

## ALL CHARGES DENIED

### Commissioners Wilson File Answer With Governor.

### DECISION RESERVED.

The Governor Takes the Matter Under Adversement—Col. John D. Shaw Represented Maj. Wilson and Mr. J. C. L. Harris Mr. S. O. Wilson.

It was 12:25 today when the Railway Commissioners accompanied by counsel and friends walked in the Executive office. After being greeted by the Governor, Col. John D. Shaw, of Rockingham, counsel for Commissioner J. W. Wilson, stated that he had come with an answer to the Governor's notice of August 24th, citing Major Wilson to show cause why he should not be removed from office.

Col. Shaw read Major Wilson's answer and accompanying affidavits. Mr. J. C. L. Harris, who represented Mr. S. O. Wilson, then read the answer and affidavits of that gentleman.

Col. Shaw then addressed the Governor from a legal standpoint.

He said the act upon which the Governor had acted was unconstitutional; that the Commissioners had a property right in the office.

He held that a supplemental act of '91 made the commission a court of record and that a commissioner could only be removed as a judge of a court of record.

Col. Shaw said that the commissioners had been charged with corruption and not with being owners of Southern railway property. He held that they could not be removed on such a charge under the act cited by the governor.

Mr. Harris said Mr. S. O. Wilson had not made legal exceptions, but would reserve that right until the governor took action.

Governor Russell then announced that he would take the answers and arguments of counsel under consideration and announce a decision at a later time.

There was present at the hearing Commissioners J. W. Wilson, S. O. Wilson and Dr. Abbott, Col. Shaw, J. C. L. Harris, E. C. Smith, J. W. Ayer, M. I. Stewart and several others.

Maj. J. W. Wilson's Reply.

August 30th, 1897.

To Daniel L. Russell, Governor of North Carolina:

"Sir:—Your favor of the 25th, citing me to appear before you on Wednesday, the first day of September, and reply in writing to certain rumors or charges from parties unknown to me, and show cause why I should not be removed from the responsible position as Chairman of the Railroad Commission, agreeable to section 1 of the Act creating this Commission, was duly received.

"In obedience thereto I herewith submit this, my answer to each charge in the order as given in your letter. It is drawn by myself, and possibly free from the elegant diction which a lawyer would have imparted, but feel sure it will carry conviction to an impartial mind."

"1. It is not true, as alleged, that I am the joint owner with Col. A. B. Andrews, Vice President of the Southern Railway and general political manager of the same for North Carolina in a certain piece of hotel property known as Round Knob."

"2. It is not true that said hotel is worthless for that purpose except when designated and patronized by the Southern Railroad Company as an eating house for their passenger trains."

"3. It is not true that said hotel property has been unoccupied and unused for any purpose for several years past, and brought in no revenue to me as one of its owners."

"4. It is not true that it was impossible to use, lease or rent said property unless some understanding, agreement or contract could be made with the Southern Railroad Company to designate and patronize the said hotel as a railroad eating house."

"5. It is not true as alleged that I with the other owner or owners of said property have secured an agreement, understanding or contract from the Southern railroad company to abandon other eating houses and designate Round Knob as an eating house, and by virtue of said arrangements with said railroad that I have been able to lease said hotel property to Otho Wilson, or his mother through the said Wilson for profit."

"6. It is untrue as further alleged

that I have a son in the employment of the Southern railroad company at my request and that he was appointed over others entitled to the place by promotion under the practice of the company, and this was done for my accommodation and at my request. I hereby denounce these allegations as made to you by 'many persons' as false, and demand the proof.

"In explanation I will state that about 1881 Col. Andrews and myself built this hotel at a cost of about \$8,000. It is not worthless as stated, but is a most convenient and beautiful hotel with thirty rooms, closets and baths on each floor, and was leased and run as a hotel for several years with no meals supplied to passengers. The property had not been unoccupied for years as charged, but on the contrary was leased up to last year at an annual rental of \$500 per annum to a responsible party, with no understanding of any kind with the Southern railroad company.

"In a casual conversation with Mr. Otho Wilson, my recollection on it that I spoke of this very desirable property which was then vacant, the lease of Friscard & Co., having expired, and saying that the superintendent of the road had sent me word if some one would open and keep a good house he would make it a dinner house; the hotel at Hickory was then closed and my impression is that Asheville was not then a regular eating house, but of this I am not sure. Mr. Wilson remarked that his mother was looking around for a boarding house and possibly this might suit her and he would go up and examine the property; this he did and on his return expressed himself as greatly pleased, but said the former lessee had left the property in bad condition and very dirty. I was aware of this and replied that on this account if his mother would put the place in good repair she could have it the first year free of rent—this much for the profit as charged; the message to me about the eating house was not intended for Mr. Otho Wilson or his mother, but was sent before Mr. Wilson or his mother ever thought of it and intended for any person I could get who would keep a first-class table.

The management of the property was left entirely to me and my recollection is that I never mentioned the matter to Col. Andrews until the trade was consummated through Mr. Otho Wilson for his mother.

"The land upon which the Round Knob property was located, belonged to John Malone, Col. Crockett and myself. This party owed a debt of about \$3,000 to R. H. Brown of McDowell county. I was the only one of the party now living and was alone responsible for the debt. For the hotel itself I paid \$6,000, Col. Andrews, 3,000. Col. Andrews interest being about 14 of the hotel with about 10 acres of land adjoining. Before the receipt of your letter I had no idea that any man in North Carolina seriously considered that my owning a piece of property jointly with Col. Andrews, and held by us jointly since 1881, and now rented by a widow, which being in addition to a summer resort was a dinner for the passenger trains of the Southern Railroad, would ever in any way be so construed as to make me in any form under obligations to the Southern Railroad. Finding, however, by your letter that there were parties who believed or pretended to believe that this was indirectly a violation of the act, I promptly, under advice of friends, to avoid even the appearance of evil, deeded my individual interest in the property to R. H. Brown for his claim, about \$3,000, about the value at the present depreciation of property. This was done agreeable to section 1 of the act to avoid any criticism, by even the captious, as to my conduct as railroad commissioner. Feeling no uneasiness that your fairness as a judge should be so biased as to decide that with the showing made you could with any pretension of justice, remove me from the office now held by the unanimous support of the legislature of North Carolina; for this unprecedented compliment I have never before had an opportunity to return thanks.

"As to the charges about my son, will say that he is no minor as charged, but is 27 years old and is now one of the oldest employes on the division upon which he is stationed. About 4 years ago the agent at Morganton resigned, my son was his chief clerk and in the very line of promotion. V. E. McBee, general superintendent of the S. A. L., was at that time superintendent of that

division; he had previously promised my son, as was told, that he would promote him at the first opportunity. Mr. McBee kept his promise. I have no recollection of it, but it is more than probable that I spoke to Capt. McBee in his behalf. It would have been a most unnatural father who would have done otherwise. I believe this covers the entire bill of charges. But there are other matters of rumor not in your letter, but calculated to prejudice your mind. I consider it but simple justice to state the facts as to each one. It is charged that when the Seaboard system was endeavoring to give the people cheap rates that I interfered. The following is a copy of orders in the case. See report of the Commissioners to the Governor, page 213. "It appears from press reports that reduced rates have been again ordered to be put in effect from certain points outside of this State to certain points within clearly causing a discrimination in violation of the long and short haul clause of the act creating the commission. Justice to the local business of the State requires of us to take prompt action. It is therefore ordered by commission that all roads doing business within the State of North Carolina shall reduce their local tariffs of passenger and freight in the same proportion as has been done by them on their through business."

"It was my opinion then that our own folks should at least have as good treatment as outsiders. I drew the order and would do so again under similar circumstances. It is also charged on the streets that the Seaboard system was unfairly dealt with by me in the matter of their proposed change of line at Gaston. The facts are, that the order as given was drawn by Capt. McBee, General Superintendent of the Seaboard Air Line and in his own writing now on file in this office. By his request the Board adopted it as their order, believing it to be a fair solution of the matter. At least the Seaboard should be stopped from objecting. The charges as made against me are in my opinion so frivolous, that they would have passed unnoticed, had they not been considered as of serious importance by one who holds the exalted position that you do. It is also charged that my influence during the session of the legislature was exerted to prevent a reduction of rates. The last annual report, submitted by the commission, with no difference of views by the commissioners, gave the rates of freight and passengers considered by us as 'just and reasonable.' In support of our views a comparison of rates of all the states in the union was made and published. We were sworn officers and made this report with due regard to the solemnity of our oaths. During the session of the legislature the members of the commission were invited to appear before the joint committee on railroads and give their views as to the justness of the rates now in force. Two of us responded, I for one was given a most respectable hearing by the committee. In my argument the report of the commission was sustained by facts and figures. Nothing since has been shown to convince me that I was wrong. The charge that it was argued by me before the committee that to recommend a change of rates would be a reflection upon the commission is not warranted by the facts; nothing of the kind was ever alluded to by me. In this I am sure I will be sustained by the committee.

"In justice to myself I will say that I never entered the halls of the legislature during its sessions or expressed my views except when solicited to do so by its committee.

"These facts have been intended to be given without feeling and in a most respectful manner and trust they will be so received by you.

"In addition to the facts will say that the State of North Carolina has a constitution which you and I have sworn to support. This constitution and the laws as expounded guarantee protection to its humblest citizen. To a lawyer of your acknowledged ability it may appear presumptuous for me to call to your attention Sections 4 and 5, Article 6 of the State Constitution, which I read as follows:

"The following classes of persons shall be disqualified for offices. First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any infamous crime, etc." See also Article 4, Section 31. Also, Article 1, Section 19 of Bill of Rights. This

I will copy in full as it is regarded by every freeman as a bulwark of liberty. It reads as follows:

"In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable."

"See also 14th amendment of Constitution of the United States which forbids any State to deprive a citizen of life, liberty or property without due process of law. See also decisions of our Supreme Court. Hoke vs. Henderson, 4 D. Vereux; Cotton vs. Ellis, 7 Jones; Bunting vs. Gates, 77 N. C.; Branson vs. Turner, 70 N. C.; Howerton vs. Tate, 70 N. C.

"Legislature cannot confer on an Executive judicial powers. See Cooley on Constitutional limitations. "Act 1891, Making Railroad Commission a Court of Record."

An affidavit signed by Mr. V. E. McBee, the general superintendent of the Seaboard, but formerly superintendent of the western division of the Southern, was filed. It stated that Mr. J. W. Wilson, Jr., a son of Maj. Wilson, was appointed agent at Morganton by Lim (McBee) and that in making the appointment he did not consult Maj. Wilson. The affidavit further states that young Mr. Wilson was a clerk in the Morganton office and proved himself competent to fill the agency.

An affidavit signed by every business man in Morganton was also filed, stating that Mr. Wilson had been a most popular agent and had given entire satisfaction.

Mr. S. O. Wilson's Answer.

Commissioner S. Otho Wilson says in part in his answer:

"I have no interest in any way in the Southern Railway Company or any corporation over which the railroad commission has jurisdiction.

"I am not in any way interested in the eating house at Round Knob. I rented the house for my mother—the rent she pays being repairs to the house for the first year, with an option to rent for five years at \$250 per year. I have paid my board for myself and family, and have not and am not to receive one cent from the profits of the house. When at home I have rendered my mother such services as I could in managing the house.

"The arrangement to have the trains stop at Round Knob for dinner was made by the railroad authorities upon their own motion.

"I have been owing my mother several hundred dollars borrowed money for several years, and I have purchased furniture and supplies for the Round Knob house and charged same to her in part payment of my debt.

"That affair and family went to Round Knob for the summer because his wife had been in bad health, and the family physician advised this change for the benefit of Mrs. Wilson."

Mr. S. Otho Wilson submits statements of his mother, Mrs. Mary J. Wilson; Col. A. B. Andrews, Maj. J. W. Wilson, Dr. A. W. Goodwin and Messrs. Wynne and Ellington to show that he is not an interested party.

Mr. S. O. Wilson further says: "I respectfully refer to my record as Commissioner's proof conclusive that I am not and have not been influenced by any railroad company or any other company or corporation over which the Railroad Commission has jurisdiction."

"VENUS," LUCKY NAME.

Selected for the Trolley Car—Eleven Persons Guessed "Venus."

The electric trolley car of the Raleigh Street Railway will be named "Venus."

Of the names submitted for the trolley car eleven were "Venus," six "Dixie," five each "Cupid," and "Queen," four each "Comet" and "Fairy," and "Vance," three "Vesta," and two each "Argus," "Ariel," "Diana," "Gem" and "Volta."

There were sixty other names submitted, all very appropriate, but none of which were duplicates.

There being such a preponderance among those engaged in the guessing contest in favor of the word "Venus" as a name for the car, the committee had no work to do. The names were all numbered in the order in which they were received. Miss Gertrude M. Thiem is the fortunate young lady who first suggested the name "Venus." She will have the privilege of giving the first trolley party of the season. The car is now open to engagement any night after September 3rd. Those desiring the car should let the Raleigh Electric know as far ahead as possible.

## PRITCHARD'S PLUCK.

### Physician Told Sheriff He Would Die.

### SCOUTED THE IDEA.

Had Himself Taken Fourteen Mites With a .44 Calibre Hole Through His Body—The Particulars of the Killing.

The particulars of the shooting of Sheriff Pritchard, of Mitchell county, brother of Senator Jeter C. Pritchard, have just reached here. Sheriff Pritchard displayed an amount of bravery and courage throughout the tragedy which has been seldom equaled. The many Raleigh friends of the popular Sheriff will be glad to know that he is on the road to recovery. Solicitor Spaulhour who was attending Mitchell court when the tragedy occurred gave the Winston Journal the following account of the affair:

Young Garland, it seems, had in the past year or two developed into a desperado of no small consequence. During the past year and a half he had wounded four men and one woman who had dared to cross his trail, and not long since he sent Sheriff Pritchard word where he could find him any time he wanted him and added to the message that the sheriff had better bring a wagon along in order that the remains of the sheriff of the county might be taken back to Bakersville for decent burial.

A warrant had been issued for Garland, who was only 19 years old, and the sheriff took one of his deputies along to aid in making the arrest.

They arrived at old man Garland's house early Friday morning, and inquired for Monroe. The old people told the officers they would find him at his brother's house not far away, and asked them to be sure to arrest him, but not to kill him, and then added that the officers had better be very careful that he didn't kill them. Upon arriving at the house the officers saw Garland, in company with several other young men, going out through the orchard. They followed him through the corn patch and when in a few yards of the mountainside the sheriff ran up to within 6 or 8 yards of Garland, and from the rear commanded him to throw up his hands. Garland turned to see who it was and as he did so swung his 44 pi. tol around and fired straight at the sheriff, who returned the fire almost instantaneously. Garland's first shot entered the sheriff's body just over his right lung and passed through his body. The sheriff's first shot passed directly from left to right. Again each pistol rang out, and each ball found lodgment, though only slight wounds were the results from the second exchange. Both men dropped their pistols, but the sheriff quickly regained his, and leaning against the fence, with the weapon in his left hand, fired again at his antagonist, who by this time had begun to retreat. About this time the sheriff called to a deputy to finish the job, which he proceeded to do, planting two balls in the body of Garland in quick succession. Garland climbed over the fence and fell dead. The sheriff walked back about a hundred yards to the house and fell on the porch.

The scene of the shooting is about 11 miles from Bakersville and this distance was covered by the deputy sheriff in 45 minutes, he being mounted on Pritchard's fleet-footed mare. A physician soon arrived and after examining the wound informed Mr. Pritchard that he could not recover, to which the brave officer replied that he had no idea of dying. The doctor told him all indications pointed that way, but the sheriff said he meant to live and told them to place him on a stretcher and carry him to Bakersville. The doctor declared this could not be done, but the wounded man said it could and within the next few hours the sheriff had been carried 5 or six miles on his homeward journey. After resting over night the remainder of the journey was accomplished, and the plucky sheriff, with a 44 hole in his body from front to back, says he thinks he will be able to go about in a week or two, and it is Solicitor Spaulhour's opinion that he will.

The young desperado had said that as soon as he had killed Sheriff Pritchard he meant to make his

father deliver up \$200 he had saved or kill him too, and then leave the country, and this accounts for the old people being anxious he should be arrested.

### RAPISTS ARRESTED.

Two Colored Boys Captured at Wake—Two Boys Arrested Here.

At 1 o'clock this morning officers Fawcett and Rogers arrested two colored boys answering the description of Josh Wilder and Turner Debnam, who are wanted at Franklin on the charge of raping a 12-year old colored girl.

The boys came in on the freight from Weldon early this morning. They deny any knowledge of the crime and claim Aberdeen and Cary as their homes. The sheriff of Franklin was telegraphed this morning to come and identify the boys arrested. He failed to arrive on the afternoon train. Unless something is heard from the Franklin officers the boys will be liberated.

Late this evening a telegram was received announcing that Wilder and Debnam had been arrested at Wake Forest.

### ADAMS-KIRKPATRICK.

Marriage at the Central Hospital for the Insane.

At the Central Hospital for the Insane last evening Mr. James A. Adams, of Scotland, for two years the gardener there, and Miss Anna Belle Kirkpatrick, of Orange county, for years an attendant in the female department, were married, Rev. Dr. Eugene Daniel officiating. The ceremony was performed in the assembly room, on the third floor of the main building, upon the stage. The decorations were simple but effective. There was a background of scarlet drapery, and flanking the stage were pyramids of palms and ferns and other potted plants. In the bridal procession were Misses Susie Smith and Lillie Gilliam, Dr. and Mrs. Kirby and Mr. and Mrs. John A. Tucker. The bride, Misses Smith and Gilliam and Mrs. Tucker wore white. The marriage was the first in the assembly room. The audience was composed of the staff and employes of the hospital and 120 of the male and female patients and a few invited guests, among these being Mrs. Eugene Daniel, Miss Pattie Montgomery, Miss Borden of Goldsboro and Col. F. A. Olds. The patients were dressed in honor of the occasion and were most attentive and delighted with the ceremony. At its conclusion collectionary was served to them and they and the attendants had a special dance, while the bridal party and the guests, 25 in all, enjoyed an old time wedding supper, delightfully prepared by Mrs. Kirby, Steward Crawford, Mrs. Whitaker, the matron, and Mrs. Kirby's young lady friends. Misses Eleanor and Sallie Kirby very gracefully and attentively served the guests. The evening was delightfully spent, ending with music in the parlor, where many of the bridal presents were displayed. There were warm congratulations for the many groom and his loving bride, whose home is in the steward's house in the lovely grounds of the hospital. The entire affair was a graceful expression of the high esteem in which they are held by the officials of the hospital and reflected much credit upon the taste of Dr. and Mrs. Kirby.

### Adjudged Insane.

This morning Justice H. H. Roberts and M. B. Barbee held an inquisition of lunacy of Thaddeus Whitaker, an inmate of the county home, and he was at once removed to the criminal insane department at the penitentiary. Some nine years ago Whitaker murdered an old man named Inscore at the county home. Mr. Whitaker has been in the home ever since, having never been tried for the killing because of his mental condition. Recently he has developed into such a condition as to require close confinement, and it was decided to transfer him as an adjudged lunatic to the criminal insane quarters in the penitentiary, and the necessary inquisition was held this morning and the patient removed to his new quarters.

The Pin de Siecle Club will meet with Miss Adelaide Snow on Thursday evening the 2nd of Sept. at 8:30 o'clock. All members requested to attend.

Good barbecue, cooked over a pit, and well seasoned Brunswick stew will be served tomorrow at the Ladies' Exchange from 12 m., to 6 p. m. All orders should be sent in early.

## BRODIE BROKE DOWN

### Confessed His Crime on the Scaffold and Prayed.

### SWUNG AT 1:30 P. M.

The Negro Smoked a Cigarette Walking to the Scaffold—Negro Women Became Excited—No Disorder at All.

Special to the Press-Visitor.

HENDERSON, N. C., Sept 1.

A very large crowd from this county and the neighboring towns assembled here today to witness the execution of George Brodie, who was two weeks ago convicted of criminal assault upon the person of Miss Catlett, of Kittrell. The crowd gathered early, and as a rule conducted themselves in most orderly manner. There were indications of trouble, however, and so the local company was at the request of Sheriff Smith ordered on duty.

At fifteen minutes past one o'clock Brodie was brought from the jail and conducted to the scaffold. The latter was in the jail yard and was masked by cotton bagging. Brodie's manner was seemingly careless. He walked with a swagger, and smoked a cigarette as he ascended the scaffold. It was apparent, however, that hysterical fervor was sustaining him, and when he stood over the trap and saw the rope which would end his life, the reaction came and he broke down completely. Following the ebbing of his courage, came the truth from the man craven with fear. No longer expecting assistance from any source, he, 10 minutes before he dropped, confessed that he committed the dastardly deed for which he was arraigned. He further said the sentence was just and he deserved death. A few moments were given him for prayer, during which time he prayed fervently, his utterance being broken by sobs, which overcame him. Brodie prayed lustily and suddenly a wail and cries were heard from hundreds of colored women who were standing around the enclosure. The wailers kept order and there is little doubt but for their presence there would have been disorder in the assemblage.

At twenty eight minutes past one o'clock the cap was adjusted and one minute later the trap fell and George Brodie had paid the penalty of his crime. His neck was broken and the physicians pronounced life extinct in 11 minutes. The jail is situated in a low place and it was therefore possible for many of the large crowd outside to witness the execution by looking through the bagging, by which means they could see the outlines of Brodie's shape.

A Card from Col. Olds.

In today's Charlotte Observer appears the following:

"To the Editor of the Observer:

"Judge Walter Clark, in a card published today, refers to the news item regarding the visit of Senator Butler and Mr. Rivers to his house, and then, passing on to other matters, says that letters written by him were taken from the hands of his servant and their addresses read. This shall first have attention. Any statement that your correspondent so looked at letters is absolutely and unapologetically false. The news as to the visit of Senator Butler to Judge Clark was correct. The statement that Judge Clark participated in drawing the letters to two of the Railroad Commissioners was also correct. In conversation with a prominent attorney, about six weeks ago, in the Supreme Court room, Judge Clark said to him that if he were Governor Russell he would remove the commissioner or commissioners, if he believed what Russell said he believed. This Judge Clark added Governor Russell had a perfect right to do under section 1 of the act creating the commission. Judge Clark is a public man and occupies a large place in the public eye and in the public prints and hence the visit to him of Senator Butler, editor of the Caucasian, and of the manager of that paper, was considered a public item.

"I thank you, Mr. Editor, for your kindly comment on my news. I have always tried to obtain it honorably, to tell it as it was told me and to do no man an undeserved injury.

"FRED A. OLDS.