for other purposes, * * *.

SEC. 37. *Duty of sheriff.*—On the request of said commissioners, the sheriff of the county shall remove to said farm such prisoners as, in the opinion of the commissioners, can advantageously be employed thereon in carrying out sections 35 and 36, * * *.

CHAPTER 127

SECTION 84. *Waste land.*—The county commissioners of any county may purchase or lease land, with funds specifically appropriated therefor by the general court, for the purpose of improving and cultivating the land by the labor of prisoners from a jail or house of correction; and the said commissioners may also make arrangements with the division of highways of the department of public works or with the officials of a town to employ said prisoners on any highway or unimproved land, or with the State forester for the reforestation, maintenance, or development of State forests, or with a private owner to improve waste or unused land, or land used for agricultural or domestic purposes, by means of such prison labor. * * *

MICHIGAN

STATE PRISONERS

COMPILED LAWS, 1920

SECTION 17544. *Hard labor.*—There shall continue to be maintained in this State a State prison at Jackson, in the county of Jackson; a State prison at Marquette, in the county of Marquette, and a house of correction and reformatory at Ionia, in the county of Ionia, in which persons sentenced shall be confined, employed at hard labor and governed in the manner provided by law.

SEC. 17552. *Duties of warden.*—It shall be the duty of the warden, under the rules and regulations adopted by the board of his prison for the government of the prison—

* * * * *

Fourth. To use every proper means to furnish employment to prisoners most beneficial to the State and best suited to their several capacities;

Fifth. To superintend any manufacturing and mechanical business that may be carried on by the State, pursuant to law, within the prison; to receive the articles manufactured, and to sell and dispose of the same for the benefit of the State.

* * * * *

SEC. 17574. *Employments.*—The warden shall also have authority, under such regulations as the board of his prison may adopt, to employ convicts in the erection or repair of the buildings or walls of the prison, in the prison coal mine or on the prison farm.

SEC. 17577. *Articles for State use.*—The boards are required to employ so many prisoners in either prison as are necessary in making all articles for the various State institutions as far as practicable, and the State institution shall pay to the prison making such articles, the market price of all such articles furnished.

SEC. 17580. *Hours.*—All convicts other than such as are confined in solitude for misconduct in the prison shall as far as practicable be kept constantly employed at hard labor at an average of not less than 10 hours a day, Sundays excepted, unless incapable of laboring by reason of sickness or other infirmity.

SEC. 17608. Board of prison industries.—The members of the boards of control⁴ of the Michigan State prison at Jackson, the State house of correction and branch of the State prison in the Upper Peninsula at Marquette, and the Michigan Reformatory at Ionia shall, within 60 days after this act takes effect, meet at the call of the Governor, and the Governor shall select from the State boards three of their number, one from each board, who with the Governor, shall constitute a board to be known as the Board of Prison Industries of Michigan. * * *

SEC. 17612. Contract system abolished.—The boards of control of any of the three penal institutions mentioned in this act shall not, nor the wardens of said institutions, nor shall any other authority whatsoever, make any new contract or extend the time of any existing or pending contract by which the labor or time of any prison convict in any of the penal institutions of this State shall be contracted, let, furnished out or sold to any person, firm, association, or corporation beyond December 11, 1911: *Provided*, That this act shall in no way affect any existing contract or contracts, except such contract for a longer term than as specified in this section shall have the written approval of the Governor and the warden of the institution endorsed thereon.

SEC. 17615. Factories to be provided; State account.—The warden and board of control at the State prison at Jackson are hereby empowered, authorized and directed, at a cost not to exceed the sum hereby appropriated, to use, purchase, erect, equip, and maintain buildings, machinery, boilers, and equipment which may be necessary for the manufacture of goods, wares, and merchandise, on State account, and to purchase new material to be used in the manufacture of said goods, wares, and merchandise as herein provided, and for the purpose of carrying, handling, and marketing the manufactured product until disposed of according to the provisions of this act, and to provide for such other expenses as may be incurred under rules and regulations prescribed by said board of control: * * *

SEC. 17618. Sale of products; price.—The price of the goods, wares, and merchandise manufactured at the State prison at Jackson, as herein provided for, shall be fixed by the warden and board of control of such prison, which shall continue to be the price for the season, unless it shall become evident to the warden and said board of control that the price established is such that it would prevent the sale of the product, or such that the State would not receive a fair price, in which case a change in price can be made at any meeting of said board of control thereafter held, and the output of said plant shall be sold at such times and places and in such manner as the said warden and board of control of said prison shall determine to be for the best interests of the State: *Provided*, That the citizens of this State shall have the preference in purchasing said product of said plant: * * *

SECS. 17625, 17628. State account.—[These sections contain similar provisions to those of sections 17615 and 17618 but relate to the State house of correction and the branch of the State prison in the Upper Peninsula.]

SEC. 17632. Employment of prisoners in Ionia Reformatory.—The warden and board of control of the Michigan Reformatory at Ionia are hereby authorized to employ the inmates thereof on State account in the construction of roads or the manufacture of such goods, wares, and merchandise as they shall deem best and for that purpose, from the money herein appropriated, are hereby authorized to erect such buildings and purchase such machinery, equipment, and material as they shall deem necessary. They are also authorized to incur any necessary expense in connection with the sale thereof and to determine the price of said labor and manufactured articles.

SEC. 17637. Road work.—Upon the written request of a majority of the board of county road commissioners in counties under the county road system, or upon the written request of the road commissioners in a township or district under the township or district road system, or upon the written request of a majority of the board of supervisors in counties not under the county road system, the boards of control of the State reformatory at Ionia, the State prison at Jackson, or of the State house of correction and branch of the State prison in the Upper Peninsula at Marquette, may detail such able-bodied convicts as in their reasonable discretion shall seem proper, not exceeding the number specified in said written request, to work upon such public roads and highways of such county, township or district as shall be designated in said

⁴Now State Prison Commission. See secs. 8163 and 8173.

written request of said county, township, or district road commissioners or board of supervisors: * * * *Provided*, That such convicts may be used in surface quarries and in stoneyards in preparing material to be used on said roads, and in hauling the same to the place of distribution: * * *

SEC. 17638. *Regulations; payment.*—[The State highway commissioner is authorized to make requisition for convicts to be employed on the highways as the need arises. While working upon the highways, convicts are maintained in prison camps and are under the supervision and control of the State highway commissioner. The compensation for such employment shall be determined by the highway commissioner and the commissioner of pardons and paroles. Such officers shall determine the amounts to be paid to each convict and the amount to be paid the prison from which the prisoners were obtained.]

SEC. 17639. *Not to build bridges, etc.*—Said convicts when employed under the provisions of section 1 [17637] of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor.

SEC. 17645. *Compensation for overtime.*—The boards of control and wardens of the several State prisons in which manufacturing is done on State account may, if to them it seems wise, direct the payment from the actual collections from the sale of the product manufactured on State account to convicts engaged in manufacturing on State account, such sums for the time such convicts may work in addition to or beyond the task fixed by the State in the prison rules as may be recommended by the boards of control and wardens of said State prisons: *Provided*, Such compensation does not exceed 15 cents per day to each convict thus employed. Said payments of overtime shall be made by the wardens at such times and in such amounts as may be required and deemed necessary by the boards of control and wardens of said prisons and shall be made from the sale of the manufactured product of the industry upon which such convicts are engaged.

ACTS OF 1931

No. 277

SECTION 1. *Cement industry to be discontinued.*—The Michigan State cement industry, located near Chelsea, Mich., shall cease to be operated as a prison industry of Jackson State Prison, and shall not be used by the State for the production of cement after June 30, 1934.

SEC. 2. *Disposition of property.*—The Governor and the State administrative board are hereby authorized and directed to dispose of the land, buildings, and other property used in connection with the Michigan State cement industry to the best advantage of the State: *Provided*, That if at the present time, in the opinion of the Governor and the State administrative board, a fair price cannot be obtained for the property used in connection with the Michigan State cement industry, then such property may be operated: *Provided*, That through such operations the plant shall earn all fair and reasonable operating expenses, including maintenance of buildings and machinery, until June 30, 1934, when if not sold it shall be dismantled and the salvage forthwith sold to the best advantage of the State. The land connected therewith may be sold whenever thereafter the Governor and the State administrative board may deem it advisable. All sums of money received from the sale of such property shall be credited to the general fund.

COUNTY PRISONERS

COMPILED LAWS, 1929

SECTION 17677. *Labor on highway.*—The board of supervisors of any county in this State may, by resolution passed at any regular or special session, order that any or all male prisoners over the age of 18 years under a sentence of imprisonment in the county jail, capable of performing manual labor, shall be required to work upon the public highways, streets, alleys, and public roads, or in any quarry, pit, or yard in the preparation or construction of materials for such public highways, streets, alleys, or roads in any township, city, or village in such county, or to perform any other lawful labor for the benefit of the county. Whenever any such resolution shall be passed, it shall be the

duty of the sheriff to cause such prisoners to be put at work in such manner as may be provided in the resolution of the board of supervisors. The commissioner of highways of any township and the village or city authorities of any village or city in the county or the authorities in charge of any county institution may make application to have such prisoners work in any township, city, village, or institution in such manner as shall be prescribed by the board of supervisors, and the said board shall have the right to determine in what township, city, or village such prisoners shall work.

SEC. 17720. *Work farms.*—The various counties of this State are hereby authorized to acquire, own, and hold real estate and buildings within their respective boundaries to be used as work farms, factories, or shops for the confinement, punishment, and reformation of persons sentenced thereto, and to conduct and operate the same.

SEC. 17721. *Commission to control.*—[A board of commissioners is elected by the supervisors to have charge.]

SEC. 17722. *Employment.*—Said commissioners are hereby authorized and empowered to establish and adopt rules for the regulation and discipline and the work and labor of the persons confined in and on said work farm, factory, or shop; * * *

MUNICIPAL PRISONERS

COMPILED LAWS, 1929

SECTION 1961. *Hard labor.*—All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the nonpayment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

MINNESOTA

STATE PRISONERS

GENERAL STATUTES, 1923

SECTION 10809. *Labor required.*— * * * Every person committed to such institution [State prison or reformatory] shall be regularly employed at, and compelled to perform a reasonable amount of hard labor in, some industrial work, unless exempted on account of sickness or other disability.

SEC. 10810. *Contract system forbidden.*—No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under regulations established by said board of control, in such industries as shall from time to time be fixed upon by the officers in charge and said board, or in the manufacture of articles by the piece under the so-called "piece-price system", by contracts with persons furnishing the materials. The chief officer, under the direction of said board, shall purchase such tools, implements, and machinery as they shall deem necessary for the work.

SEC. 10811. *Leasing.*—After the passage and approval of this act it shall be unlawful for the State board of control, or the warden of the State prison, or any person exercising control of or supervision over any convict sentenced to and confined in said prison to enter into any contract or agreement, or any arrangement, whereby the labor or service of said convict is either sold or leased or otherwise disposed of for hire to any person or to any party. * * *

SEC. 10812. *Sale of binding twine.*—The price of binding twine manufactured at the State prison shall be fixed by the warden and the State board of control not later than March 1, each year. * * * Such twine shall be sold to actual consumers in quantities needed for their use, and to dealers within the State under such rules and regulations as may be provided by said board, for cash or security, approved by the warden. Dealers desiring to purchase such twine shall enter into a written agreement with the State to sell only to actual consumers within the State for their own use. Such agreement shall also provide that when such twine is sold for cash it shall be at a price not greater than 1 cent per pound above the purchase price and freight from the prison to the station where such twine is sold, and when such twine is sold on time,

at a price not greater than 1½ cents per pound above the purchase price and freight, as hereinbefore prescribed. * * *

Provided, That whenever, in the opinion of the State board of control and the warden of the prison, the best interests of the State require such action, such binding twine may be sold to dealers or consumers without the State.

Sec. 10814. *Labor to be limited.*—The number of prisoners employed in a single industry at the same time, at any institution coming under the provisions of this act, shall not exceed 10 percent of the total number of men engaged in such industry in this State unless a greater number is necessary to produce material or articles to be supplied to State and other municipal institutions, penal or charitable. The number employed in any such industry shall be determined by a commission of three to consist of the labor commissioner, who shall be chairman, a member of the board of control, and a citizen of the State engaged or interested in some manufacturing industry, not connected with the State prison, or reformatory; the last two to be appointed by the governor: *Provided, however*, That this section shall not apply to the number of prisoners employed in the manufacture of binding twine in the State prison at Stillwater, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the State reformatory now at St. Cloud, nor shall it apply to the number of prisoners hereafter employed in the manufacture of binders, mowers, and rakes at the State prison at Stillwater, nor shall it apply to the number of prisoners hereafter employed at the State prison at Stillwater in any industry not now carried on in this State and which may be hereafter inaugurated at said State prison.

Sec. 10815 (as amended 1927, ch. 172; 1929, ch. 348). *Agricultural machinery; sales.*—The State board of control is hereby authorized, empowered, and directed to establish, construct, equip, maintain, and operate at the State prison, at Stillwater, a factory for the manufacture of hay rakes, hay loaders, mowers, grain harvesters and binders, corn harvesters and binders, and corn cultivators, and the extra parts thereof and if the board deems it advisable, cultivators of all kinds, culti-packers, manure spreaders, ploughs, rotary hoes, and the extra parts thereof and rope and ply goods of all kinds and for that purpose to employ, and make use of the labor of prisoners kept in said prison, at any time available therefor and as largely as may be, and such but only such skilled laborers as in the judgment of the said board of control and the warden of the State prison may be necessary for the feasible and successful and profitable employment of said prisoners therein therefor; * * * *But provided further*, That said State board of control and the said warden of the prison shall, at all times, in the line of manufacturing herein authorized and directed, employ, and make use of prison labor to the largest extent feasible.

And said board of control and said warden of the said prison are hereby authorized, directed, and instructed to establish in and throughout all parts of this State where there is use and demand for such manufactured products as are referred to herein, and binding twines, and ropes and ply goods of all kinds, local selling agencies therefor, and to contract with such agencies to furnish thereto for the local sale thereof, the farm machinery the manufacture of which is authorized by this act and the extra parts thereof, f.o.b. the said factory, at the actual cost of the production thereof, plus 5 percent of the actual cost thereof; including a charge of not to exceed 27 cents per hour for labor of each prisoner employed; and the said local agencies so contracted with are hereby authorized in the resale thereof to their actual customers therefor, to charge advance prices equaling 20 percent of the prices charged them for said machines (plus actual freight charges), but not a greater profit thereon, and the contracts entered into with said agencies shall be so worded as to obligate them to be diligent in the prosecution of the sales of the said machines to the customers therefor.

Sec. 10816. *Sales.*—Except as hereinabove provided otherwise, the said board of control shall cause the machines and extras manufactured at said factory to be sold under and pursuant to such rules and regulations as the board of control shall make from time to time for the sale thereof, and shall be sold for cash or security approved by the warden.

Sec. 10820. *Earnings.*—The State board of control be and it is hereby authorized and empowered to provide for the payment to prisoners confined in the State prison or in the State reformatory of such pecuniary earnings and for the rendering of such assistance as it may deem proper, under such rules and regulations as it may prescribe. Such earnings shall be paid out of the fund

provided for the carrying on of the work in which the prisoner is engaged when employed on State account, and by the contractor when the prisoner is employed under contract; and such assistance, when allowed, shall be paid out of the current expense fund of the institution.

SEC. 10829. *Trades; contracts forbidden.*—The board shall cause the inmates to be instructed in trades or employments for which they seem best fitted. Contract labor is hereby prohibited in the reformatory, and no inmate thereof shall be required to labor at stonework more than 8 hours per day.

SEC. 10830. *Road material.*—The State board of control of the State of Minnesota is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the State of Minnesota at the Minnesota State reformatory and promptly proceed to cause the spalls and waste rock now on the grounds of said reformatory, and such spalls and waste rock as shall hereafter accumulate at said reformatory, to be suitably crushed for road-making purposes.

SEC. 10831. *Disposition of surplus.*—Such crushed rock, in excess of the needs of said reformatory for construction of buildings of said reformatory and for the making of roads upon the grounds thereof, shall be sold by the board of control to the several counties of this State for use upon State roads. The same shall be so sold at such price as shall be agreed upon and fixed by agreement of the board of control and the commissioner of highways. The amount received by the board of control shall be used for the maintenance and development of the rock-crushing industry at said institution.

SEC. 10832. *Earnings.*—Said board may make provision for such pecuniary assistance of prisoners on their discharge, or for the support of their families while in confinement, as may seem proper, by the allowance of moderate wages, to be paid from the current expense fund of the institution. The sum arising therefrom shall, until the prisoner's final discharge, be under the control of the superintendent, to be used for the benefit of such prisoner and his family; but, should any such person willfully escape from the reformatory, or become a fugitive from justice, he shall thereby forfeit all earnings remaining under the control of the superintendent, and the same shall be placed in the inmates' benefit fund.

ACTS OF 1929

CHAPTER 138

SECTION 1. *Prison-made goods labeled.*—Goods, wares, and merchandise made by convict labor under contract in this or any other State, imported, brought, or introduced into this State, shall be branded, labeled, or marked as hereinafter provided before being exposed for sale, and shall not be so exposed without such brand, label, or mark.

The brand, label, or mark required by the next preceding section shall contain at the head or top hereof the words "prison made" followed by the year and name of the penitentiary, prison, reformatory, or other establishment in which it was made, in plain English lettering of the style known as great primer roman capitals. Such brand or mark, if the article will permit, shall be placed upon it and when such branding or marking is impossible, label shall be used. Such brand, mark, or label shall be placed outside of and in a conspicuous part of the finished article and its box, crate, or covering. * * *

COUNTY PRISONERS

GENERAL STATUTES, 1923

SECTION 10853. *Sentence may be to labor.*—Every able-bodied male prisoner over 16 and not more than 50 years of age confined in any county jail or village lock-up under judgment of any court of record, justice court, or other tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation, may be required to labor during the whole or some part of the time of his sentence, but not more than 10 hours per day. Such court or tribunal, when passing judgment of imprisonment for nonpayment of fine or otherwise, shall determine and specify whether such imprisonment shall be at hard labor or not. Such labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Persons awaiting trial may be allowed upon request to perform such labor. Each prisoner

performing labor may be paid a reasonable compensation by the county if imprisoned in violation of State law or awaiting trial upon a charge thereof, and by the city, village, or borough if confined for the violation of any ordinance, bylaw, or police regulation. * * *

SEC. 10889. *Farms.*—The board of county commissioners of any county in this State which now has or may hereafter have a population of over 150,000 and less than 225,000 inhabitants, shall have the power to acquire land for and establish and maintain thereon, a work or correction farm for the confinement and care thereon of any and all persons convicted of any violation of the laws of this State or of any city or village ordinance, who could be sentenced as punishment therefor to any jail or lock-up in such county.

Any such county may acquire the land for and establish and maintain such farm thereon either by itself alone or acting in cooperation with any city of the first or second class located in such county when such city shall have the power under its charter to acquire land for and establish and maintain such work or correction farm.

SEC. 10892 (as amended 1929, ch. 197). *Labor.*— * * * The superintendent of said work farm shall cause all prisoners confined thereon to be employed at hard labor, as far as practicable, either upon the said farm or elsewhere in said county, in order to enable said prisoners to be engaged in productive employment and to be self-supporting.

SEC. 10894. *Earnings.*—[Not more than 50 cents for each day's labor may be allowed for the support of dependents.]

SEC. 10900. *Farms for female convicts.*—[Farm lands not contiguous to any work farm for men may be procured and equipped as a correctional or work farm for women only.]

ACTS OF 1927

CHAPTER 142

County work farms.—[The board of county commissioners of any county with 22 to 26 townships is authorized to establish and maintain, in connection with the poor farm, a work or correctional farm for the confinement and care of prisoners.]

MISSISSIPPI

STATE PRISONERS

CONSTITUTION

SECTION 223. *Employment regulated.*—No penitentiary convict shall ever be leased or hired to any person or persons, or corporation, private or public or quasi public or board, after December 31, A.D. 1894, save as authorized in the next section, nor shall any previous lease or hiring of convicts extend beyond that date; and the legislature shall abandon the system of such leasing or hiring as much sooner than the date mentioned as may be consistent with the economic safety of the State.

SEC. 224. *Public works, etc.*—The legislature may authorize the employment under State supervision and the proper officers and employees of the State, of convicts on public roads or other public works, or by any levee board on any public levees, under such provisions and restrictions as it may from time to time see proper to impose; but said convicts shall not be let or hired to any contractors under said board, nor shall the working of the convicts on public roads, or public works, or by any levee board ever interfere with the preparation for or the cultivation of any crop which it may be intended shall be cultivated by the said convicts, nor interfere with the good management of the State farm, nor put the State to any expense.

SEC. 225. *Farms.*—The legislature may place the convicts on a State farm or farms and have them worked thereon under State supervision exclusively, in tilling the soil or manufacturing, or both, and may buy farms for that purpose. * * *

CODE, 1930

SECTION 5717. *Penitentiary.*—The plantation known as Parchman, owned by the State, in Sunflower County, and such other places as are now or may be hereafter owned or operated by the State in the enforcement of penal servi-

tude, shall constitute the penitentiary for the custody, punishment, confinement at hard labor and reformation of all persons convicted of felony in the courts of the State and sentenced thereto.

SEC. 5735. *Shops established.*—The superintendent with the approval of the trustees, for use of the penitentiary, may establish and maintain a blacksmith shop for doing iron work, and also a wood shop for the manufacture of wagons, carts, wheelbarrows, plows, harrows, singletrees, hames, and other wooden implements and structures; a shoe and harness shop for making and mending shoes and harness; a laundry for washing and ironing the clothes of the convicts; a sawmill and gristmill for sawing lumber and grinding meal and hominy and chops; a tailoring shop for cutting, making, and mending clothes; a brick and tile factory; all of which shall be operated by convicts, in case competent foremen can be found among the convicts.

SEC. 5737. *Female convicts.*—The board of trustees shall have on the Sunflower farm a suitable building in which to house the female convicts, in which building the said convicts shall live and shall manufacture from stripes and other cloth the necessary clothing for the convicts, and shall perform such other duties as may be required by the superintendent.

SEC. 5739. *Place of employment.*—It shall be unlawful for any State convict to be leased or hired out or worked on any land not owned by the State of Mississippi in fee simple and operated by it as a State farm except they may be worked on public roads, public levees, or other public works as provided in section 224 of the constitution: *Provided, however,* They may be worked, but not by contract, on lands other than State land for the purpose of procuring firewood and other timber for the exclusive use of the State farm and for no other purpose.

Any officer or employee who shall work or allow to be worked any convict contrary to the above prohibition shall be guilty of a felony, and shall be punished by imprisonment in the State penitentiary for a term of not less than 1 year nor more than 5 years.

SEC. 5740. *Road work.*—Those having charge of convicts on farms owned and operated by the State are authorized and required to keep the roads through such farms leading to the railroad depots from which supplies for such farms are obtained, in good condition; and also to work on the roads, if any, leading from such farms to such depots, though through land not owned by the State, where such roads are used in hauling merchandise or agricultural products to or from such depots.

SEC. 5741. *Same.*—It shall be lawful for the respective boards of supervisors of Hinds, Holmes, Sunflower, and Quitman Counties, and of any other counties where State convict farms may be located, at their discretion, to require annually all of the able-bodied male convicts over the age of 18 years and under the age of 50 years on each of said farms to work for a period of 6 days on the public roads in the counties in which the said farms are situated. * * *

SEC. 5757. *State-use system.*—The convicts shall be worked in the penitentiary and under the sole control of the officers and employees thereof. The word "penitentiary", wherever used in this chapter, shall be understood to embrace the State farm in Sunflower County and other penitentiary farms owned by the State, and it is hereby declared to be the policy of the State that it shall be self-supporting, and to that end the superintendent is required in the administration of its affairs to produce on the State farm all foodstuffs, both for man and beast, that the soil will produce, in sufficient quantities to supply the needs of the convicts, including beef, pork, bacon, milk, and butter, and to breed and raise all work animals as far as practicable, such as horses, mules, and oxen needed in carrying on the State farm; and all land not required for the production of foodstuffs as herein provided shall be devoted to the production of cotton and such other salable products as may seem practical. The superintendent shall also, as far as practicable, have manufactured all farm implements and tools and shall have all clothing and shoes made by the convicts.

SEC. 5758. *Sale of products.*—All cotton and cottonseed and other products on the State farm shall be sold by the trustees in the manner they shall deem most advantageous to the State, to the end that the highest price shall be received therefor. * * *

SEC. 5790. *Crushing limestone.*—The board of trustees of the penitentiary, in cooperation with the State geologist, is hereby authorized to establish at a point

or points within the State of Mississippi, convenient to railway lines, one or more stations for the purpose of crushing limestone for agricultural purposes, and is charged with the duty of operating said station or stations and supplying the crushed limestone to the farmers of the State at actual cost.

SEC. 5793. *Equipment.*—The board of trustees of the State penitentiary shall equip such station or stations with suitable machinery for the handling, crushing, and loading on cars of said limestone in an economical manner, also with the necessary buildings, cages, etc., for the humane treatment of the convicts designated for the operation of the station or stations, also any other buildings and conveniences deemed necessary.

SEC. 5795. *Produce given to farmers free.*—The product of these stations, or station, shall be given to the people of the State of Mississippi free of charge to be used on the lands in the State of Mississippi.

The said crushed limerock shall be shipped to any person in the State of Mississippi upon application being made to the superintendent of said plants by any landowner or any agricultural agency in behalf of the landowners in any county. The said application to show the amount required, the use to which it is to be put and the applicant certifying that the same will be used on the lands of the applicant or on the lands of landowners in said county: *Provided, however,* That such limerock shall be shipped only in carload lots and all shipping charges, if any, shall be paid by the consignee. * * *

It shall be unlawful for any person receiving any such limerock to sell any such limerock for any purpose, and it shall be unlawful for any person receiving any such limerock to give [it] away * * *.

SECS. 5799-5804. *Cotton seed.*—[Part of the State farm is set apart to be planted in the most profitable variety of cotton that can be grown in the State. Seed from this cotton is to be sold to the farmers at the regular market price, plus 10 percent for stacking, etc. No farmer is allowed to purchase more than 2 tons. The purchaser is not allowed to resell the cotton seed unless purchased after May 1.]

SECS. 6062 and 6063. *Sale of foodstuffs.*—[Boards of trustees and purchasing agents of State institutions are directed to purchase from the State penitentiary foodstuffs, "such as molasses, corn, corn meal, and such other things as are grown by the State penitentiary", the same to be purchased at current market prices, if available, "rather than from outside parties."]

COUNTY AND CITY PRISONERS

CONSTITUTION

SECTION 85. *Labor on highways.*—The legislature shall provide by general law for the working of public roads by contract or by county prisoners, or both. Such law may be put in operation only by a vote of the board of supervisors in those counties where it may be desirable.

SEC. 226. *Limitation on contracts.*—Convicts sentenced to the county jail shall not be hired or leased to any person or corporation outside of the county of their conviction after the first day of January, A.D. 1893, nor for a term that shall extend beyond that date.

CODE, 1930

SECTION 4057. *Leasing convicts unlawful.*—It shall be unlawful for any county prisoner or prisoners to be leased or hired to any individual or corporation for any purpose whatsoever. Nor shall they be worked under any contractor; but in working them on county farms, or on the public roads or on any other work, which work must be of an exclusively public character, they shall be under exclusive official control and management.

SECS. 4060-4064. *Disposition of prisoners.*—[The board of supervisors may establish county convict farms, and make the necessary improvements thereon so that it may be suitable to be used as a farm upon which to work the county convicts. County convicts may also be required to work on public roads and the board of supervisors is authorized to make the necessary regulations for the working, guarding, etc., of the convicts, while they are engaged on road work. Convicts physically unable to do any kind of manual labor shall not be required to work.]

SEC. 4069. *Municipal convicts.*—[City, town, or village authorities may deal with their prisoners as herein provided for county prisoners.]

MISSOURI

STATE PRISONERS

REVISED STATUTES, 1929

SECTION 8339. *Employments.*—Said [State prison] board shall, with the approval of the Governor, have authority to lease or purchase such lands, suitable for farming, rock quarries, or grazing purposes, or for any or all said purposes, as deemed by said board necessary and proper for said purposes, and to be used by said board for the employment at useful work of the prisoners at said penitentiary, and for training the same that they may on leaving the penitentiary be of good health and character and competent to earn an honest livelihood; * * *

Sec. 8340. *Equipment; products.*—Said board shall, as soon as practicable, proceed to purchase, lease, or otherwise provide suitable plants, machinery, and equipment, and to purchase material, for the employment of all able-bodied persons in the Missouri State Penitentiary, the Missouri Reformatory, the industrial home for girls, the industrial home for negro girls, or any other penal or reformatory institutions hereafter created for such industries as in the opinion of the board will best occupy such persons, with the view of manufacturing, so far as may be practicable, such articles agreed upon by said board as are needed in any of the institutions hereinabove in this section mentioned or referred to, also such as are required by the State or political subdivisions thereof, in the buildings and offices of the institutions owned, managed, or controlled by the State or political subdivision thereof, also including articles and material to be used in the erection of buildings or other improvements upon, in, or in connection with, any State institutions or State properties, or in the construction improvement or repairs of any State highways or county highways, including bridges and culverts; including lime to be used for agricultural and other purposes in this State; also including binding twine for use of farmers and others in this State: *Provided*, Said board may purchase or lease upon reasonable terms such machinery as may be necessary for the manufacture and production of any other articles or products that may be disposed of upon the open market at a profit to the State, including shoes, clothing, floor mats, mops, rugs, carpets, and other articles of furniture, such as beds and bedding of all kinds; also desks, chairs, tables, farm implements, fertilizer, brick, or any other articles agreed upon by the board. Said board shall have authority to lease or contract such number of able-bodied persons in said penitentiary to the State highway board to work on the State highways or rural post roads, or to the county courts of the State to work on county highways, on such terms as may be agreed upon by said board, and the State highway board, or the county courts of the State; and said State highway board and the county courts of the State are hereby authorized to make such leases or contracts with the State prison board for the purposes of so working on said highways or on rural post roads, as the case may be. * * *

Sec. 8342. *Sale of products.*—[The price for all articles manufactured in the prisons shall be fixed by the board. State institutions shall make requisitions for materials needed and allow a reasonable time for the articles to be manufactured in the prison before purchasing said articles on open market. Excess products may be sold at the market price.]

Sec. 8343. *Leasing prohibited.*—Except as in section 8340, hereinabove provided, the leasing or contracting of convict labor in any form or manner, directly or indirectly, is hereby prohibited.

Sec. 8344. *Training.*—It shall be the policy of said board, so far as practicable, in the conduct of all penal or reformatory institutions and in the employment of the persons aforesaid in the different industries, to so train such persons that they may on leaving the said institutions be of good health and character and competent to earn an honest livelihood.

Sec. 8397. *Classification; employment.*—Said board shall classify the convicts in their labor * * *. And the board shall use its best endeavors to the end that the expenses of the penitentiary may be paid out of the proceeds of the labor of the convicts when employed in manufacturing or otherwise on behalf of the State, and said board may make any contracts not inconsistent with the provisions of this article, for the employment of the labor of the

convicts; but nothing in this article shall be construed as forbidding the warden and deputy warden from using convicts as servants in their own families, subject to such rules as may be prescribed by the board.

Sec. 8403. *Earnings.*—[Five per cent of a convict's earnings under a contractor, or of the amount he would have earned if he had been so employed, shall be allowed him.]

Sec. 8406. *Use of labor.*—The board is hereby authorized to use the labor of convicts, not otherwise employed, at any of the industries conducted under the provisions of this article by said board, on improving any of the public grounds belonging to the State, or in procuring fuel, water, ice, or any other necessary supplies for the penitentiary, or for the protection of the State's property at Jefferson City from changes or washes in the Missouri River, or otherwise, or as teamsters for the State; or otherwise as the board deems advisable; * * *

Sec. 8419. *Sale of products.*—Neither the warden nor the superintendent of industries shall sell or give to any of the officers or employees of the prison any fuel, forage, provisions, or manufactured articles under his charge, nor permit such things to be taken or used except for the use and benefit of the State. * * *

Sec. 8431. *Physically unable to work.*—It shall be the duty of the physician in the case of any convict claiming to be unable to labor by reason of sickness, to examine such convict, and if, in his opinion, such convict is unable to labor, he shall immediately certify the same to the board, superintendent of industries, or other officer in charge of such convict, and such convict shall thereupon be relieved from labor * * *

Sec. 8443. *Hours of employment.*—Eight hours per day shall constitute a day's labor for each convict; and no convict shall be required to do any work on the Sabbath day or holidays, excepting necessary labor for the State.

Sec. 8451. *Binder twine.*—Said board is hereby empowered to sell the twine manufactured in the binding twine plant of the penitentiary in such manner as it deems best. The price of binding twine manufactured at the Missouri penitentiary shall be fixed by the board and may be changed at any time commercial conditions warrant such change. The product of the State twine factory shall be sold to actual consumers, in any quantity, or to dealers, under such rules and regulations as may be provided by the said board, either for cash, or on time, with such security as may be approved by the board. Dealers purchasing twine shall enter into a written agreement with the State to sell only to actual consumers, for said consumers' use within the county or territory, designated by the board. The State shall retain a contingent interest in any twine sold to dealers, and if any dealer shall violate his agreement, the board may declare such twine forfeited to the State, and retake possession thereof. Every dealer purchasing twine from the State factory shall keep the quantity so bought separate from other twine which he may have in his possession for sale. In disposing of the product of the State binder twine factory the board shall give preference to citizens of this State, but if at any time a surplus of twine is on hand, or is likely to be accumulated, the product may be sold to the first applicant therefor. The board shall purchase such raw material, machinery, and equipment as may be required for the operation of the binder twine plant, * * *

Sec. 8457. *Limestone.*—The State prison board be and is hereby authorized and directed to purchase not less than six portable limestone crushers and pulverizers and suitable power units for operating the same out of any money appropriated therefor.

Sec. 8459. *Sale of limestone.*—The State prison board shall determine and fix the price of such crushed limestone in accordance therewith, and sell it to such residents desiring the same at the actual cost of production.

Sec. 8507. *Highways.*—It shall be lawful for the board of prison inspectors of the State penitentiary, or other persons exercising the authority now exercised by the board (hereinafter referred to as "the board"), to cause persons confined in said prison to work on the State highways or on county highways and bridges and culverts thereon, or at any rock quarry, rock crusher or gravel pit, operated by the State or any county or civil subdivision, for the purpose of obtaining material for use in the construction or repair of any such highways, roads, bridges, or culverts thereon: * * *

ACTS OF 1933

(P. 329)

SECTION 1. *Automobile license plates.*—[The department of penal institutions is empowered to erect and maintain all the necessary machinery and equipment for the manufacture of license plates for use by the State of Missouri. Signs and other supplies used by the State highway department may be made as prescribed in the act. The sale price shall in no case be less than the cost of manufacturing the articles sold.]

COUNTY PRISONERS

REVISED STATUTES, 1929

SECTION 4463. *Labor on highways, etc.*—The county courts in this State are hereby authorized and empowered to cause all persons who have been convicted and sentenced by a court of competent jurisdiction, for crime, the punishment of which is defined by law to be a fine, or by imprisonment, in the county jail for any length of time, or by both such fine and imprisonment, or by fine and imprisonment until such fine be paid, to be put to work and perform labor on the public roads and highways, turnpikes, or other public works or buildings of said county, or of any town or city therein, for such purposes as they may deem necessary. And the county courts are authorized, in their discretion, to procure a lot of ground by purchase or renting, at such place and of such size as they may select, and may authorize the sheriff or marshal to buy perch rock to be delivered on said lot; and the sheriff or marshal shall have power and is hereby required to have or cause all such prisoners as may be directed by the county court to work out the full number of days for which they have been sentenced, at breaking such rock or at working upon such public roads and highways, turnpikes, or other public works or buildings as may have been designated, and if the punishment is by fine and the fine and costs be not paid, then for every dollar of said judgment, including costs, the prisoner shall work 1 day, and it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided: *Provided*, He be not required to work over 20 days for the costs assessed against him.

Sec. 4464. *Sale of rock.*—The sheriff is hereby authorized to sell such rock as he has caused to be broken, by the perch, at a price set by the county court, to any incorporated town or city; or by order of the county court, he may turn them over to any overseer of the roads, to be used by such overseer to the best advantage of the public roads.

MUNICIPAL PRISONERS

REVISED STATUTES, 1929

SECTION 7208. *Street, etc., works.*—The various cities, towns, and villages in this State, whether organized under special charter or under the general laws of the State, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the mayor, judge of the police court, or other court having jurisdiction, for violation of ordinance of such city, town, or village, whether the punishment be by fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways, and alleys, or other public works or buildings of such city, town, or village, for such purposes as such city, town, or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town, or village shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor or other chief officer of such city, town, or village to work out the full number of days for which they may have been sentenced at breaking rock or at working upon such public streets, highways, or alleys, or other public works or buildings of such city, town, or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for every dollar of such judgment the prisoner shall work 1 day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

MONTANA *
STATE PRISONERS
CONSTITUTION
ARTICLE 18

SECTION 2. *Contract system forbidden.*—It shall be unlawful for the warden or other officer of any State penitentiary or reformatory institution in the State of Montana, or for any State officer to let by contract to any person or persons or corporation the labor of any convict confined within said institutions.

REVISED CODE, 1921

SECTION 1790. *Use on road work.*—[Convict labor may be used on highways if the highway commission considers it more efficient to employ such labor.]

SECS. 11572, 11573. *Sale of goods.*—[No dealer may knowingly sell or offer for sale any article produced by convict labor in any prison unless such goods are plainly marked "prison made."]

SEC. 12446. *Manufactures.*—The board may, in its discretion, cause the prisoners, or any number of them, to be employed in any mechanical pursuits, and at hard labor, and furnish any convicts thus employed with any material that may be deemed necessary, in the same manner as is provided for the furnishing of supplies and stores to the State prison, and the board shall, in all respects, have the exclusive control of the employment of the convicts, and may from time to time employ them in such manner as, in its opinion, will best subserve the interest of the State and the welfare of the prisoners. But neither the board nor the warden must let by contract to any person the labor of any convict in the prison.

SEC. 12447. *Public works.*—If, at any time, the board is of the opinion that it would be to the interest of the State to employ any portion of the prisoners, either within or without the walls or enclosures of the State prison, either in the improvement of the public grounds or buildings or otherwise where they may be profitably employed, it has power to so employ such labor; it must, in such case, direct the warden accordingly in writing and cause a record of such order to be entered at length on the records of the board.

REVISED CODE, 1921, SUPPLEMENT, 1923-27

SECTION 12447.1. *Establishment of wearing-apparel factory.*—The State board of prison commissioners of the State of Montana is hereby authorized and empowered and it shall be its duty, to construct, maintain, and operate at the Montana State Prison, as soon as may be possible, a factory for the manufacture of wearing apparel. In connection with the operation of such factory the warden shall make requisition to the purchasing department of the State for the purchase of all necessary materials used in the manufacture of wearing apparel and products as contemplated by this act. All wearing apparel so manufactured at said penitentiary and not required for use therein, shall be sold to the State for use by the State in any of the public institutions owned or managed and controlled by the State, at and for such price as shall be fixed and determined by the State purchasing agent and warden of the State penitentiary: *Provided, however,* That none of said wearing apparel shall be sold in the open market in competition with the products of free labor.

SEC. 12447.3. *Labor employed.*—For the purpose of operating said factory, there shall be used and employed the prisoners confined in said State penitentiary, and the warden is hereby authorized to employ such skilled laborers only as in his judgment and in the judgment of the board of prison commissioners, may be necessary for the feasible and profitable employment of the said prisoners: *Provided, however,* That no skilled laborers shall be employed if prison labor can be made use of.

SEC. 12447.5. *Automobile number plates, etc.*—The sum of \$25,000 or so much thereof as may be necessary, be, and the same is hereby appropriated out of the moneys received from automobile license fees for the purpose of purchasing and installing machinery and purchasing materials for the manufac-

* See also law on p. 140.

turing of auto license number plates, auto name plates, chauffeurs' badges, road markers, and street markers. The sums hereby appropriated shall be deducted from the fund received by the register of motor vehicles for automobile licenses before any distribution of such funds shall be made to the several counties.

SEC. 12447.7. *Places of manufacture.*—* * * All auto license number plates, auto name plates, road markers, street markers, and chauffeurs' badges used or distributed by the registrar of motor vehicles, on and after January 1, 1928, shall be manufactured by the State of Montana at Deer Lodge, Mont., and such manufacturing plant shall be under the direction of the registrar of motor vehicles and the State board of examiners.

ACTS OF 1929

CHAPTER 173

SECTION 1. *Tannery.*—The board of State prison commissioners is hereby authorized to establish at the Montana State Prison at Deer Lodge, Mont., as part of the said prison, a tannery. Said tannery shall be operated in conjunction with the other institutions of said prison by the employment of labor of prisoners confined therein.

SEC. 2. *Equipment.*—The said board is authorized to purchase such machinery, tools, materials, and equipment as in its judgment are necessary and proper for the establishment and successful operation of said tannery, to be paid for out of the State prison fund, and any specific appropriations that may be made to said fund for this purpose; * * *

SEC. 3. *Products.*—In the operation of said tannery, there may be tanned and treated therein all hides belonging to the State of Montana; and any hides belonging to other persons and hides that may be purchased by the State. The said board is hereby authorized to determine the prices that will be paid from time to time for hides purchased by the State, and what charge shall be made to other persons for the tanning and treatment of hides belonging to them.

SEC. 4. *Sale of products.*—The said board is also authorized to sell any and all hides owned by the State that may be tanned or treated in said prison tannery, at such prices as it shall deem are fair market prices therefor, and all moneys received from the operation of said tannery shall be credited to the State prison fund.

ACTS OF 1931

CHAPTER 196

SECTION 1. *Making bricks in prison.*—It is hereby made the duty of the board of prison commissioners to use the labor of the male prisoners in the Montana State Prison for the manufacture of common brick and cement sand brick at Deer Lodge, Mont., said work to be in direct charge of the warden of the State prison and under the control and supervision of the State board of prison commissioners; * * * and such brick except face and trim brick as may be required must be used in the construction or repair of all buildings constructed or repaired by the State of Montana or under contracts let by it, at the Montana State Prison at Deer Lodge, the State tuberculosis sanitorium at Galen and the Montana State Hospital at Warm Springs, in all cases where the State board of examiners find that such brick can be used at a lower cost than if brick or other material purchased in the market was used.

SEC. 2. *Construction or repair of buildings.*—The board of prison commissioners may use the labor of the male prisoners in the Montana State prison for construction or repair of buildings at the Montana State prison at Deer Lodge; and the board of commissioners for the insane may use the labor of the male inmates in the Montana State Hospital for the construction and repair of buildings at the Montana State Hospital at Warm Springs, Mont.

COUNTY PRISONERS

REVISED CODE, 1921

SECTION 12484. *Labor may be required.*—Persons confined in the county jail under a judgment of imprisonment rendered in a criminal action or proceeding may be required by the board of county commissioners to perform labor on the public works or ways in the county.

NEBRASKA

STATE PRISONERS

COMPILED STATUTES, 1929

SECTION 83-910. *Employment.*—It shall be the duty of the board of control to provide labor for the prisoners and keep them employed so far as possible for the greatest profit to the State and the general welfare and health of the prisoners; and no labor shall be hired out by contract except as hereinafter specifically provided. Under the direction of the board of control, the warden shall employ as many prisoners as necessary in the manufacture of all such articles used by the State or by State institutions as may be found practicable to manufacture. To this end the warden shall provide machinery, prepare shop room, and employ such persons as it may be necessary to instruct the prisoners in such manufacture.

SEC. 83-912. *Road construction.*—Whenever the State of Nebraska shall be engaged in the construction of any road or other public works the board, department, or commission charged with the construction of such work may certify to the State board of pardons a request for such number of men as might be used in the construction of such road or other public works or the production of material for such road or other public works.

SEC. 83-913. *Public works.*—If the board of pardons shall deem it advisable, and if there are confined in the State penitentiary or reformatory prisoners who in the judgment of the said board are sufficiently trustworthy to be engaged in such occupation, the board of pardons may direct the warden to make available to the department, board, or commission so requesting such men as the board of pardons may direct for work upon the public roads or other public works or other production of material for other public works. * * *

SEC. 83-915. *Earnings.*—[Convicts are to be credited with wages for the time worked, at a rate to be regulated by the board.]

SEC. 83-920. *Employment in prisons.*—The board of control may confine at hard labor in the penitentiary convicts not employed in such public works, and the board of control may use such convicts in such industrial enterprises as they may deem advisable having in mind a minimum of competition with free labor.

SEC. 83-954. *Binder twine plant.*—The board of commissioners of State institutions is hereby authorized, whenever in its discretion the same shall seem for the best interests of the State, to construct and equip at the State penitentiary, the necessary buildings and machinery for the manufacture of binding twine. The warden of said penitentiary is also authorized, under the orders of said board, to apply the labor of convicts so far as deemed advisable to the construction, equipment, and operation of said plant.

SEC. 83-1003. *Construction of buildings, etc.*—Insofar as possible the labor of convicts now confined in the State penitentiary shall be utilized in the making of necessary improvements and the construction of buildings required for the reformatory. * * *

SEC. 83-1012. *Inmates of reformatory.*—The board of control shall have power to engage in such trade and business including manufacturing and farming enterprise, in the reformatory as it may deem for the best interests of the State and for the advancement and reformation and instruction of the prisoners in useful trades; and in carrying out the purposes of this act the products of said reformatory shall be sold at not less than the fair market price therefor: *Provided*, That the products of said reformatory shall so far as possible be supplied for State, county, municipal, school, or other public use and the reformatory shall collect or be credited with the fair market price therefor.

SEC. 83-1406. *Females.*—The board of control of State institutions shall determine the kind of employment for women committed thereto and shall provide for the necessary custody and superintendence. The provisions for the safe-keeping and employment of such women shall be for the purpose of teaching them a useful trade or profession and improve their physical, mental, and moral condition. The governing board may credit such women with reasonable compensation for the labor performed by them and may charge them with necessary expenses of their maintenance and discipline, not exceeding the sum of \$2 a week. If any balance shall be found to be due such women at the expiration of their term of commitment, such balance may be paid to them at the time of their discharge. * * *

ACTS OF 1931

CHAPTER 22

SECTION 1. *Automobile license plates.*—All number plates issued to registrants of motor vehicles, motor cycles, trucks, and trailers, and all road markers and signs required by the department of public works of this State shall be manufactured in the State penitentiary or in the State reformatory for male prisoners, as the board of control may direct. It is hereby made the duty of the board of control to decide in which of said institutions said plates and markers and signs shall be manufactured, to purchase and install the machinery, equipment, and material necessary for the manufacture, and to engage such competent employees as may be necessary to direct and supervise the manufacture of said number plates, markers, and signs.

COUNTY AND MUNICIPAL PRISONERS

COMPILED STATUTES, 1929

SECTION 15-257. *Workhouses.*—[Cities of the first class are given the power to establish and maintain workhouses and provide for their government and support.]

SEC. 26-401. *County workhouses.*—There is hereby established in each county in the State, a workhouse, the site of which shall consist of the county jail and such other space within the State as may be acquired by lease or purchase. * * * As far as practicable workhouse buildings shall be constructed by inmates.

SEC. 26-406. *Hours.*—Any person so committed shall be required to do and perform any suitable labor, provided by the sheriff, for not to exceed 10 hours each day, or, in case of farm labor, not more than 12 hours each day.

SEC. 26-407. *Place.*—The workhouse of such county is extended to any place within the county where said work is provided. The sheriff shall at all times have the custody of such convicted persons and may take such person to any other county in the State for the purpose of requiring them to perform labor on property owned or leased by the county board for workhouse purposes or to perform labor for the county or any village or city in the county.

SEC. 26-408. *Employment.*—The county board may provide work for the prisoners in the workhouse and they may establish any form of enterprise, or industry for the employment of said prisoners. The county board and the county surveyor and highway commissioner may use the laborers from the workhouse in performing labor for the county whenever it is practicable and safe so to do, and it is hereby made the duty of the sheriff to furnish under sufficient guard, to the county board and the surveyor and highway commissioner, such men from the workhouse as can be used in said work for the county.

SEC. 26-409. *Contracts for employment.*—The sheriff may make contracts in writing for the employment of all such convicted persons when not employed in doing work for the county, and to make all needful regulation for the profitable employment of such persons and for the collection of their earnings. The sheriff may contract with any city or village in the county for the employment of such convicted persons. No contract shall be made for the employment of prisoners when the cost to the county for carrying out such contract shall exceed the amount received under the contract. Contracts for the employment of prisoners by the day, week, or month shall be at the current wage for such labor.

SEC. 26-410. *Earnings.*—[Such portions of a convict's earnings as, in the judgment of the sheriff, should be so used, shall be turned over to his dependents weekly.]

SEC. 26-412. *Farms.*—In every county having a workhouse as herein provided the sheriff shall provide food, fuel, light, shelter, and such other necessaries of life as may be needed for the health, comfort, and general welfare of prisoners while in his care, and he may employ such help as may be needed for the purpose. He may also lease land for not to exceed 1 year for the purpose of raising produce with the work of the prisoners. He shall give orders on the county in payment therefor for the actual cost thereof.

SEC. 29-2209. *Sentence may be to labor.*—When any court or magistrate shall sentence any convict to imprisonment in the jail of the county as a punishment for the offense committed, the judgment and sentence shall require that the convict be imprisoned in the cell of the jail of the county, or that he be kept at hard labor in the jail; * * *

SEC. 29-2414. *Employment.*—For the purpose of enabling the county board of any county in this State to employ in a profitable manner all persons who have heretofore been or may hereafter be sentenced to hard labor in the jail of the county, said board, or a majority of them shall have power to designate the place where the persons so sentenced shall work, and to make all proper and needful regulations and provisions for the profitable employment of such convicts, and for their safe custody during such employment. The county jail is hereby declared to extend to any stone quarry, road, or other place that shall be designated by the county board for the employment of such convicts.

SEC. 29-2415. *Contracts for labor.*—It shall be the duty of the county board to make the contracts for the employment of convicts as specified in the preceding section, and the sheriff of the county shall collect the proceeds of all such labor, and after paying the board of such convicts and the expenses incident to such labor, to pay the balance to the county treasurer within 10 days.

NEVADA

STATE PRISONERS

COMPILED LAWS, 1929

SECTION 5350. *Highways.*—The department of highways may employ or cause to be employed the convicts confined in the State prison in the construction, improvement, and maintenance of the State highways provided for in this act, or in the quarrying, mining, preparation, or transportation of materials for use thereon. Upon the requisition of the department of highways, the warden of the State prison shall send to the place and at the time designated the number of convicts requisitioned or such portion thereof as are, in the judgment of the warden, available.

The State highway engineer shall designate and supervise all road work done by such convicts; and the department of highways shall provide for and maintain the necessary camps and camp equipment for the accommodation of said convicts and the guards for such camp. But the warden of the State prison shall have full control at all times over the discipline of said convicts. * * * The proper authorities of said State prison and of the State are hereby empowered and directed, where convicts are so employed upon State highways * * * to pay such convicts 25 cents for each day's work faithfully performed.

SEC. 7075. *Sale of products.*—The products of any State institution, or any article, not required for its own use or consumption, may be sold by the official in charge of such institution at its reasonable market value, and the proceeds of such sale shall be deposited in the fund or appropriation for the support of such institution, and not in the general fund.

SEC. 11450. *Powers of board.*—The board of State prison commissioners * * * shall have such supervision of all matters connected with the State prison as is provided for as follows: They shall have full control of all of the State prison grounds, buildings, prison labor, and prison property; shall purchase, or cause to be purchased, all needed commissary supplies, all raw material and tools necessary for any manufacturing purposes carried on at said prison; shall sell all manufactured articles and stone, and collect the money for the same, shall rent or hire out any or all of the labor of the convicts, and collect the money therefor, and shall regulate the number of officers and employees, and fix the salaries thereof.

SEC. 11454. *Warden.*—The warden shall have the general superintendence of prison discipline and prison labor; shall have the power to engage and remove all employees; shall keep or cause to be kept, a book, wherein shall be recorded the name, age, sex, occupation, place of birth, where sent from, the crime charged, date of incarceration, and expiration of term for which the prisoners therein confined were sentenced, and shall make out a correct monthly report of the same, and file such report with the secretary of the board, and shall securely and carefully file in his office all commitments of prisoners that may be sent to the State prison, and keep, or cause to be kept, a correct account,

and certify any mileage that may be due to any sheriff or deputy sheriff for conveying prisoners to the State prison.

SEC. 11458. *Employment.*—The board of commissioners may, in their discretion, cause the prisoners, or any number of them, to be employed in any mechanical pursuits, and at hard labor, and furnish such convicts thus employed with any material that may be deemed necessary, in the same manner as is provided for the furnishing of supplies and stores to the State prison, and they shall, in all respects, have the exclusive control of the employment of the convicts, and may from time to time employ them in such manner as, in their opinion, will best subserve the interest of the State and welfare of the prisoners: *Provided*, That the commissioners shall not permit or allow the employment of any prisoner or prisoners, except in the manner provided for in subsection A of this act, on any other than public work of general advantage to the State, including road work, work on the prison farm, or on any State property, or in any industry adopted by said board for the general employment of the inmates in whole or in part; provided such industry is for the benefit of the State and not for the benefit of said prisoner or prisoners. The said board may elect to compensate prisoners for labor supplied in any such industry. On the application of any prisoner, whose record for the preceding 6 months shall be reported by the warden as excellent, the board may on application in such form as it may prescribe, issue a written permit to such prisoner to employ his own time not within the working hours of the day in the manufacturing for sale by the State as his agent and for his account, of such goods and material as, when fabricated, shall not enter into competition with any free labor or any manufactories in the State of Nevada.

SUBSEC. A. On the application of any prisoner who has committed no breach of the prison rules for a period of 3 months preceding the date of said application, and whose application is endorsed by the warden, the State board of prison commissioners may issue a permit, revocable at any time, permitting said prisoner and none other to employ his own time not within the working hours of the day in the manufacture and the sale by the State on his account, of such goods and materials as when fabricated shall not enter into competition with any free labor or any manufactories in the State of Nevada.

SUBSEC. B. The purpose of this act is to prevent competition of prisoners with free labor and industry in the State of Nevada, except where such labor and industry inures to the direct benefit of the State of Nevada.

SEC. 11459. *Other employments.*—If, at any time, the board of commissioners be of the opinion that it would be to the interest of the State to employ any portion of the prisoners, either within or without the walls or enclosures of the State prison, either in improvement of the public grounds or buildings, or for hire upon any private work or employment, where they may be profitably employed, they shall have power to so employ or hire such labor; they shall in such case, direct the warden accordingly in writing, and cause a record of such order to be entered at length on the records of the board. All such employment outside of the prison walls or enclosures shall be within a reasonable distance from the prison.

SEC. 11474. *Work time.*—The State board of prison commissioners shall require of every able-bodied convict confined in the State prison as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison. * * *

SEC. 11494. *Road work.*—The board of State prison commissioners is hereby authorized and directed to detail for work on the public highways of the State any male convict in the State prison who, on the recommendation of the warden, and in the opinion of the said board, may be properly so detailed, excepting prisoners under sentence of death: *Provided*, That such detail shall be voluntary on the part of the convict and shall not be caused by any form of compulsion.

SEC. 11496. *Earnings.*— * * * Each convict so detailed shall be allowed the sum of 10 cents for each day's labor. * * *

SEC. 11499. *Work on farm.*—The board of State prison commissioners is hereby authorized and directed to detail for work on the State prison farm any male convict in the State prison who, on the recommendation of the warden, and in the opinion of said board, may be properly so detailed, excepting prisoners under sentence of death: *Provided*, That such detail shall be voluntary on the part of the convict, and shall not be caused by any form of compulsion.

SEC. 11500. Regulation.—Such detail of convicts for work on the prison farm shall be regulated according to the provisions of law provided for the employment of convicts on the public highways of the State.

ACTS OF 1931

CHAPTER 221

SECTION 1. Manufactures, license plates.— * * * It shall be the duty of the warden of the Nevada State Prison, under the supervision and direction of the board of prison commissioners, to purchase, or cause to be purchased, such machinery, supplies, and equipment as may be necessary to manufacture the necessary automobile license plates and road signs to be used by and for the State of Nevada, or other States, and to install the same in some suitable place or building at the Nevada State Prison for the manufacture and production of said plates and signs. Said plates and signs shall be manufactured in such quantities and dimensions as may be necessary for the needs of the State of Nevada, or other States, and said warden shall deliver said plates and signs to the proper departments of the State of Nevada to be used in accordance with the laws of this State.

COUNTY PRISONERS

COMPILED LAWS, 1929

SECTION 10303. Vagrants.—All male persons having the physical ability to work, convicted of vagrancy and imprisoned on judgment therefor, may be required to perform labor on the public works, buildings, grounds, or ways in the county, * * *.

Sec. 10306. Employment.—It shall be the duty of the sheriff, during fair and reasonable weather, when the same can be done without extra expense to the county, to procure employment for and set at work such convicted vagrants, who are serving out their term of imprisonment; and to this end, upon application of any road supervisor, superintendent, foreman, or other overseer or custodian of any public works, buildings, or grounds, he may deliver into the custody and charge of such person making the application such prisoners, to do labor as herein required, * * *.

Sec. 11526. Hiring.—Every sheriff may hire out, or put to labor, any person or persons in his custody who shall be convicted of the following crimes: Petit larceny, grand larceny, burglary, assault and battery with intent to commit murder, bribery, perjury, and fraud, taking all necessary means to secure their safe-keeping, and shall charge the earnings of said prisoners to himself for the sustenance of said prisoners. Any surplus that may accrue from such labor shall be paid into the county treasury.

Sec. 11536. Control; employment.—The sheriff of each and every county in this State shall have charge and control over all prisoners committed to his care and keeping, in their respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State shall have charge and control over all prisoners committed to their respective city and town jails; and the said sheriffs, chiefs of police, and town marshals, and each of them, shall see that the prisoners under their care are at all times kept at labor on the public works in their respective counties, cities, and towns, at least 6 hours a day during 6 days of the week, when the weather will permit, when so required by either the board of county commissioners of their respective counties, or by the mayor and board of aldermen of their respective cities, or by the board of trustees of their respective towns. By the public works, as used in this act, is understood the construction, or repair, or cleaning of any streets, roads, sidewalks, public square, park, building, cutting away hills, grading, putting in sewers, or other work whatever, * * *

MUNICIPAL PRISONERS

COMPILED LAWS, 1929

SECTION 1134. City prisoners to be employed.—The city council shall have power to provide by ordinance that every person committed shall be required to work for the city at such labor as his strength will permit, not exceeding 8 hours each working day; and for such work the person so employed shall be

allowed \$2 for each day's work on account of such fine and costs. The council may provide for the formation of a chain gang for persons convicted of offenses in violation of the ordinances of the city, and for their proper employment for the benefit of the city, and to safeguard and prevent their escape while being so employed.

NEW HAMPSHIRE *

STATE PRISONERS

PUBLIC LAWS, 1926

CHAPTER 369

SECTION 41. Road work.—The State highway commissioner may employ, or cause to be employed, convicts confined in the State prison in the construction, improvement, and maintenance of State highways and in preparing road materials.

CHAPTER 400

SECTION 1. Prison.—The State prison at Concord shall be the general penitentiary of the State, for the punishment and reformation of criminals sentenced to confinement at hard labor or to solitary imprisonment.

SEC. 6. Employments; sale of goods.—The trustees, subject to the supervision and direction of the governor and council, shall have power; * * *

V. To provide for the sale of articles manufactured in the prison or not necessary for the use thereof.

VI. To make contracts, if expedient, for the support and employment of the prisoners or any portion of them; or to provide such other employment for the prisoners as they may deem desirable; to organize, conduct, and manage such industries as in their judgment may be best adapted to the needs of the prison and the prisoners; and to provide machinery, tools, materials, supplies, and other instrumentalities useful therein. As far as may be practicable, they shall dispose of the products of every prison industry under their control and management to public institutions within the State.

SEC. 8. Outside work.—It shall be the duty of the warden:

I. To receive, safely keep and employ in the prison all convicts pursuant to their sentence and until discharged according to law. He may employ convicts outside of the prison walls, upon terms to be prescribed by the board of trustees. * * *

SEC. 27. Earnings.—The trustees may provide for the payment, to prisoners confined in the State prison, of such pecuniary earnings, and render to their families such pecuniary assistance, as the trustees may deem proper, under such rules as they may prescribe.

COUNTY PRISONERS

PUBLIC LAWS, 1926

CHAPTER 369

SECTION 47. Employments.—The county commissioners of any county may make arrangements with the State highway commissioner or with officials of a city or town to work prisoners from the jail or house of correction on the construction, improvement or maintenance of highways, or preparation of road materials, or with the State forester for the employment of such prisoners.

CHAPTER 397

SEC. 6. Employment in county jails.—Employment shall, if possible, be provided for the prisoners in the jails, and the county maintaining a jail shall pay to the treasurer of any other county from which the prisoners are committed such sum for their labor as may be agreed upon, or as the superior court shall adjudge to be equitable, after deducting therefrom the amounts due to the prisoners or to be applied to their benefit in the payment of fines and costs.

* See also law on p. 141.

SEC. 22 (as amended 1927, ch. 112). *Convicts may be employed.*—The county commissioners of any county may employ and set to labor any prisoner confined in the county jail, where said jail is maintained in connection with the house of correction and county farm, said labor to be performed in and about the county farm buildings as in the case of house of correction prisoners, and where said jail is not maintained in connection with a house of correction and county farm, then and in that case the county commissioners may employ and set to labor any prisoner confined in the county jail in such manner as shall be consistent with his safekeeping, if the labor can be prosecuted without expense to the county.

NEW JERSEY

STATE PRISONERS

COMPILED STATUTES, 1910, CUMULATIVE SUPPLEMENT, 1911–24

SECTION 34-292. *Employment required.*—The inmates of all correctional and charitable, hospital, relief, and training institutions within the jurisdiction of the State board shall be employed in such productive occupations as are consistent with the health, strength, and mental capacity of the persons so employed, who shall receive such compensation therefor as the State board shall determine.

SEC. 34-293. *Contracts.*—No contract shall be made by which the labor or time of any inmate of any of the institutions within the jurisdiction of the State board, or the product or profit of his work, shall be let, contracted for, leased, farmed out, given, or sold to any person, firm, or corporation, except in accordance with the provisions of this act.

SEC. 34-294. *Products for State use.*—The State board shall cause to be prepared a catalog containing a description and a price list of all the articles manufactured or produced by the institutions within its jurisdiction. Copies of this catalog shall be sent to all institutions supported in whole or in part by the State, to all State departments and branches and agencies of the State government, to the governing bodies of each county in the State, and to each of the institutions maintained by each county, and the receipt of said catalog by each of them shall be sufficient notice to each of them that the articles described in said catalog are, or are about to be, manufactured or produced by the labor of the inmates of the institutions within the jurisdiction of the State board.

SECS. 34-295, 34-296. *State institutions to purchase.*—[The institutions maintained by the State are required to purchase from the board all articles manufactured or produced in the State prisons, which are needed in connection with the work of the institution. Estimates are submitted for ensuing year. No technical evasion by a purchasing agent is allowed.]

SEC. 34-297. *Sale of surplus products.*—Any surplus product may be sold in the open market under such terms and conditions that it shall not compete unfairly with the product of free labor. Any nonperishable articles so marketed shall be stamped in a legible and conspicuous manner "manufactured in the New Jersey —," naming the institution of manufacture: *Provided*, That whenever from the nature of the articles made or manufactured it shall be impracticable to stamp each article, or if such articles are usually put up in packages, it shall be sufficient for the purpose of this act to put a stamp, label, or tag upon such package, showing where such articles are made: *Provided*, That said stamp, label, or tag shall be put on said package in a good, lasting, and permanent manner.

SEC. 34-298. *Powers of board.*—The State board shall have power to:

a. Assign to each institution the industries, occupations, vocations, and labor to be operated or performed by the inmates thereof;

b. Establish for each institution and for each industry, occupation, and vocation hours and days of labor, determine the rate of compensation to be paid therein, and pay, or cause the same to be paid, to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw material, seeds, fertilizers, and each and every article necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery equipment, tools, supplies, raw materials, adopt in conjunction with the State purchasing commission, styles, pat-

terms, designs, and qualities of finished products, determine the cost of production, and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor, including maintenance and wage payments;

f. Prepare and issue a catalog containing a description and price list of all articles manufactured or produced by all the institutions within its jurisdiction;

g. Assign any number of the inmates of any institution to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character and wherever, within the boundaries of this State, may be determined by the State board: *Provided*, That such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

* * * * *

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon the lands of the State or elsewhere;

m. Employ the inmates of any or all the institutions within its jurisdiction upon any work for the United States Government or any Department thereof, upon such terms as the State board may determine.

Sec. 34-299. *Limitations on employment.*—The employment of the inmates of any institution within the jurisdiction of the State board shall be subject to the following specific limitations:

* * * * *

b. Convict labor under armed guard shall not be used on public improvements in conjunction with free labor;

c. Convict labor shall not be used to take the place of free labor locked out or on strike.

COMPILED STATUTES, 1910, SUPPLEMENT 1925-30

SECTION 179-726A (112). *Road work.*—All work of construction or building of unimproved roads and of extensive repairs to improved roads taken over as State highways shall be by contract or by labor of inmates of State institutions; * * *

Sec. 182-120. *Labeling convict-made goods.*—All goods, wares, and merchandise made by convict labor in any jail, penitentiary, prison, reformatory, or other establishment in this State, and all goods, wares, and merchandise made by convict labor in any other State, and introduced, imported, or brought into this State, shall be branded, labeled, or marked as hereinafter provided before being exposed for sale, and shall not be so exposed without such brand, label, or mark.

SECS. 182-121—182-124. *Label.*—[The label shall contain the words "convict made," followed by the year and name of the prison in which the goods were made. The brand or label shall be placed outside of and upon the most conspicuous part of the finished article. Any violation is punishable by a fine of not more than \$50 for the first offense.]

ACTS OF 1931

CHAPTER 235

Prison-made goods.—[This act provides that after Jan. 1, 1932, goods manufactured in prisons outside the State of New Jersey shall not be sold in the State. Penalties are provided for any violation.]

COUNTY PRISONERS

COMPILED STATUTES, 1910, CUMULATIVE SUPPLEMENT 1911-24

SECTION 102-32b. *Employment, jails.*—The board of chosen freeholders of any county in this State may cause to be employed within such county any or all

prisoners in any county jail under sentence, or committed for nonpayment of a fine and costs, or committed in default of bond for nonsupport of the family.

SEC. 102-32d. *Earnings.*—The wages and salaries of such guards and attendants, and other necessary expenses in connection therewith, together with wages or earnings paid to prisoners as hereinafter provided, shall be included in and shall be charged against the cost of such work.

SEC. 102-32e. *Wage system.*—The board of chosen freeholders may establish a wage system for payment to prisoners for their services upon work carried on by the board of chosen freeholders or by any board, commission or institution that receives funds from the county, and such wage system may include in its provisions all prisoners employed in any work or service necessary for the maintenance of said jail or their inmates: *Provided*, That the wages set by the board of chosen freeholders shall not exceed 50 cents per day for each day of 8 hours' work by such prisoners.

SEC. 102-45. *Employment, workhouses.*—The board of chosen freeholders of any county in this State may cause to be employed within such county any or all prisoners in any county workhouse or penitentiary under sentence, or committed for nonpayment of a fine and costs, or committed in default of bond for nonsupport of the family, and the product of their labor may be disposed of to the county or to any public institution of the county. Nothing herein contained shall permit the employment of prisoners to take the place of free labor locked out or on strike, nor shall any prison labor be employed upon any public improvement when free labor sufficient to carry on the work makes application for employment thereon.

SEC. 102-47. *Earnings.*—[Same provision as in section 102-32d.]

SEC. 102-48. *Wage system.*—[Same provision as in section 102-32e, except that in payment of wages to prisoners, preference must be given to those having persons legally dependent upon them for support.]

SEC. 179-687. *Road work.*—The board of chosen freeholders of any county in this State may, in its discretion, cause prisoners * * * to be put to work and perform labor on the public roads and highways within such county, and also upon the grounds of any county institution within such county, and the board of chosen freeholders of such county is hereby authorized and empowered to pay to the warden of such penal institution such sum not exceeding 50 cents per day for each day of 8 hours worked by such prisoners, as shall be fixed from time to time by said board of chosen freeholders or the committee thereof having charge of such penal institution; such amount so paid to the warden to be held by him for the benefit of such prisoners as hereinafter provided. Where any such prisoner has a dependent wife or minor child or children, or any aged or infirm dependent parent or parents, such warden shall have power and authority upon the written order of the committing magistrate in each case, to pay to such dependent persons aforesaid or to the society or institution having the care and custody of such dependent persons aforesaid, all or any portion of the amount so paid to him, for the work of such prisoner under the provisions of this act; * * *.

NEW MEXICO

STATE PRISONERS

CONSTITUTION

ARTICLE XX

SECTION 15. *Employment.*—The penitentiary is a reformatory and an industrial school, and all persons confined therein shall, so far as consistent with discipline and the public interest, be employed in some beneficial industry; and where a convict has a dependent family, his net earnings shall be paid to said family if necessary for their support.

SEC. 18. *Leasing prohibited.*—The leasing of convict labor by the State is hereby prohibited.

STATUTES, 1929

SECTION 64-318. *Road work.*—The State highway engineer, with the approval of the State highway commission, may perform or cause to be performed any highway work or part thereof under the provisions of this act, and prepare

materials to be used in such highway work, by means of the labor of State or county convicts, when such convicts shall be by law available and satisfactory arrangements can be made by which they may be used. * * *

SEC. 64-335. *Same.*—Convict labor shall be used in work provided in this article whenever available and advisable and the board of penitentiary commissioners shall at any time upon the demand of such highway commission, furnish such a number of convicts for such work as shall be available and at such times and places as shall be designated by the highway commission, and shall also furnish sufficient guards with such convicts. * * *

SEC. 64-1602. *Construction, repair, etc.*—The construction, repair, and maintenance of said public highway shall be done under the authority and control of the board of penitentiary commissioners and superintendent of the State penitentiary and said board is hereby authorized and required to construct said road, by the use of the labor of the penitentiary convicts, * * *.

SEC. 130-124. *Improvements in State prison.*—The board of penitentiary commissioners shall decide what improvements shall be made in the penitentiary, whether the same shall be enlarged, or the erection of the extension of the prison or prison walls, the erection of workshops or other buildings or improvements shall be made: * * * and he shall employ such number of convicts in making such improvements as said board may deem advisable and shall employ the remainder of the convicts as may be most advantageous to the State or the penitentiary.

SEC. 130-133. *Sale of products.*—All the products of convict labor shall be sold to the highest bidder, for cash, after 20 days' notice by advertisement in three daily newspapers, not more than one of which shall be published in the same county.

SEC. 130-134. *Electricity.*—The penitentiary is hereby required to furnish electric lights at cost to the capital building and the deaf and dumb asylum, and shall also be authorized to sell electric lights in the city of Santa Fe, upon such terms as in the judgment of the superintendent of the penitentiary and the board of penitentiary commissioners are proper.

SEC. 130-146. *Labor required.*—All male persons convicted of crime and confined in the penitentiary under the laws of the State, except such as are precluded by the terms of the judgment and sentence under which they may be imprisoned, shall perform labor under such rules and regulations as have been or may hereafter be prescribed by the board of penitentiary commissioners.

SEC. 130-152. *Streets and alleys.*—Whenever the convicts in the penitentiary or any of them, shall not be employed in any work at the penitentiary, or be otherwise occupied in or about any work or labor in connection with the penitentiary, or in work or labor in or about the capitol building or capitol grounds, it shall be proper and requisite to employ them in the grading, paving, and repairing of the streets, alleys, roads, and bridges in and about the city of Santa Fe.

SECS. 130-176, 130-177. *Prison-made goods.*—[All prison-made articles made in a prison in the State of New Mexico and exposed for sale within the State, shall bear a brand or label containing the words "prison made". The label shall be placed on the most conspicuous part of the article. All brick and clay products are to be marked with a capital letter "P". Penalty for violation is provided.]

ACTS OF 1933

CHAPTER 5

SECTION 1. *Automobile license plates; signs.*—From and after the first day of November 1933 all automobile license plates purchased by the State comptroller, the motor-vehicle department, or other department or official, whose duty is to purchase such plates, and all State highway signs purchased by the State highway department, shall be purchased from the State penitentiary of the State of New Mexico: *Provided, however,* That all of such plates and signs shall be furnished to such departments by the State penitentiary at a cost not to exceed the average market price of such supplies.

SEC. 2. *Manufactured at penitentiary.*—From and after the said first day of November 1933 all automobile license plates and all State highway signs used in this State shall be manufactured and sold at the State penitentiary, under the direction, supervision, and control of the superintendent of said institution.

CHAPTER 24

SECTION 1. *Sale restricted to State only.*—It is hereby provided that the sale of the product of the machinery and equipment purchased by the State penitentiary for the manufacture of automobile license plates and road signs, shall be restricted to departments of the State.

COUNTY PRISONERS

STATUTES, 1929

SECTION 75-121. *Work on streets, etc.*—It shall be the duty of the officers in charge of the jails in all the counties of the State of New Mexico to compel the prisoners who are or may be sentenced to imprisonment in the county jail of their respective counties, to work on the public streets, public roads, and around the public buildings situated in the county seats without pay or remuneration whatsoever, during the hours between 9 a.m. and 4 p.m. except on Sundays and legal holidays.

MUNICIPAL PRISONERS

STATUTES, 1929

SECTION 90-913. *Work on public streets.*—Every person convicted of the violation of any ordinance of any incorporated city or town of this State and sentenced to imprisonment therefor, may, during the term of such sentence be compelled to work upon the public streets of such city or town or to do any other kind of public work within such city or town, that may be required by the mayor thereof.

NEW YORK

STATE AND COUNTY PRISONERS

CONSTITUTION

ARTICLE III

SECTION 29. *Contract system prohibited.*—The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the first day of January, in the year 1897, no person in any such prison, penitentiary, jail, or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political division thereof.

CAHILL'S CONSOLIDATED LAWS, 1930

CHAPTER 10

SECTION 50. *Forestry.*—The conservation department shall, for the purpose of carrying out the provisions of this article, have the following powers, duties, and authority to be exercised through or by the division of lands and forests:

* * * * *

(9) Employ, with the approval of the commissioner of correction, convicts committed to any penal institution, or the inmates of other State institutions, with the approval of the head of the department having jurisdiction and control thereof, for the purpose of producing or planting trees. Such portion of the proceeds of the sale of trees grown at State institutions, as the conservation commissioner determines is equitable, may be paid over to that institution.

CHAPTER 10-b

SECTION 73. *Farm, etc., lands.*—The commissioner of correction may lease for not to exceed 5 years, real property within the State for the employment at farm labor, stone quarrying and stone crushing, of prisoners confined in the State prisons and may erect temporary structures or repair and alter necessary buildings on the lands so leased and provide necessary equipment for the purposes of this section. * * * Farm or other industries established and conducted under the provisions of this section shall be subject to the provisions of law applicable to other prison industries and farm labor in State correctional institutions.

SEC. 170. *Contracts prohibited.*—The commissioner of correction shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any State prison, reformatory, penitentiary, or jail in this State, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association, or corporation; except that the convicts in said penal institutions may work for, and the products of their labor may be disposed of to, the State or any political division thereof or for or to any public institution owned or managed and controlled by the State or any political division thereof.

SEC. 171. *Hours of labor.*—The commissioner of correction and the superintendents and officials of all penitentiaries in the State shall, so far as practicable, cause all the prisoners in the State correctional institutions and such penitentiaries who are physically capable thereof, to be employed at hard labor, for not to exceed 8 hours of each day, other than Sundays and public holidays, but such hard labor shall be either for the purpose of production of supplies for said institutions, or for the State, or any political division thereof, or for any public institution owned or managed and controlled by the State, or any political division thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes.

SEC. 175. *State-use system.*—All convicts sentenced to State prisons, reformatories, and penitentiaries in the State, shall be employed for the State, or a political division thereof, or in productive industries for the benefit of the State, or the political divisions thereof, or for the use of public institutions owned or managed and controlled by the State, or the political divisions thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the department of correction. * * *

SEC. 176. *Printing and engraving.*—No printing or photo-engraving shall be done in any State prison, penitentiary, or reformatory for the State or any political division thereof, or for any public institution owned or managed and controlled by the State or any such political division, except such printing as may be required for or used in the State correctional and State charitable institutions, and the reports of the State commission of correction and the department of correction, and all printing required in the offices of the department of correction.

SEC. 177. *Labor of prisoners.*—[After the necessary labor has been used for the manufacture of all needed supplies for the institutions, the labor of prisoners confined in State institutions shall be primarily devoted to the State, and public buildings and institutions thereof. The labor may also be used by the political divisions of the State, preference being given to the counties, and the cities and towns located therein, in the use of the labor of prisoners confined in institutions located in the county. The State superintendent of prisons is authorized to contract with the managing authorities of any penal institution within the State, other than the State prisons and State reformatories, for the disposition of the products of such institution in whole or in part, to the State or to any political subdivision thereof, or to institutions owned or managed thereby. Prices are to be the current prices for like articles as fixed by the prison industries board or approved by it. All products must be disposed of to the institutions specified in the section and none may be purchased for resale or for disposition at a profit other than as provided in the act.]

SEC. 178. *Reformatories and penitentiaries.*—The board of visitors of reformatories, subject to general rules adopted by the commissioner of correction and the managing authorities of all the penitentiaries or other correctional institutions in this State, are hereby authorized and directed to conduct the labor of prisoners therein, respectively, in like manner and under like restrictions as labor is authorized by this article to be conducted in State prisons.

SEC. 179. *Road work.*—The commissioner of correction may employ or cause to be employed the prisoners confined in the State prisons in the repair, maintenance, construction, or improvement of the public highways at any place within the State, outside of an incorporated village or city, upon request or with the consent of the superintendent of public works, in the case of State or county highways, or upon the request or with the consent of the officer having charge of such repairs, maintenance, construction, or improvement, in the case of any other highway. * * *

SEC. 180. *Same.*—[This section makes provision for the employment of the inmates of State reformatories similar to the provisions applying to the inmates of State prisons.]

SEC. 183. *Distribution of industries.*—It shall be the duty of the commissioner of correction to distribute, among the correctional institutions under his jurisdiction, the labor and industries assigned to said institutions, due regard being had to the location and convenience of the prisons, and of the other institutions to be supplied, the machinery now therein and the number of prisoners, in order to secure the best service and distribution of the labor, and to employ the prisoners, so far as practicable, in occupations in which they will be most likely to obtain employment after their discharge from imprisonment. * * *

SEC. 184. *Articles for State use.*—The commissioner of correction and the superintendents of penitentiaries, respectively, are authorized and directed to cause to be manufactured or prepared by the prisoners in the State correctional institutions and penitentiaries, such articles as are needed and used therein, and also, such as are required by the State or political divisions thereof, and in the buildings, offices, and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings, and including material for the construction, improvement or repair of highways, streets, and roads. * * * [Provisions are made for fixing patterns, prices, etc.] No article so manufactured or prepared shall be purchased from any other source, for the State or public institutions of the State, or the political divisions thereof, except uniforms for the inmates of the State camp for veterans or of the New York State Woman's Relief Corps Home, unless the commissioner of correction shall certify that the same can not be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

SEC. 186. *Fixing prices.*—[Prices are to be fixed for labor performed or articles manufactured for or furnished to the State, its political subdivisions, or the public institutions thereof. These shall be uniform, and as near the usual market price for such labor and products as possible. Prices for labor or goods furnished to or for the counties in which the penitentiaries are located shall be fixed by local authorities.]

SEC. 187. *Earnings.*—[Prisoners confined in the penal institutions of the State and in the county jails may, in the discretion of the managing authorities, receive as compensation for their labor not in excess of 10 percent of the earnings of the institution. Any allowance in excess of 1½ cents per day shall be based on excess production above the amount fixed as required production for the State or political subdivision, the total not to exceed 20 cents per day. The rate is based on both the value of the work performed and the willingness, industry, and good conduct of the prisoners.]

SEC. 481. *Labor required.*—It shall be the duty of the warden of each of the penitentiaries in this State to require of every able-bodied prisoner confined therein as many hours of faithful labor in each and every day during his term, as shall be prescribed by the rules of such penitentiary, * * *.

CHAPTER 21

SECTIONS 67, 68. *Goods to be marked.*—[All goods, wares, and merchandise made by convict labor in any prison or elsewhere where convict labor is employed must be branded, labeled, or marked with the words "made in a prison." This does not apply to articles produced for the use of institutions of the State or its subdivisions, but no convict-made goods may be sold or exposed for sale without such mark. Penalties of fine, imprisonment, or both, are fixed for selling such goods without a license, for offering convict-made goods for sale without the mark, or for removing the mark.]

SEC. 69 (as amended 1933, ch. 26). *Sale prohibited.*¹—No goods, wares, or merchandise, manufactured, produced, or mined wholly or in part by convicts or prisoners except convicts or prisoners on parole or probation, shall be sold in this State to any person, firm, association, or corporation except that nothing in this section shall be construed to forbid the sale of such goods produced in the prison institutions of this State to the State, or any political division thereof, or to any public institution owned or managed and controlled by the State, or any political division thereof as provided in section 184 of the correction law.

COUNTY PRISONERS

CAHILL'S CONSOLIDATED LAWS, 1930

CHAPTER 11

SECTION 93. Labor required.— * * * Such keeper [of county jails] shall cause each prisoner committed to his jail for imprisonment under sentence, to be constantly employed at hard labor when practicable, during every day, except Sunday, and the board of supervisors of the county, or judge of the county may prescribe the kind of labor at which such prisoner shall be employed; and the keeper shall account, at least annually, with the board of supervisors of the county, for the proceeds of such labor. Such keeper may, with the consent of the board of supervisors of the county, or the county judge, from time to time, cause such of the convicts under his charge as are capable of hard labor, to be employed outside of the jail in the same, or in an adjoining county, upon such terms as may be agreed upon between the keepers and the officers, or persons under whose direction such convicts shall be placed, subject to such regulations as the board or judge may prescribe; and the board of supervisors of the several counties are authorized to employ convicts under sentence to confinement in the county jails, in building and repairing penal institutions of the county and in building and repairing the highways in their respective counties or in preparing the materials for such highways for sale to and for the use of the State, counties, towns, villages, or cities; and to make rules and regulations for their employment; and the said board of supervisors are hereby authorized to cause money to be raised by taxation for the purpose of furnishing materials and carrying this provision into effect; and the courts of this State are hereby authorized to sentence convicts committed to detention in the county jails to such hard labor as may be provided for them by the boards of supervisors. This section as amended shall not affect a county wholly included within a city.

SEC. 100. Workhouse.—The board of supervisors of any county may establish and maintain a workhouse for the confinement of persons convicted within the county of crimes and criminal offenses, the punishment for which is imprisonment in the county jail, and may provide for the imprisonment and employment therein of all persons sentenced thereto, and any court or judicial officer may sentence such person to such workhouse instead of to the county jail.

NEW YORK CITY PRISONERS

ACTS OF 1901

CHAPTER 466

(Greater New York City Charter)

SECTION 700. Employment.—Every inmate of an institution under the charge of the commissioner [of corrections, of the city of New York] whose age and health will permit, shall be employed in quarrying or cutting stone, or in cultivating land under the control of the commissioner, or in manufacturing such articles as may be required for ordinary use in the institutions under the control of the commissioner, or for the use of any department of the city of New York, or in preparing and building sea walls upon islands or other places belonging to the city of New York upon which public institutions now are or may hereafter be erected, or in public works carried on by any department of

¹ Section 69, passed in 1930, repeals sections 67 and 68. It becomes effective January 19, 1934.

the city, or at such mechanical or other labor as shall be found from experience to be suited to the capacity of the individual. The articles raised or manufactured by such labor shall be subject to the order of and shall be placed under the control of the commissioner, and shall be utilized in the institutions under his charge or in some other department of the city. All the lands under the jurisdiction of the commissioner not otherwise occupied or utilized, and which are capable of cultivation shall in the discretion of the commissioner be used for agricultural purposes.

SEC. 701. *Public buildings and grounds.*—At the request of any of the heads of the administrative departments of the city of New York (who are hereby empowered to make such request) the commissioner of correction may detail and designate any inmate or inmates of any of the institutions in the department of correction to perform work, labor, and services in and upon the grounds and buildings or in and upon any public work or improvement under the charge of such other department. * * *

SEC. 702. *Hours of labor.*—The hours of labor required of any inmate of any institution under the charge of the commissioner shall be fixed by the commissioner. * * *

NORTH CAROLINA

STATE AND COUNTY PRISONERS

CONSTITUTION

ARTICLE XI

SECTION 1. *Legal punishment.*—The following punishments only shall be known to the laws of this State, viz: Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

CONSOLIDATED STATUTES, 1919

SECTION 3591. *Road work.*—All convicts, either State or county, that can be arranged for by agreement with the State prison board or between the various county authorities and State highway commission, as the case may be, may be worked on this system of State highways and on the production of material for said highways. The care and discipline of such prisoners shall be as provided by the prison laws of the State.

SEC. 4409. *Females.*—If any officer, either judicial, executive, or ministerial, shall order or require the working of any female on the streets or roads in any group or chain gang in this State, he shall be deemed guilty of a misdemeanor.

STATE PRISONERS

CONSOLIDATED STATUTES, 1919

SECTION 3812. *Employment by counties.*—Any county or township or good-roads district that desires to use convict labor in the construction or improvement of its highways shall apply first to the geological and economic survey to lay out and make plans for said work or to approve plans already made. The said county, township, or good-roads district shall then apply to the board or State prison directors for the number of convicts desired for the work, this number in no case to be less than 40.

SEC. 3813. *Same.*—The board of directors, as soon as possible after the receipt of the application and the approval of the council of State, shall furnish the labor requested and proceed to construct or improve the highway under the direction of the State geological and economic survey. All applications from

counties, townships, or good-roads districts for convict labor shall be honored in turn, according to the date of their receipt, except that no county, township, or good-roads district may use at any time more than 100 convicts if an application from another county is pending and no labor is available for it.

SEC. 3815. *Existing contracts.*—[Existing contracts for railroad or highway labor are not to be disturbed; but should any railway company fail to carry out such contract, the obligation to furnish labor ends.]

SEC. 3816. *Reserve force.*—The State farm or penitentiary authorities or council of State shall at all times reserve a sufficient number of convicts to properly cultivate and conduct the State farm.

SEC. 7707 (as amended 1925, ch. 163). *Employment.*—The board of directors [of the State's prison] shall make provision for receiving, keeping in custody until discharging by law, all such convicts as may be now confined in said prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The board of directors shall have full power and authority to provide for the employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control, and care of the board of directors, or its employees, agents, and servants: *Provided, however,* That no female convict shall be worked on public roads or streets in any manner.

SEC. 7712 (as amended 1925, ch. 163.) *Road work.*—The board of directors of the State prison department are authorized to work the prisoners committed to their charge on the public roads of the State by organizing State camps for housing and feeding the prisoners while at work on such roads, * * *.

SEC. 7726 (as amended 1925, ch. 163). *Work time.*—The board of directors of the State prison department shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farms, or reformatories in the State, so far as is practicable, cause all the prisoners in such institutions who are physically capable thereof to be employed at useful labor.

SEC. 7758 (as amended 1925, ch. 163). *Hiring to counties.*—It shall be lawful for the board of commissioners of any county, and likewise for the corporate authorities of any city or town to contract, in writing, with the board of directors of the State prison department for the employment of convicts in the State prison department upon the highways or streets of such county, city or town, and such contracts when so exercised shall be valid and enforceable against such county, city, or town, and in the name of the State the attorney general may prosecute an action in the Superior Court of Wake County for the enforcement thereof.

SEC. 7759 (as amended 1925, ch. 163). *Same.*—Upon application to them it shall be the duty of the board of directors of the State prison department, in their discretion, to hire to the board of commissioners of any county, and to the corporate authorities of any city, or town, for purposes specified in the preceding section, such convicts as may be mentally and physically capable of performing the work or labor contemplated and shall not at the time of such application be so hired, or otherwise engaged in labor under the direction of said board of directors, * * *.

SEC. 7762 (as amended 1925, ch. 163). *Regulation of contracts.*—* * * The board of directors of the State prison department may make such contract for the hire of the convicts confined in the State prison as may, in its discretion, be proper and will promote the purpose and duty to make the State prison department as nearly self-supporting as is consistent with the purpose of its creation, as set forth in section 11, article 11 of the constitution; and the said board of directors may engage in and use the labor of convicts confined in the State prison department in such work on farms, in manufacturing, either within or without the State prison, as the board of directors may hereafter determine to be proper and profitable to be carried on by the State prison department; and the said board of directors may dispose of the products of the labor of said convicts either in farming, or manufacturing, or in other industry at the State prison, or to, or for, any public institution owned, managed, or controlled by the State, to or for any county, city, or town within this State; and may sell or dispose of the same elsewhere and in the open markets or otherwise, as in its discretion may seem profitable.

SEC. 7763 (as amended 1925, ch. 163). *Prison to be self-supporting.*—It is the purpose of this chapter to make the State prison department self-supporting

as contemplated by the constitution, and to that end the directors thereof are hereby authorized and empowered to employ the convicts therein in such form of work and to transfer such convicts from one form of work and employment to another when in the opinion of such board of directors such form of employment shall best serve the purpose.

It is further declared to be the State's policy in the conduct of the State prison department that convict labor shall be devoted primarily to State use, and to that end the board of directors of the State prison department shall as a primary purpose employ labor of such convicts in farming and in the production of such material as may be necessarily used by said State prison department and other institutions and departments, having due regard at all times to the promotion of the purpose set out in article 11, section 11, of the constitution.

ACTS OF 1927

CHAPTER 219

Industrial farm.—[Act establishes an industrial farm colony for women.]

ACTS OF 1929

CHAPTER 221

SECTION 1. *Automobile license tags.*—The State prison department is hereby authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags and for such other purposes as the State prison department may direct.

SECS. 2-6. *Equipment, etc.*—[An appropriation of \$30,000 is made for the purpose of securing the necessary equipment. The commissioner of revenue is directed to purchase the tags manufactured in the prison for the use of the State.]

CHAPTER 292

Inspection.—[Act authorizes monthly inspection of mines in which State convicts are employed.]

ACTS OF 1933

CHAPTER 172

State highway and public works commission.—[Act consolidates the State prison department and the State highway department into a single department to be known as State highway and public works commission. All the duties of the prison department are transferred to the new commission and authority is granted to establish additional prison camps so that all the prisoners may be employed. Certain sections of ch. 130 (State prison) are repealed, but none as shown herein.]

COUNTY PRISONERS

CONSOLIDATED STATUTES, 1919

SECTION 1297. *Employment.*—The boards of commissioners of the several counties have power:

* * * * *

17.³ To lease or purchase a county farm, and where proper provisions are made for securing and caring for convicts, such of them as are subject to road duty may be worked on said farm, and, in the discretion of the board, such farms may be made experimental farms. The court in its discretion may sentence convicted prisoners either to said farm or to the roads. Where a farm is purchased or leased in those counties having a road system, the board may work the convicts on such farms.

* * * * *

³ Acts of 1931, ch. 302, enlarges Consol. Stats., sec. 1297, subsecs. 17 and 31, by allowing certain prisoners to be employed on the public streets of cities and towns; see p. 85.

30. To make provision for the erection in each county of a house of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed; to regulate the employment of labor therein; to appoint a superintendent thereof, and such assistants as are deemed necessary, and to fix their compensation.

31.* To provide for the employment on the highways or public works in the county of all persons condemned to imprisonment with hard labor, and not sent to the penitentiary.

* * * * *

Sec. 1356. *Work on streets, etc., hiring out.*—The board of commissioners of the several counties, within their respective jurisdictions, or such other county authorities therein as may be established, and the mayor and intendant of the several cities and towns of the State, have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public highways, public works, or other labor for individuals or corporations, of all persons imprisoned in the jails of their respective counties, cities, and towns upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all the costs which they are adjudged to pay, or to give good and sufficient security therefor: *Provided*, such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. The amount realized from hiring out such persons shall be credited to them for the fine and bill of costs in all cases of conviction. It is unlawful to farm out any such convicted person who may be imprisoned for the non-payment of a fine, or as punishment imposed for the offense of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize.

Sec. 1359. *Road work.*—When any county has made provision for the working of convicts upon the public roads, or when any number of counties have jointly made provision for working convicts upon the public roads, it is lawful for and the duty of the judge holding court in such counties to sentence to imprisonment at hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jail or in the State's prison, the following classes of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly, or in part, imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise, wholly or in part, be imprisonment in the State's prison for a term not exceeding 10 years. In such counties there may also be worked on the public roads, in like manner, all persons sentenced to imprisonment in jail by any magistrate; and also, all insolvents imprisoned by any court in said counties for nonpayment of costs in criminal causes may be retained in imprisonment and worked on the public roads until they repay the county to the extent of the half fees charged up against the county for each person taking the insolvent oath. * * *

Sec. 3678. *Same.*—Any person in any county that has a county road commission appointed under the provisions of this article, who shall be convicted in any of the courts of said county, superior, justice's or mayor's courts, and sentenced to work on the public roads, shall be ass'g'ned into the custody and control of the county road commission by the board of county commissioners, when said board is so requested by the county road commission. Said prisoners while in the custody and under the control of the said county road commission shall be employed on such road work as may be deemed best by the county road commission, * * *

ACTS OF 1931

CHAPTER 302

SECTION 1. *Employment on road work.*—All prisoners sentenced to jail for any term less than 60 days may, as a part of such sentence, by the court in which such prisoners are tried and convicted, be sentenced to work at hard labor on the public streets of any city or town, the county farm, or any other public works of the county wherein such prisoners are tried and convicted.

* See footnote on p. 84.

NORTH DAKOTA

STATE PRISONERS

COMPILED LAWS, 1913

SECTION 1884. Road work.—It shall be the duty of the warden of the State penitentiary, upon the requisition of the board of trustees of public property, to furnish convict labor, not otherwise employed, to be used in the construction and maintenance of all roads and highways provided for in this chapter.

SEC. 10967. Labor required.—In all cases when by law a person is sentenced to imprisonment in the penitentiary, it shall be at hard labor, whether so designated by the jury or court or not.

SEC. 11235. Twine plant.—The board of trustees of the State penitentiary is hereby authorized and empowered to establish a hard-fiber twine and cordage plant at the said penitentiary and to operate the same for the benefit of the State in the manner hereinafter prescribed.

SEC. 11240. Sale of twine.—The product of said twine and cordage plant shall be disposed of under the direction of the board of trustees of said penitentiary, under regulations to be prescribed by them, subject only to the following restrictions, viz.: The board of trustees at a regular or special meeting held not later than February in each year, shall fix prices at which the product of the plant shall be sold during the ensuing season, such prices to be based on the cost of the product and the demand for it; prices for carload lots may, in their discretion, be fixed at not more than one-half cent per pound under prices for smaller lots. The products shall be sold only to those living in the State and intending or agreeing to use it, or sell it for use in the State, except that it shall be lawful at any time after May 1 of any year to sell a part of such product outside of the State if for any reason at that time in the judgment of the said board it becomes necessary to do so to protect the interests of the State: * * * *Provided*, That rope may be sold outside the State at any time.

SEC. 11261.³⁰ Employment.—The State board of control of the penal and charitable institutions, and the warden of the State penitentiary, shall employ all prisoners sentenced to the State penitentiary in all necessary work within and around the penitentiary in maintaining the institution, or in carrying on the work of the industries established at the penitentiary, or at other State institutions or on the public highways of the State. The State board of control shall establish rules and regulations relating to care, treatment, and management of all prisoners wherever they may be employed. Prisoners shall be employed, insofar as practicable, on the work to which they are best adapted, and will make it possible for them to improve and acquire greater skill that they may earn a livelihood when paroled or discharged from the institution.

SEC. 11262.³⁰ Other institutions; highways.—The State board of control may employ such prisoners it may deem advisable, who are not needed in carrying on the work at the penitentiary, or the industries established at the penitentiary, upon work at other State institutions, or upon the construction and improvement of public highways, under the following conditions as hereinafter set forth. Prisoners may be employed, under proper supervisors and guards, to improve the grounds and perform other labor at the various institutions, controlled and maintained by the State, and when so employed, such institution shall pay all salaries and necessary expenses of maintenance, including cost of transportation to and from the penitentiary and furnish the necessary tools and equipment required in carrying on said work. Prisoners may be employed upon the public highways of any county, when an agreement has been entered into by the State board of control, and the board of county commissioners of such county and upon the same conditions as the employment of prisoners at State institutions. Prisoners shall be at all times under the supervision of the warden and the State board of control, and under the direct charge of proper officers and guards appointed by them. Prisoners so employed shall be placed upon their honor not to attempt to escape. They shall be clothed in plain, inconspicuous garb, and shall not be compelled to work more than 10 hours in any one day.

SEC. 11264.³⁰ Earnings.—Prisoners engaged in carrying on the work of the penitentiary and industries established thereat, or at other State institutions, or upon public highways, shall receive not less than 10 cents nor more than 25

³⁰ Comp. L. Supp. 1913-25.

cents per day for work actually performed, the maximum compensation to be determined by the State board of control. The warden shall assign a reasonable daily task to be performed by each prisoner, and the compensation of the prisoner shall be determined by the amount of work he performs on such task. * * *

SEC. 11270.¹⁰ *Brick.*—The State board of control is hereby authorized and empowered to employ the labor of the prisoners of the State penitentiary or so much thereof as not otherwise employed, in the manufacture of brick, which may be sold at a price fixed by said State board of control, to make needed repairs, additions or improvements to the public buildings of the State, or in the event that there is a surplus of brick on hand over and above the brick needed for the aforesaid purpose, the State board of control may dispose of said brick to private parties.

SEC. 11272. *Roadwork, etc.*—Such trustees are authorized and empowered to employ so much of said labor as they may deem necessary in macadamizing or otherwise improving the roads and streets used as approaches to the penitentiary, State capitol or other public institutions within the State, * * *.

SEC. 11274. *Contracts prohibited.*—No person in any prison, penitentiary or other place of confinement of offenders in this State, shall be required or allowed to work while under sentence thereto, at any trade, industry or occupation wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted and given, or sold to any person, firm, association or corporation; but this section shall not be so construed as to prevent the product of the labor of convicts from being disposed of to the State, or any political division thereof or to any public institution owned or managed by the State or any political division thereof for their own use: *Provided*, That nothing in this section shall prohibit the use of convict labor by the State in carrying on any farming operations or in the manufacture of brick, twine, or cordage, or prohibits the State from disposing of the proceeds of such enterprises.

ACTS OF 1933

CHAPTER 51

SECTIONS 1-4. *Tannery.*—[A tannery is established at the penitentiary for the purpose of tanning hides for leather and robes. All hides for farmers to be tanned for the actual cost plus 10 percent, but hides may be purchased and leather sold at wholesale.]

CHAPTER 242

SECTIONS 1-7. *Manufacture of coffins.*—[The board of administration is authorized to manufacture coffins at the State penitentiary and to use inmates as laborers. The wholesale price is to be 10 percent above the cost of manufacturing and the retail price 20 percent above the cost. A metal plate is to be attached to each coffin indicating it was made in the North Dakota Penitentiary.]

CHAPTER 243

SECTION 1. *Auto license plates.*—The State board of administration is hereby authorized and empowered to employ the labor of the prisoners of the State penitentiary, or so much thereof as is not otherwise employed, in the manufacture of auto license plates and road signs, which plates and signs may be sold at a price fixed by said board of administration to the motor-vehicle registration department and the highway departments of the State and to the several counties and municipalities of the State.

COUNTY AND MUNICIPAL PRISONERS

COMPILED LAWS, 1913

SECTION 3604. *Work for city.*— * * * Any person upon whom any fine or penalty shall be imposed may, upon the order of the court before whom the conviction is had, be committed to the county jail, city prison, workhouse, house of correction, or other place provided by the city for the incarceration of offenders until such fine, penalty, and costs shall be fully paid: *Provided*, That no such

¹⁰ Comp. L. Supp. 1913-25.

imprisonment shall exceed 3 months for any one offense. The city council shall have power to provide by ordinance, that each person so committed shall be required to work for the city at such labor as his strength will permit not exceeding 10 hours each working day: * * *.

SEC. 11331. *Employment.*—Whenever any person shall be confined in any jail pursuant to the sentence of any court, if such sentence or any part thereof shall be that he be confined at hard labor, the sheriff of the county in which such person shall be confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of the said sheriff the said convict can be profitably employed either in the jail or yard thereof, and the expense of said tools and materials shall be defrayed by the county in which said convict shall be confined, and said county shall be entitled to his earnings; and the said sheriff, if in his opinion the said convict can be more profitably employed outside of said jail or yard, either for the county or for any municipality in said county, it shall be his duty so to employ said convict either in work on public streets or highways or otherwise, * * *.

ACTS OF 1927

CHAPTER 119

SECTION 1. *Parole of prisoners for work on highways.*— * * * Whenever the board of county commissioners of any county shall, by resolution, undertake to build, maintain or repair such highways in their county, they may make application to the district court of said county for permission to take inmates of any county jail on parole for the purpose of performing labor upon said highways. Upon proper showing made by the board of county commissioners of two or more counties, such persons so confined may be transferred, by order of the district court of any county in the State, from the custody of the sheriff of any such county in the State to the sheriff of any other county in the State, which shall have made proper application, in writing for such persons to be transferred for the purpose of utilizing their labor upon such public highway work. * * *

SEC. 2. *Earnings.*—[The county commissioners may give as compensation for the work performed not less than 50 cents a day nor more than \$1 a day to the prisoners so employed.]

ACTS OF 1931

Con. Res. J. 10

(P. 557)

[By a concurrent resolution the board of administration, the warden of the State penitentiary, and the superintendent of the State training school were "requested not to permit, authorize or require except in case of emergency any inmate of the institution of which he or they have control to engage in any form of labor outside of the said institution of which he or they are inmates, which work or labor, by reason of its nature, deprives a person, not an inmate of such institution, of employment, or which would be in competition with persons working for wages, * * *."]

OHIO

STATE PRISONERS

CONSTITUTION

ARTICLE II

SECTION 41. *Employment required; contracts forbidden; marking goods.*—Laws shall be passed providing for the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the State; and no person in any such penal institution or reformatory while under sentence thereto, shall be required or allowed to work at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be sold, farmed out, contracted or given away; and goods made by persons under sentence to any penal institution or reformatory without the State of Ohio, and such goods made within the State of Ohio excepting those disposed

of to the State or any political subdivision thereof or to any public institution owned, managed or controlled by the State or any political subdivision thereof, shall not be sold within this State unless the same are conspicuously marked "prison made." Nothing herein contained shall be construed to prevent the passage of laws providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political subdivision thereof, or for or to any public institution owned or managed and controlled by the State or any political subdivision thereof.

PAGE'S GENERAL CODE, 1932

SECTION 1205. Work on highways.—Whenever the director desires to use any number of prisoners, confined in the State penitentiary or reformatory, to work on the State highway system, or to employ the prisoners in such institutions in the preparation of road building materials of any kind for use upon the State highway system, such director shall make a requisition upon the warden or superintendent of such institution where such prisoners are confined, stating the number of prisoners which it is desired to use in said work, and the place where they are to be employed. * * * The rules and regulations under which such prisoners shall work shall be prescribed by the director of welfare, but the work to be done and the manner of doing such work shall be under the control of the director.

SEC. 1224-1 (as amended 1931, p. 191). *Road materials.*—[All paving brick manufactured by the State prisons is to be distributed equally among the highway divisions of the State to be used in maintaining and repairing the highways.]

SEC. 2138. Earnings.—[An amount not in excess of 20 percent of the earnings of prisoners in the State reformatory, as deemed equitable and just by the board of administration, shall be placed to their individual credit.]

SEC. 2183. Convicts employed on work for State.—Under the direction of the State board of administration the warden may employ a portion of the convicts in the manufacture of articles used by the State in carrying on the penitentiary, procure machinery, and prepare shop room for that purpose. He may also employ a portion of the convicts in the preparation and manufacture of any or all forms of road-making material for use in the construction, improvement, maintenance, and repair of the main market roads and highways within the State of Ohio.

For such purposes the State board of administration is authorized with the approval of the governor to purchase the necessary land, quarries, buildings, machinery, and to erect buildings and shops for said purposes, and employ such persons as may be necessary to instruct the convicts in such manufacture. The terms and manner of employment of such persons shall be fixed and determined by the board.

SEC. 2183-1. Earnings.—[Convicts in the State penitentiary are to be credited with an amount deemed just and equitable by the board.]

SEC. 2184. Domestic service.—Convicts may be hired by the warden for domestic purposes on terms to be agreed upon by him and the board of managers, * * *

SEC. 2206. Unauthorized labor.—Work, labor, or service shall not be performed by a convict within the penitentiary unless it be expressly authorized by the board of managers.

SEC. 2207. Free labor forbidden.—A contractor or subcontractor, having contracts with the State for prison labor to be performed within the walls of the penitentiary, shall not employ free laborers, except foremen, instructors, and draymen, to work upon the contracts. The warden, or an officer of the penitentiary, shall not issue a permit to a free laborer except as provided in this section, to go inside the penitentiary for such purpose. Such warden or officer violating the provisions of this section shall forfeit his office and the vacancy shall be filled as provided in case of resignation.

SEC. 2228. Contracts forbidden.—The board of managers of the Ohio Penitentiary, the board of managers of the Ohio State Reformatory, or other authority, shall make no contract by which the labor or time of a prisoner in the penitentiary or reformatory, or the product or profit of his work shall be let, farmed out, given, or sold to any person, firm, association, or corporation. Convicts in such institution may work for, and the products of their labor may be disposed of, to the State or a political division thereof, or for or to a public institution owned or managed and under the control of the State or a

political division thereof, for the purposes and according to the provisions of this chapter.

SEC. 2229. *Hours of labor.*—The board of managers of the penitentiary and the board of managers of the reformatory, so far as practicable, shall cause all prisoners serving sentences in such institutions, physically capable, to be employed at hard labor for not to exceed 9 hours of each day other than Sundays and public holidays.

SEC. 2230. *State use.*¹¹—Such labor shall be for the purpose of the manufacture and production of supplies for such institutions, the State or political divisions thereof; for a public institution owned, managed, and controlled by the State or a political division thereof; for the preparation and manufacture of building material for the construction or repair of a State institution, or in the work of such construction or repair; for the purpose of industrial training and instruction, or partly for one and partly for the other of such purposes; in the manufacture and production of crushed stone, brick, tile, and culvert pipe, suitable for draining wagon roads of the State, or in the preparation of road building and ballasting material.

SEC. 2230-1. *Production of electric current.*—Such labor shall also be for the purpose of the production of electric current for such institutions; * * *

SEC. 2231. *Road material furnished at cost.*—Such tile, brick, and culvert pipe and road-building material and such products of convict or prison labor as are used in the construction or repair of the public roads shall be furnished the political divisions of this State at cost. * * *

SEC. 2233. *Lease of limestone beds.*—The board of managers of the penitentiary or the board of managers of the reformatory may lease or purchase beds of limestone, or other suitable road-building material, after they are approved by the State highway commissioner as being suitable for the construction of roads. * * *

SEC. 2234. *Leasing plants.*—Such boards may lease and operate plants for the manufacture of brick or road-building material or supplies needed for the construction and maintenance of public roads, which shall be furnished at cost to a township or county proportionately as demanded. No contract for the lease of such plant as provided shall be operative until approved by the governor and the State highway commissioner.

SEC. 2235. *Use of road-building material.*—Such beds of limestone or other suitable road-building material or plants for the manufacture of road-building material, supplies, or machinery as herein provided shall be operated by prison or convict labor, and the products thereof shall not be disposed of except to a township or county in this State for the construction, repair, or maintenance of public roads outside of the limits of incorporated cities or villages. * * *

SEC. 2235-1. *Stone-crushing plant.*—The board of managers of the Ohio Penitentiary shall erect upon the said land described in this act (Gen. Code, secs. 2235-1 and 2235-2) such building or buildings as are necessary for the operation of a stone-crushing plant and quarry, and shall equip the said building or buildings for the purpose of manufacturing and the production of crushed stone and in the preparation of road building and ballasting materials to be sold by the board of managers of the Ohio Penitentiary in the open market, and may also conduct the business of quarrying and selling dimension and other stone.

SEC. 2243. *Use directed.*—No articles or supplies manufactured under the provisions of this chapter by the labor of convicts of the penitentiary or reformatory shall be purchased from any other source for the State or its institutions unless the board of managers of the penitentiary and the board of managers of the reformatory shall first certify, on requisition made to them, that such articles cannot be furnished. Such requisitions shall be honored as far as possible.

SEC. 2244. *Restrictions as to employment.*—The total number of prisoners and inmates employed at one time in the penitentiaries, workhouses, and reformatories in this State in the manufacture of any one kind of goods which are manufactured in this State outside of such penitentiaries, workhouses, and reformatories shall not exceed 10 percent of the number of all persons in this State outside of such penitentiaries, workhouses, and reforma-

¹¹ Acts of 1933, ch. 1, provides that any printing done in the penitentiary shall be performed solely for the use of such penitentiary or the State department of public welfare.

tories employed in the manufacturing of the same kind of goods, as shown by the last Federal census or State enumeration or by the annual or special report of the commissioner of labor statistics of this State. This section does not apply to industries in which not more than 50 free laborers are employed.

SECS. 6213-6217. *Marking goods.*—[Goods made by convict labor in this or any other State must be marked or labeled "convict made" before being exposed for sale within the State.]

SEC. 7501. *Convicts not furnished, when.*—No State penal institution or workhouse shall be required to furnish such prisoners to be employed on the highways or in the manufacture and preparation of road-building materials if the labor of such prisoners is required in the regularly maintained operations of such institution or workhouse.

SEC. 7502. *Who may be worked.*—All persons convicted of crime sentenced to be confined in the State reformatory, penitentiary, jail, workhouse, or other penal institutions shall be subject to labor upon the highways and streets as hereinbefore provided.

COUNTY PRISONERS

PAGE'S GENERAL CODE, 1932

SECTION 2227-1. *Control prohibited.*—The labor or time of any person confined in any workhouse or jail in this State shall not hereafter be let, farmed out, given, sold, or contracted to any person, firm, corporation, or association.

SEC. 2227-2. *Employment; State use.*—Such persons so confined may be employed in the manufacture of articles used by any department or public institution belonging to or controlled by the political subdivision or subdivisions supporting or contributing to the support of any such workhouse or jail or to any political subdivision of the State.

SEC. 2227-3. *Equipment.*—The board, officer, or officers in charge of any such workhouse or jail may provide, prepare, and procure machinery, power, and shoproom for the purpose of the manufacture of the articles specified in section 2 [2227-2] of this act, * * *

SEC. 2227-4. *Restrictions.*—No other articles than those specified in section 2 [2227-2] of this act (Gen. Code, secs. 2227-1 to 2227-6) shall be manufactured, but nothing herein shall prevent the employment of any person so confined, elsewhere than within the jail or workhouse where he has been committed by any political subdivision, nor impair or affect any contract heretofore made.

SEC. 2227-5. *Earnings.*—The board, officer, or officers in charge of any such workhouse or jail shall place to the credit of each prisoner such amount of his earnings as the board, officer, or officers deems equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned, and his general deportment. * * *

SEC. 2236. *Road material.*—The board of commissioners of a county may purchase or lease beds of limestone, or other suitable road-building material, after they are approved by the State highway commissioner as suitable for the construction of roads, or such board may lease and operate a plant for the manufacture of brick or other road-building materials or supplies needed for the construction or maintenance of public roads in such county and employ a superintendent to oversee and supervise the work. When such property is so purchased or leased the board shall make the arrangements necessary to work the convicts of the county thereat.

SEC. 2237. *Sentence may be to hard labor.*—When a county, by action of its board of commissioners has secured property and completed arrangements for the working of its convicts as herein provided, it shall be lawful for a court or magistrate to sentence persons convicted of offenses the punishment of which is, in whole or in part, imprisonment in the county jail or workhouse, to be imprisoned at hard labor within such county for the same terms or periods as may be prescribed by law for their confinement in such jail or workhouse.

SEC. 7498. *Employment in county.*—The county commissioners may make requisition in like manner as the State highway commissioner for the number of prisoners desired for use upon the county highways within said county, or in the manufacture and preparation of road-building material of any kind. * * *

MUNICIPAL PRISONERS

PAGE'S GENERAL CODE, 1932

SECTION 7504. *Street work.*—Any city having a workhouse located therein shall have full power and authority to use the prisoners confined in said workhouse upon the streets of said city or in the manufacture of any material required in the repair of said streets.

Sec. 7505. *Same.*—Any magistrate of a city or village not having a workhouse located therein shall have full power and authority to sentence prisoners convicted therein to work upon the streets of said city or village or in the manufacture of any material required in the repair of said streets.

OKLAHOMA

STATE PRISONERS

CONSTITUTION

ARTICLE 23

SECTION 2. *Contracts prohibited.*—The contracting of convict labor is hereby prohibited.

STATUTES, 1931

SECTION 5300. *Employment.*—The State board of public affairs shall have the management and control of the penal institutions of this State, located at McAlester and Granite, and may prescribe rules and regulations for the conduct and management thereof. Said board shall have the authority to install and equip such business enterprises, occupations, factories, manufactories, farming, and any other business not prohibited by the constitution, as will employ the inmates of said institutions, and may employ such persons as are necessary for the construction and operation of any building, factory, shop, business, or enterprise connected with said institutions. * * *

Sec. 5309. *Prison labor used in constructing prisons.*—The board of control shall have full power and authority to build and equip a reformatory building or buildings on the tract or tracts of land selected by said board for the safekeeping and care of the inmates thereof. Prison labor shall be employed as far as practicable in the work of constructing and equipping the necessary buildings for the said Oklahoma State Reformatory which shall be constructed as far as possible from granite taken from the lands acquired under this article.

Sec. 5310. *Prisoners in reformatory may be worked.*—Said board of control shall have full power and authority to work any person sentenced to said Oklahoma State Reformatory on the public roads, granite quarries, or any other kind or class of work that said board may deem advisable, where the same is not in conflict with the constitution or laws of this State.

Sec. 5317. *Structural steel.*—The State board of public affairs is hereby empowered to install a plant for fabricating structural steel for bridges for the several counties in this State, and for the construction of public buildings of the State, or any of its subdivisions, to purchase such steel as may be necessary for such work, and to distribute same upon receipt of the cost of the steel, f.o.b. McAlester, plus the cost of manufacture.

Sec. 5318. *Twine plant.*—The State board of public affairs, as ex-officio State board of prison control, is hereby authorized to establish a binder twine plant or factory at the State prison at McAlester.

Sec. 5322. *Operation.*—The funds provided herein shall be expended under the supervision of the Governor and the State board of public affairs who may use said funds in installing and equipping a plant for the manufacture of binder twine, cordage, cotton, or jute bagging and the sale of such products.

Sec. 5323. *Wagon factory.*—The State board of public affairs of Oklahoma is hereby authorized and directed to establish at the Oklahoma State Penitentiary at McAlester, Okla., a factory to manufacture such farm wagons and implements as may be manufactured without infringing patents, and to sell said wagons and implements to farmers who are bona fide residents of this State at actual costs. The sale of said farm wagons and implements shall be

made under such rules and regulations and provisions for payment as may be prescribed by the State board of public affairs.

SEC. 5326. *Sale of wagons and implements.*—All moneys received from the sale of said farm wagons and implements shall be paid into said revolving fund and shall be used in the manner and form provided by law for the regular revolving fund of said State penitentiary, to purchase material, supplies, equipment, and machinery found by the State board of public affairs to be necessary for the operation of said factory.

SEC. 5327. *Experiment station.*—The warden of the State reformatory, located at Granite, Okla., is hereby authorized and directed to devote and use all or any part of suitable farm lands belonging to or leased or rented by said institution in conducting an agricultural and horticultural pure seed farm, and especially such seeds, plants, shoots, etc., as may be or hereafter considered adaptable to the climatic and soil condition of that section of the State. And it is further provided, in cooperation with the agricultural and mechanical college of the State through its agronomy and horticultural department, to have inspections of growing crops for the purpose of certifying the seed grown on this experimental seed farm. It is the purpose of this act to grow and produce purebred, certified seed to be sold to and distributed for pay among the farmers of the State of Oklahoma; and as far as practical to conduct said work in such a way as not to conflict with or duplicate the experimental work conducted under the supervision of the board of agriculture or the agricultural and mechanical college of the State of Oklahoma.

SEC. 5328. *Same.*—In connection with said experimental work and as a part thereof, the said warden shall cause to be produced and developed pure seed shoots and plants of a nature adapted to said soil and climate, same to be sold by said warden to the various citizen applicants of this State in the order said applications are received. The moneys received from said sales shall be deposited in the revolving fund of said institution.

SEC. 5329. *Tannery and harness shop.*—There is hereby established at the Oklahoma State Reformatory, Granite, Okla., a tannery, and a harness and shoe factory in connection therewith, which shall be under the management and control of the State board of public affairs as ex-officio board of prison control.

SEC. 5330. *Teacher to be employed.*—The State board of public affairs is hereby authorized and directed to employ a suitable person, who is well versed in tanning of hides, and a suitable person who is well versed in manufacturing harness and shoes, and whose duty, among other things, shall be to teach designated inmates of the Oklahoma State Reformatory the art of preparing and tanning hides and manufacturing harness and shoes. The warden of the Oklahoma State Reformatory shall make rules and regulations subject to the approval of the State board of public affairs, which shall provide the means and methods by which the public may send hides to the tannery and have the same tanned at a reasonable price, and for the sale at cost of harness, so manufactured, to farmers or teamsters in this State.

SEC. 5334. *Coal lands.*—The board of prison control is hereby authorized and directed to purchase or condemn the mineral rights to certain coal lands consisting of a tract not exceeding 40 acres situated within the county of Pittsburg, * * *

SEC. 5335. *Operation of mine.*—The board of prison control is hereby authorized and directed through the warden of the prison to open, develop, and operate upon said lands a mine or mines, drive slopes, entries, air courses, and rooms necessary for the development and operation of said mine or mines.

SEC. 5337. *Same.*—After said mine or mines shall have been opened as provided herein, it shall be the duty of the State board of public affairs on or before January 1 of each year to make an estimate of the amount of coal necessary to supply the various State institutions, and thereafter to contract with the board of prison control for the amount of said estimate, or for the entire output of the mine or mines opened and operated on the lands herein described: * * *

SEC. 5345. *Earnings.*—The State board of public affairs shall have the authority to allow any prisoner a reasonable amount of compensation after he has performed his daily task, if such prisoner desires to avail himself of such opportunity.

SEC. 5346. *Same.*—[The board of prison control is given the same power to allow earnings as outlined above to either male or female prisoners.]

SEC. 5347. *Same.*—When the Oklahoma State Penitentiary and the Oklahoma State Reformatory at Granite, or either of them, may become self-sustaining, the said State board of public affairs is hereby empowered, authorized, and directed to provide for compensation in part for work and labor done or services rendered by any convict, the amount being allowed by said board to be kept by the warden for said convict and given to him when liberated, or to be paid to the family or any person or persons dependent upon said convict, upon his order, as such money is earned by him, all within the discretion of said board.

SEC. 10263. *Road work.*—The State board of public affairs, upon application of the board of county commissioners of the respective counties by and through the commissioner of highways, is hereby authorized and directed to make all necessary arrangements for working State convicts upon the public highways of the State: *Provided*, That the State board of public affairs, with the approval of the commissioner of highways, shall have the authority to enter into agreements with the board of county commissioners of any county for the purpose of furnishing State convicts for work upon the public highways of such county; * * *

SEC. 11096. *Convicts not to work in mines.*—In no event shall convicts ever be employed in any mines in this State.

COUNTY PRISONERS

STATUTES, 1931

SECTION 3160. *Method of employment.*—Wherever any person shall be confined in any jail pursuant to the sentence of any court, if such sentence or any part thereof shall be that he be confined at hard labor, the sheriff of the county in which such person shall be confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of the said sheriff, the said convict can be profitably employed either in the jail or yard thereof, and the expense of said tools and materials shall be defrayed by the county in which said convict shall be confined, and said county shall be entitled to his earnings. And it shall be the duty of said sheriff, if in his opinion the said convict can be more profitably employed outside of said jail or yard, either for the county or for any municipality in said county, so to employ said convict, either in work on public streets or highways or otherwise, * * *

SEC. 3167. *Public roads.*—The board of county commissioners of any county in this State shall have authority to work any convicts confined in the county jail, either as punishment for crime or in lieu of payment of fine and costs, upon public highways in such county and to employ such guards and other assistants as may be required; * * *. It shall be the duty of the sheriff, upon the order of the board of county commissioners, to deliver, to any person authorized to receive them for work, upon public highways, any persons sentenced and confined in the county jail either as punishment for crime or in lieu of payment of fine and costs.

SEC. 3168. *Road materials.*—When, in the judgment of the county commissioners, the expense of working the convicts upon the public highways is too great, on account of the small number thereof or for any other reason, then they shall have authority to provide all necessary apparatus for the working of such convicts upon a rock pile or rock crusher, for the purpose of providing material for use upon the public highways of said county. Said authority shall be exercised in the same manner as is provided in section 2 [3167], for the working of convicts upon the public highways, and the county commissioners shall have full authority as to how and where said materials shall be used: *Provided*, They shall use same for no other purpose than the betterment of the public highways in said county: *Provided, further*, That in any county where the working of convicts upon a rock pile or rock crusher is found impractical for any reason, then the county commissioners may provide for the working of said convicts upon any public work in which the county has an interest.

SEC. 3169. *Allowances, rewards for efficiency.*—Every county, city, or town convict in this State, whether required to work upon the public highways of such county, city, or town, in accordance with the laws of this State, or merely confined in the county, city, or town prison, shall receive credit upon his or her fine and costs of \$1 for each day so confined in prison, or worked upon the public highways, rock pile, or rock crusher, or public work: *Provided*,

That those prisoners or convicts doing and performing the most efficient work and making the best prisoners shall be entitled to an additional credit of 1 day for every 5 days of work, the guard or custodian of such prison to determine at the end of each 5 days of such imprisonment whether or not such prisoner is entitled to such credit, and to make a record of such decision and notify the prisoner of the same.

Sec. 10255. *Equipment for road work.*—The board of county commissioners shall have authority to purchase such teams, vehicles, machinery, tools, portable lock-ups, and such other equipment as may be necessary for the employment of convicts or other labor upon the public roads, and to pay for the same from either the court or road and bridge fund.

ACTS OF 1933

CHAPTER 123

SECTION 1. *Work on highways.*—Any person in this State, convicted of a crime, who, as a result of said conviction, is confined as a prisoner in a county jail of any county may, at the discretion of the board of county commissioners of said county in which said jail is located, be required by said county commissioners to perform road work on the public highways of said county and/or upon the streets of any city of the first class located in said county, * * *.

MUNICIPAL PRISONERS

STATUTES, 1931

SECTION 3159. *Sentence may be to labor.*—Any court, justice of the peace, police court, or police magistrate, in cases where such courts have jurisdiction under the laws of this State, or as provided by the ordinances or charter of any incorporated town or city in the State, shall have full power and authority to sentence such convict to hard labor as provided in this article.

Sec. 3165. *Work for county.*—The board of county commissioners of the several counties of the State shall have authority to receive by agreement with the city council of any city or the board of trustees of any town the prisoners of any such city or town who have been sentenced to imprisonment in any such city or town jail, either as punishment or in lieu of payment of fine and costs for the violation of any city or town ordinance, and such board of county commissioners shall have authority to work any such prisoners on the public highways, or upon a rock pile or rock crusher, for the purpose of providing material for use upon the public highway or any public institution of such county, or upon any public work in which the county is interested, * * *.

Sec. 10256. *Working city prisoners.*—The board of county commissioners shall have authority to receive by agreement with the city council the prisoners of any city who have been sentenced to city prison for a crime committed or in lieu of payment of fine and costs: *Provided*, The commissioners shall not pay for the services of such persons except the cost of their maintenance.

OREGON

STATE PRISONERS

CODE, 1930

SECTION 44-130. *Road work.*— * * * The [State highway] commission may authorize and provide for the construction of any highway or part of a highway by convict labor, and if said commission so authorizes and provides for convict labor the Governor shall, upon its request, detail from the State penitentiary such convicts as in his judgment may seem proper for use in the work of constructing such highway or such part of a highway; * * *.

Sec. 59-402. *Regulations on sale of convict-made goods.*—[Goods and merchandise made in whole or in part by convict labor in any prison outside the State shall not be sold or offered for sale within the State of Oregon unless such commodities have been properly disinfected in accordance with the rules and regulations of the State board of health, and unless such goods are labeled with the words "these goods are convict made", in the manner prescribed in the statute.]

SEC. 67-1410. *Employment of prisoners.*—In order to minimize the cost of maintaining the several institutions, all wards of the State who are capable of a reasonable amount of work without physical or mental injury to themselves shall be used as fully as possible in the production and manufacture of articles for the use of the State and for sale in the open market and in performance of labor for the State, but it shall be unlawful for the board to enter into any agreement or contract with any private person, firm, or corporation for the direct employment of convicts of the Oregon State Penitentiary. In order to encourage industry and thereby increase productiveness in the several institutions, the board shall prescribe rules and regulations for the sale and exchange of surplus products of each; * * *

SEC. 67-1411. *Clearing unimproved land.*—The board of control of the State of Oregon is hereby authorized and empowered to enter into contract with any person or persons who in their discretion may be advisable in connection with the Oregon State Penitentiary for employment of convicts therein in clearing unimproved land in the State of Oregon; that said board of control is further authorized and empowered to distribute such wood and fuel as may be the products of the labor of said convicts in executing such contracts to the various State institutions and to sell such surplus as by said board of control may be deemed advisable.

SEC. 67-1904. *Work on premises.*—No member of the board [of control] or other State official, superintendent, warden, or any other official or employee of the State shall receive the use or profit of the labor or services of any prisoner, or be directly or indirectly interested in any contract or work upon which convicts are employed, but nothing herein shall be construed to prohibit convicts from acting as janitors or gardeners in or about the premises occupied by the warden or deputy warden or from driving any carriage or wagon used by the warden, deputy warden or other prison official in the discharge of official business.

SEC. 67-1910. *Equipment.*—The revolving fund hereby created shall be available for the purchase of any and all necessary machinery and equipment for equipping and enlarging the flax industry and the woodworking plant now at said penitentiary, and for any other industry or industries that may be established in the discretion of the Governor and the warden of the said penitentiary; * * *

SEC. 67-1911. *Sale of products.*—The products of such industries shall be sold under and pursuant to such rules and regulations as the Oregon State Board of Control shall make from time to time for the sale thereof, and shall be sold for cash, or security approved by the Oregon State Board of Control. All funds received from the sale of such products shall be deposited in the State treasury, and be credited to and become a part of the revolving fund hereby created.

SEC. 67-2001. *Contracts forbidden.*—It shall be unlawful for the State to enter into any agreement or contract with any private person, firm, or corporation for the employment of convicts of the State penitentiary.

SEC. 67-2002. *Work on county roads.*—Upon the written request of the county court of any county in the State of Oregon, or of any superintendent of any State institution, the Governor may detail from the State penitentiary such convicts as in his judgment may seem proper for use on the public highways or on or about any State institution. Said convicts shall be delivered to any county court or to the superintendent of any State institution on such terms and conditions as shall be prescribed by the parole board and approved by the Governor.

SEC. 67-2006. *Paroled to wood camps.*—The executive head of the State penitentiary under the direction of the Oregon State Board of Control and under such rules and regulations as may be prescribed by the Oregon State Board of Control, is hereby authorized to employ paroled convicts at any wood camp which may be conducted in connection with said penitentiary under any contract entered into by the board of control for the cutting of wood for use at any of the State institutions. Wages for such paroled convicts so employed shall be reasonable and in no case in excess of the ordinary wage granted to free labor for a similar kind of employment.

SEC. 67-2009. *Employment.*—The Oregon State Board of Control is hereby authorized and empowered to install and equip such plants as in its discretion may be advisable in connection with the Oregon State Penitentiary for the employment of convicts therein in such forms of industry and employment as it may deem advisable, and it is hereby further authorized and empowered

to purchase, acquire, install, maintain, and operate such materials, machinery, and appliances as it may deem necessary in the conduct and operation of such plants; that the Oregon State Board of Control is further authorized to make all rules and regulations for carrying out the provisions of this act as it may deem necessary or advisable in the premises: *Provided*, That any such plant or plants or the labor of any convicts employed therein shall never be leased or contracted to any private firm, person or corporation. The Oregon State Board of Control is hereby fully empowered to make such rules and regulations as it may deem necessary covering the sale of any product of any industry maintained and operated at the said penitentiary and to have exclusive control over the sale of such products.

SEC. 67-2010—67-2014.¹² *Marking goods*.—[Goods, wares, etc., made by convict labor must, before being exposed for sale in the State be conspicuously labeled or marked "convict made."]

SEC. 67-2017. *Flax plant equipment*.—The board of control is hereby authorized and empowered to sell and dispose, in such manner as said board may see fit, of all machinery, materials, tools, and equipment used in connection with the flax plant at the Oregon State Penitentiary at such time as within the judgment of the said board private capital has developed at a suitable place or suitable places within the State of Oregon, flax mills, or plants of such size, capacity, and general financial soundness, as, within the judgment of the said board, will in the future properly handle and dispose of the products of flax fields within the State of Oregon.

COUNTY AND MUNICIPAL PRISONERS

CODE, 1930

SECTION 27-2501. *Contracts forbidden*.—It shall be unlawful for any county, city, or incorporated town to enter into any agreement or contract with any private person, firm, or corporation for the employment of any convict.

SEC. 27-2502. *County roads*.—All convicts sentenced by any court or legal authority, whether in default of the payment of a fine or committed for a definite number of days to serve sentence in a county jail or prison, during the period of such sentence, for the purposes of this act, shall be under the exclusive and absolute control of the county court of the county in which the crime was committed for which any such convict was sentenced. The said county court shall have full power to place such convicts under the control of any road supervisor or other person or persons appointed to take charge of such convicts and to cause such convicts to work upon the public roads of such county or such other work of a public nature as said court may direct. * * * The county courts are hereby authorized and directed to provide such rules and regulations in regard to the employment of said convicts, * * * as are not inconsistent with the provisions of this act; * * *.

SEC. 27-2503. *Municipal convicts*.—All convicts sentenced by any court or legal authority in any city or incorporated town * * * shall be subject to the same rules and regulations as provided in section 27-2502 for county prisoners.

PENNSYLVANIA

STATE AND COUNTY PRISONERS

WEST'S STATUTES, 1920

SECTIONS 12685-12687. *Contract system abolished*.—[At the expiration of all contracts existing at the time (1883) of the enactment of these sections the officers of the State prisons, reformatories, and county workhouses are directed to employ the inmates under their control for and in behalf of the State or their respective counties.]

SEC. 12724. *Road work*.—The State highway department may employ the prisoners or inmates of the penitentiaries, county prisons, and also of reformatories or reform schools, maintained by the Commonwealth or receiving appropriation for maintenance therefrom, in the construction, reconstruction, or maintenance of the State highways or State-aid highways under the conditions herein provided. * * *

¹² See also sec. 59-402.

Sec. 12726. *Earnings.*—[Prisoners so employed receive a wage allowance of not less than 40 cents nor more than 60 per day.]

STATE PRISONERS

WEST'S STATUTES, 1920

SECTIONS 12731-12734. *Marking of goods.*—[Goods, wares, and articles of any description made by convict labor must be plainly marked or branded "convict made" before being offered for sale at wholesale or retail.]

WEST'S STATUTES, 1920, SUPPLEMENT, 1928

SECTION 12623e-4 (as amended 1929, no. 359). *Employment of convicts.*—[The prisoners may be used in any work connected with the preparation of building material, the construction of the penitentiary, or improvements thereto. They may also engage in farming and dairying work for the purpose of supplying the prisons with such products. Wages for each prisoner employed may be agreed upon in accordance with laws regulating the employment of prison labor.]

Sec. 12691. *Employment.*—All persons sentenced to the eastern or western penitentiary, or to the Pennsylvania Industrial Reformatory at Huntingdon, or to the State industrial home for women at Muncy, or to any other correctional institution hereafter established by the Commonwealth, who are physically capable of such labor, may be employed at labor for not to exceed 8 hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of the manufacture and production of supplies for said institutions, or for the Commonwealth or for any county, city, borough, or township, thereof, or for any public institution owned, managed, and controlled by the Commonwealth, or for any educational or charitable institution receiving aid from the Commonwealth, or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair, or for the purpose of industrial training or instruction, or partly for one and partly for the other of such purposes, or in the manufacture and production of crushed stone, brick, tile, and culvert pipe, or other material suitable for draining roads of the State, or in the preparation of road building and ballasting material.

Sec. 12691a-1. *Raising forest tree seedlings.*—The department of welfare of the Commonwealth shall have the power to employ inmates of the eastern penitentiary, the western penitentiary, the Pennsylvania Industrial Reformatory at Huntingdon, and such other penal and correctional institutions of this Commonwealth as it may deem proper, for the purpose of raising forest tree seedlings and transplants on the grounds of the said institutions or grounds adjacent thereto. Such inmates so employed shall be physically capable of such labor and may be so employed for not to exceed 8 hours each day other than Sundays and public holidays. Said department shall also have the power to arrange for and make sale of the trees produced, as provided in this act, to the department of forests and waters of the Commonwealth.

Sec. 12693. *Equipment.*—The prison labor commission [department of welfare] shall determine the amount, kind, and character of the machinery to be erected in each of the penitentiaries, reformatory, and home, or other correctional institutions hereafter established, the industries to be carried on therein, having due regard to the location and conveniences thereof with respect to other institutions to be supplied, to the machinery therein, and the number and character of inmates.

Sec. 12694. *Sale of produce.*—The prison labor commission [department of welfare] shall arrange for the sale of the materials produced by the prisoners to the Commonwealth or to any county, city, borough, or township thereof, or to any of the public institutions owned, managed, and controlled by the Commonwealth, or to any educational or charitable institution receiving aid from the Commonwealth.

Sec. 12694a-1. *Sale of surplus.*—[Surplus produce is to be sold to other States or subdivisions or agencies of such States; or to any institution receiving aid from or maintained by any State within the United States.]

Sec. 12697. *Earnings.*—[Rate of wage is fixed by the prison commission, but in no case shall the amount be less than 10 cents or over 50 cents per day.]

SEC. 12700a-1. *Additional earnings.*—In addition to payments made, as provided by law, to inmates directly laboring on industries in the eastern State penitentiary, the western State penitentiary, the Pennsylvania Industrial Reformatory at Huntingdon, and other correctional institutions of the Commonwealth in which the department of welfare has established industries, said department is hereby authorized and directed to pay out of the manufacturing fund arising from the sale of the products of the industries established by said department in said State institutions, wages at not more than 20 cents per day to inmates in said State institutions performing labor of any kind necessary to the proper maintenance of such institutions and the inmates thereof: *Provided*, That the inmates directly laboring on industries shall first be paid in full as provided by law; *And provided further*, That the total paid to the said inmates directly laboring on industries, and to inmates performing labor of any kind necessary to the proper maintenance of said institutions and the inmates thereof, shall not exceed 80 percent of the total net revenue from said industries established by the department of welfare.

ACTS OF 1929

No. 175

SECTION 2312 (p. 296). *Employment of prisoners.*—The department of welfare shall have the power, and its duty shall be:

(a) To establish, maintain, and carry on industries in the eastern State penitentiary, the western State penitentiary, the Rockview Penitentiary, the new eastern State penitentiary at Graterford, the Pennsylvania Industrial Reformatory at Huntingdon, and such other penal or correctional institutions of this Commonwealth as it may deem proper, in which industries all persons sentenced to such institutions, who are physically capable of such labor, may be employed at labor for not to exceed 8 hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of doing printing, or of manufacturing and producing supplies, or for the preparation and manufacture of building material for the construction or repair of any State institution, or in the work of such construction or repair, or for the planting of seed trees, or the performance of other work in State forests, or for the purpose of industrial training, or instruction, or in the manufacture and production of crushed stone, brick, tile and culvert pipe, or other material suitable for draining roads of the State, or in preparation of road building and ballasting material;

(b) To determine the amount, kind, and character of the machinery to be erected in each of the said penitentiaries, reformatory, or other penal or correctional institutions of the Commonwealth, and the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied, to the machinery therein and the number and character of inmates;

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries, reformatory, or other penal or correctional institutions, which cannot be used therein, to the Commonwealth, or to any county, city, borough, township, school district, or poor district thereof, or to any State institution, or to any educational or charitable institution receiving aid from the Commonwealth, or to the Government of the United States, or any department, bureau, commission, or agency thereof, or to any other State or political subdivision thereof, or to any institution receiving aid from the Government of the United States or of any other State;

(d) To arrange for the employment of inmates of such institutions, at such work or labor, within or upon the grounds of such institutions, as may be necessary for the maintenance of the institutions or the raising of food products therefor;

* * * * *
(i) [Rate of pay to be regulated by the department but in no case is it to be less than 10 cents for each day of labor performed. Sums may be credited to inmate and paid to him on day of discharge or may be sent to dependents as earned.]

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions, to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as

the department may approve, and which they are able to provide from other sources, but all such work shall be performed, the products thereof sold and the proceeds thereof disposed of, under the rules and regulations of the department covering the same;

* * * * *

ACTS OF 1929

No. 468

SECTION 1. *Industrial farms and workhouses.*—There are hereby established 10 institutions, each to be known as the “Industrial Farm and Workhouse of the _____ District.”

SEC. 2. *Districts.*—[Creates the 10 districts in which these workhouses and farms shall be established.]

SEC. 9. *Inmates to be kept at labor.*—Every person committed to an industrial farm and workhouse under the provisions of this act, unless disqualified by sickness or otherwise, shall be kept at some useful employment, such as may be suited to his or her age and capacity, and such as may be most profitable to the institution, and tend to promote the best interest of the inmate. If any person refuses to perform the work assigned to him or her, or is guilty of other acts of insubordination, the superintendent shall punish such person in such manner as the rules and regulations hereinbefore provided for may prescribe. The superintendent shall keep a record, and report to the controlling body of the district all such offenses and punishments.

All inmates shall receive compensation for their work, those employed on institutional maintenance and nonproductive labor receiving not more than 20 cents per day or less than 10 cents per day. Those employed on productive work, shall receive not more than 50 cents per day or less than 20 cents per day. The earnings of each prisoner shall be credited to his or her account, and disbursements made on approval of the superintendent of the institution, and the written order of the inmate, except when an inmate is committed for nonsupport the court which sentenced the prisoner shall order payment of said earnings. At time of release or discharge, the prisoner shall receive all moneys remaining in his or her account, and give receipt for the same.

SEC. 11. *Purpose of employment.*—It shall be the purpose of the industrial farm and workhouse to employ the prisoners committed or transferred thereto in work on or about the buildings and farm, and in growing produce, raising stock, etc., for supplies for its own use, or for the use of the several city and county or county institutions in the district, or for any political division thereof, or for any public or charitable institution owned or managed and directed by said city and county, county or counties, constituting said district, or any political division thereof. Such prisoners may also be employed in the preparation of road material, and in making brick, tile, and concrete, or other road-building material, and in the manufacture of other products and materials as may be found practicable for the use of the county or counties constituting said district and for the proper and healthful employment of such prisoners.

SEC. 12. *Sale of products.*—All road material, brick, tile, concrete, and other goods and materials prepared or made at any industrial farm and workhouse, not needed for the purposes of such institution, shall be offered for sale, at a price to be fixed by the city council, county commissioners, or board of the district. In offering such material for sale, preference shall be given to the county or counties forming the district of such institution and to the cities, boroughs, and townships therein. All moneys so received shall be applied toward paying the overhead expenses of the institution.

COUNTY PRISONERS

WEST'S STATUTES, 1920

SECTION 8224. *Jails.*—All persons sentenced to simple imprisonment, for any period of time, in the county jails may be required to perform such labor, in the custody of the sheriff, about the county buildings and upon the grounds and property of the county as the commissioners of the county in which the prisoners are confined may specify, * * *.

SEC. 12703. Road work.—For the better employment of the prisoners and improvement of highways of this Commonwealth, from and after the passage of this act, it shall and may be lawful to require every able-bodied male prisoner, now or hereafter confined under sentence within any jail or workhouse, now or hereafter to be established in this Commonwealth, to do and perform 8 hours of manual labor each day of such imprisonment, except on Sunday or legal holidays: *Provided*, That this act shall not include any prisoner awaiting trial, or over 10 per centum of the prisoners confined in any workhouse, unless authorized by the managers or officers in control thereof.

SEC. 12712. Farms.—It shall be lawful for the authorities having control and supervision of any county jail or county prison within this Commonwealth, and they are hereby empowered, to permit the employment of such inmates serving sentences therein, as they shall deem advisable, at agricultural labor on any county or almshouse farm of the county or poor district in which such jail or prison is located, * * *.

SEC. 12722. Skilled employments.—Convicts employed under this act [of 1915 relating to work on highways; see section 12724, above] shall not be used for the purpose of building any bridge, or other structure of like character, or to do any work in connection therewith, which requires the employment of skilled labor.

SEC. 12730. Streets.—In a county the limits of which coincide with the limits of a city of the first class, the director of public works is hereby given the same authority to employ prisoners or inmates of the county prison upon the streets or highways within said county as is hereby given to the State highway commissioner, * * *.

WEST'S STATUTES, 1920, SUPPLEMENT, 1928

SECTION 12531b-1. Employments.—All persons sentenced to the several county jails and prisons, who are physically capable, may be employed at labor for not to exceed 8 hours each day, other than Sundays and public holidays. Such employment may be in such character of work and the production of such goods as may now be manufactured and produced in such jails and prisons, and may also be for the purpose of the manufacture and production of supplies for said prisons and jails, or for the preparation and manufacture of building material for the construction or repair of the said prisons and jails, or in the manufacture and production of crushed stone, brick, tile, and culvert pipe, or other material suitable for draining roads, or in the preparation of road building and ballasting material.

Sec. 12531b-2. Equipment.—The county commissioners, or board of inspectors, or other person or persons in charge of any such jail or prison, shall determine the amount, kind, and character of the machinery to be erected in such jail or prison, the industries to be carried on therein, and shall arrange for the purchase and installation of such machinery at the expense of the county. They shall also provide for the sale of articles and material produced. The county commissioners shall make available the necessary funds to carry out the provisions of this act.

Sec. 12531b-3. Earnings.—[The authorities in charge of the jail or prison may fix the wages of the prisoners employed.]

Sec. 16811a-1109. Employment on poor farms.—It shall be lawful for the authorities having control and supervision of any county jail or county prison within this Commonwealth, and they are hereby empowered, with the approval of the court of quarter sessions, to permit the employment of such inmates serving sentences therein, as they shall deem advisable, at agricultural labor on any district almshouse farm of the poor district in which such jail or prison is located, * * *.

ACTS OF 1931

No. 99

Sale of produce.—[In counties of the first-class, prison-made goods may be sold to such counties, to cities, to school districts and to political subdivisions of such counties or to any institution maintained by such county or subdivision. Contracts for such sales may be made without advertising or competitive bidding. The board may establish a scale of wages and may pay the inmates for their work according to this scale, but in no case shall the wage be less than 10 cents per day.]

PHILIPPINE ISLANDS

ACTS OF UNITED STATES PHILIPPINE COMMISSION

No. 1361

(P. 123)

[Provides for the appropriation of funds to be used in prisons "for the purchase of materials to be used in the manufacture of carts, cart axles, and broad-tired cart wheels for sale throughout the islands and for other expenses connected with the manufacture, distribution, and sale thereof, * * *".]

ADMINISTRATIVE CODE, 1917

SECTION 1713. *Farming by prison colonists.*—Any colonists detained at the Iwahig penal colony may be provisionally granted a suitable plot of land within the reservation for the purpose of cultivating and improving the same, and may be furnished with such tools, implements, and agricultural supplies as may be deemed necessary for the proper cultivation of said land.

Sec. 1716. *Sale of products.*—Products grown, manufactured, or otherwise produced by the colonists may be sold under the supervision of the superintendent; and subject to such regulations as may be prescribed in reference thereto, the persons producing the same may be allowed such part of the proceeds thereof as shall be approved by the department head.

Sec. 1719. *Supply store to sell produce.*—The director of prisons, with the approval of the department head, shall establish and maintain a general store for the sale of merchandise which may be required by the residents of the settlement, and for the purchase of produce which, under authority from the department head, colonists residing at the settlement may dispose of for their own profit. Colony produce may be sold to others than residents of the settlements should there be more to be disposed of than is required for the use of the colony and the main prison. The supply-store fund shall be reimbursable, the receipts from the business of the supply store being available for the payment of the cost of supplies and other expenses incident to the conduct of said store, without reappropriation.

Sec. 1720. *Penal farm.*—A penal farm shall be maintained at San Ramon, in the Province of Zamboanga, department of Mindanao and Sulu, for the confinement of insular prisoners and such other prisoners as may be remitted thereto in accordance with law. * * *

Sec. 1723. *Detail prisoners to public work.*—The Governor General may, from time to time, detail insular prisoners to work in any part of the islands upon any public work not within the purview of section 1727 hereof; and the department head shall fix the terms and conditions upon which any branch of the government may receive the labor of such insular prisoners.

Sec. 1727. *Liability of prisoners to labor.*—All convicted, able-bodied male prisoners not over 60 years of age, may be compelled to work in and about prisons, jails, public buildings, grounds, roads, and other public works of the insular government, the Provinces, or the municipalities, under general regulations to be prescribed by the director of prisons, with the approval of the department head. Persons detained on civil process or confined for contempt of court and persons detained pending a determination of their appeals may be compelled to police their cells and to perform such other labor as may be deemed necessary for hygienic or sanitary reasons.

Sec. 1728. *Assignment of women to work.*—Convicted female prisoners may be assigned to work suitable to their age, sex, and physical condition.

Sec. 2239. *Municipal prisoners.*—It shall be competent for a municipal council to prescribe fines or penalties for violations of its ordinances; but no penalty so fixed shall exceed a fine of 200 pesos or imprisonment for 6 months, or both. Persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the municipality in such manner as may be directed by the municipal council.

PUERTO RICO

REVISED STATUTES AND CODES, 1911

SECTION 2293. *Work on public roads.*—All male prisoners over the age of 18 who are now or may be hereafter confined, in the presidio, or insular peni-

tentiary, or in any other penal institution, when under final sentence of a court for any felony or misdemeanor, or serving sentence in default of the payment of any fine or costs, may, unless specifically exempted by the terms of the sentence, be put to work on the public roads of Puerto Rico; except in cases of serious physical disability certified under oath by some medical official connected with the penal institutions: *Provided*, That all convicts observing good conduct and devotion to work shall receive as compensation the sum of 5 cents per day.

SEC. 2295. *Supervision*.—The director of prisons or the officer in charge of any other penal institution is hereby authorized and empowered to deliver to the commissioner of the interior or his representative, upon a written request signed by such commissioner of the interior, any or all of the convicts under his exclusive guardianship, who shall be comprised within the terms and conditions set forth in section 1 [2293] hereof. The convicts so delivered shall be under the control, direction, and exclusive government of the commissioner of the interior, as well as all employees, overseers, and guards appointed for the guarding of the former in everything relating to the carrying out of the works, * * *.

SEC. 2296. *Roads to be constructed*.—The commissioner of the interior is hereby directed and empowered to begin, before the 1st day of May, 1903, the construction of a road from Jayuya to a point between Ponce and Adjuntas, on the Ponce-Arecibo Road, and of a road from Humacao to Yabucoa; said roads to be built with convict labor in accordance with the provisions hereof. The convicts' camp to consist, when possible, of not less than 150 convicts to be employed on each of said roads.

SEC. 6358. *Imprisonment at hard labor*.—In all cases of conviction for felony the court sentencing any convicted must attach to the sentence of imprisonment a provision that such imprisonment be at hard labor.

RHODE ISLAND

STATE PRISONERS

GENERAL LAWS, 1923

SECTION 6478. *Control; employment*.—The [penal and charitable] commission, except as otherwise provided by law, shall have full oversight, management, control, and supervision of the State prison and reformatory for men, the jail in the county of Providence, the State workhouse and house of correction, the State reformatory for women, * * * and shall, except as otherwise provided by law, have full authority and power to provide for the control, discipline, care, education, and employment of the inmates of such institutions, and to make such contracts respecting the labor of such inmates as it may deem proper, and to sell or otherwise dispose of the products of the labor of such inmates and of the farms connected with said institutions. * * *

SEC. 6493. *Farms*.—* * * The commission may set apart for cultivation and other farming purposes any of the land under its control; * * * *Provided*, That careful account shall be kept of the product of such farming and each institution shall be credited, as near as may be, with the value of the farm product resulting from the labor of its inmates, * * *.

SEC. 6559. *Road work*.—The penal and charitable commission may, upon the written request of a majority of the members of the State board of public boards [roads] detail such convicts as in their judgment shall seem proper, not exceeding the number specified in said written request, to work upon such of the State roads as shall be designated in said written request, and said State board of public roads is hereby authorized to use and employ all such prisoners as they may deem practical, in and upon the construction, maintenance, improvement, or repair of the State roads: *Provided, however*, That nothing herein contained shall authorize the letting out by contract or otherwise of the services of any such convicts to any person or firm or corporation except as aforesaid for work upon the State roads.

SEC. 6561. *Earnings*.—[The whole or any part of the earnings of convicts employed on the State roads, after the costs of transportation, guarding, supervision and maintenance have been deducted, may be paid to such convicts or their dependents.]

COUNTY PRISONERS

GENERAL LAWS, 1923

SECTION 6453. Labor required.—All persons imprisoned in the jail in the county of Providence on account of their conviction of any criminal offense, or on execution issued in any qui tam or penal action, or for not giving the recognizance required of them to keep the peace upon complaint for threats, shall be let or kept at labor therein or on the prison lot or in some building thereon, for the benefit of the State, * * *.

SEC. 6455. Earnings.—Every person who shall be committed to such jail to answer for any criminal offense, or on mesne process in any qui tam or penal action, or on mesne process or execution in any civil action, may be permitted to labor as aforesaid, in the discretion of said penal and charitable commission, for the State, and in such case shall be allowed for his labor the sum of 25 cents per day for every day he shall so labor, to be paid to such prisoner by the order of the keeper of said jail upon the general treasurer, certified by at least one of said commission.

SOUTH CAROLINA

STATE AND COUNTY PRISONERS

CONSTITUTION

ARTICLE XII

SECTION 6. Public works and ways.—All convicts sentenced to hard labor by any of the courts in this State may be employed upon the public works of the State or of the counties and upon the public highways.

CODE OF LAWS, 1932

SECTION 1035. Convicts to work.—In every case in which imprisonment is provided as the punishment, in whole or in part, for any crime, all able-bodied male convicts shall hereafter be sentenced to hard labor on the public works of the county in which convicted, if such county maintains a chain gang, without regard to the length of sentence, and in the alternative to imprisonment in the county jail or State penitentiary at hard labor: *Provided*, That in any case the presiding judge shall have the power, by special order, to direct that any person convicted before him be confined in the State penitentiary if it is considered unsafe or unwise for such convict to be committed to county chain gang: *Provided*, That the provisions of this section shall not apply to the counties of Greenville and Clarendon: *Provided*, That a separation of the sexes and races be at all times observed, except in the penitentiary and on the State farms, and Kershaw County: *Provided, further*, Should the supervisor or commissioner of any county find that it is inconvenient or impracticable to work any convict committed to the county chain gang, he may turn said convict over to the penitentiary authorities: *Provided, further*, That the highway commissioners of Berkeley County may, at their discretion, hire or farm out the convicts of Berkeley County, by, through, and with the consent of the authorities of the State penitentiary.

Sec. 1036. Same.—All the courts of this State and municipal authorities which, under existing laws, have power to sentence convicts to confinement in prison with hard labor shall sentence all able-bodied male convicts to hard labor upon the public works of the county in which said person shall have been convicted, and in the alternative to imprisonment in the county jail or State penitentiary at hard labor: *Provided*, That municipal authorities may sentence municipal convicts to work upon the streets and other public works of the municipality in which they have been convicted, and such convicts when so sentenced shall work under the exclusive direction and control of the municipal authority imposing sentence: *Provided*, That no convict whose sentence shall be for a period longer than 5 years shall be so sentenced.

All persons charged with a crime by any municipal authorities of any incorporated town or city in the county of Marion shall have the right to incarcerate such persons in the county jail of Marion County without any expense to the town authorities of said town; and the officers in charge of the jail shall receive

such person and hold same subject to the orders of the mayor or intendant of said town: *Provided further*, That all persons sentenced by any mayor or intendant of any incorporated town in the county of Marion to labor on the public works of said county shall be required to serve on the county chain gang of Marion County without compensation to any of the said incorporated towns from whence they are sentenced.

STATE PRISONERS

CODE OF LAWS, 1932

SECTION 1962. Board of directors.—The Governor shall, with the advice and consent of the senate, appoint a board of directors consisting of five members from the several sections of the State, * * * which board shall have charge of the State penitentiary. * * *

The board of directors shall have power and their duty shall be:

(2) *Examine into discipline.*—To examine and inquire into all matters connected with the government, discipline, and police of the prison; the punishment and employment of the convicts therein confined; the money, concerns, and contracts for work; and the purchases and sales of articles provided for the prison or sold on account thereof, and the progress of the work.

Sec. 1981. Prison farms.—The superintendent and board of directors of the penitentiary are authorized, in their discretion, to purchase or lease, out of the surplus earnings of the penitentiary, one or more farms in any part of the State, due regard being had to the reasonable healthfulness of the locality.

Sec. 1992. Road work.—The county supervisor from each county in the State may be allowed to use any of the convicts he may select, sentenced from his county to the State penitentiary, without charge, for the purpose of working the roads of his county and for such other purposes as he may deem proper. Said convicts shall be under the absolute custody and control of the supervisor and whatever guards he may appoint.

Sec. 5892. Automobile license plates manufactured.—The State penitentiary is hereby authorized to purchase the machinery and establish a plant for the purpose of manufacturing motor-vehicle license plates and metal road signs. The charge for license plates and metal road signs sold to the State highway department shall be in line with the prices heretofore paid private manufacturers, and all State motor-vehicle license plates, metal road signs, and other signs capable of being manufactured by such a plant shall be purchased through the State penitentiary and manufactured by it: *Provided, however*, That the State highway department shall have the right to prescribe the specifications of plates and signs used by such department, the specifications to include colors, quality, and quantity.

ACTS OF 1933

No. 582

SECTION 1. Public works.—[The board of directors of the State penitentiary are authorized to permit the use of convict labor on State highway projects or other public works.]

COUNTY AND MUNICIPAL PRISONERS

CODE OF LAWS, 1932

SECTION 956. Convicts from municipal courts.—Whenever any town or municipal authority in this State have not a sufficient number of convicts sentenced to work on the public works of the town to warrant the expense of maintaining a town chain gang, the town authorities of said town shall be authorized to place said convicts on the county chain gang for the time so sentenced, and the county authorities of the county in which said town is situated shall be authorized and empowered to exchange labor with said town authorities and place county convicts on the public works of the town for the same number of days that town convicts work on the public works of the county.

Sec. 1943. Federal prisoners.—The several authorities of the several counties of this State are hereby authorized and directed to use upon the public works

of the county such Federal prisoners as are able-bodied and are serving sentences in the jails of the respective counties under the same rules and regulations as apply to the State prisoners under similar sentences: *Provided, however,* That no such Federal prisoners shall be so used upon the public works of any county unless by authority of an act of Congress of the United States.

SEC. 3831. Sentence to hard labor.—All the courts of this State and municipal authorities which under existing laws have power to sentence convicts to confinement in prison with hard labor, shall sentence all able-bodied male convicts to hard labor upon the public works of the county in which said persons shall have been convicted, and in the alternative to imprisonment in the county jail or State penitentiary at hard labor: *Provided,* That municipal authorities may sentence municipal convicts to work upon the streets and other public works of the municipality in which they have been convicted, and such convicts when so sentenced shall work under the exclusive direction and control of the municipal authority imposing sentence: *Provided,* That no convict whose sentence shall be for a period longer than 5 years shall be so sentenced.

SEC. 3834. Leasing to other counties.—The governor of this State shall have the authority, on proper cause shown, to remand any convict committed to the State penitentiary back to the county chain gang of the county from which he was committed, to serve the balance of the sentence imposed by law, upon the request of the county commissioners. And the county board of directors, county supervisor or county board of commissioners, respectively, of any of the counties of this State, are hereby authorized and empowered to hire or lease any of the convicts sentenced from such county or counties respectively, to any other county of the State, upon such terms and upon such conditions as to such officers, respectively, shall be deemed just, wise and expedient.

SEC. 3835. Work on highways.—All convicts upon whom may be imposed sentence of labor on the highways, streets and other public works of a county shall be under the exclusive supervision and control of the county supervisor and by him formed into a county chain gang and required to labor on the highways, roads, bridges, ferries, and other public works or buildings of the county; and he shall direct the time, place and manner of labor to be performed by said chain gang: *Provided,* That said chain gang shall not be worked in connection with or near any road contractor or overseer. And all convicts upon whom may be imposed sentence of labor on the highways, streets or other public works of a city or town shall be under the exclusive supervision and control of the municipal authorities of such city or town, or such officer or officers as such municipal authorities may appoint, and by them or him formed into a city or town chain gang, and required to labor on the streets, lanes, alleys, drains and other municipal works or buildings of such city or town (including public parks owned and controlled by such city or town, whether within or without the corporate limits of such city or town) but on no other highways, streets or other public works in or of the county in which such a city or town may be situated: *Provided,* That if any convicts upon whom may be imposed sentence of labor on the highways, streets and other public works of a county are not formed into a county chain gang, or are not required to labor on the highways, streets and other public works of a county they may be required to labor on the highways, streets, and other public works of any city or town in such county having a city or town chain gang, upon such terms as may be agreed upon by and between the county board of commissioners of such county and the municipal authorities of such city or town.

SEC. 3837. Municipal convicts.—The municipal authorities of any city or town shall diet and provide suitable and efficient guards and appliances for the safe-keeping of all convicts sentenced to labor on the highways, streets, and other public works of such city or town, and shall provide all necessary tools, implements, and road machines for performing the work required of said convicts, and shall pay all costs and expenses of the same.

SEC. 3839. Exchange of convict labor.—The supervisor of any county in this State is hereby authorized to contract with the supervisor of any other county of this State, desiring to hire out convicts or to exchange convict labor as herein provided, upon such terms as may be mutually agreed upon; and to this end said supervisors are hereby vested with all the necessary powers as if said convicts were convicted and sentenced in their own counties, respectively: *Provided,* That all contracts entered into by any supervisor hereunder for the hire or exchange of convicts hereunder be approved by a majority of the board

of county commissioners of his county: *Provided*, That the provisions of this section shall not apply to Fairfield County.

SEC. 3843. *Use of chain gang.*—The county board of commissioners shall have power and authority, in their discretion, to utilize the county chain gang in whole or in part in any kind of work calculated to promote or conserve public health in the county or in any community thereof, in which the sentences of the convicts on such gang were pronounced.

SEC. 3851. *House of correction for females.*—The county board of commissioners of the several counties in this State may provide and maintain, in connection with the poor farm, a suitable house of correction to which female convicts may be sentenced, except convicts for capital offenses, wherein such convicts shall be employed in useful occupations.

SEC. 6148. *Duties of commission.*—The duties and powers of every such commission, in each county respectively, shall be as follows:

* * * * *

(6) *Utilize the county chain gang.*—To utilize the county chain gang, in whole or in part, in any kind of work for drainage purposes, when not needed for road purposes and to hire convicts from other counties and from the State for any such work.

* * * * *

SEC. 7359. *Quarries.*—All incorporated towns and cities are hereby authorized and empowered, in addition to the powers now conferred upon them by law, to own and operate rock quarries, for the purpose of improving roads, highways, and streets within their respective jurisdictions, and to work convicts in operating said rock quarries. * * *

SOUTH DAKOTA

STATE PRISONERS

COMPILED LAWS. 1929

SECTION 5378. *Twine plant continued.*—The special fund in the State treasury known as the twine plant revolving fund, shall be maintained as heretofore for the purpose of conducting the business of the hard fiber twine and cordage plant at the State penitentiary.

SEC. 5381. *Sale of twine.*—It shall be the duty of the Governor, State auditor, State board of charities and corrections, and the warden of the penitentiary, not later than the 1st day of March, each year, to fix the price at which binding twine manufactured at the State twine and cordage plant shall be sold. Such price shall continue to be the price for the season unless it shall become evident to the warden and the board of charities and corrections that it is such as will prevent the sale of the twine, or such that the State will not receive a fair price therefor, in which case a change in price may be made at any meeting of the board thereafter held by the warden and board of charities and corrections. Two hundred and fifty thousand pounds of binding twine shall be reserved each year for sale to farmers or actual consumers who are residents of the State, in such quantities as are necessary for their use and shall be sold only for cash or upon such good and sufficient security as the warden of the penitentiary shall approve.

SEC. 5382. *Surplus twine.*—All twine on hand, above the 250,000 pounds reserved for sale to farmers and actual consumers, for which no order has been given, may be disposed of by the warden and board of charities and corrections, in bulk at the price fixed as in this article provided. The warden shall require from the person purchasing twine to resell, an agreement in writing that he will resell such twine only to actual consumers, that he will resell such twine for cash for 1 cent per pound above cost and 1½ cents per pound above cost when sold on time, cost of transportation added, and that he will permit the inspection of his books at any time by any agent of the State or State attorney for the purpose of ascertaining whether he has complied with his agreement. If any twine remains unsold after the 15th day of June in any year, the warden and board of charities and corrections may sell the same unconditionally for the best price obtainable or carry the same over to the next year as may seem best in their judgment.

SEC. 5384-A. *Motor vehicle license plates.*—The board of charities and corrections are hereby authorized and empowered to purchase and install at the

State penitentiary all necessary machinery, equipment and material for the purpose of manufacturing motor vehicle and motorcycle license plates, highway signs, and other markers.

SEC. 5384-B. *Equipment.*—The board of charities and corrections shall, at as early a date as practicable, purchase all necessary machinery, material, equipment, and fixtures and perform all other things that may be necessary provided for in section 1 [5384-A] herein; that in the construction and manufacture of said plates, signs, and markers they shall utilize to as great an extent as possible the labor of the inmates of said penitentiary; said machinery and equipment to be in place and ready for operation on or before July 1, 1929.

SEC. 5384-F. *Sale of license plates.*—Motor vehicle and motorcycle license plates, highway signs and markers may be furnished to the State at prices to be agreed on between the requisitioning State department and the board of charities and corrections. * * *

SEC. 5384-G. *Other products.*—The board of charities and corrections may also enter into contracts for the manufacturing and furnishing of such articles as hereinbefore mentioned, or any other articles that the said plant and equipment hereinbefore provided for is suitable to be used in the manufacture of, and may enter into such contracts with any State department in South Dakota or other States or counties, or other municipalities, corporations, or individuals.

SEC. 5417. *Earnings.*—[An allowance of earnings may be made to convicts in such an amount as the board of charities and corrections and the warden may deem best, taking all circumstances into account.]

SEC. 5418-A. *Work on drainage ditches.*—The State board of charities and corrections of the State of South Dakota and/or the warden of the State penitentiary of the State of South Dakota are hereby authorized and directed to furnish labor of inmates of the State penitentiary at Sioux Falls, S.Dak., for the purpose of assisting in the maintenance and upkeep of drainage ditch nos. 1 and 2, which ditch furnishes drainage for property owned by the State of South Dakota in connection with operation of the State penitentiary. Such inmates shall perform whatever labor may be assigned to them without compensation to them other than that which is now prescribed by law for such inmates.

SEC. 5454. *Outside employment.*—If the warden shall at any time deem it for the interest of the State, he may employ the convicts outside the penitentiary yard in quarrying or getting stone from and cultivating the penitentiary farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; * * * upon the written recommendation of the board of charities and corrections endorsed by the warden, the Governor may make an order in writing authorizing the employment, upon any work in which the State of South Dakota is engaged, or has an interest, at any place within the State of one or more designated convicts whose record and conduct, in the opinion of the warden and of the board, has been such as to warrant the belief that they can with safety be thus employed. * * *

SEC. 8507-Z37. *Road work.*—The [State] highway commission may arrange to have the work [on the trunk highway system] done by day labor, or by convict labor, * * *.

COUNTY AND MUNICIPAL PRISONERS

COMPILED LAWS, 1929

SECTION 10221. *Employment.*—Every able-bodied male prisoner over 18 and not more than 50 years of age, confined in any jail under the judgment of any court of record, justice's court, or other tribunal authorized to imprison upon conviction for the violation of any law of this State, an ordinance or bylaw of any city, town, or civil township, or any rule or regulation of any board, commission, or public officer having the effect of law, may be required to labor during the whole or some part of each day of his sentence, but not more than 8 hours in any one day. Such court or tribunal, when passing judgment of imprisonment, shall determine and specify whether such confinement shall be at hard labor or not. Such labor may be in the jail or jail yard, upon public roads or streets, public buildings, public grounds, or elsewhere in the county; and all persons confined therein may be allowed, upon request to perform such labor. Each prisoner performing labor may be paid a reasonable compensation by the county, city, town, or civil township benefited thereby.

SEC. 10222. Compensation.—[Such compensation as the court may allow may be paid to the wife or family dependents of the prisoner. The determination of the amount to be paid is within the discretion of the court.]

TENNESSEE

STATE PRISONERS

CODE, 1932

SECTION 3180. Work on highways.—The State commissioner may execute any highway work or part thereof under this statute by means of the labor of State or county convicts: *Provided*, That such convicts at the time shall be available by law and satisfactory arrangements can be made by which they may be used. * * *

SEC. 12108. Hours of labor.—The work of convicts shall be at an average of 10 hours per day, Sundays excepted, through the entire year, and the number of hours to be worked in the different seasons of the year, shall be regulated by the commissioner of institutions.

SEC. 12118. Labor required.—All persons sentenced to the penitentiary shall be kept at labor when in sufficient health. * * *

SEC. 12120. Employment.—The particular employment of each prisoner shall be such as may be best adapted to such prisoner's age, sex, and state of health, having due regard to that employment which is most profitable.

SEC. 12150. Work within walls.—The convicts shall be worked within the walls of the prison, except when otherwise provided in this code.

SEC. 12181. Farm.—Said commissioner [of institutions] shall operate the State farm and all appurtenances to its full capacity in the cultivation and production of crops of the character and kind best suited to be grown and produced on such land, and for this purpose inmates of the penitentiaries shall be employed under such rules, regulations, and conditions as may be prescribed by him.

SEC. 12182. Construction of certain roads.—Said commissioner shall have authority and power to construct with the labor of inmates of the penitentiary any and all roads that may be found necessary and of value to the State's properties, and to construct and build, if in his opinion it is necessary, separate hospitals and necessary appurtenances for contagious diseases on the State's property, and pay for same out of the fund belonging to said institution.

SEC. 12183. Census.—[A count is to be made each year of all convicts available for work on the county roads.]

SEC. 12186. Road work.—When such census is completed the county judge or the chairman of the county court of each county shall be notified by such commissioners that said inmates of the penitentiaries are available and subject to be employed upon the county roads, pikes, and highways of the counties, who may apply for their services, upon such terms and conditions as may be required by the commissioner. * * *

SEC. 12187. Minimum number.—Not less than 50 prisoners may be furnished to any one county.

SEC. 12188. Period for road work.—Such employment and operation in road work may be during the summer season beginning April 1 and ending December 1 and said inmates of the penitentiaries shall not be hired or worked in any county on road work during any other period of the year.

SEC. 12196. Construction; mining.—Said commissioner may during the summer season provide employment for part of the prisoners at the Brushy Mountain Penitentiary in repairing or building any buildings that may be deemed necessary on said property; so that in the event of the employment of a sufficient number of inmates of the Brushy Mountain Penitentiary on the county roads, pikes, highways, or railroads, the mining force at the Brushy Mountain Penitentiary shall be reduced to not exceeding 300 men mining coal, burning coke, and operating said mines during the road-working season.

SEC. 12197. Railroad grading.—The commissioner of institutions may contract with any railroad company to do the grading of any railroad extension into the coal lands of the State, and in case the State engages to do said grading, the working of the convicts upon such grade work is hereby authorized and the working of the convicts shall be under such commissioner. Said commissioner may accept in remuneration for said grading county bonds or first-mortgage bonds of such railroad.

Sec. 12198. *Contracts for road work.*—The commissioner of institutions, with the approval of the Governor, is hereby authorized to contract with the commissioner of highways and public works for the use of any or all convicts except those which it is undesirable or impracticable in the opinion of said officials to work outside the walls of the main prison in constructing any new or maintaining any old public road in this State: *Provided*, That all such contracts shall be made upon the same basis of pay for the labor of such convicts as is being paid free labor at the time for such similar work in the locality where such road work is to be done, after making due allowance, if any, for the difference between convict and free labor.

Sec. 12201. *Earnings.*—[One third of the net profits are to be reserved for the benefit of the prisoners so employed.]

Sec. 12205. *Employments in manufacturing.*—The commissioner of institutions, with the approval of the Governor, is authorized and directed to employ and work at manufacturing articles of merchandise in shops to be wholly controlled by such commissioner, such of the convicts as in his judgment it will not be safe, humane, practicable, or desirable to work outside the prison walls; that is, such prisoners as cannot with profit to the State, safety to the prisoners and the public be maintained and employed outside the prison walls, it being the purpose and intention of this law to reduce to a practical minimum the number of prisoners engaged in the manufacturing business in competition with free labor and manufacturers engaged in like business. Said commissioner of institutions, with the approval of the governor, is hereby authorized and directed to make contracts for the sale or manufacture of any articles which may be manufactured in said State shops. Such contracts for the sale or manufacture of such manufactured articles shall be made at such prices and covering such periods of time as in the opinion of said commissioner of institutions will best subserve and protect the interests of the State and the welfare of the prisoners, subject to the following rules and provisions, to wit:

* * * * *

(2) Such prisoners shall be worked in such manufacturing lines as in the opinion of said commissioner of institutions will be best for the financial interests of the State, considering the health and well-being of the prisoners and their welfare and ability to earn a livelihood after their periods of confinement shall have been terminated.

(3) In order that any competition between the labor of such convicts to be worked directly by and for the benefit of the State and free labor shall be reduced to its practical minimum, all reasonable efforts shall be made to dispose of the articles manufactured by such prisoners at such prices as will best protect the financial interests of the State and maintain the earnings of such prisoners as nearly as may be on a par with the prices paid to free labor engaged in the same lines of manufacture.

* * * * *

(5) After selling and disposing of articles manufactured in each shop and line, there shall be kept and reserved for the use and benefit of the prisoners working in any such shop and line, and to be paid to them or to any of their designated dependents 33 $\frac{1}{3}$ percent of the balance of said selling price remaining after reimbursing the State for the care and maintenance of said prisoners; and the funds so reserved shall be used and expended by said commissioner of institutions, with the approval of the Governor, in payments therefrom to be made to deserving prisoners or to their dependents in such amounts as will reward good conduct, give the stimulus of hope to the prisoners, and best encourage the discipline and efficiency of the prisoners worked in such manufacturing shop.

* * * * *

Sec. 12206. *Sale of products; State account, etc.*—In the event the authorities herein authorized and empowered to make contracts for the sale or manufacture of the articles to be manufactured in accordance with the plan hereinbefore provided for are not able after reasonable effort to make and enter into satisfactory contracts of this character, said authorities are then empowered and authorized to use and employ said convicts in the manufacture of some article or articles for and on behalf of the State itself, under the same general conditions, restrictions, and rules as hereinbefore provided, and said authorities are also empowered and authorized to purchase or rent all

machinery and equipment necessary to install the plants and to purchase necessary material for carrying on such manufacturing business. The said authorities are also authorized and empowered to sell the manufactured articles in the general trade or market or to sell the whole output or production to any one or more dealers: *Provided*, That the authorities selling said manufactured articles will be governed and controlled by proper consideration and reasonable protection of free labor and manufacturers engaged in the production and sale of similar and like manufactured articles.

SEC. 12207. *Automobile license plates*.—The department of institutions is hereby authorized and empowered to manufacture automobile number plates and kindred articles at the Tennessee Penitentiary at Nashville so as to supply the requirements of the State as hereinafter provided and to sell to other cities, counties, and States, if deemed advisable by the authorities in charge.

COUNTY PRISONERS

CODE, 1932

SECTION 2769. *Highways*.—All persons confined in county jails or workhouses, either under sentence of court for crimes or imprisoned for nonpayment of fines and costs shall be available to the commissioner for the purpose of working them on the public highways. * * *

SEC. 2814. *Road work*.—The judge or chairman of the county court, the county court clerk, and the sheriff of each county are constituted a board for their respective counties, whose duty it is to enter into contracts with public road commissioners or other officers or road contractors having the superintendence of working the public roads for the employment on the public roads of prisoners confined in the county jails for the nonpayment of fines and/or costs adjudged against them by the courts.

SEC. 2817. *Hours of labor*.—Said prisoners shall be worked on any of the public roads of the county and the same number of hours of labor per day as is required by the public road laws shall constitute a day's work and said prisoners shall be allowed \$1 for each day's work which amount shall be credited to his fine and costs.

SEC. 11999. *Municipal workhouses*.—The authorities of any incorporated town may provide such lands, buildings, and articles of any kind as may be necessary for a workhouse or house of correction for such town; and may appoint suitable persons for the management thereof, and make all necessary bylaws and regulations for the government of the inmates, and cause the same to be enforced.

SEC. 12004. *County workhouse*.—The county court of any county may, through its quarterly court, provide such lands, buildings, and articles of any kind as may be necessary for a workhouse for such county.

SECS. 12009–12011. *Portable workhouses*.—[Counties are authorized to establish portable workhouses for use of prisoners working upon the public highways.]

SEC. 12016. *Employment*.—They [board of workhouse commissioners] shall prescribe the kind of labor at which the prisoners shall be put: *Provided*, That when practicable, they shall be worked on the county roads in preference to all other kinds of labor.

SEC. 12037. *Contracts with other counties*.—Any county not desiring to work its workhouse prisoners, may, through its judge or chairman, by direction of the quarterly county court, contract with any other county for the custody and employment of said prisoners. * * *

TEXAS

STATE AND COUNTY PRISONERS

CONSTITUTION

ARTICLE XVI

SECTION 24. *Highways and bridges*.—The legislature shall make provision for laying out and working public roads, for the building of bridges and for utilizing fines, forfeitures, and convict labor to all these purposes.

STATE PRISONERS

ACTS OF 1927

CHAPTER 212

SECTION 2. *Contract system forbidden.*—It shall be the policy of this State in the operation and management of the prison system to so manage and conduct the same in that manner as will be consistent with the operation of a modern prison system, and with the view of making the system self-sustaining; and that those convicted of violating the law and sentenced to a term in the State penitentiary shall have humane treatment and be given opportunity, encouragement, and training in the matter of reformation. All prisoners shall be worked within the prison walls and upon farms owned or leased by the State; and in no event shall the labor of a prison be sold to any contractor or lessee to work on farms, or elsewhere nor shall any prisoner be worked on any farm or otherwise upon shares, except such farm be owned or leased by the State of Texas.

SEC. 3. *Prison board created.*—There is hereby created the Texas Prison Board which shall be composed of nine members to be appointed by the Governor with the advice and consent of the senate, such appointments shall be made biannually or on or before February 15. * * *

SEC. 8. *Powers of board.*—The Texas Prison Board together with the manager hereinafter provided for shall be vested with the exclusive management and control of the prison system, and all properties belonging thereto subject only to the limitations of this act and shall be responsible for the management of the affairs of the prison system and for the proper care, treatment, feeding, clothing, and management of the prisoners confined therein.

SEC. 16. *Sale of products; leasing farm.*—The board shall have power to authorize the manager to sell and dispose of all products of all farms and industries connected with the prison system and all personal and movable property at such prices and on such terms and under such rules as it may deem best and adopt; and it may lease any real estate for agricultural or grazing purposes or lease other fixed property and appurtenances belonging thereto upon such terms as it may deem advantageous to the interests of the prison system.

SEC. 22. *Female prisoners.*—All female prisoners shall be kept separate and apart from the male prisoners. Where practicable, the manager shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of same.

SEC. 25 (as amended 1929, ch. 229). *Employment.*—Prisoners shall be kept at work under such rules and regulations as may be adopted by the manager with the board's approval: *Provided*, That no prisoner shall be required to work more than 10 hours per day except on work necessary and essential to efficient organization of convict forces, which time shall include the time spent in going to and returning from their work but not to include the intermission for dinner, which shall not be less than 1 hour, and in cases of such necessity and essential overtime work, said prisoners shall receive a deduction of time equal to double the hours so worked from the term or terms of sentence. This "necessary and essential work" shall be subject to the recommendation by the general manager to the prison board and shall become effective only after approval by said board. Sunday work on jobs approved by the prison board shall be considered as "necessary and essential work." * * * No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employee violating any provision of this section shall be dismissed from the service.

CHAPTER 251

Prison-made products to be marked.—[No prison-made goods shall be shipped in intrastate commerce and no action can be brought to enforce collection of money due on a contract for the sale of such goods unless at the time of the sale of such goods there is attached to the article or goods sold a label containing the words "prison-made merchandise."]

ACTS OF 1933

CHAPTER 178

Automobile license plates.—[License number plates issued for motor vehicles shall be manufactured at the State penitentiary at Huntsville, Tex. The State penitentiary shall also manufacture all road signs needed by the State highway commission. Act amends section 13, of chapter 88, second called session (1929), relating to the issuance of license number plates.]

COUNTY AND MUNICIPAL PRISONERS

REVISED CIVIL STATUTES, 1925

SECTION 1015. *Powers of city council.*—The governing body shall also have power:

* * * * *

(19) To erect and establish one or more workhouses or houses of correction within or without the city limits, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such workhouse or house of correction may be confined all vagrants and disorderly persons, who may be committed by the mayor or recorder and any person who shall fail or refuse to pay the fine or costs imposed for any offense may, instead of being committed to jail, be kept therein.

UTAH

STATE AND COUNTY PRISONERS

CONSTITUTION

ARTICLE XVI

SECTION 3. *Contract prohibited.*—The legislature shall prohibit—

* * * * *

(2) The contracting of convict labor.
 (3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.

COMPILED LAWS, 1917

SECTION 3666. *Hours.*—Eight hours shall constitute a day's work in all penal institutions in this State, whether State, county, or municipal * * *.

SEC. 5508. *Labor on highways.*—Convict labor may be utilized in providing material for constructing roads and also in the construction and improvement of roads, the prisoners in the county jail may be required to work upon county roads under regulations made by the board of county commissioners, and prisoners in the State prison may be required to work upon State roads.

SEC. 5510. *Hours of labor.*—* * * No supervisor shall cause or permit any person under his direction to be employed for more than 8 hours of any day.

SEC. 5514. *Bridges and culverts.*—All bridges and culverts required in connection with this road construction * * * so far as is deemed advisable shall be constructed by convict labor. * * *

SEC. 9173. *Labor required.*—In all cases when by law a person is sentenced to imprisonment either in the State prison or in a county jail, it shall be at hard labor, whether so designated by the court or jury or not.

STATE PRISONERS

COMPILED LAWS, 1917

SECTION 5455. *Duties of warden.*—It shall be the duty of the warden under the rules and regulations adopted by the board for the government of the prison:

* * * * *

4. To use every proper means to furnish employment to prisoners most beneficial to the State and best suited to their several capacities;

5. To superintend any manufacturing and mechanical business that may be carried on by the State, pursuant to law, within the prison; to receive the articles manufactured, and to sell and dispose of the same for the benefit of the State;

* * * * *
8. To be * * * the custodian * * * of all funds belonging to the prison and arising from the labor of the convicts or the sales of manufactured articles;

* * * * *
SEC. 5472. *Labor on buildings.*—The warden shall also have authority, under such regulations as the board may adopt, to employ convicts in the erection or repair of the buildings or walls of the prison, or on the prison farm.

SEC. 5475. *Industries.*—It shall be the duty of the prison board to meet at least once in 6 months to determine what lines of productive labor shall be pursued in the prison, and in so determining the board shall select diversified lines of industry with reference to interfering as little as possible with the same lines of industry carried on by citizens of this State. No contract shall be made for the labor of prisoners confined in the State prison, but they shall be employed by the warden under rules and regulations established by the board.

SEC. 5476. *Articles for State use.*—The board shall be required to employ as many prisoners as are necessary in making articles for the various State institutions, as far as practicable; and the State institution shall pay to the prison the market price of all articles furnished.

SEC. 5477. *Irrigation works.*—For the purpose of reclaiming, by irrigation, State lands, and for the purpose of furnishing public work for convicts confined in the State prison, the State board of corrections is hereby authorized to locate and construct, in the name of and for the use of the State, ditches, canals, reservoirs, and feeders, for irrigating and domestic purposes, and for that purpose may use convict labor of persons confined, or that may be confined, as convicts in the State prison.

SEC. 5478. *Earnings.*—[Unmarried prisoners receive not to exceed 10 percent of their net earnings, payable on discharge. Married prisoners with dependent families resident in the State receive not to exceed 25 percent, to be given the family; if without such families, the same as unmarried prisoners.]

SEC. 5481. *Hours of labor, etc.*—All convicts, other than such as are confined in solitude for misconduct in the prison, shall as far as practicable be kept constantly employed at hard labor for an average of not less than 8 hours a day, Sundays and holidays excepted, unless incapable of laboring by reason of sickness or other infirmity.

COUNTY PRISONERS

COMPILED LAWS, 1917

SECTION 1400. *Power of board of county commissioners.*—The board of county commissioners in each county has jurisdiction and power, * * * under such limitations and restrictions as are prescribed by law.

SEC. 1400. 15. *Labor on public grounds, etc.*—To provide for the working of prisoners confined in the county jail under judgment of conviction of misdemeanor, under the direction of some responsible person, upon public grounds, roads, streets, alleys, highways, or public buildings, for the benefit of the county, when, under such judgment of conviction, or existing laws, said prisoners are liable to labor.

VERMONT

STATE AND COUNTY PRISONERS

CONSTITUTION

CHAPTER II

SECTION 60. *Hard labor prescribed.*—To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing, by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons, and all persons at proper times ought to be permitted to see them at their labor.

STATE PRISONERS
GENERAL LAWS, 1917

SECTION 7136. *Leasing.*—Said director [of State institutions] may contract, for not exceeding 5 years, to any person or corporation, the labor of any or part of the convicts in the State prison and house of correction, or either institution, in such manner and on such terms as said director deems best for the State; but such contracts shall not interfere with the management or discipline of the convicts. Said director may purchase the material, supplies, machinery and appliances required for employing the convicts, and may employ all necessary superintendents, accountants and other help necessary for such enterprise, and may pay to the convicts such rewards for especially good work as may to said director seem for the best interests of the State. Said director may conduct such manufacturing business as a financial enterprise, separate from the State prison and house of correction. Said director may sell any and all articles so manufactured * * *.

SEC. 7137. *Employment outside walls.*—Said director may designate prisoners confined in the State prison or house of correction, who may be employed in the service of such institutions respectively, outside the walls thereof.

SEC. 7138. *Same.*—The superintendent of either of such institutions may, in his discretion, take any prisoner so designated, outside the walls of such institution, and employ him at hard labor in the service of such institution, * * *.

SEC. 7165. *Farms.*—The director of State institutions shall, at the expense of the State and subject to the approval of the board of control, lease such farm or farms or lands as said board deems advisable for the establishment of State detention farms. Such farms shall be for the discipline, correction, reformation, instruction, and work of persons confined in jails. Such detention farms shall be under the control and management of said director.

SEC. 7168. *Employment.*—The director of State institutions shall cause persons removed to a detention farm to perform such work on or in the vicinity of such farm as the board of control deems advisable, and may make contracts for labor to be performed by such persons.

SEC. 7169. *Earnings.*—[Prisoners working as herein provided receive such sum per day as the director shall fix.]

SEC. 7187. *Labor required.*—Persons sentenced to imprisonment in the house of correction shall be kept at hard labor, * * *.

COUNTY PRISONERS
GENERAL LAWS, 1917

SECTION 7258. *Labor may be required.*—A male person imprisoned under sentence in a county jail may be required by the sheriff of the county to perform not more than 10 hours of manual labor, within or without the walls of such county jail, each day of such imprisonment, except on Sundays and legal holidays.

SEC. 7259. *Employment.*— * * * Said sheriff may require and compel able-bodied prisoners so confined upon conviction for crime to work in the improvement of the public highways, within a radius of 30 miles from such jail and outside of a city or incorporated village. * * *

VIRGINIA¹⁸
STATE AND COUNTY PRISONERS
CODE, 1919

SECTION 1971. *Road work.*—Whenever any county, through its local road authorities, shall make application * * * to the State highway commissioner, * * * then the commissioner shall make requisition upon the superintendent of the penitentiary for such number of the State convict road force as he may deem necessary, under the plans and specifications agreed upon as foresaid, for the proper and economical work on said road; and thereupon the superintendent of the penitentiary shall send to such county, for such purpose, the number of State convict road force so required, * * *.

¹⁸ Section 2073 (p. 116) amended in 1933, but text received too late for inclusion here. See p. 146 for amended section.

SEC. 2073 (as amended 1924, ch. 88). *Road force; articles for State use.*—All male prisoners convicted of felony, and sentenced to confinement in the penitentiary, and all male persons now convicted and confined in the public jails, or who may be hereafter convicted and so confined, and sentenced to the road force for a misdemeanor, shall, when delivered to the superintendent of the penitentiary, under the provisions of sections 2075 and 2096, constitute the State convict road force. But such convicts as the State prison board and the superintendent of the penitentiary shall deem it improper or unsafe to be put on the convict road force or other public works, on account of physical condition, character, or disposition, may be employed by the State prison board in work for the State at the penitentiary, at the State penitentiary farm, at the State lime-grinding plants, or in State or county stone quarries. Convicts actually confined within the penitentiary at Richmond, however, shall be used, as far as possible, in the making of articles required by the State departments and institutions, and the State prison board is authorized and empowered to charge the State departments and institutions the actual cost of the materials used in the manufacture of articles furnished them, and in addition thereto an amount sufficient to defray the maintenance costs of the prisoners employed in such State-use industries, and to keep in repair and to replace the machinery, tools, et cetera, used in the manufacture of the various articles furnished. Any surplus of manufactured articles made in the said State-use industries not required by the State departments and institutions, may be disposed of by the State prison board by sale to municipal and county agencies in Virginia and to Federal, State, and local public agencies within or without the State of Virginia, or as the State prison board, with the approval of the Governor, may deem to be to the best interests of the State. * * *

SEC. 2074. *Notice as to needs of force.*—It shall be the duty of the superintendent of the penitentiary, when in his judgment there is or there is not need of members of the State convict road force, to inform in writing any or all of the judges of the courts of this State, having original jurisdiction of felony trials, of such need or sufficiency.

SEC. 2075 (as amended 1926, ch. 65; 1928, ch. 487). *Prisoners to be furnished.*—Upon written request of the superintendent of the penitentiary or of the board of supervisors of any county or the supervisor of any magisterial district, the judge of the circuit court of any county or the judge of the corporation court of any city shall, * * * order any male prisoners * * * to be delivered by the jailor of such county or city, to or upon the order of the superintendent of the penitentiary to work in the State convict road force, and in case of the request of the board of supervisors of a county or the supervisor of a magisterial district, mayor or council of any city or town to be delivered by the jailor of such county or city, to or upon the order of the said board of supervisors of said county or of the said supervisor of said magisterial district, to work under the direction of the county road superintendent or road supervisor for said magisterial district, or of such person or persons with whom said county or said magisterial district may have a lawful contract or contracts; * * *. No one so confined who is under the age of 18 years shall be so delivered, and the delivery of any such one over the age of 18 and under the age of 21 years shall be discretionary with the court or judge, and persons over the age of 18 years imprisoned for violation of city, town, or county ordinances or sentenced to jail for not more than 30 days for offenses against the Commonwealth or if for more than 30 days pending their delivery as members of the State convict road force, shall be liable primarily to work on chain gangs or public works within such cities, towns, or counties at the request of the proper authorities thereof. Any persons so sentenced to such chain gang or public works under this section shall have the right of appeal from such sentence to the circuit or corporation court, as the case may be. * * *

SEC. 2088. *Placing force.*—Whenever the State highway commissioner shall make requisition upon the superintendent of the penitentiary for a designated number of the State convict road force to be employed upon the roads of any county of this State, * * * the superintendent of the penitentiary shall send to such county such number of the State convict road force so required, * * *.

SEC. 2096. *Sentence to road force.*—Whenever a male person over 18 years of age is convicted of any misdemeanor for which a jail sentence may be imposed, either for a fixed period of time, or a sentence to serve in default of payment of fine or in default of surety, the judge or justice before whom such a case is tried may, in his discretion, in lieu of committing said person to jail, sentence him to

a like period on the public roads, and cause him to be delivered into the custody of the superintendent of the penitentiary, to be kept by him as a member of the State convict road force, in accordance with law, and subject to work on the public roads.

SEC. 2096-b (added 1932, ch. 145). *Public works*.—The State prison board is authorized to establish additional convict camps and to enter into agreements with the proper authorities of any county, town, or city in the State, or with any department of the State government to build and maintain roads and streets and to do such other public works as may be approved by the State prison board and the Governor: *Provided*, Nothing in this section shall interfere with the State convict road force camps employed on the State highway system.

* * *

ACTS OF 1918

CHAPTER 9 (as amended 1924, ch. 43)

SECTION 1. *State highways*.—The State convict road force as now or hereafter constituted shall, so far as practicable, be employed in the construction and maintenance of the State highway system, and to this end may be used in rock quarries, gravel pits, and other plants in the preparation of materials for construction and maintenance of roads.

SEC. 3. *Requisitioned convicts*.—The State highway commission shall make requisition, from time to time, upon the superintendent of the penitentiary for such number of the convict road force as it may deem necessary for work on the State highway system or for the preparation of road material for road construction and maintenance, and thereupon the superintendent of the penitentiary shall send to the place designated by the commission the number of said convict road force so required, and all of the provisions of * * * [secs. 2073–2093] not in conflict with this act shall apply.

SEC. 4. *Other convicts*.—All convicts in the State convict road force who are, in the judgment of the chairman of the State highway commission, not needed for work on the State highway system, or in the preparation of materials for construction and maintenance, shall be used in accordance with the provisions of * * * [secs. 2073–2093].

STATE PRISONERS

CODE 1919

SECTION 1267. *Lime, etc.*—Whenever the [convict lime] board shall be of opinion that it is wise and expedient to do so, as many of the long-term or desperate convicts as can be profitably employed within the limits of the appropriation made by law shall be put to work in quarrying, getting out, and grinding limestone, oyster shells, or marl, and to enable it to do so the board may acquire by gift, purchase, or lease suitable limestone lands or quarries, suitable deposits of oyster shell or marl convenient to transportation by rail or water, and shall cause the same to be manufactured, * * *.

Whenever practicable, convicts shall be used for all the work of the plant.

SEC. 1268. *Sale*.—* * * The said ground limestone, ground oyster shells, and marl, so produced by convict labor shall be sold for cash, and at a price which shall repay the State for the maintenance, guarding, and services of the convicts, for the interest on the amount invested in machinery, 10 per centum for wear and tear of the machinery, the cost of the rock, shells, and marl; and the upkeep of the machinery. And the said board shall dispose of any by-products of the quarry or from oyster shells or marl for road or other purposes for a fair price to any of the citizens of this State on the same terms and in the same manner, except as to quantity, as the crushed product is sold. * * *

SEC. 4993. *Work of penitentiary*.—* * *. The superintendent shall have custody of the property of the penitentiary, * * *. He shall have authority to employ the prisoners in improving and cultivating any part of the land aforesaid, or in repairing the water pipes and fixtures, or the roads from the penitentiary to proper points of intersection with the streets, or in taking out or bringing into the enclosure any necessary thing to or from the said city.

SEC. 5007. *Employment adjusted*.—Before any male prisoner shall be permitted to labor in the shops, or elsewhere out of his room, he shall make and subscribe such promise of obedience and fidelity to the rules and orders of the

institution as shall be prescribed by the board and approved by the Governor, and it shall be the duty of the superintendent, as far as practicable, to provide suitable employment in separate rooms for the refractory and obstinate and for those of disordered mind, or who, for any cause, are unfit to be congregated in the shops. * * *

SEC. 5009. *Labor to be hard.*—The convicts shall be kept to the hardest labor suitable to their sex and fitness, and such of them as need it instructed in some mechanic art.

SEC. 5014. *Employment.*—The superintendent shall, at the discretion and under the direction of the Governor, employ them at Richmond or elsewhere in the State, in improving, repairing, or working on the public buildings, grounds, and property, or cultivating grounds for the use of the penitentiary.

SEC. 5015. *Care of cemeteries.*—He shall have authority to furnish to the Hollywood and Oakwood Memorial Associations, from time to time, as may be necessary, a sufficient force of convict labor to keep in order the graves and sections wherein are buried the Confederate soldiers of the Army of Northern Virginia in said cemeteries.

ACTS OF 1918

CHAPTER 301

SECTION 1 (as amended 1928, ch. 153). *Earnings.*—[Prisoners are to be allowed 10 cents for each day worked.]

SEC. 1a. *Work time.*—The board of directors of the State penitentiary shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farm, or camps in the State, so far as it is practicable, cause all of the prisoners in said institutions or camps who are physically capable thereof to be employed at useful labor, not to exceed 10 hours for each day, other than Sundays or public holidays; which shall include time occupied in going to and from work: *Provided*, This shall not apply to work on the State farm, nor shall it apply to existing contracts heretofore made by this State.

ACTS OF 1932

CHAPTER 133

SECTION 1. *Manufacture of license plates discontinued.*—[The 1928 law (ch. 511) authorizing the manufacture of motor vehicle license plates, roads signs, etc., in the State penitentiary is repealed.]

SEC. 2. *Equipment.*—All equipment purchased by the board of directors of the State penitentiary for the manufacture of motor vehicle license plates, road signs, and other articles under the provisions of the act hereby repealed, shall remain in the possession of, and under the control of the board of directors of the penitentiary, used by such board for the manufacture of license plates, markers, and other kindred articles under the provisions of section 2073 of the Code of Virginia.

MUNICIPAL PRISONERS

CODE, 1919

SECTION 3061 (as amended 1926, ch. 426). *Work on streets, etc.*—The council of such city or town of the Commonwealth of Virginia may establish chain gangs in such city or town under such regulations as the council of said city or town may prescribe for the purpose of working on the streets, roads, and public property therein, farms owned or leased by such city or town, and of working in or on any other public property or works owned, leased, or operated by such city or town, whether the same be located within such city or town or in the county where such city or town is situated. Every male person above the age of 18 years who is convicted for any violation of an ordinance of any such city or town which by such ordinance is punishable by confinement in jail or fine, and who is imprisoned as a punishment or for failure to pay such fine shall be liable to work in such chain gang; but nothing in this section shall abridge the right of the proper authorities to send minors to the reformatories of the State. * * *

WASHINGTON
STATE PRISONERS
CONSTITUTION
ARTICLE II

SECTION 29. *Contracts prohibited.*—After the first day of January 1890 the labor of convicts of this State shall not be let out by contract to any person, copartnership, company, or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the State.

REMINGTON'S REVISED STATUTES, 1931

SECTION 5847-1 (as amended 1933, ch. 178). *Sale of convict-made goods.*—The selling, offering, keeping, exposing, or displaying for sale on the open market within this State of any goods, wares or merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, is hereby prohibited.

No goods, wares or merchandise, manufactured, produced or mined, in whole or in part, by convicts or prisoners of other States, except convicts or prisoners on parole or probation, shall be shipped into this State to be sold on the open market in this State, or sold to or exchanged with an institution of this State, or any of its political subdivisions: *Provided*, This act shall not prohibit the sale to or exchange between penal, reformatory or custodial institutions and/or departments of this State, including any of its political subdivisions, for use or consumption by said institutions, of goods, wares, or merchandise manufactured, produced or mined, in whole or in part, by convicts or prisoners of the State of Washington: *And provided further*, This act shall not apply to commodities manufactured by Federal, penal, or correctional institutions for use by the Federal Government, and/or goods displayed or sold within any of the penal reformatory or custodial institutions of the State for the benefit of the inmates thereof.

Sec. 5847-2 (as amended 1933, ch. 178). *Penalty.*—Any person, firm, or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

[See p. 145, appendix, for secs. 3 and 4 of ch. 178, Acts of 1933.]

SECTION 6855. *Quarries.*—Whenever under the provisions of this chapter any site and quarry is procured, the State highway commissioner¹⁴ shall take possession thereof, and may forthwith erect and construct at and upon the same such stockades, buildings, and structures as may be necessary, suitable, and adequate for the safe confinement and comfortable housing of such convicts as may from time to time be confined or worked therein, and may likewise purchase and install therein, such suitable and proper rock-crushing plants, machinery, appliances, and tools, and with such capacity as in the judgment of the highway commissioner may be necessary and adequate to keep continuously employed and occupied such force of convicts as may from time to time be worked therein.

Sec. 6856. *Employment of convicts.*—It shall be the duty of the State highway commissioner to keep and employ in the several quarry sites so established and equipped as aforesaid, under charge of the superintendent of the penitentiary, and with his permission and that of the State board of control,¹⁵ in charge of such other persons in the employ of the State as the board of control shall direct, a sufficient number of able-bodied convicts when available to keep and maintain said plant therein installed in continuous operation to its full capacity, for which purpose said convicts may be transferred from the penitentiary at Walla Walla.

Sec. 6857. *Regulations.*—All convicts maintained at said quarry sites shall, when physically able and so long as there is a demand for the output of such quarry, be kept and employed continuously (except Sundays and legal holidays)

¹⁴ State highway commission abolished, see Rem. Rev. Stats. 1931, sec. 10893; duties devolve upon State highway engineer, see Rem. Rev. Stats., 1931, sec. 10939-2.

¹⁵ Board of control abolished, see Rem. Rev. Stats., 1931, sec. 10893; duties devolve upon director of business control, see Rem. Rev. Stats., 1931, sec. 10974.

in the quarrying, crushing, preparation, and handling of rock or other materials for roads or streets. All rocks so crushed shall be, upon the request of the State highway commissioner, loaded upon the car or vessel and there delivered to said State highway commissioner, who shall use the same in the construction or maintenance of State roads or State-aid roads: *Provided, however*, That so much of said materials as the State highway commissioner may not at any time require for use on State roads or State-aid roads shall be by said highway commissioner disposed of at not less than 10 percent above estimated cost f.o.b. the car, scow, or boat at the place of production, to counties, cities, or towns within the State in the order of application therefor, excepting in cases where the demands of such counties, cities, or towns may be in excess of the supply, in which case the State highway commissioner shall apportion, deliver, and distribute such material among the several counties, cities, and towns applying, in such proportion as in his judgment may seem fair and equitable; * * * when the quantity of material on hand is in excess of the amount demanded by the State highway commissioner for use upon State roads, or State-aid roads, or for disposition to the counties, cities, and towns as herein provided, then the same may be disposed of by the State highway commissioner, at such prices, not less than the cost of production, as said commissioner may deem most advantageous for the State, giving prior right of purchase to citizens of the State of Washington before applicants from another State. * * *

Sec. 10221. *Manufacture and sale of articles.*—All convicts may be employed by authority of the board, under charge of the superintendent and such skilled foremen as they may deem necessary in the performance of work for the State or the manufacture of any article or articles for the State or the manufacture of which is sanctioned by law. At Walla Walla, at the State penitentiary, no articles shall be manufactured for sale, except jute fabrics and brick. The board is hereby authorized to purchase, from time to time, such tools, machinery, and materials, and to direct the employment of such skilled foremen, as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured and not needed by the State, for cash, at private sale, in such manner as provided by law.

Sec. 10223-1. *Labor of prisoners.*—Every prisoner in the Washington State Penitentiary shall be required to work in such manner as may be prescribed by the director of business control: *Provided*, That prisoners shall not be employed in what is known as the contract system of prison labor.

Sec. 10223-2. *Powers of director.*—The director of business control shall have power to make rules and regulations for the discipline, employment, instruction, education, and compensation of prisoners in the Washington State Penitentiary.

Sec. 10223-3. *Credit for work.*—Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the State derives an income, the director of business control is authorized to credit the prisoner with such amount of his earnings as the director may deem just and equitable, but in no case more than 20 percent of his earnings shall be paid to him or his family. Upon release, or discharge, from the penitentiary, an additional sum, not exceeding 25 percent of the moneys thus earned, may be paid to the person discharged or released.

Sec. 10257. *Manufacture of jute fabrics; brick.*—In the manufacture of jute fabrics and brick the board of control shall employ such skilled labor as is found necessary and as many convicts as possible.

Sec. 10261. *Purchase of jute.*—The State board of control is authorized and empowered to purchase jute and other products and fabrics for use in the State penitentiary; and the jute and other fabrics and products manufactured at the State penitentiary shall be sold for such prices as shall in the judgment of the board be for the best interests of the State.

Sec. 10262. *Sale of produce.*—The jute grain sacks and other fabrics and products manufactured at the State penitentiary shall be sold directly to the farmers, oyster growers, or wool growers of the State of Washington, who are actually engaged in farming, oyster culture, and wool growing, and no sacks shall be sold within the State of Washington to any person not engaged in farming, or oyster culture, and wool growing: *Provided, however*, That the State board of control may, between June 1 and January 1 of each year, dispose of any of the penitentiary products, including grain sacks, in the open market of the world at such prices as they shall deem to be for the best interests of the State * * *. The products of the penitentiary shall be

apportioned and sold to the individual farmers, oyster growers, and wool growers within each county as near as may be pro rata according to the quantities of grain, oysters, and wool produced by said farmers, oyster growers, and wool growers during the current year, as determined by the State board of control. * * *

Sec. 10264. *Prices*.—The price at which all grain sacks manufactured at the penitentiary shall be offered for sale shall be fixed by the State board of control at such time in each year as the board shall consider proper, which price shall not exceed the estimated cost of manufacturing thereof plus a profit of 12½ percent on said estimated cost; * * *

Sec. 10271. *Breaking stones*.—All convicts confined in the State penitentiary at Walla Walla may be employed under authority of the State board of control, under charge of the superintendent of the penitentiary, or of such other persons in the employ of the State as the State board of control shall direct, in the crushing, preparation, or handling of rock or other materials for roads or streets. Such labor shall be performed at such place or places in this State as the said State board of control shall direct.

Sec. 10273. *Sale of material*.—Said State board of control shall have authority to sell and dispose of such crushed rock or other materials for roads and streets in such manner and for such price as they shall deem most advantageous for the State.

Sec. 10275. *Use of brick*.—The State board of control is hereby authorized in its discretion, to use brick manufactured at the State penitentiary for the enlargement, or the construction of any buildings used in connection with the State penitentiary.

Sec. 10276. *Employment on State roads*.—All convicts confined and not otherwise employed shall be employed under authority of the State board of control in charge of the superintendent of the penitentiary or of such other persons in the employ of the State as the State board of control shall direct, in the building of State roads in this State. * * * The places where and the manner in which work shall be performed upon State roads by such convicts shall be designated by the State highway board.

Sec. 10277. *Labor on highways*.—Whenever there are persons confined in the State penitentiary who are physically able to perform manual labor upon the public highways, and who shall not be engaged in other work required by the State board of control, the same may be employed upon the construction and improvement of the public highways within the State.

Sec. 10278. *Same*.—The board of control shall monthly certify to the State highway commissioner the number of persons in the institution named who may be used for the work authorized under this act, and the State highway commissioner shall, whenever possible, use such persons in the building or repair of public roads.

Sec. 10280-7. *Labor in State reformatory*.—Every prisoner in the reformatory shall be required to work in such manner as may be prescribed by the director of business control: *Provided*, That prisoners shall not be employed in what is known as the contract system of prison labor.

Sec. 10280-9. *Credits*.—Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the State derives an income, the director of business control is authorized to credit the prisoner with such amount of his earnings as the director may deem just and equitable, but in no case more than 20 percent of his earnings shall be paid to him or his family. Upon release or discharge from the reformatory an additional 25 percent of the moneys thus earned shall be paid to the person discharged or released.

Sec. 10298-7. *Labor in reformatory for women*.—[Same provision as sec. 10280-7.]

Sec. 10298-9. *Credits allowed in reformatory for women*.—[Same provision as sec. 10280-9.]

COUNTY AND MUNICIPAL PRISONERS

REMINGTON'S REVISED STATUTES, 1931

SECTION 2279. *Sheriff to employ*.—The sheriff of each county shall employ all male persons sentenced to imprisonment in the county jail thereof in such manner and at such places within the county as may be directed by the board of county commissioners of such county.

SEC. 10189. *Hours of labor.*—When a person has been sentenced by any justice of the peace in a city in this State to a term of imprisonment in the city jail, whether in default of payment of a fine or otherwise, such person may be compelled on each day of such term, except Sundays, to perform 8 hours' labor upon the streets, public buildings, and grounds of such city, * * *.

SEC. 10190. *Labor required.*—When a person has been sentenced, by a justice of the peace, or a judge of the superior court, to a term of imprisonment in the county jail, whether in default of payment of a fine or costs, or otherwise, such person may be compelled to work 8 hours each day of such term in and about the county buildings, public roads, streets, and grounds: * * *.

SEC. 10206. *Employments.*—Any city or town shall have authority to contract with the county in which such city or town may be located, and such county shall have authority to contract with any such city or town for the joint acquirement, erection, ownership, control, and maintenance of any jail, workhouse, workshop, stockade, or other place of detention and confinement within the limits of any such county and for the care, keep, custody, control, confinement, and employment of the city, town, or county prisoners heretofore or hereafter convicted of offenses against the laws of the State or of the ordinances of such city or town punishable by fine or by confinement in any such county, city or town jail, in any jail, workhouse, workshop, stockade, or other place of detention and confinement so provided by such county, city or town, or which may be so jointly provided by such county, city or town. The legislative authority of any city or town and the county commissioners of any county shall have authority to employ persons so convicted and under sentence upon such public works as may be designated by such county, city or town, or by any contract between same as in this act authorized.

WEST VIRGINIA

STATE PRISONERS

CODE, 1931

CHAPTER 17, ARTICLE 5

SECTION 1. *Road force.*—All convicts confined in the penitentiary of this State and delivered to the State road commission upon its requisition, as herein provided, shall, when so delivered, constitute the "State convict road force."

SEC. 2. *Employments.*—The State convict road force as now or hereafter constituted, shall, as far as practicable, except as herein otherwise provided, be employed in the construction and maintenance of the State road system, and to this end may also be employed by the commission in or about any stone quarries, gravel pits, sand banks, crushers, brick kilns, and other plants and places, in the acquisition and manufacture of materials to be used in the construction, maintenance, or repair of State roads, under the same rules and regulations as are provided herein for working such force on the State roads or highways.

The commission may, with such convict road force, construct, reconstruct, improve, or repair any State road to any extent without first offering to contract the same.

SEC. 3. *Place of employment.*—Convicts may be employed by the commission at any place within the State under the regulations herein prescribed. The board of control, with the advice and assistance of the warden of the penitentiary, shall determine what prisoners therein confined may, with safety and convenience, be assigned to such work, selecting preferably such prisoners as are believed to be most trustworthy. Whenever the commission shall desire to use such prison labor for the construction, maintenance, improvement, or repair on any State road or highway in this State, or any part thereof, or for the preparation or manufacture of road materials for road construction and maintenance, it shall make requisition upon the State board of control to send convicts to the place or places where they are desired to be worked upon such road. * * *

SEC. 4. *Contract for employment.*—Whenever any such application shall be granted by the board of control, a contract in writing based thereon shall be entered into between the board of control and the commission.

SEC. 5. *Work time; earnings.*— * * * All guards and prisoners shall be under the direction of the State road commission, or its engineer in charge

and shall work not to exceed 60 hours per week and each prisoner shall be paid for such time in excess of 9 hours per day at the contract rate paid by the commission for such prisoner's labor. * * *

Sec. 8. *Contracts for road work.*—Only such contracts shall be renewed or new contracts made, between the State and individuals for the employment of convicts confined in the State penitentiary as may be necessary to employ all convicts not otherwise employed under the provisions of this article: *Provided*, That when convicts from the penitentiary are not required by the commission for labor in the construction and maintenance of State roads, or for the preparation or manufacture of materials therefor, the board of control may, with the consent in writing of the State road commission, grant an application by any of the county courts of this State for the use of such convicts in the construction and maintenance of county-district roads as may not be needed or required by the commission, and all such prisoners shall be employed by the county courts as aforesaid only upon the same conditions, and under the same laws, rules and regulations as are required by this article governing their use by the State road commission.

CHAPTER 28, ARTICLE 5

SECTION 2. *Board of control.*—The board of control shall have general control of the penitentiary, and shall direct all needed improvements and repairs and all manufacturing operations carried on therein, and shall make such rules and regulations as it may deem best as to the treatment of the convicts, their discipline, punishment, diet, clothing, social intercourse, the kind and amount of labor required each day, the trades and mechanic arts to be taught, the manner and duration of solitary confinement and other punishments and the conditions when and on which persons may visit the interior of the building. * * *

Sec. 9. *Hiring out convicts, roads.*—The State board of control in accordance with proper rules and regulations to be made by said board, may hire any or all convicts confined in the penitentiary at Moundville to the State road commission, the county court of any county, or to contractors engaged in the construction of roads in this State, for work on such roads and/or in the preparation or manufacture of materials therefor in the manner prescribed in chapter 17 of this code. While so employed such convicts shall be subject to the rules and regulations of the penitentiary and to the rules and regulations governing the prison camps to which they may be assigned. All contracts for the labor of such convicts, before becoming final and binding, shall have the approval of the Governor.

Convicts of both sexes not so employed may be employed by the warden under the direction of the State board of control in the manufacture and repair of articles used by the State in conducting the penitentiary, or articles used by any other State institutions, or such other articles as the board of control may designate, and for such work the board of control may allow to the convicts such compensation as it may deem just.

Sec. 10. *Domestic service.*—A sufficient number of convicts may be hired by the warden as domestics, on terms to be agreed upon between him and the board of control.

Sec. 11. *State use; piece-price system.*—In order to provide employment for convicts not employed as provided in the two preceding sections, the State board of control may let and hire the labor of such convicts on the piece-price system or otherwise, in such branches of business and for the manufacture of such articles as in its judgment will best accomplish the ends and subserve the interests of the State. Such letting and hiring shall be advertised by the board of control in at least 2 newspapers published and of general circulation in the State, once a week for 4 successive weeks, and in such other manner as said board may determine. The advertisement shall specify the number of convicts to be let, the length of time of the hiring or letting, which shall not exceed 5 years, the last day, at 12 o'clock meridian on which bids will be received and such other information as the board may desire. The board may in its discretion designate what articles or class of articles shall be manufactured.

Sec. 20. *Hours of labor.*—The convicts shall labor for the contractors not to exceed 9 hours a day during the year, Sundays and legal holidays excepted.

ACTS OF 1933

CHAPTER 4

SECTION 1. *Auto license plates.*—For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this State and road signs or markers of any description for State roads, the State road commission is hereby authorized and empowered on behalf of the State, to establish and operate a plant for the manufacture of such license plates and road signs or markers at the West Virginia penitentiary, at Moundsville, W.Va.

SEC. 2. *Prison labor; equipment.*—It shall be the duty of the State board of control to provide for said purpose a sufficient number of suitable convicts, confined in the penitentiary of this State, which it shall furnish to the State road commission for the purpose of manufacturing such license plates for motor vehicles and road signs or markers, and, in addition thereto, the State board of control shall provide a suitable building within the enclosure of the penitentiary, in which such license plates and road signs or markers shall be manufactured and when said convicts have been assigned to the State road commission and the building is ready for the manufacture of such license plates and road signs or markers, it shall be the duty of the State road commission to provide the equipment and materials necessary therefor.

SEC. 3. *State road commission.*—[Act makes it unlawful to purchase or obtain license plates, etc., at any place other than penitentiary.]

COUNTY PRISONERS

CODE, 1931

CHAPTER 17, ARTICLE 15

SECTION 1. *Road work.*—Whenever any able-bodied male person over the age of 16 years shall be convicted of an offense punishable with confinement in the county jail, before any court or justice of the peace, and sentenced by such court or justice to imprisonment in the county jail and to pay a fine and costs, he shall be sentenced by such court or justice of the peace to labor on the county-district roads of the county or to labor in quarries or elsewhere in the preparation of materials for county-district roads, or both, under the direction of the county road engineer, or other representative of the county court having such work in charge, * * *

SEC. 3. *Regulations regarding county convicts.*—The county court of each county shall provide for the working of such prisoners and for their safe keeping while performing such work, and to this end the border lines of each county shall constitute and be considered the walls of the jail of such county, and the county engineer or other representative of the county court having such work in charge shall be and he is hereby empowered to adopt safe and humane methods of discipline and protection to enforce the provisions of this article and prevent the escape of the prisoners: *Provided*, That it shall be lawful for any county court to employ the prisoners of such county outside the county where they were convicted or imprisoned upon the same terms and conditions, and under the same rules and regulations as govern their employment within the county where they were convicted.

MUNICIPAL PRISONERS

CODE, 1931

CHAPTER 62, ARTICLE 4

SECTION 16. *Work on streets.*—Whenever any person shall be convicted for any violation of ordinances or laws of any incorporated city, town, or village, and shall be confined in the county jail, or place of confinement adopted and set apart by the council of such city, town, or village in lieu of the county jail as a prison house, whether such person be imprisoned for failure to pay any fine adjudged against him or under sentence of a mayor, police judge, or court, he may be ordered by such mayor, police judge, or court to work on the public streets and alleys of such city, town or village under the direction of the marshal or sergeant of such city, town, or village. * * *

WISCONSIN

STATE PRISONERS

STATUTES, 1931

SECTION 53.09. Labor required.—All convicts sentenced to the punishment of hard labor in said [State] prison shall be constantly employed for the benefit of the State, as provided in chapter 56 of the statutes. * * *

Sec. 53.12. Earnings.—[The board of control may provide for the payment to convicts of such earnings as it may deem proper.]

Sec. 56.01. Employment.—(1) The State board of control may establish and conduct various industries, and purchase machinery and raw materials for the employment of prisoners in the State reformatory and State prison in the manufacture of articles for the State and its municipalities, including motor-vehicle-license plates and highway signs and markers, and for sale, by contract or otherwise, to other States or political subdivisions thereof or to the United States Government or in the open market; and shall fix the price of all articles produced as near the market price as possible: *Provided*, That no monumental article shall be manufactured and sold in the open market. In fixing the price of motor-vehicle-license plates and highway signs and markers to the State of Wisconsin or any subdivision thereof the value of labor of each prisoner employed at such work shall be calculated at the rate of \$1.75 per day, of which 25 cents may be allowed as pay to the prisoner so employed or as a benefit to his dependents.

(2) The said board may lease or purchase land within the State for the employment of such prisoners at farm work, beds of limestone for the manufacture of fertilizer, and beds of rock for road-building material; and may employ such prisoners and construct temporary barracks for their custody and safe-keeping outside the prison inclosure.

(3) Whenever the said board is prepared to furnish prison products, it shall give notice to the proper officials of the State and each county, or other municipality, of the kind or kinds of products that it is prepared to furnish; and on or before July 1 in each year thereafter the officials so notified shall report to said board estimates of the amounts of such prison products which they will require for the ensuing year.

(4) The State, or county, or other municipality receiving such notice shall not purchase, otherwise than from said board, any products of the kind or kinds specified in said notice, other than road-building material, except upon a permit issued by the said board; and any official who shall violate or participate in the violation of this subsection shall forfeit not to exceed \$100 for each such violation; but any party aggrieved by a refusal of such permit may appeal to the Governor, who may order the granting of such permit, and such order shall be final and conclusive.

* * * * *

Sec. 56.02. Binder twine.—(1) The board of control shall, at a cost not exceeding the sums appropriated therefor, purchase, erect, and maintain at the State prison the necessary buildings, machinery, and equipment for the manufacture of binder twine, and shall operate such plant.

(2) The warden of the State prison shall give an additional bond to the State of Wisconsin, in the penal sum of \$50,000, conditioned for the faithful performance of the additional duties devolving upon him in the operation of said binder-twine plant, and to be approved by the Governor.

(3) The price of the binding twine and cordage manufactured in said plant shall be fixed from time to time by the board of control and the warden of the State prison. The product of said plant shall be sold at such times and places and in such manner as the said board and warden shall determine to be for the best interests of the State; but citizens of the State shall have the preference in purchasing said products.

Sec. 56.03. Prison farm; construction of public buildings.—The warden of the State prison may employ the convicts outside the prison yard in quarrying or getting stone from and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and also away from the prison grounds in the construction of buildings being erected by the State. In all such cases the warden shall detail such force

from the prison police as he shall deem necessary to watch and guard such convicts; and any such convict who escapes shall be deemed as having escaped from the prison proper.

SEC. 56.04. *Highways*.—(1) The board of control may employ inmates of the State prison in the construction and improvement of such roads and highways as the said board and the State highway commission may determine, in such manner and under such terms as may be agreed upon.

(2) The board may purchase or lease such tools and machinery as said board and the State highway commission deem necessary for the purpose of carrying out the provisions of this section.

SEC. 56.05. *Prison farms*.—(1) The commissioners of the public lands, the State conservation commission and the State board of control, are authorized to select from the State forest reserves a quantity of land not to exceed 5,000 acres to be converted into farms for the State prison.

(2) After such selection has been made the board of control shall take possession of said lands and put them in a tillable condition by the employment of the labor of convicts in the State prison.

SEC. 56.06. *Leasing*.—(1) The State board of control is authorized to lease, from time to time, the labor of such portion of the prisoners confined in the State prison, together with such shop room, machinery, and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions and for such length of time, not exceeding 5 years at any one time, as it shall deem most conducive to the interests of the State and the welfare of the prisoners.

* * * * *

(3) Every such contract shall reserve to said board and to the warden and each and every of his subordinates full power and authority to prevent the demanding or imposition of unusual or severe labor or labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said board may, from time to time, prescribe all needful rules for the government and conduct of all contractors, their overseers and agents in their relations to the convicts and may require summary dismissal of any individual employed by any contractor in said prison whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

* * * * *

(5) The State board of control may make all needful rules and regulations for the guidance of the warden in the execution of any contract made by it and may, whenever in its judgment it is impracticable to furnish the labor of convicts to any contractor, determine and cancel any contract, and thereupon after 6 months' notice to such contractor all obligations to said board under such contract shall cease and determine and such contractor shall not have or be entitled to have any compensation whether by way of damages, set-off, recoupment or otherwise in consequence thereof.

SEC. 56.07. *Vocational training*.—The State board of control may maintain in the State reformatory a manual training school and cause the inmates to be instructed in trades; and may establish and maintain in connection with the industrial home for women such systems of training and instruction in trades and domestic science and create such industries as may seem to said board for the best interests of the inmates of said industrial home.

ACTS OF 1933

CHAPTER —

[Act adds a new section (65.24) to Stats. 1931.]

SECTION 1. *Repealing clause*.—[Sections 132.13 and 132.14 of Stats. 1931, are repealed.]

SEC. 2 (65.24). *Labeling prison products*.—(1) All goods, wares, and merchandise made wholly or in part by convict labor in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed except convicts or prisoners on parole or probation shall before being exposed for sale be branded, labeled, marked, or tagged as herein provided and shall not be exposed for sale or sold in this State without such brand, label, mark, or tag. Such brand, label, mark, or tag shall contain at the head or top thereof the words "convict made" followed by the name of the penitentiary, prison, or

other establishment in which it was made in plain English lettering of the style and size known as 18 point Cheltenham bold type capitals. The brand or mark shall in all cases where the nature of the articles will permit be placed on each individual article or part of such article that is sold, and only where such branding or marking is impossible shall a label or tag be used, and where a label is used it shall be securely pasted onto each such article and when a tag is used it shall be a paper tag securely fastened to such article or part of article sold. In addition to the marking of each article or piece of article sold a similar brand, mark, label, or tag shall be placed upon the outside or upon its box, crate, or other covering. All brands, labels, marks, and tags shall be placed on a conspicuous part of such article or part of article and its container.

(2) It shall be the duty of the industrial commission and of the district attorneys of the several counties to enforce this section, whenever any complaint or other evidence leads them to reasonably believe that this section has been violated. The district attorney shall upon receipt of such complaint or other evidence at once institute proper legal proceedings to compel compliance therewith.

(3) Any person who has in his possession for the purpose of sale or offering for sale any convict-made goods, wares, or merchandise without the brands, marks, labels, or tags as required by this section, or who removes or defaces such brand, mark, label, or tag, or who sells a part of such article without attaching such brand, mark, label, or tag shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for a period of not more than 90 days or by both fine and imprisonment.

COUNTY AND MUNICIPAL PRISONERS

STATUTES, 1931

SECTION 56.08. *Labor required.*—(1) In any county having no workhouse any person and in all other counties any female person, convicted of any offense and sentenced to imprisonment in the county jail shall be committed to hard labor: *Provided*, That the court may order the imprisonment or a part thereof to be in actual and ordinary confinement unless the jail to which the commitment is made shall have been declared inadequate or unfit by the State board of control pursuant to section 46.17. Every such prisoner for such period of time as he may have been sentenced to hard labor shall be required to do and perform any suitable labor provided for by the sheriff anywhere within said county; but the hours of labor in farm work shall be not less than 10 nor more than 12 hours, and in all other work not more than 10 hours each day.

(2) At the time such sentence is imposed or at any time before its termination, the court sentencing such person may, upon consideration of his health and training, ability to perform labor of various kinds, and the ability of the sheriff to find and furnish various kinds of employment, direct the kind of labor at which such person shall be employed, and the nature of the care and treatment he shall receive during such sentence.

* * * * *

(5) The sheriff shall make contracts in writing, subject to the approval of the court for the employment of all such prisoners if not employed in doing work for the county and shall make all needful regulations for their profitable employment and the collection of their earnings. Each such contract shall be executed in duplicate and a copy thereof shall be filed with the court. For unreasonably neglecting or refusing to carry out the provisions of this section the sheriff shall be subject to a fine of not to exceed \$100 and for a repetition of such neglect or refusal he shall in addition to such fine, be removed from office.

* * * * *

SEC. 56.09. *Breaking rock.*—(1) The county board in any county whose population is less than 100,000 may provide in a convenient place near the county jail a quantity of rock and appropriate implements for the breaking of such rock into suitable material for road making.

(2) All male persons convicted in any court and sentenced and committed to imprisonment in the county jail where such rock is provided, if not employed as provided in section 56.08, shall, unless certified by the county physician to

be physically unable to perform such labor, be employed in breaking rock for the building and repair of public highways not exceeding 8 hours each day.

(3) The county board shall prescribe all necessary regulations for the maintenance of such rock and implements at the county jail and for the carrying on of such labor. All receipts and expenditures pursuant to this section shall be supervised and controlled by the county board.

Sec. 56.10. *Workhouses.*—Any county board may * * * establish a workhouse and necessary outbuildings, and purchase the furniture and fixtures requisite therefor, for the detention and employment of prisoners as hereinafter provided. * * *

Sec. 56.13. *Work time; products.*—All persons committed to such workhouse shall be employed for not to exceed 10 hours of each day at such work as may be provided by the trustees. The product of such work shall be the property of the county and may be sold or otherwise disposed of by the trustees.

Sec. 56.14. *Municipal jails.*—The common council of any city of the fourth class, however organized, and every village board shall have power to compel any person committed to the watchhouse or place of confinement of such city or village who is not physically disabled to perform labor upon any public work under such supervision and control as such city or village may provide and for each day's labor performed said person so sentenced shall be credited with the sum of \$2 which shall apply on such fine and costs until the same are paid or until such person is released from custody.

Sec. 56.15. *Sundays and holidays.*—No prisoner in any penal institution within this State shall be compelled to work on any Sunday or legal holiday, except on necessary household work or when necessary to maintain the management or discipline of such institution.

Sec. 56.16. *Houses of correction.*—(1) The county board of any county whose population is 250,000 or more may * * * establish, relocate, and maintain within the limits of said county a house of correction for the safe-keeping, reformation, and employment of persons sentenced and committed to confinement therein as hereinafter provided.

* * * * *
 Sec. 56.18. *Municipal, etc., convicts.*—(1) Every court, justice, magistrate, or other officer, in such county or in any village or city therein, authorized to commit or sentence any person to the county jail upon conviction of any offense or violation of any city or village ordinance, or authorized to sentence any person to imprisonment in the State prison for any term not exceeding 5 years, may in lieu of such sentence commit or sentence such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer. * * *

Sec. 56.19. *Employment.*—(1) The inspector of said house of correction shall place all prisoners therein at such employments, and shall cause all prisoners therein who are minors to be instructed in such branches of useful knowledge, as shall be prescribed by the regulations of the county board.

(2) He may employ such prisoners outside of said house of correction, for the purpose of cultivating the farm of said institution or in doing any other work necessary to be done in the regular business thereof, or in the construction of public highways within said county. In all such cases he shall detail such force from the house of correction as he may deem necessary to watch and guard such prisoners.

* * * * *
 (4) [Earnings may be allowed as provided in section 53.12, above.]

Sec. 56.21. *Injured prisoners, compensation.*—(1) If an inmate of a State institution shall in the performance of his work in connection with the maintenance of such institution, or of any industry maintained therein, be injured in such a way as to permanently incapacitate such inmate or materially reduce his earning power, he may, upon his discharge from such institution, be allowed and paid such compensation therefor as he shall be found entitled to by the industrial commission. Such loss shall be compensated for on the same basis as though such injury had been covered by the workmen's compensation act, except that the total of the sum paid to any such inmate shall not exceed \$1,000, and such sum may be paid to such inmate in partial payments.

(2) In the case of penal institutions, where injury results from employment in a prison industry, such payment shall be made from the revolving appropriation for the operation of such industry.

WYOMING

STATE PRISONERS

REVISED STATUTES, 1931

SECTION 108-812. *State use.*—All prisoners sentenced to the State penitentiary, shall be employed for the State or in any productive industry for the benefit of the State, or for the use of public institutions owned and controlled by the State, under the rules for the distribution and diversification thereof to be established by the commission hereinafter designated to be provided for such purposes.

SEC. 108-813. *Commission on prison labor.*—The State board of charities and reform and the warden of the State penitentiary of the State of Wyoming are hereby constituted a commission which shall be known as the State commission on prison labor with full power and authority to carry into effect to its fullest extent the provisions of sections 108-812 to 108-820. * * *

SEC. 108-814. *Employment.*—The said commission shall have the power to make and adopt rules and regulations governing the employment, conduct, and management of the prisoners in the State penitentiary and on penitentiary farms when employed on the work provided for them by the said commission. It shall direct that each convict shall be employed at such work as shall make it possible for him to acquire trade knowledge and skill in the industry for which he is most adapted and at which he can best earn a livelihood when paroled or discharged from the institution so far as such provision can be made practicable by said commission using its best judgment therein. The supervision of all such work shall be under such persons as may be selected by said commission.

SEC. 108-816. *Products; disposition.*—The said commission on prison labor is hereby authorized and directed as far as possible to cause to be manufactured by the convicts at the State penitentiary such articles including wearing apparel as are needed and used therein and also such articles as are required by the State, including materials to be used in the erection of buildings for the State or for any of its institutions. Said commission on prison labor is also hereby authorized to cause to be manufactured by the convicts in the State penitentiary, articles of any kind or class whatsoever, and to create and conduct industrial enterprises for such purposes, for the employment of said convicts and to sell and dispose of any articles, merchandise, or other products so manufactured for prices that will be to the best interest of the State. In connection with the establishment and conduct of any such industrial enterprises at the State penitentiary said commission on prison labor is hereby authorized to purchase in the open market all necessary materials used in the manufacturing of products at the State penitentiary and to pay for the same from time to time out of the fund provided for the support and maintenance of the State penitentiary. All articles manufactured at the State penitentiary and not required for use therein, may be furnished to the State or for or to any public institution owned or managed and controlled by the State, or for use on any roads or highways under the direction of the State highway commission, or the county authorities of any county in the State, at and for such price as shall be fixed and determined as herein provided, and upon requisition of the proper officials, and said commission on prison labor is hereby authorized to sell in the open market or in such other manner as shall be deemed advisable any and all such products manufactured by convicts within or without the State penitentiary that are not sold for public use as above provided. All moneys received by said commission on prison labor from the sale of any and all products manufactured by or through prison labor or any other proceeds of convict labor shall be deposited in the State treasury to the credit of the fund provided for the support and maintenance of the Wyoming State penitentiary at Rawlins; *Provided, however,* That no materials furnished for the erection of buildings shall be in competition with established local industries.

SEC. 108-817. *Prices.*—[The commission fixes prices for labor and products, uniform, and as near the usual market price as possible.]

SEC. 108-818. *Earnings.*—[Not to exceed 10 percent of the earnings of the penitentiary may be allowed to the prisoners, according to the value of the work performed, willingness, etc.]

SEC. 108-821. *Farms.*—The State of Wyoming is hereby authorized to establish, maintain, and operate one or more penitentiary farms as same are needed and necessary to provide a place of confinement and employment for persons committed to the Wyoming State Penitentiary.

SEC. 108-825. *Prison labor on farms.*—All labor performed upon such penitentiary farms by prisoners committed to the State penitentiary shall be done and performed under the rules and regulations prescribed by the State commission on prison labor.

SEC. 108-911. *Wyoming industrial institute.*— * * * Inmates of such Wyoming industrial institute may be employed in agriculture, horticulture, or mechanical labor, as a means of their support and reformation and the board is hereby authorized in its expenditures to provide and install such machinery and mechanical appliances as may be required for these purposes. All articles manufactured or produced, or all agricultural products grown by or through the labor of inmates of such institute not required for use by said institute, may be furnished to the State or for or to any public institution owned, managed, or controlled by the State or for use on any roads or highways under the direction of the State highway commission or the county authorities of any county in the State, at and for such price or prices as shall be fixed and determined as herein provided upon requisition of the proper officials, and the State board of charities and reform is hereby authorized to sell in the open market or in such other manner as shall be deemed advisable any or all such products grown or produced by inmates within or without said industrial institute that are not sold for public use as above provided. * * *

COUNTY AND MUNICIPAL PRISONERS

REVISED STATUTES, 1931

SECTION 22-419. *Work for city.*—Whenever the defendant is sentenced to imprisonment for the violation of a city ordinance he shall be put to work for the benefit of the city, under the direction of the mayor for the term of his imprisonment and when committed for the nonpayment of a fine or costs for the violation of any ordinance he shall also be put to work for the benefit of the city and shall be credited on such fine and costs, \$1.50 per day for each day he shall work.

SEC. 33-137. *Hard labor.*—In cases of vagrancy and in cases of petit larceny, and in all other cases in which a justice has jurisdiction to hear and determine when the party charged is found guilty it shall be lawful for the justice to sentence such persons convicted to imprisonment at hard labor, or to fine them, or both; and in default of the payment of fine by such persons convicted, it shall be the duty of the sheriff of the proper county to set them to work on any public improvements which he may deem proper. * * *

SEC. 33-1701. *Labor by county prisoners.*—Any male person able to work who is confined in any county jail in this State under a judgment of conviction rendered in any criminal case, either under a judgment for imprisonment or a judgment for the payment of a fine and costs may be required by an order of the board of county commissioners of the county in which he is confined to perform labor on the public works or public ways, or public property in the county or to perform labor in said county connected with public works, public ways, or public property.

SEC. 33-1703. *Contract system prohibited.*—The person or persons in charge of any penitentiary, penitentiary farms, or reformatory, jail, or other prison in the State of Wyoming, wherein State convicts are confined, shall not, nor shall any authority whatsoever, make any contract for the employment of any State convict in or outside of any of the prisons, penitentiaries, penitentiary farms, or reformatories in this State, either by the letting of the labor of such convicts at a fixed price per diem, or by what is known as the "piece-price plan" or in any other manner, whereby the labor of such convicts is let to or controlled by any outside person or persons.

SEC. 33-1706. *Work on highways, etc.*— * * * All persons convicted by a court of competent jurisdiction, and sentenced to confinement at hard labor in any jail or prison of any county, city, town, village, or municipality, may be employed or put to work upon any public work of improvement or upon the highways, streets, alleys, parks, or any public places of any such county, city, town, village, or municipality in the State.

UNITED STATES

UNITED STATES CODE OF LAWS, 1926

TITLE 5

SECTION 367. *No postal supplies manufactured by convict labor.*—No contract shall be entered into by the post office department for purchase of material or supplies to be manufactured by convict labor.

TITLE 18

SECTION 708.¹⁸ *Hiring out convicts.*—It shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or contract out the labor of said criminals, or any part of them, who may be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America.

SEC. 744.¹⁷ *Employment of convicts.*—The convicts in the United States prisons shall be employed exclusively in the manufacture of such supplies for the Government as can be manufactured without the use of machinery, and the prisoners shall not be worked outside the prison inclosure.

SEC. 764.¹⁶ *Manufacture of prison supplies.*—Convicts in the Leavenworth Penitentiary shall be employed only in the manufacture of articles and the production of supplies for the penitentiary, and in the manufacture of supplies for the Government. Convicts shall not be worked outside the military reservation.

SEC. 769.¹⁵ *Factories.*—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Leavenworth, Kans., a factory or factories for the manufacture of shoes, brooms, and brushes to supply the requirements of the various departments of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop and the articles so manufactured shall be sold only to the Government of the United States. The Attorney General is authorized to employ the inmates of the penitentiary under such regulations as he may prescribe, in the work or business of manufacturing shoes, brooms, and brushes, and in erecting all buildings necessary to conduct said businesses, and the products of such businesses shall be utilized in said penitentiary or sold to the Government of the United States for the use of the military and naval forces and other Government departments.

SEC. 770.¹⁵ *Prices.*—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, * * *

SEC. 771.¹⁵ *Earnings.*—[The Attorney General may provide for payments to inmates or their dependents in such amount as is deemed proper.]

SEC. 774.¹⁵ *Disposition of products restricted.*—The products of said industries shall not be disposed of except as provided in sections 769 to 776 of this title.

SEC. 775.¹⁵ *Purchase obligatory upon departments.*—It is hereby made obligatory upon the various departments of the Government to purchase the products of the business herein authorized to be carried on in the penitentiary at Leavenworth, Kans., until the supply therein produced is exhausted before purchasing elsewhere.

SEC. 793.¹⁵ *Employment of convicts.*—Convicts in said penitentiary at Atlanta may be employed in the manufacture of articles and the production of supplies for said penitentiary; in the manufacture of supplies for the Government that can be manufactured without the use of machinery; in the

¹⁸ In connection with this section see Supplement to the Code, 1925-32, title 18, secs. 744a-744h, which contain later legislation relating to the employment of convicts and repeal inconsistent earlier legislation.

¹⁷ The provisions of this section have probably been superseded by the legislation referred to in note 16. "Moreover it is too broadly stated as it relates only to prisons provided for in sec. 741 of this title. In connection with this section, see sec. 753b of this title." (See U.S.C., Supp. VI, title 18, sec. 744.)

construction, extension, and repairs of buildings and enclosures of the prison, and in making necessary materials therefor; and in the cultivation and care of the prison grounds and farm.

SEC. 794.¹⁶ *Cotton factories, etc.*—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Atlanta, Ga., a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other Army purposes and canvas for mail sacks and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop, and the articles so manufactured shall be sold only to the Government of the United States.

SEC. 795.¹⁶ *Farms.*—The Attorney General is authorized and directed to acquire by purchase or condemnation proceedings such tracts of land at such points as he may determine, at a total cost of not to exceed \$200,000, which may be cleared, graded, and cultivated. The Attorney General is authorized to employ the inmates of the penitentiary under such regulations as he may prescribe in the work of clearing, grading, and cultivation of tracts of land authorized to be acquired. The products of any such agricultural development, including livestock, shall be utilized in said penitentiary or be sold to the Government of the United States for the use of the military and naval forces of the United States.

SEC. 796.¹⁶ *Sale of produce.*—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by section 798 of this title.

SEC. 797.¹⁶ *Earnings.*—[Inmates or their dependents may receive such earnings as may be deemed proper.]

SEC. 800.¹⁶ *Disposition of products.*—[Same provisions as are contained in section 774 above.]

UNITED STATES CODE OF LAWS, SUPPLEMENT 1925-32

TITLE 18

SECTION 744a. *Employment.*—It shall be the duty of the Attorney General to provide employment for all physically fit inmates in the United States penal and correctional institutions in such diversified forms as will reduce to a minimum competition with private industry or free labor.

SEC. 744b. *Highways; public works.*—The Attorney General may make available the services of United States prisoners to the heads of the several departments under such terms, conditions, and at such rates as may be mutually agreed upon, for the purpose of constructing or repairing roads the cost of which is borne exclusively by the United States, clearing, maintaining, and reforesting public lands; building levees; and for construction or repairing any other public ways or works which are or may be financed wholly or in major part by funds appropriated from the Treasury of the United States. To carry out the purpose of this section the Attorney General may establish, equip, and maintain camps upon sites selected by him and designate such camps as a place for confinement of persons convicted of an offense against the laws of the United States, or transfer thereto any person convicted of any offense against the laws of the United States. The expenses of transferring and maintaining prisoners at such camps shall be paid from the appropriation "Support of United States prisoners," and said appropriation may, in the discretion of the Attorney General, be reimbursed for such expenses.

SEC. 744c. *Industries established.*—The Attorney General shall establish such industries as will produce articles and commodities for consumption in United States penal and correctional institutions or for sale to the departments and independent establishments of the Federal Government and not for sale to the public in competition with private enterprise: *Provided*, That any industry

¹⁶ In connection with this section see Supplement to the Code, 1925-32, title 18, secs. 744a-744h, which contain later legislation relating to the employment of convicts and repeal inconsistent earlier legislation.

established under authority of this section be so operated as not to curtail the production within its present limits, of any existing arsenal, navy yard, or other Government workshop. In establishing said industries the Attorney General shall provide such forms of employment in the Federal penal and correctional institutions as will give the inmates a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release. The industries to be established by the Attorney General under authority of this section may be either within the precincts of any penal or correctional institution or in any convenient locality where an existing property may be obtained by lease, purchase, or otherwise.

SEC. 744g. *Purchase of produce by Federal departments.*—The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the superintendent of supplies of the general supply committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties.

SEC. 753e. *Farms.*— * * * In connection with such maintenances and operation [of a place of confinement for Federal prisoners in States without facilities for handling them] the Attorney General is authorized to establish and conduct industries, farms, and other activities; to classify the inmates; and to provide for their proper treatment, care, rehabilitation, and reformation.

SEC. 851. *Prison camps.*—The Attorney General is hereby authorized to establish, equip, maintain, and operate prison camps upon sites selected by the Attorney General, the Secretary of Agriculture, and the Secretary of the Interior. Upon written order of the Attorney General persons convicted under the laws of the United States may be transferred to such prison camps for employment upon road or trail building, the cost of which is borne exclusively by the United States: *Provided*, That this chapter shall not authorize any such camp for employment upon any Indian reservation.

SEC. 875. *Employment of convicts in hospitals.*—The inmates of said institution [hospital for defective delinquents] shall be employed in such manner and under such condition as the Attorney General may direct. The Attorney General may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; require any department or establishment of the United States to purchase at current market prices, as determined by the Attorney General or his authorized representatives, such articles, commodities, or supplies as meet their specifications. There may be established a working-capital fund for said industries out of any funds appropriated for said institution; and said working-capital fund shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials and supplies, for personal services of civilian employees, and for the payment to the inmates or their dependents of such pecuniary earnings as the Attorney General shall deem proper.

TITLE 19—*Custom duties*

SEC. 1307. *Importation of convict-made goods prohibited.*—All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive

demands of the United States. "Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

TITLE 49.—*Transportation*

CHAPTER 2A.—*Divesting prison-made goods of interstate character*

SECTION 65.¹⁸ *Prison-made goods.*—All goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

¹⁸ Section 2 of this Act (45 Stat. 1084) provides that this section "shall take effect 5 years after the date of approval, namely, Jan. 19, 1934. The laws of the States which up to July 1, 1933, have taken advantage of the above law and have enacted laws regulating or prohibiting the sale of goods manufactured or produced by prison labor in another State appear in the appendix following.

Appendix.—Laws of States Taking Advantage of the Federal Act Regulating the Sale, etc., of Prison-Made Goods (as of July 1, 1933)

ARIZONA

ACTS OF 1933

CHAPTER 103

SECTION 1. *Sale of prison-made goods prohibited.*—No goods, wares, or merchandise manufactured, produced, or prepared wholly or in part by convicts or convict labor, except convicts or prisoners on parole or probation, shall be sold or exchanged on the open market within the State of Arizona.

Sec. 2. *Goods subject to State laws.*—The sale of goods, wares, or merchandise prohibited by section 1 of this act shall extend to and apply to all goods, wares, or merchandise prepared, produced or manufactured wholly or in part by convicts or prisoners of other States and the same shall be subject to the operation and effect of the laws of this State upon arrival and delivery within the State of Arizona to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined within the State of Arizona, and shall not be exempt by reason of being introduced in the original package or otherwise.

Sec. 3. *Contract for such goods unlawful.*—It shall be unlawful for any board, commission, or officer of the State of Arizona or any of its subdivisions to enter into any contract for the expenditure of any public moneys to be paid for any goods, wares, or merchandise prepared or manufactured wholly or in part by convicts or prisoners except convicts or prisoners on parole or probation.

Sec. 4. *Sale upon open market.*—Sale upon the open market as outlined in sections 1 and 2 of this act shall not include sales or exchanges between any penal or charitable institutions maintained wholly by the State of Arizona or its political subdivisions for use in any of such institutions or by the wards thereof.

Sec. 5. *Penalty.*—Any person or any manager or agent for any person or corporation who shall violate the provisions of this act shall, upon conviction, be punished by a fine of not less than \$100 and not more than \$1,000 and by imprisonment in the county jail for a period of not less than 90 days nor more than 1 year.

Sec. 6. *Effective date.*—To preserve the public peace, health, and safety, it is necessary that this act shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law. (Date of approval, Mar. 20, 1933.)

ARKANSAS

ACTS OF 1933

Act No. 253

SECTION 1. *Interstate shipments subject to State laws.*—All goods, wares and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners (except convicts and prisoners on parole or probation) in any penal and/or reformatory institution transported into the State of Arkansas and remaining therein for use, consumption, sale or storage, shall upon arrival and delivery in the State of Arkansas, be subject to the operation and effect of the laws of the State of Arkansas to the same extent and in the same manner as though such goods, wares and merchandise had been manufactured, produced or mined in the State of Arkansas and shall not be exempt therefrom by reason of being introduced in the original package, or otherwise.

Sec. 2. *Effective date.*—This act shall take effect January 19, 1934.

CALIFORNIA

ACTS OF 1933

CHAPTER 636

SECTION 1. *Interstate shipments subject to State laws.*—To the extent and insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress, and particularly under the provisions of the act of Congress approved January 19, 1929, and entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," all goods, wares and merchandise manufactured, produced or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or manufactured, produced, or mined wholly or in part in any penal and/or reformatory institution, transported into the State of California and remaining herein for use, consumption, sale, or storage, shall upon arrival and delivery in this State be subject to the operation and effect of the laws of this State to the same extent and in the same manner as though such commodities had been manufactured, produced or mined in this State by convicts or prisoners or in any penal and/or reformatory institution, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

SEC. 2. *Sale of prison goods prohibited.*—No person or corporation may sell, expose for sale or offer for sale any goods, wares or merchandise manufactured produced or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or manufactured, produced or mined wholly or in part in any penal and/or reformatory institution, the sale of which is not specifically sanctioned by law; and any person or corporation violating any provision of this section is guilty of a misdemeanor.

SEC. 3. *Effective date.*—This act shall take effect and become operative immediately upon the act cited in section 1 hereof becoming effective and operative.

COLORADO

ACTS OF 1933

CHAPTER 53

SECTION 1. *Sale of prison-made goods prohibited.*—It shall be unlawful for any person or persons or corporation to use, consume, sell or store in this State, goods, wares, or merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners in any penal and/or reformatory institution in this State, but the provisions of this section shall not apply to the use, consumption, sale or storage of such goods, wares or merchandise by the State or any political subdivision thereof or by any public institution or agency owned, controlled or managed by the State or by any political subdivision thereof, under the provisions of such laws as are now or may hereafter be enacted; nor shall the provisions of this section apply to goods, wares, or merchandise manufactured, produced or mined by convicts or prisoners on parole or probation.

SEC. 2. *Interstate shipments regulated.*—All goods, wares, and merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners in any penal and/or reformatory institutions, transported into this State and remaining herein for use, consumption, sale or storage, shall, upon arrival and delivery in this State, be subject to the operation and effect of the provisions of this act to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced or mined in the penal institutions of this State, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise. The provisions of this section shall not apply to goods, wares or merchandise manufactured, produced or mined by convicts or prisoners on parole or probation.

SEC. 3. *Penalty.*—Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment in the discretion of the court. (Date of approval, Apr. 20, 1933.)

IDAHO

ACTS OF 1933

CHAPTER 216

SECTION 1. Sale on open market prohibited.—The sale on the open market of this State of all goods, wares, or merchandise manufactured or mined, wholly or in part by any penal and/or reformatory institution is hereby prohibited. On and after January 19, 1934, the provisions of this act, and all other regulations and laws of this State in effect at that time and not inconsistent with this act, shall apply to all goods, wares, and merchandise manufactured or mined wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal and/or reformatory institution and transported into the State of Idaho for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced, or mined within the State of Idaho.

SEC. 2. Contracts forbidden.—It is hereby declared unlawful for the State of Idaho, or any of its officers or agencies, or any of the political subdivisions thereof, to enter into any contract or other arrangement for the labor of any of the inmates of any of the penal and/or reformatory institutions of this State.

SEC. 3. Exchange of goods within State.—For the purposes of this act the provisions of section 1 relating to sales on the open market shall not include the sale and/or exchange of convict-made goods produced in the penal and/or reformatory institutions to or with other penal, charitable, reformatory, and/or custodial institutions the major portion of whose maintenance is contributed by this State and/or any of the political subdivisions thereof, for the use and/or consumption of said institutions or for the use and/or consumption of the population therein confined.

SEC. 4. Exchange prohibited outside of State.—The exchange of the prison products of institutions of this State as specified in this act with the products of any other State is hereby prohibited.

SEC. 5. Regulations by board.—The prison board is hereby authorized and directed to make such rules and regulations governing the conduct of industries in the penal and/or reformatory institutions of this State as will (a) result in the manufacture, mining, or production of only such goods, wares, or merchandise as may be used or needed in the several penal, custodial, charitable, and/or reformatory institutions the major portion of whose maintenance is contributed by this State or any of the political subdivisions thereof, or for the use and consumption of the institutionally-confined population of said institutions; and (b) result in the manufacture at such penal and/or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to direct the management of said institutions to so diversify the products of said institutions as to eliminate the concentration of prison labor in any one or few industries, thus to minimize as nearly as may be possible the competition of said industries with private industry and private capital: *Provided, however,* That no goods, wares, or merchandise manufactured or mined in any penal and/or reformatory institution of this State shall be shipped outside of this State for sale and/or exchange.

SEC. 6. Compensation for labor.—The prison board shall make such rules and regulations as may be necessary to set up in the said penal and/or reformatory institutions of this State a cost-accounting system in connection with the manufacture or production of all goods, wares, or merchandise of said institutions, which cost-accounting system shall take into consideration a reasonable compensation to be set aside for the labor of any prisoner or convict employed in any industry of said institutions, which compensation shall be held for the benefit of said prisoner or convict, or under proper rules and regulations remitted to the dependents of said prisoners or convicts.

SEC. 7. Sale price.—The sale price of products made in any penal and/or reformatory institution for the sale to or the use of any of the institutions hereinabove mentioned, shall be as nearly as practicable the same as the sale price of similar merchandise manufactured in private industry.

SEC. 8. Powers authorized.—The Governor and such officials as may direct or control the management of penal, custodial, charitable, and/or reformatory institutions of the State or political subdivisions thereof, shall jointly, annually effect such rules and regulations as may be necessary to carry out the purpose and intent of this act: to wit, the purchase by said institutions of

the products to be manufactured in the penal and/or reformatory institutions of this State.

SEC. 9. "*Open market*" defined.—The words, "open market" as used in this act, shall mean all sales and/or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner, to the consuming public.

SEC. 10. *Penalty*.—Whoever sells or exposes for sale any goods, wares, or merchandise, manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation or in any penal and/or reformatory institutions except in the method established by law shall upon conviction be subject to a fine of \$300 or imprisonment for 90 days or both such fine and imprisonment and each such sale or offer for sale shall be considered a separate offense.

ILLINOIS

ACTS OF 1931

(P. 727)

SECTION 1 (SEC. 11b). *Prison-made products of other States regulated*.—After January 19, 1934, it shall be unlawful to sell or offer for sale within the State of Illinois any goods, wares, or merchandise, manufactured or mined by convicts or prisoners of other States, except convicts or prisoners on parole or probation, nor shall such goods, wares, or merchandise, manufactured or mined by convicts or prisoners of other States, except convicts or prisoners on parole or probation, be purchased or accepted in exchange by any institution in the State of Illinois, owned or managed and controlled by the State, or of any institution owned or managed and controlled by any political division of the State. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail not less than 3 months nor more than 1 year or by both such fine and imprisonment.

INDIANA

ACTS OF 1933

CHAPTER 269

SECTION 1. *Sale of products of convict labor regulated*.—All goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institution, transported into the State of Indiana, and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in the State of Indiana, be subject to the operation and effect of the laws of the State of Indiana, to the same extent and in the same manner, as though such goods, wares, and merchandise had been manufactured, produced, or mined in the State of Indiana by inmates of the Indiana Reformatory, of the Indiana State Prison, or of the Indiana State Farm; and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

SEC. 2. *Effective date*.—This act shall take effect on the 19th day of January 1934.

IOWA

ACTS OF 1933

CHAPTER 50

SECTION 1. *Prison-made goods regulated*.—Beginning January 19, 1934, all goods, wares, and merchandise made by convict labor in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed in the State of Iowa, and all such goods, wares, and merchandise so made by convict labor in any penitentiary, prison, reformatory, or any institution outside the State of Iowa in which convict labor is so employed, and which is im-

ported, brought or introduced into this State shall, before being exposed for sale, be branded, labeled, or marked as herein provided, and shall not be exposed for sale in this State without such brand, label, or mark. Such brand, label, or mark shall contain at the head or top thereof the words, "prison-made" followed by the year and name of the penitentiary, prison, reformatory, or other establishment in which it was made, in plain English lettering, of the style and size known as great primer roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box, crate, or other covering in which such goods, wares, or merchandise may be packed, shipped, or exposed for sale. Said brand, mark, or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate, or covering.

SEC. 2. Penalty.—A person knowingly having in his possession for the purpose of sale or offering for sale any prison-made goods, wares, or merchandise manufactured in any State without the brand, mark, or label required by law, or who removes or defaces such brand, mark, or label shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500.

SEC. 3. Effective date.—*Provided, however,* That the provisions of this act shall not be effective unless and until the Hawes-Cooper Act becomes effective.

MAINE

ACTS OF 1931

CHAPTER 221

SECTION 1. Sale of prison-made products of other States prohibited.—On and after the effective date upon which the so-called Hawes-Cooper bill enacted by the Federal Congress is operative, no goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners (except paroled convicts or prisoners), or in any penal or reformatory institutions and transported into the State of Maine shall be used, consumed, sold, or stored within the State of Maine. The purpose and intent of this section is to declare the policy of the State of Maine in taking advantage of the so-called Hawes-Cooper bill enacted by Federal Congress and being entitled, "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," to be a policy of prohibiting the sale or use within the State of Maine, of any goods, wares, or merchandise produced in penal institutions outside of the State of Maine and transported into this State.

SEC. 2. Repealing clause.—All acts or parts of acts inconsistent herewith are hereby repealed.

MASSACHUSETTS

ACTS OF 1932

CHAPTER 252

SECTION 1. (SEC. 67A). Sale of convict-made goods prohibited.—Whoever sells or offers for sale within the Commonwealth any goods, wares, or merchandise, knowing or having reasonable cause to believe that the same were manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, shall be punished by a fine of not more than \$100: *Provided,* That nothing herein shall prevent the sale of goods, wares, or merchandise so manufactured, produced, or mined, if sold at retail on the premises of the institution where manufactured or produced or if sold to the Commonwealth or to any political subdivision thereof, or to any quasi-public hospital.

SEC. 2. Effective date.—This act shall take effect on January 20, 1934.

MONTANA
ACTS OF 1933
CHAPTER 172

SECTION 1. Sale in open market, unlawful.—On and after January 14, 1934, except as otherwise hereinafter provided, the sale in the open market in this State, of all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, under sentence in the State (except prisoners on parole or probation) or in or by any penal or reformatory institution of the State is hereby prohibited. The provisions of this act, and all other regulations and laws of this State in effect at the time and not inconsistent with this act, shall apply to all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners outside the State (except prisoners on parole or probation) or in or by any penal or reformatory institution of the United States, or any State or foreign country, and transported into this State for use or consumption therein, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced, or mined within the State of Montana.

SEC. 2. Exchange.—For the purposes of this act the provisions of section 1, relating to sales in the open market, shall not include the sale or exchange of goods produced in any penal or reformatory institution of the State to or with any other penal or reformatory institution or any charitable or custodial institution, the major portion of whose maintenance is contributed by the State, or any of the political subdivisions thereof for the use or consumption of the persons therein confined.

SEC. 3. Interstate exchange prohibited.—The exchange of the products of penal or reformatory institutions of this State, as specified in this act, for the products of any other State, is hereby prohibited.

SEC. 4. Board may regulate.—The board of State prison commissioners is hereby authorized and directed to make such rules and regulations governing the conduct of industries in the penal and reformatory institutions of the State as will (a) result in the manufacture, mining, or production of only such goods, wares, and merchandise as may be used or needed in the several penal, custodial, charitable, and reformatory institutions, the major portion of whose maintenance is contributed by this State, or any of the political subdivisions thereof, or used and consumed by the persons confined in such institutions; and (b) result in the manufacture at such penal or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to have the products of said institutions so diversified as to prevent the concentration of prison or reformatory labor in any one or few industries, thus to minimize as nearly as may be the possible competition of said industries, with private industry and private capital: *Provided, however,* That no goods, wares, or merchandise manufactured, produced or mined in or by any penal or reformatory institution of this State shall be shipped outside of this State for sale or exchange, except articles and things made by an inmate of any such institution for his own individual profit.

SEC. 5. Automobile license plates.—Nothing herein contained shall be deemed to prevent any of the said institutions from manufacturing motor vehicle number plates, and other articles required or needed by the office of the registrar of motor vehicles, or from preventing any of said institutions selling or disposing of any reasonable surplus of produce raised exclusively for the use, feeding, or maintenance of the inmates of any of said institutions.

SEC. 6. Sale price.—The sale price of products made in any penal or reformatory institution for the sale to or the use of any of the institutions hereinbefore mentioned, shall be as nearly as practicable the same as the sale price of similar merchandise manufactured in the private industry.

SEC. 7. Power to regulate.—The board of State prison commissioners shall annually meet and effect such rules and regulations as may be necessary to facilitate the sale and exchange between the institutions hereinbefore mentioned of the goods, wares, and merchandise manufactured, produced, or mined by them or any of them.

SEC. 8. "Open market" defined.—The words "sales in the open market" as used in this act, shall mean all sales made to the consuming public, through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner.

SEC. 9. *Penalty.*—Any person or corporation who shall knowingly violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 or more than \$1,000 or by imprisonment in the county jail for a period of not less than 10 days or more than 6 months, or by both such fine and imprisonment.

SEC. 10. *Repealing clause.*—All acts and parts of acts in conflict herewith are hereby repealed.

NEW HAMPSHIRE

ACTS OF 1933

CHAPTER 42

SECTION 1. *Sale of prison-made goods prohibited.*—The sale on the open market of this State of all goods, wares, or merchandise manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal and/or reformatory institution is hereby prohibited. On and after January 19, 1934, the provisions of this act, and all other regulations and laws of this State in effect at that time and not inconsistent with this act, shall apply to all goods, wares and merchandise manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal and/or reformatory institution and transported into the State of New Hampshire for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the State of New Hampshire.

SEC. 2. *Contract of sale unlawful.*—It is hereby declared unlawful for the State of New Hampshire or any of its officers or agencies, or any of the political subdivisions thereof, to enter into any contract or other arrangement for the labor of any of the inmates or any of the several penal and/or reformatory institutions of this State.

SEC. 3. *Open market defined.*—For the purpose of this act the provisions of section 1, relating to sales on the open market shall not include the sale and/or exchange of convict-made goods produced in the penal and/or reformatory institutions to or with other penal, charitable, reformatory and/or custodial institutions the major portion of whose maintenance is contributed by this State and/or any of the political subdivisions thereof, for the use and/or consumption of said institutions or for the use and/or consumption of the population therein confined.

SEC. 4. *Exchange between States.*—The exchange of the prison products of institutions of this State as specified in this act with the products of any other State is hereby prohibited.

SEC. 5. *Competition on open market avoided.*—The prison industry commission, county commissioners, the board of trustees of the New Hampshire Industrial School, are hereby authorized and directed to make such rules and regulations governing the conduct of industries in the penal and/or reformatory institutions of this State as will (a) result in the manufacture, mining, or production of only goods, wares, or merchandise as may be used or needed in the several penal, custodial, charitable, and/or reformatory institutions the major portion of whose maintenance is contributed by this State or any of the political subdivisions thereof, or for the use and consumption of the institutionally confined population of said institutions; and (b) result in the manufacture at such penal and/or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to direct the management of said institutions to so diversify the products of said institutions as to eliminate the concentration of prison labor in any one or few industries, thus to minimize as nearly as may be the possible competition of said industries with private industry and private capital: *Provided, however,* That no goods, wares, or merchandise manufactured or mined in any penal and/or reformatory institution of this State shall be shipped outside of this State for sale and/or exchange.

SEC. 6. *Reasonable compensation for prison labor.*—The prison industry commission, county commissioners, and board of trustees of the New Hampshire Industrial School, shall make such rules and regulations as may be necessary to set up in the said penal and/or reformatory institutions of this State a cost-accounting system in connection with the manufacture or production of all goods, wares, or merchandise of said institutions, which cost-accounting

system shall take into consideration a reasonable compensation to be set aside for the labor of any prisoner or convict employed in any industry of said institutions, which compensation shall be held for the benefit of said prisoner or convict, or under proper rules and regulations remitted to the dependents of said prisoners or convicts.

SEC. 7. *Sale price.*—The sale price of products made in any penal, and/or reformatory institution for the sale to or the use of any of the institutions hereinabove mentioned, shall be as nearly as practicable the same as the sale price of similar merchandise manufactured in private industry.

SEC. 8. *Regulations.*—The Governor and such officials as may direct or control the management of penal, custodial, charitable and/or reformatory institutions of the State or political subdivisions thereof, shall jointly annually effect such rules and regulations as may be necessary to carry out the purpose and intent of this act; to wit, the purchase by said institutions of the products to be manufactured in the penal and/or reformatory institutions of this State.

SEC. 9. *Open market defined.*—The words, "open market", as used in this act shall mean all sales and/or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner, to the consuming public.

NEW JERSEY

ACTS OF 1931

CHAPTER 235

SECTION 1. *Sale of prison-made products of other States prohibited.*—On and after January 1, 1932, no goods, wares, or merchandise manufactured, mined, or produced wholly or in part, outside of this State by convicts or prisoners except convicts or prisoners on parole or probation shall be sold on the open market in this State, or sold to or exchanged with any institution of this State, or with any of its political divisions and/or subdivisions.

SEC. 2. *Penalty.*—Any person, firm, or corporation, or officer or agent thereof, violating the provisions of this act shall be deemed and adjudged a disorderly person and upon conviction thereof shall be punishable by a fine of not less than \$50 or more than \$500 or by imprisonment of not less than 30 nor more than 90 days, or by both fine and imprisonment.

NEW YORK

ACTS OF 1930

CHAPTER 136

SECTION 1 (sec. 69) (as amended 1933, ch. 26). *Sale of prison-made products of other States prohibited.*—No goods, wares, or merchandise, manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, shall be sold in this State to any person, firm, association, or corporation, except that nothing in this section shall be construed to forbid the sale of such goods produced in the prison institutions of this State to the State, or any political division thereof, or to any public institution owned or managed and controlled by the State, or any political division thereof as provided in section 184 of the correction law.

SEC. 2. *Effective date.*—This act shall take effect January 19, 1934.

NORTH CAROLINA

ACTS OF 1933

CHAPTER 146

SECTION 1. *Sale of prison-made goods prohibited.*—Except as hereinafter provided, the sale anywhere within the State of North Carolina of any and all goods, wares, and merchandise manufactured, produced, or mined wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions is hereby prohibited and declared to be unlawful.

SEC. 2. Exchange between institutions.—The provisions of this act shall not apply to sales or exchanges between the State penitentiary and other penal, charitable, educational and/or custodial institutions, maintained wholly or in part by the State, or its political subdivisions, for use in said institution or by the wards thereof; nor shall the provisions of this act apply to the sale of cotton, corn, grain or other processed or unprocessed agricultural products, including seed for growing purposes, or to the sale of coal or chert mined by convict labor, in any mine operated by the State: *Provided*, That this section shall apply with equal force to sales to the State or any political subdivision thereof by any State penal or correctional institution, including the State highway: *Provided, further*, That the State of North Carolina shall have the right of manufacturing in any of its penal or correctional institutions products to be used exclusively by the State or any of its agencies.

SEC. 3. Interstate shipments included.—This act shall apply equally to convict or prison-made goods, wares or merchandise, whether manufactured, produced or mined within or without the State of North Carolina.

SEC. 4. Penalty.—Any person, firm or corporation selling, undertaking to sell or offering for sale any such prison-made or convict-made goods, wares or merchandise, anywhere within the State, in violation of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be subject to fine, or imprisonment, or both, in the discretion of the court. Each sale or offer to sell, in violation of the provisions of this act shall constitute a separate offense.

SEC. 5. Repealing clause.—All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. Effective date.—This act shall be in force from and after the nineteenth day of January 1934.

OHIO

ACTS OF 1933

(P. 64)

SECTION 2228-1. Sale of prison-made goods prohibited.—After January 19, 1934, no goods, wares, or merchandise, manufactured or mined wholly or in part in any other State by convicts or prisoners except convicts or prisoners on parole or probation, shall be sold on the open market in this State.

SEC. 2228-2. Penalty.—Whoever violates any of the provisions of the next preceding section shall be fined not less than \$25 nor more than \$50 for the first offense and not less than \$50 nor more than \$200 for each subsequent offense.

PENNSYLVANIA

ACTS OF 1931

No. 308

SECTION 1. Sale on open market prohibited.—No goods, wares, or merchandise prepared wholly or in part or manufactured by convicts or prisoners of other States, except convicts or prisoners on parole or probation, shall be sold or exchanged on the open market within this Commonwealth.

SEC. 2. Penalty.—Any person, or any agent or manager for any person, who shall violate any of the provisions of this act shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 or to undergo an imprisonment of not more than 1 year, or both, at the discretion of the court.

SEC. 3. Effective date.—This act shall take effect January 19, 1934.

SEC. 4. Repealing clause.—All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

SOUTH DAKOTA

ACTS OF 1933

CHAPTER 158

SECTION 1. Prison-made products subject to State laws.—On and after January 19, 1934, all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners

on parole or probation, or in any penal and/or reformatory institutions, transported into the State of South Dakota, and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in the State of South Dakota, be subject to the operation and effect of the laws of the State of South Dakota, to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in the State of South Dakota, and shall not be exempt therefrom by reasons of being introduced in the original package or otherwise.

UTAH

ACTS OF 1933

CHAPTER 68

SECTION 1. *Sale on open market prohibited.*—The sale on the open market of this State of all goods, wares, or merchandise manufactured or mined, wholly or in part, by convicts or prisoners, except prisoners on parole or probation, or in any penal and/or reformatory institution, is hereby prohibited and declared to be unlawful. On and after January 19, 1934, the provisions of this act and all other laws and regulations of this State in effect at that time and not inconsistent with this act, shall apply to all goods, wares, and merchandise manufactured or mined, wholly or in part, by convicts or prisoners, except prisoners on parole or probation, or in any penal and/or reformatory institution, and transported into the State of Utah for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced, or mined within the State of Utah.

SEC. 2. *Marked.*—All goods, wares, and merchandise manufactured or mined, wholly or in part, by convicts or prisoners, except prisoners on parole or probation, in the State of Utah, and all goods, wares, and merchandise shipped into the State of Utah, shall be plainly marked thereon: "Prison-made goods."

SEC. 3. *"Open market" defined.*—The words "open market" as used in this act, shall mean all sales and/or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents, or agencies, whether retail or wholesale, or in any other manner, to the consuming public, but not including institutions, subdivisions, departments of State, municipalities or school districts, and not including the manufacture and sale of belts, beads, bracelets, watch-fobs, jewelry, or other trinkets sold for the personal benefit of convicts or prisoners.

SEC. 4. *Penalty.*—Any person, firm, or corporation, which violates any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. *Effective date.*—This act shall take effect upon approval. (Mar. 21, 1933.)

CHAPTER 67

SECTION 1. *Goods divested of interstate character.*—All goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, transported into the State of Utah and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in the State of Utah, be subject to the operation and effect of the laws of the State of Utah, to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in the State of Utah, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

SEC. 2. *Effective date.*—This act shall take effect on January 19, 1934.

VIRGINIA

STATE AND COUNTY PRISONERS

CODE, 1919¹

SEC. 2073 (as amended 1924, ch. 88; 1933, ch. —). *Road force; articles for State use.*—All male prisoners convicted of felony, and sentenced to confinement

¹ 1933 amendment to sec. 2073 received too late for inclusion under "Virginia", pp. 115-118.

in the penitentiary, and all male persons now convicted and confined in the public jails, or who may be hereafter convicted and so confined, and sentenced to the road force for a misdemeanor, shall, when delivered to the superintendent of the penitentiary, under the provisions of sections 2075 and 2096, constitute the State convict road force. But such convicts as the State prison board and the superintendent of the penitentiary shall deem it improper or unsafe to be put on the convict road force or other public works, on account of physical condition, character, or disposition, may be employed by the State prison board in work for the State at the penitentiary, at the State penitentiary farms, at the State lime-grinding plants, or in State or county stone quarries. Convicts or misdemeanants actually confined within the penitentiary at Richmond, or at State farms, however, shall be used, as far as possible, in the making of articles required by the departments, institutions, and agencies of the State which are supported in whole or in part by the State, and the State prison board is authorized and empowered to charge such departments, institutions, and agencies the actual cost of the materials used in the manufacture and production of articles furnished them, and in addition thereto an amount sufficient to defray the maintenance costs of the prisoners employed in such State-use industries, and to keep in repair and to replace the machinery, tools, etc., used in the manufacture and production of the various articles furnished. Any surplus and articles so manufactured or produced not required by the departments, institutions, and agencies of the State which are supported in whole or in part by the State, may be disposed of by the State prison board by sale to municipal and county agencies in Virginia and to Federal, State, and local public agencies within or without the State of Virginia, or as the State prison board, with the approval of the Governor, may deem to be the best interests of the State: *Provided, however,* That the products of the State-use printing shop at the penitentiary, shall be sold only to such departments, institutions, and agencies of the State and to State agencies controlled by the State of Virginia, and shall not be sold to officers or agencies of the counties, cities, and towns of the State of Virginia, or in the open markets. It is further provided that the said State prison board, heretofore called the penitentiary board, on the part of the State, with the approval of the Governor, may extend the contracts of employment at the penitentiary at Richmond and at the State penitentiary farm, in force on the passage of this act, or may enter into new contracts, to such an extent as may be necessary to obviate the necessity of keeping in idleness convicts actually confined in the penitentiary at Richmond, or at the State penitentiary farm, and not otherwise employed. But no such contracts shall be extended or renewed or new contracts entered into, unless and until the contractor or contractors, as the case may be, shall have given bond in form approved by the attorney general of Virginia, and with such security and in such penalty as may be determined by the State prison board with the advice and consent of the Governor, conditioned upon the faithful performance of all the terms of said contracts.

Sec. 2073-a (added 1933, ch. —). *Products used by State departments.*—On and after the 1st day of January 1934, all departments, institutions, and agencies of this State which are supported in whole or in part by the State shall, and all counties and districts of such counties and cities and towns in this State may, purchase from the State prison board all articles required by such departments, institutions, and agencies of the State, or by such counties, districts, cities, or towns, produced or manufactured by the State prison board by convicts or misdemeanants confined within the penitentiary or elsewhere employed within this State, including products of the penitentiary and State farms and no such article shall be purchased by any such department, institution, or agency of the State from any other source unless excepted from the provisions of this section as hereinafter provided.

All purchases shall be made through the division of purchase and printing upon requisition by the proper authority of the department, institution, or agency of the State or of the county, district, city, or town requiring such articles.

Exceptions from the operation of the mandatory provisions of this section may be made in any case where in the opinion of the governor, the comptroller, and the director of the division of purchase and printing, or a majority of them, who are hereby constituted a board for such purpose, the article so produced or manufactured does not meet the reasonable requirements of such department, institution, or agency of the State, or in any case where the requisition made

cannot be completely complied with on account of an insufficient supply of the articles or supplies required or otherwise. No such department, institution, or agency of the State shall be allowed to evade the intent and meaning of this section by slight variation from standards adopted by the State prison board, when the articles produced or manufactured by it in accordance with its standards are reasonably adapted to the actual needs of such department, institution, or agency.

No voucher, certificate, or warrant issued on the comptroller by any such department, institution, or agency shall be questioned by him or by the State treasurer on the ground that this section has not been complied with by such department, institution, or agency; but intentional violations of this section by any such department, institution, or agency, continued after notice from the Governor to desist, shall constitute malfeasance in office, and shall subject the officer or officers responsible for such violations, to suspension or removal from office, as may be provided by law in other cases of malfeasance.

SEC. 2073-b (added 1933, ch. —). *Estimates secured.*—The State prison board shall cause to be prepared annually, at such time as it may determine, a catalog containing a description of all articles and supplies manufactured and produced by it pursuant to the provisions of section 2073, copies of which catalog shall be sent by it to all departments, institutions, and agencies of the State referred to in the preceding section. At least 30 days before the commencement of each fiscal year the proper official of each such department, institution, and agency of the State shall report to the division of purchase and printing estimates for the ensuing year or quarter of the kinds and amounts of articles and supplies required by them for ensuing year or quarter, referring in such estimates to the catalog issued by the State prison board, insofar as the articles and supplies indicated are included within said catalog.

WASHINGTON

ACTS OF 1933

CHAPTER 178

SECTION 1. *Sale of convict-made goods.*—The selling, offering, keeping, exposing, or displaying for sale on the open market within this State of any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, is hereby prohibited.

No goods, wares, or merchandise, manufactured, produced, or mined, in whole or in part, by convicts or prisoners of other States, except convicts or prisoners on parole or probation, shall be shipped into this State to be sold on the open market in this State, or sold to or exchanged with an institution of this State, or any of its political subdivisions: *Provided*, This act shall not prohibit the sale to or exchange between penal, reformatory, or custodial institutions and/or departments of this State, including any of its political subdivisions, for use or consumption by said institutions, of goods, wares, or merchandise manufactured, produced, or mined, in whole or in part, by convicts or prisoners of the State of Washington: *And provided further*, This act shall not apply to commodities manufactured by Federal penal or correctional institutions for use by the Federal Government and/or goods displayed or sold within any of the penal, reformatory, or custodial institutions of the State for the benefit of the inmates thereof.

SEC. 2. *Penalty for violation.*—Any person, firm, or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

SEC. 3. *"Open market" defined.*—The words "open market" as used in this act shall mean all sales or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents, or agencies, whether retail or wholesale.

SEC. 4. *Effective date.*—This act shall take effect January 20, 1934, and shall not affect any goods, wares, or merchandise held for sale within this State or shipped into this State prior to January 20, 1934.