

Published every Tuesday and Friday at 45 Pollock street by E. J. LAND PRINTING CO.

Business Office: 45 Pollock Street, Raleigh, N. C. Telephone: 50

Subscription Rates: \$1.00 per year, \$0.50 per month

The Journal carries complete news reports furnished by the Central News Association and is delivered to this, fully covers Eastern North Carolina by special correspondents.

Delivered at the post office in New Bern as second-class mail matter.

FRIDAY, APRIL 2, 1915

Magistrates are bad. Judges are worse. Keep out of court. Safety first.

The Wilmington Star queries: "Who added the dice in prejudice?"

Chirps the Raleigh Times trusty: "Abernethy the Stella Witness."

No, Stella wasn't there but old man R. E. Morse was noticed hanging around the judge while the New Bern investigation was going on.

The pessimist who declares that money is "tight" should have visited the Sheriff's office yesterday and watched six thousand dollars in State and county taxes roll in.

Mr. Citizen of New Bern and Craven county, its up to you to pay your taxes today or have your name appear on the list of delinquents which is to be published within the next two or three days.

Solicitor Abernethy did not bring the charges of immorality against Judge Frank Carter, he had nothing whatever to do with it.

Conservative men who are familiar with the subject, declare that in their opinion the European war will come to a close within the next ninety days.

The primary for the selection of the city officials is only a few days distant and the fight for the contested offices waxed warmer and warmer as the hours roll by.

The Judge found the "prisoners with running scores, chains about their necks and he referred to the chain gang as a man-made hell."

Tells of Events: J. B. Leigh, lawyer of Elizabeth City, debated the events as to the chain-gang incident.

It seems rather peculiar that Judge Carter should desire to so vigorously prosecute young James Baughman of Washington who is charged with having accidentally caused the death of a fellow man and then deliberately jura around, turn loose and even compliment upon his personal appearance another young man who deliberately and with malice in his heart shot down a woman.

JUDGE FRANK CARTER GOES ON STAND AND TELLS INVESTIGATING COMMITTEE HIS VERSION OF AFFAIR

Raleigh, March 29.—Judge Carter spent five hours on the stand today after the committee of inquiry had directed the attorneys and witnesses to omit immorality charges, and the court took a recess until nine o'clock tomorrow morning when the cross-examination will be resumed.

The order of the chairman, Mr. Doughton, to leave off the immorality testimony came as no surprise. Solicitor Abernethy had insisted all the while that he was not backing these allegations but was asking investigation upon the court events which found their stage setting in New Bern.

He spent four hours in direct examination, his evidence as to the Abernethy case proved far less entertaining than many others which had not appeared half so important in their statewide significance.

The First Witness

Sheriff Charles Reid, of Pasquotank county, was the first witness to testify this morning as to the chain-gang incident, the criticism of the County Commissioners, the assault upon the guards, the escape of the prisoners, the order of the judge that the shackles be removed and the threat that if the guards struck the prisoners they would be punished.

He said Mr. Scott, Chairman of the Board of Commissioners for twenty years, that he was hating behind the law and not doing his duty and ought to be indicted, the Sheriff said.

He said this in open court and in a very harsh manner. The Sheriff said, "Conditions were very bad at the chain-gang and needed investigation, but the effort of the investigation was very bad. Our people criticized the judge severely. I did not find the marks of whipping that I was told I would find, but did find marks of disease. I was told that there were cuts on prisoners but found none on the two that I examined."

Mr. Saunders, Elizabeth City auditor, was a witness for Judge Carter. He said he had repeatedly denounced the chain-gang conditions and from sources that he regarded reliable he had attacked the officers.

He regarded the alleged meeting as a put up job but later doubted whether he should have said that or not. But he had intimations that the prisoners were allowed to come to town in order to make a demonstration. He had received this from the prisoners.

Referring to the Meekins and Turner incident as to the appearance of Mr. Meekins in Judge Turner's court as a condition to the discharge of the guards, Mr. Saunders said he had heard the discussion and corroborated the Elizabeth City man in main.

Mr. Saunders was asked about the libel suits against him. He said he had been acquitted by Judge Carter defended by Manning and Kitchin and by Judge Bradshaw, besides other magistrates.

Col. J. C. L. Harris, of Raleigh, asked as he took the chair, to be allowed to put in the record that he was not a volunteer witness but came by the mandate of the court.

"The court over-ruled Burton and Norman without rhyme or reason," Colonel Harris said while everybody laughed. "Your son tried the case didn't he?" Judge Manning asked.

Chairman Doughton said he thought not, that the committee did not think there is much in these. Judge Carter said he was 57 years old in October, was admitted to the bar in Florida, was married in Atlanta in 1888. He was admitted to the bar of the state in 1897. He was appointed judge to succeed Judge J. S. Adams in April of 1911. He was nominated without opposition in 1912 and has never lost a day from duties. He said he has held court in more than half the counties. "I have been a bad trader in the exchange of courts," he said, "and have held 11 more weeks for other judges than they have held for me."

the Colonel could make himself solid with a certain element of he did appear for them. But I remember the impression made on me was such that I said I had voted against Turner and was glad of it.

E. L. Sawyer, present recorder, appeared for the guards who were acquitted by Judge Turner. "I may be a little biased," he said, "but I thought the judge was a little fiery. But he apologized to Mr. G. M. Scott the next day when he discovered that he had mixed the names of the two Scotts."

Mr. Doughton asked Mr. Sawyer if he thought the investigation before Recorder Turner was one in the interest of the truth or for a "white-wash."

"At that time I thought it was in the interest of the real conditions, but I confess that after hearing Mr. Leigh's testimony I have changed my opinion a little." He said that he had not discovered any attempt to stop the evidence that the defendants were not put on the stand. Asked as to the character of the recorder, Mr. Sawyer said he was "a pretty fair sort of fellow."

W. T. Bost Testifies

W. T. Bost testified as to the incident between Judge Carter, Solicitor Norris and Attorney Bookwith and said he did not think the manner of the judge was more offensive than his attitude toward the witness when on the stand. The witness saw little of the Bookwith incident but declared that Mr. Norris had said that the County Commissioners were defending the guards at the camp and meant appropriate funds from the county to defend men charged with violating a statute and he thought it improper.

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He said that he has three living children but asked that if the committee would excuse him from this line of testimony he would appreciate it. He did stop long enough to say that Mrs. Carter could not accompany him on his visits to courts and that he never told Mr. Haddock in Wilmington that the Judge was at the gate at the station to meet Mrs. Carter or that the "Coast Line" had some case and I'll remember this," Judge Carter said he was not meeting Mrs. Carter, but Mrs. J. W. Williams, "the old lady whom you saw on the stand."

ter was tugging at the box, but it was not so securely fastened as I thought and when it came up Mr. Crumpler kicked it into the jury room. It caused such merriment that everybody laughed and I joined in the laugh. I did not use the word of emphasis that I sometimes do use in private. Later I heard that he was hurt. I shortened my dinner and went to see him. He showed me an abrasion on the leg and a slight excoriation on the shin. I apologized and offered to send a doctor to him as he thought a break of the skin serious at his age. He seemed disposed to put the case in the hands of the lawyers and I did not wish to prejudice his case." He heard something about the case from the amusing comment of a lawyer.

The News and Observer Editorial: "I thought our relations were cordial until I was given sufficient reason for thinking that Mr. Norris came here and inspired and procured an editorial in the News and Observer reflecting upon me in that case. And I never expect the friendship of a man who has done me wrong. But I swear to this committee that if I had known that Mr. Norris thought that in the name of justice he was being deprived of the right to go to the jury, that case would have been tried."

He referred to the testimony of another witness in which a black man was on the roads and white men had escaped. The effort to give it the turn of class appeal on the part of the judge was answered by him at some length.

He said his memory of the case was that a larceny had been committed and his recollection was that the white defendants really made out-paws of the black who served his time. He spoke of the difficulty of convicting the white men of influence and the ease with which poorer whites and negroes are sent to prison. "I was not trying any class against class," he said "I merely tried to prick the consciences of jurors and thus cause them to see that such miscarriages as these do not occur. It is the only thing that I know a judge can do."

The Ethridge Lee Incident

The Baggott case in which a well-to-do Sampson man charged with immoral living with a young woman and fined \$1,000.

In this case Clinton witnesses said that Judge Carter bitterly rebuked Eldridge Lee who took an affidavit from Winnie Lucas, a little cotton mill girl, in which she said the testimony which she gave upon which Baggott was convicted was false.

"I did not know Mr. Lee then," Judge Carter said, "but the impression made upon me was that Baggott is a masterful spirit and that this caused him to over-ride the will of the children who were witnesses against him. The evidence was that Mr. Lee and Mr. Baggott went out to Winnie Lucas, the little girl of not more than twelve, I thought. It seems that Mr. Lee took this testimony of this girl and used the formula 'you are doing a serious thing; but did not take this girl aside and ask her if she had been threatened or bribed to make this statement.'"

"The incident impressed me as being a crime against childhood," Judge Carter said with feeling, "and I do not pretend to say that I was not indignant. Here was a magistrate who merely used the formula that a little girl could not appreciate, who did not even apprise the girl that she was committing a felony; here was a masterful criminal spirit which had debauched a girl who bore the same as his wife and almost in his wife's presence, and this defendant was interrupting the processes of justice."

"I did direct the destruction of that affidavit," Judge Carter said, "but attorneys of Baggott agreed to it. I was convinced by the testimony that the defendant had committed a contempt of court, the evidence showed that a negro doctor had been examining the person of this girl Vivian Tew. Had the attorneys not agreed to do this, the order of contempt would have been carried out and the punishment would have been greater."

Judge Carter did not recall the clash with Attorney E. F. Young, of Harnett. He did recall the Wilmington blind tiger incident in which he fined Starkey \$1,000. The judge said that he never put "pecuniary punishment upon a blind tiger unless the defendant agrees to go on probation. I sent him to the roads. "My reason for this is that when you stop a blind tiger from selling whiskey it makes him want to stop the other fellow. I have found this to work well. It makes the convicted tiger vigilant and he whispers to the officers."

The judge recalled the Cook case in Wayne and said that the jury did acquit him of slaying a young man. "It was a well-earned victory, and I think Cook technically retreated to the wall, doing all that he could to prevent a fight which he had brought on."

"I know that the possession of a pistol gave Cook the artificial courage to bring on the fight and I did think a small fine for carrying concealed weapons would be right in the case. The deceased left a wife and one or two children and I thought this widow and children ought to have something in the shape of a fine. You gentlemen know that a judge has discretion that may be a fine of two years imprisonment."

Not An Vampire of The Game: "The attorneys objected that I was depriving them of a well-earned victory. I told them that they had won a notable victory, I told them I was not sitting on the bench as the umpire of a game of skill between lawyers." He accordingly fined the defendant.

Referring to the petition addressed to Hon. Frank C. Carter, a paper set up by Matt Allen, "Gentlemen, it was a very foolish thing for me to have done," the judge said, when he said that the sole offense was getting his name wrong. "It was just a bit

of vanity on my part which I am ashamed of."

He then went into the Matamoros case, the Goldsboro boy who killed his father and said his memory was entirely at variance with the solicitors.

As best he could he narrated the testimony which detailed a telephone message that the old man Matamoros was coming home to beat or kill his wife and that he shot in her defense.

"I know the nature of the arguments that would have been made," Judge Carter said. "I knew that the deed would be glorified and that the shedding of blood would have been called a deed of honor. While my experience taught me that the jury would have acquitted the boy and that it ought to have done so, I think the effect of arguments such as would have been made would have been bad for the community."

"My recollection is that Mr. Norris, when I told him that I did not see any need of prolonging this case and that the economy of time it would be well to direct a verdict of acquittal, he did not object except to taking the initiative. I realize that the solicitors are influenced by local conditions while the judge's office is transitory and I always volunteer to not know that it was any offense to Mr. Norris."

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The Beckwith Case

The judge briefly adverted to Sheriff Edwards of Wayne who had characterized the judge's conduct at Goldsboro as "more like the ringmaster at a dog and pony show" than anything he could liken, and said, "I have no recollection of having mistreated Sheriff Edwards. It is as truthful as he is courteous, it is not the case on his statement." There was no suggestion of sarcasm and the judge was evidently paying the sheriff a compliment.

He referred to the "what's all this damned row about stenographers?" and said, "Again Solicitor Norris has the advantage of me in memory? I do not recall saying that or that any circumstances of the kind occurred. I have said however, that before I will endanger a charge of mine with an unintelligent stenographer, I will pay for a competent one myself."

Then came the Bookwith case. Mr. Bookwith is the Raleigh lawyer whom Judge Carter showed the door. "I was in a plight embarrassing and near deshabille," he said, "and Mr. Bookwith approached me in his characteristic attitude of grouch and grievance." The bounty attorney was going to talk over things. The judge's description caused every Raleigh lawyer to laugh. It seemed to have made him friends.

The judge then explained that he is nervous and must often seek surcease from court topics. He said he did walk a great deal by for every hour thus spent he had spent ten with children or in other diversions, that he often walked hours at a time to relax himself. His doctor has counseled this and it was his salvation. Court took a recess at 1:30 until 2 o'clock.

The Chain-gang

Judge Carter resumed his evidence at the 3 o'clock sitting of the court and took up the Pasquotank county chain-gang "insurrection."

The judge previously referred to the Murray Allen incident saying he did not recall ordering the Raleigh lawyer to sit down.

"I always charge grand juries as to the chain-gang," Judge Carter continued. "I believe that our system of working convicts naturally leads to abuse. After calling attention to the grand jury to the chain-gang, I heard various rumors of conditions at that camp. I have never had much confidence in the ability of grand juries to get at the bottom of such things and so I had the prisoners brought into the court."

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If I said this is 'a man-made hell,' I did not exaggerate the situation. I did decline to sentence a man to that place.

"As to the alleged insurrection one of the convicts was serving a term for manslaughter. It was against the law for him to be there. But some of these convicts did protect the guards, one of whom was beaten up. I know nothing of Recorder Turner's court. I had observed that he did not use good judgment in sentencing men to the roads. And I had said that a man in his court faced the manance of the Pasquotank chain-gang. I do not recall saying that I would rather be a one-legged nigger at a kicking frolic than a defendant in his court but rather that it were better for a man that he were dead than on that gang." The judge detailed some camp testimony that cannot be printed.

The Sheriff presented Mr. Abernethy's check for the fine and to it was attached a protest. The sheriff asked me if that was to be considered payment. I told him not because the fine was being resisted and the payment protested." This explained the story that the judge refused the Solicitor's check.

Judge Carter also explained the fining of two jurors at this court, but said they were the first he had ever fined but they had not sort of excuse and had kept their names from getting in the grand jury list.

The judge then narrated the publicity part of episode and said, R. A. Nunn, his counsel had asked to be allowed to get the "supplemented order" for the papers, that Mr. Abernethy's side had received wide circulation. That accounted for its getting to the papers so soon.

Cross-Examination Judge Carter and the stenographer rested a moment and the prosecution conferred for cross-examination. N. J. Rouse, attorney for Mr. Abernethy, conducted the inquiry.

Mr. Rouse referred to the charge as to the conviction of certain defendants and the acquittal of others. "What I was doing was the expression of depreciation as to the comparative impatience of the law to deal with the powerful criminals and its harshness as to the power and I think so now. Our court, recorders, superior and other have been all too generous in furnishing convicts, often youthful ones who are given tuition in crime at these camps and are turned out hardened criminals."

Mr. Rouse cleverly questioned the judge as to his charge that the law is very effeminate in dealing with negroes and poor whites. "Do you admit such miscarriages of justice as have taken place in your courts are your fault?" Mr. Rouse asked. Judge Carter replied: "No, but we have a distressing partial and one-sided administration of justice in North Carolina."

"Then you don't hold yourself but the jury responsible for miscarriages of justice in your courts?" Mr. Rouse asked. "I am dealing with conditions in North Carolina," Judge Carter said. "Mr. Rouse hammered at the judge a full quarter hour as to the 'reflection on Solicitor Abernethy.' They could not agree as to time of the excitement and an alleged remark of the judge that this Baughman case was one of the kind referred to in the charge. Judge Carter said he had no recollection of some of the evidence against him on the point. He did not deny the evidence. Based upon the alleged remark, Mr. Rouse asked if Mr. Abernethy was not justified in thinking the court had reflected on him. Judge Carter did not think the hypothetical question fair and Mr. Rouse did not press it.

W. F. Richardson returned last night from Durham where he was called on account of the illness of his mother, Mrs. Kate Richardson.