

SPECIAL GRAND LAYS BLAME ON

(Continued from page one)

is in good condition, and the penitentiary has a fine equipment of auto trucks, and a good tractor. Those and the prison automobiles are in excellent condition.

Farm Production Good.

"Farm crops in the Willamette valley for the last two seasons have been generally poor, but farm production at the penitentiary farm generally has been nearly to the average. During the past biennium, large quantities of supplies for the commissary have been produced on the farm so that the table was largely provided with products produced by themselves. The food supplies purchased amounted to an average of less than seven dollars per month per person, including inmates, employees and officers.

"Surplus produce, particularly pork, has been sold and the money derived therefrom, as well as the money derived from the labor of prisoners, has been used for the purpose of buying a tractor auto trucks and other machinery, with a cash balance of over four thousand dollars still on hand. If the present warden had converted this surplus produce, etc., into other commodities, formerly by sale or exchange, as was formerly customary, instead of turning over the cash and equipment to his successor, it would have reduced the cost of food purchased by the state down to considerably less than that.

"This is an excellent showing, considering crops, food prices and conditions at the penitentiary.

The food provided has been ample and wholesome and the prisoners are well clothed and well cared for.

Governor's Incompetent Farmer.

"The dairy barn is untidy and poorly cared for. The stock generally is not of high quality and some of the dairy cows should be replaced by better and younger stock. The horses are good but over-fat and appear to have had insufficient work. Tools and machinery about the barn and about the farm are badly cared for. Although there is ample room in the buildings, farm tools are scattered about promiscuously over the yards and farm. Potatoes and grain bags have been permitted to lie about the fields as well as about the buildings. Generally, the management of the farm and dairy has been slovenly and careless and inefficient.

"The penitentiary farmer has been retained by the warden at the request of the governor and the warden has not been able to dictate the farm management. The employment of a successful farmer is recommended in this department.

"The poultry department appears to be in good condition.

Bookkeeping Methods Antiquated.

"Generally, the business office of the penitentiary is well cared for and the records are kept in good condition. No provision is made for the safeguarding of valuable penitentiary records against fire. It is recommended that this condition be promptly remedied. The bookkeeping methods, with the exception of those employed in the commissary, are antiquated and grossly inadequate, insofar as they relate to the affairs of the penitentiary generally.

"The financial matters of the inmates, as well as of the penitentiary at large, are not kept in good order. Absolutely no cost accounts are kept for any department. Articles of expense are charged to accounts, the headings of which, in many cases, do not indicate their contents. Expense items of widely different nature are at times placed under one heading. Likewise, in some instances, there is an unnecessary classification and division into small accounts of items that logically might be charged together.

No Record of Costs.

"On the whole, it is practically impossible to learn the cost of any department. Neither the public nor the warden can learn from the books whether the various activities are kept showing the actual production on the farm, and value of the crops; neither is there a record of the cost of producing the same, either in cash or in the number of days of prison labor. The same is true of the dairy, hog and poultry departments, of the tailor shop, the shoe shop, wood camp and other activities. As an example, several thousand cords of wood were cut and delivered to state institutions at a fixed price, but no record is available showing how much it cost the penitentiary in dollars and cents to cut and deliver a cord; neither is there a record showing the number of days of convict labor required to produce certain quantities of wood.

"The present salary of the bookkeeper is \$140 per month and his board, which is more than is paid in most departments of state government. In addition to the paid bookkeeper, the penitentiary has as inmates at all times, some of the most capable accountants in the state and the bookkeeping in the penitentiary should be a model, so that the public can be fully informed in regard to costs in every branch of activity. No business concern could long avoid bankruptcy with such a system of bookkeeping. Nothing is as efficient in covering up poor management as poor bookkeeping.

"If the penitentiary department of the dairy or the poultry department were charged with all the feed and other expense that goes into them and were credited with the value of all productions, the manager of the department could tell whether that branch operated at a loss or a profit. Such definite knowledge is also a valuable experience to the prisoners themselves, as the results shown by this bookkeeping in regard to the various work that they followed might guide them in choosing an occupation after they leave the prison walls.

Keller is Disturbing Element.

"The active disturbing element at

the Oregon State penitentiary since the administration of B. K. Lawson is the present parole officer. He is the active head of a system of espionage, clandestinely reporting to the governor on prison matters without the knowledge of the various wardens, and in such a way as to improperly reflect on and undermine them. His active influence over the governor has had a demoralizing effect on the administration of the penitentiary during his incumbency. His pernicious intermeddling in prison affairs has resulted, not only in an increased expense of maintenance, friction, strife, insubordination among employees and disloyalty to the warden among guards, but also frequently, injustice to convicts.

"In his efforts to discredit the warden, he has caused certain convicts to be informed and to believe that they would never be paroled while he was in office, thus discouraging them and causing them to violate their trust and to escape. Men who incurred his personal hostility by their loyalty to the warden were vigorously opposed before the parole board.

"Although the present law limits his duties to looking after those on parole, the parole board has permitted him to usurp the powers of the warden and looked to him for advice. He writes up each case for the parole board, giving his personal recommendations on each man, which are generally allowed.

Governor Follows Blindly.

"Not only are his recommendations in regard to revocations of paroles and conditional pardons final and generally followed by the governor, but it is in his power to stop the issuance of a parole even after the same is recommended by the parole board. Model prisoners, with insignificant crimes, have been unable to receive consideration by the board for apparently no other reason than being too friendly to the warden, while those who have made no effort at being model prisoners and have served only a short time, on grave offenses, get by, if they are on good terms with the parole officer.

"His nearly arbitrary power wielded through the innocent agency of the parole board and the executive office are now and long have been a menace to prison discipline. Employees at the penitentiary friendly to him have had their pay raised by the governor and some of them several times, even in spite of objections of the warden, while those unfriendly to him have been dismissed by request of the governor, or have been forced to leave the service by reason of being compelled to work for the old scale of pay, while others were raised several times. Some of those who still remained and were loyal to the warden have been misrepresented in secret reports which he carried to the governor's office.

"Warden B. K. Lawson was dismissed by the governor for refusing to appoint him as parole officer. Warden H. P. Minto informed several of his friends that either he or the parole officer would have to leave the prison and that there would soon be a showdown before the governor as to whether he or the parole officer was running the penitentiary, but this warden's untimely death prevented it. He affected the administration of Warden J. W. Minto practically the same as he has the present warden.

"Although his official duties have no connection with the penitentiary or with the prisoners at the penitentiary, it is common knowledge among both inmates and employees that in matters of difference between the parole officer and the various wardens, the parole officer has invariably been supported by the governor, thus virtually constituting the parole officer the head of the penitentiary and making a warden head of the warden.

Keller Juggles Loan Fund.

"The last session of the legislature appropriated \$500 to be placed in the hands of the warden for the purpose of loan fund, to be loaned to prisoners on parole who may be temporarily sick or otherwise urgently in need of assistance. Since the passage of this act, the parole officer has written to divers and sundry paroled men substantially as follows:

"At the last legislature, there was a bill passed creating a fund to aid paroled men. I am sorry that several have violated this trust and have there by defrauded the fund. I am asking each man on parole to donate a little something toward this fund that we may reimburse what this fund has defrauded. I trust this is not asking too much and assure you it is to uphold the good name of the men on parole."

"Divers and sundry men on parole were personally informed to the same effect and others were asked to pass the word around to those who might not have heard in regard to this. This grand jury has no accurate way of determining the amount of money received by the parole officer in response to this appeal for the reason that in some cases, it is claimed that donations were sent through the mail in paper currency and no record of money orders or checks are available. However, it is known that upwards of \$170 has been received. By the state law referred to, the warden was made custodian of the loan fund but not a dollar has ever been paid to the warden.

"The parole officer should immediately account fully to the warden for all the money received for this purpose, as the purpose of donation from the letters of the parole officer appears to be to reimburse the loan fund what a few violators have defrauded. The warden has already made his report to the board of control and in this report no credit has been given for these donations, and if the purpose of the donations was to uphold the good name of the men on parole, it has been defrauded by the failure of the parole officer to turn it over to the proper authorities so that due credit could be given.

Condemns Keller's Solicitations.

"This grand jury strongly condemns any solicitations of money by any officer or employee of the penitentiary from any convict, whether in the prison or on parole. This practice is particularly vicious where no method is available of checking up the correctness of accounts, and is conducive to creating a feeling of doubt among the prisoners as to the integrity of the officials.

"It is apparent that the parole board

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No difference whether your pain or neuralgia misery is in the face, head or any part of the body, you get instant relief and without injury.

has adopted the present parole officer as their official adviser. They require him to write up each case and his personal views are invariably injected into it. This is in spite of the law requiring big duties as pertaining to convicts only after they have been paroled.

Before that time prisoners legally are and morally should be entirely in the care and charge of the warden. It is common knowledge at the penitentiary and among paroled men that prison conduct has little to do with one's getting out. In fact, it is the belief of most prisoners that recommendation by the warden, based on good conduct, is a detriment when it comes to getting out, as it is almost impossible to get a parole over the wishes of the parole officer.

Keller Boasts of Power.

"In fact, he freely boasts of this arbitrary power to the prisoners and they know from experience he has and can make his threats good. They know that even if they get the recommendation of the parole board that he can still go to the governor and stop the parole, as has actually been done. Then even after they are signed by the governor, he has the power of recommending a revocation, which recommendations are usually followed. This power in the hands of one not responsible to the warden is vicious and has already undermined the administrations of three good wardens.

"The parole board itself may even be unconscious of the power he exercises, but as the board draws no pay from the state and meets only once a month they delegate most of their work to, and get most of their information from, some one else. If good conduct at the penitentiary cannot be considered in granting paroles, then one of the greatest inducements toward reformation is destroyed. Information regarding their conduct cannot properly come from any source but the warden.

"To further assist in curtailing the power and authority of the warden among the prisoners, a law has been passed requiring every circuit judge and district attorney to report on the conditions of each prisoner at the time he is sent to the penitentiary. They report on his family life, history, education, etc. It is recommended that this law be amended requiring these officers to report to the warden who is to be their official custodian, so that he may be properly advised in regard to the method of treatment and also the probability of their reformation. It is believed that from such information and from the information obtained personally and through subordinates at the penitentiary, the warden is the person best suited to recommend prisoners for parole. If the warden has authority to reward good conduct by a speedier parole or to punish bad conduct by a longer prison term, much good will be done to all the prisoners, less expense will be involved in their care and more harmony and less turmoil will exist at the penitentiary.

Should Change Law.

"In this state, during a considerable period of time, those convicted of crime were sentenced by the judge who tried the case. The law prescribed then as it does now a certain maximum and minimum within which the judge fixed a definite sentence. By operation of law, the prisoner was able to reduce his sentence somewhat by being a good prisoner. In other words, he got good conduct time. Then the indeterminate sentence law was passed, which, with the amendments thereto made the judge who had tried a case and heard the evidence a mere figurehead. In effect practically all the judge could do, in case of a first conviction, was to advise the prisoner of the minimum and maximum penalty provided by law. The parole board, as a matter of fact, fixed

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the actual time he was to serve, largely on recommendation of the parole officer. The prisoner was often brought before the board time after time with out being given any intimation whether he was to serve two or ten or fifteen years. Nothing may be more demoralizing to the individual prisoner than such uncertainty. Under such law, the parole board or a cunning parole officer has more power in this respect than all the courts of the state combined. A recent amendment, permitting courts to fix a definite maximum and definite minimum within certain limits only partly remedies the evil. In case of some repeaters, the court was authorized to give a flat or outside sentence.

"To illustrate the impropriety of a parole board assuming the duties of a circuit judge, cases are noted where men with small minimum and comparatively small offenses are serving unusually long terms. In one instance coming to the attention of the jury, two men convicted of the same crime were sentenced by the same court. One had been previously convicted and was given a flat sentence that was considerably longer than the minimum. The other was given an indeterminate sentence, as he was considered the lesser of the two criminals. However, as it worked out before the parole board the man who was a previous offender got out at the expiration of his sentence while the other man who was a first offender was kept there by the parole board considerably longer than the repeater.

Curtail Parole Board Powers.

"As a remedy we recommend legislation directing local judges to fix an intelligent minimum and an intelligent maximum anywhere within the minimum and maximum established by law and directing further that the prisoner be entitled to parole as a matter of law, if his prison conduct is good at the expiration of his minimum. Such a law would eliminate most of the activities of the parole board and place the matter in the hands of the circuit judge who tried the case. In such event provision should be made that repeaters who had not fully disclosed all previous convictions of crime may either be reintended by the court or have their minimum fixed by the parole board. This provision is necessary for the reason that frequently sufficient opportunity for a comparison of Bac-tillium and other identification records does not exist prior to sentencing a criminal. It should also be provided that the prisoner could shorten his minimum by a definite scale of good conduct time, as experience has proven this to be a great inducement toward encouraging good conduct at the penitentiary.

"It has come to the knowledge of this grand jury that several men on parole have become married prior to their final discharge. It is contended from a legal standpoint that there is serious question in regard to the validity of such marriages. If such is the case, innocent children may discover in the future that they are legitimate or other hardships might result therefrom. It is recommended that legislation be enacted either prohibiting or prohibiting these marriages so as to set at rest the present doubt in regard to the matter.

Friendless Prisoners Neglected. Several cases have come to the attention of the grand jury where prisoners, by reason of the fact that they have no personal friends to intercede for them, or for perhaps other reasons, have not been able to secure consideration by the parole board. In some of these cases, the offenses have been insignificant and the sentences served have been grossly out of proportion to the time served by other prisoners. It is urgently recommended that these cases be brought to the attention of the governor by the parole board.

Put Pen Under Board.

"This grand jury urgently recommends that the management of the penitentiary be placed in the hands of the board of control. The activities of the penitentiary are so connected with the other institutions that they should be under a similar management, in order that there may be harmony. At the present time, various state institutions are benefitting their own cost accounts at the expense of the penitentiary. The penitentiary is making clothing for Oregon state insane asylum, apparently at less than the market value thereof. The penitentiary has furnished labor to the state fair board, to the state lime board, to the flax industry, at less than the market value of the labor. The penitentiary is now doing the hauling for cost of the state institutions at a flat rate of fifty dollars per month. This rate was fixed by the board of control some time ago, and since that time, the hauling has greatly increased and the cost thereof has also increased. The penitentiary is making and delivering ice to various institutions, in one of the institutions, ice is delivered twice a week at a monthly cost of one dollar and seventy-five cents. The one dollar and seventy-five cents probably would not cover the cost of a single trip for hauling the ice. The warden has urged that the penitentiary be allowed a fair compensation for these items. While some of them are not large, yet they all serve to benefit some of the institutions at the expense

of the penitentiary and partly form a basis for an unfavorable comparison of per capita costs.

"The merit of various state institutions is refrigerated at the penitentiary and the warehousing of feed is taken care of at the penitentiary. Deliveries are made several times a week and the cost of the deliveries is many times greater than the amount allowed for the services of hauling.

"It is recommended that whenever service, labor or material is furnished by one institution to another that the same be booked at a fair market value thereof. Such a method would make the cost of any of the institutions as far as the taxpayers are concerned either greater or less, but it would tend to let the expense rest where it properly belongs.

Give Warden Complete Control.

"The warden of the penitentiary should be given complete control of the institution the same as is granted the heads of other state institutions. The four wardens who succeeded Warden Lawson have not had complete control of the penitentiary. Neither have they at any time had such control as has been given the heads of other state institutions, although the last three wardens have accepted the position only after assurance by the governor that they would have complete control. Warden B. K. Lawson was discharged because he refused to let the present governor dictate to one of his employees. The minutes of the board of control show that on March 3, 1915, during the absence of and without consulting H.P. Minto, the newly appointed warden, the present bookkeeper was appointed over the objection of the secretary of state who contended that all executive heads should choose their own employees. It further appears from the minutes of said board that on September 5, 1916 during the administration of J. W. Minto, the following resolution was presented by the secretary of state, at a meeting of the board:

"Whereas, it has come to the knowledge of this board that conditions at the Oregon state penitentiary are not such as to produce the most satisfactory results, in the operation of that institution; and

"Whereas, John W. Minto, warden of said penitentiary, has definitely stated to members of this board that it is impossible to operate said institution satisfactorily without full authority in the management of same being given him; therefore, be it

"Resolved by the Oregon state board of control that we do extend to John W. Minto, warden, full authority to conduct the affairs of that institution as, in his judgment, seems necessary; and that said full authority include the right to hire and discharge such officers and employees of said institutions as, in his judgment, is conducive to the best welfare of such institution."

Causes of Cost Increases.

"The report of the warden of the

penitentiary to the board of control indicates that the maintenance cost of the penitentiary has increased approximately \$41,000 during the past biennium over the preceding biennium. Aside from the management, the rise in prices generally has been responsible for the greater part of this increase. The increase in salaries and wages alone is nearly \$13,000. While the number of employees has been decreased, it was found necessary, in order to retain competent employees, to raise the scale of wages and to adopt an eight-hour day. The cash on hand of over \$4000 in the betterment fund, as well as farm tractor and several auto trucks may properly be considered as a credit and offset against the increase. A large chimney was constructed at the expense of approximately \$1000 which may also be credited against the income.

"Among other items responsible for the increase are the repairs and furnishing of a cottage for the Parole Officer and the maintenance of himself and family and the maintenance of his automobile, which expense was added by the last legislature. There may also be added the expense of refurbishing the warden's cottage as well as the added expense in connection with the maintaining of convicts at the state lime plant and at a large wood camp and also the boarding of civilians working in the lime plant, brick yard and flax industry.

"Under the circumstances, the expense would probably have been greater than it has been had it not been for the extensive trust system in effect. The records show that since January 1, 1917, three hundred thirty-five men have been placed out as trustees and have worked outside, without the expense of hiring guards and that ninetenths of these have made good.

Warden Should Name Parole Officer.

"To insure future harmony at the penitentiary and to prevent needless turmoil, and strife in regard to who is the active head of the institution, either the parole officer should appoint the warden or the warden should appoint the parole officer, so that there can be no question in regard to who is the superior authority. This grand jury recommends legislation providing that the warden hereafter shall appoint a parole officer and that he shall be responsible to the warden.

"Lastly, this jury recommends that the law prohibiting competition of convict with free labor be repealed insofar as the same pertains to the employment of prisoners inside the penitentiary. The establishment of an industry of some nature in the penitentiary will employ practically all prisoners at all seasons of the year is a matter of urgent necessity. The taking of prisoners from one job to another, from one part of the state to another not only causes much loss of time but causes friction among convicts and does not inculc in them the habit of sticking with a job for any length of time. The establishment of some industry to fully utilize the factory buildings now there and to employ all convicts at all times is a matter of such great importance that it should be taken care of at a very early date.

"It is with regret on the part of the individual members of the jury that we report some of the matters contained herein, particularly as the same pertains to the governor of this state and to the parole officer. Individually, it is our profound belief that the governor of Oregon has in all prison matters acted in good faith and with the highest motives, but relying implicitly upon the advice of the present parole officer and others, has frequently been misled to the detriment of all concerned.

THE MARKET

Wheat, soft white \$1.94@2.00

Wheat, lower grades on sample 80c@81

Hay, oats \$25

Barley, ton \$50@52

Hay, about, new \$24

Mill run \$87@88

Butterfat 67c

Creamery butter 67c

Pork, Veal and Mutton

Pork, on foot 10c

Pork, dressed 18c@20c

Veal, fancy 16c@17c

Steers 7c@9c

Cows 4c@6c

Spring lambs 11c

Ewes, 4c@6c

Lambs, yearlings 8c@9c

Eggs and Poultry

Eggs, cash 6c

Hens, live 20c@22c

Old roosters 15c

Chickens 21c@24c

Turkeys, dressed 33c@35c

Turkeys, live 25c@28c

Geese, live 18c@20c

Geese, dressed 20c@22c

Ducks, live 25c@26c

Ducks, dressed 27c@30c

Vegetables

Sweet potatoes 8c

Potatoes 8c@7c

Onions, local 8c@7c

Cabbage 23c

Head lettuce 8c@7c

Turnips 9c

Beets 23c

Green peppers 8c

Parsnips 9c

Cranberries, box \$4.50

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