

REPORT
OF
JOINT COMMITTEE,
APPOINTED BY CONCURRENT RESOLUTION
OF THE
EIGHTH GENERAL ASSEMBLY
OF THE
STATE OF IOWA;

"TO VISIT THE IOWA PENITENTIARY AND REPORT UPON THE CON-
DITION OF THAT INSTITUTION," AS IN ACCORDANCE WITH
JOINT RESOLUTION OF THE SENATE AND HOUSE
OF REPRESENTATIVES, DATED SENATE
CHAMBER, DES MOINES, FEB-
RUARY 21st, 1860.

DES MOINES, IOWA:
JOHN TEESDALE.....STATE PRINTER.
1860.

REPORT

62

JOINT COMMITTEE

APPOINTED BY CONCURRENT RESOLUTION

OF THE

EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA

TO VISIT THE IOWA PENITENTIARY AND REPORT UPON THE
CONDITION OF THAT INSTITUTION, AS IN ACCORDANCE WITH
JOINT RESOLUTION OF THE SENATE AND HOUSE
OF REPRESENTATIVES, PASSED MAY 11, 1860.
CHAMBERLAIN, NEW YORK, 1860.
HARVARD 21st, 1860.

DES MOINES, IOWA
JOHN TOWNSEND, STATE PRINTER
1860

REPORT

OF THE

JOINT COMMITTEE

APPOINTED TO INVESTIGATE THE AFFAIRS OF THE IOWA PENITENTIARY.

The Joint Committee appointed by the General Assembly, by concurrent resolution, dated Feb. 21st, A. D. 1860, "to visit the Iowa Penitentiary, and report upon the condition of that Institution," and to enquire whether, if it require one hundred and ninety thousand dollars to finish the Penitentiary, it would not be better to expend the money at Des Moines in a new Penitentiary, &c., &c., beg leave to

REPORT:

Your Committee, in compliance with the requisitions of said concurrent resolution, met at Fort Madison on Tuesday, the 28th February, 1860, and proceeded to examine, personally, said Institution; the laws passed at the various sessions of the General Assembly, (so far as they could be procured,) both Territorial and State, from the foundation of the Institution to the present date; the grounds, buildings, records, and history thereof; together with the officers, and such other witnesses as the very brief period allotted them would allow; the result of which is as follows, to-wit:

ORIGIN OF THE INSTITUTION

By an act of the Territorial Legislature, approved January 25th, 1839, entitled "An act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same," it is provided—

"SECTION 1. That a Penitentiary, of sufficient capacity to receive, secure and employ one hundred and thirty-six convicts, to be confined in separate cells at night, shall be erected; and that said Penitentiary shall be constructed on such a scale that, in the estimation of the Directors, it can be fully completed for a sum not exceeding forty thousand dollars, exclusive of the labor of the convicts."

SEC. 2 Provides for the election, by joint ballot of the Council and House of Representatives, of three Directors, under whose direction said Penitentiary should be built, and points out the mode of their qualifications, the filling of vacancies in their Board, &c., &c.

SEC. 3 Provides "that the Directors of the Penitentiary, elected and qualified as aforesaid, are hereby authorized and instructed to locate and erect the said Penitentiary within one mile of the Public Square in the town of Fort Madison, in the county of Lee; provided the citizens of said town of Fort Madison, and county of Lee, shall, on or before the first day of May next, execute to the Directors, for the Territory of Iowa, a proper deed of conveyance for a tract of ten acres of land in fee simple, absolute; which land shall, in the opinion of the Directors, include a suitable spot on which to erect the said Penitentiary, and cause such deed to be recorded in the Recorder's office, in the county of Lee, and deposited in the office of the Secretary of the Territory."

SEC. 4 Provides for the appointment of a Superintendent of the building by the Directors, his qualifications and duties,—amongst which, "he shall, under the direction, and subject to the control of the Directors, project the plan for the said Penitentiary, conforming, as nearly as convenient, and as may appear advisable, to the Connecticut State Prison at Wethersfield, and securing to the Territory a Penitentiary of the most substantial materials and workmanship."

SEC. 5 Provides, "that for the erection of said Penitentiary, the Governor is hereby authorized and required to draw the sum of twenty thousand dollars, appropriated for the erection of public buildings in the Territory of Iowa, by an act of Congress approved July 7th, 1838, and pay the same over to the Superintendent, to be used by him for the purchase of materials and pay of workmen and laborers necessary to erect said building: Provided, it shall not interfere with the twenty thousand dollars appropriated by the

organic law, organizing the Territory of Iowa; and the said Directors are hereby authorized and empowered to cause to be employed, in the erection of the Penitentiary, all such persons as now are, or may hereafter be convicted of any infamous crime in this Territory, and sentenced to hard labor, or as many thereof as, in the opinion of said Directors, can be employed with advantage and safety to the Territory."

SEC. 13 Provides that "the whole amount of twenty thousand dollars appropriated in the fifth section of this act, may be expended, in the first instance, if necessary, in the erection of the cells and enclosure of the Penitentiary; but if, at any time hereafter, the Congress of the United States shall make a sufficient specific appropriation for the establishment of a Penitentiary within this Territory, the said twenty thousand dollars shall be refunded from such specific appropriation, and expended in the erection of other public buildings within the Territory of Iowa."

Thus we have the origin of the Penitentiary system in Iowa.

ITS HISTORY.

Whether Congress did make a specific appropriation, as appears to have been anticipated, your Committee is not fully advised, (for they had not access to the acts of Congress,) but the opinion of some of the oldest and most intelligent gentlemen with whom your Committee consulted, is, that there were appropriations; and we are advised especially of one of fourteen thousand seven hundred and twenty-one dollars, to pay *Messrs. Wells & Wilson*, contractors.

We have, therefore, ascertained that, while the founders of the institution contemplated ample provision for the accommodation, safe keeping, and labor of one hundred and thirty-six convicts, at an expense of forty thousand dollars, exclusive of convict labor, the National and State Governments have expended one hundred and five thousand seven hundred and nineteen dollars and twenty-one cents; and there are but one hundred and eight cells erected, in a prison house of two stories in height, built of stone, and covered with shingles, (the roof of which now leaks,) two hundred feet by forty-four, but poorly ventilated, only temporarily warmed; and the Warden compelled to occupy a portion of it as a residence while it forms the southern wall of the prison yard, as far as they have any protection on the south side, save a *plank fence*; and a

plank fence is, also, the only fence on the north and on part of the east sides; while on the west, and residue of the east side, very recently, there have been stone walls erected, about the substantiality of which there is some contradictory testimony. These walls, such as they are, when completed, as contemplated, will enclose, as we are informed, an area of about three hundred and fifty feet square, within which is erected one two-story brick 28x200 feet; one two-story brick 40x105 feet, (each with cellars,) which are used as workshops by the lessees; and which, in fact, are about the only buildings within the prison yard of any apparent substantiality; and, it is alleged that the roof of the first named of these is in a *leaky condition*, although covered with tin; while the latter is a new building, substantially built, and covered with slate. The residue of the yard is occupied (except, perhaps, the building which encloses the steaming apparatus, which is very small, and built of brick,) by *wood, lumber, saw-logs, chips, shavings*, and temporary wooden buildings, all of which endanger the institution hourly. True, there is one *one-story* building, 30x90 feet, recently erected for a kitchen, dining-room, and hospital, which looks more like a house than the others, but it is a wood building, and your Committee are decidedly of opinion that no such building should ever be allowed inside a prison yard; and no satisfactory excuse, it is believed, can be given for its construction.

Besides the amount of appropriations heretofore stated, the convict labor (which has been for a few of the past years quite an item) was intended by the founders of the institution to be devoted to its up-building and security; and yet, we find *now* an actual outstanding indebtedness of about *forty-five thousand dollars!* *Forty-five thousand dollars!* with one hundred and thirty-two convicts, while there are but one hundred and eight cells for them to lodge in at night, and but little security for them by day, unless it be found in the strength of the guard employed.

Let us retrospect for a moment, and enquire into some of the reasons for this state of things; and standing out in bold relief, may be seen by the most casual observer, the almost total disregard of the requirements of law, and the very general (not to say universal) absence of the necessary qualifications of officers connected with its administration; and this we feel called upon to say, without intending to arraign any person before the bar of public sentiment, for wilful dishonesty or official corruption. Facts, however,

must be stated, in order that the proper remedy may be applied, and, as a *beacon light* for the guidance of the administration of its affairs in the future, although those facts may appear to bear hard upon individuals. The interest of the State is paramount.

Although the law locating the institution required the Directors, as a condition precedent, to procure "from the citizens of Fort Madison, and Lee county, a proper deed of conveyance for a tract of ten acres of land, in fee simple, absolute; which land shall, in the opinion of the Directors, include a suitable spot on which to erect the said Penitentiary;" yet, your Committee find on record of that date, a deed for only seven and seventy-six hundredths acres, located on the point of a hill scarcely wide enough on which to locate the first building; with deep ravines on the east and west sides, especially the former; and rising abruptly north, so that to make the yard with an inclination from north to south, of six feet, (and it is believed more nearly level than necessary,) the officers have, on the north, excavated until, if present plans are consummated, they will leave a bank forty-three feet in height; while on the south and east they will have filled some thirty feet; and the whole grounds surrounded with deep ravines, high hills, and abrupt precipices east, north and west; once studded over with dense forests, but now mostly bare. Such is the unpropitious location of the Iowa Penitentiary.

Excepting some three or four old books from the entries in which nothing can be gleaned of substantial information, there were no records kept of the transactions of the officers, from the foundation of the Institution until the year 1851; no account of receipts and disbursements, nor anything from which a financial history of the institution may be derived; and your Committee have been compelled to consult the acts of the General Assembly, both Territorial and State, (none of which was found among the archives of the Institution) in order to ascertain what amount had been appropriated, and our statement perhaps, now, is a mere approximation to the truth.

During the Administration of Richard Quinton, as Warden, from the 1st of February 1851, to the 1st of February 1853, as appears by the testimony of the present clerk, the records "appear to have been kept accurately;" and yet, after Mr. Quinton left, some how or other, your Committee have not stopped to enquire, he was found to be a defaulter. "From the last named date until

the 1st day of May 1857," says the witness, the books are in such confusion as to render it impracticable to make any correct statement from them. Since May 1857, it is claimed that a correct history has been deduced not, however, from the records, so much as from the results of the investigation made by the Commission appointed by the Governor under the act of the General Assembly, approved March 23d, 1858, but with all due deference to that Commission, we may be allowed to say, that there is a discrepancy between the amount credited by them to the State, as cash "balances May 1st, 1857;" and the amount furnished your Committee by the Auditor of State, for the same date, of \$4,330 05; and we submit therefore, whether a degree of caution would not be advisable in making *their investigations* the basis of calculation; although it is claimed by the Clerk of the Commission that they derive their figures also from the Auditor of State.

Such appears to be the condition of the archives of the Institution; nor is this picture, dark as it is, relieved by a more specific and critical examination into the conduct of its officers. True, in the earlier part of its history there were but few convicts, and it perhaps might be urged that the interests were so small and simple that men of business qualifications could not be induced to attend to them; but vast sums of money were appropriated, the foundation of an Institution with which the welfare of society and the honor of the State were indissolubly connected, were incentives which should have prompted the selection of the very best business talent, in whose hands those vast interests might have been placed without the fear of negligence, or malfeasance.

And yet we find in examining into the affairs of the Penitentiary from its earliest organization, that it does appear that many of the managers have been wholly incompetent to fill the important stations they occupied.

But to particularize. On the 20th day of July 1853, the Inspectors and Warden leased to Messrs. Winterbotham and Headley, (now Winterbotham & Jones) the convict labor of the Penitentiary for ten years from the 1st day of the following June, binding the State to feed, clothe, bed, guard and warm the convicts, and furnish sufficient shop room for carrying on the business of manufacturing "wagons, buggies, harness, saddle trees, mechanical and agricultural implements, and for working convicts to advantage, and room for steam engine boilers, and for raw materials sufficient for

manufacturing purposes," and in fact every thing to the hand of the lessees, and the lessees only to pay for the first year thirty cents per day, per hand, and this for only such as were able bodied men, and for the other nine years at the rate of thirty-five cents, (when it is now estimated to cost the State to keep them an average of about forty cents per diem) and no security whatever given that the lessees will perform their part of the contract; and even now the officers and lessees are in litigation about their respective rights under that most unfavorable agreement, called a *Contract*—a more one sided one than which it would be difficult to imagine, and while the lessees have all the advantage as they will not deny, yet from some reason best known to themselves they now refuse to work more than from seventy-five to eighty-five hands, and refuse to pay for *any* convict labor.

It is not for your Committee to decide who is at fault in this (to the State,) most unfortunate litigation; but one thing is certain, that the State is losing thousands of dollars every year; and it is believed by some that said lessees have forfeited their contract; and, but for a proposition to compromise—*which proposition includes the idea of a surrender upon fair and equitable terms*—your Committee could not too strongly urge upon the consideration of the General Assembly the question of resuming the convict labor, and appropriating it to some beneficial purposes for the State.

Again: The Inspectors on the 27th day of May, 1857, entered into a contract for the purpose of excavation, embankment, and building the outer wall of the prison yard at, (in the opinion of your Committee, ruinous prices) upon specifications and conditions, which require the wall to be completed upon the 1st day of July, 1858, and for which sixteen thousand dollars was to be paid upon estimates made monthly as the work progressed, and the balance whenever the Legislature should make an appropriation therefor. And yet, after the bids had been received upon the foregoing proposition, the Inspectors introduced a provision into the contract by which the contractors could elect to stop the work after the expenditure of the sixteen thousand dollars, thereby leaving the prison yard unenclosed, and the expenditure of so large a sum of money without accomplishing any practical end thereby. It is contended by some of the witnesses, that by thus requiring the expenditure of thirty or forty thousand dollars by the time speci-

fied in the proposition upon which bids were to be received, and only sixteen thousand dollars to be paid thereon until the Legislature should make appropriations to pay the balance, induced competitors to present exorbitant estimates for which they would do the work. After receiving bids upon this basis, the Inspectors introduce a provision giving the contractors the privilege to suspend the work by which the State suffered a loss without receiving any immediate benefit therefrom.

By others, it is affirmed that it was well understood that the work was to progress only as payment was made therefor.

The Inspectors, after having waited from the 1st of July, 1858, down to a period just before the meeting of the present Legislature authorized the contractors to go on with the excavation of the yard, agreeing to pay the contractors with contract notes, bearing twelve per cent per annum interest, assigning as a reason, that the walls could be erected more speedily after an appropriation.

We disapprove of this act of the Inspectors, as being contrary to law, and urge that it should not be sanctioned by the Legislature. While upon this subject, it may be well to state a fact which tells with most serious consequences upon the coffers of the treasury,—and that is, owing to the unevenness of the location, and the mistaken idea *that the Prison yard must, of necessity, be nearly level*. The Inspectors have had something over three thousand perch of stone put into the foundation of the east and west walls, below the walls proper; some of it as much as twenty-five to thirty feet below the surface of the yard, and there is now buried under the earth in the foundation of these two walls alone, agreeably to the estimate of John F. Edwards, the architect and engineer, nine thousand nine hundred and forty-eight dollars and twenty-five cents.

But this is not all. A portion of the foundation of the octagonal structure, (so much eulogized by the Inspectors in their late annual report,) and which however fine *for some locations*, and practicable under favorable circumstances, is believed by your Committee to be on an unnecessarily expensive plan, for the location; and that in their opinion, it was commenced without authority of law, and prosecuted without a contract; a portion of which is, as your Committee are informed by the Engineer, twenty-five feet under ground, and this foundation costs the State, as shown

by the Inspector's report, (page 21) *five thousand two hundred and fifty-four dollars and fifty cents*.

Thus it will be seen that while the interests of the State demand *cells, Clerk's office, kitchen, dining-room, hospital, workshops*, and almost every other appliance usual to a well regulated reformatory institution, and while necessity has driven the Governor to stretches of power in providing means for general support, and the institution is groaning under the burthen of a continually increasing pecuniary embarrassment,—fifteen thousand two hundred and four dollars and forty-five cents are buried beyond the hope of resurrection, or utility. And here your Committee would beg leave to say that they cannot too strongly condemn the frequent practice of the commencement of great enterprises without authority of law, and their projectors repairing to the Legislative Halls, and with piteous moans operating upon the sympathies of the representatives of the people, and the result is a bankrupt treasury unless its failing energies are recuperated by heavy loans. All such enterprises, from whatever source they come, should be discountenanced, and no officer allowed to contract a single dollar of indebtedness to rest upon the State, unless especially authorized so to do by law.

Your Committee would recommend the abandonment of the octagonal building, and that it be prosecuted no farther unless authorized by future legislation, and this will render an Architect and Engineer unnecessary.

Not only was this octagonal building commenced without authority of law, but the visit of one of the Inspectors to the east, at heavy expense to the State for *per diem* traveling expenses, *et cetera*, together with the employment of an Engineer and Architect, away in a distant State—the bringing of him to Iowa—allowing him pay for his services in that double capacity—the holding of one hundred and twenty-three meetings of the Board of Inspectors in the short space of six months, or thereabouts—the charge of mileage for every visit—the superintendence of the building of the wall under pay, and, at the same time having a deputy without authority of law—the sending one of their number as a *lobby* to the Capitol to obtain appropriations at the last session of the General Assembly, and at the present—the sending Mr. Edwards for the same purpose, and the paying of these gentlemen five dollars *per diem* and traveling expenses, we are com-

pelled to condemn as without legal authority and injurious to the interests of the Institution and of the State.

Your Committee would further say that they have learned, with regret, that a great amount of discord has, at different times, existed between the officers of the institution; and that considerable friction is evident in *the movement* of its machinery; and, it is somewhat singular that several successive Wardens should have been charged by the Inspectors with defalcations, while the accounts of the Warden are at all times open to the inspection and criticism of the Inspectors; and this is the more unaccountable, if what is intimated by the Commissioners appointed by the Governor be true, and from the testimony of some of the witnesses, we are inclined to think it is true, that the Inspectors have been in the habit of assuming over the Warden powers not conferred upon them by law. One instance we may be allowed to mention. The late Warden, P. Inskeep, is now reported a defaulter for over \$2,000, while it is in evidence before us that the Inspectors assumed the entire control of said Warden, and the funds of the Institution during a good portion of his official time, and at the expiration thereof settled with and paid him quite a large sum, as is shown by the records of the prison.

One other item of history, and your Committee will close this branch of their report.

On the 8th day of May, 1858, the Inspectors, for the purpose of enlarging their prison yard, purchased from G. W. Elsroad, a strip of land on the east side of the prison, of about two acres, through which a street runs, and which street was, by order of the *city council*, vacated, upon condition that the State would furnish a street farther east. It is believed that the vacation of said street will have to be sanctioned by legislation before the State can have a good title, and as the east wall of the prison is located so as to include said street, it becomes a matter of no mean consideration, to have the title thereto quieted, and confirmed to the State. It may be well to remark that this outlay of seven hundred dollars for said strip of land was, as was thought by the Inspectors, necessary, in order to the enlargement of the prison yard, while the State owned more ground on the west side of the west wall, and much better land for the purpose than that which was purchased; but the west wall was located, in the opinion of the Committee, improperly, and on account of this error, the State had to foot the bill.

THE FUTURE.

In view of all the foregoing facts, some grievous questions present themselves for the consideration of your Committee, and of the State, the first of which is contemplated by the concurrent resolution by which we were appointed, to wit:—That if the Institution requires a very large outlay of funds, would it be advisable to expend them in the erection of another Penitentiary at the seat of government?

The wisdom of the policy of concentrating the funds and influence of the State, in the upbuilding of the Capitol City, by the location and erection of all reformatory, charitable, and benevolent institutions which are under the fostering care of the State, we presume will not be doubted, and the people will, doubtless, always regret that *that* policy was not adopted at an early period in the history of the State. But when large sums have already been expended, (whether wisely or unwisely,) large interests concentrated, much improvement already made, and consequently much money to be sacrificed in case of removal, considerations of an unusual character, perhaps would alone justify a removal, especially when the monetary concerns of the country are in a depressed condition, and the people already overburdened with taxation. Apply these principles to the case before us and your Committee would hardly feel warranted in recommending the removal of the Penitentiary from Fort Madison to Des Moines, (if at all) *at present*; especially when it may be safely anticipated that at a future day, the interests of the State will demand more than one such institution.

Your Committee are therefore of the opinion that from the present condition and advancement of the improvements of the Penitentiary, it is the best policy of the State to make such farther improvements from time to time, as will answer the present and prospective demands of the State until the increase of convicts shall require the enlargement of the present yard, which in the opinion of your Committee should never be done, beyond the present plan.

If your Committee were to suggest what was really necessary to make the Iowa Penitentiary what it ought to be, and what it probably will have to be in future, in that location, we might be permitted to say, that the extension of the present building to the east wall, and the raising of the whole so far as to admit of five tiers of

cells, would about give room enough for the safe keeping of some four hundred and fifty convicts, and that is about the number which the contemplated prison yard will accommodate. Now we have not the estimate of the cost of the extension and raising of this building, but certain it is that this would be far more economical than that recommended by the inspectors in their late annual report. Then there is the cost of three hundred and fifty-two cells at \$100 each

Outstanding indebtedness.....	\$34,200 00
Completion of the outer wall.....	45,000 00
Officers salaries including guards for 2 years.....	20,000 00
General support two years.....	25,000 00
	35,000 00

\$159,200 00

And all this without touching the question of more shop room, about which there is litigation now, or cells for female convicts, Clerk's office for the safety of the records, and many other improvements that are needed, and might be mentioned.

What shall be done now? It is difficult for your Committee to answer this question; and we have therefore thought it advisable to submit some of the more prominent facts, and leave the solution of the problem to the wisdom of the General Assembly.

1st. There is an actual outstanding indebtedness now of about forty-five thousand dollars, (and that continually increasing,) for the payment of which if legal and just, the honor of the State of course is pledged.

But as a portion of that is alleged to have been contracted without authority of law, your Committee would submit whether it would not be prudent before the payment of said sum, to appoint a Commission to investigate the justice and legality of said indebtedness, and how much has been paid out without authority, and whether the same cannot be recovered back by suit, and to take the necessary steps therefor, conferring upon said Commission the power to send for persons and papers.

2d. We have *now*, one hundred and thirty-two convicts, who may be expected to increase within the next two years to probably two hundred; *but one hundred and eight cells* in which to confine them. These cells are estimated by the Engineer to cost \$160 each; the present lessee informed your Committee that they

thought they might with convict labor and brick partitions be built for \$100. Taking then the lowest estimate as our guide, and locating them on the top of those already built, allowing one tier to be indispensably necessary, we have five thousand four hundred dollars.

Although the security of the convicts calls loudly for the completion of the outer walls for the prison yard—yet when we take into consideration the condition of our Treasury, coupled with the estimated cost of completion, \$20,000 00, your Committee submit whether it would not be best to increase the strength of the present force at a small outlay, and await the good fortune of the future for ability to accomplish that which really appears necessary.

If the above suggestion should meet the approbation of the General Assembly, this will cost say, say one thousand dollars.

4th. The duties of Clerk and Deputy Warden have so far increased, that to secure competent men it will probably be necessary to raise their salaries; and then for Warden, Deputy Warden, Clerk, &c., say for officers salaries, five thousand dollars.

5th. For general support, as estimated by the Inspectors thirty-five thousand dollars.

6th. Salaries of guards fifteen thousand dollars.

7th. A safe for Records, three hundred dollars.

Pruning down these to the lowest figures at all practicable at present, taking into consideration the fact that the former mal-administration of the affairs of the institution, requires great caution in the appropriations in future, and indeed has, to a great extent, created the present necessity therefor, your Committee would present, by way of recapitulation, some of the items for which appropriations appear indispensable, to-wit:

RECAPITULATION.

1st. For outstanding indebtedness, or so much thereof as may be found just and legal.....	\$45,000 00
2d. Fifty-four Cells.....	5,400 00
3d. General support for two years from Sept., 1859...	35,000 00
4th. Officers and Guards salaries, two years.....	20,000 00
5th. Repairing fence.....	1,000 00
6th. Safe for Records.....	300 00

106,700 00

Again: The administration of the affairs of the institution being so unsatisfactory, would seem to require legislation, and your Committee would recommend that the office of Inspector be abolished, and that the entire government of the Penitentiary devolve upon a Warden, who shall be elected by joint ballot of the General Assembly, and who shall be responsible for everything connected with the internal affairs of the institution, subject to the supervision of the Governor, and confiding to the executive the power of removal for cause, requiring him to give his reasons therefor to the next General Assembly. The Governor should also have the power of filling vacancies in the Warden's office. The Clerk and Deputy should, under heavy penalties, be required to discharge their respective duties faithfully, and the Warden should have the power of appointment and removal of these officers, as also the Guards, and a limited discretion should be allowed the Warden as to number, he being under heavy penalties responsible for the faithful administration of the general disciplinary regulations of the prison.

Your Committee cannot close this report without acknowledging the courtesy of all the officers of the Penitentiary, the contractors and lessees, and the citizens generally, all of whom appeared anxious to aid us in our investigations, and the present Clerk and Warden were especially accommodating, and we must bear testimony to the universal approbation with which the Warden's official conduct is mentioned. The condition of the prison, the general health of the prisoners, the substantiality and wholesomeness of their food, and the general sanitary regulations of the prison, bear testimony to the qualifications of the Warden and his Deputy.

The moral training of the convicts is now under the special care of the Rev. Mr. Thomas, a minister of the Methodist Episcopal Society, who manifests great interest in, and concern for, their spiritual welfare, and who suggests that a regular prison Chaplain should be provided for; and doubtless his suggestion is well based.

All of which is respectfully submitted.

I. C. CURTIS, *Chairman.*

NATHAN UDELL,

JESSE BOWEN,

M. W. ROBINSON,

D. D. SABIN,

Commissioners.

EXHIBIT "A."

TUESDAY, Feb. 21, 1860.

Message from the House by Mr. Hammer, assistant clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked:

Resolved, The Senate concurring, that there be a Committee of five appointed (three on the part of the House and two on the part of the Senate) to visit the Iowa Penitentiary and report upon the condition of that institution, and that the said Committee have the same power to send for persons and papers as the Special Committee on the Insane Hospital; and that the said Committee be instructed to enquire whether, if it require \$190,000 to finish the Penitentiary, it would not be better to expend the money at Des Moines on a new Penitentiary, and report the same to this House.

The House has appointed Messrs. Curtis, Sabin and McCullough of Jackson, as such Committee on the part of the House.

J. A. HAMMER,

Assistant Clerk.

The question being on concurring in the above resolution, Mr. Drummond demanded the yeas and nays, which were as follows:

* * * * *

Yeas 33—Nays 3.

So the resolution was concurred in.

The President appointed on said Committee, Messrs. Bowen and Udell, as said Committee on the part of the Senate.

I hereby certify that the above is a correct transcript from the journals of the Senate.

J. H. SANDERS,

Sec'y of Senate.

Senate Chamber, Des Moines,

February 23d, 1860.

COMMITTEE ROOM, CAPITOL BUILDING,
Des Moines, Iowa, Tuesday, Feb. 21st, A. D. 1860. }

At a meeting of the Joint Committee appointed by concurrent resolution of the Eighth General Assembly of the State of Iowa, "to visit the Iowa Penitentiary, and report upon the condition of that institution," held in Committee Room, at the Capitol, at Des Moines, Iowa, on Tuesday, 21st day of February, A. D. 1860, the following proceedings were had, to-wit:

I. C. Curtis, member of the House of Representatives, from Marion county, was elected Chairman, and Wm. Gray, of Shelby county, Iowa, was elected Secretary of said Committee.

On motion, Committee then adjourned to meet at Fort Madison, in Lee county, at 2 o'clock, P. M., of Tuesday, Feb. 28th, 1860.

By order of Committee.

WM. GRAY, Sec'y.

EXHIBIT—"B."

REPRESENTATIVES' HALL.

Des Moines, Iowa, Saturday, Feb. 25th, 1860. }

Mr. McCullough, of Jackson, asked to be excused from serving on the Select Committee on the Penitentiary. He was excused.

The Chair then appointed Mr. Robinson, of Des Moines county, to fill his place on said committee.

CHAS. ALDRICH,
Chief Clerk.

Fort Madison, Lee county, Iowa,
Tuesday, February 28th, 1860, 2 P. M. }

A quorum of the Joint Committee, appointed by concurrent resolution of the Eighth General Assembly of the State of Iowa; "to visit the Iowa Penitentiary, and report upon the condition of that Institution," not being present, at the time and place above

stated, an adjournment of the members, then and there present, took place, until seven o'clock to-morrow, Wednesday evening.

WILLIAM GRAY,
Secretary.

Fort Madison, Iowa,
Wednesday, February 29th, 1860, 7 P. M. }

The Joint Committee, appointed by concurrent resolution of the Eighth General Assembly of the State of Iowa, "to visit the Iowa Penitentiary, and report upon the condition of that Institution," met at the "McFarland House," at Fort Madison, Iowa, and in pursuance of the adjournment of those of them present at 2 o'clock P. M., yesterday.

The Committee was called to order by I. C. Curtis, Chairman.

Present,

JESSE BOWEN, of Johnson county,	} On the part	
NATHAN UDELL, of Appanoose co.		of the Senate.
M. W. ROBINSON, of Des Moines co.	} On the part of	
I. C. CURTIS, " Marion "		the H. of R.
D. D. SABIN, " Howard "		

Mr. Bowen, of Johnson county, proposed a plan upon which the committee should commence and prosecute their labors; which, after having been discussed by all the members; the committee adjourned to meet again at 8 o'clock to-morrow morning.

WILLIAM GRAY,
Secretary.

Fort Madison, Lee county, Iowa,
Thursday, March 1, 1860, 8 o'clock A. M. }

Committee met pursuant to adjournment.

All the members present.

I. C. Curtis in the Chair.

The following communication of Hon. J. W. Cattell, Auditor of

State, addressed to Mr. Curtis, as Chairman of the Committee, was submitted and ordered to be placed on file. (See following pages.)

Hon. I. C. CURTIS:—

Dear Sir:—As requested by you, I have attempted a statement of amounts appropriated to and received by the Penitentiary, and which is as follows; though probably not exactly and definitely correct, yet it may be of some use to you. The appropriations so far as I have found them, run as follows, commencing at 1847:—

1847, Page 147, sec. 2,	\$10,000,00
" " 149, Res. authorizing pay't. of indefinite sum,	
1849, " 83, sec. 6,	6,000,00
1851, " 205, sec. 2,	10,000,00
" " 223, sec. 7,	1,000,00
1852-3, chap. 110,	6,606,34
1855, Res. 1, am't. indefinite am't. drawn,	180,00
" Page 257, sec. 1,	5,042,46
" " 256, sec. 1, chap. 169,	6,340,00
1856, Extra Session, page 90,	5,900,00
" " " Res. 4 (indefinite) am't. drawn,	23,00
1857, Page 30,	20,000,00
" " 446,	2,892,12
1858, " 89,	42,300,00

The books in the office show paid to the institution as follows:
From Feb. 25th, 1847, to Dec. 2d, 1850, \$ 456,20
Under joint resolution 20 act 1851, in liquidation of

Bills,	1,139,43
Under chap. 91, act 1851,	895,77
" " 87, " "	10,000,00
" " 110, " 1853,	6,606,29
From Jan. 1855, to Oct. 31, 1857, under appropriations,	40,377,58
" Oct. 31, 1855, to Nov. 23, 1859, "	42,300,00

The above appears to be exclusive of sums paid as salaries, &c., of officers of the institution.

Yours truly,

J. W. CATTELL.

On motion of Mr. Bowen, it was

Resolved, That the Committee proceed forthwith to the Iowa Penitentiary, and there make a careful *personal inspection* of the

Prison Grounds, the Prison, the Work Shop, the Outer Walls of the Prison, and all else connected therewith.

On motion of Mr. Sabin, the committee then adjourned in pursuance of the foregoing resolution, and to meet again at the room in the "McClelland House," at 2 o'clock this afternoon.

WILLIAM GRAY,
Secretary.

Fort Madison, Lee county, Iowa,
Thursday, March 1st, 1860, 2 P. M. }

Committee met pursuant to adjournment.

All the members present.

I. C. Curtis in the Chair.

After much consultation, on the part of the committee, on discoveries made at the Penitentiary, during their visit at the institution in the forenoon; and after the perfecting of plans for future investigations, the committee adjourned to meet again, in Committee Room, at 7½ o'clock this evening.

WILLIAM GRAY,
Secretary.

Fort Madison, Iowa, }
Thursday, March 1, 1860, ½ past 7, P. M. }

Committee met pursuant to adjournment.

Mr. Curtis in the Chair.

The Committee spent the usual time consumed in session, in conference upon the mode of proceeding in the investigations before them. On motion, Committee adjourned to meet again at 8 o'clock to-morrow morning.

WM. GRAY, Sec'y.

FORT MADISON, IOWA, }
Friday, March 2, 1860, 8 A. M. }

Committee met pursuant to adjournment.

Mr. Curtis in the Chair.

On motion, Mr. Phineas Inskip (who was before the Committee,) was permitted to introduce the following statement of matters pertaining to the office of Warden of the Iowa Penitentiary while he held that office. (See appended statement.)

TESTIMONY OF WITNESSES,

WRITTEN STATEMENTS, &c., &c.,

Taken by Joint Committee of the Eighth General Assembly of the State of Iowa, appointed by Concurrent Resolution of the Senate and House of Representatives, passed Tuesday, Feb. 21st, 1860, "to visit the Iowa Penitentiary, and report upon the condition of that Institution," commencing at Fort Madison, in Lee county, on Friday, March 2d, and ending on Friday, March 9th, 1860.

EXHIBIT "D."

To the Honorable Committee

of the General Assembly of the State of Iowa:

In 1857, through the almost unanimous recommendation of the members of both branches of the Legislature of Iowa, I was appointed Warden of the Iowa Penitentiary, and assumed the duties of office on the first of May. On the first of the following October, after having been in office but five months, the law made it incumbent on me to report to the Legislature then about to convene, an official statement of the financial affairs of the prison, and other matters pertaining thereto. Since then, having held the office of Warden for nineteen (19) months, and many things having transpired of vast importance to the State, I consider it a duty I owe to the Committee and myself, to report the management of the prison and its funds during that time.

During the Session of 1857-8, there was appropriated for the use of the prison \$42,300 00, to be applied as follows:

\$9,000 00 for cells.

10,000 00 for General Support.

4,000 00 for paying past indebtedness borrowed from Wall appropriation of 1856-7.

12,000 00 for completion of Wall.

6,000 00 for Hospital.

1,300 00 for paying past indebtedness,

At the Session of 1856-7, I had the honor of being a member of the General Assembly, and one of the Committee, with Dr. Davis, of Polk, J. H. Sullivan, of Lee, J. H. Noble, of Delaware, and David Doud, of Van Buren, on Public Buildings. Before any action was taken by that Committee, or any appropriation recommended, there was laid before them and strongly recommended by Dr. Shedd, one of the Inspectors, a plan drawn up by James D. Harper, Esq., for the general improvement of the prison. This plan only contemplated an expenditure of about \$85,000 to make the Iowa Penitentiary a first class institution of the kind. It seemed so economical, and was so strongly recommended by Dr. Shedd and other gentlemen from Fort Madison, that the Committee concluded to adopt it, and recommend a liberal appropriation for the commencement of the work, and that one of the Inspectors should be superintendent of the improvements they had suggested. The recommendations of the Committee were accepted with some slight alterations, and became a law. During the spring of 1857 the Inspectors advertised for proposals for building the wall agreeably to the plan adopted by the Legislature, and appointed Dr. Shedd Superintendent. Among the many proposals for the contract, the one made by Messrs. McHenry & Dinsmore was deemed the most favorable, and the work was allotted to them. During the summer and fall, and while the improvements were in progress under the supervision of Dr. Shedd, the utmost harmony prevailed among the officers of the prison, from the least to the greatest, order and good discipline were maintained, and through the assistance of my efficient Deputy, Mr. Griffin, I congratulated myself on having redeemed the Iowa Penitentiary from the ridicule and contempt in which it was held by both citizen and convict. The only cause of difference known to me between the Inspectors and myself, or any other officers, previous to the meeting of the last Legislature, was the objection I raised to the payment to Dr. Shedd of \$2 50 per day and of mileage of \$3 00 per day to and from Denmark, while acting as Superintendent, and at the same time employing and paying a substitute for the same services; also, for claiming and drawing from the prison funds, pay for services and mileage while acting as a Lobby to the Legislature of 1857-8.

These slight differences becoming known, and coupled with the desire to save expense, induced the Legislature of 1857 and '58 in making a second appropriation, to appoint the Warden Superintendent of the further contemplated improvements, thereby saving great expense to the State. The passage of this law begot a spirit of hostility towards me, which soon made itself evident in petty annoyances and acts tending to deprive me of all authority and making me a mere tool in their hands. Their meetings which were unusually numerous, were changed from the prison where the law plainly says they shall be held, to Messrs. Dorr & Babcock's offices; the financial affairs of the prison taken out of my hands, orders given to the bankers not to honor my checks, no bills for supplies or necessities allowed, unless it met with their approval, and the annexed order (marked A.) entered on the record, among many others, will show their usurpation of authority, and the course they took to prevent me from acting as Superintendent of the Improvements as contemplated by the law making the appropriation.

It was through these acts of the Inspectors in thus assuming my duties as Warden, Treasurer, and Superintendent, that the books of the institution became confused, and I am represented as a defaulter, when I never audited or paid an account except by their order, then as they required, rendered to them a monthly statement of such payments, and in our final settlement they paid me what they claimed was a balance due of \$653 71. I will leave it to any member of your Honorable Committee if I should be held responsible for the acts of the Inspectors over which I had no control, and be made to suffer for their usurpation of power which has already cost me not a little trouble.

For a long time previous to the last session of the Legislature, Dr. Shedd had conceived the idea of going east to examine and visit the penal Institutions of various States, and with that intention he applied to Gov. Grimes to recommend in his message an appropriation for that purpose. The Governor refused, and notwithstanding the Warden was made Superintendent in the next appropriation and no appropriation made for that purpose, he applied to Gov. Lowe for authority to carry out his long contemplated visit. He was again disappointed, and then the Board of Inspectors assumed to themselves the authority of drawing money from the Prison funds and under the pretense of procuring new

plans, paid Doctor Shedd five dollars per day and expenses, amounting to \$325 and \$250 for a plan, with which Dr. Shedd returned to Iowa, and which was adopted by the Inspectors, and which, if carried out, will entail an expenditure of over \$150,000 on the State, besides rendering it necessary to remove shops and buildings which have cost the State many thousand dollars; during this trip east, Dr. Shedd engaged the services of one John F. Edwards, said to be a relative, and he was immediately appointed Engineer and Architect, with a salary of \$45 per month in the former, and \$5 per day in the latter capacity; thus drawing from the Prison funds between five and six hundred dollars for ninety day's services, as I believe, without color of law.

The appropriation of 1857 and '58 contemplated the erection of a Hospital to cost \$6,000, and to be used for that purpose until the wants of the Prison required additional shop room wherein to work the convicts.

Previous to Dr. Shedd's visit east, I called the attention of the Inspectors to the wants of the contractors, and the necessity of providing more room or the State would be liable for damages sustained by the lessees.

The vast increase of convicts during the winter and spring of 1858, from 47 to nearly 100, made it evident to me that the State, in accordance with their contract, should immediately provide more shop room wherein to work the men, the present shops only having capacity to work about 40 men to advantage.

I suggested to the Inspectors, both before and after Dr. Shedd's trip east, the policy of using the \$6,000 appropriated for a Hospital in erecting a building that would answer the double purpose of a Hospital and shops, dividing it so as to answer for both. I could not induce the Inspectors to act on my suggestion, and they set Messrs. McHenry and Dinsmore at work on the foundation of a building that is estimated by their man Edwards at \$50,000, independent of the foundation.

This foundation was commenced and the balance of the appropriation, after paying the expenses and services of Dr. Shedd east, and Edwards, as Superintendent of the work, was expended, and the money paid to McHenry & Dinsmore without a contract, specification, or any writing on file to show what work was to be done. If such contract or specification ever existed, it never came to my knowledge, and I could gain no information of the Inspec-

tors, although I was the lawful Superintendent of the work and frequently called their attention to the fact. When Mr. Edwards made the first estimate on the work of the foundation, and the Inspectors gave McHenry & Dinsmore an order for the payment of the same, I, as Treasurer of the institution, refused to pay the order, believing the Inspectors had no right, under the law making the appropriation, to expend the money appropriated in laying the foundation of so expensive a building, and that without specification or contract on file in the office of the Penitentiary, and without giving the Superintendent any knowledge or information concerning the proposed building. For refusing to pay this estimate, the Board convened for the purpose, as they said, of removing me from my office of Warden unless I paid their order. After consultation with friends, and an examination of the law, I concluded, with great reluctance, to pay the estimate and let them assume the responsibility rather than sacrifice my place, which, owing to my poverty, was my only dependence and support. The lessees, as was anticipated, called the attention of the Warden and Inspectors to the necessity of more shop room, (see record January 12, marked B.,) long before the foundation of the Hospital was commenced, and frequently after, but could get no satisfaction from the Inspectors. They at last offered to erect additional shops at their own expense and take their pay from the idle men unemployed for the want of room. This proposition was also rejected by the inspectors by reason of a difference between themselves and the contractors, which difference was doubtless occasioned in consequence of one of the contractors forwarding to Gov. Lowe, statements of money drawn from the Prison funds by Dr. Shedd; and this together with the friendly feeling they exhibited towards me has caused them a series of annoyances and persecutions that I consider disreputable to the Inspectors, and likely to be expensive; evidences of this can be found in the recorded proceedings of their meetings in an order annulling a certain contract for building cells, preventing them from hauling stone and materials into the Prison Yard for that purpose, and at last commencing a suit, after vainly trying to get out an attachment to ruin them in their business. I am satisfied had no ill feeling existed towards the lessees, the Inspectors would certainly have accepted their proposition to furnish means and erect shops, and buildings, and take

their pay in the labor of the unemployed convicts who were and have been idle for want of shop room, had that course been taken all difficulty in regard to shop room and unemployed convicts, would have been avoided, and there would have been no necessity as there now is for calling on the State for a single dollar for that purpose.

In my capacity as Warden and Treasurer of the Iowa Penitentiary, I always conceived it my duty to oppose the use and application of the funds, except for purposes specified in the appropriation. I therefore opposed the payment to Dr. Shedd of the annexed Bills, except when he was entitled to \$2,50 per day for Superintending the wall as named in the appropriation. In my simplicity, I did not believe that the Legislature in making an appropriation for the support of the prison, for the building of a wall and Hospital, or payment of debts, ever contemplated that it should be expended in paying an Inspector five dollars per day and traveling expenses over the States, or for acting as a lobby when we had Representatives to see to our wants; neither did I think it was intended to purchase costly plans, or pictures, or hire Boston men as architects, or pay for visits to Keokuk and Burlington, or even to his Lawyers; acting on that belief, honestly but perhaps with erring judgment, I opposed the division of the funds to such purposes and consequently last May my position as Warden was filled by another, and I left the situation with a conscious satisfaction of having done all in my power to protect and guard the interests of the State.

P. INSKEEP.

Attest, WM. GRAY,
Sec'y Board Com's.

"A."

APRIL 2, 1858.

At a meeting of the Board held this 2nd day of April, Dr. Shedd and the Chairman rs the Warden be requested not to act as Superintendent under the new Law, until the further order of the Board.

Refer to Record of this date.

"B."

JANUARY 12, 1858.

At a meeting of the Board held this day, at the Penitentiary, Messrs. Dorr and Babcock present. Mr. Winterbothan's communication asking for more Shop Room was read.

Refer to Record of this date.

STATE OF IOWA,

	DR.
To GEORGE SHEDD,	
To fifty days services in visiting the Legislature in 1858	
for the benefit of the Penitentiary, at five dol-	
lars per day	\$250,00
To expenses on said visit	100,00
	<hr/>
	\$350,00

Signed

GEORGE SHEDD.

Fort Madison, April 21, 1858.

STATE OF IOWA,

	DR.
To GEORGE SHEDD,	
To Railroad and Stage fare on a tour of visitation to	
Eastern prisons, during the months of May and	
June, 1858, to-wit: To the prisons of Alton,	
Columbus, Auburn, Albany, Sing Sing, N. York,	
Philadelphia, Boston, Charleston, and Lawrence.	\$100,00
To forty-five days services rendered and for incidentals	
including Board @ \$5,00	225,00
Total	<hr/>
	\$325,00
To cash paid G. I. S. Bryant for designs for Prisons,	
Total	250,00
	<hr/>
	\$575,00
By cash on account of above	CR.
	400,00
Due	<hr/>
	\$175,00

Approved. Signed

FRANCIS O. DORR

Chairman.

Fort Madison, March 23, 1859.

FOR THE USE OF THE PENITENTIARY.

STATE OF IOWA,
To GEORGE SHEDD, Dr.
To services for State, by two visits to Iowa City the past
winter and expenses for said visits in behalf of
the State..... \$150,00
Received Payment,
Signed, GEO. SHEDD.

STATE OF IOWA,
To GEORGE SHEDD, Dr.
To Superintendence of Walls &c., to date, 65 days @ \$2 \$162,50
" Milage for 65 trips, \$3,00..... 195,00
Total 357,50
By cash \$155..... Cr. 155,00
Amount due..... \$202,50
Iowa Penitentiary, Nov. 21, 1857.

STATE OF IOWA,
To GEORGE SHEDD, Dr.
To five days services, self, horse and buggy in visiting
Burlington and Keokuk. Trip by order of the
Board, on business of Penitentiary and for \$9,
cash paid in expenses..... \$30,00
Fort Madison, April 19, 1858.

April, 27, 1857.
INSPECTORS OF THE IOWA PENITENTIARY,
To GEORGE C. DIXON, Dr.
To written opinion given heretofore..... \$10,00
Approved. Signed

F. O. DORR,
Chairman.

After the reading, (by Secretary,) of the foregoing statement of
Mr. P. Inskeep, late Warden of the Iowa Penitentiary, it was, on
motion, laid on the table.

On motion of Mr. Robinson, the Committee then adjourned to
meet at the Iowa Penitentiary, for a full and final inspection of the
same; and to meet again at two o'clock this afternoon.

WILLIAM GRAY,
Secretary.

FORT MADISON, IOWA, }
Friday, March 2, 1860, 2 P. M. }

Committee met pursuant to adjournment.

Present, a full board, with I. C. Curtis in the chair.

Mr. Udell introduced the following:

"Resolved, That the Clerk of the Iowa Penitentiary be request-
ed to appear before the Committee of Investigation, at their room,
in the "McFarland House," on to-morrow at 8 o'clock A. M.; and
that he be requested to bring with him the *Order Books*, *Time*
Books and all other books of original entries, and also, the Jour-
nals, Ledgers, Bank Books and vouchers now in his possession in
and by virtue of his office; also all correspondence betwixt the In-
spectors of said Penitentiary and Ex-Governor's Jas. W. Grimes
and Ralph P. Lowe, in reference to a visit of Geo. Shedd to the
eastern states, and in reference to the laying of the contemplated
octagonal building at the said Iowa Penitentiary."

(Copy of foregoing resolution was served on Clerk of Peniten-
tiary.

WILLIAM GRAY, Sec'y.)

On motion of Mr. Bowen it was

"Resolved, That our Secretary is ordered to request Mr. John
F. Edwards, Architect and Engineer of the Iowa Penitentiary, to
ascertain the number of cubic yards yet to be excavated at base of
the north and east walls of the Iowa Penitentiary, on the follow-
ing basis, to wit:

Ten feet wide on base, with an angle of forty-five degrees, up
the bluff, and that the said Architect and Engineer be requested
to furnish the same, in writing to this Committee, at his earliest
convenience."

On motion Committee adjourned to meet again at eight o'clock
to-morrow morning.

WILLIAM GRAY, Sec'y.

FORT MADISON, IOWA,
Saturday, March 3d, 1860, 8 A. M. }

Committee met pursuant to adjournment.

All the members present,—Mr. Curtis in the chair.

On motion of Mr. Udell, the following estimate Report of Mr. John F. Edwards, was received and ordered to be placed on file, viz:—

Bank contained as per survey.....	37,071	Cub. Y'ds.
Has been removed to March 1, '60.....	13,000	" "

Leaving to be removed.....	24,071	" "
----------------------------	--------	-----

To change the grade in accordance with the resolution of Doctor Bowen, would in my opinion make about 10,000 cubic yards less to be removed, than former grade.

From the best information to be obtained from diagram and minutes by former Engineer, in my possession, I find that there is in the west wall, two towers, and gateway below grade of yard, 1863 perch stone paid for @ \$3.05.....\$5682 15

East wall, S. E. tower, and same 50 ft of south wall below yard grade, contains 1070 perch stone @ \$3.05..... 3263 50
2933 perch below yard grade.

Yard grade is one foot below the commencement of wall proper; therefore, between those two points there is

in west wall 218 perch paid for @ \$3.95	\$861.10	}	1003 30
East wall, 36 " " " " "	142.20		

Total below wall proper as far as built.....\$9948 95

Testimony of Southwick Guthrie, the Clerk of the Iowa Penitentiary.

After having been first duly sworn by I. C. Curtis, Chairman of Joint Committee, appointed by "Concurrent Resolution" of the Eighth General Assembly of the State of Iowa, to visit the Iowa Penitentiary," &c., &c., deposeth and saith as follows, to wit:

Interrogatory 1. By Committee. What is your name, age, place of residence, and occupation?

Answer 1. My name is Southwick Guthrie,—my age is thirty years—my place of residence is at Fort Madison, in Lee county, Iowa—and my occupation is that of a book keeper.

L. 2. By same. How long have you resided at Fort Madison?

A. 2. I have resided permanently at Ft. Madison, in Lee county, since the month of June, A. D., 1857.

I. 3. By same. What are you now engaged in, as your permanent business?

A. 3. I am Clerk of the Iowa Penitentiary.

I. 4. By same. When were you employed as such clerk? By whom? For how long a time? At what salary? (or compensation,) And how are you paid?

A. 4. I was employed on the ninth day of November, A. D., 1859, by the Inspectors and Warden of the Iowa Penitentiary, for an indefinite period of time, and at a salary of five hundred dollars (\$500) per annum, and paid in drafts of the Warden of Iowa Penitentiary, on Auditor of State, at the expiration of every three months from and after the date of my employment as Clerk of said Penitentiary.

I. 5. By same. Have you the custody of all the records of the Penitentiary from the foundation of the State Government till the present date?

A. 5. I have not. I have all the books, records and papers that were found by me in the office of Clerk of the Iowa Penitentiary, at the time I assumed the duties of that office.

I. 6. By same. Is there any record in your office, or elsewhere, within your knowledge, showing the financial history of the Penitentiary, prior to the organization of the State Government?

A. 6. There is not. There are some small record books containing some entries, but nothing from which anything definite can be gathered.

I. 7. By same. Do the records in your possession, subsequent to the organization of the State Government, give a correct financial history of the Institution from that date to the present time; and, if not, at what time may we date the commencement of a correct financial history thereof?

A. 7. From the organization of the State Government, in the year 1846, until the commencement of the official term of Penitentiary Warden, Richard Quinton, September 1st 1851; what little record there is, is almost wholly unintelligible. During the said Richard Quinton's administration, or up to February 1st, A. D., 1853, the books appear to have been kept accurately. From

that date until the first day of May 1857, they are in such confused condition as renders it impracticable to make any correct statement from them. Since the last named date I think we have a correct financial history of the affairs of the Institution, not, however, from the original books, so much as from the results of the investigation made by the Commission appointed by the Governor.

I. 8. By same. Is there a record of all moneys received and paid out by the Warden of the Iowa Penitentiary since the year 1857?

A. 8. I believe there is a record of all the receipts, but am not sure there is of all the disbursements.

I. 9. By same. What is the earliest date of credits to the Territory, or State for moneys appropriated to said Institution as shown by the records in your possession?

A. 9. There never was any regular account opened with the State until I came into office; but from a certified statement from the Auditor of State, of date September 20, 1859, we have accounts of appropriations as far back as 1848.

I. 10. By same. Do the records show any account of the receipt and disbursement of \$10,000 00 appropriated as per act of the General Assembly, Feb. 25, 1847?

A. 10. They do not.

I. 11. By same. Do the records show the auditing and payment of any certificates of indebtedness for necessary expenses of the Penitentiary, issued by John J. Cowhick, in the early part of the year 1856, as provided for by act of the General Assembly, approved February 25th, 1847. If so, what did said certificates amount to, and when and how were they paid?

A. 11. There is no record of anything done about the above, except the statement of the Auditor, and his statement does not show that anything was done under that specified law. It simply shows that Cowhick received, in 1848, \$233,00, as salary of Warden, and in June, 1849, \$111,01; and in February 1849, \$138,99; and sundry small accounts, to divers persons \$456,20; but it is nowhere intimated that any of the above payments were made in pursuance of said act.

I. 12. By the same. What do the records show, if anything, about the receipt and disbursement of \$6,000,00, appropriated by act of the General Assembly, Sec. 6, approved Jan. 13, 1849?

A. 12. They don't show anything about it.

I. 13. By the same. What do the records show, if anything, about the receipt and disbursement of \$10,000,00, appropriated by act of the General Assembly, approved Feb. 5, 1851?

A. 13. By the records it will be seen that \$8,737,00, of said appropriation was expended in "construction account," \$692,89; in the payment of officers' salaries, and the residue, say \$570,55, in general support.

I. 14. By same. What do the records show about the appropriation of \$1,000 for "defraying the expenses of settling the affairs of the Penitentiary," approved February 5th, 1851?

A. 14. I find of that appropriation \$882 39 was paid as appropriated.

I. 15. By same. What do the records show about the appropriation by act of the General Assembly, approved January 24th, 1853, of \$6,606 34?

A. 15. The cash books of that date show the receipt of part of said appropriation, and the other records show some disbursements out of the same; but in each the entries are in such a disjointed and confused condition that it is difficult, if not impossible, to arrive at a correct conclusion about the matter.

I. 16. By same. Do the records show the receipt and disbursement of the amount named in a resolution, approved January 10th, 1855, of \$180,00?

A. 16. The cash book of that date shows the receipt of said amount, but what was done with it is not so clear by the books.

I. 17. By same. What does the record show was done with the appropriations made by the act of the General Assembly, approved January 25, 1855, of \$11,584 46?

A. 17. I find by examination of the cash book, large sums were received at different times; some of which were received on special accounts, as "cells," "general support," &c., and others are not so described, and these sums are again transferred to a general cash account in the ledger of that date; and the credits again are so promiscuously entered, without specifying to what cash account they belong, that it is difficult to tell, by the books, whether the money has all been received; or, if received, on what account it has been disbursed; although, in many instances, the books show much larger *credits* than *debits* in the cash accounts.

I. 18. By same. Do the records show the receipt and disbursement of the appropriation made by act of the General Assembly, approved July 14, 1856, of \$5,900?

A. 18. I find on the books that the \$2,900 appropriated for rebuilding the workshops, (burned down,) and also the \$1,000 for the payment of outstanding debts, and \$1,075 for building cells, was received; but, if disbursed according to the requirements of the act, the books do not show it fully.

I. 19. By same. Is there any record of the receipt of \$23.00 authorized to be paid to the Warden by act of the General Assembly, approved July 12, 1856? if so, what do they show became of said sum?

A. 19. Yes. The books show it to have been received, and I presume it was put into the general fund, as all cash was kept together.

I. 20. What do the records show was done, if anything with the appropriation of \$20,000, approved January 15, 1857?

A. 20. I find that said sum was received, as appears by the *Day Book*, and that said day book shows that said sum was deposited with Knapp & Eaton, bankers; but there is no evidence of the transfer of said entry to the journal, ledger, or any other book of the institution. I find, also, that although there is no entry showing that said money was applied to the specific objects of appropriation, yet there are several large sums paid at different times to the contractors for building the outer walls, which I am satisfied were paid out of said appropriation; and there are other sums shown to have been paid for purposes of general improvement, which, I suppose came out of the appropriation. There was, also, \$4,000 of it taken by the Inspectors for general support, and, (which was subsequently reimbursed, and which will be explained hereafter,) after making all due allowances, and charging said fund with all that I can find that it ever paid, there is something over \$1,700 which I cannot account for. It should have been on hand at that time, to wit: on, or about the 1st of January, 1858.

Committee adjourned to meet again in their rooms at half past 8 o'clock on Monday morning next, March 5th.

WILLIAM GRAY, Sec'y.

FORT MADISON, IOWA, }
Monday, March 5, 1860, $\frac{1}{2}$ past 8 A. M. }

Committee met pursuant to adjournment.

Mr. Curtis in the chair.

The examination of Southwick Guthrie was resumed as follows, viz:

I. 21. At what time was the twenty thousand dollars, (\$20,000) mentioned in last interrogatory, drawn from the State Treasury, and deposited with Messrs. Knapp & Eaton, bankers?

A. 21. I don't know, specifically, but about the 27th April, 1857. The warrants were drawn, and they were deposited with Knapp & Eaton, within two or three days afterwards as I gathered from the books.

I. 22. Was the cash drawn and deposited on the Auditor's warrant?

A. 22. The books show Auditor's Warrant?

I. 23. Was the whole amount drawn at once, or was it drawn in small parcels?

A. 23. All at once.

I. 24. How long did that amount remain with the bankers before it began to be used for the legitimate purposes for which it was appropriated?

A. 24. The first thing I find of payments, which I am satisfied came from said fund, is a receipt (which I herewith present) of McHenry & Dinsmore, of \$1,522 00, dated July 3d, 1857, which amount was paid on monthly estimates, the twenty-two (\$22) dollars being interest which had accrued on the warrants of \$1,500.00, as the books show, and with which McHenry & Dinsmore were charged; and from that date until the 1st January, 1858, various sums were drawn at divers times, in State warrants, amounting in the whole, to \$14,000 00—including the above, \$15,000 00—the interest on which amounted to \$462 00, or thereabouts, which interest McHenry & Dinsmore allowed on said warrants, and they look to the State for it.

I. 25. Who deposited the \$20,000.00 with Knapp & Eaton, and to whose account was said sum credited on the bank books?

A. 25. I do not know, nor do the Penitentiary books show.

I. 26. Was, or is there no *bank pass book*, or other account, amongst the archives of the Penitentiary, to throw light upon the transactions between the officers thereof and the bank?

A. 26. There is a *pass book*, which I herewith present, showing the deposit of cash, and then here are the checks, (presenting them) which are all that I can find; but I have never found anything like an account of the deposit of warrants.

I. 27. Was there any arrangement between the Penitentiary, or any of its officers, and the bank, about interest on deposits? or was the bank permitted to use the funds from time to time without any allowance therefor; while, at the same time, the bank charged a per centage for advances made on State warrants deposited with them?

A. 27. I don't know anything about that.

I. 28. Do you, or do you not know that the bank did *shave* said warrants when over advances were made on them by the bank?

A. 28. I find a record of \$475 00 cash being deposited with Knapp & Eaton, which I believe was the proceeds of one \$500 00 warrant bought by them, though I did not transact the business myself; and there are several other entries of the same kind and character, both with the bankers and others.

I. 29. Is it, or is it not, a common thing for State warrants to be shaved by the bank and others, at large discount, in procuring cash for the purposes of said Penitentiary?

A. 29. It is a common thing to sell State warrants at five per cent discount on their face, and take currency, or principally Fort Madison Scrip, which is considered *here* as any other currency.

I. 30. You stated in your answer to interrogatory 24th, that fourteen thousand (\$14,000 00) dollars of the twenty thousand (\$20,000 00) was paid out between the third day of July, 1857, and the first day of January, 1858, together with \$462 interest thereon. Now, what became of the balance of the appropriation?

A. 30. Four thousand dollars was transferred to the general support of the institution, by the Warden, with the consent of the Inspectors, there being no other funds on hand for that purpose.

I. 31. At what time was this transfer made?

A. 31. The books do not show when the transfer was made. The only way I can know about it is, that the warrants were drawn, sold for that purpose, and thus appropriated at different dates.

I. 32. What become of the residue of the appropriation?

A. 32. Some small amounts were paid out for purposes of general improvement, but there was something over \$1,700 00 that ought to have been on hand on the first day of January, 1858, as

before stated; but I can give no account of it. It may have been on hand, and absorbed in the general cash account.

I. 33. Can you give any other, or further information about said appropriation?

A. 33. I cannot.

I. 34. What do you know about the receipt and disbursement of an appropriation of \$2,892 12, approved January 29th, 1857?

A. 34. I find on the cash book, under date of the 28th March, 1857, an entry of the receipt from the Auditor of State of \$2,892.00. I also find sundry credits on said cash book, for money paid out, but have, myself, never undertaken the task of balancing it; and whether said appropriation was legitimately applied to the purposes for which it was designed, I cannot tell.

I. 35. What do you know about the receipt and disbursement of an appropriation of \$42,300 00, approved March 13, 1858?

A. 35. I know, from the records of the institution, that the whole sum was received; and I suppose it was deposited in bank, simply because it was usual so to do, and because there was no other safe place for it. The law divided the appropriation into several distinct parcels, for specific purposes. Four thousand dollars was applied to the reimbursing the sum taken out of the \$20,000 00 to which reference was had in my answer to interrogatory No. 20. The residue was, as I suppose, thrown into the general cash account, as was the custom, as I have before stated; and although the law designed that each specific object should receive its own funds, yet the record nowhere shows that it did so; and as to whether it has all been faithfully appropriated to the purposes for which it was designed, I cannot tell; though I see that some has been applied to "Wall" and some to other purposes. (See statement of funds in Warden's Report.)

Committee then adjourned to meet again in Committee Room, at 2 o'clock this afternoon.

WM. GRAY, Sec'y.

Fort Madison, Iowa,
Monday, March 5th, 1860, 2 P. M. }

Committee met pursuant to adjournment.

A full Board present.

I. C. Curtis in the Chair.

The examination of Southwick Guthrie was resumed as follows, viz: —

I. 36. What do you know about the receipt and disbursement of the appropriation of \$2,180,00, under act approved March 23d, 1858, for payment of salaries of officers of the Iowa Penitentiary?

A. 36. The records show that said money was received and paid out according to law.

I. 37. From your examination of the books, since this investigation commenced, have you found any explanation of any of your former answers, or any further developments not now testified to, with regard to the finances of the Institution?

A. 37. In my answer to interrogatory 18, I stated that I found \$1,075,00 out of \$2,000,00, which was appropriated for "cells," July 14th, 1856; I now find the balance of said appropriation to have been received January 7th, 1857. This is all I now think of.

I. 38. Are the statements made by the Commissioners in the report to the Governor, of their investigations of the affairs of the Iowa Penitentiary, so far as its former management is concerned, substantially correct?

A. 38. To the best of my knowledge and belief they are.

I. 39. What is the system now adopted for keeping the records of the Institution, so far as regards the receipts and disbursements from the State Treasury?

A. 39. A system of "double entry," by which every separate fund and interest, has its own appropriate account, such as "wall fund," "hospital building fund," "general support fund, &c.," so that where appropriations are made for a specific interest, or purpose, that purpose alone shall reap the benefit of that appropriation, unless I am specially ordered by the Inspectors, or Warden, to transfer one fund to the use of another, then the appropriate entry, of course, has to be made.

I. 40. What amount of funds belonging to any one of the accounts, proper, is now on hand, as shown by the records at this date?

A. 40. Up to the 29th of last February, there was in the wall fund \$1,732,31, as shown by the books herewith presented. There is, also, \$153,31 cash, \$125,99 of which belongs to the "Convicts Fund," and \$27,32 to General Support Fund.

I. 41. How much is the entire indebtedness of the Institution, of every nature, kind and description up to date?

(At this point of the taking of the testimony of Mr. Guthrie, a recess was taken, after which he the said Mr. Guthrie, submitted the following report, (marked "E") of "the entire indebtedness of the Institution, of every nature, kind and description, up to date."

WILLIAM GRAY,

Secretary.)

"E."

A. 41. Since October 1st, 1859, the date of the Warden's report, the books show additional entries, as follows:

On Account, Wall.....	\$2,293,57
Amount up.....	7,686,68
On Account, Cells.....	1,834,50
" " Escaped Convicts..	4,10
" " Hospital Building.....	56,00
" " Fuel and Lights.....	1,068,44
" " Improvements.....	242,76
" " Hospital expense	212,04
" " Repairs	55,27
" " Insti's. Ex. Ser. & Ex.....	12,27
" " Arms and ammunition	21,91
" " Interest	2,25
" " Clothing and Bedding.....	2,456,78
" " Library	12,40
" " Clerks office	82,85
" " Provision.....	4,969,24
" " Cell Room Exp.....	9,85
" " Postage	11,55
" " Convicts Kitchen	64,93
" " Physicians salary	175,00
" " Convicts Exp.....	86,74
" " Salary of guards.....	2,317,85
" " Discharged convicts.....	292,72
" " Lawyers fees.....	105,80
" " Discount	66,11
" " Warden's expense	4,50
" " Exp. Gen. Acc't	120,95
" " Work shop	6,905,81
" " Exchange.....	1,75

Amount credited Messrs. McHenry & Dinsmore, and charged to P. Inskeep	450,73
Total	\$23,938,67
Am't. debt as per Warden's report, (standing on books,)	24,708,66
Total on books,	\$48,647,33
Add claim of G. W. Douglass, no Bill rendered,	225,00
Excavation for Wall since March 1st.,	1,375,00
Total debt,	\$50,247,33
From which deduct as per Warden's report, 3,447,27	
Warden's report,	1,732,31
Cash from Gov. Lowe,	1,500,00
Cash from other sources,	284,98
Balance	\$43,282,77

In addition to the above there is the accrued interest on \$32,222,54 notes outstanding, which could not be stated without compulsion; also, amounts due Warden, Deputy Clerk and Chaplain, for about two months services each, a small balance due the Physician, say one and one half month's salary; and an amount of about \$500,00 due architect for engineering and other services, for which no bill has yet been rendered to the Warden.

These amounts may not be strictly accurate, but as nearly so as can be had without making out a general balance sheet.

I. 41. If your indebtedness is \$43,282,77, and you have on hand in the bank \$1,732,31, as stated in answer to interrogatory 40, why is not that amount applied to the liquidation of the debts so far as it goes?

A. 42. I do not know sir.

I. 43. Can you explain the reasons for Governor Lowe's advance of \$6,500,00 to the Institution, out of what fund he advanced it, by what law, and why the necessity therefor?

A. 43. I do not know out of what fund, nor by what law he was governed, but the Institution was out of funds, and Gov. Lowe, on application, advanced said sum of \$6,500,00 for general support.

I. 44. Do you, or do you not know of any moneys, or State

Warrants having been received by any of the officers of the Penitentiary, and which have not been accounted for on the books of the Institution?

A. 44. I find by the Auditor's statement of September 29th, 1859, that Phineas Inskeep late Warden of the Penitentiary received

January 13th, 1858,	\$25,00	
January 19th, 1858,	55,00	
January 28th, 1859,	75,00	Chaplain's salary
February 10th, 1859,	83,33	Wardens' salary
February 10th, 1859,	41,66	Dept " salary
February 10th, 1859,	75,41	Clerk B. salary

Making in the aggregate \$355,40, which was never charged to said Warden, on the books of the prison, though it is but just to say that the Deputy Warden and Clerk acknowledged receiving the above sums, and the Chaplain was paid \$75,00, but no credit was given the State for any of the above. The said Warden did credit himself with the payment of the \$75,00. I do not remember now of any other cases of the above character.

I. 45. What is the nature of the agreement between the Inspectors and Warden, on the one hand, and J. F. Edwards the reputed engineer and architect of the Institution, on the other hand, with regard to duty, services and salary?

A. 45. I can state nothing, except that an order is recorded under date of September 28th, 1859, that said Edwards be retained as architect, and that his compensation shall depend upon his services. Then I have three bills, rendered by Edwards, showing that his charges, as allowed by the Inspectors, were about equal to \$45,00 per month, as engineer; and \$5,00 per day as architect.

I. 46. By the report of the Warden, it appears that Phineas Inskeep, late Warden, was indebted to the Institution \$2,278,11. Have you ascertained anything since that report, which increases or diminishes his apparent liability? If so state what it is.

A. 46. I have found mistakes in the records which when rectified increases the indebtedness of Mr. Inskeep \$539,86, and I think likely it will be found that his liability will still be increased more. I have pretty good evidence of \$119,27 more at least.

Committee adjourned till 7½ o'clock this evening.

WILLIAM GRAY,
Secretary.

Fort Madison, Iowa,
Monday, March 5th, 1860, 7½ o'clock P. M. }

Committee met pursuant to adjournment.

All the members present.

I. C. Curtis in the Chair.

Examination of Southwick Guthrie resumed.

I. 47. How are appropriations drawn from the State Treasury for the use of the Penitentiary?

A. 47. Usually on the order of the Inspectors.

I. 48. When drawn where are they placed for safe keeping and disbursement?

A. 48. As far as my knowledge extends usually in bank.

I. 49. What system of disbursement is adopted by the officers of the Iowa Penitentiary?

A. 49. There is no regular system. Sometimes the Inspectors order it, and at others the Warden pays it without such order; but since 10th November last, the Inspectors have made no orders, but the money has been paid out by the Warden alone.

I. 50. Have the Inspectors forbidden the payment of the checks of the Warden in any instance? If so, when, and to what amount, and what have been the reasons assigned by them for so doing?

A. 50. Of my own knowledge, I know nothing about that.

I. 51. Have there been regular settlements between the Inspectors and the Warden heretofore, and are there now with the present Warden.

A. 51. When I came into office, I found a lot of monthly statements on file, reaching from Jan., 1858, to and including August, 1859, but no more; and I have not discovered any settlements otherwise than those above stated.

I. 52. Have you compared the moneys deposited with the bank and the amount drawn from the bank, by any or all officers of the Penitentiary? If so, what is the result of your investigations?

A. 52. I have done but little in that matter. So far as I have examined, the bank books appear to be correct.

S. GUTHRIE.

Committee adjourned to meet again to-morrow morning, at half past 8 o'clock.

WM. GRAY, Sec'y.

FORT MADISON, IOWA,
Tuesday, March 6th, 1860, ½ past 8 A. M. }

Committee met pursuant to adjournment.

All the members present—Mr. Curtis in chair.

Southwick Guthrie, clerk of the Iowa Penitentiary, being present in Committee Room, submitted the following copy, from the minute book of the Inspectors, (marked "F.") after which, on motion, it was ordered to be placed and kept on file (see following page.)

IOWA PENITENTIARY, May 5th, 1857.

Regular quarterly meeting of Inspectors. Present, Dr. George Shedd, Charles Brewster and J. H. Little, chairman. Inspectors proceeded to fix the salary of the following officers, in accordance with the discretionary power vested in them by authority of the Legislature, viz:

Salary of Deputy Warden shall be \$500 a year.

Salary of Clerk shall be \$400 a year.

Day Guards shall receive for the first month, on trial, thirty-three dollars a month, for subsequent months (if approved) thirty-seven dollars a month.

Night Guards shall receive for the first month, on trial, forty dollars, and for subsequent months (if approved,) forty-five dollars a month.

Taking all the circumstances of the Prison, and the limited amount of appropriations to carry out the contemplated improvements to the Prison into consideration, the Inspectors deem it inexpedient to order at present the construction of twenty-five cells, and also the foundation of the Hospital; and will for the present direct all their efforts to the construction of the stone wall around the Prison, and have determined upon the following specifications, viz:—

East Wall. Running north and south, 350 feet long, with short wall 17 feet west, to north-east corner of Cell building.

North Wall. Two hundred and forty feet long east and west.

West Wall. Three hundred and ninety-four feet long, north and south. The entire wall shall be built of good lime stone rubble work, composed of large stones of such quality as shall withstand the action of the weather.

Foundation. To be 4 feet thick, and to commence six feet below the present surface of the ground, where the wall shall be formed of embankment, and six feet below the grade of the yard where the same is formed in excavation, to be laid in good quick lime mortar, and carried up full width one foot above the grade of the yard.

Wall Proper. Shall be 3 feet thick at the base, 22 feet high, 18 inches thick at the top, vertical on the inner side or surface, with batter of 18 inches on the outer surface; and shall be surmounted with a cut stone coping, 3 feet wide and eight inches thick, of good large durable lime stone rock, well bedded on the wall, and firmly secured to each other by two rows of iron clamps, leaded into the stones; each row 9 inches from the centre of the wall.

Both the inside and outside surface of the wall to be laid as smoothly as is compatible with the style of rubble masonry, and to be well laid in good quick lime mortar.

Towers. Four in number, (one at each corner of the wall,) shall be of neatly cut stone, of the same quality, (if required by the Inspectors) as those now used in building cells, octagonal in form and carried up to the top of the wall coping.

Gateway. There shall be an arched gateway at the south west front, closed with a heavy double oak plank iron banded and rivited doorway; and at the north west corner of the present Wardens' building, an iron grated gateway; each to be ten feet wide; each to be furnished with smaller doors for footmen; all with the necessary fixtures for opening, closing and fastening from the top of the wall.

Materials. All the stone, lime and other materials used in the foregoing work, to be subject to the approval of the Inspectors before being used in the work.

15 Per Cent. Fifteen per cent. of the amount of work done, to be retained until the completion of the contract.

Payment. Payments to be made in State Auditors' Warrants, bearing 8 per cent interest, on monthly estimates as the work progresses, until the appropriation of 16000 dollars is expended, and the balance, if any, to await future appropriations of the State Legislature.

Bidders. Bidders will state the price per yard, of earth excavations, and also of embankments, the price per perch of stone laid

in foundation wall; also in wall proper, the price per perch of cut stone in towers and coping.

Completion. The arched gateway at the south west corner of the present Wardens building, and the west wall, and the north wall including the towers belonging to the walls; also the foundation of the east wall and towers must be completed by the first day of November next. The east wall proper and towers must be completed by the first day of July 1858.

Sureties. Bidders will name in their bids the persons whom they will give as sureties on their bonds for the faithful performance of contracts. The Inspectors reserve to themselves the privilege to set aside any, and all bids, should they be deemed extravagantly high.

APPROXIMATE ESTIMATES.

Say 8,000, cubic yards of earth excavation.

10,000, " " " " embankment.

2,900, perches of stone foundation.

2,700, " " " wall proper.

300, " " " in towers and coping.

Two gates—one wood—one iron.

J. H. LITTLE, Chairman.

GEORGE SHEDD,

CHAS. BREWSTER.

Adjourned to May 25, 1857.

Testimony of George Shedd, Lee County, Iowa.

After having been duly sworn by Nathan Udell, of the Committee, Mr. Shedd deposeth and saith as follows, to wit:

I. 1. By what act, in your opinion, have the contractors for convict labor, in the Iowa Penitentiary violated their contract with the State?

A. 1. The spirit of the contract has been violated in the following particulars, viz: Should a convict, by chance, happen to get hold of a match, or fire from furnaces, or cook room, and set fire to shavings and the great mass of combustible matter there, they could make a stampede, and would, almost inevitably escape; and much, or all of the State property be destroyed, with proba-

bly loss of life. Being furnished with no suitable means of quelling fires, very disastrous consequences would follow. The spirit of the contract is violated in that the contractors have erected a saw mill, without authority, in the Penitentiary yard, and thus, in a most eminent degree, endangering the safety of the Institution. The said saw mill intercepts, entirely, the view from the only guard house from which a view may be had of the yard fence; which fence of 60 feet is in the most dangerous and exposed part of the yard, it being within a few feet of the largest shop in which are ladders, and other instruments in use for scaling and tearing down fence; said mill also preventing any chance of the guards shooting the convict in such attempt. They have refused, without just cause to employ but a part of the convicts—a far less number than is specified in the contract—as under the contract they are required to employ nine tenths of the able bodied convicts—whereas, for the last year they have refused to employ more than from one half to three-fifths of them.

I. 2. What is your opinion in regard to the capacity of the shop room, to work to advantage, the whole number of convicts?

A. 2. They have never, in my opinion, lacked for shop room to work to advantage all the convicts in the prison; and I think they now have room sufficient to work from fifty, to one hundred per cent more than they have employed.

I. 3. What was the amount for which the contractors were sued for convict labor, and when was that suit commenced?

A. 3. The amount was between twenty-five hundred and three thousand dollars, and the suit was commenced previous to the May term of Court for 1859.

I. 4. What amount has since accrued to the State for convict labor?

A. 4. I think between seven and eight thousand dollars up to the present time.

I. 5. Have they failed to pay over as per the terms of their contract?

A. 5. They have.

I. 6. How often have the Inspectors examined the manner of keeping the books and accounts of the Penitentiary; and have the duties of the officers been faithfully performed in this respect?

A. 6. The Inspectors have examined the manner of keeping

the books regularly, once a quarter, and frequently once a month, and had supposed the officers had faithfully performed their duty.

I. 7. Have the Inspectors and Warden obtained duplicate receipts for all expenditures made on account of the Penitentiary and has a copy of each been forwarded to the Auditor of State monthly?

A. 7. The Inspectors have required duplicate receipts to be taken, according to law, and one forwarded to the Auditor of State.

I. 8. Did the Inspectors settle with the Warden monthly, and agent the same accordingly; if not, how often?

A. 8. No they have not. Sometimes once a quarter, and always at the end of the year.

I. 9. At the last settlement with Phineas Inskeep, was there a balance found to be due him, and said balance paid him?

A. 9. There was, as was at that time supposed.

I. 10. How can you account for the difference in your settlement with the said Inskeep, and the amount found on the books against him by the Commissioners appointed by the Governor?

A. 10. I cannot only in part.

I. 11. What part, and to about what amount?

A. 11. Several errors have since been found by the board; in amount less than three hundred dollars, I presume.

I. 12. Is the following statement found on page 11 of the Report of the Commissioners appointed by the Governor to investigate the affairs of the Iowa Penitentiary correct? to wit:

"We find they have allowed Dr. Shedd, one of their number, at the rate of five dollars per day, mileage, and traveling expenses, visiting prisons of others States—the Legislature of this State at different times, and for plan procured, &c., the sum of eleven hundred and fifteen dollars—two hundred and fifty of which was paid Architect, at Boston, for plan."

A. 12. It is, save only, the amount is \$1,015 00, instead of \$1,115 00; and I never charged or received any "mileage."

I. 13. Did you pay Mr. Bryant, an Architect of Boston Massachusetts the sum of \$250 for plans of Penitentiary building?

A. 13. I did pay him \$225; and Mr. John F. Edwards, for assisting me, \$25; which is all included in one receipt from Mr. Bryant of amount two hundred and fifty dollars.

I. 14. Who employed Mr. John F. Edwards, as Architect and Engineer of the Iowa Penitentiary?

A. 14. The Board of Inspectors.

I. 15. How much does he receive for his services?

A. 15. Five dollars per day, when employed as Architect, and forty-five dollars per month as Engineer, for two months.

I. 16. What rate of interest have the Board of Inspectors agreed to pay on Penitentiary notes given to Messrs. McHenry and Dinsmore for excavating on the north side of the yard, for work done this winter?

A. 16. Twelve per cent—the four per cent above eight, as per contract was given as a *bonus* for having the work done this winter.

Q. 17. Have you ever obtained the opinion of the Attorney General, in reference to the right of the Inspectors to charge mileage in going to and from the usual places of meeting of the Board of Inspectors?

A. 17. I have—and he is of the opinion that they, (the Inspectors,) are entitled to mileage in attending all of the regular meetings, and all special meetings called by the Chairman of said Board of Inspectors.

Committee then adjourned to meet at an early hour this afternoon.

FORT MADISON, IOWA, }
Tuesday, March 6, 1860, 3 P. M. }

Committee met at the hour above specified.

A quorum of the members present.

Mr. Bowen asked to submit the following written interrogatories to Doctor George Shedd, who was then and there present:

Committee consented. (See questions marked "G.")

G.

Q. 1. Did you have horses shod at the Penitentiary free of charge or without intending to pay therefor?

Q. 2. Have you had your neighbor's horses shod or required the contractors to do the same free of charge; or have you received pay therefor in any instance?

Q. 3. What did you do to interfere with the powers and duties of Inskeep, as Warden?

Q. 4. Did you pay out all the money as shown in your account for expenses in your trip east?

Q. 5. What advice did Grimes and Lowe give you in regard to your trip east?

Q. 6. What was the occasion and necessity of the Board of Inspectors meeting as frequently as they did?

Q. 7. Did you examine and know for yourself on actual inspection, that the walls of the prison were built in a substantial and workman like manner?

Q. 8. Before paying estimates for building wall did you require the Engineer to make a survey and estimate, and have you kept such estimate on file?

Q. 9. Have you given orders to the bank not to pay Warden Inskeep's checks?

Q. 10. Have you ever assumed the management and control of the Board of Inspectors, and were you more troublesome after 1858, after the Legislature placed the superintendency in the hands of the Warden?

Q. 11. How much did you allow and pay, if anything, the contractors upon an estimate for excavation and embankment for the foundation, when in fact no excavation nor embankment was done?—What did they amount to, if any such was done?

Q. 12. How much extra allowance was made for the gate and archway, and over and above the specifications made in the contract, or for charges made by the Board?

Q. 13. Was the west wall received from the contractors and paid for in its present contorted condition, and without the coping being bolted down, as per contract?

Q. 14. Was there an agreement between the Board and Contractors, with or without the knowledge of the Warden, made with the cashier of the bank that the retained per centage on wall should be held by the bank on special deposit? if so, was the bank to have the use of said funds without any per centage?

Q. 15. Have you ever given orders to the Warden to make purchases of certain persons in this place, and not to trade with certain other persons?

Q. 16. How much did the tabature, or engraving of names, cost, that was made to place over the gateway of the Iowa Penitentiary, and then not used, or turned *inside* instead of *outside* the prison walls?

Committee then adjourned to meet again to-morrow morning at an early hour.

WILLIAM GRAY, Sec'y.

Fort Madison, Iowa, }
Wednesday, March 7, 1860, $\frac{1}{2}$ past 7, A. M. }

A quorum of the Committee were present. In the absence of the Chairman, Mr. Udell was called upon to preside.

The following is the testimony of Phineas Inskeep, of Lee Co., late Warden of the Iowa Penitentiary, who, after having been duly sworn by Nathan Udell, Chairman pro tem. of Com., deposeth and saith as follows, to-wit:

Q. 1. When were you appointed Warden of the Iowa Penitentiary, and how long did you serve in that office?

A. 1. I was duly installed into the office of Warden of the Iowa Penitentiary, on the first day of May, A. D. 1857, and held the same office for two years thereafter.

Q. 2. Who was your book-keeper?

A. 2. R. A. Brown.

Q. 3. Were you controlled in the disbursement of the funds of the Iowa Penitentiary by the Inspectors of the same?

A. 3. I was; being at all times a mere cypher in their hands?

Q. 4. Did the Inspectors ever draw and disburse any of the funds independent of you, or without your approval or knowledge?

A. 4. They did draw, at one time, when I was from home, about \$441 00. This amount was drawn while I was up north, by order of the Board, purchasing potatoes for use of convicts.

Q. 5. Were the accounts and vouchers by which the Inspectors from time to time settled with you, as appears by their record, furnished by you, or by the Clerk?

A. 5. By the Clerk, as he kept the books, for I, at no time, knew anything about how matters stood, only as the Clerk and Inspectors informed me. I was entirely under their control, and I supposed then, and do so now, that those settlements are correct. My own accounts were kept by the Clerk, also. I kept no account myself, but relied wholly upon him and the Inspectors to keep them and settle them correctly.

Q. 6. Did the Inspectors undertake to control you, as Super-

intendent of the construction of improvements of the Iowa Penitentiary?

A. 6. They did, on the 2d day of April, 1858, make an order which is on record, requiring me not to act as Superintendent of the work, and during the balance of my term of office they did control me, and appointed one of their own number, Mr. Babcock, Superintendent, in violation of the law approved March 13th, 1858, making the same my duty, as appears from their record of May 8th, 1858.

Q. 7. Were those frequent meetings of the Board of Inspectors, as appears from the records, actually necessary?

A. 7. I do not think that the business and affairs of the Penitentiary required such frequent meetings.

P. INSKEEP.

Attest WM. GRAY, Sec'y.

George Shedd, the witness to whom written questions had been propounded yesterday, by Mr. Bowen, appeared again before the Committee, and submitted the following *written answers*, marked "G," after which he subscribed his name thereto, viz:

Answer to question 1. I did have my own horse shod at the Penitentiary, two or three times, by special invitation of Winterbothan, on the assertion of his, that he had the best workmen for shoeing horses in these parts. I offered to pay him for such work, but he refused. I thought it best to stop the work, and did so.—He made me a present of a hoe and scythe snath, once.

A. 2. I answer no no, in no wise.

A. 3. Nothing, so far as I have knowledge. The Board did request Dr. Inskeep to defer superintending the work until a legal question, raised by the contractors, could be decided by the proper authorities. Examine Mr. Henry I. McCullough as to what Inskeep had said respecting the west wall; also Mr. Babcock upon same.

A. 4. My bills were made up from memoranda of actual expenses paid out from time to time, except perhaps two or three dollars charged for getting to and from the Board, by my own team driven by my hired man. When Mr. Edwards traveled with me in visiting prisons, as my adviser, I paid his traveling expenses.

A. 5. Properly speaking, perhaps neither gave any *advice*. — Gov. Grimes said to the Board in a letter that he knew of no person in the west, suitable to be the architect of our necessary prison improvements; said to me personally, at an official visit, that plans must be got, and it was the duty of the Board to get them, as best they could. Gov. Lowe, said personally to me, at Des Moines, that he approved of the idea of sending a Commissioner east to get plans, and stated that he wished me to go. Wrote to the Board that the power to send was with the Board, and that if they saw fit to send me, he would approve and would give the necessary letters of credit.

A. 6. The variety and extent of the business and official duties the Board found it necessary to attend to, required in their judgment, meetings more frequently than once a quarter, or once a month. The frequency or number of their meetings did not at all increase the salaries of the Inspectors; and the mileage of the whole Board for the last year, as charged, amounted to less than \$150.00.

A. 7. I answer: I superintended the most of the west wall, and gave it personal inspection. I was satisfied then, and am still, that it was built in a substantial and workmanlike manner. Of that superintended by Dr. Inskeep, I cannot speak.

A. 8. The Engineer has always been required to make a survey and estimate at the end of the month, for work done during that month; and those estimates are on file at the Clerk's office, unless they have been recently lost.

A. 9. I have no knowledge of any such order.

A. 10. I have no such consciousness. Please ask my associates.

A. 11. I think we paid about \$170, if recollection serves rightly. This sum was allowed, and paid upon a stipulation made with the Board before the bids were opened, that such a sum, or whatever the amount should be, should be considered as a part of the amount of his bid, to be added to the other items of the same, and which was to reject his bid, if the said sum should raise his bid above any other.

A. 12. I do not think I recollect; but perhaps \$200, or more. The bills on file will show.

A. 13. The west wall has not been received from the contractors, nor is the job completed. The contorted condition of the coping is the result of Inskeep's position order as Superintendent, without

the knowledge of the Board at all. When the estimate for the coping was allowed, it was upon the assent, tacit at least, that it was all right, and he was the lawful authority on the subject.

A. 14. It has often been a question of discussion between myself and the contractors and others whose is the lawful control of the retained percentage; but I have never known of any arrangement, or understanding with the contractors, that such percentage should be retained as a special deposit in the Bank; nor have I ever understood, or supposed that the use of said money belongs to the Bank. The arrangement, at the first, was made by the Warden and Messrs. Little and Brewster, then resident Inspectors, in my absence.

A. 15. No Sir. We have never given any orders, but have given advice to trade at such places where he could do the best for the State.

A. 16. I think \$25.00 or \$30.00 was the cost of the original stone, and about one half or two thirds of that amount was lost to the State.

GEORGE SHEDD.

Attest, WM. GRAY, Sec'y.

TESTIMONY OF J. F. EDWARDS, ARCHITECT AND ENGINEER OF THE IOWA PENITENTIARY.

Mr. Edwards after having been duly sworn by Nathan Udell, of the Committee, deposeth and saith as follows, to-wit:

I. 1. What wages do you receive as Architect and Engineer of the Iowa Penitentiary?

A. 1. In the year 1858 I charged the State of Iowa for 92 days services, as Architect, at \$5.00 per day.....	\$460.00
Also, 2 months services as Engineer, @ \$45.00.....	90.00
In the year 1859 I have charged the State of Iowa with 80 days time, in May, June, July and August, as Architect, @ \$5.00	400.00
My services as Engineer, (during the year 1859,) 53 days, from April 1st, to 31st December	265.00

For plans and specifications, and superintending the new shop, 24 days @ \$5,00 per day, in the months' of September, October and November, 1859... 120,00

For 20 days time in the months' of December 1859 and January 1860, with Porte Folio of plans as exhibited to the Legislature @ \$5,00..... 100,00

Total..... \$1,435,00

I. 2. Who employed you?

A. 2. Doctor George Shedd, as Agent of the Board of Inspectors.

I. 3. How many men, in your opinion, can the contractors for convict labor, in the Iowa Penitentiary, employ to advantage, at the trades, or business they are carrying on at present, in said prison?

A. 3. From observations which I have made in other prisons, with direct reference to this subject, I think they could work one hundred and ten men; viz: by allowing sixty-six feet of floor room to each man.

I. 4. Has there been any time, since you have been engaged in, and about the Iowa Penitentiary, that the contractors could not have so arranged their machinery as to work to advantage, all the men allotted to them as per contract?

A. 4. I think not.

By Mr. Bowen:

I. 5. Are you related, by the ties of consanguinity, or in any other way, to Dr. George Shedd?

A. 5. Not to my knowledge. I never saw Dr. George Shedd until the year 1858, when he came into my office in Boston, Massachusetts. I did not know that there was a *Doctor Shedd* until then.

JOHN F. EDWARDS.

Attest:

WILLIAM GRAY,

Secretary.

Committee adjourned to meet at 2 o'clock this afternoon.

WILLIAM GRAY,

Secretary.

The following is the testimony of Mr. John H. Winterbotham, as taken by Mr. Curtis, Chairman; said testimony having been commenced to be taken at Fort Madison in Lee County, Iowa, on Tuesday March 6th, A. D., 1860.

After having been duly sworn by Mr. Curtis, he, the said John H. Winterbotham, deposeth and saith as follows, to wit:

I. 1. What is your name, age, place of residence, and occupation?

A. 1. My name is J. H. Winterbotham—age 46 years—residence, Fort Madison, Iowa—occupation, contractor in the Iowa Penitentiary.

I. 2. Are you conversant with the manner of conducting the affairs of the Iowa Penitentiary? If so, how long have you been intimate with them, and how are the laws of the State enforced by the officers of the Institution?

A. 2. I have been intimately acquainted with the Institution for nearly six years. When I first became acquainted with it Geo. Grigsby was Warden, James D. Eads and I. K. Swarts were the acting Inspectors. Mr. Eads being absent most of the time, the chief control devolved upon Mr. Swarts. Judge Whitaker was said to be an Inspector, but I never knew him. There were, at that time not exceeding fifteen convicts. Mr. Grigsby, in some respects was a fair disciplinarian, but his family were very illy calculated for such a station. But taking all things into consideration, the opportunities we had, the small number of convicts, &c., &c., Mr. Grigsby done very well. I think this was in 1854. In 1855 he was superceded by F. A. Barker, as Warden, and Charles Brewster, J. H. Little and Dr. George Shedd, were appointed inspectors. I always considered Mr. Barker an honest man, and his wife a very kind hearted and good woman. The family was too numerous for the place. Mr. Barker, as he informed me, had no previous experience in prison discipline, and it soon became evident to the convicts and all others who desired to take advantage of it, and in the appointment of his under officers, he was peculiarly unfortunate. This, of course resulted in jars and discord in the official family, which the unsuspecting and kind labors of his lady and other pious friends amongst the convicts frequently resulted in their taking the advantage of that which was intended for their good, and insubordination was the result. Messrs. Little and Brewster, two of the Inspectors, were two of our most accomplish-

ed business men. Dr. George Shedd was a practicing physician in Denmark. They held us as Contractors, to a strict accountability for every thing. At this time the Warden was appointed by Joint Ballot of the General Assembly. The Inspectors were appointed by the Governor. Those deriving their authority from different sources felt themselves independent of each other, and this was another source of discord. The Inspectors complained that the books were not kept satisfactorily, and in our settlements with them we generally found their books in confusion, and the result was that we (Winterbotham and Jones,) had to render statements on both sides, upon which settlements were made; and our books were not kept as they ought to have been. The Inspectors frequently complained of this, and further that their rules and regulations were not carried out; and the dissatisfaction was so great that Messrs. Little and Brewster threatened to resign on that account, but we persuaded them not to do so. The result of all this was want of proper discipline in the prison, which created in us a fear that a general stampede, or fire might ensue; and we frequently mentioned our fears to the Warden; and on, or about the 14th of August of that year, the shops were burned down by the convicts; and indeed the rules and regulations made by the Inspectors were not carried out by the Warden, although so far as I know, these rules were in accordance with law, and the usages of similar Institutions in other states. In the winter of 1856-7 the law was changed so that the Warden was appointed by the Inspectors, he to appoint the Clerk, Deputy, &c., with the consent of said Inspectors, making it similar to the Ohio law. Under this law Phineas Inskip, was appointed Warden; R. A. Brown, Clerk, and M. P. Griffin, Deputy Warden. From that time quite a reform was manifested, and the discipline was substantially healthy and good: and while Messrs. Little and Brewster remained Inspectors, everything went on all right; but some two years since the Board was changed by their resignation, and F. O. Dorr and P. H. Babcock were appointed in their places, and Dr. Geo. Shedd continued. Doctor Shedd acted as Superintendant of the improvements of the prison. From this time Dr. Shedd assumed a more prominent and leading part in controlling the affairs of the Institution, and I think the Board were induced through his influence to do a great many things inconsistent with the best interests of the Institution. Such for instance, as allowing extras for work never done; holding fre-

quent and unnecessary meetings of the Board, and virtually assuming the control and authority properly belonging to the Warden; and hence, from that time forward more or less discord has prevailed, and the Institution has not prospered. At the last session of the Legislature, the Warden was made Superintendent of the improvement; and since that time there has been but little else than trouble. Dr. Shedd manifesting a spirit of continuous hostility to the Warden; and while the work has been going on, one or another of the Inspectors was most of the time there assuming the control of the work notwithstanding the law gave it to the Warden.

I. 3. When the work shops were burned, as mentioned before, how and by whom were they rebuilt?

A. 3. Winterbotham and Jones rebuilt them by order of the Inspectors, we furnishing the material.

I. 4. Did, or did not the Inspectors advertise for bids for said work, or was the arrangement a private one between you and them?

A. 4. The Inspectors did not advertise for bids for the work. They thought there would not be time if they advertised, to get the shops up before cold weather.

I. 5. How large were the shops thus built, and how much did they cost the State?

A. 5. They were 110 feet long, beside an engine house of 38 by 22 feet. I think 60 feet of the main shop was 28 feet wide, and 50 feet 20 feet wide, the whole two stories high; besides a cellar 60 by 20 feet. The cellar was there before, but we had to repair it, and raise all the building covered with tin—the material being brick, and the entire cost to the State was \$2,800 00 as near as I can recollect.

I. 6. Was or was not all the brick, iron and other materials not destroyed by the fire thrown in, at the time free of charge?

A. 6. Yes sir; but in the taking and cleaning of the brick we considered them of very little value.

I. 7. If the Inspectors had advertised and let the building to the lowest responsible bidder, might not the State have saved money by it?

A. 7. I don't think it would have been built as cheap, for we took it lower than we otherwise would in order to get the use of the shops, and lost several hundred dollars in building it.

I. 8. Had you any authority to build that saw mill in the yard? If so, from whom did you receive it?

A. 8. Yes sir. The Warden gave us liberty to put it there. I mean Mr. Phineas Inskeep.

I. 9. What authority have you for filling up the yard with so much lumber, logs, wood, &c., &c.?

A. 9. I claim it under my contract with the State.

I. 10. What number of hands can be worked in the shop room already prepared, with the machinery you have now erected?

A. 10. I should not want to work over eighty men at the present time.

I. 11. With whom was the contract for convict labor made by you?

A. 11. With George Grigsby, R. W. Albright, and James D. Eads.

I. 12. Did you employ any person to draw up said contract? If so, who was it, and what did you pay for it?

A. 12. Yes, I paid \$5,00 to Monroe Reed for drawing it.

I. 13. Did you or did you not say at some time after said contract was drawn, *that you never invested \$50 so well in your life*; and have you not stated *that Dr. Eads drew said contract*?

A. 13. I never paid out but \$5,00 for said contract, and that was, as before stated, paid to Monroe Reed, and I never said anything indicated in the above question to mortal man; so far from it Dr. Eads was the hardest man I had to deal with, and it was through him that we had to pay five cents per day per man for four years over the former contractors prices, and I agreed to it in consideration of their giving me the contract for ten years instead of five.

I. 14. What do you know, if anything, about Doctor George Shedd having his horses shod, free of charge, at the Penitentiary, and also those of his neighbors, he securing from his said neighbors the pay therefor?

A. 14. I know that he got his horses shod, and other horses also, frequently, free of charge, but whether he ever got any pay for it I do not know.

I. 15. About what amount do you think the shoeing came to, done in that way?

A. 15. Not a great deal. I could not say how much. It was cut short too soon to amount to very much.

I. 16. Did you, or the authorities controlling the matter have to stop it?

A. 16. Yes. We said we were not going to shoe all the horses in Denmark free of charge.

I. 17. What do you know about Doctor George Shedd traveling east, on his tour of observation on Prisons? Did he pay his way, or "cousin" it? and have you any idea that it really cost what he charged the State with, as expenses.

A. 17. I know he *cousined it* some; and I know that I could have gone there for a good deal less money.

I. 18. What is it worth to build one, two, or three tiers of cells on top of those already built in the Iowa Penitentiary?

A. 18. With brick partitions laid in cement, and with convict labor, I think I could build them for \$100 a piece.

I. 19. How are your accounts kept with the State of Iowa? and by those accounts how do you stand with the State?

A. 19. We have a book-keeper that keeps our books, and, according to the books on the 1st of March, A. D. 1860, there was a balance due the State of \$244 64, and the convict labor for the months of December, January, and February, (not yet due,) amounting to about \$1,843 76. It may be well here to state that although the above statement is substantially correct, yet since the Inspectors and us have gotten into difficulty and litigation, we have not been so careful in giving *the credits* as rendered by the clerk of the prison; and, of course, we expect that they have us charged with more than we have allowed them, as credits on our books. It may be well farther to state that the above statement of the condition of the accounts between us and the State is entirely independent of our claims for damages in the suit now pending between the State and us, which claim you may find on file in the Clerk's office of this county, in our answer to plaintiff's petition.

I. 20. What do you know about the alleged defalcation of Phineas Inskeep, late Warden of the Iowa Penitentiary?

A. 20. From my knowledge of the affairs of the Iowa Penitentiary, of Phineas Inskeep and his circumstances, coupled with the notorious usurpations of power by the Inspectors over him, I do not think it is possible for Mr. Inskeep to be a defaulter, as al-

leged. I have spoken to the Inspectors about Mr. Inskip and his accounts, and they have always allowed them to be correct, until he was out of office, and Mr. Layton, the present Warden, and Mr. Guthrie, the present Clerk of the Iowa Penitentiary, came into office; and I am satisfied that with a proper investigation, all will be found right.

I. 21. Does Mr. Layton, the present Warden of the Iowa Penitentiary discharge his duties faithfully, so far as you know?

A. 21. I think he is an efficient officer.

I. 22. What is the nature of the moral training of the convicts, and what is its effect on them as it regards their obedience to the laws of the institution and their energy in the performance of their daily labor?

A. 22. The chaplaincy of the institution has been changed so often that its moral influence has not been so good or efficient as it would otherwise have been; but could there be a permanent chaplain at the prison, (not that I would argue the necessity of a man whose time should be wholly taken up with the prison, alone,) the moral training of the convicts would be beneficial in every way.

I. 23. For what work, never performed, did Doctor George Shedd allow and pay for?

A. 23. For excavations estimated, called "wall space," but work never performed.

Committee then adjourned to meet at eight o'clock to-morrow morning.

Fort Madison, Iowa,
Wednesday, March 7, 1860, 8 A. M. }

Committee met pursuant to adjournment.

All the members present, and I. C. Curtis in the chair.

The examination of John H. Winterbotham was resumed as follows, to wit:

I. 24. What did that amount to?

A. 24. I do not know exactly, but between one and two hundred dollars. There were, also extras allowed on the gate and the *tablet*, above the gate, amounting to some two hundred and fifty to three hundred dollars.

I. 25. Has the work already done by McHenry & Dinsmore,

under the immediate superintendence of Dr. George Shedd been done in accordance with the published specifications?

A. 25. No sir. The gates have not been built which were very costly. The "dogs" have not been *leaded* into the *coping* of the wall; nor are they there at all, and the whole of the west wall is an inferior wall—the stone being too small and the mortar not sufficiently limed.

I. 26. How many convicts are now employed by you?

A. 26. Between seventy-five and eighty-five.

I. 27. In what manner do you now keep an account of the convict labor, both of those you employ and those you do not employ, (aside, of course, from the ten per cent allowed by the contract?)

A. 27. We keep an account of those we actually work, while the State renders an account of all they think we ought to work, and charges us with it at thirty-five cents per day, while we take no account at present, of any but those we work, save filing away the account rendered by the State; but we have entered no credits on our books since the commencement of litigation, intending to leave that matter to be settled hereafter.

I. 28. What was your understanding respecting the completion of the wall when you made your bid, and in what way, and when were you to receive your pay.

A. 28. Our understanding from the published specifications, which stated when the whole job should be finished, and the payments were to be made of \$16,000, then in the hands of the Inspectors, and the balance we were to wait for, until the Legislature made an appropriation for that purpose. Acting with the understanding we wrote to Connecticut and Ohio, to procure money necessary to complete the wall; after expending the \$16,000, and on the supposition that we would have to furnish the funds to finish the walls as named in the specifications, we put in a bid several thousand dollars higher than we should have done, had we known that the Inspectors intended to let the work stop and wait for an appropriation.

Before the specifications were published we had a conversation with Dr. Shedd, and he said the necessities of the prison required the early completion of the wall; and he wanted to know if we did not think they would have bidders who would furnish money

necessary after expending the appropriation. After the specifications were published, we again had a conversation with Dr. Shedd, and understood from him that the contractor was to furnish the money and finish the wall, and wait for the Legislature to make an appropriation for the balance. After the opening of the sealed proposals we found Messrs. Little & Brewster, two of the Inspectors, were about to arrange the contract with McHenry & Dinsmore, so as to allow them to stop the work when the appropriation was expended; feeling somewhat aggrieved at such a construction of the specifications, we went to Denmark to see Dr. Shedd, to call his attention to the matter, and again get his understanding of the specifications, and he again reiterated what he before stated that the parties taking the contract were to furnish money to complete the wall after the appropriation of \$16,000 was expended. We requested him to come in and use his influence with the other Inspectors, to have the job completed according to the specifications as he construed them. We were anxious to have the wall completed for fear of being burnt out by discharged convicts, after we found that the contract was drawn up with McHenry & Dinsmore, allowing the work to be discontinued after the appropriation was expended, we talked of trying to get out an injunction, but not wishing to make trouble or difficulty with the officers we let the matter drop.

I. 29. Was your bid based on the approximate estimates contained in the specifications?

A. 29. They were.

I. 30. Do you recollect what that portion of the work amounted to, which was to be finished against the 1st of November, as contained in the specifications, if so, state it?

A. 30. In our estimate we took the whole wall together; I don't recollect, exactly, what that estimate was. It was on file in the office of the prison; we intended to make clear, above the cost, and interest on money borrowed, between seven and eight thousand dollars.

I. 31. Do you recollect about what amount of money would be required to finish the wall, after the expenditure of \$16,000 appropriation?

A. 31. We expected we would be compelled to borrow about ten thousand dollars to complete the job.

I. 32. Do you recollect how much your bid exceeded McHenry & Dinsmore's?

A. 32. I don't recollect, but think it was several thousand dollars.

I. 33. Had there been an appropriation sufficient to complete the wall, would you have taken the job for the same amount, or less than that contained in the bid of McHenry & Dinsmore?

A. 33. We certainly would, for in our calculation of a profit of between seven and eight thousand dollars, we based our estimate on the cost of laying the stones by free labor, and we intended to build the wall mostly by convicts.

I. 34. In any conversation had with Inspectors or either of them, did they give you any assurance of their confident expectation that the Legislature would make an appropriation to pay for building of the wall, and did you entertain such an expectation yourself?

A. 34. They may or may not, I don't recollect—at least, I intended the same.

I. 35. How do you reconcile the specifications which proposed payment in Auditor's warrants, bearing 8 per cent interest, with the necessity of borrowing money in the east, when you confidently expected an appropriation by the Legislature in 1858.

A. 35. We would not take a job of that magnitude, and rely on the uncertainty of legislation without being prepared to carry out our contract in case legislation should fail; I think at that time we took into consideration that there would be no session of the Legislature for the next two years.

I. 36. Had you supposed that you could, in closing the contract, have the right to elect or stop work when the appropriation was exhausted until another appropriation was made, and then resume, would you have bid less?

A. 36. I would, most certainly, have done so.

JOHN H. WINTERBOTHAM.

March 8th, 1860.

Attest WM. GRAY, Sec'y.

Mr. Guthrie submitted (through the Secretary) the following communication, (marked "I,") which, after having been read, was ordered to be placed upon file.

WM. GRAY, Sec'y.

"I."

FORT MADISON, MARCH 6TH, 1860.

To the Honorable, the Legislative Committee

to Investigate Affairs of Iowa Penitentiary:

GENTLEMEN:—I would respectfully submit for your consideration, that the compensation of \$500 per annum allowed by law to the Clerk of the Iowa Penitentiary for his services, is not commensurate with the labors and responsibilities imposed upon him, and therefore ask, that you recommend to the Legislature such increase of Clerk's salary as will make it equal to the amount usually paid by banks, railroads, and individuals, employing clerks, whose duties are of like character and moment.

I further submit, that I have been compelled, since entering on the discharge of my duties, to write up the books of the Penitentiary from May 1st, 1859, in order to a proper understanding of the relations existing between the Penitentiary and persons doing business with that institution, as also to make out and prepare the Warden's Biennial Report, a labor properly devolving on my predecessor.

In consideration of these extra services, I would ask that the date of increase of Clerk's salary be stated at November 9th, 1859, the day of my appointment.

Very truly, your ob't servant,

S. GUTHRIE,
Clerk of Iowa Pen'y.

Testimony of George P. Eaton, Banker, of Fort Madison, Lee county, Iowa:

After being duly sworn by Nathan Udell, one of the Committee, Mr. Eaton deposeth and saith as follows, to-wit:

Q. 1. Have the officers of the Iowa Penitentiary deposited in the bank with which you are connected, from time to time, moneys and State warrants?

A. 1. They have.

Q. 2. Have the Inspectors of the Penitentiary ever drawn money, or warrants, out of your bank on orders signed by them,

and not by the Warden, during the administration of Phineas Inskip as Warden of said Penitentiary?

A. 2. I believe they have. I am also under the impression that they have deposited warrants with me for safe keeping, and afterwards taken them out themselves, or a part of them. I am not positive about the last part of my statement, but think they have done so.

Q. 3. Was there an agreement between you and the Inspectors and the contractors for outer wall, and the Warden, by which you were to retain the retained per centage for building said Wall? When did the retained per centage accrue? What did it amount to from time to time, and what does it now amount to?

A. 3. There was no written agreement, but an understanding to that effect. I have frequently talked with the Inspectors and Contractors about the matter. I cannot give all the dates and different amounts without much trouble, as it was held as a special deposit, and when once taken out is difficult to arrive at. The amount now on hand is \$1,732 31.

I. 3. How much money have you received on account of the Penitentiary, from May 1st 1857, from all persons whomsoever; and how has it been paid out, and to whom, up to present date?

A. 4. I cannot say as to the amount received on account of the Penitentiary, without a thorough examination of the books, as deposits have been made at sundry times, by sundry persons; and have been paid out at sundry times, and the amount balanced and examined frequently by the Clerk and Inspectors. The checks have been cancelled and returned—and to give a statement of all would require several days time, as the account has continued for about three years.

I. 5. What amount of Auditor's Warrants have you received on account of Penitentiary, from May 1st 1857, from all persons whomsoever, and what amount in Warrants have you paid out, and to whom up to date?

A. 5. I cannot say the amount of Auditor's Warrants received, as some of them have been left without any receipt, and taken out by the person making the deposit, without going on the books. There are more on hand now, all having been delivered.

I. 6. What amount of Warrants (Auditors,) have you discounted belonging to the Penitentiary fund, from 1857; what is the amount of discount in each case, and for whom discounted?

A. 6. I am unable to state the amount of warrants discounted for the Penitentiary, as they were credited to the Penitentiary as cash on our books, and charged in one account of bills receivable, with warrants discounted for other parties. I should think that the amount would not exceed \$6,000 00, probably less. I think the Penitentiary "Pass Book" will show the amount discounted. It may not be over \$4,000 00.

I. 7. In what form have the officers of the Penitentiary placed funds in your bank: whether upon special deposit, or as credits to accounts current, or both or in what manner?

A. 7. On special deposit—current account, and left some warrants for safe keeping for very short time.

I. 8. Have you paid any rate per cent. upon special deposits made by any officer of the Penitentiary, in their official capacity.

A. 8. Have paid no interest.

I. 9. Have you paid anything, or do you intend to pay for the use of the seventeen hundred dollars and upwards, found to be due from the bank to the Penitentiary, by the Commissioners appointed to examine into the affairs of the Penitentiary?

A. 9. Have never paid any interest on the \$1,732 31, nor do I consider myself in debt to the Penitentiary for the use of money; for I have often allowed their account to be over checked for much larger amounts. I do not intend to pay any interest while the funds are liable to be drawn without giving (our required) notice, and at any time as per the understanding relative to the same.

I. 10. Have you ever refused to pay checks of the Warden when there was money in your hands to the credit of the Penitentiary?

A. 10. Have never refused to pay checks of the Warden when he had funds on deposit to his credit. Have often paid his checks to a much larger amount.

GEO. S. EATON.

Aitest:—WILLIAM GRAY, Se'y.

Committee adjourned at a late hour of the night to meet again to-morrow morning at 8 o'clock.

WM. GRAY,
Secretary.

FORT MADISON, IOWA,
Tuurday, March 8th, 1860, 8 A. M. }

Committee met pursuant to adjournment.

Present, Messrs. Bowen, Udell, Robinson and Sabin.

Mr. Bowen in the Chair.

Testimony of Mr. Robert McHenry, Stone Mason, &c., of Fort Madison, Iowa.

After being sworn by Mr. Udell, of the Committee, Mr. McHenry deposeth and saith as follows, to wit:

I. 1. Did you have the contract for building the present walls of the Penitentiary? And if so, did you superintend, or oversee the work yourself?

A. 1. I had the contract and did oversee, or superintend the work when not engaged in procuring materials, being there nearly every day.

I. 2. Was it understood at the time you put in your bid that you were to have pay for embankment about the west wall, the same as for excavation and embankment?

A. 2. The amount I received was agreed upon between me and the Inspectors before signing the contract, and extended to only a part of the embankment about the west wall, on account of the difficulty of that certain portion of the embankment—that difficulty being the *sidling* or broken nature of the ground when said embankment had to be made.

I. 3. Was your bid open when you made the agreement for this extra pay for embankment?

A. 3. I cannot say positively, but think my bid was opened.

I. 4. What arrangement was made between you and the Inspectors, in regard to building the south wall, and what change was made in building the Octagon?

A. 4. When the Inspectors adopted the plan for the Octagon, I said to them, as I have frequently done extra jobs without extra pay, "I think I should have the job of building the foundation for the Octagon," in which they concurred, and it was agreed for me to do it at the same price as the wall, and I have no reason to believe that the following statement made on page 21 of Inspectors report is not substantially correct, viz:

"Messrs. McHenry & Dinsmore, proposed a compromise. They would release the State from the contract so far as the 120 feet of wall under consideration are concerned, provided the Board would

give them the job of laying the foundation of the octagon, and making the necessary excavation; and provided further, that they could have the job so as to do the work before the session of the Legislature. They agree also to do the same work at the same prices as specified in the original contract."

This proposition was deemed very favorable to the State, and at once determined the Board to build the foundation of the octagon.

But I will hold that if the State should not build the octagon, I have the contract to build the south wall, should it be found necessary to build such wall; but should the State make any change or improvements so that the south wall would not have to be built, I am willing to release my contract so far as it is concerned.

Q. 5. In the change made in the gate and gateway did you recover more pay than a fair compensation over and above your bid for the extra work.

A. 5. I did not.

Q. 6. Do you consider that you built those walls in compliance with your contract and the specifications?

A. 6. I endeavored to have the walls well built; in other words, to do a good job; and I think it is a good job.

Q. 7. How did it happen that the inner embankment was, at any time, higher than the outer, thus causing by pressure, the wall to *belly out*?

A. 7. It was caused, not by embankment that I made, but by excavation, on sloping ground, and I filled the outer embankment as fast as possible. Part of it was *made earth* from former improvements, thus being more liable to slide.

I think *the settle*, or *give* in the wall will not materially injure its permanency, or strength.

R. McHENRY.

Attest—WILLIAM GRAY, *Sec'y*.

Mr. Charles Brewster being duly sworn, saith:

Q. 1. What was your understanding of the specifications and contract in regard to the time of completion of the prison walls of the Iowa Penitentiary?

A. 1. My understanding of it was that the work was not to be completed until the Legislature made further appropriations. I did not think we had any right to have any more work done than

the Legislature provided money for. I understood that we were to pay monthly, as far as the work progressed.

Q. 2. Was Dr. Shedd present when the provision of the agreement wherein the stipulation was made that the contractors might elect to discontinue the work after building wall to the amount of \$16,000?

A. 2. No.

CHARLES BREWSTER.

TESTIMONY OF JAMES H. REYNOLDS, DEPUTY WARDEN OF THE IOWA PENITENTIARY.

After having been duly sworn by Jesse Bowen, of the Committee, Mr. Reynolds deposeth and saith as follows, to wit:

Q. 1. How many days of the convicts labor has been thrown off amongst the able bodied men, since January 21st, 1859, or up to March 1st, 1860, by the Messrs. Winterbotham & Jones, the lessees of convict labor in the Iowa Penitentiary?

A. 1. Five thousand nine hundred and forty-nine and one half, (5,949½) days. (See Mr. R's statement appended.)

Q. 2. How many days labor have been employed by them during the same time?

A. 2. Twenty-one thousand eight hundred and ninety-seven (21,897) days. (See Mr. R's statement appended.)

Q. 3. How many months have you acted as Deputy Warden without receiving pay therefor, and what is the reason you have not been paid?

A. 3. For February and March, 1859. The reason assigned was that my predecessor was paid quarterly in advance, and was removed two months before the time expired for which he had received pay.

Q. 4. What was the salary of the Deputy Warden at that time?

A. 4. Five hundred dollars a year.

Mr. Reynolds did not place his name to his testimony. It will be found upon his appended statements, marked "H."

WILLIAM GRAY,

Secretary.

"H."

IOWA PENITENTIARY,
March 7th, 1860. }

To the Honorable Legislative Committee :

GENTLEMEN:—As per your request, please find below a statement—first, of the whole number of days charged Messrs. Winterbotham & Jones, from January 1st, 1859, to March 1st, 1860—second, the whole number of days thrown off by Contractors, from same period.

I may state that the time has been fully agreed upon, by both parties, up to January 1st, 1859:

MONTHS	DAYS	QR.	MONTHS	DAYS	QR.
Jan'y. 1859	1568	2	Warden's report to Oct. 1, 1859	2607	2
Feb'y. "	1420	2	Oct. "	189	3
March "	1699	1	Nov. "	736	2
April "	1818	1	Dec. "	960	
May "	1901	3	Jan'y. 1860	935	3
June "	1968	1	Feb'y. "	516	
July "	1851				
Aug. "	2003	2		5945	$\frac{1}{2}$
Sept. "	1813	2			
Oct. "	1807	2			
Nov. "	2403	1			
Dec. "	2591	3			
Jan'y. 1860	2645	3			
Feb'y. "	2349	3			
	27842	2			
	5945	2			
	21897	0			

JAS. H. REYNOLDS,
Deputy Warden.

"H."

IOWA PENITENTIARY,
March 6th, 1860. }

The number of days thrown off by Winterbotham & Jones, from January 21st, 1859, to March 1st, 1860:

Warden's Report,	2607- $\frac{1}{2}$	to October 1st, 1859
	189- $\frac{3}{4}$	October "
	736- $\frac{1}{2}$	November "
	960-	December "
	935- $\frac{3}{4}$	January 1860
	516-	February "

Total..... 5945- $\frac{1}{2}$

JAS. H. REYNOLDS,
Deputy Warden.

Testimony of E. A. Layton, Warden of Iowa Penitentiary.

After being duly sworn, Mr. Layton deposes and saith, as follows, to-wit: viz:—

By Mr. Bowen:

I. 1. Have the Contractors for Convict labor, refused to let such convicts, as they say they have no shop room for, work for the State under the direction of the State officers, and have the Contractors notified the officers of the Penitentiary that they would charge the State for such hands, and how much do they say they will charge per day for each convict? and did they ever speak of charging for shop room occupied by the men thrown off contract?

A. 1. They never refused to my knowledge that the idle men should work for the State outside of the shops, but they requested me to render to them an account of the idle men that I worked for State purposes, and said that they should charge the State one dollar per day for each man I so employed. I employed some of the idle men last summer, on various kinds of work, but kept no distinct account of the same, but put it down in the others as

"chores." They refused to let me lease any of them out to other parties. They have told me that they shall charge the State for the room in the shops occupied by the idle men.

I. 2. Is there great danger of the Penitentiary buildings being burnt up, from the manner in which the Contractors keep the yard of the Penitentiary filled up with lumber and other materials of a combustible character?

A. 2. I answer all these interrogatories in the affirmative.

I. 3. Do you know how much it costs the State to keep the convicts per day? if so, state it.

A. 3. I think it costs the State about forty cents per day for each convict of the present number.

I. 4. Is there shop room enough to work to advantage all, or more of the convicts now in the Penitentiary, and is the shop room encumbered unnecessarily with raw material and manufactured articles?

A. 4. I think there is. I think they take up unnecessary room in the shops, in the storage of the material and manufactured articles.

I. 5. Could the convict labor be employed advantageously to the State, in building up the Penitentiary and at other branches of business?

A. 5. I am of the opinion that a part of the convicts could be so employed by the State to advantage, yet it would of course require more guards.

I. 6. What amount of supplies have you now on hand for the support of the convicts for the current year, commencing on the 1st day of October, 1859?

A. 6. Of Provision, Clothing and Bedding, about four thousand (\$4,000,00) dollars.

E. A. LAYTON.

Attest—WM. GRAY, *Sec'y.*

Committee then adjourned till 2 o'clock this afternoon.

WILLIAM GRAY,

Secretary.

Fort Madison, Iowa,

Thursday, March 8, 1860, 2 o'clock P. M. }

Committee met pursuant to adjournment.

All the members present.

I. C. Curtis in the Chair.

Mr. R. McHenry was re-called and testified as follows, to-wit:

I. 1. Did you, in bidding for building the prison walls, understand from the specifications, that you were to complete the whole wall, receiving \$16,000,00 toward it, as earned, and wait for a future appropriation for the balance that would be due you?

A. 1. When I made out my bid, I understood that I was to receive my pay every month, and to stop the wall when they stopped payments. I was to resume the completion of the wall when they could pay me monthly.

I. 2. How could you come to such a conclusion, when the specifications, upon which your bid was founded, said that you were to receive your pay monthly, until the appropriations was exhausted, and then take notes at 8 per cent for the balance?

A. 2. I came to the conclusions, by the specifications, as I understood them.

I. 3. Did you, in your bid, put the condition that you were to stop work when the appropriation of \$16,000,00 was exhausted?

A. 3. I did not.

I. 4. Did you understand it necessary to put in the *proviso* of being permitted to stop work when they stopped payment, from your understanding of the specifications?

A. 4. No sir. I did not.

I. 5. Did you put in your bid, at a higher rate, expecting to have to complete the whole wall and wait for the balance above \$16,000,00 till another appropriation was made?

A. 5. I did not.

I. 6. Did you state, in your bid, what time the work was to be completed?

A. 6. No sir.

I. 7. Who first informed you that there would be a large outlay over and above \$16,000,00, if the wall contract was completed by the time mentioned in the specifications?

Testimony of J. P. Harper, Civil Engineer, of Ft. Madison, Lee county, Iowa:

After having been duly sworn by Nathan Udell, of the Committee, Mr. Harper deposeth and saith, to-wit:

Q. 1. What do you know of the manner in which the outer walls of the prison were put up? Were they put up in a good, workmanlike manner?

A. 1. I believe, so far as the masonry is concerned, that it is sufficiently strong. The west wall was carried up some twenty or thirty feet, to the present surface of the yard, with the embankment on the inside much higher than that on the outside, which, I believe, is the cause of the present contorted condition of the wall. It certainly impairs its permanency. I believe there was a deficiency of lime in the mortar. I have observed the progress of the building of the wall very frequently, and with the exception of the two points mentioned before, I believe it was built within the intentions of the specifications. I am a Civil Engineer, and have had over fifteen years' experience in erecting heavy masonry.

Did not procure the signature of Mr. J. P. Harper.

WILLIAM GRAY,

Secretary.

Testimony of Patrick Gilligan, Stone Mason, of Fort Madison, Lee county, Iowa:

After having been duly sworn by Jesse Bowen, of Committee, Patrick Gilligan deposeth and saith as follows, to-wit:

Q. 1. What is your name?

A. 1. Patrick Gilligan.

Q. 2. Are you a stone mason?

A. 2. I am.

Q. 3. Are you acquainted with the manner in which the outer wall of the Iowa Penitentiary was put up?

A. 3. I am somewhat acquainted with the manner in which it was put up.

Q. 4. Was the wall put up in a good and workmanlike manner? If not, how was it put up?

A. 4. I never was there but once, and that was when the west wall was put up. I found some fault with it, and complained to one of the Inspectors. The work was in the foundation. The stone was thrown in loosely, and there was not sufficient mortar in that part of the wall I saw to bind it; and further than this I know not.

Q. 5. At what time was this?

A. 5. This was in the summer of 1858.

Did not procure Mr. Gilligan's signature.

WM. GRAY, Sec'y.

Testimony of J. G. Kennedy, of Fort Madison, Iowa:

After being duly sworn by Nathan Udell, of the Committee, J. G. Kennedy deposeth and saith as follows, to-wit:

Q. 1. What do you know of the manner in which the outer wall of the Iowa Penitentiary was put up? Whether it was done in a workmanlike manner, and all you know about it.

A. 1. I was there at one time, and went up on top of the wall; after looking at it for some time, I came to the conclusion that it was not done in a workmanlike manner. I am no stone mason, but think I understand how stone work should be done. There was from eight to fourteen inches built up on each side of the wall with mortar, and between those two outer walls the rocks were thrown in to fill up the space, without mortar. While I was there I witnessed this for ten or fifteen minutes. I allude to the West wall.

Did not procure Mr. Kennedy's signature.

WM. GRAY, Sec'y.

Testimony of Francis O. Dorr, of Fort Madison, in Lee county, Iowa:

Mr. Dorr, after being duly sworn by Mr. Curtis, Chairman of Committee, deposeth and saith as follows, to-wit:

Q. 1. Do the Contractors for convict labor, occupy the Penitentiary grounds with combustible materials, so as to endanger the public property, the lives of the officers and convicts, and to endanger the escape of the convicts?

A. 1. I think they do. A large amount of raw material is allowed to accumulate in the yard—I think larger than is necessary to carry on their business; though I do not profess to be practically acquainted with mechanical business,

Q. 2. Is there a steam saw mill erected within the grounds of the Iowa Penitentiary?

A. 2. There is.

Q. 3. Does that obstruct the view of the Guard, in guarding the prison? And does it endanger the public buildings from fire, and favor the escape of the convicts in case of a *stampede*?

A. 3. My answer to each, and all of your last interrogatories is in the affirmative.

I. 4. By whose authority, or permission, was said Steam Saw Mill, erected within the Penitentiary yard?

A. 4. I do not know that it was erected upon any authority.— I know it was not erected by permission or authority of the prison inspectors.

I. 5. By what other acts, if any, on the part of the contractors for convict labor, is prison discipline endangered — public property liable to be consumed, and the escape of convicts endangered, in your opinion?

A. 5. I think the prison discipline is endangered, principally, by their refusing to employ all the men allotted to them.

I. 6. Is there sufficient shop room, in your opinion, for the employment of all the men in the prison, allotted to them according to contract?

A. 6. As a matter of opinion, there is an abundance of room.

I. 7. Do you know how many convicts, able bodied, there are in the Iowa Penitentiary?

A. 7. There are about one hundred and ten, or one hundred and fifteen able bodied convicts now in the Penitentiary.

I. 8. How many do the contractors employ at this time?

A. 8. On an average, about sixty to seventy.

I. 9. Have the contractors refused to pay for convict labor when due and demanded by the Inspectors and Warden?

A. 9. I have been informed by the Clerk that a demand has been made upon them, for pay, and they have refused to comply.

I. 10. How often have the Inspectors examined the books, or what is their practice of examining the manner of keeping the books and accounts of the Penitentiary?

A. 10. Last year we entered into a monthly settlement with the Warden — required a voucher for every receipt and payment. On those occasions we frequently referred to the books. We continued that course until the meeting of the examining commission. — Last summer they, and their two clerks required possession of the

books for several months which compelled us to discontinue the examining of them for sometime, since which the clerk has opened a new set of books, and his time has been occupied in straightening up the books and making up the annual Reports, &c.; consequently we have not had a thorough auditing for sometime.

I. 11. Were the Inspectors satisfied, from such examination, with the manner of keeping the books and accounts of the Iowa Penitentiary?

A. 11. We were not fully satisfied with the manner in which Mr. Brown kept the books of the Penitentiary. With the present clerk's (Mr. Guthrie's) manner of keeping the books of the Penitentiary, we are satisfied.

I. 12. What efforts were made by the Inspectors to correct the manner of keeping the books and accounts of the Iowa Penitentiary?

A. 12. The initiative move must be made by the Warden for the clerks removal from office. My intention, and also that of the Inspectors, (so I think,) was to take measures to have Mr. Brown removed. This course was postponed for the reason that we supposed that Governor Lowe, in accordance with law, would appoint an examining commission, which he did do last year. The clerk is also commissary, and acquainted with many of the details of the Institution which no one else could so satisfactorily explain, therefore we thought best to retain him until after that examination, and did so after the completion of that examination; and as soon as Mr. Guthrie was removed from his duty as the commission clerk, the Warden, with our approbation, nominated him as clerk, and we approved the same.

I. 13. When was Mr. Brown appointed clerk of the Iowa Penitentiary?

A. 13. I think he was appointed in the month May, 1857.

I. 14. When did the Governor issue his commission for the appointment of the examining commissioners?

A. 14. I think it was early in the summer of 1859. The Governor was several months in forming that commission, as several gentlemen declined serving, and others had to be appointed.

I. 15. What were the reasons which induced the Governor to appoint that commission, or were there any charges made to him, against the Inspectors, or Warden, which led him to make said appointment?

A. 15. I cannot say what the reasons were, which operated upon the Governor's mind to cause him to make the appointment.—In regard to charges, I would say that copies from the records of the Inspectors, were handed to the Governor; some of which (copies) were grossly incorrect, whether by design, or accident I cannot say. These copies were made by the order of John H. Winterbotham, one of the contractors.

I. 16. After hearing that such copies were placed before the Governor, what course did the Inspectors pursue in regard to them?

A. 16. I called upon Governor Lowe, and desired to know who gave them to him, and I also requested him to hand them to me. He, the Governor, told me that Mr. Howell, editor of the "Gate City," gave them to him, and very cheerfully handed me the documents, which are now in my possession. I called upon Mr. Howell and requested him to tell me how he came into the possession of them? He refused me the desired information. I came home to Fort Madison, and we, the board of Inspectors, set on foot an enquiry and asked the Warden and subordinate officers, on oath, how false copies of the records could have been obtained and sent to the Governor, but obtained no light whatever on the subject, but detected that the hand writing was very similar to that of a clerk in a store, over which the Messrs. Winterbotham and Jones had an office. I called upon the clerk in question, and said to him: *William, for whom did you make these copies*, (presenting them to him,) he replied, "for Mr. Winterbotham," who (Mr. Winterbotham,) afterwards acknowledged *that he had caused these copies to be made from other copies*. He refused to tell how he obtained the original copies. The errors in those copies consisted in wrong dates which charged upon the present Board of Inspectors, of which I am a member, the acts of a former board.

Q. 17. What was the object of the Inspectors in instituting the examination to ascertain who made those copies?

A. 17. We thought a gross wrong had been done by some person, in sending forth false records, and we wished to ascertain who had perpetrated the wrong.

Q. 18. What recommendation to the Governor did you make upon ascertaining who made those copies?

A. 18. I think we made no recommendation whatever upon the subject, as a Board.

Q. 19. Did the papers, themselves, placed before the Governor, request any interposition on his part, to institute an investigation?

A. 19. They did not.

Q. 20. Did the Inspectors request the appointment of Commissioners to investigate the affairs of the Penitentiary?

A. 20. They did not; but told the Governor, after he announced his intention of so doing, that we all rejoiced at the same.

Q. 21. Did this investigation by the Inspectors cost the State anything? If so, how much?

A. 21. I am not aware that it did.

Q. 22. Have duplicate receipts been taken for all expenditures made on account of the Penitentiary, and has a copy of the same been sent to the Auditor of State monthly?

A. 22. That has been the general practice.

Q. 23. Was there a settlement made with Phineas Inskeep at the end of his term? and if so, what was that settlement, and is there any record of the same?

A. 23. There was a settlement made upon vouchers and abstracts from the books presented by him—the result at which we arrived was, that there was a balance due Phineas Inskeep, amounting to \$811.07 from the State, which was paid, in cash, \$421, and the balance by a Penitentiary note, as appears by the record. I cannot tell how the Investigating Committee came to the conclusion, as stated on page 8 of their report that we found due him \$179.57.

Q. 24. Do you know how much land belongs to the Penitentiary, and what is the evidence of the title of the State of Iowa to the same.

A. 24. I do not know the number of acres, nor have I investigated the title, except the portion bought of Mr. Elsroad,—that, I think is good. A portion of the ground now occupied, includes a street laid out or left open in the original plat, made according to act of Congress, declaring that all such streets should forever remain open for public use or revert to the United States. The Board of Inspectors appeared before the city Council and petitioned them to vacate the portion of "Oriental Street," now so occupied. The Council ordered the same to be vacated, subject to the obligation on the part of the State to furnish them ground for a new street east of the east wall of the Penitentiary, which obligation has not been complied with. 11

- Q. 25. How much did the new shop cost?
 A. 25. I think it cost \$6,000.
 Q. 26. How was the contract let?
 A. 26. To the most favorable bidder, and, I think, the lowest.
 Q. 27. To whom was the contract given?
 A. 27. To Marr Green and others.
 Q. 28. How and when was the work paid for?
 A. 28. In Penitentiary notes given from time to time as the work progressed.
 Q. 29. When was the Hospital built?
 A. 29. I think about eighteen months ago.
 Q. 30. How much did it cost?
 A. 30. I cannot tell.
 Q. 31. How was the contract let out?
 A. 31. It was contracted to Steiner & Brother at what we thought was a low rate, the State furnishing the materials.
 Q. 32. How paid for?
 A. 32. Partly in cash and partly in notes.
 Q. 33. What security has the State for the faithful performance of the contract between the State and the lessees of the Prison?
 A. 33. None.
 Q. 34. What security has the State for the faithful performance of Messrs. McHenry & Dinsmore's contract for the erection of the stone walls around the Penitentiary.
 A. 34. Bond, with Peter Miller & Son as security.

FRANCIS O. DORR.

Attest—WILLIAM GRAY, Sec'y.

Committee adjourned to meet again at "early lighting of the lamps" this evening.

WILLIAM GRAY, Sec'y.

Fort Madison, Iowa, }
 Thursday, March 8th, 1860, 7 o'clock P. M. }

Committee met as usual. All the members present. Mr. Curtis in the chair.

Mr. John Gavin, stone mason, of Fort Madison, in Lee County, after having been duly sworn by Nathan Udell, of Committee, deposeth and saith, as follows, to wit:

- Q. 1. Are you a stone mason?
 A. 1. I am.
 Q. 2. Did you work on the walls of the Iowa Penitentiary?
 A. 2. I worked about one and one half months on the east wall of the Iowa Penitentiary, and about two weeks on the west wall of the same.
 Q. 3. Do you think those walls were built in a good workmanlike manner, as such walls should be?
 A. 3. I think they were not. I do not think they were what would be called, by workmen, *done in good solid masonry*; that is, in some parts of the work they were not, and in some parts they were.
 Q. 4. Was the stone laid in good quick lime mortar?
 A. 4. The stone was laid in quick lime mortar, but I do not think there was lime enough put in.

JOHN GAVIN.

Attest—WILLIAM GRAY, Sec'y.

P. H. Babcock sworn.

Are you a practical cooper, and do you know that Winterbotham & Jones use the new brick shop at the Penitentiary as a cooper shop? if so, how many men can, to advantage work in said shop?

A. 1. I am a cooper by trade; I have worked at it for ten years. Winterbotham & Jones use the lower story as a cooper shop. I am very certain that I could manage the shop so as to work 55 or 60 men. The shop is 40 feet by 105. I think that is the size of it.

Q. 2. Do you know the amount of shop room in the Penitentiary yard, and the number of men it would accommodate to work therein to advantage at such work as is carried on by Winterbotham & Jones?

A. 2. I know from what hands they worked formerly, there is room enough to work over two hundred men.

P. H. BABCOCK.

Attest—WILLIAM GRAY, Sec'y.

Committee adjourned *sine die*, at 3 o'clock A. M. of Friday, 9th March, A. D. 1860.

WM. GRAY, Sec'y.

ERRATA.

On page 2 and in sec. 4, read "among" for "amongst."

On page 5 and on the 13th line below the words "its history," read "one hundred and fifty three thousand seven hundred and nineteen dollars and twenty one cents (\$153,719,21,") instead of "one hundred and five thousand seven hundred and nineteen dollars and twenty-one cents (105,719,21,")

On page 7 and in second line from bottom, add the word "how."

On page 8, remove "comma" in 4th line from top, and from betwixt the words "not" and "however," and place said "comma" after the word "deduced" in same line.

On the last line of page 8, introduce "&c., &c." after the word "boilers," and a "comma" betwixt the word "boiler" and the word "engine" preceding it.

On page 9, at 20th line from top, introduce betwixt the words "surrender" and "upon" the words "of the contract."

Transpose the first and second "whole sentence" on page 10.

On page 11, and on 6th line from top, introduce the words "or penal" betwixt the words "reformatory" and "institution."

On page 12, and at 19th line from top, read "term" instead of "time."

On page 13, and in first line from top, read "grave" instead of "grievous."

On page 13, and at 10th line from top introduce the word "penal" and "a comma" betwixt the words "all" and "reformatory."

On page 14, and in 3d line from bottom, remove "colon" and introduce a dash, thus ":—" betwixt the words "hundred" and "but."

On page 15, and on 11th line from top, read "fence" for "force."

On page 15, and on 14th line from top, omit the word "say" once.

On page 15, and in 23d line from top, read "there" for "these."

JOURNAL

OF THE

Board of Education

OF THE

STATE OF IOWA,

AT ITS SECOND SESSION,

BEGUN AND HELD AT THE CITY OF DES MOINES, ON THE FIFTH DAY OF
DECEMBER, A. D. 1859.

DES MOINES, IOWA.

JOHN TEESDALE, STATE PRINTER.

1860.