

Texas State Penitentiary,

OFFICE OF SUPERINTENDENT,

Huntsville, Texas,

October 21st 1870

To His Excellency E. Davis,
Governor of Texas

Sir: I have the honor to acknowledge the receipt of your communication dated Oct. 12th 1870, respecting the "Notes and Reports," and in reply I would state, that when I came here, I found that Col. Dudley had permitted Convicts, who presented reasonable grounds for believing they were convicted through prejudice, malice, mistake, or other illegal causes, to write out, what is termed, a "Statement of their case," which would be forwarded to the Governor for his action thereon. Although disapproving of the policy of permitting Convicts, sentenced for every species of crime, to make such statements, I thought it best to pursue for awhile, the course adopted by Col. Dudley, but I have now checked the system and no "Statements" will be made out unless I have a "well grounded" belief, that persons are unjustly incarcerated.

The "Statements" sent you "without comment," were sent thus endorsed, because I had no information of the assertions contained therein, and presumed that such matters

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were referred to the Judges before whom the parties were tried, for the truth or verity of such statements. All the applications sent you were from, in my opinion, deserving of Executive Clemency for their exemplary conduct, and who, through the excitation of others, through prejudice, and through drink, have been made criminals, when actually, there was no intention of crime exhibited in their conduct. Take for instance the case of James Wilson a young man of good family, and education, now here for a term of seven years for stealing a horse. The circumstances of the case are these: Wilson was a "new comer" in Texas, went to Chavodoches to live; got on a spree and while intoxicated, stole another man's horse and rode a few miles out of town, remained at the place out of town, the night and next day drunk, was about returning to town when he was arrested, and having no friends, was tried and convicted, as above. Col. Ludley recommended that young man for pardon and I heartily join in that commendation.

The victims of prejudice, I believe to be many within these walls - the Cooper Bros (Thorn spruce), Emily Brown Charles Scott, Charles Bertram, Ellis Rogers (blind) and Ellis, and some others, strongly recommended to the consideration of your Excellency, are, in my opinion, either victims of the old slave oligarchs

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or are here, through the involvement of their personal enemies. I have said nothing as yet, with regard to the crying injustice which every court in Texas from 1865 to 1869 have perpetrated upon the colored man, but as the facts come to my knowledge, I make a note of it, ^{and} I believe, in a short time, some who "were well in high places" will acknowledge they pandered too much to the antipathies of communities. In my opinion, white men could not be convicted, in any county of Texas, for the crimes that a great majority of the colored men now here, are undergoing sentence. I have no power of commutation or reprieve, but had the good will in this place of punishment, justice, they could not be here now. They refer you to the telegram from the President, respecting "civilian prisoners convicted under Reconstruction laws" ^{and} ask I know of said telegram releases the other "civilian prisoners" now in this Penitentiary undergoing sentence of Court Martial. I looked upon the telegram as specific in its character, and only those Messrs. ^{and} Gray. They have gone home, but whether the President intends that order to apply to all military prisoners I am unable to determine ^{and} would like your construction thereon. Send me a list of all the military "civilian prisoners" now here, ^{and} ask your instruction thereon.

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With regard to the man "Ward" a complete invalid, mentioned in your letter of the 11th inst, just arrived, I have written to Jefferson respecting him, but have no reply as yet. I will endeavour to find his friends, but if that he will be a charge upon the State until he dies. I could turn him out in the street, but he would stand there unconscious of everything around him, until exhaustion would compel him to fall down. He is the most complete wreck of humanity that ever I saw, and it would be an ass's credit on the part of the State, or me, to see him die in the work. I would be glad, however, to get rid of him, and have thought that his proper place was at the State Insane Asylum.

Prisoners are now arriving almost daily. There is no money to pay their fares, or anything else, but I am of the opinion, that the reforms inaugurated and the constant employment of labor on hand, will eventually bear the institution of debt and redound to the success of the Administration.

Very respectfully,

Samuel C. Adams

J. M. Smith

Chas.

Texas State Penitentiary,

OFFICE OF SUPERINTENDENT.

Huntsville, Texas, October 21st 1870

To His Excellency E. Davis,
Governor of Texas.

Genl. I have the honor to acknowledge the receipt of your communication dated Oct. 12th 1870, respecting the Habeas and Habeas Corpus, and in reply I would state, that when I came here, I found that Col. Dudley had permitted convicts, who presented reasonable grounds for believing they were convicted through prejudice, malice, mistake, or other illegal causes, to write out, what is termed, a "statement of their case," which would be forwarded to the Governor for his action thereon. Although disapproving of the policy of permitting convicts, sentenced for every species of crime, to make such statements, I thought it best to pursue for awhile, the course adopted by Col. Dudley, but I have now checked the system and no "statements" will be made out unless I have a "well grounded" belief, that persons are unjustly incarcerated.

The "statements" sent you "without comment," were sent thus endorsed, because I had no information of the assertions contained therein, and presumed that such matters

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were referred to the judges before whom the parties were tried, for the truth or verity of such statements. All the applications sent you were from ^{parties} in my opinion, deserving of Executive Clemency for their exemplary conduct, and who, through the mis-education of others; through prejudice, and through drink have been made criminals, when actually, there was no intention of crime exhibited in their conduct. Take for instance the case of James Wilson a young man of good family, and education, now here for a term of seven years for stealing a horse. The circumstances of the case are these: Wilson was a "new comer" in Texas, went to Chagoches to live; got on a spree and while intoxicated straddled another man's horse and rode a few miles out of town, remained at the place out of town, the night and next day drunk, was about returning to town when he was arrested, and having no funds, was tried and convicted, as above. Col. Ludley recommended the young man for pardon and I heartily join in that recommendation.

The victims of prejudice, I believe to be many within these walls - the Cooper Bros (Winn's former), Emily Brown, Charles Scott, Charles Bertram, Ellis Rogers (Blind) and others, and some others, though recommended to the consideration of your Excellency, are, in my opinion, other victims of the old slave oligarchy.

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or are here, through the injustice of their personal enemies. I have said nothing as yet, with regard to the crying injustice which every court in Texas from 1865 to 1869 had perpetrated upon the colored man. But as the facts come to my knowledge, I make a note of it, ^{and} I believe, in a short time, some who "were well in high places," will acknowledge they pandered too much to the antipathies of communities. In my opinion, what would not be committed, in any county of Texas, for the crimes that a great majority of the colored men now here, are undergoing sentence. I have no power of commutation or reprieve, but had the good men in this place of punishment, justice, they would not believe now,

I beg to refer you to the telegram from the President, respecting "civilian prisoners committed under Reconstruction laws," ^{and} ask to know if said telegram releases the other "civilian prisoners" now in this Penitentiary undergoing sentence of Court Martial. I looked upon the telegram as specific in its character, and only release Messrs. Ford ^{and} Gray. They have gone home, but whether the President intends that order to apply to all military prisoners I am unable to determine ^{and} would like your construction thereon. Send me you a list of all the military "civilian prisoners" now here, ^{and} ask your instruction thereon.

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With regard to the man "Wes," a complete idiot, mentioned in your letter of the 14th inst, just received, I have written to Jefferson respecting him, but have no reply as yet. I will endeavour to find his friends, but if that he will be a charge upon the State until he dies. I could turn him out in the street, but he would stand there on a corner of everything around him, until exhaustion would compel him to fall down. He is the most complete wreck of humanity that ever I saw, and it would be an immense credit on the part of the State, or any, to see him die in the work. I would be glad, however, to get rid of him, and have thought that his proper place was at the State Insane Asylum.

Prisoners are now arriving almost daily. There is no money to pay them for, or anything else, but I am of the opinion, that the reform inaugurated and the constant employment of labor on hand, will eventually bear the institution of debt and redound to the success of the Administration.

Very respectfully,

John A. Campbell

J. J. Smith

Superintendent