

Governor Lorenzo Lewelling, Correspondence, Box 1

Section 22, Pages 631 - 660

These folders contain correspondence subject files with Governor Lewelling, twelfth governor of the State of Kansas, 1893-1895, and the first Populist governor of the state. Correspondence received includes general letters, official response letters and letters concerning State agencies and subject files. Some proclamations are also included. Subject files include applications, endorsements, and remonstrances relating to candidates for appointments to the Kansas State Normal School (Emporia) (present Emporia State University), the Kansas State Penitentiary (present Lansing Correctional Facility), judicial, & other positions; county organizational documents; and letters relating to counties, crime and criminals, justices of the peace, lands, military affairs, relief aid, Prohibition law, and other topics.

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Governor Lorenzo Lewelling, Correspondence, Box 1

THE STATE NORMAL SCHOOL,
EMPORIA, KANSAS.

DIPLOMA A LIFE CERTIFICATE TO TEACH IN KANSAS.

TUITION FREE TO TEACHERS.

Mileage paid all Kansas students from outside a radius of
100 miles from Emporia.

President's Office.

August 3, 1894.

Hon. L. D. Lewelling,
Garden City, Kansas.

Dear Sir: -

I regret that you are engaged for the evening of September 3. It is hardly possible for various reasons for us to change the date for our opening and we all join heartily in a request that you strive if possible to readjust your program for the first week in September so as to be with us at that time. There are so many reasons why you should be here, that I hope the change can be made.

Be kind enough to write me by return mail whether there is any prospect of your coming and greatly oblige,

Sincerely yours,

O. R. Taylor
m

Dictated.



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THE STATE NORMAL SCHOOL,
EMPORIA, KANSAS.
DIPLOMA A LIFE CERTIFICATE TO TEACH IN KANSAS.
TUITION FREE TO TEACHERS.
Mileage paid all Kansas students from outside a radius of
100 miles from Emporia.
Dictation No. 62.

President's Office.

December 10, 1894.

DEC 17 1894

Hon. L. D. Lewelling,
Topeka, Kansas.

Dear Sir:-

I enclose the biennial report of the Board of Regents and Faculty of the State Normal School. The plates for printing the floor plans and the manuscript for Professor Wilkinson's report of what he saw in the German schools will be sent directly to the State Printer. On account of the amount of work which Mr. Dickson, Secretary of the Board, has had for several weeks past, it has been delayed. I hope, however, that no inconvenience results.

If there be anything further which you would like to know, it would afford me pleasure to respond to any inquiries.

Very sincerely yours,

A. R. Paulson

*Dear Captain: Please inform
me whether or not you have
received a copy of this report.
If so return this, if not
keep it and advise me
whether you have money
to publish it + advise
me by return.*

Governor Lorenzo Lewelling, Correspondence, Box 1

Yours truly,
J. B. Nipp

DAILY COURIER, MONDAY

NIPP TALKS.

Ex-Sheriff Nipp Calls Upon the Courier and
gives his Statement in regard to Wilbur
Norton's Attempt to Escape.

This morning Ex-Sheriff Nipp
came up from Newkirk, and after
reading the report in Saturday's
Courier of the attempt of Wilbur
Norton to escape from the peniten-
tiary at Leavenworth, made the fol-
lowing statement:

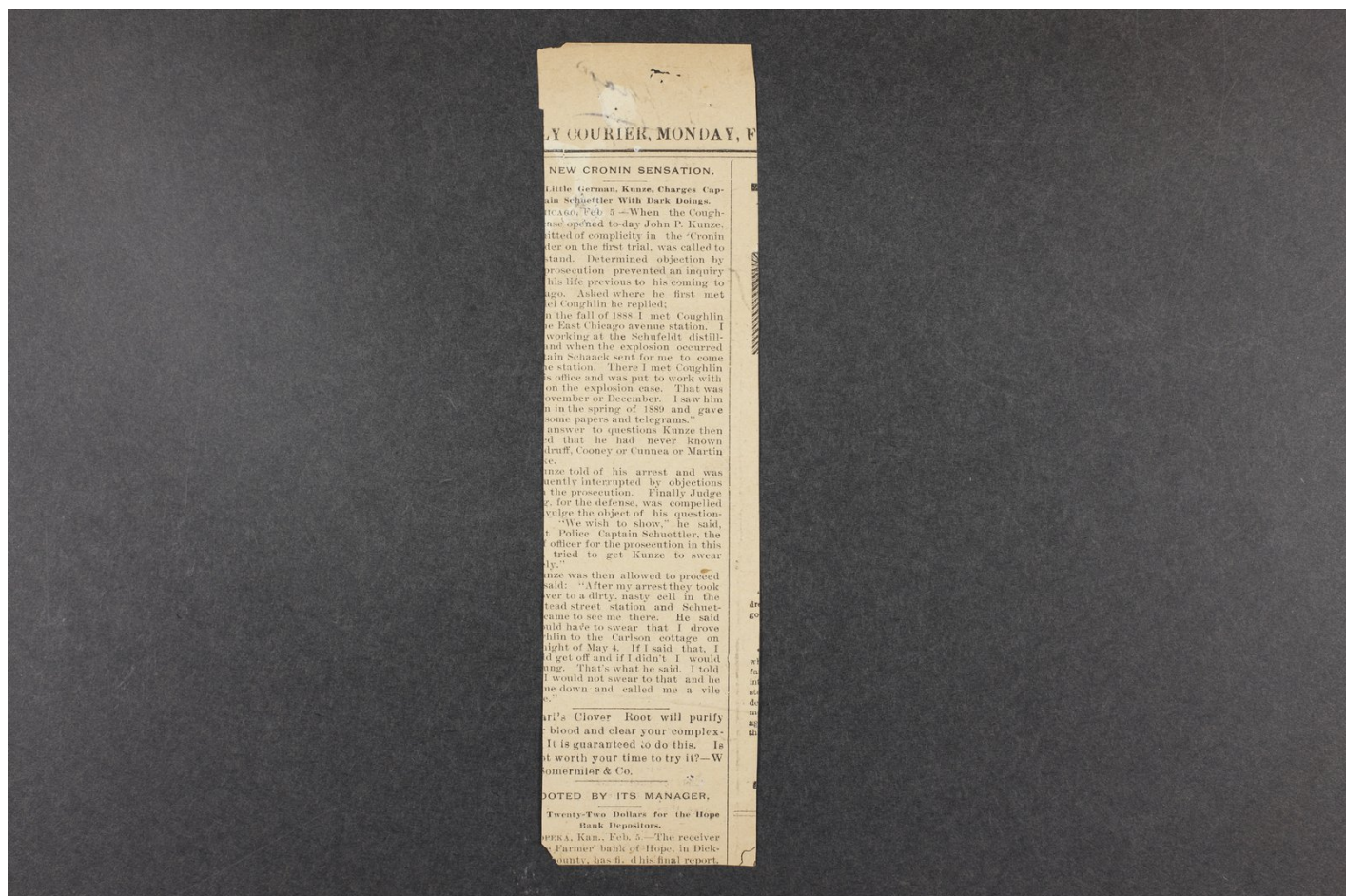
"I left Winfield with Wilbur Nor-
ton, Morgan Wright and Charles
Roberts, and had them chained and
shackled in order to prevent any at-
tempt they might make to escape.
Deputy Sheriff Rothrock, J. B. Nipp,
Jr., my son, and myself started with
the prisoners. At Holliday I met
Warden Chase and he knew two
of the prisoners after I pointed
out Wright and Norton. My under-
sheriff, Mr. Rothrock, left me at To-
peka and my son and myself went
on to the penitentiary.

"After we got to the penitentiary
I went into the clerk's office and
delivered my commitment papers
and the prisoners and got my re-
ceipt. The outside guard, Sam Strong,
noticed us and remarked that he
'knew' Norton and also Wright.
I turned my prisoners over to the
officers and then left the office and
went with Mike Markum to look
through the prison.

"In regard to the scheme which
the prisoners may have concocted
to change names I am entirely ig-
norant. I sat upon the opposite seat
from them on the way up to the
prison for the reason that I wanted
to prevent any attempt they might
make to escape.

"In conclusion I wish to state that
if the officials at the penitentiary do
not know what kind of men they
have in charge, they should employ
some one to guard the jail, for I con-
sider Norton, Wright and Roberts
three of the most desperate crimi-
nals ever inside of the walls of the
Kansas penitentiary."

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STATE OF KANSAS.
EXECUTIVE DEPARTMENT.
GOVERNOR'S OFFICE.

[n.d.]

Governor Lewelling being asked what further proceedings, if any, would be had relative to the investigation at the penitentiary replied: There will be no further proceedings, all this chatter about the penitentiary is the result of a conspiracy on the part of a few fellows who have been discharged and who have a grievance. They served notice on me last Spring that the Warden had to go, and that if he was not removed they would call to their aid their influential friends in the party and I would have to suffer the consequences. I told them I did not wish to shield the Warden in any wrong doing, but from a 1 that could be learned the administration of the prison seemed to be a striking success. I reminded them of the difficulties to be encountered in suddenly changing the entire working force of such administration and starting off toward success with nearly a hundred untried and inexperienced men and that it seemed to me the Warden deserved commendation rather than censure, from general principles. However I expressed a willingness to give a hearing to all or any who felt aggrieved, and charges were filed against the Warden near the close of the month of May. These charges were referred to the Board of Directors in accordance with section 5, chapter 152, Session Laws 1891, which reads as follows: "It shall be their duty (meaning the Board) to inquire into any improper conduct which may be alleged to have been committed by the Warden or any other officer of the penitentiary."

The complainants were notified that they should appear before the Board and give evidence, this they declined to do, alleging that the Board would not give an impartial hearing, and further demanded an investigation under Sec. 59-58 page 1895, § General Statutes 1889.

Under this statute they no doubt hoped for a prolonged trial and witness fees for an extended period, but I did not feel justified in incurring an expenditure of \$1500, or \$2000 and especially objected because there was no appropriation with which to pay.

When the Board sat to hear the case, the complainants notwithstanding they had been regularly subpoenaed, refused to appear, a few witnesses for the defence were examined and the Warden acquitted. When the charges were analyzed, it is apparent that only two or three are of a serious nature, all the facts about the coal mines were easily obtained by inspection, and some time ago I sent an expert to make an examination and now have his report on file. The testimony taken, fully exonerates the Warden in every instance. ~~xi-~~ The only charges of importance were numbers one two and three of those brought by the chief clerk.

The first of these charged that the Warden had taken money from the appropriation for boarding purposes and invested it in hogs -- the charge itself does not state except by an ingenious inference that the Warden received ~~money~~ any pecuniary advantage from this transaction. The Warden admitted having made the purchase of hogs, and the testimony showed that the state had netted thereby a profit of \$495.32.

The second charge of the chief clerk was: that the Warden had settled a claim against the Armour Packing Co, collecting a rebate on the purchase price of ten thousand pounds of bacon. The clerk claimed that no settlement was recorded, and the inference was that the Warden had received the money. The amount involved in this transaction was twenty-five dollars. In this case the board discovered that the chief clerk had himself omitted to make the proper entry upon the books to show that this amount was due from the Armour Packing Co. The books of said company did show the proper credit and the money had simply not been collected. The amount was collected on June 9th 1894.

The third charge was that the Warden's daughter Carrie drew pay from the institution as assistant keeper, contrary to the rule of the institution. To this the Warden admitted that his daughter had been employed as cashier and assistant in the office, and he also showed from the records that it had been the custom of his predecessors to employ some one in this capacity. This to some ex-

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STATE OF KANSAS.
EXECUTIVE DEPARTMENT.
GOVERNOR'S OFFICE.

)2)

tent involves the charge of nepotism which has been so general in reference to this institution. His daughter Carrie as stated was employed for a few months, and the younger son carried the mail for awhile, but neither of them have been on the pay roll s of the institution for some time, and the engineer John, in the onlyb member of the Chase family in addition to the Warden who receives pay from the state.



Governor Lorenzo Lewelling, Correspondence, Box 1

[n.d.]
To His Excellency Gov. L. D. Lewelling,
Topeka, Kansas.

Sir:--

According to your instruction I visited the coal mine at the State Penitentiary at Lansing Kansas, and made a thorough examination of the same, and have the honor to make the following report, viz:-

I found the mine in good condition with a few exceptions; first, the main shaft is needing some repairs, although not unsafe, but when the repairs which are now in progress are made, the shaft will be in excellent order and perfectly safe; said repairs consist of new guiders from top to bottom of shaft and tearing out the old lumber that separated the air way from the main shaft and wherever there is a bulge, the shaft or decayed place in the shaft, new lumber is being put in. Safety catches are on the premises and I would recommend that they be placed on the cage also. While the law of Kansas demands that safety catches be used on all cages, my experience and observation convinces me that they are not always reliable.

The drainage of the mine is not in the best possible condition. It needs new pipes from pump to sump in air shaft, or some other means be provided to drain the mine; there is water only in a small portion of the mine.

The west return air way needs cutting up and timbered from face at drift #4^{near} about 200 feet, as the water is dripping through the roof and is liable to cave in and fill air way, which would result in very poor air in mine, if nothing worse, as it is very essential that all the air ways be kept in good condition. There are other places in the air way that I could not describe without a plate that the slate on roof is loose and needs to be cut down, as it is liable to fall.

I find that the doors in a number of the drifts that have been placed there to keep the air from passing through that drift, are not air tight and the spaces around the facing should be plastered up.

You suggested that in order to show my ability to report intelligently upon the safety of this mine, that I mention in this report my experience; hence, I will state that I have had experience as a miner in Wyoming and Excelsior coal mines at Rock Springs Wyoming; also have worked

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L. D. L. (2)

in the Raymond & Ely mines at Peioche Nevada. Also the Consolidated Virginia, Crown Point and Levithan mines at Virginia City Nevada. I have also been connected with different mines in Utah and I examined the Lost Louisiana and Lone Jack silver mines, at Bear City Arkansas for investors. The last two mines I examined were for the owners in Jamestown Colorado.

*Respy Submitted
H. W. Mich*

Governor Lorenzo Lewelling, Correspondence, Box 1

The New St. James.

Heated by Steam.

By GEO. C. REMBAUGH.

Private

Winfield, Kas., Febry 6 1894

My dear Sir

The explanation given in the accompanying interview, cut from the Winfield Daily Courier of the 5th inst. would in my opinion reflect on the integrity of Warden Chase. Now S.W. Chase has been my neighbor for 13 years - and he is honest. And would not be a party to any such crookedness.

This matter should be thoroughly investigated, as our late Sheriff is open to suspicion by those who know him best.

Yours truly
J. M. Gaffney

Governor Lorenzo Lewelling, Correspondence, Box 1

I wish you could find some
way to keep Mrs. Lease quick
Your
"Cuppage."

all answered
Lig's

for with testimony
- 67 -

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S. W. CHASE,
Warden.

JOHN WM. YARROLL,
Chief Clerk.

M. H. MARKUM,
Deputy Warden.

Kansas State Penitentiary.

Lansing, Kas., April 19th, 1894.

Gov. L. D. Lewelling,
Topeka, Kas.

Dear Sir:-

I have been informed by the Board of Pardons that they recommended the Pardon of L. T. Stevenson, a few days ago, and you granted the pardon, and turned the pardon over to Mr Stevenson; Mr Stevenson went directly home from Topeka with the pardon in his pocket. Now we have no record of the pardon, as we always make the record from the original pardon issued by you, but the said pardon not coming to this office, we have no record of it, and in order to make our books show up right, you will have to issue a duplicate pardon and send to us here, that we may properly get this straight on our books. Please attend to this at once, and oblige

Respectfully yours,

APR 20 1894

S. W. Chase
M. H. Markum

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HENRY A. MCLEAN,
ATTORNEY AND COUNSELOR,
MARION, KANSAS.

JUNE 20TH, 1894.

HON. L. D. LEWELLING,
TOPEKA, KANSAS

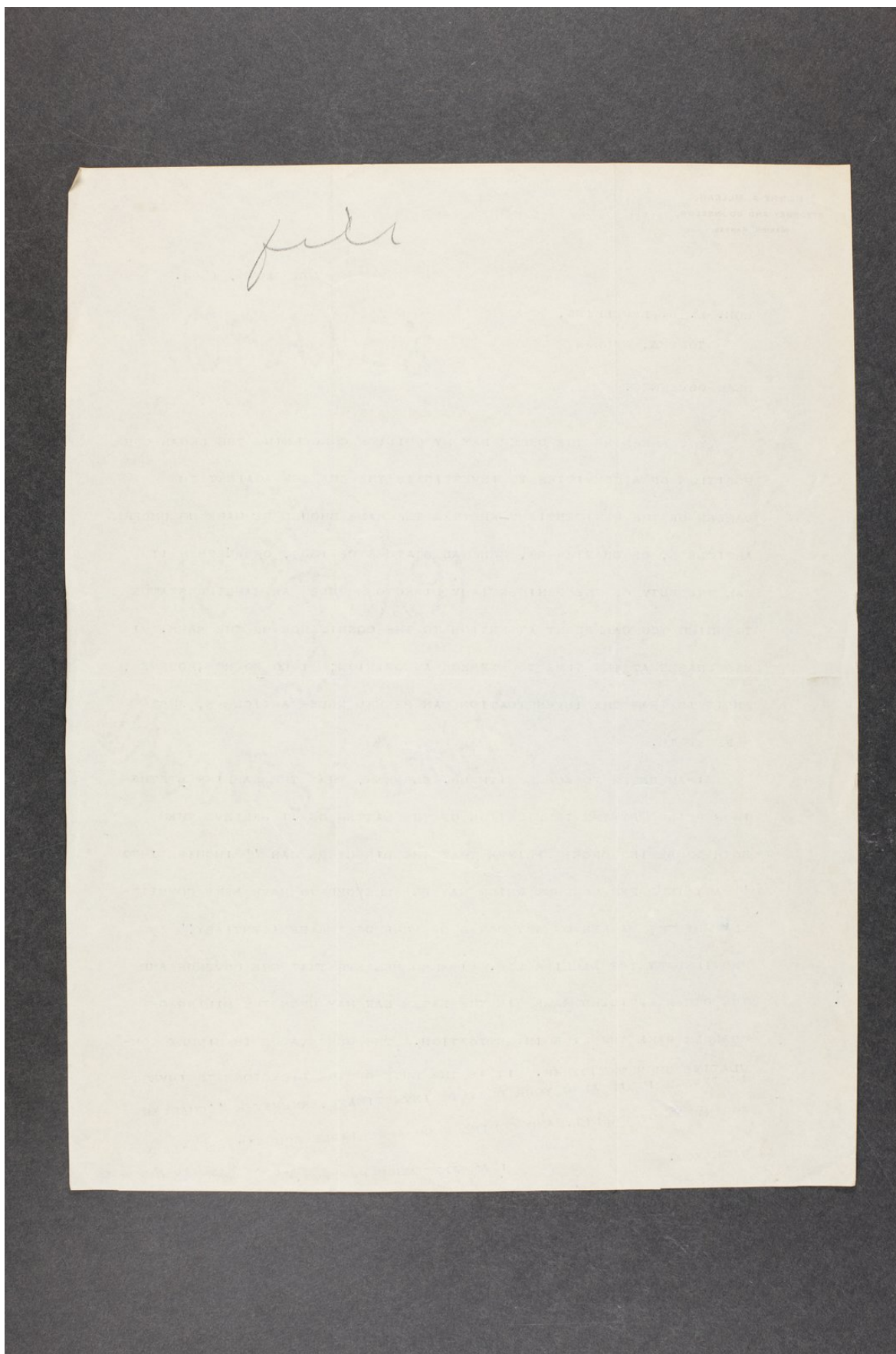
DEAR GOVERNOR:

YOU ASKED ME THE OTHER DAY MY OPINION CONCERNING THE LEGAL COM-
POSITION OF A COMMITTEE TO INVESTIGATE THE CHARGES AGAINST THE
WARDEN OF THE PENITENTIARY—WHETHER THE SAME SHOULD BE MADE UP UNDER
ARTICLE 5, OF CHAPTER 99, GENERAL STATUTES OF 1889, OR WHETHER IT
WAS THE DUTY OF THE PENITENTIARY DIRECTORS UNDER AN EARLIER STATUE
TO WHICH YOU CALLED MY ATTENTION TO ~~THE~~ ^{take} COGNIZANCE OF THE SAME. I
WAS UNABLE AT THE TIME TO EXPRESS AN OPINION; I DO SO NOW, HOWEVER,
AND IT IS THAT THE INVESTIGATION CAN BE HAD UNDER ARTICLE 5, JUST
REFERRED TO.

I AM UNABLE TO AGREE WITH MR. CLEMENS, THAT THE EARLIER STATUE
IS REPEALED BY THE IMPLICATION OF THE LATTER ONE. I BELIEVE THEM
BOTH TO BE IN FORCE—BELIEVE THAT THE DIRECTORS CAN "INQUIRE INTO
"ANY IMPROPER CONDUCT WHICH MAY BE ALLEGED TO HAVE BEEN COMMITT-
ED" BY THE WARDEN OR ANY OTHER OFFICER OF THE PENITENTIARY;" AS
PROVIDED BY THE EARLIER LAW. I ALSO BELIEVE THAT THE GOVERNOR AND
THE OTHER OFFICERS NAMED IN THE LATER LAW MAY UPON THE FILING OF
CHARGES MAKE THE LIKE INVESTIGATION. THE ONE STATUE IS SIMPLY COM-
ULATIVE UPON THE OTHER. IT IS THE DUTY OF THE DIRECTORS TO INVEST-
IGATE AND IT IS ALSO YOUR DUTY TO INVESTIGATE, WHENEVER "CHARGES
WORTHY OF CREDIT, AND COMING FROM A RELIABLE SOURCE" ARE FILLED
WITH YOU.

I AM WITH MUCH RESPECT *Yours, H. A. McLean*

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S. W. CHASE,
Warden.

JOHN WM. YARROLL,
Chief Clerk.

M. H. MARKUM,
Deputy Warden.

Kansas State Penitentiary.

Lansing, Kas., June 20th, 1894.

Gov. L. D. Lewelling,

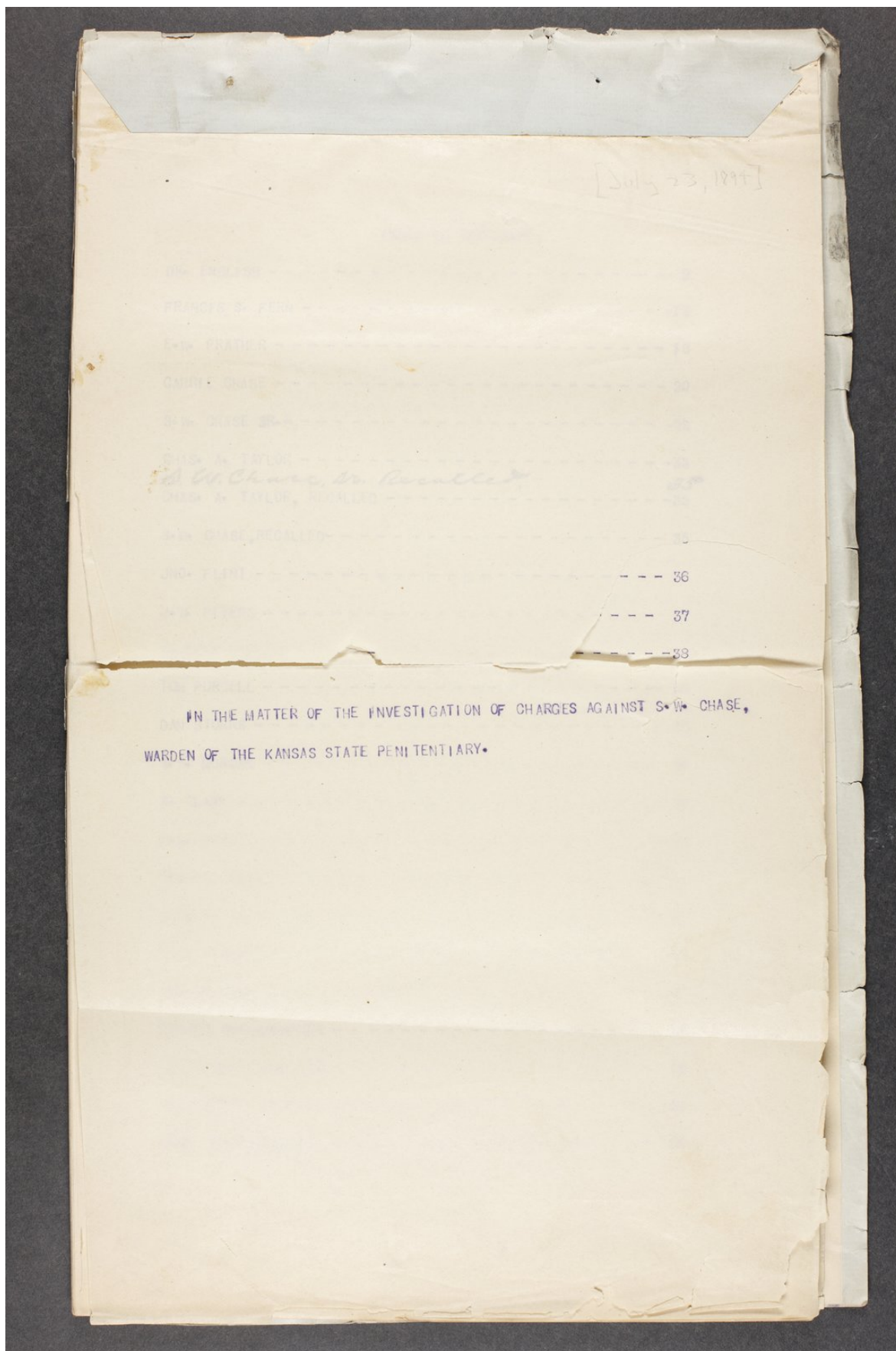
Topeka, Kas.

Dear Governor:- I mailed you this morning a copy of the "Leavenworth Times" of this date, with my reply to Yarroll, Bunn, & Co. Hope you will read it and will let me know what you think about it. I see by the "Capital" that there is talk of the Anti-Lewelling force organizing and nominating a ticket. Now I don't believe there is a word of that true. As far as Leavenworth County is concerned, every one seem to be well satisfied with the ticket, and I don't hear any kicking on the Suffrage Amendment. Frank O'Donald says that A.P.A. resolution, that with it he can get five hundred votes; if that is the case, that will over-balance all objection to the Suffrage Amendment. As for that "gang's" injuring me in this County, or yourself either, it will not amount to anything, for they have talked until no one believes anything they say. In fact the more they talk now, the better it will be for all of us. If there is anything wanting let me know and I will come up. Keep an eye on the State Central Committee, there are some things a little peculiar about that and I think needs watching.

L. D. Lewelling

As ever yours,

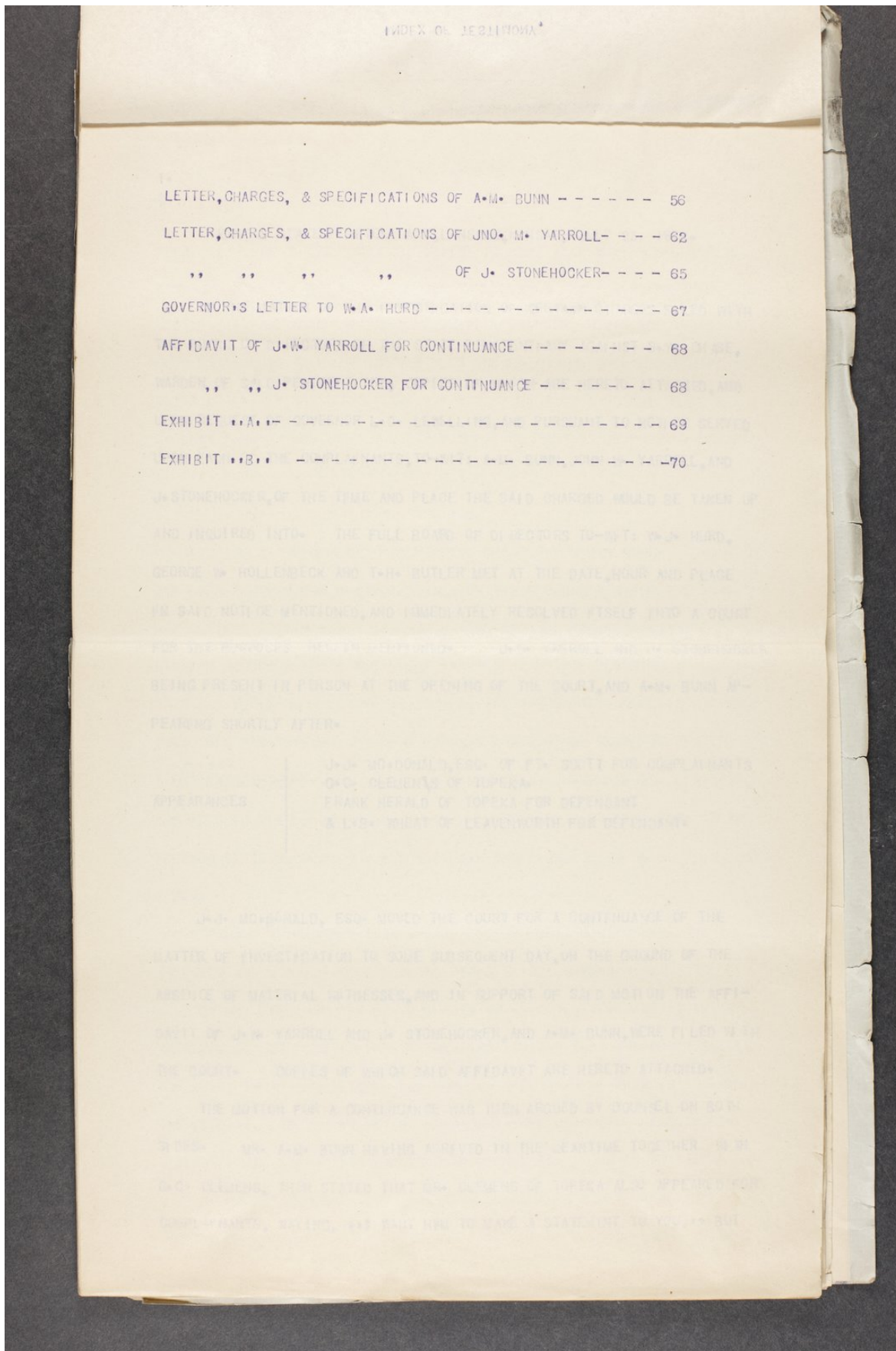
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KANSAS STATE PENITENTIARY, LANSING, KANSAS, JULY 23. 1894.

IN THE MATTER OF THE INVESTIGATION OF CERTAIN CHARGES FILED WITH THE BOARD OF DIRECTORS OF THE STATE PENITENTIARY AGAINST S. W. CHASE, WARDEN OF SAID PENITENTIARY, COPIES OF WHICH ARE HERETO ATTACHED, AND UPON REQUEST OF GOVERNOR L. D. LEWELLING, AND PURSUANT TO NOTICE SERVED UPON EACH OF THE COMPLAINANTS, TO-WIT: A. M. BUNN, JOHN W. YARROLL, AND J. STONEHOOKER, OF THE TIME AND PLACE THE SAID CHARGES WOULD BE TAKEN UP AND INQUIRED INTO. THE FULL BOARD OF DIRECTORS TO-WIT: W. J. HURD, GEORGE W. HOLLENBECK AND T. H. BUTLER MET AT THE DATE, HOUR AND PLACE IN SAID NOTICE MENTIONED, AND IMMEDIATELY RESOLVED ITSELF INTO A COURT FOR THE PURPOSES HEREIN MENTIONED. J. W. YARROLL AND J. STONEHOOKER BEING PRESENT IN PERSON AT THE OPENING OF THE COURT, AND A. M. BUNN APPEARING SHORTLY AFTER.

APPEARANCES

J. J. McDONALD, ESQ. OF FT. SCOTT FOR COMPLAINANTS
G. C. CLEMENS OF TOPEKA
FRANK HERALD OF TOPEKA FOR DEFENDANT
& L. B. WHEAT OF LEAVENWORTH FOR DEFENDANT.

J. J. McDONALD, ESQ. MOVED THE COURT FOR A CONTINUANCE OF THE MATTER OF INVESTIGATION TO SOME SUBSEQUENT DAY, ON THE GROUND OF THE ABSENCE OF MATERIAL WITNESSES, AND IN SUPPORT OF SAID MOTION THE AFFIDAVIT OF J. W. YARROLL AND J. STONEHOOKER, AND A. M. BUNN, WERE FILED WITH THE COURT. COPIES OF WHICH SAID AFFIDAVIT ARE HERETO ATTACHED.

THE MOTION FOR A CONTINUANCE WAS THEN ARGUED BY COUNSEL ON BOTH SIDES. MR. A. M. BUNN HAVING ARRIVED IN THE MEANTIME TOGETHER WITH G. C. CLEMENS, THEN STATED THAT MR. CLEMENS OF TOPEKA ALSO APPEARED FOR COMPLAINANTS, SAYING, "I WANT HIM TO MAKE A STATEMENT TO YOU," BUT

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TURNED AT ONCE TO MR. CLEMENS, SAYING TO HIM, "WE WANT YOU JUDGE TO ASK THE COURT TO GIVE US UNTIL ONE O'CLOCK..." MR. CLEMENS THEN SUGGESTED THAT THE COURT ALLOW THEM UNTIL 2 O'CLOCK, REMARKING, "THAT WILL GIVE US TIME TO TALK THE MATTER OVER AND DETERMINE WHETHER WE WILL GO ON OR NOT..." THE COURT THEN AT 11-15 A.M. TOOK A RECESS UNTIL 2 O'CLOCK P.M. MR. HURD REQUESTED THAT ALL PARTIES BE PRESENT PROMPTLY AT THAT HOUR.

2 P.M.

THE COURT RECONVENED PROMPTLY AT THE ABOVE NAMED HOUR. NONE OF THE COMPLAINANTS, NOR J. J. McDONALD OF THEIR COUNSEL, BEING PRESENT. MR. CLEMENS REMARKED TO THE COURT, "WE ARE ALL PRESENT THAT ARE COMING," STATING AMONG OTHER THINGS THAT "THESE PARTIES [ALLUDING TO COMPLAINANTS AND THEIR COUNSEL MR. McDONALD] ARE ABSOLUTELY UNWILLING TO COME INTO THIS PENITENTIARY AS WITNESSES, AS YOU HAVE NO POWER TO PROTECT THEM ^{from} ASSAULT, AND I WILL ADVISE THEM NOT TO..." "CHASE IS IMPETUOUS, AND WE DO NOT KNOW HOW SOON HE MAY LICK THE WHOLE PARTY. THAT IS THE FEELING OF THESE PARTIES, AND THEY ARE UNWILLING TO GO ON IN THIS MANNER..."

COUNSEL THEN AGAIN TOOK UP THE MOTION FOR A CONTINUANCE, AND ARGUED IT FULLY AND MORE AT LENGTH, AMONG OTHER THINGS SAYING:

BY MR. CLEMENS: IT IS YOUR DUTY TO INVESTIGATE. IS IT IN THE INTEREST OF GOOD DISCIPLINE IN THIS INSTITUTION THAT THE BOARD SHOULD SIT HERE, IN THIS BUILDING, FOR THE INVESTIGATION OF CHARGES AGAINST THE WARDEN. SHOULD IT NOT BE HELD SOMEWHERE OUTSIDE THESE WALLS. LET THE BOARD SELECT ITS OWN LIST OF WITNESSES. AS IN A CRIMINAL CASE THE STATE HAS THE RIGHT TO BRING ANYBODY AS A WITNESS IT MAY WISH. THIS BOARD HAS UNDER ITS CONTROL, OR AT LEAST WITH THE CONSENT OF THE

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WARDEN, A MESSENGER, OR SOMEBODY WHOM IT CAN HAVE SERVE ITS SUBPOENAS, OR ELSE LIKE FLANIGAN AT FLANIGAN'S MILLS WHAT ARE WE HERE FOR? CERTAINLY, THERE MUST BE SOME ONE THAT YOU CAN COMPEL TO SERVE YOUR SUBPOENAS. IF THE BOARD CANNOT GET WITNESSES, OR HAS NO POWER TO SUBPOENA WITNESSES, OR THE WITNESSES ARE AFRAID TO COME HERE AND ARE INTIMIDATED, SO FAR AS I AM CONCERNED, I AM AT AN END OF IT. I AM HERE NO MATTER WHO SENT ME HERE. I AM HERE AS A CITIZEN, AND TO SEE FAIR PLAY.

BY MR. WHEAT:

I MAY HAVE MISUNDERSTOOD BROTHER CLEMENS THIS MORNING. I UNDERSTOOD HIM TO SAY THAT HE WAS HERE REPRESENTING THESE COMPLAINANTS, BUT AT ANY RATE HE IS TALKING ON THAT SIDE NOW. HE SPEAKS OF THE POWER OF THIS BOARD; OF ITS DUTY TO INVESTIGATE, &c. THIS PROCEEDING IS BY FAVOR OF THE GOVERNOR—A SPECIAL FAVOR—A SPECIAL ORDER OUTSIDE OF ANY LAW TO GIVE THESE THREE GENTLEMEN, MESSRS. YARROLL, BUNN & STONEHOOKER A SPECIAL HEARING, A SPECIAL ORDER—

BY MR. HURD:

THE GOVERNOR MADE NO ORDER BUT MERELY A REQUEST.

MR. WHEAT, CONTINUING.

WELL THEN A REQUEST. THERE IS NO WRITTEN LAW FOR IT. SEC. 5 OF THE LAWS OF 1894 OF THE ACT IN RELATION TO THE STATE PENITENTIARY ON PAGE 275 READS AS FOLLOWS: | MR. WHEAT HERE READ THE SECTION REFERRED TO AND COMMENTED THEREON, SAYING, IT SAYS IT SHALL BE THEIR DUTY TO INQUIRE INTO ANY IMPROPER CONDUCT OF THE WARDEN, OR ANY OTHER PERSON, OR OTHER OFFICER OF THE PENITENTIARY. IT SAYS FOR THAT PURPOSE THE PRESIDENT OF THE BOARD SHALL HAVE POWER TO ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES, AND IN LIKE MANNER AND EFFECT AS IN

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ARBITRATION. IN MATTERS OF ARBITRATION IT SAYS THEY MUST BE PARTIES TO IT, AND THEY ARE PARTIES TO THIS.

THESE GENTLEMEN HAVE FILED WITH THE GOVERNOR CERTAIN CHARGES, THE GOVERNOR SAYS TO YOU, I HAND YOU HEREWITH A COPY OF THE CHARGES PRESENTED SOME TIME AGO BY MESSRS. YARROLL, BUNN AND STONEHOCKER. THE GOVERNOR HAS GIVEN YOU COPIES, AND SAYS, IT IS MY DESIRE THAT YOUR BOARD COULD APPOINT A TIME FOR THE HEARING OF THESE CHARGES, AND THAT COMPLAINANT, WHO DOES THAT ALLUDE TO? IT ALLUDES TO YARROLL, BUNN AND STONEHOCKER. THAT THEY MAY HAVE AN OPPORTUNITY TO PRESENT EVIDENCE IN SUPPORT OF THEIR CHARGES IF THEY WANT TO. THEY HAVE HAD THE IR OPPORTUNITY TO BRING EVIDENCE HERE. THE GOVERNOR'S LETTER IS SIMPLY A REQUEST THAT THEY MIGHT HAVE SUCH AN OPPORTUNITY. THIS IS A SPECIAL REQUEST TO DO CERTAIN THINGS, TO-WIT: THAT ON THIS 23RD DAY OF JULY, YOU FURNISH THE OPPORTUNITY FOR THESE GENTLEMEN TO PRODUCE EVIDENCE IF THEY WANT TO. YOU HAVE GIVEN THEM THE OPPORTUNITY. THEY HAVE NOT PRODUCED A WITNESS. THERE HAS BEEN NO DILIGENCE. THEY ARE NOT NOW ASKING THAT A WITNESS BE SWORN. THIS IS THE PLACE WHERE INVESTIGATIONS HAVE BEEN HELD AND SHOULD BE HELD. THEY HAVE AN ABUNDANCE OF POWER TO PROTECT THEMSELVES. I CLAIM THAT IT IS UNWISDOMLY AS AN EXECUSE TO HAVE NO EVIDENCE HERE. WE ARE HERE FOR THE PURPOSE OF HEARING EVIDENCE TO DAY. PLENTY OF TIME HAS GONE BY SINCE THEY WERE NOTIFIED ON THE 6TH, THAT WE WOULD BE HERE FOR THE PURPOSE OF HEARING EVIDENCE TO DAY. THEY ARE HOWLING AROUND OUTSIDE THAT THEY CAN NOT GET A HEARING. ON THE 6TH THEY WERE NOTIFIED A HEARING WAS TO TAKE PLACE HERE TO DAY. THEY SHOULD HAVE ASKED FOR WITNESSES THEN. THEY CLAIMED THAT THE STATE SHOULD PAY FOR THEM. IT SHOULD NOT. THIS IS A SPECIAL REQUEST. FOR WHAT? TO LET THESE THREE GENTLEMEN PUT IN EVIDENCE. FOR THAT PURPOSE THE TIME AND PLACE WERE FIXED. THEY HAVE

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THE SAME RIGHT MR. CLEMENS, I, OR ANY ONE ELSE SHOULD HAVE TO GIVE IN EVIDENCE. IF THEY HAVE ANY EVIDENCE THE BOARD COULD GO ON AND HEAR IT, OR IF THEY HAVE NOT FOR THE BOARD TO STOP AND LET THEM GO. THE CASE IS NOW UP FOR THIS PURPOSE. THE TIME AND PLACE WAS FIXED ON THE 6TH AND IF THEY HAVE NO EVIDENCE TO OFFER THEY SHOULD FOREVER HEREAFTER HOLD THEIR PEACE.

BY MR. CLEMENS:

IT IS ASSUMED HERE ALL THE TIME THAT THE PENITENTIARY DIRECTORS HAVE NO INTEREST WHATEVER IN THIS MATTER—THAT YOU OUGHT TO WAIT HERE FOR SOME BODY TO BRING WITNESSES TO YOU. NO MATTER HOW CAREFULLY THE CHARGES MAY BE BROUGHT TO THE KNOWLEDGE OF THIS BOARD, THE OFFICER IS TO REMAIN HERE UNDER YOUR SANCTION, THAT IS TO SAY, THAT IT AMOUNTS TO NOTHING TO YOU. LOOK AT THE CORONERS INQUEST ACT AND YOU WILL SEE THAT IT IS SIMILAR TO THIS. MR. CLEMENS HERE READ A PART OF THE CORONERS ACT REFERRED TO SO YOU HAVE SOME POWER TO ISSUE SUBPOENAS AND TO COMPEL THE PRODUCTION OF WITNESSES PAPERS &C. AT WHOSE INSTANCE? WHO IS TO COME IN AND DEMAND OF THE CORONER TO SUBPOENA A BUT NOT TO SUBPOENA B? THE CORONER IS INVESTIGATING, NOT HOLDING A TRIAL. THE FACT THAT HE IS INQUIRING INTO THE MATTERS CONNECTED WITH THE DEATH IS NOT A TRIAL, IF YOU KNOW OF ANY MAN WHO COULD TELL ME, AS CORONER, THE MURDERER IS WHO CAUSED THIS MAN'S DEATH, CAN I ASK CORONER ACTING UPON THE INVESTIGATION OR INQUEST, WHEN YOU COME TO ME AND SAY, MR. CORONER, I WANT SUCH AND SUCH WITNESSES, CAN I AS CORONER SAY TO YOU, MY MAN, IT LOOKS AS THOUGH THERE MAY HAVE BEEN A MURDER COMMITTED, BUT THERE IS NO FUND PROVIDED FOR INVESTIGATION, BUT YOU GO GET YOUR WITNESSES AND BRING THEM IN HERE? IF THAT IS TRUE IN YOUR CASE, IT IS ALSO TRUE IN CASE OF A CORONERS INQUEST. YOU HAVE THE UNDOUBTED

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RIGHT TO CALL IN WITNESSES HERE— TO CALL ALL WITNESSES. YOU ARE NOT
DISINTERESTED PARTIES. IT IS YOUR DUTY TO INVESTIGATE. IF I FIND OUT
THAT SOME SCANDAL OR CRIME IS GOING ON WITHIN THE WALLS OF THIS PRISON
AND COMPLAIN TO YOU, ARE YOU SIMPLY TO STOP YOUR EARS? YOU ARE HERE
TO FIND OUT FOR YOURSELVES, FOR THE STATE HAS COMMITTED TO YOUR CARE
THE SUPERVISION OF THIS INSTITUTION. AS TO THE LETTER OF THE GOVERNOR,
THE GOVERNOR CANNOT INCREASE NOR DIMINISH THE DUTIES OF THIS BOARD.
A CERTAIN COMPLAINT IS MADE TO HIM AND HE TURNED IT OVER TO YOU TO IN-
VESTIGATE, BUT THE LETTER GIVES YOU NO MORE AUTHORITY THAN IF I HAD
WRITTEN YOU THE LETTER. YOU GET YOUR AUTHORITY FROM THE LEGISLATURE,
SO THE GOVERNOR'S LETTER IS WHOLLY IMMATERIAL, EXCEPT THAT IT SHOWS THAT
COMPLAINT HAS BEEN MADE TO HIM, WHICH HE SEEMS TO THINK WORTHY OF CRE-
DENCE, AND ASKS YOU TO INVESTIGATE. THERE IS MONEY ENOUGH TO SUBPOENA
EVERYBODY, OR, NOBODY, AND DEPENDING NOT ON THE LARGE SIZE OF ONE MAN'S
POCKET-BOOK OR THE LITTLENES OF THE OTHER. IT WAS SHOWN HERE THIS
MORNING IN ^{the} CASE OF MR. McDONALD THAT YOU WERE POWERLESS TO PROTECT
HIM.

BY MR. HERALD:

IT SEEMS TO ME THAT THERE IS A GOOD DEAL OF TALK HERE THAT OUGHT
NOT TO BE MADE. WE CAME HERE THIS MORNING TO HOLD THIS INVESTIGATION.
COMPLAINANTS CAME HERE HAVING ASKED YOU TO HEAR THEIR COMPLAINT. THEY
WERE GRANTED A CONTINUANCE UNTIL 2 O'CLOCK THIS AFTERNOON. THE WIT-
NESSES ARE RIGHT HERE. THERE IS NOT A COURT HOUSE IN THE STATE OF
KANSAS WHERE MEN HAVE NOT HAD DIFFICULTIES. THERE ARE SOME KIND OF
DIFFICULTIES WHICH YOU DONT SEE, AND YOU COULD NOT HEAR, AND DONT UNDER-
STAND. THERE IS NO USE TO TALK ABOUT THAT PART OF IT—THIS SAYING
THAT THEY ARE NOT COMING HERE—THAT THEY ARE AFRAID TO COME IS ALL
NONESENSE. THEY SAY THEY HAVE NO EVIDENCE TO INTRODUCE UNLESS THEY

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THEY CAN HAVE THEIR OWN WAY. THEY HAVE BEEN TRYING FOR TWO MONTHS TO HAVE THE GOVERNOR TO PUT UP MONEY FOR THIS INVESTIGATION, AND THERE IS NO WAY IN WHICH IT CAN BE DONE. THERE IS NO LAW FOR IT. THE TOLD GOVERNOR HAS ~~SAID~~ TO YOU TO GIVE THESE MEN A CHANCE TO GIVE THEIR EVIDENCE. WE HAVE EVIDENCE THAT WE WANT TO INTRODUCE TO THIS COURT. WE DO NOT CONSIDER THAT THERE IS ANYTHING IN THESE CHARGES. THIS WHOLE TALK IS FOR A CONTINUANCE, NOTHING ELSE. THEY COME IN HERE AND SAY IF THEY CANNOT GET A CONTINUANCE THAT THEY WONT APPEAR HERE. THEY ARE THE FELLOWS WHO STARTED THE MACHINE. THEY SAY UNLESS YOU GENTLEMEN WILL ADJOURN TO SOME OTHER PLACE AND GIVE THEM TIME THEY WILL NOT APPEAR. AN INVESTIGATION WAS HELD HERE IN 1889. EVERY INVESTIGATION OF THE REFORM SCHOOL WAS HELD AT THE REFORM SCHOOL, AND EVERY INVESTIGATION OF THE INSANE ASYLUM HAS BEEN HELD AT THE ASYLUM, AND THIS IS THE PROPER PLACE FOR THIS INVESTIGATION TO BE HELD. WE HAVE MEN HERE WHO COME AT CONSIDERABLE EXPENSE, AND CAME QUITE A DISTANCE, AND WE WANT THE EXAMINATION TO GO ON. WE WANT TO SHOW THE UNTRUTH OF EVERY CHARGE MADE AGAINST MR. CHASE AND BE DONE WITH IT. A TRUE AND CORRECT COPY OF THE BY MR. CLEMENS: A COPY CERTIFIED AT THE LAST USUAL PLACE OF J. D. YARD. THE SITUATION IS JUST THIS, THESE PEOPLE HAVE NO MONEY TO PAY OUT AND WAIT FOR THE LEGISLATURE TO PAY IT BACK. STABLE.

BY MR. HURD:

I THINK IT IS THE OPINION OF THE BOARD THAT WE SHOULD CONTINUE THIS MATTER FOR A REASONABLE TIME, AND THEN MEET HERE AGAIN AND INVESTIGATE HERE. THE GOVERNOR MADE THE REQUEST, AND YET SAYS IN HIS LETTERS, THERE IS NO MONEY TO CONDUCT IT. I GOT THE IMPRESSION THAT THERE WOULD BE NO INVESTIGATION. UNTIL THE 16TH OF THIS MONTH I THOUGHT, AS THEY SAID IN THEIR LETTER, THEY WOULD NOT INVESTIGATE THE MATTER.

BY MR. BUTLER:

I AM FOR GOING ON WITH THIS INVESTIGATION NOW, AND MOVE THAT WE DO

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SO, AND SUBPOENA MR. YARROLL AND THESE OTHER GENTLEMEN, BUNN AND STONE-
HOCKER, AND THAT IF THEY KNOW ANYTHING WE GO ON NOW.

BY MR. HOLLENBECK:

I CONCUR WITH MR. BUTLER THAT WE GO ON WITH THIS MATTER NOW.

BY MR. HURD:

THE MOTION FOR A CONTINUANCE IS OVERRULED, AND SUBPOENAS WILL
ISSUE FOR A.M. BUNN, J.W. YARROLL AND J. STONEHOCKER TO HAVE THEM BROUGHT
IN NOW, AND IF THEY KNOW OF ANY OTHER PARTY THEY CAN GIVE THEIR NAMES
AND HAVE THEM BROUGHT IN.

THE COURT HERE TOOK A RECESS UNTIL THE CONSTABLE SHOULD MAKE
THE RETURN OF SUBPOENAS.

4 P.M.

THE CONSTABLE MADE RETURN ON HIS SUBPOENA AS FOLLOWS:

.. RECEIVED THIS WRIT THIS 23RD DAY OF JULY 1894,
AND SERVED THE SAME BY READING THE CONTENTS TO THE WITHIN NAMED JAMES
STONEHOCKER, A.M. BUNN. AND BY LEAVING A TRUE AND CORRECT COPY OF THE
ORIGINAL SUBPOENA DULY CERTIFIED AT THE LAST USUAL PLACE, OF J.W. YAR-
ROLL. RETURNED THIS WRIT THIS 23RD DAY OF JULY 1894.

HOWARD DOWNY, CONSTABLE...

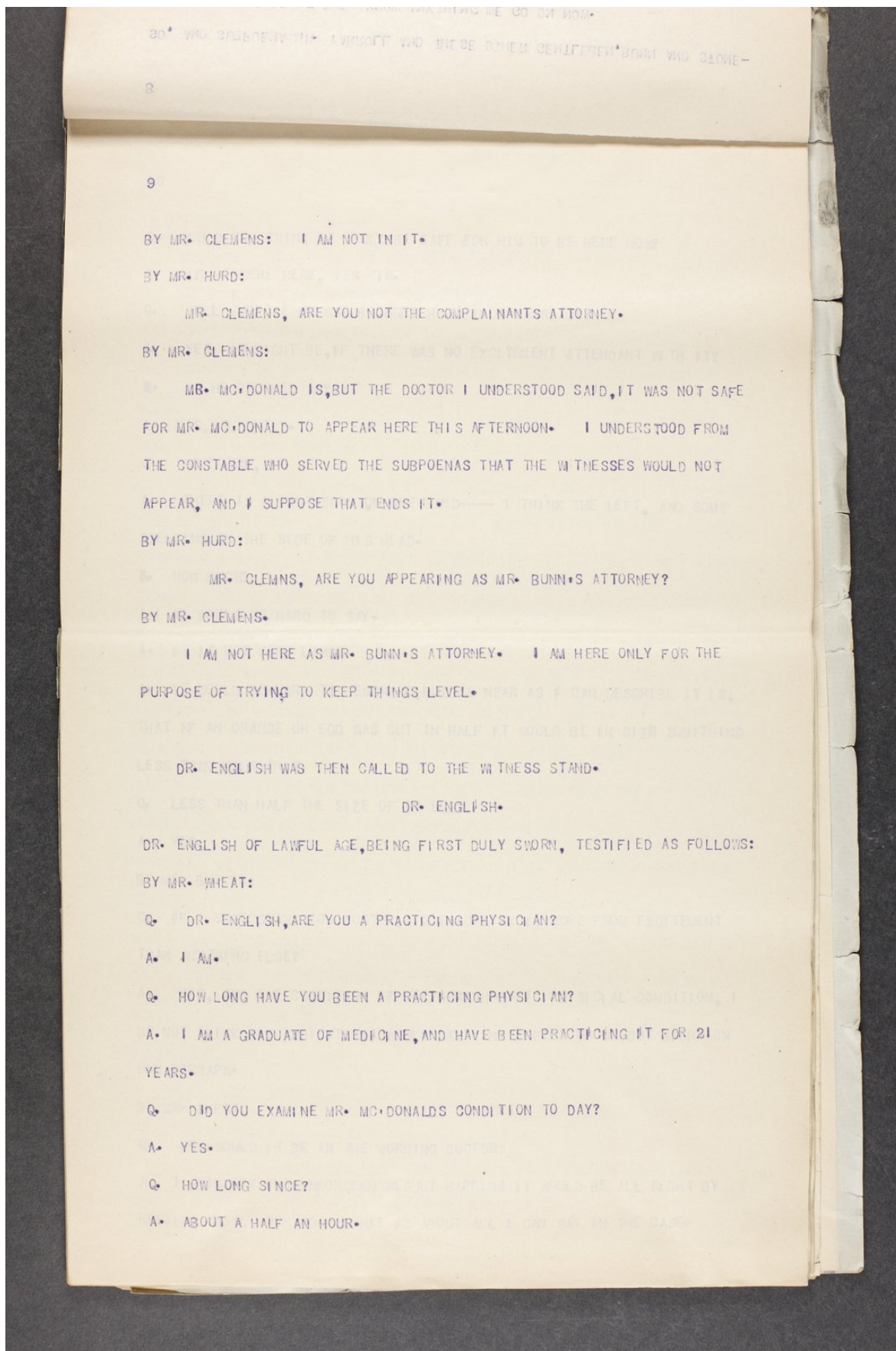
BY MR. WHEAT:

WE ASK THAT ANY PERSON IN BEHALF OF THE COMPLAINANTS, OR WITHOUT
THEIR BEHALF, IF THEY HAVE ANY EVIDENCE TO PRODUCE AGAINST THE WARDEN
THAT THEY PRODUCE IT NOW IN EVIDENCE.

BY MR. HURD:

Q. MR. CLEMENS HAVE YOU ANY TESTIMONY TO OFFER ON BEHALF OF THE COM-
PLAINANTS, IF SO, THE BOARD IS READY TO HEAR IT.

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BY MR. COTTELL: I WOULD IN 11.

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Q. WOULD YOU THINK IT WOULD BE SAFE FOR HIM TO BE HERE NOW?

A. IF HE WERE HERE, YES SIR.

Q. WELL SUPPOSE HE WAS BROUGHT HERE IN A CARRIAGE?

A. YES, IT MIGHT BE, IF THERE WAS NO EXCITEMENT ATTENDANT WITH IT?

Q. IS HE BRUISED ANY?

A. YES, SLIGHTLY.

Q. HOW MUCH,

A. THERE IS A CONTUSION ON ONE HAND---- I THINK THE LEFT, AND SOME SWELLING ON THE SIDE OF HIS HEAD.

Q. HOW MUCH?

A. IT WOULD BE HARD TO SAY.

A. IT IS NOT VERY LARGE.

A. IT WOULD BE HARD TO DESCRIBE, BUT AS NEAR AS I CAN DESCRIBE IT IS, THAT IF AN ORANGE OR EGG WAS CUT IN HALF IT WOULD BE IN SIZE SOMETHING LESS THAN HALF THAT.

Q. LESS THAN HALF THE SIZE OF AN EGG?

A. YES.

BY MR. BUTLER:

Q. IF I UNDERSTAND YOU DOCTOR, HIS INABILITY IS MORE FROM EXCITEMENT THAN ANYTHING ELSE?

A. YES, AND THE CONDITION OF HIS HEALTH---HIS PHYSICAL CONDITION, I DO NOT THINK HIS INDICATIONS WOULD HAVE ANY EFFECT ON ME, BUT MIGHT ON HIM PERHAPS.

BY MR. WHEAT:

Q. HOW WOULD IT BE IN THE MORNING DOCTOR?

A. I THINK IF NO UNFORSEEN RESULT HAPPENS IT WOULD BE ALL RIGHT BY RESTING UNTIL MORNING. THAT IS ABOUT ALL I CAN SAY IN THE CASE.

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BY MR. WHEAT: CLEMENS SAID HE WOULD NOT ADVISE WHEN NOT TO COME.

NOW YOUR HONORS, NO ONE OF THE GENTLEMEN WHO APPEARED TO TALK FOR THE COMPLAINANTS THIS MORNING, NOR THE COMPLAINANTS THEMSELVES BEING HERE READY TO APPEAR, AND AS THEY ARE NOT ASKING FOR ANY POSTPONEMENT TILL MORNING, OR ANY OTHER PARTICULAR TIME, THERE IS NO REASON WHY WE SHOULD NOT GO ON NOW. I UNDERSTOOD THE DOCTOR TO SAY SO FAR AS MR. McDONALD IS CONCERNED THAT HE WILL BE ABLE TO GO ON IN THE MORNING, AND AS THE OTHER GENTLEMEN, OR NONE OF THEM, HAVE ASKED FOR A CONTINUANCE TO A PARTICULAR TIME, I SUBMIT THAT THEIR ACTION IS A MERE RUSE, OR WHAT IS COMMONLY CALLED A SUBTERFUGE. I UNDERSTOOD MR. CLEMENS TO SAY THIS MORNING, THAT HE WAS HERE AS AN ATTORNEY, NOW HE SAYS NOT, AND I SUBMIT THAT AS HE WAS HERE AS SUCH THIS MORNING, AND IS NOW BACKING OUT, THAT IT IS PERFECTLY CLEAR THESE GENTLEMEN KNEW THEY WERE TO COME HERE THIS MORNING AT 10 O'CLOCK AND PUT IN THEIR EVIDENCE. THEY CAME AND WANTED AN INDEFINITE POSTPONEMENT. IT IS PERFECTLY APPARENT THAT MR. CLEMENS DOES NOT APPEAR HERE NOW BECAUSE HE DOES NOT WANT TO APPEAR FOR THEM, AND HIS ACTIONS AND WORDS TAKEN TOGETHER SAY HE DOES NOT WANT TO APPEAR. HE SAID A LITTLE WHILE AGO IN YOUR PRESENCE THAT HE WOULD ADVISE THESE GENTLEMEN NOT TO COME. NOW NO MAN WILL DISPUTE THAT. I DO NOT DOUBT BUT MR. CLEMENS HAS DONE JUST WHAT HE SAID HE WOULD. THE STATUTE GIVES YOU THE POWER TO SUBPOENA WITNESSES, AND AN ARBITRARY PROCESS WILL GIVE YOU THE POWER TO COMPEL THEM TO COME.

BY MR. BUTLER:

Q. WOULD A SUBPOENA FROM A JUSTICE OF THE PEACE COMPEL THEM TO COME?

BY MR. WHEAT:

IT WOULD BE NO BETTER, BUT YOU COULD GO TO A JUSTICE OF THE PEACE FOR AN ATTACHMENT TO COMPEL THEM TO COME, BUT IT SEEMS TO ME THAT THAT WOULD BE FOLLY. THE GENTLEMEN WERE HERE THIS MORNING IN YOUR PRE-

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ENCE, AND MR. CLEMENS SAID HE WOULD NOT ADVISE THEM NOT TO COME.
NOW WE ASK THE PRIVILEGE OF OFFERING SOME TESTIMONY, AND WE ASK THAT THE
COMPLAINANTS CASE BE CLOSED, AND THAT WE BE ALLOWED TO OFFER AND INTRO-
DUCE SOME EVIDENCE OURSELVES.

BY MR. HURD:

Q. MR. WHEAT HOW WOULD IT DO FOR THIS BOARD TO ASCERTAIN WHETHER MR.
MC DONALD INTENDS TO COME AT ALL OR NOT.

BY MR. CLEMENS:

I TAKE THE POSITION THAT THE BOARD SHOULD SUMMON WHOM IT MAY PLEASE,
AND THAT PRIVATE CITIZEN ARE NOT BOUND TO DO SO.

BY MR. HURD:

AS THERE ARE NO WITNESSES HERE ON THE PART OF THE COMPLAINANTS WE
PROPOSE TO CLOSE THEIR CASE.

BY MR. CLEMENS:

I WISH TO SAY I AM NOT HERE REPRESENTING EITHER PARTY, PUT SIMPLY
TO INSIST ON AN INVESTIGATION THAT WILL GET TO THE BOTTOM. I WANT TO
KNOW WHETHER THERE IS ANYTHING IN IT, BUT YOU APPEAR TO BE SHORT ON AU-
THORITY AND EVERYTHING ELSE. I DO NOT APPEAR FOR ANYBODY, I SIMPLY WISH
YOU TO TAKE NO ACTION. I SHALL OBJECT TO ANY BEING TAKEN NOW.

MR. CLEMENS HERE TOOK HIS LEAVE.

BY MR. HURD:

I WANT TO ASK IF THERE IS ANY PARTY HERE WHO DESIRES TO TESTIFY
ON THE PART OF THE PROSECUTION, AND IF NOT, WE WILL CLOSE THE CASE ON
THE PART OF THE PROSECUTION AND TAKE IT UP ON THE BEHALF OF THE DEFEN-
DANT.

CASE CLOSED SO FAR AS COMPLAINANTS ARE CONCERNED.

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