

# CHARGES OF CRUELTY WERE UNSUSTAINED

## Special Committee's Report on Transporting Convicts.

### REASON FOR THE MARCH

To Remove the Convicts to a Less Severe Climate.

### NONE SUFFERED BY THIS REMOVAL

Cursing and Abuse of Convicts by Overseers Furnished by the Railroad--Recommendation That State Alone Furnish Overseers.

The special joint committee appointed by the Legislature to investigate the charges of cruelty in transporting the convicts from Mitchell county have made their report. It is as follows:

"To the General Assembly of North Carolina:

In accordance with joint resolution of the Senate and House of Representatives, February 2nd, 1903, the Joint Committee on Penal Institutions, composed as follows: Senators H. N. Pharr, of Mecklenburg; Thomas D. Warren, of Jones county; and Representatives George L. Morton, of New Hanover; T. W. Blount, of Washington, and W. C. Newland, of Caldwell county, met in the town of Marion, N. C., on Tuesday, February 10th, 1903.

"We had subpoenaed and took the testimony of various witnesses from the counties of McDowell and Mitchell, and proceeded to take the testimony of the same, a copy of which is herewith filed and asked to be taken as part of this report.

"From the testimony so taken we beg leave to submit the following as our findings of the facts:

"That the 20th day of January, 1903, was a cold, sleety day; that prior to that day the penitentiary authorities had arranged for the removal of the convicts, 159 in number, from the camp on Toe River, near Bakersville, said removal to take place on the 21st of January; that in accordance with their pre-arranged plans on the 21st of January, 1903, the authorities started said convicts from their camp, near Spruce Pine, a distance of twenty-four miles to Marion, a railroad station in McDowell; that the day of removal, to-wit, January 21st, was a warm and comfortable day over-head; that the road from the camp to Marion, and especially from the foot of the mountain to Marion, a distance of about twelve miles, is perhaps, the worst public road in the State; the mud averaging a depth of from three to five inches.

"We find that most of the convicts were shackled together, two by two, by chains around the ankles. This was made necessary by reason of the fact that it was the opinion of the authorities that it was unsafe to march a large number of men, many of whom were desperate life prisoners, without having same shackled together. The chains connecting the shackles were about five feet long, and were about the size of an ordinary trace chain and did not materially interfere or impede the marching of the convicts.

"THE LONG MARCH NECESSARY. "We find that while the march of twenty-four miles in one day was rather severe upon the convicts, it is the opinion of the authorities and also the opinion of this committee that it was preferable, considering the condition of the ground and no suitable place being obtainable to house the convicts over night with comfort or safety, to proceed to Marion that night.

"We find this removal at this time had been ordered by the Directors of the Penitentiary, who, at a meeting held about the first of January, had decided it would be unsafe to have the convicts remain on the other side of the mountains during the months of January, February and March, the directors having found that the weather beyond the mountains where the convicts were engaged in work was much more severe than on this side, and that it was in order to avoid this severe climate that the removal was ordered, there being at the camp at this time a number of sick convicts, the directors being of the opinion that it would be unwise to detain these sick convicts at this camp during the winter.

"ABLE TO MAKE THE TRIP. "We find the evening before and the morning they left, the attending physician having examined the convicts advised Captain Lashley, supervisor of the Toe River camp, that the men were in such condition as to be able to make the trip, including the sick, who were brought in wagons and on horse back.

"We find while in camp the convicts were supplied with a sufficient amount of good wholesome food, ample clothing and all the necessities; that the circumstances required; that on the march they were given sufficient food, including warm coffee, being the same as given the guards.

"We find that on the march from the camp to Marion in the afternoon of that day a number of convicts became exhausted and in fact gave out, were unable to travel and that on one or two occasions the guards were harsh, cursed the convicts, but used no acts of violence, but that in every instance where a convict had given out a place was provided either in a wagon or on horse back for said convict to ride and rest up, so that he might be able to resume the march if it became necessary to give his place to another exhausted convict.

"While we condemn the action of the guards in cursing and abusing the sick

convicts, yet it was without the hearing or knowledge of Captain Lashley, supervisor. And we further find that in all instances of cursing and abuse recited in this testimony, that it came from overseers employed by the railroad company or who were temporarily acting as guards in bringing the convicts to Raleigh. In view of this, your committee beg to recommend that no outside overseers be permitted in future to have any authority over the convicts, and that the superintendent be instructed that in his future contracts with railroads or other public works, that he shall specify that the State is to furnish its own overseers and have absolute control of the convicts.

"We find that on their arrival at Marion three gallons of whiskey were purchased and each convict given a drink, but that no coffee or warm food was issued to them that night or next morning, which, in the opinion of this committee could and should have been furnished.

### KEPT TOO LONG IN CARS.

"We find as a fact that the said convicts reached Marion about six o'clock p. m. on the 21st of January, 1903, and were immediately put in the cars, placed there for that purpose; that on account of an accident on the railroad the said cars were not moved that night from Marion; that said convicts were kept in said cars from the evening of the 21st to the morning of the 23rd, making a total of thirty-six hours when they were taken out. In the opinion of the committee such a length of time was too long to keep the convicts confined in the cars, and the authorities should have seen that at intervals they were taken out and given fresh air and exercise.

"We find that no one of the convicts died on the march or in Marion as charged, but according to the testimony of the physician, who made an examination of all the convicts on their arrival in Raleigh, and who testified before the committee that none of the convicts suffered by reason of their removal.

### AS TO RIDING CONVICTS.

"We find that on one occasion, from the testimony of one of the witnesses, a guard was seen riding a convict across Toe River, whether it was under compulsion or otherwise this committee was unable to ascertain; that on another occasion Captain Lashley saw a guard riding a convict across Toe River, he made the guard get down in the river, and he ascended afterwards that it was a voluntary act on the part of the convict, and that the guard had paid him so to do.

"In view of the testimony herein submitted to your honorable body, we fail to find any acts of cruelty on the part of Superintendent Mann or any of the State's employees, but we do find that Superintendent Mann, both in his official letters and his personal direction, has always been on the side of humanity, justice and mercy. The same is true as to Captain Lashley, who was in charge of the convicts on the trip.

### THE ONLY POSSIBLE ROAD.

"We find that the prison authorities could have avoided bringing the convicts over the road from Spruce Pine to Marion by transporting them by rail through the State of Tennessee, but we find his authority over the convicts in another State was rather questionable, and after conference with the Governor and Board of Directors of the State Prison, he had been advised it would be unsafe to carry the prisoners out of the State. This being so we find that the march from Spruce Pine to Marion the only possible route under the circumstances.

"So far as the charges of W. Y. Willson are concerned, we find no evidence supporting the same."

### Western Teachers Carry the House.

(Continued from First Page.)

it shall not apply to millers selling direct to consumers by weight or measure, and retail dealers. Accepted by Mr. Moore.

Then Iredell, Forsyth, Beaufort, Bertie, Transylvania, Wilkes, Pender, Montgomery, Caldwell, Surry, and numerous other counties wanted to be exempted. It was a perfect avalanche.

Among the numerous amendments was one to exempt wholesale dealers.

Mr. McNeill, of Scotland, moved to table the amendments.

Mr. Simpson: Providing that section 3 shall not apply to persons selling to local customers. Accepted.

Judge Graham: Providing this bill shall not apply to retail dealers. Accepted.

The motion to table the amendments, which would also table the bill, was put, and a roll call vote showed 55 to 55, the Speaker voting. Accordingly the motion was lost.

Judge Graham moved the bill be referred to a special committee of five. Seconded by Governor Doughton, and carried.

The chair appointed Judge Graham, Governor Doughton, Mr. Moore, Mr. Smith, and Mr. Grant.

Mr. Daniel amended to make the committee seven, and the chair appointed Mr. Blount and Mr. Phillips.

### PASSED THIRD READING.

House Bill, providing for the working of public roads of Stokes county by taxation.

House Bill, for the improvement of public roads of Lincoln county.

House Bill, for the better working of the public roads of Sampson county.

House Bill, to authorize the trustees of the graded school at Spring Hope to issue bonds.

House Bill, Supplemental to act to amend the charter of Burlington.

Senate Bill, to allow the city of Greensboro to maintain a public library.

House Bill, to pay wages of deceased employees; to widows and next of kin, saving the cost of an administration.

Senate Bill, to change the name of the Whitney Reduction Company to the Whitney Company.

House Bill, validating the organization of the Bank of Wadesboro.

Senate Bill, to prohibit the illegal sale of liquor in Union county.

House Bill, to amend section 30 of the

## Stomachs on Stilts.

The man who puts on stilts does not increase his actual stature by the breadth of a hair. He feels taller while he's on the stilts, and when he's off them he feels shorter than he ever felt.



Stimulants are the stilts of the stomach. They make a man feel better for the time being, but he feels a great deal worse for them afterward.

The need of the man whose stomach is "weak" is not stimulation but strength. Dr. Pierce's Golden Medical Discovery perfectly answers that need. It cures the diseases of the digestive and nutritive system which make the stomach "weak." It enables the digestion and assimilation of food, so that the body receives the nutrition on which depends its strength.

"I took two bottles of Dr. Pierce's Golden Medical Discovery for stomach trouble," writes Clarence Carver, Esq., Taylorstown, Loudoun Co., Va. "It did me so much good that I didn't take any more. I can eat most anything now. I am so well pleased with it I hardly know how to thank you for your kind information. I tried a whole lot of things before I wrote to you. A gentleman told me of your medicine, and how it cured his wife. Thought I would try a bottle of it. Am now glad that I did, for I do not know what I should have done had it not been for Dr. Pierce's Golden Medical Discovery."

The sole motive for substitution is to permit the dealer to make the little more profit paid by the sale of less meritorious medicines. He gains; you lose. Therefore accept no substitute for "Golden Medical Discovery."

The sluggish liver is made active by the use of Dr. Pierce's Pleasant Pellets.

Corporation Law so that fees must be paid to the Secretary of State for corporations increasing capital stock or changing name.

House Bill, to amend section 57 of Corporation Law so as to make the fees uniform before the Legislature as before the Secretary of State.

House Bill, to incorporate the Perpetual Insurance Company.

House Bill, to secure the proper supervision of and payment of taxes by all insurance associations and orders.

House Bill, to provide for the better protection of the people of the State where corporations act as trustees or guardians.

House Bill, to provide for the registration of all labels, trademarks and designs.

House Bill, to amend section 449 of The Code, in reference to the return of the executions.

House Bill, to amend chapter 667, Laws of 1899.

House Bill, to amend section 3632 of The Code, requiring the public printer to complete the set of public records for the Supreme Court Library.

Senate Bill, to establish the dividing line between the counties of Henderson and Polk.

House Bill, to regulate milling in transit rates.

House Bill, to define the ownership of land bounded by water, applying only to New Hanover county.

House Bill, to sell the State's interest in the Boone and Blowing Rock Turnpike Company.

The bill to prohibit the employment of servants of another failed to pass on its second reading. It was strenuously opposed by Mr. Brittain, of Randolph.

### WESTERN TRAINING SCHOOL.

Mr. Newland's bill to establish a training school for teachers in Western North Carolina.

Mr. Newland spoke for his bill, saying it was very dear to the people of the section of the State, to people whose school facilities were very meager. They never received any money for schools except the special \$100,000. The girls of this section were too poor to attend the Greensboro Normal and the boys were too poor to leave home to attend school. The portion of the country concerned was destitute of railroad advantages.

Only the pittance of \$2,000 for maintenance was asked. The purpose was merely to enable the teachers of those mountain counties to get some training to better perform their duties. These people were always at home when the tax collector called.

Mr. Newland's speech was a powerful, earnest appeal to the Legislature to allow him to carry back the good news to his people that at last the State had recognized their needs.

Governor Doughton seconded Mr. Newland's appeal.

Mr. White, of Halifax, also favored the bill.

Mr. Smith doubted the wisdom of such a bill, as many other sections of the State needed such schools.

Mr. King likewise opposed the bill. Under the rules it would have to go to the Committee on Appropriations. Governor Doughton moved suspension of the rules, that the bill might be placed upon its immediate readings. Mr. Smith demanded the yeas and nays, and the motion was carried by 23 to 74.

Mr. Smith explained that there was no man that favored the objects of this bill more than he but we had started on a policy regarding the public schools that must be carried out, and we could not commence to appropriate the State's money in this way. There were so many places in North Carolina that needed help that we would never stop it once we began along this line. He approved of helping the public schools first, before we did anything for the institutions of higher learning beyond maintaining them.

Governor Doughton said we did not exist as a State on a selfish basis. He called attention to the fact that in 1887 the State furnished 200 convicts to build the great Western North Carolina Railroad. Judge Graham considered that this bill might be more meritorious than others before the committee, and he therefore thought it ought to go before the committee. We did not know that there was money enough to meet it. He therefore moved again to refer to the Committee on Appropriations.

Mr. Murphey said if this Legislature did nothing more extravagantly than this, it would be an extremely economical body.

Governor Doughton made another appeal for the passage of the bill. It was our last chance.

Mr. King did not understand why some bills should be pushed right through, and others delayed.

Mr. Gay argued that we ought to put the institutions we already had on a firm basis before we started any others. Judge Graham's motion was lost, and the bill passed third reading by a big majority, amid applause.

The counties affected are Alexander, Alleghany, Ashe, Caldwell, Watauga, Wilkes and Yadon.

The House took recess until 8 o'clock.

### Tuesday Night's Session.

The House met again at 8 o'clock, and at once went to work passing bills, as follows:

House bill, to regulate time of holding court in Wilkes county.

House bill, to amend chapter 281, Laws of 1901, relating to working public roads in Graham county.

House bill, to prohibit public drunkenness in Stanly county.

Senate bill, to regulate sale of liquor in Township No. 1, Edgecombe county.

House bill, to amend chapter 666, Laws of 1901, in regard to cutting timber in Graham, Clay and Cherokee counties. Does not allow cutting of timber while title to property is pending.

### BILLS INTRODUCED.

General Bryan obtained unanimous consent to introduce a bill authorizing the county commissioners of Wilkes to levy a special tax to build a new court house.

Murphey, of Rowan: To place J. M. Seagraves on the pension roll.

Murphey: To incorporate the Insurance Company of North Carolina.

Murphey: To amend chapter 54, Laws of 1901, relating to Davidson county.

Gay, of Northampton: To amend the act relating to the Seaboard Dispensary.

Drewry, of Wake: To incorporate the Public Works Company.

Luther, of Montgomery: To improve the public roads of Mt. Gilead township.

Brittain, of Randolph: To amend the charter of the town of Randleman.

### PASSED THIRD READING.

Resolution in favor of Riddle Coombs, widow of Thos. T. Coombs.

House bill, to fix and regulate the times of holding Superior courts.

House bill, to establish a free ferry across the Cape Fear River at Whitehall, Bladen county.

House bill, to protect telephone companies. Prevents obtaining knowledge of a telephone message by connivance with an employe.

House bill, to amend chapter 350, Laws of 1901.

House bill, for the protection of fish in Pasquotank River.

House bill, to protect landlords and tenants, making it a misdemeanor for landlords or tenants to break a contract before the crop is made. It applies to the counties of Wayne, Onslow, Mecklenburg, Edgecombe, Wilson, Lenoir, Johnston, Greene, Robeson, Rowan, Beaufort, Bladen, Perquimans, Gates, Pitt, Vance, Washington, Hertsford, Brunswick, Burke, Caswell, New Hanover and Martin.

Judge Graham moved the bill be referred to the Judiciary committee, as he thought there was a question as to its constitutionality.

There was some little discussion on this point, several gentlemen claiming it was a splendid bill, and a lot of amendments were sent up, including various counties.

All the amendments were adopted. Judge Graham demanded the yeas and nays on the bill. It passed by a vote of 56 to 17.

House bill, to amend chapter 270, Laws of 1891, applying to Wayne county tax collectors.

House bill, to amend chapter 729, Laws of 1901, relating to the public roads of Stanly.

House bill, to amend section 25, chapter 286, Laws of 1899, relating to public roads of Watauga.

### AGRICULTURAL BUILDING.

Mr. Scott's bill to enable the Department of Agriculture to erect and equip an agricultural building at the A. and M. College.

Mr. Daughtridge spoke for the bill, saying there were 125 students of agriculture at the college, and he considered it but fair that the Agricultural Department, after inviting young men to come here and study agriculture, should do something for them.

Mr. Morton moved the bill go to the Committee on Appropriations.

Mr. Guion, chairman of that committee, said that the original bill calling for an appropriation of \$50,000 for the purpose had been reported unfavorably because the money was not available at this time. But the committee was informed that the Department of Agriculture had a fund of its own, furnished by the farmers of the State from the tax on fertilizers. Accordingly it was thought that the farmers had a right to ask that a part of this fund be applied to the scientific education of the farming youth of the State.

That fund now amounted to about \$67,000. Of that there was unapplied to other purposes about \$13,000. Mr. Guion said that the committee was further informed that this fund could be applied legally only to the purposes for which it was collected, that is, the support of this institution.

Judge Graham spoke of the great contrast between the equipment of the textile and mechanical departments of the A. and M. College and the wretched little shanty devoted to the agricultural students. He considered the present proposition an admirable solution of the difficult problem.

At first this fund derived from the tax on fertilizer was devoted solely to the testing of the different fertilizers, and later to the establishment of the testing, or experiment station.

All this bill does is to enable the department to use any surplus that may be left over from the regular expenditures in the erection and equipment of the agricultural building. Not more than \$20,000 is to be expended in this way. Not a cent would come out of the State Treasury.

Mr. Scott spoke earnestly for the bill. He said he believed the future development of the agricultural interest of the State depended upon the establishment

(Continued on Sixth Page.)

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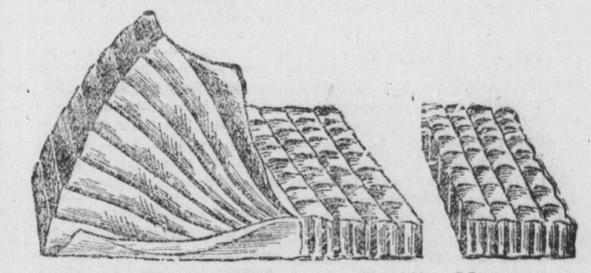
Experience With Various Soap Powders Creates Preference for Pearline  
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- Second. How is the material put in?
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