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HALL OF RECORDS
ANNAPOLIS, MARYLAND

STATE OF MARYLAND

Baltimore City, February 4, 1913

REPORT

OF

Maryland Penitentiary Penal Commission

APPOINTED JULY 24, 1912

BY

HIS EXCELLENCY

658

PHILLIPS LEE GOLDSBOROUGH

GOVERNOR OF MARYLAND

TO INVESTIGATE THE GENERAL ADMINISTRATION OF THE MARYLAND PENITENTIARY

EUGENE O'DUNNE
REDMOND C. STEWART
GEORGE L. JONES
Commission

REPORT.

THE HONORABLE PHILLIPS LEE GOLDSBOROUGH,
Governor of Maryland.

Your Excellency:

On July 24, 1912, your Excellency issued a commission to the undersigned, Eugene O'Dunne, Redmond C. Stewart and George L. Jones, reading as follows:

"Be it known that you are hereby appointed a committee of three to investigate and report to me upon the conditions prevailing at the Maryland Penitentiary. The matters to be investigated by you are the methods of punishment and of employment of convicts and the general administration of the Penitentiary. You will be at liberty in your investigation to call to your assistance such expert penologist as you may select and also such other assistance of whatever character you may deem proper."

Your Commission at once met and organized, selected Eugene O'Dunne as chairman thereof and George L. Jones as secretary and treasurer. The following morning we had an hour's conference with Mr. Frank A. Furst, chairman of the Board of Directors of the Maryland Penitentiary, in which the correspondence between the Board and your Excellency was outlined to us, and we were advised of the plan of the Board to place at the disposal of our Commission the sum of three thousand dollars or so much thereof as might be required, the same to be drawn by the warrant of our treasurer on the said Board, approved by your Excellency.

The Board, through Mr. Frank A. Furst, advised us that the Institution would be open to us at all times and that all of its officers would be instructed to give us any and all information we desired and to place every facility for obtaining it at our disposal. The Board has faithfully carried out its promise in

this respect and co-operated with us in our work in every way possible and our relations with the Board have been most cordial throughout our entire work.

Our Commission at once opened offices at Room 820 Munsey Building and made it generally understood that any or all persons, at any time of day, might there see one or more of our Commission. A large number of people called, and much of the time of our Commission was taken up with receiving these visitors, hearing their statements and making abstracts of the substance thereof.

We have since examined every part of the Institution, the various cell-houses, the individual cells and their equipment and furnishings, the punishment cells, the refrigerator, kitchen and dining-room, the yards, workshops and their equipment, the character of work done by prisoners, the food in storage, process of preparation and the dining-room at meal times.

We have taken the statements of Mr. Frank Furst, Charles T. Crane and Mr. John T. Stone, of the Warden Emeritus, John F. Weyler, and the present Warden, John F. Leonard; of the prison Physician, of a number of guards and employees of the institution. We have also taken the testimony of Mr. Henry Clark, of the National Howard Bank, at one time president of the Baltimore Boot and Shoe Company, which had a shoe contract with the Penitentiary; of Mr. Oppenheim, of the firm of Oppenheim, Oberndorf & Co., which company now has the shirt contract, and of Mr. Michael T. Horner, head of the Jones Holloware Company, the foundry contractors at the Penitentiary.

We have taken nearly 1,500 pages of stenographic testimony, having had for that purpose the services of Mr. Lafayette P. Temple, than whom there is no more rapid or accurate stenographer in Maryland.

In addition to taking the testimony of a number of prisoners, on August 25th by agreement with Warden Emeritus Weyler and Warden Leonard, the following letter was addressed to each inmate of the Institution:

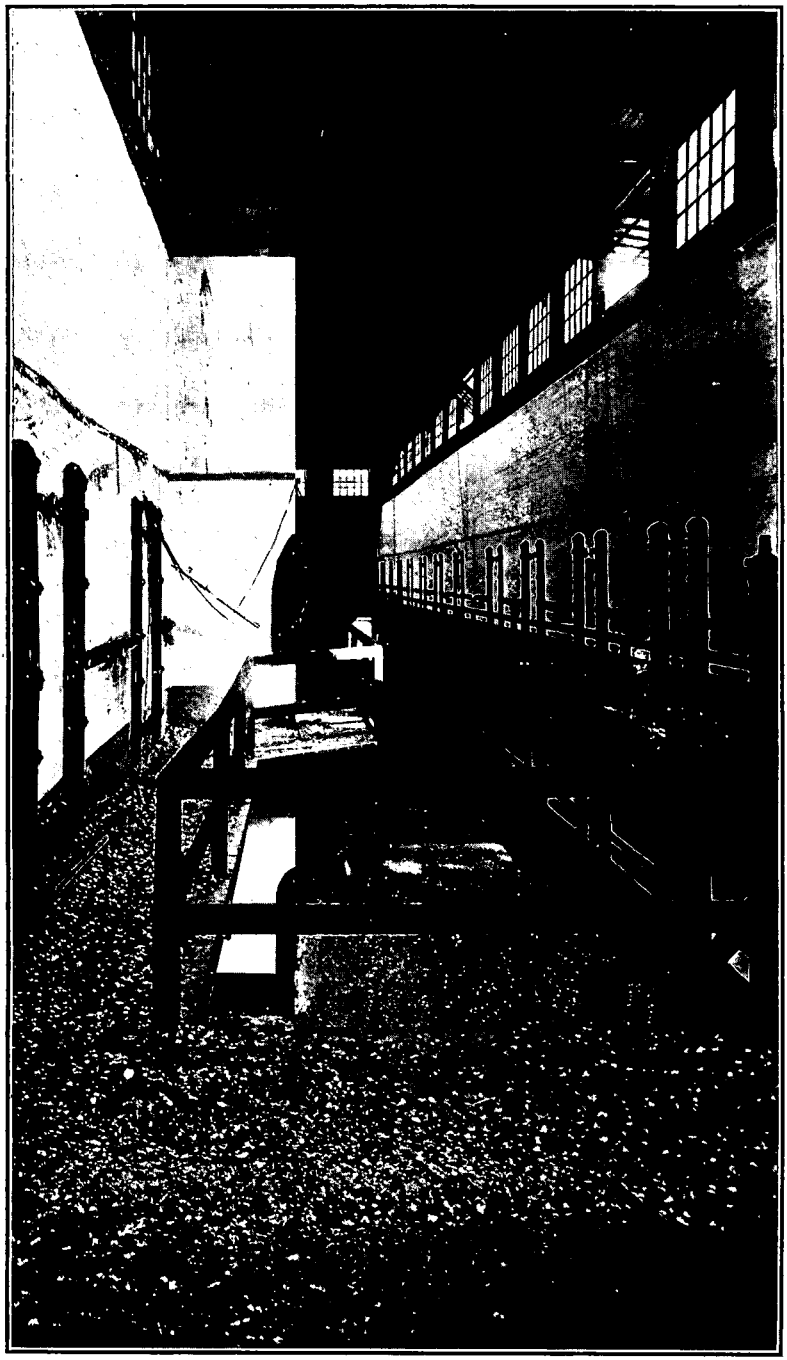

PLATE No. 1. "B DORMITORY," SHOWING PIGEON DIRT, INCHES DEEP.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,
820 Munsey Building, Baltimore, Md.

To Each and Every Prisoner in the Maryland Penitentiary:

Governor Goldsborough has appointed a Committee of three to inquire into everything pertaining to the Prisoners in the Maryland Penitentiary.

We are making this investigation at his request. We want to be perfectly fair, both to the Institution, its officers, and to the prisoners. We want to see that every man gets a square deal, and we want nothing but the truth from any of you.

You need not be afraid to tell us anything you know. Your letter will not be read by any officer of the Penitentiary. You will not be punished or rewarded for anything you say. If you are interested in honesty and justice for yourself, be honest and just in everything you say about others.

When you have finished your letter, sign it, and put it in the enclosed envelope which we furnish you, with our address printed on it. Seal it, and hold it until we come and collect it from you next Sunday, September 1st. Do not mail it. If any one tries to read it or tries to influence you in answering any questions, report his name to us.

What have you to say as to your treatment as a prisoner in the Penitentiary on the following matters:

1st.—Punishment.

2nd.—Food.

3rd.—Medical treatment.

4th.—As to your dealings with the Commissary or Store and its prices.

5th.—As to the condition of your cell.

6th.—As to the washing of your clothes.

7th.—State generally what you have to say about your experience and treatment over there.

NOTE.—Our Committee has the assurance of Warden Weyler that your letter in answer to these questions will not be read by anybody connected with the Penitentiary, nor will you be

punished, nor will you be rewarded, for anything you have to say or write in answer to the questions.

We do not want anything from you but the truth.

When you have written your story and answered the questions above, fold the paper and put it in the envelope we furnish you, with our address printed on it. Seal it up and hold it until we come next Sunday, September 1st, and collect it from you. Do not mail it. We will call and get it in person. If anybody tries to read your answers, or tries to influence you in any way as how to answer these questions, please report his name to us.

Write on enclosed paper if you want to.

EUGENE O'DUNNE,
REDMOND C. STEWART,
GEORGE L. JONES,
Commission.

820 Munsey Building, Baltimore.

On the following Sunday our Commission visited the Penitentiary and met the inmates assembled in chapel at three o'clock, when, at the conclusion of their services, our Commission addressed them, fully advising them of the object of your Excellency in the appointment of such a commission and explaining to them the plan that had been arranged by your commission with the consent and approval of Mr. John F. Weyler, Warden Emeritus, and Mr. John F. Leonard, Warden. We read them the form of letter, impressing upon them that this was simply providing an opportunity for a free expression without hope of reward or fear of discipline for anything contained in their communications; that the same would not be inspected by the authorities of the prison, and that we would call in person the following Sunday and would, in person, receive from each his sealed communication. Before leaving, we gave to the Warden for distribution to each inmate the circular letter with paper for reply and self-addressed envelope to be used for transmitting their sealed replies. These envelopes

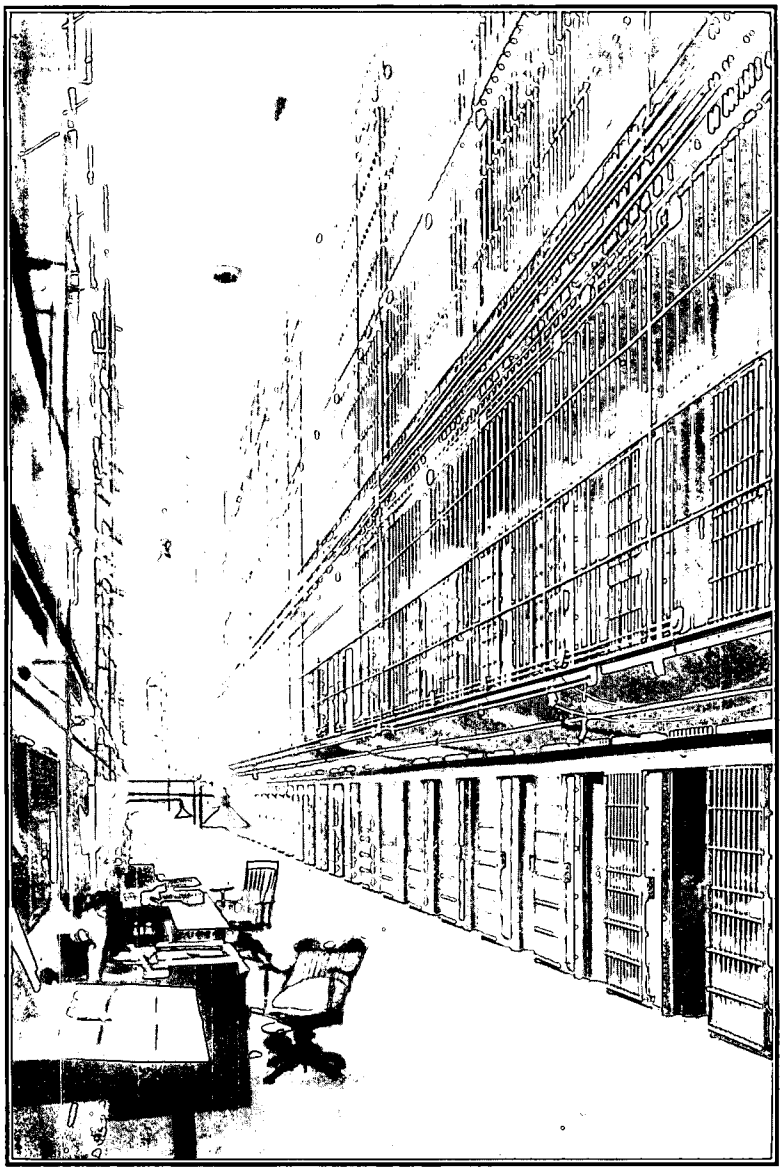

PLATE No. 2. WEST WING—NEW BUILDING.

were faithfully distributed by the Warden so that each inmate promptly received one, and on the following Sunday, at twelve o'clock, as the inmates came from their cells on their way to dinner, we stood at the entrance of the dining-room with large baskets and personally collected from each inmate desiring to communicate with us his sealed reply. There were few men who failed to give us sealed communications.

Because of the length of these replies, ranging from one to forty pages each, and because of the character of the chirography, the work of reading them was a long and tedious task, they being over eight hundred in number.

Your Commission has had the advice of many of the leading wardens of the penal institutions in the United States and Canada on points relating to the management of the Maryland Penitentiary, and has visited eight penal institutions in other States and Canada, accompanied by Mr. Joseph P. Byers, of the Board of Charities of New Jersey, and General Secretary of the National Prison Congress, a recognized authority on prison management. Mr. Byers was chosen by the Commission because of his high standing as a penologist and because of his practical experience as a successful warden in several of the large institutions of the country. We desire to acknowledge his valuable services and our appreciation of his aid in assisting us not only in examining into the conditions of the Penitentiary, but in enabling us to examine and comprehend the inner workings of the other institutions.

We have had the benefit of consultations with and advice from Dr. Winford T. Smith, Superintendent of Johns Hopkins Hospital, and Dr. Adolf Meyer, Professor of Psychiatry at the Johns Hopkins, each of whom spent several hours with us in an inspection of the prison.

The Commission is under obligations to Prof. John H. Wigmore, Dean of the Northwestern University, Chicago; to Mr. Amos W. Butler, Secretary of the Indiana Board of State Charities; to Mr. O. F. Lewis, Secretary of the New York Prison Association; to Deputy Scott M. Woods and Rev. Charles M. Miller, respectively, Deputy Warden and Chaplain of the Western Penitentiary of Pennsylvania, at Pittsburgh;

Dr. James A. Leonard, Superintendent of the Ohio Reformatory, at Mansfield; E. J. Fogarty, Warden of the Indiana Penitentiary, at Michigan City; Emily E. Rhodes, Superintendent of the Woman's Prison, at Indianapolis; Dr. J. T. Gilmour, Superintendent of the Central Prison, Canada, and the Penal Farm, at Guelph; George W. Benham, Warden of Auburn Prison, at Auburn, N. Y.; Patrick J. McDonnell, Superintendent of the New York Reformatory, at Elmira, N. Y.; Dr. Catherine B. Davis, Superintendent of the New York State Reformatory for Women, at Bedford Hills, N. Y.; and to members of the Prison Congress, recently in session in Baltimore, with whom we conferred. More detailed reference to the institutions referred to above is contained in the body of the report and in Appendix A, being a report of our trip of inspection.

PART I.

GENERAL DESCRIPTION OF THE MARYLAND PENITENTIARY.

The Maryland Penitentiary is situated in the heart of the City of Baltimore, on the east bank of Jones Falls, within sight of Union Station, and bounded by Eager, Forrest and Madison streets. It covers about six and a half acres. The original building was completed in 1811.

Cell Capacity.

In the annual report of the Institution of 1911, a historic sketch of the Maryland Penitentiary is given, which we reprint as Appendix B. What is termed the new building was completed in 1899. The erection of this building was due to the earnest efforts of Warden Emeritus Weyler, who for years urged upon the public the necessity of enlarged capacity and modern facilities at the Penitentiary. It is a modern structure of granite. In the west wing are five hundred and forty cells; in the south wing two hundred and eighty; in the female de-

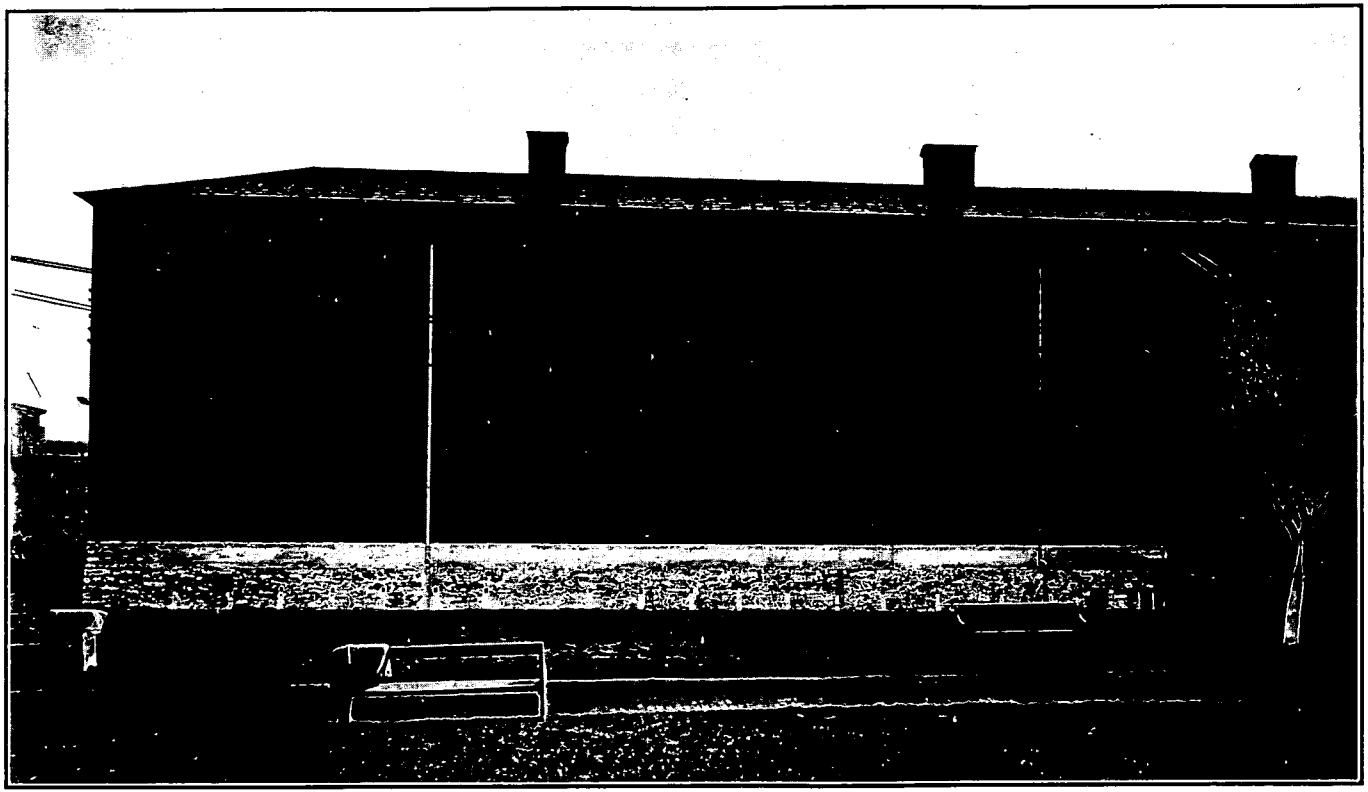

PLATE No. 3. OUTSIDE VIEW OF OLD "G DORMITORY," SHOWING 6-INCH CRACKS FOR LIGHT AND VENTILATION.

partment, one hundred and thirty; and in the old building, known as G dormitory, three hundred cells, of which the ground tier contains sixty dark cells. C dormitory, also an ancient building, contains one hundred cells. Out of this total number of thirteen hundred and fifty cells, only eight hundred and twenty are modern cells available for male prisoners.

B Dormitory.

In addition to the ancient structures known respectively as G and C dormitories, there is another building adjoining C dormitory known as B dormitory, being about double the size and capacity of old C dormitory with its dungeon-like cells. The building is not now in use, except the ground floor as a junk room for ladders and paints, while the upper tier has become a filthy roost for large flocks of pigeons regularly roosting there. The excrement from these birds covers the entire foot runs of the upper tier, where it lies in caked masses, several inches in thickness, as shown in the accompanying illustration. (Plate No. 1).

G Dormitory.

G dormitory, having three hundred cells, is in constant use, though not taxed to its entire capacity. Shortly after the beginning of our investigation, we were informed by Warden Leonard that he had decided to discontinue the use of the ground tier of cells, namely the dark cells, but about one hundred prisoners are domiciled in G dormitory on the upper four tiers of cells, of which plate No. 9 is an interior view taken down the main corridor.

West Wing Dormitory.

The modern structure known as the west wing, and consisting of five tiers of cells, including the ground floor, consists of two double inside cages containing rows of cells five and a half feet by nine, inside measurements, with a ceiling eight feet high, with a bowl of running water in the rear of each cell to the left, a low covered toilet to the right, and with an iron bed frame attached to the steel wall so that it may be folded up and hooked when not in use. There is one electric burner

in each cell, and the ordinary system of automatically locking an entire tier of cells from one end is employed. The footways along the tiers are entirely enclosed in the steel cage. The building is heated throughout by steam. (For view of West Wing see Plate No. 2).

Cells in G Dormitory.

The three hundred cells in G dormitory are three feet six inches wide, by nine feet long, and seven feet high, and the only outside light and ventilation for these cells comes through a brick wall two feet thick by means of a crack three feet high and six inches wide. (See Plate No. 3). These cells have neither wash bowl nor toilet, but the out-of-date and unsanitary filth buckets. The remaining sixty cells on the ground floor tiers are dark cells of the same dimensions, having no outside ventilation except through a small pipe hole in the wall, and are enclosed by huge iron doors, in the form of a gate with iron strips or pickets about three inches wide and a space between the iron strips about two inches wide, admitting no light except such as may come through these cracks from the central, poorly lighted corridor.

Female Department.

The women's department is a building of modern structure with five tiers of cells caged with steel bars and containing in all one hundred and thirty cells. These cells are five feet three inches wide, nine feet seven inches long and eight feet high, with bowls of running water and iron bed frames suspended from the side of the wall, and are each equipped with one electric burner, and are locked by the tier automatic locking system, being in all respects similar to the cells in the west wing of the male department. The women's department has an interior series of dark cells, six in number, without outside light or outside ventilation, each dark cell being four feet by eight with a ceiling eight feet high, the walls and ceiling being whitewashed. The doors of the dark cells are of solid steel, with an opening about the elevation of the chin, ten inches long and six inches wide, through which food and drink may be passed to the inmate. They contain no beds, springs,

PLATE No. 4. BATHROOM.

frames or boards, nothing but the cement floor, no furniture, in fact nothing but the wash bowl and toilet. (See flash light photograph, Plate No. 14).

Bath-Room. The bath-room is one large basement room, about ninety feet wide, by one hundred feet long, to a ceiling seven feet high, with a cement floor and natural drains. Showers are provided in regular rows, so that about one hundred persons can bathe at one time. Around the four sides of the wall are low wooden benches, and a slightly elevated latticed wooden footway about three feet wide, on which the men stand when dressing. There is no provision for privacy in the bathing arrangements. The room is well lighted by electricity and well heated by steam. (See Plate No. 4).

Dining-Room. The dining-room is a one-story building situated in the centre of the court or square inside the building and shops. It is about fifty feet wide by about two hundred and fifty feet long, well lighted by windows in close succession on all four sides of the room; and in the walls or upper part of the building are additional openings serving also for ventilation. It is well heated throughout by steam pipes running along the wall on all sides. It is unfortunate in having a wooden floor, which requires much time to wash and which is unsanitary for obvious reasons. Rows of tables attached to the floor are so constructed that all prisoners face one way, ten men sitting at each table on movable stools. The table is set with tin pans, with pepper and salt cans at each end of each table, being, therefore, one to each five men. The dining-room is not screened. (See Plate No. 5).

Kitchen. The kitchen adjoins the dining-room through an open space, and inside is about forty by fifty feet, having four metal cauldrons in the centre fed by steam pipes, each cauldron being six feet six inches in diameter and having a capacity of four hundred gallons. Against the wall are two copper coffee urns, with a capacity of two hundred and fifty gallons each; alongside of the coffee urns is a

double-top coal range. The kitchen has good ventilation from window openings in the arched ceiling, from five outside windows, and inside windows connecting with an open pantry. The floor is cement, dipping slightly to open drains. The kitchen is not screened. (See Plate No. 11).

Bakery. The bakery has twin brick ovens, each with a capacity of six hundred loaves, the loaves being eight inches long and weighing about a pound and a half each. Against the wall stand open bread racks sufficiently large to hold two or three days' baking. The output of an average baking is sixteen hundred to eighteen hundred loaves. The bakery is also equipped with an electric dough mixer No. 4, which holds one trough of dough at a time. Two troughs of dough constitute the amount of bread baked at one time. The capacity, therefore, of the dough mixer is about one-half the capacity of the oven. The room is well lighted, well ventilated, has a cement floor and clean whitewashed walls.

Shirt Shops. The shirt shops, consisting of one long room called the cutting department, occupying part of the entire floor, with the sewing-room above and packing and shipping rooms adjacent, are well-lighted and well-ventilated rooms, comparing, we think, most favorably with the general run of similar free shops. For picture of the cutting room see Plate No. 16, and for the central view of the sewing-room, with its double rows of machines operated by electricity, see Plate No. 17.

Brush Shop. The brush shop is perhaps as modern in its character as any shop in the Institution. It is well lighted, well ventilated, and, while having no waste of space, seems to have ample accommodation for the number of prisoners working there.

Foundry. The foundry, as foundries go, may also be said to be well lighted and ventilated and of fair size, though perhaps a little cramped in space. (See Plates Nos. 18 and 19).

PLATE No. 5. DINING-ROOM.

Scratch Room.

The scratch room, as it is commonly called, or the place where the castings are ground and polished off on emery wheels, is not up to the mark. It is congested, poorly lighted, has a low ceiling, and is without proper air and ventilation.

Hospital.

The hospital is not a modern structure. The tubercular wards consist of two communicating rooms opening on to the main corridor and separated from the rest of the hospital only by keeping the doors closed. There is a small surgical room and apothecary shop with a fair supply of instruments and medicines in the constant charge of a physician inmate doing a ten-year sentence. The general hospital ward has a row of steel cages inside the room against the wall so constructed that only the outside cage gets the sunlight.

Yards.

What is known as Yard No. 1 is of irregular shape, bounded on the north by the west wing, on the east by the central building, on the west in part by the power-house and the remaining part of the prison wall and on the south by the dining-room. This is about one hundred feet wide from north to south, that is from the west wing to the dining-room; and about three hundred feet long from east to west, to the line of the power-house, and extending back to the west wall a further strip of one hundred and twenty-five feet by about forty. There is a fountain and an elevated grass plot occupying most of this yard and seriously interfering with its use for any purpose. For view looking from the central building to the power-house with the dining-room to the left and the west wing to the right, see Plate No. 6. Passing with a reference two small yards used for handling and storing material for the several contracting companies, Yard No. 4 may be described as being about 311 feet from east to west and about 57 feet from north to south, with G, C and B dormitories abutting on the south side and the shirt shops on the north, and with a grass plot extension, toward the hospital, of about 100x100 feet. (See Plates Nos. 7 and 8).

PART II.

MANAGEMENT OF MARYLAND PENITENTIARY IN DETAIL.

Laundry.

The Laundry, which one of the prisoners not inaptly terms "a dye works," has four rotary tubs with a fifth one in a broken and dilapidated condition, one electric wringer, four or five small hand washing and wringing machines, one somewhat crude dry rack, and on the whole utterly inadequate facilities for anything like decent or satisfactory washing.

The laundry work done by the State is so wretched that the majority of the convicts have their clothes washed privately at an expense of fifty cents a month. (Record, page 66). It is easy to understand the general discoloration when there is no attempt made to wash separately the clothes of the men engaged throughout the week in the grime of the foundry. In connection with the laundry, it may be said in passing, that, where strict economy is sought in administration, it seems illogical to buy tallow for making soap and at the same time make no attempt to preserve any of the greases of the Institution.

We recommend the erection of a modern laundry which will afford proper laundry facilities for the inmates of this Institution, notwithstanding the fact that there has been an improvement made by which the foundry clothes are now washed at a separate time from the general laundry.

Cells and Dormitories.

Bed-Clothing Dirty.

The cells throughout the Institution presented lack of uniformity in appearance, some being highly decorated not only with walls elaborately painted, but with a profuse collection of calendars, pictures and so forth, some supplied with

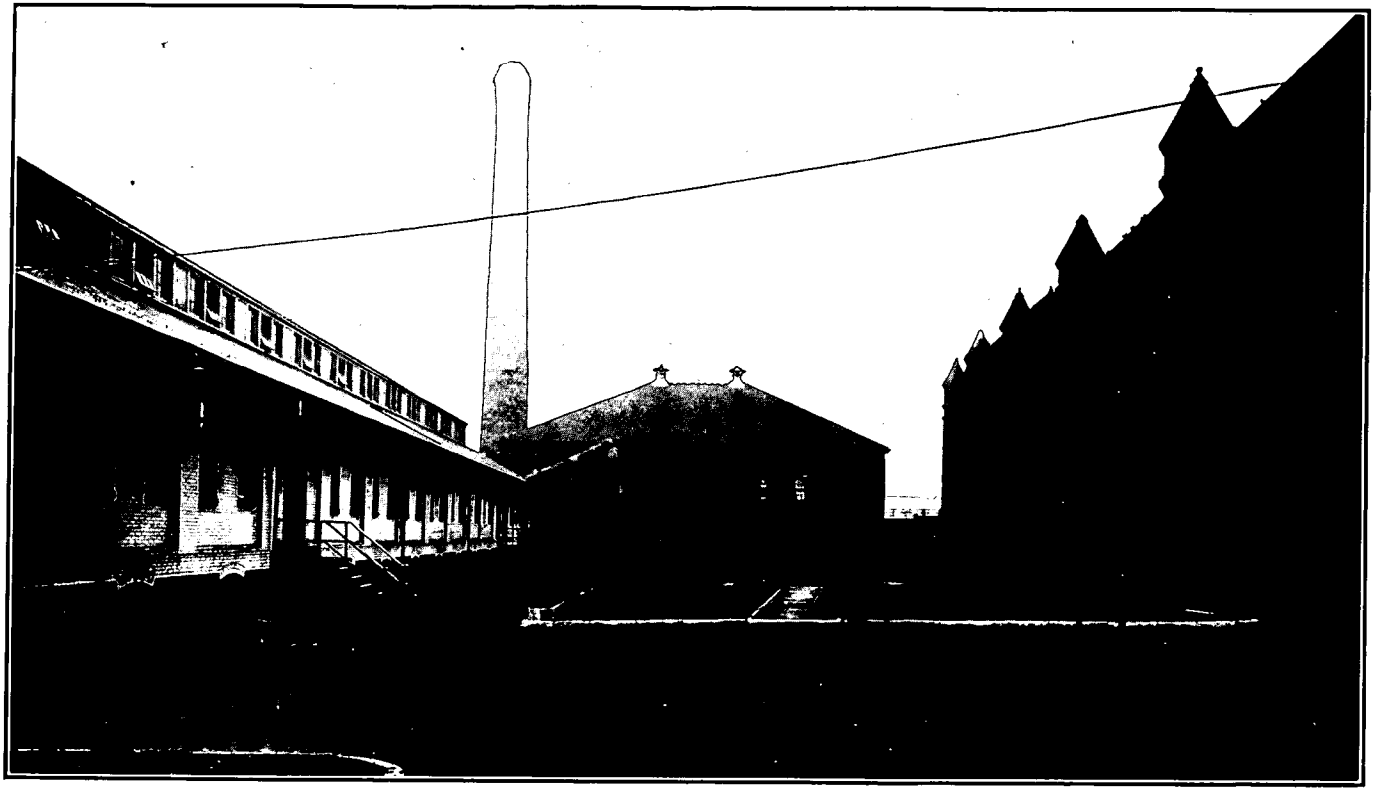

PLATE No. 6. DINING-ROOM TO LEFT. WEST WING TO RIGHT.

cushions, carpet, rocking chairs, tables, boxes, and stools, with little more than room enough left for the occupant to gain admission. Others are more or less barren, and no rule as to uniformity of furniture obtains. Much of the filthy condition of the cells may be attributed to laxity in not prescribing how much furniture and furnishings a cell may contain. The sheets, pillows, blankets and bed ticking were invariably dirty. In some cells the comforts were found to be so filthy that when the attention of the officer was called to them he apologized for them and said the goods should be condemned; the goods in this case being a cotton quilt or comfort, the property of the individual.

Hospital Infested with Bed-Bugs.

No justification or excuse can be found for the condition of the cells and dormitories including the hospital wards of both male and female departments. Bed-bugs were prevalent everywhere and, in the female department, on some of the mattresses of the cells then occupied by white women, hardly a square foot of ticking presented a surface free from stains of blood from bed-bugs. Bed-bugs were found in most of the cells inspected, and an inspection of the bed springs almost invariably disclosed a great accumulation of dirt. We found the men's hospital very little better in this respect than the general cells of the prisoners. Some days after our visit to the hospital when the attention of the officer had been called generally to the live bed-bugs found in the beds and the dirty condition of the mattresses, and to the bedsteads in particular, we again visited the hospital and found that they had put new mattresses with new ticking on the bedsteads, but had not cleaned the bed frames and springs, which were still infested with bed-bugs and covered with dirt.

G Dormitory Wholly Unsanitary.

In G dormitory, where one hundred men were occupying anciently constructed and entirely out-of-date cells, and where in the sixty cells of the ground tier, known as the dark cells, a number of men were constantly under going punishment of from one to ten days' confinement, the

conditions as to vermin were almost past belief as being possible in an Institution that was gratuitously turning into the State Treasury from thirty to forty thousand dollars a year.

We found men there confined in darkness without beds or mattresses, with nothing but a board slightly elevated from the brick floor, the underside of the board covered with cobwebs and every crack lined with a white row of bed-bug eggs, and infested with live bed-bugs, the men complaining of sleepless nights due to the prevalence of vermin and the presence of rats. The testimony of Officer Buckley, the man in charge of G dormitory and the one personally responsible for its condition, is of peculiar interest in the light of the last official expression of Warden Weyler in his annual report of 1911, in which he says, "the physical and sanitary condition of the entire Institution is almost perfect in every particular."

"Q. (Page 155 of our record.) Is it your work to see that G dormitory is kept in a sanitary condition?

"A. Kept in good order, yes.

"Q. Getting back to those cells that we visited yesterday, the ones that would be described as the west lower tier of G dormitory that were opened yesterday, there were about ten cells on the right, were there not?

"A. Yes.

"Q. You told us something yesterday about how often they are cleaned and swept, what was that you told us?

"A. They are cleaned every time a man comes out of there; they are cleaned and swept and I see that it is done myself.

"Q. You say every time a man comes out of there, now I understood you to say so many times a week or something like that?

"A. Those cells are cleaned as soon as they are empty.

"Q. Suppose a man is in there ten days?

"A. Every day they are changed.

"Q. They are swept every day?

"A. Yes.

"Q. What does that sweeping consist of?

"A. Just sweeping dirt.

PLATE No. 7.

YARD 4—57 x 311 FEET.

"Q. And are they cleaned?

"A. Sometimes they are mopped with a wet rag. The floor is wiped up with a wet rag every morning. Every time there are changes made there is a change of the room made every day unless the cells are all occupied, and then I can not change them.

"Q. Regarding that wooden bed there on the floor, how is that cleaned, every day?

"A. That is swept off with a wet rag every day, scrubbed.

"Q. The top of it?

"A. The top and bottom, too.

"Q. Is it turned over and wiped out underneath?

"A. Yes.

"Q. With a wet rag?

"A. Yes.

"Q. Every day?

"A. Yes, every day that they come out, every day that the cells have been occupied.

"Q. These cells yesterday that were visited, most of them were occupied, were they not?

"A. No, sir, only three.

"Q. Three of them were occupied, do you mean that those three had been swept out that day?

"A. Yes.

"Q. And the boards turned up and wiped off with a wet rag?

"A. Yes, yesterday morning.

"Q. If that was so, how would you account for all those cob-webs that were there?

"A. That I could not say. You will find just as many today as you did yesterday if you go down there. I do not know where the cob-webs come from.

"Q. What has been done to those beds in the way of bug juice being put on them for bugs?

"A. We have a sprayer that goes around once a week in every room.

"Q. Once a week?

"A. Yes, with gasoline, and he sprays every room.

"Q. Did you know those bugs were there?

"A. No, sir, I did not. If I had known they were there, I do not think I would have let you catch them.

"Q. Had you made an examination of them to find out if they were there?

"A. Every day.

"Q. Do you look for them?

"A. Yes.

"Q. Then why don't you find them?

"A. I don't know. My sight is not quite as keen as yours, probably.

Bed-Bugs.

"Q. You did not have any trouble in seeing them yesterday, did you?

"A. No, sir.

"Q. When you took the light there you could see the bugs coming out of every crack, there was no trouble in seeing them, was there?

"A. No, sir.

"Q. You could just take your jack-knife and stick it in the cracks and they would run out on each side?

"A. Yes.

"Q. There was no trouble in seeing the long row of egg shells on the cracks, was there?

"A. No, sir.

"Q. Wherever there were holes that the nails went through you could see all those bugs in there yesterday, could you not?

"A. Yes.

"Q. Did you usually take that light and hold it down and look at them in that way (referring to an electric bulb on a cord)?

"A. No, sir, the boards are taken up and mopped up right there.

* * * * * * *

"Q. There were bugs in every one of those bunks that we examined yesterday, were there not?

PLATE No. 8. YARD 100 x 100 FEET IN FRONT OF HOSPITAL.

"A. In the boards.

"Q. In every one of the ten cells that were opened?

"A. Yes.

"Q. We took the first ten right straight down?

"A. Yes, I suppose that being old wood that they will build there.

* * * * * * *

Rats. **"Q. Are there not a good many rats over there?**

"A. There are rats all through the place.

"Q. Are not the men in those cells troubled a great deal with rats at night?

"A. I believe they are, some of them; there is a little hole at the bottom of the gate, at the bottom of the door, in case a man wants a drink of water, or something like that, a man will come and pass them a drink of water through that, and the rats can get in there.

"Q. Have you not heard the men complain about rats being in there?

"A. Yes.

"Q. You hear them at night, don't you?

"A. I am not there at night, the day is enough for me.

"Q. But you believe the place is pretty well filled with rats, don't you?

"A. I have seen a great many there but I do not know as it is filled with them.

"Q. But you believe there are a good many rats over there in that building?

"A. Yes.

"Q. In regard to the cells on the *second tier,* over there in G dormitory, are the same precautions used against bugs, are they cleaned the same as you describe on the ground floor?

"A. They are worse than they are in the basement.

"Q. Why?

"A. I do not know, but they are occupied more by men and there is more stuff in the room, papers or clothes or something

like that. I think that would accumulate them quicker than it would in the basement."

Elimination of Vermin Practical.

We call attention here to the statement, made elsewhere in the description of our trip of inspection, that such institutions as the Indiana State Penitentiary are entirely free from bed-bugs and claim to have a bona-fide standing reward of ten dollars for a bug grown in the institution. The example of modern penitentiaries demonstrates that it is entirely possible to run a great institution of this character absolutely free from vermin, if the officials will use a sufficient number of convicts on state account in maintaining the cleanliness of the institution and not limit their efforts in the direction of sanitation to statements of a misleading and false character in their reports.

There are men engaged in the business of exterminating vermin who will guarantee at reasonable figures to utterly free any institution from them and maintain it in a cleanly condition for a reasonable annual retainer. Reference is here made to Exhibit A, being the testimony of an expert in this line as to the feasibility of the extermination of vermin and rodents and the willingness of such men as himself and others to take such contracts with public institutions, with a general indication as to the method and cost thereof.

Renovation of G Dormitory.

At the beginning of our investigation, G dormitory, with its ancient construction, its dungeon-like cells, the absence of running water and toilet bowls, necessitating the use of buckets, to which must be added its vermin-infested condition, was a place wholly unfit for human habitation. Since the early part of our investigation and upon our calling these conditions to the attention of Mr. Frank A. Furst, the President of the Board of Directors, G dormitory has been practically gutted, and efforts have been made to get rid of the vermin. The old corn husk mattresses on the upper tiers were slit, their contents baled and corn husk and ticking both were

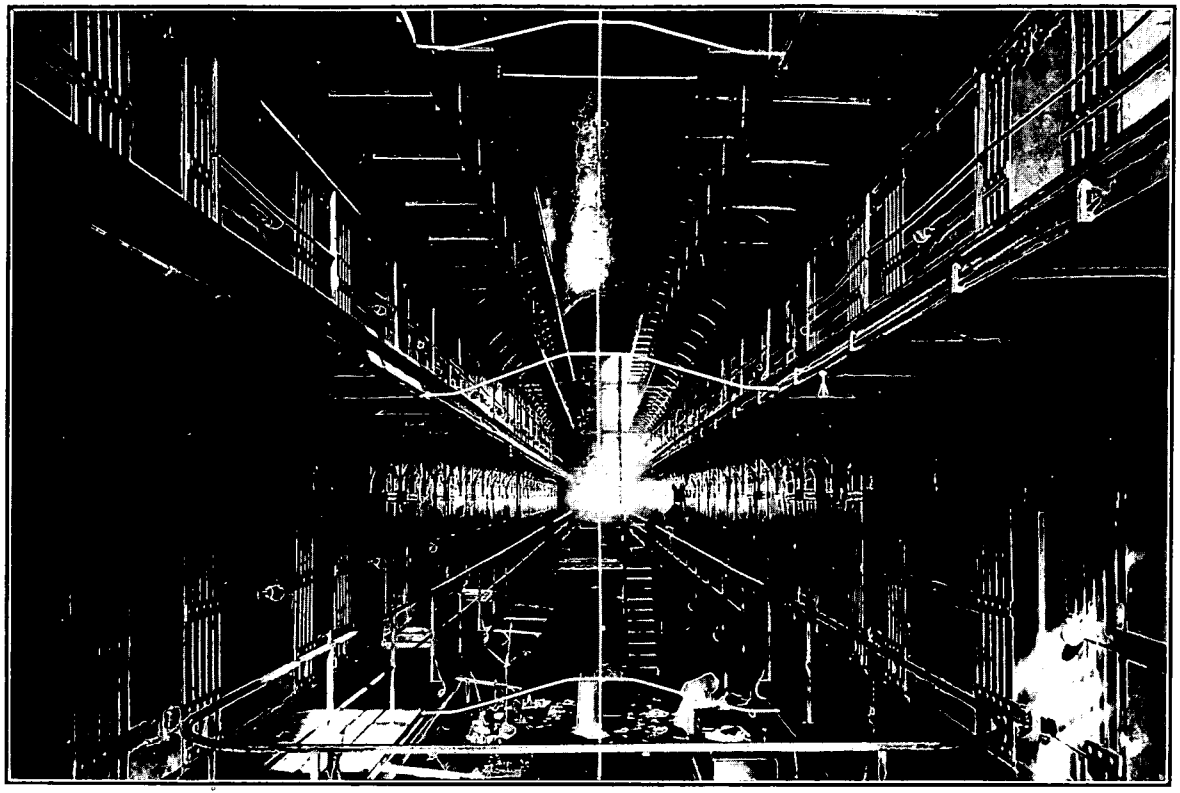

PLATE No. 9. "G DORMITORY"—AFTER RENOVATION.

burned in the furnace. We saw truck load after truck load being hauled across the yard to be consumed in this manner. The black paint on the iron slabs or pickets of the gate was burned off, and the black paint, with which the dark cells were coated on the inside, was taken off, and whitewash and lighter paints were used throughout. (See Plate No. 9).

Recommend Razing of C and B Dormitories.

These improvements have occasioned considerable expense, the annual report of 1912 showing an expenditure for this purpose in connection with some minor improvements and painting in other parts of the institution of five thousand, six hundred and seventy dollars and ninety-five cents. Were it not for the large cost of this alteration of G dormitory, we would recommend tearing it down, as we do the tearing down of C and B dormitories, the ground space of which could be used to far better advantage. (Plate No. 10, C Dormitory).

Food.

Complaints of Convicts.

The letters of the inmates are filled with complaints about the character and condition of their food. They state that the food is insufficient in quantity and inferior in quality; that it is often poorly cooked and at times rancid and nauseating; that the presence of cock-roaches in the food is a common occurrence, and that the tin dishes and table ware are not properly cleansed. As a fair sample of the more intelligent complaints, verified by us from other sources, we insert the following:

"For the past *X* years that I have been here, the food has been exceedingly bad. In the soup, which is our main food, I have seen worms. The meat at most times has had a bad smell so as to turn any man's stomach. * * * For the last *Y* years I have been eating alongside of *G*, who is serving a *K* year sentence, and I have seen him eat nothing but bread and water for eight and ten days because he had seen the worms in

my soup. It has only been a month ago that I remarked to the instructors I am under, that we were getting worms in the soup and they would not believe it, so I brought them a bottle of the soup the next day and showed it to them. These instructors are *A* and *B* and I can assure that they would tell you about it if they were asked."

Another convict who writes what we believe to be a very conservative and absolutely fair-minded letter, says:

"It, however, does not require extended observation to see very clearly that there is little or no attention paid to cleanliness in the preparation of the food. The kitchen may appear quite clean, but it must be full of roaches, for in my short experience I have taken three out of my soup—two in the dinner soup that were well grown and no doubt got in in the kitchen, and one in my breakfast soup that was very small and probably was one of those that run over the benches, from which we eat. These benches appear clean, and yet as soon as any bread is put on them, the roaches appear. They must want cleaning underneath. I am told that the cooks care nothing for cleanliness and that when roaches fall in the soup they do not take them out, but stir them in, as it is easier.* * * It is very hard to eat food that you know is not clean and to pick three roaches out of your food in ten days and then have to eat it is enough to turn the strongest stomach. * * * Referring again to the food, there are many little things which have been improved even in the last week. The bread is better and whiter. The pans from which the food is eaten were about half replaced with new ones about the middle of the present week, and the old ones are cleaner. The benches from which we eat are much cleaner."

Cock-Roaches in Kitchen and Dining-Room.

It is true that cock-roaches are commonly found in the dining-room and that there is no systematic attempt to eradicate them. (Record, page 405). In the kitchen we found conditions bad. The cooking utensils, including the large steam kettles for cooking cereals, soups, vegetables, etc., contained a number of live cock-roaches when

PLATE No. 10. "C DORMITORY," HAVING NO LIGHT OR VENTILATION FROM REAR OF CELLS, BUT ONLY SUCH AS THESE FRONT DOORS ADMIT.

not in use, and we have no doubt an equally large number of dead ones when in use. We here quote an extract from the testimony of Officer Wollering, the chief steward, who is in charge of the culinary department. (Record, pages 401-402).

Q. "Yesterday when we came through there, you remember that we opened those three big cauldrons in the middle; there were roaches running around the cauldrons, were they not?

A. "But when you put the steam on, they run out." (See Plate No. 11).

Kitchen not Screened.

The presence of roaches in the food is evidently due to their being scalded in the cauldron. The kitchen is not equipped with screens (Record, page 1234) and the garbage is kept in the rear of one of the buildings and offers a breeding ground for myriads of flies. On one of our inspections during the hot days around the first of last September, we found several of these barrels uncovered.

No Proper Refrigeration.

The prison has no adequate refrigerating facilities; it only possesses an ice box with dimensions over all of 10 feet long, 12 feet wide and 8 feet high. The receptacle in which the ice for this box is kept measures 3½ feet by 7 feet, and holds four blocks of ice. The meat, even in the summer, is left lying without the application of ice at times for two or three hours after delivery by the butcher. In view of this, we believe the complaints that during the summer there is a frequent occurrence of rancid meat at the prisoners' table.

Installation of Ice-Manufacturing Plant and Refrigerating System.

Even with the inadequate refrigeration at the Institution, an average of twenty-seven thousand pounds of ice a month is consumed throughout the summer. It would seem advisable to consider installing an ice-manufacturing plant, particularly in view of the provision which should be made for more thorough refrigeration. We recommend the installation of an adequate refrigerating system.

Advisability of Garbage Report.

As a further guarantee against serving spoiled food to the prisoners, we recommend the adoption of a practice in force at the Indiana State Prison of Michigan City. The Warden there requires a daily garbage record to show the amount of the various kinds of food wasted at each meal; by this method the average waste of each kind is ascertained, and whenever an item shows an abnormal waste, the Warden immediately inquires into the reason why the convicts refuse that particular article of food. If he ascertains that it is spoiled, he looks to the cause, and sees that it does not occur again. In this way a most efficient daily check is kept upon the food furnished the convicts and the chances of supplying spoiled and rancid articles of food are minimized. (See Exhibit B).

Comparative Food Cost: 1911 to 1912.

We find the greatest difficulty in conclusively determining whether or not the convicts are receiving a reasonably sufficient quantity of food, as likewise in determining how the food supply, since the investigation, compares with the food supply prior thereto. As would naturally be expected, the per capita cost of food has been increasing since the year 1900. We herewith append a table taken from the last thirteen reports of the Institution:

For fiscal year ending—	Per Capita Cost of Food.
November 30, 1900	$27.93
November 30, 1901	29.16
November 30, 1902	26.78
November 30, 1903	27.95
November 30, 1904	28.58
November 30, 1905	26.16
November 30, 1906	25.14
November 30, 1907	26.56
November 30, 1908	31.05
November 30, 1909	30.57
November 30, 1910	33.18
November 30, 1911	35.89
November 30, 1912	42.69

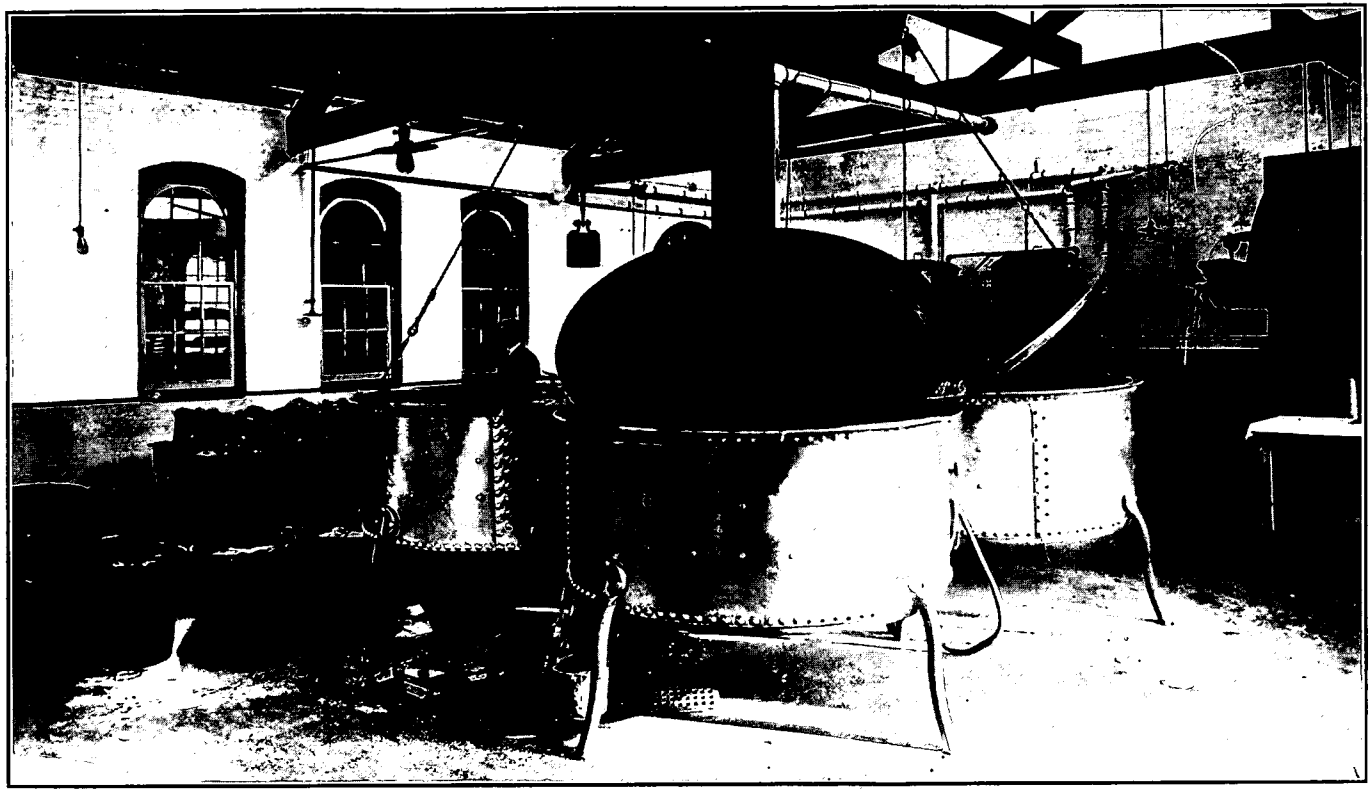

PLATE No. 11. KITCHEN CALDRONS. "WHEN YOU PUT THE STEAM ON THE ROACHES RUN OUT."

We also here append a table showing the comparative per capita cost of food for the last six months of 1911 and 1912, respectively. We have taken the last six months of 1912 as the approximate time covered by our investigation:

	1911.	1912.
July	$3.30	$4.26
August	3.10	3.56
September	2.85	3.55
October	3.15	3.84
November	3.22	4.35
December	3.37	3.23
Per capita cost for 6 months.	$18.99	$22.79

Chief Steward: His Qualifications.

It is apparent from the above given figures that the increase in per capita cost of food during 1912 over the per capita cost during 1911, greatly exceeds the average increase per capita cost for each succeeding year of the preceding eleven years; but more important than the actual cash outlay for food, is the supervision of its preparation by competent and qualified men acting under a careful management. Food may be purchased from the best establishments, may be fairly high priced and of a good grade, but an incompetent steward, an incompetent chef, or generally lax management, may result in meals that are unsanitary and unwholesome. Touching upon the culinary management of the institution and the qualifications of its chief steward, Officer Wollering, we quote an extract from his testimony. He was questioned concerning the beef furnished the convicts (Record, page 376):

"Q. Is it the hind leg, or the front leg or the body or what is it?

"A. I could not tell you that; I do not know so much about an animal.

"Q. You know enough about a cow to know whether it is the front leg or the hind leg, don't you?

"A. I would have to see it on the cow first."

Meals Improved.

The convicts unite in stating that since the investigation the meals have improved vastly in quantity, quality, condition and manner of service. Dr. Schwartz comments on "the change in the daily diet of the prisoners within the past year." (Report, 1912, page 37). These statements are corroborated by Officer Wollering. (Record, pages 397-400).

"Q. Are the meals better this last couple of months than they have been heretofore?

"A. Yes, twice as good.

"Q. Are you buying more supplies of everything now than you have been buying heretofore?

"A. Oh, yes.

"Q. A great deal more?

"A. Yes, even in syrup, we buy 10 and 15 barrels at a time now.

"Q. Are you buying more coffee?

"A. Yes.

"Q. More sugar?

"A. Yes.

"Q. Are you buying any more flour for bread?

"A. About the same. * * *

"Q. Are you buying more potatoes now?

"A. Yes, and fine potatoes they are, too; they are the very best.

"Q. Are you buying more of everything than you ever did before?

"A. Yes, it is first class, and we are buying more of it, too. * * *

"Q. Do you use onions?

"A. Yes, we use three times as many as we did before, and tomatoes, too."

We know that, owing to the inadequate refrigerating facilities of the Institution, meat after being taken out of cold storage has been left during the summer time from two to three hours without the application of ice; that roaches are prevalent in the kitchen and in the dining-room; that the convicts are practi-

cally unanimous in their complaints of the filthy character of their meals; that the culinary management of the institution is culpably inefficient. We find that the welfare of the convicts in these respects has been grossly neglected, and that the food has often proven unwholesome and unfit.

Medical Attention.

Doctor's Hours.

The Maryland Penitentiary has a visiting physician with hours from nine to eleven and three to five (Record page 92). According to his testimony, Dr. Schwartz sometimes stays at the Penitentiary beyond these hours; but this is the average time spent by him on his work at the Institution.

The generally lax system of medical attention at the Institution we attribute in a great measure to the fact that a physician in a short space of four hours a day cannot properly attend to the medical work of an institution which comprises an average population in the neighborhood of one thousand inmates.

Entrance Examination Incomplete.

The examination which each prisoner undergoes on entering the Institution is incomplete; it does not include inspection of his eyes by an oculist, nor inspection of his teeth by a dentist. The doctor makes a superficial examination of the eyes and teeth, but there is no attempt made to ascertain diseases of the internal eye, and the teeth are not probed into to look for cavities or other internal defects. (Record page 1243).

Fragmentary Record of Entrance Examination.

The record of the prisoners' physical condition made from this examination is fragmentary and utterly inadequate. We here insert records of the entrance examination of two prisoners, which records have been furnished by the doctor at our request to select two at random:

STATE OF MARYLAND

vs.

X Y

Received Jan. 3, 1913.

Sentence 18 months.

4th term.

Age	68
Occu.	Laborer
Hgt.	5′ 7¼″
Wgt.	131
Phy. Cond.	Arterio Sclerosis. Irregular heart; cataract on both eyes.
Rating	Light work

WM. F. SCHWARTZ.

STATE.

STATE OF MARYLAND

vs.

A B

Received Jan. 16, 1913.

Sentence 1 year.

2nd term.

Age	24
Occu.	Laborer
Hgt.	5′ 5½″
Wgt.	151
Phy. Cond.	Sound
Rating	Any work

WM. F. SCHWARTZ.

STATE KITCHEN.

These notes of the entrance examination are made on the back of the prisoners' commitment and are filed in the central office, and not in the hospital files. Moreover, these records never contain a special reference to the character of the teeth or of the eyes unless there is some major deformity. (Record page 1245). It is safe to say from their incomplete nature that they furnish little, if any, information as to the physical condition of the prisoner examined.

No Periodical Inspection.

Outside of the entrance examination, the doctor only sees the prisoners on request; he makes no annual inspection of the prisoners, nor any periodical inspection of even the most cursory kind. (Record page 112-113).

Convicts Pay for Dental Treatment.

Except for the incomplete examination of eyes and teeth on entrance, there is no eye or teeth treatment given the convicts unless they request the same. There is a convict optician who does the optical work in the institution; but the dentist only comes to the Penitentiary on Sundays. The convicts have to pay for dental treatment (Record page

114); and, as we understand the Institution's system, if there did not happen to be an optician doing time at the Penitentiary, the convicts would have to pay for optical services also.

No Treatment for Feeble-Minded.

There is no scientific attempt made to ascertain the percentage of feeble-minded in the Institution. (Record, page 1252). On this head, the doctor was questioned in order to discover whether or not there were mental deficients in the Institution of such a pronounced type as to be benefited by mental treatment. (Record, pages 1254-5).

"Q. How many persons in the Institution, roughly speaking, do you think would be benefited by regular systematic mental treatment?

"A. A great majority of them.

"Q. The majority of the inmates would be benefited you say by regular systematic mental treatment?

"A. Yes."

If the foregoing statement is correct, we think it without question that some system should be devised by which the more pronounced cases of feeble-mindedness are given at least a rudimentary treatment. We do not, however, suggest the character of treatment which Dr. Schwartz endorses in the following extract from his testimony. (Record, pages 125-9):

Doctor's Heroic Remedy for Feeble-Minded.

"Q. What do you think the effect of the use of corporal punishment, such for example as the cuffing up or the use of the cat, would be upon those whom you class as mentally deficient?

"A. It will restrain them a whole lot.

"Q. Do you mean to say that it would do them good?

"A. Yes.

"Q. Then I should think they would use that method of treatment in some of these institutions for the insane and feeble-minded.

"A. But the other institutions are not under the discipline that they are under here. There, they are put in ad libitum,

and if they do not do as they tell them to do, they tell them to get out, or something of that kind.

"Q. Do you think if they had control over them, that it would be advantageous to use such corporal punishment as I have spoken of?

"A. Yes."

Doctor's Neglect of Duty to Prisoners in Solitary.

In one respect, the failure of the physician to visit prisoners except upon request is a direct breach of the rules and regulations of the Maryland Penitentiary. On page 22, under the head of "Duties of a Physician," the rules prescribe:

> "It shall be his duty to inquire each day of the Warden or Assistant Warden if any prisoners are confined in their cells or in their rooms, and if so, to visit them daily."

On August 20th, 1912, we took Dr. Schwartz's testimony, and he said that he had not been down on the ground floor tier of G dormitory for six weeks. (Record, page 108.) In other words, as all the dark cells in the men's department are on the ground floor tier of G dormitory, the Doctor at that date had not visited for six weeks a male prisoner in solitary confinement. From July 1st to August 30th, there were 69 prisoners in solitary confinement in G dormitory. This neglect to observe the quoted provision of the regulations was not merely an incidental one. The Doctor's custom is to visit the prisoners in solitary confinement only when they request his attendance (Record, page 124), and he has never been called upon by the Warden to observe the requirements of this regulation. (Record, page 124).

Section 561 of Article 27, Public General Laws, makes the willful omission or the refusal on the part of any officer of the Penitentiary to discharge any duty assigned to him by the rules and regulations of the Penitentiary punishable with dismissal, and with a fine of not less than $30.00 or more than $500.00.

Syphilis.

We believe the haphazard system of medical examination at the Penitentiary has resulted in a large number of cases of syphilis existing in the Penitentiary without detection. According to Dr. Schwartz's testimony, he used "606" on only three occasions from May, 1910, to August 29th, 1912 (Record, page 98), and by his report for the fiscal year 1912, it appears that only three cases have been given hospital treatment and only eleven visited on the Doctor's calls.

In the Western Penitentiary of Pennsylvania the resident physician from January 1, 1911, to September 19th, 1912, the date of our visit, used "606" on 159 patients. The institution has an average population of between eleven and twelve hundred, of which approximately twenty per cent. are negroes. The Maryland Penitentiary in 1912 had an average population of nine hundred and forty-one, of which approximately sixty-three per cent. were negroes. Your Commission has no means of causing a thorough examination of the inmates of the Maryland Penitentiary in order to ascertain the actual amount of syphilis in the Institution, but the glaring discrepancy in the number of cases found in the Pennsylvania institution as compared with the number found in the Maryland Penitentiary, seems to call for comment on our part. Dr. Schwartz does not seem to dispute the fact that there are more cases of syphilis in the Institution than he has discovered, but he justifies the small number discovered by remarking on the practical impossibility of ascertaining the presence of this disease. (Record, pages 98-99.)

We here refer to a few institutions where the physicians seem to have some successful test for ascertaining the presence of syphilis. In the California State Prison, at Folsom, according to the report for the year ending June 30, 1906, there was an average populatiou of one thousand and eighty-seven, of which seven per cent. were negroes, and three hundred and eleven cases of syphilis were treated during the year. In the Ohio State Penitentiary, according to the report for the year ending October 31, 1911, twenty-two per cent. of the population were negroes, and out of the total number of six hundred and

sixty-two convicts received during the year of the report, one hundred was found to have syphilis. In the Eddysville Branch Penitentiary, of Eddysville, Ky., according to the report for the year ending December 1, 1909, there was a population of six hundred and fifty-eight, of which seventy per cent. were negroes, and there were one hundred and thirty-four cases of syphilis treated in the year. In many other institutions the per cent. of syphilis discovered is much higher than in the Maryland Penitentiary; and again in other institutions the percentage is about equal, or in some few cases even lower. We do not believe, however, that negative proof in this respect is any proof at all. Where this disease is found in the same percentage as, or in a lower percentage than, in the Maryland Penitentiary, we think the result is due to the fact that the proper test has not been used to ascertain its presence. This, however, is a subject on which your Commission cannot speak with any degree of certainty, as we do not possess the technical knowledge necessary for such a discussion. We do, however, believe that it is a matter of common knowledge, that in an institution containing nine hundred and forty-one of the lowest grade of men, sixty-three per cent. of whom are negroes, there must be more than fifteen afflicted with syphilis. The inadequacy of the number discovered is even further illustrated by taking the number of cases discovered in the past two years, and contrasting such number with the number of convicts under the Doctor's care. **From December 1st, 1910, to November 30th, 1912, there were in all twenty-five cases of syphilis treated by the physician, and during that time one thousand eight hundred convicts were under his supervision.**

Wasserman Test for Syphilis.

The Wasserman test is a well recognized means of discovering the presence of this disease, but it is not used by Dr. Schwartz. (Record, page 99). We are advised that, at a very small expense, an arrangement could be made with an expert, connected with the Johns Hopkins Hospital, by which blood specimens of the convicts may be transmitted to him to be tested by the Wasserman test.

Segregation of Syphilitics.

According to Dr. Schwartz only one syphilitic prisoner has been segregated during the past year, and that one has been discharged. (Record, page 1236). We here call attention to the report of the physician contained in the Biennial Report of the Western Penitentiary of Pennsylvania for the year ending December 31, 1910 (pages 78-79): "Syphilis is another disease that demands our special attention among prisoners. This disease, which is directly responsible for numerous ills, affects every part of the body and remains transmissible for years and generations. On January 1, 1911, one hundred and twenty-two prisoners were receiving anti-syphilitic treatment, many of the cases being in the most highly infectious stages. In these stages it is readily communicated to non-syphilitics through the use of eating and drinking utensils used in common. Steps should be taken for the complete segregation of this class of inmates, as well as for the tubercular."

Incipient T. B. Discovered When Public Nuisance.

The fact that cases of incipient tuberculosis must have existed in the Institution for some time before discovery is demonstrated by the following extract, showing the entire lack of any systematic inspection of any kind whatsoever: (Record, page 118).

"But the point I am driving at is, that unless these cases are detected in their incipient stage you must have men working in the shop who endanger the men who work with them; isn't that so?

"A. If there is anything like that, if a man has an unbearable cough or a very noticeable cough, something that distracts the rest of the operators in the shop, he would be reported by the officer even though he does not want to come to me himself."

It should be here observed that the tuberculin test is not used by the doctor. (Record, page 119.)

When Dr. Schwartz came to the Institution he found what in his opinion was not a thorough segregation of tubercular prisoners. (Record, page 1239).

Advanced Tuberculars in Shops in 1910.

"Q. When you came here you found a great many, you state, that in your opinion ought to have been segregated?

"A. Yes.

"Q. Have you any idea of how many tuberculosis patients that required segregation were working in the shops?

"A. I cannot say offhand.

"Q. I do not mean in accurate numbers, but there were several such cases, were there not?

"A. There were three that I recall that were in the shops.

"Q. Three cases that were in such a condition that they would readily indicate the disease as consumption?

"A. Yes."

Although a more complete segregation has been provided since Dr. Schwartz became physician, nevertheless we found a practice existing which in our opinion constituted gross negligence. The clothing and the bed clothes of the tubercular patients in the segregated ward are taken from there without being fumigated, "except once in a while" (Record, page 1287), and are washed in the general laundry of the women's department along with the clothes of the other hospital patients and in the same tubs where are washed the clothes of the female inmates. (Record, page 1350). The place used for this occasional fumigation is either the operating room or the toilet, dependent on which is in use. (Record, page 1347).

Death-Rate High. Tubercular Hospital.

According to Dr. Schwartz's testimony, (Record, pages 1239-1240), the death rate in the Institution from tuberculosis is very high in comparison with other penal institutions; and the general death rate is higher than in most of the Penitentiaries throughout the country. (See Exhibit C.) We believe that there are no proper opportunities for open-air treatment at the Institution, and that the general facilities for treating tuberculosis are inadequate. We adopt the recommendation of the Board of Directors contained in their report for the year 1912, as follows

(page 7): "We would earnestly recommend to your Excellency the advisability of the State providing a tuberculosis hospital in the very near future for such patients, for isolation being a prerequisite both for the successful treatment and the prevention of the spread of tuberculosis, and we being without proper facilities, the best interests of those within and without the prison walls would be served by an early construction of such building." We believe that such tubercular hospital should be located in the country.

Hospital.

We now describe the condition of the hospital when we visited it on September 8th, in company with Dr. Winford T. Smith, superintendent of Johns Hopkins Hospital. In general, the wards appeared clean; on examination, however, it was found that practically every bed was infested with bed-bugs. On two cots where it was pointed out that new mattresses had been supplied, no effort had been made to clean the bed frames or springs, and they were at that time filled with bed-bugs. The mattresses were of corn husk; no healthy man could be comfortable on them; and for a sick man they must be instruments of torture. In one part of the male ward there is a series of cells poorly ventilated and poorly lighted, each equipped with the very unsatisfactory bed in general use. In two of these cells were men critically ill. The above described conditions require no further comment on our part.

Corn-Husk Mattresses for Sick.

Convict Pharmacist.

The medicines furnished the convicts are compounded by an inmate doing a ten-year term for malpractice, who is the unofficial resident physician of the Institution. This, in our opinion, is totally wrong in principle, and furthermore is a clear and gross violation of Section 621 of Article 27 of the Code of General Laws, which reads as follows: "The patients may be nursed and attended to by convicts, but they shall not have charge of or access to the medicine at any time."

Women Unconscious Locked in Cell.

An occurrence should here be noted which shows just how faithfully the management of the Institution has observed the requirements of this statute. During our round of the women's cells on the above described day in company with Dr. Smith, we found two young white women unconscious in their cells. It appeared that one of them had been given medicine supposed to be bromide for nervousness and sleeplessness. We cannot say whether the medicine was taken as prescribed, or whether the girl took an over dose, but **in the cell of one of these young women we found forty-eight bottles of medicine in the bottom of the washstand,** each bottle being partly filled with some medicine that has been prescribed in the past. We think the records of medicine furnished these two women are of sufficient interest to set out at large in this report, particularly as they shed some light upon the nature of the examination given the convicts on entrance. It should be noted that both of these women are characterized as "sound" on the entrance examination records.

A "Sound" Prisoner.

MAMIE G * * * *.

Admitted November 21, 1911.

Date.		*Diagnosis.*	*Treatment.*
November	22	Entrance Examination	***SOUND.***
	23	Migraine	Tab. Bromide every 3 hours.
	27	Menorrhagia	Ergot 15 gtts. three times a day.
	28		Sputum Box.
	30	Rpt.	Acetanilid compound every 3 hours.
December	1	Menorrhagia	Ergot 15 drops 3 times a day.
	4	Rpt.	Acetanilid compound.
	6	Constipation	Compound cathartic pills.
	9	Conjunctivitis	Zinc Sulphate.
	10	Headache	4 Migraine Tablets.
	11		
	14	.....	Calomel ¼ every 15 minutes.
	15	Pharyngitis	Protoiodide of Mercury.
	19	Leucorrhoea	Douche.
	21	Pharyngitis	Gargle—Quinine & Salol.
	24	Coryza	Coryza tablets, 2 every hour.
	25	Rpt.	Quinine and Phenacetine every 2 hours.
	26	Menorrhagia	Hydrastis.
	29	Rpt.	Cough tablets every 2 hours.
	31		

Date.		*Diagnosis.*	*Treatment.*
1912.			
January	1	Rpt.	Protoiodide Mercury every 3 hours.
	2	Rpt.	Tr. Belladonna, Water ℥ss, every three hours.
	4	Rpt.	Proto-Iodide Mercury 3 times a day.
	8	Constipation	Salts.
	10	Rpt.	Sodium Salicylate every 2 hours.
	13	Conjunctivitis	Zinc Sulphate.
	15	Rpt.	Placebo.
	16		
	22	Rpt.	Placebo.
	24	Headache	Acetanilid compound.
	30	Coryza	Coryza tablets 2 every hour.
February	2	Leucorrhoea	Douche.
	3	Rpt.	Ammonium Chloride.
	6		
	8	Intest. intoxication	Calomel.
February	11		
	14		
	15	Rpt.	Ammonium Chloride.
	17		
	19	.....	Compound cathartic pills.
	20	.....	Bromide Solution.
	22		
	23	.....	Placebo.
	26	Rpt.	Acetanilid compound.
	27		
March	1	Rpt.	Calomel every 15 min.
	2	Rpt.	Dressing.
	6	Rpt.	Proto-Iodide Mercury every 3 hours.
	9	Myalgia	Calomel-Quinine and Salol every 2 hours.
	13	Rpt.	Bromide and Lupulin.
	14		
	19		
	22	Indigestion	Calomel.
	24		
	25	Coryza	Quinine and Salol.
	26	.....	Zinc Sulphate.
	28	Intest. intoxication	Calomel and soda every 15 minutes.
	29	Rpt.	Sodium Bicarbonate.
	30		
April	1	Rpt.	Zinc Sulphate after meals.
	2	Rpt.	Sodium Bicarbonate.
	4		
	5	Rpt.	Sodium Salicylate every 3 hours.
	6	Rpt.	Sol. Dilute Hydrochloric acid ℥ss before meals.
	8		
	9	Rpt.	Cascarine compound.
	11	Rpt.	Dilute hydrochloric acid.
	13	Rpt.	Dilute hydrochloric acid.
	14	.....	Placebo.
	15	Rpt.	Quinine and salol.

Date.		*Diagnosis.*	*Treatment.*
April	16	In her room, Rpt.	Acetanilid compound.
	17	Rpt.	Sodium chloride solution.
	18		
	22	Rpt.	Sodium Bicarbonate.
	24	In her room, indigestion	Acetanilid compound.
	25	Rpt.	Cascarine compound.
	27		
	29		
	30		Vaseline.
May	2		
	3	Rpt.	Hydrastis.
	4	Rpt.	Blank Pill pink No. II.
	5	Rpt.	Acetanilid compound.
	6	Rpt.	Bromide and Supulin.
May	7		
	8	Rpt.	Ergot 15 gtts.
	9	Rpt.	Sodium Salicylate every 3 hours.
	10	Rpt.	Hydrastis.
	11		
	13		
	14	Rpt.	Calomel Tab. No. VI. Ol. cloves drp. I.
	16	Indigestion	Sodium Bicarbonate.
	18	Rpt.	Proto-Iodide Mercury.
	21	Rpt.	Calomel Aromatic.
	23		
	28	Rpt.	Compound cathartic pills.
	29		
	31	Pharyngitis	Chlorate Potash Tablets.
June	1	Coryza	Coryza Tablets 2 every hour.
	3	Rpt.	Blank pill—blue—3 times a day.
	5	.....	Ichthyol ℥ss Olive Ol. ℥ii M Sig. to be applied locally to scalp.
	7		
	8	Rpt.	Blank pill—red—3 times a day.
	10	Rpt.	Sodium Bicarbonate.
	11	Rpt.	Salol every 3 hours. Valerian.
	12	Rpt.	Salol every 3 hours.
	13	Rpt.	Cascarine compound.
	15		
	17	Rpt.	Castor Oil ℥ii.
	18		
	20		
	21		
	24	Diarrhoea	.....
	26	Rpt.	Lead and Opium Pills No. 2.
	27	In her room, Rpt.	Tr. Opii—Bismuth subnitrate acacia ℥ii.
	28	Rpt.	.....
July	8	Diarrhoea	Lead and Opium Pills No. 2.
	17	Diarrhoea	Bismuth Tablets.
	18	Foreign body in ear. Rpt.	Syringe ear.

Date.		*Diagnosis.*	*Treatment.*
July	19	Rpt.	Calomel and wintergreen.
	20	Rpt.	Calcium sulphide every 3 hours.
	22	Rpt.	Calomel every 15 minutes.
	23		
	24	Menorrhagia	Hydrastis every 3 hours.
	26	Rpt.	Solution Gentian and Bromide.
	27		
	29	Rpt.	Carbolized Vaseline.
August	4	Rpt.	Tablets Sodium Bromide.
	6	Myalgia	Sodium Salicylate 3 times a day.
	7		
	8	Rpt.	Mist. Gentian Alkal ℥i after meals.
	12	Pharyngitis	Gargle.
	14	Rpt.	Mist. Gentian Alkalines.
	16	Rpt.	Bromide and Supulin.
	17	Rpt.	Hydrastis ℥i 3 times a day.
	19		
	20		
	22	Rpt.	Syringe ear.
	23	Rpt.	Hexamethylenamine.
	26	Rpt.	Sodium Bicarbonate before meals.
	27	In her room, Migraine	Drops III. Grs. xx. Tr. Belladona Bromide
	28	Rpt.	Gargle—Iron, Quinine-Strychnine and Arsenic every 2 hours.
	29		
	30	Rpt.	Iron-Quinine-Strychnine and Arsenic every 3 hours.
	31		
September	2	Rpt.	Iron-Quin. Strych. & Arsen.
	3	Rpt.	Bromide Potash. Agua Menth. pip. ℥ss.
	4		
	5	Rpt.	I. Q. S. and A. and Proto-Iodide Mercury.
	6	Insomnia	Blank pills—Pink No. III.
	7		
Date Found Locked in Cell Unconscious.	8	Rpt.	Renew Rx.
	10	In her room, chloral hydrate poisoning	Mist. Gentian Alkalines.
	12	In hospital, hysteria	Morphia ¼ hypodermically.
	16	Constipation	Sodium Phosphate ℥i.
	17	Rpt.	Lithia Tablets.
	18	Rpt.	Dobell's Solution.
	20	Rpt.	Lithia Tablets.
	23	Rpt.	Quinine and Phenacetine.
	24	Rpt.	Proto-Iodide Mercury.
	25	Rpt.	Calomel.
	26	Rpt.	Blank pills—red—every 3 hrs.
	27	Rpt.	Vaseline.
	28	Neurasthenia	Solution Bromide.
	30	Rpt.	Menthol Ointment.

Date.		*Diagnosis.*	*Treatment.*
October	1		
	2	Rpt.	Sodium Bicarbonate and Oil Cloves.
	4		
	7	.....	Bromide and Lupulin.
	8	Rpt.	Borax.
	9	Coryza	Coryza tablets 2 every hour.
	10		
	12	Rpt.	Calomel.
	14	Neuralgia	Quinine and Phenacetine. Creosoate and cotton.
	15	Rpt.	Sodium Chloride solution.
	17	Rpt.	Mist. Gent. Alkalinus.
	18	Rpt.	Acetanilid compound.
	19	Rpt.	Pill Hypophosphites.
	21	Rpt.	Blank Pill 3 times a day.
	23	Rpt.	Pill Hypophosphites.
	25	Rpt.	Salol.
	26	Rpt.	Calomel grs. V.
	28	Indigestion	Sodium Bicarbonate.
	30	Rpt.	Calomel gr. I. Pink 3 times a day.
	31		
November	1	Prt.	Ergot 15 drops 3 times a day.
	2	Rpt.	Sodium Salicylate mixture.
	4	Rpt.	Sodium Salicylate mixture.
	6	Rpt.	Sodium Salicylate mixture. Glycerine.
	7	Rpt.	Acetanilid compound.
	9	Rpt.	Sugar Water.
	11	Rpt.	Special mixture.
	12	Rpt.	Sodium Bicarbonate.
	13	Rpt.	Cascarine comp. solution.
	14		
	16	Rpt.	Calomel grs. V.
	18	Rpt.	Sodium Salicylate.
	20	Coryza	Quinine and Phenacetin.
	22	.....	Calomel grs. I. No. VI. every 3 hours.
	25		
	26	Rpt.	Proto-Iodide Mercury.
	27	Rpt.	Ammonium Chloride.
	29	Rpt.	Chlorate Potash tablets.
	30	Rpt.	Coryza Tablets 2 every hour.
December	3	Rpt.	Acetanilid Comp.—Vaseline.
	5	Rpt.	Proto-Iodide Mercury.
	6	Indigestion	Salts.
	9	Coryza	Coryza tablets 2 every hr.
	11	Myalgia	Sodium salicylate every 3 hrs.
	12		
	13	Rpt.	Sodium salicylate every 3 hrs.
	14		
	16	Rpt.	Sodium salicylate every 3 hrs.
	17	Rpt.	Acetanilid compound.
	18	Rpt.	Sodium salicylate every 3 hrs.
	20		
	21	Rpt.	Sodium salicylate every 3 hrs.

Date.		Diagnosis.	Treatment.
December	26		
	27		
	30	Rpt.	Calomel grs. V.
	31	Intestinal intoxication	Salts.
1913.			
January	2	Rpt.	Sodium Bicarbonate and Oil Cloves.
	4	Rpt.	Sodium Bicarbonate and Oil Cloves.
	8	Rpt.	Calomel every 15 minutes.
	9		
	13	Rpt.	Placebo.
	14		
	15	Rpt.	Calomel gr. 5.
	17	Myalgia	Proto-Iodide Mercury.

Another "Sound" Prisoner.

ANNIE G * * * *.

Admitted September 1, 1910.

Date.		Diagnosis.	Treatment.
September	2	Entrance Examination	*SOUND.*
	3	Coryza	Coryza tablets 2 every hr.
	6	.....	Salts—Sol. Kali. Acet. 3 times a day.
	13	Constipation	Cascarine comp.—Salts.
	16	Otitis	Syringe ear.
	17	Rpt.	" "
	18	Constipation	Cascarine Comp.
	21		
	22	Otitis	Syringe ear.
	24	Constipation	Salts—Aromatic Spirits of Ammonia.
	26	Myalgia	Tab. Sodium Salicylate every 3 hrs.
	28	.....	Salts.
October	1	Conjunctivitis	Zinc Sulphate gr. I. Boric Ac. Sol. ℥i.
	2	Constipation	Cascarine Comp. 3 times a day.
	4	Myalgia	Quinine capsules every 2 hrs.
	6	Conjunctivitis	Salts—Zinc sulphate in eyes in a. m.
	8	Rpt.	Zinc sulphate.
	11	Constipation	Cascarine compound.
	12	.....	Glasses No. 36.
	15	.....	Salts.
	18	In her room, Menorrhagia	Ergot 15 drops 3 times a day.
	19	Rpt.	Comp. Cathartic Pill after meals.
	22	Rpt.	Potasium Bromide grs. xx. Water ℥ss after meals.
	26	.....	Comp. Cathartic Pill— Aromatic Spts. Ammonia.
	29	Myalgia	Tab. Sodium Salicylate every 3 hrs.
	31	Rpt.	Tab. Ammonium Chloride 3 times a day.
November	2	Constipation	Cascarine comp. Syringe ear.
	5	Migraine	Migraine tablets 3 times a day.
	11	Rpt.	Syringe ear.

Date.		*Diagnosis.*	*Treatment.*
November	20	Constipation	Comp. cathartic pills.
	21	Rpt.	Comp. cathartic pills.
	28	Rpt.	Cascarine Compound.
	29		
December	2	Rpt.	Tab. Sodium Salicylate—Syringe ear.
	6	Rpt.	Quinine capsules every 2 hrs.
	9	Rpt.	Compound cathartics — Sodium Salicyl. every 3 hrs.
	11	Rpt.	Tab. Ammonium Chloride every 3 hrs.
	16	Rpt.	Cascarine comp. after meals.
	20	Rpt.	Arom. Spts. Ammonia.
	24	Rpt.	Compound Cathartic pills.
	26	Rpt.	Migraine Tablets.
	28	Rpt.	Quinine Capsules every 2 hrs.
1911.			
January	7	Indigestion	Tab. Bicarbonate of Soda after meals.
	11	Rpt.	Tab. Sodium Salicylate every 3 hrs.
	12	In her room, Menorrhagia	Hydrastis comp. ℥i every 3 hours.
	13	Rpt.	Spts. Nitre 10 drops. Water.
	14	Mastòiditis	Hot water bottle—syringe ear.
	15	Rpt.	Saturated Sol. Iodide Potash 15 drops 3 times a day.
	16		
	18	Rpt.	Syringe ear.
	21	Rpt.	Sodium Chloride Mixture.
	27	Neuralgia	Quinine capsules every 2 hrs.
	30	Pharyngitis	Gargle—Quinine every 2 hrs.
February	3	.....	Tablets acetanilid comp.
	7	.....	Salts.
	13	Constipation	Cascarine compound.
	15	Rpt.	Quinine every 2 hrs.
	16	In her room, Otitis	.....
	17	Rpt.	Solution Bromide—Syringe ear.
	18	.....	Salts.
	24	Rpt.	Syringe ear.
	27	.....	Aromatic Spts. Ammonia.
March	1	Myalgia	Sodium Salicylate every 3 hrs.
	3	.....	Arom. Spts. Ammonia.
	4	Rpt.	Ammonium Chloride every 3 hrs.
	5	Rpt.	Sodium Salicylate every 3 hrs.
	7		
	9	.....	Quinine and Salol every 2 hrs.
	10	In her room, Myalgia	.....
	12	.....	Sodium Bicarbonate.
	15	Rpt.	Sodium Salicylate every 3 hrs.
	21	Rpt.	Solution Bromide.
	23	In her room, Intest. Toxica.	Sodium Bicarbonate every 3 hrs.
	27	In her room	Placebo.
	28	.....	Sodium Salicylate every 3 hrs.
	29	In her room	Placebo 3 times a day.

Date.		*Diagnosis.*	*Treatment.*
April	3	.....	Tr. Iodine.
	8	.....	Liniment.
	13	.....	Placebo.
	16	.....	Rab. Acetanilid comp.
	19	Indigestion	Mist. Gentian Alkalinus ʒi after meals.
	22	Rpt.	Cascarine Compound after meals.
	27	Rpt.	Placebo.
May	2	.....	Sodium Bicarbonate every 3 hrs.
	12	.....	Cascarine compound.
	14	Rpt.	Mist. Gent. Alkal.—Acetanilid Compound.
	15		
	18	Nervous	Solution Bromide.
	20	Constipation	Compound cathartic Pills.
	22	Diarrhoea	Bismuth Powders every 2 hrs.
	27	.....	Liniment.
June	2	Rpt.	Spts. Ammonia Aromatic.
	5	Rpt.	Hoffman's Anodyne.
	7	Rpt.	Spts. Nitre 15 drops 3 times a day.
	8		
	9	Rpt.	Solution Bromides.
	12	Rpt.	Syringe ear.
	17	Indigestion	Sodium Bicarbonate.
	18	Rpt.	Salts.
	21	Rpt.	Lupulin.
	26	.....	Hydrastis.
	29	Rpt.	Salts.
July	1	Rpt.	Bromide Solution.
	4	Rpt.	Bromide Solution.
	8	Rpt.	Bromide Solution.
	14	Rpt.	Blank Pills—red—3 times a day.
	15	Otitis	Syringe ear with Permangan Potash..
	18	.....	Blank pills—pink—every 2 hrs.
	20	.....	Douche.
	29		
August	1	Rpt.	Bromide Tablets 3 times a day.
	4	Rpt.	Bromide Solution.
	5		
	6	.....	Acetanilid comp. Tab. 3 times a day.
	10	Rpt.	Compound cathartics 3 times a day.
	16	Rpt.	Tr. Valerian Solution ℥ss 3 times a day.
	24		
	30	Rpt.	Pill Lupulin and Bromide.
September	1	In her room, Headache	Syringe ear.
	2	Rpt.	Ergot 20 drops 3 times a day.
	12		
	16	Acne	Dilute Hydrochloric Acid.
	19	In her room, Headache	Spts. Nitre—20 drops.
	23	Rpt.	Spts. Nitre—10 drops Water ℥ss.
October	1	.....	Sodium Bicarbonate before meals.
	4	Rpt.	Bromide and Lupulin.
	14	.....	Spts. Ammonia Aromatic.
	22	.....	Placebo.

Date.		*Diagnosis.*	*Treatment.*
October	23	Rpt.	Sodium Bicarbonate.
	31		
November	10	Rpt.	Sodium Salicylate every 3 hrs.
	14	Rpt.	Castor Oil—Spts. Ammonia Arom.
	18	Rpt.	Tab. Acetanilid Compound.
	24	Adenitis	Solution Iodide Potash ℥ss 3 times a day.
December	5	Rpt.	Sodium Salicylate every 3 hrs.
	9	Rpt.	Acetanilid Comp. 3 times a day.
	11	Rpt.	Sodium Salicylate g 3 hours.
	20	Rpt.	Cascarine Comp. Sod. Salicyl. every 3 hrs.
	22	Indigestion	Sodium Bicarbonate every 3 hrs.
	24	Rpt.	Sodium Salicylate every 3 hrs.
	28	Rpt.	Sodium Bicarbonate.
1912.			
January	1	Rpt.	Sodium Bicarbonate after meals.
	4	Coryza	Quinine and Salol every 2 hrs.
	7	Constipation	Cascarine Compound.
	13	Conjunctivitis	Zinc Sulphate.
	23	In her room, Migraine	Bromide Tab. every 3 hrs.
	24	Rpt.	Plaster.
	29	Rpt.	Quinine and Phenacetine every 2 hours.
February	1	Neurasthenia	Bromide-Gentian and Capsicum.
	4	Myalgia	Sodium Salicylate every 3 hrs.
	12	Rpt.	Sodium Salicylate every 3 hrs.
	15	Indigestion	Sodium Bicarbonate.
	16	Rpt.	Acetanilid Compound.
	18	Otitis Media	Tr. Iodine and Alcohol 1-10.
	22	Rpt.	Hydrastis.
March	8	Constipation	Cascarine Comp.
	11	Rpt.	Acetanilid Comp. every 2 hrs.
	13	Rpt.	Calomel ¼ every 15 minutes.
	14	Indigestion	Mist. Gent. Alkal. and Cascara.
	22	Rpt.	Quinine and Phenacetine every 2 hours.
	26	Rpt.	Cough tablets.
	29	Rpt.	Calomel ¼ every 15 min.
April	2	Rpt.	Sodium Salicyl. every 3 hrs.
	5	In her room, Myalgia	Sodium Bicarb. grs. X. Pepsin grs. II. Bismuth Subnitrate grs. II. Powders.
	6	Rpt.	Acetanilid Compound.
	11	Rpt.	Mist. Gentian Alkal ʒi before meals.
	16	Rpt.	Bromide Solution.
	19	Rpt.	Acetanilid Compound.
	22	In her room, Myalgia	Ergot ℥ss M. sig. Tr. Gelsemium gtts. LXXII 20 drops Tr. Opii g. s. ʒi 3 times a day after meals.
	23	Otitis	Syringe ear.
	28	Rpt.	Acetanilid Comp.
	30	Rpt.	Cascarine Comp.
May	2	Rpt.	Calomel and Soda every ½ hour.

Date.		*Diagnosis.*	*Treatment.*
May	5	Rpt.	Sodium Bicarbonate.
	7	Constipation	Castor Oil.
	9	In her room, Coryza	Coryza Tablets 2 every hr.
	10		
	12		
	13	Rpt.	Acetanilid Compound.
	17	Rpt.	Cascarine Campound.
	18	In her room, Indigestion	Calomel.
	19	Rpt.	Plaster.
	20	Rpt.	Ergot 15 gtts 3 times a day.
	22	Rpt.	Bromide Tablets.
	26	Otitis	Syringe Ear with Peroxide.
	27	Rpt.	Sodium Bromide.
	28	Rpt.	Renew Rx.
	30	Rpt.	Salol every 3 hours.
June	2	Menorrhagia	Hydrastis ʒi 3 times a day.
	4	Constipation	Castor Oil.
	7	In her room, Enteralgia	Spts. Nitre 15 drops.
	8	Rpt.	Quinine and Salol.
	10	Vertigo	.....
	11	Rpt.	Calomel.
	12	In her room, Migraine	Spts. Ether Comp. 15 gtts. every 3 hours.
	14		
	16	Rpt.	Syringe ear—Castor Oil.
	17	Rpt.	Acetanilid Comp.—Oil.
	19	Rpt.	Cascarine Compound.
	23	Otitis	Permanganate Syringe.
	24	Rpt.	Sodium Salicylate every 3 hrs.
	26	Rpt.	Cascarine Compound.
	28	Rpt.	Calomel.
	29	In her room	
	30	Rpt.	Acetanilid Compound.
July	5	Rpt.	Acetanilid Compound.
	8	Rpt.	Sodium Salicylate every 3 hrs.
	10	Rpt.	Acetanilid Compound.
	13	Rpt.	Bromide Tablets.
	15	Rpt.	Phenacetine and Salol every 2 hrs.
	16	In her room, Migraine	Calomel and Wintergreen.
	17	.....	Milk toast.
	23	Rpt.	Quinine and Phenacetine every 2 hrs.
	25	Rpt.	Sodium Bicarbonate.
	27	Rpt.	Syringe ear with Peroxide.
	28	Rpt.	Acetanilid Compound.
	30	Rpt.	Cascarine Compound.
August	1	Pharyngitis	Acetanilid Compound.—Gargle.
	3		
	4	Rpt.	Tab. Sodium Bromide.
	5	In her room, Migraine	Ergot 15 drops 3 times a day.

Date.		*Diagnosis.*	*Treatment.*
August	6	In her room, Rpt.	.....
	13	Rpt.	Proto-Iodide Mercury 3 times a day.
	15	Rpt.	Solution Bromide and Gentian.
	18	Rpt.	Spts. Nitre-Kali Acetate-Water ℥ss every 3 hours.
	20	Rpt.	Emulsion Cod Liver Oil.
	22	Rpt.	Sodium Bicarbonate.
	26	In her room, Migraine	Mist. Gentian Alkelinus.
	28	Rpt.	Acetanilid Compound.
	30	Rpt.	Salol.
September	1	Rpt.	Syringe ear.
	3	Rpt.	Acetanilid Compound.
	5	Rpt.	Acetanilid Compound.
	6	In her room, Migraine	Tr. Gelsenium and Bromide.
	7		
Date Found Locked in Cell Unconscious.	8	Rpt.	Bromide Chloral & Gelsenium.
	10	In her room, Chloral hydrate poisoning	Mist. Gentian Alkalinus.
	11	Rpt.	Sodium Bicarbonate.
	13	In her room, Migraine	.....
	14	Rpt.	Acetanilid Compound.
	15	Constipation	Castor Oil.
	17	Indigestion	Sodium Bicarbonate.
	19	Rpt.	Cod Liver Oil.
	21	Rpt.	Hydrastis 3 times a day.
	23	Rpt.	Bromide Tablets.
	24		
	26	Rpt.	Blank Pills—red—every 3 hrs.
	28	Myalgia	Sodium Salicylate every 3 hrs.
	30	Rpt.	Acetanilid Compound.
October	3	Rpt.	Sodium Bicarb. and cloves.
	6	Rpt.	Tab. Ammonium Chloride.
	10	Coryza	Phenacetine and Salol every 2 hrs.
	13	Rpt.	Sodium Salicylate every 3 hrs.
	14	Rpt.	Calomel.
	16	Rpt.	Ammonium Chloride 3 times a day.
	17	Hematemesis	Calcium Chloride 3 times a day.
	20	Rpt.	Prepared Castor Oil.
	21	Anorexia	Calomel every 15 minutes.
	22	In her room, Intest. Intox.	Sodium Phosphate ℥i.
	24	Rpt.	Sodium Bicarbonate.
	25	Rpt.	Sodium Bicarbonate & Oil Cloves.
	26	Rpt.	Acetanilid Compound.
	28	Rpt.	Syr. Hypophosphites Comp.
	30	Indigestion	Sodium Bicarbonate.
November	1	Rpt.	Syr. Hypophosphites Comp.
	4	Intest. Intox.	Calomel.
	5	Rpt.	Syr. Hypophosphites Comp.

Date.		*Diagnosis.*	*Treatment.*
November	7	Rpt.	Acetanilid Compound.
	8	Rpt.	Ammonium Chloride 3 times a day.
	12	Indigestion	Sodium Bicarbonate.
	13	Rpt.	Syr. Hypophosphites Comp.
	15	.....	Ammonium Chloride.
	19	Rpt.	Sodium Bicarbonate.
	20	In her room, Headache	Calomel grs. III.
	21	.....	Syr. Hypophosphites Comp.
	22	Rpt.	Acetanilid Comp.
	26	Rpt.	Ammonium Chloride-Syr. Hypoph. Co.
	29	Coryza	Coryza Tablets, 2 every hour.
December	1	Myalgia	Sodium Salicylate 3 every 3 hrs.
	4	Constipation	Castor Oil.
	10	Coryza	Coryza Tab. Syr. Hypophos. Comp.
	13	Rpt.	Coryza Tab. 2 every hour.
	17	Anorexia	Calomel ¼ every 15 min.
	18	In her room, Rpt.	Sodium Bicarbonate.
	20	Rpt.	Sodium Salicylate every 3 hrs.
	24	Constipation	Castor Oil.
	28	Indigestion	Sodium Bicarbonate.
	30	Coryza	Coryza Tablets 2 every hour.
	31	Rpt.	Tr. Gentian Comp.
1913.			
January	6	Myalgia	Liniment.
	8	Menorrhagia	Bromide & Lupulin.
	9	Rpt.	Acetanilid Compound.
	10	Rpt.	Sodium Salicylate 3 times a day.
	13	Rpt.	Quinine Capsules every 2 hrs.
	17	Coryza	Quinine and Phenacetin.

Mrs. Riggin's Cabinet.

At a later date we examined Mrs. Riggin, the head matron of the women's department, and her testimony on that day (Record, pages 1272-1285) shows the lamentably lax methods that have been employed in dispensing medicines at the Penitentiary. It seems that she has in the women's hospital a cabinet containing various poisons and medicines of diverse kinds. Her fitness for managing the dispensing of these medicines to the inmates is perhaps best illustrated by the fact that she thought that antiseptic tablets were strychnine (Record, page 1257-1276). As a matter of fact, her testimony will show that she has not the slightest idea of what the various kinds of medicine are, and she attempted to excuse her ignorance on this subject by saying that she only kept specific medicines for women to whom she had been specifically directed by the

doctor to give them. We ascertained, however, that certain medicines were kept by her, even though the women for whom they had been prescribed had long since left the Institution or died. (Record, pages 1280-1282).

Recommended Employment of Resident Physician, Visiting Oculist and Visiting Dentist.

Our general impression of the medical system at the Maryland Penitentiary is that it does not provide sufficient attention to the prisoners and that the medical records are not sufficiently full or accurate. We recommend that a resident physician be employed and his entire time devoted to the medical needs of the Institution; that there also be employed a visiting dentist and visiting oculist, whose services in general are paid for by the State. Where any extraordinary dental or ocular treatment is necessary, then the prisoners should pay, if able; otherwise this should also be furnished by the State free of charge.

Weekly Medical Review.

In the Western Penitentiary of Pennsylvania the doctor stands and reviews the entire prison population twice a week. If from appearances any prisoner seems to warrant examination, the doctor has him step out of line for a personal inspection. We believe that this practice should be established at the Maryland Penitentiary.

Entrance Examination by Oculist and Dentist.

We believe that the entrance examination by the physician should be supplemented with an examination of the prisoner either upon entrance or shortly thereafter by an oculist and dentist. It is apparent that defective eyes and teeth perceptibly affect the whole temper of the convict and injure the general efficiency of his work.

Periodical Medical, Dental and Ocular Inspection.

We recommend a periodical examination of every convict in the Institution by the doctor and also by the optician and dentist. In other institutions of high grade, this periodical examination takes place annually. Whether or not an annual inspection should be adopted at the Maryland Penitentiary we do not care to recommend, but it is certain that the health of the convicts necessitates a periodical examination at some stated interval, and the advisability or inadvisability of their medical, dental and optical treatment should not be left to the discretion of ignorant and illiterate convicts.

Discipline.

The methods of discipline in use at the Maryland Penitentiary are antiquated and unnecessarily cruel.

How Sanitation Softened Discipline.

The cat-o'-nine-tails was freely used until six or seven years ago, when Mr. Weyler abandoned its use, because he believed it was a transmitter of disease. On numerous occasions he has stated that he did not think this method of punishment inhumane, but that it was abandoned solely for disease preventive reasons. The testimony of Warden Weyler in this regard is of sufficient interest to insert here (Record, pages 6 and 7):

"Q. You told us once orally, and we would like you to repeat it, the reason you had for the discontinuance of the cat?

"A. Well, the reason I had for the discontinuance of the cat was that I noted that of course in inflicting corporal punishment with a cat, as a rule the man's shirt is off and in applying the lash the third or fourth cut would likely open his skin or cut his skin open. Of course, if you use five or six or more, why, he would be cut open pretty badly. And the reason of it was that the cat of course became saturated with the blood of the man, and as a rule in the majority of these cases here they are more or less full of syphilis, I considered that to apply that

cat to the next man, which we usually did, sometimes we would have two or three at the same time, there would be a fight between them, and it would be at least two, frequently three, and you would take the next man and lick him with this same cat and you would open him, open his skin, and necessarily transmit whatever disease the first man had to the second, probably the third, and for sanitary reasons in the first place, I considered that it was not a good thing to use, and that is why I substituted the cuffs in place of it. There is another reason why, because with the cats, a man whose skin is broken, his back becomes very sore and it remains sore two or three weeks, and every time he removes his shirt or puts it on, he feels the pain of the cat's having been against him, and necessarily it arouses a bad spirit that is not very good. For that and for the sanitary reasons is why I changed from that to the cuffs. While a man is cuffed and is being hurt for the time the cuffs are on, when the cuffs are removed and he rubs his wrist, and the circulation is re-established, why there is nothing more to it.

"Q. Did the physicians have anything to do with suggesting that change or discontinuance of the use of the cats?

"A. No, sir."

This description of the practical application of the cat serves as some key to Mr. Weyler's understanding of what is and what is not cruel, and furthermore gives an accurate and faithful picture of a common punishment during approximately eighteen years of Warden Weyler's regime. (For whipping-board, see Plate No. 12.)

Are Women Whipped and How?

Your Commission heard testimony tending to prove that both white and colored women had been stripped to the waist and whipped with the cat. The information we received was sufficiently definite to warrant our examining Warden Weyler on this point. His testimony was as follows (Record, pages 76 to 80):

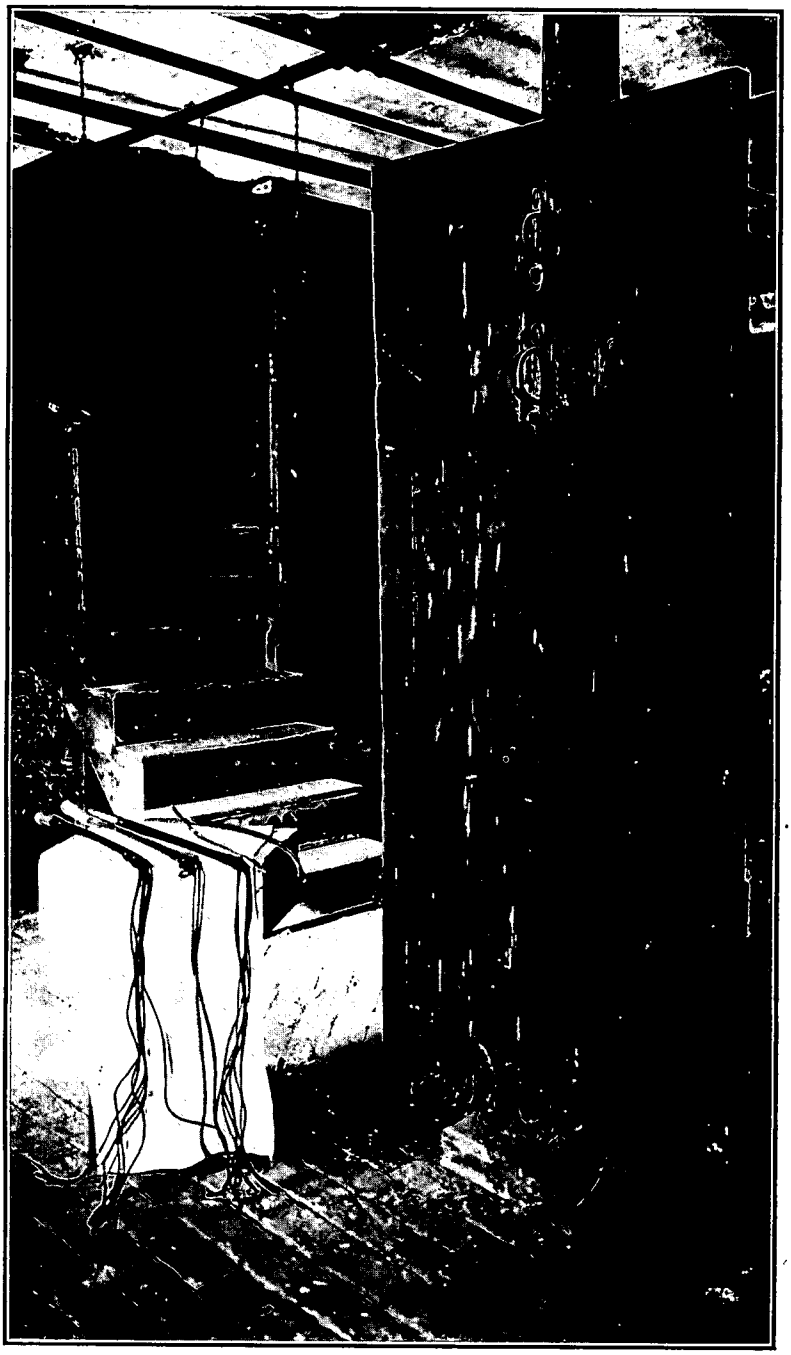

PLATE No. 12. WHIPPING BOARD AND "CATS."

"Q. (By Mr. O'Dunne.) Going back to discipline while I think about it, how are the women disciplined, what is the method of punishment of the women?

"A. Oh, well, of course, we lock them up, you know, in a room and get along the best we can. It is a hard matter with the women. We do not use any corporal punishment with the women.

"Q. Has there never been any used on them?

"A. Oh, several years ago I had some awful bad negro wenches that I did cuff up once or twice, but it is very seldom, and they were only the toughest cases.

"Q. None of the women were ever catted or whipped?

"A. No."

* * * * * * *

"Q. Are you perfectly positive about that statement that none of the women have ever been whipped over here?

"A. I do not remember of any.

"Q. Would it not have been such an unusual occurrence that you would have remembered it if it had happened?

"A. Yes, but I do not remember it.

"Q. Does the Warden direct the discipline of the women just the same as the men?

"A. Yes.

"Q. They come to your office just the same as the men?

"A. No, the Warden goes over there.

"Q. If any women had been whipped, you would certainly know it?

"A. I ought to, yes.

"Q. Well, wouldn't you?

"A. I say I cannot remember any. I think a good many of them deserved to be licked and they are hard customers to get along with. My God, they are tough.

"Q. You mean in the whole twenty some years of your management?

"A. I mean that is customarily the case, that they are not whipped; I do not remember of any being whipped now."

* * * * * * *

"Q. If any of the women were whipped in the Institution, by whom would that have been done and how?

"A. If they were whipped, it would be just as one of the men.

"Q. On the back the same as the others?

"A. Yes, on the back.

"Q. The bare back, the same as the others?

"A. That is the only way."

* * * * * * *

"Q. If any white woman had been catted or whipped in the last ten years, wouldn't you know it?

"A. Yes.

"Q. Would you feel warranted in the statement that there were no white women whipped?

"A. I would be positive I did not whip any white woman in the last ten years.

"Q. Would you be positive that you did not whip any white woman the whole time you have been in the Institution?

"A. I cannot recall any white women I have whipped.

"Q. And, of course, nobody would have any authority to do it without your authority and direction?

"A. No, sir.

Your Commission submits this statement of Mr. Weyler to your Excellency, together with the fact that we have convict testimony to the effect that women inmates of the Maryland Penitentiary have been put under the lash in the presence of Mr. Weyler.

Cuffing-Up.

The present official form of corporal punishment inflicted at the Maryland Penitentiary is known as "cuffing-up." Handcuffs are fastened on the wrists of the convict, a rope is attached to the chain of the cuffs, then the rope is run over a pipe close to the ceiling, and the offender's hands are drawn up taut above his head.

Your Commissioners know from personal experience that the pain caused by a very few minutes of this operation is excruciating. The officials at the Penitentiary assert that the

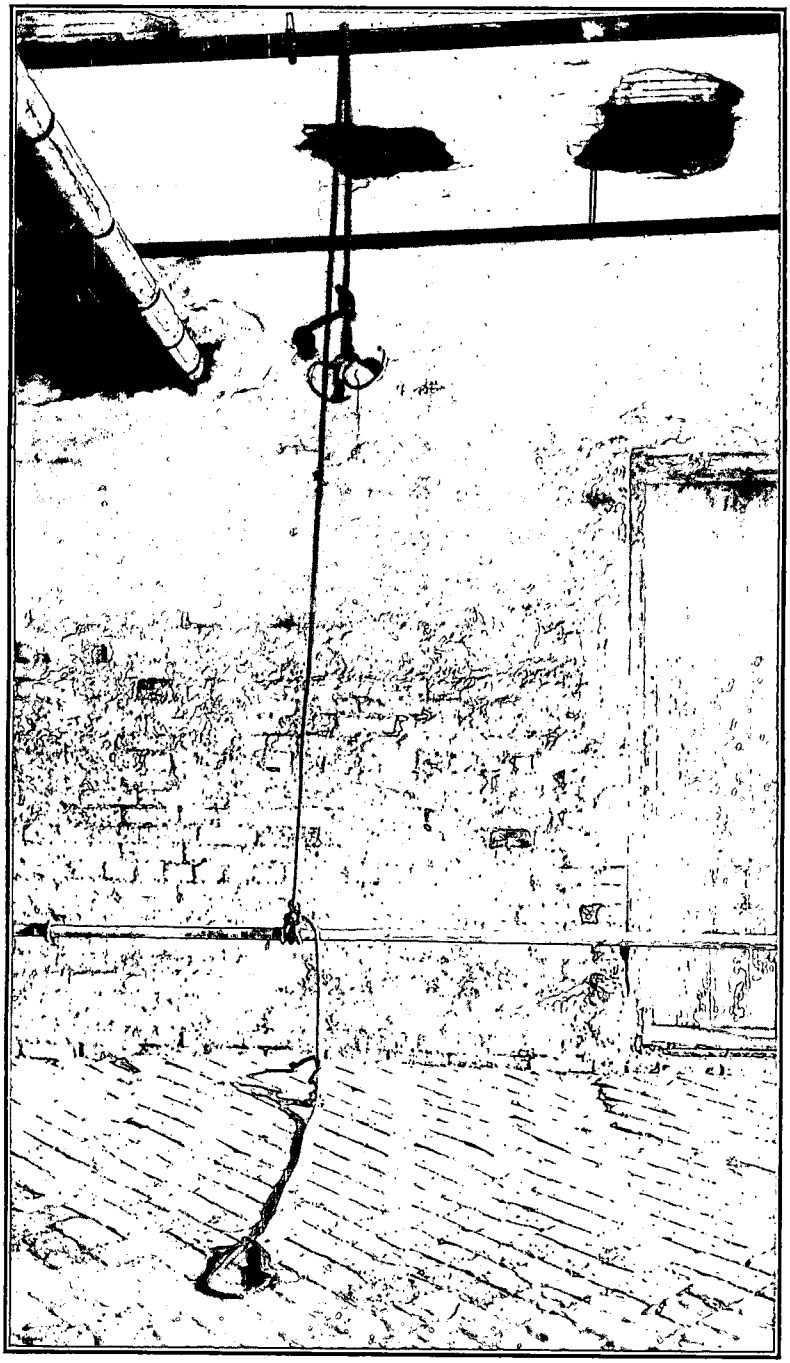

PLATE No. 13. THE "CUFFING-UP" PROCESS, AS ARRANGED BY OFFICER BUCKLEY.

convict is never lifted clear of the ground; but the prisoners are practically unanimous in their complaint that the "third pull" is freely used. The first pull extends the man's arms straight above his head; the second drags him up upon his toes or upon the balls of his feet; the third pull swings him clear of the ground. According to the convicts' statements, the third pull is most frequently inflicted by tieing a rope around the offender's ankles, dragging his feet out from underneath of him by means thereof, attaching the end of this rope to the radiator pipe which runs along the wall close to the floor, and leaving him thus suspended by his wrists and ankles. (See Plate No. 13.)

The Third Pull.

Their statements are to a certain extent, corroborated by the fact that the officials admit that a rope is tied to the ankles of the prisoners and attached to the radiator pipe referred to; but the officials say this is done to prevent the convict from dragging himself up the main rope and relieving the painful strain upon his wrists. From our knowledge of the general spirit of the past management of the Institution, we do not doubt that the third pull has been freely used.

The testimony of Officer Buckley, who has had charge of the cuffs during almost the whole time that they have been a popular form of punishment at the Penitentiary, is of sufficient interest to have certain extracts therefrom inserted here: (Record pages 132 to 136).

"How do they come down?

"A. They are brought right in, for example, and I would say to take this one down and cuff him up and the deputy would come right down and then he would go up, this man would, and then the man would come down and then we might wait ten or fifteen minutes before the other report is in.

"Q. Let me see if I understand you: You might not have any there at all, but when you have five or six up there at once—

Five or Six Strung in a Row.

"A. They never come down in that way; they come down separately; maybe two will come down together."

"Q. But you just told us, as I understand you, that you had five or six hanging up there at one time?

"A. Yes, but they do not go up at one time.

"Q. How much time is there in between?

"A. Maybe we will say five or ten minutes between the first and sixth man.

"Q. If you had six men then there would be a half an hour's difference between the time the last one went up and the time the first one went up?

"A. Well, it seems that when one gives in they will all give in. Maybe some of them were up there ten or fifteen minutes and others up there maybe thirty minutes.

"Q. It takes about five minutes to put a man up, does it?

"A. Yes, we will say five minutes anyhow.

"Q. They come from the court, one after another, at short intervals?

"A. There may be two of them at a time come down there.

"Q. But there must be an interval elapse long enough for a trial to go on and an adjudication of the first man before he comes down?

"A. Yes.

"Q. Then he comes down and then a little while elapses for the trial of the next man and then another one comes down and then a few minutes elapse, long enough to try a man and sentence him, and he comes down and you are putting them up as fast as they come down?

"A. Yes.

"Q. And it takes about five minutes to put a man up?

"A. Yes.

"Q. If you had six up there at one time, allowing at the very lowest five minutes for a trial and getting up there, there would be a half an hour's difference before you got the sixth man up and the first man would already be up there a half an hour?

"A. We will say half an hour anyway.

"Q. It would have been a half an hour if there were six, would it not?

"A. Yes, allowing five minutes to a man.

Buckley a Human Clock.

"Q. Now what I want to know is, how can you keep in your head how long each man has been up when you have got five or six men up there?

"A. I may keep it in my own head and may not.

"Q. Is it not a fact that the chances are that you do not?

"A. No. I have not made any mistake yet in them. I time the first man that goes up and if he is up when this other man comes down, the sixth man, I report this man right away to you, if you are the man.

"Q. (By Mr. Jones): And he is taken down before the sixth man goes up?

"A. Yes, and one of them, by seeing the other down, they will all probably give in. The sixth man coming down there may be down there only two or three minutes and the first man that comes down may be only two or three minutes.

"Q. (By Mr. O'Dunne): And he may be a half an hour or maybe three-quarters of an hour or maybe longer?

"A. No, sir.

"Q. Are you certain that no man ever stayed up there over forty minutes?

"A. I am not.

"Q. Are you certain that no man ever stayed up there over two hours?

"A. I am; there is no man that has ever been in my charge on the cuffs for two hours, nor an hour.

"Q. What would be the longest that you would say any man ever stayed up there?

"A. I would say forty-five minutes and I think I am exaggerating a little then.

"Q. Have there not been times when you would have gone out of the room when the men were hanging up?

"A. I have never gone any further than the window **to see if I saw anybody around in case I needed any assistance—just crawled up the steps and looked out of the window.**

Fainting on Cuffs.

"Q. What would you need assistance for?

"A. Maybe a man might faint, or something of that kind.

"Q. Do many of them faint?

"A. Very seldom; one or two have, but I happened to find out that that was an old dodge of theirs.

"Q. You mean it was a trick of theirs?

"A. Yes."

No Medical Inspection. Ruptured Man Cuffed Up.

It is perfectly apparent from the above given extract and from the general tenor of Buckley's whole testimony, that the men are strung up in the cuffs indiscriminately, sometimes as many as five or six at a time, without any method beyond guesswork of ascertaining how long each man has been in the cuffs. There has been no medical inspection whatsoever to ascertain whether or not the convicts are in a physical condition to undergo the nerve-racking pain of this punishment (Record, page 93), and in one instance established by Officer Buckley's own testimony, a man who had been ruptured was put in the cuffs. (Record, page 140). How many more men utterly unfit to stand this punishment have been subjected to it, we are unable to ascertain. **The convicts' statements are full of complaints that men in all stages of physical weakness have been cuffed; and, as an indication of the general spirit of the institution, Dr. Schwartz when interrogated as to the effect of the cuffs on mental deficients, answered that he thought it would do them good. (Record, page 1259).**

No Safeguards Surrounding Punishment.

Warden Weyler has generally left the whole matter and method of the infliction of this punishment to the discretion of Buckley, and as a rule never saw the prisoner after he was cuffed up. (Record, pages 21 and 22). **It is inevitable that abuses follow when freedom to inflict punishment of this character is left in the hands of an irresponsible subordinate.**

Mr. Furst, President of Board, Believes Cuffing Limited to Twenty Minutes.

Your Commission cannot ascertain the longest time that a man has been in the cuffs. The convicts say that men have stayed there sometimes two, sometimes three hours. Mr. Furst says (Record, page 186): "Well, of course, you ask about how long is a fellow cuffed up? Five, ten, fifteen or twenty minutes. They tell me twenty minutes is about the limit." We do not know to whom Mr. Furst refers when he says "they" tell him that the limit of cuffing up is about twenty minutes, but we presume that he gathered this information from the man who is required to report the discipline of the Institution to the Board.

Warden, Who Orders it, Believes Cuffing Limited to Thirty Minutes.

Mr. Weyler adds a few minutes in his statement to us to the time of cuffing up which he evidently gave to Mr. Furst, and says that thirty minutes is the longest period. (Record, page 9). This statement of Mr. Weyler's is directly contradicted by Officer Buckley, who says between forty-five and fifty minutes is the longest period. (Record, page 128). It is evident that Buckley would try to be extremely conservative in his statement of the time, and that when he says forty-five minutes, we have the strongest warrant for believing that men have stayed in the cuffs beyond that period of time; but however this may be, **your Commission is of the opinion that forty-five minutes in the cuffs is a torture that should be inflicted upon no human being, however degraded,** and reports that the practice of cuffing up in operation at the Maryland Penitentiary is barbarous and unnecessary.

Officer Buckley, Who Administers it, Admits to Forty-five or Fifty Minutes.

Warden Weyler's Theory of Punishment.

Upon our first examination of Warden Weyler, we desired to know exactly what place in the system of discipline was occupied by the cuffing up process. He led us to believe, as by other statements he has led others to believe, that cuffing up was a punishment of last resort. His testimony containing this utterly false statement is here inserted as follows: (Record, pages 8 and 9).

"Q. Passing from the cats to the cuffs, just describe how that is administered and for what purpose, for what offenses?

"A. Well, Mr. Chairman, that depends, you know; it is not for any special offense. A man may be before you for a half a dozen different things. **He has exhausted all other means to bring him to terms, and have him obey the rules, and the last offense may be for fighting in the dormitory, and if he is a persistent violater of the rules and there is nothing else to be done, he may be cuffed up for that offense.** It does not necessarily say it is done for any specific, special offense. It is what leads up to it. In other cases I may know that a man has been a habitual criminal, sentenced to jail four or five times or the House of Correction once or twice, and he is brought in here, and the jail officer informs me just what character he has and that he is a bully. Generally I won't wait for a second or third offense; I give him a dose the first crack and let him know that this is not the Jail or House of Correction, and he has got to do what is right here. Otherwise he will pay the penalty. That is entirely a matter of judgment. You judge the man with whom you are dealing, or what may have led up to it, his previous violations and so forth, and his general character, and we tried to learn that as we went along with him.

"Q. If he had no known previous record, had only been in this Institution a short while, I understand you would not use the cuffs on him except as a last form of punishment?

"A. That is correct, yes."

Warden Weyler's Practice of Punishment.

With the above statement of Weyler's in mind, we examined the punishment records of the Maryland Penitentiary. **We found that during the last five years of Warden Weyler's administration no less than one hundred and seventy-five men had been punished with the cuffs for their first infraction upon the rules, and that some of these punishments were inflicted within a week after the man's admission to the Institution.** (See Exhibit D). We then remembered Mr. Weyler's statement given above, that if a man was a hardened offender, he would give him the cuffs at the start in order to show him that discipline must be maintained. We therefore, of course, suppose that the one hundred and seventy-five men who had been cuffed for their first infraction on the rules were hardened offenders. Much to our surprise, we learned that **out of this number no more than twenty-five had ever been convicted before, and that one hundred and fifty of these men were first offenders.** (See Exhibit D).

The records, therefore, show not only that Mr. Weyler has made a deliberately false statement intending to mislead your Commission, but furthermore, that first offenders, men who for the most part should be in reformatories, are given the brutal punishment of the cuffs for their first violation of prison discipline. If anyone can on any theory justify bodily torture of convicts, it can only be on the theory that other means have failed. We here report as a common occurrence the fact, that first offenders, men who are new to the ways of penal institutions, are not treated to a reprimand and then to graduated punishments, but that on their first infraction of the rules they are subjected to the most brutal and severe punishment inflicted at the Institution.

Cuffing Before and During Investigation Compared.

Another illuminating fact in reference to the practice of cuffing up under Warden Weyler's management is the difference between the number of times the cuffs have been inflicted since your Commission's investigation started and the number of times they were meted out to the convicts under Warden Weyler's unexpurgated administration. The records show that the cuffs have been used eighteen times during the six months occupied by our investigation, In the year running from May 1, 1911, to April 30, 1912, the cuffs were inflicted two hundred and twenty-nine times, which would be an average of one hundred and fourteen times for any six months of that year. (See Exhibit E).

Taking the last five years of Weyler's administration, from May 1st, 1907, to April 30th, 1912, the results are even more startling. **During these years the convicts were cuffed up two thousand, one hundred and thirty-five times, or an average of two hundred and thirteen times for every six months. (See Exhibit E). Comparing the eighteen times the cuffs were used during the six months of our investigation with the two hundred and thirteen, the average number of times they were used for each six months of the last five years of Warden Weyler's administration, we find that there was, roughly speaking, twelve times as much cuffing up going on within the last named period of time.**

Your Commission believes that this fact of itself is sufficient to condemn Warden Weyler's diciplinary system, and is sufficient to show that **the severe punishment of cuffing up has been unnecessarily and improperly inflicted.**

Information as to Cuffing Withheld by Warden Weyler From Board in Violation of Law.

We further find that Warden Weyler, for the last six years and more of his administration, has habitually violated Section 640 of Article 27 of the Code of 1904, which provides as follows: "That he (the Warden) must present a record of punishments and offenses to the monthly meetings of the Board, that they may judge of the condition of the discipline, and he must particularly observe that corporal punishment is resorted to as little as possible." Not only has he violated this section by his wholesale use of corporal punishment; but he has regularly failed to present, in his monthly report to his Board of Directors, a record of the infliction of the punishment of "cuffing up." We find that all his monthly reports, for the last six years and more of his administration, have utterly failed to present the record of corporal punishment inflicted. (Record, page 1341). We also find that Mr. John T. Stone, for three years or more a member of the Board of Directors, although regularly attending at Board meetings, did not know until the agitation over the management of the Maryland Penitentiary started last summer that there was any such practice as "cuffing up" included in the disciplinary system of the Maryland Penitentiary. (Record, page 1318).

Warden Weyler and Mr. Furst justify cuffing-up on the continual assertion that the same practice is in vogue in the United States Army. We are authorized by the Adjutant General to quote his statement to the contrary. (See Exhibit F).

Solitary Confinement in Dark Cell. No Medical Examination. No Record of Time.

The remaining official method of severe punishment is solitary confinement in the dark cells on bread and water. We find that proper safeguards and regulations have not surrounded the infliction of this form of punishment. No medical examination is made of the offending convict to determine whether or not he is physically fit to undergo solitary confinement on a bread and water diet. (Record, page 124). Proper records are not kept of the time which

each man has spent or is spending in the solitary cell. (Record, pages 16-17). This has been remedied at our suggestion. Neither the Doctor nor the Warden customarily visits a prisoner so confined, and a request on the part of the prisoner is necessary before he can see the Doctor or Warden. (Record, page 124). This is, as we have before said, an habitual violation of the rules and regulations of the Penitentiary, both on the part of the Doctor, who is charged with the duty of each day personally visiting the prisoners in solitary confinement, and on the part of the Warden, who is charged with the duty of seeing that the rules and regulations are carried out.

Solitary Cells in G Dormitory Unfit for Use.

The solitary cells on the ground tier of "G" dormitory are, in our opinion, unfit for use. They have no light and no ventilation. The prisoners are obliged to sleep on a wooden rack composed of two boards and raised about four inches from the ground. On one of our visits we found these cells swarming with bed-bugs, and there is a mutual agreement between the officials and prisoners in their statements that these cells are visited by rats. Even though these pests should be exterminated, we believe that the cells in this lower tier should be no longer used, since the absence of light and ventilation and the antique character of their construction render them an unfit habitation for human beings.

The women's solitary cells are on the ground floor of the women's department, and have neither light nor outside ventilation. The character of the solitary confinement practiced under Warden Weyler's administration is shown by the following extract from the testimony of Mrs. Riggin, head matron and connected by marriage with Warden Weyler (Record, page 30).

Weyler's Direction as to Punishment of Women in Dark Cells.

"Q. Two years ago, when you got the order from Warden Weyler not to give the girls in the dark cells mattresses, did that also include an order not to give them blankets?

"A. We used to put them in there with nothing.

"Q. Nothing except the prison clothes that they had on?

PLATE No. 14. FLASH LIGHT OF DARK CELL—WOMEN'S DEPT.

"A. That is all.

"Q. How long, as a rule, were they kept in there?

"A. The way I understand the rule, it is ten days, but they hardly ever get kept in ten days.

"Q. Some were kept in ten days, were they?

"A. Yes.

"Q. Without any blanket or mattress?

"A. Yes.

"Winter time or summer time, or both?

"A. Either one.

"Q. Those floors are cemented, are they not?

"A. Yes.

"Q. And the walls are brick?

"A. Yes." (For these cells see flash-light Plate No. 14.)

Abolish Dark Cells.

This practice was inaugurated by the direct order of Warden Weyler. (Record, pages 315, 316, 317, Weyler's Testimony).

In no penal institution that we visited did we find the dark cells used. We recommend that the dark cell be abolished and that well-lighted and well-ventilated solitary cells be substituted for the dungeons used at the Maryland Penitentiary.

Restrict Corporal Punishment.

Corporal punishment occupies no part of the disciplinary system of a modern Penitentiary, and it should be only inflicted upon a direct order from the Penitentiary Board authorizing its infliction upon the specific offender, and then should be administered in the presence of a member of the Board, the Warden and Doctor.

Classification, Privileges, Etc.

No Privileges for Good Behavior.

At the outset it should be noted that at the Maryland Penitentiary no privileges are given for good behavior. (Record, page 26). Those convicts who have money can better their condition and make themselves more comfortable in various ways. For instance, if the inmate desires to have

his cell painted, he must hire a convict painter to do the work. Warden Weyler was questioned as to the charge made for painting the cells (Record, page 60):

Weyler's Mis-Statement as to Charge for Painting Cell.

"Q. Aren't there certain schedules or scales of prices—fifty cents a cell, seventy-five cents and one dollar a cell?

"A. That depends upon how much decoration they want.

"Q. Is there any limit to that?

"A. We have it limited that they must not charge over seventy-five cents. If they pay any more, I do not know it. We try to control that as we go along, to see that there is no imposition on any man.

"Q. What is the maximum that he is allowed to pay?"

"A. Seventy-five cents."

We have taken a few of the charges shown on the books for each of the last six months of the fiscal year 1911:

June 10th, 1911—Samuel M. Johnson.....	$1.75
July 11th, 1911—William Lee.....	1.75
August 16th, 1911—Thomas Nuse.....	1.75
September 6th, 1911—Walter W. Smith....	1.75
October 4th, 1911—Thomas F. Hewitt.....	1.75
November 13th, 1911—Thomas Turner....	1.75

As a matter of fact, a dollar and seventy-five cents is the common and ordinary charge, and this charge is not made in a clandestine way, but is shown on the books of the Institution (Record, page 1343). There has been no attempt made to establish a maximum charge of seventy-five cents. Furthermore, the book-keeper says that the books show several items of $3.50 for painting cell. (Record, page 1343. Kilkenny's testimony).

Convicts Pay for Washing and Barber.

The majority of the convicts have their clothes washed privately at a tax of fifty cents a month (Record, pages 66-67), and pay the barber twenty-five cents a month for shaving them and cutting their hair more frequently than the general rules of the Institution prescribe. (Record;

page 63). Under the head of "Commissary," we will treat the absurd practice of allowing the convicts to purchase such effeminate luxuries as scented soaps, and we will explain at greater length that the system requires them to pay out their over-time earnings for the common necessities of life. Here it is sufficient to say that your Commission recommends that all prisoners, irrespective of their financial ability, be placed on an equal footing as to necessities, and that whatever privileges are allowed, should be restricted to the convicts in the higher grades of good behavior.

Merit and Grade System.

In every institution for male convicts visited by your Commission the prisoners are divided into three grades under what is known as the merit system. Upon entering they are generally placed in the middle or B grade, and according to their good or bad behavior they are advanced to A grade or reduced to C grade. A definite period, differing in the several institutions (in one as short as a month, in another as long as six months) must be spent by the prisoner in either of the lower grades before he is advanced to the grade above. In the Indiana State Prison merit "bars" are given for good conduct; one black bar on the sleeve signifies one year and a gold bar signifies five years of perfect conduct. We saw one man with six gold bars and three black bars on his left sleeve—thirty-three years of perfect record to his credit. This grade system, amplified by giving the prisoners in the different grades different treatment as to privileges, has universally met with practical success, and is in the opinion of expert penologists the most important reformatory measure in the matter of discipline that can be adopted by a penitentiary.

Confine Lock-Step, Shaved Head and Stripes to C Grade Convicts.

The system obtaining at the Maryland Penitentiary of subjecting all prisoners, indiscriminately, to the lock-step, shaved head and striped suit is unwise and antiquated. In no institution which we visited were the stripes as prominent and conspicuous, even for the lowest grade offender, as in the Maryland Penitentiary. In the Indiana State Prison first grade men were clothed in light blue, second grade in plaid, and the third grade in inconspicuous stripes. Your Commission believes that the lock-step, shaved head and stripes could be retained with great profit as a punishment for the "C" grade offenders. It may here be observed that the prisoners in the higher grades, in the institutions we have visited, do not look upon the convicts in "C" grade as "bad men" or "brave men;" but they are looked upon as fools, who have not sense enough to observe the reasonable regulations which give them moderate and reasonable privileges. Your Commission cannot emphasize too strongly the importance of such a spirit in a penal institution.

Open-Air Work or Exercise.

An important part in the reclamation of the prisoner in a well regulated penitentiary is played by recreations of various kinds. To keep a convict in good physical and mental health by means of recreating exercise and by minor relaxations, is vitally necessary to the interests of the community, which demand that the prisoner be released physically fit to take up the duties of a good citizen. At the Maryland Penitentiary the average prisoner does not get out into the fresh air more than five minutes a day, and this only when going to and from meals in single file and lock-step. Your Commission believes that the prisoners should be given every day a specified and reasonable amount of open-air work or exercise.

Smoking.

On the question of smoking as a privilege and recreation, we can simply say that in our trip of inspection to some of the leading and most successfully managed penitentiaries in the country, we

found that smoking under restrictions was of the greatest benefit in the matter of discipline; that the deprivation of this privilege was looked upon by the convicts as a severe punishment, and they tried in their own interests to avoid those things which curtailed this privilege.

Privileges Successful Elsewhere.

Various other privileges could be suggested for consideration. For instance, in the Western Penitentiary, convicts having a talent in that direction were allowed a short time each evening for practice, and participated weekly in band and orchestra recitals on Sunday afternoons. Deprivation of this privilege for bad behavior was considered by them a severe punishment. We found the same successfully worked, differing in detail, in the Indiana Penitentiary, of Michigan City.

The chapel or auditorium, in those institutions having one, is used periodically to great advantage for moving pictures and illustrated lectures. Magazine privileges, extra letter writing, extra visits, and in general greater freedom from the prison routine, usually follow as a reward for good behavior.

Merit and Grade System Recommended.

We recommend that the prisoners of the Maryland Penitentiary be divided into A, B and C grades; that the prisoners in C grade be rigidly restricted to the necessities of life; that the Warden of the Penitentiary devise the administrative details of a system by which different privileges are given to the convicts in A and B grades; that no privilege of any character be allowed to any convict merely because he is financially able, but that such privileges as are given be strictly limited as rewards for good behavior.

The Prison Commissary.

The Commissary is a prison store which supplies the ordinary articles that might be purchased at a general store, including toilet articles, tobacco, clothing, shoes, bedding, furniture, etc. Any prisoner having money to his credit may pur-

chase any article carried in stock. Price lists are posted in all the shops, and purchase is made from the shop officer. When it is found that the prisoner has a balance to his credit in the office, the sale is completed by a check signed by the prisoner, and charged to his account, obviating the necessity of a money transaction.

Perfumed Soaps.

This store is operated on a principle that is totally erroneous. If the prisoner has money, he can purchase articles which it is absurd to allow a prisoner to purchase. For example, we find on sale at the present time the following toilet soaps, at the following prices per box:

Cashmere Bouquet	$ .75
Lawrence Rose	.75
Monard Violet	.75
White Rose	1.50
White Violet	1.50
Swift's Christmas	3.50

Your Commission expects to be met with the charge that it is composed of sentimentalists, but our sentimentality is not of the character that approves the allowance of high-priced scented soaps to convicted criminals.

A Prison Boudoir.

The operation of the Commissary is further illustrated by the following idyllic picture: A prisoner writes to your Commission and describes his cell with great pride, as follows: "The walls have several coats of paint, of which the visible one is a brilliant grey and blue imitation wainscoting, decorated with geometrical figures in gold. The ceiling is painted a cerulean blue; white state sheets on my bed, clean blankets; rugs, table, rocking chair, extra stool, trunk, pictures, books, etc."

Purchases Allowed at Indiana State Prison.

We cannot too strongly condemn the practice by which prisoners who have the money are allowed, and even encouraged, to spend it in the indulgence of their ignorant and low-grade fancies. In the better penal institutions, where a commissary exists at all, the articles are rigidly limited. In the Indiana State Prison the prisoners are restricted to the following purchases, as evidenced by the price list here inserted:

ARTICLES ALLOWED TO BUY.

JUNE 1, 1912.

MR. OFFICER—

In specifying articles on monthly order from prisoners, the following list will govern. With the exception of handkerchiefs, only one of each item per man will be allowed:

SUSPENDERS.	
Plain, medium weight	25 cts.
Police and firemen's, heavy	50 "
Shirley President, "	50 "
TOOTH BRUSH.	
Plain	25 cts.
Prophylactic, rubber set	35 "
TOOTH SOAP.	
Arnica, in box	25 cts.
TOOTH PASTE.	
Colgate, ribbon	25 cts.
TOOTH POWDER.	
Colgate, tube	25 cts.
TOOTH WASH.	
Rubyfoam, liquid	25 cts.
SLEEVE HOLDERS.	
Black	10 cts.
HOSE SUPPORTERS.	
Boston	25 cts.
HANDKERCHIEFS.	
Common, each	5 cts.
Better grade, for three	25 "
DICTIONARIES.	
Intermediate School, 460 pp	52 cts.
Elementary School, 384 pp	28 "

Respectfully,

E. J. FOGARTY, Warden.

The Maryland Penitentiary should follow this example.

The Commissary in Theory.

According to Warden Weyler's statement, the commissary was modeled solely for the convenience of the convicts. (Record, pages 48-49).

"I was talking to the officer who had charge of the visiting room where the convicts and prisoners had their families and friends visit them, and he said he noticed there was a great deal of hard feeling between the convicts and those that came to see them sometimes; that they had checked out five or ten dollars for purchasing articles. As a rule they would get half of it or not any of it. Their friends would get their money or would squander it. He suggested to me couldn't we have these things here and supply these people at a lower rate and for less money than they would have to pay on the outside." * * "All along the line I enlarged the commissary that way for the benefit of the prisoners and we could accommodate the prisoner and let him get his goods when he wanted them, because in the other way he could only get his goods when his people came to see him. By having this commissary department here we could get it every day right straight through. The aim and object of it was to protect the prisoner against being robbed and skinned by his relatives and friends and at the same time accommodate him and sell him the goods cheaper than he could buy on the outside."

The Commissary in Practice.

We find that the resultant convenience to the prisoners was coupled with quite a little money profit to the State:

EXPENDITURES OF THE PRISONERS IN THE COMMISSARY AND THE NET PROFITS FOR THE YEARS 1907, 1908, 1909, 1910, 1911 and 1912.

Expenditures of the prisoners for the year		Net profits of the State for the year	
1907	$10,825.01	1907	$3,169.44
1908	9,514.38	1908	2,744.08
1909	10,986.80	1909	3,195.83
1910	13,540.66	1910	4,126.56
1911	10,054.18	1911	2,625.28
1912	8,885.06	1912	1,724.93
	$63,806.09		$17,586.12

The total earnings of the prisoners for the corresponding years amount to $203,123.01. As the given figures show, 31 per cent. of these earnings were spent in the prison store, a large portion for the common comforts and necessities ordinarily provided by other prisons.

Old Price Lists Destroyed.

The letters and statements of the convicts are filled with complaints that the old price list, in force until about the 5th of June, was extortionate. The prison officials have not furnished your commission with a copy of this old price list and claim that all copies have been destroyed. Several of the convicts have furnished us with comparative lists of the old and new prices. We quote one convict's letter, which seems to be written in the fairest kind of spirit, and which is corroborated by numerous statements of other convicts. We give some of the items on which he claims prices have been lowered: "I reply to your fourth question, regarding the commissary and its prices. I cannot honestly say whether the prices are fair or not, as I do not know the prices for the same articles on the outside, but I do know though that only a short while ago a new list of prices affecting almost everything sold to us was placed in each of the shops. The prices of this new list have as high a reduction as fifty cents in some cases, and to let you judge for yourself I have enclosed a complete list of all the articles that is on the list in my shop as to the old and new prices. I fully believe you will get enough testimony from others sufficient to corroborate what I have said regarding the matter."

Old Price List Furnished by Convicts.

BOOTS AND SHOES.	New Prices.	Old Prices.
Shoes, dress.....	$2.50, $3.00, $3.25	$3.00, $3.50, $4.00
Slippers, Romeo.....	$1.25	$1.50

OVERSHIRTS, Etc.	New Prices.	Old Prices.
Shirts, Blue Flannel.....	$1.00	$1.50
Shirts, Blue Working.....	.40	.50
Shirts, Black Sateen.....	.50	.75
Shirts, Outing, with collar.....	.50	.75
HOSE.		
Hose, Fancy.....	.20	.25
Hose, Black, with white feet.....	.10	.15
Hose, Black, plain.....	.10	.15
SUSPENDERS.		
Suspenders, President	.45	.50
Suspenders, Plain	.25	.30
Garters	.20	.25
TOWELS AND HANDKERCHIEFS.		
Towels, large bath (Turkish).....	.45	.50
Handkerchiefs, white with colored border	.05	.10
CHEWING TOBACCO AND SNUFF.		
Schnapps, per lb.....	.45	.50
BRUSHES, POWDER, Etc.		
Brushes, hair	.40	.50
Brushes, shaving	.50	.65
Brushes, tooth	.15, .20	.25
Mirror, room.....	.25	.50
Powder, Colgate's Talcum.....	.15	.25
STATIONERS' SUPPLIES.		
Paper and envelopes, per box.....	.15	.25

Convict's Point of View.

The point of view of another convict is intercsting, and his remarks are attended with some justice: "Gentlemen, as to the commissary I will say, previous to this investigation the prices were exorbitant.

"Shirts that were $1.50 have been reduced to $1.00.

"Shirts that were $1.00 have been reduced to 50 and 75 cents.

"Tobacco has been reduced 5 cents per pound.

"Shoes have been reduced, and all toilet articlcs.

PLATE No. 15. MR. MARSH AND THE COMMISSARY.

"After it was known that there was to be a real investigation, every old price list was taken down, and in a few days the shop was furnished with a new list and new prices. If that does not show guilt, I would like to know what does."

The spirit in which the commissary has been conducted is brought out by the testimony of Mr. Charles P. Marsh, the official in charge of the store and the nephew of Mr. Weyler's wife (Record, pages 494-6): (See Plate No. 15).

"Q. Will you tell us just how you conduct the business of the commissary? First of all, tell us about the price list and how that list is made up.

"A. I guess I am answerable in a measure for that list, in making up that list, because the Warden has always been after me to cut profits down in that place. I was the one who always advocated against it. He would ask me, he would say, 'I want you to sell just as cheap as these boys can buy on the outside,' and I have told him that I thought I was doing so. From the goods that come in here I know that the boys could not buy any cheaper outside, from what they tell me that they pay for them."

Some Hundred Per Cent. Profits.

"Q. Just what profits do you figure to make in the commissary?

"A. There are a lot of little incidentals that we sell down there that at the outside store I do not believe there would hardly be a cent in. There are little incidentals that people use, and I suppose a good many of them do not sell them in quantities like we do here. In that way I guess it runs my profits up.

"Q. You make a hundred per cent. on some articles, do you not?

"A. Yes, I guess that is so. I buy very close, you know. We always have the means to buy the bargains."

Mr. Marsh's explanation of the reduction in prices is as follows (Record, pages 502-503):

"Q. You reduced your prices some time ago, did you not?

"A. Yes, in the main we did reduce the prices.

"Q. What was the reason for it?

"A. As I tell you, the Warden has been after me and after me, and he came at me so strong that I said 'All right, sir, I will cut it right down; you are the boss and what you say I must do.'"

The Law of Escheats.

Several prisoners write to us concerning one particular phase of Mr. Marsh's zealous activity in behalf of the State. One writes as follows, voicing the common complaint: "When visitors come around they tell them no man wants for anything, they are furnished with all the comforts that money can buy; but remember the prisoner is the one that spends the money, not the State, and when a prisoner's time is up and he wishes to give one of his friends the furniture, they tell him all right, to put a tag on them, and they will see they get them; but they are not delivered. They are repainted and sold to any one who wishes to buy them." On this point the remarks of Mr. Marsh are of interest (Record, pages 500-502):

"Q. If a fellow leaves the prison and directs that his furniture or whatever he may have shall be given to another prisoner, is it always carried out?

"A. If it is bona fide, yes, and if the other man has not got his room full of goods already.

"Q. If he has something in his room, then, in that event it is not done?

"A. For instance, if a man has his room filled with furniture, and the other fellow wants to give it to him, it may be a case where I would not give it to him.

"Q. Would you let the man, then, dispose of the furniture, or would you dispose of it yourself?

"A. If he was gone, we would give it to some one else who had not any.

"Q. Give it or sell it?

"A. I am not speaking of selling.

"Q. That is the reason I ask you.

"A. I may give it away; that is often the case.

"Q. Is it always the case?

In Case of Litigation both Sides Lose.

Officer Marsh then says that in many cases there are several claimants to the furniture, and in such case the question is put up to the Warden and the furniture is given to someone else.

"Q. And then none of them gets it?

"A. It is not always the case; sometimes the Warden would say to give it to so and so.

"Q. Then sometimes it is taken into the commissary and repaired and sold?

"A. Yes."

Another interesting transaction established by Mr. Marsh's testimony is the following (Record, pages 504-505):

The Law of Accretion as Expounded in the Commissary.

"Q. Have you any tobacco now that you get premiums on?

"A. I have one tobacco that has premiums on the tags—the Jolly Tar. * * *

"Q. Do you know what the premium was?

"A. It seems to me we got 35 or 40 cents per 100 for them.

"Q. Did you ever exchange those tags for anything but money?

"A. I have exchanged my Jolly Tar tags for fountain pens. They were used in the commissary and I sell them in the commissary.

"Q. You sell this fountain pen to the prisoners, do you?

"A. Yes.

"Q. What do they sell for?

"A. $1.00.

"Q. How many tags do you exchange for a fountain pen?

"A. I could not exactly say. I generally sent off what I had, about 1,000 generally, on a rough estimate, and we would get nine or ten fountain pens at a time. And there was another one that I paid 200 tags for.

"Q. What did you sell that pen for?

"A. I have gone as high as $2.00 for that pen—$2.50, I think I have gotten for them."

Bed-Bugs in the Cell Mean Profit in the Commissary.

The chief vice of the commissary as operated at the Maryland Penitentiary is that it is supplemented by a failure of the State to furnish reasonably decent articles of necessity to the prisoners. We even found that the commissary was selling bedbug killer to the convicts, and that they were compelled to spend their over-time earnings to keep down the vermin in their cells. The complaint is so universal as to establish its truth in the minds of the Commission, that the prisoners are only furnished one-third of a cake of soap a month with which to wash their persons and their cells. They therefore buy a much larger quantity of soap in the commissary. The underwear furnished by the State is of such inferior quality that the majority of the inmates will not wear it. Many of the inmates do not wear the shoes which the State supplies, and consequently buy shoes from the commissary. They are forced to pay the shoemaker 50 cents to mend the shoes which they have worn out doing work for the State. Many of them buy blankets and furniture from the commissary. The two State towels given the prisoners are so short and spare that they cannot dry themselves properly with them, and better towels must in turn be purchased.

Necessities Purchased by Prisoners.

Recommendation.

All this is fundamentally wrong and the prisoners know that it is wrong and rebel against it. The State should furnish all these articles of a uniform kind and reasonably good quality. The convicts should be compelled to wear State clothing and use State furniture in their cells; and only in exceptional cases should they be permitted to buy anything different from the uniform articles supplied to other prisoners.

Selling articles to prisoners at a profit is essentially wrong in principle. There might be immense advantages in a prison store, provided only a limited number of articles could be pur-

at cost price. Your Commission is unanimously of the that the commissary should be abolished in its present and that a commissary should be established, selling s such as described in the above purchase list of the Indiana State Prison.

PART III.

THE CONTRACT SYSTEM OF THE MARYLAND PENITENTIARY.

Contracting Firms.

The three firms contracting for the labor of the inmates of the Maryland Penitentiary at this time are: The Jones Hollow Ware Company, the Bromwell Brush and Wire Goods Company and the Oppenheim-Oberndorf Manufacturing Company, otherwise known as the Export Manufacturing Company. The shirt and foundry contracts expire December 22, 1916, and the brush contract on October 1, 1916. (For copies of contracts, see Exhibits G, H and I).

Number of Convicts on Contract.

The Jones Hollow Ware Company hires 217 prisoners and pays the State 60 cents per day for the labor of each prisoner, besides being charged a lighting rental, a building rental and furnishing its own power to operate the plant. The Bromwell Brush and Wire Goods Company allows the State 55 cents per man per diem, the State furnishing building, heat, light, and power to operate the plant. This contract hires in all 172 men. The Export Manufacturing Company hires 448 prisoners and is under contract to pay 50 cents per day for each prisoner hired, the buildings, heat, light and power being furnished free by the State. (For views of shirt shop and foundry see Plates No. 16, 17, 18, 19).

No Evidence of Competition Suppressed.

There have been numerous charges that Warden Weyler did not permit of competition in the award of contracts to the several firms and let out the labor of the convicts at an unjustifiably low figure. From the evidence before us we find no foundation for these charges and we believe substantially correct the following statement by Warden Weyler, quoted from his signed report to Mr. Furst, president

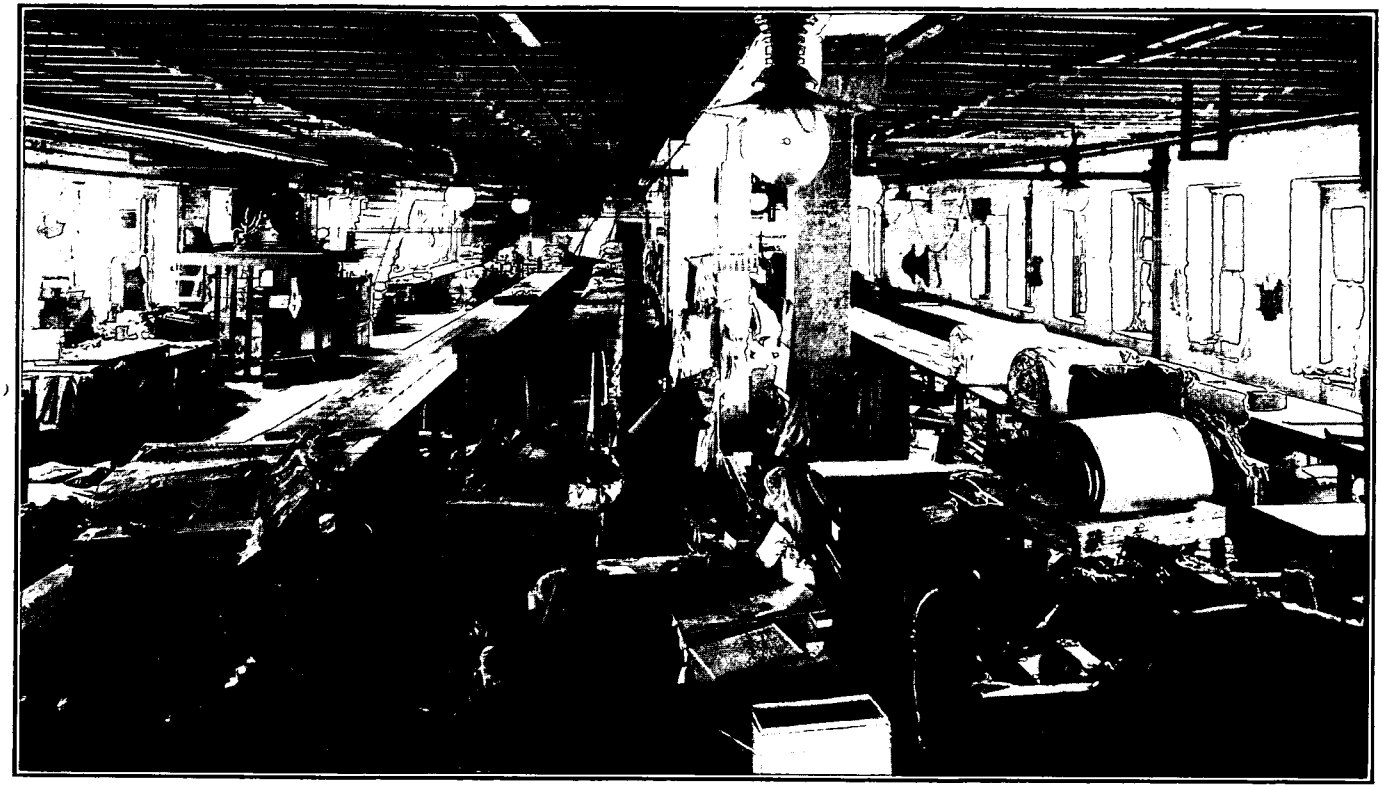

PLATE No. 16. CUTTING ROOM—SHIRT CONTRACT.

of his Board of Directors, filed with Mr. Furst last June, and attached as Appendix C of this report:

"Indeed, it is to be doubted whether, under existing conditions, contractors could afford to pay more than has been secured, because of the continual agitation regarding prison made goods. * * * Depressed financial conditions must be reckoned with by prison industries as well as those of the outside world, and as the prison contractor does not care to face bankruptcy any more than does his brother manufacturer who employs free labor, it is practically impossible to secure a higher rate for the prisoners' labor than is in vogue at the Maryland Penitentiary."

Warden Weyler's Defense of Contract System.

On the general question of the merits of the contract system as operated at the Maryland Penitentiary, the gist of Mr. Weyler's defense of that system is found in the extract now given from his said report to the President of the Board of Directors.

"From 1900 to 1910 the receipts thereunder were $1,431,523.79 and the disbursements $1,095,162.52, making the prison self-supporting and leaving a net profit of $336,361.27, which was paid into the State's treasury. During the same time prisoners earned for themselves $313,794.43. Surely these figures do not indicate that either the State or the convicts received the short end of the bargain, or that contractors were favored by forcing prisoners to over-exertion by brutal methods.

* * * * * *

"When I became warden of the Maryland Penitentiary the Institution was being maintained at an annual deficit of some thousands of dollars, though there were several contracts in operation. Discipline had been notoriously lax. Convicts openly gambled in the shops and performed their tasks only when they felt like it. Contractors were disgusted and one refused to renew his agreement with the State. Another paid the State a bonus of $5,000 to be relieved of his obligation and many prisoners were idle.

"No one will deny that idleness is the worst possible thing which can be forced upon a prisoner and it is equally undeniable that work which will inculcate thrift, aid a convict to regain his self-respect and at the same time yield him an encouraging monetary return while paying his debt to the State, is of the highest reformatory value; and so the first great problem of my administration was to secure sufficient employment for the unfortunates in my charge."

Penitentiary a Money-Making Machine.

It is a tribute to Mr. Weyler's business ability that he has been able to lift the Institution from the demoralized condition above described. Under his management the Institution has become a highly organized money-making machine. We doubt if any other warden could have obtained a greater financial return to the State from its convicts than Warden Weyler has obtained in his twenty-four years of management.

Our observations, however, lead us to quote with approval the following extract from an article by F. Emory Lyon, vice-president of the National Prisoners' Aid Association, founder and superintendent of Central Howard Association of the Western Central States, published in the Journal of Criminal Law and Criminology, May, 1912, page 36:

"Only a few prisons of the country have in recent years returned to the State any profits from the industries of the institutions. The self-supporting ones have usually shown the least desirable results from the standpoint of reformation."

Your Commission cannot indorse Warden Weyler's doctrine that the chief function of a penal institution is to wring the greatest amount of cold hard cash out of the bodies of its inmates. We believe that a penitentiary should be, if possible, self-sustaining; but the far-sighted view looks beyond an immediate cash return, and regards the larger benefit accruing to the community from the reclamation of its criminals.

PLATE No. 17. SEWING ROOM—SHIRT CONTRACT.

Contract System is Easiest Way.

The contract system is the easiest way to obtain cash profit from convicted criminals. Under any other system, where the State retains full control of its wards, much greater administrative problems must, of necessity, be worked out. The difficult task is not to convert a penal institution into a money-making machine; it is to provide a scientific reformatory management by which the physique and mentality of convicts are builded up to strength. The criminals in the penitentiary are in a position where their vicious habits can be in a large measure eradicated. Their bodies can be kept clean and strong with a consequent benefit to their mentality and morality. To accomplish this result is a warden's business.

State's Breach of Duty.

The contract system begs the question of rehabilitation. Under it the State leases out the labor of its convicts and throws to private individuals the work of employing its convicts in productive industry. It necessarily involves the abandonment by the State of its responsibilities and obligations. The State is charged with the obligation of seeing that every possible step is taken to reclaim the delinquents under its charge, and it has no right to delegate this responsibility. A breach of this duty by the State becomes so much more glaring when it transfers its control to individuals who have no concern with the reclamation of its convicts, and whose individual interests demand their exploitation.

Capital Merciless.

The fundamental vice of the contract system is that it introduces into the Penitentiary a powerful force that has no regard for the mental, moral or physical health of the prisoners. This is no question of the morality or personality of the individual contractor; it is a great natural law, that is unmoral and impersonal. Labor has never yet obtained a livable working condition from the beneficence of capital. Wherever laborers are well fed, or well clothed, or well cared for in any particular, this result is due to the status of free industry and the selfish necessity under which capital finds itself to render free

laborers contented with their lot. It is an elementary lesson of economic history that capital does not concern itself with the well being of its laborers, but concentrates its every effort upon obtaining a cash profit from them. Assuming that the purpose of the State is to rehabilitate the mental, moral and physical health of its criminals, then, by hiring them out to private capital, it subsidizes a private industry to oppose this purpose.

At Best Contract System Invites Disorganization.

Though we take the contract system at its best, and assume that the Warden and his officers will always do all in their power to see that the prisoners are fairly treated; nevertheless, even upon such an assumption the contract system is undesirable. We have a ceaseless war between the contractor and the representatives of the State. No business purpose can be properly carried out unless all those men engaged in the particular business are free to subserve its interests without a perpetual conflict with an alien force. No great business enterprise could ever succeed if a large percentage of the men actively employed in that business were fundamentally opposed by the law of their self-interest to its success. In the same way, the business of the State is to rehabilitate the convicts in its charge; and it measures up to an act of folly on the State's part to give a large share in the management of that business to individual contractors, whose every interest compels them to war against its successful management.

Contractors' Employees.

Even Warden Weyler recognizes the fact that the interests of the contractor are diametrically opposed to the interests of the State. (Record, page 40):

"Q. These inside representatives of the outside contractors, are they of high grade, or low grade, or ex-convicts, or what are they?

"A. It is a constant battle with that crowd, you know. If a man would not stand up and protect the convict, they are at a disadvantage."

PLATE No. 18. FOUNDRY.

At the Maryland Penitentiary the contractors have 13 employees in the foundry, 11 in the brush shop, and 42 in the shirt shop. These men are solely interested in driving the convicts to the utmost limit. They are not high-grade men; they are men of that class who delight in the slightest authority and seek to exert that authority to the utmost. With all these men inside the Penitentiary walls and in a position of advantage, the prison officials must maintain a constant and unequal conflict. The lower officers of the prison by constant association with these contractors' employees, must necessarily become more or less combined and allied with them. On this head, we may remark that we find it a common practice for the contractors to give the lower officers of the Penitentiary Christmas presents, usually consisting of a fifteen dollar gold piece for each man. (Record, page 1083). This practice, essentially vicious as it is in itself, is moreover indicative of the close relationship existing between the contractors and the subordinate prison officers.

Contractors Versus State.

The fundamental opposition of the interests of the contractor to the interests of the State can be practically illustrated in a number of ways. The contractor wants as many men as possible laboring in his industries. The State demands that a large percentage of the prison population work on account of the State—that is, in cleaning and caring for the Institution. In penal institutions where the State runs its own business, the percentage of inmates employed on account of the State runs from 20 to 30 per cent. In the Maryland Penitentiary, where the contractor in a large measure manages the State's business for it, the percentage of the inmates so employed was in 1911, $6\frac{3}{10}$ per cent., and in 1912, $7\frac{1}{7}$ per cent. The contractor wants the convicts to labor at the highest conceivable speed. The State demands that its wards be put only to fair and reasonable work. The brutal and immoderate discipline at the Maryland Penitentiary may be fairly attributed to a desire to drive the convicts to nerve-racking and excessive labor. This conclusion is amply justified by the fact

that the offenses for which men have been cuffed are set out on the punishment records with almost monotonous regularity as "indifference at work," "failure to get task," etc. (See Exhibit D). The contractor wants men at work, sick or well, mentally sound or unsound. The State demands that none but physically and mentally fit men undergo the confining labor of the shops and foundry. Under the heading of Medical Attention, we have shown a lax system that must have inevitably resulted in sick men and mentally deficient men working at tasks for which they were unfitted. Every hour spent by a man off contract is so much money taken from the contractor's pocket; it is, therefore, plain that the contractor and his employees will throw the whole weight of their opposition against the allowance of recreation hours, the institution of educational training for illiterates, the allowance to convicts of time off for good behavior, the parole or pardon of convicts.

Your Commission thinks it self-evident from the given illustrations that the contract system introduces within the Penitentiary an alien power which wars continually against the interests of the State. An equally important objection to this system is that it inevitably creates a highly undesirable spirit in the inmates of the Institution. Your Commission reports that there cannot be room for doubt but that the convicts in the Maryland Penitentiary nurse as an obsessing grievance the idea that they, the wards of the State, are being exploited for the convenience of private contractors and that they are likewise filled with a continual suspicion that the Warden and officers derive a financial return from the contractors. Their letters to your Commission are teeming with complaints of high tasks, inability to earn overtime, injustice and partiality of the representatives of the contracting firms, punishment for failure to get task, charges for work spoiled when not responsible, compelled to work when sick, etc.

We are not at present concerned with the truth or untruth of these reports. It is sufficient to say that the contract system at the Maryland Penitentiary has made the Institution a hotbed of seething grievances and that the inmates are universally imbued with a spirit of revolt against that system.

We do not believe that convicts can be or should be contented with their lot, but there are gradations in the spirit of discontent and we do not think that such a deep-seated and continuous discontent on the part of the inmates of the Institution would exist if the Penitentiary were governed by a system which secured to the State the right of sole and exclusive control. We believe that the spirit of the convicts is a vitally important element in the equation of reformation, and we consider it impossible to provide for the reformation of prisoners under a system, the inevitable effect of which is to inflame their minds with the bitterest rancor and ill-feeling.

Average Over-Task Earnings.

Warden Weyler's defense of the contract system as operated at the Maryland Penitentiary, outside of the emphasis which he lays upon the cash returns to the State, is chiefly founded upon the fact that the prisoners working under it have earned an amount approximately equal to the money turned as surplus into the treasury of the State. We find that the earnings of the prisoners have been greatly exaggerated and that a totally false impression has been conveyed as to the financial benefit which the prisoners derive from their over-task work. We here append a table showing the average population, the total earnings of prisoners and the per capita earnings for the past six years:

	Average Number of Prisoners.	Total Earnings of Prisoners.	Per Capita Earnings of Prisoners.
1907	926	$34,439.55	$37.19
1908	1007	28,379.28	28.18
1909	1075	35,059.71	32.61
1910	1085	41,928.42	38.64
1911	1018	30,378.32	29.84
1912	941	32,937.73	35.00

From this table we ascertain that the average amount earned by one convict for each of the last six years is $33.57. Under the head of commissary we have shown that 31 per cent. of the total earnings of the convicts go into the commissary, mainly for the purchase of articles which should be furnished by the

State. It should also be remembered here that the system forces the convicts to traffic with each other; that a majority have their clothes washed privately at a tax of fifty cents a month, pay the barber twenty-five cents a month for extra shaves and hair cuts; that the convicts pay to have their cells painted and their shoes repaired. All this points out the vast opportunity for inequality and injustice in the over-task earning system.

Warden Weyler's Statement as to Convicts' Earnings.

Whenever the benefits of the over-task earning system has been questioned, the management of the Penitentiary has been eager to make such representations as are contained in the following extract from Warden Weyler's report to his Board of Directors: (Record, page 19). "Indeed many prisoners have been a far better support for their families while incarcerated than they were as free men, and earnings of $35.00 and $40.00 to $75.00 per month per man have been frequent."

Sidney Johnson Chief Advertising Medium.

The chief advertising medium among all these men has been a negro prisoner named Sydney Johnson, who is always called upon for the edification of every grand jury that visits the Institution. To show the utterly false and misleading nature of the representations made concerning the convicts over-task earnings, we insert the bulk of his testimony here: (Record, pages 249-250).

"Q. How much do you make over-time a month?

"A. The highest I have ever made was $98.48.

"Q. In a month?

"A. Yes sir.

"Q. How much do you average every month about?

"A. Last month I made $53.00 and something.

"Q. What is the lowest amount you ever made?

"A. Lowest?. Well, I have gone down as low as 75 cents, I think.

"Q. You average from $50.00 to $75.00 a month, do you not?

"A. No sir, I do not. To come down to an average I would say it is about $35.00 a month.

(Record, page 251).

"Q. About those tasks that you were speaking of, you say that there are some of them that you cannot make anything on?

Unequal Tasks.

"A. Yes, sir. Take tea kettles and bulge pots and such small work as that. A man has got to work hard to make anything on them. Men come in there who have not got the head to mould.

"Q. Can you make much over-time on maslins?

"A. No, sir. They put me on the maslin work to-day, and even though I go for the best moulder in there, I would not knock out over two or three dollars a week.

(Record, page 252).

"Q. Is it not a fact that the grand jury and these other people that come in to visit the Penitentiary usually come over and have a pleasant word with you?

"A. Every time anybody comes through there, they come to me and say, 'Sidney, how much do you make?' and then I tell them. You see, I make the most money of any of them there.

"Q. They always let the grand jury stop where you are, don't they?

"They come and call me, yes, sir.

(Record, page 253).

"Q. Do you recall any grand jury ever coming through here that they did not bring you up and let you talk to them?

Star Man Before Grand Jury.

"A. I do not remember once in three or four years when the grand jury has visited here that they have not brought me up to talk to them.

"Q. Do you remember any other prisoners that they brought over from the foundry except yourself?

"A. No, sir, not any in the foundry.

"Q. You are the star man in the foundry, then?

"A. You might say so, yes, sir.

(Record, page 254).

Worth $50.00 a Day to Contractor.

"A. I am valuable to the contractor, sir, that is it. I have heard the superintendent of the contract say that I was worth $50.00 a day to them. I put up 30 and 40 hoppers, and they get $7.00 apiece for them after they are fixed up. That shows you where the whole business is. If a man will work and behaves himself in here, he has a hard time to get out, that is my opinion.

(Record, page 260).

"Q. They are satisfied with you just from your work?

Speeding-Up.

"A. All they want out of me is my work, sir. To show that all they want of me is my work, I will tell you this: About three months ago I was working mighty hard and was making $70.00 and $80.00 and $90.00 in each month, and I started to take a rest. I was aching all over and my wrists were stiff from the rheumatism, and as soon as I started to take a rest they put in hard patterns on me. You see that is the way they get even. * * * Now, I will tell you the way they get back at a man if he does not put up any more than a task. The contractor wants the work, and if you do not put more than a task, then he will raise the task.

"Q. How do you know that? Did he tell you that?

"A. They did not tell me, but that is the way they get back at a man. We know that to be a fact without their telling us, but they have told it to other men. They have said to other men, if you do not put more than a task, as the contractor wants this work, I will raise the task and then you will have to get it or get punished.

(Record, page 262).

"Q. Do they cuff men up for not getting up their task?

"A. Oh, yes; they were cuffing them up last year right along.

"Q. There has not been much of that lately, since we have been making an investigation, has there?

"A. No, sir, not since you started the investigation. I was talking to the officer the other day who has charge of the 'cuffing up'; I said to him, you have done away with your busi-

ness, and he said, 'No, I have got them over there. I will start them up again after a while.'

"Q. That was Buckley?

"A. Yes, sir; we call him Mr. Buck.

(Record, page 264).

Convicts Die on Their Feet.

"A. But, gentlemen, as true as I live, I have seen men stand up out there to work and die on their feet. I have seen a white fellow, I can't remember his name, but it was about a year ago, and he was nothing but skin and bones, and he went into the Doctor. This man was standing up beside the wall of the office, and this very man Buck told him to get away from against the wall, and the fellow said, 'No, kill me right here,' and they took him out somewhere and he died.

"Q. What did Buck do to him?

"A. Nothing that I know of, but they did not send him to the hospital, I don't think. Then I know another one that died in his room in the same way, just worked to death. * * * If you watch a man putting this work up it looks very easy when you stand off and look at the man do it. It is not an easy task, and then, gentlemen, the food was coming pretty weak for that kind of work; we could not stand that heavy work on the food we were getting.

(Record, page 271).

"Q. Who are those fellows that get the tips for rushing the fellows up?

"A. Well, there is Officer X.

"Q. He would get a little come back from the contractors, would he?

"A. Yes, sir, that is what I heard, and it looked like it was so from the way he would go round urging the men up.

"Q. Was he in the foundry, then?

"A. Yes, sir.

"Q. He must have been getting it from the Jones Hollow Ware Co., wasn't he?

40 Per Cent. for Helper.

"A. Yes, sir, the tasks were pretty fair until last year; one month I made $98.48 in there. On this heavy work they would give me a helper, a man that could not mould, some new man that just came in they would give as a helper; so they wanted to charge a man 40 per cent. for the helper, so we could not stand it and make anything at all. So I went to the Warden and we told the Warden we could not stand it. * * * After we had an argument about it, finally the Warden said: 'I will charge you 40 per cent. on the first task, and all the other tasks we will take the same way,' and they are still charging it.

(Record, pages 273-274).

"Q. What do you mean by a 40 per cent. charge?

"A. Well, it is like I would take you for a helper in moulding. My task would be ten, for instance, and in place of having my task ten they would make it fourteen with the helper, and then there are the discounts, that makes it about eighteen or nineteen, and that is a very high task on heavy work.

"Q. How much do you think they were paying that fellow for running those piles up?

"A. I could not say that.

"Q. Have you any idea?

"A. No, sir.

"Q. Who would be apt to hand that money to him, whatever it was?

Activity of Katzenberger, Foundry Foreman (See Also Page 128 of This Report.)

"A. If it was anybody it would be Katzenberger. Katzenberger and those people over there stand like that out there (interlocking fingers). And there is something funny if the men stand as thick as that. He could come into the shop and he could run to the officer and could say that certain men didn't have enough work. Maybe a man had a task, for example, and I have had them come up to me and say, "That man hasn't work up there" and I have had them come to me and say, "Sydney, Katzenberger wants you to put up some

work." I said, "I have got a task" and he said, "I am not favoring you." I know what is coming then. I have worked out there by just pushing in that way until the blood would run out of my hands. You know I was in an awful shape when Warden Weyler had to send and get me a pair of gloves to work with. My hands were broken open clean to the bone and the blood would come out and sand would get in there in the morning and you have no idea how I would suffer with my hands."

"Q. (Record, page 285). Do you know most of the tasks?

Unfair Tasks.

"A. Yes, sir. There are men out there in that foundry that work hard all the year and they do not make one red penny. If a man is a moulder he does not get anything from the contractor. The men on day work they will give them a dollar or a couple of dollars or something like that a month, but there are men out there in that foundry who do not make one red penny. There is the maslin, for instance. When I first came in the foundry they would not give a man a maslin because it is a hard pattern; they would give the men part maslin and part something else so that they could keep a task. I have seen men actually try to do their work and yet they cannot do it. I know a man in there not far from me; he is not much of a moulder, but he tried in every way he could to give a task and I used to make from forty to fifty tea kettles a day and I showed him how to work; the officer told me I could show him. He was nothing but a boy and the boy was trying in every way he could to make his task but he could not do it, and they carried him in and cuffed him up and when he came out I saw his wrists all sore.

(Record, pages 287-288).

Coached by Officer.

"A. And another thing; I was told by the officer that if they said to me, 'How is it that you make so much more money than somebody else, you just tell them that that is because you are the best worker and tell them they can go out there and get the book and they can see why you are the leader.'

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"Q. Who told you that?

"A. The officer that I work under.

"Q. Who is he?

"A. Officer 'Y.'

"Q. Was that before these letters were sent?

Coached by Warden Weyler.

"A. Yes, that is when they were talking about sending the committee here. They do not know that we know it, but we found it out. In May there was some reporter came over here and I was sent for in the office and before the reporter came to the office Warden Weyler sent for me and he told me there was a reporter out there who wanted to write out a lot of stuff. He said, 'He wants to know how you make your money and how much you pay out. When they ask you anything about that, you just do not go into details about it, but you just tell him that some man that is not making anything you get to help you and that you give him $4.00 or $5.00 a month to help you out.' * * * As quick as I laid eyes on the reporter I saw he was no fool; he had a pretty keen eye and the reporter ripped right into me. Of course, I was standing right there before Warden Weyler and I was not going to speak right out, because I was going to do what he said, for I knew if I did not I would get what was coming to me.

(Record, page 289).

"Q. The month that you made the ninety-eight dollars, how much did you pay out then?

"A. Twenty-five or thirty dollars. Every month I pay twenty-five or thirty dollars out of my money overtime.

"Q. Then you do not make an average of fifty dollars a month?

"A. I could not save one dollar in here, Mr. O'Dunne, for two years.

"Q. What do you mean by that?

PLATE No. 19. FOUNDRY—PLACE WHERE SYDNEY JOHNSON WORKS.

High Cost of Living.

"A. Because it is this way: I send some money home, but I have not as much money as I had two years ago. I make money and I pay out a lot of expenses. If I make fifty dollars I have to pay out thirty dollars expenses. That leaves me twenty dollars and I buy all my shirts and things like that, because if a man gets wet in that foundry and he does not change his shirt he catches cold, and I have to keep up my health in order to do my work. I buy my soap, for instance, and buy my socks and tobacco. You would hardly believe it; but I buy two dollars and fifty cents' worth of tobacco every week. Now, what makes me buy it? It is not that I use it, because I do not use anything like that much. But the grub comes so weak that I cannot do my work and some of the men who have political jobs can get around and get hold of grub and we shove those men a pound or so of tobacco or make them out a check for fifty cents or a dollar and tell the officer to give it to them.

"Q. What officers have you passed tobacco to in that way?

"A. Not officers, sir; the tobacco is not passed to the officer. The prisoners are the ones, such as the waiters, and the men who wait on the Warden.

"Q. You buy two dollars and a half worth of tobacco a week?

"A. I buy five pounds a week and the tobacco costs me fifty cents a pound.

"Q. How much of that do you use yourself?

"A. I chew about a plug a day.

"Q. That would be about fifty cents a week?

Pound of Tobacco for Hog Jowl.

"A. You see here, for example. (Witness pulls from his pocket a plug of Schnapps' chewing tobacco). I just bought five pounds today, that is five pieces that I have here, one of them is a nickel. Now us fellows working hard cannot stand that work off of the grub that we have been getting. Mr. Leonard thinks he is feeding us fine. It is all right for a man working at light work in the shirt shop, for instance, but us fellows doing that foundry work we want some-

thing heavy and rough, some heavy grub and we have got to have it if we are going to stand up and do work. Take hog meat, for instance. I pay a man a pound of tobacco for a hog jowl. (Witness here pulls from his pocket a pound of meat wrapped in greasy newspaper). Now that is all the hog meat we get. He goes around and steals it out of the kitchen and sells it to me for a pound of tobacco.

"Q. Do you do that regularly?

"A. Certainly, because if I did not do it regularly, I could not stand up to do the work I do to save my neck. Not only I do it, but lots of them do it. We could not possibly do that heavy work in the foundry on the food we get unless we did get something in this way.

"Q. Is there not somebody in the dining-room that you pass tobacco to pretty regularly?

Systematic Bribery for Food.

"A. No, sir; it is not that way. We can sit up at the table and we can take the waiter and hand him the tobacco. Like we go into the dining-room three times a day, we can slip the waiter a bar of tobacco each day and keep on that way and pay him in that way.

"Q. When he brings you that hog meat, does he bring it to you in the dining-room?

"A. No, sir; they used to come out to the water closet at the foundry and when they get out there they would leave it there on a shelf in the water closet and we would step in and get it and put it in our pockets and then we are gone again.

"Q. But you do that regularly every week?

"A. Oh, yes, we have to. I spend two dollars and fifty cents regularly for tobacco. If I did not do it, I could not hold up to my work. But I did not finish telling you about this reporter business. He questioned me down so close until he says, I do not see how in the world you can make this amount. I could not tell him that I paid out any. It is impossible for me to make it if I had to do the work myself. Then I told him the contractor comes in and pays sixty cents on the first twelve tasks and I got it into the reporter's head that I cleared that

money in that way; but I do not; I pay out twenty-five and thirty dollars a month.

"Q. How much do you send your mother every month?

"A. I do not send her money every month. I think I have sent her about one hundred dollars this year.

"Q. She does not know where you are, does she?

"A. No, sir; she thinks I am here in Baltimore. Last year I sent her right smart. * * * I have lost one eye here in the Institution, too. A piece of gate came up, hot iron, and it struck me right there, and my eyesight is nearly gone in my left eye."

We find, therefore, that the chief advertising medium of Warden Weyler's philanthropic system of overtime earnings has been forced to lie persistently in order to help persuade the outside world that the contract system of the Maryland Penitentiary is beneficial to the convicts; and that, even though he has done yeoman's service as Warden Weyler's star convict, he is nevertheless forced to follow a daily practice of bribery and to pay out $2.00 a week in tobacco to the kitchen convicts in order to obtain a quantity of food sufficient to enable him to stand up under his work.

Sydney Johnson's Account.

We here append the account of Sydney Johnson, showing his gross earnings and the amount paid by him to helpers for the years 1911 and 1912:

1911.	Gross Earnings.	Paid to Helpers.	1912.	Gross Earnings.	Paid to Helpers.
January	$41.39	$16.50	January	$60.30	$28.50
February	74.58	22.50	February	60.78	25.50
March	98.49	25.50	March	50.88	23.50
April	81.20	27.50	April	34.82	24.00
May	56.88	20.00	May	36.78	21.50
June	20.73	20.75	June	59.58	17.50
July	47.76	25.50	July	28.62	19.00
August	48.18	25.50	August	53.94	30.00
September	53.35	22.50	September	76.86	27.50
October	72.47	25.50	October	54.90	31.50
November	64.83	29.50	November	33.35	17.70
December	32.34	19.90	December	24.38	25.00

$28.96 a Month Less Living Expenses.

From this account it appears that during two years he earned $1,267.39, and paid out therefrom for helpers $572.35, leaving a net earning of $695.04, or an average of $28.96 a month. Out of this $28.96 he had to pay for tobacco for the kitchen convicts, for shirts, soaps, hair cuts and shaves, and those other incidentals which make the Maryland Penitentiary, in the words of one of the convicts, "an expensive place to live in." It is plain that the excessive labor, by which he has performed the work of three or four men, has not been fairly compensated under the over-task earning system.

Unequal Tasks.

We have seen that the star convict of the foundry could not under the over-task earning system average more than $28.96 a month; that his labors netted him $72.99 in March, 1911, and resulted in a deficit of a few cents in June, 1911, and December, 1912. This of itself is ample evidence to show that the various tasks require a vastly different amount of work to complete and that the amount of the convict's overtask earnings depends in the largest measure on the task to which he is assigned. There are other considerations, however, which show the unfairness with which the convict's overtask earnings are distributed. In the first place, there are a certain number of prisoners working on State use, that is, in the kitchen, in the State laundry, and on the general work of cleaning and caring for the Institution. In 1911 there were 6 3/10 per cent. of the population so employed; in 1912 7 1/7 per cent. We have already referred to the fact that in well-regulated institutions from twenty to thirty per cent. of the population is engaged on State use and that the employment of this large a per cent. is absolutely necessary if the primary needs of the Institution are to be properly cared for. Should the small per cent. engaged on State use at the Maryland Penitentiary be increased to twenty or thirty per cent., as it must be increased if the management of the Institution in the future hopes to maintain

Prisoners On State Use Earn Nothing.

it in a sanitary condition, then it is apparent that if the overtask earning system continues, this twenty or thirty per cent. of the population will be without the means of earning money, while their fellow convicts are given an opportunity to do so. Even with the small per cent. which has hitherto been so employed, a large proportion of the population has not participated in Warden Weyler's beneficent scheme of cash profit for the convict.

The following months are taken at one-third of a year intervals so as to reach generally the whole year of 1912.

Prisoners Earning Over-Task During February, July and October, 1912.

In February, 1912, three hundred and ninety convicts on the shirt contract, one hundred and fifty-eight on the foundry contract, and none on the brush contract, making a total of five hundred and forty-eight, earned overtask; in July, 1912, four hundred and eleven on the shirt contract, one hundred and fifty-eight on the foundry contract and four on the brush contract, making a total of five hundred and seventy-three, earned overtask. In October, 1912, three hundred and seventy-two on the shirt contract, one hundred and sixty-seven on the foundry contract and one hundred and twenty-three on the brush contract, making a total of six hundred and sixty-two, earned overtask.

One Third Earn no Over-Task.

Taking the average population for each of these three months we find that during February 43 per cent. earned no overtask, during July 39 per cent., and during October 25 per cent. Therefore, roughly speaking, we may assume that the normal operation of the contract system each month has been to prevent one-third of the population from earning anything and to permit the remaining two-thirds to earn overtasks of varying sums dependent on the individual efficiency and the individual task. If the proper number of convicts, which we have above indicated to be between 20 per cent. to 30 per cent. of the population had been employed on State use, in order to keep down the vermin and clean up the Institution

generally, the percentage of convicts who earned no overtask would have approximated one-half of the entire population.

Necessary Inequality.

The statements of the convicts are filled with complaints that the tasks are totally unequal and that many of the tasks are impossible of performance. It is at least perfectly apparent that it is a sheer impossibility to equalize individual tasks comprising all the varied and diverse work of the shirt shop, the brush shop and the foundry. The necessary inequality leaves open a great opportunity for favoritism and creates a most undesirable spirit in the minds of the prisoners assigned to the least favored tasks.

No Over-Task On Brush Contract.

One situation primarily shows the vast opportunities for abuses under this system. The brush contract from December, 1911, to September, 1912, permitted no over-task work, as they could of right do under the terms of their contract with the Institution. The result was that the one hundred and seventy-two men or thereabouts who worked on this contract, no matter what the industry or efficiency of the individual man might be, were unable during this whole time to earn even enough money to buy themselves tobacco. The evil of such a situation would not have been so great in an institution where the State carried out its duties and furnished to the convicts the primary necessities of life, but in the Maryland Penitentiary the obtention of soap, necessary clothing, washing, blankets and numerous other essentials depends upon financial ability; and it is easy to see that these men on the brush contract, during the eight months referred to, were reduced to a state of destitution.

Time of Discharge Critical Period for Convicts.

Perhaps the most accurate understanding of the result of the overtask earning system at the Maryland Penitentiary may be gathered from the records which show the amount with which the prisoner leaves the Institution. Your Commission is in accord with Warden Weyler on at least one proposition, that the most critical

period of the convict's life occurs at the moment of his discharge. Warden Weyler's report of 1906, page 14, contains the following extract, which was approved and requoted in 1908 by the Indeterminate Sentence Commission, of which Commission Warden Weyler was a member:

Warden Weyler Represents That Convicts Commonly Leave with $100 or $200.

"The most critical period of a convict comes with his discharge from a penal institution. If he can leave with a new suit of clothes and the snug sum of one hundred or two hundred dollars in his pocket, which he has earned by strict application to his work, he has a feeling of manliness and independence which will prompt him to seek honest labor, and with the resolution formed for leading a better life in the future and may in time outlive his waywardness. The exception to **this rule** is the convict who contents himself with doing only his limited task the entire time of his prison life, so that on his dismissal he at once becomes a charge to his friends or the community and he will soon find himself relapsing into his evil ways and be brought back to this or some similar institution."

The implied representation contained in this extract that it was a common occurrence for a convict to leave the Maryland Penitentiary with one or two hundred dollars is given color by a more recent statement made by Mr. Weyler in his beforementioned report filed with Mr. Furst and annexed hereto as Appendix C, where he devotes several pages showing that the overtime earnings of the prisoners are equally distributed. The burden of his remarks on this head is found in the following statement:

Also that "a Very Great Majority" are Discharged with "Substantial Sums."

"Much capital has been made of the charge that only a few prisoners are able to earn fair sums for themselves at the Maryland Penitentiary, and that the majority leave the Institution empty-handed, with nothing to begin life anew. Nothing could be farther from the truth, for while it is impossible to compel all convicts to be industrious and endeavor to earn something for their families or themselves, the records show

indisputably that the very great majority have been and are industrious, as the result of encouragement given them while imprisoned, and have easily succeeded in laying up substantial sums against the day of their discharge."

"Partial List."

Mr. Weyler thereupon appends what he calls a "partial" list of prisoners discharged from the Maryland Penitentiary during 1911. This partial list contains the names of 138 men, all of whom had to their credit on discharge sums ranging from $10.00 to $304.37. No man in the whole 138 selected by Mr. Weyler for his "partial" list had less than $10.00 to his credit. Having reason to believe that Warden Weyler was not candid in this respect, we looked into the records of all the men discharged from the Institution during the year 1911. We found that during that year they discharged 431 men. That out of that total number, only 140 men had to their credit on discharge an amount of $10.00 or more, and that therefore, when Mr. Weyler made up his "partial" list of discharged prisoners, he only omitted from the list two men who had to their credit $10.00 or more. We found that of the 431 men discharged in that year 92 had less than $1.00 to their credit. These men received $2.00 from the gratuity fund and went out of the Institution with less than $3.00. We found that out of the 431 men discharged in that year 208 had $5.00 or less and since the gratuity never raises the amount held by the convict on discharge to over $5.00, these 208 men went out of the Institution with $5.00 or less. We found that out of the 431 men discharged in that year 290 had less than $10.00 to their credit.

Prisoners Discharged in 1911. Number 431.

67 Per Cent. with Less Than $10.00.

It is therefore evident that Mr. Weyler willfully garbled the records in order to represent that the over-time earning system was highly beneficial to the greater majority of the convicts. **By no latitude of construction can his representation that "the records will indisputably show that the very great majority * * * have easily succeeded in lay-**

ing up substantial sums against the day of their release," be justified by a record which shows that 67 per cent. of the convicts discharged during the year, which he himself has chosen, had less than $10.00 in their pockets with which to begin life anew.

These facts not only convict Mr. Weyler of deliberate misrepresentation, but they are almost conclusive condemnation of the over-task earning feature of the contract system. In the light of the record above quoted, it is very easy to see how delusive is the $30,378.32 over-task figure earned by the convicts in the fiscal year of 1911. We may here refer to the fact that any number of these men, 67 per cent. of whom leave the Institution with less than $10.00, have been serving long terms and have slaved for years, with the benefit of Mr. Weyler's equitable distribution of over-task earnings.

Our general conclusion on the subject of the prisoners' overtime earnings is to the effect that they are distributed unequally and unfairly and that they afford no justification whatsoever for the contract system at the Maryland Penitentiary.

Culminating Vice of Contract System.

The culminating vice of the contract system is that it inevitably induces a money-making spirit on the part of the Warden. Whether sanctioned by law or not, the sale of human beings is morally wrong. No man can live in daily contact with and actively participate in a grossly immoral practice of this character without deadening and coarsening the finer fibres of his nature. If the Warden is a humane man he will be affected to a greater or less degree, and his sympathy for the convicts under his charge will be lessened. **If the Warden is by nature a brutal man, the contract system panders to his grossest impulses. He loses all fellow feeling for his prisoners, and their suffering and distress is nothing to him if by destroying the vigor of their minds and bodies he can obtain the public applause that comes from turning a money surplus into the treasury of the State.**

The fact that the contract system lays the emphasis on money making underlies the whole management of the Maryland Penitentiary. **We find in the management of the Institution an efficient system, wherever one is necessary to raise cash; we look in vain for a system of any kind where care and method are necessary to conserve the convict's health and strength.**

In the provision of medical attention, in the preparation of food, in the general sanitation of the Institution, there have been loose and lax methods which can only be attributed to sheer indifference to the welfare of the prisoners at the Institution. There is little pride and exaltation to be derived from the fact that half a million dollars surplus earnings of the prisoners has been turned into the treasury of the State when, in justice, it should at least have been expended in making humanly comfortable the conditions under which by their labor they made themselves self-sustaining. The hardships of sleeplessness due to vermin, loss of health and loss of life through lack of proper food, clothing, fresh air and medical attention, ought not to have been added to the otherwise sufficiently rigorous punishment of confinement at hard labor.

PART IV.

LETTERS AND STATEMENTS OF CONVICTS.

In order to give some impression of the convicts' point of view, we have taken certain extracts from a few of the more intelligent letters that your Commission has received from the convicts, with reference to their experience and treatment at the Maryland Penitentiary.

To give Warden Weyler his due, we first publish a letter of a laudatory nature which was addressed by a former convict to Mr. Frank A. Furst, president of the Board of Directors, and which Mr. Furst kindly furnished your Commission:

"BALTIMORE, MARYLAND, June 3rd, 1912.

"MR. FRANK A. FURST, President,

Board of Directors, Maryland Penitentiary,

City.

DEAR SIR:

"If you and your colleagues will not consider this an imposition upon your patience, kindly permit me to offer it as my humble testimony in behalf of and tribute to one of the most unjustly assailed men in the history of Maryland, Warden Emeritus John F. Weyler.

"Warden Weyler needs no encomium from me. He requires no defense among those who know him as I do—the kind-hearted, human **man,** the faithful, honest and efficient public servant—and as you know, gentlemen of the Board, surely know him, inasmuch as you have so repeatedly honored him with re-election, even as his administration has been an honor to the Institution in his charge and the State of Maryland, despite the outrageous villification and maliciously unfounded insinuations now being published in a certain newspaper.

"Even at the risk of being considered egotistical, and despite a measure of confessed humiliation which the assertion entails,

I believe it is conservative to say that few men have ever had the opportunity to become so thoroughly acquainted as I with the interior workings of the Maryland Penitentiary, the method of handling prisoners, the business administration, and all the various details which go to make up the daily life behind the walls.

"It is quite impossible to go into details within the limits of a written communication. At this juncture it is sufficient to say that there never was anything more slanderous than the published charges of brutality toward prisoners and persecution of them at their daily tasks in order that contractors and the State might benefit financially.

"An experience of thirty (30) months in the office of one of the contracting concerns placed me in closest touch with scores of prisoners, in addition to furnishing very accurate data as to the contractors' relations with State, Warden and convicts. Many questions arose from time to time, and there never was an occasion when Warden Weyler failed to absolutely and adequately defend and insist upon the prisoner being given his just dues as against the contractors' demands. With him, justice to the prisoner was ever first, though his decisions invariably blended with the rights of the State, and fairness to the contractor was not ignored. In all the many years of Warden Weyler's active administration, I do not believe that a single convict was compelled to perform an unfair task; nor do I believe that one was brutally or unjustly punished. It would be idle to claim that **none** was punished for infraction of the prison's rules. Indeed, I have known many such cases, and in many instances the 'whys and wherefores' came to me at first hand—from the offenders themselves. **In not a single case** did I ever hear the punished complain of injustice. In fact, I can swear with a clean conscience that a goodly percentage of the refractory ones freely admitted that they 'got off with less than they deserved' and what they did get was well within the limits of the State law and the rules of the Institution. Indeed, I have known Warden Weyler to stretch the law and rules to the breaking point in order that he might compromise with his

sense of duty and give the offending prisoner another chance. Scores and hundreds of times, I have heard him give a kindly admonition to a recalcitrant, or drop a bit of fatherly advice to a light-minded fellow and speak an encouraging word to a penitent struggling to regain his manhood, his self-respect. I have seen him trying vainly to repress (strong man though he is) the tears which **would** well up when some pathetic case within the walls was brought to his attention. Unknown to him, I have seen him personally carrying a parcel of fruit to the prison hospital, to tempt the appetite of a negro convict nearing death from tuberculosis. All unknown to him—for wild horses could not drag the admission from his lips, I have known him to give freely from his purse to relieve the distress of families whose head was serving time in stripes under his care. I never knew him to **preach,** or shout his religion from the housetops, but, though sometimes, gruff of exterior, I never knew him to fail in practicing the highest virtues of the Christian gentleman, not only in his private life, but, also, as an official of the State sworn to a stern duty. Yet that is the man whom an irresponsible Russian and a sensation-mongering newspaper are endeavoring to hold up to public condemnation.

"You will, I hope, pardon me if I speak too strongly, but I feel—**very strongly**—and you will better understand what is meant when I mention what a mountain of gratitude I owe to the 'good Samaritan' to whose humane methods not only I, but many, many others, can point as the source of prompted desire to retrieve the false step, to climb out of the depths, to win back a firm foothold among men in the outside world. That may not be what the scientists and newspaper-penologists call reformatory work, but it comes pretty near to being the genuine article.

"Since then, numerous casual interviews have only tended to confirm what I personally saw and learned, so that it cannot be said the good of Warden Weyler's long administration was merely spasmodic. If he has erred in all these years as a State official, it has been on the side of humanity. If at times he has been compelled to take drastic measures, it has been

because the antiquated laws left him no option or discretion, and even a 'yellow' newspaper may recover sufficiently from its mental aberration to admit its mistake in laying false charges.

"Having trespassed so long upon your time and, possibly, upon your patience, I must beg your further indulgence while adding that this is written without the slightest prompting or solicitation from Warden Weyler. The statement is purely voluntary on my part, and is made solely because I believe it to be only a matter of simple justice, and because, though from a humble and perhaps, insignificant source, it is nevertheless, dictated by gratitude almost overwhelming and undeniably truthful facts.

"As I have said before, it is not easy to come forward with a statement of this sort when one is trying to forget and retrieve the past; when the world which preaches sympathy and encouragement and forbearance is so unwilling to practice its preaching and give honest employment to the man who has been down and is struggling to stand upright again. Only within the past seven months has a desperate battle of two years apparently won a foothold, and publicity of any sort would not only be extremely distasteful, but also probably harmful from another standpoint. If, however, any testimony which I can truthfully give along the avenues before indicated may, even in the slightest degree, end in the triumphant vindication of Warden Weyler, then it is at his or your honorable Board's disposal, regardless of other considerations."

Was He Making Smooth the Way?

NOTE 1.—**It may be only a strange coincidence, but at the time this letter was written (June 3, 1912), one of your Commissioners happened to be the victim of its author, to the extent of a "substantial sum" obtained by false pretenses; and the writer of the letter, at the time of writing, stood in imminent danger of returning to the bosom of said prison and again coming under the fatherly care of the kind-hearted Christian gentleman to whom he refers.**

NOTE 2.—We have omitted from his letter one or two paragraphs which would serve to identify him and give him that publicity which would be harmful.

Although a large majority of the convicts who refer in their letters to Warden Leonard speak of him as a fair, just and humane man, nevertheless an equally large majority of those who refer to Warden Weyler exhibit a deep-seated hatred of him. It should be observed that we have on our files any number of letters complaining of assaults upon various prisoners by Warden Weyler in person. We do not insert these letters, principally because their subject matter would render the writers comparatively easy of identification. These complaints are interesting in the light of the fact that Warden Weyler admits that on fifteen or twenty occasions he has hit convicts with his fists, he, however, claims that he has always acted in self-defense. (Record, page 24).

The extracts which we have thought worthy of quotation follow:

(No. 717.)

"I am very strongly of the opinion that an Institution of this kind should be conducted with the idea of turning men out better than when they came in. This cannot be done when men are treated simply as animals. The utter debasement and crushing of spirit as the place is now conducted makes the men resentful to the limit that they dare go. **Why is it not possible to treat them like men and if it is found that there are those that abuse the better treatment accorded them, subject those particular ones to the humiliation that may be necessary in their case?** Why is it necessary, for instance, that a man should not be permitted to wear a collar and tie? That is a very small thing, but it tends to keep up a man's self-respect. Why is it that men must walk in the lock-step only or, if alone, must walk with folded arms? Does it do any good or is it only intended to keep a man's disgrace constantly before him? The stripes and the cutting off of all hair brings a man to the very lowest degradation possible. **I don't believe that any man was ever helped up by crushing his spirit and robbing him of every**

particle of self-respect he might have. I know the hair is taken off for sanitary purposes, but an examination of the head will show very quickly when it is necessary and the proportion of cases in which it would be necessary I think would be small. The general clipping is just another turn of the crusher. It is absolutely ridiculous to say the stripes are necessary for identification in case of escape. How many have escaped? One during Warden Weyler's term of office and the clothes did not bother him. Let those who think the stripes necessary show one case where an escaped man (from this place) was captured because of the stripes. I feel sure it cannot be done, because if escape can be made it must be through very careful planning with help from without and probably within also. With such planning the providing of clothes is the easiest of all. Of course, in speaking of the possibility of escape from here, I mean in its present perfected state and not what it may have been in its early days."

(No. 764.)

"The prevailing system that has been in use here for the last twenty-four years to make a prisoner obey, is one that breaks his spirit and arouses a desire for revenge. * * *

"In answer to your second question regarding the food I can but say it is better than it has been. Now and then it is bad. There was a time though when it was bad and very bad at that. The bread was sour, black and a solid lump of dough at times; the meat was rotten and unfit to eat; the soup was nothing but water; and on occasions when it would run short, to make more in a hurry hot water would be added. That would make it pure water. What caused us to get better food was the fact that one Saturday the soup was so sour, that no one could eat it, and a mild strike resulted. Prisoners all over the place refused to work, and some were locked up for it. Only last Saturday the breakfast was unfit to eat. They call this breakfast hash, but it is put up in soup form so it will be no trouble to water. **I speak of what was once the case. What we men had to eat when we were earning the money that maintained**

the Institution and turned a surplus of thousands of dollars into the State Treasury each year. The fact that we support this Institution, should justly entitle us to good food. The question that bothers us now is whether this better food we now get, which is not as good as it should be, is going to be a permanent thing, or will we have to return to the **old bill of fare,** after you have finished your investigation. * * * In answer to your fifth question regarding the condition of my cell, I can but say it is in a very good condition, for I only recently paid $2.50 to have it painted. I make it my special business to keep it clean at all times. **One thing about the cell that cannot be overcome is the bed-bugs.** I do not believe any prisoner here takes more pains than I do, to try to rid the cell of them, but it does no good. **They have been breeding so long, that the place is full of them.** * * * A short while back, one new sheet and one new pillow case were given each prisoner. It was the first time it happened in all the time I have served. I have never had mine washed or a change given me by the State, but had the State washed them, they would have been returned a great deal worse looking than they were before they left. They would have been dirty looking for the process they go through causes this to happen, and it forces a man who likes to have clean looking clothing to buy what he needs, and either wash them himself or pay to have them washed. * * * When the work is running full, I am earning good money. I have earned on an average of $20.00 per month since last January; this year so far, including this month's pay, I have earned $141.00. Of course, everybody is not earning that much money; some earn no money or never will earn any, as it is not in them to do it. Some can do it, but will not do it; some are willing, but cannot as their task is too much, or I should say, too hard. Take the laundry for instance: there is at least 35 ironers up there, but of these ironers seven or eight do a task; the rest are unable to do one. Something must be wrong when such a condition exists. The foundry men are all paid well so I understand, but the brush contract is all for itself; they pay no one. The State must

even give the men working for it tobacco each month, so you can see that it's rather hard for those poor fellows without a chance in the world to earn a penny for themselves. * * * One other officer for whom I wish to say a good word is Warden John F. Leonard. I know the man, and I know him to be generous, kind hearted, and willing to help any one that needs it. I believe he is interested heart and soul in the welfare of those confined here. He has had no chance to prove how much he would do for us. His hands are tied by Warden Weyler. * * * **Your investigation is going to bring forth some awfully rotten things in connection with the management of this Institution, but it would not be just to hold Warden Leonard responsible for them unless he merits it; as fair minded men, I am sure when all things are thoroughly sifted, you will put the blame where it belongs."**

(No. 748.)

"I wish to bring to the attention of your honorable committee the following strange facts, that **never since my incarceration here, have I, nor has any of the prisoners whom I have questioned regarding the same, seen any set of printed or written rules governing the conduct of the prisoners at this Institution;** and because of that fact the prisoners are at the mercy of every officer and the irresponsible hirelings of the contractors. For instance, in shop "G" the prisoners talk quite freely, and to my knowledge they are never reported or punished for the same. The same conditions exist in several of the other shops, and in some of the shops the men are reported and punished for talking. The evil of such a system is this, that the prisoners in **all** of the shops **can** be punished for talking whenever their officers feel so inclined. * * * The bread is cut in large, thick pieces, and if one does not eat it all, it is returned to the waiter or else placed in his pan to be reserved for some other prisoner. As there are many inmates afflicted with tuberculosis and other highly communicable diseases, it is very plain to see that when a consumptive takes two or three bites out of a piece of bread, the partly eaten piece is

passed along to be consumed by someone else who may be healthy. The same conditions exist in regard to the drinking pans in the dining-room. The pans have a curved rim, and when placed to the mouth the lower lip goes under the curved part, and as the pans are not washed properly, and as it is very seldom or never that a prisoner uses the same pan at two consecutive meals, in that manner germs and microbes are transmitted from one mouth to another. * * * In the shop where I worked (Shop "—") there are several very sick men who are kept at work, and who are compelled to eat the same food as the other men who are in good condition, when it is apparent to anyone not wholly blind that fresh air, milk and eggs and other wholesome fresh food is what they are in need of. The Doctor is fully aware of the condition these men are in, and they are kept at work and given the same treatment as the men who are healthy and strong. * * *

"This has been the first time in twenty-four years that the prisoners have had the opportunity to appeal to some one from whom they can look for a square deal. * * * There is so much to be said about the barbarous, antiquated penal system in operation here that for me, an uneducated young convict, to write down an adequate description of this complicated man-racking, soul-destroying machinery, would be a task for which I have a wealth of material and a worthy and sacred cause; but, because of the lack of necessary education, I cannot write down the story of Weyler's 'reign of terror.' * * * The following is a description of the way we are given a 'bath': Double-quick march from the cell to the bathroom; tear off clothes; race to get under the shower, and before one barely gets the time to cover his body with soapsuds, clang goes the bell; race back to one's clothes, and as the State furnishes each prisoner with only two thin pieces of toweling, each about a foot square in size, one can hardly dry himself in the short time given one and with such short towels. The result is that one must put on his clothes while the body is still wet and hardly clean."

(No. 757.)

"I have a spotless record, have never been reported but once, got off then with a severe lecture. I have been extremely careful because I am ruptured, and I know they would not hesitate to hang me up, even though I am in that condition. **There is a prisoner confined here at present that Mr. John F. Weyler hanged up knowing he was ruptured.** His name is X. **I have often heard the men scream and cry when they were in the chains.** * * *

* * * "On the first of each month we receive a piece of soap, one inch square, that is supposed to last the entire month. If you don't have a few cents to buy more, why, go dirty and do without. I understand we are entitled to at least a piece of tobacco each week; but if we ask, God knows what the result would be. And I want to say the bedbugs were so bad all the prisoners had to have their rooms painted. It cost each one of us from $1.75 to $2.50, so you see it was necessary for us to improve State property in order to get rest at night. Believe me, there are plenty of bedbugs here yet. * * *

* * * "We pay for everything in here, shaving, washing. Prisoners pay $0.50 to have their shoes repaired and officers pay $0.40.

* * * **Gentlemen, I have seen officers discharged for stealing shirts and bringing things in, but I have never seen or heard of one being discharged for being brutal to a prisoner.** * * * **They believe in reforming you here with a blackjack or a club.** * * * **The dentist charges $.50 to kill the pain while extracting a tooth; but if you don't have any money, he won't relieve you of the pain. This is an expensive place to live in.**

* * * **If you inquire into the death of a colored boy by the name of Meekins, who died between the 4th and 15th of July, you will find he worked or was forced to work two days before death, he used to march out of line at dinner, when he got to the dining-room door; he sat on the steps until his division came out then fell in line; could not eat; and then**

the white men missed the poor boy for about two days; we inquired and found he was dead."

NOTE.—The hospital records show that Meekins was admitted to the hospital on June 3, 1912, and died on June 5, 1.40 A. M. Original diagnosis was "bronchial pneumonia," and either before or after death the word "bronchial" was stricken out.

(No. 462.)

"Gentlemen, did you ever see a hog hanging outside of a butcher shop? That is the way a man hangs that weighs from 135 pounds to 160 pounds and up, a pair of handcuffs around his wrists, chain hooked to them, a strong rope through the chain, which is thrown over an iron pipe above his head. Then you are pulled up like a hog to the tip of your toes, your feet are tied behind you, and you remain in this condition until taken down. Think of it! Imagine that you can see **a poor fellow hanging up by his wrists, crying, hollering, yelling** to be taken down, but no one can hear him from the outside, because where this is done it is in the basement, away from the public. Hanging there in agony, full of pain and distress, you feel you are being pulled to pieces, **and the louder you yell the higher up the unmerciful guard will pull you.** Gentlemen, if you once saw the sight, you would remember it forever.

(No. 142.)

"After 9.10 every evening the water is shut off and during the night we must drink water that was standing for hours long. We have no drinking cups in our cell and we have to drink water from dirty cans or directly from under the spigot. * * * **The bed-bugs are crawling from room to room** and there is so many of them that I get very little sleep. * * * It is a fact well known to you gentlemen that all meals are served in tin-ware dishes, but you may not know how dirty they are. You may not know that on many mornings it is an easy thing to find on the spoons, plates or water bowls some dried up matter from the last dinner. The top of the table you gen-

tlemen saw, but have you noticed its edges or under the table? * * * When I was on the job of *X* I overheard on several occasions the talk between Superintendent Russell and Representative J. A. Katzenberger in regard to prisoners, and from their talk it was plain to me that the men were treated not according to justice, but as the contract wanted them to be treated. * * * The contractor has influenced the Warden in some way to give his decision in contractors' favor whenever a prisoner is in question. The prisoner is taken advantage of on every occasion because he cannot appeal to any one outside of the Warden, and the Warden is on the contractor's side. * * * If convicts do make a few cents they are deprived of them by State or contract; by the State in such way that they are compelled to buy such necessary articles which State should provide, and even then they are overcharged for them; by contract by being overcharged for any damage done, even accidentally, as the breaking of pattern. Many a man has paid $2.00 because he broke a pattern which was too light in a place or two. * * * My only help, as many others, is education, but can I do it in present state of condition? No. Why? Because I am overworked; I have no proper food; I don't get any rest at night; I have no fresh air. * * * This institution has a nice library, but only for show. We don't get any good books; all we get is Alger, Oliver and such, while Dumar, Dickens, Balzac, Scott, Emerson, Elliott, Longfellow and other good authors are on their shelves only for the eyes of visitors. * * * **We don't get any education. All we get is a lesson in graft, harshness and vulgarity.** You may say the contract will teach you a trade. Yes, **the contract teaches the farmer how to operate a drill press; it teaches the electrician how to grind tasks on an emery wheel or how to load wagons.** * * * I beg you for better food, for protection from abuse by contract and officials, for more fresh air, for more cleanness in food and cell, for chance for myself and others to educate ourselves; in short, for scientific management of this institution."

(No. 724.)

"I have worked by an open window for the last three summers over the place they use for cuffing men up, and for nearly every day until recently I could hear the poor helpless fellows yelling, crying and pleading for mercy. * * * I can tell you very little concerning the medical treatment, but I do know that a man must be so weak he can hardly stand before the doctor will take him from work and let him go to his room or put him in the hospital. **I know of a colored man by the name of Meekins who worked under Officer X that was made to work up until forty-eight hours previous to his death. The man was actually so weak that he could not keep up in line; would hardly ever go into the dining hall. We could see him most every day sitting outside and still he was made to work, and I am told by men in his shop that Mr. X did not show any mercy toward him, but kept nagging and pushing him until he was taken out to die."**

(No. 750.)

"The most disgraceful thing upon God's green earth is this contract labor in the State of Maryland. The parole system for prisoners is working well in other institutions, saving many a man from permanent damnation. Why not try it in the Penal Institution of this State, instead of making beasts of burden out of our prisoners. **The State cannot afford to make money out of criminality, and it is not human to do so. The most outrageous thing I ever heard of in my life is a man having to pay twenty-five cents every three months to let his hair grow.** * * * Warden Weyler is only looking after the money and himself; we are not in his mind or the Board of Directors. * * * **Yes, we have some first-class bedbugs always on the go at night. I always fill a wash bowl with water when I go to bed, and in the morning would find eight or ten taking a morning wash.** * * * You ask me about the treatment over here. **How can a prisoner expect treatment from officers when they have a leader over them like Warden**

Weyler is, and the Board of Directors never go through the place to see what is going on. * * * The superintendent of the shirt contract is a slave driver, and he wants all officers on his contract to be the same, so at Christmas he has a box of cigars or a penknife, as well as the envelope with a piece of money in it for them. I thought the **State** was paying the officers here to look after the prisoners, and not a slave driver for the shirt contract. **Well, as contract labor is a thing of the past in the world, I hope the State will break it up in 1914.** * * * Warden Weyler had the water turned off every night at 9 o'clock, and we could not get any until the next morning at 6 o'clock. He has done that every summer since I have been here, except in 1909. Now, Warden Leonard lets us have water all night. * * * I have never seen one thing done here to uplift a prisoner, or any good done in any way. **Now, if a person is sent here for punishment, society is receiving the full value which was asked; but if on the other hand they are sent here to reform and make better citizens, we all have been misplaced."**

(No. 742.)

"Not a single phase of the system here can be truthfully pointed to as contributing even in the smallest measure, to the uplift of the convict; but much will be found that trends the other way, brutalizing, embittering the mind and soul. One steals from society, but society goes him one better. It puts him in here, steals from him and then wrecks him both mentally and physically. I am a first offender; but the State is a constant offender. * * * One of the principal forms of punishment is known as 'getting jacked up.' The poor prisoner for some trivial infraction is sat upon simultaneously by three or four officials, who beat him unmercifully with clubs and blackjacks. The beating is continued usually until the victim is rendered unconscious. * * * **Next in line is known as "cuffing-up". This form of punishment above all, exposes the brutal fibre in the man who indorsed it.** * * * Then we have the dungeon, better known as the 'hole,' a filthy germ and

vermin laden cell with a dirty board to lay upon, and no covering whatever. * * * Your next question is the food. This was vile and utterly unfit for human consumption. I have preferred to go for days without a mouthful to eat rather than to partake of food, the odor alone of which nauseates one's stomach. * * *

"A complete revision of conditions has since taken place; **such house cleaning; such white washing has not been done in the annals of this Institution, and this is done not so much to pacify the prisoner, as to deceive you, the Commission, and they have become adepts in this line of deception. Have they not succeeded in pulling the wool over the eyes of grand juries for over a score of years? Why not you? Nothing less than a complete change of officials will bring any permanent change in the present system.** If they remain, conditions will positively revert to the old state of affairs. * * * Cripples, and even invalids are worked and abused. Only recently, men suffering in the advanced stages of tuberculosis were worked in the dirty, dusty shop and kept on a starvation diet. Dying men were kept in duress without five minutes during the year in the fresh air. * * * Here men confined for years, many for life, receive not even five minutes air or sunshine in a year."

(No. 701.)

"I have been here for seven years and I would not know one of the Board of Directors of this prison if I was to meet him. No one comes around to see if a man is treated right or wrong. In X Penitentiary in X State, the president of the Board of Directors comes around once each month and asks the prisoners how they are getting along. I think the chaplain and the doctor should be appointed by the Governor to report all brutality and ill-treatment to him, and let the public know the things that happen here." * * *

(No. 759.)

"As far as washing is concerned, I have to pay for my own washing, for which I pay the sum of 50 cents per month. In

case I want to have my shoes repaired, I have to pay a man for same. If I want an extra shave a week, I pay the barber 25 cents a month. In case I need two extra shaves a week, he charges me 50 cents a month. If I want to have my hair grow long, I have to pay him 25 cents extra every three months, and that entitles me to one hair cut every month. If I want to have my cell cleaned and painted, I also have to pay a man for it. Gentlemen, I would like to know if it is lawful to slave for a private concern and have them profit by my misfortune. I work on an average of nine hours a day all the year around and receive $1.00 per month. What right have these contractors to reap the harvest from the State Institution. **Contract labor is done away with in all leading States of the Union, and they are not shutting their Penitentiaries down. I am here at a profit to the State, and still I have got to pay for my maintenance.** * * * This place has model buildings, but lacks system and discipline. This morning, Aug. 31, 1912, the breakfast was so bad that the men could not eat it, and the Warden came around the shops distributing bread and molasses."

(No. 520.)

"Many poor fellows have died in here who no doubt could have been saved if kindly attention had been given. I have seen men kept on those sewing machines until they were hardly able to move before they were taken to the hospital to die. There is now a poor fellow in the shop where I am working by name of X, who is in such a condition, so weak and dried up from consumption that he can hardly walk, and breathes with great difficulty, and he is compelled to work. There have been numbers of similar cases which resulted in death. When a man falls ill, it does not matter how serious his condition may be, if the doctor does not send him to the hospital, he is compelled to work, and I wish to impress upon you the fact that this is by no means infrequent."

(No. 712.)

"It seems to be the opinion of Warden Weyler that men must be starved into submission, and he puts this theory into practice with pretty bad results, as the prison records will show. The death rate here is above the average of any similar Institution of its kind. Men actually fall from mal-nutrition, and death has an easy victim. **I myself have seen three men go from the shop I am working in and die within a week.** I have seen men pick worms and maggots from the soup which is our only substance and my stomach revolted. I have gone to bed actually hungry and wakened up in the morning hungry, still I had to work ten hours daily to pay my debt to society. **A few years ago, public opinion stopped the whipping here. It seemed to inflame Warden Weyler, and he devised a means of punishment equally as barbarous.** One of you gentlemen experimented with the hanging up. It was not dealt out to you the way a prisoner gets it. **I have seen men faint and water thrown on them, then put up again for hours, then beaten with black jacks when their hands and feet were tied.** * * * and men sentenced to this, must lose the day's work for which the State is paid by the contract. Why should he be compelled to pay for the things that are rightfully his from the few cents that his industry has netted him? **The law sends us here to teach us to have some respect for the law. How can a man have respect for it when those in authority put themselves above that law.** * * * Warden Weyler tells the people that this is a place of reformation. **If to break a man in body and spirit is to reform him, then it ought to be a success.** Gentlemen, I have more respect for the burglar or the "Strong Arm" man, than I have for a man of Warden Weyler's stamp, who is fighting against the good impulses that are in all of us, for **we all honor a square man, whether we are crooks or not, that's human nature."**

(No. 362.)

" * * * Time after time I have come into the dining room and found maggots in my plate of soup. I take it and

show it to different officers at different times. **I have found bugs, but not being a naturalist, I cannot describe them with their college titles. I know one for a roach, but they were just a bug and maggot menagerie in the soup and hash to me.** When I first came here in 19— I could not eat after seeing those things. I would look for them, so it was a case of bread and water if the bread was good. I have grown out of that now; I never think of looking. I followed the advice of the other men: "shut your eyes and you won't see them," as you know a hungry man will eat anything before he will starve, so some remove the maggots or anything else they may find and eat; others do as I do, get another plateful and take the chance of winning clean. * * * **It is the limit in the laundry line, if you could call it that. I think a dye works would be nearer.** * * * I don't see the doctor as often as some. I cannot say much about him, only tell you how I see men working that should be in the hospital. **They have always worked a man here as long as he could stand on his feet.** * * * I have seen a man spitting up blood; had him working on sanding machines for shoe contract; plenty of dust to help him spit more blood. He was finally taken to the hospital. Whether he died or went out, I don't know. I never seen him any more." * * * They don't try to make a man better in here, they try to lower him in his own self respect by trying to make a spy and a stool pigeon out of him, and when he don't fall for it, start in to show him it is more healthy for him, by picking at him, **running him to the office, calling him down whenever they get a chance if he don't sign on the good ship Weyler after a taste of brotherly love.** * * * "Mr. Leonard has never been given a real live chance to show whether he is a confirmed believer in Weylerism, or has ideas of his own. Mr. Weyler is an economy bug, where it pertains to the prisoner, his idea is anything is good enough for us. * * * I paid the barber to let my hair grow twenty-five cents every three months. For twenty-five cents a month he shaves you twice a week, otherwise you get one shave. **If you want a pair of pants to fit you, the tailor has**

got to be paid. Fellows who know tell me it is $1.00, personally I don't know; I would not buy no stripes, that is one thing I get for nothing, my Zebra suit. They give us a little bit of soap 1¼ by 2 inches to last us a month. We are supposed to wash our face and hands and body, our socks and handkerchiefs and towels. The towel is the size of an ordinary handkerchief, so a man has to buy a towel if he wants to dry himself, and soap if he likes to keep clean. The Dormitory is not properly heated. All last winter I put extra shirts on so I could sit up and read. Others told me they had to go to bed to keep warm. The blanket they give a man is a common cotton affair. Other prisons give prisoners heavy woolen blankets besides heating up the Dormitory properly. The night officers go round the tiers with knitted jackets on with coat and vest to keep warm, so just imagine how the men are who have no money. They cannot get warm clothes or extra blankets. I have three: a state blanket and two comforts, and I need them in the winter. The comforts are my own. * * * Mr. Weyler has full charge of the financial end of the Penitentiary. Well, that kills Mr. Leonard, he cannot show himself or bring his ideas into full being with another holding the purse strings. **So there you are; the responsibility is divided, with Weyler holding the deck and Mr. Leonard the joker.**

* * * I am trying to boost where it is merited and knock where it is merited, and let you men judge of the matter.

* * * Mr. Leonard is naturally a square man, and I think he should be given a chance to make good. This was a shabby way to make him Warden; he is either capable to run this place in a proper and humane way, or he is not. This prison has made all the progress it could make under Weyler; if there is to be any further progress, Weylerism has got to go. I think his idea of us men is that we are a lot of brutes to be treated as he sees fit."

The letters from which we have quoted the above extracts represent the conservative class of statements made to your

Commission by the prisoners. We have in addition many other letters bitterly complaining of outrages by officers ranging from stealing a two-cent postage stamp from a feeble-minded prisoner to driving men by brutal discipline to attempted suicide. We have any amount of prisoners' testimony to the effect that men have been kept in the cuffs from two to four hours, have fainted during the process and have been let down to recover and then strung up to faint again. If there can be any credit whatsoever attached to convict testimony, there is ample evidence that the management of the Maryland Penitentiary has been one long round of petty graft and gross brutality. We have endeavored, however, to limit our findings to facts disclosed by our personal observations or by the testimony of Penitentiary officials.

PART V.

OFFICERS OF MARYLAND PENITENTIARY.

Edmond F. Kilkenny, the Bookkeeper.

We find that the Institution has a most splendid system of bookkeeping and a most accurate and efficient bookkeeper in the person of Mr. Edmond F. Kilkenny, who, with uniform courtesy and untiring energy, promptly supplied us with any and all desired information attainable from his books. The Institution has been most fortunate in his selection.

Warden John F. Leonard.

Previous Training and Experience.

The present Warden, John F. Leonard, entered the Institution on the 7th day of November, 1904, as a guard or officer and was later promoted to the position of deputy, and on Mr. Weyler's retirement as Warden, May, 1912, he succeeded him as Warden. He has had no other institutional training for the work except the experience gained here under Mr. Weyler. At the beginning of our investigation he stated that he had never read anything on prison work or prison management nor had he been inside of any other prison either here or elsewhere, but we noticed during the sessions of the American Prison Congress, held in Baltimore in November, 1912, that he was a regular and constant attendant; that he seemed to approach the consideration of the questions there discussed with an open mind and with a desire to receive information that he might make practical application of it at the Maryland Penitentiary. He has made many reforms during the period of our investigation, has discontinued the use of the dark cells in G dormitory and now preserves a record of the length of time men are confined in their cells, also the length of time that men are suspended on the cuffs, when punished in that manner. The punishment of cuffing-up has been inflicted by Warden Leonard far less frequently than in the

history of the institution for the past seven or eight years, which is the time when this mode of punishment was inaugurated by Warden Weyler.

Convicts' Letters Regarding Leonard.

The eight hundred and some letters which we received from the convicts in the Institution, are, on the whole, complimentary to him; the men seem to look upon him as a fair-minded, humane Warden, who wants to give them a square deal. There was throughout their letters a sharp contrast between their views of Warden Leonard and their views of Warden Weyler.

Violations of Law.

We discovered in the course of our investigation that Warden Leonard, shortly before becoming Warden, had violated Section 607 of Article 27 of the Code of 1904, which prohibits any officer from having work of any kind done for his personal benefit within the prison, in that he had caused to be made for himself within the prison a pair of front steps for his home, a back gate for his yard and a small ice box or refrigerator for his personal use. These were made by prisoners in the Institution and he does not claim that the material for these articles belonged to him. (Record, page 1353, Leonard's Testimony).

We also discovered that on a request made of him by Mr. John F. Weyler, since the time that he has been Warden, he permitted the Engineer Hare to go to Mr. Weyler's farm to work personally for Mr. Weyler while such engineer was being paid a salary by the State (Record, page 660, Leonard's Testimony); also that he has had four pairs of linen trousers made by the prison tailor in the prison out of the material furnished the tailor by Mr. Leonard at his own expense, he also having compensated the tailor by fair allowance for the time engaged in this work. (Record, page 1354, Leonard's Testimony).

Warden Emeritus John F. Weyler.

We had been impressed with the often-repeated statement that the Institution and management had received the commen-

dation of 70 grand juries and a dozen or more committees of the General Assembly of the State of Maryland, and we had read with interest the special report which Mr. Weyler had filed in June with the President of his Board of Directors shortly before the appointment of this Commission, which report, amongst other interesting matters, purported to show how highly he had been complimented by the leading penologists of this country and abroad. (See Appendix C).

Everybody Happy.

About the day after our appointment, Mr. Weyler called upon us and presented us in triplicate copies with the Annual Reports of the Maryland Penitentiary for several years last past. In examining these we were further impressed with such paragraphs as the following:

"The physical and sanitary condition of the entire Institution is most perfect in every particular. In fact, we are in such condition that we will not need to ask any assistance or appropriations from the State at this time." (Warden Weyler's Report, December, 1909, page 13).

And further:

"The conduct of the prisoners during the year being of the most satisfactory character, no harsh or severe disciplinary methods were required, and thus cheerfulness and general content throughout the Institution was insured." (Warden Weyler's Annual Report, December, 1909, page 13).

Also in his report as Warden for the following year, on page 11 of his report, we find the following:

"The conduct of the prisoners during the year has been of the most satisfactory character. No harsh or severe disciplinary methods have been required. Thus, cheerfulness and general contentment have prevailed throughout the Institution."

Then again, in his report for the following year, 1911, page 12, we find this statement:

"The conduct of the prisoners during the year has been of the most satisfactory character. No harsh or severe disciplinary methods have been required. Cheerfulness and general contentment have, therefore, prevailed throughout the Institution."

On August 20th, being the first date of the taking of stenographic testimony by our Commission, Warden Emeritus John F. Weyler, being the first witness whose testimony was taken on that occasion, further impressed us by the following statement, which is taken from page 71 of the stenographic record:

So Happy.
No Complaint.
No Desire to
See Board.

"I have not had a prisoner to ask me in twenty-two years to communicate with the Board of Directors. When I first came here they used to have a stack of letters every night that were written to the Board, things that were brought over from the previous administration, but from the opportunities that they have had to see me every day, they have always been perfectly satisfied with the decision or with the conclusion I arrived at without ever asking to see the Board of Directors, or to communicate with them or have any complaint, and I have never had any complaint,—there is no man who ever complained or expressed a desire to go to the Board of Directors because he thought he was not fairly treated or wanted to go over my head."

Sudden Change.

When the eight hundred and more letters in the form of uninspected, sealed communications from the prisoners to our Commission were collected and examined, instead of confirming the statement of the general cheerfulness and contentment throughout the Institution as affirmed by the Warden, instead of commending the physical and sanitary condition of the entire Institution as being perfect in every particular, and instead of averting to the lack of harshness and lack of severe disciplinary methods, we find them teeming with complaints of physical discomfiture of the most furious character, of unsanitary conditions throughout a large part of the Institution, of harsh and brutal

disciplinary methods employed, and at utter variance with the most emphatic statements of the Warden.

Cuffing Up 736 Times in One Year.

We, therefore, began a critical examination to ascertain where the truth in this controversy lay. Turning to the punishment record for the year 1909, in which year it was stated by the Warden that the conduct of the prisoners was of the most satisfactory character and that no harsh or severe disciplinary methods had been required and that therefore cheerfulness and general contentment prevailed throughout the Institution, we find that there had been inflicted in the year 1909 three thousand and sixty-seven punishments, and that of these seven hundred and thirty-six instances had been cases of the infliction of what we can only designate as the cruel and brutal punishment of cuffing-up, and further that of the last five years the number of cuffings-up that year reached the highest mark. (See Exhibit E).

(NOTE.—Our computation is made as of May, 1908, to May, 1909, whereas the fiscal year of the Institution, taken in its reports, runs from November to November.)

Sanitary Conditions Bad.

The false and misleading nature of the statements by the Warden as to the physical and sanitary condition of the Institution being most perfect in every particular was demonstrated by the fact that we found the Institution literally infested with bed-bugs, the cells and hospitals in a dirty and unsanitary condition, the kitchen and cauldron overrun with cock-roaches and the medical attention lax and unsatisfactory in character and wholly inadequate for the needs of an institution such as the Maryland Penitentiary. These topics are, however, treated in detail in a preceding portion of this report.

Complaint is General.

The statement of the Warden above quoted from page 71 of the stenographic record as to the seeming lack of desire on the part of the prisoners to communicate with the Board of Directors and the utter absence of complaint throughout the Institution seems wholly irreconcilable with the fact that when a genuine opportunity was given the prisoners to redress their grievances through sealed communications, uninspected by the Warden, nearly the entire population of the Penitentiary took advantage of the opportunity; and we are able to say from a careful inspection of many thousands of pages of these manuscripts that, considered as a whole, they are fair and impartial in their statement of conditions and on the whole more truthful and reliable than we have found the testimony of Warden Emeritus John F. Weyler.

Testimony on Behalf of Weyler Flocks to the Office.

We became suspicious almost from the first moment because of the number of convicts who came to the office of our Commission from day to day, generally at three o'clock in the afternoon, sometimes coming three and four at a time, sometimes coming singly, each giving testimony from his own experience as an inmate of the Institution as to the high character of Warden Weyler, as to his humane treatment of prisoners, as to his kindly interest in them, each visitor professing to come purely voluntarily, without instigation or suggestion from any source, but wholly in the interest of justice and fair play. The character of the language used by them in many instances was almost identical, the topics touched upon being generally uniform and very frequently concluding with the statement that "the State of Maryland can never replace him."

Inspired by Katzenberg, Contractor's Foreman.

We later ascertained to what sources we were indebted for this generous volunteering of testimony so highly commendatory of Warden Weyler and his management, and in such direct conflict in every particular both with our sealed communications and with the statement of many ex-convicts who reported to our office on their discharge

from the Institution and of others who came to our office upon request emanating from us. We found that these volunteer witnesses commending Warden Weyler came, for the most part, if not entirely, as the result of the activities on Mr. Weyler's behalf of one Joseph Katzenberg, who, for some twenty-five years, has been in the employ of what is called the Jones Hollow Ware Company, or the Horner Company, having the foundry contract with the Maryland Penitentiary.

Further Activity of Katzenberg,

Later, when we took the testimony of the said Joseph Katzenberg, we found it characterized by lack of frankness, and, in many important particulars, by the most wilful and deliberate false statements of facts. We finally obtained from him, however, the admission that on the same day of the taking by us of his statement, he, though working on a salary of twenty-seven dollars a week from the Jones Hollow Ware Company, had endeavored to employ the Pinkerton Detective Agency at what he thought would be an expense of one hundred dollars in order to ascertain the history or previous experience of Joseph P. Byers, the gentleman who was known to be in consultation with our Commission in an advisory capacity as a penologist, and who had on more than one occasion accompanied our Commission to the Institution in our examinations of it. Mr. Katzenberg's testimony on this subject matter is of sufficient interest to make short, verbatim extracts. We take the following from page 794 of the stenographic record.

"Q. Do you mean to say that you would risk a month's salary on a venture of that kind without knowing whether Mr. Horner would pay you back?

"A. If I thought I had to pay for it? No, sir.

"Q. Just to do somebody a good turn?

"A. I think somebody would pay for it.

"Q. Why do you think that Mr. Horner would pay you for that?

"A. Because you know Mr. Horner is a friend of mine and he knows Mr. Weyler has been such a very good friend of mine

and I think he would stand for it, and, besides, I think Mr. Horner is very friendly with Mr. Weyler. * * *

"Q. Why do you think Mr. Horner would stand for one hundred dollars for an idea of yours in going and getting a detective?

"A. Because when I told Mr. Horner about that investigation I told him it might cost me a little something, I said 'I want to get all the men that I can to go up there and they have to lose time and I might have to give some of them something to go up there, will you let me have the money?' and he said, 'Yes, I guess that will be all right.'

"Q. Now let us be frank with each other, there are several people to whom you have given two dollars or a dollar for the time they have lost in coming up to the office, is that so?

"A. No, I gave one man two dollars and he came back and I asked him what it cost him in time and he told me two dollars. * * *

"Q. Did you give any of them a slip of paper with an address on it as to where they could go?

"A. I think I gave a man a slip. * * *

"Q. Let us see what your handwriting looks like. Put my name and address, 820 Munsey Building, on a piece of paper. (Witness did as requested.)

"A. I remember giving the man a little slip of paper.

"Q. Do you mean to say that you only paid one man to come up?

"A. No, I gave other men something, I think I gave one man two dollars and other men when they came back I would give them a dollar and other men I would give a note to work, but I did not promise any man anything to go up there."

Warden Weyler and Anti-Contract Labor Legislation.

Having learned something of Warden Weyler's activity in defeating legislation antagonistic to the shipment in interstate commerce of prison-made goods, we endeavored to obtain from him the history of that movement. On September 14, 1912, we took his testimony thereon and we quote from page 605 of our stenographic record as follows:

"Q. (By Mr. O'Dunne): Mr. Weyler, I have a few notes here of several questions I would like to ask you: To what extent, if any, have you had any active part in opposing the national legislation that dealt with anti-contract prison labor?

"A. In 1900 there was a bill pending before the Congress as to amending the Interstate Commerce Law. At that time the Wardens of the different prisons where the contracts existed got together and met in Washington to try to get at the best means possible to have it defeated or ignored in some shape or other. There was a committee of three appointed, E. James Murphy, of Joliet; Warden Hurt, of Jeffersonville, Indiana, and myself; we were appointed a special committee to look after the matter, and as I was the nearest to the point of action I was appointed treasurer of that committee. One of the things we did was to employ counsel, Dudley & Michener, formerly from Indiana. They seemed to be men of considerable influence and engaged in that sort of work.

Employment of Dudley & Michener.

"Q. The fund of the treasurer was how much?

"A. I can not tell that because Mr. Henry Clark, of the National Howard Bank, who was president of the Baltimore Boot and Shoe Company, was the treasurer. I drew upon the directors, the men who had supplied the means, for the first amount, which was twenty-five hundred dollars, to pay Dudley & Michener for their services. That is about the only fund we really had."

Senator Gorman, Sr., Assists Without Compensation.

"Q. Then as treasurer you just drew on Henry Clark?

"A. Yes.

"Q. Do you recall roughly about how much was spent in that connection?

"A. I can not recall exactly; I know the twenty-five hundred dollars was the first amount spent.

"Q. That was for counsel fee or retainer, as it is called?

"A. Yes. The bill finally passed the House and went to the Senate. I found that Dudley & Michener did not amount to a great deal, and Senator Gorman lived in Washington at

that time, but he was not in the Senate, and I appealed to him to assist. We pointed out to him the great interest that the State of Maryland had in it, **and he, with the influence he had, prevailed upon the committee to pigeon-hole the bill at that time.**

"Q. Was he compensated for his services?

"A. Not a cent."

This was all of the testimony which Warden Weyler gave on this subject on the above date, from which answers the Commission naturally inferred that Messrs. Dudley & Michener were the only counsel he had employed, and that he shortly thereafter even found their employment unnecessary because of the interest which Senator Arthur P. Gorman, Sr., had in the welfare of the State of Maryland, as he viewed it, and that through his influence with the Senators at Washington (though not then himself a member of the Senate) he had prevailed upon the other Senators to pigeon-hole the bill, and that Senator Gorman, Sr., had done so wholly as a friendly matter and without one cent of compensation.

Weyler Knows Nothing Further.

Warden Weyler, wilfully suppressing the history of that transaction at the time of the giving of his statement as aforesaid on September 14, 1912, was, four months later, to wit, on January 6, 1913, with the benefit of that much time for reflection, given **another** opportunity to disclose the history of that movement. On this last date, January 6, 1913, in the Fidelity Building, in the office of Frank A. Furst, Esquire, Chairman of the Board of Directors, and in his presence, was again examined by the Commission. The first question put to Mr. Weyler then and there was: (Stenographic Record, page 1087).

"Q. (By Mr. O'Dunne): Mr. Weyler, on September 14th, when we were at your house, I believe it was, we asked you what you could tell us about the anti-prison labor fight in Washington about 1909. You told us something about what your interests were in it, and I want to ask you now if you are

able to give any more detailed information about it than you did at that time.

"A. No, sir; I do not think I can give you anything more."

Weyler Admits Paying $4,000 Fee to Undisclosed Party.

Being pressed with the direct question as to whether he had employed any other counsel in the matter, he admitted that he had, and that he had paid such counsel $4000, and gave the following reasons for employing the additional counsel. (Record, page 1092.)

"Q. Which firm was retained first?

"A. Dudley & Michener.

"Q. How soon was the other firm retained after the first firm was retained?

"A. I can not tell; I would say within a week or ten days.

"Q. If Dudley & Michener were retained first, what was the advisability, or what was the reason for so costly retaining another firm right afterwards?

"A. We did not think that Dudley & Michener could reach the people we wanted to reach."

Refuses to Disclose Other Attorney.

We insisted on him disclosing the counsel's name and he persisted in his refusal so to do, without first seeing him and getting his consent. (Record, pages 1112, 1113 and 1114, Weyler's Testimony).

"Q. Why do you imagine, if the transaction was perfectly legitimate, that there could be any impropriety in stating who you retained the services of?

"A. I would prefer to see him about it, Mr. Chairman, before I answer that question.

(Mr. O'Dunne): **"We would much prefer to have you give us his name before you see him.**

* * * * * * *

"Q. While we are here will you telephone this party, in another room, to the effect that we insist, so far as we have any right to do so, on the disclosure of his name, and will you then advise us whether you will give the name to us?

"A. No, I would rather see him personally.

"Q. That is the very thing we do not want done.

* * * * * * *

"Q. Will you allow us to withdraw from this room now and, in Mr. Furst's presence, will you call up the party and get him up here, and we will wait there in the outer office?

"A. I do not know whether you can reach him or not.

"Q. Will you make the attempt?

(Mr. Furst, addressing Mr. Weyler): "You can go outside and do it, John, if you wish to. The telephone is out there. (Addressing Mr. O'Dunne): "Mr. Weyler has disclosed the name to me, when he called me outside of the room a moment ago. I did not know anything about it until just now."

* * * * * * * *

Arthur P. Gorman, Jr.

(Mr. Furst addressing Mr. Weyler): "Give him the name now, John."

(Witness): Well it is **Arthur P. Gorman, Jr.**

Michael T Horner, President of Jones Holloware Company.

The artful and misleading character of Mr. Weyler's testimony on the subject matter of this inquiry is perhaps only excelled by that of Mr. Michael T. Horner, having the foundry contract in the Maryland Penitentiary. From various pages referring to the statement of the latter witness we have segregated the following: (Stenographic Record, page 1134).

"Q. Who were the counsel they employed?

"A. Dudley & Michener were two.

"Q. That is a firm?

"A. That is a firm down in Washington; **I do not know who else."**

* * * * * * *

(Record page 1138):

"Q. Did you ever hear the name of young Arthur Gorman, Jr., mentioned in connection with the work in any way?

"A. No, only—was he a lawyer?

"Q. Yes. You know Senator Gorman, Jr., do you not?

"A. Never saw either one of the Gormans in my life that I remember.

"Q. Well, yes, Gorman was a lawyer.

"A. I have often seen his picture in the paper."

* * * * * * *

(Record page 1147):

"Q. I asked you what Mr. Weyler told you about this transaction?

"A. Mr. Weyler said that Mr. Gorman, young Mr. Gorman, was one of the counsel employed. That is what he said."

Waiver of Client's Privilege Obtained from Weyler.

Because of the apparent desire to envelop this transaction with an atmosphere of mystery, at the time of taking the testimony of Mr. Weyler we prepared and submitted to Mr. Weyler for his signature a letter to Mr. Gorman fully waiving the privilege of client against any disclosure by his attorney and with the aid of this we at once endeavored to obtain from Mr. Gorman the whole history of the transaction. Upon first seeing Mr. Gorman the next morning **we found that Mr. Weyler had left his office a few minutes before we arrived.** We then stated to Mr. Gorman in written communication exactly the nature of the information desired by us, and how far we have met with success, may best be determined by reading the brief correspondence that passed betwen our Commission and Senator Gorman in this matter:

JANUARY 8, 1913.

HON. ARTHUR P. GORMAN, JR.,

Union Trust Building, City.

MY DEAR SENATOR: I enclose you copy of letter of John F. Weyler, authorizing you to make full disclosure to our Committee of all details pertaining to your employment in 1900-01, in defeating bill pending in Congress antagonistic to Prison Labor.

We should like, amongst other things, the amounts and dates of payment, together with a statement of what was done and by whom. I beg to remain,

Yours very truly,

EUGENE O'DUNNE.

FO/B

Enclosing at the same time the following letter:

JANUARY 6th, 1913.

ARTHUR P. GORMAN, JR.

DEAR SIR: Having retained you in 1900 or 1901 as attorney in regard to defeating bill in Congress antagonistic to prison labor, I waive privilege of client and give my consent that you may disclose fully the details as far as you know them.

Yours,

(Signed) JOHN F. WEYLER.

A. P. GORMAN, JR., Attorney at Law,

803 Union Trust Building,

Baltimore, Md.

JANUARY 9th, 1913.

EUGENE O'DUNNE, ESQ.,

Maryland Telephone Bldg., City.

DEAR SIR: I am in receipt of your communication of the 8th inst., enclosing copy of letter written to me by John F. Weyler, Esq., in which he waives the rule of evidence governing privileged communications between client and counsel.

In answer to your communication, and in compliance with my promise made a few days ago to give you information in regard to the employment in the years 1900 and 1901 by John F. Weyler, of the law firm of Miles & Gorman, of which I was a member, I desire to state that the said firm of Miles & Gorman was employed, together with other counsel, to defeat a bill pending in the Congress of the United States antagonistic to prison labor.

This transaction having taken place eleven years ago, it is impossible for me to enter into details as to the work the firm of Miles & Gorman performed. I can say, however, that the measure failed to pass the Senate after having passed the House of Representatives. In regard to the amount of fee and date which the same was paid to the firm of Miles & Gorman by John F. Weyler, I would say that on February 16th, 1900, we received $1,500, and on March 6, 1901, the said firm received from said Weyler $2,500, **making a total of $4,000.** I am unable to recall the small details of whether this amount was paid by currency or by check.

In answer to your verbal inquiry as to whether or not any part or portion of this fee, and if so, how much, was returned to Mr. Weyler, I would say that no part or portion was returned to Mr. Weyler or paid to anyone else, as neither myself nor the firm of Miles & Gorman found it necessary to obtain clients in such a manner.

Yours very truly,

(Signed) A. P. Gorman, Jr.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,

820 Munsey Building, Baltimore, Md.

JANUARY 13th, 1913.

Hon. A. P. GORMAN, JR.,

803 Union Trust Building, City.

DEAR SIR: We beg to acknowledge receipt of your letter of January 9th.

Will you be kind enough to advise our Commission:

1st.—Whether the date of February 16th, 1900, payment of the retainer's fee, is also the date of the retaining of your or your firm's services, or whether you were consulted before that time and payment on account made on that date?

2nd.—Will you be kind enough to supply a somewhat more detailed statement of the **nature** of the services rendered by you and your firm in the matter?

3rd.—What were the agencies or individuals, if any, employed by you to accomplish the end desired?

4th.—Did you in your work in this matter co-operate with Messrs. Dudley & Michener, and did you know it the time of their employment?

5th.—Your then client having fully waived his privileges in the premises, would you permit our Commission to examine the file and correspondence in this matter, if you have any?

Appreciating all information you can and will give us in this matter, I beg to remain,

Yours very truly,

EUGENE O'DUNNE.

A. P. GORMAN, JR., Attorney at Law,
803 Union Trust Building,
Baltimore, Md.

JANUARY 14th, 1913.

EUGENE O'DUNNE, ESQ.
820 Munsey Building, City.

DEAR SIR: Your letter of the 13th inst, at hand and in reply would say that I am willing to answer any questions pertaining to the employment of the firm of Miles & Gorman during the years 1900-1 by John F. Weyler, there are several questions in your communication above referred to that I do not comprehend and therefore am unable to specifically answer them.

I would appreciate it if you could have an interview with me some time tomorrow, Wednesday, January 15th, between 12 and 1 o'clock.

Very truly yours,

(Signed) A. P. GORMAN, JR.

A. P. G., Jr.

NOTE.—The nature of information sought was outlined to Senator Gorman by the Chairman of our Commission calling on him and having a personal interview at the time mentioned.

A. P. GORMAN, JR., Attorney at Law,
803 Union Trust Building,
Baltimore, Md.

JANUARY 18th, 1913.

EUGENE O'DUNNE, ESQ.
820 Munsey Building, City.

DEAR SIR: In answer to the questions of the Commission Maryland Penitentiary Penal System which are contained in your communication to me dated January 13th, I would say that in answer to question one * * *

I am unable to state whether John F. Weyler retained the firm of Miles & Gorman on the 16th day of February, which is the day of the payment of retainer, or whether it was a short time prior thereto.

I am unable to answer your second question as to the **nature** of the services rendered, except in a general way. The firm of Miles & Gorman took such steps that in its judgment were wise to protect the interests of its client. This transaction having taken place eleven or twelve years ago, I can recall none of the details of the actions of Miles & Gorman nor **none of the authorities nor writings that it studied in connection with the handling of this case.**

In answer to the third question * * *

We did not employ any individuals or other agencies as we felt competent of representing our client.

In answer to the fourth question * * *

We did not, except that we knew that other counsel had been employed by institutions in other States.

In answer to the fifth question * * *

I have been unable to find any papers in my office bearing upon the subject matter in hand. Mr. C. C. Wallace, of my office, at my suggestion requested Mr. Alonzo L. Miles, who was a member of the firm of Miles & Gorman, to search his files to find if possible any papers bearing upon this subject. Mr.

Miles informed Mr. Wallace that he was not in possession of any such papers. The failure to find these papers can probably be explained by the fact that the firm of Miles & Gorman had its offices in the Bank of Baltimore building, which building and offices were destroyed in the great fire of 1904, and these papers were probably burned at that time.

Trusting that these answers give you all the information that you desire, I am,

Very truly yours,

(Signed) A. P. GORMAN, JR.,

C. W. W.

A. P. G., Jr.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,

820 Munsey Building, Baltimore Md.

JANUARY 20th, 1913.

MR. ARTHUR P. GORMAN, JR.,

803 Union Trust Building, City.

DEAR SIR: I beg to acknowledge your letter of the 18th inst., and am very sorry that you are unable to recall any of the details connected with your work in that matter during the year 1900 or 1901.

In answer to the third question you say you did not employ any individual or other agency. You stated, too, orally, that your father, Senator Gorman, Sr., (who was then not in the Senate) had nothing to do with the matter to your knowledge, and that as far as you know, rendered no assistance either in a friendly way or otherwise. If I am correct in this, will you be kind enough to so state in a letter that I may use the correspondence in our report on this matter. I beg to remain,

Yours very truly,

EUGENE O'DUNNE.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,
820 Munsey Building, Baltimore, Md.

JANUARY 25th, 1913.

MR. ARTHUR P. GORMAN, JR.,
803 Union Trust Building, City.

DEAR SIR: We are about closing the chapter of our report dealing with the 1900-01 matters. We should like very much before so doing to have a letter from you in reply to our communication of the 20th inst. Thanking you,

Yours very truly,

EUGENE O'DUNNE,
Chairman.

A. P. GORMAN, JR., Attorney and Counsellor at Law,
803-805 Union Trust Bldg., Baltimore, Md.

February 4th, 1913.

EUGENE O'DUNNE, ESQ.,
Commisssion Maryland Penitentiary Penal System,
Munsey Building, City.

Gorman Impeaches Weyler and Tries to Insult Commission.

DEAR SIR: In a communication under date of January 18th, 1913, which was in answer to a communication of February 13th, 1913, I answered fully the question therein submitted.

I was greatly astounded in receiving your letter of January 20th, in which you ask me to state whether or not a certain gentleman, then living, did not assist the firm of Miles & Gorman in handling the matter under consideration. **I ignored this letter upon the**

belief that it was written without due consideration and reflection. Upon receipt of your communication of the 25th of January, 1913, in which you request me to reply to your communication of the 20th of January, **I was convinced that you deliberately considered your letter of the 20th of January.**

In your communication of the 13th of January, your third question was, "What were the agencies or individuals, if any, employed by you to accomplish the end desired?" This question I answered in my letter to you under date of January 18th, as follows: "We did not employ any individuals or other agencies, as we felt competent of representing our client."

You seem to doubt the accuracy of this statement and ask me to say whether or not a certain gentleman, then living, participated in the handling of the matter under consideration or whether I had knowledge that such a thing existed. I flatly refuse to answer and I consider it the height of impudence on your part and on the Commission's part to endeavor to connect the name of any individual with the matter when I have told you and them in as plain terms as I am capable of using that there was no individual or agent employed or asked to assist the firm of Miles & Gorman in handling the question under consideration.

Very truly yours,

A. P. GORMAN, JR.

A. P. G., Jr.

This letter of Senator Gorman, Jr., is of special interest in connection with the following extract from statement of Mr. Weyler. (Record, pages 1090-1091).

Weyler. Impeaches Gorman.

"Q. What, if anything, did Senator Gorman, Sr., have to do with the work of assisting you?

"A. Senator Gorman assisted me personally, so far as the Senator is concerned, because of his acquaintance and knowledge of the men in the Senate. He made a personal appeal to the Chairman of the Labor committee of the Senate, Keyle of South Dakota.

And here, because so highly pertinent, we again quote the testimony of Mr. Weyler on page 607 of the Record as follows:

"A. I found that Dudley & Michener did not amount to a great deal, and Senator Gorman lived in Washington at that time, but he was not in the Senate. We pointed out to him the great interest that the State of Maryland had in it and he, with the influence he had prevailed upon the Committee to pigeonhole the bill at that time."

The Fund. Whence? and Whither.

As a matter of **general interest** we here insert a copy of the account of the funds collected to kill this bill in Washington:

COPY OF THE "POOL" ACCOUNT OF THE CONTRACTORS' ASSOCIATION OPERATING IN CONJUNCTION WITH THE WARDENS' COMMITTEE TO DEFEAT LEGISLATION AT WASHINGTON.

1900.	Collections.
March 8	$350.
March 9	447.25
March 12	898.
March 14	500.
March 21	280.00
April 6	847.
May 21	1,000.
May 29	200.
June 4	254.
July 25	400.
Aug. 1	50.
Aug. 3	100.
Sept. 6	200.
Sept. 24	100.
1901.	
Jan. 23	100.
Jan. 24	100.
Feb. 6	250.
Feb. 11	300.
Feb. 16	739.45
Feb. 27	1,000.
March 7	25.
March 19	1,281.08
	$9,421.78

1900.	Disbursements.
March 27—Baltimore Boot Shoe Co.	$900.
March 27—M. T. Horner	1,220.
May 24—Murphy	200.
June 1—W. J. Ford	50.
July 28—M. J. Horner	280.
Sept. 20—W. J. Ford	100.
1901.	
Feb. 19—W. J. Ford	150.
March 4—J. F. Wyler	**2,500.**
March 7—J. F. Wyler	**2,500.**
March 20—Jones, H. Co.	250.
March 23—W. J. Ford	500.
May 20—Murphy	768.25
Henry Clark	3.53
	$9,421.78

All of the foregoing matters have been referred to in a general way partly by reason of the importance of the facts narrated, but primarily in order to show the dissembling

character and the grossly deceptive and misleading nature of the representations which Mr. Weyler has made to the public in general and to this Commission in particular.

Weyler Knows Nothing of Christmas Presents from Contractors to Officers.

Further illustrative of the artful and elusive character of information obtainable from Warden Emeritus Weyler we quote from page 829 of the stenographic record:

"Q. (By Mr. Jones): Has it always been the custom for the contractor to make Christmas presents to the officers in the shop?

"A. It has not been done to my knowledge, but they may have done it.

"Q. (By Mr. O'Dunne): You did not know that the contractors regularly made presents (meaning Christmas presents) of twenty dollars apiece to the officers?

"A. No, sir; if they did they kept it away from me. * * *

"Q. (By Mr. Jones): It seemed to be a custom for some of the shops to give them Christmas presents and others to give them vacation presents.

"A. It never came to my knowledge. If it was done they kept it away from me. I did not look for it especially and did not ask for it."

On October 4, 1912, we took the testimony of Mr. Isaac K. Oppenheim, of Oppenheim, Oberndorf & Company, shirt manufacturers, having the shirt contract with the Penitentiary under the name of "The Export Manufacturing Company." We found Mr. Oppenheim open and frank in all of his testimony, willing to give us full access to his entire books and records and any information we desired. On page 1082 of our stenographic record, on the subject of the custom of giving presents to contractors, we quote of his testimony from our record as follows:

"Q. (By Mr. O'Dunne): Do you know what the custom is amongst your foremen over there as to the giving of presents at Christmas or vacation time to officers of the Maryland Penitentiary?

An Open Practice for Eleven Years.

"A. * * * The men, the convicts got presents of apples, sweet bread and condensed milk, things they had not gotten during the year, and I believe our custom was to give each officer a box of cigars and fifteen dollars and Mr. Weyler twenty-five dollars to forty dollars. I think once it cost fifty dollars." (Note: The witness meant Mr. Weyler was not given a present in money but a present costing from twenty-five dollars to fifty dollars). * * *

(Page 1084).

"Q. (By Mr. O'Dunne): What knowledge have you of the knowledge of the Warden that that was being done; in other words, do you know whether Mr. Weyler knew your company was making presents to the Penitentiary officers in the shirt shop of fifteen dollars and maybe a box of cigars?

"A. Well, I believe there is no reason why he should not have known it, because it was done openly. The money and cigars were handed to the men openly. They were sent to our superintendent and they were distributed just the same as to our own people.

* * * * * * *

"Q. And that was in the open and it has been done for eleven years?

"A. For eleven years."

On the same subject we took the testimony, on September 17, 1912, of Mr. Henry Clark, at one time president of the Baltimore Boot & Shoe Manufacturing Company which had for years a contract with the Maryland Penitentiary, and now president of the National Howard Bank in Baltimore. We quote from the stenographic record, page 1012:

Mr. Henry Clark Impeaches Weyler.

"Q. Did you give presents to the guards annually or semi-annually? (Meaning at the Maryland Penitentiary during the time the shoe contract was in operation there.)

"A. We gave presents to the guards who were in charge of our people every Christmas.

"Q. What was the amount of those?

"A. It depended somewhat upon their merits. The bulk of them we gave a twenty-dollar gold piece to when we were prosperous and later on we gave a ten-dollar gold piece and then probably there would be one or two others to whom we would give five dollars.

"Q. (By Mr. O'Dunne): Did Warden Weyler know of that?

"A. Yes, of course, we could not turn a wheel without him knowing it.

"Q. How do you know that he knew that they were giving presents to the guards?

"A. Because I consulted him about it; I took the money over there that was distributed. Of course it would be a violation of the rules on my part to do anything without his consent.

"Q. He sanctioned it and approved of it, you mean?

"A. Yes.

"Q. And without his sanction and approval it would not have been done?

"A. No."

Leonard Knows the Practice.

On this same subject matter of presents to the contractors we took the statement of the present Warden, John F. Leonard, for some years Deputy Warden under Warden Weyler. We quote from the stenographic record, page 767.

"Q. How much money do they (meaning the contractors) customarily give the officers (meaning the officers of the Penitentiary) on duty in the shops?

* * * * * * *

"A. On the shirt contract I believe they gave them fifteen dollars, and when the shoe contract was there they used to give them ten dollars and then give five dollars, but for several years the Jones Hollow Ware people did not give them anything.

"Q. Who, for instance, got as high as fifteen dollars for a Christmas present from the shirt contractor?

"A. It is supposed that all of the officers on that contract got it."

Appropriation of a Quantity of Piping by Warden Weyler.

About a year and a half or two years ago Warden Weyler made some changes in the heating plant in the old dormitory, as the result of which a quantity of steam radiation pipe was dismantled. Being in seven-foot lengths and suitable for posts for his chicken farm at Timonium, he sent it out there after first having holes drilled through the top of the pipe that it might the more easily be strung with poultry wire. No permission was obtained by him from the Board of Directors to take the pipe. The quantity, quality and value was not ascertained by him at the time of taking, nor was any independent inspection of it afterward made by any one for that purpose. (Record, pages 631-632, Testimony of Weyler). On September 14, 1912, early in the morning, our Commission telephoned to the Maryland Penitentiary and spoke with Warden Leonard on the phone and told him to please advise Warden Weyler, he not yet having arrived at the Institution, that we would like to take his testimony on a certain matter immediately on his arrival and that we would come over there for that purpose if that hour would suit him. In perhaps less than ten minutes the Warden telephoned our Commission that Warden Weyler had arrived and that it would be agreeable to take his statement if we were ready. We went at once to the Institution and questioned him regarding the pipe as follows: (Stenographic Record, page 631).

When Paid For?

"Q. Was there any allowance made to the State for the pipe?

"A. The State has received the money for it.

"Q. Did you get any bill or receipt for that?

"A. Yes.

"Q. Have you got that voucher?

"A. Yes, somewhere." (See page 632 of the Stenographic Record).

A Very "Peculiar Coincidence."

Immediately upon concluding the taking of Warden Weyler's testimony, we being then at the Penitentiary, we sent for Mr. Kilkenny, the bookkeeper, and questioned him as to whether Mr. Weyler had paid for that piping and, to our utter amazement, ascertained from the bookkeeper that **Mr. Weyler had paid him $9.80 for the pipe that very morning shortly after his arrival at the Institution and shortly before we got over there.**

(Record, page 686, Testimony of Kilkenny).

"Q. You made a statement just now that you know Mr. Weyler paid this before we got here this morning; now how do you know that if you do not know what time we got here and did not see us come?

"A. I know for this reason: Mr. Weyler says to me, 'It is rather a peculiar coincidence that I should pay you for this this morning before those gentlemen come over here.' I said, 'yes.'

At the time of payment, as aforesaid, Mr. Weyler was furnished a receipted bill for the piping. (Record, page 813).

On January 6, 1913, in Mr. Furst's office and in Mr. Furst's presence, we again directed Mr. Weyler's attention to this matter as follows: (Record, page 1117).

"Q. Entirely passing from that subject (meaning the Gorman-Washington legislation matter); on the morning that we took your testimony at the Penitentiary early on September 14th, the morning we telephoned over that we wanted to take your statement if it was convenient as soon as you arrived at the Institution, which was the same morning you made payment to the bookkeeper of that $9.80 for the piping from the dismantled radiators, did you at time of that payment get a receipted bill from Mr. Kilkenny, the bookkeeper?

"A. I think I did, but I am not sure.

"Q. We were then taking your statement within a half an hour of the time you arrived at the Institution, were we not?

"A. No, I guess it was an hour.

"Q. We were there by 9.30 in the morning. I do not know what time you came in.

"A. I got there about twenty minutes of nine.

"Q. Then, within an hour, roughly, of the time you arrived, we were taking your statement?

"A. Yes.

"Q. If you got a receipted bill from Mr. Kilkenny that morning at the time you paid $9.80, did you have it with you at the time we were taking your statement?

"A. If I had it, I either had it with me or it was lying on the desk; I do not remember now.

"Q. Why, when we asked you at that time whether you had a voucher for that payment, did you not produce it?

"A. I do not think you asked me for the voucher. You asked me about the piping and I told you it was paid for. You did not ask when it was paid for or whether I had the voucher.

"Q. Why did you not tell us when it was paid, if you just paid for it a few minutes before we came in?

"A. I paid for it when I entered the Institution that morning. I do not know why I did not tell you, unless it was because the question was not asked.

"Q. If we had asked you whether you had a receipted bill for it——

"A. That matter, Mr. Chairman, about the piping is simply a matter that has been overlooked by me from time to time. I had asked Mr. Kilkenny, which Mr. Kilkenny will testify, weeks and months before you appeared anywhere, so far as the Commission is concerned, and after his examination he informed me that it was not paid. Then I wanted to get the weights, and one thing intervened and then another. Hare had the weights that I instructed him to get, and if he had given me the weights I had mislaid them, and it was just simply a thing that had passed out of my mind. When the investigation was going on, of course, I rummaged my brain in every way I could to think if there was anything around that was not just strictly right, and the thing came to my mind the night before, on Friday night, and I got up out of my bed and I made a memorandum and put it in my pants' pocket so that I would make the payment the next morning. As soon as I entered the Institution I walked into Mr. Kilkenny's office and told him that I

wanted to pay for this pipe, twenty-eight hundred pounds, I think, at forty cents a hundred, and I handed him a ten dollar bill and he handed me the change. Whether he handed me a voucher at that particular time or not I do not remember. I think he did, however, and I took it over and laid it on my desk. But the question was not asked me. It was simply a thing that passed out of my mind, about this pipe.

"Q. If we had asked you that morning whether you had a bill for it, would you not have gone and gotten it and told us?

"A. Yes, but I do not think you asked me the question. I do not remember that you did. * * *

Repudiates Stenographic Record.

The Witness: **You certainly did not ask me on Saturday (meaning the Saturday, September 14, 1912), and I do not care even if you have it on your records, that is certain.** * * *

"Q. On page 632, which was Mr. Weyler's statement on the Saturday morning within an hour after his arrival at the Institution, this question was asked, discussing the way the price was fixed: 'Q. And then he fixed the price for it? A. What the general price was on that sort of metal, yes. Q. And then you paid that by your check to whom? A. To the clerk. Q. Did you get any bill or receipt for that? A. Yes. Q. Have you got that voucher? A. Yes, **somewhere.**

"A. Did you ask that on Saturday morning?

"Q. Yes; this is the testimony which I have read to you.

"A. I could not have answered that question in that way. I had it on my desk.

"Q. It would either have been on your desk or in your pocket, would it not?

"A. Yes.

"Q. In either event, if we asked the specific question——

"A. I had no reason to refuse to show you the voucher, that is certain. If you asked me the question, I had no reason in the world for refusing. **You did not ask for the voucher, though you may have asked did I have it. You may have asked if I had it, if I had a voucher.**

"Q. Let me read the question to you: 'Q. Did you get any bill or receipt for that? A. Yes. Q. Have you got that voucher? A. Yes, **somewhere.**' Now, if you had it either in your pocket or just across the room in your desk, why should you have told us, 'Yes, you had it **somewhere?**'

"A. I can not say that I answered any such question. There was no reason in the world for it.

"Q. Why, if we were asking you for the proof of that payment and the receipt, and you just made the payment inside of an hour and had the bill either in your pocket or across in the adjoining room, would you not have produced it and said, 'Here is the receipt; I just paid for it a few minutes ago?'

"A. **You only asked for it if I had it; you did not ask to see the voucher. You certainly did not ask me to see the voucher.**

"Q. You were not volunteering anything, you were just literally answering the questions? You just simply said, 'Yes, I have it **somewhere?**'

"A. Yes, I had it."

Appropriation by Weyler of Time of Salaried Employee of Penitentiary.

We can not fully recite the history of this pipe transaction without briefly summarizing the activities of Frank Hare in connection with it. Frank Hare, it should be noted, is an ex-convict, now the engineer of the Institution, working on a weekly salary of eighteen dollars, having been used heretofore by Mr. Weyler when Warden on several occasions out at his farm connecting his gasoline engine with the windmill, installing and adjusting the heating pipes in the greenhouse and other mechanical work at Mr. Weyler's farm. No deduction was made by Mr. Weyler from the salary of said Frank Hare paid by the State for the time he was working personally for Mr. Weyler at his farm, nor was any allowance made by Mr. Weyler to Mr. Hare in the nature of compensation to him for his work. (Record, pages 640, 641, Testimony of Weyler).

Hare Dodges Commission and Sees Weyler Before Making Statement.

On Saturday, September 14th, the day of our taking testimony as to this piping transaction and other irregularities of Mr. Weyler, Mr. Hare reported to Warden Leonard that he was sick and wanted to be excused from duty at the Penitentiary. Warden Leonard offered him the services of the Penitentiary physician, which he declined, saying he would see his own doctor. After luncheon hour, when we adjourned the taking of testimony at the Penitentiary, we went to the home of Frank Hare in the 1500 block of West Lanvale street and were there informed that he was not home. We telephoned later in the day and were again informed that he was not home. That night Mr. March, head of the commissary, and a relative of Warden Weyler's, visited the home of Frank Hare, who was supposed to be sick, and informed him that Warden Weyler wanted to see him the next day out at his farm near Timonium Station. The next day, September 15th, Hare went out to Mr. Weyler's farm, walking the distance of more than a mile from the station in the September sun, conferred with Mr. Weyler about the pipe, walked back to the station, going without either breakfast or dinner on Sunday until he got home at six o'clock in the evening. Later, through further attempts to see Hare, we were advised that he expected to be well enough by Tuesday for us to take his testimony. On Monday, communicating with the Penitentiary and ascertaining that Hare was back that morning at work, we arranged to take his testimony.

Extract From Hare's Statement Put In Narrative Form.

(Stenographic Record, page 847).

The Witness: When I got out to Mr. Weyler's house at Crystal Farm, Mr. Weyler was in the house and I walked on the porch and took off my coat and we walked right straight out beneath the trees and set right down. He says to me, "Hare, I am worried to death about a bill for the material for

the green house." The very minute he said about the bill and the pipe and things it came to my mind. I told him, as I explained to you, I told him. He took the money out of his pocket and paid for it. "Well," he said, "that relieves me now, I am free from anything that I know of. I do not know of anything more." He was talking also about other pipes, some iron pipes he got two or three years ago, I guess, some pipes that had holes bored in it, and he had his stakes up for a grape arbor, you might have noticed them, to fence the chicken yard. He said to me, "How many was there? Do you know anything about them?" I told him roughly maybe there were a couple of hundred; I did not know whether there were any more or not, in that neighborhood. So he said, "What do they weigh?" I said, "Along, I guess, some sixteen hundred to eighteen hundred pounds." When I came back this morning I had a chalk mark down here and this was what they were, nearly eighteen hundred pounds. The chalk mark was on the window, been there ever since. I remember counting them up. I had it marked off where the holes were put and the lengths of them. Nobody knew nothing about it. The getting of those pipes was, I guess three years ago. I ain't sure about that now, but roughly about that. Yes, the length of them and the holes was marked in them where they have the spots in them to put them in. The chalk marks were on the window sill. They have been there three years. I noticed them many times. It has been there ever since.

Chalk Marks On Window-Sill for Years.

"Q. Do you mean to tell us that the chalk mark of the quantity of those things and the lengths of them has been on that window sill for three years?

"A. Yes, sir.

"Q. **Is it there now?**

Chalk Marks Vanish

"A. **No, I rubbed everything off this morning.**

"Q. And you want us and expect us to believe that? Why did you rub them out this morning when you knew we were coming over here today to get your statement?

"A. I do not know; I did not think it would amount to anything. (Stenographic Record, pages 851 and 852).

"Q. What were the figures and marks on that window sill;

"A. The length of them, it was seven feet long.

"Q. Draw us a picture of those marks. You make the kind of marks that you rubbed out on the window sill this morning. Take a pencil and show us exactly what was on the window sill that you rubbed out.

(Witness takes pencil and paper and so forth).

"A. I think it had eight or ten; I ain't sure about that. It had seven feet long on there in that shape (indicating); I ain't sure now if it had two hundred or not.

"Q. Did you figure two hundred on the window sill?

"A. One hundred and seventy-six, I think I had on the window sill.

"Q. You put the mark now on that piece of paper that you had on the window sill, the figures.

"A. I think it was two hundred, understand, I am almost sure it was about that.

"Q. You just rubbed out the marks this morning, so you say?

"A. Yes, I seen that a hundred times.

"Q. Well, now, listen, there is no doubt you are lying about this.

"A. What is there in it for me to lie?

"Q. You are lying about it. I want you to tell the truth and I want you to cut out lying no matter what you have said about that this morning. Now, what was on the window sill?

"A. The same thing I mark down there now.

"Q. You have the figure 200 there now.

"A. 176, I think was written on the window sill.

"Q. You mark it down then just as you had it on the window sill. If 176 was on the window sill you mark down 176 and rub out your 200 that you have there.

"A. All right.

"Q. Do you mean to tell us that the figure 176 was on the window sill in chalk this morning?

"A. The figure 176 was on tl e window sill in chalk this morning, 7 feet long, and I do not know, either eight or nine holes in it.

"Q. Was the figure 7 feet long marked on the window sill?

"A. Yes, 7 feet, measuring 7 feet.

"Q. What time did you go this morning and rub out those chalk marks?

"A. It ain't been an hour ago, I guess.

"Q. Why did you rub them out?

"A. I did not know as they would be of any use to me.

"Q. Why did you rub them out this morning?

"A. I wanted to make everything plain to you and I looked around there to see if I could find anything and I thought that was all right and I rubbed them out.

"Q. So the only thing you found to make it plain was the actual markings of the number and size and the number 176 to prove how many there were?

"A. I might have put in a few more.

"Q. You rubbed them out before you came here to testify;

"A. Yes.

"Q. You knew you were coming up here this morning?

"A. I expected you but I was not sure.

"Q. You got word five or six o'clock while you were at your home Saturday evening that we wanted to see you this morning when you were at work?

"A. Yes.

"Q. Would you be willing to swear that the number of lengths he got was 176?

"A. No, because it has been too long ago, I ain't sure about that amount at all.

"Q. Didn't you count them at the time and mark them down, 176?

"A. Well, I had that up there but I ain't sure now whether I sent less or more. Perhaps I sent more.

"Q. Do you know now after a conference with Mr. Weyler how many of those iron posts were out there?

"A. Yes, I counted them yesterday, two hundred or in that neighborhood. I think I must have left there about ten or

half-past ten or eleven, I ain't certain. I could not have been there more than an hour and a half, something like that. After I got to Timonium I met two fellows and we walked down to Lutherville. I was looking for a little piece of ground. I had some idea of going to the country and I strolled along to Lutherville to Towson and got to the York road and when I got home my wife said, "You were not gone more than ten minutes (meaning the Commission) and I got home about six. I had been out since about six o'clock in the morning. I did not get any dinner at all. I had not eaten anything since Friday of any account."

The date preceding, to wit, September 15, 1912, when we were at Mr. Weyler's farm and took his testimony shortly after Hare had left him, we asked Mr. Weyler, on page 808, the following questions:

Weyler's Tribute to Hare.

"Q. Have you always regarded Hare as a pretty reliable man?

"A. Absolutely so far as truth is concerned, I have found him one of the most faithful men that has ever been around that Institution and **one of the most truthful men, too.** He is a willing worker; there is nothing about the place that he cannot do and is not willing to do. He will work night or day, all hours, the hours cut no figure with Hare, **and I have never found him to be dishonest or unreliable or untruthful. I have known the man since 1890."**

Hare as an Adjuster. Commingling Accounts.

While commending in the highest terms the most efficient bookkeeper of the Institution, Mr. Edmond F. Kilkenny, we can not too strongly condemn the practice for which Warden Weyler is responsible, and which has not been corrected by the Board of Directors, of the commingling of accounts between John F. Weyler personally and John F. Weyler as the Warden of the Maryland Penitentiary. He has made it a practice to deal with the same source with which the Maryland Penitentiary deals, to have his goods shipped at the

same time, to the same place, and irrespective of the question of how the orders may have been given, the fact remains that it was a frequent occurrence for goods ordered by himself to be delivered at the Maryland Penitentiary on bills made out in the name of the Maryland Penitentiary. The still worse practice obtained of leaving it to a man like Hare to pass upon the bills and send information to the bookkeeper as to whether the goods had been received, and if received what part of them were used by Mr. Weyler personally and what part by the State. Accordingly, on Hare's statement the charges were made upon the books; and accordingly were payments made by the State, or by Mr. Weyler personally, or sometimes jointly, part of the bill being paid by Mr. Weyler, the items being segregated from the State bill, and annotations being made that these items were for Mr. Weyler and paid for by him. In that commingled form they have been passed up and approved by the Board of Directors as evidenced at least by the rubber stamp of Frank A. Furst, President of the Board.

Commingled Accounts O. K'd by Board.

Wallace Stebbins' Bill.

By way of illustration we insert a photographic copy of the hardware bill of Wallace Stebbins & Sons of date February 15, 1912, whereon appears an item of 609 feet of Reading wrought iron pipe at a total cost of $38.50. Opposite this item is a star in red ink and at the bottom of the bill, a star memorandum made by the bookkeeper upon information derived from Hare, that one-half of the item of $38.50 for the pipe, to wit, $19.25 was paid by Warden Weyler for personal use. And we find that this memorandum was on the bill before it was passed up to and approved by the Board of Directors. (See Plate No. 20.)

Weyler Gets Goods Paid For by Penitentiary.

We further find from the statements of Frank Hare, the engineer, who O. K'd this bill and who furnished the information as to the amount of the 609 feet of pipe for which the Warden should be charged personally, that many of the items on that bill **in addition to the one-half of the piping for which Warden Weyler paid, went to and**

WROUGHT IROH PIPE, BOILER TUBES, TRAPS, HEATERS, BRASS WORK, FITTINGS, VALVES, INJECTORS, BELTING, ETC.

WALLACE STEBBINS & SONS,

MACHINISTS AND IRON PIPE FITTERS,

PUMPS, BOILERS, TOOLS AND SUPPLIES,

IDEAL AUTOMATIC SELF OILING ENGINES,

CHARLES & LOMBARD STS.,

SHAFTING, PULLEYS, HANGERS AND GEARING, MACHINISTS' AND MILL SUPPLIES.

STACKS, TANKS, SHEET IRON WORK, AND CYLINDER BORING, A SPECIALTY.

CONTRACTORS FOR HEATING SYSTEMS AND POWER PLANT PIPING

FITZGIBBONS BOILERS.

Ord. No. /

Req.

Baltimore, Feb 15 1912

Sold to Maryland Penitentiary

TERMS:
Net 30 Days
1% For Cash in 10 Days

1	1/8 Pipe Tap			28
1	1¼ x 3⅞ R H Die			38
1	2 x 3⅞ do			88
12	½ Nipple Ells	2¾ lbs	1 2	33
12¼ lbs	1/8 C I Gum		25	3 06
609-3/12 ft	1¼ Reading Wrt Iron Pipe		6 32	38 50 *
6	1¼ x 4 Manifolds 2" run		72	4 32
24	1¼ Ells		05	1 20
24	1¼ Plain Unions		14	3 36
12	2 Nipple Ells	22¼ lbs	08	1 78
12	2 Ells		08	96
24	1/8 Pet Cocks		12	2 88
				58 43

APPROVED
JOHN F. WEYLER
WARDEN

APPROVED:
HANK A. FURST,
DIRECTOR

* $19.75 Paid by Warden Weyler (for personal use)

Received payment 3/9/12
Wallace Stebbins & Son
Per [illegible]

PLATE No. 20. AN ILLUSTRATION OF CO-MINGLED ACCOUNTS AS APPROVED BY THE BOARD.

were used by Warden Weyler at his farm. Hare says that Mr. Weyler got all of the 24¼ inch ells (Record page 907), about four of the 1¼ inch unions, all of the 2-inch nipple ells, sixteen of the 24 pet cocks, and all the manifold heads. (Record, page 905—911).

Hare's explanation about this pipe is even more remarkable than his testimony given heretofore as to his knowledge of the quantity of the old dormitory pipe used for fence posts. Speaking of this Wallace Stebbins bill he says, (record page 880).

"I found out after I got the pipe that I had a whole lot of pipe here that Mr. Gatz give me. It was old pipe that had not been in use. So I just thought to myself, I will keep this new pipe for the State and send the old pipe up the country to Mr. Weyler, and that is just what I done. Mr. Gatz is manager of the Bromwell Brush Company. It was pipe in the shop and in the way and he wanted to put up some machinery and he says to me one day, 'Hare, take that pipe out, I want to give it to you.' I guess four or five hundred feet of pipe was in there. So I picked out the best pipe and laid it to one side and all of the rough stuff I did not want **I sold for junk and turned the money over to the State.** Gatz gave it to me personally. I picked out the good stuff and sold the scrap and short pieces.

Hare Has No Use for Money.

"Q. Why did you turn the money over to the State?

"A. It was in my way, it was not no good to me, I could not take it out of here.

"Q. Why, if he gave it to you personally and if it belonged to him to give to you, why, when you sold it shouldn't you keep the money?

"A. Oh, no, Mr. Weyler would have turned me out of here a-flying. He would not allow me to take nothing out of here if he knowed it.

"Q. You sent it out to him?

"I picked out the good quality and sent it up to him and kept the new iron for the State. It belonged to the brush people and they gave it to me. He told me to take it. He said, 'Do as you d—— please with it.' He is that kind of a

talking man. I picked it out for the green house and some new stuff I put in also. I took the new out of that stuff I got from Stebbins. The new I got from Stebbins was what was bought for the State. Yes, sir, bought for the State, but I found out I did not need all I sent up there.

Hare as a Juggler.

"Q. You took some of the new pipe you bought from Stebbins for the State and sent it up to the green house (meaning at Timonium Farm)?

"A. Yes, and deducted it out of the State pipe.

"Q. You gave the State some old pipe instead of it?

"A. No, I gave Warden Weyler old pipe.

"Q. What did you deduct out of the State?

"A. I mean I took new pipe out of my order for the State and Weyler together, you know.

"Q. Let us get that straight. You ordered from Stebbins some new pipe, a lot of fittings and connections for Mr. Weyler all at one time, all on one bill. When you got the equipment for the green house, the connections that were ordered for Mr. Weyler went up there and some of the lengths of new pipe that was ordered for the State?

"A. Yes.

"Q. How did you reimburse the State for the new pipe that you had taken for Mr. Weyler's green house that belonged to the State? How did you fix it with the State so that the State did not lose anything by it? How did you make good to the State for the pipe Mr. Weyler got?

"A. When I got the bill I found they sent it all together, I just seen what the bill for the pipe was and I just counted out whatever it was for the Warden, 180 or 150 and deducted it and took it right off.

"Q. How many lengths did you send up there for the green house including the eight lengths of new pipe, how many old lengths of stuff that the Brush Company had given you, did you send up with it?

"A. Well, it might have been twenty or twenty-five lengths altogether. I ain't sure about that because he had some pipe

up there and I knew that and I used some of that since I have been up there when I went up on the job."

ADMITTED VIOLATIONS OF LAW.

All of the following facts, in so far as they relate to Mr. John F. Weyler, are by him admitted to be true. They corroborate in the main the story of Charles S. Henry, hereinafter abridged and inserted, and they constitute distinct violations of specific statutes of the Code of Public General Laws, as follows:

Violation of Section 562, Article 27, Code of 1904, Buying from and Selling to the Institution.

Section 562 of Article 27, P. G. L., Code of 1904, provides as follows: "No person having any official connection with the said Institution shall be directly or indirectly concerned or interested in any contract, purchase or sale of anything for, by or on account of the said prison, **nor shall he sell to or purchase from the said prison,** or its authorities, any article whatever; **and any person so offending shall be immediately dismissed from his employment, and on conviction be subject to a fine of five hundred dollars,** to be recovered as other fines are; and the said Directors and other officers are hereby required to make report to the Board of Directors all of such offenses coming to their knowledge, and a failure or neglect shall be considered as a breach of duty, and punishable by immediate dismissal from his employment and a fine of five hundred dollars."

We find that John F. Weyler while Warden of the Maryland Penitentiary has repeatedly violated both provisions, in buying from and selling to the said prison the following items:

LIST OF PURCHASES MADE BY WARDEN JOHN F. WEYLER FROM THE MARYLAND PENITENTIARY.

1906	Jan.	29	Clothing		$2.00
	"	"	Overwork No. 2	(The Commissary)	.60
	Apr.	6	"		2.25
	May	31	"	(6 prs. bose—20c.)	1.20
	Aug.	31	"		.32
	Dec.	10	"		.25
1907	Mch.	16	"		2.38
	Apr.	29	"		.20
	June	21	"		.25
	Dec.	31	"		.30
1908	Apr.	16	"		.40
	May	15	"		.38
	June	25	"		.15
	July	22	"		.40
	Sept.	10	"		.40
	Oct.	26	"		.40
1909	May	14	"		1.50
	Dec.	27	"		.20
1910	Mcb.	4	Provisions	(Sold to Wm. G. Taylor—per list).	4.37
	"	8	Hire and Rents	(Service of August Horcbner from Sept. 1, 1909, to Jan. 15, 1910—116 days at 60c.)	69.60
	"	31	Provisions	(20 bu. Potatoes at 48c.)	9.60
	May	4	"	(5 lbs. Coffee at 12c.)	.60
	June	21	"	(2 sacks Salt at 80c.)	1.60
	July	8	"	(25 lbs. lard at 12c.)	3.00
	"	"	"	(½ bbl. Flour at $3.85)	1.93
	Aug.	5	General Exp.	(Hedge shears bougbt from Fred. J. Hesse for personal use and chg. on St. bill of July 12, '10)	2.00
	Sept.	14	Overwork No. 2	(Sboes)	5.75
	Oct.	1	Provisions	(1 bag Clear Spring Flour)	1.93
	"	"	"	(30 lbs. lard at 12c.)	3.60
	Nov.	3	"	(2½ bu. Rye at 85c.)	2.13
	"	"	Overwork No. 2	(1 pair sboes)	2.25
	"	10	Provisions	(100 lbs. Rice)	2.45
	"	"	"	(100 lbs. Hominy)	1.50
	"	"	"	(4 gals. Molasses at 14c.)	.56
	"	"	"	(½ bbl. Flour at $3.70)	1.85
	"	18	Clotbing	(4 blankets at 85c.)	3.40
	Dec.	5	Overwork No. 2	(Overcoat)	3.50
	"	22	"		4.55
1911	Jan.	9	Provisions	(1 pk. Potatoes—52c. bu.)	
	"	"	"	(1 pk. Apples—$1.60 bu.)	
	"	"	"	(5 lbs. Coffee—$.16½)	
	"	"	"	(5 lbs. Sugar—$.04⅕)	
	"	"	"	(5 lbs. Rice—$.02 9/20)	1.69
	Mch.	14	"	(½ bbl. Flour—$3.60 bbl.)	1.80
	May	15	"	(140 lbs. Flour—$3.32 bbl.)	2.37
	"	"	"	(100 lbs. Salt)	.40
	"	26	Overwork No. 2	(Soap)	.10
	June	10	"	(Tooth picks)	.10

1911	July 27	Provisions	(½ bbl. Spring Flour—$3.70).....	1.85
	Aug. 3	Overwork No. 2.....		1.50
	Sept. 18	Provisions	(½bbl. Spring Flour—$3.90).....	1.95
	Nov. 4	"	(5 lbs. Pepper—$.13½).....	.68
	" "	"	(3 lbs. Coffee—$.18).....	.54
1912	Feb. 2	"	(1 lb. Tea).....	.40
	May 21	"	(18 lbs. Lard—$.09¼).....	1.67
	" "	"	(12 lbs. Coffee—$.19).....	2.28
	June 27	"	(3 bu. Potatoes—$1.37).....	4.11
	July 23	"	(15 lbs. Lard—$.10¾).....	1.61
	Aug. 29	"	(15 lbs. Lard—$.10).....	1.50
	Sept. 14	General Exp.	(2800 lbs. Old Cast Iron Pipe at 35c.).....	9.80

COMPLETE LIST OF PURCHASES MADE BY THE MARYLAND PENITENTIARY FROM THE FARM OF WARDEN JOHN F. WEYLER.

1910
Aug. 3—35⅚ bu. Potatoes at 50c..... $17.92
(Bill made out in name of Wm. G. Taylor).

Sept. 30—30 bu. Turnips at 55c..... $16.50
12 baskets Tomatoes at 25c..... 3.00 $19.50

(Bill made out in name of Geo. Thomas).

Oct. 8—6¾ bu. Turnips at 60c..... $4.05
7 boxes Tomatoes at 25c..... 1.75 $5.80

(Bill made out in name of Geo. Thomas).

1911
Aug. 16—9 bu. Potatoes at $1.30..... $11.70
3 bbls. Cabbage at $2.25..... 6.75 $18.45

(Bill made out in name of Wesley Cox).

Violation of Section 641 of Article 27. Receiving Gifts from Prisoners.

Section 641 of Article 27 is as follows: "Neither the Warden or any Director, nor other person having any official relation with the prison, shall receive any reward, gift or any promise from any convict or from anyone in his behalf, under the penalty of not less than thirty dollars or more than five hundred dollars, to be recovered as other fines are now."

We find upon the testimony of John F. Weyler himself that he has violated this section in accepting as gifts from prisoners a half dozen or more chicken crates made by the prisoners in the prison from material belonging to the prison. (Record, page 829, Testimony of Weyler).

Violation of Section 556 of Article 27, Prohibiting Perquisites.

Section 556 of Article 27, bearing on the salary of the Warden, provides that he shall receive no other compensation or perquisites. We find that John F. Weyler when Warden habitually violated this provision of the law, in receiving as a perquisite from said prison almost weekly shipments to his chicken farm at Timonium, consignments of toasted bread crumbs in quantities ranging from 500 to nearly 3,000 pounds a week, aggregating in the neighborhood of some forty thousand pounds in dry toasted form, said shipments giving the date and weights are ascertainable by the waybills of the Northern Central Railroad, according to the following schedule:

P., B. & W. Ry. Co., Calvert Station.

J. F. WEYLER, BALTIMORE, CALVERT, MD.
TO J. F. WEYLER, TEXAS, TIMONIUM, MD.

Waybill.	*Date.*	*Article.*	*Weight.*
21256	8–12–10	10 Bags Toasted Bread Crumbs.....	200
21951	8–19–10	14 Bags Toasted Bread Crumbs.....	340
23385	9– 2–10	16 Bags Toasted Bread Crumbs.....	400
25382	9–22–10	39 Bags Toasted Bread Crumbs.....	1100
27553	10–14–10	15 Bags Toasted Bread Crumbs.....	400
28896	10–28–10	32 Bags Toasted Bread Crumbs.....	750
30094	11–10–10	29 Bags Toasted Bread Crumbs.....	750
31436	11–25–10	31 Bags Toasted Bread Crumbs.....	775
32733	12– 9–10	22 Bags Toasted Bread Crumbs.....	550
34036	12–23–10	24 Bags Toasted Bread Crumbs.....	500
2172½	1–27–11	36 Bags Toasted Bread Crumbs.....	900
2769	2– 3–11	12 Bags Toasted Bread Crumbs.....	275
3354	2–10–11	4 Bbls. Toasted Bread Crumbs.....	240
		3 Bags Meat Scraps.....	100
3977	2–17–11	4 Bbls. Toasted Bread Crumbs.....	320
		4 Bags Meat Scraps.....	
4495	2–24–11	3 Bbls. Toasted Bread Crumbs.....	200
		2 Bags Toasted Bread Crumbs.....	60
5134	3– 3–11	10 Bags Toasted Bread Crumbs.....	250
		3 Bags Meat.....	140

PENNSYLVANIA RAILROAD COMPANY—*Continued.*

J. F. WEYLER, BALTIMORE, CALVERT, MD.
TO J. F. WEYLER, TEXAS, TIMONIUM, MD.

Waybill.	*Date.*	*Article.*	*Weight.*
6498	3-17-11	22 Bags Toasted Bread Crumbs	550
7919	3-31-11	17 Bags Toasted Bread Crumbs	500
8987	4- 7-11	15 Bags Toasted Bread Crumbs	325
9959	4-13-11	10 Bags Toasted Bread Crumbs	400
		1 Bag Beef Scraps	50
11155	4-21-11	23 Bags Toasted Bread Crumbs	920
12278	4-28-11	27 Bags Toasted Bread Crumbs	675
33148	5- 5-11	24 Bags Toasted Bread Crumbs	960
35748	5-12-11	33 Bags Toasted Bread Crumbs	825
38215	5-19-11	29 Bags Toasted Bread Crumbs	770
		1 Bbl. Toasted Bread Crumbs	60
40891	5-26-11	20 Bags Toasted Bread Crumbs	600
43277	6-21-11	39 Bags Toasted Bread Crumbs	1170
45746	6- 9-11	28 Bags Toasted Bread Crumbs	840
48215	6-16-11	30 Bags Toasted Bread Crumbs	900
50760	6-23-11	15 Bags Toasted Bread Crumbs	450
53359	6-30-11	30 Bags Toasted Bread Crumbs	900
60255	7-21-11	20 Bags Toasted Bread Crumbs	570
62585	7-28-11	26 Sacks Toasted Bread Crumbs	780
64874	8- 4-11	20 Bags Toasted Bread Crumbs	600
69541	8-18-11	16 Bags Toasted Bread Crumbs	480
73996	9- 1-11	13 Bags Toasted Bread Crumbs	390
78603	9-15-11	20 Bags Toasted Bread Crumbs	600
81083	9-22-11	24 Bags Toasted Bread Crumbs	720
83069	9-29-11	22 Bags Toasted Bread Crumbs	600
85730	10- 6-11	21 Bags Toasted Bread Crumbs	600
88317	10-13-11	29 Bags Toasted Bread Crumbs	630
90845	10-20-11	29 Bags Toasted Bread Crumbs	840
93361	10-27-11	23 Bags Toasted Bread Crumbs	690
95807	11- 3-11	22 Bags Toasted Bread Crumbs	660
98130	11-10-11	27 Bags Toasted Bread Crumbs	810
104906	12- 1-11	43 Bags Toasted Bread Crumbs	1290
113545	12-29-11	55 Bags Toasted Bread Crumbs	1620
4978	1-19-12	45 Bags Toasted Bread Crumbs	1350
6948	1-26-12	45 Bags Toasted Bread Crumbs	1350
22330	3-25-12	44 Bags Toasted Bread Crumbs	1350
35292	4-29-12	39 Bags Toasted Bread Crumbs	1010
38109	4-26-12	26 Bags Toasted Bread Crumbs	690
43613	5-10-12	52 Bags Toasted Bread Crumbs	1560
51396	5-31-12	41 Bags Toasted Bread Crumbs	1230
56891	6-14-12	52 Bags Toasted Bread Crumbs	1560
72892	7-26-12	87 Bags Toasted Bread Crumbs	2670
			43795

Which said transactions in addition to being in violation of section 556, are also in violation of section 607, as likewise in violation of section 596, requiring the sale by the Institution of slop and offal, or else its use in the raising of hogs or other stock for the use of the prisoners.

Violation of Section 607 of Article 27. Prohibiting Making Goods in Prison.

Section 607 of Article 27, provides amongst other things, that no director or other officer shall have any work of any kind done at the prison. We find that John F. Weyler, as Warden of the Maryland Penitentiary, has frequently violated this section, having had constructed at said prison fourteen chicken houses, 10X12 feet in size, a duck house, size about 10X45 feet, a large greenhouse or hot house (Record page 639 testimony of Weyler); and has had several suits of clothes made by the prison tailor, a convict. The chicken houses, duck house, and hot house were located on his farm at Timonium on September 15th, at the time this Commission went out there to inspect them.

Prison Tailor Makes Buggy-Top from Prison Goods.

We also find that John F. Weyler has had made for his personal and private use at the farm, a cloth buggy top for a covered buggy, the same being made in the prison by a prisoner, and out of material belonging to the prison, and at the time of our discovering the said fact so admitted on September 15, 1912, that he had neither made allowance to the convict or the State for his time, nor to the prison for the value of the prison property so appropriated by him for his own use. But afterwards, to wit, on the 6th day of November, 1912, he made restitution to the Penitentiary for 12¼ yards of prison material so used in making of said buggy cover at 9½ cents per yard, and for 25 yards of blue denim at 13½ cents per yard, a total of $4.54; and on November 5, 1912, the said John F. Weyler also paid to the credit of J. B., convict in said Institution, known as the prison tailor, the sum of $15.00 for making two suits of

clothes for the said John F. Weyler, which suits of clothes had been made some six months prior to the time of payment.

We append hereto in abridged and narrative form the testimony of Charles S. Henry, omitting therefrom repetitions in questions and answers, and other minor or unimportant matters.

Chas. S. Henry, Weyler's Trusty.

It may be said, by way of introduction, that Charles S. Henry is a young white man convicted in Frederick County of larceny and sentenced to six years. Under Warden Weyler's management he was the most trusted convict in the Institution, having freedom and privileges enjoyed by no other convict, being general handy man around the place with headquarters at the power-house. His ledger account in the punishment record is without an entry against him except on the 24th of August, 1912, he was charged with having liquor on his person and being under the influence of liquor and taking shirts from the contractor, and he was sentenced to ninety days' loss of good behavior and deprived of being out at night. It may be further noted that the bottle of whisky which he had was one which had been brought in to him by an officer of the Penitentiary. His sealed communication to us at the time of the taking of uninspected letters from the prisoners early after we began our work in August best illustrates the relation between himself and the officials, and we therefore insert it at this point:

No Complaint Treated Kindly.

"GENTLEMEN: In reference to the treatment that I have received since I have been in prison, I am very thankful to say I have been treated very kindly. I have considerable dealing with Mr. Leonard when he was deputy warden and since he has been made Warden and can only speak in the highest praise in which he tries to give me all that a prisoner could wish from a Warden of the Penitentiary. I have no complaint to make in the running of the prison.

Yours respectfully,

CHARLES S. HENRY."

We received through sources which need not be disclosed reliable information as to matters and facts within the knowledge of Charles S. Henry as to the inside acts of the prison and its officials, and on the afternoon of Friday, the 13th of September, we went to the Institution and tried to elicit from Charles S. Henry at least some of this varied information.

We file with our report a full stenographic copy of his testimony, of which we abridge the following in narrative form as nearly as possible:

ABRIDGED TESTIMONY OF CHARLES S. HENRY.

Reluctant to Talk.

"Q. (By Mr. O'Dunne): I want to tell you this, that you can talk to us perfectly frankly. There are some things that you know that we want to know about. Some of you would like to talk and you are a little afraid to. I want you to feel that whatever you say here is not going to be repeated to any of the officials of the Institution and will not be used in any way to get you into any trouble. I want you to appreciate that and understand it. I will tell you exactly what I want to know from you, and that is exactly what you know about some things that were manufactured in the Institution and that went out of the Institution. Do you catch what I am talking about? I want you to tell us what you know about that, and it is not going to get you in any trouble in any way, shape or form.

"A. Well, they have been very good to me here, you know, and I do not want to get back at anybody for anything that I have had any part in at all. Of course, they have done probably more for me here than they have for a great many others that they could have done for. Of course I realize and know it is a big thing to be working for the State and to be not confined to the shop, that is not to be on a contract. They have kept me off the contract and they have favored me to that extent and I do not want to get into any trouble by reason of anything I know.

"Q. We appreciate that, but you are not furnishing any of this information. We know it and we know you know it and

we are asking you for it and we expect you to tell the truth about it. We will say that this does not hurt you in any way, shape or form and it will not be known to have come from you at all. There is no officer in this room connected with the Institution. They do not see this testimony after it is written up and they do not know anything about this and they shall not know about it. There will be no come-back of any sort on you; you can depend on that.

Strange Things Happen Here.

"A. But some mighty strange things happen in a short time. You know that. Men drop here and you do not know how in hell it happened, only they have got no use for you, that is all.

"Q. You need not worry about that. If there is any come-back on you I guess we are in a position to counteract anything of that kind so far as you are concerned. You know exactly what we want and we want you to talk frankly with us. You are not the only one we have seen today, and we are going to see some more, and we have been over here several times and we are coming several times again. We are not simply calling you out as an individual man. We have had other men before us. We have had life-time men and we are going to take a great many more, so that the mere fact of calling one man does not attach any suspicion at all to him. We gave the Warden a list of several men and told him to get us those men in any order in which he could get them. Now, go ahead and give us all you know about that matter. We know that things are manufactured in this Institution that went out of the Institution. And we know who did it, and we know where they went, and we know, amongst other things, that you know about it and you know when they were made and where they were made and how much Mr. Hare worked on them and how much other people worked on them, and what they were. Now we want your version of that and we want you to tell it in your own way.

"A. Sure, I know what was made in here. Do you want what was made for the State or individuals?

"Q. For individuals.

Chicken Houses.

"A. Those chicken houses were made for the Warden, I guess about twenty-five of them were made; I mean Warden Weyler now. Made out of two by fours, what they call coffin lumber here, white pine, twelve inches wide and seven-eighths inches thick when it is dressed. The boards they used in framing that work up, that is around the bottom, was box lumber. They got it off of Mr. Murphy over here, the shirt contractor. The chicken coops when finished were about ten by twelve or something like that. They were different sizes, yes, taller than I am; I mean ten by twelve feet; these were the small ones. There was one built in three sections forty-five feet long inside measurement; that was a duck house, fifteen feet in each section; about twelve feet high; I could not reach the top of it; galvanized iron metal was used on the comb or cap of the roof; metal gotten from the power-house. That capping either went on the duck house or the greenhouse, I forget which. It was built over in the engine house to take out to the farm and painted here in the Institution, painted a sort of stone color; I helped to put some of the paint on; B. K. helped me and a fellow by the name of J. C. J. C. has been pardoned out. He did not help on the last work because he was on the contract. The first lot that was put out was done on Sunday. We made the chicken houses on Sunday; that is, the first batch; that is when a fellow named W. G. T. was here. He is the fellow whose place I took. Mr. Weyler got him pardoned out. His own people and his own money could not get him out, but Mr. Weyler got him out and then took him to the farm. He took two or three out there to the farm. He got a fellow by the name of L. M. out, down in the lumber yard. He was up for raping his own daughter. He got eighteen or twenty years. He claimed to be a farm hand and Weyler got him pardoned and took him out to his farm. He was a white fellow. The girl he took out

Duck-House.

there, you understand, was a free girl. She was not working in the house as a prisoner. She had pulled her time here. She was not pardoned, but after her serving her time Mr. Weyler gave her a job on the farm. She may have been twenty or thirty. You know how a coon is, you cannot tell how old they are. She was right young looking. Yes, there was one duck house forty-five feet long, say twenty chicken houses, I am sure of at least twenty. They were small, about ten by twelve. We made one right after the other for a while and then slacked up, and then he gave orders for some more. Mr. Leonard generally gave the orders around there about the making of them. He was the architect. They hauled them out on the transfer, the ice wagon, I think, the Independent Ice Company. After T. got pardoned and got out to the farm he gets Warden Weyler's wagon and two horses. I helped to put them on and hauled them down to the wagon yard first. J. M. helped, too. His time is about up. Hare would know all about it. He was the main gazook, he was the chief carpenter. He stands in with Weyler. Whatever Hare says goes. Yes, I built one greenhouse some time ago. It was before spring because I know that they took it out there, it was most too cold to put up at first. But in a week or ten days the weather broke and they put it up, the spring of 1912, just before Weyler quit as Warden. The chicken houses were started three years ago, the first of them. Then we made the green house and the engine house since; no more chicken houses since. The carpenter that helped on the duck house was A. H., a German fellow. The engine house was shaped with a comb roof; also about ten by twelve in size. He brought in a measure, Hare did, and I forgot what the measurement was; it sat on a platform. He brought the measure in on a piece of paper. Hare and the Warden told me these things were for Weyler. Weyler did not tell me. He is a man, you know, who would not hold any conversation with us. I know nothing about any tailoring

Leonard "The Architect."

Hare "The Main Gazook."

done for Mr. Weyler in the Institution, nothing about any suits of clothes. Frank Hare, the engineer, went out and did work on the farm for a day or two at a time. He used to leave here in the morning, sometimes come to the power-house, sometimes not; sometimes send me word to look out for his work, that he had to go away; **sometimes two or three days at a clip;** sometimes he would go out and come back that evening and maybe not come back for two or three days; never knew him to stay longer than two or three days; he used to go every week or two; **maybe every ten days he would go out there; he used to tell me he was working at Weyler's farm** and cutting up stuff for him, things they needed out there, pipe and fittings and so forth. They are damn funny around here, I can tell you; you do not know half as much about it as I know.

Knows Nothing of Prison Tailor's Work.

Hare Salaried Engineer Works for Weyler.

"Q. Well, we want to know. Where were these pipes taken from? Were they in use here in the Institution? Were they new stuff?

"A. Yes, some of them had never been in use. They ordered that stuff, you know, and I do not see how much the amount is. Some was put on the wagon and some carried down and put on the train, short pieces. It would be cut just as the express company would handle it, eight or ten feet, I guess. I have seen that happen a half a dozen times. I am talking about new pipe now. They took old pipe down in the dormitory, those old radiators that used to be on the wall, quite a bunch of them. He made a fence out of that, I believe. Yes, there was enough taken to make a fence. There was a hell of a lot of pipe; I guess about a thousand feet, inch-pipe; we drilled it. You know how high posts are. They said that was what it was for. We drilled the holes in them. Mr. Hare said it was for Weyler's farm. I know we loaded it on and they said it was going to the farm. I do not know how many farms he has got. The Institution has none, unless that is theirs out there. One morning Weyler's wagon was here before the day officers got here. It had a load

Radiator Pipe.

of potatoes on it. I saw it. I helped unload the potatoes. They drove in. He sold a load or two of potatoes here. I heard from Hare that Weyler had about seven hundred chickens. The farm is at Timonium, I believe, somewhere near the fair grounds. The train runs out there I know. I could find the place all right. I could recognize the chicken coops and the engine house and the fence posts that we drilled.

"Q. Do you know anything about a reel of garden hose?

"A. No, sir, there has been so damn many reels of garden hose around here that I cannot say any particular one.

"Q. What was the matter with the electric plant over here?

"A. I do not know. They did not want it here, none of them, Hare and Weyler both.

Still Reluctant to Talk.

"Q. Are you keeping anything back about that or do you simply not know the real inside story?

"A. That is pretty hard to discuss, you know, my transaction with that, you know (hesitation).

"Q. Were you mixed up in that?

"A. I am not mixed up in anything. I am only a prisoner.

"Q. Were you mixed up in that electric work?

"A. I am mixed up in everything of this kind, the whole shebang. You know I have got to do as I am told; that is all I have got to say. Charlie Henry has got to look out for Charlie Henry. If they tell me to do this or that I am obliged to do it; otherwise I am no good and I will be put on the contract department. You see I know, Mr. O'Dunne, and you do not know like I do. While I place all the confidence in you and the rest of the gentlemen, you know that murder will out no matter how long it takes, it will come out some day, and when I leave this Institution they may do something, God knows what, and there I am marked for life. Of course I do not blame you at all. If you can get that and get it right I do not blame you any whatever, but otherwise I do not want to discuss that matter; that is something that would come back sure. My time is short in here and I have behaved myself and

I have worked hard ever since I have been in this Institution; not only for myself, but for the State.

"Q. I know that, Henry, but you ought to be man enough under the existing circumstances, when we come to you and tell you that we are trying to discharge an honest duty—

"A. Sure, I give you credit for that. I know there has been a hell of a lot of change since you have been around here.

"Q. We are trying to help not only you individually, but you, speaking of all the inmates of the Institution as a whole. We are trying to help the Institution as an institution.

"A. I understand that, sir, and we all appreciate it.

"Q. Whatever is good in this Institution we want to commend, and whatever is wrong in here we want to try to remedy for the benefit of those who are here, and those who will come back here again or will come here some time in the future for the first time. There are things over here that are not right, and we want to find out about them.

"A. Naturally they never have been right. Nobody will be right as long as some of them are around here that are here. You never know. My God! I could write a bookful about it.

"Q. It is not necessary. If anybody over here is not doing right, it is not necessary that they should be here.

"A. They will be here as long as they can stay, and then they will go somewhere else. They have got their friends, you know.

"Q. We want you to tell us exactly what the inside story of that electric business is. We do not care how much you were mixed up in it; we are not blaming you; the only blame we could attach to you at all is that when we come here to you, man to man, to tell you that we have this information and we want to get the story from the inside people who are mixed up in it, to use your own expression, and have them tell us their version of it, so that whatever is wrong about it we can stop. Now, that is what we want. We want the inside history of that electric business.

"A. You have made quite a trip from chicken houses to electric business all at once! I wrote a letter to you people and told you that I had nothing to say, nothing for or against. Mr. O'Dunne, you know many a man never gets any credit for

hanging a man in this country. If I worked for you and you placed confidence in me, you would expect me to stick by you through thick and thin, wouldn't you?

"Q. Not if I was in a crooked deal, Henry, I would not.

"Whole Shooting Match Crooked."

"A. It is all crooked. That makes a long story short. The whole shooting match is crooked, from beginning to end.

"Q. That is what we want to remedy, and we are going to remedy it.

Mr. Jones: You are rendering a public service by giving the information.

"Q. (By Mr. O'Dunne.) If this is crooked over here, we are going to root the crookedness out.

"A. As I told you, I had a friend, several friends that I placed all the confidence in the world in. I had some friends in here that I placed confidence enough in and they threw me and got me in trouble, and what were they? They were not friends at all. I am talking about officers. It taught me a lesson. When a man gets bit once he wants to look out. That is the truth. You know that.

"Q. Let us have the whole story, all you know about the crookedness over here of any kind. We will protect you and you will feel better for it. You will feel better for having told all you know about it. It will not hurt you in any way.

(Witness hesitated).

"Q. Let us have all you know about it.

"A. I will study over it.

"Q. We do not, if we can help it, want to call you back again. We are going to run through a whole lot of others. We have had several. We do not want to call you back. We want your story now while you are here.

"A. I could not tell all I know about it tonight.

"Q. Tell us as much as you can tell us in a half hour. Do your fellow-men a good turn; you have a thousand fellows who are subjected to just what you are subjected to.

"A. That business has nothing to do with anybody else. It is immaterial to these prisoners whether they get electricity from one place or another.

"Q. That may be immaterial to them, but the spirit of graft that brings about that is not immaterial to the rest of them. You can see that, can't you? You owe it to all of those men to tell all you know.

(After long hesitation).

"A. No, I do not; I can not tell you for several reasons. I have got some time over here yet; I have lost some time, and that is a big thing to me.

"Q. We do not want to make you any promises.

"A. I do not want you to make any promises to me. I am not looking for a reward. I do not want anybody to get in trouble. I have been in enough trouble myself and I feel sorry for anybody else who gets in trouble.

"Q. Tell us honestly and truthfully as a man, and then leave the rest to us and to our sense of justice and our sense of propriety and our interest in you as to what will be the proper thing to do.

Mysterious Things Happen.

"A. As I told you a while ago, Mr. O'Dunne, and the rest of you gentlemen, **some very mysterious things have happened with me since I have been connected with the Institution.** I have told things I regretted a thousand times and I have been punished for them, for just for talking, and thinking I was trusting somebody that was my friend and who would turn around, instead of being my friends, they were always my enemies. The things I told were the truth, but then I got punished. I have stood punishment for things I told that were true. A man that is punished once, he takes a solemn oath on his knees that he will never open his head to anybody. They look at you when you ask them for favors and you know damn well what they think. They say, 'He has said something,' and that is the finish of you.

"Q. But can you not draw the distinction between talking to an officer that is subject to the head of this Instituion and

talking to an outside Commission that does not care a hang for any officer in the Institution?

"A. How about the poor prisoner that has got to suffer hereafter? That is what I am getting at. I mean while my time is going on in this Institution. You will not be here all the time. Suppose **Warden Leonard** says, 'We do not want you in the power-house any more, you go to the foundry.' What can you do? You can not take me out of the foundry. That is up to the Warden. That is what he would say. **'I am running this Institution. You do not give that man any privileges, lock him up and give him just exactly what the rest get to eat.' What are you going to do about that?**

"Q. Henry, I told you a minute ago that we do not want to make you any promises that would affect your testimony. All we say to you is this, as man to man, we are over here to do the square thing, by the place, by the prisoners and by you. You meet us half way in helping us in this investigation and then leave it to our sense of honor and integrity as to what is the right thing to do by you in view of whatever help you give us in this investigation. Now, you ought to be able to understand what I mean without saying anything more to you than that we simply want a square deal from you, and we expect you to realize that we are men enough to see that you are properly treated for it. We guarantee to you that you will not suffer for it. We will watch you and see that you do not suffer discipline for it.

"A. It is tough in here with the best of it!

"Q. I will be perfectly plain with you and say that if you are disciplined in the slightest for anything that you tell us over here we would not hesitate for one minute to go right straight to the Governor and tell him to pardon you on the spot, because you were disciplined when they have promised us that no man will be disciplined for anything he tells us.

"A. I came out here in the morning at six o'clock and work around them until late and then I am led to do things, persuaded to do things that only a thousand others would have done if they had a chance and then I am punished. I have told

people little things that happened and about what I was doing and all that, and they went right square and gave me away and I was punished. I was dealing with stool-pigeons, 'screws.' There are plenty of them in here, I can tell you that. Whatever I say I will tell the truth, and I do not care a damn if the world knows it when I tell anybody. When I tell anything I tell the truth.

"Q. That is what we want. We do not want it if it is not the truth. Go ahead and talk. This is the opportunity for you to talk, and you will not get the opportunity again.

"A. It will probably be all over with me, too. You came on me in a regular surprise.

"Q. We wanted to. We did not want you to stop to think it over. We wanted to call you right straight out of the shop and put this thing to you as man to man, away from the Institution, away from the influence of it. You are talking to people who want to help everybody over here and give them a square deal. We go to a man that we know is on the inside of some of this stuff that is going on here that ought not to be going on.

Had a Hand in Everything.

"A. **I guess I have had a hand in everything that has gone on in this Institution since I have been over.** Of course they put me down at the power house as a man they could trust. That was the understanding I had when Mr. Leonard sent for me. He said, 'We have got a lot of work in the dormitory.' He said they wanted me to help there for a few days each week. Well, that week has been going on ever since but I have never been off the job. I have worked Sundays and nights and all the time. Of course there has been a lot of trouble here. **There has been crooked, underhand work ever since I have been here and then it seems like as long as you are doing crooked work and they are getting the big end of it it is all right, but when they find that you are getting a deal in it, too, getting a hand out of it, it is all wrong. As long as they are getting two to your one and two to your nothing it is all right. When you get one to their two there is hell to play in camp then.** They did not want electricity to be a success; that is

the whole truth of the matter. They would not let it run. They blew it out. It was blown out by the switches, I reckon. I kept a record of the voltage for Mr. Weyler. That was my job. Hare, you know, was a damn fool reader. If there was any figuring to be done I had to do it. I have got my record down there. It was a put up job all the way through to put the Brush Electric Company out of the building and put the Gas Electric Power Company here. I had a hand in the combination to put them out of business.

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Shirts Stolen for Officer from Contractors.

A claimed that B got a rake-off down at these stores where they buy stuff for the State, stuff for the Institution, machinery, tin, pipe. I did not get any of that. I got nothing but a sandwich, little eatings. These fellows would bring it in to me for my stealing for the State. I stole shirts and brushes and anything I could get hold of for them if they wanted them, for several different fellows.

"Q. Who were the fellows that you gave the shirts to?

"A. Just let it go at that. I am just telling on myself now. I would watch my opportunity to take them. The fellow that was in charge of them did not furnish the opportunity. He did not stand in with the fellow who had control of the shirts, I do not believe. I took a couple of dozen. I gave them to different men, a half a dozen different ones. They would get two or three apiece.

"Q. Who are the fellows that got them?

"A. That is what I got punished for the other day. I stole three shirts about three weeks ago. They gave me ninety days. If I had not been a handy man I would have been put in the dark cell. **That was a damn shame. A fellow gets punished in here for stealing if he is a prisoner, and the big ones steal more than we do.**

"Q. What did they do to the fellow that got the three shirts?

"A. Discharged him. He was an officer. He has only been out about four weeks. But they discharged him for not reporting the whisky, for not reporting that fellow, you know

who I mean. Officer X, Officer Y, Officer Z, all got shirts. They asked me to do it. They asked me to get the shirts and I told them all right. I also got brushes from the brush shop, the best looking brushes that were there. Besides getting food for this kind of work I got whisky. I would also get daily papers to read. I got up on the situation on the outside when I got hold of newspapers. I got a quarter sometimes. A quarter is the highest I ever got for shirts, brushes and things like that. **I do not think Leonard had any hand in the graft. Leonard did not want it, I do not think. I could tell by his conversation. I do not know whether he knew that graft was going on or not. He was a devil of a poor man if he did not know, though.** He did not know about the shirts I was stealing. But if you are around a place you would know if a thing was going right or wrong, wouldn't you?

Stealing Brushes from Brush Shop.

Leonard No Hand in Graft.

"Did you take anything out of the other shop for officers or for the Warden?

"A. Yes.

"Q. What kind of things?

"A. Nails and everything. They would be for building those chicken houses. Stuff such as hasps, hinges and locks, hardware and things like that were bought. I saw the bills. The bills would come in and they were sent down for Hare to O. K. and he would send for me and ask if I got that stuff. The bills would be to the Maryland Penitentiary. Also bolts, tinware and every other damn thing. I know that Hare would carry it out to Weyler's place. I do not reckon he carried the stuff home. It would go on the wagon, all the big stuff, and the small stuff he would carry on his arm down to the train.

Hare O. K's. Hardware Bills.

Weyler's Toasted Bread Industry.

"Q. What do you know about the so-called garbage, bread and meat stuff going out to the chickens?

"A. They bag it up and the train hauls it. You know there are so many teams hauling in here all the time that they just put it in a bag and have one carry it to the wagon yard and the first wagon they see going out they ask him if he is going down to the depot and then it is put on the wagon and hauled down to the depot. Fooke's wagon comes in and gets the garbage, hauls it out to his place. I believe they call Weyler's place Crystal Farm. I do not know if that is the name or not, but I think it is. I see the tags down at the power-house. It goes out in guano sack bags. Mr. Kohler told me a couple of weeks ago to tell Hare not to ship any more bread until he told him. He is the officer who let you in at the gate. He is a relation of the old man's. It is all in the family. The baker puts it in the oven and toasts it. It will mould, you know, if you do not do something to it. And he browns it up a little. I used to tie the bags up at times. They generally ship it on Fridays. At times there are thirty to fifty bags of bread go out in one week. Yes, every Friday, every Thursday or Friday, according to how they get their men. Sometimes the baker or kitchen man would say, 'My men will be busy tomorrow, you better bag that bread today.' They would take any wagon they catch down at the wagon yard. Hare would go down to the depot and have the bills of lading and sometimes I would carry the bill of lading down to him. It went from the station down near here (indicating southward towards Calvert Station). That is where the wagons went. The supper bell has rung, gentlemen. It has been a month since I helped to bag any or helped haul any down to the wagon. There was a big load then, as much as you could haul. Of course it is light, but it is bulky. Meat was shipped and bagged, too. It went the same way. Fried meat that the men did not eat or what they left on their plates, no fresh meat. This has been going on ever since the damn farm was out there. I have known of it ever since I have been on the job, say about two years and a half, a regular weekly

occurrence. I would not tell you anything but the truth. If I told you the truth that is bad enough. I want you to keep your promise to me. I told you that this is a damn peculiar place.

"Q. You think the matter over and think the details over and we will call a few prisoners in between so as to divert any suspicion towards you and then we will call back some of these same ones again and then we will call you back again and the next time we call you tell us all the rest of the stuff; anything that you know that is honest and fair. Do you know whether there is any graft in the commissary?

"A. Oh, hell, that is all graft, I believe. They are damn high prices and I do not know where it all goes to. These fellows claim they make money when they order stuff. When they get the stuff it is all right and when they order it the next time they are scratched. They say they have no money. They go and say, 'You have got it now.'

(Examination concluded for the day, September 13, 1912).

On September 17th, at five P. M., we resumed the taking of the testimony of Charles S. Henry.

"Q. Henry, what else was there that you could have told us on that first visit that you did not know so very well and that you did not give us on that first day? You had better give us the whole business now because we have questioned all the different fellows that know something about it and we have taken the Warden's testimony and we might as well have the whole story.

"A. Yes, but, Mr. O'Dunne, I am supposed to only answer what I am asked. * * * Of course, there may not be much that does not look on the level. I know there is a lot around here that does not look on the level with me but it might be on the level with them. You would not call getting stuff that does not belong to you on the level, would you? I know there has been a lot of stuff to go away from here, I mean in addition to what I told you last time. No, I did not tell all I knew. **Hare built a truck for the Warden. He had the wheels cast in**

Truck Built for Weyler.

the foundry and the body made out in the yard out of lumber. It went out there to the Warden's house. That was several months ago, at the beginning of spring this year.

"Q. You know about the power house and the engine house and the duck house and the chicken coops and the chicken crates, do you not?

"A. You did not ask me about those. **Those are made out of the rounds from chairs, those chicken crates, and the engine house was made out of lumber that came out of the loft. It was not made of lumber bought by Mr. Weyler for himself.** No, sir; it was taken out of the loft. There is a walk up there and it was taken out of that walk. **There was a dresser made by Wantland for the Warden. It was a kitchen dresser.** Some stuff for that was taken around different places, nails and things. **The Warden may have bought some hardware but he did not buy all.** I got it around the shop out of the foundry. They buy nails over there and I, of course, take the nails and use them. **It takes quite a good many nails; yes, more than a keg, I took.** Mr. Hare fitted the pipe up. The pipe came in here, I do not know whether in the Warden's name or in the State's name, quite a good bit of pipe was used in the greenhouse for radiators to heat the building. About eight or ten lengths, I guess, went in the greenhouse, valves and fittings, new pipe.

Chicken Crates.

Engine House.

Kitchen Dresser.

"Q. Don't you know what I am trying to reach? There is something else that you know about in here that you have not told us about and I want you to tell us of your own free will. You need not mind how much of a row it brings out because it will not hurt you any.

"A. Well, will it benefit me any?

"Q. It probably will.

"A. I doubt it. That is a long way off, though.

"Q. You know what we told you the other day. We want you to just talk to us at this stage without any promise at all and then leave it to us to do what we think is right about it.

The idea is this: If we make you some sort of promise it would discount your testimony. They would say, Yes, a fellow will say anything if you tell him that you will get him out. Now, we want to get the statement first and then we want you to leave it to us to see what is the right thing to do by you.

Rubber Trees.

"A. (After some hesitation). **Do you know about the flowers that were taken away from here and taken to the farm? They were big trees, rubber trees.** I think there were three of those taken away in the spring of the year. So far as the iron and the nails and the stuff I have been stealing goes, of course, the officers at the power-house, Officer X knows very well that the stuff was not bought, if he wants to tell the truth about it; used all around for Mr. Weyler and the State. They know that I stole it off the contract. He knows that. They know about the iron and stuff because I have been coming up to the power-house with loads of it at a time. The lumber I have been getting and the iron down at the scratch house. Of course, I have been getting most of that on Sunday. The men on the wall, either Officer 1 or Officer 2, know about it because they saw me coming out of there and they stood there and laughed. They know I would not get it without stealing it. I put wire screens on the female windows, eight or ten in number, about three or four weeks ago, and Officer 1 saw me with it and he was day officer at that time. I put the wire screen on there and I stole the iron that makes the hoops that go around the windows to fasten the wire netting to. The advantage to the Institution in the stealing was that it saved that much money for the State. I do not reckon they put in any bills for it. That was just profit. I stole it from the Jones Hollow Ware Company. Two or three times I would go there and want iron and tell Mr. R that we had a sewer to clean out, that is when he was around there. I told him that in order to get the iron. I would not return it after I got it. They will

"Lumber Stolen and Iron from Scratch House."

"Wire Screen Stolen."

know very well where this comes from because nobody else knows that I stole this stuff but me. That is what I mean.

Refers to Predecessor in Office.

Did you see the fellow whose name I gave you last time? There is his card (handing card to Mr. O'Dunne). **That is the fellow that learned me. He is the fellow that was here before me and got pardoned out. He did all the stealing before me.** Mr. Weyler used to give him ten dollars every Christmas, but he never gave me any ten dollars for a Christmas present. Here is some short-hand memorandum I have taken down since you were here (witness produces some notes on sheets of paper).

Leather Stolen from Shoe Shop.

When the shoe shop was here we used to steal the leather to fix the shoes in here for the officers and the prisoners, that is, the shoemakers used to. Of course that was that much profit to the State. The officers knew about it.

Christmas Boxes.

At Christmas time we had the privilege of making boxes to sell to the boys to put their Christmas goods in. I used to have permission to make them and sell them and I used to get a dollar apiece for them; just put a hinge and a hasp on them and fix them up in that way. They would cost about ten cents, the hinge and the hasp would. After Christmas they would store them in B dormitory and **after this Christmas when Mr. Weyler got ready to move he goes and has the officer and some prisoners go down there and pick out a lot of those boxes, fifteen or twenty of them, not to exceed twenty-five anyhow, and they take those boxes out that the men paid a dollar for and open them up and put his initials on them, "J. F. W." And he took those out to the farm.** As soon as this Christmas comes, those men will go after their boxes and they will not find them and those poor prisoners have paid a dollar apiece for them. They are different sizes, store boxes that goods would come in. **Mr. Weyler had them painted red and I stole the varnish over at the brush shop** to paint them with. **Now, while we are talking about varnish, did Hare tell you that he got some pipe off of Gatz to put in**

that green house? I do not think it is true because I do not think Gatz had any pipe in the first place. Have you seen Gatz?

"Q. No.

Hare Beat You to it.

"A. I think he beat you to it, though, because he could not hardly work this morning until he hunted Gatz up and posted him. Gatz is superintendent of the Brush contract. Of course he saw Gatz and had Gatz say that he gave him permission to get the pipe. The Warden might have seen Gatz ahead of you, but you can ask Gatz how many times he complained about missing varnish and turpentine and stuff over there, because **I stole it, that is, I stole my share, and I know that some more have stolen their share. I know that Mr. A and Mr. Hare have had their share. When they painted the power-houses down there I stole five gallons of varnish at one dip to put in the paint to make it glossy. You see J. C., the painter, did the painting here, and he would tell J. C. to see Charlie and he would fix it up. I was Charlie and of course I knew what that meant, wouldn't I? They knew damn well I did not have any, that I did not go on the street and get it, but they knew that the work went on just the same. Then I made the coffins in here when people die. I am the undertaker. Of course, all the paint that is put on those coffins has been stolen.** It has been stolen by the man ahead of me. You see T learned me where to find these things when I wanted them. **He told me, 'Now, Charlie, if you want to hold this job you go ahead and do as I am doing. Just save all you can for the State and they will look out for you.'** There was one or two white enameled sinks ordered and bought by the State that went out on the farm in the kitchen out there. Hare put them in this spring. The dresser that I was telling you about, they have a bill for that, have they? That was cypress wood. They had to have blind doors on the dressers in G dormitory and when they lock the men up I know I have put on **two or three blind doors**

Steals Paint.

Stolen Paint For Coffins.

Institutional Economy.

that were taken up. **They told me the Grand Jury asked to have them taken off and I know I put two of them on the wagon that went to the farm when they were hauling those chicken houses out to the farm.** Warden Weyler has a windmill out there and of course there have been repairs bought for the windmill and sent here and marked "Maryland Penitentiary" and Hare would take them and go out and stay all day and would not come back at all. That was several times. And the pipe that came in I knew came marked "Maryland Penitentiary." You had a pipe bill up there, didn't you? I think it was nineteen dollars and something, wasn't it; How many pipe bills have you had? Well, that was for the radiators in the greenhouse.

Windmill.

When T went out of here he told me he was going to take him out to the farm, and he goes down to the power-house and picks out all the tools that he wanted, State tools, and makes a great big tool chest and puts every damn tool in there that was any account to him and took them out to the farm and they did not come back here. He took some tinning tools, clamps and edgers, and of course I do not know the names, but I would know the tools if I saw them. I do not remember the names because I am not a tinner, and wood planes to put in grooving work in boards. He took all those thing out there. **Then he had a lot of wrenches, brass hinges that belonged to these windows in the dormitory, and he loaded up with them. I do not know how much stuff. They were taken out of the power-house and put in his kit of tools. The last day or two he had the box down at the wagon and Frank Hare went down and got him a couple new saws and they went into the box too.** The box went out by wagon. It left here by wagon anyhow. Then the second or third Sunday after T went out there I was in the shoe shop and they sent a runner after me in a hell of a hurry saying that the Warden wanted me up front. That was Mr. Weyler. I came up here and who was here but T. Weyler told me that T was there and wanted some pipe fittings and lard oil and T told me how how much stuff he wanted. He

Tools for the Farm.

had an overcoat on and he filled both his overcoat pockets full and had a quart of lard oil. He said he wanted it on the farm. Of course I got them and he took them out with him. That was Sunday. He drove in that day. Now, you will see some of those chicken houses that have paper on them. Did you notice those? Well, when the shoe shop was here they had a combination of stuff where they paste two pieces of paper together and it was supposed to be water-proof; that is, water will not affect it; and the shoe shop used that stuff. Well, T kept stealing that stuff to build those houses with and we helped him to steal it until they got to missing it and they hollered. Then T he comes and orders a couple of kegs of it, about ten gallons in a keg, from Massachusetts somewhere, some shoe company in Massachusetts, and got that stuff to put on the house. Of course that did not go anywhere near covering as many houses as they had built. That is where the stuff came from, the very start, the shoe contract. They gave them the paper, yes, but I am talking about the paste that went between the paper. That paper is about two or three thicknesses, that is, on the chicken coops. Mr. Murphy gave them the paper out of the shirt contract. The paper they got all right. That would have been burned up even if they had not given it away. But the paste, they stole out of the shoe shop. There was several houses they put the paste on and the paste was stolen over there. They ordered the roofing for the Maryland Penitentiary, that is amatite roofing ordered from Griffith & Turner. That roofing that is on the engine house is the last they got of that roofing. I was fixing roofs over here at the time that was built. We used all off the same rolls. On Christmas our boys are allowed to order goods. They give us a list from the grocery and how much the prices of stuff are, a list of groceries with the price. About seven or eight days before Christmas comes they bring those groceries in and things to distribute them and they put them in the bathroom. For instance, an order sent in to Charles Henry, a certain article, and they send out to the grocery man after they

Paste Stolen From Shoe Shop.

Christmas Groceries

copy it off. For example, No. 3 copies it off. He attends to Christmas goods. Well, of course those groceries are always short. They were put in the bathroom and the officers had the key to the bathroom and they would swipe those groceries out of there and then make the grocery man make them good. There was a whole damn wagon load short here once, and the sugar and condensed milk and everything was taken out. **On Sunday around here they use this water that they are supposed to pay for. They have a meter right out here. But on Sunday instead of using the water off the meter they use it off the City. It don't come from the same pipe. They are different lines that run in here. One is for fire purposes, only for fire purposes, and the other water they use around here they are supposed to pay for. But they used the fire hose for washing all over the place whenever they can, use it on the yard.** They have got a plug down here, one plug on the fire line and another plug on the pay line and they have a connection there that they can attach to this hose and run around and put it on the fire line. Down there where they cuff them up there is a fire line and once or twice they kind of got leary about it. The people got on to them, got wise to the fact that they were not using the amount of water that they had been using. They came in here and went down and cut that pipe off. And then they put it on again, and here about a month ago they cut it off again. It is off now and the pressure is not strong enough to raise it to the laundry. Just before you people got started in here they cut it off. The connections are down there, though. T and I cut it off one Sunday. T is living at the address on that card I just gave you. We had to do these things, you know; that is all in the game. You cannot go down in the yard and catch them doing anything because they hold the people at the gate until Hare comes and if Hare cannot come they tell the man that he is not here, that he will have to see the engineer. **That is like when the Grand Jury comes over. They will fix up to beat hell and after they have gone they will tear hell out of things.**

Beating the Water Meter.

"Q. What do they do before the Grand Jury comes over?

Preparing to Receive the Grand Jury.

"A. They come to notify them that the Grand Jury is coming and to look out. They take stuff out of the commissary down there, sheets, chairs, rugs and everything, and put it in Section B and first A and then they tell the Grand Jury that they are all like this, and just as soon as the Grand Jury is gone the men go down and gobble them all up, and then when the men come back into the cells they have not got a damn thing. Now, of course, you have heard about those boards coming out of the loft, haven't you? That was the loft. They were not piled up, but that was the walk, they were for use. **Do you know about thirty dollars that Mr. Weyler gave Wantland for building the house?**

"Q. The day after we got on the job, I mean?

"A. Yes, about that time. He asked Wantland if he had said anything. He said he understood he was doing a lot of talking around here. He said, yes he was doing a little talking. Then Weyler says, 'That makes me think, there is a little oversight on my part, I will give you this thirty dollars for the work you did for me.' "

NOTE.—The Penitentiary books show entry of $30.00 paid to Wantland by Mr. Weyler, July 25, 1912, the day after our Commission qualified.

"Q. That was after our Board had been appointed?

Inspection of Fire Pump.

"A. The fire insurance man comes around here and asks a whole lot of questions, asks if the fire pump is looked after and turned over every few days. The engineer tells him, Yes, indeed, and the damn fire pump has not been turned over but once since I have been here. Mr. Weyler had a good many buckets made here to take out home. He claimed he wanted them to carry meat in, meat that he bought down at the market, fresh meat, and the buckets were fixed with an extra till with holes in it with ice underneath. He claimed he wanted to use them here, but they went out to the farm and never came back.

Meat Buckets.

Well, it would take a man all day to make one of those buckets. He got three. They are about fifteen to eighteen inches long and eight or ten inches wide. It took me pretty much all day to make one. I made one for one of Mr. Weyler's relatives. They were not given to him by the foundry people. They were made out of four-course tin bought by the State. I made them down at the power house. I also got some leather. I swiped a lot of leather over there, two or three different hides in the shop. I gave one to this officer No. 4 that I stole the shirts for and I gave one to officer No. 5, a night officer, and officer No. 4 had some gloves made out of his by a man down on Greenmount Avenue. Of course the wire screens that went into those chicken houses, they were State property. That was wire mesh. They bought that to put in the cells in G dormitory, to use on those filthy sinks. It was bought by the roll to use down there. The first chicken houses that were made in here were made out of coffin lumber belonging to the Institution. Those chicken houses have sash in them, and that sash was gotten off of one of the rooms in the central office here. Some few that came in here they bought. Of course F**** would steal lightning in here if he could catch it. He has been getting things made in the brush shop or trading back and forth with the prisoners with stuff to eat, bringing the stuff in and taking things home. He is a great cock fighter. He has been getting these spurs made to put on roosters, has been getting them from prisoners. He told me he stole a pair or two. He has been trading back and forth with them. He gave Hare fifty cents to get some wire. And he wanted to build some chicken houses or something at home. when Hare came up the yard with a little bunch of wire that he got he got F**** to laughing and he said, 'Well, is that all you get for fifty cents?' So he stole the rest of the wire from the State. At one time he got one hundred pieces and one day another hundred. He got a man to get them. The prisoner said that F**** did not pay him for the first hundred. He

Leather Stolen for Officers.

Chicken House Screens Stolen.

asked Mr. Leonard, when Mr. Leonard was deputy, for some old frames that were left down there from building those chicken houses, and Mr. Leonard said he could have them if they were not any good. Well, he had one or two old frames broke up, frames that were not any good; but after that he takes and gets a lot of good frames and knocks them apart and ties them up in a big bundle and takes the good ones up and passes them over the wall to officer No. 6 and he takes them home. There was a big table made for Warden Weyler and all that Warden Weyler furnished for the table were the legs that were used. The rest of it was new, new top and drawers and everything made out of coffin lumber. It is about ten by four. Well, that is about all at the present time. Other things have gone on that I knew of at the time, and I do not now remember them.

Table made for Weyler.

On January 10, 1913, we again took the testimony in the Penitentiary of Charles S. Henry and found that "Strange things had happened," that he had been transferred by Warden Leonard to the Shirt Contract and deprived of all privileges. We examined the punishment record and found no charges preferred against him.

EXAMINATION OF CHARLES S. HENRY.

On January 10, 1913.

"Q. Henry, why were you transferred to the shirt department?

"A. They did not give no excuse. They took me out of my cell, took my stuff away from me, deprived me of a lot of things I bought out of my hard-earned money, took my rocking-chair, and said, 'Henry, get your coat and go down to the central office.' I went down. They told the officer to search me. They searched me, stripped me, took everything off, even my socks, turned me inside out and stripped me and took me over and locked me up in G dormitory. That was about three o'clock. The next morning March came down with the transfer book and

took me to the shirt shop and left me over there. The next morning they took me from the shirt shop to the laundry. That is the hardest shop in there. I was packing shirts in the shirt shop. I was supposed to have my bath Sunday and I did not have no change of clothes. **They said they would get me and they did. I made a great mistake coming up here. You remember you were sitting there and I told you I would lose my job. You remember my telling you that, don't you? I told you just how it was. I told you they could do funny things in here and nobody would know about it. When I went down there that evening after giving statement before Commission after I had left here Officer Kohler says, 'Well,' he says, 'I thought you were going to stay up there all night;' he says, 'I hope you did not say anything about Weyler, I am sorry if you did, because it will make it that much worse for you.' He is the Warden's nephew. Then Mr. March (a relative of Weyler's) asked me what I told you. And Hare asked me about what I told up here and Foote asked me and then the following Sunday the Warden wanted to know, Warden Leonard. He asked if I had said anything about him, wanted to know if I told anything about what I got from him.** I told him, No, I did not say nothing about it. He said **'Well, I am glad you did not.'**

Officials Question Him as to His Statement.

"Q. Henry, we are getting a little close on those tools out there on the farm now. Have you any idea how many tools Weyler had sent out to his farm from this place here; what kind of tools went out there?

The Tools Again.

"A. Well, it has been long ago. I know there were some planes, groove, they make this groove work; some wrenches went out there, some hammers and some chisels, monkey wrenches and Stilson wrenches. They run from eighteen down to twelve inches. I guess the small ones cost about a dollar and a quarter, a pipe-cutter and stocks and dies to go with it went out there. I know they went and bought new

ones in here and I never seen the old ones back. There was so much stuff went out there I could not tell you. * * * Yes, I have gotten letters in here from a girl. She has been here and visited me. I got letters in through Foote. He told me to tell her where to send the letters and he brought it in and gave it to me. There was nothing in the letter that I did not want them to see, but the Warden never asked me anything about that before I was transferred, never spoke to me about it.

"Q. If he had asked you about it, would you have told him the truth?

"A. Certainly, I told them the truth; every time I got in trouble here I told the truth. And if the Warden could face me, I could face him and still say that I told the truth to the Warden. No matter what came, I made up my mind to tell the truth, because he told me down there, he says, 'Charlie, you tell the truth about this whisky,' he says, 'I won't punish you; I give you my word of honor if you tell the truth I won't punish you.' What better offer would you want than that? I knowed I could lose my job for it, but he says, 'You tell the truth and I won't punish you.' I hesitated a little bit and he says, 'You tell the truth and I won't punish you, but if you insist on it and if you won't tell me about it, I will have to punish you.' I up and told him the truth and then he gave me ninety days, and he gave me his word of honor he would not punish me; but he punished me all right, and he took all my privileges away, and then when I went down there Hare and Foote got to talking to me and they said, 'You are a damn fool for telling on old man X.' Foote said, 'You know damn well old man X won't own up to anything.' This young lady came to visit me twice since I am transferred. I am supposed to have one visit a month. I wanted to get her to take word to you that I was transferred. They would not let me see her.

Henry's Trial.

"Q. (By Mr. Jones). Why didn't you address a letter to Mr. O'Dunne?

"A. For what? I would have got hell, too, for doing it.

"Q. (By Mr. O'Dunne): If you had tried that, they would have let it come to me all right; they would not have done anything.

"A. It would have been worse than this. They would have wanted to know all about it. If I told them all about it, there would have been hell. If I had a chance to sneak a letter out here it would have went out. I could not get out to do it. I had no chance to do it. I wanted to send a letter to you.

(Statement of witness concluded).

Goods Made by Henry for Warden Leonard.

On the next visit, Jan. 23d, 1913, Henry told us with much reluctance, and only after being pressed for the information, that before **Warden Leonard** was made Warden and while he was Deputy, he, Henry, had made for him a pair of front steps for his house where he lived before he was Warden, fully describing them, their character and construction, and that he had also made for Warden Leonard at his request a back door or gate for his fence, and that he had made him a similar gate or door for his fence of lumber so light that it was rejected and is now to be found in the carpenter shop; that he also made him at his request a small ice box, which was delivered to his home, and since he has been made Warden has been transferred to the Warden's home at the Penitentiary, and can now be found in the hall near the telephone.

Henry Pardoned.

We explained the circumstances of Henry's transfer to the Governor and recommended the pardon of Henry, which was issued and delivered on the morning of January 23, 1913, at which time he was released. Being requested to report to our office in the afternoon at 3.30 o'clock, he came on time and the following is his testimony as given then and there:

(See Stenographic Record, Beginning page 1288.)

"Q. (By Mr. O'Dunne): This morning when I was at the Institution, before you were pardoned, I did not have any ste-

nographer with me, and I would like you to repeat now for the purpose of getting it on the record exactly what the truth is as to what you told me with some reluctance as to the goods that were made in the Institution for Warden Leonard.

The Goods Made for Warden Leonard When Deputy.

"A. A pair of steps, outside steps for his house. I think there were not under seven and not over nine steps, made of wood, white pine dressed. I stole it down at the Jones Hollow Ware Company; it is used down there for flask lumber. He told me to try to paint it some color, but I did not have any paint there that would do, and I told him if it had to be outside in the weather that I had better paint it some color that would last out in the rain, and I suggested to him that I would tar it underneath where nobody would step on it, and he said it was a good idea, to go ahead and do it. So it was tarred on one side, the bottom side. The other thing I made for him was a back gate. That was made of wood, out of coffin lumber, 7/8 stuff dressed. It belonged to the State; it was brought there for coffins. I made two gates. The first was too light, and then I made a heavier one of coffin lumber. I suppose that is still on his back fence in the alley where he lived before he was Warden. I also made a refrigerator box. He said he wanted that for the sick room. It was about two feet and a half high, not over three feet, made of pine lumber, double box lined with sawdust, galvanized lining. That was State goods. It was made about a year ago and sent to his house. It was hauled away on a wagon from the central office here. The gate was made about a couple of months before he was Warden. He said he wanted to fix up the house so it would be in good condition to rent, because he did not expect to stay there."

Henry then went on to give us the name of the man in the Penitentiary who brought him in the whisky, and went into a further description of stealing shirts from the shirt contract for certain officers, and he further explained how he trafficked with another officer who had a farm down in the country, and

that this officer would bring him whisky in connection with his traffic in tobacco.

Guard Appointed Through Gorman's Influence with Weyler.

"This officer was not here more than a week or two and he called me one morning early and told me that the other officers told him I was O. K. around here and he said he wanted me to do him a few favors and look out for him. **Then he got to talking and one word brought on another about this Mr. Gorman's putting him there, that he was a personal friend of Gorman's and Gorman was a personal friend of Warden Weyler's and that is how he came to be put there.** Then when he got in the whiskey deal he told me, **'A damn fool like you ought to know that they would not get me away from here because Gorman put me here.'** "

NOTE.—Early in February, 1913, we asked to have this officer sent to us and were informed by Warden Leonard that this officer was no longer there, having been dismissed on January 27, 1913, for trafficking with prisoners; further, **that he was from Howard county and appointed by Warden Weyler April 16, 1911.**

"Q. Passing to another subject, you were present in the Penitentiary this morning when I had Foote here brought out and confronted him with you, and asked Foote whether he wanted to tell the truth about some statements, and he denied all knowledge of them and then afterward admitted certain things, amongst others that he had had these steel spurs made for fighting cocks?

"A. Yes.

NOTE.—Foote is an assistant engineer, not a convict.

"Q. What did Foote say to you when he found that you had been up before our Commission on these two or three occasions giving your testimony?

"A. He wanted to know what you wanted of me up there. I said. 'He did not want much, why?' He said, 'Let

me tell you one thing, and I will tell you straight, you don't have to tell them a damn thing; they can't compel you to tell them anything.' I said, 'they didn't compel me to tell anything—they asked me if I had anything to say.' And he said that was nothing but b—— s——, and I said, 'Well, that is the truth.' I said, 'Well, so far as I know, I do not see why you have so much against Mr. O'Dunne and these men. They didn't mean you any harm.'

"Q. Did he talk like he had something against me? What did he say?

"A. He said "O'Dunne is not nothing. I said, 'What do you mean,' and he said, 'The s—— of a b—— ain't no good at all; he could not get elected State's Attorney; he could not get elected for president of a s—house.' I said, 'I don't know anything about that, I always understood that Mr. O'Dunne was a damn good fellow.' He said, G—— damn him, the gray-haired s—— of a b——, he ain't nothing.' He said you were only after the thousand dollars that you were to get out of it, a thousand dollars apiece; he said that there were three thousand dollars appropriated for the Commission, that you were only after the money. He said to me, 'You will be sorry as soon as you leave because you can not get a job in the City of Baltimore if it is found out that you ever said anything against Weyler. He said that Mr. Frank Furst, who was president of the Board over there, had a good many connections with different places to work around through the City, and that Warden Weyler would tell Frank Furst about it and,' he said, 'That will be the end of you around in the City; you can not get a job shoveling dirt in the City after they tell Frank Furst.' "

After describing some medical blow-outs at the hospital, he said:

Henry the Undertaker Secures Measure for Coffin Before Death of Prisoner.

"I know if anybody would be sick down there I would inquire how he was and the Warden would come around and maybe in a day or two he would say, 'How is your coffin lumber?' And I said, 'All right.' He said, 'There will be a job for you before long.' And then I would get an insight into that and I would go down and find out who it was and maybe get his measure. I knew he was going to die all right. I went down and would say, 'Who is the party?' And he would say, 'That is so and so, you can go up and see him.' I would go up there and see him and there the poor fellow would be, maybe hollering and suffering, and I would say, 'He isn't dead yet,' and he would say, 'No, but he will die tonight, or he will die tomorrow morning at nine o'clock,' and damn if he wouldn't be dead at nine o'clock, all right. He would come within fifteen minutes of telling the time he was going to die."

(Record, Pages 1309-10-11.)

"Q. Do you think of anything else to tell us?

"A. Not just at present. About those tools out on the farm, I want to correct that a little bit. I told you about a tongue and a grooving plane; I want to correct that a little bit.

"Q. Go ahead; I want you to be perfectly fair to Mr. Weyler on that.

"A. That is what I want. I called them tongue-and-grooving planes because they might have done for tongue-and-grooving work, but of course I was not there very long after T went out there with him, but for that molding work they used these planes; they used them for the molding work more than for the tongue-and-grooving work.

"Q. The plane that you described as being a tongue-and-grooving plane is a plane that will make a groove in a thing but is not technically a tongue-and-grooving plane, is that what you mean?

"A. Yes, but it can be used for that purpose.

"Q. But in general, was your statement true about all the tools that went out there?

"A. Yes, the statement was true, all except the name of that tool. There were a lot of tinning tools that went out there also. T told me that he would probably have some tin roofs to put on. Of course I am no tinner by trade and I do not know the names of the tools, but I would know them if I was to see them and would know what they are used for.

"Q. In a general way, can you describe what tools went out to Mr. Weyler's farm that you never saw come back?

"A. I never saw any come back that ever went out there.

"Q. What ones went out there?

"A. Wrenches, Stilson wrenches, monkey wrenches and hammers and chisels, stocks and dies and tinners' tools.

"Q. Any saws?

"A. Yes, saws, one short saw was among the lot. You have seen carpenters sometimes with short saws, haven't you?

"Q. Yes. Any other tools that you saw that you did not know the name of?

"A. No, sir; there were some planes and hinges, a lot of hinges to swing windows on. They were brass hinges. They are the same kind that are on the west wing windows now on the Administration Building."

Tools at Weyler's Farm.

Having also received information from another source to the effect that Mr. Weyler had had at his place, amongst other tools, five or six pipe wrenches, four or five monkey wrenches, several different sized saws, numerous steel drills, braces and bits, various sizes of hammers and many kinds of tools that even this person did not know the names of, in all about two hundred different kinds of tools, many of which were of such peculiar character that he had never seen similar ones before, we therefore, on the afternoon of January 7, 1913, sent another representative out to Mr. Weyler's farm with a letter addressed to Mr. Weyler reading as follows:

"COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,
820 Munsey Building, Baltimore, Md.

"JANUARY 7, 1913.

"MR. JOHN F. WEYLER,

"Crystal Farm," Timonium, Md.

DEAR SIR: Will you please permit bearer to make an inventory of the farm implements and tools at your farm.

Yours very truly,

E O/B (Signed) EUGENE O'DUNNE."

We instructed our agent and representative that if Mr. Weyler should by any chance not be home, or, being home, should refuse to permit him either to see or make an inventory of the tools, to ask permission to telephone from Mr. Weyler's house to us at the Maryland Penitentiary, where we would be engaged the whole afternoon in the taking of testimony. At 2.37 o'clock P. M., being then at the Maryland Penitentiary, we received a telephone message from our representative, who was then in Mr. Weyler's house at Timonium, saying he had presented the letter to Mr. Weyler and that Mr. Weyler declined to permit him to see the tools or make an inventory of them. We asked him to request Mr. Weyler please to come to the telephone, and, having conveyed this information, he reported that Mr. Weyler declined to come to the telephone. Preparatory to instructing him to again make the formal request for permission to make an inventory of the tools, we asked the stenographer to come to the telephone to take down exactly what transpired at the Maryland Penitentiary end of the telephone conversation. His transcript thereof is as follows.

"MARYLAND PENITENTIARY, January 7, 1913,

2.37 o'Clock P. M.

Telephone Conversation Between Mr. Weyler and Chairman of Commission.

"(Mr. O'Dunne was called to the phone at the Maryland Penitentiary and the following conversation of Mr. O'Dunne at this end was had with some one whom he said was his investigator at Mr. Weyler's house, Crystal Farm, Timonium.)

"Mr. O'Dunne: Yes, a little louder. Well, let him come to the phone. (Pause).

"Well, will you say first to Mr. Weyler that I am here at the Maryland Penitentiary, that we want that inventory taken this afternoon, and that we ask him to permit you, without interruption to him or to anybody at his place, to simply make an inventory of those tools, and if he absolutely refuses to permit you to do it, why, of course, you can not trespass there, if he won't allow you to do it.

"Huh!

"I am making a record of it and I am having it taken down, and I would like you to refer that to him, and then if he still refuses, there is nothing to do but to leave the place.

"Just tell him that and get his final answer, and if he refuses, then leave, and get him to say that he refuses, and then tell him to come to the phone to talk to me, if he will."

(The following conversation taken down by the stenographer while Mr. O'Dunne was at the phone was stated by Mr. O'Dunne to have been held with Mr. Weyler):

"Mr. O'Dunne. Is this Mr. Weyler?

"Mr. Weyler, this is Mr. O'Dunne, at the Maryland Penitentiary. We want to have you allow that man to take an inventory of those tools. We do not want to bother you or any of your people, but I do want him while he is out there to take that inventory.

"Yes.

"Yes.

"Well, you have a right, of course, to refuse to allow him to take the inventory.

"What? I can not hear you.

"Yes.

"Well, I say you have a right to refuse to permit him to take it if you want to.

"Yes, all right, you do refuse it. All right, that is all. Then just tell him to leave."

(The following is stated by Mr. O'Dunne to be the statements made by Mr. Weyler to him in the above conversation):

"Mr. Weyler said that he would not permit the man to take the inventory until he thought the matter over further and ascertained what our rights were in the matter, and that it was becoming very annoying to him, that he did not propose to let him take the inventory until he gave it further thought, at which point I told him he had a right to refuse to permit him to take it if he wanted to, and he answered, 'I do so refuse,' and I said then, 'All right, you do refuse it; that is all. Then just tell him to leave.'"

Thereafter, on January 18, 1913, at two o'clock, we again took testimony at the Maryland Penitentiary, and amongst other persons we called Mr. Benjamin Kohler, a relative of Mr. Weyler's and keeper of the front door of the Penitentiary. We make the following extracts from his testimony, beginning at page 1263 of our stenographic record:

Mr. Weyler Directs Dealers to Deny Commission Information as to His Purchases.

"Q. (To Mr. Kohler). Have you had any talk lately with Mr. Weyler about any tools in the Penitentiary?

"A. No, sir.

"Q. Has he had any talk with you in regard to prices for them?

"A. No, sir.

"Q. Has he had any talk with you about bills for his stuff that would include tools—I do not limit it exclusively to tools—stuff that he has bought from places that would include tools, supplies and tools?

"A. I do not know about that, Mr. O'Dunne; I do not know what to say about that. You will have to make that a little more explicit to me.

"Q. Have you had any talk with Mr. Weyler lately as to any bills of his from places that might generally be classed as hardware places or places dealing in hardware?

"A. Yes, I have.

"Q. Give us, in a general way, what the nature of that conversation was?

"A. I do not know about that now. It is between him and me. * * *

"Q. You saw him personally and talked to him on the telephone about it?

"A. Yes. * * *

"Q. You would rather not state what that conversation was, would you?

"A. I would rather not.

"Q. Did you do anything in consequence of that conversation, without disclosing what it was, as you do not care to quote what Mr. Weyler told you?

"A. I only made a request; that is all.

"Q. You made a request on whom?

"A. On various people. * * *

"Q. What was the nature of the request?

"A. Do I have to answer that question?

"Q. You do not have to answer anything; no.

"A. Well, I can tell you. I got bills for stuff that he has bought—got copies of them.

* * * * * * *

"Q. Did you make any other requests of them?

"A. No, sir.

"Q. Did you make any requests of them of any kind as far as our Commission is concerned?

"A. No, sir.

"Q. Did you make requests of any of those places that you got copies of Mr. Weyler's accounts from not to furnish them to us?

"A. Not to furnish what?

"Q. Not to furnish us copies of Mr. Weyler's accounts?

"A. Yes.

"Q. Which places did you ask not to give us copies of Mr. Weyler's accounts?

"A. All the places.

"Q. Which places were they?

"A. I do not care to answer that question.

"Q. Why not?

"A. Because that is Mr. Weyler's personal business.

* * * * * * *

"Q. What places were they?

"A. They were Scott Payne's and Griffith & Turner's and S. L. Lambert's; just those three.

"Q. Did Mr. Weyler ask you to do that?

"A. Yes.

* * * * * * *

"Q. The suggestion that we be not furnished with copies of those accounts was his suggestion and not yours, was it?

"A. Certainly; I have nothing at all to do with that."

The three stores named by the witness, we find, are not the only stores which received this character of instruction from Mr. Kohler on behalf of Mr. Weyler.

We are continually reminded of the fact that Warden Weyler during the twenty-three years of his administration has earned for the State of Maryland from the labors of its wards "the magnificent sum of $547,918.70," in recognition of which the Legislature at its session in 1912 created the office of Warden Emeritus on a salary of three thousand dollars a year and provided that the Board of Directors might annually appoint the said Weyler to said position. We are not concerned with the question as to whether John F. Weyler should be pensioned out of the State treasury as the producer of over half a million dollars under the financially successful system of leasing the convicts of the State to private contractors. We must not, however, be unmindful that the Maryland Penitentiary has an

average population of nearly a thousand convicts, 80 per cent. of whom are claimed by Mr. Weyler to be first offenders; that a large proportion of its inmates are between the ages of twelve and twenty years, and that the Institution is itself declared by Mr. Weyler to be **"a reformatory,"** and by his Board of Directors to be **"a model reformatory rather than a penal institution."** We are therefore vitally concerned with the question as to whether or not an institution of this character, which, if a **"model reformatory,"** must teach not only habits of industry, but principles of honesty, and inculcate the virtue of truth, should have as its dominating influence a man who has not been able to distinguish between property belonging to the State and that belonging to himself, and one on whom truth's virtue rests so lightly.

We believe that the Maryland Penitentiary can exert no reformatory influence as long as Mr. Weyler shapes and directs its destiny, and that, owing to his habitual contempt for the provisions of statutory law and to the vicious conditions surrounding his administration, the integrity and welfare of the Institution imperatively demand his immediate and final elimination.

PART VI.

THE INDETERMINATE SENTENCE.

In substance, the Indeterminate Sentence Act is one which provides that, after the finding of a verdict, the court trying the case shall pronounce upon the person convicted an indeterminate sentence of imprisonment in a State's prison for a term, stating in such sentence the minimum and the maximum limits thereof, adopting therefor the regular minimum and maximum provisions of the law for the punishment of such crime. For the operation of the Indeterminate Sentence Act a board is created of persons who, making careful study of the individual, of his past history or record, family and associates, disposition and aspirations, as well as his conduct during the term of confinement, shall determine, after the expiration of the minimum sentence provided by law, how much of the maximum sentence the protection of society and the good of the individual require that he should serve within prison walls. As soon as in their judgment he can, with safety to society and justice to himself, be entrusted with a partial liberty, he is given an opportunity to serve a part of his sentence on the outside, with the aid of the watchful and sustaining influences of the parole agencies of the State; and, when his conduct under supervision has demonstrated his ability to stand entirely alone, he is granted his final discharge. It is a system which presupposes close study of the individual and his antecedents, and an interest in the individual welfare of each prisoner. It requires for its operation a Board of Pardons and Paroles, and is not to be understood as in conflict with or antagonistic to the pardoning power of the Governor, with which it does not interfere. The powers and duties of these boards and the method by which they discharge their functions also vary in the several States, dependent upon local conditions.

In other States the law varies slightly, and, instead of the law fixing the minimum and maximum sentence, leaves it to the

judge at the time of sentence to incorporate in the sentence a minimum and maximum period of possible detention, with a further provision that the court shall not exceed the maximum term provided by law for the crime of which the prisoner has been convicted. The law of Indiana, as first above indicated, has the general provision of merely an indefinite sentence of imprisonment, with a minimum and maximum term fixed by law.

The Indeterminate Sentence Commission of 1906.

In recommending the adoption of the Indeterminate Sentence Law in Maryland as part of our prison system, we are not unmindful of the fact that your predecessor in office, his Excellency Austin L. Crothers, pursuant to Chapter 563 of the Act of 1906 appointed a committee of five, whose duty it was to make an examination of the working and practical results of the laws providing for an "indeterminate," "indefinite" and "accumulated" sentence in criminal cases in those States where such laws have been enacted.

Such committee consisted of Mr. John T. Stone (now member of the Board of Directors of the Maryland Penitentiary), Mr. John F. Weyler (then Warden, now Warden Emeritus of the Maryland Penitentiary), Dr. W. W. Willoughby (Professor of Political Science of the Johns Hopkins University), Mr. Henry J. Ford (Editor), and Mr. Leigh Bonsal (of the Baltimore City Bar and later member of the Jail Board).

In the report of said Commission, page 2, appears this language:

"II. The Commission does not recommend the adoption of the Indeterminate Sentence system, because it believes that the best results for Maryland may be obtained by action of a less radical nature."

The System Not Radical.

We find ourselves unable to agree with the statement in their report that the Indeterminate Sentence is "radical" in its nature. A list of the leading members of the American Prison Association would be equivalent to a list of eminent authorities advocating the Indeterminate Sentence system. In the institutions of the States which we visited we found the Indeterminate Sentence in successful operation and enthusiastically advocated by prison officials and leading prison men. Among other States where the system has been similarly successful we may mention Kentucky, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, Ohio, Washington and Wisconsin.

The third paragraph of their report reads as follows:

"III. The Commission calls attention to the great excellence of the methods now in use at the Maryland Penitentiary, laying special stress upon the fact that the percentage of first offenders at the Maryland Penitentiary is much larger than the percentage at the Elmira Reformatory and other similar institutions. It is noted that there are many things at the Penitentiary which must have a strong influence in reforming prisoners."

It would have been interesting to know what methods in vogue at the Maryland Penitentiary this Commission characterized as having "great excellence." The methods in use at the Maryland Penitentiary received almost unanimous condemnation at the American Prison Congress held in Baltimore, November, 1912. It would also have been of great interest to know what are at least some of the "many things at the Penitentiary which must have a strong influence in reforming prisoners." We find them actively engaged in industrial occupations; and to the extent that industry, irrespective of its character, without reference to its usefulness and independent of the methods actuating it, is reformatory, yes. The men are stimulated to work under high pressure more through fear of the lash or cuffs than through any desire to acquire habits of industry. They are working for the most part in shirt and

brush industries; and if we except the work of cutters and one or two minor tasks requiring a few men, there is no employment in those industries open to them on their discharge except in competition with women and at women's wages. And even when forced by necessity to seek such employment, the employees of the free shops refuse to work with ex-convicts; and the managers of these shops, for this reason, do not hold employment open to them. (See the testimony of Mr. Oppenheim, of Oppenheim, Oberndorf Company, owners of the Export Manufacturing Company and large shirt makers, with free shops outside. (Record, Page 1079).

First Offender in Maryland Penitentiary.

It is interesting to note the finding of the Indeterminate Sentence Commission that the percentage of first offenders in the Maryland Penitentiary is much larger than that at the New York State Reformatory at Elmira. This, if correct, is in itself a most severe condemnation, not so much of the Institution or of its management as of the false State policy which relegates to the Penitentiary men who should receive the educational, moral and industrial training of a reformatory. The effect of this system would not be so great if under the management of the Penitentiary it was even attempted to classify the prisoners and separate the first offenders from the often convicted, habitual criminal. The record of the Maryland Penitentiary as set forth in the official reports of the Institution presents most astounding figures. Taking the last five years, we found the following number of convicts between the ages of twelve and twenty:

1907	154
1908	140
1909	148
1910	135
1911	123
1912	131

Indeterminate Sentence Extension of Probation Work.

The fourth paragraph of the Indeterminate Sentence Commission calls attention to the systematic work of the Juvenile Court and its probation offices in Baltimore, and recommends a more extensive application of the methods in use in the Juvenile Court to young people up to the age of twenty-five years.

This recommendation logically followed out would have committed the members of the Commission in favor of the Indeterminate Sentence and Parole.

"The Indeterminate Sentence is not a new thing in this country. It is the extension to adults of a principle which has been applied here to delinquent children since the early part of the last century."—Amos Butler, Secretary of Board of Charities, Indiana, American Institute Criminal Law and Criminology, September, 1910.

Mere Advisory Board Wrong in Principle.

In paragraph five of this report, the Indeterminate Sentence Commission recommends, instead of the Indeterminate Sentence system, a Board of Pardon, Parole and Aid to Discharge Prisoners, its powers being merely advisory, except as to appointment and removal of probation officers.

In the light of modern thought, we think this system is wrong in principle. Pardon at its best is a gratuity, an act of grace. A prisoner ought not to be wholly dependent upon the whim of a Governor. The convict ought to have an absolute right to earn his liberation by a course of right living. Advocating a system of parole carries the Indeterminate Sentence as an inherent part of that system. Parole is but conditional liberty under supervision. Such liberty should follow a period during which the prisoner has by his own efforts gained that liberty.

Cumulative Sentence.

In paragraph six the Indeterminate Sentence Commission recommends a cumulative sentence, that is a law by which prisoners convicted of felony who have already been convicted of felony before, and not pardoned, should serve the maximum sentence provided by law and further providing accumulative or longer sentences for prisoners previously convicted, as tramps, vagrants or habitually disorderly persons. We think the principle of the cumulative sentence as far as it goes is correct; and the Indeterminate Sentence accomplishes every purpose that the cumulative sentence may accomplish, and at the same time is applicable to many cases to which the cumulative sentence would not apply.

"Another result is to be observed in the deterrent effect of the Indeterminate Sentence. While the first offender may be released at the end of the minimum sentence, the average time of imprisonment is lengthened. The law has resulted in extending the time of imprisonment of confirmed criminals. Those who formerly compromised with the officials by pleading guilty to a minor offense and received a short sentence now are given an indeterminate sentence, and if their full history is known, the probability is that they will serve the entire maximum sentence prescribed by law for the offense of which they are convicted."—Amos Butler, Secretary of Board of Charities, Indiana, same article supra.

A properly constituted board ought to be trusted in the case of second or third offenders to deny their eligibility for parole until the expiration of the maximum sentence, unless the strongest and most satisfactory proof of reformation be given.

The whole tendency of the Indeterminate Sentence Commission report seems to make for absolutely fixed periods of imprisonment, a system which allows the penitentiary to count on a prisoner for a definite length of service, and is therefore desired by a penitentiary management, operating primarily for profit, on the same theory that a bank pays a much higher rate of interest for a dormant fund, deposited for a fixed period, than for one subject to check.

In Practice a Minimum and Maximum Contemplated.

On page four of their report the Indeterminate Sentence Commission seems to convey the impression or implication that there is no such thing in this country as the indeterminate sentence and that the sentence is not indefinite. Is this intended to be the reason for not recommending its adoption in Maryland? The literal interpretation of the term "indeterminate sentence" would prehaps be one without either minimum or maximum, but where the term is used referring to this system as it exists in so many of the States of the Union it has reference to a law providing a minimum and a maximum sentence.

Incentive.

On page nine of their report the Indeterminate Sentence Commission says: "The motive on the part of the prisoner to regain his liberty will be quite as strong, whether he is sent to a reformatory or to a penitentiary where time is allowed to him for good behavior." We think an examination of the prisons and reformatories such as the Elmira Reformatory, and the Indiana Penitentiary of Michigan City, or any other reformatory or State Penitentiary where the indeterminate sentence system is in force, will not bear out this statement of the Commission, but will show a great difference between the incentives to work and reformation under the indeterminate sentence system and those obtaining in the State prisons where the convicts simply have good time commutation. It is the universal testimony of Wardens, familiar with modern penology, that the indeterminate sentence acts as a great incentive both to reformation and good discipline.

Condemnation Without Knowledge of Facts.

On page 10 of their report the Indeterminate Sentence Commission severely criticises the Elmira report of 1906 where three cases of manslaughter were paroled after fourteen months and two years respectively, where the maximum detention could have been twenty years. They admit in their report that they know nothing of the circumstances surrounding these crimes. Their argument,

therefore, at best, is but the expression of their opinion that the release came too early in point of time, rather than an argument against the system of indeterminate sentence; and even this expression of opinion must carry little weight when it is admitted by them that they know nothing of the circumstances which induced the Board to grant paroles after two years' service of sentence. With equal justice, they could censure any judge for imposing a fixed imprisonment of two years upon any criminal convicted of manslaughter; and, without knowing anything about the facts of the case or the judge's reason for so acting, base their censure on the lone ground that the law would have warranted a longer term up to the maximum imprisonment of twenty years.

No 80 Per Cent. Reformation at Elmira.

On page 12 of their report the Maryland Indeterminate Sentence Commission adversely criticises the claims of the Elmira Institution and other reformatories, "that eighty per cent. of the young men are probably reformed." We think this criticism well founded. Our examination of institutions and their reports and statistics lead us to the conclusion that the figures should probably not exceed fifty per cent., and that any claim made heretofore by institutions that their statistics show any given per cent. of reformation should be understood as meaning that as far as the knowledge of the institution goes these men have had no subsequent records. The positive results obtained by years of close watchfulness under the probation system will probably not warrant a claim of over fifty per cent. of reformations. And we believe that the leading institutions of the country today will not make a higher claim than that suggested by these figures.

On page 13 the Indeterminate Sentence Commission report says:

Cash.

"Another matter at Elmira as to which we cannot express our approval is the fact that each prisoner upon his release has at his disposal only a very small amount of money. The report of the

reformatory shows that in 1905 the average amount of $11.19 was given to each prisoner."

On the same page they say:

"In great contrast to these prisoners are those discharged from the Maryland Penitentiary, of whom we shall speak later on in this report."

We have taken the figures of the Maryland Penitentiary for the year 1911 and we find that during that year there was paid at the time of discharge to discharged prisoners the gross sum of $8,605.71. We find that four hundred and thirty-one were discharged that year, which would be an average of $19.97 to each discharged prisoner. But a more careful analysis of the figures discloses the fact that sixty-seven per cent. were discharged with less than ten dollars at the time of discharge.

Men.

The Indeterminate Sentence Commission, when they undertook to criticize Elmira for discharging a convict with $11.16 in his pocket and to exalt the condition of the convict discharged from the Maryland Penitentiary, had evidently forgotten that there are other things except cash in hand which contribute to the convict's welfare after his discharge. **The man, discharged from Elmira, has a constitution developed by gymnastic and military training, good health resulting from out of door recreation and farm life, a mind quickened by daily instruction in a school of letters; he is either equipped with a clerical training, including stenography and typewriting, or with a trade suited to his natural aptitude. Immediate employment is provided for him by the prison officials and he cannot leave the Institution until such employment is found; even then he is watched over and helped by the probation officers of the reformatory, and if he has the making of a man his establishment for life is practically secure. In sharp contrast, the prisoner from the Maryland Penitentiary is suddenly discharged with his $19.97, knowing either how to sew a shirt up the back, put bristles in a brush or mould a skillet, having no**

immediate employment and little or no facilities for obtaining one. He has learned nothing and may have forgotten much; he goes out with a mind unimproved by educational training, a body uninvigorated by recreating exercise or out-door work, a constitution predisposed to disease by close-confined and undiversified employment in shop or foundry, a spirit degraded by the cuffs, dark cell, lock-step and stripes, inflamed with the knowledge that he has been subleased for another man's profit and a general desire to get even with the world. Which all shows the worth of the School of Penology that teaches the doctrine of dollars and cents.

On page 16 of their report the Indeterminate Sentence Commission, commending the management of the Maryland Penitentiary, quotes Mr. John F. Weyler as follows to show how good it is:

Mr. Weyler in His Usual Vein.

"We have gradually learned that sanitary prison buildings, substantial food and proper clothing, together with careful precautions as to the health of prisoners, are wise and necessary things, and that constant employment of a kind which will educate, stimulate energy and incidentally inculcate thrift and strict discipline are prime requisites in solving the problem of preventing crime, or, at any rate, reducing the volume of it."

We have found, and elsewhere in this report assigned our reasons for our finding, that these statements of conditions at the Maryland Penitentiary are not warranted by the facts. The Indeterminate Sentence Commission unfortnnately seem to have accepted too many of their facts from Mr. Weyler.

On page 20 of the Indeterminate Sentence Commission report they quote approvingly from Warden Weyler's report of 1906, page 14, as follows (Quoted in full on page 99 of this report):

"The most critical period of a convict comes with his discharge from a penal institution. If he can leave with a new suit of clothes and **a snug sum of one or two hundred dollars in his pocket,** which he has earned by strict application to his

work, he has a feeling of manliness and independence which will prompt him to seek honest labor and, with the resolution formed for leading a better life in the future, he may in time outlive his waywardness. **The exception to this rule** is the convict who contents himself with doing only his allotted task the entire time of his prison life."

The natural inference from this character of report is that the discharging of prisoners with the snug sum of one hundred or two hundred dollars in their pockets at the time of discharge is the average, ordinary and normal occurrence, whereas the figures for the year 1911, which year was selected by Warden Weyler himself in his report to his Board of Directors, show that of the entire list of 431 prisoners discharged in the year 1911, with an aggregate sum of $8,605.71, only 17 of them had over $100, only seven of them had over $200, and only one over $300, and that one $304 at the end of a four years and four months' sentence.

The Indeterminate Sentence Commission having first found that the percentage of first offenders in the Maryland Penitentiary for the past seven years ranged from seventy-nine to eighty-three per cent., while that of the Elmira Reformatory was only sixty per cent. and the Ohio State Reformatory only fifty per cent., comes to what is perhaps the most remarkable conclusion in its entire report. We quote therefrom on page 21 the following:

"As almost all of these first offenders at the Maryland Penitentiary are under the age of thirty years, the Commission would have been confronted with a very awkward question had it been in favor of the introduction of the indeterminate sentence in Maryland. The erection of a reformatory upon such a recommendation would have meant that four-fifths of the prisoners at the Maryland Penitentiary, being first offenders, should be sent to the reformatory, and thus the Penitentiary, which has met with such wonderful success, would have been seriously crippled."

A Case of Fiat Reformatory.

The Indeterminate Sentence Commission had here made the discovery that four-fifths of the population of the Maryland Penitentiary belonged in a reformatory; but that their transfer to a reformatory would cripple the Penitentiary's financial success. Therefore, the Commission naively said: "Let's us be a reformatory" and found the following fact: (Page 21.)

"A full consideration of the question has indeed brought the Commission to the conclusion that the Maryland Penitentiary is, in fact, a reformatory, although not so in name."

On page 23 of the Indcterminate Sentence Commission's report we find the following statement:

Indeterminate Sentence. Why Not Applicable Here?

"For many reasons which need not be stated here, we believe that our negro population would be as a whole entirely unsuited to the indeterminate sentence system."

Where the Commission found that sixty per cent. of the criminal population of the State of Maryland is colored, and then found that sixty-two per cent. of the male negroes in the Penitentiary and sixty-nine per cent. in the Jail could both read and write, and then further found "that our negro population would be, as a whole, entirely unsuited to the indeterminate sentence system," it would seem that if there was one thing above another which would have been of special interest and importance in connection with these findings, it would have been the reason why; but they content themselves with saying "for reasons which need not be stated here."

Life Sentence for the Recidivist.

In accordance with what we have learned from practical men and high authorities, we believe that a definite class of negro criminals will respond to the encouraging influence of the parole system, and will acquire habits of industry and become useful laborers, when they know that vagrancy persisted in constitutes a violation of parole and sub-

jects them to recommitment to prison. The opponents of the indeterminate sentence will answer that a large class of negro criminals can never be reformed, that they are shiftless, vicious and habitually criminal. This is true to a certain extent; and, if it be true, sentimentalism should play no part in their treatment: they should be put where they belong, in the Penitentiary for life. The spirit of the Indeterminate Sentence Act contemplates the enactment of a statute providing for the habitual and incorrigible criminal a maximum penalty of life imprisonment, subject to the powers of the Board of Pardons and Paroles. Sentencing an incorrigible offender to a definite imprisonment and at the end of such term turning him loose to prey upon the community is weakly temporizing with crime. **Society demands that the large class of persistent, hopelessly degenerate criminals, white or black, be not jailed for a few years and then released again, but that they be removed from its midst and confined in a penitentiary for life.**

Results of Indeterminate Sentence.

As to how the indeterminate sentence has worked in practice we take the experience of the State of Indiana, as expressed in the following summary by Amos W. Butler, Secretary of its Board of Charities, in the Indiana *Bulletin* for December, 1910 (page 375):

"1. We usually regard the record of the men on parole as the chief result. Approximately 25 per cent. of those so released violate the terms of their parole. This does not necessarily mean that they commit a crime, but that they fail to observe the conditions of their release.

"2. The average length of sentence under it is increased above that of the former system of definite sentences.

"3. It is not popular with the confirmed or professional criminal.

"4. The less experienced offender believes in it and profits by it.

"5. Wherever the law is well administered, the prison officers approve it, both as a help to the prisoner and as a means of discipline.

"6. The views of prison officials, members of the bar, the press and most of the public have changed favorably toward this law.

"7. There has been an awakening and extension of interest in correctional institution through the parole work.

"8. It should be observed that no State which has adopted the law has repealed or unfavorably amended it."

Parole System. Support for Convicts' Families.

One of the great problems of penology is to provide in some measure for the families which are commonly left destitute by the convict's incarceration. The Indeterminate Sentence Act operates to permit convicts who are capable of industry to turn over to their families, after a minimum period of imprisonment, the full value of their productive work. The experience of Indiana demonstrates the great value of the indeterminate sentence in this regard. According to the report of the Board of State Charities for the year ending September 30th, 1910, (page 77) during the preceding thirteen and a half years, the five thousand six hundred and ninety convicts on parole earned during the period of their parole, $1,540,310.55. If the determinate sentence had been in force, a large portion of the time during which this sum was earned by these convicts would have been spent within prison walls and their families would have received little, if any, benefit from their industry. The men, who are paroled after service of their minimum sentence, are the class of criminals capable of engaging in profitable and productive work; the men who are forced to serve out the maximum sentence are the class of habitual criminals, loafers and vagrants, who are utterly incapable of gainful industry, unless forced by the immediate discipline of the Penitentiary. No system of prisoners' earnings could be devised by which this latter class of criminals could furnish any support to their families, or by which the former class could furnish a support eqnal to the amount earned by them in the ontside world on parole. It is therefore plain that the Indeterminate Sentence

Act tends to solve the problems of those dependent on convicts for their support.

Preparation for Life Outside.

If the statement of Mr. Weyler, as quoted by the Indeterminate Sentence Commission, be true, that "the most critical period of a convict comes with his discharge from a penal institution," there would seem to be more merit in the system which nurses him along in the institution until he has given promise of being strong enough to restrain himself at that critical period when he is released, and, instead of releasing him absolutely, simply releases him gradually, because his real release does not take effect, under the indeterminate sentence system, until he secures his final discharge, which may be from one to five years after being allowed to go outside the prison walls. Such system is necessarily better than one which arbitrarily ejects a man from the institution on a given date, with or without money in his pocket, as the case may be, and without further control over him, further interest in him, or further assistance to him.

Different Judges Different Penalities.

Under our present judicial system in the city of Baltimore there is rotation of judges so that each year two different judges come in the Criminal Court, one in Part I and one in Part II. Each one of these judges has his own theory of punishment. One may adhere more tenaciously to the principles of retributive justice as expounded by Sir Fitzhugh Stephens, the other may be a believer in the system of penology that aims at the ultimate protection of society through the medium of the reclamation of the individual offender. The result may be, and often is, that for the same crime, committed under almost identical circumstances, the two prisoners who are brought over to court in the same van together, each familiar in advance with the crime of the other, go back in the same van sentenced for the same crime, one to the Penitentiary for five years and the other to Jail for three months. Or, perhaps, one will be sentenced to two or three years in the Penitentiary and the other be paroled on condition

that he leave the State. The following year other judges take their places having, perhaps, other and different theories of punishment and thus there arises a constantly varying system in the administration of the criminal law.

Full Information Rarely Available.

We do not pretend to comment on any particular case as to the wisdom of the sentence or the suspension of sentence by the court; but the present definite sentence system is in practice open to this weakness that too often there is thrust upon the presiding judge of the Criminal Court the responsibility of imposing sentence without knowledge of the prisoner's history, except that he is either guilty or has been so adjudged by a jury. Oftentimes even the rules of evidence absolutely prevent the judge from hearing the character of evidence that would be most useful to him in throwing light on the character of sentence that should be imposed. We know that after the conviction of the defendant, considerable latitude is allowed the judge in ascertaining facts and circumstances surrounding the life of the prisoner, his previous record, but too often the dispatch of business requires this to be done in a more or less summary manner and a decision passed upon the information then and there available, or perhaps even restricted to that then and there presented. The prisoner may have a foreign criminal record or even a record in this country which may not have been discovered by the local police; he may have declined to testify in his own behalf at the trial and he may at the time of sentence and by reason of these facts stand mute and the court act in entire ignorance of the character of the man with whom it is dealing.

The Act an Assistance to the Court.

We would not take from our courts the power of entirely suspending sentence in any given case. We seek but to assist our judges in solving satisfactorily to themselves those problems which must of necessity confront the presiding judge of a criminal court when he is called upon from day to day to pass sentence, with short notice and limited, uncertain or unreliable information, on from one to perhaps

thirty prisoners a day. With the despatch in one day in the criminal court of from one to forty cases, it is in the nature of things impossible for any judge to leave the bench at three o'clock with a feeling of entire satisfaction with and confidence in the sentences he has imposed.

Definite Sentence Illogical.

As said by the writers on the indeterminate sentence, the present system of sentencing a man for a definite term of years, when found guilty of a given crime, oftentimes, where the Court has no way of knowing even the man's real name, nationality, previous history or previous conviction of crime elsewhere, is as illogical as sentencing a man to a hospital for a given period of years, because a jury has said he has tuberculosis or smallpox, thereby telling him at the same time that on a given day he will be discharged irrespective of whether he improves in the meantime or grows worse. If alive, no matter what his condition, he will be discharged that day. If, on the other hand, he should completely recover in six months he must wait two and a half years more before he can be discharged.

The Correct Principle.

The Indeterminate Sentence Act is a distinct improvement over this crude and illogical treatment of criminals. The offender is banished until he has acquired habits of industry and is on the road to becoming a useful member of society. He is relegated to a place where the study of the individual is at once begun, faithfully and persistently pursued, his correspondence is scrutinized, his visitors are watched, from various sources there is derived information as to the past life, disposition, inclinations and aspirations of the offender. From all of which an impartial board intelligently determines when he can, with safety to society and justice to himself, be again permitted to enter the ranks of citizenship. He must demonstrate his rehabilitation, not to sentimentalists, but to an experienced and practical body of men. We here quote Chief of Police Kohler, of Cleveland:

"At the trial which deprived him of his liberty, the reasonable doubt was in the defendant's favor; the burden of proof upon the State. At the second trial in the Court of Rehabilitation this is reversed, the burden of proof being upon the man. Hypocritical religious protestations will not avail nor promises of future good behavior. He must give proof of reform accomplished. In the Criminal Court he is every moment on the defensive. He tells nothing, admits nothing, gives no clue to the past. In the Court of Rehabilitation this is also reversed. Perjury may save a man from prison, only truth can get him out."

When the board decides in his favor, he is not given unconditioned liberty; he is paroled under rigid restrictions. He receives every assistance that the board and its probation offices can extend to him and he is aided throughout the term of his parole in finding useful employment and in keeping himself usefully employed. He knows that the moment he lapses from a life of industry he will become an outcast and will be taken back again to enforced labor within the prison walls.

Adoption Recommended.

We recommend the adoption of an Indeterminate Sentence Act for the State of Maryland. As the time for legislation is nearly a year distant, we have not undertaken at this time to formulate, from the best provisions of statutes in successful operation in other States, the Act best adapted to our general penal system. This should be done; and, should there be any desire on the part of Your Excellency for us to pursue this work any further, we will prepare such Act between now and the convening of the next session of the Legislature.

PART VII.

General Recommendations.

Investigation Limited to Maryland Penitentiary.

Your Commission is acting under an appropriation made for a specific purpose: to examine into the management of the Maryland Penitentiary alone. Our activity is limited by the provisions of that appropriation to such examination. In order to examine the other penal institutions of the State, an expenditure of time and money must necessarily be made. Your Commission is totally without funds for such purpose, and its time has been occupied exclusively in an investigation of the Maryland Penitentiary. We might perhaps have gone outside the immediate scope of this inquiry and devoted some portion of our labors to the general penal system of the State, but we found that every moment at our disposal was primarily occupied by endeavoring to pierce the systematic deception, with which Warden Weyler for the past twenty years or more has surrounded the management of the Maryland Penitentiary. We found that Warden Weyler's influence in that Institution was vitally injurious to the welfare of its inmates. We found that the chief penal institution of the State was run on a principle diametrically opposed to the principles of modern penology, and that Warden Weyler, the dominating influence of Maryland penal administration, was the chief obstacle in the way of any attempt to make the Maryland penal system a modern and reformatory system. We, therefore, were necessarily obliged to abandon our desire to enter into a theoretical discussion of the whole field of Maryland penal institutions, and to concentrate our investigation upon the one purpose of effecting a reorganization of the management of the Maryland Penitentiary.

In our attempt to ascertain the actual conditions existing at the Maryland Penitentiary we were met at every step with evasion and deception on the part of Warden Weyler. Our

work was multiplied indefinitely by the skilfulness with which he evaded our inquiries. We found that running through the Maryland Penitentiary there was a line of petty graft difficult to discover and hard to track to its source. Every discovery that we made of petty misfeasance on the part of Warden Weyler and certain subordinate prison officials led to another discovery; and we abandon our search for these petty frauds, not because we believe that we have probed to the bottom of them, but because we believe that the time of a Grand Jury could be profitably employed in this direction for an entire term.

Therefore, what we say at the present time with reference to the penal system of the State and to the substitution of some other form of convict labor for the contract system is necessarily very general in its nature.

Elimination of of Contract System.

We believe that the contract system, productive as it has been of financial revenue, is wrong in principle, iniquitous in practice, demoralizing to the inmates, and at the root of the many evils which are rampant in the Maryland Penitentiary today. That system should be abolished, not in a revolutionary fashion, but gradually. We believe that there should be no sentimentalism in the management of a large penitentiary, and that caution should be exercised in the selection and gradual introduction of new industries. Whatever industries are substituted at the Penitentiary should be conducted by the State, and the State should keep full and absolute control over the convicts in its charge.

Substitution of State Use or State Account.

There are two principal substitutes fundamentally correct in principle: The State-Use System and the State Account System. Under the first the State manufactures goods for State institutions; under the second, the State goes into the open market with the product of its penal industries. To work out the details of this substitution and to ascertain which of these two systems should be used, or whether or not a combination of the two would be preferable, to determine what

goods could be most profitably manufactured by this State, requires an examination of local markets and of the needs of the various State institutions. We believe that these are matters upon which the State should take the judgment of efficient and experienced men after painstaking and thorough examination of local conditions and local markets. Your Commission, for the reasons given above, has been unable to employ such men and has had no opportunity to work out the administrative details of substitutes for the contract system.

Officials Must Be in Sympathy.

We, however, stand firmly on the ground that the contract system should be abolished, and that the State use and State account systems are successful in practice in the leading institutions of this country and can be managed with success in a penal institution of any State, provided their inauguration does not fall to men out of sympathy with the change and bent on preventing its success.

We know that the State use and State account systems are no longer matters of experiment, but we do not believe that any benefit would be derived by describing at length what has been done in other States. In Appendix A of this report reference is made to the successful operation of these systems in the institutions which we visited.

Warden Chargeable with Work of Reorganization.

The Warden of the Maryland Penitentiary should be given the proper encouragement, information and assistance and should then be be chargeable with the work of introducing, organizing and operating such substituted industries. **If the present Warden is not capable of working out such reorganization, then another Warden who has had experience in the practical operation of these systems should be obtained and be given an opportunity to demonstrate the fact that this State is competent to manage its own business and does not need the assistance of private contractors to manage its business for it.**

Board of Prison Inspectors.

We recommend that the Board of Directors of the Maryland Penitentiary and the Board of Directors of all other State penal institutions be abolished and in lieu thereof there be appointed by the Governor a central Board of five Prison Inspectors to serve without pay but to have a high-grade, high-salaried secretary. Said Board should have all the authority of the present boards of directors of the several institutions with power to appoint and remove for cause any prison official; to fix all salaries not otherwise provided by the Act of Assembly; to make and change at will all rules and regulations for the government of State Penal Institutions and Officials; and also the power to transfer any inmates or officers from one institution to another. Conditioned upon the passage of an Indeterminate Sentence Act as hereinbefore recommended, said Board should also be the Board of Pardons and Paroles with power to appoint and superintend the probation officers and to temporarily or absolutely release reformed prisoners and to rearrest in case delinquency.

Board of Pardons and Paroles.

Prison Farm.

As an adjunct to many of the more modern penitentiaries of this country a penal farm is conducted. The advantages of such farms are obvious. We here quote the Sixty-seventh Annual Report of the Prison Association of New York, for 1911, page 40: "The prison farm and farm colony appeal strongly to public opinion. Prison officials in general favor farm work for at least a part of the prison population. It is healthy, varied, reasonably strenuous, easily learned, offers an outlet to much unskilled labor energy, does not compete with outside organized labor, produces articles of consumption for institutions, and furnishes a liberty of movement far less hampered than within prison walls, while testing the ability of the prisoner to meet the temptation of escape." We do not believe that extended argument is necessary to establish the value of such a project. The people of Maryland should be at this time far

enough removed from the barbarous ideal of punishment to realize the benefit accruing to the State by strengthening the minds and bodies of its criminals. The location of this farm, the number and class of inmates to be removed thereto, are matters of administrative detail, dependent upon the entire reorganization of the present management of the Maryland Penitentiary; and we go no further than to recommend the establishment of such a farm as a step subsequent to such reorganization.

Woman's Prison and Penal Farm.

We recommend the entire elimination, from the Maryland Penitentiary, from the City Jail and from the Maryland House of Correction, of the female inmates thereof and their collection at one central place, and the separation therein, as far as may be practicable, of the white and colored, under the direction and control of a properly selected and properly qualified matron and women assistants, such institution to be located some place in the country and surrounded by proper acreage, with all the natural advantages conducive to physical and moral rehabilitation thereby afforded.

County Jails.

We recommend that the abominable system of county jails, as places other than houses of detention for those awaiting trial, be abolished, and that the sentenced prisoners from the county be distributed according to the nature of their crimes in the different penal institutions to which they should naturally be committed.

Baltimore City Jail.

We recommend that the jail in the City of Baltimore be abolished as a place of final sentence, and be maintained purely as a place of detention for prisoners awaiting trial; and that the enlarged facilities thereby provided be utilized as a place of detention, so that there may be greater isolation, separation and classification of the prisoners awaiting trial and unable to give bail, thereby avoiding the evil consequences too often resulting from the individual's first arrest.

State Reformatories.

We recommend that further special study and consideration be given to the practical problem with which the State is confronted in the matter of the establishment of State Reformatories, male and female, since there are at present large appropriations and annual allowances given to various private institutions, white and colored, male and female, engaged in the discharge of the purely State duty of providing reformatories. This investigation should ascertain how far it may be feasible to eliminate the present duplication of work by these agencies, and should be conducted with the purpose of making them reformatories in fact, and eliminating from them the contract system, which has crept into some of them, and which must be attended in a certain measure with all abuses to which the system is subject where operated on a broader scale.

PART VIII.

SUMMARY OF FINDINGS AND RECOMMENDATIONS.

Shops.

We find that the shops and factories, as far as their physical character is concerned, are, on the whole, well-lighted, well-ventilated and well-arranged work shops, comparing favorably with the best shops on the outside. This, however, does not apply to the scratch shop or emery-grinding department of the hollowware contract, which is poorly lighted, poorly ventilated and congested.

West Wing and South Wing Dormitories.

We find that what are known as the west wing and the south wing dormitories, with a total cell capacity of 820 cells, are of modern construction, but infested more or less with bedbugs and otherwise not in clean condition, due partly to lack of system, which permits too great a variety of furnishing and decorating by pictures and posters that serve as dirt collectors; also that the bed clothing is improperly washed and commonly in a dirty condition.

G Dormitory.

We find that G dormitory is an ancient and out-of-date structure, and at the time of our first inspection we found it infested with vermin and overrun with rats, the bed clothing filthy and the physical and sanitary conditions wholly unsatisfactory in every respect. We recommend the use of G dormitory only for present emergency and only until it can be supplanted by a wing of modern construction and modern equipment and further, that the use of the 60 ground floor dark cells be wholly discontinued.

C Dormitory.

We find C dormitory to be ancient and out of date in structure, its cells being practically all dark cells; and, while said to be not now in use except for insane prisoners, we find it wholly unfit for this purpose and recommend that it be torn down.

B Dormitory. We also find that B dormitory is an ancient and out-of-date structure, being at present used as a store-room and junk-room; that it is in a generally filthy condition, its upper tier being covered inches deep with an accumulation of bird excrement; that it is utterly insanitary, and we recommend that it be torn down.

Laundry. We find the laundry unfit in character and inadequate in capacity. We recommend the installation of modern equipment of enlarged capacity and the abolition of the system which encourages the private washing of the clothes of the prisoner at his expense.

Food. We find that the food is often bad, due partly to lack of refrigeration and partly to lack of care in its preparation, and partly to uncleanly conditions in the kitchen and dining-room, where roaches are prevalent. We recommend the prompt installation of a proper refrigeration plant, the utter and entire elimination of roaches from the kitchen and dining-room, as well as from all parts of the building, and such screening of these departments as will insure protection against the food being contaminated by flies.

Medical Attention. We find the oft-repeated statements in the annual reports of the Warden as to the satisfactory character of the medical attention to be wholly unjustified. We find the prisoners without proper medical attention and a very lax system of dispensing medicines in force.

We find that Section 621 of Article 27 of the Code of 1904 prohibiting convicts from having access to medicines has been habitually violated, and that the Warden of the Penitentiary has shown utter disregard for the provisions of this law by permitting a convict to act as resident pharmacist and dispense the bulk of the medicines of the Institution.

We find that the physician has consistently failed to observe the regulations of the Board of Directors (page 22 of rules and regulations), in that he has not carried out his duty of visiting each day the prisoners in the solitary confinement.

We found that during one period of six weeks he had not visited a single prisoner in solitary confinement, and that during that time there were 69 men so confined.

We find on this same head that the Warden of the Penitentiary has habitually violated the provisions of the law which require him to see that the regulations of the Board of Directors are carried out.

We find that the medical inspection of the prisoner at the time of entrance is lacking in character in that it does not embrace a proper dental and ocular examination; and that the records kept of such entrance examination are fragmentary and hopelessly incomplete.

We find the hospital records unsatisfactory in character and wholly inadequate.

We find that the hospital, though clean to outward appearance, has its beds infested with bedbugs and as dirty as those in the general cells.

We find the iron cage system of cells in the hospital ward undesirable, admitting of no proper light or ventilation, and that the sick patients are there supplied with uncomfortable corn-husk mattresses, unfit for any sick man, prisoner or free.

We find that the clothes and bed-clothes of those prisoners in the infectious tubercular wards are bundled together with the clothes of the other hospital inmates and without fumigation are sent to the women's department and there washed by hand in the same tubs that are used for the women's laundry.

We find that no periodical individual inspection of the prisoner is made, no proper safeguard resorted to for the discovery of incipient tuberculosis, no satisfactory isolation of the tubercular and syphilitic prisoners, and that the death rate of the Maryland Penitentiary is higher than the death rate of similar institutions throughout the country.

We recommend the appointment of a competent resident physician who with proper salary for his work, will devote his entire time to the medical welfare of the inmates of the Institution, and the appointment of a visiting dentists and a visiting oculist whose services in general are paid for by the State.

We recommend that the entrance examination by the physician be supplemented with an examination of every prisoner, upon entrance or shortly thereafter, by the oculist and dentist. We recommend that a periodical examination of all prisoners be made at least once a year by the physician, oculist and dentist.

Discipline.

We find that the punishment known as cuffing-up, inaugurated by Warden Weyler at the Maryland Penitentiary is a brutal and unnecessary punishment; that it has been inflicted indiscriminately and so often that, in our opinion, its repeated infliction constitutes a violation of Section 640 of the Code of 1904, commanding that corporal punishment be resorted to as little as possible.

We find that Warden Weyler for the last six years and more has further habitually violated this section by regularly failing to report at the monthy meetings of this Board a record of the corporal punishments inflicted during each month, as required by said section.

We find that cuffing-up has not been saved as a punishment of last resort, but has been continually imposed upon first offenders against the criminal law for their first infraction of the Penitentiary rules; that such infliction upon first offenders has occurred so many times that it may be described as a common practice.

We find that proper restrictions have not surrounded this punishment; that the time which a man hangs in the cuffs has been determined by guess work; that the whole procedure of cuffing-up has been left in the hands of a subordinate.

We find that by Warden Weyler's direct order women have been confined in ground-level dark cells with cement floors at times for a period as long as 10 days, and during the winter time without mattress or blanket; that men have been sentenced repeatedly to the dark cells in the lower tier of old G dormitory, when these dark cells were swarming with bedbugs and inhabited by rats; that there has been no medical examination made of the convicts before committing them to the cuffs,

cats or to the dark cells to ascertain whether or not they were physically fit to undergo such rigorous punishment.

We recommend that the dark cell be abolished and that there be substituted solitary confinement in a well-lighted and well-ventilated cell. We recommend that corporal punishment be inflicted only by specific order of the Board of Directors authorizing its infliction on a specified offender; and then that it shall be imposed in the presence of the Warden, the doctor and a member of the Board.

Classification and Privileges.

We find that there is not even the most rudimentary classification of prisoners at the Maryland Penitentiary; that no privileges are allowed for good behavior.

We find that if the convict wishes to have his clothes washed privately he must pay 50 cents a month, and that the majority of convicts have their clothes washed privately at such expense; that the majority of convicts are shaved and have their hair cut more often than the rules of the Institution prescribe at an expense of 25 cents a month; that many have their cells painted at a charge to them of from 50 cents to $3.50; that the convicts pay 50 cents to the shoemaker to mend shoes which they have worn out doing work for the State.

We recommend that all convicts be placed on an equal footing as to necessities, and that any privileges which they may be granted follow not upon financial ability, but upon good behavior.

We recommend that the convicts be divided into A, B and C grades, the convict on entrance to go into B grade and to be advanced to A or lowered to C, according to his good or bad behavior; that the lock-step, shaved head and stripes be not inflicted indiscriminately, but be reserved as a punishment for C grade offenders, and that numerous other privileges be graduated according to the grade of the individual convict.

Commissary.

We find that the commissary has been run as a profit-making scheme and not as a matter of convenience to the prisoners.

We find that the articles of clothing and other necessary articles furnished by the State are either so inferior in quality or insufficient in quantity that many of the prisoners do not find them sufficient for their ordinary needs, and therefore purchase from the commissary underclothing, shoes, blankets, soap, and furniture for their cells. We find that the prisoners universally complain that the old prices of the commissary were extortionate.

We endeavored to obtain a copy of the old price list which was changed some time last July, but the officers of the Penitentiary stated that all copies had been destroyed.

Informal lists of the old prices furnished us by the prisoners show that the reductions, made since the beginning of the agitation over the management of the Penitentiary, varied from 5 to 50 cents on numerous articles.

We recommend the abolishment of the commissary in its present form, and that whatever commissary is maintained be maintained solely for the convenience of prisoners and not for profit to the State, and that the articles sold in the commissary be restricted in number and kind and that all goods be sold at cost.

Contract System as Found in the Maryland Penitentiary.

We find the contract system, as operated in the Maryland Penitentiary, wrong in principle, iniquitous in practice and at the root of all evils real and imaginary existing in the Maryland Penitentiary today.

The contract system has provided a substantial earning for the State amounting to over a half million dollars in the last 20 years. In the same time it has provided an earning for the prisoner of an approximately equal amount

We find that the success of a system of penal industry cannot be measured by the cash earned under such system.

We find that the leasing of prisoners at the Maryland Penitentiary to private contractors has introduced within the prison walls subordinate contractors' employees, who are interested solely in exploiting the prisoners for profit.

We find that the influence of the contractors and their employees has resulted in working men in the shops who were physically and mentally unfit.

We find that the influence of the contractors and their employees has resulted in the employment in the shops and foundries of too large a proportion of the prison population, thereby leaving an insufficient number for the necessary work of cleaning and improving the Institution.

We find that in the majority of instances where men have been punished by the cuffs for breaches of discipline, the cause of complaint has been "indifference at work," "failure to get task" and kindred offenses connected with the work of prisoners on contract, and that in consideration of this fact we may fairly attribute the wholesale use of the cuffs to the influence of the contractors and their employees, whose interests demand that the convicts be driven to nerve-racking and excessive labor.

We find that the delegation to any extent of control over the convicts to private contractors, whose interests are thus opposed to the interests of the State, is unwise and fundamentally wrong in principle.

We find that the contract system has created a highly undesirable spirit in the inmates of the Institution, and that they are inflamed with a sense of injustice at being leased for another man's profit.

We find that this system is open to the abuse of contractors' employees reporting the convicts on trumped-up charges in order to drive them to a higher task; that the close relationship existing between the contractors, contractors' employees, the Warden Emeritus and guards assigned to the shop is evidenced by the fact that the contracting companies have a regular practice of giving substantial Christmas presents to these officials.

We find that the earnings of the prisoners have been greatly exaggerated and that a totally false impression has been conveyed by statements of Warden Weyler to the effect that earnings of from $50 to $75 per man per month commonly occur, and that "the records will indisputably show that the great

majority have easily succeeded in laying up substantial sums against the day of their discharge."

We find that the records of the year 1911 selected by Mr. Weyler on which to base this statement show that "the great majority," to wit, 67 per cent. of the prisoners discharged during 1911, left the Institution with less than $10, and that 48 per cent. had $5 or less at the time of their discharge.

We find that the chief advertising medium of the overtask earning feature of the contract system at the Maryland Penitentiary is a life convict named Sidney Johnson; that instead of a monthly earning of from $50 to $98, as has been represented for the public benefit, those figures are gross earnings, from which must be deducted the allowance paid by him to convict helpers, which reduces the average earnings of Sidney Johnson to less than $29 a month, a large portion of which is spent in bribing convict waiters to steal for him extra food to enable him to stand up under his work.

We find in general that the overtask earnings have not been evenly distributed among the prisoners on contract, but have been earned by a comparatively few prisoners so assigned.

We find that the one absorbing thought of Warden Weyler's management of the Maryland Penitentiary has been the saving of money for the State and the turning over of an annual surplus, and that the moral, mental and physical welfare of the convicts has been subordinated to this chief purpose; that the unsanitary condition of the Institution, the neglect of medical treatment, the unwholesome food supplied, the abuses of discipline, the disproportionate profit of the commissary, the failure of the State to furnish the common necessities of life, a large part of the petty thieving that has been rampant within the walls of the Penitentiary, are directly traceable to his obsessing and inordinate desire to make a financial showing.

Edmond F. Kilkenny, the Bookkeeper.

We find that the Institution has a most splendid system of bookkeeping and a most accurate and efficient bookkeeper in the person of Edmond F. Kilkenny, who, with uniform courtesy and untiring energy, promptly sup-

plied us with any and all desired information attainable from his books. The Institution has been most fortunate in his selection.

Warden Leonard.

We find throughout the Institution, speaking in a general way, the expression by the convicts of a confidence in Warden Leonard and a belief on their part that he is open-minded and will be fair and humane in his treatment of the prisoners.

We find that such knowledge and experience as Mr. Leonard has had in institutional work has been that acquired by him during the last eight years, first as guard and later as deputy warden under Warden Weyler, and that at the beginning of our investigation he had never visited any other penal institution and never read anything on the subject of prison management or penology in general.

But we found him a regular attendant at the American Prison Congress, and he has evinced a spirit of willingness to inform himself on prison matters.

We also find that before his appointment to his present position of Warden and while deputy warden under Warden Weyler, he was guilty, **according to custom and precedent,** of violating Section 627 of Article 27 of the Code of 1904, which prohibits any officer having any work of any kind done for his personal benefit at the prison.

We find that the division of authority, as effected by the Act of 1912, creating the office of Warden Emeritus, is wrong in principle and subversive of discipline, and places a handicap upon whoever may be Warden of the Institution, under which he should not be required to serve.

Warden Emeritus Weyler.

We find the official annually published reports of Warden Weyler and his testimony given before your Commission to have been characterized by a lack of frankness, by willful evasion and by deliberate falsehood.

We find that Warden Weyler in his twenty-three years' administration of the contract system has been a harsh taskmaster, a rigid disciplinarian, resorting at times to cruel and

in many instances wholly unjustifiable punishments for minor offenses.

We find that he has been the leading and dominating force operating and controlling the entire management of the Maryland Penitentiary for the last twenty-three years, and that his influence has been so far exerted over his Board of Directors that their meetings have been mere ratification meetings of his acts; that he has neglected to provide for the health and welfare of the convicts under his charge, and has thrown the whole weight of his influence and energy into the accumulation of an annual cash surplus for the State.

We find Warden Weyler responsible for a system of commingling accounts, which cannot be too strongly condemned.

We find Warden Weyler guilty of numerous specific violations of statutory law:

First—Violating Section 562 of Article 27 of the Code of 1904, in that while Warden he both bought from and sold to the Maryland Penitentiary on numerous occasions, securing in his personal purchases the benefit of wholesale prices.

Second—Violating Section 641 of said Article by receiving gifts from convicts.

Third—Violating Section 596 of said Article, which requires the sale of the slops of the Institution or their use in raising hogs; and likewise Section 556, which prohibits his receiving perquisites of any character, by regularly, nearly every week for the last year and a half, appropriating for his personal benefit and profit large quantities of toasted bread crumbs for his chickens, aggregating 40,000 pounds.

Fourth—Violating Section 607 of said Article, prohibiting the manufacture within the prison walls of articles for the private benefit of an official of the prison, by having had constructed there numerous articles for use in his farm at Timonium.

Fifth—Violation of said section by his having had several suits of clothes made by the prison tailor.

Sixth—That he has appropriated to his own use property belonging to the Maryland Penitentiary.

Seventh—That on various occasions he has appropriated the time of the engineer, a salaried employee of the Penitentiary, and has taken him outside of the Institution and away from his duties, and at the end of the week compensated him with his regular salary without deduction for the days employed on the private work of Mr. Weyler.

Eighth—We have the testimony of a convict fully corroborated in other particulars, that numerous tools belonging to the Maryland Penitentiary were taken by Mr. Weyler to his farm.

Being informed through other sources that there were present on his farm and in his carriage-house and toolhouse a large assortment of tools, we sent an agent to make an inventory of those tools, with a letter directed to Mr. Weyler, asking that he accord the agent permission to make the inventory.

This permission Mr. Weyler, at his farm, personally refused him, and a few minutes later over the phone personally declined the request of the Chairman of your Commission to permit the inventory to be made, and on learning that your Commission was endeavoring to ascertain from the hardware stores with which he dealt the extent of his account as to the purchase of tools, he telephoned a number of them, directing them to deny your Commission the information sought.

We find that the welfare of the Maryland Penitentiary imperatively demands the entire elimination of Mr. Weyler from any and all connection with the Institution.

Board of Directors.

The president and all members of the Board with whom your Commission came into contact have been frank in giving all information in their possession, and have encouraged us to make our investigation thorough and complete, and they have made earnest efforts to correct many of the abuses existing as soon as they became aware of them.

Abolition of Contract System.

We recommend the reorganization of the State penal system by the gradual elimination of the contract system from all the penal institutions of the State, and the substitution there-

for of industries operated by the State for its own use or on its own account.

Indeterminate Sentence.

We recommend the passage of an Indeterminate Sentence Act and the appointment of a Board of Pardons and Paroles, the members of which shall serve without pay, but be provided with a salaried secretary.

We recommend that said Board of Pardons and Paroles shall also be the Board of Prison Inspectors, and shall have full supervision and control over the entire penal administration of the State, superseding the Board of Directors of the Maryland Penitentiary and the boards of directors of the other State penal institutions, the abolition of which boards we recommend.

Prison Farm and Woman's Prison.

We recommend the acquisition and operation of a penal farm for male convicts and the removal of the female prisoners from the Maryland Penitentiary, the House of Correction and the Baltimore City Jail, and their collection in a woman's prison located in the country, there combining the features of a woman's prison and a penal farm.

County and City Jails.

We recommend the abolition of the Baltimore City Jail and county jails except as places of detention pending trial.

General Penal System.

We recommend a careful examination of the various penal and corrective institutions of the State, which work our Commission could not undertake because limited by our appropriation to an investigation of the Maryland Penitentiary. This examination should be made for the purpose of determining how the present duplication of functions by these institutions may be best prevented and how far and in what way they may be utilized, without the necessity of any large investment in new buildings, for the most efficient and economical establishment of a general penal system, embracing within its scope a

penitentiary, a penal farm, a woman's prison located in the country and separate male and female reformatories.

All of which, together with Appendices and Exhibits, is respectfully submitted this fourth day of February, 1913; and we file herewith typewritten stenographic record of testimony covering 1,354 pages.

EUGENE O'DUNNE,
Chairman.

REDMOND C. STEWART.

GEORGE L. JONES,
Secretary-Treasurer.

EXHIBIT A.

Expert Testimony on Elimination of Vermin.

Taken September 16, 1912.

Question: Will you please state your name?

Answer: Leopold Philipp.

Q. With what Company are you connected?

A. Philipp-Leser Company.

Q. What is their business?

A. Exterminating and disinfecting, for the United States Government, amongst others.

Q. Where are your headquarters?

A. 64 East 116th St., New York City.

Q. How long have you been engaged in this work?

A. For about ten years.

Q. Do you consider yourself an expert in the extermination of insects in public buildings?

A. I do.

Q. Can you give the names of some of the leading institutions which you have successfully rid of vermin, bedbugs and insects?

A. Department of Public Charities, New York.
Metropolitan Hospital, Randall's Island, N. Y.
City Hospital, City Home, N. Y.
Hospitals, Long Island, Boston Harbor, Mass.
Pauper Institutions, Dept., Boston, Mass.
Bellevue Hospital, New York.
Gouverneur Hospital, New York.
Harlem Hospital, New York.
Fordham Hospital, New York.
Ellis Island, New York.

Q. Have you done this character of work in any public jails and penitentiaries?

A. We have. Under the head of "Public Charities" on above list is the Penitentiary of Blackwell's Island.

Q. Would you undertake a contract with the Maryland Penitentiary and guarantee within a reasonable length of time to entirely rid same of bedbugs, roaches, ants, waterbugs, and other insects?

A. I would.

Q. Within what time limit could this be done?

A. Within three months of the time of beginning operations, and we would thereafter keep it free from all bugs and all insects.

Q. The Maryland Penitentiary is a large Institution, now accommodating 800 convicts, and there have been as high as 1,100 there at one time; will you please give some approximate idea of what the cost of the first year of thoroughly cleaning the Institution, and entirely exterminating bedbugs, roaches, and other insects would be? We do not, of course, ask you for an estimate as close as you could make it after making a careful inspection of the physical arrangements of the Institution, but we want a statement of the general cost of such work, subject to being greater or less in view of the exact character of the Institution?

A. I would say that the maximum cost of such work would not exceed eighteen hundred dollars for the first year. It might be very much less than this, dependent a great deal upon the size and number of the rooms, and any local difficulties in doing the work. Our annual charge for this work at Bellevue is in the neighborhood of $700.00 per year. The cost for the first year for this institution was greater than this. The cost of keeping it clean is about $700.00 per year. Our charge for maintaining free from vermin the institutions already enumerated runs from $400.00 to about $800.00 per year.

Q. Have you any letters or references from any of the places now on your list speaking of the character of your work?

A. I have no letters with me. We simply refer people to the institutions we are caring for and let them ascertain for themselves whether these institutions are satisfied with the character of our work, and I therefore refer you, amongst others, to those public institutions already mentioned. I could also give

you a list of private concerns in New York, but I suppose you are more interested in large institutions. There is no question about the work being successful and we guarantee results. There is no reason why we could not thoroughly clean the Maryland Penitentiary, and any other prisons or public institutions in this State, and absolutely rid them of all bugs and rodents. This latter is part of our work in connection with all these other institutions. We make as much a specialty of exterminating rats and mice as we do of all other character of bugs.

Q. Would you have any objection to stating in a general way without disclosing any trade secrets, if there are such, as to what your method is of doing this work?

A. In rooms infested badly with bedbugs or roaches we, at the start, use a system of fumigating. This is done by the usage of hydrocyanic acid gas. This is the most effective destroyer of vermin that is known at the present time, and we have used same successfully in public and private institutions of considerable size. After we have used the gas, we then follow up this work with a liquid which is guaranteed not to stain nor leave any offensive odor behind. We also use this liquid for the extermination of roaches, and then follow the usage of the liquid by means of a powder. This powder can be safely applied in kitchens as same is non-poisonous.

For the extermination of rodents we have at our disposal a number of ways, either by means of ferrets, or, especially made traps, which we bait with one of our own manufactured baits, which is of such nature that the rodents will pass by all other foods and are attracted to this bait. We also use a paste, which is non-poisonous, but will destroy rats and mice due to the fact that in its composition we use unslacked lime, which tends to harden the insides of these rodents and destroys them in such a manner that no offensive odor is left behind.

LEOPOLD PHILIPP.

EXHIBIT B.

Indiana State Prison Dining Room Report. (Reduced).

FOOD ON TODAY'S BILL OF FARE NOT CONSUMED.

	BREAD		MEATS								POTATOES					BEANS						
	Wheat	Corn	Beef	F.Pork	S.Pork	Mutton	Liver	Hearts	Sausage	Fish	Fried	Steamed	Baked	Mashed	Sweet	String	Dried	Rice	Oatmeal	Hominy		Total
Breakfast																						
Dinner																						
Supper																						
Usable																						
Waste																						
Yesterday's Total																						
Today's Total																						

						ONIONS		TOMATOES		CABBAGE			PARSNIPS									
	Apples	Peach's	Figs	Prunes	Raisins	Green	Stewed	Raw	Cooked	Boiled	Kraut	Slaw	Baked	Mashed	Beets	Rhubarb	Radishes	Lettuce	Cucumbers	Pickles	Turnips	Total
Breakfast																						
Dinner																						
Supper																						
Usable																						
Waste																						
Yesterday's Total																						
To-day's Total																						

.....Peelings to-day.....lbs. Previously reported.....lbs. TOTAL.....lbs.
.....Peelings to-day.....lbs. Previously reported.....lbs. TOTAL.....lbs.
.....Peelings to-day.....lbs. Previously reported.....lbs. TOTAL.....lbs.

GRAND TOTAL.....lbs.

Respectfully.

BREAKAGE: { To-day.....Cups.....Plates.....Bowls.....
Previously reported. Cups.....Plates.....Bowls.....
Total breakage. Cups.....Plates.....Bowls.....

BONE: { Bone delivered to Store to-day
Bone previously delivered to Store
Total amount of bone delivered to Store

Physician

(OVER)

SUGGESTIONS FOR USE OF EXHIBIT B.

Count weight of bone in with waste in meat from which taken.

Count weight of peelings in with vegetables from which taken.

Much unconsumed food of any particular kind suggests reduction on order.

All liquids, such as water, coffee, etc., should be kept out of the waste.

Bone should be kept separate and delivered to the Storeroom for collection and sale.

Garbage is to be kept in separate cans suitably marked so that the waste can be classified.

The cans should be marked BREAD, MEAT, FRUIT, CEREALS and VEGETABLES.

In the Bread Can put wheat and corn bread.

In the Meat Can put waste from all the meats.

In the Fruit Can put waste from Apples, Peaches, Prunes, Raisins and Figs.

In the Cereal Can put waste from Hominy, Rice, Oatmeal and Beans.

In the Vegetable Can put waste from Onions, Beets, Tomatoes, Cabbage, Parsnips, Rhubarb and Radishes.

It is expected that the amount of garbage delivered in the various cans during the month shall approximate closely the total of the various wastes reported under each heading—that is: the Cereal Can should show just as many pounds at the end of the month as the total waste of the Apples, Peaches, Prunes, Raisins and Figs show when added together at the end of the month.

Three copies of this report should be made, using carbon paper; one copy to be placed on file, and copies sent to the Warden and Storekeeper.

If an item should be in such shape that it can not be weighed (which should rarely be the case) give approximate weight, and designate the fact by an X mark.

The BILL OF FARE and this DAILY REPORT must conform to the REQUISITION for this date.

EXHIBIT C.

COMPARATIVE TABLE OF DEATHS IN MARYLAND PENITENTIARY AND OTHER PENITENTIARIES.

NOTE.—This table was made from all reports found in the Library of Congress, at Washington, D. C.

ANNUAL DEATH RATE.

Name of Penitentiary.	*For Year Ending.*	*Average Population.*	*Population at Given Dates.*	*Number of Deaths.*
Maryland Penitentiary	**Nov. 30, 1912**	**941**	.....	**23**
Ohio State Penitentiary	Oct. 31, 1911	1594	.....	17
Virginia Penitentiary, Richmond	Sept. 30, 1910	1265	.....	11
Frankfort Penitentiary, Kentucky	Nov. 30, 1909	1415	.....	16
Eddysville, Ky., Prison	Nov. 30, 1909	658	.....	13
Southern Illinois Penitentiary	Sept. 30, 1908	1015	.....	11
Utah State Prison	Nov. 30, 1910	279	.....	2
State Penitentiary, Oregon	Sept. 30, 1910	405	.....	2
Massachusetts State Prison	Sept. 30, 1910	855	.....	8
Eastern Penitentiary, Penna	Dec. —, 1911	1366	.....	14
Sing Sing, New York	Sept. 30, 1911	1720	.....	7
Auburn Prison, New York	Sept. 30, 1911	1426	.....	7
New Jersey State Prison	—, 1911	1413	.....	14
Western Penitentiary, Penna	Dec. 31, 1910	....	Jan. 1, 1910 1261 Dec. 31, 1910 1056	4
H Maine State Prison	Nov. 30, 1910	198	.....	6
California State Prison	June 30, 1910	1012	.....	7
Connecticut Penitentiary	Sept. 30, 1910	604	.....	7
H South Carolina State Prison	Dec. 31, 1906	716	.....	23
North Carolina Penitentiary	Dec. 31, 1908	...	Jan. 1, 1898 1115 Jan. 1, 1899 1091	21
Washington Penitentiary	Oct. 31, 1892	420	.....	7
New Mexico Penitentiary	Nov. 30, 1911	283	.....	2
New Hampshire State Prison	Aug. 31, 1910	141	.....	2
Nevada State Prison	Dec. 31, 1910	187	.....	1
Minnesota State Prison	July 31, 1908	662	.....	0
E Louisiana Penitentiary	Dec. 31, 1905	...	Jan. 1, 1905 1393 Jan. 1, 1906 1536	36
Indiana State Prison	Oct. 1, 1911	1077	Nov. 30, 1909 209	20
Idaho Penitentiary	Nov. 30, 1910	...	Nov. 30, 1910 212	2

BIENNIAL DEATH RATE.

Name of Penitentiary.	*For 2 Yrs. Ending*	*Average Population.*	*Population at Given Dates.*	*Number of Deaths.*
Maryland Penitentiary	**Nov. 30, 1912**	**985**	.....	**40**
North Dakota State Penitentiary	June —, 1910	209	.....	7
Iowa State Penitentiary	June 30, 1910	487	.....	4
*Huntsville Penitentiary, Texas	Aug. 31, 1908	427	.....	16
Western Penitentiary, Pa	Dec. 31, 1910	...	Jan. 1, 1909 1341 Dec. 31, 1910 1056	18
Kansas State Penitentiary	June 30, 1910	...	June 30, 1910 890	16
Nebraska State Penitentiary	Nov. 30, 1910	...	Dec. 1, 1908 433 Nov. 30, 1910 426	3
Yuma Prison of Arizona	Dec. 31, 1898	190	.....	7
H Brushy Mt. Penitentiary, Tenn	Dec. 1, 1910	...	Dec. 1, 1908 741 Dec. 1, 1910 718	31
Wisconsin State Prison	Sept. 30, 1900	532	.....	14
West Virginia Penitentiary	Sept. 30, 1908	1224	.....	39
Mississippi State Penitentiary	June 30, 1911	...	June 30, 1911 1843	65
Sunflower Farm, Mississippi	June 30, 1911	...	June 30, 1911 1333	27
Missouri State Penitentiary	Dec. 31, 1906	2086	.....	46
Michigan State Prison	June 30, 1900	795	.....	12
Colorado State Penitentiary	Nov. 30, 1910	724	.....	14
H Arkansas State Penitentiary	Oct. 31, 1906	843	.....	95

NOTES: Letter H before institution's name means death rate higher than in Maryland Penitentiary. Letter E means death rate approximately equal to Maryland Penitentiary death rate. * Physician says high death rate due to fact that Huntsville is an invalid prison.

EXHIBIT D.

List of Prisoners Cuffed Up for First Infraction of Prison Rules.

NOTE 1.—Only those marked with letter "R" had any known criminal record.

NOTE 2.—This list by no means includes the number of persons cuffed up during these years, nor does it include the number of times these prisoners were cuffed up, but only the instances that cuffing was administered as a **first** punishment.

MAY 1, 1907, TO APRIL 30, 1908.

No. 18098—Entered May 11, 1907; sentence, two years; May 12, 1907, bad conduct in dormitory Sunday; cuffs and sixty days.

No. 18152—Received May 17, 1907; sentence, one year; May 21, 1907, finding fault and indifferent; cuffs.

No. 18131—Entered April 23, 1907; sentence, three years; May 28, 1907, loafing, no task, shirt department; cuffed.

No. 18134—Entered April 29, 1907; sentence, six years; May 28, 1907, loafing, no task, shirt department; cuffed.

No. 18146—Received May 6, 1907; sentence, two years; June 6, 1907, threatening Alexander Lackey, foundry department; cuffed.

No. 18160—Received May 19, 1907; sentence, one year; June 12th, indifference and bad work, shirt department; cuffed. June 15th, bad work; cell till Monday A. M. and sixty days. June 20th, having shirt goods in his pockets; cuffs and sixty days.

No. 18144—Received May 6, 1907; sentence, two years; June 15th, indifference with his work; cuffed and cell until Sunday afternoon.

No. 18075—Received February 23, 1907; sentence, five years; June 20, 1907, unnecessary talking and indifference about his work; cuffed.

No. 18135—Received April 23, 1907; sentence, one year; June 21, 1907, unnecessary talking in the shop (foundry); cuffed and sixty days.

No. 18053—Received January 31, 1907; sentence, eight years; June 21, 1907, continual talking in the shop (shoe); cuffed.

No. 18188—Received June 4, 1907; sentence, one year; June 26, 1907, indifference, shirt shop; cuffs.

No. 18147—Received May 6, 1907; sentence, one year and six months; July 9, 1907, poor work and no task, shirt shop; cuffed, cell one night and thirty days.

No. 18179—Received May 31, 1907; July 9, 1907, refusing to work, foundry; cuffed, cell till further orders and sixty days.

No. 18138—Received April 30, 1907; sentence, three years; July 10, 1907, quarreling; cuffs.

(**R**) No. 18141—Received April 30, 1907; sentence, four years; July 23, 1907, bad work, shirt shop; cuffs and thirty days.

No. 18119—Received April 6, 1907; sentence, six months; July 23, 1907, damaging work and no task, shirt shop; cuffs and thirty days.

No. 17929—Received November 2, 1906 sentence, three years; August 20, 1907, bad conduct in shop; cuffs and thirty days.

No. 18137—Received April 29, 1907; August 27, 1907, no task, bad work, shoe department; cuffs and sixty days. September 9, 1907, no task; cuffs.

No. 18218—Received June 25, 1907; sentence, one year; September 12, 1907, bad work and no task, shirt shop; cuffs.

No. 18196—Received June 12, 1907; sentence, three years; September 14, 1907, bad work and loafing, foundry; cuffs and cell till further orders.

No. 18246—Received September 17, 1907; sentence, two years; September 20, 1907, quarreling, shirt shop; cuffs.

No. 18090—Received March 4, 1907; sentence, three years; October 3, 1907, alternating work, thereby damaging the material, shirt shop; cuffs.

No. 18245—Received September 17, 1907; sentence, one year and six months; October 20, 1907, no task, shirt shop; cuffs.

(**R**) No. 18102—Received March 12, 1907; sentence, five years; October 23, 1907, finding fault with food; cuffs.

(**R**) No. 18311—Received October 31, 1907; sentence, five years; November 15, 1907, bad conduct, vulgar language; cuffs.

No. 18244—Received September 17, 1907; sentence, one year and six months; November 16, 1907, continual talking and laughing; cuffs.

No. 18336—Received November 16, 1907; sentence, three years; November 26, 1907, bad conduct in shop, foundry department; cuffs.

No. 18271—Received October 3, 1907; sentence, five years; November 30, 1907, indifference, shirt shop; cuffs. December 12, 1907, bad work, shirt shop; cuffs. December 28, 1907, continually doing bad work and loafing; cell till further orders. January 22, 1908, forging his task ticket and no task; cuffs. January 28, 1908, continually talking in the dining-room; cuffs. February 7, 1908, doing bad work; cuffs and sixty days.

No. 18266—Received September 30, 1907; sentence, one year and six months; December 2, 1907, bad work and no task, shoe shop; cuffs.

No. 18279—Received October 7, 1907; sentence, one year and six months; December 5, 1907, bad conduct, shirt shop; cuffs and thirty days.

No. 18373—Received December 3, 1907; sentence, three years; December 9, 1907, talking in dining-room; cuffs.

No. 18323—Received November 8, 1907; sentence, seven years; December 10, 1907, indifference; cuffs. December 20, 1907, indifference; cuffs and cell till further orders.

No. 18121—Received April 8, 1907; sentence, one year and three months; January 7, 1908, vulgar conduct; cuffs.

No. 18395—Received December 13, 1907; sentence, four years; January 11, 1908, bad conduct in the shop; cuffs.

No. 18384—Received December 9, 1907; sentence, three years; January 17, 1908, stealing milk; cuffs and cell till further orders and sixty days.

No. 18397—Received December 13, 1907; sentence, one year and six months; January 21, 1908, no task, shirt department; cuffs.

No. 18466—Received February 3, 1908; sentence, five years; February 14, 1908, indifference, shirt department; cuffed. After being cuffed up on five extra occasions and after having forfeited two hundred and ninety days of good behavior in

January, 1910, he was punished by forfeiture of charge privileges until further orders.

(**R**) No. 18399—Received December 13, 1907; sentence, five years; February 15, 1908, indifference, shirt shop; cuffs. Died May, 1908.

No. 18429—Received January 16, 1908; sentence, one and a quarter years; February 14, 1908, indifference, shirt shop; cuffs.

No. 18432—Received January 17, 1908; sentence five years; February 21, 1908, indifference with his work, shirt shop; cuffs.

(**R**) No. 18445—Received January 21, 1908; sentence, five years; February 22, 1908, indifference with his work, foundry; cuffs. February 29, 1908, indifference, foundry; cuffs and cell till Monday A. M. March 6, 1908, catching iron ahead of bell, foundry; loss of sixty days. March 7, 1908, loafing; cell until further orders. March 12, 1908, carelessly breaking three flasks and indifference; cell until further orders. March 19, 1908, no task and indifference; cell until further orders. April 10, 1908, carelessness; reprimanded. April 11, 1908, breaking one hopper in foundry; cell until further orders. There is hardly a month in the rest of his record down to March, 1912, when he was not punished either by confinement in cell, cuffs, fine, reprimand or loss of time.

No. 18462—Received January 31, 1908; sentence, four years; February 22, 1908, indifference, shirt shop; cuffs, in room in G dormitory on bread and water until further orders.

No. 18442—Received January 21, 1908; sentence, two years; February 25, 1908, no task, shirt shop; cuffed. May 11, 1908, loafing; cuffed. June 8, 1908, quarreling and using threatening language; cuffed and cell till further orders. June 16, 1908, bad conduct in shop; cuffed. July 13, 1908, damaging twelve fronts, shirt shop; cuffs. August 13, 1908, quarreling in shop; cuffs and cell one night. August 20, 1908, loud language and talking in dining-room; cuffed. September 1, 1908, continually loafing and no task; cuffed. September 4, 1908, continually doing bad work; cuffed and cell till further orders. October 28, 1908, disobedience and loafing; cuffed and cell one night. November 16, 1908, ignoring lost privileges; cell till

further orders. November 25, 1908, bad conduct in shop; cuffs. December 4, 1908, bad conduct in shop; cuffs. December 29, 1908, talking in shop; cuffs. January 22, 1909, not doing task, cuffs. January 25, 1909, bad conduct in dining-room; cuffed. March 5, 1909, not doing task; cuffed. March 16, 1909, loafing; cuffed. March 18, 1909, skylarking in shop; cuffed. August 3, 1909, not doing task; cuffs. These are not the only punishments, but the instances of cuffing I collected.

No. 18460—Received January 29, 1908; sentence, one year; March 2, 1908, dancing in the shirt shop; cuffs.

No. 18487—Received February 13, 1908; sentence, three years; March 6, 1908, showing vulgar picture in shop, shirt department; cuffs.

No. 18309—Received October 30, 1907; sentence, seven years; March 6, 1908, quarreling, foundry department; cuffs and sixty days.

No. 18421—Received January 13, 1908; sentence, seven years; March 6, 1908, quarreling, foundry department; cuffs and sixty days.

No. 18497—Received February 19, 1908; sentence, three years; March 7, 1908, bad conduct in shop; cuffs and cell till Monday A. M.

No. 18526—Received February 28, 1908; sentence, two and a half years; March 19, 1908, indifference with his work, shirt shop; cuffs.

No. 18483—Received February 12, 1908; sentence, three years; March 25, 1908, indifference and no task; cuffs.

(**R**) No. 18539—Received March 11, 1908; sentence, six years; March 26, 1908, carelessness and breaking his machine; cuffs. May 2, 1908, talking in dining-room; cell till Monday and sixty days. May 9, 1908, continually talking in shop; cuffs and thirty days. May 25, 1908, bad work and no task; cuffs. May 28, 1908, bad work and no task; cats. June 8, 1908, loafing and no task; cuffs and cell till further orders. July 10, 1908, loafing and no task; cuffs. July 13, 1908, refused to work; cuffs and cell till further orders. September 29, 1908, loafing and no task; cuffs. October 10, 1908, bad work and no task; cell until Monday A. M. October 16, 1908, loafing and

no task; cell till further orders and cuffs. October 27, 1908, loafing and no task; cuffs. November 2, 1908, continually missing his task; cuffs and cell till further orders. November 12, 1908, loafing and no task; cuffs. November 20, 1908, loafing and no task; cell till further orders. November 28, 1908, indifference and no task; cell till Monday A. M. December 4, 1908, continually missing his task; cats. December 9, 1908, loafing and no task; cell till further orders. January 26, 1909, threatening to hit A. W. with a club; cell until further orders and cuffs. March 3, 1909, stealing a contract shirt; cuffs. March 23, 1909, stealing a contract shirt; cuffs. September 14, 1909, continually throwing work back and no task; cuffs and cell till further orders. April 2, 1910, talking in dining-room continually; cuffs and cell till Monday A. M. November 17, 1910, indifference and no task; cuffs. May 15, 1911, very loud talking and no task; cuffed. In between these punishments of cuffs and cats are two reprimands, a forfeiture of good time and several confinements in cell.

No. 18516—Received February 26, 1908; sentence, one year; April 7, 1908, bad conduct in dining-room; cuffs.

No. 18427—Received January 16, 1908; sentence, five years; April 16, 1908, trading coats for tobacco with B. G.; cuffs.

No. 18577—Received April 3, 1908; sentence, three years; April 18, 1908, bad conduct and indifference, cuffed.

No. 18571—Received March 31, 1908; sentence, ten months; April 23, 1908, continually passing bad work; cuffed.

No. 18454—Received January 24, 1908; sentence, seven and a half years; April 29, 1908, defacing check; cuffed.

MAY 1, 1908, TO APRIL 30, 1909.

No. 18514—Received February 26, 1908; sentence, three years; May 5, 1908, continually making bad work and no task; cuffs.

No. 18543—Received March 17, 1908; sentence, three and a half years; May 8, 1908, loafing and no task; cuffs.

No. 18461—Received January 30, 1908; sentence, five years; May 13, 1908, not doing a task; cuffs. May 20th, bad work and carelessness; cuffs.

No. 18616—Received May 3, 1908; sentence, five years; May 15, 1908, damaging one shirt; cuffs.

No. 18500—Received February 21, 1908; sentence, four years; May 16, 1908, bad vamping and bad conduct in shop; cuffs.

No. 18489—Received February 14, 1908; sentence, two years; May 16, 1908, no task; cuffs.

No. 18626—Received May 11, 1908; sentence three years; May 18, 1908, quarreling; cuffed.

No. 18437—Received January 20, 1908; sentence, five years; May 21, 1908, indifferent with his work, foundry department; cuffs. Died December 28, 1909.

No. 18590—Received April 9, 1908; sentence, three years; May 23, 1908, choking his water-closet up with rags; cuffed.

No. 18622—Received May 11, 1908; sentence, three years; May 26, 1908, damaging four shirts; cuffed.

No. 18441—Received January 21, 1908; sentence, two years; May 30, 1908, bad conduct in shop; cuffs.

No. 18513—Received February 26, 1908; sentence, three years; May 30, 1908, continually talking; cuffed.

No. 18578—Received April 7, 1908; sentence, one and a half years; June 5, 1908, bad conduct in shop; cuffed.

No. 18567—Received March 31, 1908; sentence, five years; July 7, 1908, bad conduct in dining-room; cuffs.

(**R**) No. 18554—Received March 25, 1908; sentence, five years; June 18, 1908, continually missing his task, shirt department; cuffs.

No. 18667—Received May 28, 1908; sentence, three years; June 26, 1908, damaging one shirt, shirt department; cuffs.

No. 18899—Received December 10, 1908; sentence, one and a half years; January 2, 1909, bad conduct; cuffed.

(**R**) No. 18678—Received June 1, 1908; sentence, three years; July 8, 1908, fighting in shop; cuffs. Afterwards cuffed five times for not getting his task.

No. 18259—Received September 27, 1907; sentence, one and a half years; July 8, 1908, loafing and general indifference with his work; cuffed and cell until further orders.

No. 19004—Received February 25, 1909; sentence, one and a half years; March 27, 1909, loafing in shop and no task, shirt department; cuffs and cell until Monday A. M.

No. 18639—Received May 15, 1908; sentence, three years; July 22, 1908, bad work, shirt department; cuffs and sixty days.

No. 18724—Received July 22, 1908; sentence, one year and three months; July 30, 1908, bad conduct in dining-room; cuffs.

No. 18413—Received December 17, 1907; sentence, one year and a half; August 8, 1908, bad work; cuffed and cell until Monday morning.

No. 18642—Received May 20, 1908; sentence, five years; August 11, 1908, fighting; cuffs and cell until further orders.

No. 19019—Received March 10, 1909; three years; April 17, 1909, asaulting S. H.; cuffs and cell until Monday morning.

No. 18694—Received June 9, 1908; sentence, one and a half years; August 12, 1908, continually talking in the shop; cuffs.

No. 18686—Received June 2, 1908; sentence, one year; August 17, 1908, impudence; cuffed.

No. 18734—Received August 12, 1908; sentence, one and a half years; August 17, 1908, bad conduct in shop; cuffed and ninety days.

No. 18716—Received July 4, 1908; sentence, two years. August 25, 1908, damaging shirts; cuffs and pay seventy-five cents damages and twenty days.

No. 18624—Received May 11, 1908; sentence, three years; August 25, 1908, making bad work and no task, shirt department; cuffed and twenty days.

No. 18718—Received July 8, 1908; sentence, one and a half years; July 21, 1908, indifference, shirt shop; cuffs.

No. 18515—Received February 26, 1908; sentence, three and a quarter years; August 27, 1908, continually talking in shop; cuffs and thirty days.

No. 18684—Received June 2, 1908; sentence, three years; September 3, 1908, loafing and no task; cuffs.

(**R**) No. 18533—Received March 9, 1908; sentence, ten years; September 11, 1908, not paying attention to his work, shirt department; cuffed.

No. 18862—Received November 19, 1908; sentence, twelve years; December 20, 1908, not doing his task and indifference; shoe department; cuffs and cell one night. December 30th, bad work; cuffs.

No. 18661—Received May 27, 1908; sentence, one year; October 23, 1908, no task, shirt department; cuffs.

No. 18898—Received December 10, 1908; sentence, three years; December 16, 1908, indifference and loafing, shirt department; cuffs.

(**R**) No. 18870—Received November 23, 1908; sentence, two years; December 16, 1908, indifference and loafing; cuffs.

No. 18866—Received November 20, 1908; sentence, one and a half years; December 16, 1908, indifference and loafing; cuffs.

No. 18872—Received November 25, 1908; sentence, one and a half years; December 16, 1908, quarreling; cuffs.

No. 18896—Received December 9, 1908; sentence, five years; January 9, 1909, indifference and no task, shirt department; cuffs and cell till Monday morning.

No. 18816—Received November 1, 1908; sentence, one year; January 13, 1909, indifference, shirt shop; cuffs.

(**R**) No. 18924—Received December 23, 1908; sentence, five years; January 22, 1909, no task, shoe department; cuffed. January 26, 1909, no task; cuffed. January 27, 1909, no task; cuffed and cell till further orders.

No. 18937—Received January 11, 1909; sentence, seven years; February 5, 1909, loafing and indifference, foundry; cuffed and cell till further orders.

No. 18919—Received December 21, 1908; sentence, three years; February 12, 1909, not doing his task, shirt department; cuffed.

(**R**) No. 18985—Received February 9, 1909; sentence, three years; February 18, 1909, loud talking in shop; cuffs.

(**R**) No. 18842—Received November 14, 1908; sentence, three years; February 22, 1909, trading in the shop; cuffs and cell until further orders.

No. 19017—Received March 9, 1909; sentence, two years; March 30, 1909, refusing to work, shirt shop; cuffs and cell until further orders.

(R) No. 18979—Received February 8, 1909; sentence, three years; March 30, 1909, loafing, foundry department; cuffs and cell until further orders.

No. 19026—Received March 17, 1909; sentence, one and a half years; March 31, 1909, quarreling in dining-room; cuffed.

(R) No. 18981—Received February 8, 1909; sentence, four years; April 5, 1909, quarreling; cuffed.

No. 18952—Received January 22, 1909; sentence, two years; April 7, 1909, not doing his task, shirt department; cuffs.

No. 18855—Received November 19, 1908; sentence, one year; April 22, 1909, loafing in shop, bad work and no task, shirt department; cuffs.

MAY 1, 1909, TO APRIL 30, 1910.

No. 19296—Received November 26, 1909; sentence, one year; November 29, 1909, indifference; cuffs.

No. 19161—Received July 28, 1909; sentence, two years; September 7, 1909, continually doing bad work and no task; cuffs and cell until further orders.

No. 19165—Received August 4, 1909; sentence, two years; August 12, 1909, loafing, shoe department; cuffs.

No. 19128—Received May 31, 1909; sentence, four years; July 8, 1909, bad work, shirt department; cuffs and cell until further orders.

No. 19067—Received April 8, 1909; sentence, one year; May 26, 1909, breaking shuttle, shirt department; cuffed.

No. 19063—Received April 7, 1909; sentence, one year; May 24, 1909, bad work, loafing and no task, shirt department; cuffs.

No. 19203—Received October 13, 1909; sentence, three and a half years; November 3, 1909, indifference, shirt department; cuffs.

(R) No. 19214—Received October 18, 1909; sentence, one and a half years; November 18, 1909, bad conduct in dining-room

and finding fault with the food; cuffs and confined in room in D dormitory until further orders.

No. 19260—Received November 8, 1909; sentence, one year; November 11, 1909, loafing, shirt department; cuffs and cell until further orders.

No. 19298—Received November 26, 1909; sentence, three years; December 4, 1909, making a noise like a cat every night after the lights go out, causing laughter in the dormitory; cuffs and cell until further orders.

No. 18695—Received June 10, 1909; sentence, three and a half years; April 18, 1910, indifference with his work, foundry department; cuffs and cell till further orders.

No. 19043—Received March 25, 1909; sentence, two years; May 4, 1909, loafing, shirt department; cuffs. May 26, 1909, no task; cuffs. June 29, 1909, loafing and no task continually; cuffs. September 8, 1909, loafing and no task continually; cuffs and cell until further orders. October 19th, bad work and no task continually; cuffs. November 30, 1909, hiding and no task; cell till further orders.

No. 19108—Received May 10, 1909; sentence, two years; June 3, 1909, quarreling in shop, shirt department; cuffs and cell till further orders.

(**R**) No. 19030—Received March 18, 1909; June 11, 1909, not doing his task, shirt department; cuffs.

No. 19123—Received May 28, 1909; sentence, five years; June 14, 1909, bad conduct in the dining-room; cuffs.

No. 19051—Received March 27, 1909; sentence, five years; June 14, 1909, not doing his task, shirt department; cuffed.

No. 19062—Received April 7, 1909; sentence, seven years; June 14, 1909, not doing his task, shirt department; cuffed.

No. 19137—Received June 3, 1909; sentence, three years; June 30, 1909, doing bad work and no task, shirt department; cuffs.

No. 19105—Received May 10, 1909; sentence, ten years; June 30, 1909, loafing in the shop and no task, shirt department; cuffs.

No. 18691—Received June 8, 1908; sentence, three years; July 7, 1910, impudence; cuffed and cell till further orders.

(R) No. 19358—Received January 21, 1910; sentence, two years; February 2, 1910, loafing and no task, shirt department; cuffs.

No. 18921—Received December 23, 1908; sentence, five years; August 4, 1909, loafing and indifference with his work, foundry department; cuffs.

FROM MAY 1, 1910, TO APRIL 30, 1911.

No. 19558—Received September 21, 1910; sentence, three years; February 14, 1911, disobedience, shirt department; cuffed and cell till further orders.

No. 19372—Received January 31, 1910; sentence, one year; October 12, 1910, defrauding the contract, shirt department; cuffed.

No. 19765—Received March 10, 1911; sentence, two years; April 26, 1911, making bad work and taking credit for work not completed, shirt department; cuffed.

No. 19437—Received April 20, 1910; sentence, two years; October 3, 1910, shooting crap in the shop and indifference in shirt department; cuffed and cell till Monday A. M.

(R) No. 19684—Received January 24, 1911; sentence, one year; February 16, 1911, fighting, foundry department; cuffs and cell until further orders.

(R) No. 19550—Received September 13, 1910; sentence, five years; September 17, 1910, cuffs.

No. 19600—Received October 31, 1910; sentence, two years; December 3, 1910, bad conduct in dining-room; cuffs.

No. 19470—Received May 9, 1910; sentence, one year; June 15, 1910, indifference, shirt department; cuffs.

No. 19663—Received December 13, 1910; sentence, two years; February 27, 1911, indifference and no task, shirt department; cuffs and cell one night.

No. 19508—Received June 10, 1910; sentence, ten years; July 5, 1910, very bad conduct in shop, shirt department; cuffs.

No. 19527—Received July 1, 1910; sentence, seven and a half years; November 14, 1910, talking in his room; cuffed and thirty days.

No. 19571—Received October 15, 1910; sentence, one year; October 19, 1910, loafing in brush shop; cuffs and cell one night.

No. 19764—Received March 10, 1911; sentence, two years; March 14, 1911, disobedience; cuffs and cell till further orders.

No. 19403—Received March 29, 1910; sentence, one year; May 10, 1910, doing bad work and indifference, shirt department; cuffs and cell till further orders.

No. 19440—Received April 21, 1910; sentence, one year; May 15, 1910, laughing and singing and dancing and beating the walls; cuffed.

No. 19550—Received September 13, 1910; sentence, five years; September 17, 1910, continually talking in shop, shirt department; cuffs and cell until Monday A. M.

FROM MAY 1, 1911, TO APRIL 30, 1912.

(**R**) No. 19927—Received September 22, 1911; sentence, four years; December 27, 1911, indifference and loafing in foundry department; cuffs and cell one night.

No. 19822—Received April 27, 1911; sentence, five years; June 14, 1911, doing bad work, shirt department; cuffs and cell till further orders.

No. 20032—Received November 29, 1911; sentence, three years; February 21, 1912, continually talking in dining-room; cuffs.

No. 19711—Received February 3, 1911; sentence, one year; May 17, 1911, doing bad work; cuffs and cell till further orders.

No. 19648—Received December 7, 1910; sentence, ten years; May 22, 1911, fighting in shop, shirt department; cuffs and sixty days.

(**R**) No. 19972—Received October 24, 1911; sentence, one and a half years; December 1, 1911, disturbing the dormitory; cuffs.

No. 20050—Received December 7, 1911; sentence, three months; December 29, 1911, loafing and no task; cuffs and cell one night.

No. 20087—Received January 24, 1912; sentence, six years; March 27, 1912, no task, shirt department; cuffs.

No. 19772—Received March 20, 1911; sentence, one year; July 26, 1911, profane language; cuffs.

No. 19783—Received March 29, 1911; sentence, two years; July 26, 1911, continually talking and no task, shirt department; cuffs.

No. 19719—Received February 13, 1911; sentence, three years; May 22, 1911, fighting in shop; cuffed.

No. 19800—Received April 13, 1911; sentence, five years; May 24, 1911, threatening language, shirt department; cuffs and sell one night.

No. 19833—Received May 9, 1911; sentence, one year; August 4, 1911, no task, shirt department; cuffs and cell one night.

No. 19913—Received August 31, 1911; sentence, three years; February 10, 1912, continually talking and laughing in shop; cuffs.

No. 19886—Received June 20, 1911; sentence, three years; September 21, 1911, bad work, shirt department; cuffs.

(**R**) No. 19989—Received October 30, 1911; sentence, one and a half years; November 20, 1911, talking in dining-room; cuffs.

No. 19829—Received May 3, 1911; sentence, four years; October 12, 1911, doing bad work, shirt department; cuffed.

No. 19969—Received October 23, 1911; sentence, two years; April 9, 1912, loafing, brush shop; cuffed.

No. 19849—Received May 15, 1911; sentence, one and a half years; June 7, 1911, bad work, shirt department; cuffs and cell till further orders.

No. 19800—Received April 18, 1911; sentence, six years; May 18, 1911, quarreling, shirt department; cuffs.

No. 19866—Received June 1, 1911; sentence, one year; September 22, 1911, general bad conduct, shirt department; cuffs.

No. 19854—Received May 19, 1911; sentence, one year; July 20, 1911, no task; cuffed and back to work.

No. 19780—Received March 28, 1911; sentence, one year; May 2, 1911, bad conduct and no task, shirt department; cuffs and cell till further orders.

No. 19881—Received June 19, 1911; sentence, one year; September 28, 1911, breaking a needle ball, shirt department; pay

seventy-five cents damages; cuffs, cell one night and thirty days' loss of time.

No. 19900—Received July 12, 1911; sentence, one year; August 25, 1911, no task; cuffed.

No. 19756—Received March 6, 1911; sentence, two and a half years; May 10, 1911, laughing and skylarking and failing to do task, shirt department; cuffs and cell until further orders.

No. 19910—Received August 16, 1911; sentence, one year; October 3, 1911, no task, shirt department; cuffed.

(R) No. 19912—Received August 23, 1911; sentence, three years; October 3, 1911, no task, shirt department; cuffed.

EXHIBIT E.

MARYLAND PENITENTIARY

DATA IN REFERENCE TO DISCIPLINE.

MAY 1, 1907, TO APRIL 30, 1908.

No. of times prisoners were reported	3525
" " " " " punished	2295
" " " " " " with cuffs	613
" " prisoners punished with cuffs	287
" " " to which these figures apply	1409

MAY 1, 1908, TO APRIL 30, 1909.

No. of times prisoners were reported	5097
" " " " " punished	3067
" " " " " " with cuffs	736
" " prisoners punished with cuffs	341
" " " to which these figures apply	1476

MAY 1, 1909, TO APRIL 30, 1910.

No. of times prisoners were reported	4015
" " " " " punished	2483
" " " " " " with cuffs	325
" " prisoners punished with cuffs	192
" " " to which these figures apply	1458

MAY 1, 1910, TO APRIL 30, 1911.

No. of times prisoners were reported	3277
" " " " " punished	2277
" " " " " " with cuffs	232
" " prisoners punished with cuffs	164
" " " to which these figures apply	1477

MAY 1, 1911, TO APRIL 30, 1912.

No. of times prisoners were reported	3008
" " " " " punished	2041
" " " " " " with cuffs	229
" " prisoners punished with cuffs	159
" " " to which these figures apply	1416

EXHIBIT F.

CUFFING UP AS USED IN MARYLAND PENITENTIARY NOT USED IN ARMY.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,
820 Munsey Building, Baltimore, Md.

JANUARY 25th, 1913.

THE ADJUTANT-GENERAL'S OFFICE,
Washington, D. C.

DEAR SIR: In your communication No. 1997411, of January 16th, 1913, our attention was invited to page 11, paragraph 47, sub-section "G," reading as follows:

"(G)—Solitary imprisonment on restricted diet **and handcuffed to door."**

We are closing our report and are confronted by the statement of the Warden that "cuffing-up," as it is called here, is a punishment used in the United States Army. This regulation permits cuffing hand to door. But at what **elevation?** The practice here is to suspend men by the wrists. In the practical operation of Section "G" of paragraph 47 of your regulations, **are the hands cuffed at an elevation above the shoulders?**

We are very anxious to obtain an affirmative statement from you, one way or the other, **definitely determining** how this punishment is inflicted in the Army, asking permission of you to be allowed to quote your statement in our report.

Yours respectfully,

EUGENE O'DUNNE,
Chairman.

Received A. G. O. Jan. 26, 1913.

1997411-A 1st Ind.

War Dept., A. G. O., Jan. 29, 1913.—To the Commandant, United States Military Prison, Fort Leavenworth, Kansas, for remark. By order of the Secretary of War.

W. O. S. HEITLAND,
Adjutant-General.

1 Incl.

16687. 2d Ind.

U. S. Military Prison, Ft. Leavenworth, Kansas, February 3, 1913.—Returned to the Adjutant-General of the Army.

1. Paragraph 47, regulations for the government of the United States Military Prison, in so far as it pertains to solitary imprisonment on restricted diet and handcuffed to the door, is carried out at this prison in the following manner:

2. The handcuff bar is placed from 34 to 36 inches above the floor, depending upon the height of the prisoner to be punished. The prisoner's back is placed to the door and his hands are placed in the handcuffs, which rigidly fasten to the bar. The distance between the cuffs on the bar varies from 14 to 16 inches. **The attitude is one of restraint, but in itself is not one of punishment. The prisoner's arms have no pull placed upon them and are merely restrained.** The restraint, of course, is greater than that of a straight jacket in as much as the handcuffs are fastened to an immovable object. When the punishment is administered the prisoner's outer clothing is removed, his shoes are taken off and he stands on the floor in his stocking feet. Everything is removed from the cell. There is nothing left in it that he can defile in any way except his underclothing. The punishment is inflicted during hours only **and in half-hour periods,** an inspection being made every half hour and the prisoner released as soon as he admits the sufficiency of the punishment. Only in rare instances does the punishment ex-

ceed the duration of time of three periods, or an hour and a half; usually two periods are sufficient.

THOMAS H. SEMUS,
Lieutenant-Colonel, Q. M. Corps,
Commandant.

1 enclosure.

Received back A. G. O., February 6th, 1913.

1997411. 3d Ind.

Respectfully returned to Mr. Eugene O'Dunne, chairman Commission Maryland Penitentiary Penal System, 820 Munsey Building, Baltimore, Md., inviting attention to the statement of the commandant, United States Military Prison, Fort Leavenworth, Kansas, contained in the preceding indorsement, page 2.

W. O. S. HEITLAND,
Adjutant-General.

EXHIBIT G.

COPY OF CONTRACT BETWEEN THE DIRECTORS OF THE MARYLAND PENITENTIARY AND THE JONES HOLLOW WARE CO.

THIS AGREEMENT, Made and concluded this twenty-second day of December, in the year of our Lord nineteen hundred and eleven (1911), between the Directors of the Maryland Penitentiary, of the first part, and the Jones Hollow Ware Company of Baltimore, of the second part,

WITNESSETH: *First.*—It is hereby agreed and understood by and between the parties aforesaid that this contract shall be for a term of five (5) years, and it is to become effective on the twenty-second day of December, nineteen hundred and eleven.

Second.—The party of the first part agrees to hire to the party of the second part two hundred and forty (240) male convicts, at sixty cents (60c.) per day for each male convict. In the event of the party of the first part becoming short of convicts, however, and thereby being unable to furnish the complement of convicts under this contract and under other contracts for the hiring of convicts, then it is understood that it is to furnish to said party of the second part only its pro rata of convicts, the number to be furnished them and other contractors to be ratably reduced.

It is also understood and agreed that during the continuation of this contract, that when any new convicts received and confined in the Maryland Penitentiary after the twenty-second day of December, nineteen hundred and eleven, are employed under this contract, no compensation is to be paid to the party of the first part by the party of the second part, for the labor of said new convicts for the space of thirty (30) days from the date of their first employment, unless previous service or employment on this kind of work has rendered said new convicts familiar with the same.

Third.—That the daily task to be performed by the convicts is to be fixed by the Warden of the Maryland Penitentiary, subject to confirmation by the Board of Directors. The party of the second part is to pay for all overwork done by said convicts at the same rate per diem as that paid for the daily task of the convicts, and to pay for said overwork monthly in cash, on or before the tenth day of each month, and bills for said overwork are to be made up to and including the last day of the preceding month, and are to be rendered on the first day of each month.

Fourth.—The party of the first part also agrees to rent to the party of the second part the ground floor of the building north of the Warden's office, the entire two story and basement building west of the Warden's office, with the one-story building immediately north of the last described building (but not to include any part of the building east of the Warden's office), together with the use of the engine and boiler located in the west wing, and also the new plain one-story brick building heretofore erected by them, for the sum of fourteen hundred and eighty dollars ($1480.00) per annum, payable monthly in cash; and the parties of the second part further agree to furnish stoves and fuel for heating, and to keep the glass in the work shops in good order, and to keep and leave buildings, engine and boiler in good order, damage by fire and usual wear and tear excepted.

It is further agreed that the parties of the second part shall pay the sum of one hundred and fifty dollars ($150.00) annually for water used by them, said sum to be paid on the first day of March of each year.

Fifth.—The party of the first part is to supply the current necessary for the lighting of shops, office, etc., to maintain wires, etc., in proper repair, and to supply the necessary lamps; and the party of the second part agrees to pay for said current ten cents (10c.) per kilowatt hour, the quantity to be determined by measuring meter, and to be payable on the first day of each month. In the event of the meter failing to reg-

ister, the amount of current used shall be averaged by the consumption of the same month of the previous year.

Sixth.—It is further agreed that the party of the second part shall have the exclusive right to carry on the business of the iron foundry in the said Penitentiary during the term of this contract, and that guards shall be furnished to the party of the second part by the party of the first part, to maintain discipline and industry.

Seventh.—Said Jones Hollow Ware Company, of the second part, hereby make over and relinquish and assign to the Directors, of the first part, all machinery and patterns, manufactured and unmanufactured stock, etc., that they may have from time to time upon the premises of said Penitentiary, as security for all obligations growing out of this contract.

Eight.—And it is further agreed that if the party of the second part shall fail or refuse to keep the said convicts employed for the space of twenty (20) days, then this contract shall be forfeited, and the party of the second part shall be liable for the penalty hereinafter set forth for breach of contract.

And it is also stipulated and agreed that should the party of the second part be in default of payment of any one month's wages of the convicts, or of the amount due for overwork, or for the use and occupation of the premises, machinery, etc., for the period of ten (10) days after the same shall become due, or for the non-fulfillment of the requirements in foregoing Section 8, it shall be lawful and proper for the Directors, of the first part, to annul this contract, and take possession of the articles and property assigned as security, as above set forth, and on giving ten (10) days' notice in two (2) of the daily newspapers of Baltimore City, to make sale of the same; and upon paying what is due the Institution by the parties of the second part and expenses of sale, to pay the balance to parties of the second part, or their legal representatives, should any such balance remain after such payments.

Ninth.—It is understood, however, in the event of the buildings, machinery, etc., the property of the said parties of the first part, used and occupied by the parties of the second part, being destroyed or damaged by fire, that the said parties of the second part are not to be held liable under the terms of this contract for hire of convicts, rent, etc., until said building, machinery, etc., shall have been replaced or rebuilt and are ready for occupancy, which rebuilding or replacing the parties of the first part, for themselves and their successors, agree to have properly done.

Tenth.—It is further agreed and understood that the parties of the second part shall have the privilege to remove any machinery for repairs or stock, provided there is enough of property left on the premises to secure the faithful performance of this contract in the judgment of the Monthly Committee of Directors or the Warden, who shall also certify in writing before such property is removed.

Eleventh.—The said Jones Hollow Ware Company are, upon the discharge of its obligations under this contract, to have the right of removing such machinery as they may have erected from time to time upon the premises of the said party of the first part.

Twelfth.—The said parties of the second part do hereby bind themselves and hold themselves responsible for a faithful compliance with the rules and regulations governing the prison upon the part of all overseers they may have in their employ from time to time and to the end of this contract, and bind themselves and their legal representatives in the further sum of two thousand dollars ($2,000.00) in liquidated damages, and not as a penalty, merely for the faithful compliance with all the terms and conditions of this contract.

Thirteenth.—If National legislation adversely affect the employment of contract convict labor in the Penitentiary, or interferes with the disposal of the product of such labor, either party shall have the right to terminate this contract by giving one year's notice in writing to the other.

In Witness Thereof, The President of the Board of Directors of the Maryland Penitentiary has hereunto set his hand and seal, and the president of the Jones Hollow Ware Company has hereunto set his hand and affixed his seal the day and year aforesaid.

(Signed) F. A. Furst,
President of the Board of Directors,
Maryland Penitentiary.

Witness:

(Signed) John F. Weyler.

(Signed) Michael T. Horner,
President of the Jones
Hollow Ware Company.

Witness:

(Signed) M. B. Meanley.

EXHIBIT H.

COPY OF CONTRACT BETWEEN THE DIRECTORS OF THE MARYLAND PENITENTIARY AND THE BROMWELL BRUSH AND WIRE GOODS COMPANY.

THIS AGREEMENT made this 26th day of July in the year 1910, between the Directors of the Maryland Penitentiary, a body corporate, party of the first part, and the Bromwell Brush and Wire Goods Company, of Cincinnati, Ohio, a body corporate, party of the second part.

WITNESSETH: That for the consideration hereinafter set forth, it is hereby agreed between the parties hereto, as follows:

First.—The party of the first part agrees to hire to the party of the second part two hundred (200) male convicts, the number to be increased to two hundred and fifty (250) at the option of the party of the second part. In the event of the party of the first part becoming short of convicts, however, and thereby being unable to furnish the complement of convicts under this contract and under other contracts for the hiring of convicts, then it is understood that it is to furnish to the said party of the second part only its pro-rata of convicts—the number to be furnished them and other contractors to be ratably reduced.

Second.—That the compensation for said labor shall be fifty-five cents (55 cents) per day for each male convict, and that the party of the second part shall pay for said convict labor monthly, in cash, on or before the tenth day of each month, and that the bills for said labor are to be made up to and including the last day of the preceding month, and shall be rendered by the party of the first part to the party of the second part on the first day of each month.

Third.—That this contract is to become effective on the first day of October, 1910, and it is also understood during the continuance of this contract that when any new convicts who may

be confined in the Maryland Penitentiary after October 1st, 1910, are employed under this contract, no compensation is to be paid to the party of the first part by the party of the second part for the labor of said new convicts for the space of thirty (30) days from the date of their first employment, unless previous service or employment on this kind of work has rendered said new convicts familiar with the same, in which case they will go on time from the day of their assignment.

Fourth.—That the daily task to be performed by the convicts is to be fixed by the Warden of the Maryland Penitentiary, subject to confirmation by the Board of Directors. The party of the second part is to pay for all overwork done by said convicts, at the same rate per diem as that paid for the daily task of the convicts; and to pay for said overwork monthly, in cash, on or before the tenth day of each month. And bills for said overwork are to be made up to and including the last day of the preceding month, and are to be rendered on the first day of each month.

Fifth.—That the party of the first part shall furnish the party of the second part, free of rent, all the new factory building now occupied by the Baltimore Boot and Shoe Manufacturing Company, and so much of the old "L" shaped building, located in the Central Yard, as may be deemed necessary by the Warden and approved by the Board of Directors; and that the said party of the first part is to furnish power and steam necessary for running the plant, and also to properly light and heat the shops of the said party of the second part free of charge.

Sixth.—That in case the shops or building so occupied by the party of the second part shall be destroyed by fire, then the pay of the convicts is to cease until suitable shops or buildings shall be provided by the party of the first part for the continuance of the work, when the wages of the convicts shall be paid as before.

Seventh.—That the party of the second part hereby makes over, assigns, and delivers to the party of the first part, all the

machinery and tools that may be in use by it on the premises of the said party of the first part for the security for the performance of the obligations imposed on the said party of the second part by the terms of this contract; but that the said party of the second part shall be permitted to remove any machinery for repairs.

Eighth.—That should the party of the second part be in default of any one month's wages of the convicts, it shall be lawful for the party of the first part to annul this contract, and after giving ten days' notice of sale in one of the daily newspapers of Baltimore city, to sell all machinery and tools hereinbefore assigned to the party of the first part, and after paying what is due the party of the first part and all expenses of the sale, to pay the balance, if any, to the said party of the second part.

Ninth.—That the party of the second part will faithfully observe all the rules adopted by the Directors and Warden of the Maryland Penitentiary, and it hereby agrees that all the overseers and other officers who may be employed by it for the performance of the work intended under this contract, will also faithfully observe said rules.

Tenth.—That in addition to the provisions contained in the Seventh and Eighth paragraphs of this contract, the party of the second part agrees to furnish said party of the first part a bond in penalty of twenty thousand ($20,000) dollars with a surety company satisfactory to the party of the first part, conditioned for the faithful performance by it of the provisions of this contract.

Eleventh.—That it is also understood and agreed that this contract shall continue in force for a period of five years from the first day of October, 1910, that is to say, up to the first day of October, 1915. At the expiration of this contract the party of the second part shall have the privilege of renewing same for an additional five years, that is to say, up to the first day of October, 1920, providing they so notify the party of the first part, in writing, six months prior thereto.

Twelfth.—It is also understood and agreed that should the National Government pass laws inimical to the sale of prison-made goods to such an extent as to make unlawful the sale of goods manufactured under this contract, or to seriously interfere with the sale thereof, then the party of the second part may cancel this contract upon giving ninety (90) days' notice in writing of its intention so to do, to the party of the first part.

It Is Further Understood that the convicts leased by the party of the first part to the party of the second part are to be used by the party of the second part in the manufacture of brushes, wire goods, and other articles in that line and for no other purpose.

In Witness Thereof the President of the Directors of the Maryland Penitentiary has hereto set his hand and affixed the corporate seal of the said party of the first part, properly attested, and the said Bromwell Brush and Wire Goods Company, of Cincinnati, Ohio, has caused the President of said Company to set his hand and affix the corporate seal, properly attested, hereto on the day and year first above written.

(Signed) F. A. Furst,

President of the Board of Directors,
Maryland Penitentiary.

Witness:

(Signed) John F. Weyler.

(Signed) Thos. M. Melish,

Vice-Pres. Bromwell Brush
and Wire Goods Co.,
Cincinnati, Ohio.

Witness:

(Signed) Wm. A. Oettinger.

EXHIBIT I.

COPY OF CONTRACT BETWEEN THE DIRECTORS OF THE MARYLAND PENITENTIARY AND THE EXPORT MANUFACTURING CO.

THIS AGREEMENT, made this twenty-second day of December, 1911, between the DIRECTORS OF THE MARYLAND PENITENTIARY, a body corporate, party of the first part, and ELI OPPENHEIM, of Baltimore City, State of Maryland; DAVID OBERNDORF, of New York City, State of New York, and ISAAC A. OPPENHEIM, of Baltimore City, State of Maryland, co-partners, trading as the EXPORT MANUFACTURING COMPANY, parties of the second part.

WITNESSETH: That for the consideration hereinafter set forth, it is hereby agreed between the parties hereto as follows:

1. That the party of the first part hereby agrees to hire to the parties of the second part, and the parties of the second part agree to employ the labor of five hundred and twenty-five male and one hundred female convicts. In the event of a deficiency in the number of convicts, the party of the first part thereby becoming unable to furnish the labor of the number of convicts named in this contract and under other contracts for the hiring of the labor of convicts, then it is understood it is to furnish to the said parties of the second part only their proportionate part of the labor of convicts, the amount to be furnished them and other contractors to be ratably reduced.

2. That the compensation for said convict labor shall be fifty cents per day for both male and female convicts, and the said parties of the second part shall pay for said convict labor monthly in cash on or before the tenth day of each month, and that the bills for said labor are to be made up to and including the last day of the preceding month, and shall be rendered by the party of the first part to the parties of the second part on the first day of each month.

3. This contract is to become effective on the 22nd day of December, 1911. And it is also understood that during the continuance of this contract when any new convicts, who may be confined in the Maryland Penitentiary after the 22nd day of December, 1911, are employed under this contract, no compensation is to be paid to the party of the first part by the parties of the second part for the labor of the said new convicts for the space of thirty days from the date of their first employment, unless previous service, or employment on this kind of work, has rendered said new convicts familiar with the same.

4. That the daily task to be performed by the convicts is to be fixed by the Warden of the Maryland Penitentiary subject to confirmation by the Board of Directors, provided the minimum task on each part of a garment shall be at least equal to similar tasks performed on corresponding parts of similar work at other like institutions. That the parties of the second part are to pay for all overwork done by said convicts at the same rate per diem as that paid for the daily task of the convicts, and to pay for said overwork monthly in cash, on or before the tenth day of each month, and bills for said overwork are to be made up to and including the last day of the preceding month, and are to be rendered on the first day of each month.

5. That the party of the first part shall furnish the partics of the second part, free of rent, the second and third floors of the building running North from the Central Office of the Maryland Penitentiary; and the ground floor, the second, third and fourth floors of the building, running East from the Central Office, (but not the cellar underneath of same), and also the first and second floors of the West Wing of the building formerly occupied by the Baltimore Boot & Shoe Manufacturing Company, and also the third and fourth floors of the new stone building recently completed for the female convicts; and that the said party of the first part is to furnish power and steam necessary for running the plant and laundry, and also to properly light and heat the shops of the said parties of the

second part, in which the parties of the second part, however, are to repair and replace all necessary carbon used in their arc lamps and to replace all burned out or broken incandescent lamps used in their plant.

6. That in case the shops or buildings so occupied by the parties of the second part shall be destroyed by fire, then the pay of the convicts is to cease until thirty days after suitable shops or buildings shall be provided by the parties of the first part for the continuance of the work, when the wages of the men or women, whichever the case may be, shall be paid as before.

7. That the parties of the second part hereby make over, assign and deliver to the party of the first part, all the machinery and tools that may be in use by them on the premises of the said party of the first part, as security for the performance of the obligations imposed on the said parties of the second part by the terms of this contract; but that the parties of the second part shall be permitted to remove any machinery for repairs.

8. That should the parties of the second part be in default in the payment of any one month's wages of the convicts, it shall be lawful for the party of the first part to annul this contract, and after giving ten days' notice of sale in one of the daily newspapers of Baltimore City, to sell all the machinery and tools hereinbefore assigned to the said party of the first part, and after paying what is due the party of the first part and all expenses of the sale, to pay the balance, if any, to the said parties of the second part.

9. That the parties of the second part will faithfully observe all the rules adopted by the Directors and Warden of the Maryland Penitentiary, and they hereby agree that all the overseers and other officers who may be employed by them for the performance of the work intended under this contract will also faithfully observe said rules.

10. That in addition to the provisions contained in the seventh and eighth paragraphs of this contract, the parties of

the second part agree to furnish the party of the first part, a bond in the penalty of twenty-five thousand dollars ($25,000) with a surety company satisfactory to the party of the first part, conditioned for the faithful performance by them of the provisions of this contract.

11. And it is understood and agreed that this contract shall continue in force for a period of five years from the 22nd day of December, 1911, that is to say, up until the 22nd day of December, 1916. And it is further understood and agreed that when this contract becomes effective from the 22nd day of December, 1911, all other contracts or agreements previously entered into between the parties of the first part and the parties of the second part, are to be considered annulled and cancelled.

12. It is also understood and agreed that should the National Government pass laws inimical to the sale of prison-made goods, to such an extent as to make unlawful the sale of goods manufactured under this contract, or to seriously interfere with the sale thereof, or should a majority of the following States make such laws, to wit: Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Maryland, Texas, California, Michigan, Missouri, Virginia, West Virginia, or should the fact that the parties of the second part sell prison-made goods seriously interfere with any branch of their business, through a boycott or for any similar reason, then the parties of the second part may cancel this contract upon giving four months' notice in writing of their intention so to do, to the party of the first part.

13. It is further understood that the labor of convicts employed by parties of the second part is to be used by the parties of the second part in the manufacture of articles in their line, such as shirts, drawers, overalls, coats and kindred articles of workingmen's clothing, and that during the continuance of this agreement the party of the first part shall not hire to other contractors the labor of any convicts for the purpose of manufacturing any articles similar to or conflicting with those manufactured by the said parties of the second part.

14. It is also understood and agreed that in the event that the parties of the second part should determine to form a corporation to conduct the business now conducted by them as partners, and should turn over their business to a corporation so formed, that in such event they shall have the right to assign this contract to such corporation so formed, and such corporation shall thereupon be entitled to all rights and assume all liabilities hereunder, and shall stand in the place in all respects of the parties of the second part, who shall, however, upon the making of such assignment, enter into an obligation as individuals with the parties of the first part, guaranteeing the performance of this contract by said corporation.

In Witness Thereof, The President of the Directors of the Maryland Penitentiary has hereunto set his hand and affixed the corporate seal of the party of the first part, properly attested, and the parties of the second part have hereunto set their hands and seals, this 22nd day of December, 1911.

(Signed) F. A. Furst,

President of the Board of Directors,
Maryland Penitentiary.

Witness:

(Signed) John F. Weyler, Warden.

Eli Oppenheim. (Seal.)

David Oberndorf. (Seal.)

Isaac A. Oppenheim. (Seal.)

APPENDIX A.

NOTES TAKEN ON SHORT TRIP OF INSPECTION.

September, 1912.

Our Commission, desiring to see what is done and can be done in prisons elsewhere, decided to make a short trip of inspection to some of the prisons of the country, and we arranged with Mr. Joseph P. Byers, head of the Department of Charities and Corrections, New Jersey, also General Secretary of the American Prison Congress, and who had also had practical experience as a warden in both Pennsylvania and Indiana, to select a trip that would prove most instructive to our Commission, and we persuaded him to accompany us on this trip.

WESTERN PENITENTIARY, PENNSYLVANIA.

We left Baltimore Thursday evening, September 19, 1912, to examine the Western Penitentiary of Pennsylvania, near Pittsburgh. We found there a typical penitentiary badly located having on the day of our visit a population of nine hundred and eighty-one, of whom eighteen were women and only about twenty per cent. colored.

The laws of Pennsylvania prohibit the employment of over thirty-five per cent. of the population of the penitentiary in productive labor. The articles there furnished the prisoner by the State are: One bar of ivory soap once a week or more if needed; one plug of tobacco once a week with privilege to the prisoner to buy more once a month at his own expense; two sets of underwear, also shoes and socks and necessary clothing, with the privilege of having his own if he so desires. In the bertillion system there was no use of finger prints. Smoking is permitted only in the cells for one hour after supper. In twenty years there has been no case of fire arising therefrom. The officers work on an eight-hour schedule.

There was a barber shop in the institution for the officers with a rack with separate cups for each officer, a shoe-shining stand also, the entire service free of any expense to the officers.

Prison stripes are not used except as a punishment for infraction of the rules, and these stripes are of an inconspicuous character. Out of the total population of nine hundred and sixty-three males at that time there were only six subject to discipline by being in these stripes. Nor is the lock-step used at all.

No corporal punishment, as the term is ordinarily used, is inflicted. In extreme cases men are cuffed up, but not in the sense in which that term is understood at the Maryland Penitentiary. They are only cuffed with their hands to a cell door at about the level of their waists. In cases of extreme violence a canvas straight-jacket is placed on the inmate until he subsides.

Persons put in the cells for confinement as punishment are visited every day by the doctor and fed on bread, two slices, and water three times a day. The punishment cell is eight feet by five feet in dimensions and supplied with a bed and mattress at night, the bed and mattress being removed during the daytime.

The honor system is in vogue, the prisoners being divided into three grades, A, B and C. On admission to the Institution he is admitted to B-grade. Upon good behavior he is advanced to A-grade and for demerits is reduced to C-grade. He must remain in a grade six months before he can advance.

We were much impressed by the character of the man who acted as chaplain at this Institution, Rev. C. M. Miller. We asked him what was the secret of his success with the prisoners and he said his whole story could be boiled down to a short formula which he expressed as "soap, soup and salvation." Mr. Miller is paid a salary of twenty-five hundred dollars a year. No change of religion is permitted in the Institution. Services are held by the different denominations and a man's religious views are booked when he enters and he attends the services of the denomination to which he belongs and is not permitted to change during his term of confinement. A

prison orchestra was maintained by the inmates, who practiced every evening about six o'clock. There was also a brass band composed of prisoners practicing from six to seven P. M. The inmates having musical talent considered it a great privilege to be allowed to become a member of the orchestra or brass band.

The cells were about eight feet by seven feet in size, having bowls and toilet, hot air heat. The iron cell doors were made of bars running all the way from ground to ceiling, with a window on the side with iron bars. A mat was provided in every cell, furnished by the State. In the open yard there were small plots of ground, about twenty feet by twenty feet, each in the exclusive charge of a life convict, who, in his leisure from work, was permitted to garden and raise flowers, and the hospital of the institution was always supplied with flowers from these gardens.

The women's department, under the immediate direction of Miss Arner, matron, showed a woman's keeping throughout. The rooms were well carpeted with white linen strips laid in the halls and stairs, pillow slips on the bed made of drawn work furnished by the State. In the course of twenty-two years corporal punishment has not been resorted to. The institution is supplied with dark cells, but only one is ever used. The women work on shirts made of goods weaved in the prison. There is an assembly room for the women, with a piano, and in the yard a large chicken run, where the women also raise chickens. The institution maintains a resident physician and has a dental department, the prisoners paying for their dental work if they have the means to do so; if not, it is supplied them by the State.

Since January 1, 1911, the resident physician claims to have successfully used Salvarsan-Urlich, the specific for syphilis, which is commonly known as "606," in one hundred and fifty-nine cases without any accidents or bad results in a single case. The resident physician has a large series of photographs of the different subjects on whom this treatment was used, taken in the style of "before and after." The salary of the

physician is twenty-two hundred dollars a year and home supplied, there being also a resident druggist at the hospital. They have a large tubercular ward practically open on three sides, and we were informed that the temperature in winter was sometimes as low as thirty-four degrees below zero. The doctor sees every man twice a week, and any man upon request will be seen at any time.

The examination twice a week is only of a cursory character. The doctor stands and reviews the entire population of the prison twice a week, and as they pass before him if he thinks from their appearance that they deserve medical examination, he will have them step out of line, but there is a personal examination in any event of each prisoner annually.

In the dining-room on the tables, accessible to each four men, is a cruet of vinegar, salt and pepper and a pitcher of syrup, in addition to whatever may be the meal for the day. Whatever is supplied in the way of food, is supplied in bowls for each four prisoners, the bowl being placed in front of the four and refilled as often as empty.

Laundry work is done every day, large modern electric centrifugal wringers being in use.

A school of instrutcion for teaching illiterates is provided at the institution.

There are five prison inspectors, who can be seen by the prisoners on their request.

The goods manufactured by the institution under the laws which permit only thirty-five per cent. of the inmates to be engaged in productive labor, are manufactured on State account. The laws of Pennsylvania also prohibit the use of motor power in the prison for manufacturing purposes except for the making of articles on State account.

OHIO STATE REFORMATORY, MANSFIELD, OHIO.

JAMES A. LEONARD, Superintendent.

Leaving the Western Penitentiary at noon, September 20th, we went direct to Mansfield, Ohio, to the State Reformatory,

and where we were cordially received by Mr. James A. Leonard, superintendent, and now the president of the American Prison Congress.

This reformatory is a magnificent institution, built of gray stone, surrounded by a farm of which 840 acres are under cultivation. The average population of the institution for the year 1912 was 1,006. There are twelve acres within the walls of the reformatory, and in this enclosure are located the trade shops where the State-use system of manufacture has been substituted for the contract system, and where it is in successful operation, with sufficient capacity to meet the requirements of State institutions in the following industries:

Shoe Factory,
Clothing Factory,
Furniture Factory,
Broom Factory,
Machine Shop,
Printery,

together with some smaller industries, such as blacksmith shops, tile and brick plants. The State-use system has there passed the experimental stage, and both the feasibility and superiority of this plan of employment of inmates of penal institutions has been demonstrated.

The development of the honor system of employing inmates on the farm has made it possible to render farming operations profitable from an economic standpoint. The belief of the managers of the institution, born of the experience of some years, is that the institution should have one acre of farm land to each man. We insert hereafter an itemized schedule of the cost of operating the farm and the gross receipts from its products, showing the net annual profit on the farm of $20,980.72.

As a demonstration of eleven years' experience with the 2,600 men who have been privileged to work in the open on the farm under the honor system there prevailing, only seventeen have even attempted to escape from the custody of the institution.

The value of goods manufactured at that institution during the period of fifteen months, exclusive of the gross receipts from the farm of over $31,000, are:

Clothing	$107,000.00
Furniture	23,000.00
Shoes	49,000.00
Printing	16,000.00
Brooms	3,000.00
Brick and Tile	3,000.00
Total	$201,000.00

We might add, in passing, that in the furniture factory a fine grade of mahogany furniture to equip the State offices of the State departments was being manufactured. The management find by experience that the various activities on the farm are a never failing source of inspiration to good conduct, good will and honest effort.

Results of Farming Operations at the Ohio State Reformatory for the Year Ending November 15, 1912.

The following table sets forth all farm products produced in the year ending November 15, 1912. All products credited to the farm are charged to the institution departments in which they are used at the wholesale price prevailing in season in the Mansfield markets, and the value set on each article is the result of the average of these prices, except in the case of some staples, as corn, oats, hay and onions, for which an average price is established for the year:

Articles.	*Quantity.*		*Amount.*
Apples	1,041	bushels	$416.40
Apples, Crab	1	bushel	.60
Asparagus	1,342	bunches	82.56
Buckwheat	1	bushel	1.00
Beans, Green	588⅜	bushels	346.95
Beans, Lima	40⅝	bushels	143.97
Beans, Soy	5	bushels	15.00
Beans, Navy	120	bushels	300.00
Beef	3,462	pounds	271.23
Beets, Young	369½	dozen	32.15
Beets, Table	605	bushels	261.02
Beets, Cow	40	tons	200.00

Articles.	*Quantity.*		*Amount.*
Blackberries	49	quarts	5.82
Brussel Sprouts	10	dozen	3.00
Cabbage	3,616	dozen	1,172.98
Carrots	125	bushels	53.00
Carrots, Young	1⅛	bushel	.34
Cauliflower	58¾	dozen	56.72
Celery	1,554	dozen	266.99
Celery, Root	61	bushels	43.25
Cherries	650	quarts	65.00
Chicken	2,152¾	pounds	256.96
Corn, Green	6,821¼	dozen	564.56
Corn, Ear	3,482	bushels	1,775.77
Corn, Fodder	2,500	shock	375.00
Cucumbers	1,111⅛	dozen	189.42
Currants	549	quarts	49.41
Cloverseed	3	bushels	30.00
Dill	5	bunches	.70
Ducks	2,107	pounds	205.56
Eggs	1,400½	dozens	296.06
Egg Plant	42	each	2.63
Elderberry	65½	quarts	3.28
Ensilage	190	tons	950.00
Geese	278	pounds	23.20
Gooseberries	736	quarts	66.24
Grapes	8,084½	pounds	129.57
Guineas	5½	pounds	.55
Honey	150	pounds	23.52
Horseradish	53	bushels	52.85
Hay, Timothy	139	ton	2,085.00
Hay, Clover	28	tons	336.00
Hides, Beef	445	pounds	45.12
Hides, Veal	240	pounds	35.60
Lamb	18	pounds	1.80
Lamb Pelts	8	each	2.90
Lettuce	5,959¼	pounds	308.48
Liver	722	pounds	44.90
Mangoes	75	bushels	22.50
Muskmelons	30¼	dozen	18.03
Mushrooms	36¼	pounds	16.20
Millet	1	ton	12.00
Onion Sets	14	bushels	21.00
Onions	10,237½	dozen	236.98
Onions	2,056¼	bushels	1,028.13
Oats	4,685	bushels	1,639.75
Parsley	210¼	pounds	10.50
Parsnips	533	bushels	216.50
Peaches	4½	bushels	8.37
Pears	37¾	bushels	30.85
Peas	133½	bushels	211.39
Peppers	35	quarts	2.00
Pickles	62,623	each	150.00
Plums	114¼	quarts	16.49
Pork	25,965	pounds	2,430.05
Potatoes	8,830	bushels	4,415.00
Pumpkins	12	tons	36.00

Articles.	*Quantity.*		*Amount.*
Quinces	4	bushels	4.00
Radishes	6,139½	dozen	186.18
Radishes, Winter	1½	bushel	.75
Raspberries	269	quarts	28.16
Rhubarb	4,240	dozen	130.39
Spinach	306¾	pounds	15.93
Squabs	8¼	dozen	23.54
Squash	38⅝	dozen	23.30
Straw	58	tons	263.95
Strawberries	1,549	quarts	150.96
Tallow	50	pounds	2.50
Tomatoes	696	bushels	309.19
Timothy Seed	63	bushels	119.70
Turnips	992	bushels	329.66
Tomatoes, Green	477¾	bushels	119.50
Veal	2,251	pounds	241.66
Water Cress	2½	pounds	.10
Watermelons	2½	dozen	4.25
Wheat	341	bushels	341.00
Wheat Screenings	12½	bushels	7.50
Wonderberries	13½	quarts	2.03
Milk, not separated, butter fat in	17,987	gallons	2,518.18
Milk, separated, butter fat out	17,987	gallons	1,259.09
Butter	5,818	pounds	1,454.50
In addition to the above there has been a natural increase in live stock and poultry over that shown in last year's inventory and on hand November 15th, 1912, the value of which carefully estimated amounts to the following:			
Colts			150.00
Heifers and Calves			800.00
Pigs			200.00
Poultry			698.50
			$31,499.62
Less Salaries for Superintendence		$1,800.00	
Cost of Fertilizer		646.98	
Plants and Seeds		830.44	
Feed to Stock on Farm (credit in form of meat, milk, butter and eggs)		5,500.00	
Allowance for Depreciation of Farm Machinery, implements and discarded articles		750.00	
Rental for leased land		991.48	
			10,518.90
Net Profit From Farm			$20,980.72

INDIANA STATE PRISON, MICHIGAN CITY, IND.

E. J. Fogarty, Warden.

Leaving Mansfield, we went direct to the Indiana State Prison, at Michigan City, Ind.

We were met at the station by Warden Edward J. Fogarty, three times Mayor of South Bend, Ind., who took us to the institution in his automobile, a young white man, a life convict for murder, being his efficient chauffeur. We found the institution a model prison, the entire new part having been constructed entirely by prison labor. This includes even the iron work.

The population of the prison was eleven hundred and fifty, including about one hundred and fifty criminal insane, who are kept in a separate building. There was then nearing completion a large modern structure of brick and concrete, all made by the prisoners of the institution. This building is known as the Indiana Hospital for Insane Criminals.

The corridors, or galleries, or ranges, as they are called in different institutions, leading to the cells of the inmates, are not caged, but simply have a railing, which is about three feet high. All the cells and corridor walls are painted in white enamel, and the institution offers in good faith a reward of ten dollars for a bedbug found in the prison.

The cells of both new cell houses have iron spring beds, with mattresses, white porcelain lavatories and water closets. All the iron bars are painted in white enamel.

The institution is surrounded by a wall twenty-five feet high, with a flagging walk on top four feet wide. This wall is patrolled by armed guards, but there is not an armed man in the prison nor a single gun in the institution.

In the matter of discipline, corporal punishment is never resorted to. In extreme cases men are put in solitary confinement; that is, they are placed in a well lighted and warm cell alone, and their hands are cuffed to the door during the day in a position a very little above the waist line. Solitary confinement is in use for the more obstinate offenders, but the

Warden advised us that he was anxious to entirely abolish solitary confinement.

All the barber work is done by inmates of the institution. The barber force consists of four men. These men begin on Tuesday noon, visit the shops in regular succession and shave the men employed there in presence of the shop officer. They get around by Friday noon. This gives Friday afternoon and Saturday for shaving "stragglers," the hospital inmates and such other men as may have been missed—men who work about the yard in various places. Hair cutting is done on Monday and on Tuesday forenoon.

We found about two hundred "life" men in this prison, and one man under sentence of death working in the hospital the same as the other attendants were working. The large number of "life" prisoners in this prison is due to the fact that all men sentenced to life imprisonment in the State of Indiana are taken to the institution at Michigan City. For sentences other than "life," all men under thirty years of age are taken to Jeffersonville, Ind., to the Indiana Reformatory.

The Indiana law provides that six hundred men and half of the number of men in excess of eight hundred may be employed at contract labor. Six hundred were employed on contract at the time we were there. The Warden seemed especially pleased at the pleasant relationship existing between the contractors and the prisoners employed in the granite or monument works. He said that not a complaint had come to him from the prisoners as to treatment received from these contractors. However, he is not favorable to contract labor in prisons, and hopes that a way will soon be found to abolish contract labor in the Indiana State Prison.

Visiting the dining-room we found one thousand and fifty men seated at the tables, which were spread with china dishes, and the twenty officers standing in line at the heads of the tables, each holding his cap in one hand and an ordinary walking stick in the other. Many of the guards have had military experience; that is, they have seen service in some division of the United States Army. A number of them are Spanish war

soldiers, while some have been members of the State militia. A few of the older officers served in the late Civil War.

Regular guards start in at a salary of sixty dollars per month and are raised periodically till the amount is seventy-five dollars per month. Night officers and a few special day officers get eighty dollars per month; the assistant deputy and night captain one hundred; the deputy two hundred, house, light and heat; physician and chief engineer eighteen hundred; chaplain seventeen hundred; clerk sixteen hundred and forty, with house, light and heat; Warden, three thousand, with house, light and heat and maintenance.

Here they also have the honor system, there being three grades of clothing—light blue, plaid and stripes. Third grade men are not permitted out of their cells during the month that they wear the stripes. Second grade men sit at a separate table in the dining-room and can have but one letter privilege and one visitor a month. About twenty-five men were in second grade. First grade men write letters twice each month and can have two visitors each month. A man must have a perfect record of three months in second grade before he can again have a first grade suit. He must serve one month in third grade before he can have a second grade suit.

Merit braids are given for good conduct—one black bar on the sleeve signifying one year of perfect conduct, a gold bar signifying five years of perfect conduct. We saw one man with six gold bars and three black bars on his left sleeve—thirty-three years of perfect record to his credit.

A great deal is made of the merit system. Men are required to have a merit braid before the Board of Parole will parole them. Braids may be lost for bad conduct.

The Warden told us that with the consent of the Governor, a number of men had been permitted to go home on short paroles, some to see a sick wife or child, some to see a parent or a brother or sister, and one man was permitted to go home to be with his wife when she gave birth to a child. In cases of this kind no officer accompanies the prisoner. He goes on his honor. The number paroled in this way has included men convicted of all crimes, even murder, and with a "life" sen-

tence. To the time we visited the prison not a man had failed to keep the faith and return on the day agreed upon, save one. This was the case of a colored man who went to Evansville, Ind., to attend the funeral of his grandmother. The Warden gave him the money to pay his fare home, with the understanding that his people would repay it and bear all the expense of the trip. He failed to return at the appointed time and the Warden sent a deputy after him. The deputy found him sitting at the railway station. He said he knew they would be after him, and the place they would be sure to find him was right there.

But two escapes have been made within the past four years. One of these men has been returned and the other is in prison in Pennsylvania. The Warden hopes to have him returned soon to serve the remainder of his sentence—this for the moral effect it will have on the other prisoners. No attempt to escape has been made under the administration of Mr. Fogarty, who has been Warden since January 1, 1911.

We noted that this prison contains thirteen hundred and fifty cells, two of the cell houses being modern in every particular. One of these cell houses, built by prison labor and finished in 1907, cost complete $400 per cell. The other, upon which the finishing touches are being placed now, was built at an entire cost of $224 per cell.

The Warden estimates that these buildings would have cost 30 to 40 per cent. more if prison labor had not been used in their construction.

The Insane Hospital, which is a brick structure outside with concrete cells within and finished with terrazza work, cost $65,000. It is a splendid building, with cells for 145 inmates, with dormitories, day-rooms and dining-rooms. Warden Fogarty estimates the cost of this building with free labor would have been $130,000.

One of the unique things that we saw was a garbage report from the dining-room. This report shows the exact amount of waste of the various articles each day. (See Exhibit B).

For instance, this report showed 2,113 pounds of wheat bread and 1,718 pounds of corn bread that went into the garbage can

during the month of August, 1912. Other articles, meat, potatoes, cabbage, etc., were shown in the same manner.

These weights are given just as the articles are taken from the table.

The home of the Warden is a short distance outside the prison walls, about a city block. The Warden states that when he leaves Michigan City for a stay of one day or ten days, he leaves his home in charge of two life prisoners, who act as cook and house man when he is there. They stay at the house alone during the daytime and sleep in the prison at night, going in a little before nine at night and out at five in the morning. His chauffeur met him at the car any hour of the day or night, the depot being more than a mile away from the prison.

The State of Indiana owns a farm of about one hundred acres in connection with the State prison, and all this land is farmed and gardened by prison labor, all the inmates working thereon being "trusties"—that is, they have no guard over them and go about their work as if they were free men.

We found the contract, the State account and the State use systems in operation in the prison. Six hundred men are employed on the contract system, about seventy-five in the binder-twine industry or State account system, and the remainder at work about the institution—shoemaking, clothes-making, printing, carpentering, painting, etc., etc.

The daily account system of bookkeeping is in use at Michigan City. It is possible for the Warden to know at night the expenditures for every department of the institution. No article is issued from the store room to any department except upon requisition O. K.'d by the Warden, and the cost of all articles issued are charged on the requisition to the department drawing the articles.

The entire institution is heated by steam and lighted by electricity.

WOMAN'S PRISON AT INDIANAPOLIS.

EMILY E. RODES, Supt.

Leaving Michigan City we made a short visit to the Woman's Prison at Indianapolis, spending Sunday there, and, while we found much to interest us in examining the institution, it has no special bearing upon the work before us here. We there made the acquaintance of Amos W. Butler, Secretary of the Board of State Charities, to whom we are indebted for a great wealth of literature and a most interesting discussion of the history of prison progress in the State of Indiana during the past twenty years.

GUELPH, ONTARIO.

DR. J. T. GILMOUR, Warden.

From Indianapolis we went direct to Toronto, Canada, to see what Dr. J. T. Gilmour, the warden of the Central Prison at Toronto, modestly calls our "experiment" in out-door work for delinquents. Selecting men from the Central Prison at Toronto he has a colony of some three hundred engaged in the construction on a large scale of a group of prison buildings separated from one another on what might be termed the cottage plan, the buildings being of stone, concrete or hollow tile structure, all of the material being manufactured on the Farm.

The Farm consists of eight hundred and forty acres of land and has an almost inexhaustible supply of building and lime stone, a large lime kiln, hydrating plant, stone crushing plant and tile plant, all built and operated by prison labor, while gravel and sand are abundant for all purposes. These natural resources not only reduce the cost of building, but utilize a large amount of prison labor beneficially from every viewpoint. They have planted some two thousand fruit trees on the hill slopes and three thousand small fruits, and were constructing roads and otherwise improving the property while

the work of the construction of the buildings is progressing. There is no wall on the Farm nor is it the present intention to have one. The Farm is situated fifty miles west of Toronto and two miles from Guelph, a vigorous little city of eighteen thousand.

There is not an armed guard or a gun on the place and convicts driving teams or plowing fields unguarded can be found a mile or more away from headquarters. The men are all short term, none exceeding two years, the average being about ten months, though quite a number for longer terms. The escapes have been comparatively few in number during the period of nearly three years since the work began, twenty-two in all, out of a total population of seventeen hundred—less than one and a half per cent.

The administration building now nearing completion is a handsome and imposing edifice of stone. The two chief dormitories for the permanent housing of prisoners are solid and graceful structures. The single story laundry and bath house is one of the unique features of the institution. The dairy barn for exterior design, for convenience of feeding and cleansing, for ventilation and sanitation generally is thought to equal, if not excel, any similar building on the Continent. Attached to the dairy barn are two large concrete silos, a large storage barn for fodder, while under the storage barn are the calf pens, bull pens, and hospital pens. All the stalls are floored with cork tile. The upper flat of the dairy barn is used as an implement house, fodder not being stored here for sanitary reasons. In the main all these structures have been reared by prison labor with materials produced on the Farm, in the kilns, quarries and industrial plant, under the direction of the permanent staff of the institution.

Work has begun upon a series of roads branching out from a broad curving avenue which will begin at Guelph and sweep up to the Administration Building. The two objects in view are to re-establish prisoners in self-respect and habits of industry, and to make their labor productive while engaged in that reconstruction work.

No adequate idea can be formed of this operation without a personal visit to the building.

As to matters of discipline, the warden said that corporal punishment was no part of their system and had only been used on two or three occasions after other methods had seemed to fail. What the prisoners look upon as the greatest punishment that can be inflicted upon them for a dereliction of duty, is to be transferred from the Farm back to the Central Prison at Toronto, and when once taken to Guelph and transferred back for misconduct there is little hope of getting back to the Farm. The industry and efficiency of the prisoners are surprisingly satisfactory. A complete prison system accommodating six hundred will be established on this Farm and the city prison abandoned. Sufficient has been accomplished to demonstrate that an entire institution can be successfully and economically constructed to a very large extent by prison labor.

Mr. S. A. Armstrong, Assistant Provincial Secretary, is devoting his splendid abilities unreservedly to this work. Dr. Gilmour and Mr. Armstrong are optimistic regarding the future.

THE NEW YORK STATE REFORMATORY, ELMIRA.

PATRICK J. MCDONNELL, Superintendent.

Leaving Guelph we went to Elmira and spent all day Tuesday going through the institution which, as a State reformatory, is perhaps without a superior in this country. It has about three hundred acres of ground, of which two hundred and eighty comprise the farm. The main building is located on an area of about seventeen acres enclosed with a brick and stone wall. Inside this enclosure, in addition to the main building, are the trade school buildings varying in size somewhere in the neighborhood of sixty by two hundred and fifty feet. Amongst the departments which we enumerate are the machine shops, brass-smith, cabinet work, printing and book binding, shoe making, telegraph operating, stone cutting, stone

masonry, plastering, iron and brass molding, carpenter shops, house and sign painting and interior decorating, plumbing, steam fitting and hardwood finishing.

There is also a gymnasium about one hundred by one hundred feet with an open roof, equipped with running track and gallery four feet wide, extending around the four sides; also a swimming tank and drill room, and in addition a large armory two hundred feet by three hundred. In the hospital is an observation ward, a medical ward and surgical ward, consumptive ward and a dispensary. These rooms are all ample size, about fifty by fifty feet, the dispensary and surgical ward each being somewhat smaller. There is also a soap factory, a greenhouse, and a large drill ground, at which daily the various military formations and manual of arms are gone through with.

The success of the New York State Reformatory has influenced the whole prison system of this country, and from the success shown in the paroling of prisoners from the real reformatory institutions in the several States, there has grown up the probation system.

Elmira is built on the principle of furnishing trade schools so comprehensive and complete that each prisoner shall learn and practice the occupation best suited to his taste and ability. The work and life of the prisoner are intelligently directed and not left wholly to himself.

It goes without saying that the indeterminate sentence system is a necessary part of the workings of this institution. Neither the moral, physical nor intellectual development of the youth is here neglected.

Days could be spent with great profit at Elmira by any one having the responsibility of the management of a penal institution. The wonderful system of marking and keeping records of the inmates of the institution might be studied at length with great profit and from it taken such features as could most advantageously be adopted by the particular institution for which they were selected.

While at Elmira we spent several hours with Mr. Z. R. Brockway, one of the leading prison scientists of this country,

with a practical experience of fifty years of prison management. His recent work just published entitled, "Fifty Years of Prison Service," we have read with interest.

AUBURN PRISON—STATE OF NEW YORK.

G. W. Benham, Agent and Warden.

From Elmira we went to the Auburn Prison in New York. This is a penitentiary the same as Sing Sing, operated on the **state-use system.** It was built in 1817 and has a present population of about thirteen hundred, comprising twenty-five nationalities. Regular schools of instruction similar to public schools of the lower grades are operated with four hundred and twenty-five in attendance at the schools. About sixteen per cent. of the inhabitants are Italians. The stripes were entirely done away with about five years ago and the A, B and C grades have been in use about ten years. In the central court is a new, modern concrete structure of twenty-six cells, with small back yards, so to speak, attached to each cell. These yards are, of course, enclosed at the roof so as to prevent escape, but freely admit an abundance of air and sunlight. Some of these isolated cells and yards are for men condemned to death sentence, others are used for refractory prisoners, thereby isolating them. In another part of the building were thirty-eight modern shower baths with privacy for dressing at each shower. The thirty-eight shower baths installed at a cost of fifteen hundred dollars ($1500). The men from the foundry are given their shower baths daily. In the dining-room a table is spread with knives and forks and spoons and chinaware, with bowls for soup and stew, plates for meat and potatoes. The guards in the prison are armed. There is a series of letter boxes at the entrance to the dining-room with the names of the different officers thereon, such as warden, chaplain, disciplinarian, etc., and every officer in the institution is required, at any time, upon application of any prisoner, to furnish him with pencil and paper and envelope, even if he asks twenty times a day for it, and on entrance to the dining-room at any

time twice a day, the prisoner has the opportunity of placing in the proper box his request or complaint to the proper officer.

Letters received at the institution for prisoners must be opened in the presence of two officers and, if containing money or enclosures, must be then and there noted on the letter. Every shop of the prison is classified, with the exception of the repair shop, in which place men of various grades, according to their trades, are employed.

The percentage of colored inmates was 10 per cent.

The medical treatment is in charge of the prison physician, who spends nearly all of his time at the prison, but lives on the outside. The hospital is equipped with three large wards, one of which is for isolation purposes.

The daily average number retained in the hospital during the past year was 25.

In addition to the physician, they have a citizen pharmacist who has charge of the prepartion of prescriptions, etc.

The curriculum of the school consists of six grades, or standards, maintained every day under the supervision of the State Educational Department, and every illiterate prisoner is required to attend school until he has passed through the sixth grade when he is discharged from school.

Each prisoner is examined when he comes in the prison by the head teacher, who is a citizen, and if found to have had an education equal to or exceeding our sixth standard, he is not required to attend school.

THE WOMAN'S REFORMATORY, BEDFORD HILLS, NEW YORK.

DR. CATHERINE B. DAVIS, Supt.

Leaving Auburn we went to the Woman's State Reformatory at Bedford Hills, north of New York city, of which Dr. Catherine B. Davis is the superintendent. She is a woman peculiarly fitted for this work, trained at Vassar with post-graduate work at Columbia, three years at Chicago University,

with practical experience in settlement work in Chicago. For over ten years she has conducted this reformatory for young women most successfully and upon scientific principles. The buildings are of brick and are grouped over the campus in cottage formation, a farm being run in connection with the institutional work. The inmates on admission are detained at the entrance cottage for a period of about two months under the direct observation and study of Miss Jean Wiedneasall, Ph. D., late of Chicago University, a skilled psychologist, for the purpose of ascertaining their mental capacity and responsibility. Here they are examined, classified and assigned to school classes of industrial work. At the reception cottage they are kept under strict discipline, always being accompanied by an officer when they go about the grounds to school or church. When they enter the institution they are given to understand that the length of their stay and their status while in the institution is dependent on their record. If they have a good record in the reception cottage at the end of three months they are permitted to enter a cottage, where they have more privileges and greater freedom. The simplest form of discipline is a demerit which retards their promotion. Any retardation of promotion retards parole. Where a reprimand is found not sufficient, a girl may be sent to her room for a longer or shorter period. Record blanks are furnished each matron, who is required to keep a record of every punishment of every character, with the reason for its imposition. These records are filed in the office of the superintendent. It is attempted to make the punishment fit the crime. For example, if a girl's misbehavior consists of talking or disorderly conduct at an entertainment of any character she is denied the privilege of attending at such recreations. They have a glee club, a dramatic club, athletic games and other amusements and only those acquiring good records are allowed to participate in them. For the more refractory cases, and as a last resort, sentences of isolation at the discipline cottage are imposed. This is a small building especially erected for that purpose. It is in charge of an assistant matron with suitable quarters for her so that she lives there in charge of that building, which

has the appearance of a modern home. The discipline rooms are ten in number, well lighted, with entire glass roof ceiling, protected on the inside by wire gratings. The rooms are devoid of furniture and those sentenced to these rooms are isolated from other inmates and required to stay there for longer or shorter periods until they indicate a willingness to live as orderly, decent members of that community. While in this confinement they are daily visited by the resident physician, a woman, or the trained nurse. Each day the matron in charge of the building takes them out in turn for an hour of outdoor work or outdoor exercise. If they do this work or exercise properly they are given, as a further privilege, an hour's plain sewing in their cells. If they properly accept this privilege they are allowed reading of selected character and for a limited time. If they do not finish their sewing they are deprived of the privilege of having books, and if they are rebellious at either the outdoor work or outdoor exercise they are denied sewing and books, but required to take the exercise. They are not allowed to return to the other cottages from the discipline cottage until they have acquired a good record at the discipline cottage and voluntarily send for the superintendent, Dr. Davis, and ask to be reinstated at their respective cottages on assurance of good behavior. The ten isolated cells described are found sufficient for a population of about five hundred. It was stated to us by Dr. Davis, the superintendent, that the girls who usually come to the discipline cottage are those found to be mentally or physically defective, many of them being so-called border-line cases, which lie near insanitay or feeble-mindedness. In extreme cases resort is had to physical restraint. In such case use is made of a restraining sheet such as is used in hospitals for the insane. In cases where there is evidence of a suicidal tendency or disposition or other manifestation of physical violence, hand-cuffs are resorted to. Corporal punishment is no part of the system of the institution and is not approved by the Board of Governors, though not prohibited by law, and the superintendent, Dr. Davis, believes that in occasional instances it might serve better than other forms of punishment, but she also realizes

the dangers of this mode of punishment and feels it should never be resorted to except in peculiar and extreme cases, and then inflicted only by the supreme authority of the institution and properly safeguarded by the presence of the physician and other witnesses.

Industrial classes are conducted, such, for instance, as cooking, there being a graduate of the Domestic Science Department of the St. Lawrence University in charge of this section. Experiments at intensive farming are conducted. Laundry and sewing with its various subdivisions are practically taught.

A woman over the age of fifteen and under the age of thirty, not previously convicted of a crime punishable in the State prison, may, in the discretion of the trial court, be sentenced to the State reformatory, and by a later amendment any woman between the ages of sixteen and thirty years, convicted in the city of New York of habitual drunkenness or being a common prostitute or soliciting on public streets for the purpose of prostitution, or frequenting disorderly houses, or vagrants, may be committed to this reformatory at Bedford. Amongst the population found there was a large number of the fallen women from the streets of New York who were responding very satisfactorily to the reformatory influences of this institution.

The inmates progress by regular system from one cottage to another dependent upon conduct and individual aptitude, the last cottage is known as the honor cottage, where the inmates, under certain limitations and restrictions, may be said to govern themselves. On the large farm conducted by the institution we found the girls in khaki bloomers hoeing the fields, raking hay, digging potatoes, gardening, milking cows, caring for chickens, hauling material and products with carts drawn by small mules or donkeys. Others were mowing the lawn, gathering apples for storage and otherwise improving the farm by ditching, road-building and, at the same time, getting the benefit of outdoor fresh air and exercise. No wall surrounds the institution and results have demonstrated the satisfactory character of this system of operation. During the year 1911

there were committed to the institution two hundred and twelve and nineteen returned for violation of parole, seven infants being born in the institution and nine mothers admitted with infants, the death rate being one adult and two infants. The population of the institution was distributed amongst several cottages, being, we believe, eight in number, so that each cottage had from twenty-five to thirty inmates.

APPENDIX B.

1811-1911

BRIEF HISTORICAL SKETCH OF THE MARYLAND PENITENTIARY DURING ITS FIRST CENTURY.

(As Given by the Maryland Penitentiary in Its Annual Report for 1911.)

At the beginning of the last century there was a widespread feeling against the employment of convicts in public. This feeling extended over the entire Northern and Eastern portion of the United States, and penetrated into the State of Maryland, where convicts from the different sections of the State were employed on the roads of Baltimore County, and on the streets and basin of Baltimore Town. The antipathy to the public employment of convicts in this manner culminated in the following resolution adopted by the Legislature at its November session in the year 1804:

"*Resolved,* That John E. Howard, Thomas Dixon, Josias Pennington, Thomas M'Elderry, Robert C. Long, Levi Hollingsworth, Daniel Conn, Samuel Sterrett and George Warner, be and they are hereby appointed commissioners to superintend the erection of a Penitentiary for the reception of criminals condemned, or who may be condemned under the laws of this State, and that the said commissioners, or a majority of them, be and they are hereby authorized and directed to agree on a site for the said buildings, and to propose a plan to be submitted to the Executive of this State, and when approved of by them, to contract for and superintend the execution of the same; and for the purpose of defraying the expense thereof the amount of the proceeds of the fines, forfeitures, licenses and amercements, to be collected within the city and county of Baltimore, except such as are now raised and appropriated to the use of that city, be and they are hereby appropriated;

and the said commissioners, or a majority of them, are hereby authorized to receive the same to be accounted for annually, with the expenditure thereof, to the Legislature, and to borrow money, if necessary, on the credit of such taxes; provided, that the whole sum of money to be raised in virtue of this resolution shall not exceed the sum of twenty thousand dollars."

In conformity to the provisions of this resolution, the building of a penitentiary house was in due time begun and completed in the fall of 1811. The appropriations made from time to time by the Legislature, during the period, amounted to $89,500.00.

Reports were made from time to time to the Legislature during the period from 1804 to 1811 as a matter of course. There was one made to the November Session of 1807, however, which is exceedingly interesting, in that it sets forth the satisfaction with which those interested viewed the progress of their work up until that time. In order that the reader may have an opportunity to compare what was considered strong, simple, and grand in those days with the present it will not be out of place to include here the following:

From Proceedings of November Session, Year 1807, Date, December 23.

Mr. Partridge, from the Committee of Conference on the Memorial of the Commissioners of the Penitentiary, made the following report:

"The Committee to whom was referred the Memorial of the Commissioners appointed to superintend the building of a penitentiary in the City of Baltimore, beg leave to report, that a part of the Committee, in conformity to the resolution of both branches of the Legislature of Maryland, visited the penitentiary, that monument which the State has erected to its humanity and wisdom, they find, from the information derived from them, that the Commissioners appointed by a resolution of the General Assembly of Maryland, at their session of eighteen hundred *and four,* purchased three acres of ground for five hundred pounds ($2,500) per acre, that they have

caused to be erected a main building, sixty feet square and three stories high, exclusive of the basement story, which is connected by a passage, with an extensive wing, twenty feet wide and one hundred and sixty long. The buildings are placed upon a site high and elevated, commanding an extensive and interesting prospect, and which must always enjoy a free circulation of air from its altitude over the surrounding grounds. Public streets bind the penitentiary lot on the front and east, a large lot of ground belonging to the county, and appropriated for the use of the gaol, and uncultivated lots, bind the penitentiary on the west and north.

"The exterior of the buildings unites strength, simplicity and grandeur; the main building is conveniently arranged for the accommodation of the inspectors, the superintendent and his family, and guards, and for depositories of manufactured articles or the materials for them; the wing appropriated to the confinement of these unfortunate beings, whose crimes require that they should be excluded from the intercourse of society, is constructed to unite as much comfort and convenience as may be compatible with safety and punishment; a long passage, extending through the whole length of the building, and terminating with large windows or doors, insures a quick circulation of air; nine cells at about eight by fifteen feet, are ranged along the passage on each floor, with a window in each, and air-holes, through which from the passage, each cell may be ventilated; a cell may be consumed by fire, but from the principle of its construction the building can receive no additional injury. Separate rooms are appropriated for female convicts, and a place of Divine Worship has been prepared; in short, economy, utility and humanity appear to have been consulted in the erection and arrangement of the building, and it appears to your Committee, that the commissioners have considerable claims on the gratitude of their country, for their attention to this subject, so interesting and important to the interests of this State. Your Committee, believing that the completion of this building, with the outhouses, essential to the execution of the design, must be a great

desideratum to the State, that, the sum required by the memorial, will be sufficient for that purpose, and also to enable the commissioners to lay in a small stock of raw materials for the use thereof, submit for your consideration and adoption, the following resolution:

"*Resolved,* that the Treasurer of the Western Shore, be, and he is, hereby authorized and directed to pay unto the commissioners appointed to superintend the erection of the penitentiary, the sum of thirty thousand dollars, out of any unappropriated money in the treasury."

Persons convicted of high treason against the State, if not hung, were to be confined in the Institution, either at hard labor or in solitude. Those guilty of other crimes and convicted for the same, were to be confined under the same conditions. The privilege was granted to male criminals who had been condemned to serve and labor on the public roads of Baltimore County, or in making, repairing or cleaning the streets or basin of Baltimore Town, and whose terms had not yet expired, to appear in court and petition for a commutation of the judgment to a confinement in the penitentiary, and the court was enjoined to grant the petitioner's prayer for the remainder of his sentence.

On November 18th, 1811, fifty-one prisoners who had been at work on the roads, etc., as above, were transferred to the prison in conformity with the law above mentioned. The first person sentenced directly to the Penitentiary was not received until January 24th, 1812.

Officials of the Institution were to provide raw materials for manufacture into finished products, tools, etc., with which to do the work, and then to dispose of the manufactured wares and finished products, while the convicts were to pay for the expense of their prosecutions, etc., out of any monies they might be paid for the work they did in prison. The convicts were to be at labor of the hardest and most servile kind every day in the year except Sundays, Christmas Day, and such days as those when they were in solitary cells for punishment. The necessary amount of money to carry out these provisions was

to be secured by draft upon the Treasurer of the Western Shore, but was not to exceed two thousand dollars. The excess product, which was not disposed of in the local market, was disposed of through commission houses in New Orleans, New York, Philadelphia and Cincinnati.

There have been many commodities manufactured in the Maryland Penitentiary during the first century of its existence. It may be interesting to some to have at least some of the industries enumerated. They include such as dyeing, sawing, smithing, combmaking, brushmaking, hatting, cordwaining, weaving, carding and spinning, hammering granite, stonecutting, pegged shoe work, nailmaking, bagmaking, broommaking, making of railroad spikes, cooperage, oakum, manufacture of woodenware, mattress making, tinware, boots and shoes, chairs and cabinet work, cigarmaking, furniture and plumbers' marble, harness, caning chairs, match boxes, common ready-made clothing, stove castings, hollow ware, baskets, shirts and overalls, wicker work, etc. This will give the reader some idea as to the varying industries that have been employed to carry out the enactments of the Legislature with regard to keeping the convicts confined in the Maryland Penitentiary at hard labor.

In the early days weaving was the staple industry, and it is reported that the first fancy vestings ever woven in the United States were woven in the Maryland Penitentiary. The great bulk of the product of the looms in the Institution was manufactured out and out. The wool was carded, spun, dyed and woven. The vicissitudes of the State account system are interesting to the student, but it would require entirely too much space to go into details in an extract of the Institution's history such as this must be, in order to give anything like a clear exposition of the struggle under that system in order to make the Institution self-supporting. The records will show that in this respect, so far as Maryland is concerned, the system of manufacturing on the State account plan in the Maryland Penitentiary was not only an absolute failure, but a tremendously expensive experiment. Indeed, it was not until

long after the contract system was begun, that an administration was found that could so shape the affairs of the Institution that the Penitentiary ceased to be a burden upon the taxpayers of the State. The first contract for the hire of prisoners was made in about 1833 or 1834, but the time was not yet ripe, and it was short-lived, being terminated in 1835 or 1836, and it was not until 1845 that the movement was begun by which the contract system gradually replaced the old. Even this did not become a self-supporting arrangement until two years after the present administration, with Mr. John F. Weyler as Warden, at its head, took charge—with perhaps but one single exception, viz., in the year 1879. There are no figures at hand to indicate the earnings of the Institution prior to 1816. From that year to 1831, with the exception of the years 1817 and 1830, for which there are no figures at hand, there is reported each year an excess of earnings over expenses, which totals $101,422.38. From 1816 to 1827, however, the salaries of the officers were paid out of the State Treasury, and the amount was about $108,000.00, which amount completely wipes out the excess for the period. From 1832 to 1871 there was almost a continual loss. There is no report at hand for the year 1866. In the years 1833, 1836, 1843, 1844 and 1853 an excess of earnings over expenses was reported which totaled $24,522.86, while the expenses in excess of the earnings for the other thirty-four years amount to the enormous sum of $353,891.59. Besides these losses there were large appropriations made by the Legislature from time to time, the amount one year reaching as much as $50,000.00. From 1872 to 1887, an excess of earnings over expenses was reported every year, ranging from $49.94 to $13,001.85, and totalling $62,601.50. There was, however, in reality a deficit in every year, with perhaps the single exception of 1879, when an excess of $13,001.85 was reported, as for many years the Legislature made a regular annual appropriation to the Institution of $8,000.00, and this is the only year when the excess of earnings exceeded the annual appropriation of $8,000.00 by the Legislature.

In 1888 the present administration, John F. Weyler, as Warden, took charge. In each of the years 1888 and 1889 the

Institution was unable to make its expenses. This was due to the Davis Shoe Company throwing up their contract, which left in the neighborhood of 200 of the prisoners unemployed for nearly two years before arrangements could be made to have them all at work again. In 1890, however, a clear and clean excess appears, and since 1889 there has never been any appropriation whatever for the current expenses of the Institution. The figures of the surplus during the period for which the present administration has been in charge of the Institution, viz., $547,918.70, speak louder than one at first thinks. The large appropriations prior to the advent of the present management, and the very poor systems of bookkeeping in the earlier days make it next to impossible to ascertain exactly what the actual earnings of the Institution were. The annual reports of the Institution, however, are practically all the evidence that one has of the financial standing of the Institution from time to time, and there is probably no apparent reason why one should not consider them as an approximately fair exhibition at least. Taking them as such, let us see what they tell. The net total deficit from 1816 to 1889 amounted to about $350,629.07, as indicated by the annual reports which we have at hand. The actual net surplus from 1890 to 1911, inclusive, a period of twenty-two years, amounted to $547,918.70. Mr. Weyler has, therefore, paid the deficit of the century.

Thus that which was hoped for when the Penitentiary was completed one hundred years ago, viz., that the Institution could be made to support itself, has more than been accomplished, and while in the first seventy-eight years of its history it was a continual loss to the State, the last twenty-two years has seen the ledger more than balanced, not only for those twenty-two years, but for the entire century.

Among the many other interesting things which could be written of the one hundred years of the history of the Maryland Penitentiary, but which would require a book, and cannot possibly be even indicated in a sketch, there is yet one other incident which stands out so prominently that it dare not be omitted. Along about 1850 everyone connected with the Institution realized the absolute necessity of adequate and decent

accommodations for the housing of the criminals condemned to be imprisoned in it. For more than forty years the officials of the Institution, Grand Juries, humanitarians, religious people, and everyone who knew the conditions kept up an almost continual condemnation of the miserably outrageous accommodations for the housing of human beings, no matter whose fault it was that they were compelled to be there. For over forty years the succeeding Legislatures either turned a deaf ear to their appeals, or did not listen to them at all. At last in 1890 an appeal was made under Warden John F. Weyler with such energy that it could not be disregarded, and the result was, that in 1899 the shame that had been a disgrace to the State for two generations vanished, and in its place appeared as if by magic a building that is not only a decent place to live in, but a building that has in it accommodations of such an elevating character that very many of those imprisoned here must necessarily recognize the silent appeal which meets them at every turn, and which invites them to adopt when they leave, a cleanlier and, therefore, healthier and happier existence than anything with which they had been acquainted prior to their incarceration. Anyone who looks can see the result of Mr. Weyler's appeal in the great and magnificent piles of granite bounded by Eager, Forrest and Madison streets in the City of Baltimore.

APPENDIX C.

SPECIAL REPORT OF WARDEN WEYLER, FILED WITH THE PRESIDENT OF HIS BOARD OF DIRECTORS.

BALTIMORE, MD., June, 1912.

To.....

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"An experience of more than a generation in public life has taught me that a newspaper canard is not easily overtaken, and that the wisest and most dignified course, as well as the most efficacious in answering sensational charges, is not to answer them at all.

In ordinary circumstances, the allegations recently made by one section of the local press regarding conditions at and management of the Maryland Penitentiary, would deserve recognition in inverse proportion to the standing of the newspaper in question.

Were these charges directed solely at the result of my twenty-four years' service as Warden of the Institution and myself personally, I should be content to rest my case on the record and allow the thinking public to judge, without challenge.

From the very nature of things, however, it must be remembered that these charges also reflect more or less directly, as well as indirectly, upon the probity and intelligence of many honorable gentlemen, reputable citizens and leading business men and financiers who have served as members of the Board of Directors of the Maryland Penitentiary during the past quarter of a century; and it might be added that, if there is the slightest ground for what the sensation-mongers have spread broadcast, then the Penitentiary committees of a hundred grand juries as a whole, have been purblind, indeed, not

to have detected brutality to prisoners and mismanagement of the business end of prison, with great loss to the State, as openly alleged on the flimsiest of flimsy, irresponsible and maliciously false evidence, and the thinly-veiled hints at "graft" in connection with the Institution's industries and the Commissary Department.

Considering these aspects of the matter, I deem it a duty, and, indeed, a privilege to answer the charges somewhat in detail. The books, records and reports of the Institution will speak for themselves, and a brief comparison with thoroughly authentic reports and records from the prison systems of other States will be found to easily refute most of the misstatements which have been indulged in, and show that, instead of "graft," mismanagement and consequent financial detriment to the State, exactly the reverse has been and continues to be the condition at the Maryland Penitentiary.

The unsolicited testimonials of many ex-convicts and the repeated investigations of Grand Juries should, it would seem, be considered both prima facie and conclusive evidence of the absence of brutality toward, and humane treatment of, prisoners, and similar encomiums from some of the most noted penologists of the world, who have frequently examined into the conduct of the Institution, might fairly be regarded as ground for the belief that, even if labor agitators and sentimental philanthropists try to discredit the standing of the State's principal penal establishment, the people at large will not be so ready to accept as truths exaggerated statements emanating from highly questionable sources and a few—a very few—former prisoners, whose prison records were a trail of infraction of non-rigid rules, of surliness, of contempt for all discipline and of utter depravity.

In a word, the final analysis will show that, even if the Maryland Penitentiary is not so named, it is *in fact* a reformatory, and that if the people of this Commonwealth are not prepared to be proud of it as a model Institution of its kind, its fame as such is established firmly and beyond cavil, far outside the State's borders.

I beg, therefore, to offer the ensuing as only a small part of the facts which can be adduced from an enormous mass of authenticated and indisputable records, considering first the matter of industries at the Institution and the contracts under which they are conducted:

It has been charged that the State receives an average of only 53 cents per day from contractors for the labor of prisoners; that the contractors are favored in this respect at the expense of the State, because the net revenue of several other States' prisons is larger than that derived from the Maryland Penitentiary; that prisoners here are maltreated in order to force them to perform unfairly onerous tasks for the contractors' benefit, with no reasonable recompense in the shape of over-time earnings for themselves; and it has been insinuated that the Warden has profited financially in return for oppressing prisoners in behalf of the contractors.

Let it be said at the outset that the last clause of the allegation is foully, slanderously and maliciously false, as the other portions thereof are unfounded in fact or distorted to suit the fancy and bolster the purposes of those who originated them.

I defy the production of a single reputable witness, or the slightest sort of document, who, or which, will swear, state or tend to show that I ever received a penny, directly or indirectly, for the reasons or purposes mentioned.

It is a fact that some States are so situated that peculiarly provincial conditions allow them to derive a larger annual net revenue from their respective penitentiaries than Maryland receives from its principal prison. But these conditions can never obtain here, and I believe I am safe in claiming that, for some time to come, at least, this State cannot increase its income from this source, despite the most strenuous efforts on the part of the Directors and Warden of the Penitentiary.

Indeed, what with labor agitation and the constant and repeated attempts to secure legislation—both National and State—adverse to the marketing of prison-made goods, we shall be fortunate if, sooner or later, the taxpayers are not compelled to assume a large annual addition to the tax rate

for maintenance of convicts, instead of seeing a substantial surplus paid into the State Treasury every year.

The State of Minnesota has been cited as an illustration of large earnings to be accomplished by prisoners for the Commonwealth in the manufacture of binder twine, without injury to free labor. Even if these earnings amount to $500,000 per annum, as has been claimed, it must be borne in mind that Minnesota has practically a monopoly of the binder twine industry to draw upon, and practically an unlimited market for its product.

An effort was made to establish the same sort of industry at the Michigan Penitentiary, and the result was a loss of $68,000 in one year, showing plainly that no other State to the east of Minnesota could compete for the binder twine market in the great wheat fields of the Northwest. Even were it possible to interest capital in establishing a similar industry at the Maryland Penitentiary, the market for the product would be practically limited to this State, and the output which could possibly be sold would not keep prisoners at work more than one month in twelve. The ridiculously impracticable features of the suggestion are, therefore, apparent at a glance.

The State of Mississippi, with many hundreds of negro convicts, receives $175,000 revenue a year from the raising of cotton, but no sane man would recommend a project of this type in connection with the Maryland Penitentiary, because cotton cannot be raised here, except, possibly, in the Utopian dreams of the scientific would-be penologists who are so ready to air their views in newspapers, without, most likely, having even seen the inside workings of a great prison.

And so, one might multiply instances and illustrations *ad nauseam,* and run the whole gamut of prison contracts, with the inevitable conclusion that such matters cannot be adjusted or regulated by one infallible rule.

Surely, while the newspaper humanitarians are casting verbal stones at the system in vogue at the Maryland Penitentiary and charging mismanagement and lax business methods, they will not be so willing to assert that the people of the great State of New York are also benighted and wandering in a

prison wilderness. Yet, the great penal institutions of that State are conducted at a heavy annual loss to the taxpayers.

In 1911, for instance, with a prison population (that is, in the various penitentiaries) averaging 4,500, the total of expenditures for maintenance was $639,008.05. The profit from industries, which marketed prison-made goods amounting to $826,825.23, was $136,951.49, leaving a deficit of $502,056.56 to be borne by taxpayers.

During the same period, under the system in vogue here, the Maryland Penitentiary was, as it has been for twenty-three years, self-supporting, without costing the taxpayers a penny, and a surplus of $25,667.68 was paid into the State Treasury. At the same time, prisoners earned $30,378.32 for themselves, showing the equitable adjustment of tasks which permits an industrious convict to not only perform a fair day's labor for the State, but to add for himself a percentage of *one-fourth* of his total productiveness. In New York State, prisoners are allowed only 10 per cent. of their earnings.

While this point is under consideration, it may be noted that during my administration as Warden, up to November 30, 1911, there was paid into the State Treasury as surplus a total of $547,918.70, while during the same time the convicts earned for themselves $547,503.75.

In short, the profits have been equally divided between State and prisoner, despite the assertions of sensationalists as to oppression of those confined. The correctness of these figures has been attested under oath, year after year, and certified to by expert and well-known public accountants. Besides, the detailed records are ever ready for authorized inspection, and, consequently, their authenticity cannot be questioned.

Much capital has been made of the charge that only a few prisoners are able to earn fair sums for themselves at the Maryland Penitentiary, and that the majority leave the Institution empty-handed, with nothing to begin life anew.

Nothing could be further from the truth, for, while it is impossible to compel all convicts to be industrious and endeavor to earn something for their families or themselves, the records show indisputably that the very great majority have

been and are industrious, as the result of the encouragement given them while imprisoned, and have easily succeeded in laying up substantial sums against the day of their release.

Would that be likely, or even possible, under a system of oppression favoring the contractor at the prisoner's expense? Would any man, free or convict, do his best and have an incentive to do it, were he ill-treated and not given humane consideration?

The answer is self-evident.

Many hundreds of men have been released from this Institution with substantial sums in their pockets, even after they had spent considerable amounts for their personal uses or in support of families. The appended is a partial list of prisoners discharged from the Penitentiary during 1911, showing length of time incarcerated, total amount placed to their credit while inmates of the Institution and unexpended balance paid to them on date of discharge:

	Name.	*Term—* *Years.*	*Months.*	*Amount to Credit.*	*Unexpended Balance.*
January.					
2	LeClare Green	1	3	$34.51	$10.16
3	Clayton Brittingham	1	1	17.80	10.85
3	Charles Niblett	1	1	44.89	30.92
11	Charles Robinson	2	7	155.08	61.24
12	Philip Dallasandro	3	11	469.41	232.35
13	Henry Subbish	1	9	67.90	21.85
14	John Scott	1	..	68.46	53.51
21	John Aul	2	6	76.25	34.58
26	Eugene Roberts	8	4	379.43	26.43
28	Samuel Dorsey	1	8	51.86	10.42
28	George A. Haskins	1	8	34.75	30.00
February.					
2	Milton Kilmer, alias	2	4	162.23	10.64
1	Robert J. Winson	3	8	471.47	19.01
7	Robert Carter	4	2	1,260.74	247.32
11	William Cole, No. 2	2	9	78.10	10.55
16	Fred'k C. Brauer, alias	1	8	328.57	204.07
16	William Montague	1	11	120.49	79.80
18	Harry C. Morris	..	10	28.55	20.55
19	William H. Barker	2	1	51.98	18.08
24	George Bishop, No. 2	1	3	103.46	77.87
25	Howard Reed	3	..	110.76	38.15
27	Harry Elkins, alias Alter	..	10	46.81	45.46

	Name.	Term— Years.	Months.	Amount to Credit.	Unexpended Balance.
March.					
1	Thomas Gross	3	..	368.14	67.81
4	James Pinkett	4	4	492.74	304.37
4	Henry Costin	..	11	20.00	14.40
4	George Rau	1	6	24.16	11.04
5	Albert Jones	..	10	17.62	14.37
8	Richard Deffinbaugh	..	10	23.00	17.40
9	Michael Friesner	..	10	18.38	12.53
11	Henry Penn	5	4	486.89	196.43
12	Chas. H. Williams, No. 1	4	10	300.73	203.70
24	Frank Dyer	1	4	83.05	15.39
28	John Uttenrether	1	8	42.00	14.77
30	Moses Balser	3	4	84.66	59.83
April.					
1	Joseph H. Hamilton	6	3	418.37	21.86
5	John Waudby	1	8	26.10	13.26
13	Gerald Kelly	3	4	158.19	18.66
28	Walter Beam	10	10	44.55	18.87
28	August Horchner	2	6	158.37	50.95
28	William Garmer	6	6	254.82	42.45
29	John Duppins	2	6	93.64	21.29
29	Louis Luckan	1	3	34.93	13.67
May.					
3	Marco W. Doome	5	1	221.00	41.38
6	Robert Hollis	2	6	40.65	11.22
9	Edward Sudler	2	6	75.12	72.85
10	Arthur Curry	2	11	35.64	16.80
12	William G. Sharp	2	6	180.56	28.00
12	Edward Scott, No. 2	4	2	142.12	23.01
19	Harrison Wroten	2	6	74.40	11.83
20	Morris Cahn, alias Monie	1	8	136.30	93.65
23	Emma Haslem	5	..	777.42	96.90
30	John Stewart	1	8	62.43	18.86
31	Samuel Blake, alias	3	4	274.34	67.47
June.					
1	Wm. H. Beckett, alias	3	6	129.67	10.63
1	James Jones	4	6	212.63	29.01
5	Harry D. Runkles, alias	1	8	85.32	71.71
9	Elsie Wolford	2	1	37.20	24.76
10	Harry Ross, alias Chase	5	2	466.52	54.31
10	Mary Tyler, alias	2	6	169.60	12.08
18	Ernest Horne	8	4	514.68	118.80
22	Robert Bolden	6	1	493.77	200.27
28	Henry Smith	3	5	333.43	57.40
July.					
1	William Jordan	2	8	91.99	44.88
3	Eugene L. Wooden	1	8	40.75	10.00
7	Frank J. Conway	7	8	850.30	42.00
9	Walter Acree	3	4	187.33	26.13

	Name.	Term— Years.	Months.	Amount to Credit.	Unexpended Balance.
July.					
11	George L. Wetzel	4	7	640.24	57.13
13	Evans Talbot	3	4	331.29	12.59
23	Olevia Cox	1	8	90.54	10.98
28	Leonard O'Connor	1	3	159.00	49.97
August.					
1	Louis Pelzerman	2	1	116.80	109.85
5	James Roberts, No. 1	3	6	240.55	41.62
5	John D. Kelly	3	5	424.46	96.13
5	George Wheeler, No. 2	2	1	84.00	42.63
19	Rena Foster	1	3	87.55	42.73
18	Edward A. Page	2	6	185.04	25.42
18	Joseph Hartman	4	2	81.00	34.01
19	Joseph Fowler	2	6	63.70	21.84
21	Emil Czucka	..	10	76.75	22.52
23	Francesco Bruno	8	4	145.14	19.19
24	William R. Swann	2	7	139.84	71.74
28	Charles Fullman	3	8	153.35	97.90
31	Edward Lowe, alias Shine	2	6	50.00	14.44
31	David Bransky	1	8	55.56	29.41
September.					
1	William Hawkins	2	6	61.00	53.45
11	James Stell	2	10	486.62	95.30
17	Henry Mack	1	3	10.80	10.20
23	Samuel Cohen	2	6	127.95	24.76
30	Jas. Wilson, alias	2	9	193.83	124.51
30	Lewis Dodson	2	6	97.91	13.09
October.					
3	John Mathias	..	10	29.11	25.86
7	Harry Wilson	2	7	28.20	16.35
8	John Johnson, No. 1	12	6	1,304.96	212.38
11	George Oliver	..	11	12.19	10.72
11	Jos. Evans, alias Bunny	5	6	689.15	38.50
12	John Gordy	15	..	366.87	91.05
14	William Smith	2	8	99.25	38.52
14	John Baker	2	3	153.28	23.33
21	Jas. C. Brown, alias	2	8	230.11	175.82
26	Thomas H. West	3	4	75.75	21.64
28	William H. Dorsey, alias	3	5	107.01	11.29
28	George Johnson, No. 2	5	10	565.98	82.28
November.					
1	John Gilpin	1	10	76.18	27.33
1	William Fox	2	7	256.11	90.82
8	Jesse Jenkins, alias	2	1	41.56	19.76
8	Ignazio Castalano	5	..	203.06	58.42
8	Llewellyn Gross	2	7	261.51	20.46
17	David Burns	4	2	1,432.20	57.49
18	Robert Smith	2	8	514.45	20.22
18	George Myers	3	4	174.84	14.33

	Name.	Term— Years.	Months.	Amount to Credit.	Unexpended Balance.
November.					
18	James A. Ross	..	10	45.21	23.30
20	Chas. Robinson, alias	2	8	173.21	116.83
22	Thomas H. Henry	4	10	288.12	115.16
24	John Parks, Jr.	1	..	20.65	15.57
25	John Henry Lewis	3	8	144.07	36.39
27	Charles J. Pontier	4	2	159.51	14.54
30	William Harris, No. 1	..	10	33.53	15.53
30	William T. Merchant	2	11	120.97	69.81
30	F. William Herman	5	8	436.05	104.39
December.					
1	Victor Rhodes	1	9	93.41	17.61
1	Jackson Harris	..	10	64.17	18.91
2	Joseph Howard	2	6	129.49	34.28
2	George Shoemaker, alias	2	1	161.10	13.15
8	Wm. Hall, alias Wells	16	8	611.63	78.20
11	William Christopher	8	..	377.39	27.54
13	William Bennett	14	2	707.23	30.75
14	Walter Ellis	..	10	41.90	32.60
16	Isaac Scoggins	1	3	123.55	32.24
23	Edward Jackson, No. 2	..	10	42.44	24.56
23	Albert Brooks	2	2	72.21	40.57
23	John Marbury	6	..	602.18	79.51
23	William Johnson, No. 3	2	6	149.19	18.90
25	Charles Williams, alias	..	10	34.97	27.92
28	William Vigal, alias	4	10	399.80	94.22
30	George Bishop, No. 1	4	2	230.58	21.92
30	Lawrence Cornish	5	8	303.11	51.91
30	Lawrence Welsh	7	1	124.91	108.03
30	Jacob Tannebaum	1	8	227.42	130.44

Similar lists could be supplied for each year, for twenty years past, and the showing would be even more convincing, newspaper dissertations to the contrary notwithstanding.

It has never been claimed that the convicts here can earn as much while in durance as they might were they free men, for their productiveness is, so to speak, mortgaged to the State, and to have conditions otherwise would be to place a premium upon crime and imprisonment. Nevertheless, the equity in total earnings for each man is large—no less than 25 per cent. —and this is one case where figures cannot be made to lie. If there has been any erring at all, it has been on the side of leniency toward the prisoners, and all the slanderous publications in Christendom cannot alter the facts.

These splendid and much-to-be desired conditions would, however, be impossible if labor agitators and other opponents of the contract system were allowed to have their way. In this connection, I beg to quote from the final report of the Commissioners appointed to examine the Department of State Prisons of the State of New York, where a different system prevails. This report was recently published, and says in part:

"Conditions in this State are particularly favorable to the profitable operation of prison industries. By statute the prisons are given certain economic advantages over similar industries operated in the open market at a profit to the manufacturer. The law requires that no article manufactured by the prisons shall be purchased from any other source for the State or institutions of the State or political divisions thereof. The market so established is constant and certain. Competition is eliminated and the selling expense is reduced to a minimum.

"Not only is the available market constant and certain, but we find that it is of sufficient magnitude to consume an output many times the amount now produced by the prison industries. The expenditures for supplies for the City of New York alone, exclusive of such items as coal, foodstuffs, forage, etc., aggregate $16,000,000 annually. The sales of the State prisons amount each year to about $900,000. Labor is practically free. By statute, the price of the manufactured article is maintained at the market price, and the earnings bear no charges for depreciation of plant, taxes, rentals or interest.

"Notwithstanding these advantages conferred by statute, the prisons fall far short of being self-supporting. The penal institutions for the fiscal year cost the State approximately $2,000,000, and the average profit on the sale of prison-made goods, over and above the bare cost of materials and supervision, between the years 1890 and 1900 was only 18½ per cent. of the amount required to maintain the prisoners; and in the period between 1900 and 1910 this percentage fell to 15½ per cent. To support themselves, without contributing anything to the treasury of the State, there would be required a six-fold

increase in the productiveness of the work of the convict population."

Referring to the reformatory effect of the New York system, the report of the Superintendent of Prisons for 1910 says:

"From 1900 to 1910 there was an increase of 25.4 per cent. in the State's population, and an increase of 37.6 per cent. in that of the prisons."

And this, despite the fact that New York State maintains a noted reformatory.

The increase in the population of Maryland during the years 1900-1910, according to the last Federal Census, was between 9 and 10 per cent., while the population of the Maryland Penitentiary today is not 4 per cent. more than it was ten years ago. Possibly this is not significant, but it may prove worthy of note in considering, later on, the reformatory effects of the system followed here for more than two decades.

Let us first consider, however, by way of comparison, the results attained at the Maryland Penitentiary with the contract system, during the similar period mentioned.

From 1900 to 1910 the receipts thereunder were $1,431,523.79 and the disbursements $1,095,162.52, making the prison self-supporting and leaving a net profit of $336,361.27, which was paid into the State's treasury. During the same time prisoners earned for themselves $313,794.43.

Surely, these figures do not indicate that either the State or the convicts received the short end of the bargain, or that contractors were favored by forcing prisoners to over-exertion by brutal methods. Besides, prison industries are just so susceptible to business depression as similar enterprises employing free labor, and it is more than certain that the earnings of convicts for the time referred to would have been much larger had it not been for the great panic of 1907, when several of the industries in question were, for a long period, unable to furnish sufficient work to keep their employes fully engaged.

When I became Warden of the Maryland Penitentiary, the Institution was being maintained at an annual deficit of some thousands of dollars, though there were several contracts in

operation. Discipline had been notoriously lax. Convicts openly gambled in the shops, and performed their tasks only when they felt like it. Contractors were disgusted, and one refused to renew his agreement with the State. Another paid the State a bonus of $5,000 to be relieved of his obligation, and many prisoners were idle.

No one will deny that idleness is the worst possible thing which can be forced upon a prisoner, and it is equally undeniable that work which will inculcate thrift, aid a convict to regain his self-respect and, at the same time, yield him an encouraging monetary return while paying his debt to the State, is of the highest reformatory value; and so the first great problem of my administration was to secure sufficient employment for the unfortunates in my charge.

This was accomplished only after a long and trying search for capitalized industry, which was then no easy task. The first new contract secured was that for the manufacture of hollow ware, which is still one of the prison's stand-bys, and pays the State 60 cents per day for the labor of each prisoner employed by it, besides being charged for building rental and furnishing its own power and the like.

It was followed by the organization of a company for manufacturing shoes, which continued for twenty years, paying the State 50 cents per day per prisoner. The shoe company was succeeded several years ago by the Bromwell Brush and Wire Goods Company, which allows the State 55 cents per man per diem, or 20 cents more than the concern ever paid before for prison labor.

The industry employing the largest number of prisoners is the Export Manufacturing Company, which was secured ten years ago for the manufacture of shirts, and is under contract to employ prisoners at 50 cents per day.

It has been alleged that the services of convicts are let to these concerns at too low a figure, and that the State has been heavily mulcted thereby. It has also been charged that these contracts were made by me personally, as Warden, without inviting competition.

These assertions are as unfounded as the others which have been made.

I may be pardoned for seeming egotism in stating that several contracts were secured by me, and at least one company was organized at my most earnest solicitation, among local business men, but it was solely for the purpose of placing the Maryland Penitentiary upon a self-supporting basis. I have never had any private relations with these concerns, and all contracts have always been made between the President and Board of Directors of the Institution and the contractors, with the full knowledge and sanction of all the former gentlemen regarding the terms under which prisoners were employed.

Star-chamber methods were never resorted to, and the highest possible returns for State and prisoners were invariably insisted upon. Indeed, it is to be doubted whether, under existing conditions, contractors could afford to pay more than has been secured, because of the continual agitation regarding prison-made goods. Capital is a "shy-bird," and few business men would care to invest heavily in a manufacturing enterprise under no less than a five-year contract guaranteed by heavy bond and take the chance of having solid financial ground swept from under their feet by adverse legislation closing the market for their products.

Depressed financial conditions must be reckoned with by prison industries, as well as those of the outside world, and as the prison contractor does not care to face bankruptcy any more than does his brother manufacturer who employs free labor, it is practically impossible to secure a higher rate for the prisoners' labor than is in vogue at the Maryland Penitentiary. Contractors in other prisons—notable the Connecticut Penitentiary—have tried to pay a higher figure, and the result was a financial crash and disaster.

That the cry about prison-made goods and their evil effects upon free labor is, likewise, largely exaggerated, is shown by the following extract from a letter written to me several months ago by the company controlling our largest industry:

"The total product of our eighteen factories located in Maryland, Pennsylvania and Virginia approximates 18,500 dozens weekly, and of this quantity about one-sixth only are made at your Institution.

"Your Institution is regarded by us as simply one unit in our factory organization; its product is marketed at precisely the same prices, and under precisely the same conditions as the balance of our production, and in no way affects any sales or quotations of our goods in any particular. The total number of our employees of all kinds approximates four thousand.

"Concerning changes which have taken place in the wages paid during the period of our connection with your Institution since 1902, we will say that our records show an average increase of wages in our outside factories during that period of 20½ per cent.

"Concerning the supply of help in this city, the want columns of the Baltimore *Sun* are perhaps the best indication as to the needs of the manufacturers of this city for additional help. You will usually find from eight to fifteen manufacturers advertising for help at all times, and generally without material results. To such an extent is this true that we ourselves have been obliged to plan further extensions in the States of Pennsylvania and Virginia. In the latter the State has recently erected a building for our use, and now occupied by us, which for a period of ten years is both rent and tax free."

This brings us to consideration of the charge that unfair tasks are imposed upon prisoners for contractors' benefit.

When I became Warden in 1888, a careful study of tasks was instituted and readjustment brought about. Prisoners were assigned to work for the various industries according to their physical condition, and this plan has been followed ever since. The more able-bodied were sent to the hollow ware contract, the next stronger and physically capable to the shoe contract (now the brush factory), and the weaker ones to the shirt shop.

Accurate information was secured as to the average amount of labor performed by employees of similar free industries, and the task of a prisoner fixed at three-fourths, or 75 per cent., of the output of the free laborer. All above this was awarded to the convict as overtime earnings.

The gratifying results have been shown in the figures before detailed, and they prove conclusively the fairness of the system and its beneficent effects. Indeed, many prisoners have been a far better support for their families while incarcerated than they were as free men, and earnings of $35 and $40 to $75 per month per man have been frequent.

Such cases have not been sporadic, and if some convicts' earnings have been small, it was partly due to their own lack of industry, physical incapacity or other conditions beyond the Warden's control, though carping critics would seem disposed to question the hand of the Almighty in their efforts to belittle an administration.

No inmate of the Maryland Penitentiary was ever punished for failure to perform a task because of physical inability or because the task was unfair or impossible of execution. Stories to that effect are out of the whole cloth, though refractory prisoners should be and have been punished for positive refusal to obey the rules of the prison and undergo what the law and sentences prescribe—"hard labor," but in just measure.

The fact is frequently lost sight of that prison conditions in Maryland generally, and the Penitentiary particularly, are entirely different from those prevailing elsewhere in this country. Two-thirds of the inmates here are negroes, and many of these of the so-called Border-State type, confessedly the most difficult to handle and keep in subjection when confined. The average negro convict here needs to be ruled with a firm hand, and made to obey, with his white fellow-unfortunates, exacting, though not severe or unreasonable, rules.

It is not necessary to dwell upon the fact that these are as necessary, and that genuine discipline is as essential, as active employment for the mental and physical well-being of convicts; and once discipline is lost, all is lost.

I believe in being kind so long as there is any hope that the kindness will be felt, but there are some cases in prisons of this character where corporal punishment is absolutely necessary. It is not often, I am glad to say, that we have to resort to such treatment here; but when we do, it is given in no perfunctory manner. Where many heads of prisons of this kind make the mistake is treating all men alike. This is never done here. Every individual who comes here is studied, his mental and physical capacity is noted, and he is treated in a way that will cause the least unpleasantness to him.

I have always made it a point to tell every prisoner who is sent here that he is expected to obey the rules of the Institution. In doing so, I tell him that these rules have been made for his own benefit; for, without order in such a place, it would be as impossible for him to be safe as it would be for us to conduct the Institution. I find that in a great majority of cases such a statement has the desired effect, and when the prisoner sees that we are disposed to be kind, he generally lives up to the rules.

Of course, there are times when prisoners become refractory, and then we have to resort to corporal punishment, for to have one or two men in an institution of this kind claiming they cannot be managed, would be simply to destroy all our efforts to maintain order. It is seldom that a plain talk with a white prisoner is ineffectual, but there are colored men—the class that generally comes here—who cannot be made to understand anything unless it is beaten into them from the outside. These men have never done any work when out of prison, and when they come here and find they have to work, they frequently become refractory. Sixty-seven per cent. of the inmates of the Institution are colored.

I do not think that any general system of treatment of prisoners could be successfully carried out, for, as I have said, each man should be studied carefully. And one of the chief things is to find out a man's mental and physical capacity, and to place him at work accordingly.

The Maryland Code, long ago, wisely provided for the punishment of refractory prisoners, and in not one instance, during the twenty-four years of my service as Warden, have the bounds or provisions of the law been overtrodden or exceeded. The lash was never freely used, and its use has been entirely abandoned for some years past; not because the whipping of unruly and mutinous prisoners was not efficacious, or because the practice was inhumane, but for sanitary and disease-preventive reasons.

Many prisoners, as the medical records will show, are received as inmates when suffering from syphilis and other diseases easily communicated. It was found that the lash, when used upon unfortunates of this character, served as a transmitter of disease to others, and so abolition of the whip was decided upon without question. In its place, "cuffing-up" or forcibly raising the hands of a prisoner above his head for a short period, was resorted to as punishment, and, as a rule, this has been most effective as a deterrent and in maintaining discipline.

I deny, emphatically, and with all the vigor of which I am capable, that this, or any other form of punishment exercised at the Maryland Penitentiary is brutal, and it is not illegal or beyond the authority of the Warden. Whipping a prisoner may entail bad after effects, but "cuffing-up" never. A comparatively few minutes of the latter sort of punishment have invariably proved sufficient to convince the most refractory prisoner of the futility of disobedience of the rules, and in no case has the punishment been prolonged. The only effect of it, beside the humiliation, is to arrest free circulation of the blood temporarily, and a few minutes suffice to restore this after the convict has been released.

I repeat, this form of punishment is distinctly *not brutal.* It is, moreover, the only possible sanitary, and even humane, way in which to control the wild and unruly spirits found in every great prison. If there is any better way, I have not learned it in all my many years of experience, which, I believe, have included contact with as many hardened and

desperate convicts as the records of any prison can show, proportionately.

Similarly, those who, in their ignorance, would conduct a penitentiary under the leniency of Sunday-school rules, have made an outcry against confinement in the dungeon, or dark cell, as punishment. This, too, is clearly prescribed by the Code of Maryland, and I fail to see the inhumanity of such confinement, on shortened rations. It is true, the bed provided in these cells is not a couch of downy ease, and the accommodations therein are not palatial, but they are no worse than those of the average police station-house in Baltimore City, and, besides, the Stygian darkness of these apartments was done away with some years ago, and more or less light was admitted upon the inmates.

Many officers of the Institution, past and present, and scores of former convicts will testify that neither brutality nor undeserved hardships were practiced or imposed by the punishments under discussion, and this feature of the case may be safely left here, just as hundreds more will testify that prisoners were never denied or failed to receive comfortable and substantial clothing, shoes and bedding, suitable to seasons and in keeping with the law's provisions.

The Code of Maryland, also, prescribes the amount and kind of food each prisoner shall receive daily. Possibly this provision is antiquated, and needs revision, but I can conscientiously and positively assert that more and better, as well as nutritious, food has always been served to the convicts during my administration than even the law specifies. Good meats, wholesome vegetables and good bread in the most generous quantities have invariably been served, and no prisoner has ever been refused sufficient food to satisfy a reasonable appetite. On holidays, what even the outside common, work-a-day world would consider delicacies have been provided, and only a comparatively few malcontents have ever made complaint on the score of provisions.

In such cases, as in the case of all other complaints, the Warden has ever and always insisted upon hearing the grievances personally, instead of through a junior officer or in

writing, as is the custom in many other large prisons. Such complaints have always been promptly and closely investigated, and in most instances found to be unjustified.

A penitentiary, so far as its cuisine and menu are concerned, is after all only a household on a greatly enlarged scale, and, like in the private home, the cook is liable to sometimes have misfortune. It is no easy task to provide regular meals for 1,000 or more prisoners each day, and have the food suit each individual taste each time, especially when several thousand loaves of bread must be turned out at each baking.

But there have been no genuine grounds for complaint on this score at the Maryland Penitentiary at any time in over twenty-four years, and even if the prison's physicians did not daily inspect the food and pronounce it plentiful, wholesome and nutritious, and even if grand jurors and others had not regularly investigated it from time to time, the best evidence on this head would be the continuous and generally good physical condition of the inmates. The small percentage of illness among the prisoners and their ability to perform their daily tasks is more than a sufficient answer to the charges made in this regard.

At the holiday season of each year, for a period of a month or more, prisoners have been allowed to purchase for themselves, or have sent to them by friends and relatives, almost every delicacy not usually allowed under the prison rules, while the sick in the prison hospital are always given the most nourishing foods at the State's expense.

Readers of that portion of the sensational press already mentioned have also been told of the prison's general commissary store, where tobacco, shirts, underwear, shoes, socks, handkerchiefs, soaps and scores of other articles, either of a better quality than those provided by the State or in the class of non-essentials to prison life, are sold to prisoners, so far as the rules permit. They have been told—and falsely told—that prisoners are *compelled* to buy from this department, and are greatly overcharged for the articles purchased. They have been told that the luxuries and other foods purchased by themselves during the holiday season must be secured through the

same source, likewise with overcharges against their overtime earnings accounts.

These assertions are on a par with the other charges, as a little and even superficial examination will show. As a matter of fact, this department of the prison has been and continues to be of the greatest financial benefit to the majority of inmates, and have saved them in the aggregate many thousands of dollars since its inception. Furthermore, there is nothing whatever of a compulsory nature about its methods of operation; no convict was ever overcharged by it in the slightest degree; its accounts are as straight as the proverbial string, as has been annually proved and attested by reputable certified public accountants, and the entire profits of the department, such as they have been, have gone to the credit of the State, and the State alone.

As has been indicated, the commissary store was instituted by me some years ago, with the knowledge and full approval of the Board of Directors of the Institution, not only for the convenience of prisoners, but also for the protection of their monetary interests. They had always been, and are now, allowed to purchase ordinary articles outside the prison walls, subject to examination of these articles when delivered, to prevent the smuggling of liquor, drugs, weapons and other dangerous contraband into the enclosure.

It was found, however, that unscrupulous relatives and friends frequently received the convicts' funds for such purchases, and made them at most exorbitant prices, and often not at all. To guard against just such contingencies, the commissary store was established, and prisoners were given the opportunity to fill their wants within bounds through this medium, without risk of losing their money, though purchases so made were and are *entirely optional* with them.

That the great mass of prisoners have always availed themselves of this privilege, and that none has ever had reason to regret it, speaks volumes for the wisdom of the plan which has been carried out. In the cases of only some articles does the State receive a profit on the goods sold, and in none do these

profits exceed the retail prices for articles of similar quality sold in the market at large outside the walls. In some instances, where it is possible to purchase at wholesale and dispose of goods in large quantities, with a considerable discount for spot cash, the commissary store has given the purchasers the benefit of the discounts, and the prices charged are considerably below retail prices elsewhere.

Far from being an imposition, this department has been a positive benefit to the inmates. The profits have been regularly reported to the Board of Directors each month, and credited to the account for Hire and Rents. Not one prisoner has ever been wronged a penny's worth, and, to the best of my knowledge and belief, nobody but the State has ever profited to the extent of a dollar from the business.

And now, having, in a general way, answered the charges spread abroad by one newspaper, it may be stated that all the facts before set forth can be substantiated iu detail by no end of unquestionably high and strong proof, which will be produced at the proper time, when called for by due authority; and, by way of gratuity, it might be-apropos to add here a few testimonials regarding the Maryland Penitentiary and its management.

Several years ago, the Indeterminate Sentence Commission said, among other things, in its report to the Legislature of Maryland:

"This Commission necessarily had to make a close study of the methods in use at the Maryland Penitentiary. No one, after an examination of its condition, could have any doubt as to its good management. The thoughtful consideration given to the welfare of prisoners is shown by the utterances of Mr. John F. Weyler, the Warden for twenty years. * * *

"At the Maryland Penitentiary every prisoner is kept busily at work of some kind. The industry which employs the greatest number of men and women is the manufacture of shirts. As the city of Baltimore is known as a great center for the manufacture of shirts, it is extremely fortunate that such a large number of prisoners are employed in this manner

at the Penitentiary, for, when released, it is an easy matter for many of them to get immediate and profitable employment. * * *

"In some quarters, a system under which the State receives money from the labor of prisoners is severely criticised, but we fail to see any just cause for criticism at the Maryland Penitentiary, where the prisoners are given such a large share in their earnings. In many cases the prisoner will do more for the support of his family while at the Penitentiary than he has ever done before, and in the course of a year a single prisoner has been known to earn over $600. In one year $18,000 was given by the prisoners out of their earnings for the support of their families; $10,000 was expended for magazines, stationery and other articles, and $12,000 was paid to the prisoners upon their discharge. * * *

"Much to the surprise of this Commission, an examination of the reports of the Penitentiary for the past seven years shows the very high percentage of first offenders to the total number of inmates of from 79% to 83%. The percentage of first offenders at the Elmira Reformatory is in the neighborhood of only 60%, and reports of the Ohio State Reformatory show that the first offenders there are only 50% of the total prison population. * * *

"A full consideration of the question has, indeed, brought the Commission to the conclusion that the Maryland Penitentiary *is in fact a reformatory,* although not so in name.

"While no effort is made by the Warden to ascertain the subsequent records made by the discharged prisoners, it is evident that, as the great majority of the prisoners have been for many years Marylanders, a very large percentage of those released have had no subsequent criminal record. We are of this opinion, for we believe that if a large number of them subsequently committed crime, undoubtedly they would find their way back in considerable numbers to the Penitentiary, the only one in Maryland. In such event, it would have been impossible for

the records of the Penitentiary to show that 80% of the prisoners are first offenders.

"That the Maryland Penitentiary has been recognized by distinguished penologists as occupying a unique position among penal institutions in this country, we quote from an address by Mr. Fred. G. Pettigrove, for many years President of the Massachusetts Prison Commission:

" 'Many prisons which are not reformatories in name can be shown to accomplish the same end for the best interests of the prisoners and the State. I mention the Maryland Penitentiary, especially because it deals in a broad, humane way with two types of humanity in a most successful manner.' "

Mr. Edgar Grubb, Secretary of the John Howard Association of England, the pioneer prison reform society, after a recent visit in this country to observe the operations of penal institutions, said in his report:

"In the Maryland Penitentiary the contract system is making a most notable success, not merely financially, but in the lives and characters of the prisoners as well.

"The prison is a striking example of the benefits that may arise from freedom and elasticity, when a man of genius is found to conduct the work. Such, undoubtedly, is the Warden, Mr. John F. Weyler, who has, more than anyone else, developed the Institution on its present lines. In his office is a most artistic testimonial, which was got up by the prisoners and designed at their expense, when he had been ten years in office. It speaks in the warmest terms of his justice and his earnest efforts for their good, and there can be no doubt that the expressions of respect and affection are perfectly genuine. He devotes his life absolutely to his prison duties, scarcely ever taking a holiday, even for a single day."

From William Tallack, of London, one of the most noted penologists of the world, and for thirty-five years the guiding

genius of the famous John Howard Association of England, recently came the following:

"You are doing a noble work in Maryland. Now your name is especially representative of penological progress there. May the blessings of the Highest rest on you and your efforts for many long years."

A similar testimonial was recently received from Thomas Holmes, also a noted penologist of Europe, who writes that "You are teaching us a great lesson, and one that I hope to bring before the people of England, for I quite appreciate the moral and mental effect your methods produce upon prisoners."

The following item appeared in the Baltimore *Sun* of October 12, 1910:

"Mr. James H. Duncan, superintendent of his Majesty's prison at Kuntsford, England, paid a visit yesterday to the Juvenile Court and sat beside Judge Williams through the session.

"Mr. Duncan came to the United States to attend the Prison Congress in Washington. He has visited New York, Boston and Chicago. In Baltimore he also visited the Maryland Penitentiary, and was greatly interested in what he saw there. He considers Warden Weyler a genius.

" 'The sight,' he said, 'of that great hive of industry, where all the prisoners are industriously at work, is wonderful. The fact that the Penitentiary is self-supporting and pays $50,000 a year into the State Treasury, and that, in addition to this, the prisoners are earning money for themselves and many of them sending it out for the support of their families, is a remarkable thing in the history of prisons.

" 'I understand that the prisoners, when they first come in, fear the Warden; then they respect him, and finally come to love him.' "

Here is one of many letters from former prisoners, testifying to the humane and encouraging treatment accorded them while serving their sentences:

NOTE BY COMMISSION.—This letter has already been inserted in this Report under the heading "Letters and Statements of Convicts," page 103 of this Report.

In passing, it may be mentioned that the writer of this letter now holds a responsible position as head of department in a large local business establishment, and his case is typical.

It would be useless to here multiply evidence of the methods which have always prevailed at the Maryland Penitentiary during my administration as Warden; but, in concluding, it will probably not be taken amiss when I say that, while I have freely and gladly given nearly twenty-five of the best years of my life to service of the State as the head of its largest penal Institution, at this eventide of my days I do not seek to be unduly favored. I only ask that *justice* be done, and that the *truth* alone be uncovered and made known.

JOHN F. WEYLER.

APPENDIX D.

COMMISSION MARYLAND PENITENTIARY PENAL SYSTEM,
820 Munsey Building, Baltimore, Md.

February 4th, 1913.

Mr. FRANK A. FURST,
Chairman Board Directors, Maryland Penitentiary.

DEAR SIR: **Our report is practically finished.** We are making clean typewritten revise of the different parts, and are holding for consideration the **order** in which the different matters should be discussed. The report will be **in the hands of the Governor by the end of the week.**

Yours very truly,

EUGENE O'DUNNE.

APPENDIX E.

"February 4, 1913.

"To the President and Directors
of the Maryland Penitentiary.

"GENTLEMEN: I hereby tender my resignation as Warden Emeritus of the Maryland Penitentiary, to take effect at once.

"My present determination to sever the relations I have so long held with the Maryland Penitentiary is neither hasty nor unexpected, for it is well known to your honorable Board that it was my purpose to withdraw from the exacting cares and responsibilities of my office three years ago because of advancing years, and I only remained in the position at your earnest solicitation because of your expressed belief that I could still render efficient service to the Institution, and for the added reason that I felt I owed an obligation to you for your kindly treatment throughout your entire administration. When, therefore, the Legislature of Maryland, at the January session of 1912, acting upon the suggestion of a previous grand jury, authorized you to annually appoint me as Warden Emeritus, and you elevated me to said office accordingly on May 1, 1912, I accepted this new position, not only because I considered it a compliment I could not refuse, but because I believed that, the duties being advisory only, I would be able to render some service to the Institution without too severely taxing my physical powers.

"Experience, however, early convinced me that, even though the duties of the Warden Emeritus are advisory only, an Institution like the Maryland Penitentiary should have no division of authority whatsoever, and responsibility should be concentrated in the Warden alone, and hence, at the close of the fiscal year, on November 30, 1912, I again made known to you my

determination to resign, as I believed such action to be for the best interests for all concerned.

"Inasmuch, however, as an investigation of the affairs and management of the Maryland Penitentiary, instituted by his Excellency Governor Phillips Lee Goldsborough, under the auspices of the Commission Maryland Penitentiary Penal System, was then in progress, I felt it my duty to remain in the service until such time as this honorable Commission would have full opportunity for my personal examination, for any other action I thought might be interpreted as being unmanly, if not cowardly.

"But now that more than six months have passed since the inauguration of this investigation, and the Commission has had every facility and opportunity to examine both myself and the general administration of the Penitentiary, I feel that there is no reason for a longer continuance in the office which you so kindly and generously bestowed upon me, the duties of which I tried earnestly and faithfully to discharge.

"Respectfully yours,

"JOHN F. WEYLER."

NOTE 1.—The above resignation was accepted at the monthly meeting of the Board of Directors, held 5 P. M., February 5th, 1913.

NOTE 2.—Our report was filed with the Governor the morning of February 7th, 1913, and by the Governor's direction ordered to be printed, the summary of findings and recommendations being given to the press that day by the Governor.