In less severe and less dangerous
employ wherein a refractory
and moody convict can be
quieted than the straight gag
used in this penitentiary.

And so I do not. While
I have been on night duty, I
have used this gag a great
many times, and I have had some
men that I didn't hardly know
what to do with them; but
I didn't know any other way,
and couldn't study up any other
way, but with the gag.

What is your opinion due to
the necessity of enforcing
absolute quiet in the cell house
and in the solitary by day
and night, as an element of
discipline in the penitentiary?

I say that it is very important
and the only way to keep
discipline.

If bellowing and yelling were per
mitted in the solitary or the
cell house, wouldn't it in your
opinion, be possible to maintain the discipline of the prison or secure its safety for any great length of time? I don’t think it moves if it was allowed.

Commissioner A. M. Jones: Do it not in your opinion more necessary that the solitary be kept quiet on account of being known as a place of punishment than any other place in the prison?

I don’t think it moves very often we have had as high as forty men in there and twenty-five or thirty of them new men just come in to the prison, and it is very necessary to keep that place quiet.

What effect, if any, in your opinion, would it have if the men were marching in or from their work, and should hear a convict yelling or hallowing in that solitary?
I should say it would have a bad effect from the fact that it is known by all the convicts that that is a place of punishment, and if they were money in them, I should think it would have a bad effect on the rest of them.

In your opinion would it be dangerous?

It would be dangerous to the discipline and that would lead to other trouble.

M. H. Luke,

being duly sworn, testifies as follows:

Examination by

Commissioners A. H. Jones.

2. Please state your name?


2. Please state to the Board of Commissioners if you are an employee of this institution?
must remain to pass beyond the leaf, att making it appear so, att the full man and "it" was real, reit in the real at the name of the month, plaus, then said so. Must remain to be, amongst us, there is to appear bold & be most remain to, amongst the can be that amongst the real reasons. bold are in itself real or midst real matters at

as significant, among Peter painted

must not remain 3.00

some money at sea by 8.30

not found with certainty would be equal as no earnings, or commission. and a time only for

made 1928
2. How long have you been an employee of this institution?

3. About the 1st of October, 1874.

4. What positions have you held while employed here?

5. I was here as guard for about thirty days, I was then detailed as Captain of the night watch.

6. How long did you occupy that position?

7. From about the first of November to the first of March.

Warden McLaughlin:—You occupied the position of night watch from about the first of November to the first of March?

8. Aye, sir.

9. I will ask you if, during your term as Captain of the night watch, you knew of any man being punished with a whip or flog or lash or cane who was in the solitary undergoing punishment, or any where else in the prison?
As to my knowledge.

Did you, as captain of the night watch, ever order any such punishment?

I did not.

Were you permitted it?

I certainly would not.

Did you ever receive any order or anything that could be construed as an order, to inflict any such punishment upon anybody?

I never did.

Did you, while captain of the night watch, ever find it necessary to apply the gag or to direct the gag to be applied for the reduction to good order of noisy and refractory convicts?

I am very few instances.

When you do apply the gag, did you, in the first place, or did you not, warn the convict of the consequence of his continued obstinacy, and tell...
him that the gag would be applied if he didn't keep quiet.

I always gave them warning and never used it except in extreme cases.

2. When you use it, did you continue to use it at any time after the convict had expressed a willingness to behave himself?

I see our

2. Did you, having your turn go Captain of the night, notify any has an injurious effect to any convict following its use?

2. I never did.

2. Do you know of any better method or any safer method or any less severe method of bringing refractory and noisy convicts to submission after all other means have failed, than the use of the gag?

2. I know of no other way that it could be done. I know of
no way that we could stop a noise when a man utterly refused by telling him that he must keep still, that to use "something of that kind."

I said: "Do you know anything about the alleged whipping of a convict named Harris in this prison?"

"I do not."

I said: "Do you know anything about the alleged strapping or whipping or gagging of a convict named Hen. Reid in this prison?"

"I do not."

Commissioner: "Mr. James:—Have you ever seen an instrument of this kind [indicating whip] in the prison?"

"No sir."

"Did you believe until now that is before the death of this convict Hen. Reid, that there was such any instrument in the prison, or did you believe that it was used like