

SEARCH LIGHT SWINGS TOWARD CENTRAL PRISON

(Continued From First Page.)

"I never did." "Didn't the Castle Hayne men arrive at your place in bad condition?" "They did. They came January 24th." "When did the big snow occur?" "I believe it was on February 11th." HIS MEN ALL BAD ONES.

He didn't remember whether he ever whipped Andrew Farrar or not. He was crippled and he made allowance for him. "You haven't done a great deal of whipping this year, have you?" "No."

"Do you think it necessary to whip 50 per cent of your men to maintain discipline?" "Oh yes, sir. The men sent to me are worse than those sent to the other camps."

"I ask you why?" "I don't know. I just know it's done. Mewbourne did it and old Smith, too."

On re-direct examination he said Dixon and McCaskie couldn't manage the bad men, long term fellows, and they had to be sent to him. He objected to Joe Mason's coming.

"Do you say positively you've never whipped a man so that you left the flesh raw?" "I wouldn't swear to that."

On further cross examination by Mr. Gattis Summerell said if a man was struck with the edge of his strap it would draw the blood, but that two blows on the same spot with it flat would not necessarily draw the blood.

THE KILLING OF LOWE.

Colonel Thos. W. Mason, who lives about three miles from the Northampton farm, gave Summerell a good character, and said he had never heard him called a cruel man until Jim Lowe died. He was there, he said, a few days after Lowe died and that Summerell told him the matter was giving him much trouble, as Sears had no authority and ought not to have whipped Lowe.

"This was the first I ever heard of cruelty on the part of Summerell. This was August 31st, 1898, and the beginning of reports of cruelty. It might have been going on there before and I might not have heard of it."

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have anything to do with his liability to frost bite?" "Yes. Also his age. The young and the unhealthier are most liable to frost bite." Dr. Lewis was shown the straps used in punishing convicts. He pronounced Summerell's the less harmful of the two. "The amount of harm that can be done by either one depends only on the amount of force behind it."

On cross examination the witness said a man would find out he was frost bitten almost immediately, certainly within twenty-four hours. "Even by an unprofessional person it would be detected very quickly."

HOW GABE ELLIOTT DIED. Sam Howell, an overseer on Northampton farm, had never known Summerell to inflict cruel and unnecessary punishment on a convict. He looked after their comfort and welfare better than he had ever seen.

On cross examination the witness said when Gabe Elliott came from Castle Hayne farm he was in very poor health and badly clothed. He took Gabe out to work when he (Gabe) was so weak he had to stop at the end of the rows. He stopped there about three hours. It was a very cold day. He said Gabe had worked two pieces of days before this, but never again after this.

"Are you in the habit of taking sick men to the field to work?" "No."

"Did you have the men in your squad that were frost bitten?" "Some of them. One named Richardson."

"Did you have a fire that day to go to?" "Yes."

"Did Richardson go to the fire?" "All of them went—at the same time."

"Was it very cold that day?" "Yes. Pretty cold."

"How often has punishment been inflicted on that farm?" "I don't know. When it's necessary."

The witness said he saw Summerell whip Joe Bogan. "Have you ever seen Summerell or any one of his overseers whip a man severely?" "Not too severely."

"What is your idea of 'too severely'?" "Well, a man ought to be whipped till he concedes, oughtn't he?"

Under the Fire of Cross-Examination Their Strength Withers. Halifax, N. C., Sept. 1.—(Special.)—The first of Summerell's witnesses yesterday was Robert Ransom, who has a farm near the Northampton farm. He had known Summerell some 30 years, he said, and he thought his character good. Prior to this time he has never heard him charged with cruelty.

"He makes his men work but I don't think he treats them cruelly." "Is his general reputation not that of a cruel man?" "No, I don't think so."

On cross examination the witness said he knew by sight most of the guards and overseers on the farm. Some of them, he thought exceedingly competent and of some he had not so high an opinion. He did not care to call names. But taken all in all he considered the employees on the farm about as capable and efficient as could be obtained, considering the unhealthy location and the salaries paid.

THE COLDEST DAY. He passed the farm, he said, on the day the convicts are said to have been frost bitten. It was the coldest day of the winter. The convicts were at work. "Did you have your hands at work?" "Only getting wood—and at that they wouldn't work regularly."

"Any work at all going on with free labor?" "Nothing except getting wood and feeding stock. This was the coldest day during the cold spell. Don't remember ever to have seen a longer cold spell. It was the day the big snow commenced."

NOTE SHAVING. A professional note-shaver, W. A. Wilcox was the next witness. He "reckoned" Dave S. Russell's character was bad. Asked why he said he had bought his time for \$50. Then he found he had sold \$10 worth of it to a man named Liles.

"I took up Liles' claim and sent to Russell for the \$10." "Did he pay it?" "He sent it next day by Dr. Fergusson."

"And that is why you say his character is bad?" "Yes. When a man sells his time to two men I think that bad."

"Have you ever talked with Russell about it?" "No. But I wrote him a sharp letter."

"Did he reply promptly?" "He sent the money at once."

"What is his reputation for truth?" "Don't know."

"Does he drink?" "Don't know."

"Did you ever know any one to buy his time and lose anything by it?" "No."

TOOK OFF 5 PER CENT. "Do you make a business of going around discounting an employe's time?" "I do."

"Is that customary?" "It is here."

"How long has it been a custom?" "A long time."

"How much discount do you take?" "Five per cent, usually."

When did you discount Russell's time?" "After the Legislature passed a bill to pay off the indebtedness of the penitentiary."

"Did you ever discount time under Leazar?" "No. Don't remember that it was done."

SUMMERELL'S STRAP. At this point Summerell, on request of his attorney, brought in the strap he had been using to punish convicts. Also one said to have been used by Capt. Rhem. These have already been described in these columns. They were identified by the next witness, W. A. Sater, one of Summerell's overseers.

Mr. Sater had never known Summerell to be cruel. Nor did he remember any of the convicts that testified at the Anson farm, except George White. He had known him whipped several times, but never cruelly. He remembered when Joe Bogan was whipped, but he didn't see the flogging.

MASON DREW HIS KNIFE. "I was present when the convict Mason was punished. He was a very desperate character, and drew a knife on Summerell. He had just come to the farm—had been there only a few hours. He was ordered to take off his coat and get into line with his hoe. It was a hot July day. Mason refused to take off his coat, and was slow about getting into line. Summerell sent for his strap. The negro started to draw his knife, and I grabbed his hoe. Summerell struck him in the face. When they went to whip him he gave his money and his knife to Mr. Russell to keep for him. I didn't see the knife till then, but I saw him put his hand in the pocket, as if to draw it. Mr. Summerell gave the strap to Mr. Russell. He struck him several licks and then gave it to me. I whipped him. We struck him about twenty lashes. Then he promised to work, but when he got up he moped and Mr. Summerell took this (Summerell's) strap and struck him over the head with the butt end of it."

The witness said he knew Mason at the central prison in Raleigh, and he was a very bad man; that he led a riot there at one time and tried to kill the witness.

COULD KILL MAN WITH STRAP. "I think Summerell has discharged his duty well. He has made better crops and clothed and fed the convicts as well as I ever saw. He gets more work out of them than any one else, and his punishment is no severer than is usual at such places."

On cross-examination Sater said he thought Rhem's strap the worse of the two, but that you could kill a man with either.

"You say Summerell is no more severe than some other supervisors, do you know any others who are severe?" "No."

"What do you consider cruel punishment?" "Will you take off flesh?" "When you have conferred a man you ought to quit."

"Even if you have to take off all the flesh to conquer him?" "I wouldn't do it all at once."

"You'd take it off piece at a time?" "I'd keep whipping him till I conquered him."

How often ought a convict to be whipped?" "I whip one or two a month, maybe three or four."

"What is the average number of whippings on the entire farm?" "About 7, 8 or 10 a month."

"Have you ever known any one to whip a convict too cruelly?" "I have not."

STAYED IN THE STOCKADE. "Did you ever know one to remain in the stockade three or four days after the whipping as a result of it?" "Yes, Joe Mason did. He told Capt. Summerell that I struck him on the head with a hoe. I did not such thing."

"You say you whipped him, Russell whipped him and then Summerell struck him over the head with the butt end of the whip?" "Yes."

"How badly was he whipped?" "The skin was broken on him in several places by the lash."

On re-direct examination by Capt. Peebles the witness said Mason was now anxious, he had heard, to come back to the farm.

"Mr. Gattis: 'Well we'd like to have such a curiosity exhibited before the committee.'"

TWO CONVICTS SHOT. Sater said he had seen two convicts shot for refusal to obey work. Shot guns, loaded with No. 6 shot were used. They were shot in the legs. This was done by Supervisor McElver. Also a negro was shot under similar circumstances at Castle Hayne farm by Simon Hayes. The shot is in the negro now. "Who was physician on Caledonia farm when these negroes were shot?" "Dr. Fergusson."

"How long did they stay in the hospital?" "Two or three months."

SUMMERELL A MODEL. Summerell's steward, C. C. Bryant, was the next witness. He naturally considered his superior officer a model. Certainly, he said, he was no worse than McElver and was considered the best supervisor in the State.

"He remembered the men being sent from Castle Hayne. He saw them. They were weak and sickly."

"How long did Summerell keep them in the hospital before he put them to work?" "They went to work next day."

"In that bitter cold weather?" "Yes."

"Did any of them get frost bitten?" "I don't know whether it was here or at Castle Hayne."

"How long had they been here before you discovered they were frost bitten?" "About a month."

"Did you ever see a convict whipped?" "Yes."

"Cruelly?" "No."

WHAT IS CRUELTY? "Would you consider it cruel to hit a man with the butt end of a whip?" "Depends on what he was doing."

"Isn't treatment that is cruel to an ordinary man also cruel to a convict?" "I reckon so."

A good character was proven for Summerell by Mr. George P. Burgwyn. He had heard no charges of cruelty until recently. Also he said C. R. Blake was very highly regarded in his section and that C. J. Rhem had a good character.

James S. Grant, Summerell's brother-in-law, thought his character left nothing to be desired.

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OVERSEER SATER'S TESTIMONY. In this statement he was borne out by the other witnesses.

"The first of these was W. A. Sater, overseer on Summerell's farm. He spoke in high terms of Fergusson's professional ability, and had never seen him mistreat a convict in his life. He had always thought him rather lenient, never sending a man out to work if there was any doubt about his being well."

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