

REPORT ON STATE PRISON

(Continued from Page Two) Chapter 152, page 164, Public Laws, 1907. There are now \$175,000 of these bonds outstanding and due January 1st, 1909.

The General Assembly of 1907 also passed an act authorizing and directing the board of prison directors to pay to the State Treasurer \$175,000 out of its earnings for the use of the general fund of the State.

"At this time we think the prison will have on hand on January 1st, 1909, in cash, farm products and other cash assets, about \$150,000, more or less. These assets, except a part of the farm products, can be paid to the State Treasurer on January 1st, 1909, to be applied to the payment of the prison bonds, as directed by Chapter 152 of the Public Laws of 1907; but there will not be a sufficient amount to pay the bonds in full, and there will be nothing left for the maintenance and support of the prison after January 1st, 1909."

"I have given this matter the careful examination and consideration that a matter of such grave importance demands. I have formed the opinion that you should pay over as much money as you have on hand on January 1st, 1909, to the payment of the prison bonds. The two acts seem to have been the result of a hasty and out of due consideration; but they are, as you suggest, mandatory and directory. It leaves no room for the discretion of your board, but confers a positive duty on the State to deal with the money, or as much thereof as possible. The act should, of course, have stated that you pay the prison bonds, and after retaining enough for running expenses, cover the balance in the State Treasury for the general fund. But this is a mistake of the Legislature with which we have nothing to do, and I think it is our duty to follow the law as laid down. It is, indeed, fortunate that the General Assembly meets so soon after this money is paid over, and I know we will have no difficulty in having an amount appropriated by them sufficient for running expenses of the State's prison."

"Very sincerely yours," "HAYDEN CLEMENT," "Assistant Attorney General." On December 3d the board of prison directors asked a conference with the Governor and laid before him all of the facts and fully explained to him the embarrassing condition of the prison. The Governor met together the Council of State and after the most careful and thorough consideration of the matter formally advised the board of directors not to comply with Chapter 152, Public Laws of 1907, for the reasons viz: 1st. That to do so would require every dollar of the prison funds and leave the institution helpless and a burden upon the State, and even then it could not pay the entire amount of the "prison bonds."

The board of directors earnestly desired to accept the advice of the Governor and his Council of State, and felt that in doing so they would best serve the interest of this institution and the State. At the same time it did not feel that it could conscientiously disregard and ignore a plain mandate of the Legislature. It has, therefore, to-day issued a voucher for \$141,355.76, which represents the total cash balance belonging to the prison, and has handed same to the Treasurer, as directed by Chapter 162 of the Public Laws. But it has requested the State Treasurer, and he has consented to have this voucher and not use it or any portion of it in the payment of the "prison bonds" until after the Legislature of 1909 shall have convened, in order that it may if it so desire, pass an act authorizing him to return the voucher to the board of directors and not require the expenditure of the prison earnings in payment of the bonds. If the Legislature shall take this course, the prison will have ample funds for its future maintenance, but if the Treasurer is required to use the voucher as a payment on the bonds there will be a serious embarrassment may result.

PHYSICAL CONDITION. The physical condition of the institution is entirely satisfactory. The buildings and furniture are in good repair. The supply of drinking water from the new well, seven hundred and fifty-two feet deep, recently drilled and equipped at a cost of \$5,000, is abundant and excellent. The buildings and grounds are in sanitary order. The general health for the past two years has been good and the death-rate low. There has been no disorder, but on the contrary the inmates have been obedient to authority and respectful in demeanor—a result, I believe, of firm but kind treatment and a liberal provision of the necessities of life.

THE STATE FARM. The farm has not yielded as well as usual for the last two years. Heavy rains and river floods were very destructive to the growing crops during both seasons, but particularly so in 1908. The damage to the river in August last by careful estimate amounted to at least \$25,000. Almost the entire corn crop was destroyed, as was the crop of field peas. Portions of both the cotton and peanut crops, too, were utterly ruined.

CONTRACTS. We have found from experience that there are usually about three hundred prisoners available for contract work and have endeavored to keep that number thus employed. For nearly a year and a half we have had a camp of 75 men in Barry county at work upon the Edinburg and Beaufort railroads, and 75 in Hyde and Beaufort counties at work upon the Mattamuskeet Railroad. The State is interested as a stockholder in both

these enterprises and pays to the prison the regular contract price for its labor. For several years we have had a contract for 150 men with Messrs. Wade & Morrison, who were engaged upon work for the Atlantic Coast Line Railroad, but this expired on yesterday, December 31st, and has not been renewed. I have, however, made two contracts for 75 men each and extending until May 1st, 1909; one with the Atlantic Improvement Company, of Fayetteville, the other with the Navassa Guano Company, of the same place. Since September, 1906, the contract price for prison labor has been \$1.50 a day for each man. This price remains unchanged in the new contracts.

COUNTY CHAINGANGS. In our desire for internal improvements in North Carolina, and especially for good roads, we seem to have lost sight of the fact that crimes are committed, not against the county, but against the State. The convicted criminals in the property of the State and not of any county. It is the duty of the State not only to protect the law-abiding by depriving the criminal of his liberty and punishing him for his crime, but it is also the sacred duty of the State to protect the criminal from cruelty, abuse and inhuman treatment and to provide in a proper manner for his welfare and maintenance.

Under special acts of the Legislature about forty counties in North Carolina have organized what are known as chaingangs and use them in their public roads and highways. From a report of the board of public charities it will be found that there are more than 1,200 prisoners in these chaingangs serving sentence for crimes committed in the State. The counties absolutely and unconditionally the full management and control of these prisoners and has endeavored to surrender its responsibility for them, not even reserving a supervisory or inspection authority. Without the least concert with one another, each county is in supreme control of its own gang, prescribes its own rules of discipline, clothing, feeding, guarding, of quartering and of working. Consequently, in addition to what is known as the State's prison, North Carolina has forty wholly independent and distinct gangs, with forty different regulations, and over which there is absolutely no State supervision and inspection. The hospital facilities, at least, of all these many prisons are inadequate and defective, for in none of the counties is there a place, except the jail or the working quarters, where the criminal, whether the demented can be cared for and cured. I have been informed, but cannot substantiate the statement, that the average life of a road convict is less than five years. All prisoners are at least human beings, very many are intelligent, and some are possessed of refined sensibilities. A large proportion of them are capable of doing useful work, and some are afterwards of becoming useful citizens. None are mere working machines which the State should condemn to unremitting toil and unendurable hardship to be sent out and buried within a few months or, at most, in a few years. The law evidently intends the punishment to fit the crime and that persons convicted in less than five years, and who shall be sent to the State's prison, while those convicted of less serious offenses, especially misdemeanors, shall be given shorter terms and lighter work upon the roads. And yet, under existing conditions, it is strangely true that harsher and more vigorous punishment is inflicted upon the petty offender than upon him who commits the more serious crime.

CHAINGANG POLICY SHOULD BE ABOLISHED. The present chaingang policy of our State—it is in no sense a system—cannot be successfully defended and ought to be at once discontinued. The civilization of our age demands it. I believe it to be in every respect as defective and as full of possibilities for wrongdoing, cruelty and inhumanity as was the old convict lease system, now long since abolished. I do not mean to charge that any cruelty and brutality have been actually committed in any county, or that the prisoners of any county have suffered from over work and neglect; but I do mean that the possibility for such things has existed and does exist; and, if the present policy is continued, I feel it will be only a matter of time when it will bring upon our State a national and an unenviable notoriety. The State cannot surrender or evade responsibility for those whom it has fettered for crime.

Every person in North Carolina under conviction and serving a term of imprisonment for crime should be under the direct, immediate and exclusive care, management and control, of the State. They should all be subject to the same identical prison rules and discipline. They should all be comfortably clothed, and all of the same degree of crime should wear the regulation uniform. They should all be given the same quality, and a sufficient quantity, of wholesome food properly prepared. Prompt medical attention and adequate hospital facilities should be provided for the sick and those who during their term have become worn and debilitated or demented.

The necessity for building and improving public highways and of obtaining labor for this purpose at a minimum cost was responsible for the original formation of the county chaingangs. Much progress has been made in road building since then, and good roads are now recognized as perhaps the best agency for local and State development. I believe the State may use its convict labor to no better advantage than in constructing permanent public highways in the most scientific and thorough manner, but always under the management and control of the State and not of the county. I, therefore, respectfully submit for your consideration the following recommendations, with the request that if they meet with your approval you will transmit them to the Governor and ask his endorsement of them to the General Assembly:

RECOMMENDATIONS. That all chaingangs in North Carolina be totally abolished. That all persons convicted of felony, less than capital, be committed directly to the State's prison. That all persons convicted of misdemeanors and sentenced to terms of imprisonment be committed either to the State farm or to the nearest misdemeanor camp. That all persons committed to jail to await trial, except those charged with capital felony, be given the privilege, with the consent of the State authorities, to join the nearest established misdemeanor camp as a member subject to the rules and discipline until the time of trial; and, if convicted, the sentence given to be served by the length of service in the conviction; and, if acquitted, to be paid by the State authorities a day's wages for the service rendered before trial that is being received for misdemeanor prisoners, less cost of transportation. That all persons serving sentences

for crime, whether felony or misdemeanor, shall be under the management, direction and control of the board of State prison directors, and completely and exclusively as the State prison now is. That the said board of directors shall have full authority to transfer misdemeanors, prisoners from one point in the State to the State farm or to any other point, in their discretion, either for work or for hospital attention; but shall not be authorized to mingle together persons convicted of felony and those convicted of misdemeanors either at the farm, in camps or upon any kind of work. That all misdemeanor prisoners be required to wear an adopted uniform, but not the regulation convict stripes.

That a competent civil engineer be employed by the State and paid an annual salary, whose duty it shall be to lay out in a proper and scientific manner any public road or highway in the State which is proposed to be constructed or improved with convict labor. That any county in the State that desires to use convict labor in the construction or improvement of its highways shall apply first to the State engineer to lay out and make plans for said work, or to approve plans made.

That the said county shall then apply to the State prison directors for the number of convicts desired for the work, this number in no case to be less than fifty. That the board of directors, as soon as possible after the receipt of the application and the approval of the State engineer, shall furnish the labor requested and proceed to construct or improve the highway under the direction of the State engineer. That all applications from counties for convict labor shall be honored in turn according to date of their receipt, except that no county may use any time more than one hundred days if an application from another county is pending and no labor is available for it.

That counties using convict labor shall pay to the State therefor the sum of \$1 a day for each laborer, where the transportation charge, one way, shall furnish quarters to be approved by the board of prison directors, for prisoners and employes, shall also furnish pure drinking water necessary brewed for camp use, and shall furnish overseers to direct the work. All other expenses of every kind whatever shall be borne by the board of prison directors.

THE HOSPITAL FOR THE DANGEROUS INSANE. This hospital is located in the west wing of the State's prison, with wards and equipments for the accommodation of fifty patients. It was incorporated by the Legislature of 1901 and placed under the management and control of the board of State's prison directors. (See Chapter 755 Public Laws, 1901.) The act of incorporation endeavored to entirely separate the hospital from the prison and yet to locate it within the prison walls and within the prison building itself and under the management of the prison directors. Section 1 of the act provides: "That the Hospital for the Dangerous Insane is hereby created a corporation, and shall be under the direction and management of the board of directors of the State's prison."

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An appropriation from the State Treasury was made for the maintenance of the hospital and another for the improvements, while no appropriation was made or needed for the State prison. The board of prison directors has earnestly striven to carry out the wishes of the Legislature as manifested in the law and to keep the institutions as separate as the conditions would permit. In my report dated January 1st, 1907, I said: "The capacity of the institution is fifty, but there are now fifty-four inmates. In consequence of this overcrowded condition we are compelled each night to lock four patients in prison cells, thus violating the spirit, if not the letter, of the law."

In my report dated January 1st, 1907, I said: "The department is intended and built to accommodate fifty people, while the average number cared for during the year has been fifty-three. This crowded condition has necessitated the confinement of three each night in cells of the prison." It becomes my duty now to report that during the past year the average number of patients has been sixty-one, and of this number we have been compelled to confine thirteen each night in prison cells. The Legislature of 1907 still further obliterated the line of division between the institutions by requiring the prison out of its earnings to maintain the hospital, instead of making an appropriation from the Treasury for its support, as in the case of other State insane hospitals.

Eight years of experience in the service of the prison have but strengthened my conviction that it was a mistake to make this hospital in fact a department of the prison. The humanity of our law will not permit an insane person to be convicted of crime. Neither will it permit an insane person to be punished for committing an act which would be a crime if committed by a sane person. I am, therefore, unable to see either logic or humanity in the law which authorizes or permits confinement in the State prison, and actually in felon's cells of persons who have been formally declared by the courts themselves to be insane and irresponsible for their acts. I believe this hospital ought to be separated in fact from the prison and made an independent institution or else connected with other insane hospitals and its inmates given the same considerate care, attention and treatment that the State's other unfortunates of the same class receive.

The Hospital for the Dangerous Insane must receive and treat patients of both sexes and both sexes requires the maintenance of four separate departments and the utmost vigilance and care on the part of the management and attendants to prevent wrong-doing and scandal. The cost of maintaining the institution during the past fiscal year has been \$5,758.55. I am glad to be able to report the department in good physical condition. The inmates have been well cared for and provided with the necessities of life. The general health has been good and no serious trouble of any kind has occurred. If the hospital is to remain as at present located and the management expected to receive all who may be

committed to its care, even if necessary to consign them to cells for safekeeping, then it will be necessary to ask for an appropriation of \$7,500 per annum, instead of \$5,000 as heretofore. But an appropriation of \$5,000 per annum will be sufficient for the support of the institution up to its capacity. Respectfully submitted, J. S. MANN.

E. Nye Hutchison & Son INSURANCE FIRE, LIFE, ACCIDENT OFFICE No. 9 Hunt Building. Bell Phone 4302.

NOFOLK & WESTERN RAILWAY. Schedule in effect October 15th, 1908. 11:19 pm Lv. Charlotte, S. C. Ar. 6:30 pm 1:50 pm Lv. Winston, N. C. Ar. 7:00 pm 4:55 pm Lv. Martinsville, Va. Ar. 9:22 am 1:25 pm Ar. Roanoke, Va. Connect at Roanoke via Shenandoah Valley Route for Hagerstown, and all points in Pennsylvania and New York, Pullman sleeper, Roanoke and Philadelphia. Through coach, Charlotte to Roanoke. Additional train leaves Winston 7:30 a. m. daily except Sunday. If you are thinking of taking a trip you want quotations, cheapest rates, reliable and correct information, as to routes, train schedules, the most comfortable and quickest way. Write and the information is yours for the asking, with one of our complete map folders. M. P. BRAGG, Trav. Pass. Agent. W. B. BEVILL, Gen'l. Agent. Roanoke, Va.

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PERSONALLY CONDUCTED TOUR TO HAVANA, CUBA, AND RETURN, JANUARY 11, 1909, VIA SOUTHERN RAILWAY. Southern Railway will sell round trip excursion tickets to Havana, Cuba, at following rates from points named: Asheville \$39.10, Charlotte \$41.50, Durham \$45.00, Gastonia \$45.00, Greensboro \$45.00, Hickory \$42.49, High Point \$44.50, Marion \$44.50, Oxford \$46.00, Raleigh \$44.50, Rutherfordton \$42.96, Salisbury \$41.50, Shelby \$41.50, Statesville \$41.50. Approximately low rates from other points. Tickets on sale January 11th, good returning to leave Havana, Cuba, on or before January 27th, 1909. Tickets may be routed through Jacksonville, thence either through Knight's Key, or Port Tampa. Good going and returning same route. Stop-overs will be allowed at Jacksonville, St. Augustine, Palm Beach, Miami, and other points south of Jacksonville, within final limit of ticket. A representative will accompany movement, and will look after the comfort and pleasure of the party. For further information as to side trip tours from Havana, sight-seeing tours, hotel rates, leaving time at principal points, Pullman and state-room reservations, write J. H. Wood, D. P. A., Asheville, N. C.; W. H. McGlamery, P. and T. A., Raleigh, N. C.; R. H. DeBatta, P. and T. A., Greensboro, N. C.; or call on your depot agents or write R. L. VERNON, T. P. A., Charlotte, N. C.

Rex Flintkote Roofing The Best For Leaky Roofs. For sale only by CHARLOTTE SUPPLY CO. (We carry everything in Mill Furnishings.) SEVENTY-FIVE 75--HORSES AND MULES--75 On Monday, January 4th, 1909, we will have in our Sales Stables between 75 and 100 good young Tennessee and Indiana Horses and Mules. This is the best lot of Horses and Mules we have shipped in the past several months. Each Horse or Mule we sell must be as represented. Terms reasonable. J. W. WADSWORTH'S SONS CO. "Vehicles and Harness, Etc."

A HAPPY NEW YEAR TO YOURSELF, YOUR COUSINS AND YOUR AUNTS The Mechanics' Perpetual B. & L. Assn. brings cheers to 29 mortgaged homes and 94 non-borrowing shareholders of the 40th Series in the announcement that, with the third payment of dues in January next the 40th Series will mature amounting to \$83,500.00 of which \$30,400.00 will be applied to the cancellation of 29 mortgages, and the management shares with you in the happy knowledge that in four weeks more, the mortgage on your "HOMES" will be lifted, and you can and ought therefore enjoy the Holiday Dinner in the happy consolation that no matter what may betide, that your wife and little ones will have a "Home" fully paid for, which, through no other agency perhaps than this one (of 26 years) tried Institution could or would you have owned your own home; and all the management asks of you in return is the verdict, "WELL DONE GOOD AND FAITHFUL SERVANTS." Now, what about the 94 non borrowing shareholders of the 40th Series? To you we will pay in CASH on Tuesday the 19th of January next the princely sum of \$53,100.00 How many of you would without the helpfulness of this Institution have anything more to show for this \$53,100.00. We imagine very few, if any, would have saved anything of this vast sum; so you too can feel extra cheerful this Christmas. We ask you to tender to us, the management of this concern your unstinted approval of "WELL DONE GOOD AND FAITHFUL SERVANTS" you have for 26 years been weighed in the scale of justice, fairness and honesty and have NOT been found wanting. NOW A WORD TO THE PUBLIC. We feel that you will note with satisfaction the statement that we now have in force 23,000 shares of a par value of \$2,300,000 and our weekly cash receipts are about \$9,000.00 and we have assets to-day of \$950,000.00 and are now racing for the \$1,000,000.00 mark which we expect to reach by July next, at which long looked for consummation the management will ask a kind and liberal public to join it in a public felicitation function, and we feel sure, aye, we know that the public will join us in celebrating that event. BOOKS FOR THE FIFTY-THIRD SERIES WILL OPEN FEB. 1ST. FOR THE MANAGEMENT. R. E. COCHRANE, Secty, and Treas. S. WITKOWSKY, President