

Q. I want to find out if your work was impeded for several months on account of absence of stock to carry on the work?

A. Yes, sir; we did nothing for practically three months in some of the departments.

Q. General lack of material in several of the departments to carry on the work successfully?

A. Yes, sir; there was.

Q. Do you know what the condition was with reference to the store room?

A. No, I don't.

Q. Do you know whether you had any trouble at that time getting clothing and food for your men for a while?

A. There was some scarcity of clothing, cotton mill had been shut down prior to that, and there was some scarcity of clothing, but that was soon supplied. I think it would be right to say in that connection that this cotton mill was shut down in the fall of the year; went to take off cane crop, and might have believed had sufficient stuff on hand. I think it would be right to say that surely they would not let convicts go without clothing; they could have shut the furniture factory down and everything else. Cotton factory, however, had been started up when we got there, but had not been started very long.

Q. Do you know whether the quantity of food stuff was on hand for the men to be furnished to you readily?

A. I think we had no trouble about that; those things could be readily supplied.

Q. What was the condition of the stock when you took charge?

A. It was very scant.

Q. Did your predecessor turn over to you any statement showing the different raw material on hand?

A. No, sir; when we came there custom had been heretofore to turn the business over without an inventory, but Mr. Campbell's instructions was that we all take inventory, and those inventories show what was on hand.

Q. What was the condition of supplies up on the farms with reference to wagons?

A. I am not able to answer that.

Q. Do you know about the amount of corn had on hand?

A. I declare I do not know that.

R. J. Ritchie, being sworn, examined by Representative Lee, testified as follows:

Hillsboro county, Texas. Lived there since 1892. Not elective; appointed.

I was jailer and deputy sheriff of that county for six years, excepting seven months I was out over at this farm. Am now working as deputy constable at that place now. As guard, assistant sergeant and sergeant. Yes, sir; first on the Esom farm. Went to work there in 1896; worked until January, 1899; then I went to the Bureson & Johns farm; went to Major Durham in 1899. I worked there under Major Durham as guard until the first day of November, 1899; then the Major consulted Colonel Herring, and made me assistant sergeant; worked in that capacity until the 6th day of August, 1900; resigned and rested up a month; came back, worked two months, September and October, 5th day of November, 1900; then the sheriff gave me a job as deputy sheriff in Hill county; worked there until the 19th of December, 1903; went back to Major Durham and worked as his assistant sergeant until the 19th of July, 1904; went back as jailer and deputy sheriff of Hill county again. Then, in 1906, latter part of November, went back and went to work for Major Durham as guard, and worked under him until he left there. After Jim Rich relieved the Major, worked under him for a few days, until got a telegram from Colonel Herring to meet him in Houston, when he gave me a sergeant's place on the Cunningham place, and I held that place up until the 12th of June, this year. Yes, sir; my services then ceased on the 11th day of June, 1909. I was discharged. By Colonel Herring. I have no objection to telling; nothing to conceal on myself. I punished a negro by the name of Roy Grimer, and broke the skin on this negro. Colonel Herring came, as I understand it, in answer to a telephone call from J. L. Gautery; he met him at Mumford, went down

to my camp, seen this negro, investigated all my men, and discharged me from finding the skin broken on this negro, though I had broken in 1907 the skin on another negro on the Cunningham place. Only two skins I ever broke; only punishment I ever done as sergeant. Those are the only two I broke the skin on. I punished more men than that; sometimes punish three and four men in one month, then again would go two or three months without punishing anyone. No, sir; never exceeded the number of licks the order called for; never punished without orders only in two different cases. Did punish for sodomy very night it was committed; the guard sent after me; punished one negro and one Mexican at the Bullhead camp. Wrote for orders and stated the circumstances, explaining to Major Hawkins had already punished for this offense, and he gave me the order to cover it. Yes, sir; in extreme causes it is frequently done, even on contract farms. State farms, I think, it is all done that way; that is my impression. I have frequently heard on State farms that these orders have an official's name signed at the bottom of them, and at the end of each month make report in to headquarters and fill out such blanks as they have punished, already signed at the bottom by an official and sergeant in charge of the place fills out this blank before he sends it in. Those orders go in to him monthly.

Q. If I understand you, do I understand you correctly to mean that those blanks for punishment are already signed by the inspector?

A. Sometimes by the Superintendent of the penitentiary; just a blank book signed and sent down; when they punish, punish three or six, or how many punish; they fill out the names and the registered number in those blank forms properly and send it in. Yes, sir; that is my understanding about State farms that they have signed orders. No, sir; I don't know that of my own knowledge, but I have frequently heard that from guards that worked there as picket guards; something like that, who are in a position to know; that has been my understanding. Inspectors don't have any particular control over State farms; they are ruled and governed by the Superintendent of penitentiary.

Q. In two instances you know that they punished and afterwards requested orders?

A. I have done that in person, and am confident that is frequently done. In fact, Major Barbee told me in regard to this sodomy to punish and write to him immediately for orders, and it would be all right for sodomy.

Q. Have you seen more than thirty-nine licks given to a prisoner?

A. Yes, sir; I remember very distinctly; I think the convict's name was Lemon; I seen Major Durham whip him sixty-one licks one night on the Burlson & Johns farm. I think it was in the winter, or early part of 1904. Yes, sir; he was sergeant at that time. Yes, sir; he was very sore; I don't remember whether this convict laid in the building several days or not. Oh, yes, sir; the skin was broken. Oh, yes, sir; he bleed, blood run on the floor. I have seen quite spots of blood on the floor after a punishment; the building tender would shovel ashes on those places and clean up over the floor. It has been frequently, as a rule; I have seen almost every sergeant break the skin. I worked under Gus Rice, I worked under Major Durham and worked under Harris. Yes, sir; my understanding is Major Durham is Superintendent of the Rusk penitentiary. Major Durham was considered pretty rough with them. He had the convicts, as we call in convict circles, "very right," "jumping high." You would hear that expression if you were in the convict service long. I worked under Major Durham while he was inspector, and I believe he is one of the best inspectors I have ever seen. On the other hand, I do not believe he should be a sergeant. He is too cruel to use the whip in person. You mean as to his drinking? He drank all the time. At the Burlson & Johns farm all the time; I think he took possibly about a quart a day, especially when I was there these seven months in the winter of 1903 to July, 1904. I know it because I was the major's assistant, and some afternoons when at the office and had started to the field he would send for me, call me in; had to come around his yard; he would stop me in there and keep me pretty well all evening on the front gallery and have me to drink with him, and I had to make my drinks a little light; had to do that anyway; knew I would get too much. Major Durham did not keep this as any secret from any of us men on

the camp. I could mention one guard's name I expect now in the service; he was used as "dog sergeant" on the Cunningham place in 1907; he had to do a little whipping under Mr. Jernigan, but a guard, gentlemen, has got to do the sergeant's will if he stays a guard; no question about that. Men may do things he would not want to do as guard, but he has got them to do anyhow if it is the sergeant's will. Guards understand and know what to do under the sergeants, and the sergeants know what to do under the Superintendent of penitentiary. It has been my experience, they know what to do without being told in too plain a language. I would rather not divulge his name. I know that he was acting under orders. He was in the service in August; I stayed all night with his brother. I feel confident that this man done what he did under the directions of his sergeant. No, sir; he was not working for his brother at that time, acting under Mr. Jernigan.

Q. What was it he did?

A. I seen him punish one man; I was in sight, and he was punishing another man, best I could tell; see his strap in the field; working on the levee at that time in the field. I don't suppose he had any orders and don't suppose directed to whip any particular convict.

Examined by Senator Weinert:

Q. You stated a little while ago that Major Durham drank about a quart of whisky a day? When he was under the influence of liquor was he inclined to be brutal?

A. Yes, sir; more so than any other time.

Q. Do you know if any convicts were killed by punishment, or died as a result?

A. No, sir; not of my own knowledge. Yes, sir; I know of some reports to that effect.

Examined by Representative Stamps:

Q. Mention the time, place and identical language, as near as you can, when Major Durham was under the passion of liquor threatened or said he could whip a man until his bowels moved, and state whether he did or not.

A. I have seen him do that; seen him make them do the very act. Yes, sir; make the bowels move by punishment. Major's common word was in the building at night time, in the Bursleson & Johns building; he addressed his men as "G— d— thieves from h—": that was one expression he could use very handy.

Examined by Senator Weinert:

I have heard him use flat-footed, so far as language is concerned, in telling the men, "G— d— you, I will make you s—." I have heard him use that expression and I have seen him do it.

Examined by Senator Hudspeth:

Yes, sir; I have heard him in talking in the building, kinder play-racking the convicts. Major might have had one idea of his talk, and I may have drawn another; I have heard him make as strong a talk how he would do with the bat and punish men, and carry out his threats by punishing some few men. I have seen him walk clear around the bunks there and make big talks as to what he would do for them.

Q. Did he claim to be the high man with the strap; that is, he had that record?

A. I think so; the major is a big, stout man; could throw a big bat, and when under the influence of liquor would whip men for trifles. Yes, sir; I have seen him whip men for no offense, I would have called, though he might have had some other reasons. This man Lemon; one night we were sitting in the picket; Lemons came around by the picket window; the major looked up and said, "You are that G— d— educated s— of a b—, ain't you? How much is twice eight and a half?" He answered, "It is sixteen and a half," and he repeated it a time or two. Durham asked him again how much it was, and he repeated it was sixteen and a half. He then got his strap, went in and

whipped this convict. Finally the building tender whispered to him, "Say it is seventeen," and the convict said "seventeen," and then Major Durham stopped. Had hit him sixty-one licks. I was impressed that he whipped him for that; I heard no other charge.

Examined by Senator Weinert:

No, sir; never did work on the railroad.

Q. Do you know of your own knowledge whether Major Durham was interested in a bunch of hogs that were fed at any of the farms?

A. At the Burleson & Johns farm. After this law went into effect when a sergeant could not receive salary from a planter, it was so arranged Major Durham told me his wife had one-third interest. I understood it was Major Durham's interest. I was there in 1904 and fall of 1906. Yes, sir; he told me his wife had arranged for the interest when talking particularly; he told me it was made as arrangement for his wife. I do not know whether it was to evade the present law, or whether it was indebtedness hanging over the major. He has indebtedness hanging over him all right.

Examined by Senator Hudspeth:

Q. You don't know of any other acts of brutality on the part of sergeants in the service now?

A. No, sir; I never seen Gus Harris whip any man out of reason; he is in service now. I seen him break the skin on a Mexican in 1907. Yes, sir; I have seen them buried. All except one buried with convict clothes on; coffin is made of rough lumber, clothing consisting of a shirt and pants. Coffins are made by the convicts on the camp, lined with nothing. Generally have on each camp what is known as "convict graveyard." The Bullhead camp had a graveyard about three hundred yards from the camp in the corner of a pasture. Yes, sir; as a rule, always put on a clean suit. In some instances I have seen new suits put on; other instances, washed suits. Yes, sir; never seen but one buried in citizens' clothes. An old convict died under Captain Harris' nephew; asked Captain Harris to bury him in citizens' clothes; that's the only one I ever seen buried in citizens' clothes. I never heard of them communicating with relatives before burying. One guard, as a rule, and three or four trustees go and put the corpse away. Yes, sir; about the ordinary depth of a grave. Had two dug myself, and buried two while I was sergeant. Same old style been the custom. I remember putting a pillow under one convict's head last year, and I think had a little sheet, but as a rule just lay them in the coffin, pine box. Put the name and registered number on the head of board.

Q. Do you know any instances of graft on the part of employes of the penitentiary system that you could tell this committee about?

A. I don't think any sergeant that I have ever knew anything about ever grafted on the commissary, because it is a matter I don't think he could graft on. I never heard of any graft like that. I would have to study a little. I don't know; I have been impressed more or less that graft has always gone on more or less in same ways or another.

Q. Do you know of any instances where any one was employed by the State that also was paid by the contractor?

A. No, sir; I received \$25 per month; Will Jernigan and Frank Williams did likewise. They told me, Colonel Herring told me we got this money through the State from the planter; we understood it was legal and all right. Yes, sir; in addition to regular salary. It came from Huntsville direct.

Examined by Senator Weinert:

Q. Do you know anything about the punishment of a convict named Manuel, a Mexican?

A. I don't know that I remember that; it might have occurred and I was not there. I remember the Mexican.

Q. You did state that the major told you that his wife had an interest in the hogs; one-third interest at that farm?

A. Yes, sir, and he sold his one-third interest back to Mr. Johns when he left there.

Examined by Senator Hudspeth:

Q. Do you know of any sergeants or guards who have lived off the State's provisions?

A. No, sir; I don't know that I could say so. Sergeants have no families, as a rule. I had no family. I don't know of anything like that. I have heard of things worse than that, but it is only hearsay.

Examined by Senator Weinert:

Q. What was the understanding when you received this \$25 as to who paid it; from whom it came?

A. It came from the planter through Colonel Herring.

Q. For extra work on Sundays?

A. No, sir; I received \$3.33 or 35 cents for Sunday work. Convicts work on Sunday during sugar rolling season. I was instructed by Colonel Herring that I could receive that money, and also to see that the convicts got their 50 cents per day, per man, for Sunday work. The \$25 was for raise in our salary, as the planter wanted to pay the sergeant something, and under the present law could not pay anything, but that he would pay the State of Texas, and we could make our monthly report; make out our time roll and make my salary at \$100 per month, instead of \$75. Yes, sir; got \$25 per month extra during sugar rolling season. He did not pay me direct; Colonel Herring instructed me how to make my report; to make it out for \$100 instead of \$75, as the planter wanted to pay us something, and we could not receive anything.

Q. What do you think his object was?

A. The planter and myself had no talk about the matter. It was a very busy season of the year, sugar rolling, and he wanted every lick of work that he could get; never could do too much work on that plantation. Yes, sir; I received it every Saturday evening as a rule. I went to Sugarland and drew \$3.35 for myself and \$1.00 for guards and 50 cents for convicts each for back Sunday labor.

Q. Your contract with the State was for \$75 per month, and you received \$100?

A. Yes, sir; but not all the time, not until fall.

Q. This \$25 was paid by the planter through Colonel Herring?

A. Yes, sir. I would like to state in this connection what Colonel Herring told me in regards to me, he told me, he says, "Ritchie, they want to pay you this money, but you just go along the same way; they want all the work they can get; you do about the same way you been doing, you understand?" I says, "Yes, sir."

Examined by Senator Hudspeth:

Q. Back there at that Wilson farm, what did the convicts think about that fellow Thomas—

A. Let me state here, this \$25 was cut off from our salary a little later on, at the time W. H. Bell and Will Jernigan punished a convict one morning. He died that morning at 8 o'clock. Colonel Herring immediately stopped this \$25 from my salary and Frank Williams. Stopped it from the fact that this convict showed this convict had been punished to death on the camp where Jernigan and Bell were both sergeants. The doctor made his report a little late. Free laborers right there and they all saw this whipping and they wrote a letter, as I understand it, to Colonel Herring, and he came down, Judge Barbee and Dr. O'Farrell. Colonel Herring took the body up and Dr. Crawley told him cut the body open and examined it. Immediately after taking this body up; out of the grave stopped my extra \$25 and Frank Williams' extra \$25, but we still drew out Sunday pay.

Q. Why did they stop your extra pay? You had no connection with it?

A. None whatever. I just presume Colonel Herring felt like this \$25 might have had something to do with the brutal punishment; I don't know that was true. Dr. Crawley told me the evening corpse was taken up—I had him call to see one of my force, had a negro cut his finger—he told me going on back that he reported the death on a blank he had to fill out that this convict came to his death from heart trouble by punishment, and says Colonel Herring gave

him a pretty severe "jacking up" for not making the report stronger, that he died from punishment. Crawley told me he was trying to get along with the planter. Yes, sir; and the grand jury of Fort Bend county indicted Bell and his case is pending in the court at Fort Bend now.

Examined by Senator Hudspeth:

Q. You were sergeant upon the Wilson farm. What did the convicts, if you know, what did they think of the treatment they received at the hands of that man Thomas?

A. Convicts don't talk a great deal about back punishment unless men ask them very close. Most of them talk about men gone somewhere else; they know better. As I understood there at that camp, never made it a practice of talking to my convicts about men I succeeded. I think they thought he was a tolerably raw man.

Q. You don't know anything of your own knowledge about his killing that negro?

A. No, sir; I never did work with him. I worked where he was and guarded; I never did work with him.

J. W. Pierce, being sworn, examined by Senator Weinert, testified as follows:

'Yes, sir; I commenced work for the penitentiary in 1902, to the best of my recollection, as guard. I left the service in 1908. No, sir; I was off a part of the time; some few times. No, sir; I never took the oath. Rules were never read to me, but I read them possibly two weeks ago; that is, sketched over them. Yes, sir; after I quit the service. Yes, sir; I know Ethel Jones. Yes, sir; I saw him after he was punished; I did not see him during the time punishment was put on him. I saw him after he was punished and I seen him a number of days later laying flat on his stomach. The guard would not force him to work. He would go to the field and lay flat on his stomach; he was so sore he could not work and his clothes would stick to him; when pull clothes loose from him would peel the hide. Suppose Major Durham punished him; he was sergeant at that time. At the Burluson & Johns farm. I don't believe I can give the exact year; it was something like 1904. It was during the time I was employed as guard. Yes, sir; he was unable to work on account of this punishment. Practicing physician came here twice a week. Not especially to treat him. No, sir; he was not taken to hospital. He was allowed to lay flat on his stomach because he was unable to work. Yes, sir; I know John Ballard; knew him on the Burluson & Johns farm. Yes, sir; punished at the same time Jones was punished. I saw the convict and knew he had been punished from the way his clothes stuck to him, and seen him at the bath house; clothes would get plumb bloody. No, sir; he did not go to the hospital. Yes, sir; I know Wade. Same farm. Yes, sir; I saw Wade punished. I could not tell how many licks; he got pretty tolerable severe punishment. Yes, sir; skin was broken. He was done something similar to the way Jones was; guard did not allow him to work; we were working then on the Brazos river and guard would not let him work, allowed him to lay down. Yes, sir; I know Will McCauley. He was whipped possibly a year later. Major T. E. Durham. No, sir; I saw him afterwards; I saw the blood ooze out of his clothes. I made the remark to another guard I was with and called his attention to the blood on the convict's clothes. No, sir; was not taken to the hospital. Yes, sir; knew Lively on the Burluson & Johns farm. Major T. E. Durham. To the best of my knowledge he was whipped three times. I don't know how many licks hit him the first time; the second time hit him 72 licks. Yes, sir; know that of my own knowledge. I did not see it; laid in my shack 50 or 75 yards away and counted the licks. Yes, sir; I noticed his clothes, about in the same shape of those other convicts, bloody. No, sir; he laid in the building several days; really, I don't think that was caused from whipping on account of some sore eyes. Yes, sir; had sore eyes at the time of punishment. The second whipping was caused from taking those sore eyes; sergeant claimed he had put sulphur in his eyes. The third time I don't remember how many licks; was not there, but I think to the best of my recollection