

HISTORY OF THE ARIZONA TERRITORIAL PRISON

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A THESIS

IN

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CHAPTER I

INTRODUCTION

The Arizona Territorial Prison at Yuma, Arizona, was in operation for thirty-four years, from 1875 to 1909. It was situated at the intersection of Penitentiary Avenue and Prison Lane on Prison Hill, a ten-acre bluff overlooking the confluence of the Colorado and Gila rivers, in the midst of a scorching desert in the extreme southwestern limits of the Territory of Arizona. Of all the territorial prisons this was the most famous--and the most notorious.

By the Treaty of Guadalupe Hidalgo, signed February 2, 1848, Mexico ceded New Mexico and California to the United States with the Gila River as the international boundary as far west as the Colorado River. The discovery of gold at Sutter's Mill in Coloma, California, twenty-two days later acted as a powerful magnet, drawing prospectors by the thousands. The Gila Trail soon became a thoroughfare. The clamor for a railroad south of the Gila River resulted in the Gadsden Treaty of 1853 which gave the United States the land between the Gila and the present United States-Mexican border; the United States also received the right to navigate the Colorado River to the Gulf of California. It was inevitable, therefore,

that a town should spring up at the point where the Gila River empties into the Colorado.

The Yuma Indians, for whom the town of Yuma was named, conducted a lucrative ferry business on the Colorado until a group of white men led by John Glanton, a disreputable scalp hunter, forcibly took it over. The Yumas, by way of retaliation, attacked and killed fifteen of Glanton's men on April 23, 1850. The federal government, in order to keep the peace, established a permanent military post on the California side of the Colorado River at the strategic point where the Colorado and Gila join. United States soldiers from San Diego, under the command of Major Samuel P. Heintzelmann, arrived on November 27, 1850. Major Heintzelmann designated the post as Camp Independence, although ferry operators referred to it as Camp Calhoun; but both of these names gave way in March of 1851 to Camp Yuma, which in turn gave way a year later to Fort Yuma.

The town of Yuma sprang up on the Arizona side. Yuma owes its beginning to Charles D. Poston, a mining promoter, who was later recognized as the "Father of Arizona." Poston and a partner by the name of Ehrenberg, in July of 1854, were returning to California from a tour of the Gadsden Purchase. According to Poston, he and Ehrenberg, lacking money for ferry passage across the Colorado, resorted to a clever stratagem: They laid out

town lots on the Arizona side and by selling titles were able to raise their ferry money. Poston named his town Colorado City, but the name was changed to Arizona City and later to Yuma.

Three years after the founding of Yuma the San Antonio and San Diego Mail Line--known also as the Jackass Mail--ran a stage line through Yuma. It was soon followed by the more famous Butterfield Overland Mail. Yuma was very definitely on the map; its unique location assured its growth, and in 1870 it became the county seat and the home of the Arizona Sentinel, the oldest continuing weekly newspaper in Arizona.

Arizona gained territorial status on February 24, 1863, and was destined to be the last territory in the continental United States to gain statehood. Prior to 1863 Arizona was a part of New Mexico Territory. The new territory had no penitentiary, although Fort Yuma, during the Civil War, accommodated nine men who had been sentenced for terrorizing the citizens of Tucson. The use of Fort Yuma, however, was not common and the few local jails throughout Arizona had to assume the burden of incarceration.

The first real agitation for a territorial prison occurred in 1872. The Arizona Miner in that year complained that capital punishment could not always be a suitable substitute for confinement. "The county sheriff can't

hang every offender on some pine limb around the hill in west Prescott." If Prescott lacked a jail, so did the town of Wickenburg, since criminals there were serving out their terms chained to an ironwood tree. The newspaper insisted that "the Territory must have a large 'escape-proof' jail." In the issue of September 14, 1872, the editor of the Arizona Miner under the headline, WANTED--A PENITENTIARY, again called the attention of territorial officials to this "great want of the Territory." He stated that he had "dilated" before on the subject. He was growing impatient. "Get that money," he urged, "and start the building."¹

The want of a prison combined with a steady increase in crime caused the Arizona citizenry to engage on occasions in swift dispensations of "justice." Any offender caught in the act was given a hearing; if found guilty as charged, he had "an acute attack of suspended animation."² The Tucson Vigilante Committee, in 1873, hanged four men for murder. Yuma's newspaper, the Arizona Sentinel, applauded the act, referring to it as "short shrift and sudden cord."³ Frontier justice was summary.

¹Quoted in Jo Ann Schmitt, Fighting Editors (San Antonio: The Naylor Company, 1958), 57.

²Arizona Sentinel, August 16, 1872. Hereafter cited as Sentinel.

³Ibid., September 20, 1873.

Manuel Subiate, a prisoner, in company with the sheriff, was on his way to Tucson when fifteen men waylaid the stage; Subiate was "hung."⁴

Clearly the new territory of Arizona needed due process and a proper institution for the criminal element. By March of 1873 there was widespread talk in the territory of a proposed penitentiary. The Federal government was providing for prisons in the territories, including the territory of Arizona. The territorial dream of a prison finally came to fruition on February 12, 1875, when the legislature of Arizona Territory approved an act establishing a prison in the territory.⁵ A board of prison commissioners, consisting of three persons, was elected by the legislature and the board was to select the site for the prison. "A loan of \$25,000 was authorized to be negotiated on the faith and credit of the Territory for the erection of suitable buildings for prison purposes."⁶

It is difficult to ascertain at this distance in time the precise reason or combination of reasons the board chose Yuma. The minutes of the board are silent on

⁴Sentinel, August 21, 1875.

⁵"Arizona Territorial Prison Historical Notes." Copy at Arizona State Archives, Phoenix.

⁶Arizona Miner, quoted in Sentinel, November 10, 1877.

the subject. The local newspaper was also silent, although a year later it suggested that Yuma was chosen because prisoners could be fed "cheaper than any other place in the Territory."⁷ Why this should be so was not explained; probably because Yuma County was a rich and verdant irrigated farm area with an abundance of food.

Later writers advanced other reasons. One wrote: "With the temperature rambling from 100 to 120 in the shade for about eight months of the year, the territorial officials conceived the idea that this would be an ideal location for a penitentiary."⁸ Another thought that "Yuma was probably selected as the prison site because of the difficulty presented for escape. . . . From the standpoint of the old-time sheriff the prison was admirably located, as it produced fat mileage fees for them."⁹

The prison commissioners were of course under no constraint to publicize or justify their reasons for the choice of a prison site. Whatever the reasons, Yuma was the choice and was to be the prison's home for the next thirty-four years.

⁷Sentinel, July 22, 1876.

⁸Lorenzo D. Walters, Tombstone's Yesterday (Tucson: Acme Printing Co., 1928), 292.

⁹James M. Barney, Yuma (Phoenix: Charter Oak Insurance Co., 1953), 30. The location of course would not produce "fat mileage fees" for the sheriff of Yuma County or the sheriffs of adjacent counties.

CHAPTER II

PRISON CONSTRUCTION

In the Arizona Sentinel issue of April 17, 1875, the Board of Prison Commissioners informed the public that bids were being taken for the construction of the Territorial Prison.¹ The board had been in communication with certain architects in California but was in hopes that an Arizona architect would be able to collect the \$150 fee. All materials were to be on hand and the grounds graded so that construction could begin by the first of September. However, things did not go according to schedule; it was September before an architect, an Arizonan, A. L. Grow, was chosen. The construction committee, Jose M. Redondo and David Neahr, awarded the contract for building the prison to L. A. Smith.

While prison plans were crystallizing, the Yuma County jail served as the territorial prison. Prisoners were in the custody of William A. Werniger, sheriff of Yuma County. By February of 1876 construction was well under way. The "excavation in the rocky hill for the foundation of the building" was going "steadily on"; the engine for pumping water into the reservoir was in place

¹Sentinel, April 17, 1875.

and the pipes were being laid. However, the "little \$25,000 greenbacks" which the legislature had appropriated were proving inadequate and would suffice for barely more than the laying of the foundation. The local editor, therefore, called upon the delegate in Congress to get an additional appropriation of \$50,000, reasoning that if the General Government had furnished funds for penitentiaries in other territories, why not in Arizona?²

In April there was a gala occasion--the laying of the cornerstone. Everyone was invited and refreshments were served in "a shade near by." The prison officials placed a collection of articles under the cornerstone. The collection "consisted of one copy of the Arizona Sentinel, of April 15th, 1876, and some pieces of United States silver coin." The purpose of the collection was "to show people who may inhabit this plan away down in the dim future, what kind of people erected this building."³

L. A. Smith, the contractor, was building the walls of the penitentiary in May, and so impressive was his work that the prison was already being compared favorably with San Quentin "for strength and impregability." The cells were considered escape-proof and no prisoner could hope to

²Sentinel, February 5, 1876.

³Ibid., April 22, 1876.

get out of them without some outside help" or without the connivance of the keeper.⁴ The walls referred to must have been the walls of the cells or of the building, because six years later there was only a wooden fence around the prison.

Finally, when the first section of the prison was completed, the prison commissioners appointed George M. Thurlow superintendent. The transfer of prisoners from the county jail to the new prison was accomplished on July 1, 1876. The prison could accommodate ten to fifteen prisoners. There were two cells with a capacity for four and an adobe building with two prison rooms which could accommodate ten. The windows of the prison rooms were barred, and there were "anchors to secure prisoners." The engine was in operation, pumping water into the 50,000 gallon reservoir.⁵

By March of the next year the number of inmates had reached thirteen. Additional cells were needed to increase the capacity of the prison but the legislature had refused to make the requested appropriations, thereby showing itself to be "penny wise and pound foolish."⁶

⁴Sentinel, May 20, 1876.

⁵Ibid., June 24, 1876.

⁶Ibid., March 17, 1877.

Two years elapsed before any more significant building progress was made. Then the prison commissioners were again entertaining bids for construction of cells. Already there were two cells and part of a third, and builders were to have the privilege of examining the work done in making their estimates, because the additional cells were to be completed in the same manner. The contractor was to use prison labor and was to state what he would allow per man per day for the twenty prisoners confined in the prison at that time. The contractor was required to finish one cell in sixty days after the contract was signed, and at least one cell every sixty days thereafter until all the money was expended. Work outside of cells was to be paid for at the same rate as for the cells. The board would pay for the work as it was completed.⁷ The low bid proved to be \$1950 per cell. Bids were then opened for Territorial Prison bonds.⁸

By January of 1880 six new cells were completed at a cost of \$11,600. The "General Government" in Washington noted that the territory had spent a total of \$69,000 to date and would need \$20,000 more to finish the prison and bring its capacity to ninety-six prisoners.⁹

⁷Sentinel, May 24, 1879.

⁸Ibid., June 7, 1879.

⁹U.S. Congress, House Committee on Territories, Report on the Territorial Prison at Yuma, Arizona, 46th Cong., 2nd Sess., 1880.

The prison commissioners turned their attention from cells, which were now adequate for the thirty inmates of the prison, to the construction of a larger dining room. Also on the construction schedule was a wall around the cells.

The most important addition in 1881 was a new stone water reservoir. Unfortunately, it was not adequate in case of fire, since there was pressure enough to force water only halfway up the buildings. Prisoners would be in danger of burning, because the superintendent and turnkey did not live on the prison grounds, and the bill to build homes for them on Prison Hill had been defeated.¹⁰

The territory continued to pour money into the prison, appropriating an additional \$20,000. By February of 1882 only \$7,000 had been used; the prison commissioners were planning to allocate the remainder for the construction of new cells, but the Sentinel called for a superintendent's home and a prison wall to replace the "unsightly wooden fence."¹¹

Walter Ingalls, son of the superintendent of the prison from 1883 to 1886, later became mayor of Yuma. In 1939 he recalled the wooden fence: "When there was a strong wind, the prisoners were called out to brace and hold the

¹⁰Sentinel, December 10, 1881.

¹¹Ibid., February 18, 1882; February 25, 1882.

fence to keep it from blowing down. Later this board fence was replaced with a 'dobe wall."¹²

He recalled further that there were sixteen cells at the prison in 1883 and that "the old settling basin and the observation tower above it were there then. They constituted one of the oldest structures of the prison. Water was pumped from the river into the settling basin and pumped from there to places about the prison."¹³

Ingalls also witnessed the construction of the superintendent's home:

Dobe for this was made down on the Gila River and the bricks were carried by the prisoners to the site for the building. Each prisoner, assigned to the task, was required to carry up so many of the bricks a day. . . .¹⁴

The Sentinel, on September 1, 1883, mentioned the fact that adobes were being made for the superintendent's residence,¹⁵ which would front the Colorado River and which was supposed to be finished by October 1.

Besides construction on the superintendent's home, there was construction on a two-story guard station on

¹²Sentinel, April 22, 1939

¹³Ibid.

¹⁴Ibid.

¹⁵There were 60,000 adobes caught in the rain on penitentiary hill in December. They were not harmed.

the southeast corner of the grounds which would overlook all other guard stations. The lower floor was to be used as sleeping quarters for day guards.

Superintendent Ingalls reported in November of 1883 the completion of nine new cells and "one dark cell for the punishment of refractory prisoners." Six prisoners were assigned to each cell; the "dark cell" was the "mode of punishment most frequently resorted to."¹⁶ The Dark Cell, eventually to be known as the Snake Den, was a room cut into solid rock, secured by two doors--the territorial version of solitary.

The year 1883 was definitely a red-letter year for building. A blacksmith shop was in operation. The kitchen and dining room were "models of neatness"; the bathrooms were "commodious and well lighted." Prison officials were even contemplating a telephone line from the prison to the contractor's office in Yuma.

The relationship between prison officials and Yuma residents was generally harmonious throughout the prison's history. However, in 1883 there was real cause for friction. Sewage from the prison was being discharged into the Gila at its junction with the Colorado. The Yuma water supply was drawn from below this point, and, consequently,

¹⁶Superintendent's Report to the Board of Prison Commissioners, November 1, 1883.

Yuma citizens were obliged to boil their drinking water. They were insistent with the prison commissioners that they rectify this situation and that they "do their duty in the premises."¹⁷ The commissioners did "their duty in the premises" by instructing the superintendent "to make a preliminary survey for new sewerage purposes," but it took them more than nineteen months to do so.¹⁸

The commissioners in October of 1884 finally became serious about the construction of a wall around the prison. The wall was finished by the end of the year, according to the superintendent's report for 1884. It was sixteen feet high, eight feet thick and rested "on a stone wall foundation averaging five feet in height." The wall was made of adobe and was 361 feet in length.¹⁹ According to the Arizona Gazette, the prison was enclosed "on the east, south and north by walls 16 feet in height, 8 feet thick at the base, and 6 feet on top."²⁰ Why the wall was not built on the west is not clear. Perhaps the Colorado River was considered as effective against escape as a wall.

¹⁷Sentinel, March 3, 1883.

¹⁸Ibid., October 11, 1884.

¹⁹Superintendent's Annual Report, 1884.

²⁰Arizona Gazette, June 25, 1885, quoted in Frank D. Robertson, "A History of Yuma, Arizona," unpublished Master's thesis (Tucson: University of Arizona, 1942), 66-67.

The Arizona Gazette also stated that "three tiers of cells extend through the prison proper, which are ventilated in an original and skillful manner." In addition to the cells there was a hospital, barber shop, kitchen, dining room, baking room, washing and bathing room. The frontier newspaper likewise spoke of the superintendent's office as "neatly fitted up"; of an electric bell system "connected with the dwelling of the superintendent" which was designed to guard against "surprise or sudden outbreak"; and of the reservoir outside the walls, upon which a Gatling gun, "a formidable piece of warfare," capable of firing 600 shots per minute, was mounted.²¹ The superintendent reported in October of 1885 that "the Sally Port iron gate and gratings" and iron gratings for the doors and windows of the dining hall and a new building were in place. The Sally Port was the main entrance of the prison. The new building, 117-1/2' x 43', was used for the blacksmith shop, carpenters shop, engine room and for the proposed manufacture of shoes, bedding and clothing. The building contained a dynamo which generated electric power for the prison.

Another building, 34-feet square, was built 125 feet north of the Sally Port. It served as an office building for the superintendent and prison commissioners and as a

²¹Arizona Gazette, June 25, 1885.

store room. The old superintendent's office inside the walls was added to the dining room, increasing its seating capacity to 200. Rooms were provided for a library and dispensary.²²

The prison commissioners, in 1888, reported that the wall around the prison was half finished. The wall, of course, on three sides was completed earlier. The work under way now was that of coating the wall with a composition of oil, lime and decomposed granite to render it waterproof. Another project was that of covering the top of the wall with a cement walk. Floors of cells and corridors were also provided with cement. Outside the prison walls prisoners were engaged in widening the road to the prison.²³

Before 1890 there was no mention of a hospital at the prison. The superintendent in his report for 1890 stated that the hospital corridor extended the full length of the main tier of cells. Presumably the hospital was located above the main cell block; but this location was only temporary, since the hospital was later moved.

The female population at the prison was never large, and in the early years it was nonexistent. Preparations

²²Superintendent's Quarterly Report, 3rd Quarter, 1885.

²³Annual Reports of the Board of Territorial Prison Commissioners for the Years 1887 and 1888.

were being made, though, in 1890 to accommodate the disproportionately small number of female felons in the territory. Quarters were being excavated in the granite on the west side of the prison.²⁴ The work was finished by the winter of the next year, as evidenced by the fact that the official report contained an entry to the effect that Ed Lopez received eight days in solitary for entering the "Woman's Cell." Since he received at the same time only two days for gambling, one may assume that entering the Woman's Cell was a worse offense in the sight of prison officials than gambling.²⁵

The intense summer heat of southern Arizona was a matter of concern to the prison administration. In 1891 a blower was installed at a cost of \$130. Piping carried the air into the cell blocks. In July and August of 1893 the blower, which supplied the cell house, was not in operation and as a result "the men were in many instances unable to obtain the requisite amount of rest." The "excessive heat prevailing during those months" robbed the men of sleep.²⁶ During the first fifteen years of the prison's operation there was no relief from the unrelenting Yuma heat except as natural ventilation through the

²⁴Superintendent's Annual Report, 1890.

²⁵Superintendent's Quarterly Report, 3rd quarter, 1891.

²⁶Assistant Superintendent's Report, 3rd quarter, 1893.

grating of the cells provided it. The cells hewn into the rock must be described as ovens; even after the blower was installed they continued to be ovens, because there was no piping in these cells. There is some evidence that portable fans may have been employed.²⁷

The cold of winter was a problem also. Guard stands had to be heated.²⁸ The cells had no heating equipment and consequently prisoners had to depend upon covers to keep warm.

By 1891 the superintendent's home had been built. It consisted of a sitting room, hall, bedrooms, dining room, kitchen and bathroom. The bathroom contained one bathtub, one wash basin and one stepladder.²⁹ (Whether stepladders were standard equipment in frontier bathrooms is a subject which requires clarification.) The house was to receive three more rooms the following year.³⁰

The guard's residence and mess hall, which had long been on the drawing board, was constructed before the end of 1892. It had two stories and ten rooms. Most of the guards slept there. The guard stands, which had previously

²⁷Dr. R. R. Knotts, last physician of the Arizona Territorial Prison, Yuma, Arizona, personal interview, August 28, 1967.

²⁸Superintendent's Quarterly Report, 4th quarter, 1891.

²⁹Ibid.

³⁰Superintendent's Quarterly Report, 3rd quarter, 1892.

been equipped with stoves, were "enclosed in a framework of glass, as a protection against the weather which, contrary to popular impression is quite severe during the winter nights."³¹

Another improvement in 1892 pertained to the sanitary facilities of the prison. "The old privy system was torn out" and a new system installed.³² The new system was a "Parson's trough six-seat system of closets."³³

The hospital, which had been in temporary quarters, moved in 1893. An excavation in the bank which formed the south wall was the new location.³⁴

There was a sharp decline in construction activity in 1893. The installing of two 1,200 candlepower arc lights upon the walls was the only significant improvement. The arc lights were considered superior to the incandescent.³⁵

The editor of the Phoenix Gazette visited the prison in 1895 and wrote the following account:

The approach to the penitentiary is such as to give to the stranger the idea that he is approaching

³¹Biennial Report to the Governor, 1891-92.

³²Superintendent's Quarterly Report, 4th quarter, 1892.

³³Biennial Report to the Governor, 1891-92.

³⁴Ibid.

³⁵Superintendent's Quarterly Report, 3rd quarter, 1893.

a castle of medieval times. The prison, severely rectangular in shape, consists mainly in a massive white wall, about sixteen feet in height and about eight feet in thickness, crowned only with a half dozen turrets in which pace armed wardens. Only two doorways, fenced in iron, allow ingress or egress. . . .

It is doubtful if there be within the Union another such prison as this of Arizona. . . .³⁶

The editor then presented a more detailed description of the prison--the cells, the hospital, the library, TB ward, etc.

Until 1897 a wooden fence separated the men from the women. The Governor of Arizona Territory reported to Washington in 1897 concerning the prison and stated that a wall was built between the main yard and the female quarters. He also reported that the cell house and shops were whitewashed and that the electric light plant, which had been destroyed by fire, was rebuilt.³⁷

The construction of a new library was the cardinal item of interest in the superintendent's semiannual report for 1899. The library was described as a "splendid building, 49 by 30 feet, well lighted and ventilated." This

³⁶Phoenix Gazette, 1895, quoted in Joseph Miller (ed.), Arizona Cavalcade: The Turbulent Times (New York: Hastings House, Publishers, 1962), pp. 141-142.

³⁷U.S. Department of the Interior, Report of the Governor Made to the Secretary of the Interior for the Year 1897 (Washington: Government Printing Office, 1897), 67-68. Hereafter cited as Governor's Report.

building was deemed a necessity "for the reason that during inclement weather there was no place of shelter for the men outside of their cells." The old library building was to be converted to a cell block.³⁸

Of secondary interest was the item in the report relating to the construction of a bath house. No details were given.³⁹

The Arizona Territorial Prison at the turn of the century was a remarkably different institution from that of the late seventies and eighties. Continuous building activity had produced a complex of buildings which, though medieval in appearance, was nevertheless worthy of a territory moving swiftly toward statehood and the age of technology.

The new century saw a new hospital. The old one excavated in the rock, which had served the prison for approximately a decade, was condemned as unfit. In a report prepared in 1902 the Honorable Herbert Brown, superintendent of the prison, said: "The entire [hospital] building, including porches, is protected by wire screen against annoyance by mosquitoes and other pernicious insects. . . ." The old hospital, he reported, "was simply an excavation under the hill forming the south side

³⁸Governor's Report, 1899.

³⁹Ibid.

of the main yard. With poor light and still poorer ventilation, it was insanitary [sic] at best."⁴⁰

Superintendent Brown also reported that the thirty-inch blower had been replaced by one twice as large, "a 60-inch Buffalo blower, a 3-inch electric motor, and all necessary pipe." The pipes extended through the cell corridors and made connection with the individual cells. The system was described as "ample for all present and future purposes and gives full and complete satisfaction." The new ventilating equipment was located over the north end of the cell house corridor.⁴¹

Construction on the prison continued probably until the prison officials received notice that the prison was to be removed to Florence. Unfortunately, most of the prison reports are no longer extant. If they were, a more detailed account of construction would be possible. The last report to shed light on this phase of the prison's history was the report of the governor in 1904. The governor reported to the Secretary of the Interior on the extension of the wall, the construction of heavier gates and the addition of new guard stands. The ventilation system was rendered more effective by the purchase of a seven horsepower motor for the fans. Of unusual interest

⁴⁰Superintendent's Annual Report, 1902.

⁴¹Ibid.

was the mention in the report of the increased population of the prison which necessitated the purchase of "5 steel-cell cages."⁴²

Photographs of the prison portray it as an impressive place. Situated as it was on a bluff with water swirling beneath, it has been compared with Alcatraz. It owed some of its characteristics to San Quentin, which exercised influence on its various superintendents. In many ways this Arizona prison cut into solid rock and enclosed by adobe walls was in a class by itself. Because of its unique location and peculiar manner of construction it was without question a most extraordinary institution.

⁴²Governor's Report, 1904, pp. 116-117.

CHAPTER III

PRISON ADMINISTRATION

The territorial prison at Yuma was under the direction of a board of prison commissioners. The commissioners, three in number, were appointed by the governor of the territory. The extent of their authority is apparent from a report of John C. Fremont, Governor of Arizona Territory, to the Secretary of the Interior. In 1878 he wrote:

"There is a Territorial prison, supported by the Territory, and located by law at Yuma. It is managed by a board of Territorial penitentiary directors, who audit claims and make such rules and regulations as they think proper for the discipline and management of the penitentiary."¹

The territory paid the commissioners an annual salary. This salary in 1877 became a topic of discussion in the Sentinel under the headline IS IT ANOTHER STEAL?

Our attention has been called to the provisions of a bill, amending the Penitentiary bill, introduced and passed at Yavapai last session of the Legislature. It provided that one member, who may live outside the limits of the village of Yuma, shall receive \$500 per year, whether he renders any service or not, and sixty cents per

¹U. S. Department of the Interior, Report of the Governor Made to the Secretary of the Interior for the Year 1878 (Washington: Government Printing Office, 1878), 1091. Hereafter cited as Governor's Report.

mile for traveling expenses. The other two Commissioners must live at Yuma, do all the work of the Commission, and get only \$15 per quarter. Taking into consideration that the Commissioners who have acted for the past two years, have done so without pay, one of them (Mr. Neahr) at times lending his own mechanical skill and labor, and that there is now little or no work to be done, we can look upon so broad a discrimination between the new Commissioners, only as a piece of dishonest legislation. No other verdict can be passed on it. For what fraudulent purposes this measure was conceived remains to be exposed.²

Protests against this glaring inequity were evidently heeded, because seven years later the editor reported that each of the commissioners received \$500 per year. However, travel expense for a commissioner residing more than 100 miles away from Yuma was a generous sixty cents per mile; but a commissioner residing less than 100 miles away received a comparatively meager five-dollar-a-day attendance payment instead of travel expense.³

The commissioners of the prison were vested with extensive power but did not have the power to appoint prison officials. They sent nominations to the governor, who then made the appointments. The officers appointed by the governor were the superintendent, assistant superintendent (more often known as warden or turnkey), and

²Arizona Sentinel, February 21, 1887. Hereafter cited as Sentinel.

³Ibid., December 20, 1884.

secretary of the Board of Prison Commissioners. The guards were appointed by the superintendent with board approval. The superintendent appointed other prison employees on his own responsibility.

Although the commissioners could not appoint, they did have the authority to fix salaries. The superintendent was to receive \$150 per month plus free housing; the secretary, \$400 per year and "perquisites"; guards, \$100 per month.⁴ Single guards eventually received \$85 plus room and board. They were required to lodge at the prison.⁵

These salaries, by the standards of the time, were quite high. The superintendent's annual salary of \$1,800 was especially remarkable. The office of superintendent was obviously a coveted one, because in 1879 there were no less than seven applicants. In view of George M. Thurlow's fine performance, however, the board decided to recommend him for another term--a regular term of two years.⁶

It was the duty of the prison commissioners to award contracts annually for construction, provisions and supplies, clothing, beef, medicines and medical services.

⁴Sentinel, December 20, 1884.

⁵Arizona Territorial Prison, "Resolutions of the Board of Prison Commissioners, September 2, 1891." Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁶Sentinel, April 19, 1879.

It is interesting to note that in the summer of 1878 there was a conflict of interest, as one of the prison commissioners, David Neahr, received the contract to provide clothing for the prison.⁷

In the thirty-four years of the prison's operation at Yuma there were seventeen superintendents. The average term was two years. Several superintendents served one year or less, and the superintendent who served the longest was the first superintendent, George M. Thurlow, from June 22, 1876, to January 11, 1881. (William A. Werniger, sheriff of Yuma County, was the first superintendent of territorial prisoners confined in the Yuma jail until the completion of the prison; he was not, technically, the first superintendent of the prison.) Two superintendents served two intermittent terms--F. S. Ingalls and Thomas Gates. Gates's second tenure was cut short by suicide on March 13, 1896.

A complete list of superintendents is as follows:

1876 -- Geo. M. Thurlow (June 22) (Resigned
Jan. 11, 1881)
1881 -- C. V. Meeden (Jan. 11) (To fill unexpired
term)
1883 -- F. S. Ingalls (June 12) (Ingalls resigned
effective 3-31-86)
1886 -- Thomas Gates (Appointed and in office
4-1-86)
1888 -- John H. Behan (April 12)
1890 -- F. S. Ingalls (April 7)

⁷Sentinel, June 22, 1878.

1891 -- M. M. McIneray (Sept. 3)
 1893 -- Wm. K. Meade (April 15)
 1893 -- M. F. Shaw (Acting Supt.)
 1893 -- Thomas Gates (July 13) (Suicide
 Mar. 13, 1896)
 1896 -- Mike J. Nugent (July 14)
 1897 -- John W. Dorrington (July 31)
 1898 -- Herbert Brown (Sept. 10)
 1902 -- Wm. M. Griffith (June 4)
 1904 -- R. F. Daniels (Oct. 3)
 1905 -- Jerry Millay (June 5)
 1907 -- Thos. Rynning (Jan. 4)

NEW PRISON AT FLORENCE IN 1907.⁸

Rynning was actually the superintendent of two prisons for approximately two years--the old prison at Yuma and the new one at Florence which was being constructed by prison labor. Final transfer of prisoners from Yuma to Florence was not accomplished until 1909.

There are three names that are conspicuous in this list: Thomas Rynning, who had earned a reputation as the captain of the Arizona Rangers; John W. Dorrington, influential editor of the Arizona Sentinel; and John H. Behan, first sheriff of Cochise County.

The constant turnover of superintendents naturally had a crippling effect on administrative efficiency. Often the departure of a superintendent meant also the departure of the entire prison personnel, including prison commissioners and secretary, since many superintendents were

⁸"List of Superintendents of Territorial Prison, Yuma, Arizona Territory." Document 75440 at Arizona State Archives, Phoenix.

obliged to depart because their political party had been swept out of power. The prison administration and employees were a political entity and stood or fell together.

Some of the superintendents, especially the early ones, were influenced by San Quentin and Folsom prisons in California. Superintendent Ingalls often combined a pleasure trip with a business trip. He was fond of Oakland, California, and when there made a point of visiting San Quentin and Folsom. Within one three-month period he made no less than three visits. On his return to Yuma in August of 1884 he recommended--perhaps under the influence of what he had witnessed at the California institutions--that the territorial prison be lit up at night, that guards sleep on prison grounds, that "battery repeating guns" be purchased and that record books for prisoners be obtained.⁹

By 1895 elaborate rules and regulations for the conduct of the prison had been formulated and published. This publication, Rules and Regulations for the Government and Discipline of the Arizona Territorial Prison at Yuma, affords insight into how the Board of Prison Commissioners intended the prison should be run. Of course, it was one thing to draft rules and regulations but another to enforce them; nevertheless, the detailed spelling out of responsibility for the various officers of the prison was

⁹Sentinel, August 9, 1884.

bound to make a change for the better in prison administration.

The first section of the document dealt with the duties of superintendents. The superintendent of the prison was to reside at the prison in the quarters provided him; he was to have entire control over the prison and was to obey orders coming to him from the prison board--in this document known as the "Board of Control." He was to keep discipline, keep the prison sanitary, provide medical assistance for the sick. It was his duty to appoint "all subordinate officers and employees"; to report to the governor and the Board of Control as often as required; to keep books and issue a quarterly report; to close the books annually and take a complete inventory.¹⁰

The superintendent's authority to appoint subordinate officers and employees was not absolute; in the case of guards his appointments had to be approved by the board. He also needed board approval on any order issued for the discipline of the prison, or the granting of leaves of absence, exceeding ten days, to any officer of the prison.¹¹

¹⁰Arizona Territorial Prison, Rules and Regulations for the Government and Discipline of the Arizona Territorial Prison at Yuma. Document 71709, p. 4. Copy at Arizona State Archives, Phoenix. Hereafter cited as Rules and Regulations.

¹¹ibid., 4-5.

It was the superintendent's duty to collect money and other valuables from incoming prisoners and to keep a record of them. (Prisoners were not permitted to have money on their persons.) The superintendent was to open all mail addressed to prisoners; anything "prejudicial to the good order and discipline of the prison" was to be withheld. The superintendent was to avoid "partiality or favoritism towards the convicts" and was to inspect the moral conduct of prisoners and "endeavor to raise the standard thereof." He was to prohibit gambling and bad language. No punishment was to be administered except under his direction.¹²

When not engaged in superintending general affairs the superintendent was to spend his working hours in his office. Either the superintendent or assistant superintendent was required to be at the prison at all times.¹³

The assistant superintendent, or turnkey, was the "executive officer within the walls" and was to have control of all persons. His hours were from unlocking to lockup. He was to act as superintendent in the superintendent's absence; supervise subordinates and make reports on their conduct; receive reports from the guards on all

¹²Rules and Regulations, 5.

¹³Ibid., 5.

disobedience or violation of rules and relay the report to the superintendent; keep a book recording infractions of rules, misconduct of persons and punishment inflicted-- a copy of the record to be presented to the superintendent on the first of each month.¹⁴

The turnkey was expected to move about the interior of the prison; see that the shops were clean, food properly cooked and that convicts wore clean clothing; look after visitors and forbid them to speak to convicts; be present at mealtime; inspect locks and supervise the lockup; read rules and regulations to new convicts; keep a record of convicts' daily labor; permit required number of convicts to work outside and require guards outside walls to report number employed; look after territorial property; inspect each department once a day; keep the prison sanitary.¹⁵

There were other duties, such as seeing that guards were at their stations and vigilant; taking a report of the night watch before cells were opened in the morning; receiving a daily report from the captain of the yard and forwarding it to the superintendent; making requisition for supplies.¹⁶ There was one restriction placed upon

¹⁴Rules and Regulations, 5.

¹⁵Ibid., 5-6.

¹⁶Ibid., 5-6.

the turnkey--he could not grant leave of absence to employees.¹⁷

It is evident that the turnkey earned his salary. In terms of specific duties, he worked harder for his money than did the superintendent. The Board of Control recognized his importance by stating that "upon him more than any other officer the Superintendent depends for the proper attention to details within the prison."¹⁸

The duties of the secretary were as follows: keep the minutes of board meetings, handle correspondence; "keep a register, a discharge book, and descriptive book." The descriptive book was to contain

the name of each prisoner, his number, age, height, weight, complexion, eyes, hair, marks, nationality, nativity, county, occupation, crime, date of sentence, minimum of sentence, date and character of delinquencies, date of re-imprisonment, date of second or other sentences, crime, date of second or other admissions, date of final release.¹⁹

Each quarter the secretary was to present to the board a list of prisoners received and a list of prisoners discharged during the preceding quarter, and a list of

¹⁷Rules and Regulations, 5.

¹⁸Ibid., 5-6.

¹⁹Ibid., 7.

prisoners entitled to discharge in the quarter to come.²⁰

Upon the secretary was the burden of keeping the records, financial and otherwise, of the prison. In addition to these responsibilities he had the rather general responsibility of assisting the superintendent.²¹

The prison physician was to

visit the prison at least once every day, and personally attend every sick and complaining prisoner that may be reported to him as such, or he may find in cells, or hospital; and . . . prescribe such medical treatment as their cases require; when the condition of the sick so requires he will visit the prisoner oftener and when sent for shall repair to the prison at at once.²²

Moreover, he was to control the hospital and choose nurses from among the prisoners; keep a hospital register; administer medicines and resort to surgery if necessary, provided he had the superintendent's permission; make death records; prescribe diets and act as prison dietician; make supply requisitions; make a quarterly report of the number of sick, kinds of diseases, etc.; make a semimonthly report on prison sanitation; excuse the sick from work; attend to prison employees free of charge.²³

²⁰Rules and Regulations, 7.

²¹Ibid., 7.

²²Ibid., 7.

²³Ibid., 7-8.

The duties of the store keeper related to keeping books on supplies received and disbursed, showing cost of each department; seeing that goods received had a bill of particulars and were according to contract; weighing or measuring received goods; accepting or rejecting goods; keeping supplies in the proper place; reporting from time to time to the superintendent on the condition and number of supplies.²⁴

The store keeper was supposed to forbid any prison employee to use or buy prison commodities, but to permit him to buy them from the same source at prison cost.²⁵

Free medical service and the privilege of purchasing goods at prison cost were two of the fringe benefits of prison employees.

The yardmaster was another officer whose duties were delineated in Rules and Regulations. He was to take charge of all work details; remain with working parties and report on their progress; demand good behavior and report any insubordination to the superintendent; help the turnkey with locking and unlocking; report incompetency, insubordination, ungentlemanly conduct, drunkenness, quarreling, tardiness or absence on the part of

²⁴Rules and Regulations, 8-9.

²⁵Ibid., 9.

guards.²⁶

Under the duties of the yardmaster were items pertaining to all officers of the prison. For example, the following: "No officer or employee will be permitted to beat, strike or punish corporally any convict, except in self defense or in defense of others." The yardmaster as well as all officers was cautioned against placing himself "under any obligation to a convict, pecuniarily [sic] or otherwise." No officer of the prison was to permit any convict, no matter the circumstances, "to handle any of the keys of the prison."²⁷

The night yard watch had four duties: (1) to report any "breach of discipline in the cells"; (2) to "examine through grated doors the cells," taking care not to disturb convicts or hear their complaints; (3) to "pass the keys of the front gate to a proper officer and under no circumstances retain them on his person during the night"; and (4) to keep the wall guards awake and moving.²⁸

For the guards there were more rules and regulations than for any other officers of the prison--thirty-one, to be exact. The guards were agents of police and discipline;

²⁶Rules and Regulations, 9-10.

²⁷Ibid., 10.

²⁸Ibid., 10-11.

were to be on duty when expected, clean and in uniform. While on duty they were to "refrain from whistling, scuffling, immoderate laughter, boisterous conversation, exciting discussions on politics, religion or other subjects provoking witticisms or sarcasm . . ." Guards were cautioned to treat each other like gentlemen and friends, "to avoid all collisions, jealousies, separate and party views and interests among themselves," and were "strictly forbidden to treat each other with disrespect or to use any ungentlemanly epithets."²⁹

Guards were further forbidden to engage in unnecessary conversation with each other, or conversation with prisoners, unless duty required; reading or writing, except to make necessary entries; to punish prisoners or strike them, "except in self defense or to quell an insurrection," or use "profane or indecorous language to them," or punish one of them on the report of another.³⁰

A territorial prison guard was to supervise prison work, require cleanliness of prisoners; instruct and admonish prisoners; report infractions of rules to the superintendent; consider different work capabilities of prisoners; keep close watch when prisoners retired for

²⁹Rules and Regulations, 11.

³⁰Ibid., 11-13.

"necessary purposes"; report prisoner complaint of an order, but meanwhile require him to obey it; forbid prisoners to leave work without permission or to "speak or gaze at visitors."³¹

Sleeping guards were to be discharged. Day guards were to report at night if alarm sounded. Gate guards were to examine closely the contents of all packages, wagons and vehicles passing through the gates" and be constantly vigilant "in guarding against surprise or stratagem on the part of prisoners." Guards had to walk their beats every fifteen minutes, wear side arms and cartridge belts; when armed, they were not to allow a convict to approach nearer than twenty feet. Although guards were required to engage in target practice, they were not to practice when prisoners were outside. They were to forbid visitor loitering.³²

The prison officials were concerned about the moral character of the guards. Consorting with "loud or vicious company" was grounds for dismissal. The rule regarding the use of alcohol was as follows:

Any guard while on or off duty who is known to be under the influence of intoxicating liquors, or while off duty frequents saloons or

³¹Rules and Regulations, 14.

³²Ibid., 14.

engages in gambling, or who brings or causes to be brought within the prison limit any intoxicating liquors, to be used as a beverage shall be immediately discharged.³³

In the Rules and Regulations there were eighteen "general rules." The first pertained to alcohol. Although the medicinal use of alcohol was permitted, no employee was to bring "ardent spirits, strong beer or ale" to the prison.³⁴

Several rules had to do with the guards and some were identical with rules already stated. Sleeping guards were subject to discharge; guard profanity was disallowed; guards had to obey superiors and were not to be absent without permission; only guards were allowed in the wash room while prisoners washed and changed clothes.³⁵

The remaining general rules applied to all employees of the penitentiary. No reading matter was to be brought into the prison, and citizens' clothes were not to be left. Buying or selling with prisoners, or receiving gifts from them, was contrary to penitentiary rules. Employees were not to have visitors, communicate unauthorized information to prisoners, and were not to reply in

³³Rules and Regulations, 14.

³⁴Ibid., 14.

³⁵Ibid., 14.

"like terms" to "impudent or insulting language" but rather report it.³⁶

Employees had to pay for willful waste or damage; could not discuss the discipline of the Arizona Territorial Prison or any other prison; could not exchange duties without permission. They were to have ten days of sick leave each year, but the superintendent could exact extra services without pay.³⁷

Other persons to come under the scope of Rules and Regulations were visitors to the prison. Anyone not connected with the prison was classified as a visitor. Visitors were required to register. All visitors had to be accompanied; could not converse with prisoners, and "loud talking, laughing and personal allusions to prisoners by remarks, pointing or otherwise," was "positively prohibited." No ex-convict or inebriated person was allowed to visit the prison or grounds "under any pretext whatever."³⁸ Each visitor had to pay an admission fee of twenty-five cents. This money was designated for the prison library fund.³⁹

³⁶ Rules and Regulations, 14-15.

³⁷ Ibid., 14-15.

³⁸ Ibid., 16-17.

³⁹ Ibid., 17.

Such were the Rules and Regulations relating to prison employees drafted in 1895. Prior to this time there were no doubt rules and regulations, but perhaps not put in writing and not systematized. The minuteness of detail suggests that problems existed which called for solution.

Unfortunately, no set of rules or regulations, no matter how elaborate, could offset the handicap imposed upon the prison by the constant coming and going of prison personnel. Throughout its history the prison suffered from being subject to the patronage of territorial politicians. Thomas H. Rynning, the last superintendent of the prison, complained of the prevailing system:

That thing of letting everybody go each time a new warden goes in, to make jobs for his friends, is one of the reasons for lack of discipline and order in prisons. Wardens and guards ought to be in for life, on good behavior, and not be footballs of politicians.⁴⁰

Early in the history of the prison a territorial newspaper was voicing complaints about the appointive character of the prison administration. The occasion for the complaint was the fact that petitions were flying all

⁴⁰Thomas H. Rynning, Gun Notches: The Life Story of a Cowboy-Soldier, quoted in Mary G. Boyer, Arizona in Literature (Glendale, California: The Arthur H. Clark Co., 1935), p. 424.

over Yuma "in behalf of and against different persons, applicants for the office of Prison Commissioner." The editor stated that he had no idea how much money there was in the office and hoped that those desiring it had nothing but a disinterested wish to serve their country; but, he said, there was one feature of the act creating the commissioners which was radically wrong--the appointing power being vested in the governor. No reason existed why this should be so, and there were many logical arguments against "leaving this patronage with the executive."⁴¹

The frontier journalist referred to the governor as an agent of the "general government," seated in the executive chair, and who might be "a man of brain or a lunatic, good, bad or indifferent, or a mere ornament." No one could change him. In the past he had been "a leech upon the corporate body of the Territory" and "not worth kicking."⁴²

The editor suggested that territorial citizens attain to manhood and cease being "mere sycophabets." Remove from the governor, who represents only himself, the appointment of the prison commissioners and give it to the legislature, which represents the people. Specifically, let the two houses, in joint session, elect the

⁴¹Sentinel, January 29, 1881.

⁴²Ibid.

commissioners and superintendent. The superintendent should not be appointed by the commissioners but should, in a measure, be independent. The board, however, should be empowered to discharge the superintendent for malfeasance.⁴³

It is superfluous to point out that the editor's recommendations were never taken seriously and that for thirty-four years the spoils system prevailed at the Arizona Territorial Prison.

The Sentinel itself, though professedly independent politically, was patently Republican in its sentiments. This may readily be inferred from a single declaration in an 1884 issue of the Sentinel--"There are 133 inmates of the penitentiary, and only one Republican."⁴⁴

The Sentinel was hypercritical of the prison under the Democrats, but consistently parried charges of "unfairness toward the prison management." It stoutly maintained that it had no axe to grind and no pets. The rival Yuma newspaper, addressed in the Sentinel as "our contemporary" or as "the a.a." (Arizona Advance), was quick to take the part of the prison administration against the Sentinel. The a.a.'s sympathy was partially explainable

⁴³Sentinel, January 29, 1881.

⁴⁴Ibid., September 27, 1884.

by the fact that its editor was also the secretary of the Board of Prison Commissioners. The Sentinel referred to him as the "tool of the old prison ring."⁴⁵

When the politics on Prison Hill corresponded with the politics of the local newspaper office, everything was rosy at the prison. A change of prison officials evoked the following from the Sentinel:

Under the able and energetic administration of Capt. F. S. Ingalls the Territorial Prison is improving wonderfully. The discipline is strict but not unkind, and the men are very much pleased with the administration. . . .

The Sentinel also showed affection for "Mr. Long, the efficient warden."⁴⁶

The same issue which rhapsodized about the new administration also took note of the fact that creditors were looking for the former secretary of the board, C. L. St. Ormand.⁴⁷

The next week the following article appeared:

The bubble has burst. The mouth-piece of Yuma's great reform party has decamped, and the tones of the anti-ring-if-we-are-not-in-the-pool organ are hushed in the land.

⁴⁵Sentinel, April 14, 1883.

⁴⁶Ibid., June 30, 1883.

⁴⁷Ibid., June 30, 1883.

St. Ormand has gone, and the a.a. otherwise known as the Arizona Advance, is a thing of the past. ¡ Que lastima!

The Sentinel simultaneously printed an article from the Tombstone Epitaph:

It is announced that C. L. St. Ormand, late secretary of the board of territorial prison commissioners, and proprietor of the Yuma Advance has packed his grip sack and "silently stole away." It is also stated that he stole a considerable amount of coin belonging to the territory. . . .

The Yuma editor observed: "The above article is aggravatingly true." The amount of money St. Ormand supposedly absconded with was \$375. This money was paid to the territory for boarding United States prisoners. Since 1877 about \$10,000 had come for this purpose, yet with the exception of about \$1,700 the territory had received no benefit from it. The secretaries all seemed to have had "a hankering after this fund."⁴⁸

Three weeks later the Sentinel could not resist the temptation to make a play on the Biblical implications of the "saint" part of St. Ormand's name. A certain newspaper, it said, "has a Yuma correspondent who is evidently afflicted with a malady peculiar to infants, for which vermifuge is usually prescribed." He is a "liar" and "an

⁴⁸Sentinel, July 7, 1883.

adherend [sic] of that sect which carries a red flag for the second coming of St. Ormand."⁴⁹

In the final analysis, the territorial prison was under the control of one man--the Governor of Arizona Territory. It was he who had the authority to appoint the prison commissioners and chief officials of the prison. On occasions there were those who went over the heads of the commissioners directly to the governor himself. In 1887 fourteen employees--turnkey, a yard master and twelve guards--penned a letter to Governor C. M. Zulick on behalf of Thomas Gates, superintendent of the prison. The letter was also signed by M. J. Nugent, "ex-assistant superintendent." According to this letter, Ned Boyle, who had been discharged from the prison for writing derogatory letters about Gates, and Pat Holland, who had been discharged "on account of incompetency and gross neglect of duty," were conspiring with three other men, two of them ex-convicts, to injure Gates in the governor's estimation. The guards were anxious for the governor to know that Gates was a man of integrity and that statements to the contrary were false, "the produce of weak and diseased minds and inspired by malice and hatred of the lowest and

⁴⁹Sentinel, July 28, 1883. Frontier journalists were obviously not worried about libel laws.

most vicious kind."⁵⁰

Political overtones were stronger in another letter on behalf of Thomas Gates addressed to the governor three months later. The correspondent was C. Horner, a blacksmith residing at Yuma. The letter is presented here in its full unedited form:

Yuma Yuma Co A. T.
June 1st 1887

His Excellency
C. Meyer Zulick

Dear Sir

I take the liberty of adressing you on a subject of interest to the people at large, as well as the democratic party of the Territory. I allude to the Wardenship of the Territorial Prison at this place. I will inform you that there is a few men in this place Isaac Lyons at the head and fron who are doing all that men can do to have Mr. Gates displaced from the position of warden. Mr. Lyons is one of the Commissioners of the prison and you know well Sir he in connxion with four or five men who are entirely irresponsible are doing all in their power to injure Mr. Gates. No person knows why Mr. Lyons wishes to injure Mr. Gates except that he cannot use Gates to enhance his own interest and bend him to his own selfish purpose. I have been in the blacksmithing wagon and carriage making business in Yuma for the last twenty years. I have done a large amount of work at the Prison since its location. I have worked for all the wardens that have had charge and I consider Mr. Gates the most competent as well as the most worthy in fact I believe him to be the peer of all whom have had charge at that institution.

⁵⁰Arizona Territorial Prison guards to Governor C. Meyer Zulick, February 14, 1887. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

I have known Thomas Gates, for thirty five years and always found him to be a true gentleman, but I cannot say the same of Mr. Lyons. I will state it as my opinion in case Mr. Gates is removed from the position of warden it will be a detriment to the interests of the Territory and also detrimental to the people at large. It will also injure the democratic party of the territory. I visited Tucson last week and talked with at least ten men in regard to Mr. Gates and all of them spoke in the highest terms of him. I can say without fear of contradiction that all the true men of Yuma respect Thomas Gates. There is three Saloon Keepers who donot like him because he dose not patronize them and his click of selfish men who wish to run things their own way are the onley men in this place who oppose him. Yes Sir one more Joseph Cotterall who acts as deputy warden and turnkey, this man is a Spy of the most degraded kind and belongs to the click. The poor retch has had to be carried home drunk three times this spring. I must close for this time.

Yours with true regards
Respectfully yours

C Horner⁵¹

Isaac Lyons, the prison commissioner, who was "at the head and front" of the opposition to Gates, had been involved with the prison as early as 1878 when he received the contract for "provisions and contigent supplies." In July of 1880 he received the contract again.⁵²

Joseph Cotterall, "spy" and member of the "click," the "poor retch" who had to be carried home drunk three

⁵¹C. Horner to Governor C. Meyer Zulick, June 1, 1887. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁵²Sentinel, June 22, 1878; July 10, 1880.

times in a single spring, was the first to affix his signature to the above-cited letter from the guards to the governor on behalf of Superintendent Gates.⁵³

If the statements in the letter of the blacksmith are to be credited, then it is undeniable that Gates was under pressure from within and without. Gates resigned in March of 1888 for reasons of "ill health."⁵⁴ His letter to the governor was to the effect that he was very nervous and incapable of the slightest exertion without fatigue and was resigning on the advice of his physician.⁵⁵

The deteriorated condition of Gates was in part attributable to the fact that in a prison break attempt on October 27, 1887, which resulted in the killing of four Mexican convicts, Gates was "seriously stabbed."⁵⁶

Gates received another appointment on July 13, 1893, and served until March 13, 1896, when he ended his tenure

⁵³Arizona Territorial Prison guards to Governor G. Meyer Zulick, February 14, 1887.

⁵⁴Annual Reports of the Board of Territorial Prison Commissioners for the Years 1887 and 1888, To the Governor, p. 6. Hereafter cited as Commissioners' Report.

⁵⁵Thomas Gates, Superintendent of the Arizona Territorial Prison, to Governor C. Meyer Zulick, March 27, 1888. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁵⁶Commissioners' Report, p. 6.

and his life by suicide. The burden of prison management and ill health were certainly factors precipitating the tragedy.

The question might be entertained as to what would happen should the governor call for a superintendent's resignation and the superintendent refuse to tender it. What could the governor do in the light of such defiance? The question can be answered from an actual case history.

John H. Behan, turnkey, on April 12, 1888, succeeded Thomas Gates as superintendent of the prison. Behan, who had been the first sheriff of Cochise County, is remembered more for his association with the Earps of Tombstone than for anything else. After the gunfight at the O. K. Corral in Tombstone Behan made headlines by forming a posse to pursue Wyatt Earp and company in an effort to arrest them for the "murder" of members of the Clanton gang. The Earps and Doc Holliday fled to Colorado and successfully fought off extradition proceedings initiated by Behan.

It was Commissioner Isaac Lyons who made the motion to elect Behan superintendent of the prison. The motion carried unanimously.⁵⁷ The sweet relationship Behan enjoyed with his superiors unfortunately was to turn sour

⁵⁷Arizona Territorial Prison, "Record of Board of Prison Commissioners with Minutes of Board, April 5, 1875 to January 4, 1901," p. 193. At Arizona State Archives, Phoenix.

by the summer of the next year, due to the fact that he was confronted with a new set of superiors--a new governor and new prison commissioners.

William C. Davis, the newly-appointed chairman of the Board of Prison Commissioners, wrote the governor in August of 1889, after he had made a trip to Yuma: "The Secretary & Beahn [sic] told us that they could not turn over without the board notified him or them."⁵⁸ On October 7, C. H. Brinley, the new secretary of the board, wrote the governor about the appointment of new officers. F. S. Ingalls was appointed superintendent.⁵⁹ The same day chairman Davis sent a telegram to the governor: "Brady and Halleck present. Stevens absent. Refuse to turn over."⁶⁰

On October 24, Davis wrote the governor as follows:

My dear sir the board of Prison Commissioners met the old board in regular Session on the first Monday in Oct & made our demand for the management, which on motion duly Seconded & entered on

⁵⁸William C. Davis to Governor Lewis Wolfley, August 28, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁵⁹C. H. Brinley to Governor Lewis Wolfley, October 7, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁶⁰Telegram, William C. Davis to Governor Lewis Wolfley, October 7, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

their minutes by their board was refused. We then adjourned to the Hotel where we convened and organized by the Election of Wm B. Davis Chairman E A Cutler Treasurer F. S. Ingalls Supt C H Brinley Secretary & Dr Taggart Surgeon. We then instructed our Sec to give Capt Ingalls a certificate of his appointment & instructed him to make the proper demand on Supt Behan for his place which he did.⁶¹

Behan's reluctance to "turn over" was as strong as ever in November when he wrote to the governor:

Your communication of the 1st inst. is at hand. In reply I beg leave to state that W. C. Davis is not now, and was not on the 1st Monday in October, Chairman of the Board of Prison Commissioners, and therefore had no power to appoint F. S. Ingalls, or any other person, Superintendent of the Prison. Wherefore, having the respect for the laws of the Territory, which I have sworn to obey, I could not turn over the possession of the Prison to F. S. Ingalls. . . .⁶²

The rest of the letter makes clear that the governor did not need to send the militia to dislodge Behan, or get involved in protracted litigation. He had another method. Behan continued:

⁶¹William C. Davis to Governor Lewis Wolfley, October 24, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁶²John H. Behan to Governor Lewis Wolfley, November 6, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

I am sincerely obliged to you for your thoughtful kindness in notifying me that you had stopped my salary, but I beg leave to refer you to the law which regulates my salary as Superintendent of the Prison, and to inform you that I can find nothing therein that gives the Governor of the Territory jurisdiction in the premises; nor can I find anything in any law that makes the Governor superior to the law.⁶³

By July of 1890 Behan had to admit defeat. F. S. Ingalls wrote the governor on July 11 that Behan handed him \$658 on his prison account and was still short \$400, which he promised to send in a few days from Phoenix. Ingalls also sent a telegram to the same effect. Perhaps the shortage the governor was pressing Behan for was money which Behan was forced to take from prison funds to make up for his frozen salary. Ingalls informed the governor: "He [Behan] left here this morning for Phoenix to begin an action for his back salary."⁶⁴

Behan's role in the frontier West was finished. Ainslee's Magazine shed some light on his subsequent activities when it affirmed in 1909: "Behan is now a valued member of the quartermaster's department with the army in

⁶³ John H. Behan to Governor Lewis Wolfled, November 6, 1889. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

⁶⁴ F. S. Ingalls to Governor Lewis Wolfley, July 11, 1890. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

the Philippines."⁶⁵

Although much unpleasantness was associated with the episode of Behan and the governor, there was nothing in it really calculated to bring reproach upon the prison. The reputation of the prison did not always fare so well. In March of 1883 there was an "unparalleled scene" in Yuma. Two deputy sheriffs and two prison officers "engaged in a dispute, and attempted to settle the same by the use of abusive language and threats of personal chastizement."⁶⁶

Some of the guards were addicted to sleeping while on duty. According to Richard Rule, a prison officer, one guard so addicted was Pat Holland. Rule, in writing to the governor, urged him to get rid of Holland--to use his words: "Throw off the brakes on Pat--since he is no good to the Democrat party." According to Rule, "Pat would go to sleep while on duty." The papers were "joshing him about the prisoners' having to wake the guards up, and the latter dropping their guns in yard."⁶⁷

⁶⁵Charles Ulrich, "Notorious Criminals in Western Prisons," Ainslee's Magazine, October, 1909, p. 270

⁶⁶Sentinel, March 31, 1883.

⁶⁷Richard Rule to Governor C. Meyer Zulick, August 3, 1886. Microfilm 37.1.21 at Arizona State Archives, Phoenix.

Another incident involved a superintendent. This article appeared in the Sentinel in 1883:

Claus Von der Meeden, superintendent of the Penitentiary, got on a drunk last Wednesday night and badly beat an unarmed man over the head with a six-shooter. Such conduct is undoubtedly commendatory as a penitentiary proposition, and is of a piece with all the last two years' management of the Territorial Prison. Judging from this last break, and from various other drunken outbreaks Mr. Meeden would grace the inside of a penitentiary much better than the outside.⁶⁸

The article appeared directly above an advertisement, the caption of which was in bold print--How to Avoid Drunkenness. It was an interesting juxtaposition.

More serious was the incident in 1882 involving one of the prison's physicians, Dr. J. H. Taggart. An argument developed over some property between Taggart and a Yuma resident named Angelo. Angelo shot Taggart, wounding him critically; Taggart shot Angelo, killing him. Taggart recovered.⁶⁹

Usually anything of a scandalous nature involved territorial money or territorial property. The commissioners reported in 1893 that under the McInernay administration guards not only came on duty intoxicated and made whiskey available at the various guard stands, but

⁶⁸Sentinel, January 27, 1883.

⁶⁹Ibid., February 25, 1882; March 18, 1882.

took supplies out of the commissary without making necessary charges for them. Superintendent McInernay customarily had prison beef delivered to his house without paying for it. When McInernay resigned in 1893 he packed "sundry articles of household effects" such as "several Rugs, Blankets, Table Cutlery Furniture Etc Etc, amounting to about \$1000." He had these commodities forwarded to the railroad depot and would have shipped them out of the territory, had it not been for "the prompt action of Superintendent Meade."⁷⁰

No scandal in the history of Yuma prison, however, could eclipse the one of 1882. In July of that year the Yuma paper began to focus on the prison board. The commissioners were in session with one member, William Buffum of Prescott, absent. The Sentinel commented: "Were we a member of the Board we'd not mourn too deeply for the absent one, knowing, as we should, that he was with us in spirit. His bill for mileage to this session is an indicator of that fact."⁷¹ The board disallowed his \$180 mileage bill, but the Sentinel, not satisfied, took occasion to mount an attack upon H. N. Alexander, district

⁷⁰ Report of the Board of Territorial Prison Commissioners to the Governor, July, 1893. Microfilm 37.1.22 at Arizona State Archives, Phoenix.

⁷¹ Sentinel, July 8, 1882.

attorney and secretary of the prison board, at whom it was piqued for his refusal to grant it thirty dollars' worth of printing business. The "fraud" and "criminal negligence" of the Buffum affair, the Sentinel insisted, should be blamed on Alexander.⁷²

Several weeks later the Sentinel, still chafing under the rejected printing bid, once again subjected Alexander to some public pilloring. The editor spoke of the \$400 annual salary of the secretary as a sum too small for "his valuable labor and advice" and indicated that he only clung to the office because of the nice crumbs known as "perquisites." The same issue printed a statement from the Tombstone Epitaph: "The Territorial Prison is a sink of iniquity, containing a pool of corruption."⁷³

The Yuma paper two weeks later raised a question about an estimated \$4,267 which was to have been paid to the prison for boarding federal prisoners for the period January, 1880, to July, 1882. The editor demanded to know who collected the money, and then accused Alexander of "as underhanded a piece of robbery as could be imagined."⁷⁴

⁷²Sentinel, July 15, 1882.

⁷³Ibid., August 12, 1882.

⁷⁴Ibid., August 26, 1882.

Alexander did not help relations with the Sentinel by his steadfast refusal to throw prison printing business its way. Relations corroded quickly when, in September, he wrote letters to five territorial newspapers, advertising for printing bids. The Sentinel, which by now was already referring to Alexander as the "Smart Alec who runs the Board of Territorial Missionaries,"⁷⁵ began clamoring more loudly than ever for an investigation of prison affairs.⁷⁶ A sister territorial paper soon took notice and applauded the Sentinel enthusiastically, though not too grammatically: "If the Territorial Prison ring don't stop stealing it will not be the fault of the Yuma Sentinel. That able and conscientious paper is doing its duty in the premises."⁷⁷

By October of 1882 the Territory of Arizona had been well prepared by journalistic muckraking for a full-blown prison scandal. On Saturday, October 7, 1882, the Sentinel splashed these headlines across its front page:

PRISON COMMISSIONERS
The First Act in the Investigation of Affairs
A MEMBER FIRED PEREMPTORILY
In Order to Suppress a Disagreeable Motion

⁷⁵Sentinel, July 8, 1882.

⁷⁶Ibid., September 30, 1882.

⁷⁷Arizona Star, quoted in Sentinel, September 30, 1882.

The action had taken place the preceding Thursday at a meeting of the board. Commissioner Abe Frank, the mayor of Ehrenberg, by resolution called for an investigation into the expenditure of the \$20,000 appropriation of the territorial legislature in 1881. Commissioner David Neahr of Yuma insisted that Frank was an alien and therefore "illegible to hold office." Present at the meeting was the governor himself, F. A. Tritle, who pronounced Frank a member and threatened to remove anyone denying it. An investigation into prison affairs was to begin the following Monday.⁷⁸

The Sentinel, predictably, would not let the business of Frank's "legibility" pass without comment. It spoke of the document declaring Frank "illegible" being in handwriting so bad it was almost "inelligible."⁷⁹

The next Saturday issue carried this headline:

PRISON COMMISSIONERS
The Second Act in the Investigation into Affairs
HOW ARE THE MIGHTY FALLEN!
Gross Fraud in the Expenditure of the \$20,000 Appropriation
Mr. Alexander Removed

Beneath the headline was a long "revised" passage of Scripture from the book of Jonah which had only the loosest connection with the article to follow.

⁷⁸Sentinel, October 7, 1882.

⁷⁹Ibid.

The editor considered himself vindicated. He had told the territory something was wrong with the penitentiary and he was right. Before now he could not level specific charges lest someone doctor the records and papers. At last the door was open for a full exposé.⁸⁰

According to the investigation conducted on Monday as scheduled, the construction committee, composed of David Neahr, William Buffum and H. N. Alexander, had ordered supplies from Perry, Woodworth & Company of Los Angeles. Only part of the material had been delivered but the money was gone. Nearly every bill showed manipulations, overcharges and gave evidence of "an astonishing degree of cupidity." In short, the committee was guilty of "the grossest fraud." Alexander, in particular, had "soiled his skirts."⁸¹

Alexander and Neahr were conspicuously absent from the Monday meeting. On Wednesday the board fired Alexander and appointed C. L. St. Ormand secretary of the board.⁸²

The next issue of the Sentinel referred to the Phoenix Gazette which carried Alexander's appeal to the public for a suspension of judgment until he could present

⁸⁰Sentinel, October 14, 1882.

⁸¹Ibid., October 14, 1882.

⁸²Ibid., October 14, 1882.

his side of the case. He labeled the investigation which resulted in his dismissal as "ex-parte" and conducted in his "enforced absence" (he was arguing a case in Phoenix). The Sentinel thought that this was a "lamentably lame excuse"; the court in Phoenix would have given him time; but he had told the board, "Business before pleasure, gentlemen." He did not deny that there had been crookedness in prison matters and promised to place responsibility where it belonged. Both the Yuma and Phoenix papers fixed the figure of embezzlement at \$9,000.⁸³

In March of the following year a legislative subcommittee on prison matters reported that testimony had been hard to obtain because of prejudice against the investigation. Nevertheless, it had uncovered evidence that the Board of Prison Commissioners had conducted prison matters in an unbusinesslike, careless manner. The board granted the secretary too much power. Reckless expenditures and neglect in auditing had been characteristic of the management of the prison.

After a thorough investigation the committee concluded that H. N. Alexander, former secretary of the board, had been guilty of practicing "fraud and conception."⁸⁴

⁸³Sentinel, October 21, 1882.

⁸⁴Ibid., March 17, 1883.

Finally, the committee recommended that the office of attorney general be created to examine the testimony before the committee and to prosecute the perpetrators of fraud in the territory.⁸⁵ The office was created by 1885 and Attorney General Clark Churchill on January 7, 1885, made a demand on Alexander, not for the \$9,000 allegedly embezzled from the \$20,000 appropriation of 1881, but for \$6,447.60 for care of United States prisoners from 1878 to 1882. Alexander returned an "evasive and almost frivolous answer" and refused to pay. The attorney general accordingly instituted an action to imprison Alexander until the money be repaid. He then made a trip to Washington to gather data to commence his suit.⁸⁶

C. H. Brinley, secretary of the prison board, suggested on January 24, 1885, that he would have provided the attorney general the desired data and spared him the Washington trip if he had called upon him in his official capacity. He would provide him nothing as long as he was the paid attorney of Abe Frank, who had employed him to

⁸⁵Sentinel, March 17, 1883.

⁸⁶Arizona Territory, "Report of Attorney General on Prison Matters and Answer by H. N. Alexander, Late Deposed Secretary of Late Board, to Governor F. A. Trible." Correspondence from Department of the Interior. Box 9, microdex 2, film file 37.121 at Arizona State Archives, Phoenix.

hunt the "nigger in the fence." As far as Alexander was concerned, Brinley asserted that he had merely acted under authority of the board, and the board could account for the monies.⁸⁷

When demand was made upon Alexander in the name of Governor F. A. Tritle for the money, Alexander wrote the governor that he was unable to comply with his polite request because of "failure of passing the appropriation bill, bad state of the roads and the smallpox scare." He stated that he had written to the board of 1882, "the board defunct," but they chose to ignore his existence, "particularly as a debtor," and left him "among the dead bones of political dead-beats." Therefore, he said, not having a "sack sufficient to make the donation asked for," he would give the governor all he had--"a poor man's blessing."⁸⁸

If the Territory of Arizona had the misfortune of seeing large sums of public money diverted to private pockets, it had the worse misfortune, in its first attempt at correcting prison administrative abuses, of trying to prosecute a crafty frontier lawyer.

⁸⁷"Report of Attorney General on Prison Matters and Answer by H. N. Alexander, Late Deposed Secretary of Late Board, to Governor F. A. Tritle."

⁸⁸H. N. Alexander to Governor F. A. Tritle, January 7, 1885, quoted in Sentinel, January 24, 1885.

CHAPTER IV

THE PRISONERS

Roscoe Willson, an Arizona journalist, visited Yuma in 1905 and sixty years later reminisced:

When I paid a short visit to Yuma in the spring of 1905, I saw enough of Arizona's first territorial penitentiary to cause me to take a silent oath to cut out horse stealing, cattle rustling and all other criminal activities I might have been contemplating. Just one look at that Hell Hole on The Hill on a blistering hot day in May was¹ enough to tell me that crime doesn't pay. . . .

He reported that part of the prison wall was of rock and part of adobe. There was one main guard tower and several smaller ones on the wall. He saw "a gang of perspiring prisoners . . . mauling and breaking rocks, while others were loading wheelbarrows with the broken rocks and disappearing with them through an iron gate, all under the watchful eyes of armed guards."²

The "Hell Hole on The Hill" was home at one time or another for several thousand convicted territorial criminals. Some of them had famous names; for example, Kit Carson, Zachary Taylor, Casanova, Billy the Kid. As proof

¹Roscoe Willson, "Territorial Prison was a Real Hell Hole," Arizona Days and Ways Magazine, February 7, 1965, p. 28.

²Ibid., 28-29.

that the prison was a public institution there was even a prisoner named John Doe. Of course, Kit Carson, Zachary Taylor, Casanova and Billy the Kid were not the same men found in history books. Kit Carson was a felon sentenced in 1892 for assault with a deadly weapon;³ Zachary Taylor, a felon sentenced in 1897 for manslaughter;⁴ Casanova was Francisco Casanova, sentenced in 1904 for grand larceny.⁵ Billy the Kid was not the New Mexico desperado but a "horse thief" sentenced in 1882 from Gila County, Arizona, known only in the prison records and the Yuma paper as "Billy the Kid No. 2";⁶ he was clearly an imitation. John Doe was not a public-spirited individual; he was sentenced in 1897 for assault with intent to commit murder.⁷

There are a few more names in the prison records that claim attention: Good-Looking, an Apache Indian, ten years for murder;⁸ Snitch, a Pima Indian, ten years

³Arizona Territorial Prison, "Proclamations, Paroles, Etc.," p. 272. Microfilm copy at Arizona State Archives, Phoenix.

⁴Arizona Territorial Prison, Discharge Book, Territorial Prison, Yuma, Arizona: June 1876 to June 1909, p. 76. Hereafter cited as Discharge Book #1.

⁵Ibid., 92.

⁶Ibid., 13; see also Arizona Sentinel, October 21, 1882.

⁷Arizona Territorial Prison, Discharge Book, Territorial Prison, Yuma, Territory of Arizona: 1881-1906, p. 57. Hereafter cited as Discharge Book #2. There are two discharge books and considerable overlapping.

⁸Discharge Book #1, 59.

for manslaughter⁹ (a "snitch" in territorial terminology was an informer or "stool pigeon"); and Juan Jos\$, a Papago Indian, sentenced for "selling Liquor to an Indian"-- his name typed with the dollar sign in the Index to Prison Register.¹⁰

Naturally there were all kinds of people in the territorial prison, as in any other prison, yet the cosmopolitan character of the prison in one particular year was striking. In 1903 there were prisoners from Mexico, Ireland, England, Italy, Canada, Sweden, Scotland, Peru, Poland, Switzerland, Germany, Hawaii and the Isle of Guernsey. Native-born Mexicans comprised more than half of the prison population. The age range of the prisoners was from fifteen to seventy. Most of the prisoners fell into the twenty to fifty age group, with the twenty-five to thirty group showing the highest concentration. Of the 291 prisoners in confinement in 1903 there were twenty-eight who admitted to being second-timers, five who admitted to being third-timers and one who admitted to being a fifth-timer.¹¹

⁹Discharge Book #2, 70.

¹⁰Arizona State Prison, Florence, Index to Prison Register.

¹¹Arizona Territorial Prison, "List of Prisoners in Confinement, January 31, 1903."

Prisoners were in the Arizona Territorial Prison for the same reasons prisoners were in any other prison-- for crimes against property and crimes against persons. Crimes against property included: robbery, burglary, grand larceny, embezzlement, forgery, passing false and forged checks, counterfeiting, obtaining money by false pretences, arson, attempt to rob U.S. mail, breaking into U.S. post office, obstructing railroad tracks.¹²

Crimes against persons would break down into: (1) crimes of violence--murder in the first and second degree, manslaughter, assault with intent to kill and assault with a deadly weapon; (2) sex crimes (crimes against "public morals")--rape, adultery, incest and "crime against nature."¹³

There were two crimes which would be hard to categorize: "selling liquor to an Indian" and "escaping from jail."¹⁴

In 1903 the Yuma Prison accommodated three female prisoners. One was sentenced for arson, one for manslaughter and one for "rape."¹⁵

¹²"List of Prisoners in Confinement, January 31, 1903."

¹³Ibid.

¹⁴Ibid.

¹⁵Ibid. The female rapist had assisted her husband in the rape of a young girl. Both were convicted.

Of the 291 prisoners twenty-three were teen-agers (even though a reform school had been established in 1901 at Benson). The youngest was fifteen, serving time for manslaughter. A sixteen-year-old convict was serving time for assault with intent to rape. An eighteen-year-old convict was serving a life sentence for murder.¹⁶

Crimes of violence in the territory were unusually high. One hundred and thirty-three prisoners were sentenced for such crimes--fifty-six for first and second degree murder, eighteen for manslaughter and thirty-nine for assault. Forty-five percent of the prison population, therefore, was serving time for crimes of violence.¹⁷

This compares with the eighteen per cent serving time for the same crimes in the state prison at Florence in 1956.¹⁸ Such statistics would tend to justify the wild reputation of Arizona in territorial times.

In territorial Arizona there were offences, besides those listed in the 1903 report, which were punishable by imprisonment. Libel, rioting, kidnapping and polygamy were a few of them. One man was imprisoned for the crime

¹⁶"List of Prisoners in Confinement, January 31, 1903."

¹⁷Ibid.

¹⁸Arizona State Prison, State Prison Report, July 1, 1956-July 1, 1957. Document 17238 at Arizona State Archives, Phoenix. The incidence of sex crimes, however, more than doubled from 1903 to 1956.

of prize fighting.¹⁹

The Yuma prison was not only a territorial prison but also a federal prison for persons convicted of federal crimes within the boundaries of Arizona and sentenced to one year and under. Those sentenced from one to two years went to Laramie, Wyoming; and those sentenced for more than two years went to Detroit, Michigan.²⁰ At least one prisoner, "Rhodes, the stage robber," given a chance to compare, preferred Detroit over Yuma.²¹

Prisoner #1 of the Arizona Territorial Prison was William Hall, received on April 20, 1875. He began his sentence in the county jail at Yuma and remained there while the prison proper was under construction. He served three intermittent terms at Yuma and his final release was on September 11, 1891.²² Very few of Hall's successors came and went as much as he did.

Now and then there is a name which stands out in the prison records--the name of Phineas Clanton, for

¹⁹Jack Bolan, sentenced July 19, 1903; "sentence commuted by President Roosevelt"; released January 2, 1904. Discharge Book #1, p. 84.

²⁰Arizona Sentinel, October 13, 1883. Hereafter cited as Sentinel.

²¹Ibid., April 28, 1883.

²²Arizona Territorial Prison, Prisoners Record and Description List, Territorial Prison of Arizona, Book II, p. 29. Hereafter cited as Prison Register. These books are kept as part of the continuing records of the Arizona State Prison, Florence.

instance. Clanton had earned--or rather had inherited--a reputation as one of the Clanton gang of the Tombstone area, whose reputation for rustling was unequalled in frontier Arizona. Phineas Clanton, in living up to his reputation, committed "grand larceny" in 1887 and was dispatched to Yuma for a ten-year term. Ironically, John Behan, who had been sheriff of Clanton's county, was turnkey and later superintendent of the penitentiary while Clanton was there. But Clanton's stay was uneventful and lasted less than two years.²³

Buckskin Frank Leslie, also of Tombstone, was more flamboyant than Clanton. He was prominent for his buckskins, his ivory-handled six-shooters and his way with women. Leslie, who claimed to have been an Indian scout, was employed as a bartender at the luxurious Oriental saloon in Tombstone. He had several killings to his credit, and even took credit for liquidating the dangerous John Ringo.²⁴ His last victim, however, was a member of the opposite sex, a Tombstone dance hall girl. For this murder he was duly tried and sentenced. His incarceration at Yuma lasted from January 10, 1890, to November 17, 1896. Governor Benjamin J. Franklin, in his proclamation of pardon,

²³Discharge Book #1, p. 21.

²⁴Lorenzo D. Walters, Tombstone's Yesterday (Tucson: Acme Printing Co., 1928), p. 99.

alluded to his only fault--occasionally drinking to excess. He said he was "crazed by drink" when he committed his crime. The governor was certain he had conquered his craving for intoxicating liquors and was worthy of pardon.²⁵ The Prison Register stated that he was "pardoned Nov 19th, 1896, unconstituallly [sic] by Gov B J Franklin."²⁶

On his discharge from Yuma, Leslie married a divorcee by the name of Belle Stowell in Stockton, California. In the San Francisco city directory of 1904-05 he was listed as the manager of a grocery store. Tom Bailey, a cub reporter, saw him working as a porter in an Oakland pool room in 1911 and paid him five dollars for an interview. The interview was never published.²⁷

There was one other resident of Tombstone whose name was significantly linked with the Arizona Territorial Prison. The name this time was that of a woman: May Woodman. Having shot and killed Billy Kinsman, a man who had dared to jilt her, she was sentenced for manslaughter in April of 1883 to five years at Yuma. She served only eleven

²⁵ Benjamin J. Franklin, Governor of Arizona, "Proclamation of Pardon," November 17, 1896. Microfilm 37.1.19, microdex 1, at Arizona State Archives, Phoenix.

²⁶ Prison Register, II, 50.

²⁷ Douglas M. Martin, Silver, Sex and Six Guns: Tombstone Saga of the Life of Buckskin Frank Leslie (Tombstone: Tombstone Epitaph, 1962), pp. 59-61; see also Colin Rickards, Buckskin Frank Leslie: Gunman of Tombstone (El Paso: Texas Western Press, 1964).

months, being pardoned "on condition of her leaving and forever remaining out of the Territory."²⁸

The most celebrated prisoner in the history of the Arizona Territorial Prison was Pearl Hart. In company with Joe Boot she held up the Globe stage, for which she received five years in the territorial prison. She arrived at the prison November 18, 1899. The prison records list her name as Pearl Hart, alias Mrs. Joe Boot. On her arrival she had seven dollars on her person. The Prison Register yields this additional information on Pearl Hart: she was Caucasian, born in Canada, a Catholic, twenty-eight years old, five feet, three inches tall, one hundred pounds in weight, foot size two and a half, black hair, gray eyes, medium dark complexion, bad teeth, used tobacco, alcohol and morphine, no legitimate occupation, married, husband living, two children (the "two" is crossed out in the record book), parents living, nearest relation Mrs. James Taylor Jr. of Toledo, Ohio, read and write, educated in private schools in the United States, no former imprisonment, sentence to expire June 16, 1903. Two pictures were taken on her arrival.²⁹

²⁸Sentinel, May 26, 1883; January 12, 1884.

²⁹Prison Register, IV, 65. Of the prison pictures available writers invariably choose the more uncomplimentary of the two.

The Discharge Book gives her date of discharge as December 15, 1902, paroled by Governor A. O. Brodie.³⁰ The prison contains no other data on Pearl Hart.

In September of 1956 an article appeared in an Arizona magazine:

On December 15, 1902--while she still had a year to serve on the minimum time of a five-year sentence-- Pearl Hart unexpectedly was paroled from the ghastly territorial prison at Florence [Yuma]. . . .³¹

According to the article, George Smalley, who had been Governor Brodie's private secretary, kept a secret for fifty-two years, and then, in a letter, revealed that the warden of the territorial prison had come to the governor's office in Phoenix to report that Pearl Hart was pregnant and that if she were not paroled immediately, there would be a prison scandal. The governor paroled her.³²

Smalley asserted that Billy Stiles, a prisoner who had formerly been a member of the Arizona Rangers, was at the prison when Pearl Hart was there and as a trusty had the run of the yard. He could have been responsible for her condition.³³

³⁰Discharge Book #1, p. 78.

³¹Bert Fireman, "For More Than Half a Century George Smalley Kept a Woman's Secret," Arizona Days and Ways Magazine, September 23, 1956.

³²Ibid.

³³Ibid.

The story wears the aspect of probability. The prison administration did not successfully isolate female prisoners from male prisoners. This fact can be illustrated from the official records. An entry concerning one Ed Lopez stated that he had been "punished at different times for entering the Woman's Cell." On July 14, 1891, he was "confined in Dark Cell on Bread and Water for 8 days for entering the Woman's Cell."³⁴ Three years later there was still traffic; Isidore Licana received six days in solitary for "entering women's ward without permission."³⁵

As far as Billy Stiles was concerned, he was admitted to the territorial prison on July 9, 1900, "for safekeeping pending his trial on October 7, 1900." On the specified date he was delivered to a U.S. Deputy Marshal and, according to the records, was never readmitted to the prison.³⁶ Between October 7, 1900, the date of Stiles's release, to December 15, 1902, the date of Pearl Hart's release, was a period of two years, two months and eight days. If Pearl Hart was discharged from the prison carrying Stiles's unborn child, as Smalley reportedly suggested, it was one of the strangest maternity cases on record.

³⁴Prison Register, II, 23.

³⁵Ibid., II, no page number.

³⁶Ibid., IV, 161. He was admitted and discharged before the Arizona Rangers were organized.

Whenever a convicted criminal was admitted to Yuma prison, he was photographed. This practice was begun in 1884; but only those who had been sentenced for more than five years were required to have their pictures taken.³⁷ The superintendent in 1892 declared that the practice of photographing prisoners was not consistently followed, one reason being the fact that the photographer had left town. The superintendent bought a camera and "photographic outfit" and would take the pictures himself. All convicts would be photographed; the pictures would be a means of identifying escaped prisoners.³⁸ Eventually the pictures in the Prison Register showed both front and profile views in one picture. This was accomplished by the use of a mirror for the profile.

The new arrival at the prison exchanged his citizen's clothing for a striped suit. Until 1879 the colors were black and gray, with the stripes running vertically; after 1879 the colors were to be black and yellow, with the stripes running horizontally.³⁹ In 1884 the prison board adopted the "San Quentin uniform for convicts."⁴⁰ No

³⁷Sentinel, April 12, 1884.

³⁸Superintendent's Quarterly Report, 1st quarter, 1892.

³⁹Sentinel, June 7, 1879.

⁴⁰Wallace W. Elliot, History of the Arizona Territory, pp. 153-154, quoted in Frank D. Robertson, "A History of Yuma, Arizona," unpublished Master's thesis (Tucson: University of Arizona, 1942), p. 68.

description of this uniform was provided, but photographs of prisoners after the change show that the uniforms were at least still striped.

In 1895 the prison allowed each male convict "one hat or cap, one jacket, two pair trousers, two pair drawers, two pair socks, one pair shoes, two handkerchiefs and two towels." Each convict could have "one tooth pick, and tooth brush, a fine and coarse comb." His bedding allowance was two sheets and two pillow cases.⁴¹ Female prisoners were to wear such clothing as the superintendent would prescribe.⁴²

Prisoners, on admittance, were to have their heads shaved and their beards and moustaches removed. The purpose was probably twofold: to prevent the presence of vermin and to render the prisoner conspicuous in case of escape. Exceptions to the rule can be seen in the Prison Register. Frank Leslie, for example, retained his walrus moustache. The official rules required prisoners to shave at least once a week and get their hair cut at least once a month, unless excused by provisions of the law or by a certificate from the prison physician.⁴³

⁴¹Arizona Territorial Prison, Rules and Regulations for the Government and Discipline of the Arizona Territorial Prison at Yuma, pp. 19-20. Document 71709 at Arizona State Archives, Phoenix. Hereafter cited as Rules and Regulations.

⁴²Ibid., 19.

⁴³Ibid., 19.

The prisoners' living quarters were for night only; from unlocking to locking they were not permitted in their cells. There were several types of cells--those in cell blocks, those cut into the rock and those which were nothing more than steel cages. Among those who inhabited the cells cut into the rock were women and TB patients. Each cell in the main cell block accommodated six bunks, three on a side. The bunks were approximately eighteen inches wide. Until 1902 the bunks were of wood, which, though "frequently scalded and whitewashed, could not be kept clean and free of vermin." It was impossible to prevent bedbugs from breeding in the wood. The new angle iron bunks solved the problem.⁴⁴

There was not always sufficient bedding and clothing for the prisoners. Superintendent Herbert Brown reported in 1898 that winter had found the prison "almost devoid of beds and blankets, and the men with but little clothing of any kind." He also reported that the men had no coats.⁴⁵ Since the cells had no heating apparatus and were open, with nothing but iron gratings for doors, the men were dependent upon clothing and blankets for protection against winter cold.

⁴⁴Superintendent's Annual Report, 1902, p. 83.

⁴⁵Superintendent's Biennial Report, 1897-98, p. 2.

The iron gratings in summer afforded natural ventilation--complemented later by electric ventilation--and were no doubt desirable from that standpoint; but gratings had the drawback of offering no resistance to "mosquitoes and other pernicious insects."⁴⁶ The local paper noted in June of one year that the supply of mosquitoes was greater than the demand.⁴⁷

Not only did prisoners have to suffer exposure to insects and elements, they had to endure the utter lack of sanitary facilities in the cells; and there was apparently no access to such facilities outside the cells from locking to unlocking. The likelihood is that buckets had to serve the purpose.

Overcrowding was a chronic problem at the prison. The situation was critical enough in 1883 to provoke the Phoenix Gazette to observe that the jamming of many prisoners into a single cell violated the "usual cubic air laws."⁴⁸ The construction of cells rarely kept pace with the increase of prison population.

In 1876, when the prison first went into operation, it had the capacity to accommodate fifteen prisoners.⁴⁹ In

⁴⁶Superintendent's Annual Report, 1902, p. 83.

⁴⁷Sentinel, June 9, 1883.

⁴⁸Phoenix Gazette, quoted in Sentinel, January 6, 1883.

⁴⁹Sentinel, June 24, 1876; this conflicts with "Arizona (Ter.) Prison Historical Notes" in the state archives at Phoenix, which fixes the capacity at thirty-two.

1877 the prison was large enough for its population, but mining developments at Tombstone were expected to increase the prison population sharply.⁵⁰ Expectations were not disappointed, because the next report available showed that by 1882 there were sixty-six prisoners at the prison.

Thirty-eight were native born; twenty-eight, foreign born. They came from Germany, England, Scotland, Ireland, China, Austria, France, Switzerland, Italy, Sweden, Mexico, District of Columbia, Nebraska, Texas, Massachusetts, New Jersey, Oregon, Iowa, Tennessee, South Carolina, Georgia, Ohio, Missouri, California, Kentucky, New York, Maryland, Michigan and Pennsylvania. The local editor observed tersely: "There are no Arizonans in the prison."⁵¹

The next year witnessed an increase to 106; in 1884 the number had reached 134. However, there was an unaccountable drop to 124 five years later.⁵²

In 1890 the superintendent reported a population of 133. He additionally reported that during the past sixteen years there had been a total of four female convicts and a population grand total of 729.⁵³

⁵⁰Sentinel, February 3, 1877.

⁵¹Ibid., June 24, 1882.

⁵²Superintendent's Annual Report, 1889.

⁵³Ibid., 1890.

In 1892 there was an average daily attendance of 166. On January 1, 1893, there were 158 prisoners. Of the 209 prisoners in 1897 three were women; there were also three women among the 281 prisoners in 1902. The organizing of the Arizona Rangers in 1901 would be expected to increase the prison's population; this energetic organization made 1,052 arrests in 1905.⁵⁴ By 1909, the last year of the Yuma prison's operation, the number of inmates had swollen to 419, including five women. This number put a strain upon prison facilities.

Prison food, according to official report, was "good, clean and well cooked, and varied from day to day."⁵⁵ The daily bill of fare in 1890 appeared in the superintendent's report for the year. For breakfast on Sunday the men had fresh beef hash, wheat bread and coffee; for dinner, nothing listed; for supper, roast beef, mashed potatoes, soup, wheat bread, pie and tea. The breakfast and dinner menus for Monday were identical--bacon and beans, bread and coffee; for supper there was fruit, rice, bread and coffee. This bill of fare was repeated on Friday, with rice omitted. The Tuesday breakfast consisted of beef steak, potatoes, bread and coffee; dinner, pot-pie, made with potatoes and onions; supper, beef stew, bread and coffee. Wednesday and

⁵⁴Governor's Report, 1905, pp. 68-69.

⁵⁵Superintendent's Quarterly Report, 3rd quarter, 1883.

Thursday menus were similar to the Tuesday menu. The men ate better on Saturday; for breakfast--beef steak, boiled potatoes, bread, coffee; dinner--stewed beef with onions, bread; supper--stew, fruit, bread and coffee.⁵⁶ The diet was noticeably deficient in fresh vegetables.

Since the food was cooked by inmates, and since the culinary talents of inmates undoubtedly varied widely, the food must have ranged from delicious to inedible. A former inmate--William J. Flake, a convicted Mormon polygamist who served a few months in 1885--spoke of "spoiled meat" on the dining table.⁵⁷

It is not realistic to evaluate living conditions at the territorial prison without taking the summer heat into consideration. The heat, probably more than anything else, earned the prison the nickname of Hell Hole. In territorial Arizona yarns about Yuma's temperature were popular. One of the most popular concerned a soldier who, having died and gone to hell from Yuma, came back for blankets.⁵⁸ In Yuma, so the stories went, wings melt off mosquitoes; flies die of heat exhaustion; Mexicans crawl into their little huts; Indians cover themselves with

⁵⁶Superintendent's Annual Report, 1890.

⁵⁷O. D. Flake, William J. Flake: Pioneer-Colonizer (no imprint, no date), pp. 106-107. O. D. Flake was the son of William J. Flake. Book was probably written about sixteen years after the elder Flake's death in 1932. Copy at Arizona State Archives, Phoenix.

⁵⁸Joseph Miller (ed.), Arizona Cavalcade: The Turbulent Times (New York: Hastings House, 1956), p. 270.

mud; "Americans stand in the Colorado river half the day and keep drunk the rest of the time to avoid death by melting." It is so dry that one has to speak in short sentences, and the most common sentence uttered is "Yes, I'll take a drink."⁵⁹ Everything dries up in Yuma, including the thermometer--"wagons dry; men dry; chickens dry; there is no juice left in anything, living or dead, by the close of summer." Officers and soldiers creak when they walk; mules can only bray at midnight; carcasses of cattle rattle inside their hides; snakes cannot bend their bodies; horned frogs die of apoplexy.⁶⁰ The ground gets so hot in Yuma that "little desert lizards have to turn over on their backs every little while and wriggle their feet."⁶¹

The Yuma Sentinel, so far from relishing such yarns, resented them intensely. Stories about casualties of the summer head had kept people away and had cost Arizona "hundreds of thousands of dollars." Most of the deaths attributed to the heat, so the Sentinel said, should have been attributed to the use of gin and whiskey. It was

⁵⁹Miller, Arizona Cavalcade, 119.

⁶⁰Henry G. Alsberg (ed.), Arizona: The Grand Canyon State, A State Guide, revised by Joseph Miller (New York: Hastings House, 1956), p. 270.

⁶¹Arthur Ruhl, "Pioneers of the Dry Places," Collier's, September 9, 1905, p. 14.

about time for "yarns about intense heat" to stop. As far as sunstroke was concerned, it had "never occurred in Arizona."⁶²

In a June issue of the Sentinel--June is a very hot month in Yuma--the temperature is "delightful."⁶³ From time to time the southern Arizona climate was set forth as superior to the climate of New York, Charleston, San Diego, Florida and other places. The superiority was supposed to consist in the dryness of the air. In Arizona men could engage in hard outdoor work in temperatures up to 140 degrees because of atmospheric dryness. In a Sentinel issue which descanted on the pleasantness of Yuma's temperature and low humidity there appeared an article, inserted with guileless inconsistency, on the death of Jack Swilling in the Yuma County jail: "As the weather was quite sultry and moist, decomposition set in rapidly and the body burst open at the neck before it could be encoffined and buried the next morning." The doctor had planned to break Swilling of his opium habit but was waiting until the weather got "cooler."⁶⁴

⁶²Sentinel, August 24, 1878. The prison physician reported in 1883 that one prisoner had died of "heat exhaustion"; see M. F. Price, "Physician's Report," in Superintendent's Annual Report, 1883.

⁶³Sentinel, June 19, 1875.

⁶⁴Ibid., August 24, 1878.

In the summer of 1895 the editor of the Phoenix Gazette visited the territorial prison. Superintendent Gates took him by buggy from the railroad station to Prison Hill. The editor later wrote: "To say that the day was warm is to but feebly pay tribute to Yuma's renowned supereminence in the matter of temperature." He spoke of the adobe buildings and sandy streets reflecting back the "full intensity of 115 degrees Fahrenheit" and of his first thought being "in reference to the awful discomfort that must be experienced by the penned-up wretches on the hill."⁶⁵

The prison personnel also felt the heat on Prison Hill. Captain J. F. Long, turnkey of the prison, resigned in April of 1884, "not caring to spend another hot season in Southern Arizona."⁶⁶ Thomas Rynning, last superintendent of the prison, criticized the Yuma prison, describing it as "deadwood." He said that it was "too hot, for one thing, to keep prisoners anyways healthy and contented."⁶⁷

Yuma residents testified to the extreme heat of summer. One of them related that as a boy he slept in

⁶⁵Phoenix Gazette, "Summer Resort," 1895, quoted in Joseph Miller (ed.), Arizona Cavalcade (New York: Hastings House, Publishers, 1962), p. 142.

⁶⁶Sentinel, April 5, 1884.

⁶⁷Thomas H. Rynning, Gun Notches, quoted in Mary C. Boyer, Arizona in Literature (Glendale, California: The Arthur H. Clark Co., 1935), p. 426.

flannel pajamas soaked with water under sheets soaked with water. Often he had to repeat the soaking process before the night was over.⁶⁸

The prisoners on the hill could not soak themselves. They had to rely totally on ventilation for comfort. In 1902 a new ventilating system was installed. Prior to that time existing systems were evidently unsatisfactory, as the superintendent reported that the men had "suffered severely through the heated months of summer."⁶⁹

The prison administration was attentive to the spiritual as well as the physical needs of the inmates. Religious services were conducted for both Protestants and Catholics. Catholic services were conducted only in Spanish.⁷⁰ In 1893 all prisoners were attending religious services.⁷¹ Perhaps the compulsory attendance rule would naturally be followed by another rule: "Spitting on the floor, shuffling with the feet or any unnecessary noise [during religious services] is forbidden."⁷²

⁶⁸Col. John Ewing, U.S. Army Retired, to Don Malone, interview, August 25, 1967.

⁶⁹Superintendent's Annual Report, 1902. Anyone desiring to satisfy himself on the question of Yuma's heat should visit there in the summer. August is a good month for sampling the temperature. Unlike many desert places, Yuma does not cool to a comfortable level during the night; hence the difficulty in sleeping.

⁷⁰Ibid., 1890.

⁷¹Superintendent's Quarterly Report, 3rd Quarter, 1893.

⁷²Rules and Regulations, p. 18.

The prison provided a library for prisoners as early as 1883. It became an impressive part of the prison and by 1902 contained not only books but also twenty different magazines, nearly all of the leading weeklies, several daily papers and religious journals. Materials could be read in or out of the library and could be taken to the cells.⁷³ Not everyone, however, used the library. Eighty-one of 209 prisoners in one given year were illiterate.⁷⁴ The library was supported by the twenty-five cent admission fee required of all visitors to the prison. Sometimes donations were forthcoming.⁷⁵

At the turn of the century the administration established a prison school. This school was taught by convicts and the courses offered were grammar, writing, spelling, composition, arithmetic, Spanish, German and music. There were sixty-nine students in 1902.⁷⁶

Various administrations apparently did not consider entertainment for the prisoners a necessity. During the Ingalls administration, due largely to the interest of Superintendent Ingall's wife, Medora Ingalls, the

⁷³Governor's Report, 1902, p. 84.

⁷⁴Ibid., 1897, p. 68.

⁷⁵Sentinel, January 10, 1885.

⁷⁶Governor's Report, 1902, p. 84.

deficiency was not as noticeable. There was a concert in January of 1885 featuring vocal and instrumental music.⁷⁷

Prisoners were very well hedged about with rules and regulations. In addition to many already mentioned there were others. Prisoners were required to salute guards before speaking to them; to go to bed, get up and make beds, on signal; to march in order; to remove hats on entering office; to wear only regulation clothing, unless otherwise directed. Prisoners were forbidden to abuse tools, cells, etc.; to change cells; to sleep in day clothes; to use profanity or vulgarity; to engage in indecency; to have "knives, tools, citizen's clothes, weapons of any kind"; to write notes to other prisoners; to steal, quarrel, insult or assault; to loiter about shops, offices or gates; to take dining room articles to cells.⁷⁸

Prison records reveal that rules, although they were not broken with impunity, were broken with a good deal of regularity. The following infractions will serve as specimens--gambling, talking after taps, smuggling tobacco, smuggling out letters, not saluting superintendent, having citizen's clothes, refusing to work, refusing to

⁷⁷Sentinel, January 10, 1885.

⁷⁸Rules and Regulations, pp. 16-19.

shave, having money on person, interfering with light, destroying property, insulting officers, changing cells without permission, tearing clothes, attempting to escape, throwing hard adobe at other prisoners.

Smuggling, a practice especially common in the 1890's, was hard to prevent. One convict was caught with fifteen packages of tobacco.⁷⁹ The smuggling of narcotics was a worse problem. Jesus Esquivel was "caught trying to smuggle marihuana inside prison walls."⁸⁰ George Dwyer, who had the "opium habit," was caught "smuggling into the prison 2 one Eighth ounce bottles of Sulphate of Morphine."⁸¹ John Brown, an unwilling guest of the penitentiary in 1892, was, upon entering, a "confirmed Morphine Eater." The prison physician almost had him cured "when by some means he procured Morphine and relapsed into a worse wreck than formerly."⁸²

Fighting was an ever-present problem. Superintendent Herbert Brown in 1902 observed that in a "common yard" it was impossible to prevent fighting and stabbings.⁸³

⁷⁹Prison Register, II, 4.

⁸⁰Ibid., II, no page number.

⁸¹Ibid., II, 94.

⁸²Ibid., II, no page number.

⁸³Superintendent's Biennial Report, 1900-1902, p. 21.

One prisoner was punished eight times for fighting.⁸⁴ At least one woman was guilty of the offence.⁸⁵ Sometimes prison fights had fatal consequences. Simon Aldrete, serving a life term for murder, was "stabbed to death by Convict No. 1747 F. Garcia" on August 16, 1903.⁸⁶

Prisoners who violated the rules and regulations of the prison could expect punishment. The superintendent in 1883 admitted the fact of punishment and stated that the mode of punishment most resorted to was "confinement in the Dark Cell." However, he resorted also to "corporal punishment" if he could not "effect a reformation by moral suasion."⁸⁷

Fictional and quasi-factual literature on the prison is full of references to guard brutality and bull whips. One such piece of literature deals with a bull whip-wielding guard by the name of Shreeves who, in June of 1880, was supervising prisoners building a new adobe wall. One of the prisoners felled the guard from behind with a hard adobe brick and stabbed him with a heavy trowel. Realizing

⁸⁴Prison Register, II, 49.

⁸⁵Ibid., IV, 191.

⁸⁶Discharge Book #1, p. 82.

⁸⁷Superintendent's Quarterly Report, 3rd quarter, 1883.

the guard was dead, he and the other prisoners involved reacted by burying him in the wall.⁸⁸

This could have happened, of course. The prison walls were thick enough to accommodate a human body; prison records show that prisoners attacked guards from time to time. But it did not happen--not at least in June of 1880. There was only a wooden fence around the prison at the time.⁸⁹ Work on the adobe wall did not commence until October of 1884.⁹⁰ The Yuma newspaper carried no report of a missing guard in any issue of 1880.

If there was guard brutality at the territorial prison--and there doubtless was some at one time or another--it would be impossible to prove it from official records. No superintendent was about to admit it, because it would reflect on his administration. There is no mention in prison reports and records of a bull whip. Superintendents repeatedly spoke of solitary confinement on "light diet" as the only punishment.

Solitary confinement at Yuma was condign and convincing punishment. In 1883 a room about the size of a

⁸⁸William and Milarde Brent, The Hell Hole: The Yuma Prison Story (Yuma: Southwest Printer, 1962), pp. 42ff.

⁸⁹Sentinel, April 27, 1939.

⁹⁰Superintendent's Annual Report, 1884.

modern bedroom was cut into the solid rock "for the punishment of refractory prisoners."⁹¹ A short corridor with a door at either end connected the cell with the outside. The inside door was of the iron grating variety; the outside door was solid iron. On opposite sides of the cell iron rings were embedded in the rock and used to chain prisoners. In the middle of the room was an iron cage anchored to the rock floor; this cage would accommodate two prisoners.⁹² With the outside door closed the cell was pitch black--therefore the name "Dark Cell." In winter the cell was an icebox; in summer, an oven.

The name "Snake Den" gradually came into vogue after a lady visitor to the prison saw scorpions in the Dark Cell. Stories began to circulate that guards now and then would slip in a snake for the entertainment of the occupants. (Snakes, scorpions and tarantulas are abundant in Yuma.) Prison records refer rather consistently to solitary as the "Dark Cell"; but in 1896 an entry in the Prison Register stated that Ed Ross was punished for "Smuggling Tobacco in Snake Den."⁹³

⁹¹Superintendent's Quarterly Report, 3rd quarter, 1883.

⁹²Dr. R. R. Knotts, last physician of Yuma prison, to Don Malone, guided tour of prison, August 27, 1967. The cage has disappeared but its bottom is still embedded in the floor.

⁹³Prison Register, III, 300.

How many days the offender spent in the Snake Den depended on the nature of his offence. It could be one day for refusing to shave, five days for gambling or fighting, eight days for entering Woman's Cell--but thirty-nine days for refusing to salute the superintendent.⁹⁴ John Clay must surely have held the record. For stabbing a convict he spent 107 days in the Snake Den; for a later offence (which is illegible in the Prison Register) he received thirty-one days; for refusing to work, five more; for gambling, five more; for refusing to shave, one more; for attempting to escape, eleven more. As further punishment his "good time" was taken away; but a year later it was all restored and pardon granted. The administration seemed almost eager to get rid of this recalcitrant prisoner.⁹⁵

It should be observed, in passing, that the territorial prison was not, as the state prison later was, the site of public executions. As a matter of fact, capital punishment in Arizona in lawless territorial days was officially inflicted only on rare occasions. First degree murder was punished usually by "life" imprisonment. The Sentinel in 1883 complained of laxity, reporting that no

⁹⁴Prison Register, II, 94.

⁹⁵Ibid., II, no page number.

executions had taken place in the territory in the preceding year.⁹⁶

It was undeniably the ambition of the majority of convicts in the territorial prison to get out of it. There were several ways a convict could do so. He could serve his sentence, minus good time, and be discharged. He could get out before the expiration of his sentence by a pardon from the governor. Pardons were granted quite freely--not only in the case of Pearl Hart.

The discharged prisoner received five dollars, a fifteen-dollar suit of clothes and "a half-fare railroad ticket 300 miles in any direction." The Southern Pacific, the only train through Yuma, at first refused to issue prisoners a half-fare ticket. The prison, consequently, provided each discharged prisoner a first-class ticket "which in any direction taken would deposit him on the desert in either Arizona or California." The railroad finally granted a special rate of three cents a mile and a ticket either to Tucson or Los Angeles.⁹⁷ By 1892 train tickets were void after three days.⁹⁸ Yuma acquired several new residents because many discharged prisoners tried to

⁹⁶Sentinel, June 6, 1883.

⁹⁷Superintendent's Biennial Report, 1891-92, p. 7.

⁹⁸Superintendent's Annual Report, 1892.

catch up on their drinking before catching a train.

Another way to get out of the prison was to get deported. On February 14, 1901, three Chinamen were delivered to a U.S. Marshal "to be deported to China." Their offence was "uttering false and forged certificates of residence."⁹⁹ Aliens were welcome at the territorial prison, but only if they had committed bonafide crimes.

By far the most popular means of exit available to those who could not qualify for automatic discharge, pardon or deportation was escape. Regarding escapes, literature on the prison goes from one extreme to the other in establishing the number. According to some writers, only one prisoner ever escaped; other writers picture prisoners escaping in droves. The superintendent's report for 1890 listed seven escapes for the first sixteen years of the prison's operation.¹⁰⁰ There was never a successful massive break from the prison. The most daring was the one in October of 1887 in which Superintendent Thomas Gates was severely wounded. Four Mexican convicts in this break attempt were "killed."¹⁰¹ These were four of five killed

⁹⁹Discharge Book #1, p. 69.

¹⁰⁰Superintendent's Annual Report, 1890. The superintendent must have calculated from the beginning of 1875 to the end of 1890 to arrive at sixteen years.

¹⁰¹Discharge Book #1, p. 17.

attempting to escape in the first sixteen years of the prison's history.

Attempted escapes were frequent; successful escapes were rare. The average number of successful escapes for thirty-four years was approximately one per year.¹⁰² Prison officials frowned on the practice of escaping and provided several discouragements. Guards armed with Winchester rifles patrolled the walls, and many, like B. F. Hartlee, were renowned sharpshooters. Convict Edward Riley, in 1883, discovered that the guards had another kind of weapon. A guard detected him endeavoring to climb over the "west embankment" and "fired upon him, lodging the contents of his shot gun into his back."¹⁰³ Another discouragement--especially to wholesale breaks--was the "Lowell Battery Gun" purchased in 1889 \$1,300,¹⁰⁴ otherwise known as a Gatling gun. This forerunner of the modern machine gun was a deadly piece of weaponry. Photographs of the guard towers show that at least one besides the main tower was equipped with a Gatling gun. This tower

¹⁰²Data taken from Discharge Book #1. The majority of escapes occurred before 1900. The prison more and more developed into a maximum security prison.

¹⁰³Superintendent's Quarterly Report, 3rd quarter, 1883.

¹⁰⁴Report of the Board of Prison Commissioners to the Governor, December 6, 1884.

was probably the one overlooking the "prison yard and the garden on the Gila bottom."¹⁰⁵

If a man succeeded in escaping from the prison proper he still had problems. A posse--sometimes "several posses"--was in the saddle almost immediately--at any rate, by the next morning, if the escape had occurred at night.¹⁰⁶ The standing reward of fifty dollars on every escapee provided a strong incentive to Indian "trailers" sent out by the prison.¹⁰⁷ Unless the escapee could obtain citizen's clothes his striped suit rendered him very conspicuous.

On escaping from the prison, a convict could conceivably make good his escape toward any point of the compass; yet it was wise for him to avoid the desert, particularly in summer, lest he die of thirst. His chances would be much better along the river routes, especially southward along the Colorado. One prisoner attempted to swim the Colorado--which in territorial days, before man tamed it with a dam, was a swollen, turgid, treacherous river--and received nothing for his efforts but thirty

¹⁰⁵James M. Barney, Yuma (Phoenix: Charter Oak Insurance Co., 1953), p. 30. Barney was a pioneer historian, born in Yuma, October 22, 1874.

¹⁰⁶Superintendent's Quarterly Report, 2nd quarter, 1892.

¹⁰⁷Superintendent's Biennial Report, 1891-92, p. 35.

minutes of exercise in the water and fifty-two days of rest in the Snake Den.¹⁰⁸

Since Mexico was only a few miles away, it was the favorite destination of fugitives. A fugitive would need to penetrate quickly and deeply into Mexican territory, however, because posses were able to cross the border into Sonora to retrieve him. In 1892 a posse captured one escaped prisoner in Mexico, headed off two more, forcing them back up the river into Arizona, where they encircled and captured them.¹⁰⁹ Although pursuit of Indians across the border was permissible under a United States-Mexican treaty,¹¹⁰ there was no provision for pursuit of convicts--but posses were not concerned with minor breaches of international law.

The Mexican border, of course, drew fleeing convicts like a magnet,¹¹¹ but Mexico was not quite the inviolable sanctuary described in Western fiction. There

¹⁰⁸Superintendent's Quarterly Report, 4th quarter, 1893.

¹⁰⁹Ibid., 2nd quarter, 1892, pp. 4-5.

¹¹⁰The treaty was not always observed. Mexicans in 1882 caught some Tucson Rangers pursuing Indians across the border, took their guns and sent them home. Sentinel, June 24, 1882.

¹¹¹The border also held fascination for fugitives fleeing north from Mexican justice. In 1884 the Governor of Sonora appointed an extradition agent for the Altar district of Sonora "to demand of the authorities of Arizona the return of all Mexican criminals fleeing" to Arizona territory. Sentinel, February 23, 1884.

was an extradition treaty in force between Mexico and the United States as early as 1861, and fugitives--except those convicted of political crimes or offences which under Mexican law were not defined as crimes--were subject to arrest and extradition.¹¹²

An escapee hiding in Mexico had a good chance of avoiding extradition. Joseph Lewis, who had been serving a sentence at Yuma for the murder of his wife, escaped in 1878. A man from Sonora reported seeing him in 1881 working at the Prietos mine near Hermosillo.¹¹³ Although extraditions were relatively rare, the fugitive in Mexico had to live with the constant threat of one. There were enough extraditions to keep the threat alive. Bill Delaney, one of the participants in the Bisbee, Arizona, holdup and killings, was at Hermosillo in January of 1884, "awaiting extradition."¹¹⁴

Mexicans had the best chance of escape. In 1875 William Hall, who was to be prisoner #1 of the territorial prison, and a Mexican surnamed Lopez escaped from the county jail in Yuma. Hall was captured quickly; Lopez

¹¹²William M. Malloy (ed.), Treaties, Conventions, International Acts, Protocols and Agreements: 1776-1909 (Washington: Government Printing Office, 1910), Vol. I, p. 1125.

¹¹³San Francisco Chronicle, quoted in Sentinel, November 12, 1881.

¹¹⁴Sentinel, January 19, 1884.

was not captured and it was unlikely he would be, because, as the Sentinel explained, it was the practice of Mexicans always to "aid and assist and hide away fugitives from justice of their own race."¹¹⁵

Mexicans had the further advantage of being able to blend with the populace; "gringos" stood out. Mexican law, moreover, favored a Mexican-born fugitive. Both the extradition treaties of 1861 and 1899 stipulated that neither Mexico nor the United States would be bound to deliver up its own citizens. But the Mexican government on occasions was "willing to place its citizens upon trial in Mexico upon charges of crime committed in the United States."¹¹⁶

The Mexican-born fugitive would find concealment the best solution to his problem. If he could hide long enough for the Mexican statute of limitations on his crime to take effect, the Mexican government would refuse to extradite him. In other words, if he could avoid arrest until his prison term in the territorial prison (or any other prison) had run its course, he was a free man in Mexico, regardless of his crime.¹¹⁷

¹¹⁵Sentinel, August 21, 1875.

¹¹⁶Green Haywood Hackworth (ed.), Digest of International Law (Washington: Government Printing Office, 1942), Vol. IV, p. 223.

¹¹⁷Ibid., 194.

Stories of sensational escapes from the territorial prison--stories for the most part of recent origin and usually verging on the fabulous--are easier to explode than to document. Take, for instance, the story of John Vaughn and William "Cutter" Conway. Having escaped from the prison, they commandeered a train of the Southern Pacific. In sight of mountains the train ran out of fuel, and the fugitives, trying to reach the mountains before the posse could overtake them, were unable to do so because their legs, having been so long in irons, refused to function.¹¹⁸

Of course, the first question is this: If their legs would not function, how could they escape from the prison and steal a train in the first place? The names of Vaughn and Conway are not in the prison records.

Another story concerns one Pedro Calderon. Having escaped carrying a guard's rifle with him, he later sent the rifle back to the guard from deep inside Mexico.¹¹⁹

There is no Pedro Calderon in the prison records.

For sheer adventure the story of the tunnel diggers is hard to surpass. Four prisoners--Charles Banion, Joe Green, Leonard Rivas, Sebastian Coss--spent five years

¹¹⁸Oren Arnold, "Hell Couldn't Hold Them," Denver Post, June 28, 1964, p. 10.

¹¹⁹Ibid.

digging a tunnel under the prison wall, but the day before it was finished one of the four, beside himself with anticipation, got the giggles and gave the scheme away.¹²⁰

The story is apocryphal. Not one of the four prisoners is listed in prison records.

Pearl Hart was said to have managed the "slickest" escape by mingling with some visiting "do-good ladies" and leaving with them. Her absence was unnoticed until evening, when prison authorities discovered she had left on the noon train!¹²¹

Pearl Hart neither escaped nor attempted to escape from the Arizona Territorial Prison. She was pardoned on December 15, 1902.¹²²

It is not necessary to ransack fictional sources to find manifestations of ingenuity on the part of prisoners; official records and territorial newspapers are sufficient for the purpose. The Sentinel, for example, recounted in 1883 how five prisoners during the daytime sawed the hasp of their cell "very near through" and filled

¹²⁰Arnold, "Hell Couldn't Hold Them," p. 10.

¹²¹Ibid. It was not unknown for male prisoners to try to hop a freight train; see Superintendent's Quarterly Report, 2nd quarter, 1892, pp. 4-5.

¹²²Prison Register, IV, 65. But Joe Boot, her companion in crime, did escape, on February 6, 1901; see Discharge Book #1, p. 69.

in the cut with blackened soap. They also secreted a crowbar in the cell which they used after nightfall to pry open the door. They escaped as quickly as possible and "forgot to say good bye."¹²³

A clever prisoner not only escaped from the prison but gained time on his pursuers by leaving a dummy in his bed. He was last seen heading in the direction of Colton, California.¹²⁴

Another prisoner, evidently gifted with theatrical ability, feigned madness in order to get transferred to the insane asylum at Stockton--the "Stockton Loco Retreat," as the Sentinel so quaintly styled it. The Arizona Miner marvelled at his sudden insanity symptoms and remarked on the eagerness of prison officials to transfer him and his ease of escape from Stockton. The ex-prisoner, Cicero Grimes, showed up later in Oregon.¹²⁵

The prize for pure originality, however, must go to the convict who persuaded "two of his comrades to bury him on the side of the bank near Ragel's guard stand." Unfortunately, the guard on the opposite side witnessed the whole operation and reported it. The prison

¹²³Sentinel, May 26, 1883. Indians trailed them to Gila City and assisted in their capture.

¹²⁴Ibid., February 3, 1883.

¹²⁵Ibid., October 13, 1883; April 5, 1884.

superintendent "officiated at the disinterment," and the half-suffocated man was carried to the Snake Den.¹²⁶

There was one more way worthy of mention for a prisoner to get out of Yuma prison--commit suicide. In February of 1884 a prisoner tried unsuccessfully to hang himself. He had been "poco loco" for a long time.¹²⁷

Quong Sing, committed to Yuma in 1897 for murder, was more successful. Prison records reveal that he "suicided."¹²⁸

Self-destruction was not especially popular with territorial prisoners. Only one during the first sixteen years resorted to it.¹²⁹ There were more suicides in the later years of the prison's operation--but not more in proportion to prison population. Summer heat did not seem to be a factor. John Smith killed himself in October; William Douglas, in November.¹³⁰ Remorse must have been involved in the suicide "by Hanging" of Tom Kuen on October 7, 1906. Kuen four days earlier had murdered fellow convict John Brown.¹³¹

¹²⁶Sentinel, February 23, 1884.

¹²⁷Ibid., February 2, 1884.

¹²⁸Discharge Book #2, p. 14. Date of suicide not provided.

¹²⁹Superintendent's Annual Report, 1890.

¹³⁰Discharge Book #1, pp. 114, 128.

¹³¹Ibid., 102.

CHAPTER V

CONCLUSION

Yuma was not able to keep the Arizona Territorial Prison. The editor of the Yuma Arizona Sentinel, John W. Dorrington, expressed fear as early as 1884 concerning removal of the prison to somewhere else in the territory.¹ In the final analysis, fear of removal was well grounded.

There was an increasing crescendo of criticism directed at the Yuma prison throughout its career. Eventually writers were describing it as an "open corral" or worse. Even Governor Joseph H. Kibbey in 1907 joined the chorus, calling it "an antiquated adobe structure."² The most vociferous--and the most telling--criticism was that it could not pay its way and was therefore a millstone around the necks of territorial taxpayers.³ This specific complaint contributed greatly to the legislature's decision to abandon Yuma.

¹Arizona Sentinel, October 25, 1884. Hereafter cited as Sentinel.

²Report of the Governor to the Secretary of the Interior for the Year 1907, p. 12. Hereafter cited as Governor's Report.

³Frank Robertson, "A History of Yuma, Arizona," unpublished Master's thesis (Tucson: University of Arizona, 1942), pp. 67-68.

The territorial prison was never at any time in its history a self-supporting institution. Efforts were made to start industry for the manufacture of goods to sell in the territory--goods which would not compete with free labor. But it was soon clear that there were few goods the prison could produce for sale which someone in the territory was not already selling. The prison administration was hard pressed to manufacture anything whatever without stirring gales of protest. (It was too early to make automobile tags.) A Yuma resident, Fred Miller, in two letters to the governor in 1889 complained that the prison was being used as a public laundry. He protested the fact that private parties were using convicts for Yuma labor, thereby causing the workingmen of Yuma to stay without work.⁴

According to prison discipline, convicts were to work eight hours a day, six days a week (farm workers seven hours a day). For their labor they were to receive a corresponding deduction from their prison terms--"good time," as it was called.⁵ Unfortunately, the administration never succeeded in providing continuous employment

⁴Fred Miller to Governor Lewis Wolfley, September 8 and September 11, 1889. Microfilm 37.121 at Arizona State Archives, Phoenix.

⁵Arizona Territorial Prison, Rules and Regulations for the Government and Discipline of the Arizona Territorial Prison at Yuma, 1895, pp. 16, 18-19. Copy at Arizona State Archives, Phoenix.

for convicts; idleness prevailed much of the time on Prison Hill. It was reported in 1884 that inmates had a "great deal of leisure time on their hands."⁶

The failure of prison agricultural enterprises likewise contributed to the idleness of inmates. In the early years prison officials entertained the sanguine prospect of handsome profits from a prison farm, and with this prospect before them purchased sizeable tracts of land. However, the land was subject to inundation and produced very few crops. In 1904 the prison's gross cost was \$50,647.43; earnings \$4,941.15; farm profit \$117.70.⁷ In a very real sense, the failure of farm industry sounded the deathknell of the Yuma prison and consigned it to oblivion.

The territorial legislature passed an act in 1907 which provided for the removal of the prison to Florence in south central Arizona. Work began on the new prison in 1908 and by the end of 1909 all Yuma prisoners had been transferred. The Governor's Report of 1911 stated: "The new prison at Florence is modern in every way." The report contained no word about the old prison at Yuma.⁸

⁶Wallace W. Elliot, History of the Arizona Territory, quoted in Robertson, p. 68.

⁷Governor's Report, 1904, p. 116.

⁸Ibid., 1911, p. 10.

Immediately after abandonment Yuma put the prison to good use by turning it into a high school. It served this purpose from 1910 to 1914 and furnished the name of "Criminals" to Yuma athletic teams. After 1914 "the prison installation began a downhill slide in earnest."⁹ The passing years saw it crumble into ruins. Yuma carried off much of the walls to use on the new high school athletic field. A Yuma resident recalled that in his youth there was "fire after fire" on Prison Hill.¹⁰ In time everything combustible was destroyed, everything of value carried away.

There was agitation among Yuma residents to tear down what remained of the prison and use the land for something more important than a "lover's rendezvous and a hobo jungle." But city councilmen decided to make a tourist attraction of it instead.¹¹ Mayor Walter Ingalls, son of a former prison superintendent, threw his weight behind a crusade for restoration. In the Sentinel issue of April 22, 1939, a notice appeared about a Prison Hill

⁹Katherine Long and Samuel A. Siciliano, Yuma: From Hell-Hole to Haven (Yuma: Yuma County Chamber of Commerce, 1950), p. 44.

¹⁰Col. John Ewing, U. S. Army Retired, to Don Malone, interview, August 25, 1967.

¹¹Long, p. 45.

Restoration Dance."¹² The crusade was effective and resulted in the restoration of one of the principal buildings of the prison, which in 1941 was turned into a museum. The Arizona State Parks Board later put the prison under its supervision, making it a historical site.

Did Arizona cure its prison ills by transferring the prison from Yuma to Florence? The Arizona Republic described one of Arizona's institutions as "antiquated," "unsanitary," "unsafe," "out-of-date," "decrepit," "a horrible, rundown bastille," "a disgrace to Arizona," "a disgrace to the nation." Not even Yuma's prison in all its glory ever had so many epithets strung together at one time. The editor also spoke of "over-stuffed dungeons." He was describing the Arizona State Prison of 1958.¹³

The question must remain open as to whether the territorial prison at Yuma was a "hell hole." It was perhaps not the best prison of its day; whether it was the worst is a moot question. It is not safe to make categorical statements or speak in superlatives. Nevertheless, one thing is certain, that of all the prisons of the Old West the Arizona Territorial Prison at Yuma was surely the hottest.

¹²Sentinel, April 22, 1939.

¹³Arizona Republic, December 11, 1958.

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