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Donald R. Walker

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## THE MESS IN MINEOLA: AN ACCOUNT OF THE INVESTIGATIONS INTO CONDITIONS IN A PRISON WORK CAMP, 1879

*by Donald R. Walker*

On March 22, 1871, Governor Edmund J. Davis signed legislation authorizing the leasing of the state penitentiary to the highest private bidder. This included all buildings, implements, and inmates. In so doing, Davis admitted that the state could not maintain the prison in the manner contemplated by the state penal code. Thus Texas joined the other states of the former Confederacy that had opted to turn their prisons over to the management of outside parties when confronted with the twin problems of inadequate facilities and dwindling state revenues. The lessees then placed the prisoners in private work camps scattered about the state.<sup>1</sup>

During the period of prison leasing in Texas, which extended until 1912, the state entered into three contractual agreements. The first two, made between 1871 and 1877, were financial failures for the state as well as the lessees. Overall mismanagement, plus the difficult task of finding profitable employment for the inmates plagued the contractors and ultimately forced them to return the inmates to state control.<sup>2</sup> The third lease agreement, entered into with a firm headed by E.H. Cunningham and L.A. Ellis, who had extensive sugar growing properties in the counties southwest of Houston, proved the success state officials had anticipated. During the five-year life of their contract, Cunningham and Ellis sublet the prisoners to railroad companies as well as other sugar and cotton growers, made substantial permanent improvements in prison facilities, and paid in excess of \$358,000 into the state treasury.<sup>3</sup> According to the *Galveston Daily News*, the lessees also earned for themselves over \$500,000.<sup>4</sup>

The profitable nature of the Cunningham and Ellis lease excited the envy of state officials as well as other prominent citizens and led to a demand that the state realize a larger share of the proceeds from prison labor for itself.<sup>5</sup> In the spring of 1883, the legislature refused to renew the contract with Cunningham and Ellis. Prison officials, acting with the consent

of the governor, hired out the inmates directly to private parties thereby retaining the money previously earned by the lessees for the state. The policy of the state-as-lessor continued until the leasing system was abolished.<sup>6</sup>

The enthusiasm with which state officials greeted the news of Cunningham and Ellis' financial success and the prospects for even greater profits under state management was tempered somewhat by concerns over the condition of the prisoners working in the lease camps far removed from the main prison at Huntsville. Although the lease agreements contained provisions designed to guarantee humane treatment and proper care of prisoners and a state inspector of prisons was appointed to verify compliance with the rules, life in the outside work camps went on essentially free of any supervision except for that of the guards who kept the inmates at their labors. The notoriously low salaries paid the guard force led many to accept extra money from the contractors in return for reducing the costs of prisoner upkeep by scrimping on the quality of food and medical care. At the same time, camp personnel forced greater production from the men. As a result, the lease camps came to be inhabited by inmates who were poorly-clad, poorly-housed, poorly-fed, and denied proper medical attention. The prisoners were forced to work long hours in all types of weather regardless of their physical condition and were punished severely for any perceived malingering or failure to perform their assigned tasks in a satisfactory manner.<sup>7</sup>

That conditions such as these could become so common in the lease camps was due partly to the inadequate degree of inspection by prison officials. Most of the camps were located in remote areas of the state and were moved often in response to the work demands. Such mobility rendered them relatively inaccessible to regular, thorough inspection.<sup>8</sup> Moreover, few of the individuals who served as prison inspectors had any intention of enforcing the regulations too stringently. Most had secured their appointments as a reward for faithful service to the Democratic Party, or as a result of a strong friendship with the incumbent governor. Few inspectors demonstrated any interest in taking their duties too seriously for fear of embarrassing the administration and jeopardizing their employment with the state.<sup>9</sup> Available evidence indicates that the matter of securing proper treatment for prison inmates in the outside camps constituted one of the more persistent and troublesome problems with which elected leaders had to contend throughout the late nineteenth century.

In essence, leasing entrapped the state in a dilemma. The revenue from the inmates' labor formed a significant source of income, reducing the amount of financial support that otherwise would have had to come from the state's taxpayers. Elected officials could support the continuance of the lease secure in the realization that they were punishing crime without having to take the politically-unpopular step of asking for additional taxes to do so. At the same time, however, the state could not abandon the prison population completely in the pursuit of profit. While it is impossible to determine accurately how the general public felt about the prisons and the lease system, enough evidence does remain, in the form of letters to the governors, newspaper editorials, and legislative debates, to prove beyond question that in certain instances public feeling against conditions in the camps became so agitated that it threatened the very existence of the system itself. The problem for state officials became one of determining the proper amount of pressure to exert on the prison contractors. If prison officers did too little to force compliance with the rules and regulations governing care of the inmates, the potential for physical abuse of the men in the camps likely would continue. If unchecked, prisoner mistreatment could lead to a public outcry and demand that leasing be ended and all prisoners brought back under state control. If, on the other hand, too much pressure were applied the contractors might decide that using prison labor was too costly and bothersome and look elsewhere for workers. In either case, the state would lose the lease revenue, plus would have to bear the financial burden of building additional prisons and paying all costs for the care of the inmates.

An example of the kind of difficulties encountered by state officials trying to enforce the prison rules and regulations occurred early in the administration of Governor Oran M. Roberts, who had been elected to the office in 1878. The manner in which the governor responded to complaints regarding conditions in one of the prison labor camps is worth examining in some detail as it illustrates quite clearly the complexity of the problem. All of the charges, countercharges, complaints, rumors, and exaggerations, had to be sifted thoroughly to get at the truth. Once this was done, the conflicting interests of the prisoners, of the private citizens living near the camps, of the state, and of the lessees had to be reconciled in such a way that the source of contention was removed without destroying the fundamental structure of lease.

Roberts is probably best remembered for his policies of economic re-trenchment to lower the cost of government, pay off all indebtedness, and launch the state on a pay-as-you-go financial footing. The income from prison labor figured prominently in the governor's plans to accomplish his financial objectives. Roberts worked to see that all prison regulations were enforced strictly. He feared that if the treatment of prisoners did not conform to public expectations, a movement to end leasing might develop. At one point Roberts noted that no aspect of state government had caused him the "constant uneasiness and apprehensions" as had prison matters. He sensed a growing public outrage at the manner in which prisoners were treated and wanted prison affairs put in order at once to forestall further criticism.<sup>11</sup>

In late June 1879, Roberts wrote the prison superintendent, Thomas J. Goree, asking him to investigate charges of prisoner mistreatment at a work camp in Wood County. The governor stressed the importance of making a thorough investigation and told Goree to take the assistant superintendent, D.M. Short, with him.<sup>12</sup> In a subsequent letter to Short, who was a long-time friend and law partner of the governor, Roberts again emphasized the need for determining the truth of the charges and allegations and recommended that the assistant superintendent make contact with Senator J.M. Buchanan, who represented the district in Austin. Roberts considered Buchanan to be a reliable man whose advice and counsel would be valuable to the investigators.<sup>13</sup>

Shortly before the inquiry began, newspaper articles appeared which discussed conditions in the Wood County camp and hinted at the conclusion that would be drawn later by the investigating committee. The Wood County *Flag* devoted the entire issue of June 28, 1879 to a strident denunciation of the prison camp in its midst. The paper charged that the camp inmates lived completely at the mercy of guards described as "heartless brutes in the shape of men," guilty of "unnecessary cruelty, brutish treatment, and outrageous conduct toward the convicts." It recounted stories of numerous unmarked inmate graves near the camp, of prisoners who had been beaten to death, and of guards wantonly and deliberately shooting and killing men who had attempted to escape. The paper called for an immediate investigation to determine the truth of the charges made against the camp administration.<sup>14</sup>

Several days after the *Flag* article, the Galveston *Daily News* ran a simi-

lar story. It repeated many of the charges and complaints made by the *Flag* reporters and described some of the same incidents of brutality. It told, for example, of one prisoner, Ed Johnson, who had attempted to escape but who had been recaptured quickly near the camp because the metal spur bound to his foot had made it impossible for him to run. The two guards who had chased him simply shot and killed him rather than take him back to the camp. According to the paper there was evidence to prove that Johnson had been killed after he was already in the guards' custody. *The Daily News* reporter pointed out that a large percentage of the citizens in Wood County disliked having the prison camp near them and that this resentment might account for a good many of the charges and rumors made against camp officers. The people were angry that the work being done by the prison inmates denied jobs to citizens in the area. They believed that the camp existed solely for the profit of the lessees with no thought being given either to the well-being of the prisoners or to the disruptive and potentially dangerous effects of having prison inmates near established communities.<sup>15</sup>

The investigation was held in Mineola and lasted from July 15 through July 18, 1879. The prison camp, located near Lake Fork, a tributary of the Sabine River, contained approximately eighty prisoners engaged in cutting wood for the Texas and Pacific Railroad which had subleased the inmates from the prison lessees, Cunningham and Ellis. The camp was under the charge of a sergeant and as many guards as were necessary to control the men and keep them at their required tasks.<sup>16</sup> The sergeant and guards were hired and paid by the prison lessees, yet had the responsibility of enforcing rules and regulations drawn up by the state.<sup>17</sup>

During the course of the investigation a total of twenty-nine persons appeared before the committee. All testified under oath and signed written synopses of their testimony. It quickly became evident that the inquiry would focus most sharply on the period September 1 through December 24, 1878, almost a year prior to the date of the investigation. It was during this time that the camp had been supervised by Sergeant J.H. Randle and the most egregious cases of abuse and neglect had taken place.<sup>18</sup>

Considering the highly-emotional nature of the newspaper articles that had preceded the investigation and the gravity of the allegations against the camp personnel, it must have surprised the members of the committee when only nine of the witnesses could offer eyewitness tes-

timony of prisoner mistreatment and none could testify to having seen guards shoot and kill any of the inmates. Of the remaining twenty persons who were questioned, some could only repeat rumors they had heard while others said that they had visited the woodcutting camp often but had seen nothing amiss.

The first witness, Willie Donahue, seventeen years of age, had worked for two months as a guard for Sergeant Randle and had been paid \$18 per month for his services. Donahue described having once seen Randle kick an Indian prisoner two or three times because the man complained that he was too sick to work. Randle forced the inmate to work anyway and the Indian died later that day without receiving medical attention. Donahue further testified that he had seen Randle place men in the stocks and whip them with limbs from persimmon trees when they said they were too sick to work. He mentioned that the prisoners were required to cut a specified amount of cordwood each day; white inmates had to cut three fourths of a cord while black prisoners were to cut one full cord. In concluding his testimony, Donahue stated that for breakfast the prisoners received bread, meat, and meal coffee. Lunch consisted of bread, bacon, and beans, while for dinner the men were given bread and bacon. Molasses was provided once a day and wheat flour bread was available on Sundays.<sup>19</sup>

Another witness, James Long, forty-nine years of age, reported that he had seen prisoners being disciplined at the camp and described the punishment device commonly spoken of as "the stocks." According to Long, the stocks were built of large wooden planks with holes for a prisoner's neck and arms. After placing a man in the device Randle would lift the entire mechanism so that the prisoner's legs cleared the floor. There was a small stake in the ground under the stocks that the prisoner would just be able to reach with his toes to relieve some of the wrenching pressure on his neck and arms. Long also stated to the committee that he had seen Sergeant Randle use dogs to pursue inmates who attempted to escape. Randle would often permit the dogs to attack the prisoners after their recapture. Long said he had seen two prisoners so treated and that when the escapees were returned to camp their bodies from the hips down showed evidence of having been torn and chewed severely by the animals. In the most shocking part of his testimony, Long described having seen two prisoners, each of whom had cut off one of his hands to keep from having to work. Randle forced the men to work anyway, and Long could not say if the men had received any medical attention for their injuries. He also mentioned that

the camp living quarters were dirty and unkept, but that there appeared to be an abundance of good quality food available.<sup>10</sup>

Two of the witnesses, J.W. Richardson Jr. and W.A. Kennon, both had worked as guards at the camp. They reported that they had often seen men vomit and soil themselves while hanging in the stocks. Kennon said that he had seen Randle place a man in the stocks shortly after the man had been shot in the back trying to escape. Both men agreed that conditions in the camp had improved considerably since Randle had been relieved of duty in late December 1878.<sup>11</sup>

Of the other witnesses who could testify to prisoner mistreatment, all described for the committee incidents similar to the ones related by Donahue, Long, and the guards, Richardson and Kennon. C.H. Haines, who had lived in Wood County for twenty-eight years, said that he knew of eighteen graves of prisoners who had died and had been buried near the Lake Fork camp while Randle was sergeant. Haines also mentioned that during the fall of 1878 there was more sickness in the county than at any other time he had ever seen and that there was a considerable number of deaths from disease among the citizens around Lake Fork.<sup>22</sup> J.W. Franklin, who began guarding for Randle in August 1878, also confirmed much of the prior testimony and went on to detail for the committee the particular brutality of one of the guards, F.P. Bounds. Franklin described having seen Bounds knock down a black prisoner with the butt of a leather whip and then continue beating the man while he was on the ground. On another occasion, Franklin said Bounds pistol-whipped a white prisoner, then had the man stripped, placed across a log, and gave him fifteen or twenty lashes with a leather strap.<sup>23</sup>

Dr. A.L. Patton, a physician who had practiced medicine in Wood County for twenty-five years, reported that he had visited the camp while Randle was in charge and had seen much neglect of prisoners but had never witnessed any abusive treatment of the men. Patton said that Randle fed the men well, but that he often forced them to work when they obviously were sick and should have been allowed to rest. The doctor testified also that the fall and winter of 1878 had seen an unusual amount of sickness and disease in the county and yet Randle had taken no particular precautions to protect the prisoners from illness.<sup>24</sup>

None of the remaining witnesses could substantiate any of the charges made against Randle or his guards. Some said that they opposed work-

ing the inmates outside the walls of the main prison but that their only knowledge of conditions in the Wood County camp came from rumors they had heard. O.C. Reeves, a bookkeeper, and B.F. Bead, a merchant in Mineola, said that they opposed leasing and had supported the demand for an investigation even though they had not seen any incidents of prisoner abuse. The two agreed that since it had become known that state officials would look into the management of the Lake Fork camp there had been no further reports of brutality. This led them to believe that the rumors they had heard had had at least some element of truth in them.<sup>25</sup> Another Mineola merchant, S. Munzisheimer, reported that he also had heard rumors of prisoner mistreatment in the camp but had seen nothing himself. Munzisheimer went on to assert that he opposed the employment of prisoners by private parties, arguing that if the same work being done by prison inmates could be given to free citizens of the area it would be "more profitable for the merchants."<sup>26</sup>

Two men subpoenaed to appear before the investigating committee offered testimony of a slightly different but nonetheless important nature. T.F. McDaniel, deputy sheriff of Wood County, and D.C. Williams, editor of the Wood County *Flag*, both reported that they had seen no abuse or mistreatment of prisoners. Each man, however, commented on public feeling regarding the presence of the prison camp in the county. McDaniel stated that as far as he knew virtually everyone in Wood County objected to permitting the prisoners to work outside Huntsville. The people believed that prison labor took jobs away from citizens who needed money to care for their families. Williams agreed with McDaniel's assessment, saying that fully nine-tenths of the people in the county opposed outside prison labor and that he, as editor of the local paper, was "endeavoring to represent that sentiment."<sup>27</sup>

At one point in the proceedings Superintendent Goree took the stand to testify regarding his actions in the matter. Goree reported that he had first heard of the abuse of convicts at Lake Fork in December 1878. Upon hearing of the charges he had contacted several prominent citizens in Mineola to ask what they knew. At the same time he also had ordered some of the guards from a nearby camp to look into the situation. When their reports confirmed the rumors as true, Goree then asked Mr. I.T. Gaines, a commissioner of the prison system living in Paris, Texas, to go to Mineola, check into the matter further, and make appropriate recommendations.

Gaines' report charged Sergeant Randle and the guard, F.P. Bounds, with "gross violations of the rules." The commissioner recommended that Goree ask the lessees to relieve the two men from duty and appoint a new sergeant to command the camp. Goree did as Gaines suggested and ordered the new sergeant to make a complete report of all violations of the rules with a copy going to a local magistrate for possible criminal prosecution. Other copies of the report were sent to outgoing Governor R.B. Hubbard and to the members of a joint committee of the legislature who visited the prison in January 1879. According to Goree, the sergeant's report confirmed all of the instances of abuse and neglect which had been testified to before the investigating committee. The superintendent defended himself by saying that he had done all he could have in the matter as he did not have the authority either to appoint or remove sergeants and guards without the approval of the lessees.<sup>28</sup>

At the conclusion of the investigative hearings Goree and Short filed a report of their findings with Governor Roberts. They contended that much of the notorious publicity given the Lake Fork camp had developed from deep-seated and widespread hostility to prison labor on the part of local citizens who wanted to use the example of gross mismanagement and misconduct under Sergeant Randle to discredit and destroy the entire leasing system. They did not deny that much abuse and cruelty had attended Randle's tenure as sergeant. They pointed out that eighteen prisoner deaths had occurred during the late fall of 1878 and concluded, based on the evidence, that of that number only one had been shot and killed while trying to escape. The remainder had died from disease perhaps brought on by neglect and overwork. Goree and Short defended their actions in the matter by asserting that they had had Randle relieved of his duties as soon as they had verified that he had misused his authority. Goree mentioned that the inspector responsible for visiting camps in the area had been ill through much of the fall of 1878, so he had not been able to keep as close a check on camp operations as he otherwise would have done.<sup>19</sup>

Shortly after Goree and Short filed their report, Cunningham and Ellis prepared one of their own. They wanted the governor to use his influence to prevent further harassment of the sergeants and guards who were simply doing their jobs. They admitted that they had been deceived by Randle, whom they referred to as a "cruel and unprincipled man," but argued that they had acted responsibly in the matter by dismissing him as soon as they

had become aware of his activities. They explained that every time one of their guards was accused of mistreating the inmates it had proved to be very costly to everyone. The charges had to be investigated, the prisoners had to be locked up and kept from working while the investigation was under way, plus all traveling costs and attorneys' fees had to be paid. The Lessees reported that they had encountered considerable hostility to the lease system along the entire line of the Texas and Pacific Railroad. The opposition, in their view, came primarily from former prisoners, ex-guards, private wood-cutting contractors, and relatives of persons in the lease camps. These people, all of whom were actuated by narrow personal or selfish motives, were only too eager to talk to the press and relate all manner of outrageous stories with little regard for the truth. Although it was never explicitly stated, the tone of the report from the lessees implied that if some form of relief was not forthcoming soon from the governor's office they might have to consider returning the prisoners to the state.<sup>30</sup>

The attorney for the lessees, a Mr. Giles, also offered an opinion regarding the complaints made against the Wood County camp. Giles argued that the motives underlying the criticism of Cunningham and Ellis primarily were economic in origin. Local people resented seeing the prisoners employed in the area, thereby denying an income to Wood County citizens. To bolster his contention, Giles pointed out that there had been no evidence of public outrage regarding treatment of prisoners as long as local merchants had been permitted to supply the prison camp with needed goods and commodities. When the lessees began contracting for supplies outside the area, however, local citizens became upset and complained of prisoner abuse.<sup>31</sup>

By way of conclusion, the investigation at Mineola seems to have satisfied no one. It did not mollify the critics of the lease system nor did it bring an end to the practice of working inmates outside the prison with all the accompanying potential for abuse. The investigation failed to ease the anxieties of state officials who, although responsible for the overall management of the prison camps, generally were ignorant of day-to-day conditions under which the inmates worked. Were the periodic citizen protests at conditions in the camps legitimate expressions of outrage at the manner in which the prisoners were treated, or were they instead simply a ruse to conceal public anger and resentment at the economic competition inherent in a system that permitted prisoners to perform work that could have

gone to free citizens? Answers to these questions were no more evident after the investigation than they had been before. And perhaps most frustrating of all, no legal action resulted from the work of the investigating committee. Senator Buchanan reported that he had spoken at length with local prosecutors who believed that there was not enough solid evidence upon which to base either a criminal indictment or a conviction.<sup>32</sup> In strictly legal terms, since no witnesses had testified to having seen Randle or any of the guards actually kill a prisoner, the prosecutors could do very little. The testimony proved violations of prison disciplinary procedures, but not of the state penal code. And Randle and Bounds had been discharge from state employment, the proper course of action authorized by the rules and regulations of the prison system.<sup>33</sup>

The true blame for the Lake Fork incident resides with the elected officials of the state who permitted leasing to continue, regardless of the rationale for doing so, and with the public who, whether from ignorance or cupidity, allowed the state to use the prison population as a source of revenue. In adopting the lease system the state virtually abdicated all responsibility to care for the prison inmates properly and opened the door for brutal, vindictive overseers to treat the prisoners in any way they chose. Superintendent Goree, who demonstrated a profound personal aversion to leasing throughout his entire term as head of the prison, understood the nature of the lease problems more clearly than any of his contemporaries. Several months after the Lake Fork investigation the superintendent commented on the pernicious and insidious effects of leasing and observed that it failed to meet all the major objectives of enlightened penology. It could only be defended on two grounds, "necessity, and because it is a source of revenue."<sup>34</sup>

#### NOTES

<sup>1</sup>Hilda Jane Zimmerman, "Penal Systems and Penal Reforms in the South since the Civil War" (Doctoral dissertation, University of North Carolina, Chapel Hill, 1947), pp. 50-171; Donald R. Walker, "Penology for Profit: A History of the Texas Prison System 1867-1912" (Doctoral Dissertation, Texas Tech University, 1983), pp. 32-55.

<sup>2</sup>Walker, "Penology for Profit," pp. 32-90.

<sup>3</sup>Walker, "Penology for Profit," pp. 91-151; *Galveston Daily News*, April 11, 1883.

<sup>4</sup>Galveston Daily News, April 11, 1883.

<sup>5</sup>Galveston Daily News, April 11, 1883; *The Penitentiary Leases, Speeches Delivered in the House favoring their Ratification by Hon. J.Q. Chenowith, Hon.H.J. Labatt, Hon. R.R. Hazlewood, Hon. A.K. Swan, Hon. W.F. Upton, and Hon. A.J. Chambers, March 1883* (Austin, 1883), pp. 3-12; *The Daily Post* (Houston), March 15, 1883.

<sup>6</sup>*The Daily Post* (Houston), March 31, 1883.

<sup>7</sup>Walker, "Penology for Profit," pp. 214-271.

<sup>8</sup>*Rules, Regulations and By-Laws for the Government and Discipline of the Texas State Penitentiaries, at Huntsville and Rusk, Texas* (Austin, 1883), pp. 37-38.

<sup>9</sup>Walker, "Penology for Profit," pp. 263-270 and 291-294.

<sup>10</sup>Citizens of Gregg County to Governor Richard Hubbard, April 24, 1878; Citizens of Harrison County to Governor Hubbard, April 30, 1878; Citizens of Bowie County to Governor Hubbard, n.d., Governor's Letters Received, Richard Hubbard Papers, Archives Division, Texas State Library; Governor O.M. Roberts to Superintendent T.J. Goree, December 13, 1881, Roberts Letterpress Books, Archives Division, Texas State Library; Lula Sanders to Thomas M. Campbell, October 2, 1907, Letters Received, Thomas M. Campbell Papers, Archives Division, Texas State Library.

<sup>11</sup>Governor O.M. Roberts to Superintendent T.J. Goree, December 13, 1881, Roberts Letterpress Books, Archives Division, Texas State Library.

<sup>12</sup>Governor O.M. Roberts to Thomas J. Goree, June 27, 1879, Roberts Letterpress Books, Archives Division, Texas State Library.

<sup>13</sup>Governor O.M. Roberts to D.M. Short, July 15, 1879, Roberts Letterpress Books, Archives Division, Texas State Library; Frank W. Johnson, *A History of Texas and Texans*, vol. 3 (Chicago, 1914), 2010.

<sup>14</sup>Wood County *Flag* Extra, June 28, 1879.

<sup>15</sup>Galveston Daily News, July 5, 1879.

<sup>16</sup>The report of the investigation is found in an unpublished, untitled, handwritten synopsis of testimony taken. It is housed in the Penitentiary Papers, Archives Division, Texas State Library. Hereafter, the report will be cited as "Report of Testimony."

<sup>17</sup>"Report of Testimony," pp. 28-31.

<sup>18</sup>"Report of Testimony," pp. 1-10.

<sup>19</sup>"Report of Testimony," pp. 1-2.

<sup>20</sup>"Report of Testimony," pp. 4-5.

<sup>21</sup>"Report of Testimony," pp. 33-41.

<sup>22</sup>"Report of Testimony," pp. 43-45.

<sup>23</sup>"Report of Testimony," pp. 46-48.

<sup>24</sup>"Report of Testimony," pp. 5-6.

<sup>25</sup>"Report of Testimony," pp. 17-22.

<sup>26</sup>"Report of Testimony," p. 23.

<sup>27</sup>"Report of Testimony," pp. 7-11.

<sup>28</sup>"Report of Testimony," pp. 28-31.

<sup>29</sup>Superintendent T.J. Goree to Governor Roberts, July 19, 1879, Roberts Papers, Archives Division, Texas State Library.

<sup>30</sup>Cunningham and Ellis to Governor Roberts, July 24, 1879, Roberts Papers, Archives Division, Texas State Library.

<sup>31</sup>Galveston Daily News, July 5, 1879.

<sup>32</sup>Superintendent Goree to Governor Roberts, July 19, 1879, Roberts Papers, Archives Division, Texas State Library.

<sup>33</sup>*Rules and By-Laws for the Government of the Texas State Penitentiary, Revised and Amended* (Galveston, 1877).

<sup>34</sup>*Biennial Reports of the Directors and Superintendent of the Texas State Penitentiary at Huntsville, Texas With the Report of the Prison Physician, Commencing December 1, A.D. 1878, and Terminating October 31, 1880* (Galveston, 1881), p. 21.