

EDITORIAL COMMENT ON THE STATE'S PRISON

MAUDLIN SENTIMENT RESPONSIBLE FOR DEFICIT

Much has been said pro and con about the prison deficit and the failure of the institution to make money, but the Times believes that it is the maudlin sentiment now rampant in the state that is largely responsible for the deficit, namely the absolute lack of control by the guards and prison officials over the convicts to compel them to work.

Governor McLean in a review of the audit that has been made of the state prison says there are 408 idle prisoners on the farm and in the prisons, for whom no employment can be secured. It will cost at least \$10.00 per month to feed these prisoners, to say nothing of the cost of guarding and other incidental expenses attached to their maintenance. 400 of these at a cost of \$120.00 per year would make the half million dollars deficit the News and Observer claims is the amount that the state prison has lost in two years, but also admits that the present crop which has been made and has not been taken out, and the amount due from those who have employed convicts, but have not yet paid, should be credited.

The only proper way to ascertain the condition of the state prison is to make an audit after the crops are sold this year, and to credit the prison with the amount of money spent for betterments, and the amount realized from the sale of crops, and receipts or amounts due for convict labor, and a reasonable allowance for the convicts who have remained unemployed, and charge it with the operating expenses, interest on its debt, and see what the balance will be. This is not the time of the year to make an audit, on account of the fact that the crops are still in the field or unsold.

But we did not intend, at the beginning of this editorial to get into a discussion as to the amount of losses or gains that the state prison is making. A glance at the governor's statement discloses at once the reason for the loss, and any business would run behind if it had to feed 400 grown men who can eat more than 400 average men in any other occupation. The deficit is easily accounted for in the dead time that is killed on the farms and in the prisons when they are not employed.

The Governor says it is impossible to hire these prisoners out. Quite naturally. Suppose a road contractor should employ a lot of these convicts to grade and excavate, the only work they can possibly perform. Having figured on the cost from his experience at the charge for a regular day laborer, that he can discharge when he pleases, if he will not work, and has been working with him until he has become a part of his organization and is familiar with the work. When he begins to work the convicts he finds they are not per man doing a day's work. He goes to the guard and says to him, these men are not doing a day's work, can't you make them work? The guard will reply that the laws of the state will not allow the convicts to be whipped, and public sentiment is against it, and therefore we have no control over them. If they are whipped it must be done in the presence of a physician and of course you can't keep a physician around the camp always to have them ready when it is necessary to whip a convict and make him work. If he were present the expense would be charged up to the state or the contractor who is paying the state for the time of the convicts.

We were talking a few days ago to a guard from the Caledonia farm. He said that he had been there for years, and stated that he had watched the evolution of things, and the differences obtaining now and years ago when you could get a days work out of the convicts. He said the public demands that they have everything, and that the attention they receive from the public causes them to think that they are martyrs and that they have the sympathy of the people of the state. Turn them out and they would steal or do injury to their benefactors. Every time anything is said in the papers about making them work and disciplining them, they get hold of it some way, and as a result many of them will not work, and they are a drag and an example to those who are inclined to work.

As the governor says, some way must be found to secure employment for those who are idle, and make them all do a days work, otherwise the prison will continue to show a deficit, for no superintendent can pull manna out of a clear sky to feed a lot of worthless, shiftless convicts who are sent there for punishment rather than to be reformed and coddled by the public who want their institutions

to pay expenses, but when they fail they cannot realize they are the ones responsible for the failure.—Wilson Times.

THE PENITENTIARY AUDIT

Two audits seem to have been prepared of penitentiary affairs and neither may be regarded as "bad." In fact, with the contrasting lights before him, Governor McLean stands by the penitentiary management as "sound and business-like." He has made a study of penitentiary management in many States and finds that in only six are the penitentiaries "self-supporting." Special conditions not prevailing in North Carolina account for the fact that the six penitentiaries in question are self-supporting. The operating surplus of the penitentiary at Raleigh is fixed at over \$38,000. Then we come into the perplexities of the matter. The audit producing this surplus did not take into account the sum of over \$192,000 that had been invested in preparation of the 1925 crops on the penitentiary farms. When that is taken into account, we may place beside it the revenues received from these crops. Again, the sum invested in "permanent" improvements, amounting to more than \$94,000, was not taken into account. Putting the money invested in permanent improvements, against the audit, there would be developed "an excess of expenditures over income" of more than \$254,000. This is not called a "deficit." Within the year, the state convicts have earned over \$33,000 in wages. This, although uncollected, is included in the statements of assets.

This is the first audit of the McLean Administration that has been made on the basis of both cash and accrual system. The fact developed is that affairs at the penitentiary cannot be as bad as had been expected, for an operating surplus of over \$38,000, looks good, even with the odds and ends of strings that dangle from it.—Charlotte Observer.

INTEREST IN COLE TRIAL INCREASES

(Continued from page one)

terly inconsistent. Mr. Hoey held that self-defense presupposes reason and that if insanity is made a plea it should be pleaded under its acceptance by the law of the state.

On Friday afternoon W. B. Cole went on the stand in his own defense. A staff correspondent of the Charlotte Observer described the testimony as follows:

"The witness spoke in a low, distinct drawl. He was quite a long while pleading up to his relations with Ormond, first giving a setting concerning himself and his family, matters that claimed keen attention from the audience. As if the story had been timed, to a minute, when he reached the Ormond phase he led in a tale of ever increasing interest that gripped the great audience and held it almost breathless as it went from peak to peak of interest and finally, just as adjournment time was 15 minutes away, it went into the dramatic climax.

"He said he was dazed at the time of the shooting, though remembering clearly. His version of the affair is in some respects directly contradictory to the state's evidence. He said he thought and still thinks that Bill Ormond was trying to blackmail him. He also said that after praying continuously for weeks and weeks the feeling finally came to him, while on his knees, that it was his duty to relieve himself of the burden on him and his family and that he would be justified in doing whatever was necessary.

"His references to Elizabeth, his daughter, and Ormond's relations with her brought tears to his eyes many times. He was unable to proceed by reason of choking up at times. Among his last statements on the stand was 'I killed him to keep him from killing me and leaving my family to his mercy after I was gone.'

Jonathan Daniels in the News and Observer wrote in Sunday's paper:

"Clyde Hoy's cross-examination of Cole was one of the most spectacular features of the trial. He forced Cole to strike his attitude from that of a stranger in a man who told a simple story to his own attorneys, to a hardheaded man fighting off the penetrating questions of the State. Hoy finally drove so close home into Cole's story that the defendant clutched at the formula of his defense and answered every question asked him by declaring that he killed to protect himself and his family.

"Mr. Hoey made Cole admit that after the agreement secured by Fred W. Bynum, Cole's attorney, from Ormond at Nashville, Ormond never spoke to him or touched him and that he never wrote

to either him or his daughter. He admitted that Ormond kept that part of the agreement.

"Hoey made Cole admit that he went to his office every day when he was in Rockingham during the time when he testified that his physical and nervous condition was 'near about prostate.' He also admitted that he did not get anybody to take charge of his business.

"Hoey asked about the letter which Cole wrote calling Ormond a 'cur' and threatening to fill him full of lead.

"I meant to bluff him when I said I'd fill him full of lead," Cole stated. "When I called him a contemptible cur, I meant it."

"Do you mean to tell the jury that you meant two-thirds of the letter and didn't mean the other part?" Hoey asked. "How was Bill Ormond to know whether you were bluffing or meant it?"

"I don't know," Cole admitted.

"Mr. Hoey asked Cole if he knew Mrs. Ormond, Cole stated that he did not know her well because she was 'almost an invalid.' Hoey asked Cole if Mr. Bynum did not give him a letter from Rev. A. L. Ormond stating that Bill Ormond felt that when Cole called him a 'cur' it was equivalent to calling him a son-of-a-bitch and was a reflection upon his invalid mother.

"You told Bynum that you had no apologies to make?" Hoey asked.

"I had no thought of slandering his mother," said Cole. "I thought his taking it in that way was strained and an insult to me in itself."

"Couldn't you have said you meant no reflection on her?" Hoey asked.


"I didn't feel like apologizing for anything like that," Cole said, "if I do a man a wrong it's up to me to apologize."

"But you're the judge?" asked Hoey.

"I'm the judge of myself," Cole answered. "I don't remember ever insulting a man or woman in my life."

The state has in its possession about twenty-five letters written by Miss Cole to Ormond. Interest in further developments of the trial centers around the letters will bear out the testimony that her relations with her dead lover were only what they should be, or whether Bill Ormond wrote the truth. Counsel for the defense do not know the contents of Miss Cole's letters, except as she has told them from memory. When the letters of Ormond were introduced last week the state warned the defense that it did not wish to attack the virtue of Miss Cole. Ormond in his letter charged Miss Cole with telling her father one thing and him another. The letters are expected to tell whether Bill Ormond spoke the truth.

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