# POWELL MURDERED

Charges to That Effect Made by a Well Known Citizen.

Inhuman and Brutal Treatment of Panitentiary Conviets.

MURDER THE THEORY, NOT SUICIDE

Report and Recommendations of the Logislative Investigating Committee-An Inquiry Which is Not Desmed a Fares.

Investigation of modes of punishment at the penitentiary called forth by a olution presented by Senater Correll in the legislature has progressed to a point seldom reached by a legislative inquiry. The resolution was based on the suicide of a convict named Powell, whose death is alleged to have been caused by orusi punishment, consisting of being confined in the "dark hole" or dungeon, handouffed with his hands drawn up between his shoulder blades and a rope around the neek and attached to the handouffs. A joint committee has taken juins to get evidence concorning punishment from all sources, isoluding the prison officers, contractors, convicts, ex-convicts and persons interested in prison work. While there is much in the evidence sustaining maintenance of dissipline at all hamards, there is much condemning the modes in vogas. Evidence shows compasion of pasishments in various prisons is frequently favorable and often very unfaverable. The semmittee has formulated a bill governing punishment and introduced it in the senate. It abolishes much that seems truel and leaves severer methods to the discretion of the worden, chaptain and The committee report is signed by Sen-

The committee report is signed by Sen-stors Correll, Mattes, Harris and Smith, together with Representatives Higgins, Keesler, Luikart, Dimuick and Ames. The report in full together with a part of the evidence is appended.

### Report of the Committee.

Your committee harswith return a copy of all the testimony taken by it, and submit it for your consideration. Your committee finds from the evi-

Your committee finds from the evi-dence se takes as follows: First-That the punishments in vogue in the Nebraska state penisentiary for many years, have been inhuman, bar-barous and ernel is many eases; and find especially that the system of pun-ishing convicts by handcuffing their hands behind them, passing a rope around their neeks, which reps is con-nected with the handcuff, and drawn tight in order to lift and support their ight in order to lift and support their

hands, is one that should not be toler-ated in this emlightened age, or in a civilized community, and that such pun-

mend that the pay of the guards and other minor officials at the permention, be increased. The compensation now paid to the guards at the venitentiary is too small to invite men of good character and ability to seek the positions, and in consequence men of little better moral nature than that of the convicts themselves are often em-ployed to watch over and take charge of such prisoners. This committee be-lieves that it is a disgrace to the state that such men should be employed in positions of that character, and believe that the wiser economy would be to in-orease the componention and secure the

orease the compensation and secure the services of men better qualified to fill them. How can it be expected that con-victs will be reformed while under the sare of men who are almost, if not quite

as lacking in moral principles? Seventh-Your committee find from the evidence that instances of inexcus-able brutality upon the part of guards, cell house keepers and other employee have been far too frequent, and recom-mend that a greater degree of supervision ever such employes abould be exercised by the warden, and instant dismissal should be visited upon any guilty of ex-ercising brutality towards those under his charge.

Contract Labor Demoralizing.

Eighth-Your committee find that the system of contract labor is demoralizing to the discipline of the institution, and believe that the convict contract labor believe that the convict contract labor system should be done away with at the earliest possible moment. The prisoners soon realize, after being brought to the penitentary, that they are not working for the state of Nebrashs, and that every moment of their labor yields a reward to a contractor with whom they can have no sympathy, and seen they begin to be slack in their work, which results in a report to the warden and the conse-quent punishment of off-ading convict. Punishment inflicted for that reason simply causes the convict to become soured, gloomy and dispirited, and as long as the centrasts system is permitted to prevail, the decipline of the prison will be far below the standard which should exist.

#### Paroling Becommonded.

Ninth .- Your committee would re-command the passage of a law providng for the parole system in connection ing for the partie system in connection with the penitentiary, as we believe that it will result in the saving of large sums of money to the sinte, and the refermation of many who otherwise would become confirmed criminals. This system is now in vogue in many of the states, and has proven beneficial, wise and salutary. Tenth-Your committee believe that

the system of confining young convicts, for the first time, with the older and hardened criminals, to be wrong in principle and unwise in practice. We be-lieve that every endeavor should be made to reform the young criminals and to lead them to live moral and upright lives, but all efforts in that direction will be thwarted while such young criminals are permitted to associate with men who have led criminal careers during their whole lives, and we therefore recom-mend that suitable arrangements be made by the officials in charge to classify and separate the elder and more hardened criminals from these less vicious.

Eleventh-Your committee believe that some provision should be made whereby the ignorant convicts, as also

## twenty-three flours, very much ex-tausted, on bread and water. He had did down; he could not get down with out drawing the rope tight around hus neck.

THE ALLIANCE-INDEPENDENT.

Describing the punishment witness said: "Your hands are handcuffed, and this rope tied here, and your hands are drawn up just as far as the man that puts it on winkes to do it; if he is mad he will draw them up this way, then it is all the time drawing you, and every time you move your hands it will saw them. It has been the custom for twenty years. It is a cruelty that should not be practiced upon men in civilized society. That is my opinion, and 1 am not opposed to corporal punishment; mainer an I opposed to a man being made to obey any reasonable rules that may be made, but I would have a better administration of it. The men are not always handcuffed this way when in the dungeon. One was there recently fourand water during that length of time. It is wholly in the hands of the warden or one deputized by him. The warden is not always present when the handcuffs are adjusted. He may go afterwards and the physician cells every day, or should call. In an attempt at mutiny about four years ago under Warden Hyers the leader was punished twenty-two to twenty-four days until Dr. Carter ordered him released because he could not stand that amount of punishment. He had the rope on all the time only when he ate; he was let down after being there twenty-three days, and was put on eicht days mere, and eame out of the cell a skelates.

Under Mr. Nobes a feeble man was kept in there about ten days, was seen sent to the hospital and was kept in there until he died. I think it hastened his death, but he would have died at any rate, because he was fearfully diseased. He was a college graduate. when about to die he was asked to write to his friends, but he said: 'Ne, I die like a hog. They have made a hog of me and I am going to die like a hog.' The punisament is more severe under some administrotions and is used for all classes of offense."

#### Is Powell Deadt

Continuing Chaplain Howe admitted that he knew nothing about Pewell's death. "You can often tell by the looks of the neck if they have been in there long. I buried Powell. It was an uncommon thing though; he was put in the coffin and the coffin closed up be-fore I got there, which has never co-curred before since I have been chapain. I think it was undesigned. There was a new deputy warden and he probably did not know the rules. which were that I should see every man, and were mat I should not every main, and see whether it is a man or something else. I could not swear that I buried him, though I suppose I did. They gen-erally notify me right off when there is a death, but I was not notified in this case until I was called to the funeral. I have no feeling against the warden or any officers. It is only a mistake. There should be reforms.

"Do you think this man came to his death from this punishment?"

"I do not know what to say to that :I do not see how a man hanging up under the circumstances that he hung, with his hands fixed as they were could let himself down."

"You can give your own opinion."

## toot, and he could not stand there from evening till morning without his legt giving out, and that of course would naturally hold his face forward and his body, and the rope being around his neck, and of course they had the rope attached to the handcuffs as I anderstand it, and then drawn up, and of course that would keep him up like that, and he never could get his hands over in front of his head because the rope is too short. And I think if you laid him down it would choke him."

"Please state explicity what would be the result in case a man fainted away

under that punishment." "Why, it would naturally kill him; of course it would."

### Other Testimony

Several other witnesses testified. Some thought no blame should attach to the prison authorities on account of Powell's death Others thought the reverse. M. D. Welch secretary and treasurer of the Western Manufacturing Company (the company that works the convicts) testified clearly that Powell was murdered. He said:

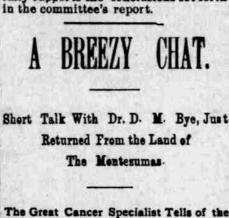
"This man was killed-murdered-by that man Wagner that; put him in there.

"What was the prisoner's name?" "Why, Powell."

"Do you speak advisedly is saying that he was killed?" "Yes, sir."

"State to the committee your evidence upon which you base that." Witness went on to say there is witness went on to say there is a class of men acting as guards and offi-cers who are wholly unfit for the busi-ness, they have no judgment in regard to anything; they treat prisoners as they do cattle; they are uneducated men, and men of dissipated habits as a class the ment of them are and in class, the most of them are, and in-vested with a little brief authority are inclined to abuse it. This man Wagner had strvng the man up so tight that he was strangled io death. Welch said the warden knew Powell had been murdered for he had talked with him

about it. The testimony so far as published fully supports the conclusions set forth



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Treatment.

A representative of THE ALLIANCE-INDE PENDEST yesterday had the pleasure of meeting Dr. D. M. Dys. the discoverer and origina. tor of the celebrated combinatian oil cure, at his main office in Kansas City. Kas. The dector has just returned from Mexico City, Mexico. Dr. Bye gave the writer a brief ac-count of his sofourn among that people The count of his sojourn among that people The doctor went there with letters of commenda-tion from the highest and best authority of the United States. Mr. Plutarco Orneles, Spanish s caking secretary of the Pan Ameri-can medical congress of the United States, who is also the Mexican consul at San Antonio, Texas, and who knows and has seen the re-reduced the off united by Bro Texas, and who knows and has seen the re-sults of the oll cure, fully indorsed Dr. Bye and his cure to the attention and kind offices of the medical fraternity of that republic. Dr. Bye had the pleasure of meeting Dr. La-vista, the most learned and celebrated physi-cian of Mexico, the head of the bo pital ser-vice in that city. Dr. Lavista conducted Dr. Bye through the hospitals, where many pa-tients were suffering with cancer. Dr. Lavista informed Dr. Bye that no nati n on earth was more accursed with that ho rible disease than Mexico. Dr. Lavista selected one of the worst cases for Dr Bye to try his remedy upon, a man who was being actually devoured with a loathsome cancer. His arm had been cut off but it broke out higher upon the arm. Dr. Lavis o said that the man's ent re system was fully meeted and the giant cells were thorough by established in the terrible ulcers. ly established in the terrible ulcers. The Combination Oils were applied to this almost hopeless case and after six days' appli-cation, the arm showed unmistakable signs of being surfled. The query was then put to the great Mexican physician. "If the oil could do this much in six days, what would it do for the entire body in a month or six weeks?" Dr. the entire body in a month or six weeks?' Dr. Bye says the patient will soon recover. Ne-guitations are pending with Dr. Bye and the Mexican gevernment for the use of this power-ful reasedy in all the public hospitals of that country. Dr. Bye established an office at Fort Worth. Texas, which is conducted by his son, Frank Bye, and john Morgan, one of the most eminent physicians and surgeons of Texas, who is president of the state examining board of physicians of that state. Hundreds are coming to them and are being cured Dr. Bye states that during the last three months he has fully demonstrated the fact that consumption in its incipient stage yields readily to the magic might of his balmy oil And to what extent the Cure will arrest pulmonary diseases is yet to be determined. The efficacious effect of the Combination Oil The efficacious effect of the Combination Oil Cure is thoroughly and firmly established. Dr H. J Reynolds, formerly employed at this office by Dr Bye, is discharged, and will no longer be identified in the Oil Cure hereafter. All business hitherto contracted made by re-ferred to the main office at this place. Direct to Dr. M. Bye, Portsmouth building, Kansas City Kansa to Dr. M. Bye, Portsmouth building, Kansas City, Kas. Ur. Bye has loaugurated a new plan of busi-ness in order to benefit the masses. He will itreat all malignant cases, such as cancer, tu-mors and all skin diseases, and cattarh and plumonary troubles; also plies and fistula, and womb troubles. All the above diseases not of a very serious nature he will treat through the express effices and mail for the sum of \$10 00 per menth. No oils sent without the money paid in advance before shipment of oils is made. Cases of serious nature treated at the office, but nothing will be treated at office for made. Cases of serious mature treated at the office, but nothing will be treated at office, but nothing will be treated at office for less than \$100 and upwards, paid in advance The doctor has adopted this plan in order to meet the great demand now made for treat-ment. More than two-thirds of cases can be treated at home and save expense of railroad fare and board in the city. So there is a chance for the poor as well as the rich to be heal d of cancer and other malignant diseases. All persons sending for oil will be required to give a brief account of disease, so the oils, with directions, can be sent to them. The dector informs us that he can cure at least two-thirds of the cancer and other diseases without seeing the patients and thus extend the benefits of the great discovery which in the last year has cured over 1.000 people. Let all that read this statement cut it out and send it that read this statement cut it out and sena it

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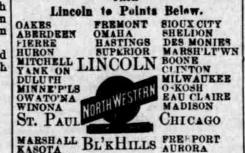
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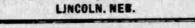
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one which is likely at any time to be the indirect, if not the direct cause of the death of a conviet under-

going it. While believing and realizing that a penal institution of the character of the Nebraska state penitentiary cannot be safely and successfully conducted without a proper system of punishments being provided for refractory prisoners, yet your committee deems it unwise to save the matter of punishments wholly in the hands of one man. Your com-mittee further believe that such punishments as may be salutary should be legalized and authorized by law, there being no provision in the statutes for the punishment of refractory prisoners, and to that end, your committee author-ized and directed the chairmen of the respective committees to introduce senate file No .--- and your committee heartily recommends its passage.

It is an impossibility for the warden to attend to each individual case, and he must of necessity depend upon his subordinates to carry out his orders, and too often this results in the punishment of the convicts being left in the hands of men of cruel and brutal propensities, and who have not one qualification for the positions they fill. We believe this should be done away with, and that the punishment for the graver offenses should be placed in the hands of a board composed of the warden, physician and chaplain of the penitentiary as provided in said bill.

#### Punished to Death.

Second-Your committee believe from he evidence that the death f convict Powell was the direct and proximate result of the cruel and and inhuman punishment inflicted upon him.

Third-Your committee finds from the evidence that the food furnished to the convicts is generally of good quality, wholesome and sufficient in quantity, but find that at times, through the laxity of those in charge of that department, food of improper quality and unfit for eating has been served, and would recommend that closer scrutiny be exercised by those in charge.

#### Additional Facilities.

Fourth-Your committee further finds as follows:

1. That the present female ward at the penitentiary is inadequate for the needs of the institution and should be so constructed, if possible, as to prevent any communication between the male and female convicts.

2. That the hospital facilities are not sufficient to provide for the present needs of the institution and should be

largely increased and improved. 3. That there is no provision for the criminal insane and for the proper confinement, care and treatment of that class of convicts.

Therefore your committee would ecommend that an appropriation of 15,000 be made for the erection of a milding in which provision shall be made for the above three classes of con-

Fifth-Your committee find that der the system now in vogue at the penitcatiary, sufficient time is not given to the convicts to bathe, and that they are not permitted and required to bathe often enough, and would recommence that the officials in charge be instructed to provide for more frequent baths by the convicts, and that longer time be given them for bathing.

Disgrace to the State -Your committee would rea those who may desire further educational advantages, may be taught such branches as are taught in the common schools of the state, and to that end we believe that a night school should be held not less than two evenings in each week, at which all those convicts who cannot read and write should be required to attend for instruction, and that others who should so desire, might attend for further instruction in the common school studies.

The question of the proper control of the criminal classes and the general work of penal institutions has from time to time required the attention of the ablest statesmen the world has produced. The one great problem confronting civilization in its advancing strides has been to properly define the limit between punishment and cruelty. The necessities of the government require the confinement and punishment of criminals for the protection of the public, and it cannot for a moment be assumed that the state in the punishment of criminals has any more right to be brutal than the criminal himself. Hence the wise view of the question would determine that the state not only on the ground of humanity, but on the ground of setting an example to the criminal classes, should itself use moderation in the punishments imposed.

#### Reformatory Measures.

Your committee believes that while the distinctive character of the penitentiary as a penal institution should be maintained, that the question of reformation might be brought in to good advantage. The evidence before your committee shows that there are a number of inmates in the institution who have been there several times before, which would indicate that there was something lacking in the system. Your committee would suggest that so far as can be done without injuring the character of the penitentiary as a penal institution, that reformatory work should be carried on in order to make the inmates better when they leave.

Your committee finds that much good work has been done by philanthropists and educational associations among the prisoners, and especially commends the work of the Lincoln Chatauqua association as shown in the mental and moral improvement noticeable in a number of prisoners.

Your committee would further recom mend that the secretary of state be in-structed to have printed 1,000 copies of this report and the evidence herewith submitted, for distribution. All of which is respectfully submit-

ted.

#### Declares It Barbarous.

Evidence submitted by the committee covers several hundred pages, comprisng testimony from various sources.

Chaplain Howe testified that eight rears ago under Warden Nobes he went into the dark hole and found a man lying down with a rope about his neck, his hands handcuffed behind him and the other end of the rope fastened to them; that he had gotten into the corner of the room and had slid down so that he could not get back and was obliged to remain where he was lying; that Mr. Nobes helped him up and made one or two remarks to him and then went out, that it was a mode of punishment which to witness was barbarous Witness talked with the man, who broke down and in five minutes was let out. The convict had refused to answer the usual questions on his ar-rival at the prison. He was in these

'I think the punishment produce death ; I think so.

Yes, marks of the rope can be seen sometimes. I saw one who was punished and he will have the marks around the

neck as long as he lives.' "That is the only convict buried that

you did not see.' "I have buried one since. but it was not intentional I do not think. I said to the warden yesterday that I never wanted to bury a coffin again without knowing what was in it. and he said he supposed I had seen him; and I told him I had not; it was fastened up before I got there and you might have put in any thing, but I do not think there was any such thing; I think the man's body was in there.

#### The Punishment.

F. H. Ainsworth, of this city, described the tricing up in this way: They place the cuffs on the hands behind the back, place a rope around the neck and the handcuffs, and raise the handcuffs high on the back. and tie the end of the rope to the noose behind the back. They vary the height of the hands, and sometimes they draw the hands up as high as they can; sometimes they trice them up until the rope cannot be made any tighter. That is one of the kinds of punishment. To my knowledge they have been taken out of there in an insensible condition after they have been in there for twenty-four or thirty six hours. You see that is not continuous; they are let up for probably an hour or two twice a day, and an average man could stand it probably four or five days and then he would become totally exhausted. If he fainted, it seems to me, it would produce strangulation.

"Did you know of the Powell case?"

"Only what I have read and what was told me. I was told that the night before he died the deputy warden went to the cell while he was in the position this gentleman was, and put in a stick be hind the rope and twisted it. I was told he was lying on the floor and not triced up to the door, but was lying on the floor unconscious. Mr. Bartle, an exguard, told me this; I don't know where he heard it."

#### Dr. Houts Testifies.

Dr. Houts, penitentiary physician under Governor Thayer, testified in part as follows;

"How was the end of that rope fast-

"Well, sir, there is a rope that is probably that long, and on each end of that rope there is the handcuffs, and the rope is put around the neck in front and crossed on the back and then of course the hands are crossed on the back, like that. On that morning they had that that. On that morning they had that boy with his hands drawn up on the back not very high either, but I don't ives. Over one-half of those who have cured learned of the Oli cure in this way. back, not very high, either, but I don't think it is necessary to put a human being in that condition.

These were sick prisoners ?"

"No, they were not sick prisoners because I examined them every morning and saw that their health was good."

"What would be the effect upon the muscles from having their hands cuffed behind the back in that way ?"

"I have thought this thing over pretty seriously since I saw the way that man Powell was strung up. Of course by putting the rope around a man's neck in front and tying it here so he could not put his whole weight on his foot, and even if he could, it would not be possible for a man to stand it a very great while for the muscles will give way and of course the rope would choke him. You can see that yourselves, because you see he wind the how natural it would be to stand as his , and age

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