Mr. Reed asked me to step in that little room, and he showed me the lash with which he had whipped Harris—this one (indicating). It laid in a pail of water; I said, "What do you keep it for? What is that?" He said, "I keep it in water, keep it whiten and soft, so it won't hurt him," but I did not, as he, Reed stated, order him to be whipped again, as I had no order to give. I supposed as a matter of course that if an order had been given to whip that man, it was not my order, and it was not for me to interfere. He was not under my treatment, and I have never in my life ordered anybody to be whipped or any punishment.
whenever, knowing that no
power to do that, and
without having any informa-
tion as to who had
given the order, I supposed,
and I speak thought
as I felt that it was
an order from other au-
thorities that conduct the
punishment - the discipli-
naire. The authority is that
general one that has the
control and the solitary,
and that is Mr. Mayhew.
He has the punishment.
My business in the solitary
is only to see that the
punishment does not produce
permanent injury or endanger
the life. Just as quick as
that is done I must and
do make that statement.
I ought to do it in writing,
but I have not always
done it. I generally do it
in talking, but sometimes
in writing. And my further business is to see, when a man requires more water to order an increase of the water to a pint or a quart, and increase the food. When I see the man is injured by being kept in punishment I make a statement in writing and a copy to Major McClellan, that the man must be taken out, and every time I have made that statement or even suggested it, it has been done. That is all. That is the only time I knew that a man had been whipped. Mr. Dripps told me what had been done, but he did not tell me, as I learned afterwards, that it was done on my orders. I did not suppose it was possible that I 

cause I have no right to do any such thing, and if I did it would not be obeyed; but the remark I made, when the room was so nasty and filthy and everything else—going away disguised, and saying that a good little swifty would do it, but that was no order, and it could not be taken as an order. That he had been whipped I supposed without knowing it, and that the order had been given by Ellis Mayhew. I suppose so; but in conversation with Ellis Dripps, Ellis Dripps states to me that Ellis Mayhew positively denies that he had given such an order and that Reed had told him it was and upon that men I reproached him. Says I, "why didn't you tell
me 20°, says he "I took it for granted that what the man said was true." Whether there was anymore whipping after that I don't know. This conversation in which I reproached Dr. Dripps was after the man's death. Says I, "Why didn't you tell me he was whipped on my orders." Says he "I didn't think anything about it; I took it for granted." Mr. Reed comes on and makes a statement that he in the first instance had orders from Ill. They had in the next from me. The only remark I have made is this: When the room was so disgusting and dirty and everything else, and he had been punished in solitary, and being there, I said "I don't believe that punishment does him any
good, he will stand it," and I believe I said, "going away, a little switching will do him more good than anything else," and I walked off. The next time was after Gus Reed's death. We talked the thing over, and I learned from Mr. Dripps that Mr. Reed had told him when he wanted to stop this whipping, or saw him being whipped in the solitary cell, he said it was done on the order of Doctor Nebb. He told me that, and I said, "Why didn't you tell me that?" He said, "I took it for granted it was true." Maybe it was an omission for me not to go to Major McCaughtry and make a statement, but I didn't know anything about it, and I never interfered.
as long as the punishment does not inflict permanent injury or endanger life. These are the instructions I have got.

Warden McClauherty: You say as long as it does not inflict permanent injury or endanger life. Do you not mean endanger the health? eyes die, endanger the health. By inflicting permanent injury you endanger the health. You would not consider it your duty to let a man remain in solitary with danger to his health without reporting it?

No, sir. I always make a report of it. And I will furthermore state that during the time of my acquaintance with this priors nobody has ever made any stronger effort to alleviate the punishment of the convicts than