

REPORT  
OF THE  
JOINT COMMITTEE

OF THE  
NINETEENTH GENERAL ASSEMBLY

OF THE  
STATE OF IOWA,

APPOINTED TO VISIT THE  
PENITENTIARY OF THE STATE

LOCATED AT  
FORT MADISON.

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PRINTED BY ORDER OF THE GENERAL ASSEMBLY

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DES MOINES:  
W. M. MILLS, STATE PRINTER.  
1882.

## REPORT.

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### *To the Nineteenth General Assembly:*

Your joint committee appointed to visit and report concerning the condition and management of the State Penitentiary at Fort Madison, respectfully report the performance of that duty.

In answer to the several requirements of the joint resolution under which the committee was appointed, we say,

That in our judgment the appropriations made by the Eighteenth General Assembly have been expended with reasonable wisdom and economy.

That we do not find an indebtedness contracted in excess of appropriations, except as permitted by the Executive Council as hereafter stated.

That we find a diversion of funds from the objects for which the same was appropriated, committed as follows:

The Seventeenth General Assembly made an appropriation of the sum of \$1,500 for the specific purpose of repairs to cell-room roof. Of this the sum of \$637.07 was drawn prior to September 30, 1879. The Eighteenth General Assembly appropriated \$9,500 dollars for the specific purpose of constructing an iron roof to cell-house, of which has been expended for that purpose the sum of \$7,880.17. At the same time the sum of \$3,000 was appropriated for general repairs, which sum has been duly expended. The Warden, under the direction of the Executive Council, has drawn from the treasury the sum of \$564.62 and used the same in the construction of a brick addition to a shop used by the contractors for convict labor and charged the amount to the fund created for the repair of the cell-room roof, a use of the fund entirely foreign to any intention of the Assembly. In the message of the executive to this assembly (page 28) this transaction is explained as done in the interest of the health of the convicts employed in the forge shops adjoining the addition, and to take the place of the second floor of this shop, the use of which is to be discontinued. The statement is also inaccurate.

ately made that it was paid for out of the general repair fund. We find no order of the Executive Council in relation to the addition built and are assured by the Secretary of State that none was entered. We find an order about August, 1880, which peremptorily requires the addition on the north side. We speak further of this below.

Whatever the real reason for the entirely unauthorized action by the Council and Warden, neither the convicts nor the State have received any benefit therefrom. The use of the second floor is not discontinued. The addition is in use by the contractors. The forge shop is still full of machinery. In fact, both the State and the convicts appear to be the losers, for the State pays the contractor one dollar per day to run a fan to free the contractor's own shops from the smoke and gases of the forges, and the building, of necessity, prevents the ordinary ventilation of the shops by currents of air. From these considerations we deem the matter a subject of the more severe criticism.

To this report we append a statement showing the names and number of persons employed, for what purpose and at what salary.

In addition to his salary as therein stated, the Warden receives the use of the Warden's house, furnished as shown by his report together with fuel and lights. The deputy warden receives the use of the house erected for that purpose.

The construction of the cell-house, shops and other buildings is such that there is slight danger to any inmate or employe from fire. The protection against the occurrence of fires is not good nor are the facilities entirely ample for their extinguishment. Several cases of small fires have occurred which have been controlled with only slight loss by the exercise of vigilant promptness.

We further report concerning the condition of the buildings and other property that it is in general good. All appearances indicate that the present Warden has acted with judiciousness in making repairs and carefulness to prevent waste and dilapidation. The extent, age and imperfect construction of the buildings are such that it will require quite a large annual expenditure for proper repairs. The buildings last erected are substantially built and well planned for their respective uses. We agree that fifteen hundred dollars per annum can be well expended in repairs.

The Warden asks for the sum of three hundred and fifty dollars to complete the furnishing of the Warden's house, by the purchase of carpets and window curtains for the sitting-room and parlor. Concerning this the committee make no recommendation.

He asks for funds to purchase a wagon. This we think may properly be done from the support fund, if the amount will warrant. If not it should be specially appropriated.

A quantity of fire hose is needed and \$400 should be given for that purpose.

As to proposed improvements, the Warden asks for \$4,400 for relocation of water-works, additional reservoir and appurtenances. We unhesitatingly recommend the improvement, for sanitary reasons which are imperative, and for other considerations. The amount of his estimate we consider not extravagant.

It is proposed to erect an addition upon the north side of shops five and seven, in order to give more room to the contractors and afford ventilation. The State owes no obligation to the contractors which requires anything of the kind. The contracts state specifically what ground and shops they are to receive. It is their obligation to furnish the convicts a suitable place to perform their labor. Not to overcrowd them, not to work them in illy ventilated rooms, to secure to a reasonable degree freedom from the unhealthy gases of the forges, both by giving sufficient room and by proper construction of the forges with proper flues and by the operation of fans to create artificial currents. Hence, if the shops are not sufficient or properly adapted to the purpose of the contractor and affording proper protection to the convict, it is the contractor's duty to make the changes or provide additional room. We believe it the duty of the Warden and the supervising executive at once to require the contractors to furnish the proper shops for the use of the convicts, without expense to the State. We base this opinion upon the distinct proposition that under the contracts it is the requirement of the law that the contractor shall furnish a suitable shop for the performance of the labor.

However, since the State owns the ground we believe it might properly make the proposed improvement provided it is made to enure to the benefit of the convict, and the contractor pay a reasonable rent for his additional facilities. We remark here that as far



as the support fund has been used to pay the contractor for running the ventilating fan, it is an entire misappropriation, not warranted by the law or enjoined by the contracts.

The requirement is for one thousand dollars for fixtures for wash and bath-room. It should be given and will ensure complete facilities in that respect.

For completing the steam heating apparatus so as to heat the shops and other buildings, the Warden's estimates are \$6,800. The amount seems large but we cannot oppose our judgment to the correctness of his estimates. It is in all respects desirable to complete the work and we approve the appropriation.

To the proposition to enlarge the prison enclosure we are decidedly opposed. Whatever the prison requirements of the State might be it would be an open question whether such a work should be attempted. The site for the prison is bad. To obtain ground for the prison enclosure it has been necessary to remove a hill on the north so that the bank adjoining the wall is equal to the wall in height. The removal of the wall is proposed to the flat land below the level of the prison yard we should judge about thirty feet. It is a project without any merit in our opinion.

In our indorsement of these requests by the Warden for the amounts asked we say that in our judgment the amounts are approximately correct and that the results heretofore accomplished by the Warden justify our confidence that the money will be well expended or will remain an unexpended balance in the treasury.

Upon the question of insufficiency of support fund we find that under the order of the Executive Council the Warden has exceeded the statutory allowance of seven dollars per month for each convict by the sum of one dollar for the months of November, December and January, making an increase of about \$1,150. Bills have been paid during the month of January past which must go in as vouchers to the account for February, about \$600. About \$1,000 is due on bills presented which must be paid out of February installment of the fund. We took no statement of the stock on hand and cannot say that the Warden has gone beyond the limit in contracting indebtedness. If he has not, then he has exceeded the statutory limit by \$1,150, during the months named. It is entirely possible that the inventory of supplies might show a further excess.

In any case the facts presented by the Warden as to current, past, and prospective prices entirely satisfies us that there should be a material increase. In our judgment the limit should be increased for the next biennial period only to at least eight dollars per month and the Warden should be required to pay the expenses of transportation. The increase, with the number of convicts now in the prison, would be \$384 per month or \$4,608 per annum, and \$9,216 for the biennial period.

Deducting the expense of transportation, which was \$1,756.61 and there is left as an actual increase to the fund \$7,459.39. This, of course, will give a monthly increase of \$310.81, something less than the increase by order of the Council. The committee hesitate somewhat as to the sufficiency of the increase and would not consider eight and one-half dollars as any extreme of liberality.

The law relating to the letting of contracts has not been strictly observed. We do not know that the State has suffered any loss thereby. Our presumption is to the contrary.

In all respects the financial affairs of the prison appeared to us to be well managed. The various officers and guards seemed to be capable and responsible men, well selected, with reference to efficient performance of their duties. The special loss by the physician and hospital steward, mentioned in Warden's report, was called to our attention. The loss was sustained, and we think it not improper for the State to reimburse.

Our attention was also called to the unpaid claims against the State contracted by Warden Craig. We are informed that some of the claimants, under the provisions of section 4791, Code, have brought suit against the Warden in the Circuit Court of Lee county, and their claims have thereby been established. The consideration of the claims in most cases is properly furnished the State for the use of the prison. The Warden is by express statute the general, financial and superintending agent of the State. He purchased supplies for the State. He took from the convict as he entered the prison, his money, under express direction of the law, and the State has thus far allowed the convict to go forth robbed of a fund it held as a trust. There is no time, no room for debate on a question which so involves the honor of the State, and the honest disposition of its legislative representatives. The claims should be paid without delay.

This done, if the system of penitentiary management is so defective as to permit a Warden to swindle the State, and leave no recourse but to rail at the offender, we may find it expedient to consider the policy of a change to one which does not admit of such disgraceful delinquency.

Concerning the condition of the convicts, we report in general that their appearance is that of operatives laboring hard with insufficient open air exercise.

The Warden's report shows the contracts under which the greater portion of the convicts are employed, the provisions of which, in part we summarize. Contract with Iowa Farming Tool Co., is for seventy-five able-bodied convicts for ten years, from April 1, 1881, and forty able-bodied convicts for nine years and six months from the same date, at the rate of fifty cents per day, of ten hours. The State also leases to the contractor certain specified shops and grounds, both outside and inside the prison yard. The State heats the shops and keeps them in repair, and furnishes water for use of shops, which includes that used for engine, grinding, and all the uses of the business. Several runners to build fires, clean shops, and do the necessary running are also furnished, and when not so engaged to be under the orders of the contractors. Contracts may terminate on five months' notice. The contractors settle each month and have a credit without interest for three months on all sums earned.

A contract with the Ft. Madison Chair Co. is for the labor of fifty convicts for ten years, from May 1st, 1880, and a like number for ten years from the same date. The price is forty three cents per day, until October 1st, 1882, and forty-five cents per day thereafter. Six runners or lumpers are furnished, with water, shops heated and repaired, and terms of payment as in the first named contract.

Huiskamp. Bros, manufacturers of boots and shoes, have a contract like the above described, for the labor of ninety able-bodied convicts for five years, from July 15th, 1878, at forty-three and one-third cents per day. The State furnishes five able-bodied runners. A guard is to be furnished for all convicts while employed in the shop. The engines and all machinery, forges and manufacturing appliances are put in by the contractor.

Thus the State furnishes the labor of its convicts for an average

of forty-four cents per day, with shops heated, kept in repair, and with water for all purposes required.

The contracts with the Tool and Chair Companies were made by the warden and approved by the council, without the publication of any advertisement. When the amount of the earnings of these convicts is considered, and the long time which is contracted for, and the extraordinary advantages of location afforded the contractors, as stated by Warden's report, it is the opinion of the committee that the State does not receive fair consideration for what it furnishes, and that the contracts should not have been made without public notice. The amount involved in the contracts is about \$300,000. It is the practice of some of the contractors to employ men and boys, not convicts, in the same shops with convicts. This we regard as manifestly improper—prejudicial to the convicts by taking up the room which belongs to them, a loss to the State in furnishing shop room and manufacturing facilities without consideration, and guards to convicts and employers—demoralizing to the men and boys, and dangerous to the discipline of the prison.

As to the amount of labor required of the convicts we regard it excessive, and when compared with the consideration which the State receives, grossly so. We found the convicts regularly employed in the shops, with rare exception, working incessantly, and moving rapidly. A failure to come up to the standard of activity is followed by complaint and demand of punishment by the foreman and contractor. With the discipline of the prison, he is a part of a machine which is always impelled to move with constant and accelerated force by the vigilant interest of the contractor. In general his task is assigned at the highest possible amount.

And this limit is sometimes attained by the temporary payment of extra pay to the convict, and when he has thus been tempted to the utmost exertion his task is fixed.

From such observations as we have had of other laborers, we say that in no place have we ever seen men laboring with more energy or with greater effectiveness. Machinery is used for every possible operation, and in most places the experience of a few weeks or even, in some cases, a few hours, gives the convict such skill that the goods manufactured justly challenge comparison with any others



to be found in the market. Month after month and year after year the convict is engaged in the same work. Instead of acquiring a knowledge of a trade, they become skilled in one or two operations incident to the business. It is a confessed fact by the prison officers that men, as they say, rapidly wear out, and especially is this true of the forge and grinding shops, where five to eight years seem to be thought the limit of endurance. The limits of this report will not permit further statement. Our conclusion is that the shops should be made fit for men to work in. The convict should not be kept continually employed in the same operation, but should be changed from time to time to other places. The average daily requirement should be reduced from ten to twenty per cent, and some of us would go further.

The general health of the prisoners is said to be good. We believe the hospital to be fairly managed. While it is not very desirably located, we see no better plan.

There appears to be a large proportion of cases of injuries which may very readily occur in some of the shops crowded with men, machinery, materials, and imperfectly lighted. As to the discipline of the prison it is in our judgment good, though necessarily the rules are strict and their observance required. The principal punishments inflicted are solitary confinement in a dark cell, and chaining by the hands to the cell door with, of course, lighter penalties of various kinds. Complaint was made that the first named method was too severe; that the cells being of stone, when closed become severely cold, and the convict being obliged to lie upon the stone floor becomes chilled, and the foundation is laid for severe disease and permanent loss of health. We stated this question to the Warden, and as at that time a convict was so confined, suggested and requested that the committee be permitted to see for themselves the condition of the convict, and the temperature and condition of the cell when closed. This the Warden peremptorily refused to permit, upon the ground that it would interfere with his discipline. The committee did not further press the point, though they utterly deny the right of the Warden to withhold the observation desired, and regard the objection assigned without the slightest foundation in reason. They are, however, unwilling to say that the Warden did not act in good faith, or that there was especial reason for his refusal, either in the

character of the punishment or the particular case. It is their impression that the punishments by such confinement are probably not more frequent or severe than is necessary, but they do believe that it is not either necessary or right to subject the convict to the danger of the loss of health, which they believe is inseparable from the use of the kind of cell described, especially when the confinement extends to several days. A proper humanity and the interest of the State requires that floors of plank be fitted in such cell upon which the convict may lie.

We append a copy of the rules of the prison. These are prescribed by the Warden—substantially, he makes the law, prescribes the punishment, and is both judge and jury. The statutes make but few rules, but leaves all to the Warden, under the supervision of the Governor. We call attention to sections nineteen and twenty of the rules, also the statute providing for diminution of sentence of convicts for good behavior, and to section 4797, Code. We do not think the Warden's rules should override the plain provisions of the law relating to the term of the imprisonment, and that he should not be permitted to seriously inflict a punishment which may in a given case be equivalent to a sentence of imprisonment for even years; nor do we believe it safe to surround any man with immunity for any possible mode of exercising legal authority.

The general condition of the cells occupied by the convicts is not, perhaps, as good as is desirable. Still they are kept tolerably clean. The small amount of the support fund does not enable the Warden to clothe the convicts so well as we consider desirable, and the fact that they are all engaged through the day prevents the keeping of the cells as neatly as might otherwise be done. The kitchen, dining-room, chapel, and all other buildings are well kept and cleanly.

The chaplain's report shows that he is zealous in his work. We believe him faithful and energetic in the performance of his duties, and do not question the good results of his endeavors. He has done much to secure to the discharged convicts places of labor at once upon leaving the prison. His efforts are deserving of encouragement, and we recommend that the sum of \$200 be appropriated to enable him to prosecute this work.

Three of the convicts are women. They occupy rooms in the cell-house over the office of the turnkey. As there is no matron or

other female attendant at the prison, they are left wholly in the care of the guards and officers. This is not a proper mode of imprisonment for such convicts. It is our judgment that all convicts of this class should be placed together in a department of a prison and under the general control and charge of a matron.

We have given at some length our views of some of the matters relating to the management of the prison. The transactions and conditions which we point out and censure, are, as we think, incident to the system of management under which our prisons are conducted. It is our conclusion that the prison should be a reformatory of the morals of the convict; that his manhood should always be recognized; that the rules and conduct of our prisons should be of such character as to appeal to all that is good in the convict, while it represses what is evil. This penitentiary, under the present system, is too near the reverse of this. The task-master is greater than the school-master and the teacher of morals, and he sends the convict away worse than he finds him. The administration has too much an eye to simply business profit and exhibits too little the spirit of the enlightened humanitarian; and the administration is fully as good as the law requires or permits it to be. The law makes it as it is, and the law should be changed, so that the prison shall be a reformatory as well as a penal institution.

H. C. HEMANWAY,

*On the part of the Senate.*

C. W. PAYNE,

JAMES BRIDGES,

*On the part of the House.*

## RULES.

SECTION 1. Convicts are to labor faithfully and diligently and to obey all orders promptly.

SEC. 2. They are not to communicate with each other in any way, except in the presence of their keeper or foreman; nor are they to make use of any signs but such as are necessary to convey their wants to their keeper.

SEC. 3. Prisoners must approach all officers of the prison in a respectful manner. They must always take off their caps when going into the bell-house or office. They are not to speak to an officer, except when it becomes necessary in relation to their work or wants.

SEC. 4. They are not to speak to any person who does not belong to the prison, nor give or receive any presents, without the permission of the Warden. They are not to leave the place where they are put to work, nor the work they are set to do, without permission of the officer in charge.

SEC. 5. They are not to give their attention to visitors passing through the shops or yard.

SEC. 6. No prisoner is to willfully or carelessly injure his work tools, wearing apparel, bedding, or other things belonging to the prison; nor to mark, injure or deface the walls in his cell or shop.

SEC. 7. They are not to chew tobacco in the dining-room, chapel school-room or hospital.

SEC. 8. Any prisoner wanting medical treatment must report at the sick table in the morning; or, if he become sick during the day, he shall report himself to the officer in charge, who will report him to the Warden.

SEC. 9. They will march in such order as designated by the officer in charge.

SEC. 10. No prisoner will be allowed to sleep with his clothes on; all prisoners shall preserve cleanliness as far as lies in their power.

SEC. 11. Prisoners may make known their complaints or grievances, but not in the presence of a fellow prisoner.

SEC. 12. On going to their cells, each prisoner shall close his door and hold his hand on the door until locked; he must also hold his

hand on the door while being unlocked. If two prisoners occupy the same cell, they must hold three hands on the door. Each prisoner must make his bed before leaving his cell.

SEC. 13. All complaints against the prisoners must be made to the officer in charge, who is required to promptly report to the Warden.

SEC. 14. The *guards must not talk to the prisoners* except when in the line of their duty.

SEC. 15. Smoking is expressly prohibited in the prison during work hours.

SEC. 16. *Guards are strictly prohibited from receiving presents or gratuities of any description from the prisoners or from the contractors.*

SEC. 17. Visitors will not be permitted to go into the shops alone; they must in all cases be accompanied by a guard. Visitors are also strictly prohibited from speaking to the prisoners except at the bell-house, and there only by permission of the Warden, or deputy, and then in their presence.

SEC. 18. No visitors will be allowed on Sunday, except those who attend the prison for the purpose of teaching the prisoners in the sabbath-school, and such as are provided by statute.

SEC. 19. Any violation of the above rules and regulations, by any prisoner, will subject himself to severe punishment, and also to the loss of his good time.

SEC. 20. Any prisoner who shall attempt to escape from the penitentiary, or who shall be convicted of plotting an escape, or in whose cell or about whose person shall be found any instruments for effecting an escape, will subject himself to the severest punishment provided by law, and the loss of his entire good time.

E. C. McMILLAN, Warden.

# LIST OF OFFICERS AND EMPLOYEES.

Officers, guards, and other employes of the Penitentiary of the State at Fort Madison, Iowa, with salary for each:

	Per month.
E. C. McMillan, Warden.....	\$ 166.67
J. Townsend, deputy-warden.....	100 00
M. T. Butterfield, clerk.....	70 00
W. C. Gunn, chaplain.....	70 00
A. W. Hoffmeister, physician.....	50 00
W. S. Wagoner, hospital steward.....	50 00
Allen Davidson, turnkey.....	50 00
A. E. Whiting, guard.....	50 00
I. J. Dodd, ".....	50 00
Geo. W. Sweeney, ".....	50 00
A. R. Thayer, ".....	50 00
Joseph Huff, ".....	50 00
W. E. Bixby, ".....	50 00
James Everest, ".....	50 00
A. Patterson, ".....	50 00
O. Davis, ".....	50 00
J. McKinney, ".....	50 00
A. W. Griffith, ".....	50 00
D. L. Alley, ".....	50 00
D. Kent, ".....	50 00
Joseph Burns, ".....	50 00
W. H. Garnier, ".....	50 00
R. I. Rathbun, ".....	50 00
E. H. Stemple, ".....	50 00
I. H. Tebbe, ".....	50 00
E. F. Daugherty, ".....	50 00
Jesse Hays, ".....	50 00
C. H. Jameson, ".....	50 00
L. L. Scovil, ".....	50 00
T. Stone, ".....	50 00
J. H. Hoover, ".....	50 00
A. Scherfe, ".....	50 00
A. Young, ".....	50 00
Joseph Moore, ".....	50 00
J. M. Smith, ".....	50 00
J. E. Henderson, ".....	50 00
T. J. Haywood, ".....	50 00



Per month.

Frank Hoffman, guard.....	50 00
Ed. Hoffman, ".....	50 00
M. Wintherbotham, ".....	50 00
P. S. Stone, ".....	50 00
W. C. Howard, ".....	50 00
H. Townsend, engineer of pump-house.....	\$1.25 per day.
D. W. Bean, teamster.....	1.40 per day

## THIRD BIENNIAL REPORT

OF THE

## WARDEN

OF THE

## ADDITIONAL PENITENTIARY

TO THE

GOVERNOR OF THE STATE.

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 OCTOBER 1, 1881.
 

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PRINTED BY ORDER OF THE GENERAL ASSEMBLY.

DES MOINES:

F. M. MILLS, STATE PRINTER.

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