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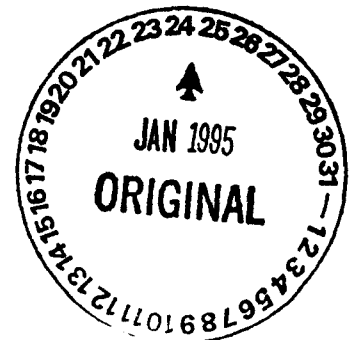
**EARLY HISTORY OF TEXAS PRISONS**

**A RESEARCH PROJECT PAPER  
SUBMITTED IN PARTIAL FULFILLMENT  
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THE LAW ENFORCEMENT MANAGEMENT INSTITUTE**

**BY**

**LYDIA RESENDIZ**

**HOUSTON POLICE DEPARTMENT  
HOUSTON, TEXAS  
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## EARLY HISTORY OF TEXAS PRISONS

### Introduction

Prison is not a pleasant topic to discuss, but it affects each one of us one way or another. We all have heard the saying "He who forgets the past is doomed to repeat it." We need to look back to see what has been done in corrections. Why did it work, why it didn't. Where has the road to corrections been and where is it going? We need to take a good hard look at the past and come up with a better solution to our present day predicament of corrections. From what we hear in the news lately, the future of corrections is not too bright. If the present projections for future prison population is correct, it will be cost prohibitive to keep building more prisons. Is there a possibility that better management of our prisons could be one solution to our prison problems? Perhaps knowing and understanding the events of the past, can help us improve the things we have control over for the future.

The interest in the early history of prisons was sparked by Dr. Robert Pierce, an Archivist from the Huntsville Prison Museum. Dr. Pierce was a guest speaker in one of my criminal justice classes. Dr. Pierce spoke of the history of the Huntsville Prison and of the first inmates housed in the prison.

The traditional research method to gather information was used on this research project. Unfortunately, the resources on the early history of Texas prisons is rather limited, thus making it difficult to find an abundance of information on this subject. One of the purposes of researching this topic is to try to find out why this part of Texas history has been neglected by most historians. Another reason is to conceivably, awaken an interest in future managers to consider the field of management in corrections.

The significance of this research paper for law enforcement management is that the prison system is an integral part of law enforcement and perhaps the most neglected in the area of management. Our prison system is in dire need of good sound management. Scant resources available to Texas' prisons demands better management of these overcrowded prisons. Management needs to look at the past practices of these prison systems in order to plan for the future.

### Early History

The history of jails can be traced back to early civilization. Early forms of civilization used places of incarceration ranging from caves, cages and pits. In the middle ages people were detained in settings ranging

from fortress dungeons, to town gates, and even dark cellars of privately owned buildings.<sup>1</sup>

The forerunner of the modern jail, known as a goal (also pronounced "jail"), was designed in Europe during the Sixteenth Century, and was used to house those awaiting trial and punishment. They were not used to house convicted criminals. Convicted criminals were given such punishments as fine, exile, corporal punishment, or death.<sup>2</sup>

At the end of the sixteenth and seventeenth centuries, two hundred "common jails" existed in England. Several authorities provided, owned and administered these jails. The sheriff had the responsibility of maintaining the county jail. Towns had jurisdiction over their own jails. Most municipalities, even small ones, had their own jails. Members of the church hierarchy, and high ranking nobles, established private jails, which were operated on a profit basis. Jails were considered property of the crown and the operators of these jails were responsible to the King as the keepers.<sup>3</sup>

The establishment of the office of county sheriff coincided with the development of the goal. The sheriff represented the King at the county level. His duties were to maintain the peace and look after the King's revenues, which included collecting rents from vast estates. To help in these efforts, the sheriff had custody over those who did not pay rent, as well as suspected and arrested offenders.

necessities were offered on a fee-for-service basis which had to be paid by the prisoner from personal funds, friend's donations, or from begging. There were also charges for admission to the jail and for discharge, even when prisoners were acquitted after trial.<sup>4</sup>

The sheriff had the authority to repair or rebuild with county funds any county jail that was deemed by the grand jury to be unfit. Even though the sheriff was considered the caretaker of the jail, he usually contracted a keeper to care for the jail and its inmates.<sup>5</sup>

Most often the jail keeper did not receive any salary, however, his job could be quite profitable. He was paid by a system of fees. This "fee system", required inmates to pay for their own food and services. Those who could not pay were fed scraps until they literally starved to death. For example,

In 1748 the admission to Southwark prison was eleven shillings and four pence. Having got in, the prisoner had to pay for his food, and when he had paid his debts and was ready to go out, he had to pay for having his irons struck off, and a discharge fee....The goalers (jailers) were usually "low bred, mercenary and oppressive, barbarous fellows, who think of nothing but enriching themselves by the most cruel extortion, and have less regard for the life of a poor prisoner than for the life of a brute,"<sup>6</sup>

England, like the early American colonies, relied primarily on torture, branding, mutilation, and hanging as a means of dealing with criminals. With the growth of Britain's colonial empire, so did the need to provide labor

for settlement efforts, especially in the New World. Special orders were issued by Parliament to transport convicted offenders to the New World colonies.<sup>7</sup>

The growing inmate population from 1776 to 1785, was cut off from transportation to the United States by the American Revolution. The English were forced to house prisoners on "hulks", abandoned ships anchored in harbors. The hulks became notorious for their degrading conditions and this form of brutal punishment was finally abandoned in 1858.<sup>8</sup>

Jail conditions did not improve until the end of the eighteenth century. Due in large part to the efforts of John Howard, the reform-oriented sheriff of Bedfordshire, whose famous book The State of Prisons, was published in 1777, the English Parliament passed the Penitentiary Act. This Act established a more orderly penal system with periodic inspections, elimination of the fee system, and greater consideration for inmates.<sup>9</sup>

### Early American Prisons

Jails and houses of correction were established in the American colonies soon after settlement. The jail was designed originally for the detention of persons awaiting trial. It soon came to be used as a place of punishment after conviction. As was the case in England, this change accompanied increasing opposition to the use of corporal and

capital punishments, and it was thus a modification of the prevailing system for implementing the punitive societal reaction to lawbreaking. Mostly convicted drunkards and vagrants, were confined in these institutions. The house of correction began as an institution for vagrants, but before long was not different except in name from many of the jails. The modification in the punitive reaction was made only gradually. The number of persons confined either in jails or workhouses after conviction was small throughout the eighteenth century, and in New York State it was not until 1788, that general law was passed for the use of jails or workhouses as places of punishment. Previously, commitments to those institutions were made only by a special law in each case.<sup>10</sup>

In Massachusetts colony, the Puritan tradition called for corporal punishment, banishment, the pillory, and death for crimes patterned after similar laws and punishments existing in England. For religious crimes, or immoral acts, severe punishments were imposed.

In most of New England, the doctrine of Calvinism prevailed. Since, according to this doctrine, men had a preordained fate, and there was not any way a person could be rehabilitated. Consequently, emphasis was placed on retribution and punishment.<sup>11</sup>

In Pennsylvania, the Quakers rejected the harsh English law and substituted "The Great Law" which was based on a



more humanitarian view of the law and punishment. The King of England, saw this as an attempt to challenge his sovereignty and had the Anglican Code restored. The Quakers were forced to accept capital punishment for felony crimes, until after the Revolutionary War.<sup>12</sup>

After the Revolutionary War, America was free from English domination. The new states began to establish their own laws and methods of dealing with crime and criminals. The Quakers of Pennsylvania were the first to start prison reform.

By present-day standards, the conditions in these jails and houses of correction were horrible. The prisoners spent their time in isolation, without labor, depending upon charity for their maintenance. There was no attempt to treat or rehabilitate the inmates; even religious services were absent. Drunkenness and vice generally prevailed, as had been customary in England. The following description of the Walnut Street (county) Jail in Philadelphia at the end of the Revolutionary War could be duplicated with regard to many other institutions of the time:

It is represented as a scene of promiscuous and unrestricted intercourse, and universal riot and debauchery. There was no labor, no separation of those accused, by yet untried, nor even of those confined for debt only, from convicts sentenced for the foulest crimes; no separation of color, age or sex, by day or by night; the prisoners lying promiscuously on the floor, most of them without anything like beds or bedding. As soon as the sexes were placed in different wings which was the first reform made in the prison, of thirty or forty women then confined

there, all but four or five immediately left it; it having been a common practice, it is said, for women to cause themselves to be arrested for fictitious debts, that they might share in the orgies of the place. Intoxicating liquors abounded, and indeed were freely sold at a bar kept by one of the officers of the prison. Intercourse between the convicts and persons without was hardly restricted. Prisoners tried and acquitted were still detained till they should pay jail fees to the keeper; and the custom of garnish was established and unquestioned; that is, the custom of stripping every newcomer of his outer clothing, to be sold for liquor,, unless redeemed by the payment of a sum of money to be applied to the same object. It need hardly be added, that there was no attempt to give any kind of instruction, and no religious service whatsoever.<sup>13</sup>

#### The Pennsylvania System of Solitary Confinement

In 1787, a group of Quakers formed the Pennsylvania Society for Alleviating the miseries of Public Prisons. This group set about to redress the shocking conditions found in Philadelphia's Walnut Street Jail. This group, under the leadership of Benjamin Rush, consisted of many of the leading citizens of the city. The Society sought and was granted legislative approval for transforming the Walnut Street Jail into a prison. The Walnut Street Jail is considered by penal historians as the first true prison in America.<sup>14</sup>

The Pennsylvania legislature passed a law authorizing all county courts, at their discretion, to send to the Walnut Street Jail convicts sentenced to hard labor for terms of more than one year. For the more hardened

offenders, there were sixteen solitary cells in a specially constructed "penitentiary house" adjacent to the Walnut Street Jail. These cells measured six feet wide, eight feet long, and nine feet high. There was also six similar cells constructed on the ground floor of one of the workshops where convicts could labor in isolation.

The most serious offenders were confined to the solitary cells. They were allowed no visitors nor any contact with the outside world. These inmates were to spend their solitary existence contemplating their sins and atoning for their crimes. The convict was kept in almost total darkness all the time. The offenders with less serious crimes lived together in eight rooms where they worked together at carpentry, shoemaking, weaving, and nail making. The less skilled prisoners were given more menial tasks to do. The few women sent to the Walnut Street Jail lived together in other cells and were employed spinning cotton, carding wool, preparing flax and hemp, washing, and mending. Women were allowed to engage in conversation in the shops and during meals. The men were forced to work in total silence, but some talking was permitted prior to retiring at night. The male prisoners were paid for their labor and had the cost of their maintenance deducted. Religious and Christian ideals were emphasized during the period of confinement.<sup>15</sup>

The success of the Walnut Street Jail was not to last long, because of the increasing numbers of serious offenders sent to the jail. The Walnut Street Jail was soon overcrowded and regressed to its former state of warehousing prisoners only.

#### The Development of the State Prison

During the colonial period no institutions similar to the present state prison were established until 1773, when Connecticut purchased an old mine near Simsbury and turned it into a prison. This was used by the State as a prison until 1827. The prisoners were fastened during the night by heavy beams above them, in addition heavy iron bars were fixed to their feet. In 1785, Massachusetts provided that persons sentenced to solitary confinement and hard labor should serve the sentence in Castle Island, a military post in Boston Harbor, instead of in the county jails and houses of correction, most of which were insecure. Massachusetts authorized a new state prison in 1803. The movement spread rapidly during the last part of the eighteenth and the first part of the nineteenth century.<sup>16</sup>

The immediate motive for the erection of state prisons was not humanitarian concern for prisoner's welfare. Instead, the motive was to obtain greater security for persons sentenced to long terms of imprisonment. The number

of prisoners with long sentences was increasing because of the development of opposition to the death penalty.<sup>17</sup>

Other states began to take notice of the transformation of the Walnut Street Jail into a prison. Thomas Eddy, a New York Quaker, wanted to reproduce the reformatory efforts of the Walnut Street Jail. Under Eddy's leadership Newgate Prison opened near New York City in 1797. Newgate had fifty four rooms and was constructed as a "congregate prison", which kept convicts lodged together in large rooms with eight prisoners to each room. As in the Walnut Street Jail early days, inmates were employed by the prison industries and were paid accordingly. Their maintenance and courts fees were deducted from their wages. Politics and problems with congregate lodging caused disorder and finally overcrowding lead to the demise of the Eddy's reformatory efforts.<sup>18</sup>

The failure of the Newgate Prison led to the Auburn plan of prison program and design. The best features of both the Newgate and Pennsylvania system were to be incorporated.

In 1819, the new prison opened with most of the prisoners housed in large, congregate night rooms. During the first few years of operation, an experiment was conducted in which a classification or grading system was devised. The most unruly prisoners were placed in solitary confinement without labor. In the second category, less

difficult prisoners were also placed in solitary confinement, but with labor being provided as reward. The last category consisted of the most manageable inmates and appeared to have the best chance for reforming. They were allowed to work with other inmates and isolated at night. The experiment was a failure and abandoned in 1823. It was found that solitary confinement was harmful to mental health and the inmates kept in solitary confinement would injury themselves or go insane.<sup>19</sup>

There was a debate as to which system was the best between the Pennsylvania and Auburn plans. The Auburn plan was adopted by most states because of lower construction costs and the financial benefits inmate labor brought to the prison system. It was this controversy and attention on prisons that helped create the first prison system in America.<sup>20</sup>

The following table on the next page identifies a number of early U. S. prisons by location and year of construction:

### EARLY AMERICAN PRISONS, 1790-1848

STATE	NAME & LOCATION OF PRISON	YEAR
Pennsylvania	Walnut Street Jail, Philadelphia	1790
New York	Newgate Prison, New York City	1797
New Jersey	State Penitentiary, Lamberton	1798
Kentucky	State Penitentiary, Frankfort	1800
Virginia	State Penitentiary, Richmond	1800
Massachusetts	State Prison, Charlestown	1805
Vermont	State Prison, Windsor	1809
Maryland	State Penitentiary, Baltimore	1812
New Hampshire	State Prison, Concord	1812
Ohio	State Penitentiary, Columbus	1816
Georgia	State Penitentiary, Milledgeville	1817
New York	Auburn Prison, Auburn	1819
Tennessee	State Prison, Nashville	1831
Illinois	State Penitentiary, Alton	1833
Louisiana	State Penitentiary, Baton Rouge	1835
Texas	State Prison, Huntsville	1848

Source: Wayne Morse, ed., The Attorney General's Survey of Release Procedures (Washington, D.C. U.S. Government Printing Office, 1940).

#### Birth of Texas Penal System

There are hundreds of books on the subject of the struggle to bring law and order to America's frontier west. One important aspect of this grim battle has been largely ignored by writers, the story of the territorial prisons, and how their creation and evolution played a major part in the brutal code of frontier justice. These territorial prisons were born out of stark necessity. Lawlessness in all its forms was on the frontiers, murderers, robbers, gamblers and adventurers ruled the vast, virgin lands with laws of their own, with ruthless outlaws to enforce them. For many years decent persons or their possessions were not

safe in these wild lands. Certainly, in the case of Texas territory, inhabitants were on their own.<sup>21</sup>

The first Anglo-Americans sent were authorized to settle in Texas by the Mexican Government because of lack of a stable policy with regard to the colonization program. Stephen F. Austin did have a plan for governmental organizations created in consultation with Mexican officials, but it failed to provide certain essential institutions, such as jails or prisons. This lack of jails, or men to guard the prisoners condemned to hard labor, caused convicts to disregard the law, and public officials who attempted to enforce it usually released them to commit new offenses in the colonies. Austin wrote, "I have therefore in some cases, been driven to the painful alternative either permitting a criminal to escape unpunished or taking upon myself the responsibility of inflicting corporal punishment."<sup>22</sup>

It appears from this statement that there was a growing realization that the Mexican Government needed to establish an institution for the more effective administration of justice and that some such machinery should be created as a permanent and recognizable part of law enforcement in Texas. The Congress of Coahuila and Texas was asked to act upon the problem. In 1829, a resolution was adopted to establish two prisons in the state, one to be placed in the District of Bexar, the other in the District of Parras, to be built and



maintained by contractors. They were charged with the cost of building, employment of master tradesmen, tools, machines, and other necessary equipment, and were to provide food, clothing, and shelter for the convicts. Regulations regarding the labor of the convicts were: (1) Each must be taught a mechanical trade which he must master before shifting to another. (2) Each fulfilling the term of his sentence must be given \$30 and the necessary tools to pursue that trade upon release. This idealistic solution advanced by the Congress was never put into practice, for the aforementioned prisons were never built.<sup>23</sup>

#### The Republic of Texas, 1836-1846

Economic depression, social demoralization, and political uncertainty characterized the situation in Texas during the years following the War of Independence creating among the political leaders a lack of confidence in the future of Texas as an independent nation. A few were determined to revise and reform certain political and social practices in Texas. One of the reformation leaders was Dr. Francis Moore, Jr., a member of the Senate from Harris, Liberty, and Galveston Counties, in the Fourth, Fifth, and Sixth Congresses.<sup>24</sup>

The movement to establish a penitentiary got under way in 1839, when Moore introduced a bill authorizing a joint committee from both houses of Congress to select a site near

the Capitol suitable for penitentiary buildings, proposing to use convict labor in the construction.<sup>25</sup>

Although vigorous efforts by several reformers got Congress to appropriate \$2,000 to carry the law into effect for a penitentiary, it was never built.<sup>26</sup>

The amount was so small nothing was done about constructing a prison until after Texas became a State, and in 1846, the Legislature passed an act providing for the building of a penitentiary and the organization of a prison management system. The Mexican War prevented action on the new law and it was not until 1849, that the Texas penitentiary began operating in Huntsville with a convict population of three.<sup>27</sup>

#### Site for Prison

On June 26, 1848, the commission, which consisted of John Brown, William Menifer, and William Palmer, met in La Grange, Texas, and selected Huntsville as the prison site. Governor George T. Wood was notified of the decision on July 20, 1848.<sup>28</sup>

As Texas prepared to erect the prison, one of its commissioners visited the Walls of Mississippi, as prisons in the South were generally designated, and returned with such a favorable report, that the Lone Star State decided to adopt this interpretation of the Auburn system.<sup>29</sup>

After establishing the prison system and the selection of a site, all that remained was a building. A. H. Cook subsequently submitted a building plan for the prison in Huntsville. Governor T. Wood approved this plan in August 1848, and construction was under way.<sup>30</sup>

It was during the building of the first unit of the penitentiary that the use of the chain gang was employed. This was considered the only safe way to prevent the convicts from running away. The chains were later used in fields for security purposes. When the superintendent appointed by the governor arrived, there were some carry-over prisoners from the county jails before Texas had become a state in the Union. Inmates were not assigned numbers until the arrival of the first "chain" at the state penitentiary. Prisoner number 1 was William G. Sansom, 58 years of age, from Fayette County, sentenced to three years for cattle theft. He arrived in Huntsville October, 1, 1849, and served eleven months before being pardoned by Governor Bell, September 14, 1850. Prisoner number 2 was Stephen P. Terry, 37 years old, sentenced to 10 years from Jefferson County for murder. He arrived at the penitentiary November 4, 1849. Less than a year later, he was killed by guards while trying to escape. Prisoner number 3 was Thomas Short, an 18 year old from Washington County. He served his full two year sentence for stealing horses.<sup>31</sup>

On February 11, 1854, the state legislature appropriated \$40,000 with which to buy the machinery to erect a cotton mill behind the walls. The superintendent and the financial agent of the penitentiary were directed to produce cotton and woolen materials and to sell them for the best price for the State. The manufacturing venture of the penitentiary prospered for some years as the Civil War approached.<sup>32</sup>

During the Civil War the penitentiary and it's manufacturing facilities were a huge asset to Texas. As the war continued, the prison camp was used for Yankee prisoners of war. The factories of the penitentiary also produced clothing for the Texas soldiers and for needy people left at home. However, soon the State's effort to help the needy was abused by the "black market", which sold the clothing for big profits. This practice continued until a law was passed on March 6, 1863 making the violation of the regulations controlling distribution and disposal of the goods a felony offense. By the end of 1864, factory production came to a near stand still and idleness among the convicts ran high. The population of the prison had grown to 165 inmates from the original 3 in 1849, and at this point the Texas penitentiary was ripe for a major change.<sup>33</sup>

In 1864, there were no walls around the prison, as there are today, and no separate living quarters for the superintendent and his family. Many of the guards lived

inside the prison. The walls were built at the suggestion of Murgruder Wynne, a member of the Board of Trustees, after a large number of convicts had escaped by tunneling out of their cells.<sup>34</sup>

#### Development of the Lease and Contract Systems

In the South, the War between the States had virtually wiped out the beginnings of the penitentiary system in several states. Georgia, Florida, Mississippi, Louisiana, and Arkansas found a solution in leasing out their entire prison population. North and South Carolina, Alabama and Texas maintained central prisons but leased the majority of their prisoners to private companies. Thus, while northern and western states were abandoning the lease and contract systems in favor of piece-price, state-account, and state-use, the border states continued subservient to the contractor and the more southern states reverted to the most primitive kind of penal slavery. In the development of American prisons, these southern prisons represent a large and special group which did not conform to the general pattern set by the Auburn or Reformatory type of prison. In part, this was due to the special problems which they faced in dealing with so large a proportion of plantation Negroes among their prisoners, and to the fact that the South was still essentially agricultural, as contrasted with the industrial North and West. According to one author, these

southern prisons during this period offer only examples of the depths to which modern civilized states can sink in the punishment and custody of criminals. At least one writer holds the view that their contribution to penology was chiefly a negative one.<sup>35</sup>

The southern states did not adopt the prison reform theories of the northern states. Settlers were still occupied with the primary struggle over land, slaves and export prices, and the rapidly growing population. Most of the southern states were planning development along Auburn lines when the Civil War intervened, postponing construction in the Northwest and turning the convicts of the South back into the hands of irresponsible lessees.<sup>36</sup>

#### Contract Lease System in Texas

After the Civil War, demoralizing conditions were believed to have brought about the tripling of the convict population, which produced concern over prisoner idleness. This brought about a new era in the Texas Prison System called the "contract lease system" This came about on March 22, 1871, through an act entitled "An act to authorize and require the Governor to lease the State Penitentiary together with the labor of convicts therein."<sup>37</sup>

The Texas Prison System had actually been losing money for several years and the Legislature had no money to contribute towards its operation. Therefore, it was decided

to lease the prison, lock, stock, and barrel, to private operators. In return, the contractors would be responsible for all phases of its operation-including the upkeep- for a period of fifteen years.<sup>38</sup>

As the prison population continued to increase, the contractors began to sublease convicts to planters, tanners, bricklayers, and as rail work crews, which resulted in many abuses. These abuses began to appear with the inmates having poor clothing and no shoes in winter and with escapes from 50 in 1871 to 382 in 1876 due to these conditions. (See Table I on next page for deaths and escapes during this era.)<sup>39</sup>

**TABLE 1**  
**ESCAPES AND DEATHS 1865 - 1894**

Year	Inmate Population	Escapes	Deaths	Period
1865	165	0	3	Board of Labor ( 1866- 1871)
1866	134	3	6	
1867	356	26	16	
1868	420	14	7	
1869	430	22	10	
1870	503	37	8	First Lease (1872- 1876)
1871	520	50	24	
1872	752	48	41	
1873	937	54	50	
1874	1161	117	64	
1875	1471	275	101	Second Lease (1877- 1883)
1876	1702	382	62	
1877	1559	282	97	
1878	1564	240	106	
1879	1708	197	103	
1880	1972	176	112	Contract- Lease (1884- 1909)
1881	2201	204	108	
1882	2117	185	99	
1883	2301	149	105	
1884	2450	105	98	
1885	2689	156	94	
1886	2783	70	128	
1887	2926	61	97	
1888	3178	63	116	
1889	3360	67	97	
1890	3346	88	84	
1891	3204	44	52	
1892	3402	79	54	
1893	3633	89	74	
1894	3937	70	61	

After many reported abuses of prisoners, in August, 1876, the Legislature revoked the lease; but not understanding that the system itself was at fault, it required the Governor to lease the prison system under the same terms, the only new change being that the Governor was



to appoint someone to fill the title of Inspector of the Texas Prison System. This inspector would be approved by the Senate, and would be paid \$2,000 annually to supervise the management of the penitentiary and the care and treatment of the convicts. However, even this plan failed after it was in effect for a short time.<sup>40</sup>

#### A Growing Prison System

On January 25, 1877, Governor R. B. Hubbard approved the building of the newest addition to the Texas Prison System, near Cherokee County. This site was probably chosen because the iron ore found there, could be utilized profitably in the manufacture of case iron pipe. Contractors from Columbus, Ohio proved "untrustworthy", so Governor Hubbard revoked his approval to build at Rusk on February 10, 1877, and the penitentiary at Huntsville remained the only one in Texas.<sup>41</sup>

In 1880, the State again became interested in building a prison in Rusk. This time the prison commissioners decided to do it themselves with convict labor. They had only one problem, the convicts were leased to Messrs, Cunningham and Ellis. The legislature had Mr. J. Larmour, the state architect, draw up the plans for the new facility and contracted Cunningham and Ellis to build it using convicts who could be spared from the Huntsville prison.<sup>42</sup>

After almost a year, enough of the prison at Rusk was completed so that some of the convict force could apply their labor to other tasks. Some inmates began work on a railroad from Rusk to Palestine and later another was constructed from Rusk to Jacksonville. These railroads remained in service for many years until the Thirty-third Legislature removed them from the Texas Prison System.<sup>43</sup>

During 1882, there was also construction going on at the Huntsville Unit. The convict population was increasing and the building of new living quarters for convicts was proposed by then Superintendent Thomas J. Goree. This construction was completed about 1884, and is presently the front entrance to the Huntsville Unit and the "East Wing."<sup>44</sup>

#### Continued Leasing of Convicts

The Texas Legislature believed that prisons should be self-supporting and ,therefore, appropriated no funds for the prisons' operation. To help defray the expenses of the prison, employment by leasing the convicts to private contractors was initiated, until the depression of 1883.<sup>45</sup>

In 1909, C.B. Hudspeth wrote a dissenting opinion section of an investigating committee report giving a graphic description of the existing conditions under which the leased labor gangs were forced to work under:

First- After witnessing with my own eyes accounts of brutality and hearing with my own ears tales of

modification of the punishment by the strap or a bat, believing that the same should be totally abolished....In making this minority report, I do not wish to convey the idea to the people of Texas that there are not some humane officers connected with this system. I have the highest regard for the Superintendent,....and for the Assistant Superintendent at Huntsville and others....Many of the instances of brutality and abuse existing in the system these men, I believe, would remedy same if they could, but their hands are tied....I trust that this report will sufficiently arouse the people of Texas....to such an extent that the people will rise up and demand a Called Session of the Legislature of the State in order that legislation may be enacted whereby this organized hell and "Black Hole of Calcutta" will be in the course of a few months only a ghostly memory in the minds of the people....

Fourth - No where in our findings is there any report made on the State Railroad camp. I believe that the people of Texas should know something regarding this....The evidence will show that the brutality of the guards and sergeants in this camp exceeded that of any other camp visited by this committee; that the convicts were poorly fed, half clothed, and that they were driven to their work with the lash, like galley slaves, from early dawn until the somber shadows of evening put an end to their sufferings and gave them relief from the bull-whip. From a preponderance of evidence before this committee, I believe that every spike upon this road was driven in human blood and every tie and rail was put there at the barter of the bones and muscle of these poor unfortunates, by men in high power in this great commonwealth.

I state my conviction in closing this report that our whole penitentiary system needs reform; that legislation is needed to make reform; that barbarous treatment of convicts in our penitentiaries and convicts farms is changed. Humane supervision can only be secured through humane agents, carefully selected and well paid by the State. They should be in daily touch with the convicts and those who work for them, and have no connection with financial management. They shall have full authority to prescribe and enforce regulations to promote the health of convicts, to regulate and prescribe punishment when needed, and

to protect them against brutality of guards, sergeants, and contractors.

The use of the lash should be prohibited by law, and severe punishment inflicted on those who may violate it....The great object of reforming criminals is defeated whenever the State turns them over to any class of men who seek money through the labor and groans of human beings. Avarice and cupidity never inspire humanity and it matters not whether a convict is worked by the State or by individuals, the great object of reform will be forgotten whenever the chief object is to make money out of men's bones and muscles....I say that men never reformed that way, but go forth to curse the inhumanity of the State and become worse men.

Discipline is necessary, but discipline and punishment may exist without the barbarity that now disgraces our reformatory and penal system....

Without additional law, the Governor is powerless. He cannot inspect, for his duties confine him to his office. We do not doubt that he thought he had secured the best officers obtainable; the vice is in the system under which barbarity can practiced with impunity....

There is no remedy without a revision of the whole system.... I respectfully recommend that the Governor of Texas call a Special Session of the Legislature as soon as possible that remedial legislation be had.<sup>46</sup>

Although the contract lease system had quite a few problems, perhaps the rampant brutality to the convicts caused it's early demise. In 1909, the lease system in the Texas Prison System came to an end.<sup>47</sup>

#### Beginning of an Agricultural System

By the late 1800's, the lease system was becoming unpopular. The prison administrators began to pursue the

concept of state-owned farms. The first link of a long chain of Texas prison farms was Harlem farm, which consisted of 2,500 acres in Fort Bend County. The purchase price was \$25,000 in 1885. The majority of the inmates had no farming knowledge and did not care to learn. Furthermore, the keepers were not trained farmers, so the work was done with little respect for cost and even less interest in operating a financially self-sustained farm. For the caretakers, it was merely a way of keeping convicts busy as a form of punishment. Increased inmate population caused the state to increase the size of the Harlem Farm to 5,657 acres of farm land and also to establish a brick plant to produce all the brick for the penitentiary.<sup>48</sup>

Texas developed into an agricultural state by 1910, with a population of almost 4 million citizens. Following this Texas trend, the penitentiary continued to grow, and more land was purchased to provide a place of labor for the growing convict population. By 1910, the following farms had been added to the growing agricultural system of the penitentiary: The Wynne plantation, later known as the Wynne Unit, was added to the system in December 1899, a 1,511-acre farm 2 miles north of Huntsville. The Clemens Farm at Brazoria, acquired in 1901, added a total of 8,116 acres of fertile land. Another farm of 16,157 acres was acquired in Brazoria County for the purpose of growing grain crops and livestock. This farm later became the site of the

prison saw mill and a grain dryer and dehydrator. Two units were built on this 16,157 acres; they were Ramsey Unit I and Ramsey Unit II. The Imperial State Farm (now named Central Unit) situated in Fort Bend County added 5,235 acres, 4,200 acres of which were in high state of cultivation. Thus, the system was well on its way toward becoming a vast agricultural empire which would later include 12 farm units. The Goree Unit was established on a 978- acre tract of land in 1909. The Goree Unit was to be the women's unit of the Texas penitentiary system. Until this time the few women who came to prison had been contracted to the Bowden plantation about 12 miles from Huntsville. Unfortunately, the growing penitentiary was unable to keep up with the rapid growth of the inmate population.<sup>49</sup>

The first nine decades in the history of the state penitentiary revealed very little in the way of prison program of which any state could be proud. By 1925, the conditions of the prison system became increasingly poor, the system owed \$700,000, and the prison population had increased 35 percent over a two-year period.<sup>50</sup>

## Conclusion

The history of the Texas prison system for the period of 1867 through 1912, may be viewed as the story of the maturation of a large and difficult to manage state agency. The tremendous growth of the prison population over the

forty-five year period presented prison officials with a variety of problems. The manner in which the difficulties were resolved demonstrates quite clearly that above all else, state leaders consistently sought to exert a greater measure of control over the penal institution so as to make them financially profitable.<sup>51</sup> Beginning with the first leases of prisoners to the railroads in the late 1860's prison officers and the supervisory legislative committees encountered abuses and misadministration within prison operations that persisted throughout the late nineteenth and early twentieth centuries.<sup>52</sup>

In many of its aspects, the Texas experience with convict lease closely resembled penological developments in other parts of the South. All of the eleven states of the former Confederacy adopted some form of leasing during the years immediately following the Civil War. To a large degree, the manner in which southern legislatures governed their prisons in the late nineteenth century demonstrated a considerable unanimity of opinion concerning the role of prisons and the objectives of incarceration.<sup>53</sup>

Through the latter decades of the nineteenth century, an investigating committee worked diligently to promote a number of reforms, chiefly the adoption of a classification system for prisoners, the use of the indeterminate sentence, and the construction of special institutions for youthful offenders. The implementation of the indeterminate sentence

in Texas in 1883, and the opening of the state juvenile reformatory in 1889, demonstrated that, at least to some degree, Texas found itself able to institute beneficial changes at a time when such reforms were still relatively new and much debated throughout the nation. Seemingly, Texas prison officials could entertain the prospect of reforms and improvements in the prison as long as such changes pose no threat to the structure of leasing. Not until the termination of all outside contracts in 1912, did Texas begin to assume the degree of responsibility for its convicted felons that had become commonplace in some other sections of the country.<sup>54</sup>

At the beginning of this paper it was stated that one of the purposes of writing this research paper was to try to find out why there is such a limited amount of literature written on the early history of Texas prisons. A conclusion that might be drawn can be that the early history of Texas prisons is not something to boast about. Texas prisons appeared not to be concerned for the welfare of its inmates. Lack of interest from the public and later the "hands off" approach era of the U.S. Supreme Court allowed prison officials to run their prisons with a free hand.

One author sums up the importance of knowing the history of Texas prisons when he writes that having this information can help us in shaping part of our future and making improvements on conditions that would otherwise go



unnoticed. Furthermore, it will remind those who may have forgotten the lessons of the past, and to encourage those who are discouraged because they believe that improvements are not possible. This author makes a last statement that I believe is the most important about studying history, which is: "To demonstrate that the foresight, dedication, and hard work of a relatively few individuals can and does affect the lives of their contemporaries, as well as the lives of people yet unborn."<sup>55</sup>

Once again I reiterate, the importance of management skills that should be required in administering our prisons which are on a limited budget. These skills are essential to help keep these institutions from draining our public funds. Management skills plus studying the past of our prisons will help the manager plan for a better future.

## ENDNOTES

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