

PUBLIC INSTITUTIONS.

SECOND

ANNUAL REPORT

OF THE

BOARD OF COMMISSIONERS.

*Dis. by legislature 1875*

1874.

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353*

TOPEKA, KANSAS.

STATE PRINTING WORKS: GEO. W. MARTIN, PUBLIC PRINTER.

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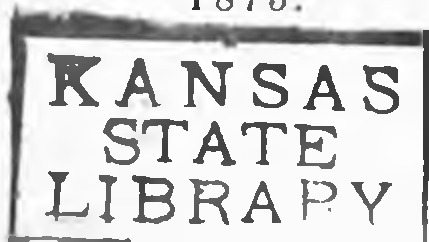
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## THE TEXAS MILITARY PRISONERS.

In the months of July and November last sixty-seven military prisoners were received from the Texas State Penitentiary, having been transferred by the military authorities to this department. When received they were in a horrible condition, from lack of proper food and ill-treatment generally. Most of them were emaciated and sick, reminding the prison authorities more of returned Andersonville war prisoners, than of military prisoners, some of whom had committed only trivial offenses. The officers of our penitentiary treated them with every kindness, the hungry being fed, the weary rested, and the sick carried to the hospital. Since the arrival of these men, the hospital expenses have been largely augmented, and the mortality increased. The warden, deputy warden, chaplain and hospital steward have been indefatigable in their efforts to cure the sick and wounded, and to make the labor of the wasted skeletons available to the State. Months of kind treatment and nutritious diet have accomplished their work, and now nearly all are available for State labor. A few have died from the effects of the inhuman treatment received, but their last moments were soothed by the kind ministrations of a Christian chaplain, and their final agonies relieved by the appliances of medical skill. They sleep in graves outside of our penitentiary walls, the victims of the infamous lessee system, which makes men slaves of officers, often more brutal and criminal than the worst convict. Murders are committed under its guise, and there is no justice meted out to the perpetrators. With these graves in sight, with these emaciated and wounded men now within these walls, we are surprised to find in the transactions of the Prison Congress for 1874, the following :

[From the Transactions of the Prison Congress, 1874.]

## THE TEXAS STATE PENITENTIARY.

BY WARD, DEWEY & CO., LESSEES.

Feeling that the Texas State Penitentiary has never been fully or fairly represented to the people of other States, we beg to offer the following paper to the Prison Congress, now assembled at St. Louis, hoping that it may be the means of bringing our prison and those connected with its administration into more intimate and understood relations with the eminent workers in the cause of prisons and prisoners, of whom a prominent writer has said, "they are the true reformers." We desire this more particularly, since it is a very generally-accepted idea that prison contractors are not at all interested in

the moral welfare of the convict, except in the ratio that this means dollars and cents. We claim to have made a broad departure from this idea, and from the old-time prison tactics, following very little, if at all, in the widening and progressive track of modern prison reform, as it is understood in the Atlantic States, for the reason that, in most respects, that plan and system would not apply in our own case; or, perhaps, in more correct terms, our material could not be made equal to the requirements of that higher standard. We claim to have reached the higher standard of prison management, but by a self-chosen plan of action, only applicable in a prison like ours. In the older countries of Europe, as in the Atlantic States, the administrations of the different prisons have had an old criminal material to handle; criminals of intelligence; criminals crime-taught and crime-shrewd; criminals with desperate natures and with hearts steeled against all influences for good.

In the Texas State Penitentiary, we have, as yet, had but little of this element, this advanced criminal class, if we may be allowed the expression, the bulk of our convicts having been gathered from the ignorant masses, whose crimes have been those of passion, rather than reflection. As we understand human nature, the dealing with these different classes must necessarily be varied, according to the special circumstances in each case.

Before such an assembly as the National Prison Congress, it would be superfluous to describe the plan pursued in the eastern prisons, but we lay before you our system, and leave the comparison for your own minds.

As we have already stated, the majority of our convicts are received from the ranks of the ignorant classes; guilty, or at least proclaimed, of the lesser degrees of crime. Perhaps there could not be found more than ten out of our whole number—thirteen hundred—who would come under the head of criminals of intelligence, or rather of persons intelligently criminal. We make no exception in our dealing with these last, save that we do not make them “trustys” outside the walls.

Our plan and system for the reformation and moral welfare of those under our control—and we now speak of the mass who belong to the first and controlling number—is simply this: we appeal to their self-respect and manhood, and by trust and confidence, touch the better part of their nature, underlying the rough surface, by which treatment we seek to upbuild and strengthen their weakened resolves. In the majority of cases, we dismiss the convict at the end of his term, not only with twenty dollars in his pocket and a good suit of clothes, but with a love of labor in him, as society’s best guaranty against his re-entrance into the ranks of the criminal. We attach privileges to the performance, and a forfeiture of the non-performance of duty. So far, our experience has caused us little trouble, compared to the satisfaction it has given us to witness the good results that have followed.

The more we trust a prisoner, the greater are the privileges we offer him. Many of them we make sub-bosses, clerks in the office, store-keepers, allowing them a near approach to the life of freemen, such as relieving them of the convict garb, allowing attendance at church, and in every case condemning every approximation to studied degradation as a means of punishment. Hundreds of them we put upon their honor as “trustys,” to labor in the vicinity of the prison, without so much as the least police supervision; and, from the large number so trusted, we have not lost three prisoners, within the last two years. Most of the escapes that have occurred were from the prison proper, or from careless guards on the railways.

These facts and figures prove two things at least: First, our prisoners are made up of far different material from that confined within the walls of our eastern prisons; and, second, there is much honor and manly integrity of character among those wearing the prison garb. This experience has increased our faith, that honor and integrity like child-holiness, clings to the worst of mankind.

Our plan has been to make “trustys” of most of those who have entered upon the last ten months of their sentence, and many of them even before that time. Any one at all conversant with criminals can understand that the convict, intelligent and shrewd in a criminal sense, could not be trusted as we trust our convicts, ignorant as they are both in an intellectual and criminal sense. Within the walls of a secure prison the trust and confidence might be operated in safety, but hardly when they are to be placed beyond all guard or police supervision.

There are various motives operating upon the minds of our prisoners to keep them from breaking their pledges. Most of them have permanent homes in the State, with mother, father or wife to move the affections, and the fear of recapture, and severer and more long-continued punishment to follow, is the strong argument against trying to escape. Many of them have hope of pardon, and this deters them, while not a few have a strong sense of honor to bear them out. These are among the principal reasons for our trusting them, and for their keeping their promise.

In the management of the prison we have fully accepted the maxim, that idleness is the mother of vice, not only because we are contractors of the State Penitentiary, but from a principle of reformation. There can be no doubt that in the acquisition of a trade, and in the habits of industry gained while mastering such trade, society has its strongest guaranty for the man's future good conduct. Making a convict a good mechanic not only places him above want and the temptations of poverty, but it gives him a passport to a class of society superior to that to which he previously belonged.

We instruct our foremen of shops to pay particular attention to the aptitude of each in selecting men for certain branches, so that none may be employed in a department distasteful to them. In this careful selection and proper adjustment of the man's tastes and aptitude to the work, we have, as a result, profitable employment. Above all things, we condemn any partiality on the part of our foremen. When once we get the convict interested in his work, by vigilant and kindly supervision, we have no further trouble with him. He is stimulated to a full development of his mechanical genius, not only by the hope that reaches out beyond the prison bars, and takes strong hold on real life, but by our daily approval and the certain reward which comes to him in the shape of a commutation of sentence and increased pay at his discharge. Among those who labor on the farms and railways, we have established a plan whereby each convict has a personal interest in his work. We give to each a share in his earnings, which is sent to his family at the end of each quarter, or placed to his credit on our books, to be paid to him on release, as may be preferred by him. We intend to adopt the same plan in the working of our shops, as soon as we can systematize them more thoroughly.

This plan, so far, has resulted in an almost incredible amount of extra labor, and the cessation of punishment in most of the camps. It develops the element of hope, which is more potent than fear, and is the strongest reformatory agent among mankind. The hope of abridging the term of sentence, and of once more taking a place in the world as a respected member of society, is among the strongest incentives to good conduct on the part of the prisoner; and the constant habit of doing right, will, in the end, work out a desirable reformation.

Perhaps the most critical period in the life of the convict, is the moment when he puts aside the prison garb and turns away from the sombre shadow of the prison walls, to enter upon real, active, free life. If he has learned a good trade, he walks away with quick, buoyant tread; if not, we watch his slow, unsteady steps, as he moves away, and have but little hope that he will be anything more than a purposeless being; perhaps a total wreck. He must meet the antagonisms of life just the same as the man who has a trade, but he is a thousand times less fitted to meet them. "He who hath a trade walks in shoes of gold," is a saying full of truth and beauty. It is just here that we so much need the associated effort of the public spirited men of the State. We need their co-operation to take the discharged man from our hands, and by personal interest, aid him in the securing of some remunerative employment. If we had such helps as these, there would be a less number of second convictions.

When we discharge a convict, we give him, as before stated, twenty dollars in cash, a good suit of clothes, chosen from the ordinary freeman's styles, that no distinctive mark may remain, and such friendly advice, in regard to business and other matters, as we can, but this is not all that should be done. Society should then stand ready to take the man and keep his feet in the path of right, by kindly assistance, not in a pecuniary sense, but in the way of that brotherly interest which weighs much more than dollars and cents, and especially in the way of giving employment, whereby he may earn honest bread.

Within a year a few of our people have put forth an effort of this nature, resulting in the formation of a prison association, but beyond this nothing has been accomplished. We hope that something more definite and tangible will grow out of this asso-

ciated prison effort, something that will reach those prisoners, both within the walls and when released.

The moral instruction of our prison consists in religious services on the Sabbath, a supply of choice reading matter, secular and religious, and such quiet talks during the evening as the different chaplains may see fit to have. We have a day school in near prospect which we hope to complete within a year. When this is ready, we shall employ an instructor, and give to each convict a portion of his working time for instruction in the different branches of education. We give to each the necessary materials and the opportunity of writing letters every Sunday, and the friends of the convict can visit him at pleasure.

These are among the helps we are affording those under our control, offered from unselfish motives, and in the sincere hope that the result may be to their permanent good. We hope to be able to still further improve the condition of these prisoners; but to do this successfully, we need the hearty and unselfish co-operation of the people at large. We need much legislative help, such as a radical change in the criminal procedure of our State. Crime must meet with punishment, but it must be tempered with more humanity and charity. The boy of twelve, whose first error of a criminal nature is the theft of fifty cents worth of property, should not be placed on the calendar with the older criminal, who, for the third or fourth time steals a horse, or a large sum of money. We have no such thing as petty larceny, punishable by a month in the minor prisons.

What constitutes a petty theft in any of the eastern cities becomes a penitentiary offense in Texas, punishable by a term of from two to five years' imprisonment. The disproportion between the punishment and the crime is a grave error in the criminal code of Texas. This, with the want of interest on the part of the public at large, in those who are convicted, is one of the causes of the apparent increase of crime in our State. With the trial and conviction of a man all interest in him ceases, so far as the public is concerned.

This certainly is not in consonance with the teachings of Christ, or with modern movements in the direction of prison reform. Society has much more to do than this, if it would create the needed reaction that will diminish the number of criminals. While we are trying in all good faith to build up among our prisoners the highest possible standard of discipline, by the means we have but partially set forth, we solicit the co-operation of the general public, and especially that of this Congress, who are so deeply interested in reform in this direction. There is no lack of the proper spirit among our people for this work, but it seems to require some outside pressure to give it impetus.

In conclusion, ladies and gentlemen of the Congress, we most cordially invite each and all of you to visit our prison, and to see for yourselves what we are doing. We extend to you the hospitalities of the little city where we are located, promising you every opportunity of witnessing the management of the Penitentiary; and we feel assured that the people of the State will heartily join with us in the invitation.

We have examined a number of the Texas prisoners now here, and find their sworn statements to differ almost entirely from the brightly painted picture which precedes this. Instead of bread, they gave their erring brethren stones; instead of kindness, they gave them stripes. Brutality took the place of humanity, and cruelty usurped the place of mercy. The stocks, wooden horses, whips and shot guns were the reformatory measures used to tame refractory humanity; spoiled beef and corn-meal coffee were the stimulating agencies to better conduct; a tomb in the railroad grade was the reward after death. With such reviving moral influences, it is not surprising that our State has been to a large

medical expense for the sick and wounded who have crowded our Penitentiary hospital, and for which the State received no return in labor from the exhausted men. Kansas has acted the Good Samaritan, and we will publish some of the sworn statements of the prisoners, to show that brutality and cruelty have caused these extraordinary expenses.

Thomas Morris, an Irishman, belonging formerly to the 11th United States infantry, testified as follows:

"I was in the Texas State prison, at Huntsville, nine months; the food was bad, comprised mostly of coarse corn meal, made into bread, and beef; the coffee was made from scraps of sweet potatoes left at table, and ground and dried, and mixed with corn meal, which was then browned; the men were often put in the stocks for trifling offenses; there was an instrument of torture called a 'horse,' which was made by driving a peg, about one foot or one foot and a half long, horizontally into an upright post; this peg was shaped something like a pick handle, with the sharp side up; the prisoner got on this peg astraddle, from a stool, the stool was then taken from under his feet and his legs were tied down by the ankles with ropes to rings in the floor, or fastened in the ground; the head was fastened back to the upright post, and the arms were tied; I often saw men on the horse; the men were often struck with the fists of the steward, who was acting warden, Capt. Howard; prison was not kept clean; the bed clothes were dirty, and often very ragged, and sometimes they became so infested with vermin that they were burnt; there was no convenience for bathing, and not much for washing clothes; I was sick in my cell part of the time and received no attention from the doctor; I worked in the tailor shop; we were furnished striped cotton clothing, and canvass shoes, but no underclothing or socks; we had some soft soap to wash with; we were furnished no combs at all, and no towels, except in the shops; the prisoners had access to no library, or books of any kind; had preaching about twice a month by transient or traveling preachers; never heard of any allowance of \$2 a month; never received any money; Howard acted as warden, and was the man who ordered the punishments; they used to send sick men out to work on railroads; the railroad men were sent several hundred miles away; men were also sent out to clear up farms; the prison contractors employed the warden and all the employes; the State had nothing to do with the prison; an old man brought some papers around once a month; think he was an outsider; we had a little extra food on Christmas; we suffered a great deal for want of clothing; there was no fire in the cell-house, and the shops were very poorly warmed; there was plenty of food of the kind, but the meat was often such as could not be eaten; have seen the officers punch men in the ribs with a stick and strike them with the fist; heard of men being killed by the guards; before I left the prison, I had been sick with chronic diarrhea, and was delirious when I came to Kansas; I went into the penitentiary in Huntsville in September, 1873, and left in July, 1874; Captain



Emory, the United States Inspector, asked us about our condition, about six weeks before we left; I never knew them to teach any trades in the prison."

Francis Miner, colored, sworn:

"I was in the Huntsville prison thirteen and a half months; was convict cook; they gave us meat that the buzzards would not eat; had some trouble with the steward, and he said he would have me killed; if a man runs away, they bring him back, if caught, cut off his hair and beat and punish him unmercifully; they have various modes of punishment: the stocks, 'horse' lash, clubs, fists, and often the men are kicked around with the heavy boots of the officers; our coffee was made of corn meal, burnt; by adding four pounds of ground coffee to a bushel of meal; the real coffee itself could not be tasted; sometimes we had salt beef and sometimes fresh, but both were bad; sometimes the animals were so thin in flesh they could hardly walk; the hospital accommodations were very bad; I saw a number of men carried out from the cells, dead; the officers treated the men very brutally; the dead were buried in a white-pine box, without ceremony; never saw any men die in their cells; the treatment at the Kansas Penitentiary cannot be compared to that in Texas."

Wm. Price, colored, sworn:

"I am a United States military convict; belonged to the Ninth regiment, Company I; I was in prison at Huntsville about eight months; worked on the railroad; some weeks we had enough to eat, and some weeks not; got no coffee; had coarse corn bread and beef; sometimes the beef was not fit to eat; once a month we had black-eyed peas; there were seventeen or eighteen deaths a week at the time I was trusty, about three months—July, August and September; one prisoner who had been there six or seven years, and had his leg broken, lay in his cell because there was not room for him in the hospital; gangrene set in; they gave him a dose of medicine and he was dead in half an hour; the hospital was very small, and frequently sick men were removed from it to their cells; sometimes men would die almost as soon as they got into the hospital, having been forced to work until totally exhausted; when they were sent out to work on railroads no surgeon or physician was sent along, but a convict was detailed to deal out medicine; one time they gave a convict 500 lashes, he was then thrown into a wagon and hauled about two miles from the prison and taken out, and the guard shot him dead; the guard then told the trusty who drove the team that if he told, he (the guard) would shoot him, too; the trusty told me about it after his time was out; the prisoner's name was John Henry; he was colored; they furnished cotton clothing; no under clothing or socks, and in summer they had to go barefoot; they allowed \$20 to a man when his time was out."

Wm. H. Moorehouse, (an Irish boy,) sworn:

"I was a member of Company H, 10th Infantry; went into the Texas prison at Huntsville in July, 1873; stayed about 45 days in prison, and was then sent out about 50 miles with a gang of about 60 convicts to make railway ties, under the charge of sergeant Smith, one of the prison officers; the



food was principally corn bread and beef, with a few vegetables; had potatoes three times within the prison; the bread was shipped to us when cutting ties, and was very hard; the beef was extremely poor, and was often spoiled; the scraps from the table were made into a kind of soup that gave the men a diarrhea; we had very little straw to lie on; the men were not in separate bunks, but had to sleep together in a crowded place; there were plenty of graybacks; our clothes were washed once a month, and then not clean; I brought a pair of shoes in with me, and got no more till I reached the Kansas Penitentiary in July, 1874; there was six inches of snow in the winter, and many of the men worked barefooted; had no religious exercises or reading, and on Sunday were shut up in the car; the water was stagnant and unfit for drinking; we were much punished in the woods for violating rules; the men were often put on the 'horse;' one man fainted from the effects of it, and the guards paid no attention to him; another prisoner and I brought him to by rubbing him; they used to whip prisoners with a strap about 1½ inches broad, made full of holes, which raised white blisters; saw a colored State prisoner get whipped once, and it made sores on his back as large as a man's hand; his name was John Harris; it was done because he tried to get an old blanket back that another convict had taken from his bunk; saw a white man by the name of Ridder whipped for attempting to get away on account of bad treatment; his back was torn all to pieces with the strap, and he was sent back to the Penitentiary; effect of riding the 'horse' was to paralyze the legs, arms and private parts. I was put on the horse for not chopping fast enough; had to cut, hew and finish fifty ties a day to each mess of five men; worked partly in a swamp on oak timber; was on the 'horse' about fifteen minutes; they gave no medicines or lubrications of any kind to relieve the pain; my kidneys are affected yet from the effects of the punishment, and I was sick when I came here; this prison is a hotel compared with the one at Huntsville; there was always a great deal of swearing; no kindness was shown, no teaching of trades, no books, no library; on Christmas we had wheat bread and molasses; no coffee except from corn meal, burnt; knew of no women being punished, nor of men dying from injuries received; never saw a United States inspecting officer in the prison; never received a cent of money, nor the promise of any."

James H. Taylor sworn:

"I am a United States military convict; belonged to the Fourth Cavalry, Company E.; went into the penitentiary at Huntsville, in the State of Texas, in June, 1873, and left for Kansas July, 1874; the food at the Texas penitentiary was poor, mainly corn bread and beef; the corn meal was very coarse, and looked as if the cob had been ground with it; the beef was so tainted that we could smell it before coming into the dining room; the soup was composed of the water the meat was boiled in, with a little corn meal and a few cabbage leaves thrown in; a great many would not eat the meat; if it was badly spoiled, they would put it on the table first; a few potatoes were given us sometimes, but no turnips; my limbs

were used up by working in the water on the International railroad, about 250 miles from Huntsville, toward Dallas; we had to stand in water and work, digging in the bed of a river to put in bridge piers; I worked a fortnight naked; Ward, Dewey & Co. took contracts to build railroads; the State had nothing to do with it; we had better food on the railroad than we got in the prison; the clothing was cotton stripe; some shoes were furnished; we worked eleven to twelve hours a day in summer, and in winter from sun to sun; we slept in the cars; when sick, we went into the cars until able to work; sometimes the guards would force us to work when sick; men tried to escape very seldom; if they tried to get away, they were killed; in one instance, a colored man near me started to go into the brush; the guard told him to stop, or he would shoot; the man told him to shoot; the guard did so, and killed him on the spot; the poor man had been whipped a number of times with straps and sticks, by other convicts, who were forced to do so by the officers, until he became frenzied with despair; he said he would rather die than endure such treatment; I saw him beaten three times; a hole was dug where he fell, and he was thrown into it, and buried without coffin; there was very little partiality shown between white and colored prisoners; I came back from the railroad work to the Penitentiary, because I was used up and could not work; prisoners had the ague and bilious fever a great deal; I had \$11.75 when I went in there, which was not turned over to the officers who brought me here; I never got any money, but we were given to understand that we would get \$20 when our time was out, *if we behaved ourselves*; saw men put in the stocks and on the 'horse' right in the broiling sun, in the hottest part of summer; the 'horse' was made by a peg about as large as a hoe handle being driven into an upright pole, and the men were tied on it; I knew of two men in the car with me who died from this treatment; they could not urinate, and died in great agony, one in two weeks and the other in three weeks afterward; the most trifling offenses were punished in this brutal manner; there was no distinction shown between United States and State prisoners; there was no school or teaching; had papers once in a while; had not light enough to read in the cells after dark, and we worked from daylight to dark; no time to read except Sundays; there were vermin in the cells—rats, mice, bedbugs and lice; after leaving the railroad, I worked in the chair shop; profanity was very common, and the officers cursed the convicts on the slightest provocation; church services were occasionally held by transient colored or white preachers, but only a part of the prisoners could hear them; men died mostly on account of brutal treatment, exposure, overwork, poor food, and wretched accommodations and lack of care when sick; the first row of cells was kept in a much better condition than the others, and I never saw visitors go above them; there were 14 women in the prison; I saw two of them in the stocks; they were white women; one night they took one of the women down the back alley, where there was a wooden horse; heard her cry and scream as though she was being terribly punished; the men were generally very thin in flesh after being there a few months, and most of them had the dysentery; I was put in the stocks once for five minutes; sometimes they

were kept in twenty minutes ; blocks were put under their feet occasionally to relieve their tortures, and then taken out again ; saw a United States inspecting officer there once, and while he stayed the men were treated better than usual, but the eating was the same ; the cell-house was not warmed in winter, and the beds were on the floor, with only a small bunch of straw in the ticks.

John H. Smith, being duly sworn, says :

“ He was a member of Co. K, 25th Infantry, and could read and write ; arrived at Huntsville, October 8, 1873, and was sent up to the railroad on the Brazos river next day, about 125 miles off ; was a cook all the time, and was pretty well treated himself, but others suffered ; Sergeant Kelly had charge of about 125 men ; the ground was wet and mucky—mud sometimes to the knees ; worked from sun up to sun down ; received at each meal a piece of corn bread about three inches square and one inch thick, with a piece of cold beef, frequently spoiled ; no soup ; coffee made of parched corn meal ; was on the railroad until next April or May, when he was sent to Lake Jackson plantation, where he remained until next July 8th ; saw no U. S. inspector while he was at work ; saw men stocked, horsed, and whipped ; stocks could be wedged up until the victim's weight would rest on his neck and wrists, his feet being off the ground ; saw two men in the stocks nearly half an hour ; when released, they dropped out of the stocks dead ; he supposed their necks were broken ; an inquest was held, the jury being composed of guards and employes of Ward, Dewey & Co. ; Sergeant Schuchardt was in charge of the gang, and was a very cruel man ; one man was white, the other was a colored man named Bob Sauls ; both were state prisoners ; what was called a horse, was a pick-handle, stuck through a stanchion or sapling ; they would keep a man astraddle of it for an hour ; sometimes men would come off in a fainting condition ; Lewis died since he came to the Kansas penitentiary from the effects of a whipping with a trace-strap ; Lewis and a colored man were charged with attempting to escape ; as the colored man moved off without authority, he received a load of six buckshot, but survived ; Lewis was held by a colored convict, while Corporal Finnegan, and employes Points and Coleman took turns at whipping him ; he received a large number of blows, estimated at several hundred ; when Dewey, one of the lessees, came on the work, he would hail them : ‘ How do you do, my bullies ? ’ To which the men would reply : ‘ Very well, but don't get enough to eat ! ’ His answer would be : ‘ Well, you must be well fed, my bullies, for you do good work ; ’ the fare never improved on account of his presence or speeches ; the guards cursed and blasphemed, and used filthy language ; on the first of January, 1874—New Year's day—received an addition to their usual fare, consisting of turnips and potatoes in small quantities ; received a suit of cotton-striped uniform ; no underclothes and no socks ; brought a pair of shoes to the penitentiary, which lasted until last January, after which he went barefooted ; worked in December, 1873, and January, 1874, up to his knees in water ; part of the time during the winter was barefooted, with snow and ice on the ground ; washed clothes once a month ; received no soap, no

combs, no papers, or books; there was no teaching or preaching on the railroad; on the farm a colored preacher had one hour given him on Sunday for preaching; saw no printed rules; never heard anything about well-behaved prisoners receiving two dollars per month for themselves or their families; saw men get twenty dollars when their time expired; the prisoners marched by fours; when a man lagged the guard would frequently pick up a stone or a chunk, and hit the man; saw a boy, named Charles McCarson, of the Tenth Cavalry, struck on the head with half a brick; a blood vessel was cut, and he was laid up a few days; guards carried whisky in bottles, and drank before the men; were drinking men mostly, frequently drunk, and knocked the men about; the most brutal man was foreman Blakely; he would make convicts hold an offender, while others were compelled to whip him brutally; colored men were worse used than white, and U. S. soldiers were hated; saw men die on the railroad; the general mode of burial was to wrap the body in a blanket, throw it into the dump, and grade over the body; many dead men are buried up in the grade. The prisoners in this penitentiary are better fed than guards were in Texas; the food in Texas was bad, but the treatment was infinitely worse."

"Levi Crockett, of Company H, Tenth Infantry, went into Huntsville penitentiary December 20, 1873, remained till July 15, 1874; can read and write; worked as a painter, three weeks; was hospital attendant from March until July 15; sick between those dates; received corn bread three times a day; breakfast and dinner, cold beef; lunch of cold corn bread for supper, given as we went to cells, to be eaten there; coffee in the morning; not made of coffee, but of corn meal; water was good; beef was sometimes stale; saw beef in the hospital that had skippers in it; cut it up and threw it away; did this as hospital attendant, but did not say anything to the authorities about it, because witness would have had to cook it by order of the convict hospital steward, H. O. Bergh; hospital was clean after he went in; beds were mattresses on boards stretched across wood trestles; some gray-backs in hospital, but they used mercurial ointment; used carbolic acid around hospital; saw sweet potatoes in the common mess two or three times; no white potatoes; hospital fare no better than ordinary mess, except that they had white bread instead of corn bread; disease mostly bilious fever; regular physician visited once in two weeks; perhaps a dozen deaths while he was there; two cases of typhoid fever ended in death; a colored man was shot at Jones's farm for attempting to escape, or for dodging a blow, and died in hospital; had a revolver bullet through his lungs; the wounded man stayed at the farm two weeks after the wound, and by the time he reached the hospital mortification had set in; his death is recorded on the death-record as dying of secondary hemorrhage of the lungs; witness did all he could for the wounded man, after his arrival; no inquest was held; he was buried in a plain box, outside of the prison walls. Another colored man, George Franklin, was whipped at Woods's camp, receiving 200 lashes from a two-foot strap, an inch wide, soaked in water; he was badly cut up across the buttocks; a place about eight inches wide, was perfectly raw, across the hips; Sergeant Woods commanded the gang, a corporal did the whipping;

he remained at the camp a week after the whipping; never worked any more; it seemed to wreck his whole body; he died in about a month; he was bruised to the knees and the flesh receded from the skin; his death was recorded 'constitutional syphilis;' he was put into a rough box, with his shirt on, and carried out; the witness wrote to his (the witness's) friends, and never received but one answer; has received prompt answers to letters written in Leavenworth Penitentiary; chaplains visited Texas penitentiary by chance; occasionally brought a paper, generally tracts, Sunday school papers, or religious papers; two Sisters of Charity visited prison once; no other visitors during his stay; the lessees furnished no papers; there was no prison library, no school, no combs, no towels; hospital was quiet; the convict steward was a harsh man; showed his dislike to prisoners; was well educated; had a knowledge of drugs and medicines; the witness had advantages other prisoners had not; slept in the hospital while he was attendant; never was punished; never heard of a reward of two dollars per month for good conduct; never saw any printed or written rules; never heard any rules read; when he came in Capt. Howard said: 'If you behave yourself you will be well treated; if you misbehave, try those,' (pointing to the stocks.) Howard was a noisy man; he cursed and used filthy language; witness frequently saw him under the influence of liquor; was not so dangerous when drunk, as when sober; saw convict women with children in arms; Old Jane had a baby while in the penitentiary; the convict doctor (Bergh) told me he attended her; the paternity of the child was chargeable to the penitentiary, she having been in a long time; it was partially white, according to the doctor; the convict doctor acknowledged to having criminal connection with the women; he was sometimes put in the stocks for it; Capt. Howard carried the meals to the female prisoners, after they were removed to the apartments under the offices; saw men stocked every day; saw men ride the horse at various times; saw a white girl, Mary, put in the stocks, and her head shaved; she was punished in the back alley; Jane was put in the dungeon and her head shaved, shortly after her baby was born; the alley was between the factory and the wall, on the south side of the factory; the night buckets were emptied into tubs, in the back alley, and the contents were carried off late in the afternoon; the alley was also used for washing purposes; Col. Ward, the principal lessee, was a drinking man; he liked a prisoner who would abuse the others; the reason the witness had a poor opinion of Ward was, that he (Ward) once came into the hospital where a man lay in bed, of gun-shot wound, received in his capture after escaping; the witness had given him bread and molasses, and coffee; Ward said, 'Well, we got you, you d—n s—n of a b—h!' 'Yes sir,' replied the man. 'What's this?' said Ward, knocking the dishes and food out of the man's hand with his cane; he then turned to the witness and told him never to give him any more food, 'to starve the s—n of b—h.' Saw one United States inspecting officer, Capt. Emory; informed him of the treatment the men received, and the prisoners were soon after removed to the Kansas Penitentiary. The treatment in the Kansas Penitentiary is so much better, that I cannot make comparison.

Richard Williams, Company H, 24th Infantry, sworn :

“Twenty-three years old ; went to Huntsville prison February 23, 1874, and remained until November, when he was brought to Leavenworth ; worked within the walls of the Huntsville prison, for the last four months of his imprisonment, on the corn crib, unloading wagons ; the first part of his imprisonment worked on the farm and tap road, doing grading at the latter place ; the road ran from the prison two miles ; Capt. Rains had charge of his gang, composed of about sixty men ; received, when he came to the prison, cotton pants and shirt, cloth shoes and a cotton hat, of the striped pattern ; no socks and no underclothes ; received corn bread and beef at every meal, with corn coffee in the morning ; corn bread was sometimes only half done ; the beef was blue and full of skippers in the summer, frequently ; he only ate dinner on the railroad, the other meals at the penitentiary ; meat was always cold ; supper was a piece of corn bread and beef, to be eaten in the cell ; sometimes had soup, but it was so poor and salt that it could hardly be eaten ; never got papers to read but once ; that time a preacher brought a few, mostly religious papers and tracts ; had no school on Sunday ; Capt. Rains was a cruel man ; have seen him knock white men and colored men off the running-plank with a stick, shovel, or anything that was handy ; saw him kick a colored man, named Jackson, in the face until he was senseless ; Capt. Rains has put witness on the wooden horse twenty times ; for a while his urinary organs were paralyzed ; sometimes for two days he could not urinate ; it took witness two months to recover from the effects of the last horsing ; was in the stocks once for fifteen minutes, with his toes just touching the ground ; witness felt the effects of it for a week in the neck ; on the tap road, there were one day seven horses in use, and they were occupied all day ; it was a common every-day punishment ; about the 18th of April he was transferred to Jones’s farm ; Capt. Jones had charge of about one hundred men, engaged in raising corn and cotton ; Jones had an assistant named August —, who was very brutal ; saw him one day shoot an old gray-headed colored man three times for not keeping up in his hoeing potatoes ; August was having him whipped by a convict, when the old man started to run towards the house, and then August shot him ; he died three days after his removal to the hospital, and was buried near the walls of the prison ; he was kept a week at the farm before being sent in ; a guard, named Allen, asked the witness where he was from, and was told from the army, when he replied : ‘ You d—d Yankee s—n of a b—h, I’ll get right with you ;’ on any trivial pretext, he would order witness whipped ; sometimes he would be stripped, and sometimes not ; sometimes the whipping would be done with switches, other times with straps ; on the 27th of April, when witness was threatened with a whipping, he attempted to run away ; he was shot twice with a shot-gun and twice with a revolver ; a pistol bullet went into the left arm, above the elbow, and was cut out above the shoulder, another pistol shot struck him on the right side and glanced off the ribs ; a buckshot went into the muscle, above the elbow in the left arm, another buckshot struck the left wrist, and since his arrival at the Kansas Penitentiary, has been taken out of the left hand ; the witness was



kept two days at Jones's farm, suffering from wounds and then sent into Huntsville prison hospital, where he laid nine days, after which he went to work in the corn crib; was afterwards put in the stocks, charged with whispering in the cell; Capt. Howard ordered him horsed for half an hour because he refused to work, his wounds not having healed; Capt. Wiley had him horsed because he would not carry lumber on his wounded shoulder; was well treated in the hospital by Crockett, a military prisoner and attendant; saw a colored woman in the stocks in the west building of the cell-house, on her tip toes for half an hour; she seemed much exhausted when released; had heard the hospital steward, Bergh, while witness was in the hospital, boast of criminal connection with a black female convict; saw a man named Henry Johnson, on the horse several times; he died from the effects of a rupture while on the horse; a man named George Franklin died while witness was in the hospital, of injuries received from whipping and abuse; Franklin's head was badly bruised, and a large piece of flesh came off his hip; he died about a month after being brought in; he was coffined in about a half an hour after death; a man named John Henry ran away from Jones's farm, was recaptured and brought into the walls; Col. Ward ordered him put in the stocks, and told the guard to kill him; witness saw him in the stocks for about half an hour; he was ironed, put in a wagon, and started to Jones's farm; the guard came back a few days afterward and said he had killed the prisoner during an attempt to escape; the Kansas Penitentiary is a heaven compared with the Huntsville prison."

Considerable other testimony was taken, but it is unnecessary to give more.

The following is the report of the physician of the Kansas State Penitentiary on the same subject:

KANSAS STATE PENITENTIARY, }  
LEAVENWORTH, November 30, 1874. }

*To the Hon. Board of Directors Kansas State Penitentiary:*

GENTLEMEN: I have the honor to-day to present you my fifth annual report as medical officer of this institution.

In the month of July we received forty-one recruits from the military prison of Huntsville, Texas, at one time. Many of these were in a critical state of health from diseases incident to a southern clime, acquired by hard labor, great exposure, hard usage, little medicine and no care. Two of these arrived here in a hopeless condition, and both died, one within a week, and the other lingering a few weeks longer. Every care and attention was rendered them, and with these two exceptions, all have been restored, though there are a few yet who are in but medium health and who will be long in becoming robust.

WM. B. CARPENTER, M. D., *Surgeon,*

## THE WARDEN'S REPORT.

Extract from warden's report of military prisoners in confinement in Kansas State Penitentiary for the third quarter ending September 30, 1874. (Said report is forwarded to the Judge Advocate, department of the Missouri, at the end of each quarter.)

"On the 17th of July there arrived here 41 military prisoners from the Texas penitentiary, by orders from the War Department. Their physical condition on arrival was deplorable—sick, worn out, half starved, and disheartened, and all were suffering from complaints more or less severe—and were immediately placed under careful medical treatment. One of the number, Charles M. Louis, formerly private, company 'I,' Tenth infantry, had to be carried from the cars to the prison, and died nine days after arrival here. The others have improved in health and spirits, but one James S. Bartlett is still in hospital, suffering from disease contracted in Texas, and of such character as to render medical aid hopeless. His discharge is recommended elsewhere in this report, to enable him to receive the attention of friends at home, and if possible, to recover his health."

Remarks in warden's report to Judge Advocate, department of Missouri, September 30, 1874:

"James S. Bartlett has been in hospital under treatment ever since his arrival here. A very difficult case of chronic diarrhea, contracted in Texas previous to being sent here, and recommended for discharge to enable him to receive the careful attention of friends at home."

The above-mentioned James S. Bartlett died October 10, 1874, before final action was reached on the papers for his release.

We have presented this brutality in its proper light to show the infamy of the lessee system, and of the opportunities under it of committing crimes innumerable. The system has its advocates in Kansas, and we make no apology in thus showing its enormities, so that our State may be saved from so dire a calamity.

We can point in triumph to the condition of our Kansas Penitentiary, and ask our readers to examine the following extract from our prison laws:

"There shall be no corporeal punishment, and no painful and unusual kind of punishment inflicted, such as binding the limbs or any member thereof, or placing and keeping the person in painful posture; and that the punishment of delinquent prisoners shall be restricted to the ball and chain, but so used as not to torture the person or limbs, and to close and solitary confinement, with such deprivation of light, and such limitation in kind and quality of food as may, in the exercise of a sound discretion, produce distress without hazarding the health of the offender."

The ball and chain is seldom used, and the dark cell has not been occupied for years. Such punishments will be remarkable

for our grandchildren to read about when they look back to the "dark and cruel days of their forefathers."

#### COUNTY JAILS.

Although not strictly within our province, we feel called upon to make a few general remarks upon a subject closely connected with the Penitentiary, and one that has for many years enlisted the sympathy and philanthropy of some of the ablest and best minds in the country, to the end that a better and more humane system might be adopted governing our penal institutions. We take the liberty to quote freely from the reports of boards of State charities of some of the other States. The gentlemen comprising these boards are men of large experience and modern views, and have given the subject much thought. As far as our limited experience and observation goes, we unhesitatingly agree with them and others that the whole jail system is wrong, and the end sought or that should be sought—the protection of society and the reformation of the individual—is never attained, nor can it be under the present system.

Association in idleness is the curse and condemnation of our jail system. The effect of association is to increase the number of criminals and to develop their criminality. The innocent and comparatively innocent are corrupted by the example, the conversation and the direct teaching of more experienced transgressors. The lessons taught in our county jails are contempt for authority, human and divine; hostility to law and its officers; the delights of vicious indulgences; the duty of revenge upon society for imaginary wrongs; the necessity of violence, of daring, and sullen submission to punishment; and the best methods of success in criminal undertakings. Past exploits are here recounted; future deeds of darkness are here planned. The history of noted criminals and of well-known officials are discussed. Lewd songs and conversation, profanity and ribald jests fill up the day. In many jails card-playing is freely allowed. In a few liquor is not absolutely prohibited, provided the prisoner ordering it is able to pay liberally for the indulgence.

The board of State commissioners on penal and charitable institutions, of Michigan, says :

"The State of Michigan is subdivided into seventy counties, and has within its limits some fifty jails, or one to nearly every county in the State. These jails contain an average population of about three hundred persons, and for their superintendence and care constantly employ a force throughout the State, numbering in the vicinity of one hundred and fifty persons. In construction and appearance but very few of them are alike. They vary from the cheap log-pen to expensive, showy and imposing edifices, some costing less than one hundred dollars, while the expense of others swells up to fifty or sixty thousand. The estimated total value of jail property in the State is in the vicinity of four hundred thousand dollars, and the annual cost of their maintenance may be safely estimated at fifty thousand dollars. In the majority of them the security and safe keeping of prisoners seems to have

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ERRATA.

Page 43, 2d line from bottom "ten millions" should read "tens of millions."  
Page 298, in foot note, "Dr. Hines " should read "Dr. Wines."