

that you might hold against any official connected with the penitentiary system?

A. No, sir; I was treated nice as I could be and was a trusty and got the best there was in the system.

IMPERIAL STATE FARM.

Description of building of Camp No. 2 on Imperial State farm, located about 2½ miles from Sugarland, Texas:

Main prison building is 60 feet long by 25 feet wide. There are ten windows in building about 2½ by 6 feet. None of windows are screened. There are two tiers of double bunks on either side, there being thirty-nine double bunks and two single bunks. In the south end of building there are two stools for the use of prisoners, which have a very strong, obnoxious, offensive odor about them permeating the entire building. Closets have no water connection.

Dining room is about 14 by 60 feet, and is located on the east side of prison building. The east side of the dining room is of large, upright iron pipe, about 3½-inch casing, and open and is not screened, with about 6-inch openings between the pipe. The water trough for the men to bathe in is located in the dining room. The spittoons for the prison building are just common wooden boxes and are very filthy.

Kitchen is about 12 by 14 feet. Is dirty and full of flies, and has a very bad odor emitting therefrom. There are two windows and one door in it and has no screens upon them. (Located at this camp are seventy-four men, all negroes.)

Description of building of Camp No. 1 on Imperial State farm, located about one mile from Sugarland, Texas:

Main building faces east. The picket hall is located in center of the building and there are two wings used as prison. North wing has four windows in each side and three in the north. The bunks are three high and accommodate 108 men in each wing of the building. In the north end of the north wing is a concrete pool used for bathing which is about 6 by 12 by 5 feet deep. North wing is 65 feet long, 30 feet wide with 14-foot ceiling. (Convicts are changing bedclothes this morning, those being taken off are very dirty.) Building is screened. There are two water closets in the northwest corner of north wing. The door leading from the prison building into the north dining room is screened. The north dining room is situated immediately east of north wing of prison. The east side of the dining room is latticed and not screened. Lattice is made of four-inch strips with four-inch space between. There is a large water trough in north wing for men to bathe faces and hands when coming in from work. One large stove in north wing and has attached water-heating apparatus for bathing purposes.

The south wing of the prison building is built and equipped practically the same as the north wing. It also has a dining room on the east of about same description of dining room on the north wing. Entire building is lighted with carbide lights.

Captain W. G. Pryor, being sworn, examined by Judge Lee, testified as follows:

I am sergeant and manager of the Imperial State farm. I have charge of the entire farm. We have two separate prison buildings on the farm now. This year we have about 4000 acres of land in cultivation of this farm. We have about 2000 acres in cane this year, 1000 acres in cotton and 800 acres in corn. We planted about 200 acres in Irish potatoes this year. I can not tell you the average number of convicts on this farm this year; we can get that from the books. I guess about 225. We have here now 262 men. Last year we increased our force in cane gathering time, but we won't this year because the crop is too short. About sixty or seventy-five men are generally kept at No. 2 camp and the balance of them are kept here. No. 2 is the building you were at this morning. It is about two miles from here. It is about 3½ miles from this prison

building to the remotest part of the farm. When the men are that far off their meals are taken to them on the farm. I have charge of the guards and under-keepers on the farm. I employ them. I have been in the service fifteen years last Thursday. I guarded about four years and was assistant one year and have been sergeant nine years. Yes, sir; during that time a good many men have come under my control.

Q. What is your idea of the State taking one of her citizens and convicting him and sending him to the penitentiary?

A. I suppose the idea is to reform him in one respect and take him out of the way of society and the people. The State uses very little means to reform the men that are sent here. They have permission to have religious services here when they want them and had a paid preacher until their money gave out. They had services only once a month when it was paid for. They have services among themselves every Sunday. There are several convict preachers in there. The State has never used any other means to reform them. I don't know what they paid the preacher that did come here. That was handled at the office. I have twenty-six or twenty-seven guards on this farm. I have a record showing when they went to work for me, but not when they entered the service. I think I have three or four guards here that I broke into the business. I have read the rules for the government of the penitentiary. I reckon I understand my part of them. There is some of them I don't have anything to do with. My duties are to see after the men and see that they are fed and clothed and taken care of and not worked when they are sick and see that they have proper attention while sick, and see that they do work when they are well and able to do it. Some of my guards that went into the service ten or fifteen years ago have been sworn in. I never have had them sworn in. I know that the rules require that they be sworn in.

Q. Why have you not complied with that rule?

A. I guess it is like some of the others. We just left that much of it off. I never have sworn anybody in. The inspector used to do that when it was carried on. I never seen it done before I was appointed sergeant. Major Durham and Judge Spooner were the only men I ever saw swear them in and they were inspectors. I have discharged two or three guards during the last twelve months. I discharged them for letting men escape. Four in all, I believe. I have discharged guards for no other reason. The duty of a guard as laid down by the rules is to prevent escapes and behave himself nicely around them and stay sober. I see that the guards obey these rules as much as I can. Yes, sir; it is the duty of the guard to report to me any infraction of the rules on the part of the convicts. They report to me. I have never furnished these guards with the rules. The convicts had some rules when I took charge of them. I suppose they still have them in the building. I have never seen them lately.

Q. If a person has not obtained an opportunity to read the rules and know what they are how would they know when they are breaking the rules?

A. I generally tell them what they are supposed to do, and so on. I don't know whether the rules require me to furnish them with the rules or not. I didn't furnish the guards that were employed since I come here with a copy of the rules. I don't suppose that the guards know what the rules are. I tell them what I want done and what I don't want done, and outside of that I don't know whether they know anything about the rules or not. I generally know what my part of the rules are and what he is supposed to do, and if he is doing wrong I call his attention to it. Yes, sir; it is impossible for me to be with each guard all the time. I have a steward here on the farm. There is no steward on No. 2 camp; one of the picket guards acts as steward there.

Examined by Senator Weinert, he stated:

Some of the men work nine hours a day and some ten. It depends on the distance we are from the work. That does not include the time it takes to go and come. We give them one hour inside rest at dinner. In the summer time we give them anywhere from two and one-half to four hours at noon, that just depends on the weather. We have no physician on this place. He resides at Richmond, seven miles from here. He comes promptly when called upon. My force has been in a healthy condition for some time. I believe we have had

two deaths, probably three, this year. The doctor said that all three of them died from overheating in the field at work. I know the rules regarding punishment. I never punish without an order. I never discharged a guard for punishing a man. It has been eight years since I have heard of a guard hitting a man. I have no knowledge of any such abuse now. Sometimes we have a complaint about the food, but no general complaint. I have been in the service fifteen years. There is not a great deal of difference in the food now and five years ago. It is a great deal better now than it was several years ago. The food now is of better quality and a better variety. My requisitions for food are always filled. A guard that has been discharged can not be re-employed until he is reinstated by the Superintendent or inspector. There is very little punishment besides the strap that we can inflict here. We stand them in the windows in the building to make them behave. I have never seen one racked in the window in the last ten years. We have no dark cell. It has been three or four months since I whipped a man. I had some punished this month and last. I had the assistant do it. Thirty-nine is the limit. I do not permit them to exceed the limit. I have only had one order for the limit in a long time. My strap is not of the regulation size.

Q. Why do you not obey the rules in that respect?

A. I think this a better strap than the rules require. With this you can whip a man without breaking the skin on him and cutting him up. In a few instances I have broken the skin with this strap. I have been in the service for fifteen years and I think the force could be handled without the strap if you had some other punishment of some kind. I never gave that any study and don't know that I could suggest any other punishment, but I suppose the lighter punishments that they have at the walls would do, dark cell and things like that. I don't believe in bread and water; when a man is required to work I think you should give him his food and punish him some other way.

Q. Do you think you can reform a man by hitting him 39 licks?

A. I don't know whether it would reform him or not; it might stop him from doing the same thing again, but whether it would make a better man or not, I don't know about that. You might make him behave through fear. I work white and colored and Mexicans also. I don't often have to whip a white man. I think I whipped two last winter. I never worked but a few white men, but I think the negroes are much more satisfactory for the sugar farms. Yes, sir; I know the location of the Harlem farm and the Imperial. Both farms together work about 500 men. Yes, sir; I think they ought to have a resident physician on one or the other camps where he could come and look after the men every morning and when you needed him you could get him at once. Our doctor comes when we need him, but if he was here we would call him more frequently. I think it would be better to have him here, for with the two farms he would have plenty of work to do. If there was an attempt made to reform the men by proper treatment they might be better men when they were turned out. The only reading matter the men get is the papers we have here. Sometimes they send us a lot of old papers and magazines from Huntsville and such as that. The building is lighted all night with gasoline lights.

Q. Are the rules obeyed in regard to the space required for convicts?

A. We are a little crowded now, but we are constructing a new prison about two miles from here now. These conditions will not prevail then; we will have plenty of room. That will leave us not over 140 men when we move part of these to the other camp. I don't think the sanitary conditions of Camp No. 2 is as it should be, and Col. Herring and I have talked it over and we intend to move the camp. We can not use the sanitary closets down there, for we can not drain it off. I can not tell you how soon we will move it. The camp is inspected once a month and sometimes twice. Judge Barbee comes once a month and Col. Herring drops in whenever he feels like it. Judge Barbee generally stays about three hours, sometimes half a day and sometimes not so long. He inspects No. 2 camp also. He generally spends the night with me and goes into the building at night and talks to the convicts. The last time he was here he stayed in there two hours or more, I suppose.

Examined by Col. Moller, he stated:

I was in the prison building at No. 2 camp about two or three weeks ago. Yes, sir; there are two closets in the rear end. They are not over six feet or eight at the outside from the nearest bunks. There is no flushing system connected with them; we use water from the inside. Yes, sir; I have noticed some terrible odor coming from them.

Q. Considering that the bunks are not over six feet from them and knowing the odor that comes from them, do you think that any human being ought to have to stay there?

A. No, sir; I don't. No, sir; I don't think we could build a closet say 6 by 6 feet on the back end with an iron door to it from the prison, because you can't permit a man to go anywhere where the picket guard can't see him. And if the door was made of lattice work it would not afford any advantage, only put the closets further from the bunks. It doesn't make any difference where you put it if it was made of iron and everything, if the guard couldn't see him he would cut out. If the entire thing was iron and the front lattice work he might not cut out. Yes, sir; if tubs were put under there and cleaned frequently and disinfected I expect it would prevent the odor from coming into the sleeping quarters. I will ask that that be done and try it. I don't like to call an officer's attention to a thing when he is over me and has seen it, but I will do it. The metal trough you saw in the dining room up there is for the men to bathe their faces in. On No. 2 camp we have a zinc tub about 8 by 10 feet that the men bathe in. I was in the kitchen two or three weeks ago. I think it is in about as good shape as we can have it with that old building. I think it ought to be better. I have noticed the kind of food prepared for the men there.

Examined by Senator Hudspeth, he stated:

That trough in the dining room is for bathing their faces. They don't use the trough, they just turn the water on and wash. The sick and all bathe in the same water. If a man has syphilis he bathes with the rest of them in the tub and uses the same water.

Examined by Col. Moller, he stated:

Q. Now, there is a piece of corn bread that we took from the bread that was cooked for the men there, do you think that piece of bread is fit for the human stomach?

A. Yes, sir; it is; it is baked on the bottom; if it wasn't it would stick. I think that they ought to have better bread and they get it most of the time. The man that is cooking there didn't know anything about it when we put him at it. We have none others that know how to cook.

Q. Have you tried to get a man from the walls?

A. I believe they tell us to make our own cooks. They have trouble as much as we do about cooks. I have not applied for a better cook. I suppose the flies in the kitchen are many. I don't think we can better conditions there until we get another building. Those buildings on Camp No. 2 have been used there for fourteen or fifteen years. Yes, sir; if this committee can better conditions down there I think they ought to do it. They wash the convicts' clothes out in open boilers down there. When it rains we don't wash. We have three suits around for each man and generally manage to have dry clothes for the men if they get wet. I stated that the strap I used for whipping the men was not of the regulation size. I think it is better than the regulation strap. I saw a regulation strap at Harlem. It was about two feet long in a wooden handle. I was not furnished with a strap. I had it made according to my own notion. Yes, sir; I suppose a sergeant less humane than I am might have the right, according to my views, to have his strap made six feet long and two or three-ply. No, sir; I don't think he should be permitted to do it if he was a human brute.

Q. Don't you think for the whole system that it would be better for each man to confine himself to the regulations?

A. In some respects I do and some I do not. If the rules were carried out strictly it would be harder on the convicts. I don't believe in the bread and

water treatment. I know that is given when the man is in the dark cell, but then when he comes out he is not able to work.

Examined by Senator Weinert, he stated:

Yes, sir; if it was my duty I would recommend some of these men for pardon. Some of them I have recommended already. Yes, sir; I think some of them should be paroled. I have helped all of them that have ever asked me about the parole law.

Q. Don't you think that you would have better men and that they would perform their duty better if they had a chance upon your recommendation to get a pardon?

A. Yes, sir; I think so. I think it would be better if they knew they had to please me before getting a pardon.

Examined by Judge Stamps, he stated:

I read the statement of Mr. Cohen made to the committee at Houston. And wish to state that I did everything I could for him and aided him in every way I could to get a pardon. I showed him every consideration that a man could a convict. I allowed him to talk over the telephone to his mother and sisters and let his brother come to see him and wrote a letter and helped to get him a pardon. Not a one of the statements he made to the committee were true. He had several friends to write me. D. H. Kempner wrote me from Galveston and asked if I could help him and did and give him a statement as to his conduct under me.

Q. Did you or not as a matter of mercy defer from whipping him for fighting in the building?

A. I did, and did that all on his mother's account. He had two fights in the building. And he didn't appreciate it very much; but on her account I did that.

Examined by Senator Hudspeth, he stated:

We get our water supply here from a well 380 feet deep I think it is. We pump the water out by windmill and engine. The well on No. 2 camp is 240 feet deep, I believe. Col. Herring appointed me to this position. Col. Rice gave me my first appointment. Sometime ago I heard one of my guards cursing the men and I went to him and cautioned him about it and told him that I wouldn't permit it and let him go on. The men go in a walk, they don't have to trot. The negroes come out in a hurry and go and get their mules. We have about 1000 or 1200 acres of land here that is not in cultivation, including the lakes and everything. We use some of it for pastures and the rest is waste land. We have about 500 acres of it broke up on the north side and we will put it in next year. We work the men in the rain in sugar rolling time. We furnish them slickers when we do. The same physician comes here that goes to the Harlem farm. Since he has been coming here I don't think he has ever been over fifty minutes getting here when a man is hurt or sick and we 'phone for him. If I should need a physician and he couldn't get here I would get another man. Many times when we have a sick man he tells us over the 'phone what to do for him until he gets here. I have a family here. I get a salary of \$2000 per year. I own one horse. The State feeds him and would have to furnish me one one if I didn't have one. We have no hogs. No other stock of my own. There are two or three guards' horses here. I own about fifteen milk cows. The State feeds them and gets the milk and butter. I would be glad to get them away from here. I furnish the men all the vegetables they need when we have them. We have not as many now as we generally have. The State owns fifteen cows and one bull here. That is all the cows we have on the place.

Examined by Judge Lee, he stated:

I have broken the skin on men in whipping them. It is not frequently done. Sometimes it will make a blister and that blister makes a sore.

Q. Now a convict in the building that is sick and the physician being off seven miles how do you determine whether the man is sick or not?

A. We have a convict there that worked at the Huntsville penitentiary for a

year in the hospital. I leave it up to him, and if he says he is sick I let the man stay in and if not put him to work. The steward is not a doctor. Yes, sir; I stated that Cohen had two fights in the building and I didn't punish him; I did that for the reason I didn't want to hurt his record in order to let him get a pardon.

Q. Is not that discrimination with convicts?

A. Yes, sir; in one respect, but we do that in this way; very often when a man does such as that we pass it up. We never punish a man for fighting unless he does that and continues it so we have to do it to make him stop. This building here is the guards' quarters. We have two buildings for the guards. The hospital steward keeps the record of the sick. He just puts down the convict's name and the trouble with the day he stops work and the day he returns. I make my report to the Superintendent from that record. The camp steward looks after the cooking here. If he needs more help there he can get it. We only use one cook for the line with the other help he has. He has vegetables, wood and everything put right to him. Everything being there, I believe he can do it as well as if he had help there. Vegetables are gathered and brought to him and water is piped into the kitchen.

Examined by Mr. Gilmore, he stated:

I am authorized to whip a man when I have an order from the inspector or Superintendent. I don't suppose that I am allowed to whip a man on any provocation. We whip a man for laziness, disobedience or fighting, and the order and application both have to state what he is being whipped for.

Q. Would you consider disobedience or laziness without having tried any other mode of punishment an aggravated case?

A. I think not. It is a fact that whipping is about the only mode of punishment we use. Mr. Morgan has charge of the hospital and everything on the ground here under me. I say what thme men shall eat. If a man comes to me and makes a complaint about the grub I go and see to it that they have a plenty. Morgan has a key to the commissary. When we make the requisition we don't have to report what stock we have on hand. We make that report at the end of the month. At the end of the month we show what we had on hand and what received and what we have issued.

Q. How do you arrive at the amount of stuff you have at the end of the month?

A. We weigh it.

Q. You don't take the amount issued from what you had on hand and what you received?

A. No, sir; it would go short that way. We generally change our sheets and pillow cases once a week. Sometimes they go two weeks. It has been the rule to change every two weeks. Our hunks are double. I don't know whether or not the rules require us to have single or double mattresses.

Q. We are going to have some of the men before us; can we have your word for whatever they testify that they will not be discriminated against no matter how it goes?

A. You have. And I will not permit and guard to discriminate against them. I will report to the inspector on my application that this man testified before the committee if I have to whip one of them. Before punishing a man with the strap I always give him an opportunity to be heard and give his view of why he did what he did.

Charley Wicks, being sworn, examined by Judge Lee, testified as follows:

My name is Charley Wicks. I am 22 or 23 years old. I was convicted of burglary in Bell county and given four years. I came on this farm on the 28th day of December, 1906, and have been here ever since. They brought me from the jail to this farm. I have been whipped once. Captain Veale whipped me and give me ten licks. (Witness showed a few scars on his rump.) Those scars are from syphilis. He whipped me last September or October. He didn't break the skin that I know of. I have been plowing since I came here. I have cut cane some. That is pretty hard work on the start. I have been getting plenty

to eat ever since I been on the farm. The guards don't curse and abuse us at all. I have no complaint to make to the committee. Those scars were not caused from whipping, but syphilis. I am not afraid to make a truthful statement to this committee about my treatment here.

Wesley Pierce, being sworn, examined by Judge Lee, testified as follows:

I was 21 years old two years ago. I was convicted in Brazos county of horse theft and given two years. Captain Veal whipped me once and good long while ago. I have some scars as a result of that whipping. I don't know how many licks they gave me; I was hurting too bad to count them. He whipped me behind and not in front. There are four scars on me. (Witness exhibited to the committee his body and on the upper right hip there is a scar some two inches long and two and a half inches broad, showing that the skin has been broken and in healing over made a rough, irregular scar. And on either cheek of his rump are large scars, showing that the skin has been broken.) Those scars were made with the strap. That has been about two months ago that they whipped me. I didn't lay up after they whipped me; went right on to work. Yes, sir; the places bled a little. They whipped me for breaking ranks. I run a piece. He whipped me about three days after I run. I couldn't count the licks he gave me because I was hurting so bad I couldn't. I didn't holler much. He whipped me on No. 2 camp. Sometimes the guards curse the men. It is mighty seldom; the captain don't allow them to curse. We get plenty to eat. They don't work us very hard.

Matt Watson, being sworn, examined by Judge Lee, testified as follows:

I am 22 or 23 years old. I was convicted of murder in Fort Bend county and given twelve years. I have been here six years. Never have been whipped. I stay at No. 2 camp. They make us work pretty hard. I am plowing now. We get plenty to eat. I have no complaint to make to the committee; I am getting along all right and try to do all right. The guards are all right; they don't curse and abuse us. They allow us to gamble. I never do, but the other negroes do. I don't know whether the captain knows it or not.

James Quirt, being sworn, examined by Senator Weinert, testified as follows:

I will be 15 years old the 1st of this coming January. I don't know how come them to send me here, just being 14 years old. I was sent from Center, Texas, for theft and burglary.

Examined by Judge Lee, he stated:

I come here the 21st of last September, was a year ago. I have been whipped once. Captain Veal whipped me, but I can't say how many licks he gave me. It hurt so bad I couldn't count them. It made one or two scars on me. (The witness exhibited his body to committee and one scar seems to have healed over a deep wound and is cured up in ridges from an inch to two inches long surrounded by lighter scars, all showing the original wound to have covered a space on the lower part of the rump and the thigh about six by ten inches. Also a scar on the cheek of left rump about two inches square, one not so serious as the one described before.)

Examined by Senator Weinert, he stated:

Q. When you were sick in bed did they have the doctor wait on you?

A. No, sir. They didn't call for the doctor at all.

Q. What were you punished for?

A. They thought I was trying to cut out of the building. I didn't have a saw that was made out of a knife, but some of the other negroes did have. One of the others was whipped. (Being requested by the committee, W. O. Stamps makes a personal examination of the witness and gives it as his opinion that the boy is about 5 feet and 2 inches tall, weighs about 100 pounds and is not over 16 years old.)

Matt Watson, being recalled, stated:

That he saw Jim Quirt whipped by Captain Veal, and that he whipped him for trying to cut out of the building.

Examined by Senator Hudspeth, he stated:

I saw him whipped for that. I saw him in the field the next day. That was along the first of this year. We were chopping out corn. I am certain he was in the field the next day and worked. I didn't hear him complain about being sick or sore. No, sir; I am not telling this because I am afraid the guards will punish me.

Q. Why did you say voluntarily why they whipped him?

A. He asked me who whipped him.

Q. He didn't ask you why; wasn't it because you wanted to help out Captain Veal?

A. I want to tell the truth.

Q. You don't want to get Captain Veal in trouble, do you? Just answer yes or no.

A. No, sir.

Wesley Pierce, being recalled, stated:

I saw Captain Veal whip James Quirt sometime ago. It was this year. Quirt stayed in the building the next day and didn't go to work the next day on account of his wounds. Another boy by the name of Britt greased his wounds at night. I saw some blood at the time of the whipping. They said they whipped him for trying to cut out of the building and the mark was on the building. I saw him trying to cut out. I told the captain. He told me to watch the boys and tell him if anybody was trying to break out. I am not a trusty. I am in the plow gang. I was half trusty at that time. I told the building tenders that this boy was trying to cut out.

Ben Jackson, being sworn, examined by Senaor Weinert, testified as follows:

I have been punished three times. I don't know how many licks I was struck. I was whipped once last year; in April, I think it was, and in June this year. The first time they whipped me was like this. I was working in a squad and one of the men that was working with me struck me over the head with a stalk of cane, and I told him to leave me alone and told the boss about it, and he struck me again and I started to tell the captain about it, and they told him I was the fault of it and he whipped me that night. Captain Bradshaw was his name. I don't know how many licks he gave me. He whipped me that night and the next morning both. I don't know why he whipped me the next morning unless that was the punishment he wanted to give me. He brought the blood a little bit. Captain Veal whipped me the third time in June. He brought he blood and I had a scab on me for sometime. The place is healed up, but I guess it shows.

Q. What did they whip you for the last time?

A. One of the convicts said I answered the boss "hay," and I didn't say "hay;" I said "sir," but I had to be punished for it. I was on my bunk when Quirt was whipped. I don't know whether they struck him more than sixty licks or not, and I am afraid to say. He went to work the next day. He didn't stay in the building on account of the beating. They broke the skin on him. I saw the wounds on his right hip and side. My home is in Louisiana. I was sent up from Beaumont for burglary of a store. (Witness exhibits a scar about three-fourths of an inch wide and about an inch long.)

Examined by Senator Hudspeth, he stated:

Q. You said that Quirt worked the next day, do you know that to be a fact?

A. Yes, sir; he went to work.

Q. Did you see a negro boy by the name of Britt grease his wounds?

A. I don't know, but every night when someone has been whipped someone

greases their sores. I know somebody greased him, but I don't know which negro it was.

Charley Stevenson, being sworn, examined by Senator Weinert, testified as follows:

I am 16 years old. I have been here a month and two days. I was convicted in Fort Worth for burglary and given two years. I was sent to this farm from there. I have never been punished. They feed us plenty. I can do the work they require done. I have no complaint to make.

Q. Did convicts or anyone else tell you that you would get into trouble for testifying before this committee?

A. No, sir. I mean I was sent up for forgery. I forged a \$15 check. I can read and write. I have gone to school.

Q. Schooling didn't do you much good, did it?

A. No, sir.

Capt. J. H. Veal, being sworn, examined by Senator Weinert, testified as follows:

I am assistant sergeant here. This place is known as Imperial State farm. I have 74 men. I look after the feeding and clothing and everything on my camp. I have men to do that, but I look after it myself and see that it is done. If there has been any complaint about food it has not been made to me, and I don't believe there has, because I am in the dining room at least three times a week when my men are eating. I see that the grub is well cooked and the best variety we have under the circumstances, and plenty of it. We have plenty of underclothes, always have a change. The last men I whipped was a couple or three months ago. Ben Jackson I believe was the last. I whipped a boy by the name of Quirt. I take Quirt to be 22 or 23 years old. He is an ex-convict. This is his second time. He didn't come out when you called for ex-convicts. I suppose those scars on his back and hip are from the whipping I gave him. I whipped him and punished him severely, and I will tell you why. The negro came very near cutting out on me, and he had given me much trouble before, and I put it off as long as I could, and when I went in to punish this negro and the other this negro made fight at me and they said they wouldn't stand for a whipping. One had a knife and the other had nothing, and when I went to execute the order that I had I was of course excited to a certain extent because they refused to take the punishment that I was to give them, and it might be possible that I hit a little more than I ought to have. I didn't execute the order that I had for the negro because he was a little negro and I let him off. I gave him 27 licks; I had orders for 39. I am satisfied my guards do not abuse the convicts. I wouldn't allow it. I have not whipped any men since these last two. I have no strap of my own; when I have occasion to use one I borrow Capt. Pryor's and then return it to him. I have never bought a strap because I don't need it often. I have had very little sickness among the convicts or my family either. My family shows it is not sickly down there. I have had charge of that camp nearly two years. I have had quite a number of escapes, but have recaptured every one of them. I have dogs, and some are captured by officers. We never allow the dogs to bite them after we catch them. These escapes are principally caused by negligence on the part of the guards. They can perform the work easily and there is no danger in causing them to become cripples for life. We have men here that have served two and three terms, and they say it is like a heaven now to what it used to be. My negroes are not crowded in their work. They just go and do what they can do and that is all. In the hot summer time I give them three and a third hours lots of time for noon. I have some of my men plowing now, some picking cotton and some clearing land. I have no cane.

Examined by Judge Stamps, he stated:

I have worked free labor on the farms here. We do not make the convicts do any more than the free negroes do. I don't think we can get as much work out of convicts as good free labor, but the average free labor you can beat with convicts. I don't believe it is possible to raise sugar cane in this

bottom with free labor; I don't believe you could get the proper amount of labor at the proper time. I don't think it would be profitable to use free labor and raise cane. Some of them have tried it and some have failed. I require my men to bathe and keep clean. They have nightgowns to sleep in. I got them last winter. The gowns are just long shirts. We work an average of about 250 men here. My sick are sent to Camp No. 1. Our physician calls when we need him at any time. I think it would be advisable for a physician to live on this place or the Harlem farm. The physician comes right now when we call him and makes his visits regular. There is a certain class of negroes that it would be all right to try to educate and reform them, but there is another class that want to shoot craps and gamble, and it even makes them mad to make them put up their dice and listen to a preacher. I have one man that I think ought to be pardoned. I have two men under me that are as good convicts as I ever saw. I think the men that are in for burglary are the worse class of men we have to handle. As a rule they are not in for over four or five years and are harder to handle. As a general rule, the long-time men are old settled men. Most of the men here are young men. This Quirt boy is 22 years old at least. He was in for burglary the last time and is in for forgery now.

Examined by Col. Moller, he stated:

I assign each man a bunk in the building and he goes to it when bedtime comes. Those that sleep next to the closet do not complain to me about it. I have a board over it. The cause of that odor is that I didn't work the negroes Sunday; they were in the building from Saturday night until this morning. I think the stench was more than usual this morning on account of that.

Examined by Judge Stamps, he stated:

I think it would be advisable for the State to employ guards that are married men and furnish them houses to live in on the place. They would have their family and they couldn't move so often, and if a man has a family and is located he will naturally do his duty better. I think a lady on the camp is worth a good deal. One instance of that is, I have a bunch of guards that have been very rough men, that is wicked, and since I have brought my family here you never hear an oath on the camp, and when one gets sick my wife goes into the guards' quarters and waits on him, and when a negro is sick she does the same for him.

Examined by Judge Lee, he stated:

I employ nine guards. I didn't take the oath when I was appointed sergeant because it was not exacted of me. I didn't require the guards to take the oath of office. I didn't know that the rules required it. I have never been furnished with the rules and never gave them to the guards. I have rules of my own. I don't know whether I am observing the rules in the book, but I use rules that are customary in the handling of convicts in this day. I am doing what I think is right. If the law lays down certain rules for the sergeant and guards to go by them, don't know whether they are following them or not. If they were furnished me I would furnish them to the guards.

W. M. Thomas, being sworn, examined by Judge Lee, testified as follows:

I have been in the service here a little over a year. And I was about eight months on the Texas & Brazos Valley road. I didn't come directly from there here. I was out about a year. When I re-entered the service I was not sworn in. I never was sworn in. I don't know how that happened. I thought I had to be sworn in from the rules they gave me to read. I wasn't in the service when I read the rules. I want to comply with the rules, and if they require that I be sworn in I want to be. I have charge of a squad on the farm. I have twelve in my squad. Sometimes they give me a little trouble about doing the work right. Sometimes a fellow gets worried with them. They get contrary when he calls them back all the time making them do the work right. A fellow gets mad at them sometimes. When I get mad I never curse them. I have cursed around them. No, sir; not at any particular one.

I have referred to them as a lot of d— convicts. I have called them a set of thieves. Sometimes that makes them work better. We want to get all the work out of them we can.

Q. You don't press them and push them in their work?

A. We just hurry them up to make them work. I don't expect to get all the work they can do out of them. I don't know what the rules say about talking to them that way. I never read them. Yes, sir; I think a fellow ought to go by the rules. I don't know whether there is any rule laid down for the conducting of convicts or not. I don't know whether the convicts were ever furnished with the rules or not. I tell them as much as I know. I know what the sergeant tells me. I never struck a man in my life. The sergeant won't allow us to run them on the turn row. He won't let them run if they want to if he sees it. Sometimes they want to run to get to be the first squad in ahead. I suppose the State convicts one of her citizens and sends him to the penitentiary to punish him. The punishment is the work they have to do.

Q. The more work they have to do the greater the punishment?

A. No, sir; they are not getting much work here now. They don't work hard here. I get \$30 per month and my board here.

Examined by Senator Weinert, he stated:

I guarded convicts on the railroad. They didn't work as long hours there as here. They only worked ten hours there. I don't know how many they work here. We go out here after daylight and work until sundown. In the summer time we have about three hours for idner. In the fall we knock off about 11:30 for dinner and go out at 1. They wake the guards up a little before 5 o'clock. We have breakfast at 5. We eat a little before the convicts eat. I am up the biggest part of the time before the convicts are ever woke up.

Henry Thomas, being sworn, examined by Mr. Gilmore, testified as follows:

I came to this camp the 10th day of April, 1906. I have been whipped once since I came here and that was last Sunday night was a week ago. They whipped me for running off. It left some scars. (Witness exhibited several freshly healed scars on his left rump and hip which he states were caused by the whipping received.)

Examined by Senator Weinert, he stated:

Q. Why did you run off?

A. I had been getting along pretty well and had not had any punishment before, and after I had been here three years and eleven months they turned me out a trusty and put me under Boss Hopkins, the dog sergeant, and put me to looking after the dogs, and he was awful rough and cursed and abused me all the time, and he told me he was going to have me punished, and he said if the sergeant didn't punish me he was going to carry me out on the dog run and let the dogs kill me, and I had only three months left then and now I have all the time to put up. I had been here four years and twenty-two days and had never been punished. When he threatened to whip me or kill me I run away.

Examined by Mr. Gilmore, he stated:

In 1907 and 1908, too, I saw Capt. Pryor ride in the field and hit the men with his quirt. I have never seen him ride up in the field and jab his spurs into them. I have seen guards ride up and hit men over the head with cane and cornstalks.

John Price, being sworn, examined by Mr. Gilmore, testified as follows:

I have been on this camp something over a year, I don't know exactly. I was whipped once this summer here. Capt. Pryor whipped me and left a few scars on me. (Witness exhibited a very rough, rugged-looking scar on the upper part of the left hip and also a smaller scar below it, and on the right cheek of the rump. Also a small scar about the size of a dime immediately over the right kidney.) I am in for assault with intent to murder and got

fifteen years. I didn't try to kill anybody. I have never seen Captain Pryor or the guards ride up and hit men over the head in the field.

Oscar Bennett, being sworn, examined by Senator Weinert, testified as follows:

I have been in the penitentiary about a year and a month and been here all the time. Capt. Pryor punished me once about two and a half months ago. I have a few scars. (Witness exhibited to the committee several scars across his loins, back and at the back of the spinal column.) I was never punished before that. I was never beaten by the guards in the field, just cursed by them. They whipped me for running off. The picket boss didn't treat me right down at the other place and cursed me and drewed his shotgun on me.

Ben Wilkerson, being sworn, examined by Senator Weinert, testified as follows:

I don't know my exact age. I have been in over eleven years and on this farm near two years. I was punished last time last winter. Capt. Pryor punished me then. I have some scars on my body. I was punished once before under Capt. Swazer. Some of the scars were from the first punishment and some from the last. They punished me in the field the last time. I was kind of a half trusty they call it and I don't know what it come up about, but I come back to where the boss was and the captain asked him where the other negro was he had been telling him about and the boss said here he was, and the captain says I am here for you this morning, and he said I knew I was going to get you, and I didn't say nothing, but took what was coming and he gave it to me in the field. He had his strap with him. I never seen Capt. Pryor ride up and hit the men with his quirt. I seen Capt. Pryor strike a Mexican here last year and he said he knew he was doing wrong.

Raphael Martinez, being sworn, examined by Senator Weinert, testified as follows:

I have been here four months. I was whipped last Sunday was a week ago by Capt. Banker. I was digging a ditch and didn't understand how he wanted it done and he whipped me for talking back to him. I didn't talk back to him. (Witness exhibits his body and on the right thigh there is a sore as large as a person's hand which is very angry looking and has scars all over it. Witness states that he had no sores on his body when he was whipped and that this sore is from the whipping inflicted.)

Bob Sprig, being sworn, examined by Judge Lee, testified as follows:

I am 25 years old. I was accused of killing a man and given fifteen years in Victoria county. I have been in the penitentiary three years. Don't know exactly how long I have been here. I was whipped three or four times before I come here. I have some scars on my body from the other whippings. I was whipped two or three days ago. I have no scars from the last whipping. They whipped me the last time because one of the fellows accused me of spitting on the bunk. I didn't do it, but I got the whipping for it. I have a sore on my foot now that I hurt myself. (Witness exposes his person and on his rump and legs are numerous scars.) Capt. Banker whipped me last.

Examined by Col. Moller, he stated:

I have seen Capt. Pryor whip men in the field where they were working. He used the strap. I suppose it was because they were doing something he didn't like. We all don't work in the same squad. He tells some of us to hold them. I didn't see any blood come from that. I never heard Banker curse a man in the field. I don't know my boss' name. He don't strike the men, but he curses them. He tells them to go to work, G— d— you, and don't be fooling around.

E. S. Banker, being sworn, examined by Senator Weinert, testified as follows:

I hold the position of assistant sergeant here. Have held same for two months. I was employed by the State before. When I took this position I was not sworn in. I was not furnished with the rules and regulations when I came here. I have read the rules several years ago, but don't remember much about them. I know you can't fight them. All you can do is go and tell them what you want done. I never punish without permission. And 39 is the limit of licks. I don't know the regulation size of the strap. We don't try to punish them in any other way except the strap. The guards are not allowed to strike them. I never have broke the skin in whipping a man. I never try to break the skin. I don't know what the rules say pertaining to the sick and whether or not to let them sleep with the others. I know the sergeant is not permitted to curse them or club them around. I get a little rough sometimes. When I lose my temper I can not help showing it sometimes. Yes, sir; I curse them sometimes. If they curse me I could get an order and whip them. No, sir; they can not punish me when I curse them. I never whipped a man without an order. I punished two convicts last Sunday night. I believe it was two negroes and two Mexicans. Yes, sir; I punished this Mexican Martinez last Sunday night. I punished him for laziness; he wouldn't work at all and cursed me about three weeks ago in the ditch. He left a bump on the ditch and I told him to cut it off, and he cursed me. He didn't in English, but a Mexican told me what he was saying. He said that this Martinez said I was a G—d— fool and was going to f— my mamma. When we got out of sight of him I asked this Mexican trusty what he said. When I whipped him I made him take down his pants. I didn't see any sores on him and don't think he had any. He had a scar on his hip. That is, the negro did. His name was Harvey Thomas. I whipped him for running off. I whipped another negro that we call Dude for not working. He has not worked since he has been on the farm.

CUNNINGHAM CAMP NO. 5.

Visited by subcommittee composed of Senator Weinert, Senator Paulus and Representative Gilmore.

Description of main prison building on Cunningham camp No. 5:

Main prison building is 90 feet long by 28 wide, and sits north and south. On the east side there are five windows about 2 by 8 feet. Windows are screened. Ceiling is sixteen feet high. Building accommodates 125 men. Bunks are two high. All mattresses are single. Two closets in the north end of the building. Closets have no water connection. One stove in the building. Wash trough in building about 8 feet long 12 inches wide and 6 inches deep. Hospital situated on the east of picket and southeast of main building. Two windows in north and south and one in the west. Room is 24 by 18 feet in size. One window and one door next to picket. Dining room is 12 by 90 feet and has five windows about 2 by 8 in the west side and one in the north. All windows have shutters on them and are screened. The west side of dining room is walled up and can be closed. The wall between dining room and prison is lattice work. No screens between dining room and prison. Kitchen is situated south of main prison, about fifteen feet from it. It is screened and tolerable clean. One window in the north and one in the west and one door in west and door into guards' dining room on the south. Also door in the west into small room used as pantry.

Captain J. E. Barnes, being sworn, examined by Senator Weinert, testified as follows:

I am sergeant here. This camp goes by the name of E. H. C. No. 5. This is a contract farm. I have seventy-nine men here now. Three men on the sick list now. They are in the building. The doctor comes once a week. He resides at Richmond. That is nine miles from here. Judge Barbee inspects this camp

once a month. I have had charge here since the 24th of August. I have not had a man to die since I have been here. I don't consider this location very healthy, but we don't have much sickness. The doctor was here Monday week last. The doctor expressed me some medicine here for the man with the bad eyes since he left here. We didn't have the medicine he wanted for him. I have no steward here; the night guards attend to such as that. The State furnishes the food and it is pretty good. A convict cooks it and he is a pretty good cook. He is not the best in the world, but he does about as good as any of the rest. I have tried several that said they could cook and this is the best I found. Clothing is pretty good; we get plenty of it. I ordered those new quilts and things since I came here and wasn't long getting them. The State furnished them. They had single mattresses when I come here, but I ordered some more and have the old ones here yet. They send us single mattresses and we fill them with hay ourselves. I have a copy of the rules here. I was not sworn in when I took charge here. I have been sworn in, though. I have not been sworn in since I was sergeant. I was sworn in as a guard. That was in Colonel Rice's administration, a long time ago. I was not sworn in here. I have a copy of the rules at my house. I give them to the guards and let them read them when they want to. The guards were not sworn in. I have nine guards. I employ the guards. When I employ them I don't inquire whether they have been sworn in or not. I see that they have a recommendation from the last man they worked for. I have not discharged any guards since I have been sergeant. My guards treat the convicts all right as far as I know. I have never heard any complaint from the convicts. They don't curse them that I know of. If they do the negroes never say nothing about it. They have not beat the men in the field since I came here; before that one man did. That guard was discharged. We work the men all the time we can get in and out with them. We wait until daylight to go out and get in by dark. We go about three miles to work now. We walk them over there and sometimes carry them in wagons. It is not hard on them to walk there and back; they take their time. No, sir; the men don't walk fast. We take dinner to them. We give them about an hour for dinner from time we quit until we go back. I have had no complaint that they are overworked during sugar rolling time. The State employed me here and not the contractors. The contractors have never insisted that I work the men harder. I only receive orders from them where to work. No orders as to the quantity of the work. I have known this building to have been here since 1894, but don't know how much longer. The inspector said that it ought to be condemned and make them build new buildings. My picket guard has been here quite awhile. At night when the men come in if it is wet weather they are wet and dirty. They all go in and pull off their clothes and put on their nightgowns. Yes, sir; they are compelled to sleep in nightgowns. Bathing facilities are not good here. They bathe in tubs and pots in the yard. We require them to bathe once a week. During the summer that is all right. I have not been here in the winter time. They have hot water every time if they want it. They all bathe in the same water. None of them have syphilis that is breaking out on them. It is not proper to make them all bathe in the same water, but it is the custom. Yes, sir; I could change the water as often as necessary. I never made no complaint to the owners about it; I told Mr. Smith we had a bad place to bathe and he said he could fix a bathhouse. I never called the inspector's attention to it. I don't give them towels to dry on when they bathe; they use their old clothes and underclothes. They bathe there winter and summer and it is cold there in the winter. We have no sewerage system here. We use tubs. They have a tub to wash in in the building. The doctor that had charge of this camp and two more has recently moved away. He lived at Sugarland. We give the sick every attention we can, and the best grub we have and the medicine the doctor gives us for them. There has been complaint made before I came here that they didn't get the medicine the doctor said give them, but I have not heard of it since I came. I have not sent any away from here to the hospital. I sent one off because he was not physically able to do the work. We have a hospital here, but don't use it; it has been condemned. I know that the rules say that sick men must be kept in different buildings from the others. I have

made no request to do that. I don't know how long since that building was condemned.

Examined by Mr. Gilmore, he stated:

All the time that Dr. Morris was here he kept a hospital record. Dr. O'Farrell may keep a record himself, but he don't write it on our book. All we have is a report that we keep until the end of the month and send it in. We have a small supply of medicine on hand. When a man says he is sick I use my judgment whether or not he is. I am not a physician, but I take his temperature. If he has fever we stop him, and if not we do not. Sometimes they don't have fever, and when they have complaints I don't know anything about I use my judgment.

Examined by Senator Weinert, he stated:

I have been here two months and punished six men. I strip them. The strap hanging in the room is the one I use. I don't think it is exactly the regulation strap. It is the one I have had ever since I have been sergeant. This is the third camp I have been on and have had this strap with me all the time. In whipping the men here I believe I broke the skin on one of them. One of them had some sores on him, a kind of itch, and when I hit him they would bleed. I don't punish until I have orders. From my experience it is hard to tell whether you could reform them by kind treatment or not. So many of them come back in a short time after they get out. I don't make any difference in the burglars and the murderers. I take a man for trusty that his time is short enough that I can risk him. We have deep well water.

Examined by Mr. Gilmore, he stated:

Whipping is the only mode of punishment. Whipping is permitted by the rules after milder means have been used. I know the law of the State says whipping can only be used in aggravated cases. I know that the law says an official disobeying the rules shall be held responsible.

Q. Don't you think you are disobeying the rules in using the strap you have there?

A. It has always been customary. Whipping is all the mode of punishment we use here. Plantation owners own the live stock here. They furnish all the stock and feed for them. The State furnished the men to feed them, but they pay for them. I have charge of the commissary, and am under bond for it. The only oath I have ever taken is in making the bond. I am under bond to the State for the property belonging to this camp. Every month I report to the Financial Agent the stuff I have on hand. We find out what we have on hand by deducting what we used during the month from what we had on hand and received. If we had on hand 2500 pounds of bacon and the books showed we used 2000, we weigh the balance and see if we have 500 left. We count the meal and flour. I have cursed the men sometimes, but don't abuse them. I don't call them anything out of the way much. I would discharge a guard for cursing them. We keep the commissary locked up, and it would not be possible for things to leak out.

G. G. Blades, being sworn, examined by Senator Weinert, testified as follows:

I am picket man on the first watch here. I have been here 19 months. I worked in the field one month. I had been in the State's service about four months before coming here. In my estimation, the men are in as good physical condition as I ever saw them. We have had a right smart of sickness here, and one death, I believe. He was a Mexican, and died with congestion of the lungs, Dr. Morris said. Dr. Morris has had charge of this camp, but went away the first of October. There is a complete sick record kept by Dr. Morris from the time he took charge until he left. Dr. O'Farrell has charge of this camp now. There is no record kept now by him. I don't think this camp has missed being inspected a single month since I have been here, by Judge Barbee, and sometimes he came twice a month. We have a hospital here, but it is not used except in serious cases such as pneumonia or slow fever. When I came here the building was screened, but it was all torn and worn out and the manager told me that

Judge Barbee got after him about having the building screened and also the hospital, and the hospital wasn't arranged so we could put a stove in there, and the manager come and looked into those things, and had them fixed. I don't know whether the hospital and building here has been condemned or not. We have nearly all new bedding now. We have one old quilt around and two new ones. I only had one complaint about the food, and that was three months ago; for supper, and one of the men said he didn't have enough meat for supper, and I told the cook to give him more meat, and he said he only had what was issued for breakfast left, and I told him to give it to them and I would get more; so I got one of the guards to hold for me, and I went to the commissary and got more meat for him. One day at dinner the beans wasn't cooked done, and they said something about that. They don't complain to me about being overworked. I think the clothes are in good condition. They are supposed to sleep in gowns, but some of them won't do it, and I have no way of making them. The only thing that I know of wrong here is the using of vulgar language in the building by the prisoners. I don't know of any abuse on the part of the guards and sergeant. They all gamble. I don't know of the guards playing cards with them or staking the men inside. I was never sworn in. I have seen the rules, and know they require every man connected with this business to be sworn in. It was not required of me or any of the guards, as far as I know.

Examined by Mr. Gilmore, he stated:

Since Dr. O'Farrell has been coming here we have had only one man in the building; that man with the affected eyes. He comes here on Sunday or Monday. I think the doctor came here two Sundays, and Sunday evening while I was asleep since the first of October. I think he has been here four or five times. He has never said anything about keeping a hospital record that I know of. It is my duty to say what the men shall have to eat. I don't consult the sergeant about that, but he superintends that generally. He don't look after it every day, but sees what the men have to eat. When we make requisition for supplies, we make a report of what we have on hand. We get that by deducting what we have used every day from the amount on hand at last report and what we have received. We don't weigh and count each article. That has always been done since I have been here. We always make an allowance for the shrinkage of the bacon. We allow from 75 to 100 pounds per month as bacon shrinkage. I am married. I never have fed my family anything out of the State's commissary. It would be impossible for any of the supplies to leak out unless the lock was picked, for I keep the key. I attend to the making of the report at the end of the month myself.

Examined by Senator Weinert, he stated:

The amount of stuff we have on hand is put on our report at the end of the month, and not on the requisition. The requisition is made about the 4th of the month. No, sir; I don't weigh everything and count it to see if we actually have on hand what the report shows. I have never been instructed to weigh up everything, but just presumed it was there. (The committee inspected the camp hospital record kept by Dr. Morris, and find the same properly kept, and desire to compliment the doctor for his accurate work.)

Winfield Scott, being sworn, examined by Senator Weinert, testified as follows:

I have been in the pen three years, and on this farm all the time. I will be 38 years old in March. They whipped me last about a month ago. Captain Barnes whipped me; we were pulling weeds, and I left some of them in the corn. Captain Grace whipped me once before. He whipped me because I couldn't keep up. I have some scars from that whipping. They didn't break the skin on me the last time. This is the first time I was ever in the pen. I am in for burglary. I was raised in Nashville, Tennessee. They feed us better now than they have been. They changed since Captain Barnes has been here. We don't have to go hungry no time. Barnes has it cooked better, so we can eat it. I have no complaint to make of my treatment; I get along all right. I can cut the cane. I never get sick; just a little bilious sometimes. I have bad shoes, but the captain said I could get more. I don't get them because my feet are sore and tender.

Q. How many times have you been rode down by the guards?

A. I never had a lick from a guard since I been in the pen. I play cards. We have music in the building at night, singing and dancing. We spend Sunday playing cards and reading. The guards don't curse us now. They quit since Captain Barnes come. Before that they did mighty bad. I don't know why the other sergeant left, but I can tell you what I think about it: The last time Colonel Herring came we told him how we were getting treated, and the sergeant was gone to Hot Springs and left the dog boss in his place, and the next thing we knew Captain Barnes was there. I never told the inspector how we were treated. I just never did tell him. I don't never get sick, just get bilious and they give me a little medicine and I am all right in a couple of days.

Oscar Bouldin, being sworn, examined by Senator Weinert, testified as follows:

I can read a little bit. I am 30 years old. I have been in the pen seven years. Worked on this farm five years. My health is good. I have no scars from whipping. Have been whipped twice. Once six years ago and once this year. Captain Rebus whipped me this year. He was a pretty fair man. He didn't whip me but eight licks. He whipped me for fighting another negro. I am a leader of old No. 1 squad, and it is driving the wagons now. I have been sick, and had a doctor to wait on me several times since I been here. We get better grub now than we did years ago. It was not as good several years ago as it is now. The sergeant before this one got sick and went to Hot Springs, and we got a new sergeant. I have no complaint to make. My time is up the last of next year. This is my first term. We have a good set of guards; they don't curse us. I have worked under guards that cursed us. I have been getting along all right.

Allen Glover, being sworn, examined by Senator Weinert, testified as follows:

I was convicted this month two years ago. I have been on this farm all the time. Have never been whipped. No, sir; not a single time. I always had enough to eat. I work in the cane now. I stayed in the hospital when I cut my leg last fall. I got fifteen years for killing a negro. All I have to say is that I have a long time, and I am doing the best I can to make it, and I belong to the State and I am going to stay here and put up my time. I can't read. The major inspects this camp once a month. There was a man whipped about two months ago. The guards have been cursing and abusing us. I haven't heard them curse any of the boys lately. They quit it since this captain came here. Under the other captain they called us everything. I didn't see them strike them or punish them. I have seen them whip a man or two. I didn't count the licks. I tried to keep straight and keep it off of me. It hurts pretty bad, I guess. I have not been whipped a single time.

(The committee examined several other witnesses from this camp, their testimony being along the lines of these whose testimony was taken by the stenographer.)

E. H. CUNNINGHAM NO. 2 CAMP.

Description of prison building on E. H. Cunningham No. 2 Camp:

Main prison building is 68 feet long by 20 wide. Windows are 22 inches by 7½ feet. Seven windows in the north and nine windows in the south of building. Walls are eight feet with sloping ceiling. Windows are not screened, but have shutters. One ordinary wood stool closet without water connection. Barrel of water sitting in the prison for men to wash hands and face in. There are eleven single bunks and thirty-three double bunks. Two heating stoves in the building. Bunks are built three high. Building is very old and dilapidated. Wall between the prison and dining room is solid with small windows in it. Windows are screened. Building and bunks have all just been white-washed. Dining room is 68 feet long by 12 wide. South wall of dining room is lattice work made of four-inch strips with four-inch space left between. Dining room is not screened. Dining room is south of main prison. It is very nasty

and greasy and there are many flies about. Hospital is located on the north of the picket and is 50 by 20 feet. Shows to have just been whitewashed. It is very dirty still. Bunks are three high and accommodate 36 men. There is a new box stool closet in the north end of the hospital. No windows in the north. Four in the east and four in the west. The south side is practically open next to picket, being made of lattice work. Has one stove in it. It is not screened.

Capt. S. M. Florence, being sworn, examined by Senator Weinert, testified as follows:

I am sergeant of No. 2 Camp. Twenty-third day of this month I will have been here two years. I have been in the service twenty years as guard and up. I work 83 men. This is a contract force. Seventy-five of the 83 are in the field today. There are six camp men here and two that attend to the lot. None of them are sick. I can not say that I know the rules of the penitentiary by heart, but I keep them here all the time. I have had them for twenty years. I have kept them in my trunk ever since I have been in the service. When I was employed as a guard I was sworn in. I was not sworn in as sergeant. I gave bond for the State's property here. There is no comparison with the grub now and what it was years ago. It is so much better now that you couldn't make a comparison. It has been getting better with every administration. The best change ever made was when the State went to doing the feeding. The State now feeds, clothes, guards them and everything. I have never have received a nickel from the land owners. The plantation owners pay us for our work on Sunday during sugar rolling. They pay the negroes for Sunday work. Health of the men is good here. None of them have died. I had one killed in the field. One cut him with a hoe and cut a place about fourteen inches long on him and cut his lung in two. They were both negroes. Dr. Morris has been the physician for this camp until the first of October. I consider him the most faithful man I ever saw. He kept a record here. He resigned his position. The State furnishes the grub. I make requisition for what I want every month. I have a steward that takes care of the commissary. I make a monthly report. I take an inventory to make my report from every month. We don't weigh the bacon every month to see whether it corresponds with my books of what we have used or not. I always get what I make requisition for. There is no need in the men suffering for food or clothing. They have never turned me down on anything I ordered yet. The cooking is done by a cornfield negro. The men get all they can eat. I don't think a hungry man can work. I know I couldn't if I was very hungry. We compel them to work on Sunday during sugar rolling. I compel them to bathe every Saturday evening and give them clean clothes and they wash their faces and hands every time they eat. The men don't have to wash their clothes on Sunday. I have one man that does the washing for all of the others. I think the men are able to stand this work at this time without injuring them. I have not always worked negroes. I guarded white men. I don't believe that white men should be worked down here at all on these farms. I don't think it is good for their health. There is some few that can stand it, but more that can't. I believe if you should take a young man and work him five years on this farm you would ruin his health. I base that on my experience here. Some of the negroes you could reform by kind treatment and some you could not. I think about 10 per cent could be reformed. I don't believe teaching them to write and read would help them, for some of them would come back for forgery. I have not had an escape in the last two years. I attribute that to the fact that my guards are cautious and I keep my dogs close to the force and put the short-term men on the plow. It might be kind treatment. The majority of them, I think, could be easier controlled if they were promised a pardon after a number of years for good conduct. I don't remember just now how many I have whipped here. The last was on the 8th of July. I whipped him for going down on another plantation at noon time and staying an hour with some free negroes. He was a trusty. He had done little things before that and I had warned him. After I whipped him he remained a trusty and is out now. I put him in the ranks until the day I whipped him. I had to get my order first. I have worked on several different farms in Texas. I have noticed the

difference in the labor when they are whipped much or little. Severe whipping makes some work better and some less.

Q. Do you think that a harsh sergeant would have better control over them?

A. I don't believe in brutality. I have been a married man. My guards are all single except one. His family lives at Stafford. I have never asked for a new building, but I report it bad on all monthly reports. I have a blank of Judge Barbee's last report here. I report them bad on my reports and he reports them bad on his. The management tells me that he has made a new contract for two years for 150 men, 50 for each camp. I don't know whether he has agreed to put up new buildings or not. I consider this a healthy place. I scour the building regular, and I have not missed a week since I have been here, rain or shine. I think we ought to have water running in the room and better bathing facilities. I require the men to bathe once a week, winter and summer. They bathe at the well. They bathe in the open in tubs and a big trough there. They pump the water by hand. There is about fifteen tubs there and the trough will accommodate and they all bathe together there in the same water. I think it would be better for the men to bathe oftener at this season of the year, but I have seen these cement pools in the building and I think they keep it wet and don't believe it would be healthy. My building is screened through the summer. I just took the screens down and put up the windows for the winter. I have been trying to get rid of the bad guards and get men that try to do right. I don't allow the guards to curse or strike the men. I never punish without an order. I have a strap that is customarily used here. If you use a strap two and a half inches wide you will cut the hide every time you hit a man, but with this four-inch strap you will not. I never used the small strap, but I have seen it used many times. No, sir; I never saw a bunch whipped where he would require one to sing a song and then whip another one. The shoes furnished us are very poor quality. I suppose they are made at Huntsville. I get them there. Col. Herring was here last week. The board never comes around. I have never seen the Governor here. If I had the power I know of a good many convicts that I would pardon. I think there are lots of them that should be.

Examined by Mr. Gilmore, he stated:

I am familiar with the rules and I keep them here, and if anything comes up I don't understand I go to them. I want to live up to the rules if possible. The rules say in whipping use a strap two feet long, two and a half inches wide and not hit over 39 licks. I use a larger strap than that.

Q. By what authority?

A. It is more humane. I was not told that; it is from actual experience that I know it.

Q. That is in the rules and you are just taking the matter into your own hands in changing it?

A. Well, a man can call it that if he wants to, but if I was in there I had rather be whipped with that than a smaller one. The rules permit me to whip on a written order from the Superintendent or inspector. He gets whipped when he needs it. The other punishments are ball and chain, shackles, dark cell, etc. And reprimands and privileges being taken away from them. No, sir; the strap is not the only punishment. I set them on the box and stand them on the alley. I don't put them on the rail. Whipping is the only punishment for running off and such as that, but for little things I stand them on the alley. I know as well as any man in the business, I think, that whipping can be done when all other modes have been resorted to. Yes, sir; I said I got pay for Sunday work. I am employed by the State by the month. The plantation owners pay me \$2.50 for every Sunday's work. I think I am authorized under the law to do that. We certainly wouldn't go and work for nothing. I get paid by the State for Sunday, but don't have to work. I don't make a report of that to the Superintendent, for there is no report to be made of it. The men bathe near the well in the winter. It is pretty cold. I have a tarp that I hang up to knock the wind off. We don't furnish them towels to dry their bodies on; they use their old clothes. I have made no requisition for towels. We make them here. It is not customary to give them towels.

You could take towels for them and when they are through there would not be a towel left. I could take a couple of men to gather them up and do it. Part of my guards have been sworn in. I have never had them sworn in here. I think the rules require it. I have employed one new guard here. I never inquired of the others here whether they had been sworn in. Some of the guards are familiar with the rules. The rules require a guard to report any violation of the convicts. Those that have not read the rules have heard the others talk until they know the rules. I have never seen one of my guards drunk. I believe if my guards should mistreat the men they would come to me and tell me. I am with one bunch or another of them all the time. I have never known of a guard to strike a man. I have no copy of the rules posted in the building. They were in there and in whitewashing they were taken down and not put back. There are some stock on the place that belong to Mr. Eldridge. I milk the cows and give the convicts milk and butter as often as we have it. The contractor has never complained to me that the men were not doing enough work.

Jessie Drnon, being sworn, examined by Senator Weinert, testified as follows:

I am 22 years old. The 12th of this month will be seven months for me here. I was sent up for assault with intent to murder; got five years. I am working in the cane fields now. I can do the work. They feed well. Clothes all right. We work from sunup to sundown, and on Saturday evening we quit and come in early and take a bath. We get about an hour at dinner. I have had two spells of sickness. Dr. Morris waited on me. I never was whipped. I saw one man whipped. He is gone home now. The guards don't never hit us or ride up in the field and punch us with a shotgun. I get plenty to eat. I am satisfied here. The sergeant of this camp is a good man. I have nothing that I want to tell. I am sick nearly all the time. I can't read; I would like to; I would try to learn if they would give me a chance. I tried to kill a woman. She was my wife, fooling with another man.

(The committee examined a number of other witnesses of this force, the testimony all being practically along the line of this witness. With the exception that one or two complained that several years ago, before this present administration, the guards were very rough on the men. That the food and treatment is better now than it was in the past.)

DEW BROTHERS' CAMP.

Description of prison building on Dew Brothers' Camp:

Prison building sits east and west, fronting west. Main building is 62 by 30 feet. Windows are 2½ feet by 5 feet. Five windows in north, 2 in east, and 4 in the south of prison. Picket is on the west end. All windows are screened. Bunks are two high, and accommodate 80 men, two to the bed. Two closets in the north of prison. No water connection. In the north end is a large iron tub, 2 by 5 by 10 feet for bathing purposes. No hot water connections. There are many towels and nightshirts hanging on the wall. Building and beds are clean. Building has been whitewashed recently. One stove in the prison. Kerosene lamps are used to light building. Prison building is covered with sheet iron. Dining room is 62 by 10 feet. The south wall is lattice with 4-inch strips and 4-inch space between. No screens; just flooring it. Dining room has recently been cleaned up and whitewashed. Hospital is west of the picket and on the extreme west end of the building; 12 by 24 feet. One window in the west and one north. South wall is lattice work next to picket. Has three double bunks next to west wall. Beds are clean. Closet in the northwest corner, but no water connections.

Henry O'Brien, being sworn, examined by Senator Weinert, testified as follows:

I got ten years for killing a negro in Corsicana. I have been here 7 years 6 months and 4 days today. I have been at this prison since last January. I

Capt. H. L. Gentry, being recalled, examined by Senator Weinert, testified as follows:

I will give you my word of honor that none of these men that have testified before you will be punished or discriminated against in any way. I will make a special effort that the guards do not discriminate against them. If it becomes necessary I will advise the inspector that he has been before the committee. I was here at the time that negro was shot and Dr. Morris was here, and he run in the open field and the guard shot him; and I had tried every way in the world to get that negro to perform his duty and had given him plenty of time to learn his duty. I have talked to the guard about that. I don't know whether or not the negro had just stepped aside to do a job. I have examined the result of the whipping. It was not intentional on my part to break the skin; however, if the strap turns it will cut him like I told you. I want to be truthful about the matter and don't want to hide anything.

AT E. H. CUNNINGHAM'S MIDDLE CAMP.

Description of prison on E. H. Cunningham's middle camp:

Building sits north and south, fronting south. Is 90 by 33 feet. Windows are 2 by 6, and are screened. Three windows in the north, six in the west. Dining room on the east, and wall between prison and dining room is lattice. Walls are 12 feet high. Two closets in north end, no water connections. Bunks are two high; all single mattresses. Building is clean. Nightgowns are hanging on the bunks all around. Picket is south of the prison. Dining room is 90 by 15 feet. Nine windows in the east side and one in the north. East wall is solid. Room is very dirty. Dining room is screened. Hospital is on the southwest corner of building, and is 30 by 33 feet; 12-foot walls. Two beds in it. One closet; no water connection. One stove in it. Three windows in south, 3 in west. Building is old, and has been condemned by inspector.

George Langford, being sworn, examined by Senator Weinert, testified as follows:

I got seven years for theft. I have been here two years and ten months. I am not scared to tell the truth. I was punished once last summer. I got that from Captain Hooks here. I don't know how many licks he hit me. He didn't break the skin that I know of. We are fed first-class common food. We get plenty to eat. We get beef twice a week. We get beef tonight. We are waited on when we are sick. I get along with the guards all right. I don't know about the others.

Q. Do they curse the men?

A. I am so busy at work I can not hear that. No, sir; I don't care to say. They never have hit me over the head in the field with a stalk of cane. I am telling the truth; I don't want to make no talk to you. I was up to the Paris farm when I first come to the pen. They didn't work us on Sunday there, and I think they treated us better there. We work on Sunday here in sugar rolling. We get 50 cents for Sunday work.

Examined by Mr. Gilmore, he stated:

Q. In going to and from your work, do the guards make you trot?

A. No, sir; some of the old hands walk fast and make us step up. I am in No. 1 squad, and have been ever since I come to the pen.

Cass Easter, being sworn, examined by Senator Weinert, testified as follows:

Q. What is the matter with your head?

A. I have the toothache. The doctor has not been here to give me anything for it. I didn't ask for a doctor. I have been laid up twice. I work while I have toothache. I have been having it a week.

Q. Don't you think if you would ask for a doctor, they would get him for you?

A. They would, but I am naturally scared of the captain. I am afraid to

ask him. They feed me pretty well now. They feed us better than they did since they heard you all was coming. I have been whipped twice since this captain came here. I am all broke up now from that bat. I have marks all over my back from the strap. I never asked for the doctor to treat me. They give me some kind of salve for my back. I have bad eyes.

Q. Are you diseased any way?

A. Yes, sir; I am full of syphilis and have shankers on my p— now. Yes, sir; they make me wash in the same water with the other convicts.

Jim Williams, being sworn, examined by Senator Weinert, testified as follows:

I have been here two years, and the rest of the time at the Watt farm. I have been in the pen three years next month. I jump high to keep from being punished. I have not been punished in no way except exposure and run on the turn row. I have not been whipped. We have been getting plenty to eat this year and last. The grub is the same to me that it was two or three months ago. I get good grub. I have not seen the guards hit any of the men, but they curse us. I have been a little sick. I wasn't crippled up when I come here, but I lost my wind here. I give out running on the turn row. I was sent from Camp county here for murder, and got five years. I am not afraid to tell the truth.

Q. If you tell the truth, and it is against some of these fellows here, would you get punished?

A. I don't like to say. I am a prisoner, and don't like to say.

Arthur Hubbard, being sworn, examined by Senator Weinert, testified as follows:

I have been here fifteen months. I have not been punished. Sometimes I am not able to work, but I don't say anything to the captain about it. I am sick now. I am strictured, and can't hardly make water. I have talked to the doctor, but he just runs in and looks at us, and that is all. Dr. Morris was all right. He left here a short time ago. I get plenty to eat. I have a good bed to sleep on. We don't have bedbugs. I don't have any trouble with the guards. I am here to work, and I go ahead and do my work the best I can.

(The committee talked to a number of other convicts, most of them complaining that they were whipped until the skin was broken on their bodies. Several stated that they were afraid to make complaints to the captain for fear of being punished.)

Captain D. A. Hooks, being sworn, examined by Senator Weinert, testified as follows:

I have 96 men here. Around 90 of them are in the field today. The others are here on the yard. None in the hospital; they are all at work. The State furnishes the man that does the washing. State furnishes six men here for camp men. If the State receives anything for those six men, I don't know it. I don't put them in on the time roll to the plantation. I have been here since the 6th day of April. I have had the rules three or four months. I had read the rules several times, and I looked for them and couldn't find them, and sent for them to Huntsville. I was not sworn in when I took charge here. I was placed under bond for the property. I employ the guards here. I didn't have them sworn in. I know that the rules require it. I have been sworn in by the inspector, and it was my understanding that it was his duty to swear guards and everybody connected. I was sworn in as guard in 1833. I never told the inspector they were not sworn in. I thought that was his business. Everything that I have made requisition on the Financial Agent for has been sent me. The quality of grub is good. I have never had to send it back. I never have made any complaint. There was some syrup condemned, but it was a better grade than I have seen used. I found it here when I come. The flour is good. I give the men coffee every morning; only once a day. They get one-fifth of a pound of tobacco a week. I allow them to sing when they want to. I let them read anything they get hold of. My guard has authority to grant them permission to sing, and they have to have it, for we have a weak building, and if we have much noise I am liable not to have any men.

Q. The building might fall?

A. No, sir; they could cut out. This building has been condemned by inspector three or four trips ago. I have heard the owners have secured another contract for two years, but don't know it to be a fact. I don't consider my building safe. I have plenty of room for 100 men here. There is a pipe of water in there. It is pumped by wind, and sometimes the water gets so low it won't run in the building, but I put a man up there and turn the wheel. I furnish the men socks in the winter only. They get shoes when they need them. The quality of shoes is bad. I am not compelled to whip often to maintain discipline. There is no two men that handles men alike, and as a general rule, when a new man takes charge of a camp he has more or less whipping to do. When I come here I got 91 men and run down as low as 85, but I have received enough to make 96. I have been here about seven months. I don't know how many men I have whipped. I never punish until I get orders. I send them in each month. I don't keep a record of the punishment here. Dr. Morris was physician for this camp, and he kept a hospital record. This doctor may keep a record, but he does not place it on our record here. We have had no bad sickness since this man has been coming. Only light form, possibly stay in the building a day. Yes, sir; the negro that has the toothache has syphilis and his eyes show he is in bad condition. Dr. Morris treated him. He has made no complaint to me whatever. I don't believe this force of men could be handled without the strap. You would not get any obedience and work out of them. That would not apply to all of them alike. I have one man that I would recommend for pardon. The State has not instructed me to try to reform them in any way. My instructions from the State are to handle them and make them work and give them plenty to eat and wear and medicine when they need it. My notion about handling negro convicts is to give them everything that is due them. Clothes, food, good place to sleep; good, wholesome food three times a day, and when they are taken out of the building and are well we expect a good, reasonable day's work. They are worked about nine hours now.

Examined by Mr. Gilmore, he stated:

I think the State sent them here to be punished for the crimes they have committed, and the reformation would come about in the punishment. The only way we try to reform them is by talking to them. I tell them right from wrong, the best of my judgment, and that is all. I try to get their confidence, and I don't believe they mind telling me any trouble they have. I have been in the service off and on since 1883. I am reasonably familiar with the rules and regulations. Other modes of punishment besides the strap are dark cell, bread and water, and it seems to me there is some other little punishment. I use solely the strap here. I believe the rules say you can use the strap after milder means, but we have no other means here. I have not tried to get milder means here. I don't deprive them of their privileges. The rules say you can whip as a last resort and after every other mode of punishment has failed, I believe. I use nothing but the strap.

Q. Then for the most trivial offense, you ask for an order to whip?

A. No, sir; it has to be a justifiable offense. That is wilful disobedience and sometimes laziness. I have broken the skin in whipping a man. I don't know how many I broke the skin on. Yes, sir; I doctor them.

Q. What privileges do you allow them in the building at night?

A. They sit around and talk in a low tone to each other and play cards and gamble. I have whipped one man for fussing in the dining room and one for talking loud in the building. I get out of patience sometimes with them and curse them. I don't permit the guards to curse them. Yes, sir; that is setting a bad example. I know it is not right to curse them. I have them at my mercy, and know I should not do it. Sometimes the guards see me whip a man. I have some iron vats here and some tubs for bathing purposes. Several men bathe in the same water sometimes. They can change when they want to. I try to keep those with diseases separated in bathing from those without diseases. I don't furnish them a towel apiece to dry their bodies on. They generally let the water dry on their bodies. I think it would be proper to give them towels. I have not asked for them. They manage to get the water off. I have a preacher in the building. They have to get permission to have services. We have no

school. I have a hospital. I don't put the men in there when sick until the doctor says so. I work the men on Sunday. I have paid them for Sunday before last on last Friday night, but have not paid them for last Sunday. The guards get \$1.00 per day and I get \$2.50 from the contractor. Yes, sir; I give you my word under oath that I will not punish the men for testifying before you nor discriminate against them. If I have to whip them, I will inform the inspector that he has testified before you. I will take special pains to see that none of the guards discriminate against them. My camp guard attends to the commissary. In making my report of what is on hand, I deduct what I have used for the month from what was on hand and what we received during the month, and the balance is what I report. If there is any doubt in my mind about the stuff being there, I weigh it. I mean by that, if the amount looks too small. I know bacon shrinks a good deal. We might come out short on that, but we never have run short yet.

Examined by Senator Weinert, he stated:

The system now might safely be called a paradise as compared with it when I first entered the service. The system has been improving ever since 1883. Some of my guards have read the rules. I have told them where the rules were, to come and get them. I know several have read them. My salary is \$75 per month. The men run out of the building to get their teams out of the lot first. I don't require it. I have had one death here. He attempted to escape and was shot by a guard. He was killed instantly. The guard is in the service now. I had an inquiry held. Squire Vost held it. I don't think he took any convict's testimony in the inquest. The contractors here never urge me to get more work out of the men. They never have paid me anything directly or indirectly for my time here except on Sunday. I don't make a report of my Sunday wages. I don't know whether the board knows anything about the Sunday wages me and the guards get or not. The men get milk and butter when they are sick. The only cows here belong to Mr. Eldridge. We have eight and the guards get the milk and butter. When a man is sick I give him everything that the doctor orders for him.

Chiny Nix, being sworn, examined by Senator Weinert, testified as follows:

I have been in the pen eight years and one month. I got twenty-three years for killing a woman. She was my wife. I am a preacher. I was not a preacher when I came here, but was a member and deacon in the church. I came to this camp last spring. We are treated tolerably well. I have not been whipped since I been here. A good many of the men have been whipped. Sometimes they hit thirty-nine licks and sometimes forty. They break the skin on them. I preach to the force here. I have to get permission to preach. I can read. I have nothing to read. Mighty little is done here to reform the men. Food is very good. I was whipped once in the walls at Huntsville and once on the railroad. I had rather be at Huntsville than here or the railroad. I was treated pretty well on the railroad. This is the worst place I have been. They don't allow us to talk above a whisper in the building at night. We have to get permission to sing. I ask for permission to sing every other Sunday when we are not working. The guards curse the men a right smart. I never saw them strike the men.

W. S. Smith, being sworn, examined by Senator Weinert, testified as follows:

I am a guard here. I have read the rules. I am not thoroughly familiar with them. I never was sworn in. I began as guard in May, 1905. Worked ever since. There is not any abuse by the guards that I know of. I worked at Rusk until the last year. The men are treated here about the same as at Rusk.

Examined by Mr. Gilmore, he stated:

I am well acquainted with the guards. We all get out of patience sometimes. I curse the men sometimes when one insults me or gives me impudence. I think that is all right. Yes, sir; I realize that these men are at my mercy and can not defend themselves.

Q. You curse them sometimes and call them vile names that you wouldn't let anybody call you?

A. That depends. I have read the rules about my duty. I have turned in one or two for punishment. For laziness or impudence is what I generally turn them in for. I try to treat them all alike as long as they will let me. I never have shot a man; never had an occasion to do it. I never had an escape.

AT CAMP NO. 1, CLEMENS STATE FARM.

Description of prison building on Clemens State farm No. 1 camp:

Building faces south. West wing is 30 by 82 feet. Windows are 3½ by 6 feet. Ten windows in the south wall, ten in the north and four in the west. All windows are screened. In building is large concrete pool about 10 by 12 by 4 feet deep for bathing purposes. Also large zinc trough for men to wash face and hands. Two water closets in building. Bunks are three high and all single mattresses. Bunks are tolerably clean. Building is very neat and clean. One large stove in west wing. Good ventilation in the top of building. Ceiling is twenty feet high.

Hospital is 24 by 36 feet and is immediately north of the picket, which is between the two wings of the building. Has four windows in the east, four in the west and three in the north. Windows are all screened. Hospital is ventilated through the top. Eight single beds in hospital. Building is clean. Has one large stove.

East wing is 70 by 30. Seven windows in the south, three in the east and seven in the north. Bunks are three high and are all single mattresses, and are tolerably clean. Building is very neat. Has large stove in it. One water closet. Also large concrete pool for bathing, about 10 by 12 by 4 feet deep. Large water trough for washing faces and hands. In both wings there is bunk room for 250 men.

Two dining rooms, both located on the south side of the prison buildings, and divided by hall. East dining room is 15 by 70 feet. South wall is made of lattice work, and has no screens. Room is neat and clean.

West dining room is 15 by 82. South wall made of lattice work, and is not screened. Room is clean and neat. Entire building is lighted with oil lamps.

Frank Pinkard, being sworn, examined by Mr. Bowman, testified as follows:

I was convicted at Bryan, Texas, for murder and given natural life. I have been in this camp two years and four days today. I was in the penitentiary thirteen years the 10th of last April, I have been whipped three times. I was whipped once here, once at Rusk and one time on the railroad. Capt. O'Brien whipped me on the railroad. He hit me 96 licks, but he didn't break the hide. The underkeeper whipped me at Rusk. Capt. Brooks whipped me here. He hit me 39. He broke the skin all over me every time he hit me. I bled and my clothes stuck to me for a month. I was unable to work, but had to go through the field with my squad, but couldn't do nothing. I was whipped for bucking. That means that we stopped work and refused to go out on the force. We bucked because we were ditching and working in mud and water from morning till night and all we had on was shirt, pants and shoes and it was cold weather and we come in at night and our clothes were wet and the next morning they were still wet and we had to put them on and go back to work. He whipped us on the 19th of this last February was a year ago. (Witness exposes his person to the committee and shows the following wounds: On the left rump one scar one and a half inches long and three-fourths-inch wide, presenting a raised appearance and looking very much like a large blister except that it was solid. One wound on left rump three-fourths-inch long and one-fourth-inch wide having a hollow appearance. One wound below left rump, irregular in formation, an inch long, showing the evidences of a severe wound and unevenly healed. Smaller wound to right of wound below left rump having same appearance. Two wounds below right rump one and a half inches long by one

pression that if they "bucked" they would get \$1 a day for Sunday work. Major Barbee said he was going to try to get us as much as he could for us when we worked on Sunday. The sergeant treats his men as well as any sergeant could.

John Heney, being duly sworn, testified as follows:

I was in the mutiny. We didn't "buck" on the sergeant. We stayed in the building because we had a talk with Major Barbee about Sunday work. He said he was going to try to get us more money for Sunday work. The sergeant advised us to go out; he didn't tell us to go, just advised us. He whipped me and broke the skin. I believe the captain did his duty.

CUNNINGHAM FARM.

Arthur Hubbard, being duly sworn, testified as follows:

I work under Captain Hooks on the Cunningham farm. I have been cursed and abused for testifying before the committee. He had all the men who testified—their names written down. The niggers under Hooks are afraid to tell the major anything about what happens on this farm. I am afraid to tell anything. Colonel Herring was here and the niggers told him they were not getting enough to eat, and that some of them were beat up. We have been getting 75 cents per day for Sunday work since the committee was here. Hooks said to me, "I thought you had some sense. I thought you knew what that committee was after; I ought to give you thirty-nine." He cursed me and several others for testifying before the committee.

Wyatt Brown, being duly sworn, testified as follows:

I am under Captain Hooks. I testified before the committee. I have been cursed by Hooks for testifying. After the committee left he called us niggers up and said: "If you niggers knew what I did, they couldn't have pulled you out here." Our treatment has been a little better since the committee was here until three or four weeks ago, when it got worse. One of the niggers reported to Major Barbee that the guards were cursing us. I think the Major gave him orders to "stop it."

Jesse Brown, being duly sworn, testified as follows:

I did not testify before the other committee. I haven't heard of anyone being abused for testifying before the committee. John Nobles was the only man in this camp who "bucked" on the sergeant. Treatment of convicts at this camp has been about the same since the committee was here. I am getting 75 cents per day for Sunday work since the committee was here. No gambling here now. It has been cut out since Saturday night. Captain allows no singing in the building.

Sam Williams, being duly sworn, testified as follows:

Captain Hooks called up the men who testified and wanted to find out what they said to the committee. He told them he "would whip hell out of them if they told a lie on him, and that he would find it out." He has been picking on those who testified before the committee. He treats them all rough; calls them d— s—s of b—s. We get 75 cents for Sunday work since the committee came.

Will Tyson, being duly sworn, testified as follows:

I didn't testify before the other committee. I heard Captain Hooks call up the men and ask them what they said. He told them, "the committee couldn't do anything for them. Couldn't do they any good, only get them a little more money for Sunday work." He curses the men but don't do as much cursing as the guards. It was cold Saturday morning and some of the men bucked a

little till the captain gave them some fire. We get 75 cents for Sunday work since the committee came. There is no gambling in the building.

Ben Nichols, being duly sworn, testified as follows:

I work under Captain Barnes on the Cunningham farm. I haven't heard of anyone being punished for testifying before the committee. I haven't heard Captain Barnes refer to the committee. I get 75 cents a day for Sunday work since sugar rolling began.

Fred Brousard, being duly sworn, testified as follows:

I haven't heard of anyone being punished at this camp for testifying before the committee. I work under Captain Barnes. We are getting 75 cents a day for Sunday work.

Jim Phillips, being duly sworn, testified as follows:

I haven't heard of anyone being punished for testifying before the committee. We get 75 cents for Sunday work since the sugar rolling began. Captain Barnes treats his men good.

Jordan Keith, being duly sworn, testified as follows:

Haven't heard of anyone being cursed or abused for testifying before the committee. I work under Captain Barnes.

Adrian Shannon, being duly sworn, testified as follows:

Haven't heard of anyone being punished for testifying before the committee. The men don't gamble since Major Barbee came around the last time. He read the rules to us on yesterday, December 20th. I work under Captain Barnes.

J. E. Barnes, being duly sworn, testified as follows:

I am the sergeant at Cunningham camp No. 2, known as "bullhead." The plantation people are paying 75 cents a day for Sunday work; guards \$1 a day, sergeants \$2.50 a day for Sunday work. Major Barbee, when he was around last, told convicts to cut out gambling. He did not tell me to cut it out. I did not work my men last Sunday, December 19th, the cold day. This is a contract farm.

CUNNINGHAM CAMP NO. 3.

Colonel Zachery, being duly sworn, testified as follows:

Captain Mack Florence is my sergeant. My idea is that this committee is here to help convicts to be better men, encourage us to obey the rules of our officers and always be respectful to our superiors. Haven't heard of any convict at this camp being punished for testifying before the committee. Captain Florence does not curse his men. Some of the guards curse them, among them Guards Seiker and Norton. We haven't had any trouble here about men "buck-ing" on their work since the committee were here. We are getting 75 cents for Sunday during the sugar rolling season. Conditions are better here since the committee were here.

James Young, being duly sworn, testified as follows:

I work under Captain Florence. There hasn't been any convicts punished for testifying before the committee. Conditions are about the same as they were before committee came. Major Barbee cut out gambling. There is no spirit of mutiny. All the men go freely to their work. We get 75 cents for Sunday work. We didn't work last Sunday, the cold day.

Jeff McConico, being duly sworn, testified as follows:

I understand that the committee is here to assist the prisoners in the way

of being better men, and to encourage us to obey the rules of our officers, sergeants and guards. Haven't heard of any convict being punished for testifying before the committee. The men all like the sergeant, Mr. Mack Florence.

Sam Veasley, being duly sworn, testified as follows:

There has been no one whipped for testifying before the committee. Captain Florence never spoke to us about it. Conditions are better than before the committee came.

General Johnson, being duly sworn, testified as follows:

There has been no one punished for testifying before the committee. Some guards curse us. Captain Florence never curses us. Conditions are better now than when committee were here before. We all like the captain.

IMPERIAL FARM NO. 2, CAPTAIN VEAL'S SQUAD.

Wesley Pierce, being duly sworn, testified as follows:

I have not been punished for testifying before the committee. There is no cursing of the men by Captain Veal or the guards.

Richard Rivers, being duly sworn, testified as follows:

I have not heard of any of the men being whipped for testifying before the committee. Before the committee came the captain was pretty rough; he is better now. The captain cursed out the whole squad this morning because no more men were reported for loud talking.

Will Jackson, being duly sworn, testified as follows:

I have not heard of anyone being whipped for testifying before the committee. The treatment is much better now than it was before the committee came around. I did not hear Captain Veal curse this morning. We are paid 50 cents for Sunday work.

Richard Pinkney, being duly sworn, testified as follows:

I have not heard of anyone being whipped for testifying before the committee. Times are better now than before the committee came. Captain Veal did not curse out the men this morning. I have not worked but one Sunday this year; got 50 cents for that.

Cornelius Malory, being duly sworn, testified as follows:

I have heard of no one being punished for testifying before the committee. Captain Veal hit me with bridle reins. I am afraid to testify before you. You will be gone and I must stay here; you can not protect me. The niggers at this camp go flying all the time.

IMPERIAL FARM, CAMP NO. 1.

W. G. Pryor, being duly sworn, testified as follows:

I am the sergeant in charge of Imperial State farm. My men have not been working or behaving well since the committee was here before. I believe the convicts got a wrong impression from the committee and thought that they would be protected from the bat. My impression is that the men came out of the building this morning in good shape, after the talks made last night by Senator Hudspeth and Representative Stamps, who advised and admonished the convicts to behave themselves. I have orders from headquarters to stop gambling in the prison, and have stopped it. I have only worked one Sunday

this year. The State pays 50 cents to each convict for Sunday work. The guards get \$1; no extra pay for sergeants or other men who draw more than \$30 per month. I have whipped no one since committee was here.

IMPERIAL FARM, CAMP NO. 2.

J. H. Veal, being duly sworn, testified as follows:

I am sergeant at Imperial camp No. 2. My men since the committee's first visit have been hard to control; they would not do a good day's work. I think they got a wrong impression of the committee's work. One of my guards was told by a convict that "the leather was cut out," meaning that the bat had been abolished. There is a marked difference in the negroes under me since Senator Hudspeth and Representative Stamps advised and admonished them to behave themselves, and I feel much encouraged over the situation now. I did not remand a negro of the entire squad this morning for loud talking. I have cut out gambling in my camp.

Charlie Walker, being duly sworn, testified as follows:

I am at the Imperial camp No. 1. Haven't heard of anyone being punished for testifying before the committee. The men seem to be getting along as well now and since the committee was here as before. All the men seem to be satisfied now. Conditions seem to have improved since committee were here. You don't hear as much cursing of the men since committee were here. The guards have been "stepping high" since committee were here. Gambling has been cut out. We have dominoes and checkers for amusement now. I think the talks of Senator Hudspeth and Representative Stamps last night did the negroes lots of good.

Joe Smith, being duly sworn, testified as follows:

I work on Imperial farm No. 1. I haven't heard of anyone being abused for testifying before the committee. The talks of Senator Hudspeth and Representative Stamps last night will do the prisoners good. Conditions are a good deal better since committee was here. You don't hear the guards cursing the men since the committee first came around.

Andrew Hamilton, being duly sworn, testified as follows:

I am a convict on Imperial farm No. 1. I haven't heard of anyone being punished for testifying before the committee. The treatment of the prisoners is much better now since the committee was here than before. They don't work the prisoners as late; they don't curse the prisoners now.

W. C. Bohannon, being duly sworn, testified as follows:

I am on Imperial farm No. 1. I have not heard of anyone who testified before the committee being punished. Conditions are much better at this camp since the committee came first. We are not driven to our work now and are not worked so late as we were before the committee came. I think the talk that Senator Hudspeth and Representative Stamps gave the men last night will do them good.

Sam Cole, being duly sworn, testified as follows:

Haven't heard of anyone being punished for testifying before the committee. Department of officers better. Food and clothing some better since committee came. The men haven't gone according to the rules since the committee was here. I didn't hear any convict say that the committee had encouraged them to be disobedient. If the guards and the sergeant had been as strict since the committee was first here as before, I believe the discipline of the men would have been the same as it was before the committee came. I haven't heard of as much profanity among the guards as before the committee came. I think

the guards have given the convicts too much liberty. I think the officials here are uneasy as to losing their jobs. I think the officers here relaxed as to enforcing rules since committee was here and convicts took advantage of their relaxation.

RUSK PENITENTIARY.

Major Durham, being duly sworn, testified as follows:

I am Assistant Superintendent at Rusk penitentiary. The negro, Allen Brown, had a bad reputation. I was sergeant of one ore bed force. The manager of the iron industry informed me that the negro Brown would be turned out in my charge to go to the ore bed; said he couldn't do anything with him in the furnace yard; I told him I didn't want to take the negro as I thought he would demoralize my force and cause trouble. The iron man said, "You have to take him." This was in the evening and the negro was to be turned out the next morning. I went to the bull ring to instruct and explain to him what he would have to do. He was already in line. I called him out of the line to make the talk and he approached me in a very defiant manner. I told him to remove his hat in a conversational tone. He remarked that "he was not a thief and would not take his hat off to any white man." I remarked, "Well, G— d— you, I'll knock it off," and did knock it off, but did not knock him down. I hit him with my walking stick. I don't now whether I broke the skin on his head. I had heard that he said he wouldn't remove his hat to any white man. I heard that he was "a little off." My opinion is that he has a mania for talking about raping white women; he is here for assault to rape. He is a trouble-breeder; a very troublesome negro. I do not require convicts to tip their hats when passing an official of the penitentiary, but there is a rule requiring convicts to remove their hats when addressing an official. I was appointed and came here January, 1908. There has never been a negro transferred from here to any place on account of my hitting him on the head with a stick.

T. A. Sublett, being duly sworn, testified as follows:

I am a guard in the Rusk penitentiary. I know T. E. Durham; I also know Allen Brown, a negro. Major Durham was outside man in charge of the ore bed. When Major Durham came into the bull ring he called Brown to him. Brown was placed in the ore bed gang. Brown walked up. Major Durham said, "Brown, take off your hat." Brown said, "I'll take off my hat to no white man." Major Durham struck Brown on the side of his head with his walking cane. I do not know whether he broke the skin on the side of his head or not. I was forty or fifty feet from Durham. He did not knock Brown down. The negro stooped to pick up his hat. Have heard Durham was a good convict man. I worked Brown and had a great deal of trouble with him. As to his sanity, I do not see how a man could be sane and act as Brown does at times. I never heard Brown say he could and wanted to have intercourse with white women. Soon after the committee were here convicts were disposed to be impudent, but their conduct was not of a serious nature. There has been only one man whipped since committee was here. It looked to me as though the officers here relaxed their efforts to maintain discipline since the committee were here. This might have been the cause of convicts being a little reckless as to their conduct. Have not heard of anyone being punished for testifying before committee. Convicts seem to get the impression from former committee that they would not be punished for misconduct. My idea is that the scope of committee's work is to search into conditions of convicts and the penitentiary system. I have observed at times, before the committee came, that the convicts came in at night in a boisterous manner, talking and laughing. I have never heard the committee referred to here by the officials as breeding dissension or interfering with the management of the prison.